



17 April 2025

Planning Officer: Carl Ewin
Direct Phone: 07 4086 4656
Our Reference: MCU/24/0027
Your Reference: M8-24

Fettercairn Ventures Pty Ltd
C/- U&I Town Plan
35 Sutherland Street
MAREEBA QLD 4880

Dear Applicants,

Decision Notice

Planning Act 2016

I refer to your application and advise that on 16 April 2025, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/24/0027
Street Address: 10 Kowa Street, Mareeba
Real Property Description: Lot 12 on M356127
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 Dwellings (3 x Residential Units)
Date of Decision: 16 April 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is **6 (six) 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**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.

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.

3.5 Letterbox

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

3.6 Clothes Drying area

Individual clothes drying areas must be provided to each unit in accordance with the approved plans.

3.7 Waste Management

The bin storage areas for Units 1 and 2 must be relocated to the areas of "outdoor communal space" on the southern side of units 1 and 2 respectively. A common area for bin storage for all 3 units would also be acceptable.

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, 1.8m high solid fence or building.

4. Infrastructure Services and Standards

4.1 Access

An access crossover, with minimum width of 5 metres must be constructed (from the property boundary of the subject site to the edge of the existing sealed formation of Kowa Street) in accordance with the FNQROC Development Manual.

A detailed design of the access crossover must be submitted to Council for review and approval as part of a subsequent application for operational works. The detailed design must include details on frontage works proposed including longitudinal sections and also how the driveway will "tie-in" with the existing kerbing and retaining wall that runs along part of the site frontage.

The kerbing must be extended to the driveway, with fall to the north. The detailed design must also include any roadside drainage works, including any swale drain reprofiling south of the crossover (refer to Condition 4.2).

The crossover profile must be designed so that stormwater flowing down the crossover does not run onto the Kowa Street pavement and is instead discharged to the development side of Kowa Street.

4.2 Stormwater Drainage

- (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) Prior to building works commencing the applicant must, as part of a subsequent application for operational works, submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. At minimum, the stormwater management plan must address/include the following:
 - (i) Where possible, stormwater collected from the site, particular from the shared driveway and crossover must be directed to the roadside drain to the south of the site and not to the kerbing which flows to the north.
 - (ii) Strategies to slow the speed of water flowing off the site to avoid road verge erosion, particularly from the driveway.
 - (iii) Water currently discharged onto the site from upstream properties. Where stormwater pits or underground/aboveground drains are required (for example along the northern boundary of the site to drain land upstream of the site to the west) easements must be established in favour of upstream properties (Council is not to be listed as party on any drainage easements).
 - (iv) Strategies to ensure stormwater is discharged to the frontage of the site only and not into adjoining properties (particularly the southern adjoining property).
- (c) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

- (d) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (e) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of upstream contributing properties. All documentation leading to the registration of the easement must be submitted to Council for review and approval.
- (f) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (g) All aboveground drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with 1 undercover parking space per unit and 1 visitor parking space (not required to be covered). All car parking spaces, and internal driveways must be made from reinforced concrete.

Detailed designs of the shared driveway, including any retaining walls/bulk earthworks required onsite, particularly along the southern boundary of the site, and any stormwater drainage included in the driveway design must be submitted to Council as part of a subsequent application for operational works.

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.

4.4 Landscaping & Fencing

- 4.4.1 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.

The landscape plan must include the gardens and turf areas shown on the approved site plan 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.

- 4.4.2 (i) Prior to the commencement of the use, a solid 1.8 metre high timber paling (overlapping palings to cover gaps) or 1.8 metre high colorbond fence (neutral colour) is to be erected along the full extent of all side and rear boundaries.

If the height difference between the finished floor height of the patios/verandahs of units 1 and 2 and the top of the northern boundary screen fence is less than 1.8 metres, additional screening must be installed to achieve an effective privacy screening between the two properties at these locations, to the satisfaction of Council's delegated officer.

- (ii) Prior to the commencement of the use, solid 1.8 metre high timber (overlapping palings to cover gaps) or 1.8 metre high colorbond fencing of neutral colour is to be erected between each dwelling unit, separating each units "private open space" as shown on the plans.
- (iii) 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 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.

4.6 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/relocated 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 dwelling unit is required to be **separately metered**.

4.7 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).

Plans for the development works required under Conditions 4.1 – 4.3 and 4.6 and 4.7 must be submitted to Council for approval as part of a subsequent application for operational works.

