



31 October 2022

Mareeba Child Care & Kindergarten Inc.
C/- Gilvear Planning
PO Box 228
BABINDA QLD 4861

Planning Officer: Carl Ewin
Direct Phone: 4086 4656
Our Reference: MCU/22/0019
Your Reference: J001333

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 27 October 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/22/0019
Street Address: 67 Constance Street & 2-6 Hastie Street, Mareeba
Real Property Description: Lot 2 on RP723297 & Lot 10 on SP270086
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Child Care Centre
Date of Decision: 27 October 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 Waste Management

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

3.5 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.

3.6 Air Conditioner & Building Plant Screening

The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.7 Safety fencing

A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:

- (a) Vehicle manoeuvring and parking areas;
- (b) Refuse storage and servicing areas; and
- (c) Air conditioning, refrigeration plant and mechanical plant.

3.8 Hours of Operation

The operating hours shall be between 6.30am and 6pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

4. Infrastructure Services and Standards

4.1 Constance & Hastie Street Pedestrian Footpath

The existing paved footpath must be replaced along Constance Street (for the full frontage of the site including the pedestrian ramp leading onto the Hastie Street pedestrian crossing) as well as a new footpath installed along Hastie Street (for the full frontage of the site) connecting with the entrance ramp to the existing kindy/after school care facility on Lot 10 on SP270086.

The footpath design and alignment must comply with the FNQROC Development manual standards and achieve a width of at least 2 metres for their entire lengths.

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual

(QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

- 4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Landscaping and Fencing

- 4.3.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.3.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.3.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

Landscape strips should be including along the Constance Street frontage and Hastie Street frontage in order to soften the appearance and building bulk.

- 4.3.4 The landscaping plan must incorporate the following:
 - (i) A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the common boundary between Lots 1 & 2 on SP280090 and Lot 3 on RP700519.
 - (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.
- 4.3.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.3.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.4 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to surrounding residents or obstruct or distract pedestrian or vehicular traffic.

4.5 Water Supply

The applicant/developer must connect the proposed development to Council's reticulated water supply in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

The applicant/developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
A-00 Rev 1	Cover Sheet	CA Architects	08/08/2022
A-001 Rev 2	Site Plan	CA Architects	19/08/2022
A-101 Rev 1	Proposed Ground Floor Plan	CA Architects	08/08/2022
A-102 Rev 1	Roof Plan	CA Architects	08/08/2022
A-103 Rev 2	Elevations	CA Architects	19/08/2022
A-104 Rev 1	Sections	CA Architects	08/08/2022
A-105 Rev 1	Admin Room Layout	CA Architects	08/08/2022
A-106 Rev 1	Toddlers & Prekindy Room Layout	CA Architects	08/08/2022
A-107 Rev 1	Babies Room Layout	CA Architects	08/08/2022
A110 Rev 1	Licensing Plan - Ground Floor	CA Architects	08/08/2022
A-112 Rev 1	3D Views	CA Architects	28/04/2022

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) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
- (c) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be

determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

- (d) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

- (e) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (f) A Trade Waste Permit will be required prior to the commencement of use.

- (g) 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.

- (h) 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.

- (i) 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

- (j) 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

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".

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
Adopted Infrastructure Charge Notice

Approved Plans/Documents

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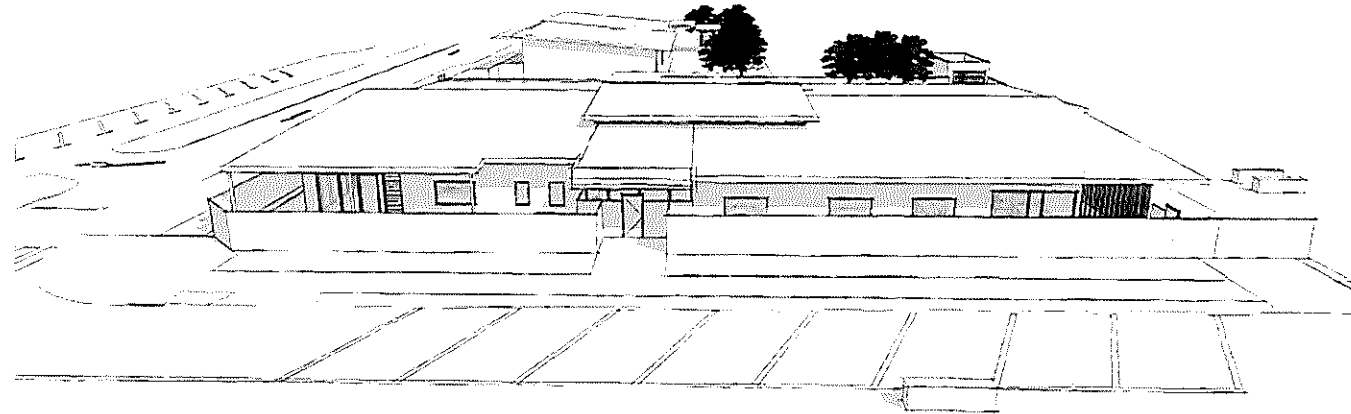
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KIDS CAMPUS MAREEBA

67 Constance Street Mareeba, Queensland 4880

DEVELOPMENT APPLICATION

DA - DRAWING LIST			
Sheet Number	Sheet Name	Current Revision	Date Issued
A-00	COVER SHEET	1	08-08-2022
A-001	SITE PLAN	2	19-08-2022
A-101	PROPOSED GROUND FLOOR PLAN	1	08-08-2022
A-102	ROOF PLAN	1	08-08-2022
A-103	ELEVATIONS	2	19-08-2022
A-104	SECTIONS	1	08-08-2022
A-105	ADMIN ROOM LAYOUT	1	08-08-2022
A-106	TODDLERS & PREKINDY ROOM LAYOUT	1	08-08-2022
A-107	BABIES ROOM LAYOUT	1	08-08-2022
A-110	LICENSING PLAN - GROUND FLOOR	1	08-08-2022
A-112	3D VIEWS	1	28-04-2022



