



Mareeba

SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

23 September 2022

Adermina Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Senior Planner: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/22/0014
Your Reference: J001395: MKY: KLG

Dear Applicants,

Decision Notice

Planning Act 2016

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

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/22/0014
Street Address:	62 Mount Kooyong Road, Julatten
Real Property Description:	Lots 1 and 2 on RP748307
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)
Date of Decision:	21 September 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 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.
 - 3.2 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.
 - 3.3 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.
 - 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.6 Amalgamation

Prior to the issuance of the Final Certification and Commencement of Use, the lots must be amalgamated.

4. Infrastructure Services and Standards

4.1 Access

The access crossover servicing the development must be maintained (from the edge of Mount Kooyong Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer, for the life of the development.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

- (a) The applicant/developer must ensure that all car parking for the approved use occurs on site and not on adjoining road reserves.
- (b) All car parking spaces and trafficable areas must be at minimum gravel surfaced and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (c) All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
 - Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
 - Australian Standard AS1428:2001 – Design for Access and Mobility.
- (d) All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the 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
1575-PD-A-00 P1	Cover Sheet	Clarke and Prince Architects	19/05/22
1575-PD-A-01 P2	Locality Plan	Clarke and Prince Architects	19/05/22
1575-PD-A-02 P3	Site Plan - Existing/Demo	Clarke and Prince Architects	19/05/22
1575-PD-A-03 P4	Site Plan - Proposed	Clarke and Prince Architects	19/05/22
1575-PD-A-04 P3	Proposed Floor Plans	Clarke and Prince Architects	19/05/22
1575-PD-A-05 P2	Proposed Elevations - Building 1	Clarke and Prince Architects	19/05/22
1575-PD-A-06 P2	Proposed Elevations - Building 2	Clarke and Prince Architects	19/05/22

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) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) 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.

(c) 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.

(d) 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.

(e) 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.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There were no properly made submissions about the application.

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”.

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, or at Council Offices.

Yours faithfully



BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Appeal Rights

Approved Plans/Documents

PROPOSED EXTENSIONS

MT. KOOYONG NURSING HOME

62 MT. KOOYONG ROAD, JULATEN, QLD

DRAWING LIST

- 1575-PD-A-00 COVER SHEET
- 1575-PD-A-01 LOCALITY PLAN
- 1575-PD-A-02 SITE PLAN - EXISTING / DEMO
- 1575-PD-A-03 SITE PLAN - PROPOSED
- 1575-PD-A-04 PROPOSED FLOOR PLANS
- 1575-PD-A-05 PROPOSED ELEVATIONS - BUILDING 1
- 1575-PD-A-06 PROPOSED ELEVATIONS - BUILDING 2



