

19 December 2024

Planning Officer: Carl Ewin  
Direct Phone: 07 4086 4656  
Our Reference: MCU/24/0019  
Your Reference: F24/28

BTM & S Holdings Pty Ltd  
C/- Freshwater Planning Pty Ltd  
17 Barron View Drive  
FRESHWATER QLD 4870

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 18 December 2024, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	MCU/24/0019
Street Address:	2-8 Karobean Drive, Mareeba
Real Property Description:	Lot 2 on SP298298
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)
Date of Decision:	18 December 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
  - 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 Emissions

3.5.1 Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

3.5.2 Where operations occur prior to 7:00am or after 6:00pm, no doors or windows are to be open and noise generation meets the noise limitations of the *Environmental Protection Policy (Noise)*.

3.5.3 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 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 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

### 3.8 Signage

Signage is to be generally in accordance with:

- (1) The approved plans.
- (2) The signage must be kept clean, in good order and safe repair for the life of the approval.
- (3) The signage must be removed when no longer required.
- (4) The erection and use of the signage must comply with the Building Act and all other relevant Acts and Regulations, and these approval conditions.
- (5) The lighting in all illuminated signage must be turned off each evening within 30 minutes of the last business closing.

### 3.9 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

### 3.10 Specific Building Design Requirements

All southern wall windows less than 2 metre above finished ground are to use frosted glass or other opaque material to prevent overlooking of the neighbouring playground.

## 4. Infrastructure Services and Standard

### 4.1 Access

All vehicle access shall be via the existing Amaroo Village access crossover onto Karobean Drive.

### 4.2 Stormwater Drainage/Water Quality

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

#### 4.3 Car Parking/Internal Driveways

The developer must ensure that the development is provided with 39 additional on-site car parking spaces.

All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, 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:

- Compliance with Australian Standard AS2890:1 Off-Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.4 Landscaping

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.

The landscape plan must generally include the gardens/turf areas shown on the approved Masterplan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

The developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access (between dusk to dawn), 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 eight (8) lux when measured at any point 1.5 metre 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.

All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

#### 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.

#### 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.

<b>APPROVED PLANS</b>
-----------------------

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1659-PD-A00 B	Cover Sheet	Clarke and Prince Architects	03/12/24
1659-PD-A01 B	Site Plan	Clarke and Prince Architects	03/12/24
1659-PD-A02 B	Floor Plan	Clarke and Prince Architects	03/12/24
1659-PD-A03 A	Elevations	Clarke and Prince Architects	03/12/24

<b>ADVISORY NOTES</b>
-----------------------

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) 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) Food Premises  
  
Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.
- (d) A Trade Waste Permit may be required prior to the commencement of use.
- (e) 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.
- (f) 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.

(g) 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).

(h) 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).

(i) 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](#) 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



**SUBMISSIONS**

There were two (2) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Antonio Bruno Di Maggio	<a href="mailto:abdimaggio@gmail.com">abdimaggio@gmail.com</a>
2. Victor Madrid	<a href="mailto:vam.17@hotmail.com">vam.17@hotmail.com</a>

**RIGHTS OF APPEAL**

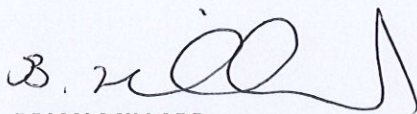
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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  
Adopted Infrastructure Charge Notice