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CA
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 Version: 1, Version Date: 09/09/2022

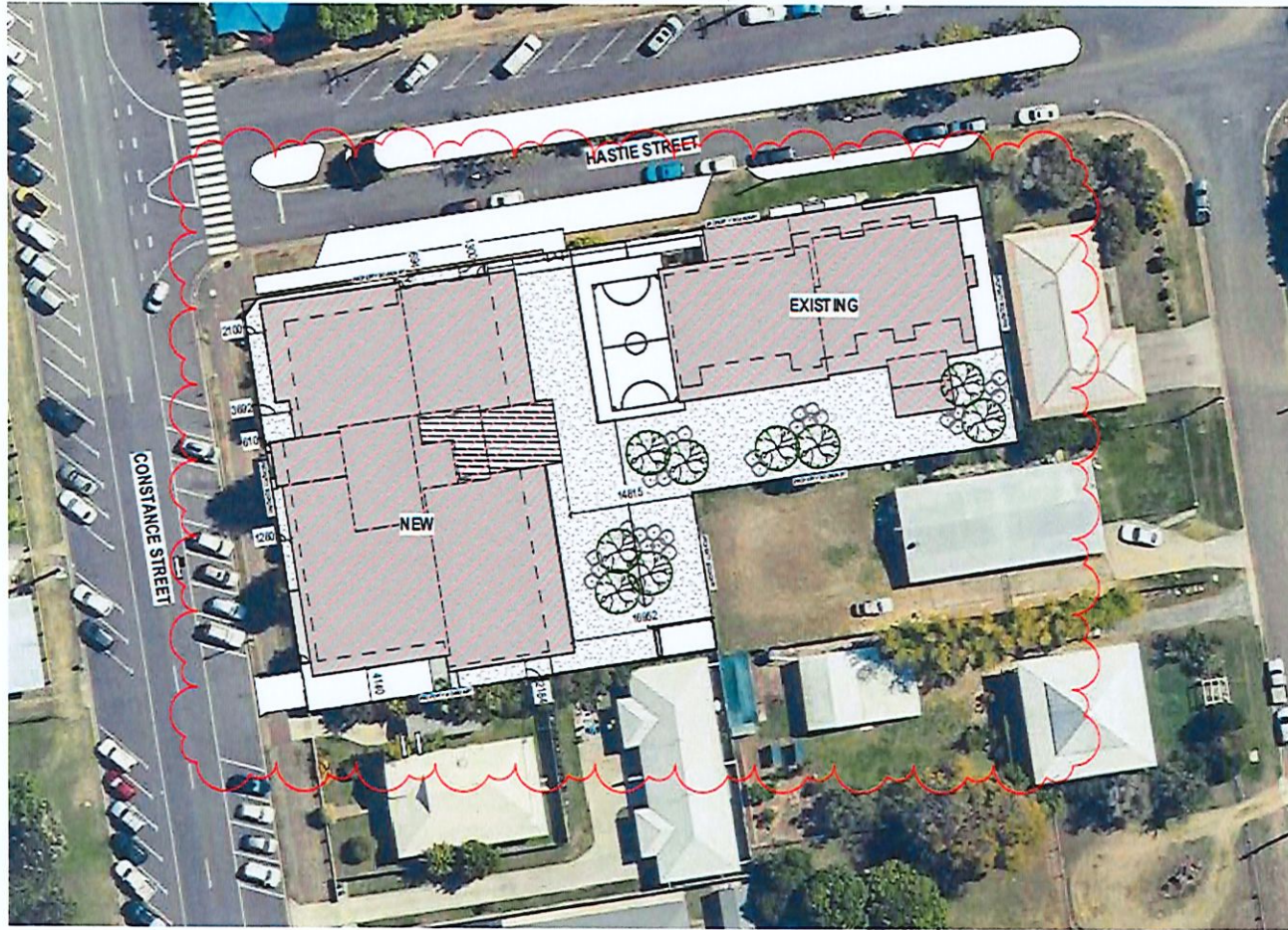
KIDS CAMPUS MAREEBA
 67 Constance Street, Mareeba

CA Architects
 Greta | Deborah | Natalie
 4 Macleay Street, Mareeba QLD 4880

COVER SHEET
 2138, DA A-00 Rev. 1 19/08/2022 9:07:10 AM
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Kids Campus Mareeba

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PROPERTY ADDRESS
67 CONSTANCE STREET, MAREEBA
QLD 4880
TOTAL SITE AREA - 3702m²

RPD

LOCAL
MAREEBA SHIRE COUNCIL

BUILDING GFA EXISTING & NEW

EXISTING INCLUDING EAVES 730m²
EXISTING EXCLUDING EAVES 465m²

NEW INCLUDING EAVES 1440m²
NEW EXCLUDING EAVES 1083m²

EXISTING SITE COVER 20%
Including eaves
EXISTING SITE COVER 12.5%
Excluding eaves

