



20 April 2023

Planning Officer: Carl Ewin  
Direct Phone: (07) 4086 4649  
Our Reference: MCU/23/0003  
Your Reference: 23.5065

Returned & Services League of Australia (QLD Branch)  
C/- Bartley Burns  
Unit 1/1027 Manly Road  
TINGALPA QLD 4173

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 19 April 2023, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: MCU/23/0003  
Street Address: 37 Walsh Street, Mareeba  
Real Property Description: Lot 3 on M35643  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use – Multiple Dwelling Extension  
Date of Decision: 19 April 2023



**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****(C) 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.

### 3.5 Letterbox

Each unit is to be provided with an individual letter box.

### 3.6 Clothes Drying area

A clothesline for units 9-12 is to be provided in accordance with the Drawing No. 21-058 Sheet No. 2 – Proposed Site Plan.

## 4. Infrastructure Services and Standards

### 4.1 Stormwater Drainage/Water Quality

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

### 4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with an additional four (4) on-site car parking spaces, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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.

### 4.3 Lighting

Where outdoor lighting is required the applicant/developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.



#### 4.4 Water Supply

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.

#### 4.5 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
21-058 Sheet 0	Cover Sheet	C & B Designs	30/07/2021
21-058 Sheet 1 P1	Existing Site Plan	C & B Designs	30/07/2021
21-058 Sheet 2 P1	Proposed Site Plan	C & B Designs	30/07/2021
21-058 Sheet 3 P1	Existing Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 4 P1	Existing Elevations	C & B Designs	30/07/2021
21-058 Sheet 5 P1	Demolition Plan	C & B Designs	30/07/2021
21-058 Sheet 6 P1	Proposed Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 7 P1	Proposed Elevations	C & B Designs	30/07/2021



21-058 Sheet 8 P1	Living& Kitchen Elevations	C & B Designs	30/07/2021
21-058 Sheet 9 P1	Bed & Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 10 P1	Ambulant Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 11 P1	Electrical Plan	C & B Designs	30/07/2021

#### ADVISORY NOTES

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

#### (D) 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.dccew.gov.au](http://www.dccew.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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).



**PROPERTY NOTES**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

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

**SUBMISSIONS**

Not Applicable.

**RIGHTS OF APPEAL**

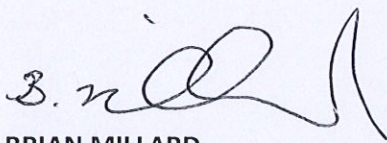
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



