

24 October 2018

Senior Planner: Brian Millard  
Direct Phone: 4086 4657  
Our Reference: MCU/18/0022  
Your Reference: DA/18/0001

Mulungu Aboriginal Corporation  
C/- Northern Building Approvals  
3b Margherita Close  
MAREEBA QLD 4880

Dear Applicant/s

## **Decision Notice**

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

I refer to your application and advise that on 23 October 2018, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: MCU/18/0022  
Street Address: 14 Sutherland Street, Mareeba  
Real Property Description: Lot 4 on RP717124  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use - Community Care Centre (Expansion)  
Date of Decision: 23 October 2018

#### **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**

## (A) 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 expanded use, except where specified otherwise in these conditions of approval.
  - 2.2 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 within the conditions of approval.
  - 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 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

Any on-site refuse storage area relocated as a consequence of this development must be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **commercial** access crossover must be constructed (from the edge of Sutherland 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.

The existing driveway is to be reconstructed to a minimum width of 6 metres to allow for two way traffic and to correct the nonconforming approach angle and existing concrete failures.

### 4.2 Stormwater Management

4.2.1 Prior to building works commencing, the applicant must 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.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge on Sutherland Street.

#### 4.3 Car Parking/Internal Driveways

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, asphalt or bitumen sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and 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 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include, at minimum, 1 metre wide landscape strips along the northern, eastern and southern sides of the open carport structure.

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4.2 A 1.8 metre high solid screen (no gaps) timber or Colorbond fence of neutral colour is to be erected along those parts of the northern, southern and eastern boundaries of Lot 4 on RP717124 adjacent to the open carport structure, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

Where lighting is installed, 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.

#### REFERRAL AGENCIES

Not Applicable.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Mulungu Health - Site Plan	-	19/2/2018
MAREB1-13118 1/2	General Arrangement	Ranbuild	-
MAREB1-13118 2/2	General Arrangement	Ranbuild	-
IPF-13118 1/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 2/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 3/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 4/4	Integral Pad Footing & RC Floor det	Ranbuild	-
BPS-13118 1/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 2/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 3/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 4/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 5/5	Bored Pier & RC Slab	Ranbuild	-

#### 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) 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.

(c) 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.

(d) 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).

(e) 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).

(f) Building over sewer

An application to build over Council's sewerage infrastructure must be submitted to and approved by Council's delegated officer prior to the commencement of building works.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

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

#### SUBMISSIONS

There were no properly made submissions about the application.

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**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**  
**SENIOR PLANNER**