NEW SITE COVER 39%
Including eaves
NEW SITE COVER 29%
Excluding eaves

EXISTING & NEW 58%
Including eaves
EXISTING & NEW 41%
Excluding eaves

TOTAL LANDSCAPING
SOFT LANDSCAPE 1263m²
HARD SCAPE + SPORT COURT 366m²

SOFT LANDSCAPE 34%
BLDG HEIGHT 4.9m
1-Storey

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1 PROPOSED SITE PLAN
1:500

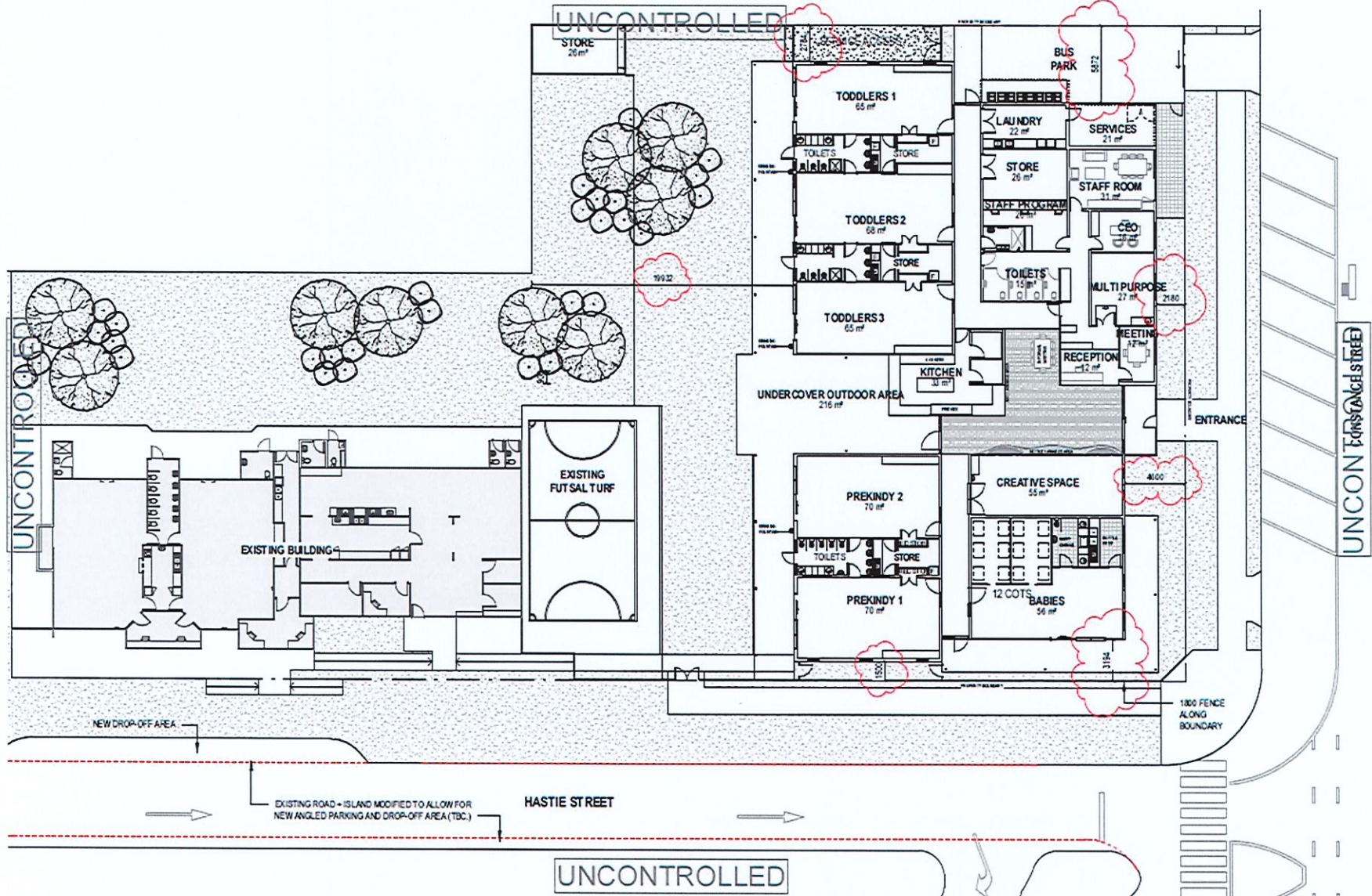
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67 Constance Street, Mareeba
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Version: 1, Version Date: 06/09/2022

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e: mcorp@caarchitects.com.au t: +617 4001 6067

SITE PLAN
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Kids Campus Mareeba 1:500 A3
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Scale 1:500





