

19 June 2024

Planning Officer: Carl Ewin  
Direct Phone: 4086 4649  
Our Reference: MCU/24/0006  
Your Reference: DA/24/0017

G Raso and A Raso  
Mareeba Tyrepower  
C/- Northern Building Approvals  
3B Margherita Close  
MAREEBA QLD 4880

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 19 June 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

|                            |  |
|----------------------------|--|
| Application No:            | MCU/24/0006                                |
| Street Address:            | 141 - 143 Walsh Street, Mareeba            |
| Real Property Description: | Lot 902 and Lot 903 on M3565               |
| Planning Scheme:           | Mareeba Shire Council Planning Scheme 2016 |

#### DECISION DETAILS

|                   |   |
|-------------------|---|
| Type of Decision: | Approval  |
| Type of Approval: | Development Permit for Material Change of Use<br>Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop) |
| Date of Decision: | 19 June 2024  |



**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 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.

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover must be constructed (from the edge of Walsh Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.



#### 4.2 Frontage Works

The applicant/developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- A two (2) metre wide concrete footpath along the full frontage of the site to Walsh Street.
- Adjustments and relocations necessary to public utility services resulting from these works.

#### 4.3 Stormwater Management

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

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

#### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure the development is provided with three (3) on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

4.4.2 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.

4.4.3 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.

#### 4.5 Landscaping and Fencing

4.5.1 Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.



4.5.2 The landscape plan must include landscaping and fencing generally in accordance with the approved Site Plan (24002 Sheet 02 Rev A) and in 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.

4.5.3 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 site's common boundary with Lot 0 on BUP70464 and Lot 915 on M3565.
- (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.

4.5.4 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.

4.5.5 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.

#### 4.6 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 residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.7 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.

#### 4.8 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.



**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

| Plan/Document Number | Plan/Document Title        | Prepared by                | Dated       |
|----------------------|----------------------------|----------------------------|-------------|
| 24002 Sheet 02 A     | Site Plan                  | -                          | 20/02/24    |
| 24002 Sheet 03 A     | Floor Plan                 | -                          | 20/02/24    |
| 24002 Sheet 04 A     | Elevations                 | -                          | 20/02/24    |
| 24002 Sheet 05 A     | Elevations                 | -                          | 20/02/24    |
| RSCL-977158 01 Rev 1 | Contract Plans (Elevation) | Rapid Sheds & Construction | 01-Mar-2024 |
| RSCL-977158 02 Rev 1 | Contract Plans (Floor)     | Rapid Sheds & Construction | 01-Mar-2024 |
| RSCL-977158 03 Rev 1 | Contract Plans (Roof)      | Rapid Sheds & Construction | 01-Mar-2024 |

**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) A Trade Waste Permit may be required prior to the commencement of use.
- (c) 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.

- (d) 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.



(e) 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.dcceew.gov.au](http://www.dcceew.gov.au).

(f) 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).

(g) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](http://Electric%20ants%20in%20Queensland%20-%20Business%20Queensland) or contact Biosecurity Queensland 13 25 23.

|                |
|----------------|
| 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**

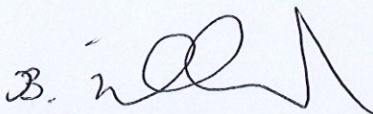
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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

Yours faithfully



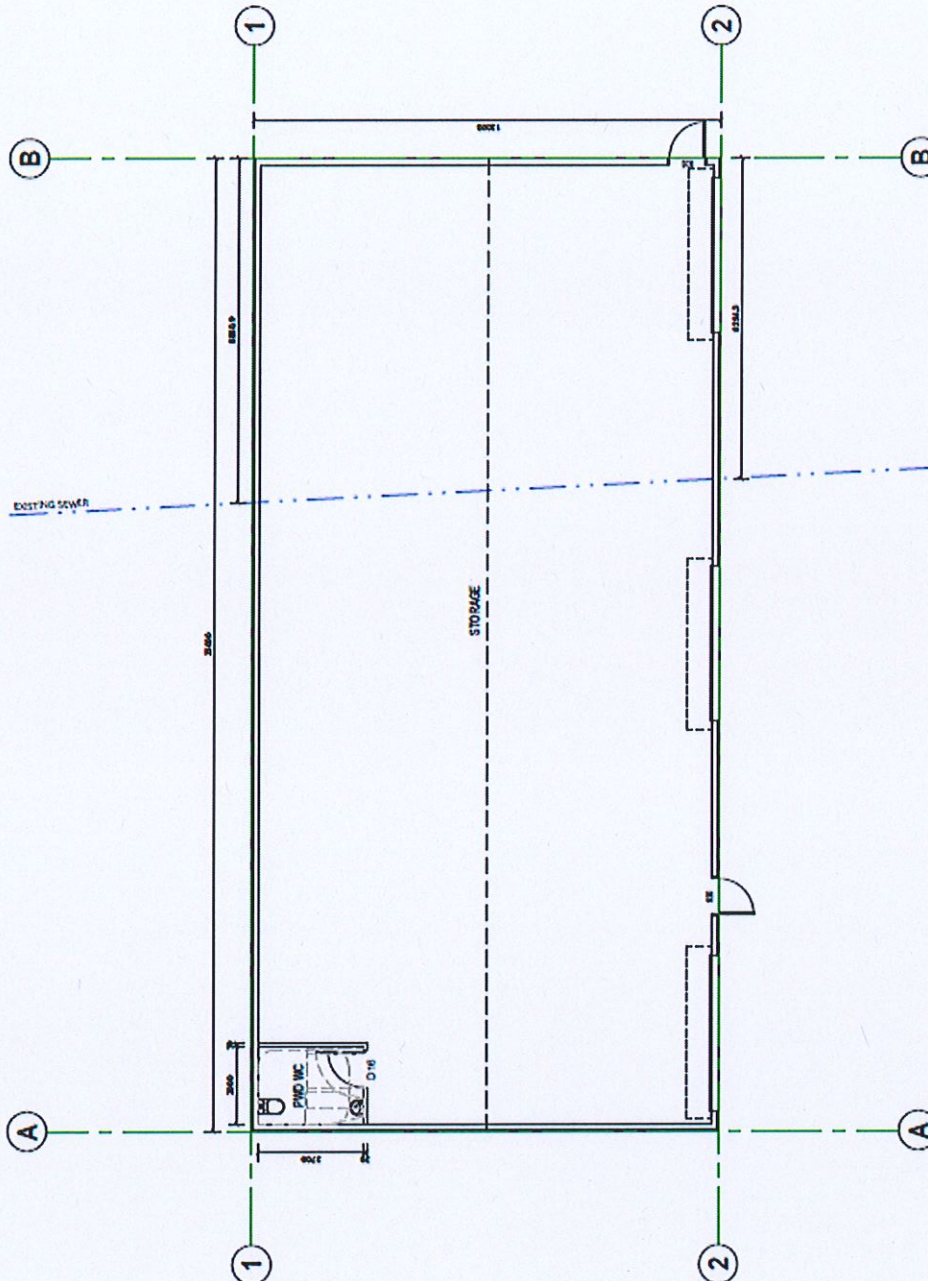
**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

