



25 August 2025

Planning Officer: Carl Ewin  
Direct Phone: 07 4086 4656  
Our Reference: MCU/25/0004  
Your Reference: F24/37

E Swemmer & J Swemmer  
C/- Freshwater Planning  
17 Barronview Drive  
FRESHWATER QLD 4870

Dear Applicants,

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 20 August 2025, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: MCU/25/0004  
Street Address: 59 Marsterson Street, Mutchilba  
Real Property Description: Lot 3 & 4 on M9162  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

|                   |  |
|-------------------|--|
| Type of Decision: | Approval   |
| Type of Approval: | Development Permit for Material Change of Use – Health Care Services |
| Date of Decision: | 20 August 2025   |



**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**

## 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.

3.7 Hours of Operation

The operating hours shall be between 7.00am and 6.00pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

4. Infrastructure Services and Standards

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.



#### 4.2 Frontage Works – Marsterson Street

Within six (6) months of this approval taking effect, 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) The applicant/developer is to widen the existing bitumen seal on Marsterson Street to the existing kerb, for the full frontage of Lots 3 and 4 on M9162;
- (b) Signage and line marking, including on-street car parking, as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD);
- (c) Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas;
- (d) Adjustments and relocations necessary to public utility services resulting from these works.

**Plans for the development works required under Condition 4.2 must be submitted to Council for approval as part of a subsequent application for operational 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 that the development is provided with a minimum of eight (8) vehicle parking spaces, including five (5) on street parking spaces.
- 4.4.2 All car parking spaces, and trafficable areas must be paved, bitumen, asphalt or concrete sealed (grass pavers may be used for car parking spaces only) and appropriately drained prior to the commencement of the use, 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.

4.4.4 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.6 Landscaping and Fencing

4.6.1 Within six (6) months of this approval taking effect, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

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

4.6.2 Within six (6) months of this approval taking effect, a 1.8 metre high (neutral colour) solid screen fence must be established along the full length of the southern boundary of Lots 3 and 4 on M9162.

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

#### 4.7 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.



**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

| Plan/Document Number | Plan/Document Title  | Prepared by       | Dated      |
|----------------------|----------------------|-------------------|------------|
| M25-5023 Sheet A101  | Site Plan            | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A102  | Existing Layout Plan | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A103  | Proposed Layout Plan | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A104  | Overall Layout Plan  | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A105  | Elevations           | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A105a | Elevations           | Max Slade Designs | 13/05/2025 |
| M25-5023 Sheet A106  | 3D Views             | Max Slade Designs | 13/05/2025 |

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

- (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 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 no submissions made about the application.

**RIGHTS OF APPEAL**

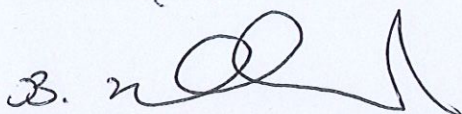
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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 & BUILDING**

Enc: Approved Plans/Documents  
Appeal Rights



## Approved Plans/Documents

|  |  |
|--|--|
| <p><b>GENERAL NOTES</b></p> <p>1. Refer any discrepancy to the designer for written instructions.</p> <p>2. All work to be in accordance with the Building Construction Code.</p> <p>3. Plumbing &amp; Drainage to comply with AS/NZS 3500.</p> <p>4. Footings to comply with AS 1383.</p> <p>5. Glazing to comply with AS 1288.</p> <p>6. Cold formed steel to comply with AS 1684.3/2006.</p> <p>7. Timber framing to comply with AS 1684.3/2006.</p> <p>8. Termite treatment: Timber to be treated in accordance with AS 3650/2000.</p> <p>9. Structural members to be discharged to comply with AS 1684.3/2006.</p> <p>10. All structural fixed bolts, nuts and washers to be hot dipped galvanized.</p> <p>11. All structural steel to be painted with primer and top coat details with proprietor prior to construction.</p> | <p><b>Notes</b></p> <p>All work must be in accordance with the Building Construction Code.</p> <p>The builder should verify all dimensions on site before commencing work.</p> <p>TAKE REQUIRED DIMENSIONS IN PREFERENCE TO SCALED DIMENSIONS.</p> <p>IF IN DOUBT ASK !!</p> |
| <p><b>Client</b></p> <p><b>J. &amp; E Swemmer</b></p>  | <p><b>Project</b></p> <p><b>Reclassification</b></p>   |
| <p><b>Location</b></p> <p>59 Marsterson Street</p> <p>Murchilba</p>  | <p><b>Builder</b></p> <p>Max Slade Designs - CS</p>  |
| <p><b>Date</b></p> <p>January 2025</p>   | <p><b>Drawn</b></p> <p>Max Slade</p>   |
| <p><b>Scale</b></p> <p>1:500</p>   | <p><b>Job No.</b></p> <p>M25 - 5923</p>  |
| <p><b>A.S.N. No.</b></p> <p>18 918 908 321</p>   | <p><b>A.S.N. No.</b></p> <p>18 918 908 321</p>   |
| <p><b>Address</b></p> <p>59 Marsterson Street</p>  | <p><b>Address</b></p> <p>59 Marsterson Street</p>  |
| <p><b>Phone</b></p> <p>07 40 91 2099</p>   | <p><b>Phone</b></p> <p>07 40 91 2099</p>   |
| <p><b>maxslade@bigpond.net.au</b></p>  | <p><b>maxslade@bigpond.net.au</b></p>  |