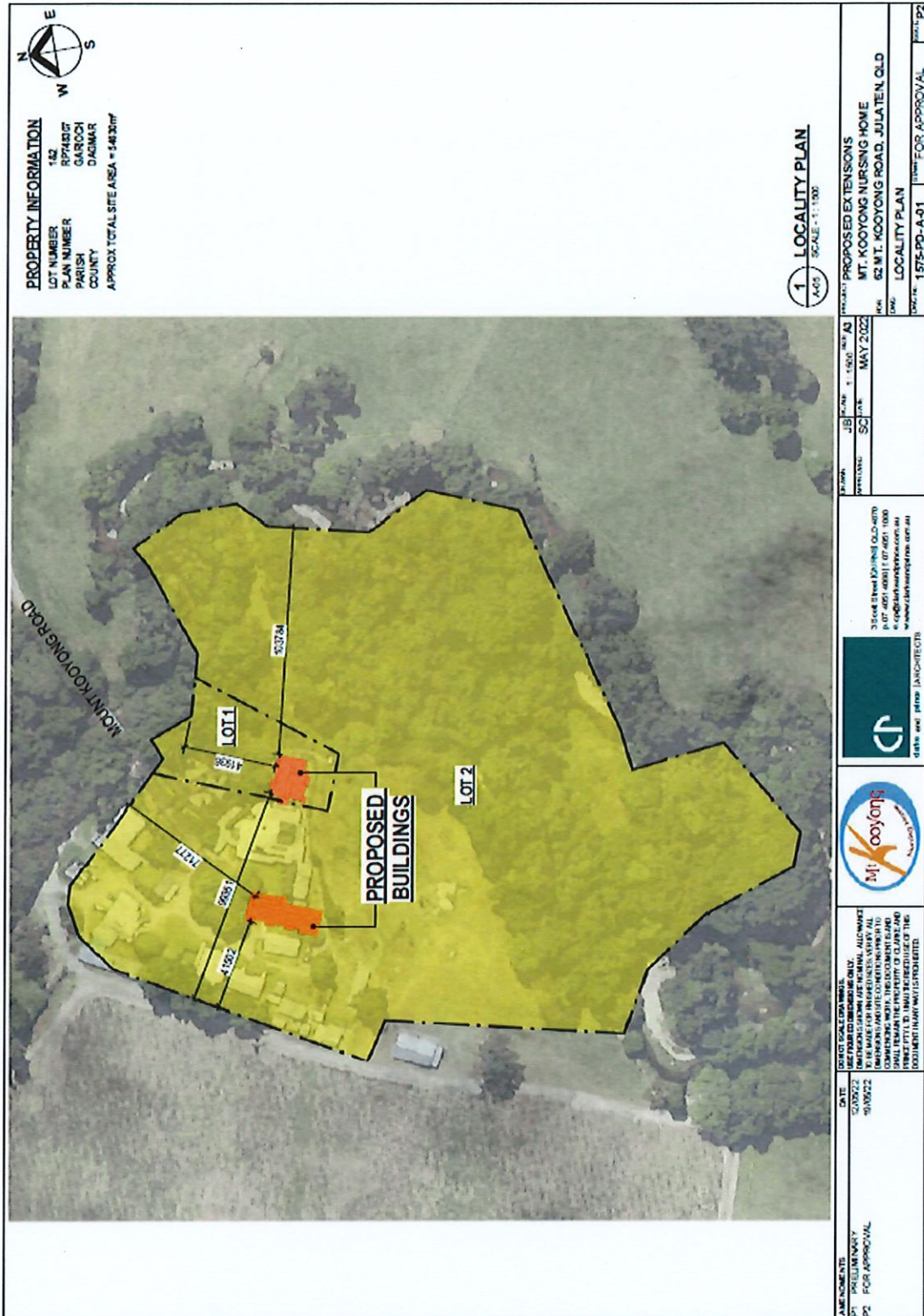
BUILDING 1