Approved Plans/Documents

**PROPOSED COMMERCIAL BUILDING**  
KAROBAN DRIVE, AMAROO PARK, MAREEBA

**SHEET LIST**  
1- ARCHITECTURAL COVER SHEET  
2-56-PDA01 SITE PLAN  
3-56-PDA02 FLOOR PLAN  
4-56-PDA03 ELEVATIONS

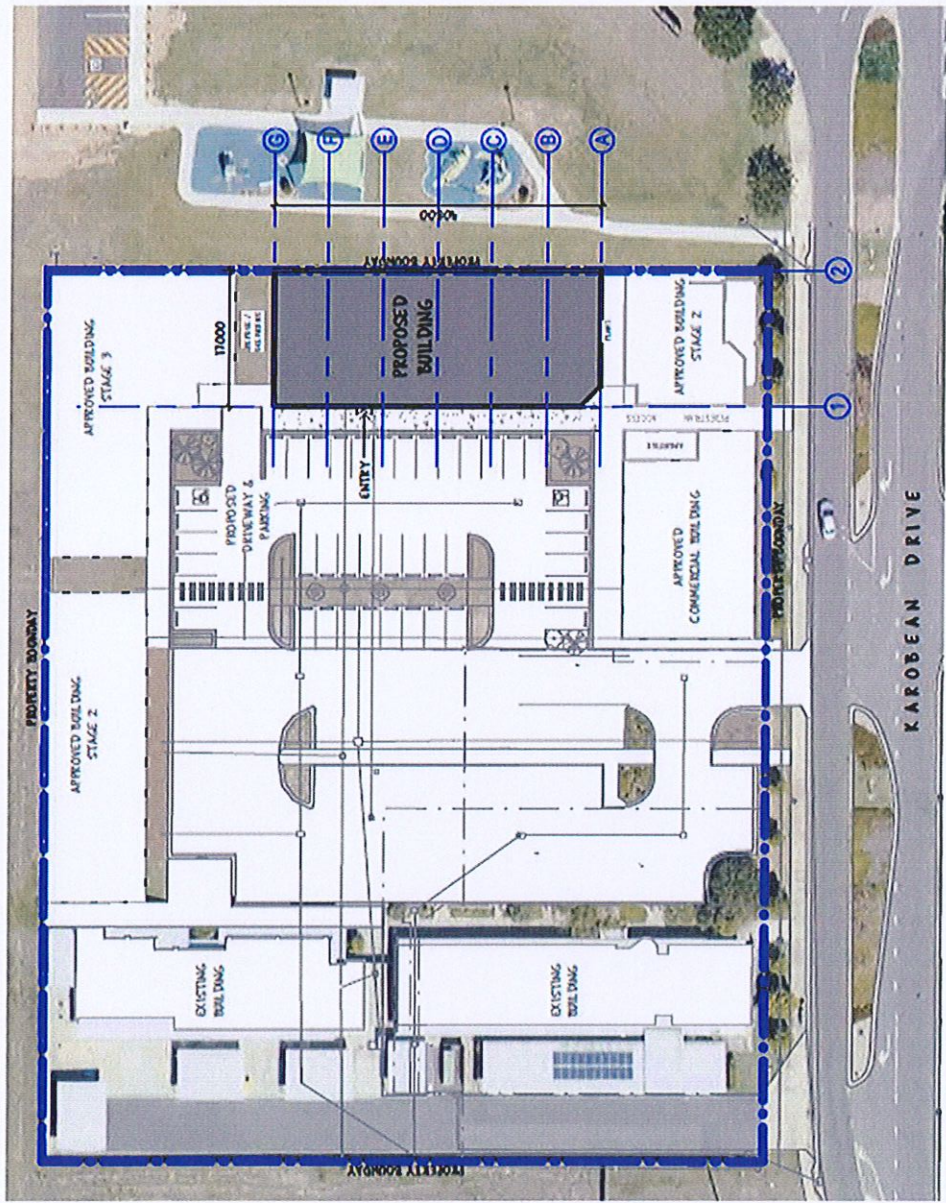
DATE	17/1/24	PROJECT	PROPOSED COMMERCIAL BUILDING	DRAWN	JES	PROJECT NO	KAROBAN DRIVE, AMAROO ESTATE, MAREEBA	SCALE	AS SHOWN	DRAWN BY	BTMS HOLDINGS PTY LTD	DRAWN FOR	COVER SHEET	DRAWN NO	1659-PD-000	PAGE	1
<p style="font-size: small;">                 35 East Street, KARANGA (QLD 480)                  P 07 4071 4000   F 07 4071 0000                  www.karangaarchitects.com.au             </p> <p style="font-size: small;"> <b>AMAROO</b>                  THE PLACE TO LIVE             </p> <p style="font-size: x-small;">                 DO NOT SCALE DRAWINGS                  THIS DRAWING IS FOR INFORMATION ONLY                  THE DRAWING IS NOT VALID FOR CONSTRUCTION                  THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE                  THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE                  THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE                  THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE             </p>																	

19/2/2024  
B. Will



**PROPERTY INFORMATION**  
 LOT NUMBER 2  
 PLAN NUMBER SP22/009  
 LOCAL GOVERNMENT MAREEBA SHIRE COUNCIL  
 SITE AREA 2297m<sup>2</sup>

**1 SITE PLAN**  
SCALE: 1:200



DATE	FOR APPROVAL	BY
17/07/24	PRELIMINARY	BTMS
14/08/24	DEVELOPMENT APPROVAL	BTMS
15/08/24	DEVELOPMENT APPROVAL	BTMS
16/09/24	DEVELOPMENT APPROVAL	BTMS
03/11/24	DEVELOPMENT APPROVAL	BTMS

DO NOT SCALE DRAWING	SCALE 1:200
THIS DRAWING IS THE PROPERTY OF BTMS HOLDINGS PTY LTD	PROJECT NO. 1659-PD-A01
ALL RIGHTS RESERVED	