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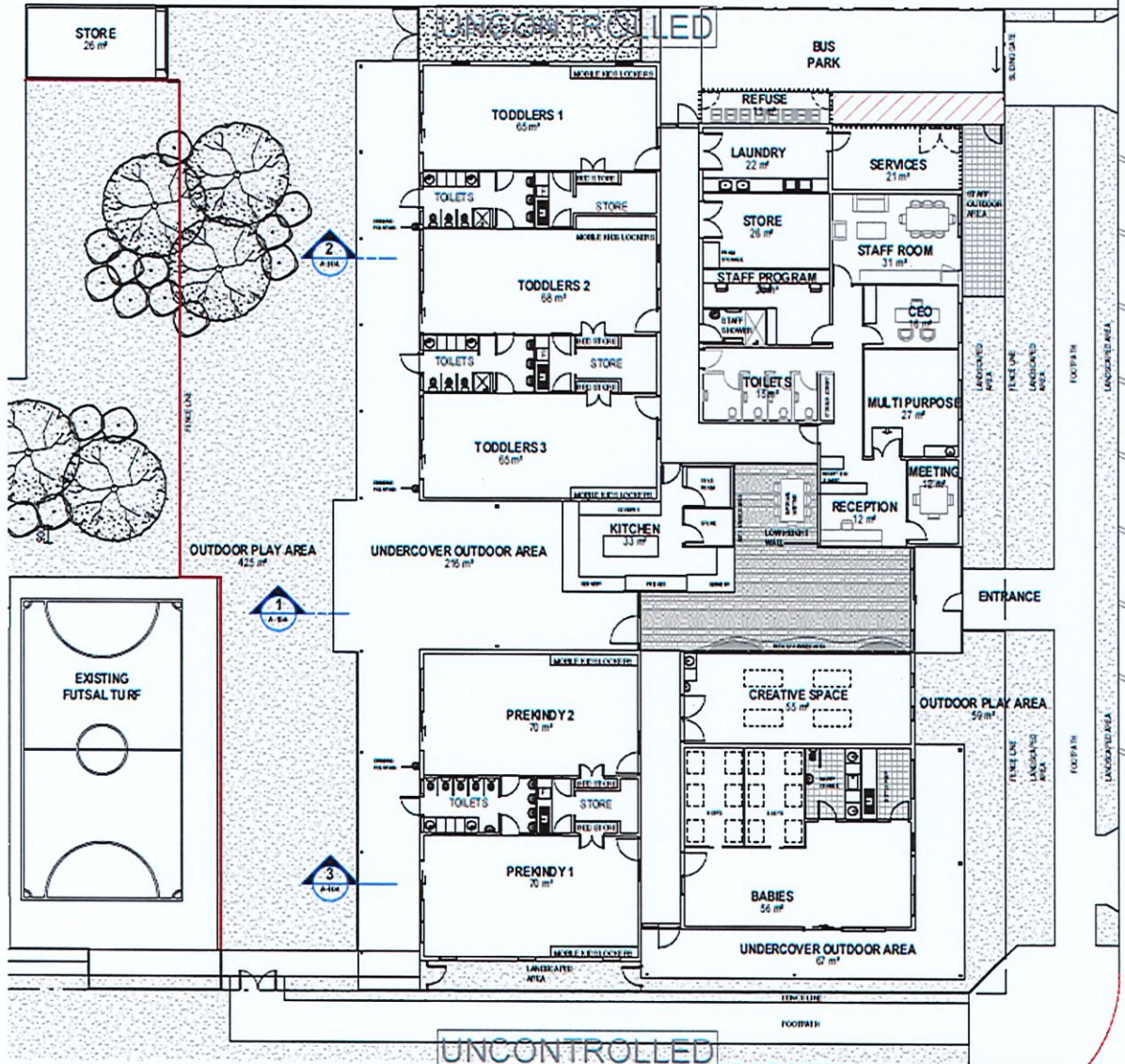
OVERALL FLOOR PLAN
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Scale 1:200



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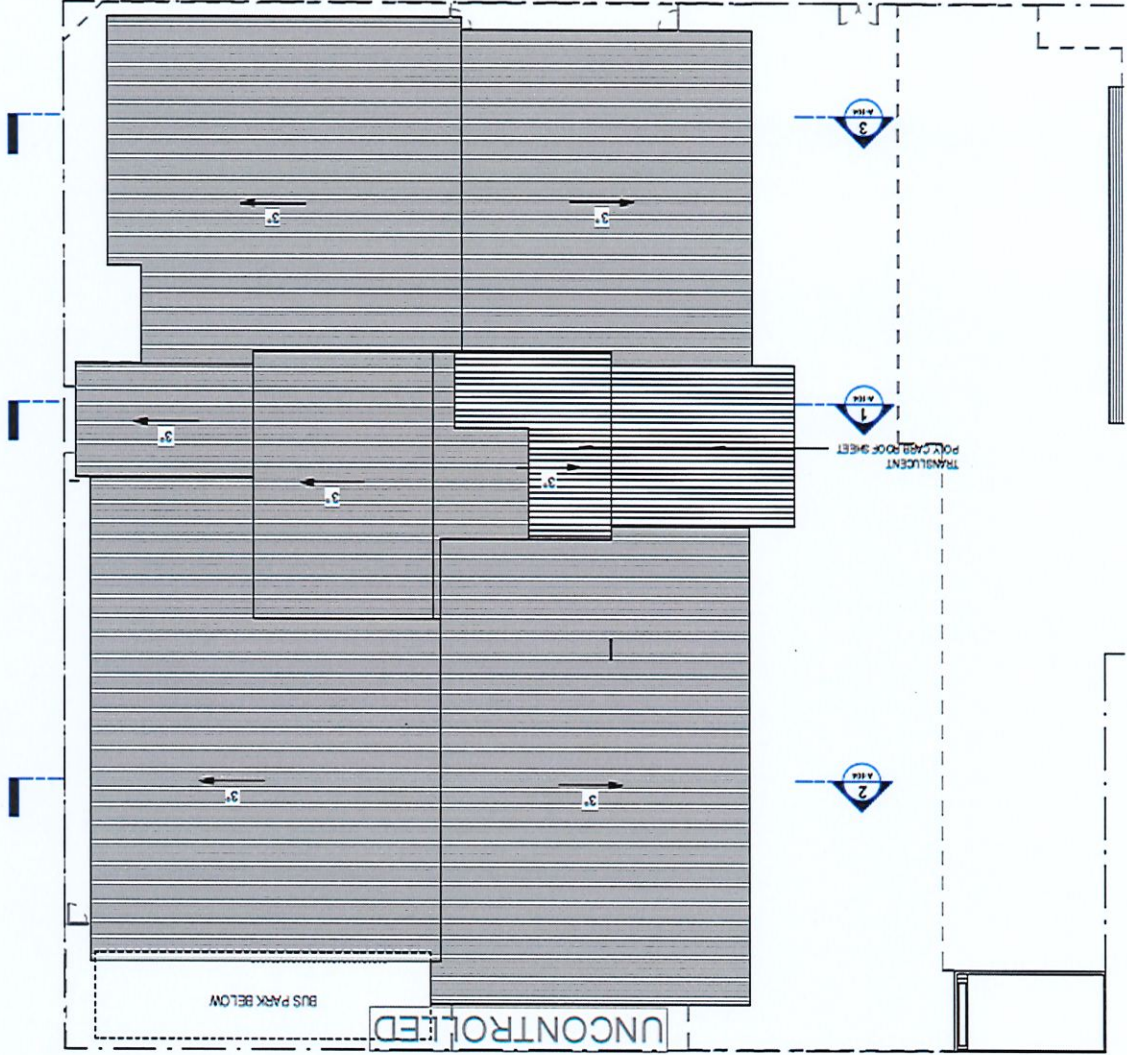
PROPOSED GROUND FLOOR PLAN

