Mareeba
SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

4 November 2026

Planning Officer: Carl Ewin
Our Reference: MCU/26/0020

Andrei C Wells
C/- Neil Beck
32 Yarun Close
WONGA BEACH QLD 4873

Dear Applicants,

Decision Notice
Planning Act 2016

I refer to your application and advise that on 2 November 2026, under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/26/0020
Street Address:	19 Mason Street, Mareeba
Real Property Description:	Lot 2 on RP715731
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 Dwelling (existing dwelling & 2x3 bedroom units) and Reconfiguring a Lot – Subdivision (1 into 2 lots)
Date of Decision:	2 November 2026

CURRENCY PERIOD OF APPROVAL

Material Change of Use – 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*.)

Reconfiguration of a Lot – 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 (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 Clothes Drying area

Sufficient area for clothes drying is to be provided for each dwelling and is to be appropriately screened from view of adjoining properties and the street.

3.5 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.

3.6 Development Staging

The material change of use aspect of this development approval must be completed prior to the reconfiguring a lot aspect.

4. Infrastructure Services and Standards

4.1 Access

An access crossover for each dwelling, including the existing dwelling house, must be constructed (from the edge of the road pavement to the property boundary of the subject lot) to the satisfaction of Council's delegated officer.

All redundant crossovers must be removed and concrete kerb reinstated.

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

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure each new dwelling is provided with a covered carport which are available solely for the parking of vehicles associated with the use of the premises. Visitor carparking is accepted on the driveways.

All carparking 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 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 screen fence (of neutral colour) is to be erected along the full extent of all side and rear boundaries.

(ii) 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 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**.

4.6 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).

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1	Site Plan	Francis Kerr Design	16 Sept 2026
2	Floor Plan	Francis Kerr Design	16 Sept 2026
3	Elevations	Francis Kerr Design	16 Sept 2026
4	Elevations	Francis Kerr Design	16 Sept 2026
5	Sections	Francis Kerr Design	16 Sept 2026

ASSESSMENT MANAGERS ADVISORY NOTES

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

(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) Endorsement Fees

Council charges a fee for the endorsement of Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(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.

(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.dwatsipm.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 or contact Biosecurity Queensland 13 25 23.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