Enc: Approved Plans/Documents  
Appeal Rights

**Approved Plans/Documents**

PROPOSAL PLANS

ATTACHMENT 1

**Mulungu Health**



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 Queensland Globe

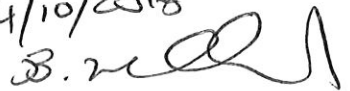
  
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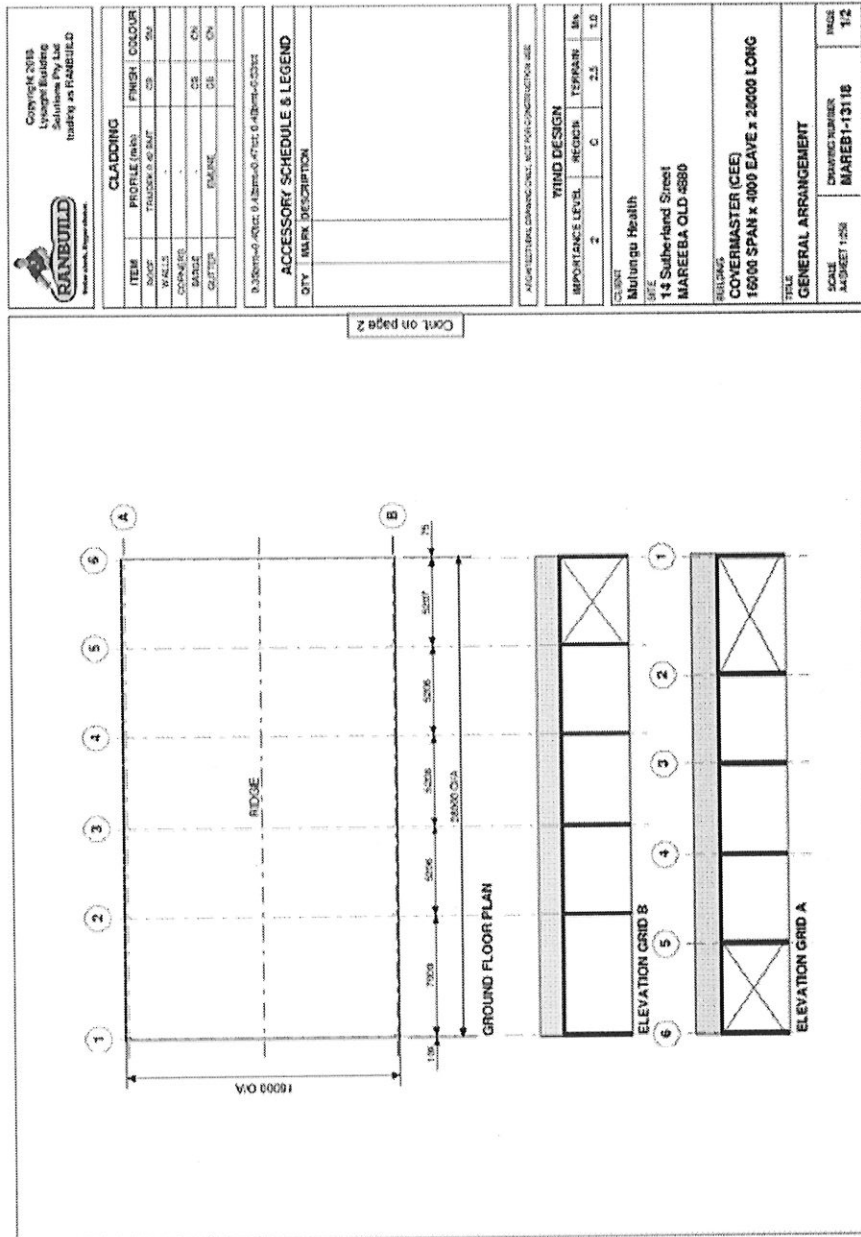
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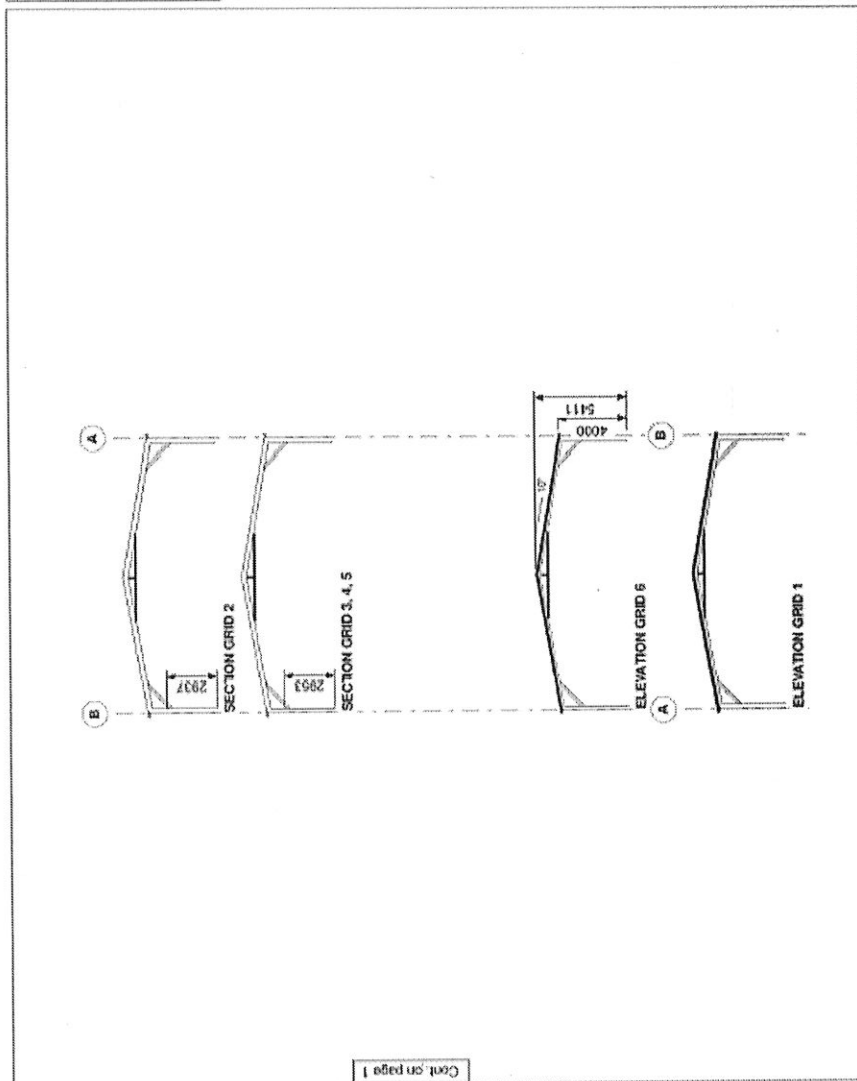