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 5 McPhee Street | Mareeba | Phone: +61 7 4007 0997

ROOF PLAN
 2198, CA A-102 Rev. 1
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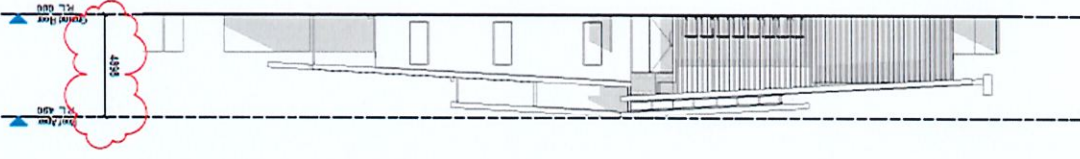
KIDS CAMPUS MAREEBA 67 Constance Street, Mareeba

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9 mcp@caarchitects.com.au | +61 7 4007 0007
2138 CA A-103 Rev. 2
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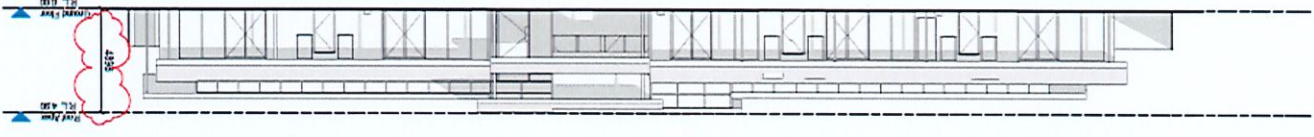
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0 2 4 6 8 10m
South 120°

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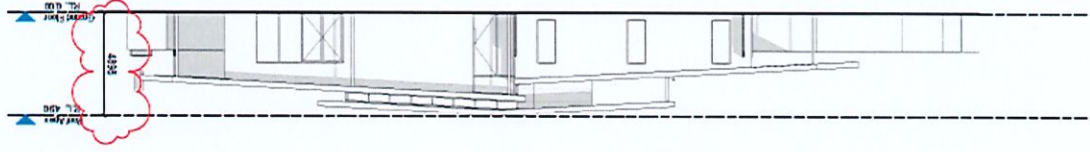
4 SIDE ELEVATION
1:200