**AMAROO**  
LIVE PLACES TO LIVE!

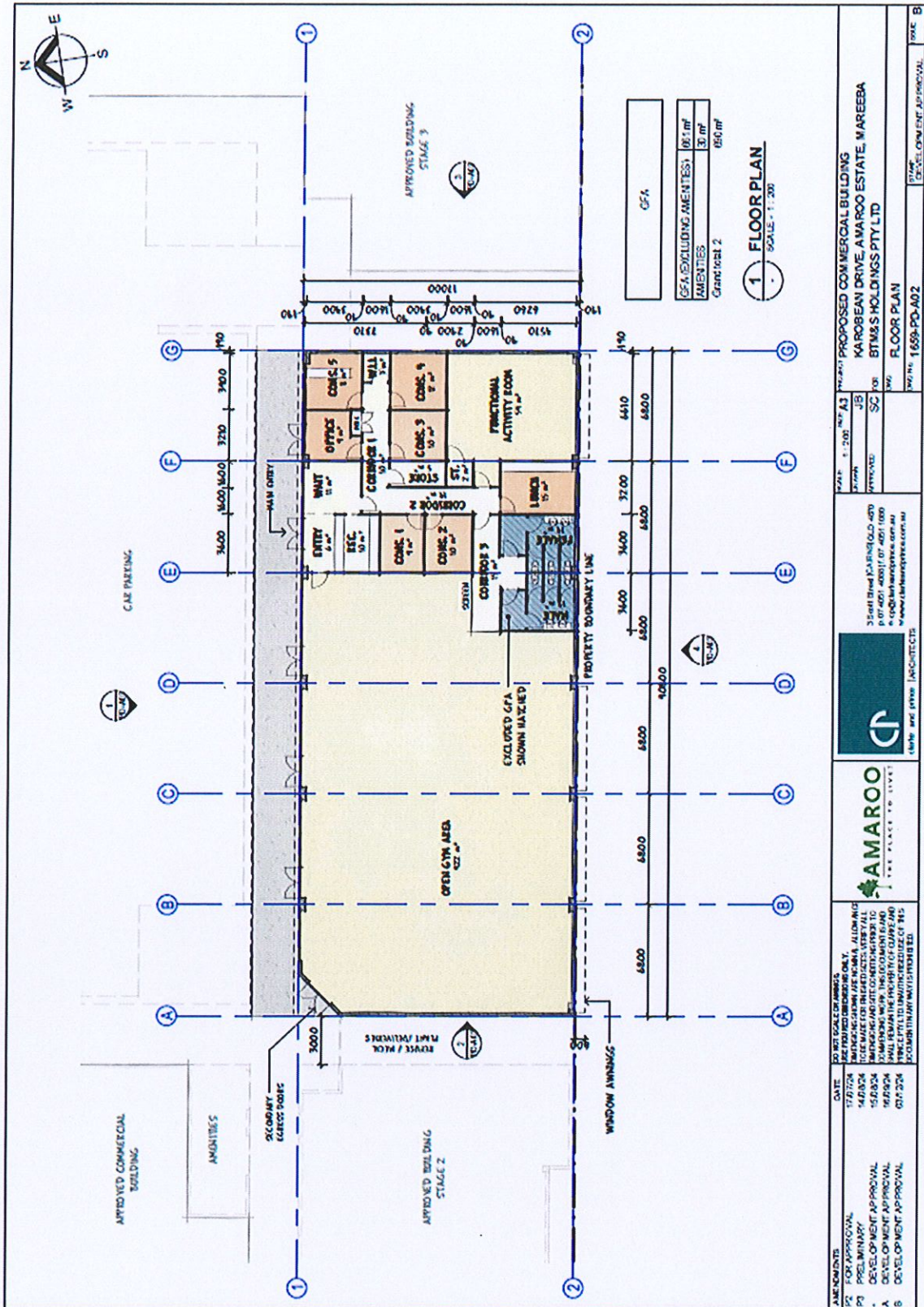
(date and price subject to contract)

