



22 February 2022

Eva Stuwe  
C/- McPeake Town Planning  
PO Box 5829  
CAIRNS QLD 4879

Planning Officer: Carl Ewin  
Direct Phone: 4086 4656  
Our Reference: MCU/21/0001

Dear Applicant/s

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 21 February 2022 under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	MCU/22/0001
Street Address:	22-40 Saddle Mountain Road, Kuranda
Real Property Description:	Lot 10 on SP178003
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Dwelling House (Secondary Dwelling & Studio)
Date of Decision:	21 February 2022

#### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

#### INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "*necessary infrastructure condition*" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

**ASSESSMENT MANAGER CONDITIONS****(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 The approved secondary dwelling must not be used to accommodate anyone other than the family of those persons residing in the primary dwelling.

#### 4. Infrastructure Services and Standards

##### 4.1 On-site Sewerage Disposal

Any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of Council's delegated officer.

#### REFERRAL AGENCIES

Not Applicable.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Stuwe P01 a	Proposed Site Plan	McPeake Town Planning	19/11/2021
20031201 03	Floor Plan	QLD Kit Homes	12/01/2022
20031201 04	Elevations	QLD Kit Homes	12/01/2022
20031201 05	3D Views	QLD Kit Homes	12/01/2022
12/01/21 A 03	Studio - Floor Plan	QLD Kit Homes	12/01/2021
12/01/21 A 04	Studio - Elevations	QLD Kit Homes	12/01/2021
12/01/21 A 05	Studio - 3D Views	QLD Kit Homes	12/01/2021

#### ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

##### (A) ASSESSMENT MANAGER'S ADVICE

###### (a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

###### (b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au)

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

#### SUBMISSIONS

Not Applicable.

#### RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

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**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully

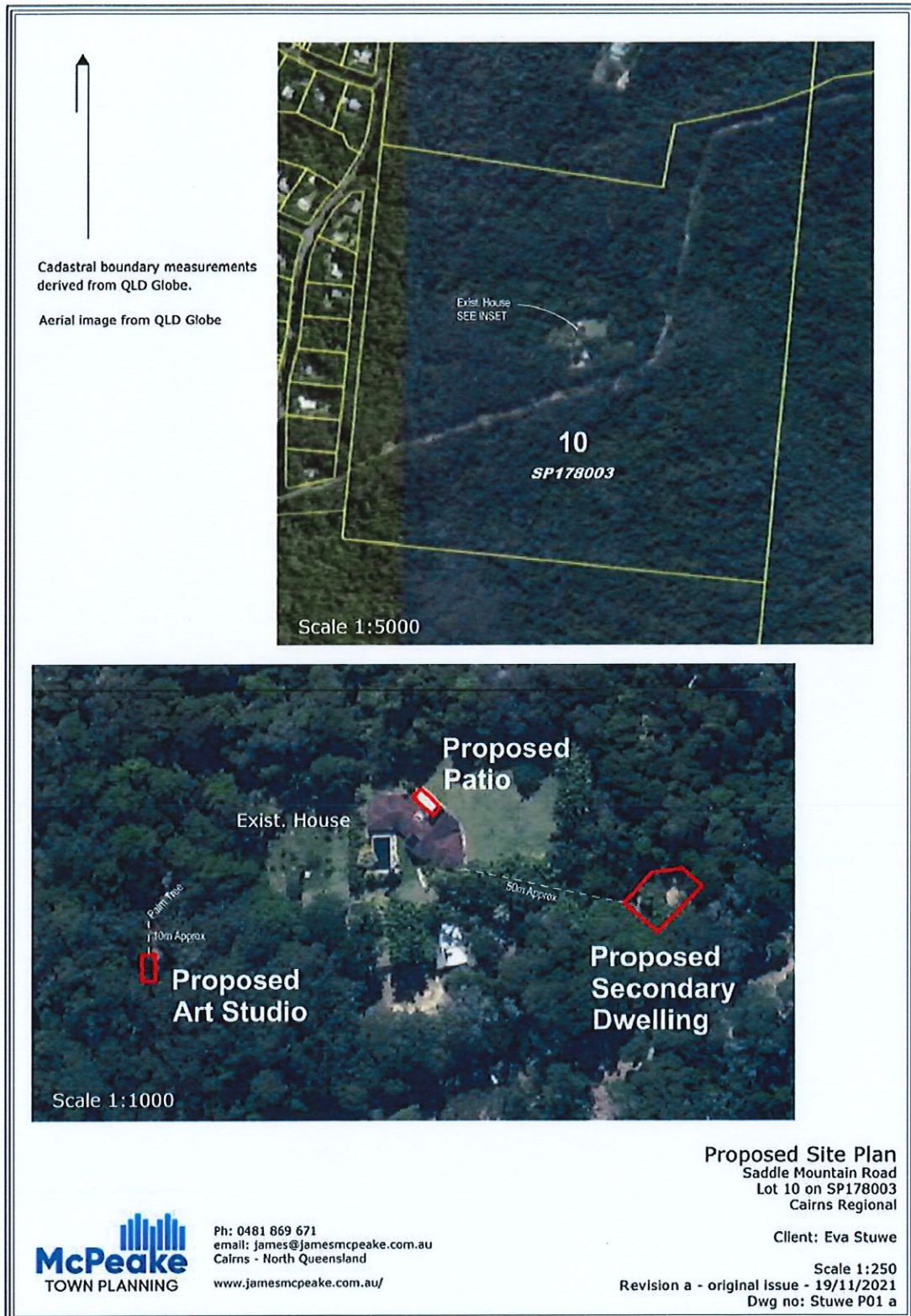
A handwritten signature in black ink, appearing to read 'B. Millard', with a long, sweeping horizontal stroke extending to the right.