REFERRAL AGENCIES

Nil.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1124/1277 Sheet No. 01	Site Plan	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 02	Unit 1 – Floor Plan	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 03	Unit 2 – Floor Plan	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 04	Unit 3 – Floor Plan	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 05	Unit 1 – Floor Plan Detail	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 06	Unit 2 – Floor Plan Detail	BRISDESIGN PTY LTD	28/01/2025
1124/1277 Sheet No. 07	Unit 3 – Floor Plan Detail	BRISDESIGN PTY LTD	28/01/2025

ADVISORY NOTES

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

ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) Water Meters/Water Service Connection

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

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

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

- (e) 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) 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.

(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.dsdsatsip.qld.gov.au.

(h) 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 Operational Work
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were 3 (three) 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. Gary & Jillian Crane	23 Lerra Street, Mareeba QLD 4880
2. Paul & Kristina Bishop	Bishop-clan@hotmail.com
3. R.D. Peebles	9 Kowa Street, Mareeba QLD 4880

RIGHTS OF APPEAL

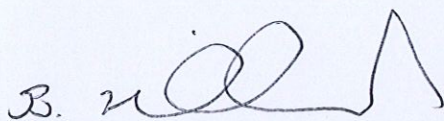
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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.

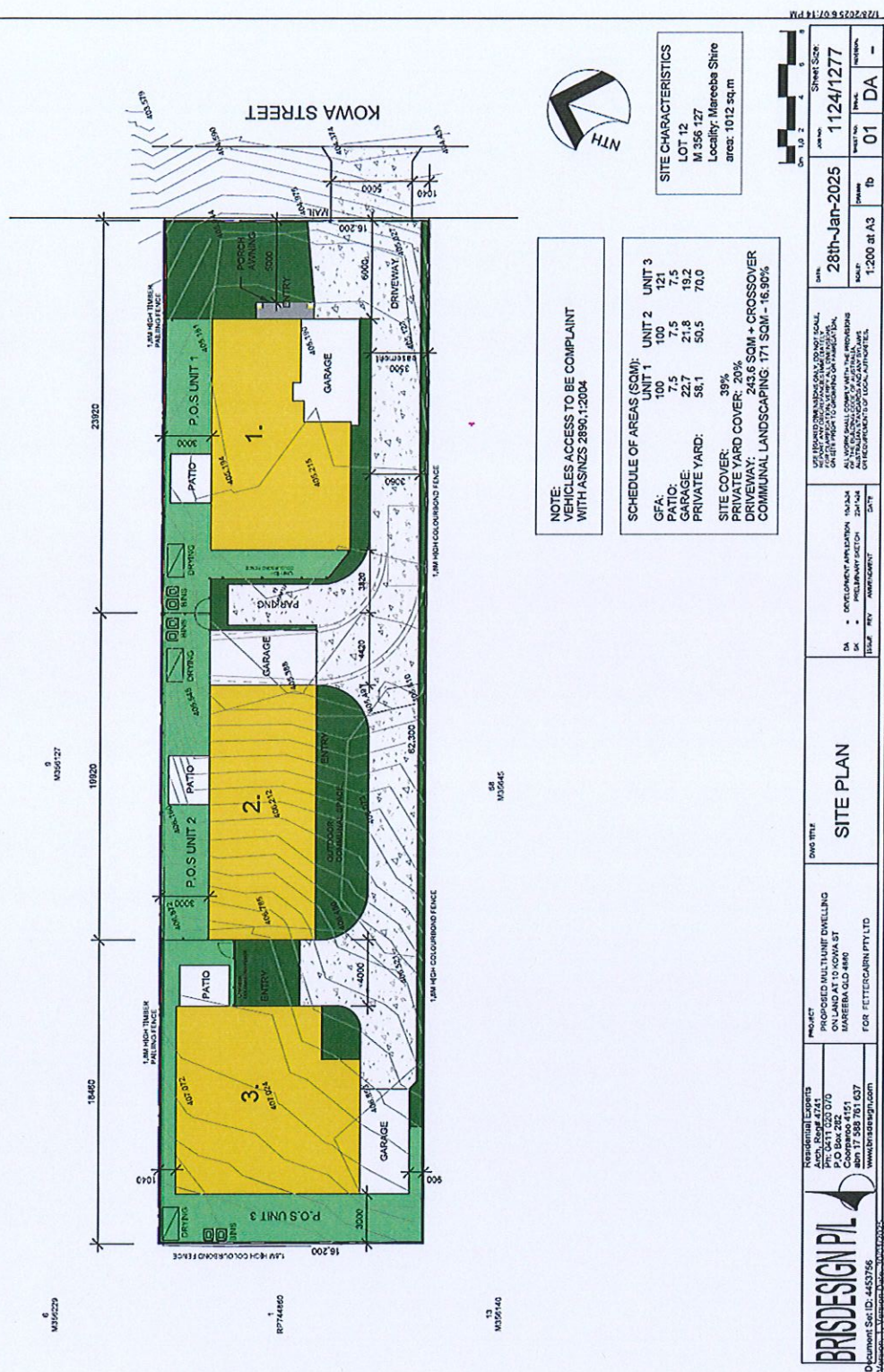
Yours faithfully



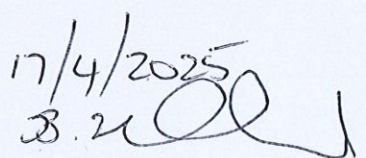
BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
 Appeal Rights
 Adopted Infrastructure Charge Notice