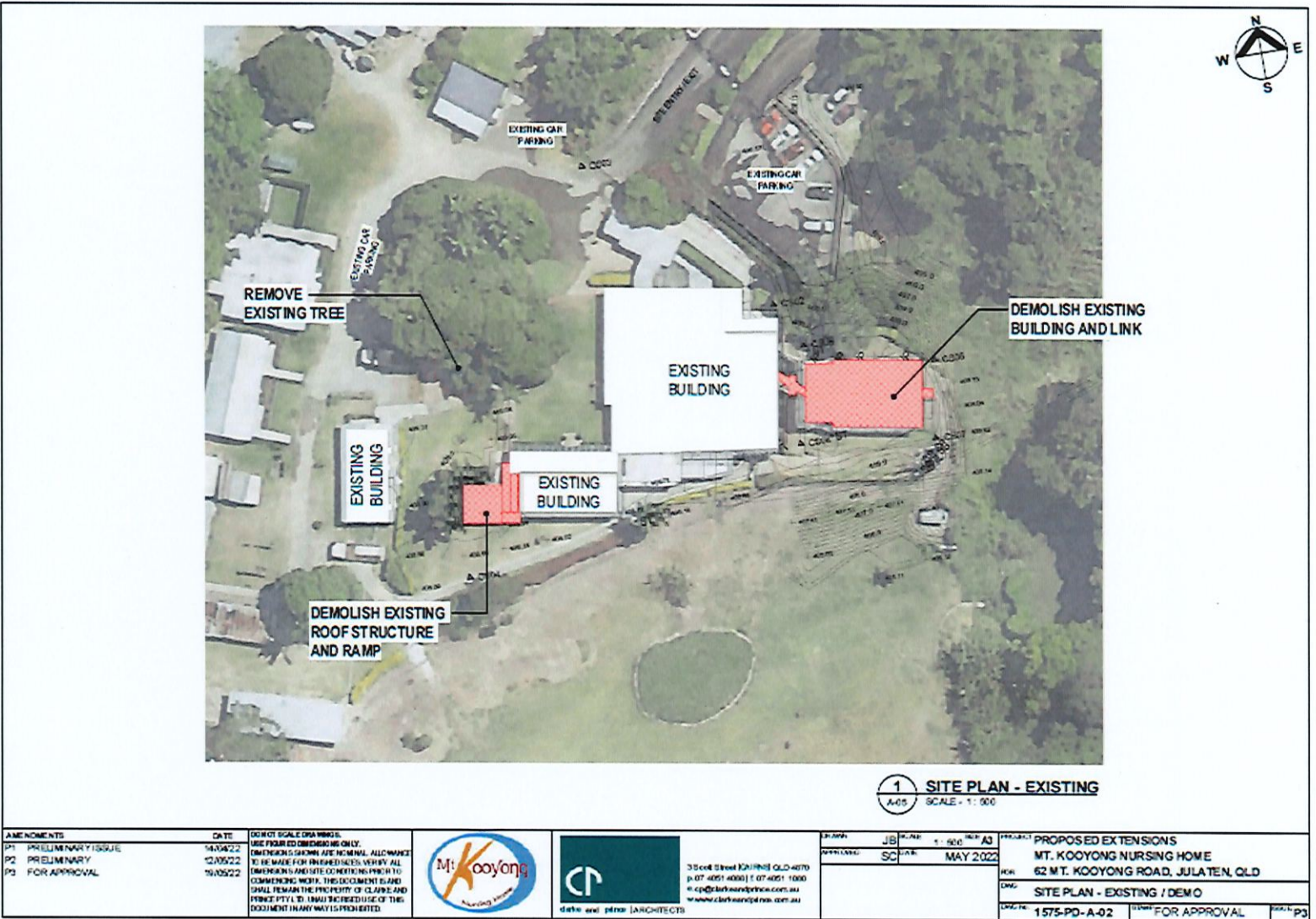
BUILDING 2

23/9/2022
B. M. [Signature]