**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc:   Approved Plans/Documents  
      Appeal Rights

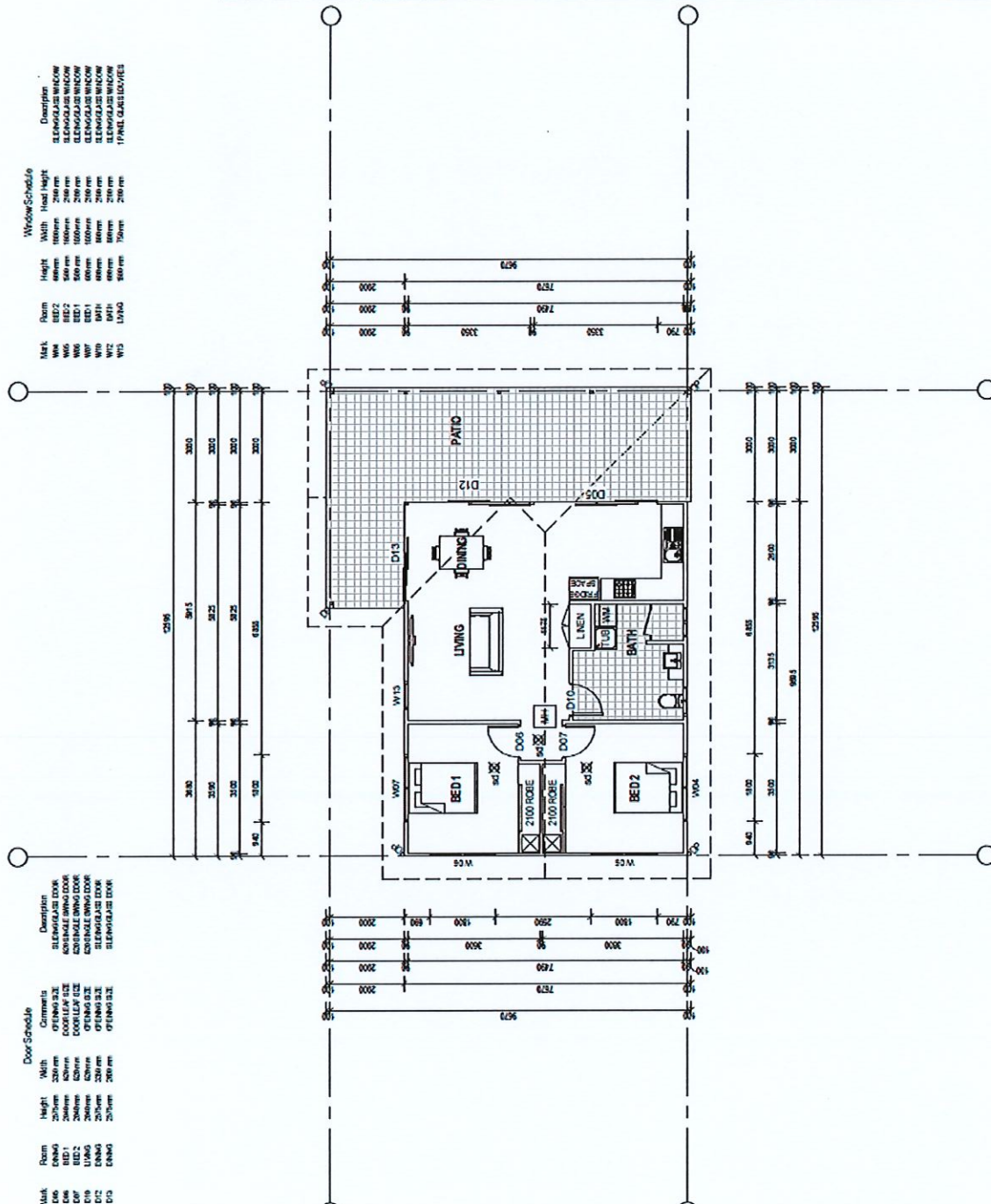
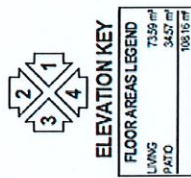