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

Enc: Approved Plans/Documents  
Appeal Rights



Approved Plans/Documents

# WARHAVEN ACCOMMODATION

FOR:  
RSL CORPORATE

AT:  
37 WALSH STREET,  
MAREEBA



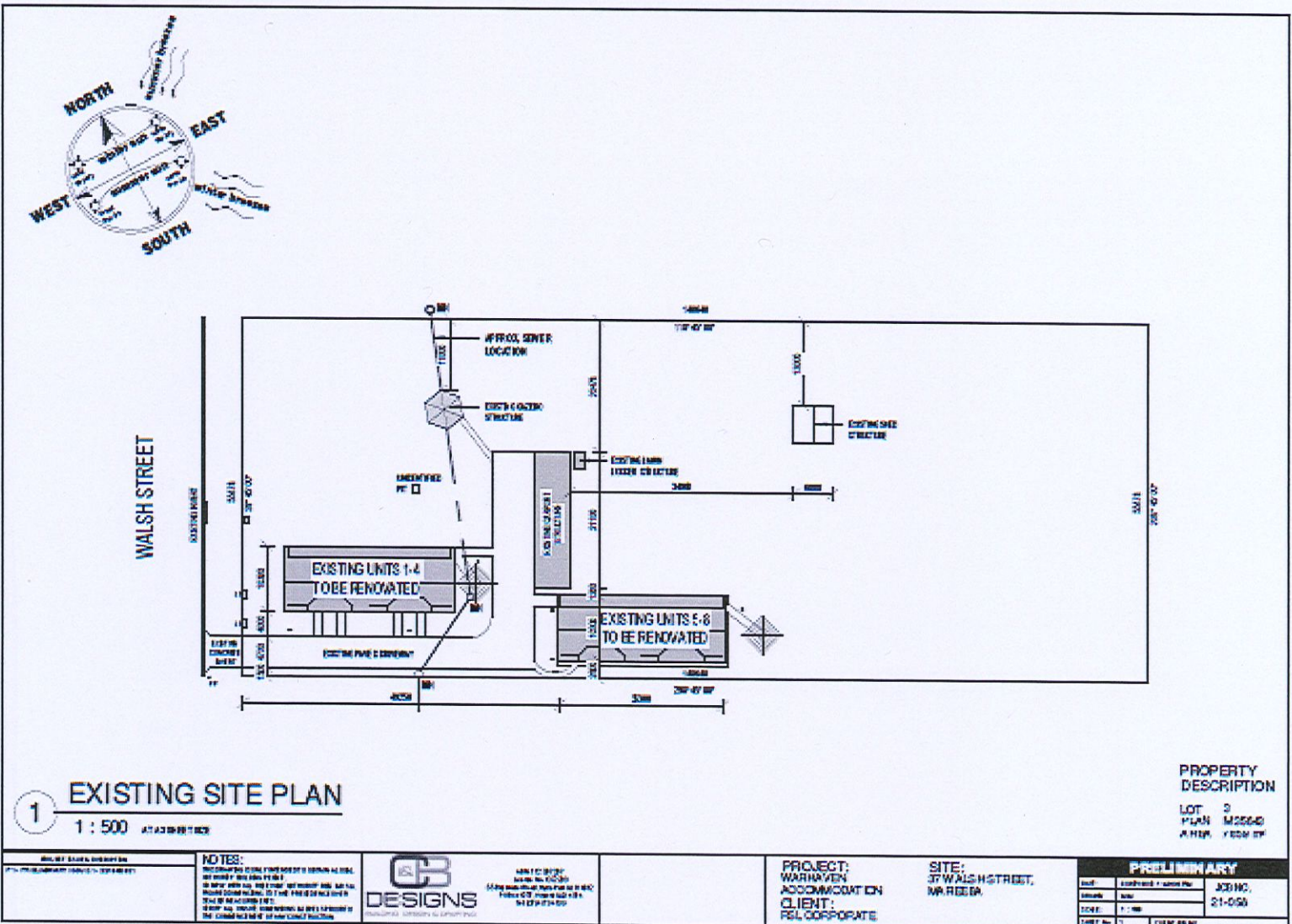
### DRAWING SCHEDULE:

- |   |                     |    |                             |
|---|---------------------|----|-----------------------------|
| 0 | COVER SHEET         | 8  | PROPOSED FLOOR PLAN         |
| 1 | EXISTING SITE PLAN  | 7  | PROPOSED ELEVATIONS         |
| 2 | PROPOSED SITE PLAN  | 6  | LIVING & KITCHEN ELEVATIONS |
| 3 | EXISTING FLOOR PLAN | 5  | BED & BATH ELEVATIONS       |
| 4 | EXISTING ELEVATIONS | 11 | ELECTRICAL PLAN             |
| 5 | DEMOLITION PLAN     |    |                             |