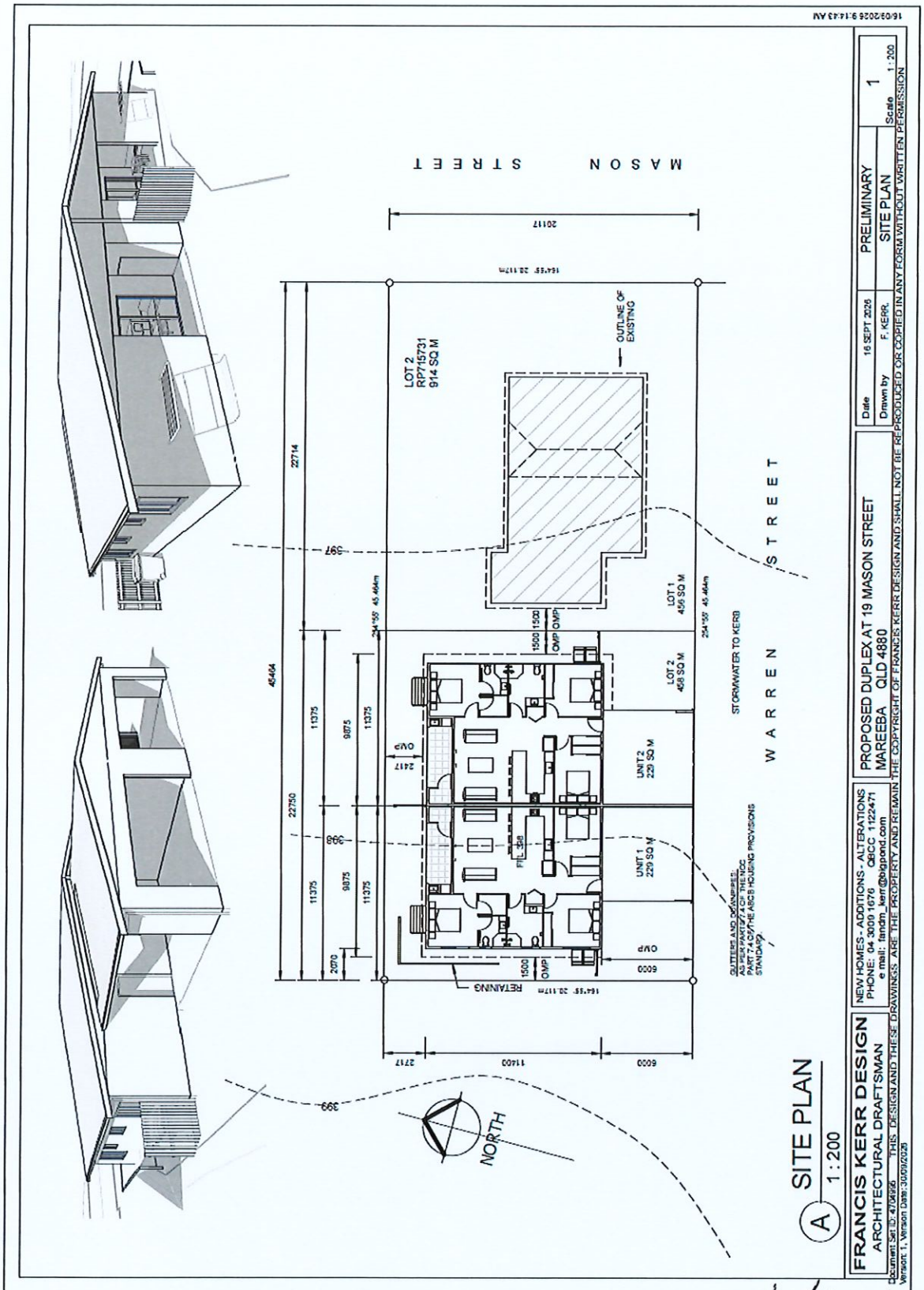
If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