25 GARDEN PLACE, MAREEBA QLD 4870  
 07 4011 4001 (07 4011 0000)  
 www.amaroo.com.au

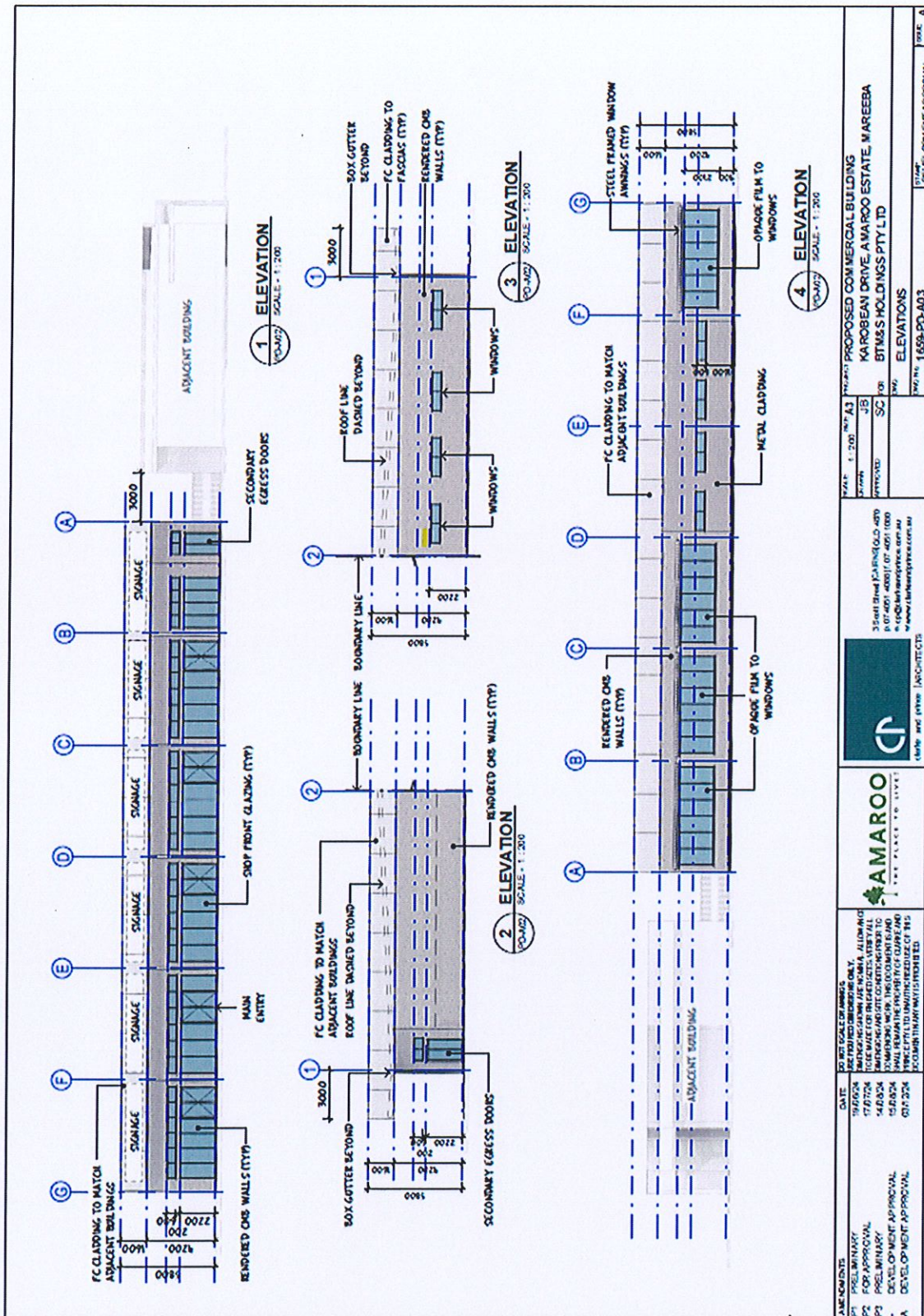
PLAN NO. 1659-PD-A01	PROJECT NO. 1659-PD-A01
DATE 17/07/24	SCALE 1:200
APPROVED BY BTMS	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200

PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200
PROJECT NO. 1659-PD-A01	SCALE 1:200

19/12/2024  
B. Williams



19/12/2024  
B. V. [Signature]



19/12/2024  
B. N. [Signature]

DATE	19/12/2024	DATE	19/12/2024
PRELIMINARY		DATE	19/12/2024
FOR APPROVAL		DATE	19/12/2024
PRELIMINARY		DATE	19/12/2024
FOR APPROVAL		DATE	19/12/2024
DEVELOPMENT APPROVAL		DATE	19/12/2024
DEVELOPMENT APPROVAL		DATE	19/12/2024

PROJECT NAME	PROPOSED COMMERCIAL BUILDING
CLIENT	KARROBEAN DRIVE, A MAROO ESTATE, MAREEBA
ARCHITECT	BT&S HOLDINGS PTY LTD
SCALE	ELEVATIONS
PROJECT NO.	1659-PO-03
DATE	19/12/2024

AMAROO	35 Seaford Lane, QLD 4870 P: 07 4001 4001   F: 07 4001 0000 E: info@amaroo.com.au   www.amaroo.com.au
AMAROO	35 Seaford Lane, QLD 4870 P: 07 4001 4001   F: 07 4001 0000 E: info@amaroo.com.au   www.amaroo.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 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.