



20 March 2023

Planning Officer: Carl Ewin
Direct Phone: (07) 4086 4656
Our Reference: MSC/23/0005
Your Reference: M1-23

T Body
C/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 15 March 2023 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/23/0005
Street Address: 58 Mason Street MAREEBA QLD 4880
Real Property Description: Lot 2 on RP714911
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Dual Occupancy
Date of Decision: 15 March 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

(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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.
 - 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 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.

The applicant 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.

3.6 Waste Management

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

3.7 Letterbox

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

3.8 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and road reserves.

3.9 The habitable sections of Unit B must achieve a finished floor height of at least RL 400.84m AHD in order to achieve a 300mm freeboard above the modelled Q100 flood height of RL 400.54m AHD.

4. Infrastructure Services and Standards

4.1 Access

All three access crossovers must be upgraded/constructed (from the edge of the Rankin and Mason Street Road pavements to the property boundary) in accordance with FNQROC Development Manual Standards, to the satisfaction of Council's delegated officer.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

Carparking must be provided for each unit in accordance with that shown on the submitted plans, with each unit being provided with at least 1 undercover car parking space and 1 visitor parking space (covered or uncovered), which are available solely for the parking of vehicles associated with the use of the premises.

4.4 Fencing

Prior to the commencement of the use, solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fencing (of neutral colour) is to be erected along the full length of the southern boundary of the site up to the southern wall of Unit B, and between Units A and B as depicted on the submitted plans.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Lighting

Where outdoor lighting is required the 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.

4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the 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.

Each unit is required to be **separately metered**.

4.7 Sewerage Connection

The 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 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
1115 Sheet 1	Site Plan	Home Improvement Designers	13/12/22
1115 Sheet 2	Site Survey Plan	Home Improvement Designers	13/12/22
1115 Sheet 3	Building Layout Plan	Home Improvement Designers	08/02/23
1115 Sheet 4	Proposed Floor Plan	Home Improvement Designers	13/12/22
1115 Sheet 5	Elevations 1	Home Improvement Designers	13/12/22
1115 Sheet 6	Elevations 2	Home Improvement Designers	13/12/22

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) 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.

(b) 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.

(c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

(d) 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.

(e) 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.

(f) 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

(g) 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
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