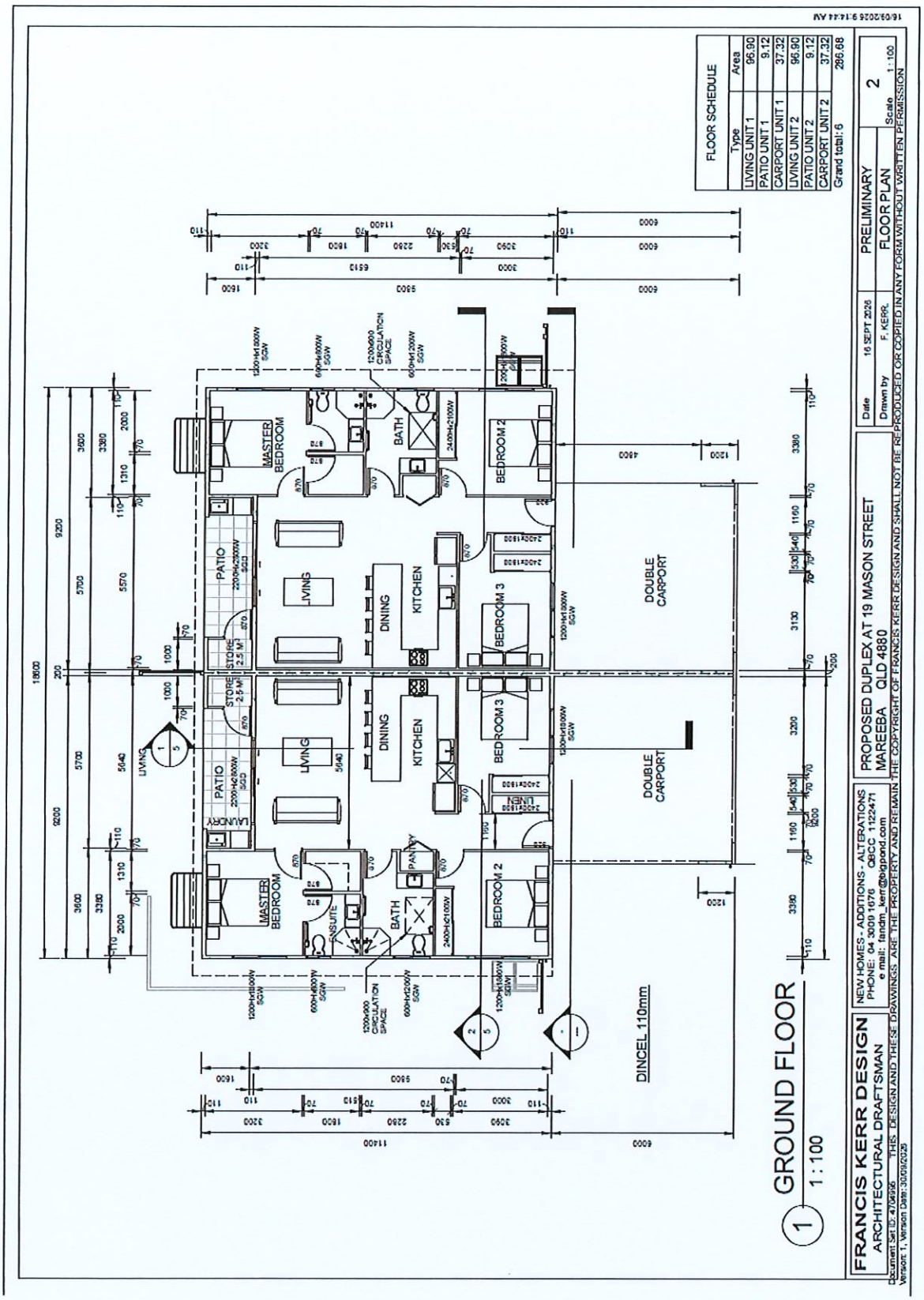
BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
Appeal Rights