Enc:   Approved Plans/Documents  
      Appeal Rights









|                  |                        |                  |                       |
|------------------|------------------------|------------------|-----------------------|
| SHEET NO.        | 03                     | SCALE:           | 1:100 AT A3           |
| DRAWN BY ENG     | WAC                    | REF TO DRAWINGS: | 34002                 |
| CHECKED BY ENGR  |                        |                  |                       |
| DATE OF REVISION | 09/08/2024             | BY               | 5/08/24, JG, SK, K, R |
| PROJECT NAME:    | 13/03/2024 5:16 PM PMA |                  |                       |

**FLOOR PLAN**

PRELIMINARY ISSUE

|     |      |             |   | CLIENT   | THE POWER MARREDA                   |
|-----|------|-------------|---|----------|-------------------------------------|
|     |      |             |   | PROJECT  | PROPOSED STORAGE SHED               |
|     |      |             |   |          | LOC 300 ON MC6865                   |
|     |      |             |   |          | 141 WALLEY STREET                   |
|     |      |             |   |          | MARREDA                             |
|     |      |             |   |          | VARIATIONS INCLUDED IN THIS DRAWING |
| No. | DATE | DESCRIPTION | A | 20/02/24 | PRELIMINARY ISSUE                   |

|                      |                       |
|----------------------|-----------------------|
| FLOOR AREAS LEIGE NO | 300.00 m <sup>2</sup> |
| STORAGE 9-10         | 300.00 m <sup>2</sup> |

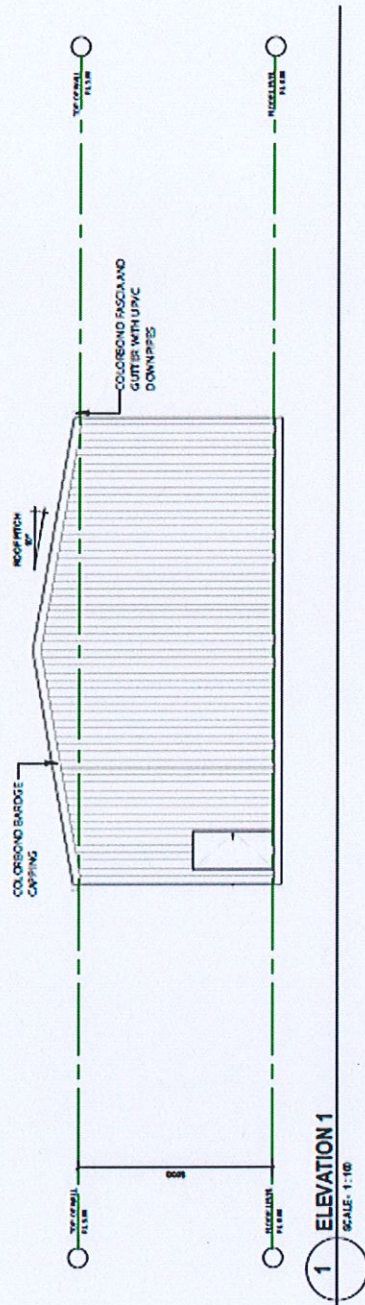
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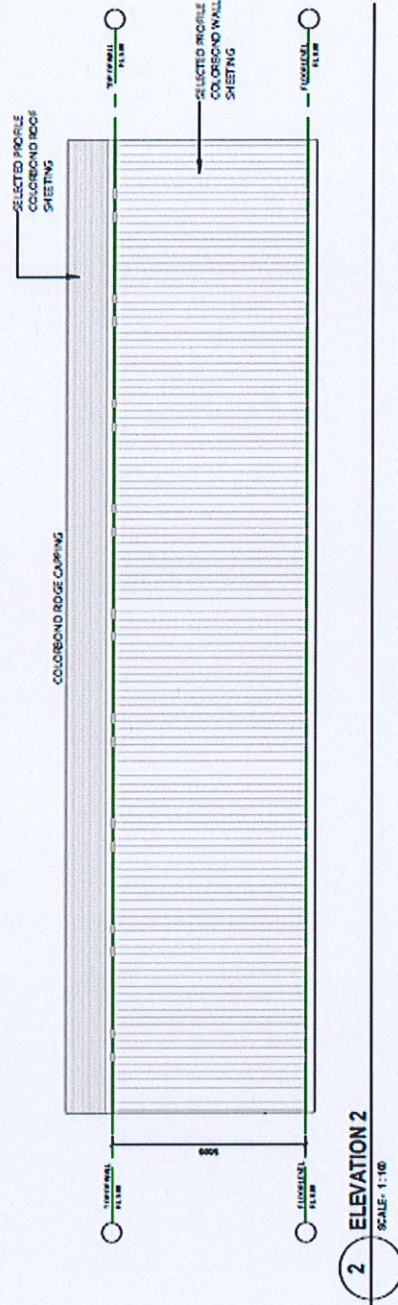
19/6/2024