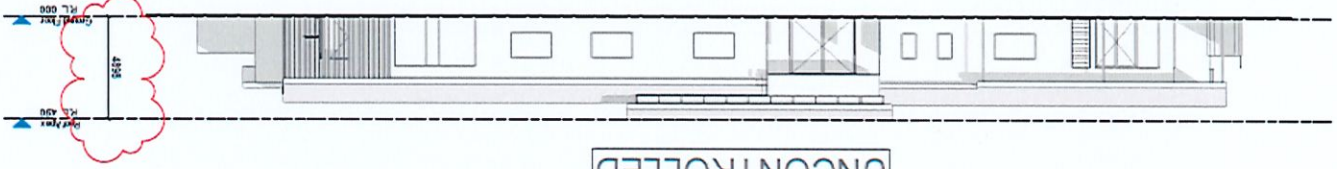
3 COURTYARD ELEVATION
1:200



2 HASTIE STREET ELEVATION
1:200



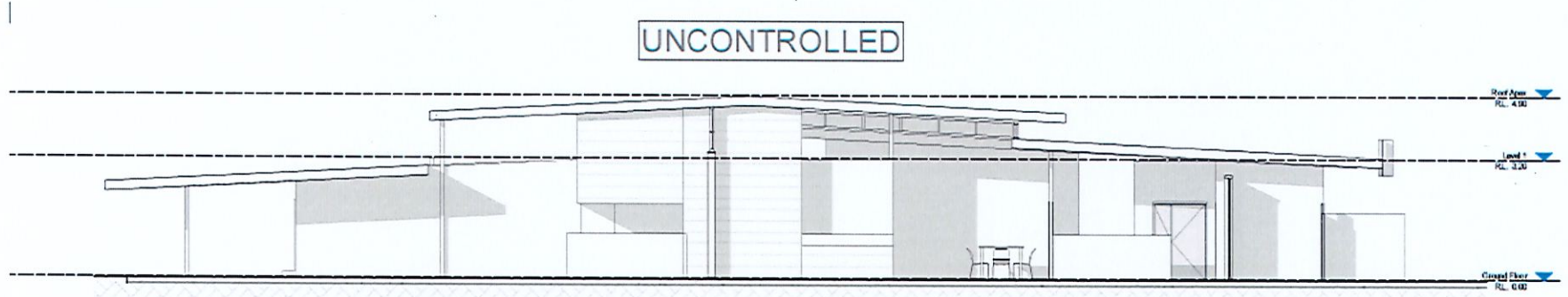
1 CONSTANCE STREET ELEVATION
1:200



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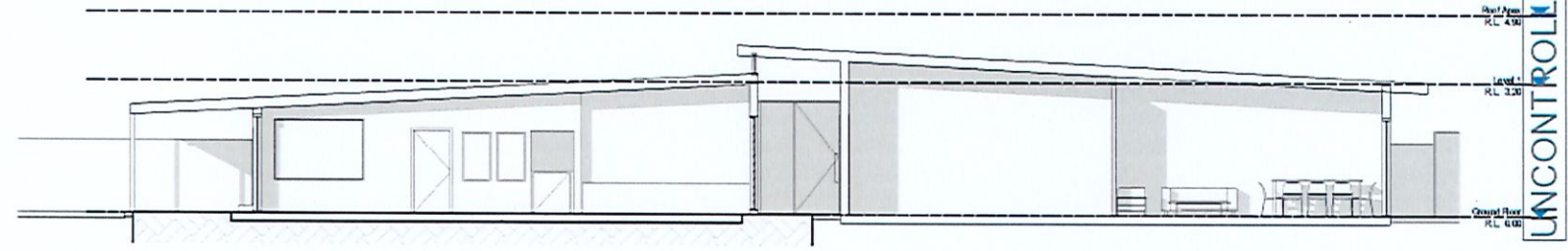
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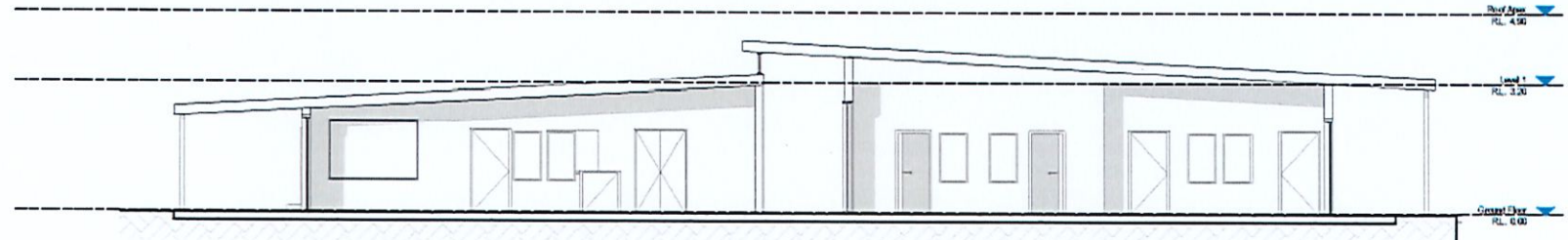
1 SECTIONAL VIEW 1
1:100

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2 SECTIONAL VIEW 2
1:100



3 SECTIONAL VIEW 3
1:100

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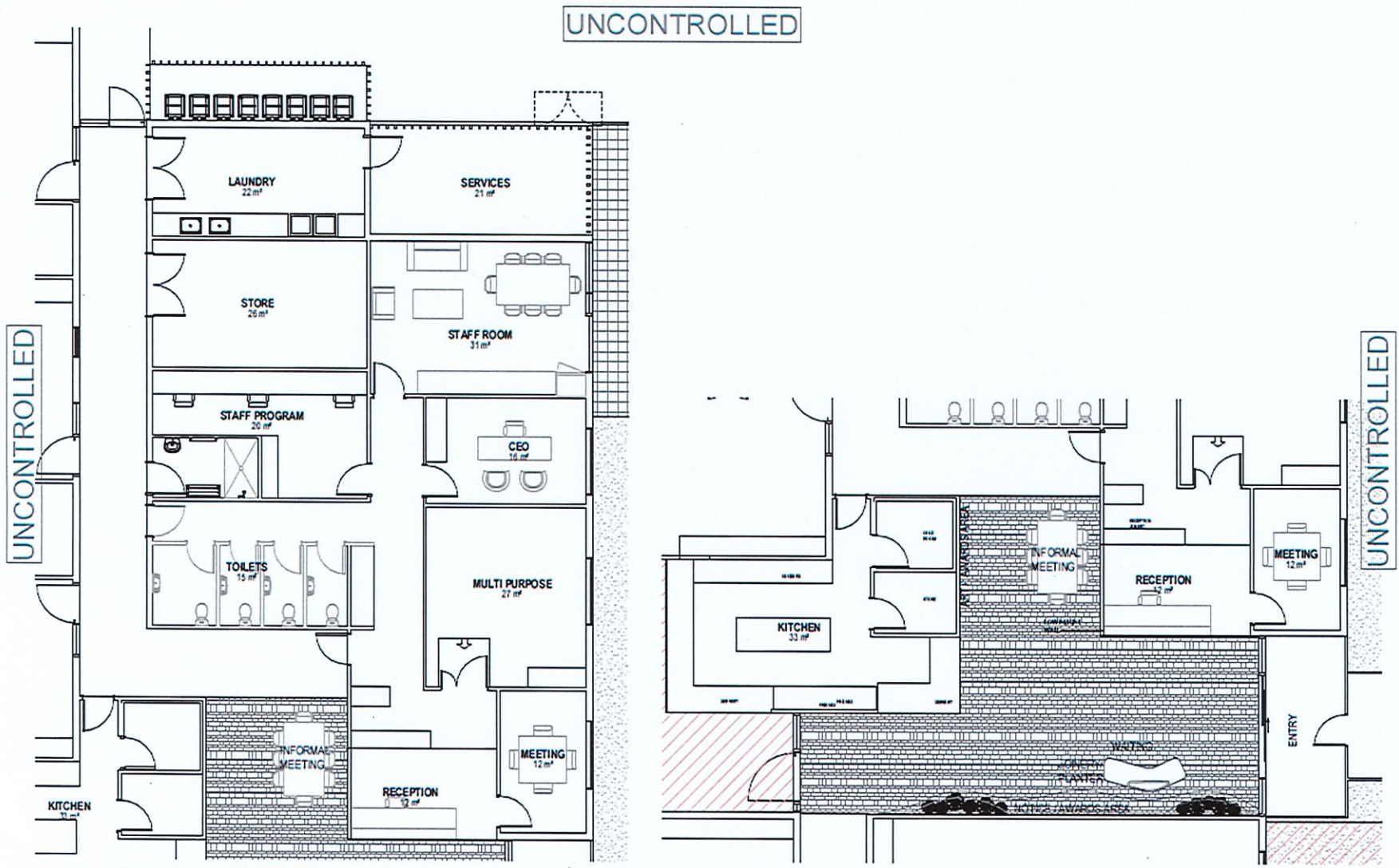

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SECTIONS
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1 STAFF FLOOR PLAN - PROPOSED
1:100