Job No.: 21-058  
PRINT DATE:  
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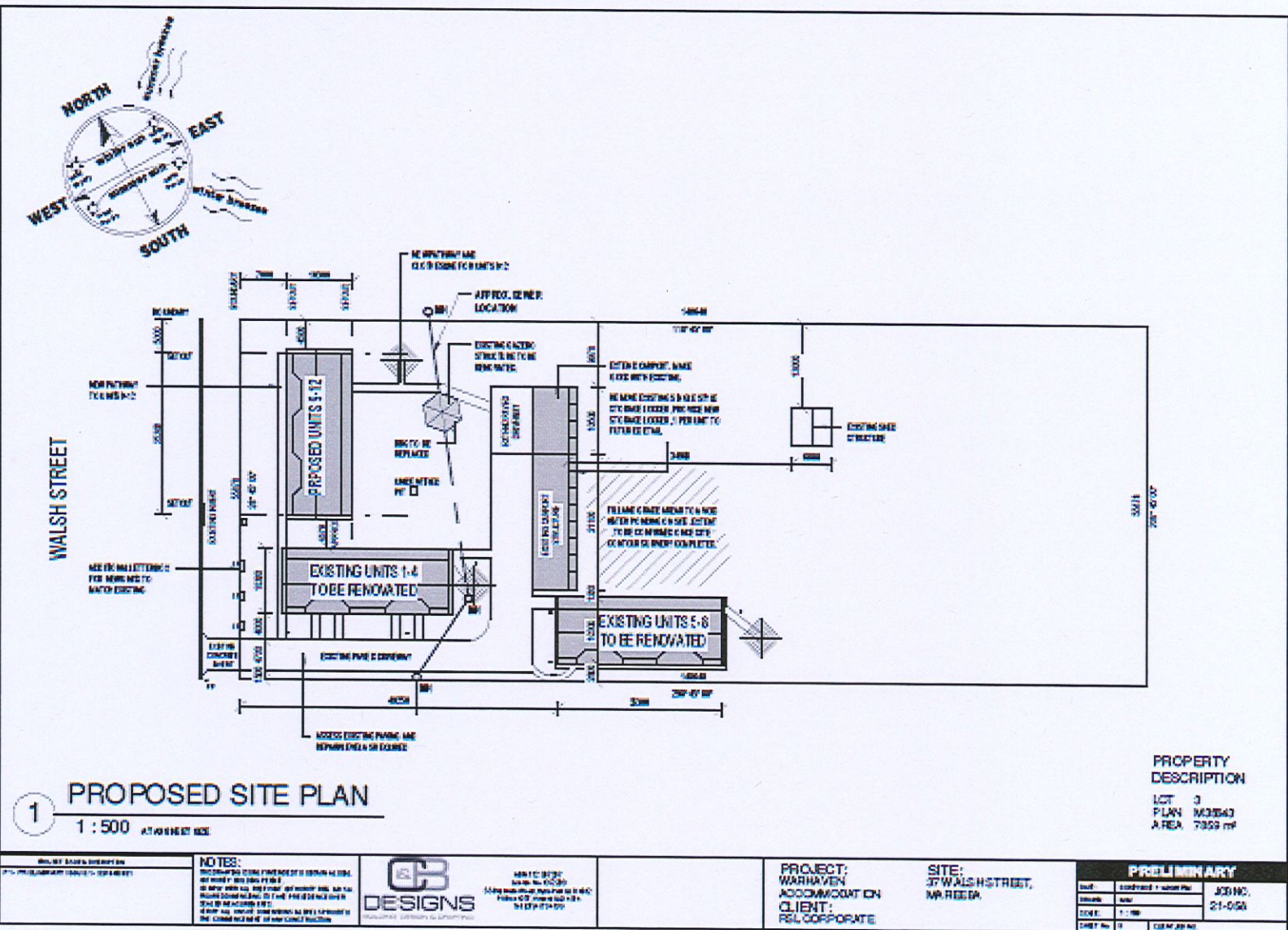