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1 ELEVATION 1  
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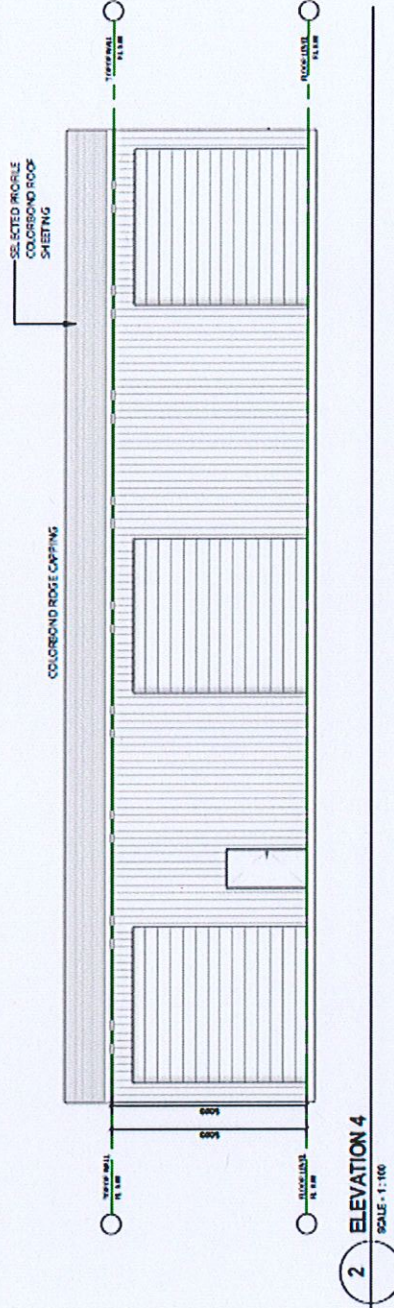
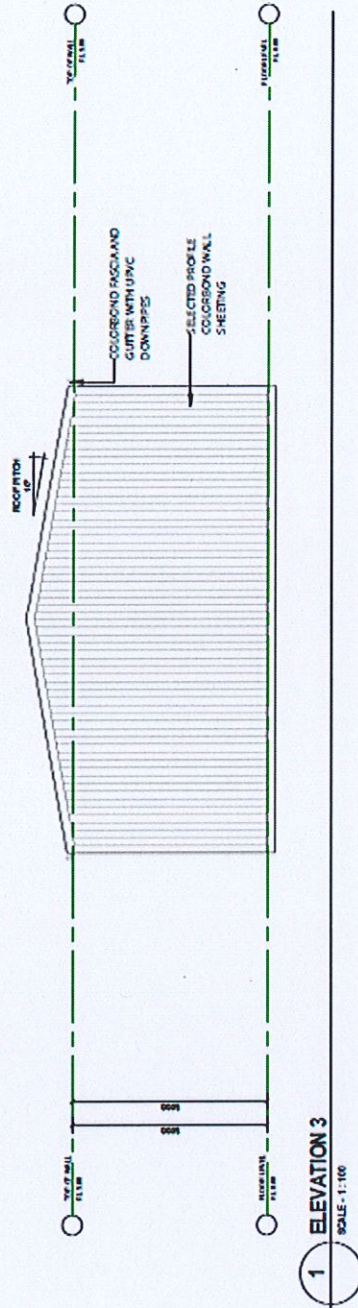
2 ELEVATION 2  
SCALE: 1:100

| ELEVATIONS                          |                       | PRELIMINARY ISSUE |                       |
|-------------------------------------|-----------------------|-------------------|-----------------------|
| CLIENT                              | THIRY POWER MARIEBA   | PROJECT           | IMPROVED STORAGE SHED |
| PROJECT                             | IMPROVED STORAGE SHED | LOCATION          | 141 WALSH STREET      |
| DATE                                | 20/02/24              | DESCRIPTION       | MAREEBA               |
| VARIATIONS INCLUDED IN THIS DRAWING |                       |                   |                       |
| No.                                 | A                     | DATE              | 20/02/24              |