2 WAITING AREA + TUCKSHOP FLOOR PLAN
1:100

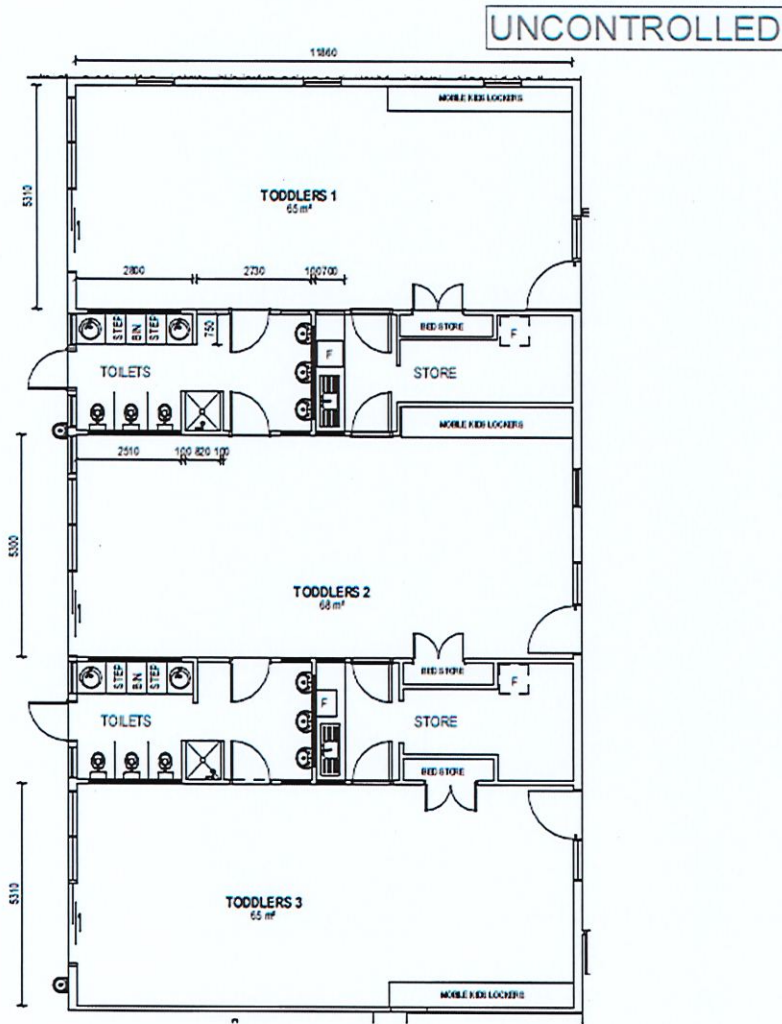
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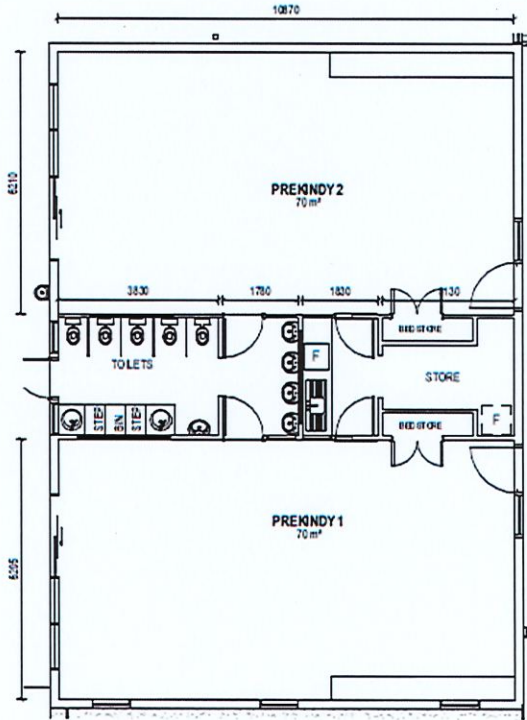
ADMIN ROOM LAYOUT
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1 TODDLERS FLOOR PLAN - PROPOSED
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2 PRE KINDY FLOOR PLAN - PROPOSED
1:100

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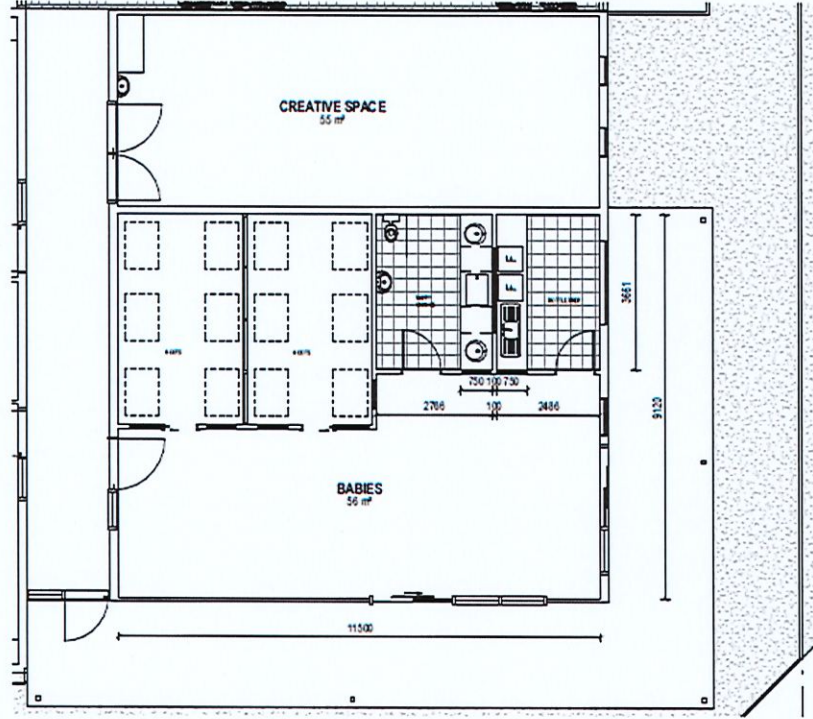
TODDLERS & PREKINDY ROOM
LAYOUT