Approved Plans/Documents

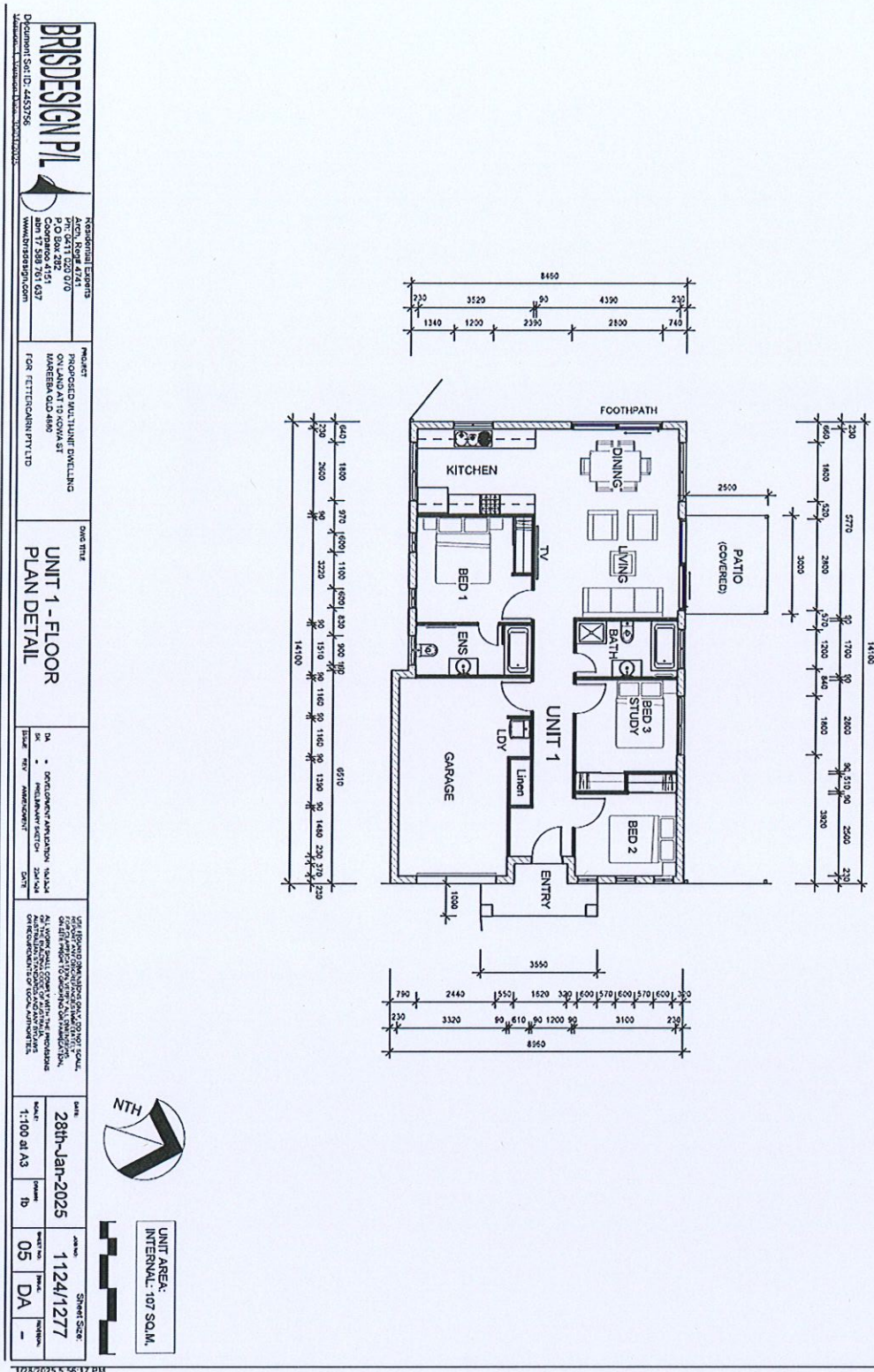


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B. n