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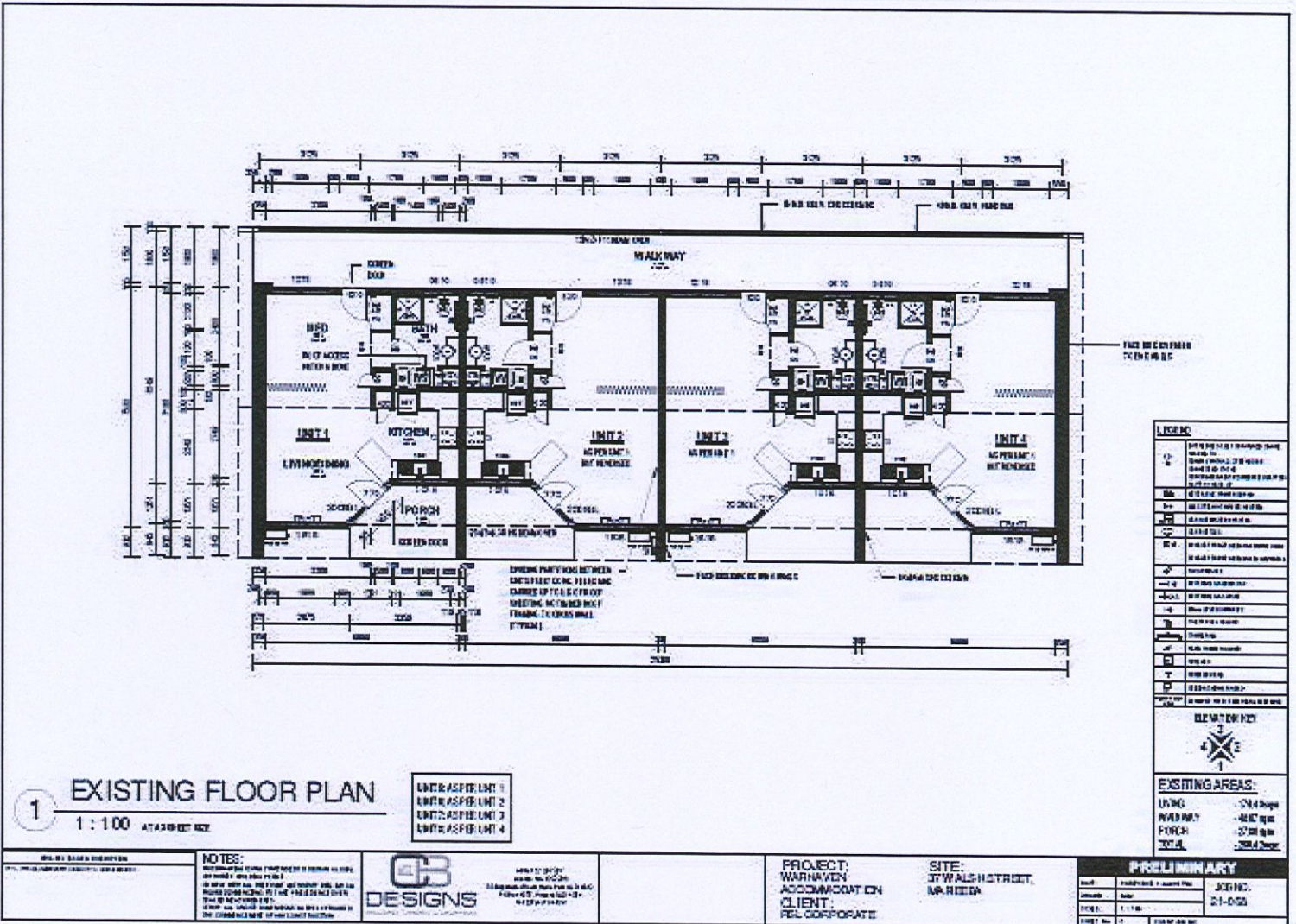
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S. J. [Signature]*