	<b>Approved Plans/Documents</b>
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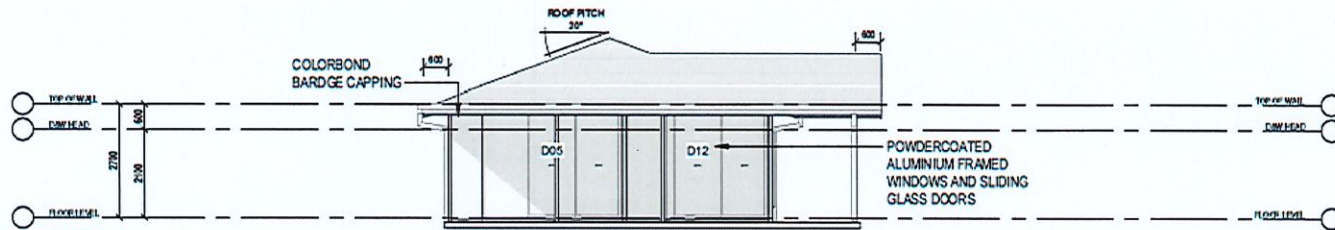
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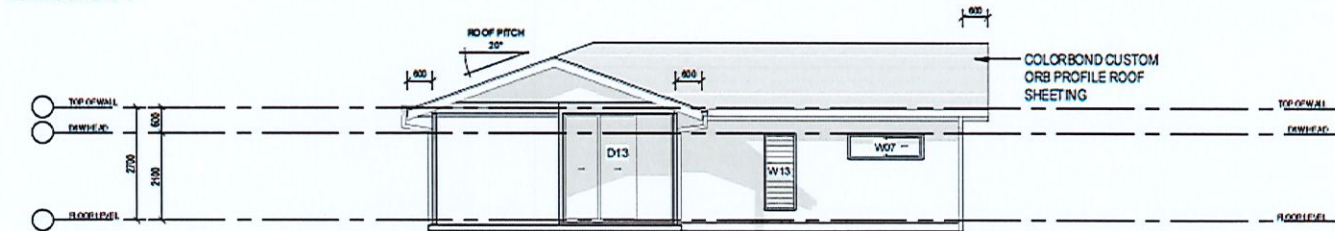