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B. [Signature]



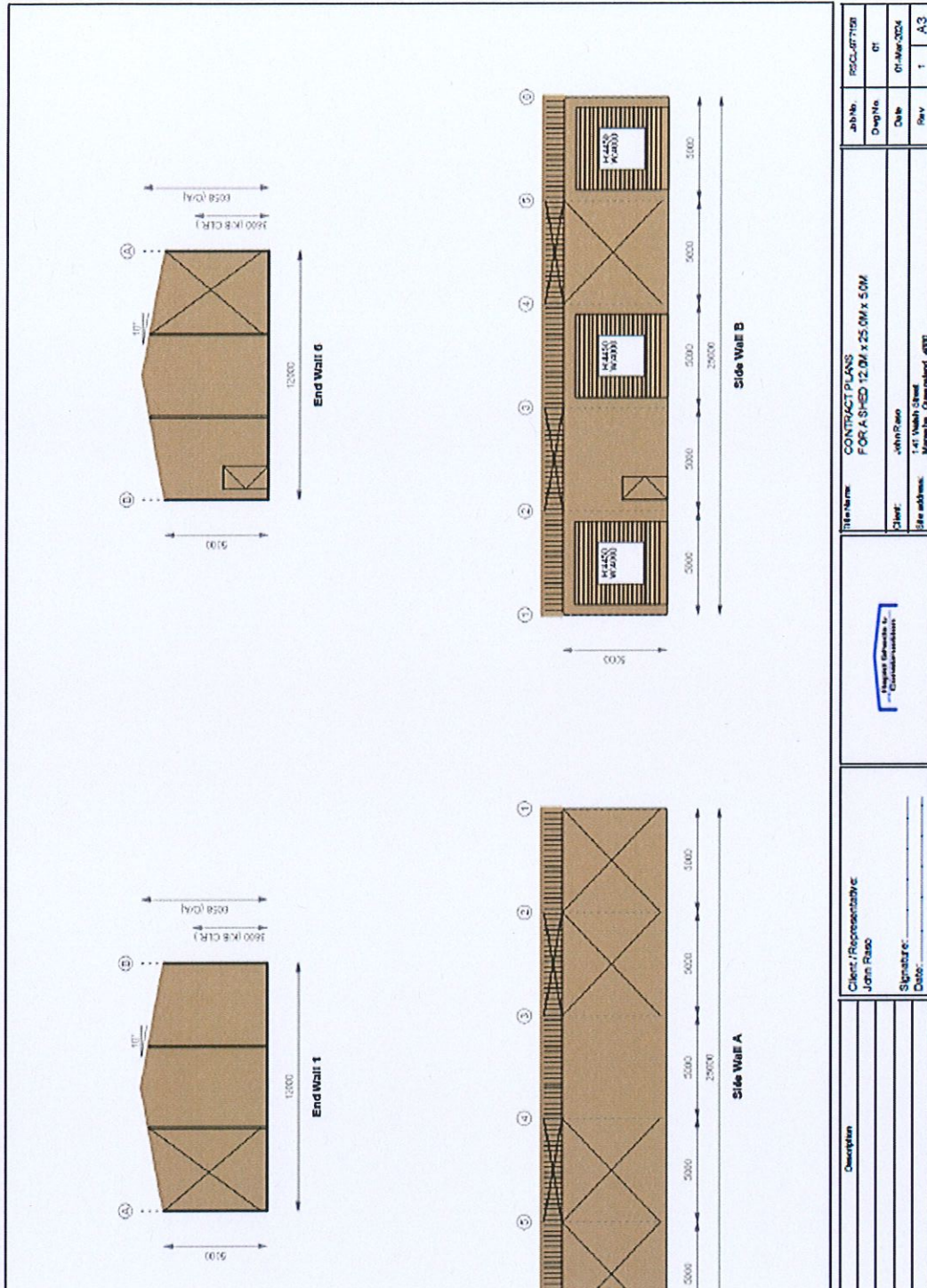


| ELEVATIONS       |                          | PRELIMINARY ISSUE              |                                |
|------------------|--------------------------|--------------------------------|--------------------------------|
| DATE: 05/05/2024 | SCALE: 1:100             | PROJECT: PROPOSED STORAGE SHED | 141 WALSH STREET, MAREEBA      |
| DRAWN BY: MC     | PROJECT: 24002           | DATE: 20/02/24                 | DESCRIPTION: PRELIMINARY ISSUE |
| CHECKED BY: MC   | DATE: 13/03/2024 3:16 PM | NO.                            |                                |