Approved Plans/Documents



PRELIMINARY

SITE PLAN

1:200

SITE SOIL CLASSIFIED CLASS M ASSUMED

AIR PHOTO & BOUNDARY LOCATION FROM QUEENSLAND GLOBE

LOT AREA 809m²

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

T. Body
58 Mason Street
Mareeba Lot 2 RP714911

**Proposed Dual Occupancy
Site Plan**

BD
Building
Design
Queensland
MEMBER

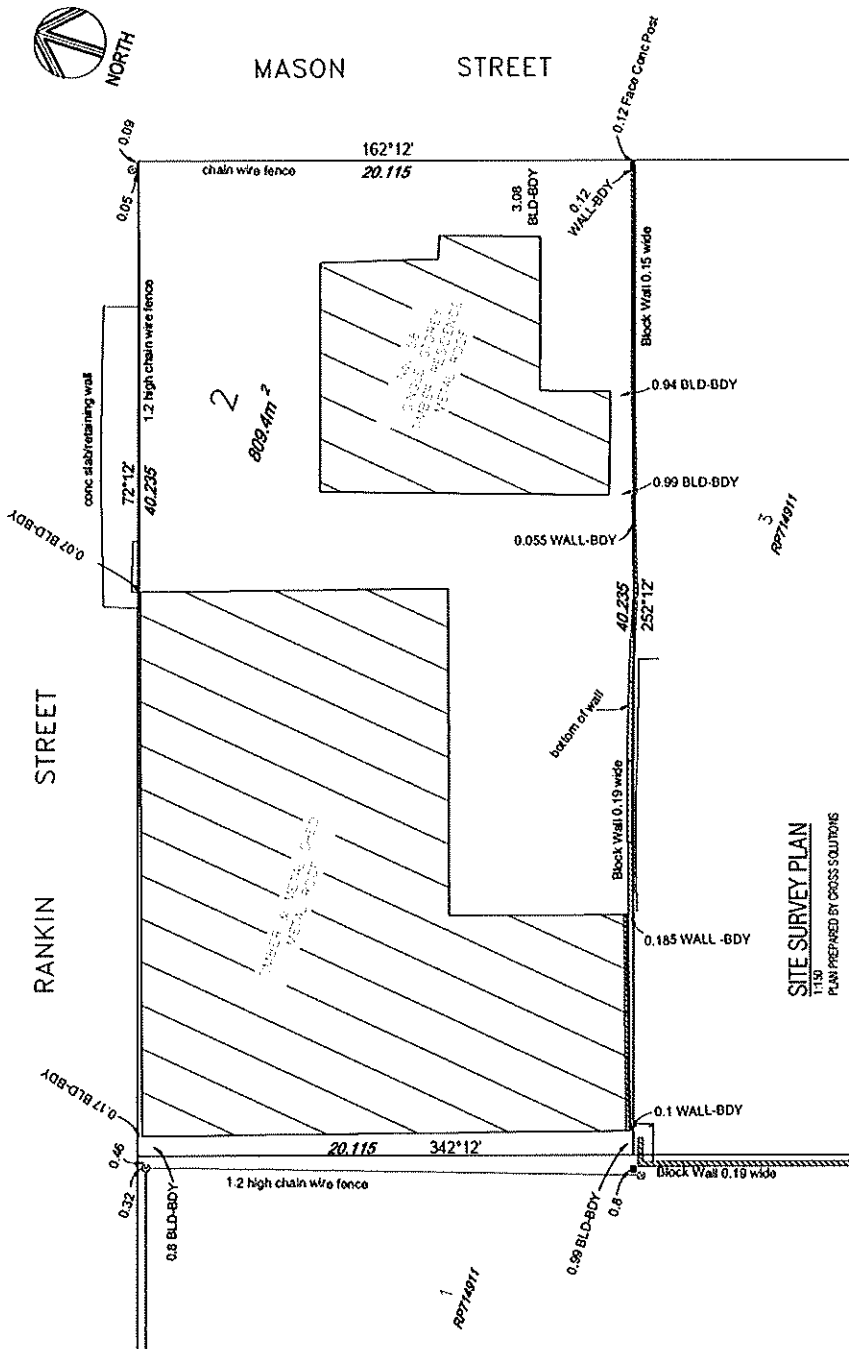
**HOME
IMPROVEMENT
DESIGNERS**
A.B.N. 29 093 275 737

P.O. Box 1062 Malanda 4885
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DRAWN: K.B.	JOB No: 1115
DATE: 13.12.22	SHEET 1
DRAWING SIZE: A3	SCALE: AS SHOWN

Document SM ID: 410416
Version: 1, Version Date: 26/02/2023

20/3/2023
B. M. [Signature]



DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

DRAWN	K.D.	DATE	13.12.22
PRIN	1115	SHEET	2
SCALE	A3	AS SHOWN	

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HOME IMPROVEMENT DESIGNERS
 A.B.N. 20 963 275 737