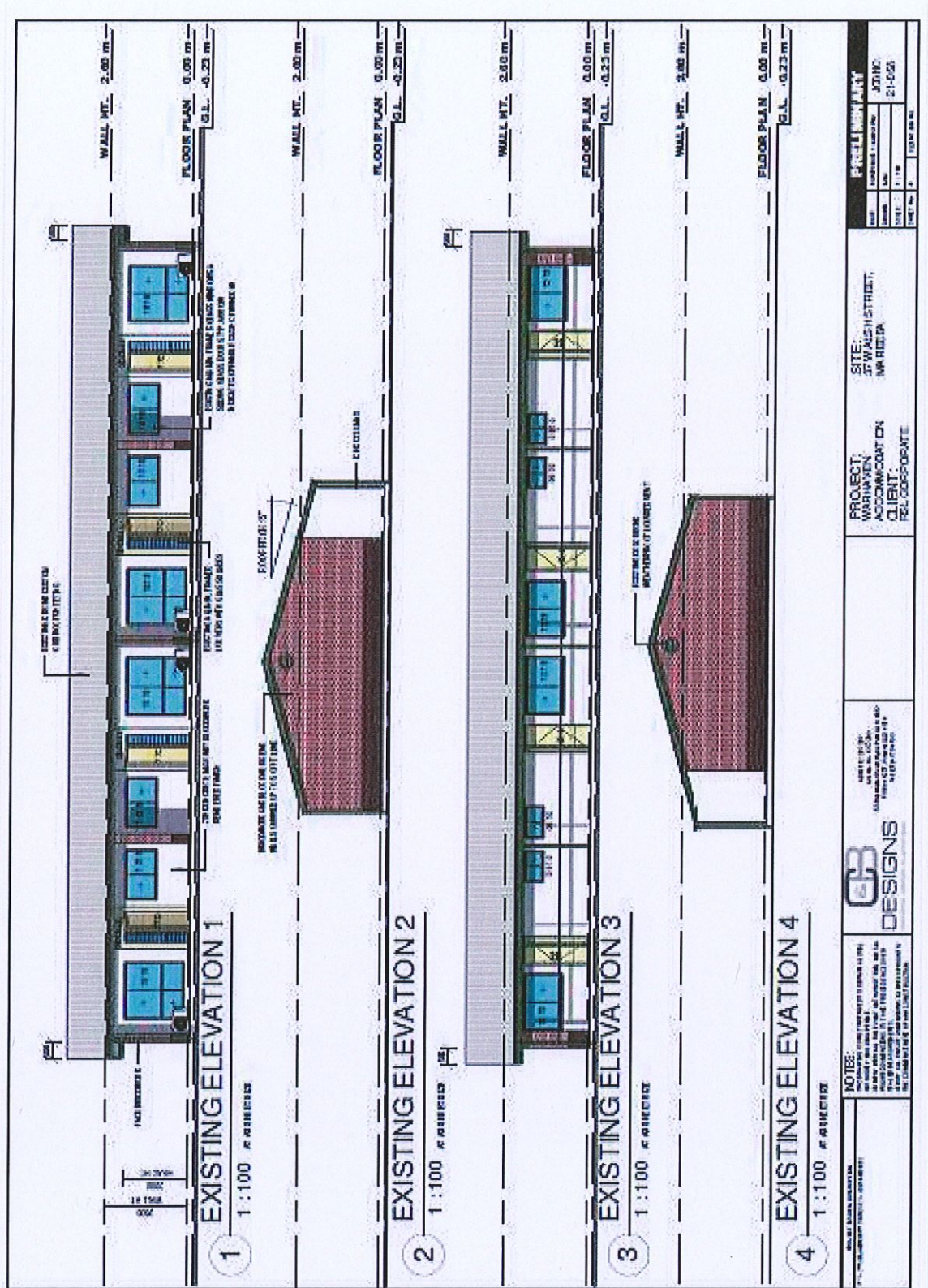


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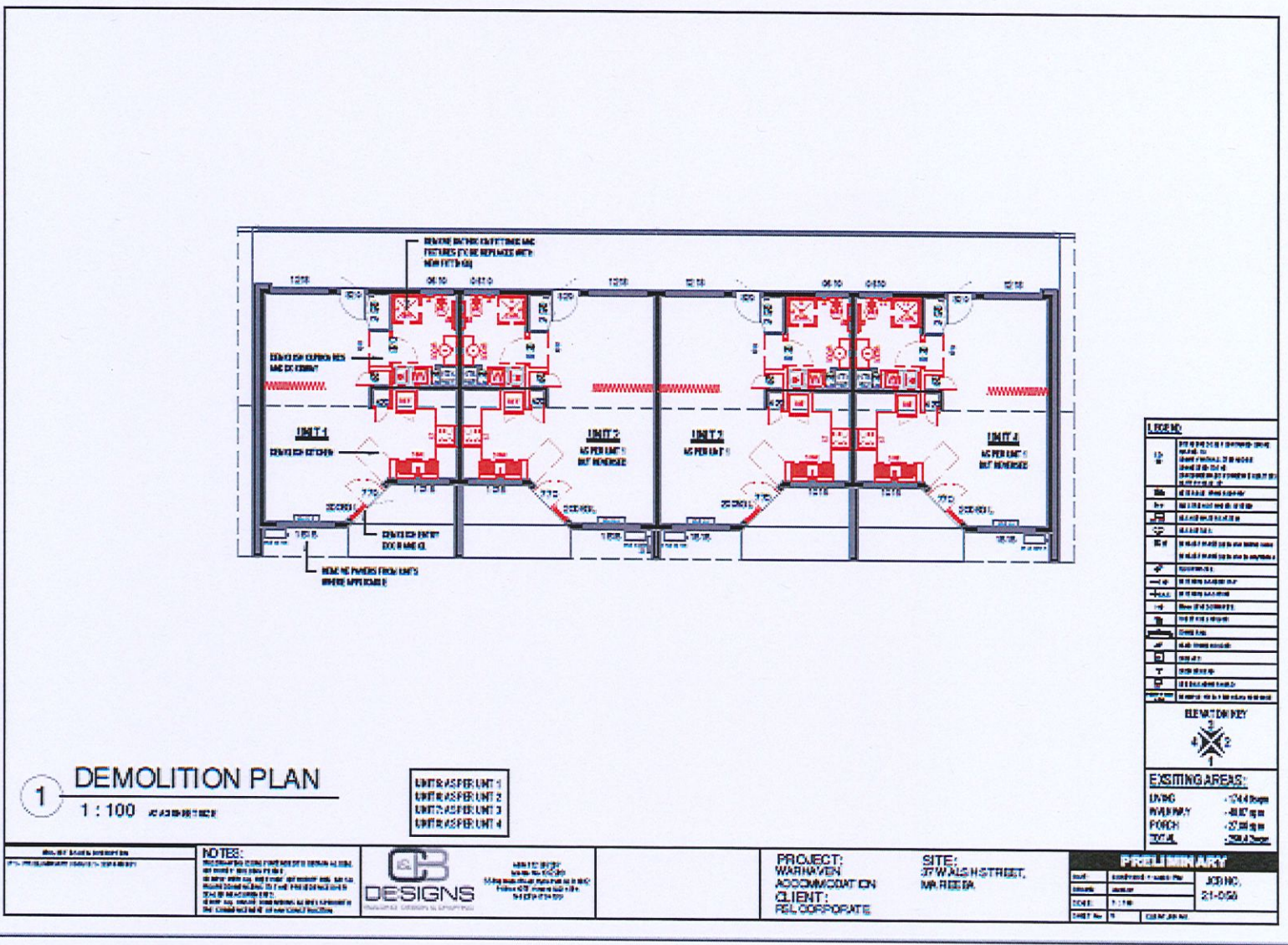