 Copyright 2018 Lyngate Building Solutions Pty Ltd trading as RANBUILD		
CLADDING		
ITEM	PROFILE (MTR)	FINISH / COLOUR
ROOF	TRUSSE & BAY	CSB
WALLS		
SCREENING		
BRIDGE		
GRIPPER	FLANGE	CSB
		CSB
B.30mm-0.40x1.0 4.13mm-0.47x1.0 4.18mm-0.52x1.0		
ACCESSORY SCHEDULE & LEGEND		
QTY	MARK DESCRIPTION	
ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METRES.		
WIND DESIGN		
IMPORTANCE LEVEL	REGION	TEMPERATURE
2	C	23.5
		1.0
CLIENT Mulungu Health 14 Sutherland Street MAREEBA QLD 4880		
PROJECT CONCRETE (CEE) 16000 SPAN x 4000 EAVE x 28000 LONG		
GENERAL ARRANGEMENT		
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A4/2000	MAREB1-13118	1/2

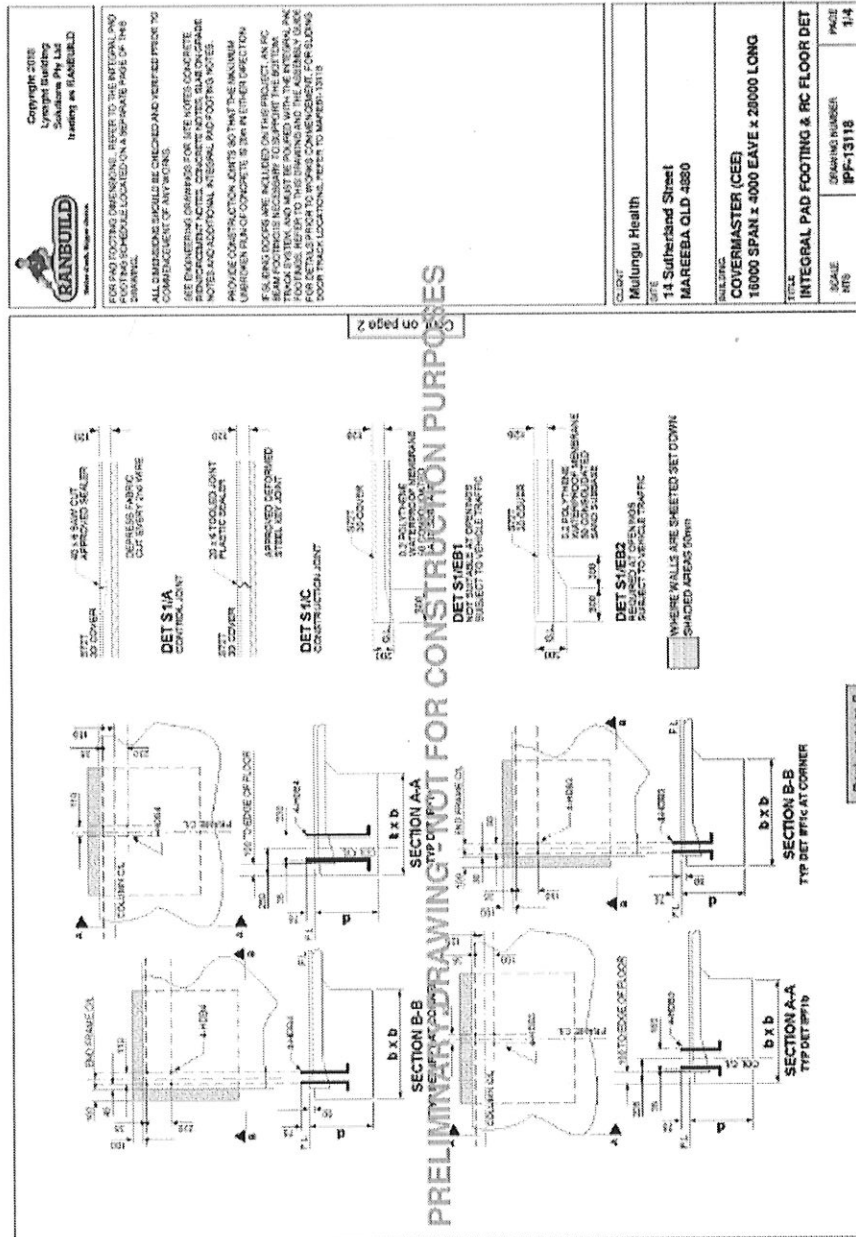
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B. Will