Sheet No. Sheet Name.

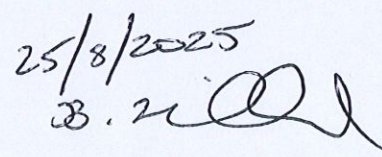
**A101 SITE PLAN**

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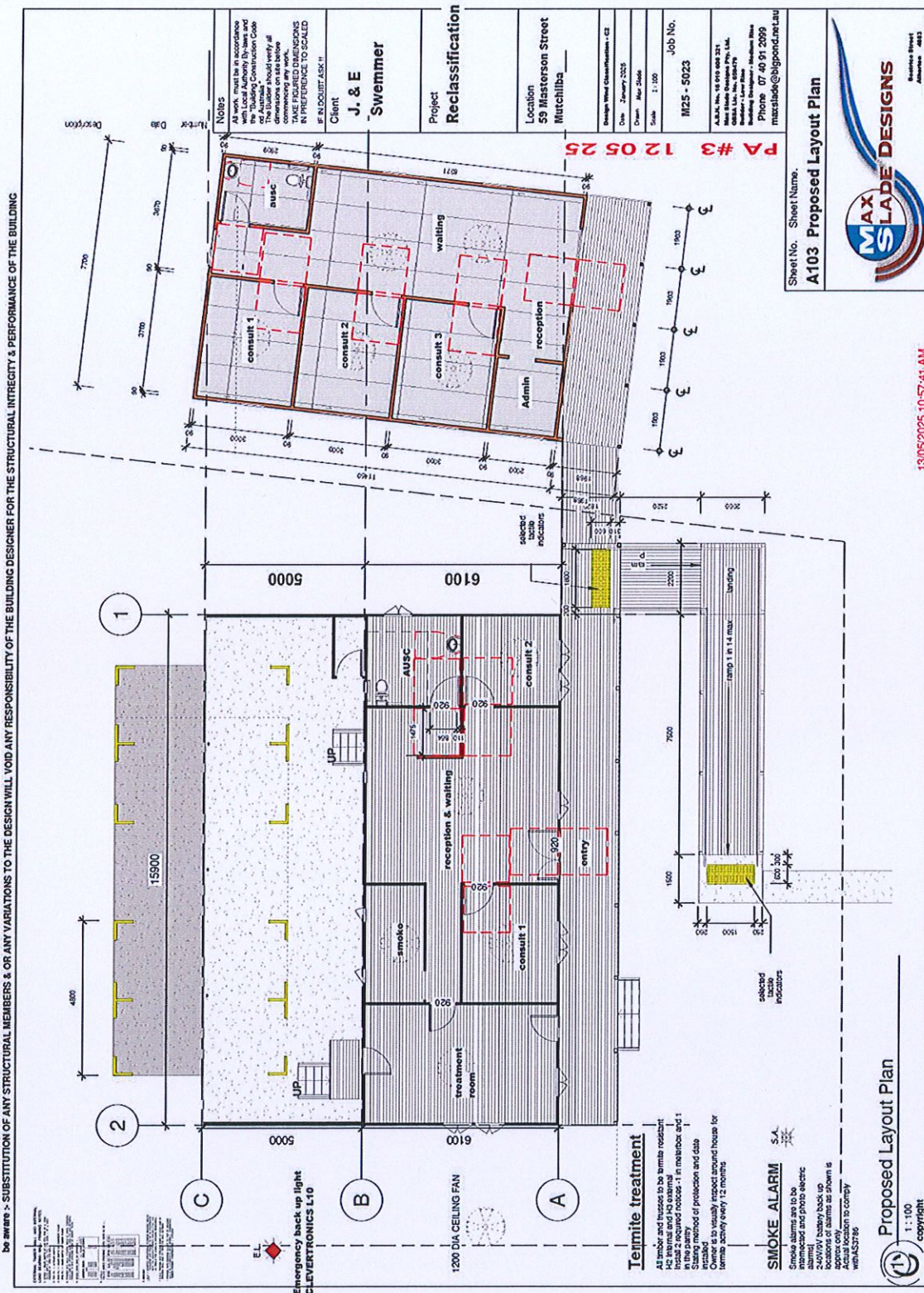
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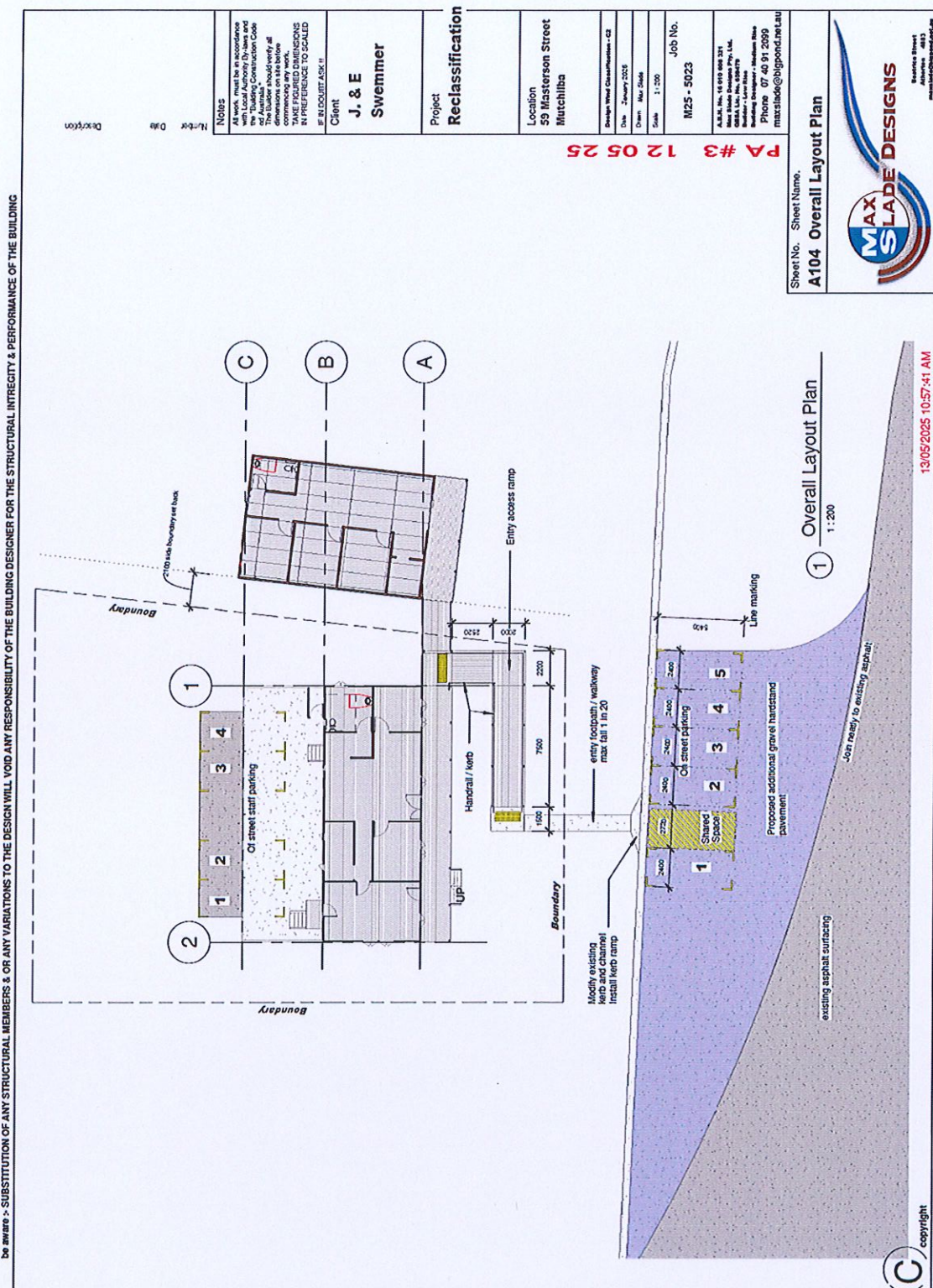