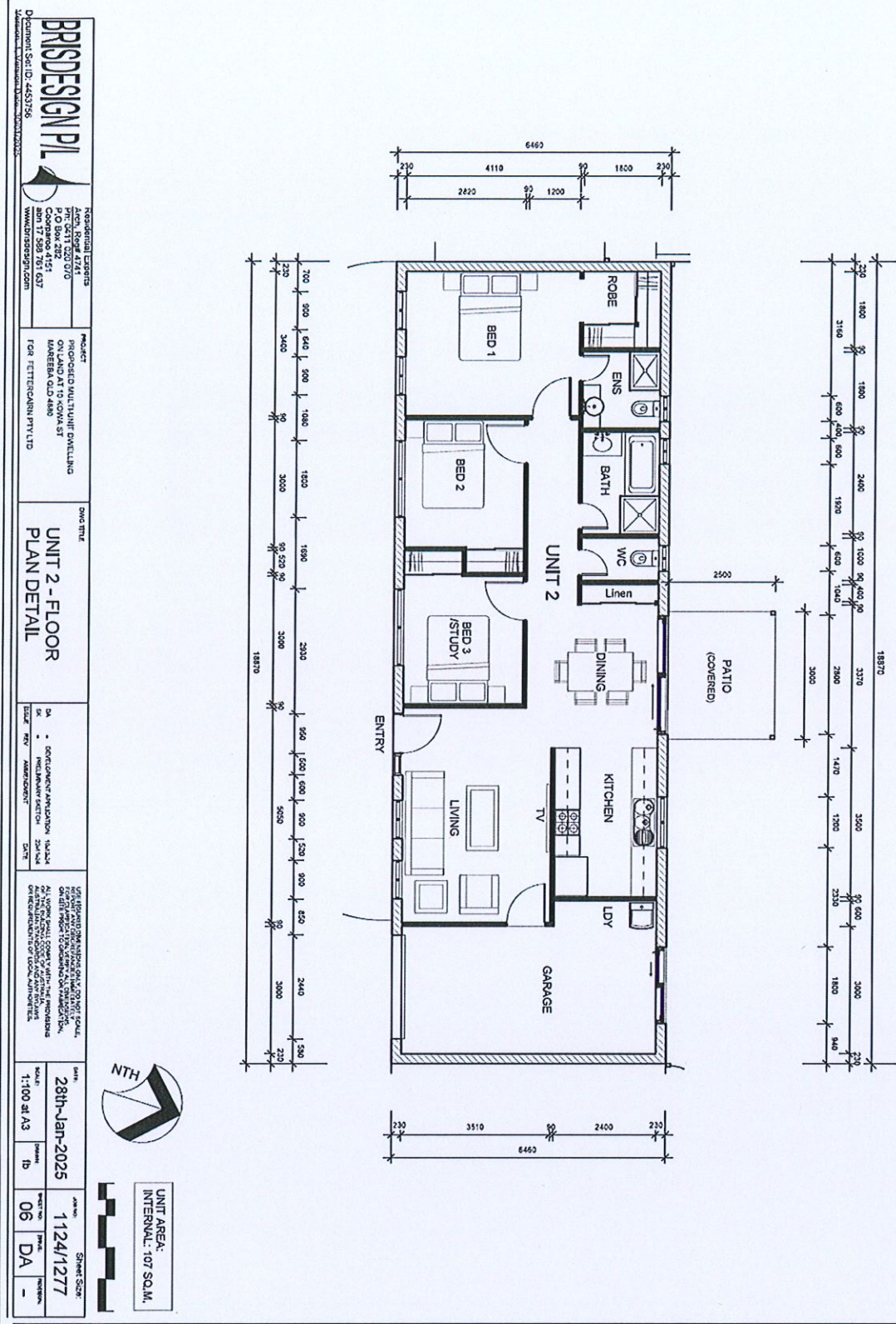


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B. n. [Signature]