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28. ncl

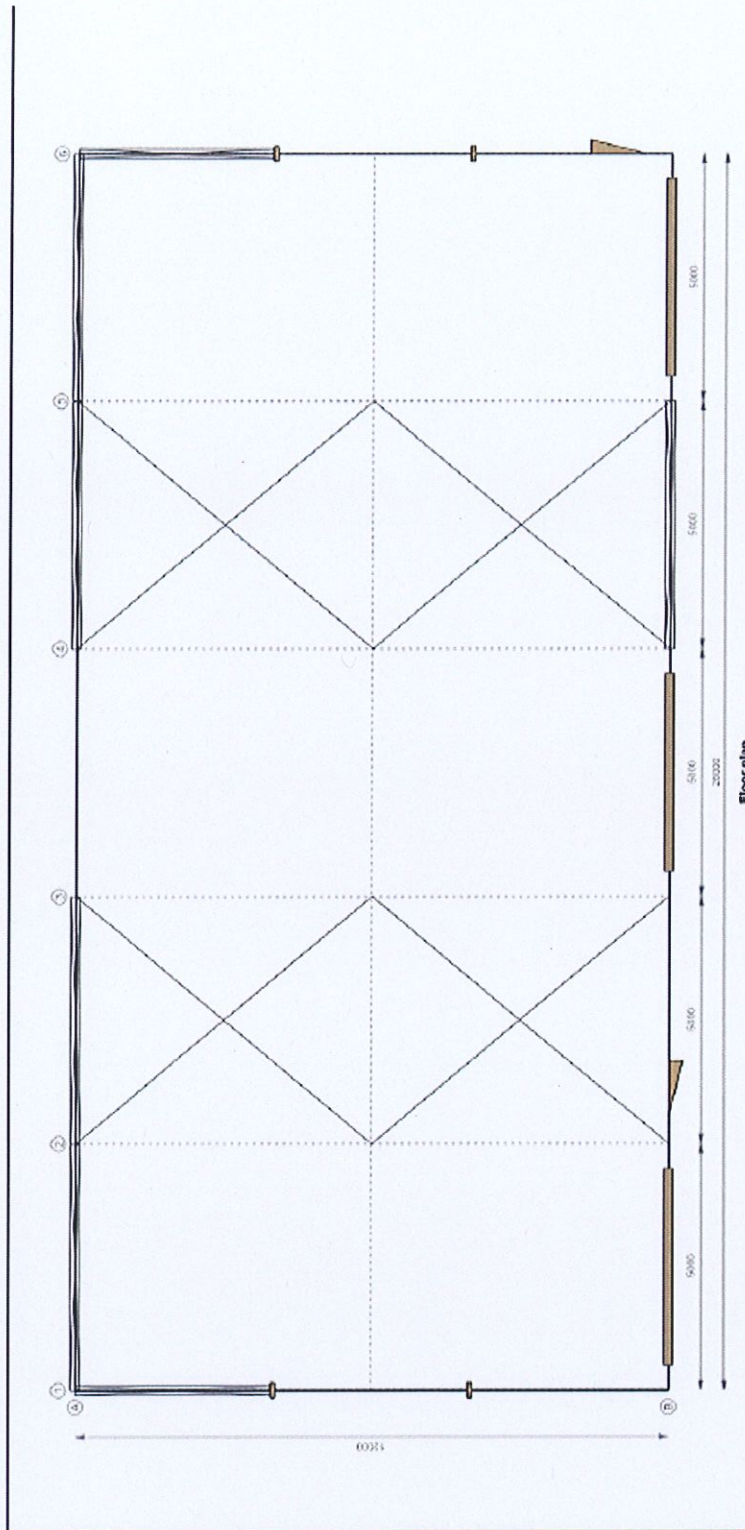




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19/6/2024  
B. n. [Signature]





Floor plan

| Rev | Date | Description | Client Representative | Contract Plans                  | Job No. | Rev |
|-----|------|-------------|-----------------------|---------------------------------|---------|-----|
|     |      |             | John Pizzo            | FOR A SHED 12.0M x 25.0M x 5.0M |         |     |
|     |      |             | Signature:            | 1-41 Valley Street              |         |     |
|     |      |             | Date:                 | Mareeba, Queensland 4805        |         |     |

Document Set ID: 400000  
Version: 2, Version Date: 03/04/2024

19/6/2024  
J. Pizzo



|   |      |   |   |
|---|------|---|---|
|   |      | <b>Title Name:</b> CONTRACT PLANS<br>FOR A SHED 12.0M x 25.0M x 5.0M<br><br><b>Client:</b> John Raso<br><b>Site address:</b> 141 Vahlbi Street<br>Mareeba, Queensland, 4480 | <b>Abb No:</b> REG-077108<br><b>Draw No:</b> 03<br><b>Date:</b> 01-Mar-2024<br><b>Rev:</b> 1 A3 |
| <b>Client / Representative:</b><br>John Raso<br><br><b>Signature:</b> _____<br><b>Date:</b> _____ |      |   |   |
| Rev   | Date | Description   |   |
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Document Set ID: 4349348  
Version: 2, Version Date: 01/04/2024

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B. n. n.



**SPECIFICATION NOTES****GENERAL:**

DRAWINGS PREPARED FROM INFORMATION SUPPLIED BY THE OWNER AND/OR BUILDER.

ALL DIMENSIONS ARE IN MILLIMETRES AND SHALL BE VERIFIED ON SITE.

DO NOT SCALE FROM DRAWING

ALL DIMENSIONS AND ALL FLOOR LEVELS PROVIDED ARE TO BE CONFIRMED PRIOR TO CONSTRUCTION.

IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY DOCUMENTS AS TO THEIR ACCURACY AND SUITABILITY.

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS.

ALL STRUCTURAL ELEMENTS ARE TO BE DESIGNED BY A REGISTERED STRUCTURAL ENGINEER.

ALL METAL FITTINGS USED IN STRUCTURAL TIMBER JOINTS AND BRACING MUST HAVE CORROSION PROTECTION. AUTOCURE GALVANIZED CONCRETE PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS PRODUCT SPECIFICATION.

NCC REFERS TO THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA - VOLUME 2 (NCC VOLUME 2).

ABC REFERS TO AUSTRALIAN BUILDING CODES BOARD (ABC).

ALL CONSTRUCTION WORK MUST BE COMPLETED STRICTLY IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC VOLUME 2, NCC VOLUME 2, NCC VOLUME 2) PLUMBING CODE OF AUSTRALIA & THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**STATUTORY REQUIREMENTS:**

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE NCC, CONDITIONS IMPOSED BY THE LOCAL AUTHORITY AND THE COMMITMENTS MADE IN THE RELEVANT BANK GUARANTEE AND OWNER'S ASSURANCE.

THE BUILDER IS TO COMPLY WITH THE REQUIREMENTS OF ALL LEGALLY CONSTITUTED AUTHORITIES HAVING JURISDICTION OVER THE BUILDING WORKS AND THE PROVISIONS OF THE HOUSING ACT.

PRIOR TO THE COMMENCEMENT OF BUILDING WORK, THE BUILDER SHALL PROVIDE TEMPORARY TOILET FACILITIES FOR THE USE OF SUBCONTRACTORS, WHERE THE LOCAL AUTHORITY REQUIRES THE TEMPORARY TOILET TO BE CONNECTED TO THE SEWER MAIN. THE ADDITIONAL COST SHALL BE BORNE BY THE OWNER. ON COMPLETION, THE BUILDER SHALL REMOVE THE FACILITY.

**NCC REQUIREMENTS:****SECTION CLASS 1 & 10 BUILDINGS****PART M1 STRUCTURE:**

CLASS 1 OR 10 BUILDING'S STRUCTURAL RELIABILITY & RESISTANCE SHALL COMPLY WITH M1.1 OF NCC.

CLASS 1 OR CLASS 10 BUILDING MUST BE CONSTRUCTED IN ACCORDANCE WITH SECTION 2.1 (PARTS 2.1 & 2.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS OR THE RELEVANT PROVISIONS OF M1.1 OF NCC FOR STRUCTURAL PROVISIONS ON ANY COMBINATION THEREOF.

ALL SITE PREPARATION & EARTHWORKS SHALL BE IN ACCORDANCE WITH THE ENGINEER'S DETAILS AND M1.2 OF NCC AND SECTION 2.1 (PARTS 2.1 & 2.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ALL FOOTINGS & GLASS, EXCAVATIONS AND UNDER FLOOR FILL SHALL BE IN ACCORDANCE WITH THE ENGINEER'S DETAILS AND M1.3 OF NCC AND SECTION 4 (PARTS 4.1 & 4.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ALL MASONRY SHALL COMPLY WITH M1.4 AND M1.5 OF NCC & SECTION 5 (PARTS 5.1 & 5.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS. APPROPRIATE TESTS SHALL BE PROVIDED TO ARTICULATE MASONRY JOINTS.

TIMBER FRAMING SHALL COMPLY WITH M1.6 OF NCC & SECTION 6 (PARTS 6.1 & 6.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

STEEL FRAMING SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION AND M1.7 OF NCC & SECTION 6 (PARTS 6.1 & 6.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ALL ROOF CLADDING & WALL CLADDING SHALL COMPLY WITH M1.8 AND M1.9 OF NCC & SECTION 7 (PARTS 7.1 & 7.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS AND BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

ALL GLAZING SHALL COMPLY WITH M1.10 AND M1.11 OF NCC & SECTION 8 (PARTS 8.1 & 8.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

CLASS 1 BUILDING CONSTRUCTION IN A FLOOD HAZARD AREA SHALL COMPLY WITH M1.12 & M1.13 OF NCC & CONSTRUCTION IN ACCORDANCE WITH THE AUSTRALIAN BUILDING CODES BOARD (ABC) STANDARD FOR CONSTRUCTION OF BUILDINGS IN FLOOD HAZARD AREAS.

ATTACHMENT OF FRAMED DOCKS & BALCONIES TO EXTERNAL WALLS OF BUILDING USING A WALL PLATE SHALL BE IN ACCORDANCE WITH M1.14 OF NCC & SECTION 9 (PART 9.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

PIED FOOTINGS TO BE IN ACCORDANCE WITH M1.15 OF NCC IN ACCORDANCE WITH ENGINEER'S SPECIFICATIONS.

**PART M2 DAMP & WEATHERPROOFING:**

RAINWATER MANAGEMENT, INCL. SURFACE WATER SHALL COMPLY WITH PART M2.1 OF NCC WEATHERPROOFING OF A BUILDING SHALL COMPLY WITH PART M2.2 OF NCC.