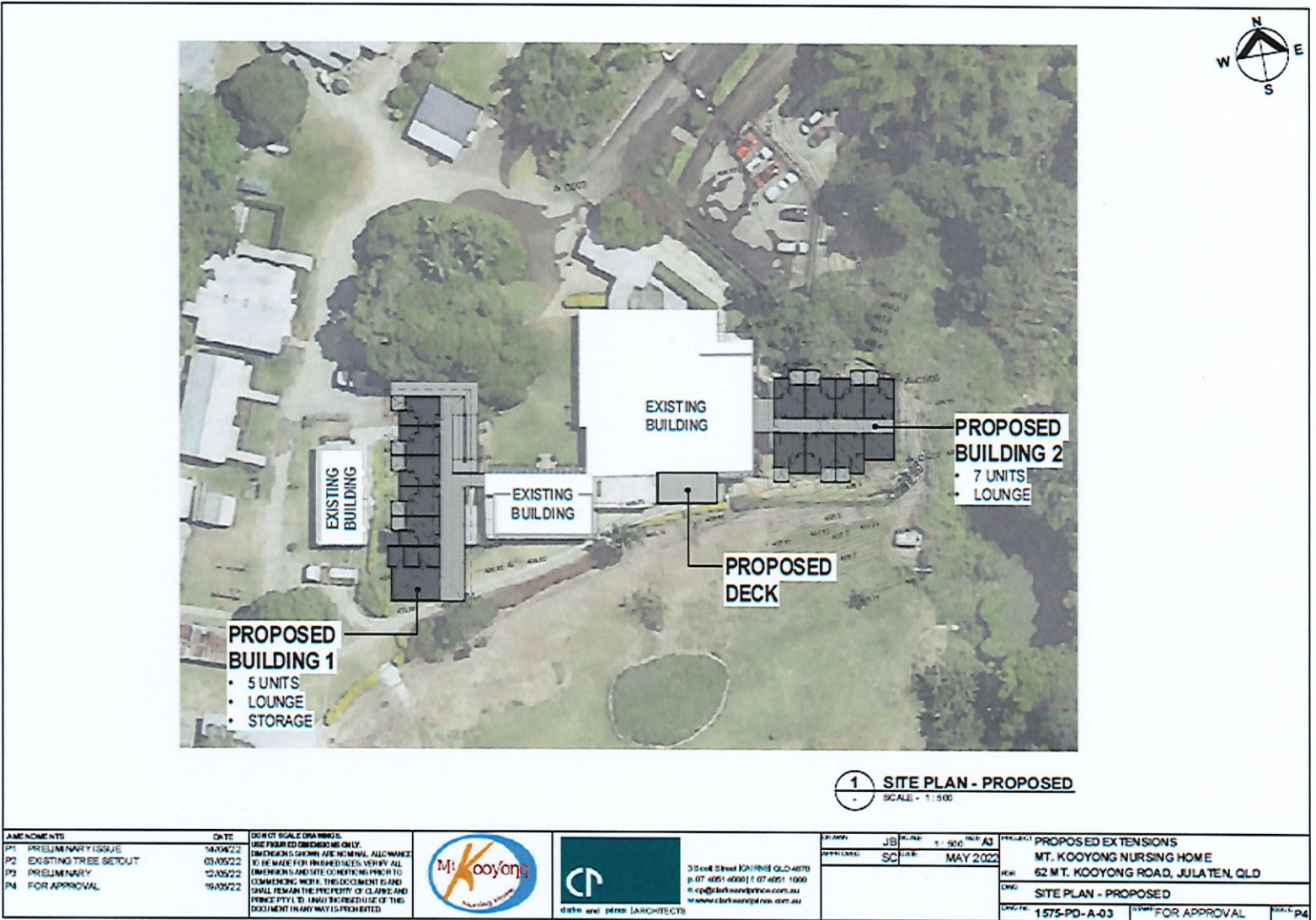
AMENDMENTS P1 FOR APPROVAL		DATE 19/05/22	(DO NOT SCALE DRAWINGS) USE PRINTED DIMENSIONS ONLY. DIMENSIONS GIVEN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PERKINS PTY LTD. UNLESS OTHERWISE STATED IN THIS DOCUMENT. INQUIRY NOT PERMITTED.			33 Oak Street, KARUNGU QLD 4070 P 07 4051 4000 F 07 4051 1000 E cp@clarkperkins.com.au W www.clarkperkins.com.au	DRAWN: JB CHECKED: SC DATE: MAY 2022	PROJECT: PROPOSED EXTENSIONS MT. KOOYONG NURSING HOME 62 MT. KOOYONG ROAD, JULATEN, QLD REV: COVER SHEET DATE: 1575-PD-A-00 DRAWN FOR APPROVAL	SHEET: P1
--------------------------------------	--	------------------	--	---	--	---	--	---	-----------



23/9/2022
 B. n. [Signature]



23/9/2022
B. M. [Signature]



23/9/2022
B. M. [Signature]

AMENDMENTS P1 PRELIMINARY ISSUE P2 EXISTING TREE SETOUT P3 PRELIMINARY P4 FOR APPROVAL		DATE 16/04/22 03/05/22 12/05/22 16/05/22	DO NOT SCALE DIMENSIONS. USE DIMENSIONS SHOWN ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PARTNERS PTY LTD. UNLESS WRITTEN USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.			35 Cook Street KATFRSE QLD 4070 p. 07 4051 4000 f. 07 4051 1000 e. cp@clarkandpartners.com.au www.clarkandpartners.com.au	PROJECT: PROPOSED EXTENSIONS MT. KOOYONG NURSING HOME 62 MT. KOOYONG ROAD, JULATEN, QLD SHEET: SITE PLAN - PROPOSED DATE: 1575-PD-A-03 DRAWN: FOR APPROVAL SHEET: P4
---	--	--	---	--	--	--	--