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INTEGRAL PAD FOOTING SCHEDULE			
CENTRE LINE REFERENCE	FRAME REFERENCES	LABEL	d x b x b
A	1	IPF1	900 x 900 x 900
A	2	IPF1a	900 x 900 x 900
A	6	IPF1c	900 x 900 x 900
B	1	IPF1	900 x 900 x 900
B	2	IPF1a	900 x 900 x 900
B	3,4,5	IPF1b	900 x 900 x 900
B	6	IPF1c	900 x 900 x 900

**PRELIMINARY DRAWING - NOT FOR CONSTRUCTION PURPOSES**

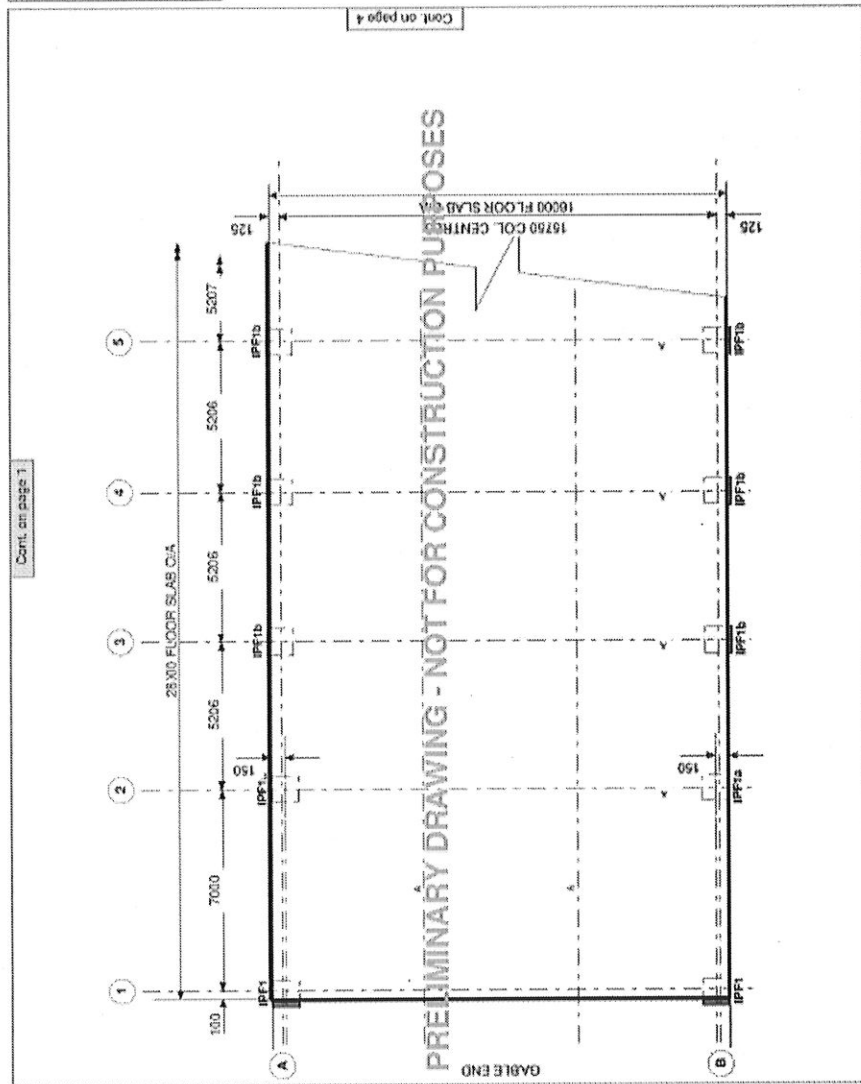
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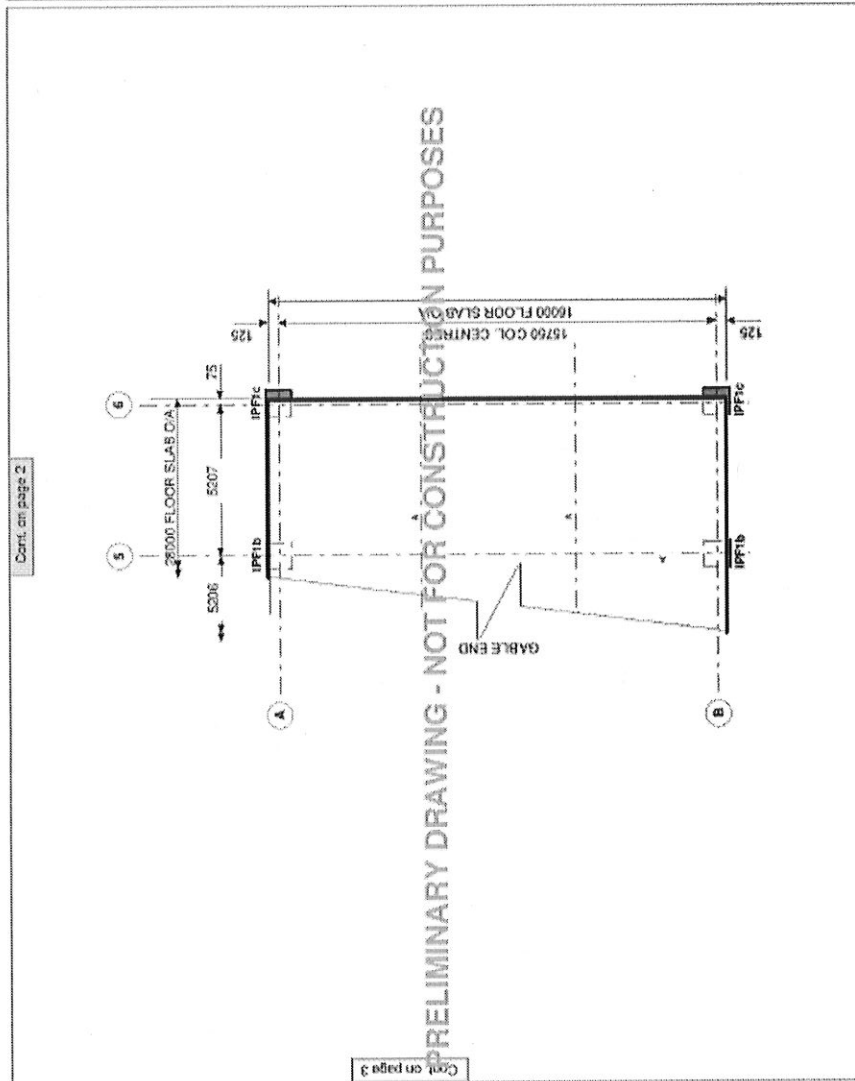
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B. Bunnell