Building Design Queensland MEMBER



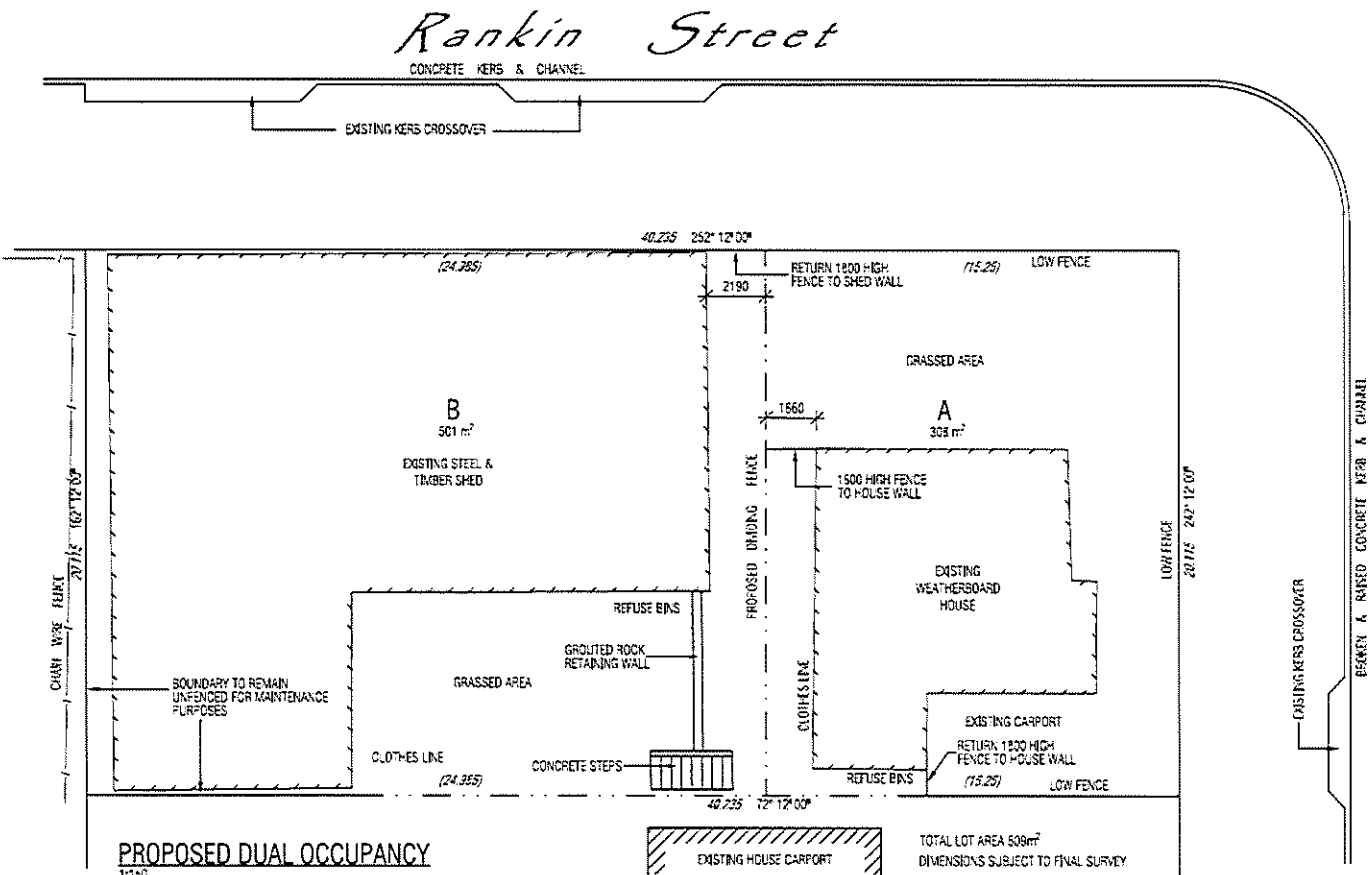
Proposed Dual Occupancy Site Survey Plan

T. Body
 58 Mason Street
 Mareeba Lot 2 RP714911

SITE SURVEY PLAN
 1:150
 PLAN PREPARED BY CROSS SOLUTIONS

Document Set ID: 4186495
 Version: 1, Version Date: 24/02/2023

20/3/2023
 B. [Signature]



PROPOSED DUAL OCCUPANCY

1:150
REFER SURVEY PLAN BY 'CROSS SOLUTIONS' FOR EXISTING STRUCTURE TO BOUNDARY OFFSETS
DIVIDING FENCE 1800 HIGH ALONG COMMON PROPERTY BOUNDARYS & BETWEEN BUILDINGS