RESIST DAMP SHALL COMPLY WITH PART M2.3 OF NCC & PART M2.4 (PARTS 2.1 & 2.2) OF NCC.

CRACKAGE FOR SWIMMING POOLS SHALL COMPLY WITH PART M2.5 OF NCC.

CRACKAGE SHALL BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH PART M2.6 OF NCC & SECTION 3 (PART 3.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

SUBFLOOR VENTILATION TO BE IN ACCORDANCE WITH M2.7 AND M2.8 OF NCC & SECTION 4 (PARTS 4.1 & 4.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

EXTERNAL WATERPROOFING FOR ROOFING SYSTEMS ON LAP ROOFS, ROOF TERRACES, BALCONIES & TERRACE & OTHER SIMILAR HORIZONTAL SURFACES LOCATED ABOVE INTERNAL SPACES OF A BUILDING SHALL COMPLY WITH M2.9 OF NCC.

**PART M3 FIRE SAFETY:**

CLASS 1 BUILDING MUST BE PROTECTED FROM THE SPREAD OF FIRE IN ACCORDANCE WITH M3.1 OF NCC.

ALL OCCUPANTS OF A CLASS 1 BUILDING MUST BE PROVIDED WITH AUTOMATIC WARNING ON THE DETECTION OF SMOKE IN ACCORDANCE WITH M3.2.

CLASS 1 & 10 BUILDINGS WITH THE BUSHFIRE ZONE MUST BE CONSTRUCTED WITH MATERIALS CONTAINING FIRE HAZARD PROPERTIES. ANCHOR COMBUSTIBLE ELEMENTS IN ACCORDANCE WITH M3.3 OF NCC.

FIRE SEPARATION OF EXTERNAL WALLS MUST COMPLY WITH M3.4 OF NCC & PART 5.2 OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

FIRE SEPARATION OF GARAGE TOP OVERLAYS MUST COMPLY WITH M3.5 AND M3.6 OF NCC & SECTION 6 (PARTS 6.1 & 6.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

SMOKE ALARMS & EVACUATION LIGHTING TO BE INSTALLED IN ACCORDANCE WITH M3.7 OF NCC & SECTION 7 (PART 7.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**PART M4 HEALTH & AMENITY:**

WET AREAS TO BE CONSTRUCTED & WEATHERPROOFED IN ACCORDANCE WITH M4.1 AND M4.2 OF NCC & SECTION 8 (PART 8.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

MATERIALS & INSTALLATION OF WET AREA COMPONENTS & SYSTEMS MUST COMPLY WITH M4.3 OF NCC & SECTION 8 (PART 8.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ROOMS MUST BE CONSTRUCTED IN ACCORDANCE WITH M4.4 AND M4.5 OF NCC & SECTION 9 (PART 9.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

HEALTH & AMENITY FACILITIES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH M4.6 AND M4.7 OF NCC & SECTION 10 (PART 10.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

LIGHT SHALL COMPLY WITH M4.8 AND M4.9 OF NCC & SECTION 11 (PART 11.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ARTIFICIAL LIGHTING IS TO BE INSTALLED IN ACCORDANCE WITH M4.10 OF NCC & SECTION 12 (PART 12.1) TO ANY SANITARY COMPARTMENT, BATHROOM, SHOWER ROOM, APPLICABLE LAUNDRY & NATURAL LIGHTING IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF M4.11 IS NOT AVAILABLE.

VENTILATIONS TO BE INSTALLED IN ACCORDANCE WITH M4.12 AND M4.13 OF NCC & SECTION 13 (PART 13.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS, AND INSTALLED TO MANUFACTURER'S SPECIFICATIONS.

CONDENSATION AND WATER VAPOUR MANAGEMENT SHALL COMPLY WITH M4.14 AND M4.15 OF NCC & SECTION 14 (PART 14.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**PART M5 SAFE MOVEMENT & ACCESS:**

CLASS 1 AND 10 BUILDINGS MUST BE CONSTRUCTED IN ACCORDANCE WITH M5.1 OF NCC.

STAIRWAYS AND RAMPS MUST BE CONSTRUCTED IN ACCORDANCE WITH M5.2 OF NCC & SECTION 15 (PART 15.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

BARRIERS AND HANDRAILS MUST BE INSTALLED IN ACCORDANCE WITH M5.3 AND M5.4 OF NCC & SECTION 16 (PART 16.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**PART M6 ENERGY EFFICIENCY:**

THERMAL PERFORMANCE OF A CLASS 1 AND 10 BUILDING SHALL COMPLY WITH M6.1 AND M6.2 OF NCC AND SECTION 17 (PARTS 17.1 & 17.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

THE ENERGY VALUE AND USE OF A BUILDING'S DOMESTIC SERVICES MUST COMPLY WITH M6.3 AND M6.4 OF NCC AND SECTION 18 (PARTS 18.1 & 18.2) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**PART M7 ANCILLARY PROVISIONS & ADDITIONAL CONSTRUCTION REQUIREMENTS:**

SWIMMING POOLS, INCLUDING POOL DEPTHS, SAFETY BARRIERS & WATER REGULATION SYSTEMS MUST BE INSTALLED IN ACCORDANCE WITH M7.1 AND M7.2 OF NCC & SECTION 19 (PART 19.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ALL CLASS 1 AND 10 BUILDINGS LOCATED IN ALPINE AREAS MUST COMPLY WITH M7.3 AND M7.4 OF NCC & SECTION 20 (PART 20.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

ALL CLASS 1 AND 10 BUILDINGS LOCATED IN BUSHFIRE PRONE AREAS MUST COMPLY WITH M7.5 AND M7.6 OF NCC & SECTION 21 (PART 21.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

APPROPRIATE BUSHFIRE SHELTER IS TO BE CONSTRUCTED IN ACCORDANCE WITH M7.7 OF NCC FOR CLASS 10C BUILDINGS LOCATED IN A BUSHFIRE PRONE AREA ONLY.