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B. R. R.

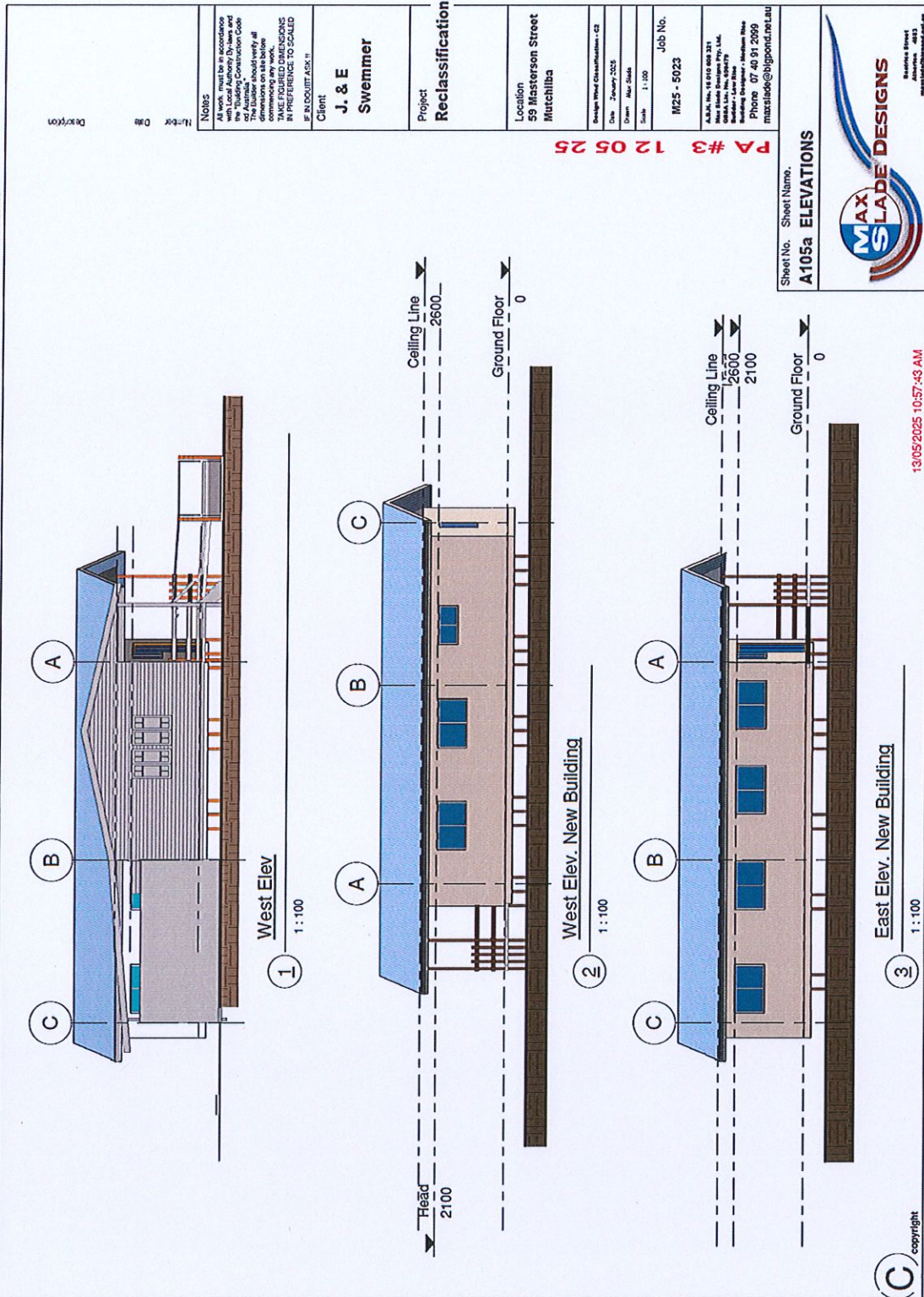


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B. N. Q. N.