 **KIDS CAMPUS MAREEBA**
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Kids Campus Mareeba 1:100 A3
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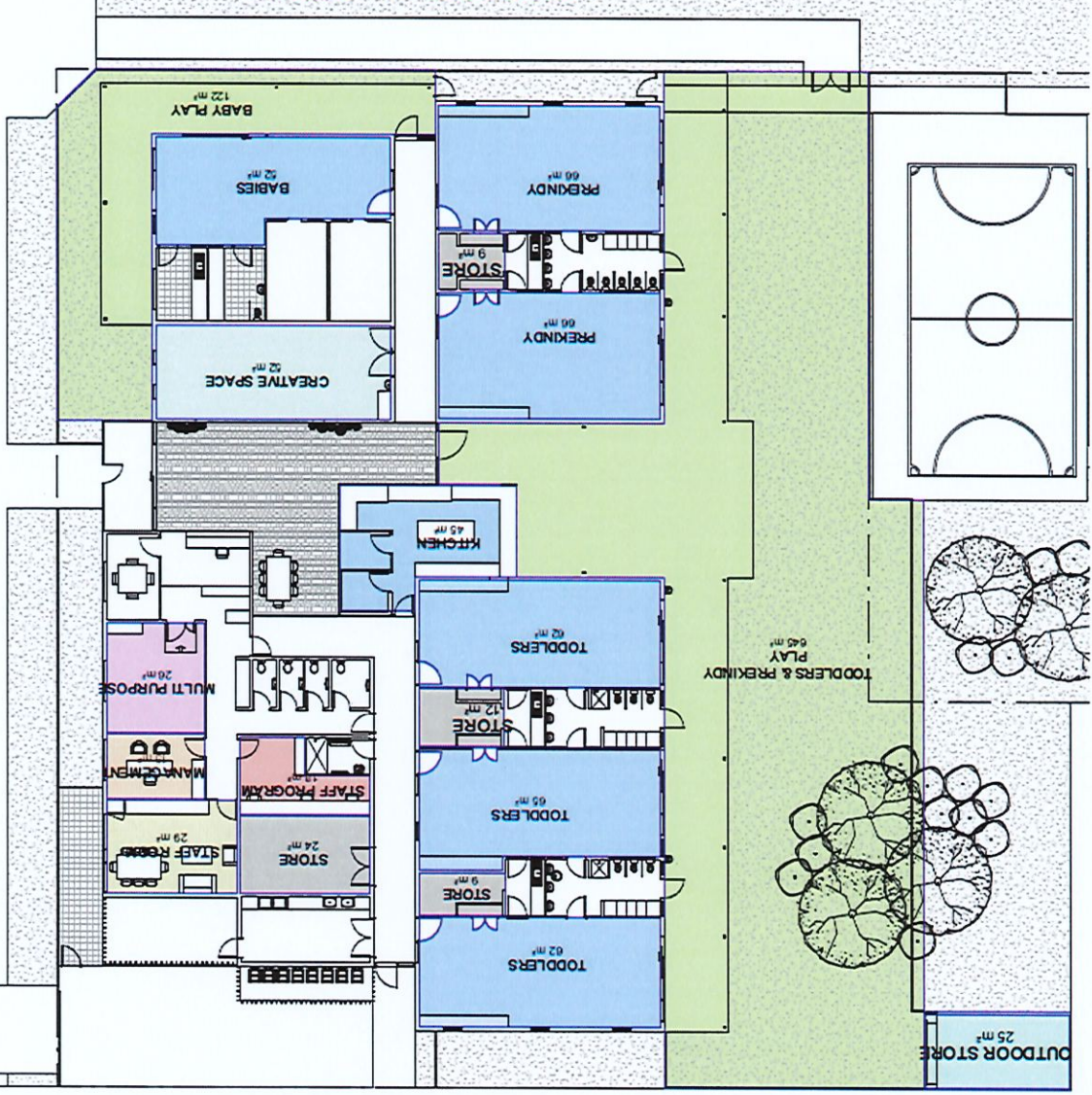
1 BABIES FLOOR PLAN - PROPOSED
1:100

INDOOR AREA CALCULATION		
PREKINDY	56 m ²	20
PREKINDY	55 m ²	20
TODDLERS	62 m ²	19
TODDLERS	55 m ²	20
TODDLERS	62 m ²	19
TODDLERS	52 m ²	19
TODDLERS	62 m ²	20
TOTAL	320 m ²	110

OUTDOOR AREA CALCULATION		
PREKINDY	56 m ²	20
PREKINDY	55 m ²	20
TODDLERS	62 m ²	19
TODDLERS & PREKINDY	645 m ²	92
TOTAL	122 m ²	17
OUTDOOR PLAY	757 m ²	109

STORAGE AREAS	
STORAGE	25 m ²
OUTDOOR STORE	26 m ²
STORE	12 m ²
STORE	9 m ²
STORE	9 m ²
STORE	79 m ²

OTHER INDOOR AREAS	
ROOM NAME	PROVIDED INDOOR AREA
BABIES	52 m ²
CREATIVE SPACE	52 m ²
KITCHEN	45 m ²
MANAGEMENT	15 m ²
MULTI PURPOSE	26 m ²
STAFF PROGRAM	18 m ²
STAFF ROOM	29 m ²
TOTAL	238 m ²



FLOOR
LICENSING PLAN - GROUND

K95 Campus Mareeba 1:200 @A3
19/08/2022 9:58:07 AM
DRAFT DRAWINGS
CA Architects

KIDS CAMPUS MAREEBA
67 Constance Street, Mareeba

Document No: 4146250
Version 1, Version Date: 06/05/2022

CA Architects
Suite 10 (Diverse) Torville
1-47 4031 6997
e: info@caarchitects.com.au

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.