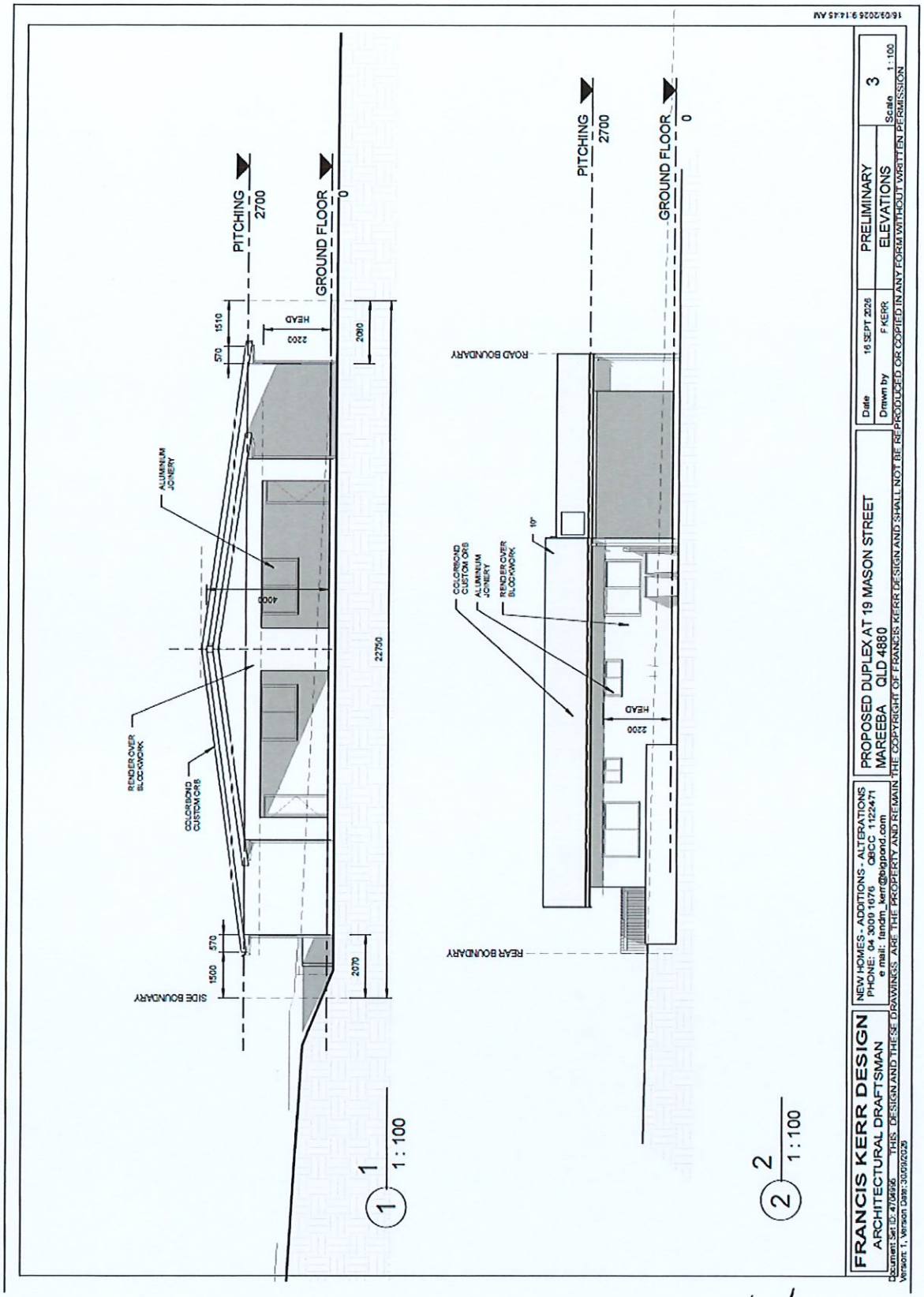
Approved Plans/Documents



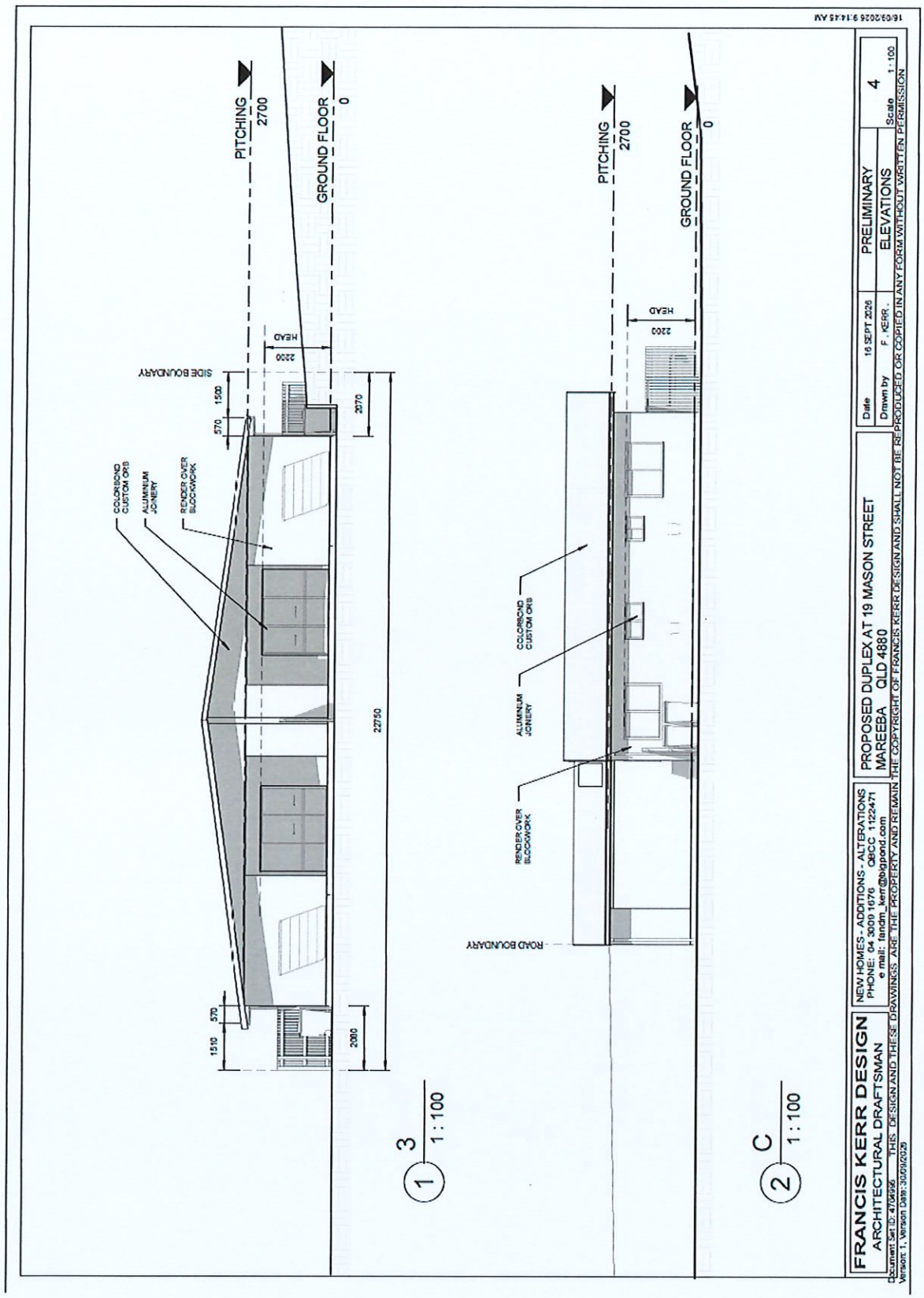
4/11/2026


FLOOR SCHEDULE
Type | Area
LIVING UNIT 1 | 96.90
PATIO UNIT 1 | 9.12
CARPORT UNIT 1 | 37.32
LIVING UNIT 2 | 96.90
PATIO UNIT 2 | 9.12
CARPORT UNIT 2 | 37.32
Grand total: 6 | 286.68
PRELIMINARY
FLOOR PLAN
Scale 1:100
PROPOSED DUPLEX AT 19 MASON STREET
MAREEBA QLD 4880
Date 16 SEPT 2025
Drawn by F. KERR.
THIS DESIGN AND THESE DRAWINGS ARE THE PROPERTY AND REMAIN THE COPYRIGHT OF FRANCIS KERR DESIGN AND SHALL NOT BE REPRODUCED OR COPIED IN ANY FORM WITHOUT WRITTEN PERMISSION
FRANCIS KERR DESIGN
ARCHITECTURAL DRAFTSMAN
NEW HOMES - ADDITIONS - ALTERATIONS
PHONE: 04 3009 1076 QBCC 1122471
e mail: fandm_kerr@bigpond.com
GROUND FLOOR
1 : 100
MASTER BEDROOM
BATH
BEDROOM 2
BEDROOM 3
LIVING
DINING
KITCHEN
PATIO
STORE 2.5 M3
LAUNDRY
ENSUITE
PANTRY
LINEN
DOUBLE CARPORT
DINCEL 110mm
CIRCULATION SPACE