SCALE N/C	DESIGN NUMBER BPS-13118	PAGE 25
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BORED PIER SCHEDULE FOR PIERS CAST INTEGRAL WITH RC FLOOR SLAB

CENTRE LINE REFERENCE	FRAME REFERENCE(S)	LABEL	Ø1A x Ø1	PIER CAP Ø2 x Ø2 REINFORCEMENT
A	1	BP1	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
A	2	BP1a	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
A	3, 4, 5	BP1b	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
B	1	BP1	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
B	2	BP1a	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
B	3, 4, 5	BP1b	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300
C	6	BP1c	600 x 1550	600 x 600 Ø16 VERT RS TIES @ 300

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SCALE	
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BORED PIER SCHEDULE FOR PIERS WITH NO FLOOR OR ISOLATED FROM RC FLOOR SLAB

CENTRE LINE REFERENCE	FRAME REFERENCE(S)	LABEL	DIA x d	PIER CAP	REINFORCEMENT
A	1	BP1	600 x 2550	800 x 500	6M16 VERT R5 TIES @ 300
A	2	BP1a	600 x 2550	800 x 600	6M16 VERT R5 TIES @ 300
A	3, 4, 5	BP1b	600 x 2550	600 x 600	6M16 VERT R5 TIES @ 300
B	1	BP1	600 x 2550	600 x 600	6M16 VERT R5 TIES @ 300
B	2	BP1a	600 x 2550	600 x 600	6M16 VERT R5 TIES @ 300
B	3, 4, 5	BP1b	600 x 2550	600 x 600	6M16 VERT R5 TIES @ 300
B	6	BP1c	600 x 2550	600 x 600	6M16 VERT R5 TIES @ 300

