

10 August 2017

Officer: Brian Millard  
Direct Telephone: 4086 4657  
Our Reference: BM:nj

John & Kristal Parker  
6 Joan Crescent  
MAREEBA QLD 4880

Dear Sir/Madam

## **Decision Notice**

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

I refer to your application and advise that on 10 August 2017 Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: MCU/17/0003  
Street Address: 4 Collins Court MAREEBA QLD 4880  
Real Property Description: Lot 15 on SP291992  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use - Dual Occupancy (Duplex)  
Date of Decision: 10 August 2017

#### **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*.)

**ASSESSMENT MANAGER CONDITIONS**

## (A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a

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maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

### 3.6 Waste Management

On site refuse storage 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.

### 3.7 Letterbox

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

### 3.8 Clothes Drying area

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

## 4. Infrastructure Services and Standards

### 4.1 Access

An access crossover must be constructed (from the edge of the road pavement 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 is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect 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 applicant/developer must ensure the development is provided with three (3) on-site car parking spaces including one (1) visitor parking space, which are available solely for the parking of vehicles associated with the use of the premises. 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.

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 a one (1) metre wide landscape strip along the frontage of the site, excluding the access driveway, 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 (no gaps) or 1.8 metre high colorbond fence (neutral colour) is to be erected along the full extent of all side and rear boundaries.
  - (ii) Prior to the commencement of the use, solid 1.8 metre high timber or 1.8 metre high colorbond fencing of neutral colour is to be erected between each dwelling unit, separating areas of private open space.
  - (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 developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### 4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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

#### 4.7 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

<b>REFERRAL AGENCIES</b>
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Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

**Approved Plans**

Plan No.	Rev.	Plan Name	Date
A-01A		Perspectives prepared by EDR	-
A-04		Site Plan prepared by EDR	-
A-05		Floor Plan prepared by EDR	-
A-07		Elevations prepared by EDR	-

**ADVISORY NOTES**

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

**(A) ASSESSMENT MANAGER'S ADVICE**

- (a) 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) 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.

**(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

#### PROPERTY NOTES

Not Applicable.

#### VARIATION APPROVAL

Not Applicable.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work (Type)
- 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.

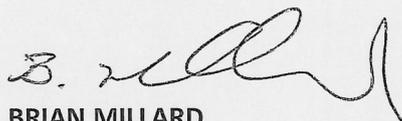
During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "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".

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**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