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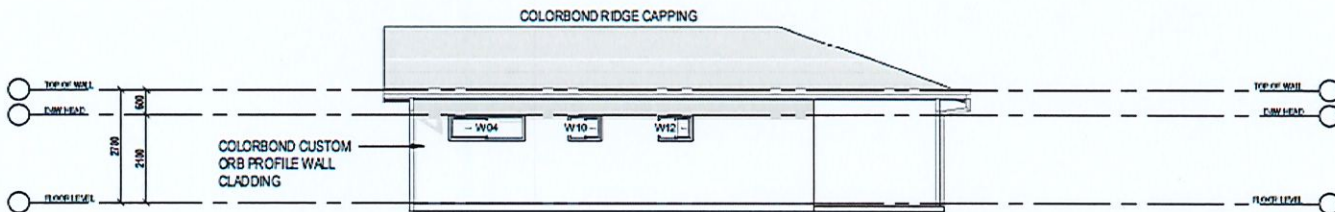
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

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Owners Approval of Preliminary Plans

Owners: \_\_\_\_\_

Date: \_\_\_\_\_

DESIGN WIND SPEED: C2 SOL CLASSIFICATION: M

A 19/05/20 CONSTRUCTION ISSUE

No. DATE DESCRIPTION

VARIATIONS INCLUDED IN THIS DRAWING

DRAWING TITLE

ELEVATIONS

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PRELIMINARY: 12/01/22 CONSTRUCTION -