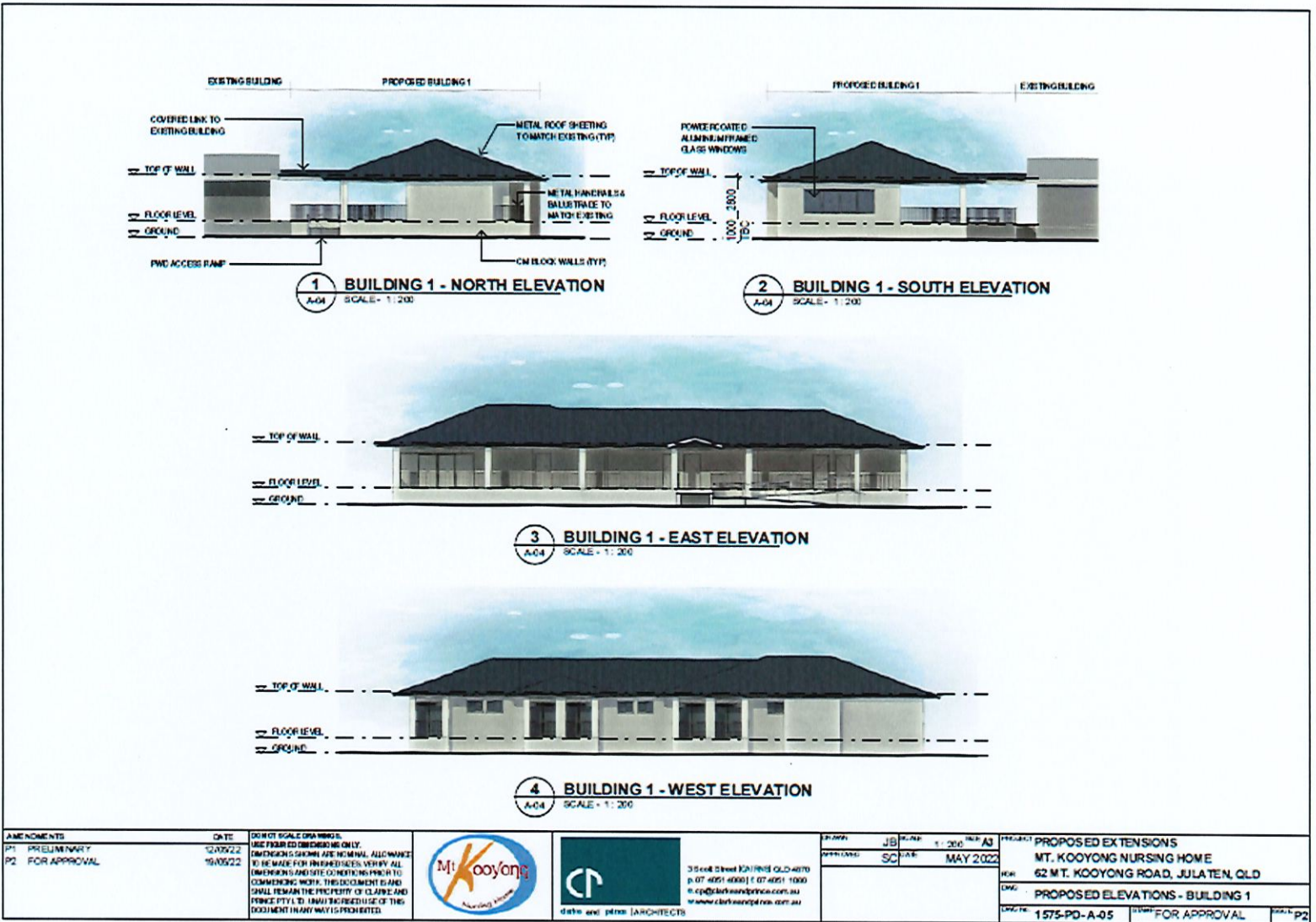


AMENDMENT	DATE	DESCRIPTION
P1 PRELIMINARY ISSUE	14/04/22	FOR PRELIMINARY ISSUE
P2 FOR APPROVAL	21/05/22	FOR APPROVAL
P3 FOR APPROVAL	20/05/22	FOR APPROVAL