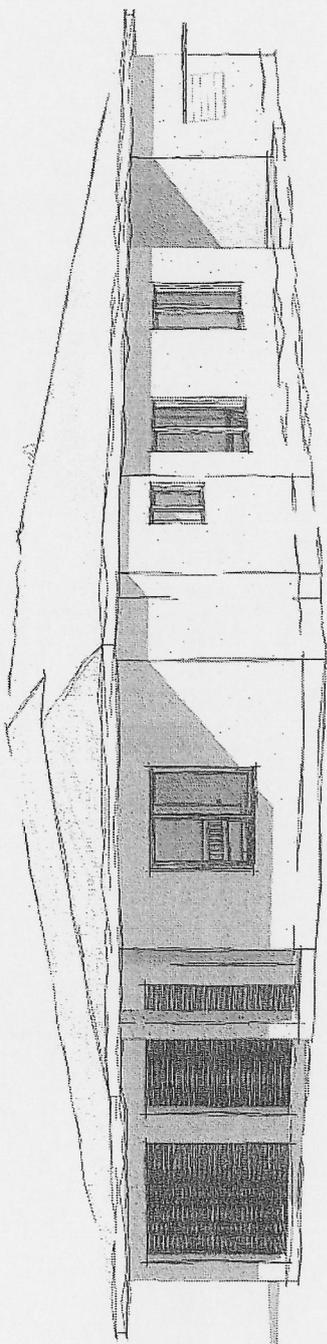


**BRIAN MILLARD**  
**SENIOR PLANNER**

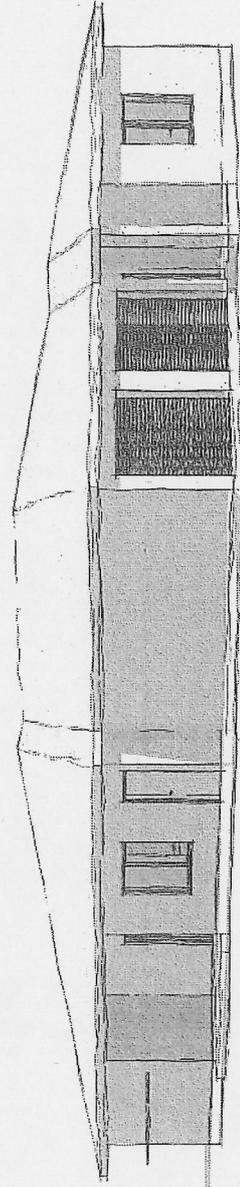
Enc: Approved Plans/Documents  
Appeal Rights

Approved Plans/Documents

PLEASE NOTE: THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFICIAL DECISION OF THE MAREEBA SHIRE COUNCIL. FOR MORE INFORMATION, PLEASE CONTACT THE MAREEBA SHIRE COUNCIL OFFICE ON 07 4638 4000 OR VISIT OUR WEBSITE AT WWW.MAREEBA.CITY.QLD.AU



Perspective 1



Perspective 2

CREATED BY: EDR BUILDING DESIGNS, 1703 BAYVIEW DRIVE, MAREEBA, QLD 4270. DATE: 27-JUL-17 2:27:32 PM. DESIGN WIND CLASSIFICATION: ??

*Handwritten signature and date:*  
L.M.B.  
6/22/8/01

EDR BUILDING DESIGNS  
PROJECT NUMBER: 1703  
DRAWING TITLE: ARCHITECTURAL  
SHEET NUMBER: A01 | A



Affiliate Level 2  
Accreditation Institute of Architects  
2016



PRELIMINARY ONLY



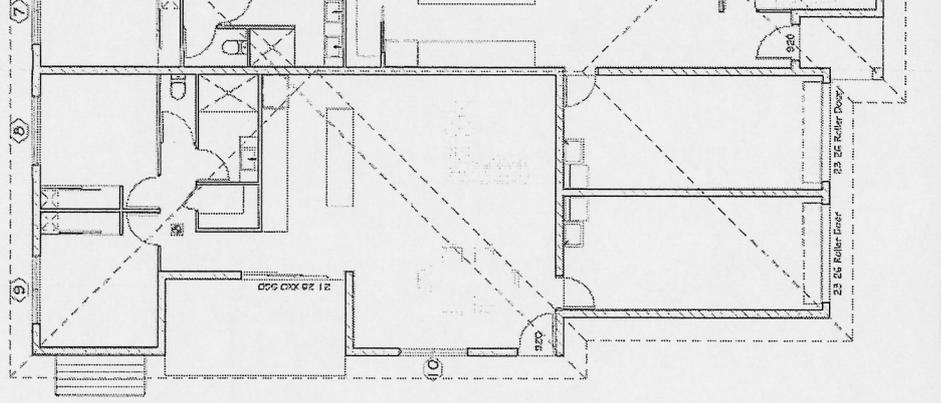

PLEASE REFER TO WORKSHOP OR MOORFLOOR FOR THE ORIGINAL DESIGN OR APPROVAL. APPROVALS WILL NOT BE RESPONSIBLE FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.