TOTAL LOT AREA 509m²
DIMENSIONS SUBJECT TO FINAL SURVEY

Swelling Unit	A	B
GFA	100	339
Site Coverage %	12	42

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

*20/3/2023
B. in [Signature]*

T. Body
58 Mason Street
Mareeba Lot 2 RP714911

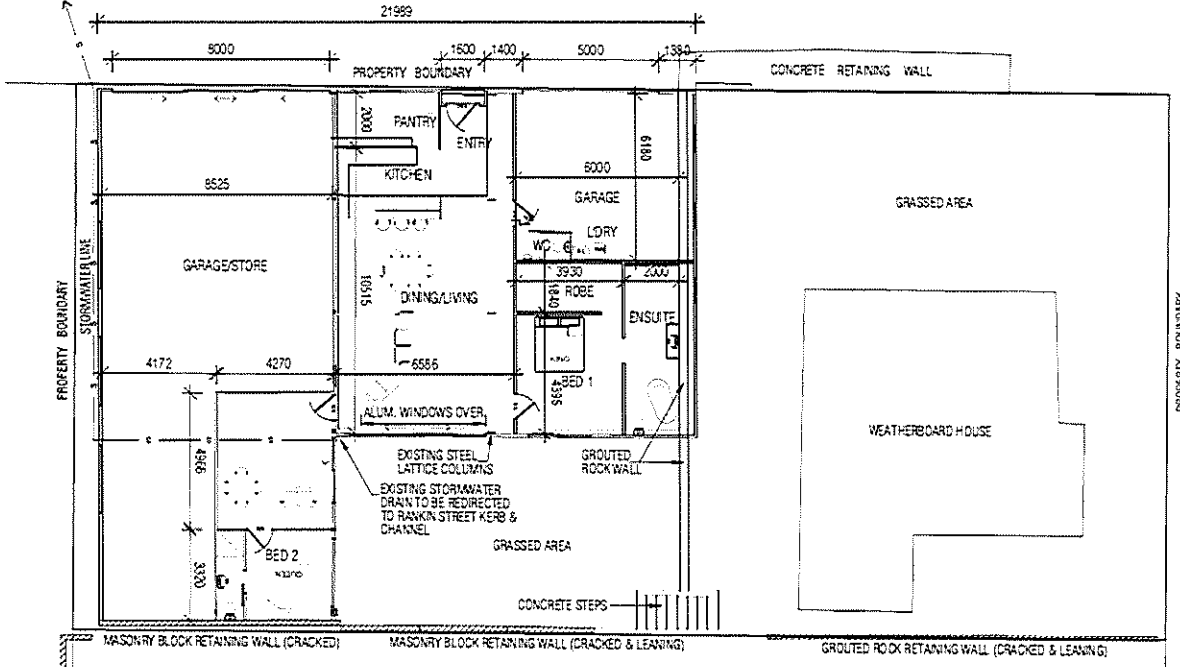
**Proposed Dual Occupancy
Building Layout Plan**



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DRAWN: K.B.	JOB NO: 1115
DATE: 8.2.23	SHEETS: 3
DRAWING SIZE: A3	SCALE: AS SHOWN



PROPOSED SHED FLOOR PLAN
1:150
ALL DIMENSIONS TO BE CHECKED ON SITE

20/3/2023
R. n. [Signature]

Document SAUD 419414
Version 1, Version Date: 24/02/2023

T. Body
58 Mason Street
Mareeba Lot 2 RP714911

**Proposed Dual Occupancy
Proposed Floor Plan**

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Building Design
Queensland
MEMBER

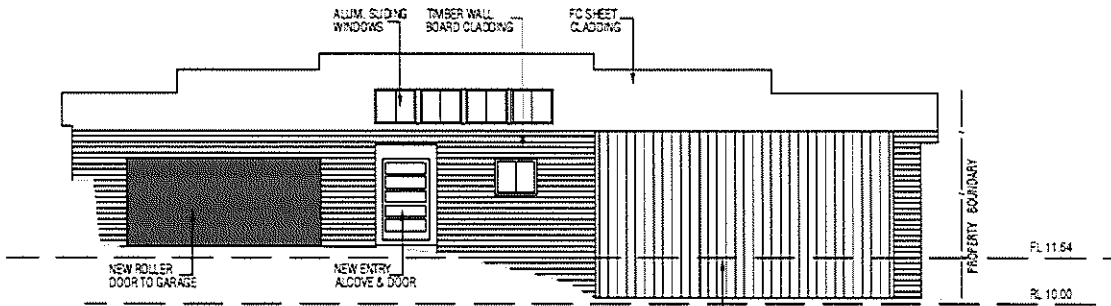
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DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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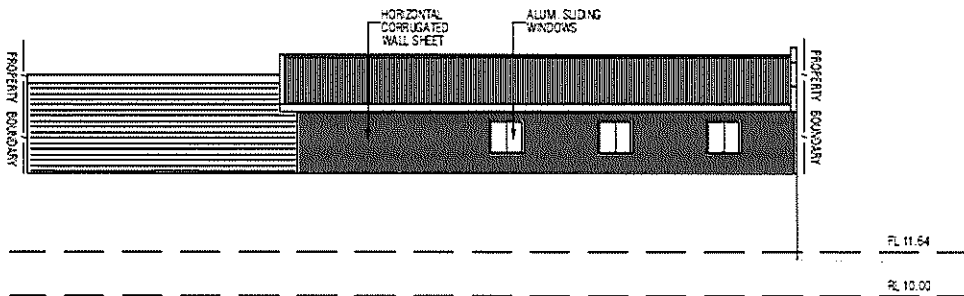
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DATE	13.12.22	SHEET	4
DRAWING SIZE	A3	SCALE	AS SHOWN