A3 SCALE: 1:100 AT A3 ISSUE: A

DRAWN BY: MB

PRELIMINARY ISSUE

SHPRO JOB NO. - DPA WIND NO. 20031201

PROJECT

PROPOSED RESIDENCE

Lot 2 on RP.727725

19 BLACK MOUNTAIN ROAD

KURANDA

CLIENT

EVA & MARKUS STUWE

Q1000: 1117525

QLD

KIT HOMES

34/5 FACULTY CLOSE, SMITHFIELD

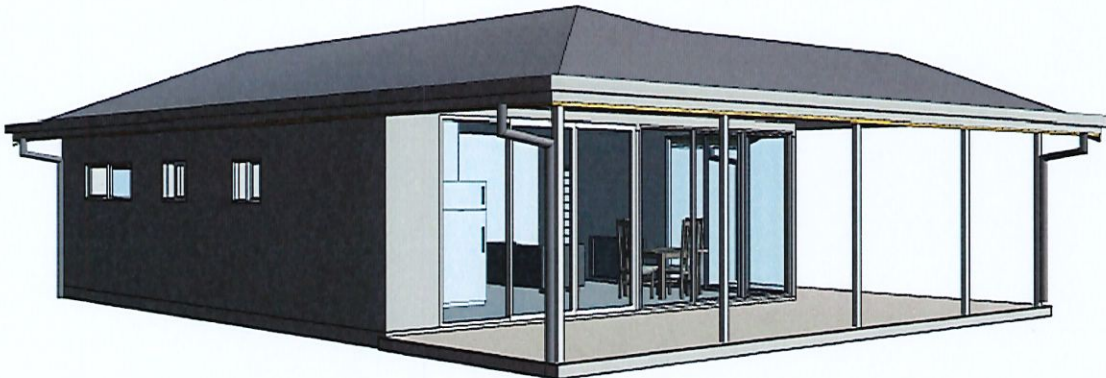
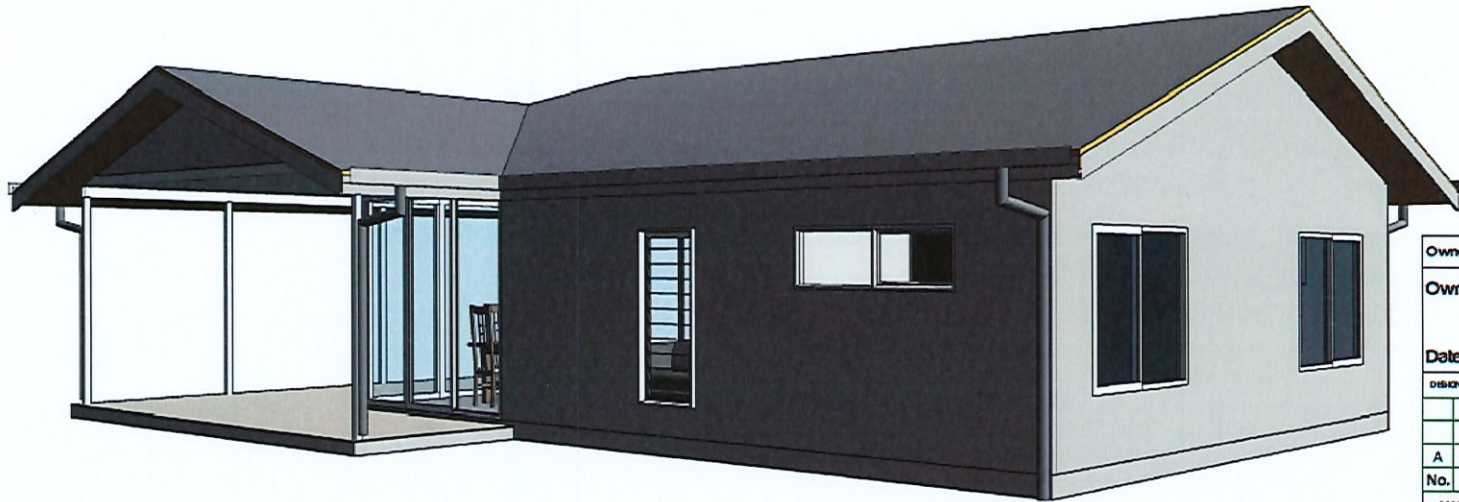
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22/12/2022  
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<b>Owners Approval of Preliminary Plans</b>			
Owners: _____			
Date: _____			
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VARIATIONS INCLUDED IN THIS DRAWING			