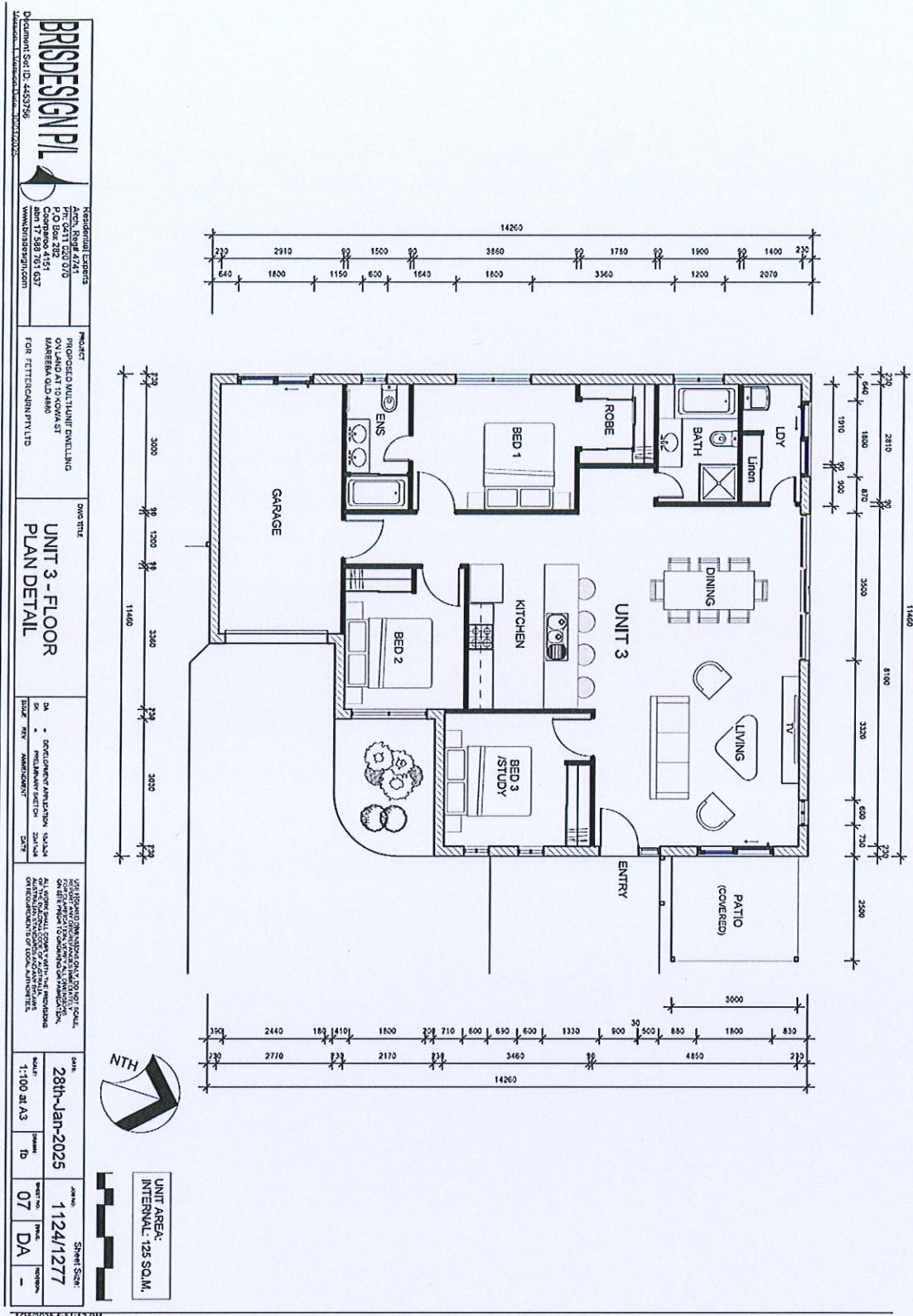




17/4/2025
B. K. Q. N.



17/4/2025
B. M. [Signature]



17/4/2025
B. n. Q. V

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.