**ELEVATION KEY**

**EDR BUILDING DESIGNS**  
 JOINER TO ENSURE ALL APPLIANCES AND LIGHT FITS BY ALLOCATED SPACINGS, AND TO ADVISE ASHT ACCOUNT FOR ADJUSTMENTS FOR APPROVED SUBSTITUTIONS  
 JOINER TO ENSURE ALL APPLIANCES & LIGHT FITS BY ALLOCATED SPACINGS, AND TO ADVISE ASHT ACCOUNT FOR ADJUSTMENTS FOR APPROVED SUBSTITUTIONS  
 WATER AND WASTE ARE CONNECTED TO MAINS

**GENERAL JOINERY NOTES & STANDARDS**  
 CHECK ALL DIMENSIONS AND COMMENTS ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMPLETION OF JOINERY SHOP DRAWINGS  
 CONTRACTOR TO REPORT ANY DISCREPANCIES ON DRAWING OR ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMPLETION OF JOINERY SHOP DRAWINGS  
 SPECIFIED PROPRIETARY ITEMS DOES NOT IMPLY ENDORSEMENT FOR THE ITEM INDICATED, BUT IDENTIFIES THE MANUFACTURER'S RECOMMENDED SUBSTITUTES AND SUBSTITUTIONS ARE BY APPROVAL ONLY  
 CONFIRM NOMINATED APPLIANCES/MANUFACTURERS RECOMMENDATIONS SPECIFICATIONAL, REQUIRED BRANDS/REQUIREMENTS ARE INSTALLED  
 KITCHEN KITCHENS WHERE SPECIFIED AS PART OF JOINERY UNIT AND/OR LOCATED ADJACENT TO - REFER JOINERY DRAWINGS AND FLOOR PLAN



21 20 X 10 500  
 21 20 X 10 500  
 23 25 Roller Door  
 23 25 Roller Door

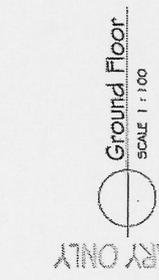
**Floor Area**

Unit 2 Living	13.2 m <sup>2</sup>
Unit 1 Living	25.4 m <sup>2</sup>
Unit 2 Garage	23.1 m <sup>2</sup>
Unit 1 Garage	14.2 m <sup>2</sup>
Unit 2 Patio	12.2 m <sup>2</sup>
Unit 1 Patio	302.3 m <sup>2</sup>

**Window Schedule**

No.	Ht	Wd	Description
1	1500	1800	XO SLIDING GLASS WINDOW
2	900	1200	XO SLIDING GLASS WINDOW
3	1500	1800	XO SLIDING GLASS WINDOW
4	1500	1800	XO SLIDING GLASS WINDOW
5	1500	2000	XO SLIDING GLASS WINDOW
6	1500	1800	XO SLIDING GLASS WINDOW
7	1500	1800	XO SLIDING GLASS WINDOW
8	1500	1800	XO SLIDING GLASS WINDOW
9	1500	1800	XO SLIDING GLASS WINDOW
10	1500	1800	XO SLIDING GLASS WINDOW

**Keynote Legend**  
 Key Value      Keynote Text



**PRELIMINARY ONLY**

Drawn By: [Name]      Project Sign: [Name]  
 Checked By: [Name]      Client Name: [Name]  
 Project Name: [Name]      Project Address: [Address]

**miaGreenSmart**  
 Affiliates Level 2  
 Australian Institute of Architects

*Handwritten:* L102/8/01  
 B.M.B.

Elevation 1  
 Elevation 2  
 Elevation 3  
 Elevation 4

TYP CH = 600mm ROOF PITCH 12°

DESIGN WIND CLASSIFICATION ??

PRELIMINARY ONLY

EDR BUILDING DESIGNS

PROJECT NUMBER: 17-0000003  
 DRAWING TITLE: SUBMITTAL  
 SHEET: AR 01  
 SHEET: AR 07

THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE DRAWING IS THE PROPERTY OF EDR BUILDING DESIGNS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THE CLIENT IS ADVISED THAT THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE DRAWING IS THE PROPERTY OF EDR BUILDING DESIGNS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

Affiliates Level 2  
 Affiliated Institute of Architects

viaGreenSmart

10/8/2017  
 B. [Signature]

## 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 and 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.