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		DRAWN BY:	MB
<b>PRELIMINARY ISSUE</b>			
SIGNATURE:	DRAWING NO: 20031201		
PROJECT PROPOSED RESIDENCE Lot 2 on RP727725 19 BLACK MOUNTAIN ROAD KURANDA			
CLIENT EVA & MARKUS STUWE			
QBCC: 1117525			
 <b>QLD KIT HOMES</b> <small>Offered by Qld Kit Homes Pty Ltd</small> <small>34/5 FACULTY CLOSE, SMITHFIELD</small> <small>Ph: (07) 4038 3900</small> <small>Fax: (07) 4027 9613</small> <small>WEB: <a href="http://www.qldkithomes.com.au">www.qldkithomes.com.au</a></small>			
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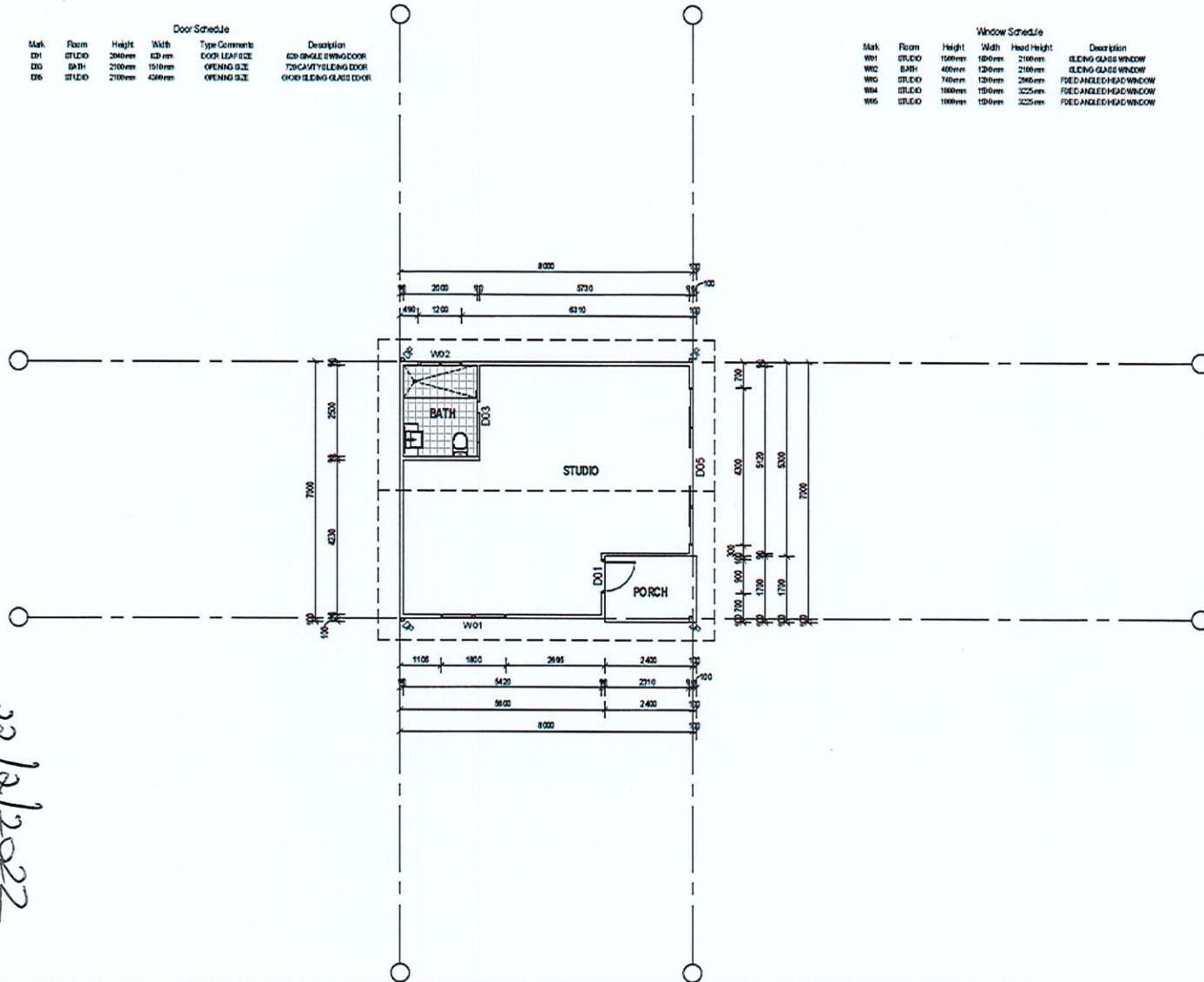