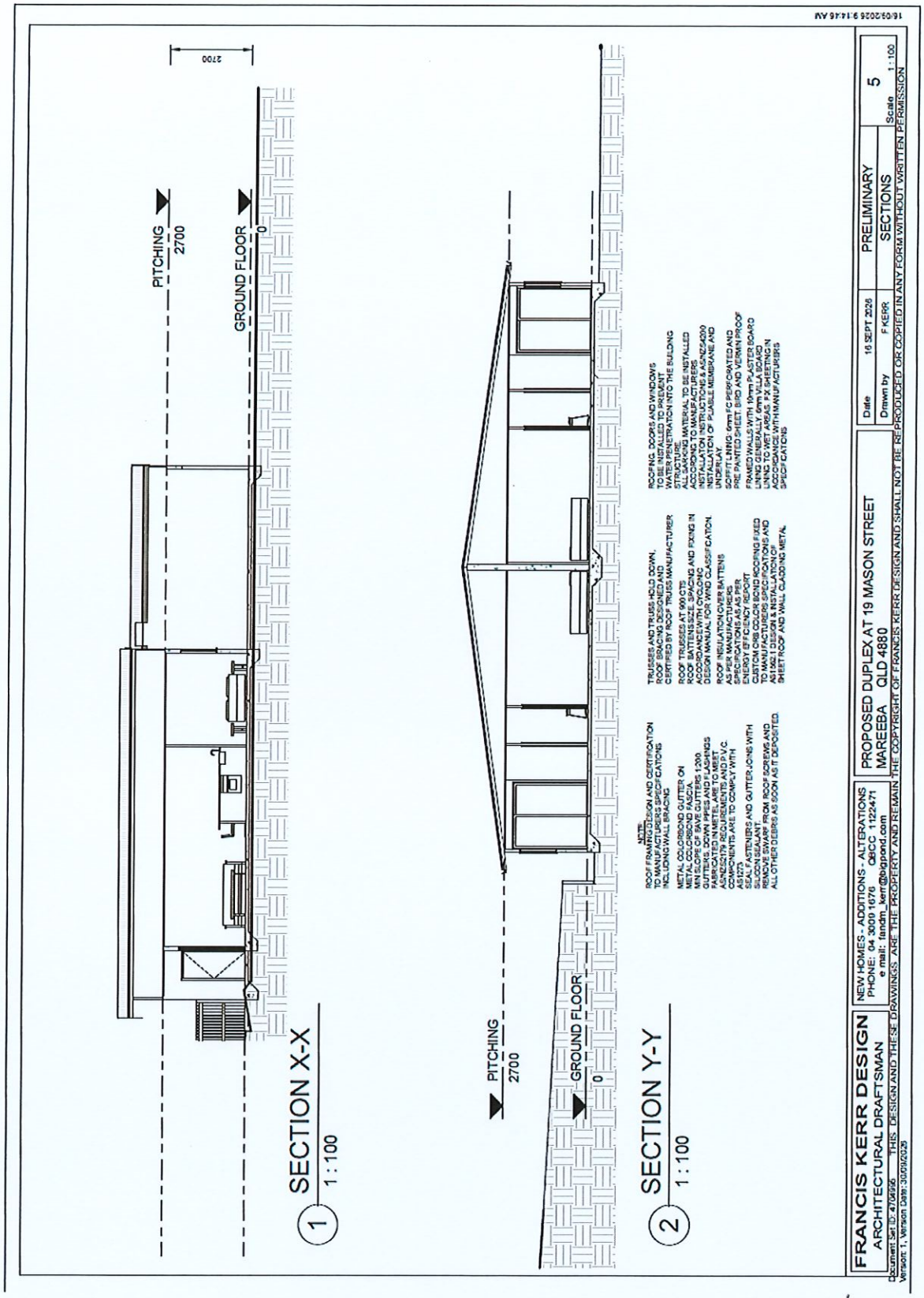
4/11/2026


PITCHING
2700
GROUND FLOOR
0
HEAD
2200
1510
570
2090
ALUMINIUM JOINERY
4000
RENDER OVER BLOCKWORK
COLORBOND CUSTOM ORB
22750
1500
570
2070
SIDE BOUNDARY
1 1 : 100
ROAD BOUNDARY
PITCHING
2700
GROUND FLOOR
0
COLORBOND CUSTOM ORB
ALUMINIUM JOINERY
RENDER OVER BLOCKWORK
10°
HEAD
2200
REAR BOUNDARY
2 1 : 100
FRANCIS KERR DESIGN
ARCHITECTURAL DRAFTSMAN
NEW HOMES - ADDITIONS - ALTERATIONS
PHONE: 04 3000 1076 QBCC 1122471
e mail: fandm_kerr@bigpond.com
PROPOSED DUPLEX AT 19 MASON STREET
MAREEBA QLD 4880
Date 16 SEPT 2025
Drawn by F.KERR
PRELIMINARY
ELEVATIONS
3
Scale 1 : 100
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4/11/2026