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Version: 1, Version Date: 24/02/2023



PROPOSED SHED NORTH ELEVATION

1:100
EXISTING STRUCTURE OVERALL DIMENSIONS & FOOTPRINT TO BE MAINTAINED



PROPOSED SHED EAST ELEVATION

1:100

20/3/2023
J.B. n.i.

T. Body
58 Mason Street
Mareeba Lot 2 RP714911

Proposed Dual Occupancy Elevations 1

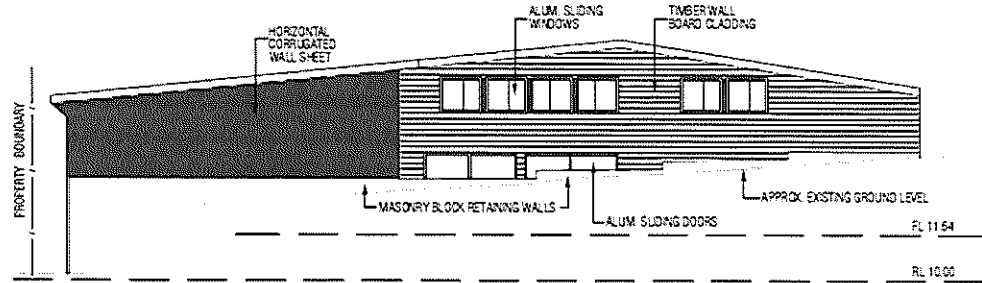
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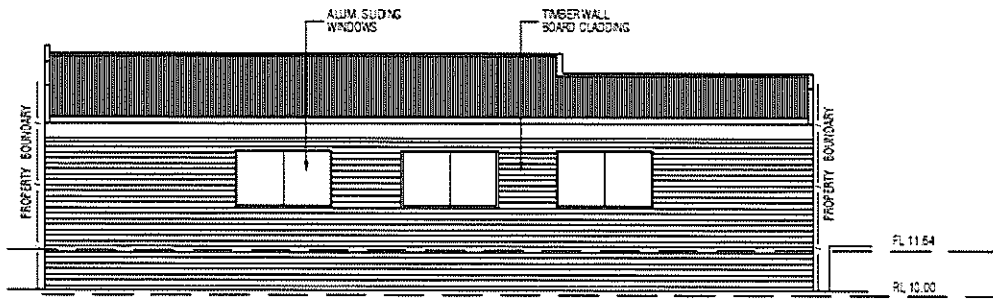
P.O. Box 1062 Malanda 4885
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DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

DRAWN	K.B.	JOB NO	1115
DATE	13.12.22	SHEET	5
DRAWING SIZE	A3	SCALE	AS SHOWN



PROPOSED SHED SOUTH ELEVATION
1:100



PROPOSED SHED WEST ELEVATION
1:100

Document SH ID: 4180496
Version: 1, Version Date: 24/02/2023

20/3/2023
T. Body

<p>T. Body 58 Mason Street Mareeba Lot 2 RP714911</p>	<p>Proposed Dual Occupancy Elevations 2</p>
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DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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DRAWING SIZE	A3	SCALE	AS SHOWN

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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.