# ELEVATION KEY

FLOOR AREAS LEGEND	
STUDIO	5192 m <sup>2</sup>
PORCH	408 m <sup>2</sup>
	5600 m <sup>2</sup>

Window Schedule					Description
Mark	Room	Height	Width	Head Height	
W01	STUDIO	1500mm	1800mm	2100mm	GLASS WINDOW
W02	BATH	400mm	1200mm	2100mm	GLASS WINDOW
W03	STUDIO	700mm	1200mm	2065mm	FIXED ANGLE HEAD WINDOW
W04	STUDIO	1600mm	1500mm	3225mm	FIXED ANGLE HEAD WINDOW
W05	STUDIO	1000mm	1500mm	3225mm	FIXED ANGLE HEAD WINDOW

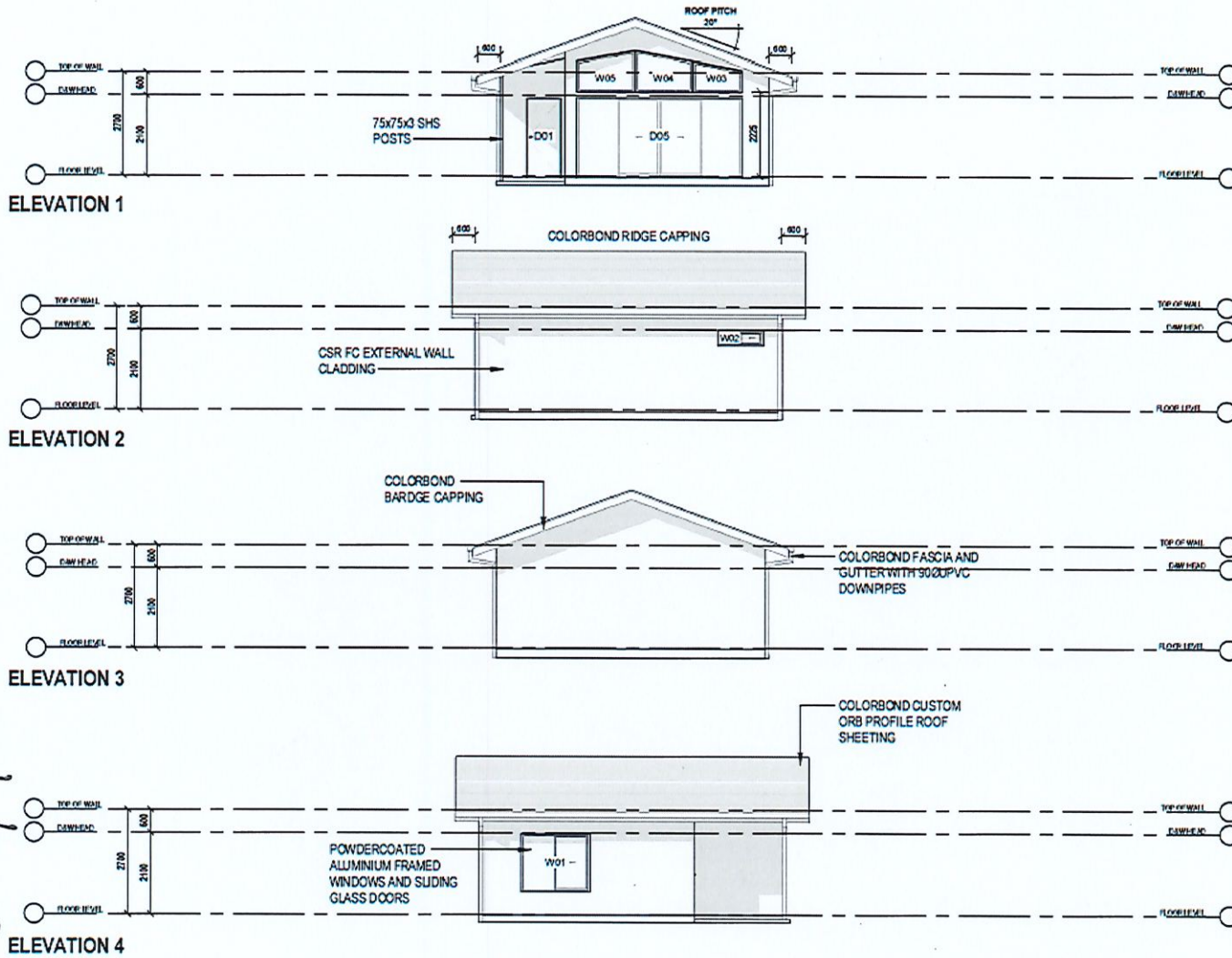
Door Schedule					Description
Mark	Room	Height	Width	Type Comments	
D01	STUDIO	2040mm	620mm	DOOR LEAF SIZE	620 SINGLE GLASS DOOR
D02	BATH	2100mm	1510mm	OPENING SIZE	720 CAVITY GLASS DOOR
D03	STUDIO	2100mm	430mm	OPENING SIZE	600 GLASS DOOR