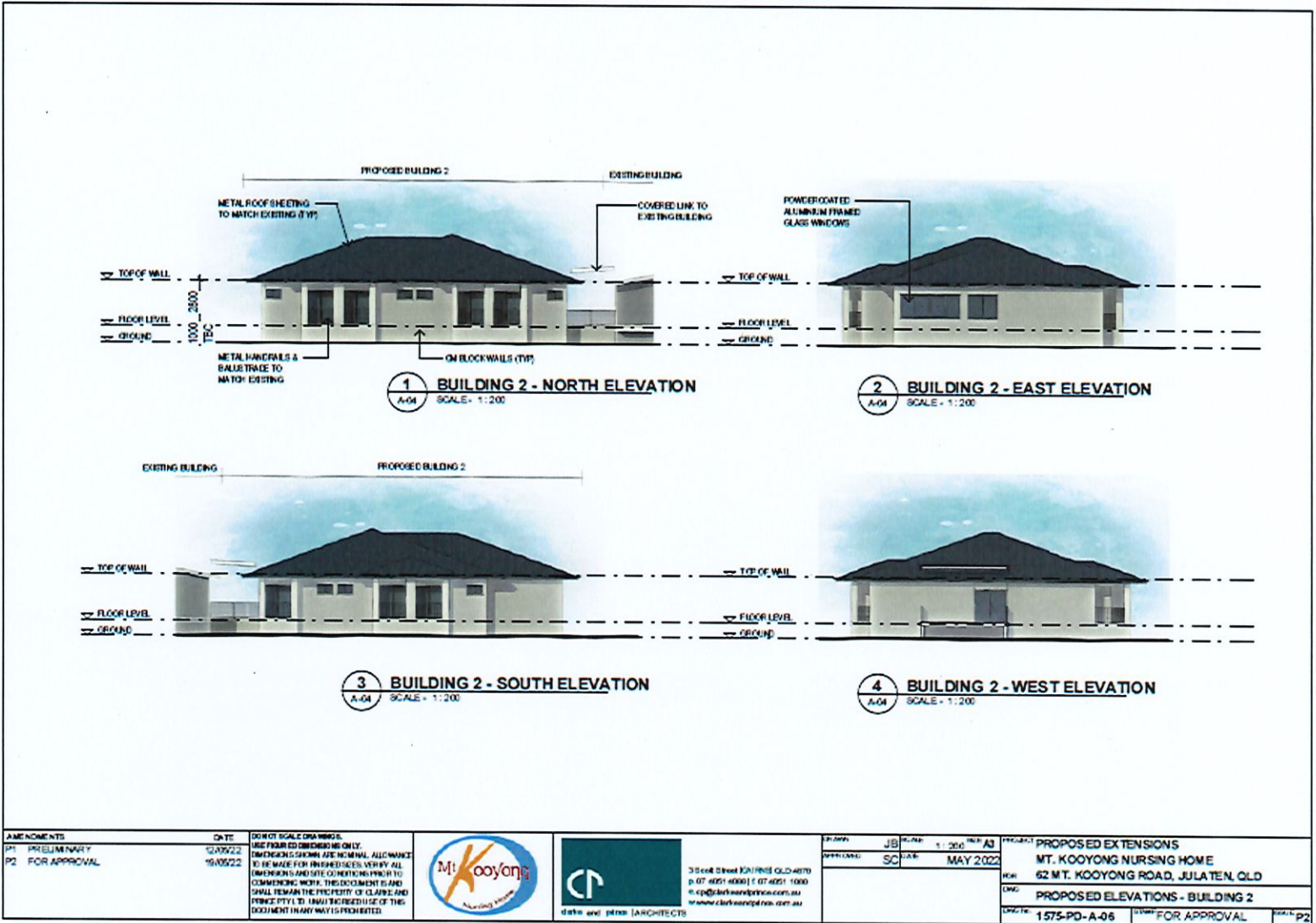
PROJECT	PROPOSED EXTENSIONS
CLIENT	MT. KOOYONG NURSING HOME
ADDRESS	62 MT. KOOYONG ROAD, JULIEN OLD
PROPOSED FLOOR PLANS	
SCALE	1:200
DATE	15/05/2022
FOR APPROVAL	

35 Steel Street, Eastwood QLD 4087 p: 07 4071 4041 f: 07 4071 1000 www.kooyong.com.au

23/9/2022
B. M. [Signature]



23/9/2022
B. m. D.



23/9/2022
B. [Signature]

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 us 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 and 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.