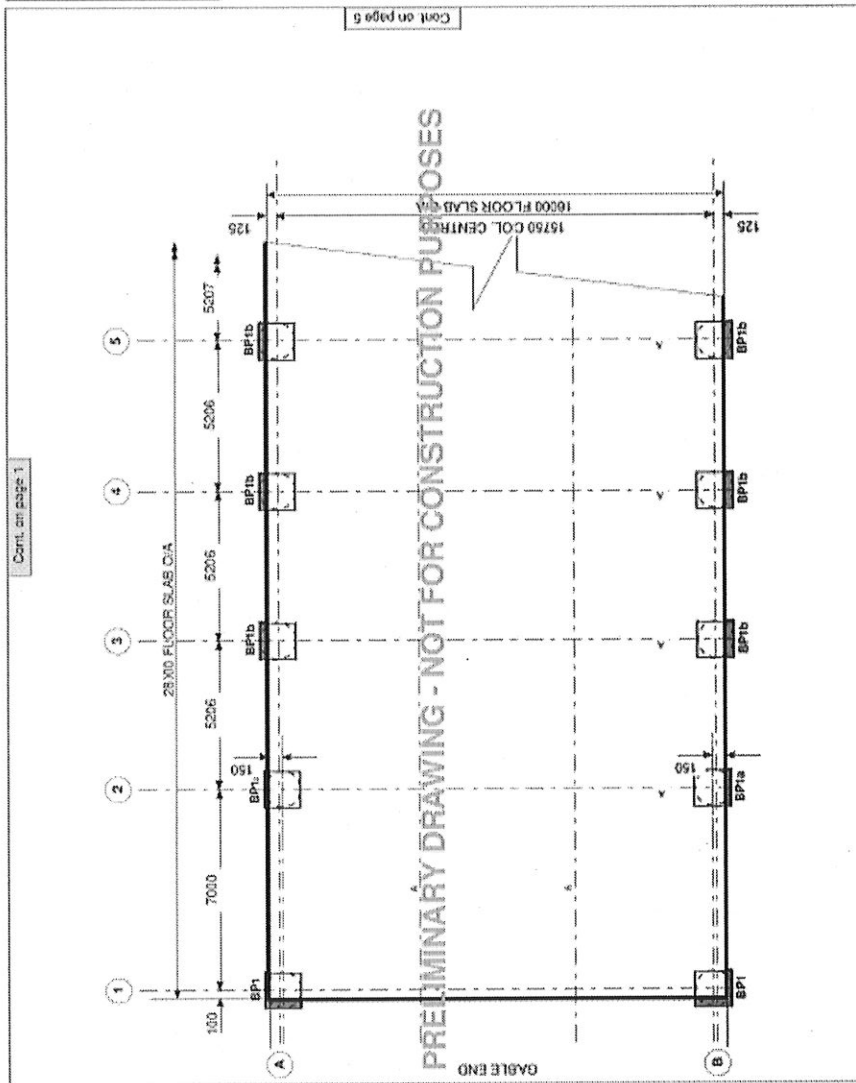
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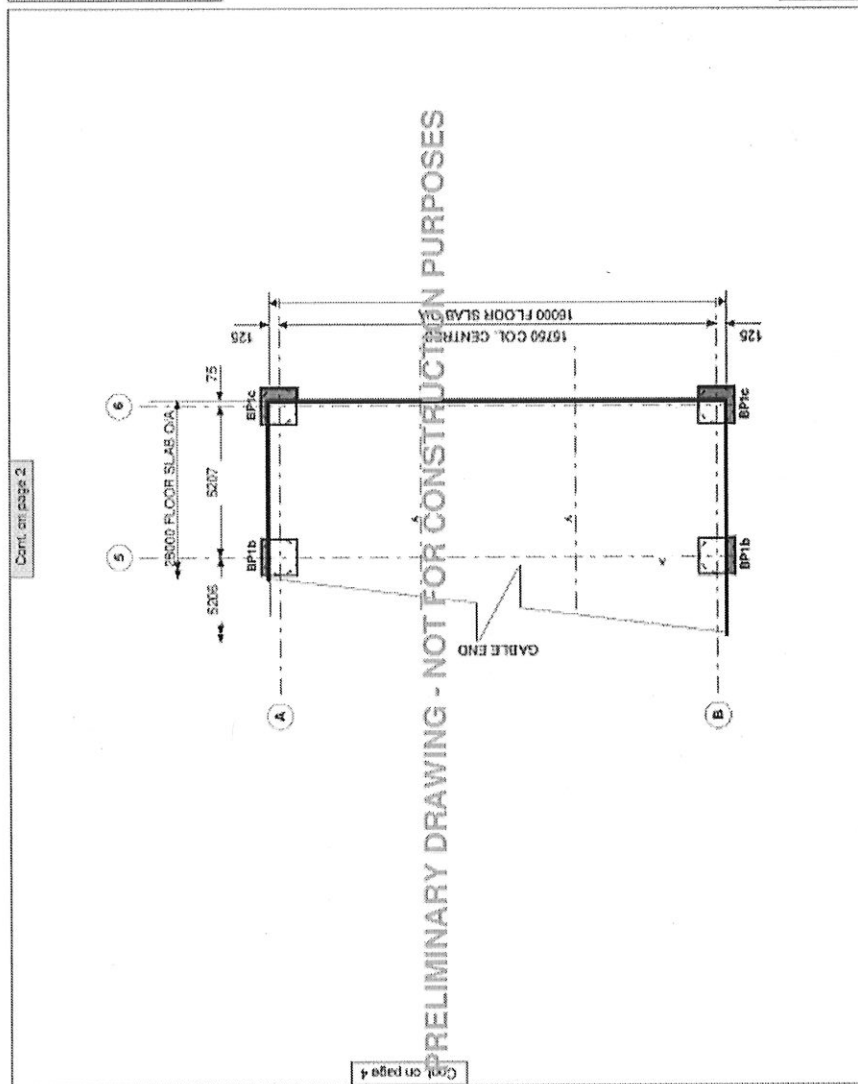
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## Appeal Rights

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.