Owners Approval of Preliminary Plans		
Owners: _____		
Date: _____		
DESIGN WHO USED -	C- SOL CLASSIFICATION - TBA	
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PRELIMINARY ISSUE		
SERIAL NO.	DRAWING NO. 12/01/21	
PROJECT		
PROPOSED STUDIO		
Lot ?? on SP.??????		
SADDLE MOUNTAIN ROAD		
KURANDA		
CLIENT		
EVA & MARKUS STUWE		
Q/BCC: 1117525		
34/5 FACULTY CLOSE, SMITHFIELD		
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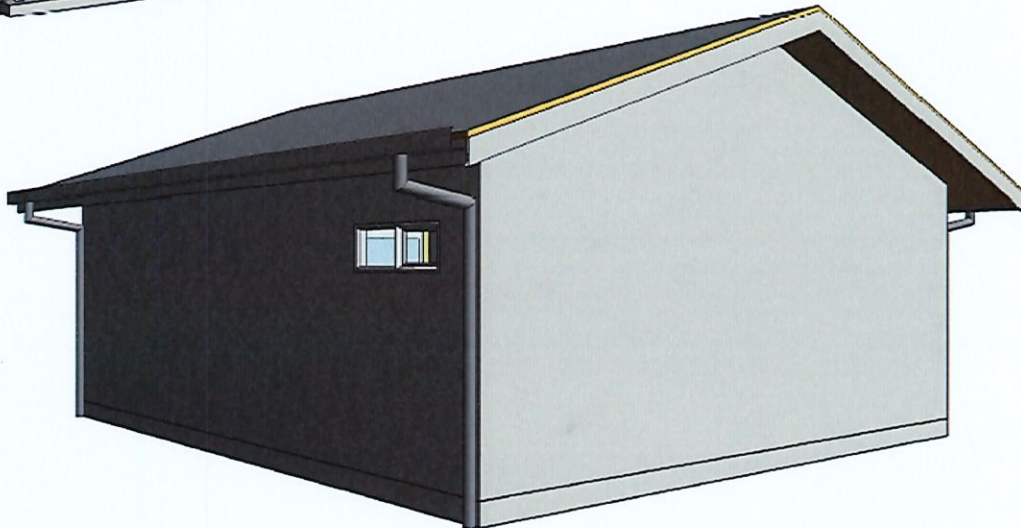
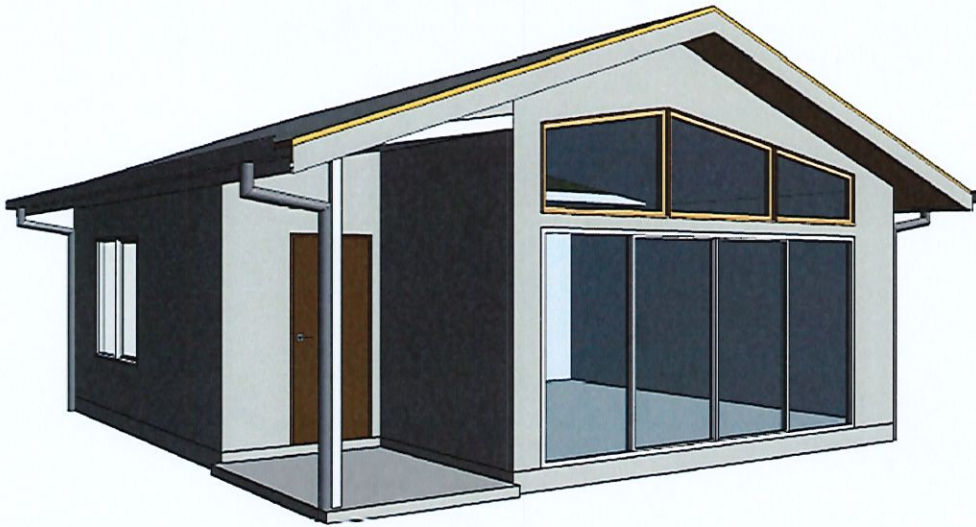




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Owners Approval of Preliminary Plans	
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PROJECT PROPOSED STUDIO Lot ?? on SP.?????? SADDLE MOUNTAIN ROAD KURANDA	
CLIENT EVA & MARKUS STUWE	
QBCC: 1117525	
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B. n. Q



22/2/2022  
B.M. [Signature]

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Owners Approval of Preliminary Plans			
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PRELIMINARY ISSUE			
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PROJECT PROPOSED STUDIO Lot ?? on SP.?????? SADDLE MOUNTAIN ROAD KURANDA			
CLIENT EVA & MARKUS STUWE			
QIICC: 1117525			
 <b>QLD KIT HOMES</b> <small>Offices/Showrooms/Companys are</small> 34/5 FACULTY CLOSE, SMITHFIELD PH: (07) 4038 3900 FAX: (07) 4027 9513 WEB: <a href="http://www.qldkitshomes.com.au">www.qldkitshomes.com.au</a>			
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## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

- (a) Matters that may be appealed to –
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) The person-
  - (i) who may appeal a matter (**the appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund-
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –  
*decision* includes-
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or failure to make a decision; and
  - (d) a purported decision ; and

(e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

(a) is final and conclusive; and

(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.