PITCHING
2700
GROUND FLOOR
0
HEAD
2200
SIDE BOUNDARY
1500
570
2070
2750
2080
1510
570
COLORBOND CUSTOM ORB
ALUMINIUM JOINERY
RENDER OVER BLOCKWORK
3
1 : 100
1
PITCHING
2700
GROUND FLOOR
0
HEAD
2200
COLORBOND CUSTOM ORB
ALUMINIUM JOINERY
RENDER OVER BLOCKWORK
ROAD BOUNDARY
C
1 : 100
2
FRANCIS KERR DESIGN
ARCHITECTURAL DRAFTSMAN
NEW HOMES - ADDITIONS - ALTERATIONS
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e mail: fandm_kerr@bigpond.com
PROPOSED DUPLEX AT 19 MASON STREET
MAREEBA QLD 4880
Date 16 SEPT 2026
Drawn by F. KERR
PRELIMINARY
ELEVATIONS
4
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4/11/2026


16/09/2026 9:14:46 AM
2700
PITCHING
2700
GROUND FLOOR
0
SECTION X-X
1 : 100
PITCHING
2700
GROUND FLOOR
0
SECTION Y-Y
1 : 100
NOTE
ROOF FRAMING DESIGN AND CERTIFICATION TO MANUFACTURERS SPECIFICATIONS INCLUDING WALL BRACING
METAL COLORBOND GUTTER ON METAL COLORBOND FASCIA MIN SLOPE OF 5MM GUTTERS 1:200 GUTTERS, DOWN PIPES AND FLASHINGS FABRICATED IN METAL ARE TO MEET AS/NZS 2179.1 AND AS/NZS 2179.2 AND V.C. COMPONENTS ARE TO COMPLY WITH AS1273
SEAL FASTENERS AND GUTTER JOINS WITH SILICONE SEALANT AS RECOMMENDED
REMOVE SWARF FROM ROOF SCREWS AND ALL OTHER DEBRIS AS SOON AS IT DEPOSITED
TRUSSES AND TRUSS HOLD DOWN, ROOF BRACING DESIGNED AND CERTIFIED BY ROOF TRUSS MANUFACTURER
ROOF TRUSSES AT 900 CTS
ROOF BATTENS SIZE, SPACING AND FIXING IN ACCORDANCE WITH CYCLONIC DESIGN MANUAL FOR WIND CLASSIFICATION
ROOF INSULATION OVER BATTENS AS PER MANUFACTURERS SPECIFICATIONS AS AS PER ENERGY EFFICIENCY REPORT
CUSTOM ORB OR EQUIVALENT ROOFING FIXED TO MANUFACTURERS SPECIFICATIONS AND AS1562.1 DESIGN & INSTALLATION OF SHEET ROOF AND WALL CLADDING METAL
ROOFING, DOORS AND WINDOWS TO BE INSTALLED TO PREVENT WATER PENETRATION INTO THE BUILDING STRUCTURE
ALL SARKING MATERIAL TO BE INSTALLED ACCORDING TO MANUFACTURERS SPECIFICATIONS AS PER AS/NZS4200
INSTALLATION OF PLASTIC MEMBRANE AND UNDERLAY
SOFFIT LINING 6mm FC PERFORATED AND PRE PAINTED SHEET, BIRD AND VERMIN PROOF
FRAMED WALLS WITH 10mm PLASTER BOARD LINING GENERALLY, 6mm VILLA BOARD LINING TO WET AREAS AS PER SPECIFICATION ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS
FRANCIS KERR DESIGN
ARCHITECTURAL DRAFTSMAN
NEW HOMES - ADDITIONS - ALTERATIONS
PHONE: 04 3000 1676 QBCC 1122471
e mail: fandm_kerr@bigpond.com
PROPOSED DUPLEX AT 19 MASON STREET
MAREEBA QLD 4880
Date 16 SEPT 2026
Drawn by F KERR
PRELIMINARY
SECTIONS
5
Scale 1 : 100
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4/11/2026

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 us 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.