HEATING APPLIANCE, FIRE PLACES, CHIMNEYS AND FLUES ARE TO BE INSTALLED IN ACCORDANCE WITH M7.8 AND M7.9 OF NCC & SECTION 22 (PART 22.1) OF THE AUSTRALIAN BUILDING CODES BOARD (ABC) HOUSING PROVISIONS.

**AUSTRALIAN STANDARD (AS) REQUIREMENTS:**

ALL SITE PREPARATION & EARTHWORKS STRUCTURES SHALL BE IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

CONCRETE SLAB AND FOOTINGS TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2868 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

PIED FOOTINGS TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2868 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

ALL MASONRY TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700.

THE STRUCTURAL DESIGN OF ALL BUILDINGS TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

STEEL STRUCTURES TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

COLD-FORMED STEEL STRUCTURES TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE ENGINEER'S SPECIFICATIONS.

WINDOWS AND DOORS SHALL BE MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

ROOF TRUSSES SHALL BE DESIGNED IN ACCORDANCE WITH AS 2700 AND ERECTED, FIXED AND BRACED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

SHEET METAL ROOFING SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

TERMINAL FENCEMENT AND TIMBER SLATES AND SHINGLES SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

ROOF TILES SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

METAL WALL CLADDING SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

AUTOCURED ANTI-ABRASE CONCRETE WALL CLADDING SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700.

ALL WINDOWS & GLAZED DOORS SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

ALL GLAZING & GLAZED ASSEMBLIES SHALL BE DESIGNED, MANUFACTURED & INSTALLED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

STRIP AND SHEET FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH AS 2700.

INSTALLATION OF PARTIALLY BOARD FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH AS 2700.

ALL TIMBER DOORS AND DOOR SETS SHALL BE MANUFACTURED IN ACCORDANCE WITH AS 2700 & AS 2700 UNLESS LISTED OTHERWISE IN SCHEDULE OF WORKS.

TIMBER FRAMING IS TO BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700 & RESIDENTIAL TIMBER-FRAMED CONSTRUCTION AS 2700 & STRICTLY IN ACCORDANCE WITH THE RESIDENTIAL TIMBER-FRAMING CODE.

ALL PLUMBING SHALL COMPLY WITH THE REQUIREMENTS OF THE RELEVANT SUPPLY AUTHORITY AND ABOVE, AND IN ACCORDANCE WITH THE AUSTRALIAN BUILDING CODES BOARD (ABC), NCC VOLUME 2 PLUMBING CODE OF AUSTRALIA.

ALL PLUMBING WORK MUST CARRIED OUT BY A LICENSED PLUMBER.

CRACKAGE SHALL BE DESIGNED & CONSTRUCTED IN ACCORDANCE WITH AS 2700.

WATERPROOFING OF DOMESTIC WET AREAS SHALL BE IN ACCORDANCE WITH AS 2700 & CERTAIN TILES MUST BE IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

INTERIOR & ARTIFICIAL LIGHTING SHALL BE DESIGNED & INSTALLED IN ACCORDANCE WITH AS 2700.

SWIMMING POOLS, INCLUDING POOL DEPTHS, SAFETY BARRIERS & WATER REGULATION SYSTEMS MUST BE INSTALLED IN ACCORDANCE WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

BUILDINGS LOCATED IN BUSHFIRE PRONE AREAS MUST COMPLY WITH AS 2700 & STRICTLY IN ACCORDANCE WITH THE CONSTRUCTION REQUIREMENTS PRESCRIBED WITHIN THE RELEVANT BUILDING, APPROVED WITHIN AS 2700.

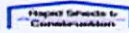
ENVIRONMENTAL SINGLE LEAF AND SHUTTER WALLS SHALL BE CONSTRUCTED IN ACCORDANCE WITH TABLE 5.1 PER SPACINGS FOR ONE WAY SPANNING WALLS, OF AUSTRALIAN STANDARD AS 2700 & AS 2700 HAS ONLY IN SMALL BUILDINGS. REFER TO THE TABLE EXTRACT FOR DETAILS.

| Rev | Date | Description |
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| Client / Representative:<br>John Raso |
| Signature: _____                      |
| Date: _____                           |



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| Title Name:<br>SPECIFICATION NOTES<br>FOR A SHED 12.0M x 25.0M x 5.0M | Job No.:<br>RSC/24/0006 |
| Client:<br>John Raso  | Dwg No.:<br>01          |
| Site address:<br>141 Walsh Street<br>Mareeba, Queensland 4000         | Date:<br>01-Mar-2024    |
|   | Rev:<br>1 A3            |



## 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.