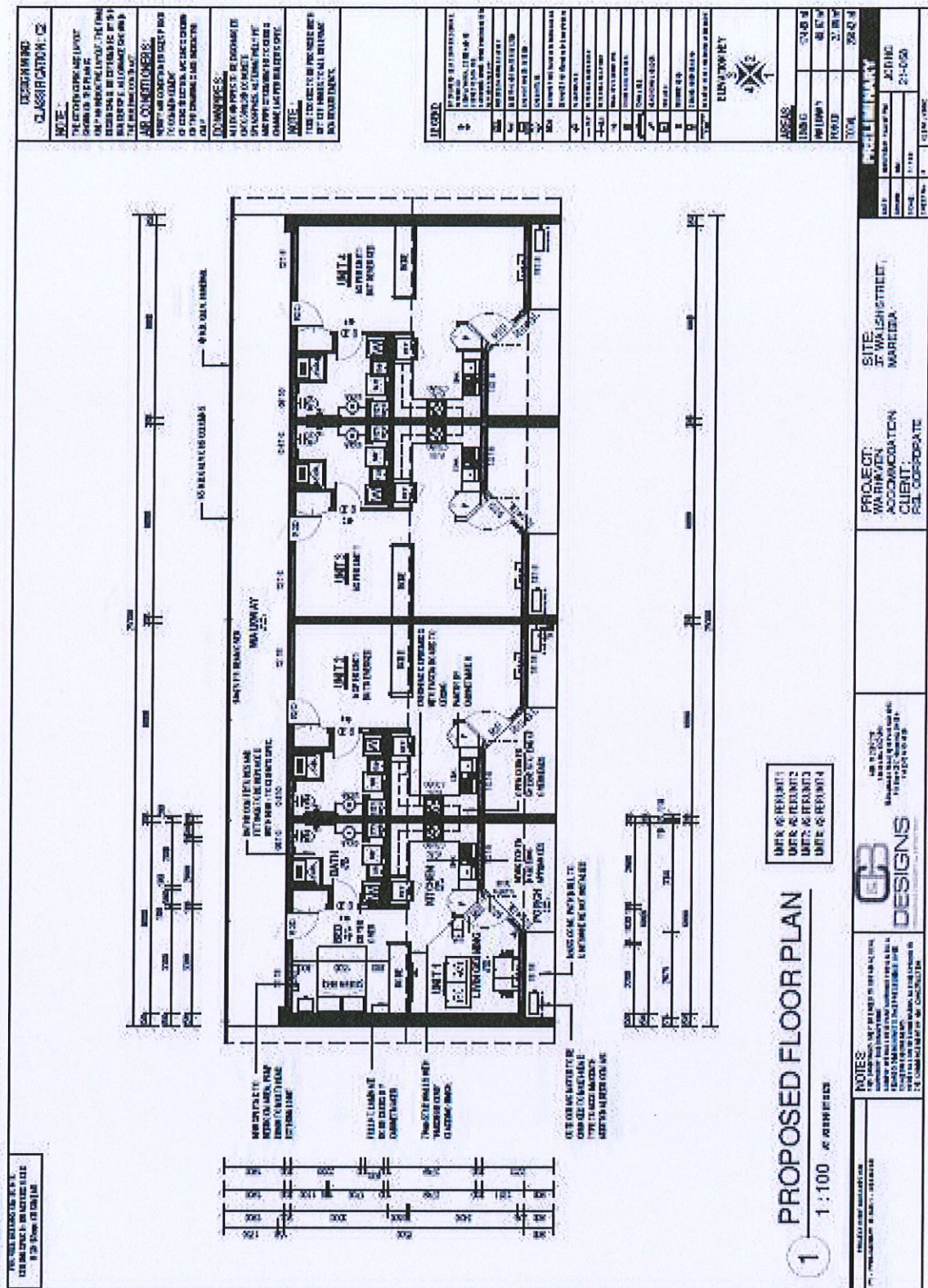
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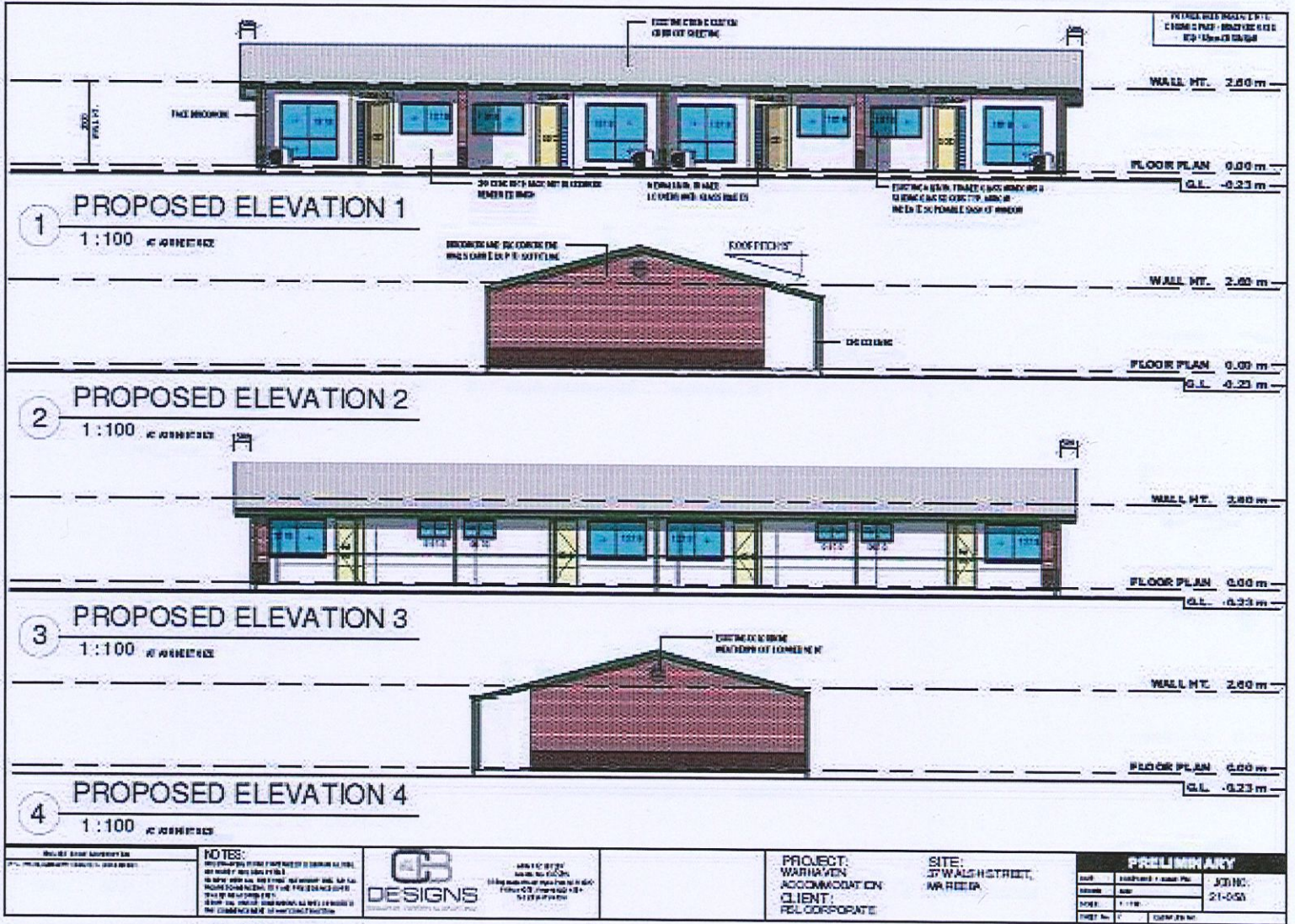
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**LIVING ELEV. 1**  
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**LIVING ELEV. 2**  
1 : 50