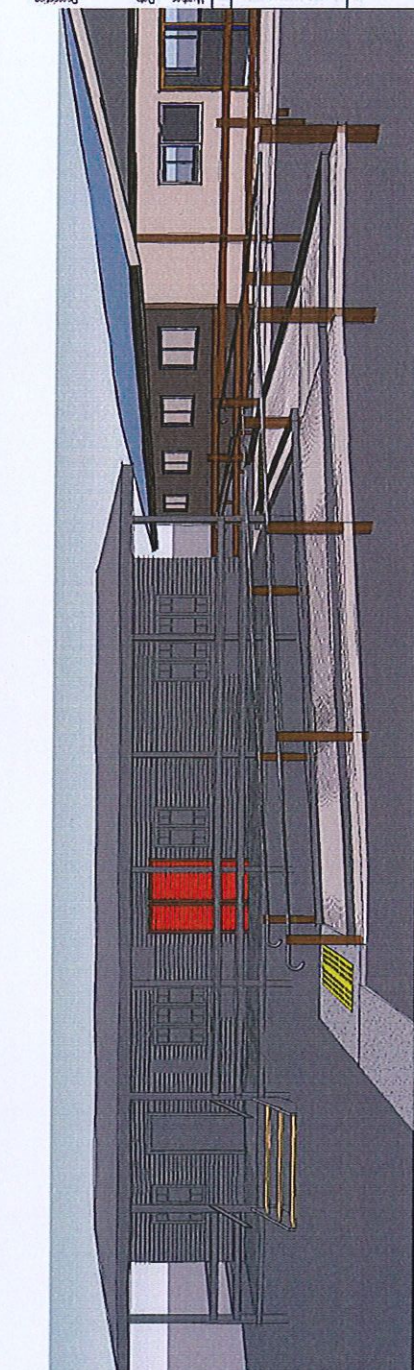
be aware - SUBSTITUTION OF ANY STRUCTURAL MEMBERS & OR ANY VARIATIONS TO THE DESIGN WILL VOID ANY RESPONSIBILITY OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING



25/8/2025  
B. n. Q



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|   |  |
|---|--|
|                           | <p>Notes</p> <p>MAX SLADE must be in accordance with Local Authority By-laws and the Building Construction Code (BCC) for the relevant jurisdiction. The Designer should verify all dimensions and details are correct before construction and ensure all connections are as shown. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED DRAWINGS. IF IN DOUBT, ASK!!</p> |
| <p>Client</p> <p><b>J. &amp; E Swemmer</b></p>  | <p>Project</p> <p><b>Reclassification</b></p>  |
| <p>Location</p> <p><b>59 Masterson Street Mutchilba</b></p>   | <p>Energy rated Classification - G2</p> <p>Class - January 2025</p> <p>Drawn - Max Slade</p> <p>Scale</p>  |
| <p>Job No.</p> <p><b>M25 - 5023</b></p>   | <p>ALBA No. 16 010 000 321</p> <p>ALBA No. 16 010 000 321</p> <p>Builder - Green Star</p> <p>Phone 07 40 91 2999</p> <p>maxslade@bigpond.net.au</p>  |
| <p>Sheet No. Sheet Name.</p> <p><b>A106 3D VIEWS</b></p>  | <p>PA #3 12 05 25</p>  |
| <p>MAX SLADE DESIGNS</p> <p>Building Services</p> <p>Abbotsford VIC 3067</p> <p>maxslade@bigpond.net.au</p> | <p>Copyright</p> <p>13/05/2025 10:57:43 AM</p>   |

3D Streetscape

1

3D View 2

2

25/8/2025  
23.12.2025



## 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.