**LIVING ELEV. 3**  
1 : 50

**LIVING ELEV. 4**  
1 : 50

**KITCHEN ELEV. 1**  
1 : 50

**KITCHEN ELEV. 2**  
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**KITCHEN ELEV. 3**  
1 : 50

**KITCHEN ELEV. 4**  
1 : 50

**NOTES:**  
 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.  
 2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.  
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL.  
 4. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF THE ARCHITECT.

**PROJECT:**  
WARNAKEN  
ASSOCIATION ON  
CLIENT:  
REL CORPORATE

**SITE:**  
37 WALSH STREET,  
WARNAKEN

**PRELIMINARY**

DATE:	21-05-23
SCALE:	1:50
DRAWN BY:	CHRYSTAL NG

20/4/2023  
B.M.



**BED ELEV. 1**  
1 : 50

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**BED ELEV. 3**  
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**BED ELEV. 4**  
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**BATH ELEV. 1**  
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BATHROOM FITTINGS AND FIXTURES  
INDICATIVE ONLY. REFER TO DETAILS  
FOR ADDITIONAL INFORMATION.

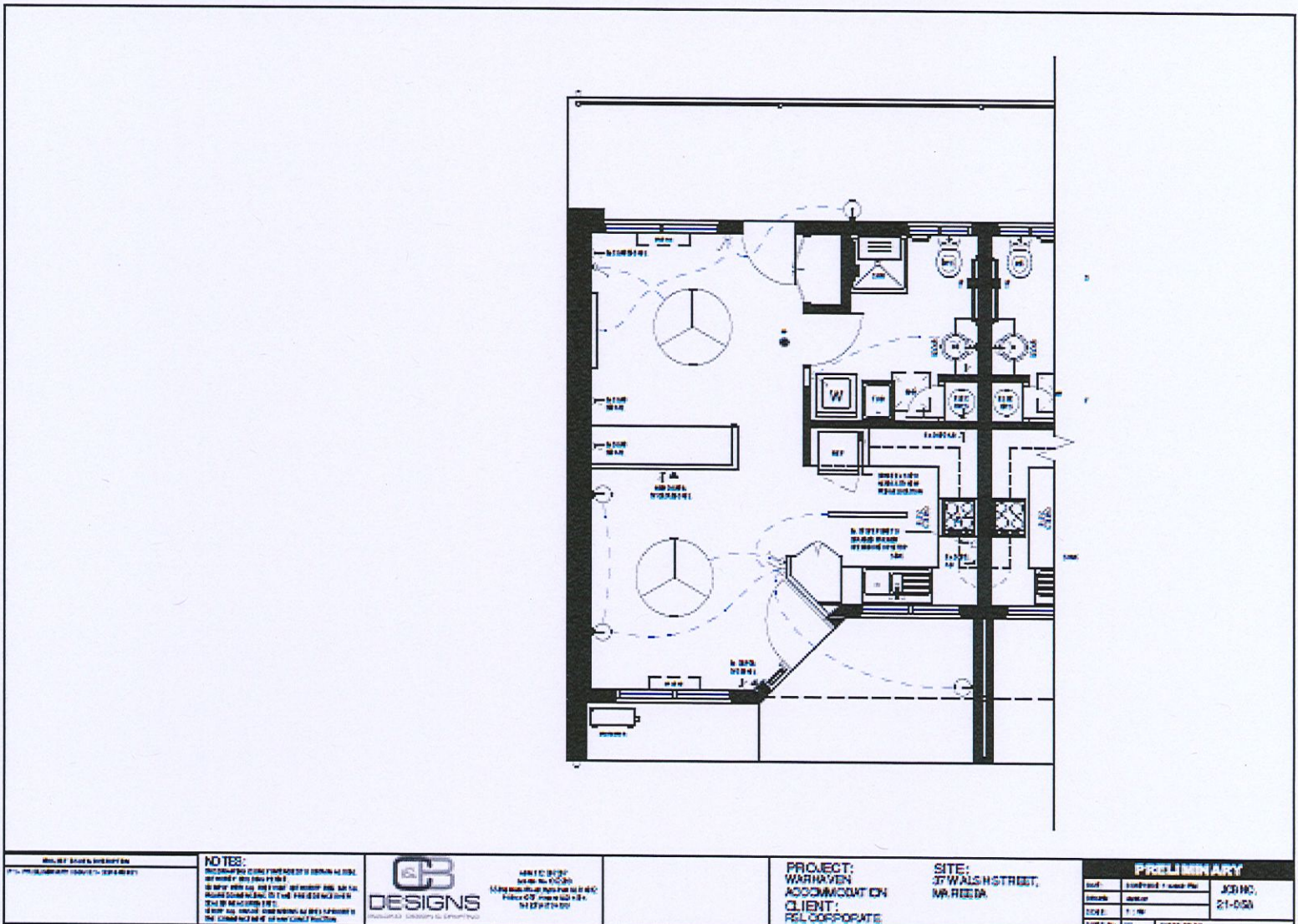
<p>ALL SET BACKS TO BE OBSERVED P.L. PRELIMINARY (REVISED) - SEP 2023</p>	<p><b>NOTES:</b> 1. CONSULT THE DESIGNER FOR ANY SPECIFIC REQUIREMENTS. 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS. 3. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.</p>	<p><b>DESIGNS</b> ARCHITECTURE &amp; INTERIOR DESIGN</p>	<p>PROJECT: WARHAYVEN ACCOMMODATION CLIENT: PSL CORPORATE</p>	<p>SITE: 37 WALSH STREET, MAREEBA</p>	<p><b>PRELIMINARY</b></p> <table border="1"> <tr> <td>DATE:</td> <td>21-05-23</td> </tr> <tr> <td>SCALE:</td> <td>1:50</td> </tr> <tr> <td>DRAWN BY:</td> <td>...</td> </tr> <tr> <td>CHECKED BY:</td> <td>...</td> </tr> </table>	DATE:	21-05-23	SCALE:	1:50	DRAWN BY:	...	CHECKED BY:	...
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20/4/2023  
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20/4/2023  
S. Reed



## 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.