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Our Ref: 08:18/05/2022
Your Ref: DA2021_013

7 July 2022

Planz Town Planning Pty Ltd
On Behalf of Gindaja Treatment and Healing Indigenous Corporation
C/- Post Office
Yarrabah QLD 4871

Delivery via email: info@planztp.com and gerhard.visser@dssatsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 81 & 83 of the Planning Act 2016, Material Change of Use to enable Community Care Centre (Learning and Well-being Centre) in the Low-Medium Density Residential Zone on Lot 923SP265165

The application dated 11/04/2022 seeking approval for the following is noted:

- Minor Change to an existing approval: Material Change of Use to enable the development of a Community Care Centre (Learning and Well-being Centre) at Workshop Road on Lot 923SP265165.

Please be advised that your application was assessed and considered at Council's schedule meetings held on 18 May 2022

Council resolved:

The Council is the Local Government Authority for the Yarrabah Aboriginal Shire and the Trustee of the Yarrabah Deed of Grant in Trust (DOGIT). As the Local Government Authority and Trustee for the DOGIT the Council has the responsibility of deciding what is in the best interest of the community.

It is considered that approving (with conditions) the Minor Change to the existing Material Change of Use to enable a Learning and Well-being Centre in the Low-Medium Density Residential Zone on Lot 923SP265165 is considered to be of benefit to all of the Yarrabah community.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to approve a Minor Change to an Existing Development Permit under Section 83 of the Planning Act 2016, (subject to conditions):
 - a. The Development Application lodged with Council on behalf of Gindaja Treatment and Healing Indigenous Corporation for:
 - i) Minor Change to the existing Development Permit DA2021_017, approved by Council on 28 July 2021 for a Material Change of Use to

enable the development of a Community Care Centre (Learning and Well-being Centre) at Workshop Road on Lot 923SP265165

This notice outlines aspects of the development, conditions of the approval, currency period, approved plans and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an Appeal.

Should you require any further information or clarification concerning this matter, please contact Council for the necessary assistance.

Yours sincerely



Leon Yeatman
CHIEF EXECUTIVE OFFICER
Yarrabah Aboriginal Shire Council

Encl - Decision Notice
Appeal Rights

APPLICATIONS DETAILS

Aspects of the development proposal are listed below:

Application Number	DA2121_017- DA2022_013 Yarrabah
Applicant Details	Planz Town Planning Pty Ltd on behalf of Gindaja Treatment and Healing Indigenous Corporation
Property Description	Lot 923SP265165
Proposal	A Minor Change to the existing development approval for a Material Change of Use to enable the development of a Community Care Centre (Learning and Well-being Centre) at Workshop Road on Lot 923SP265165.
Level of Assessment	N/A

DECISION

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Deemed Approval	The application has been deemed to be approved under s64 of the <i>Planning Act 2016</i> .
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28/07/2021 18 May 2022
Decision Type	Development Permit
Planning Instrument	Yarrabah Aboriginal Shire Council Planning Scheme Amendment Alignment adopted 04 September 2019 and commenced 11 December 2019.
Submissions	N/A
CONDITIONS OF APPROVAL	
The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.	
REFERRAL AGENCIES	
Nil referrals	
PROPERTY NOTES	
Not Applicable	
FURTHER DEVELOPMENT PERMITS REQUIRED	
Building Act 1975 Plumbing & Drainage Act 2018	
RIGHTS OF APPEAL	
The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the <i>Planning Act 2016</i> . There may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the <i>Planning Act 2016</i>).	
<u>Appeal by an applicant</u>	
An applicant for a development application may appeal to the Planning and Environment Court against the following:	
<ul style="list-style-type: none"> The refusal of all or part of the development application; 	

- A provision of the development approval;
- The decision to give a preliminary approval when a development permit was applied for; and
- A deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- Any part of the development application that required impact assessment; and
- A variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

APPROVAL CURRENCY PERIOD

Pursuant to s46(8) of the *Planning Act 2016*, the development approval will lapse within six (6) years after the date of approval.

APPROVED PLANS & SPECIFICATIONS

Copies of the approved plans, specifications and/or drawings are attached.

FURTHER INFORMATION

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63 (5) and s83 (7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision specifically having regard to:

- The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given then in the *Planning Act 2016*.

REASONS FOR THE DECISION

The proposed development is considered to be consistent with the following and relevant overall outcomes of the Planning Scheme, in particular:

The proposed Minor Changes is not:

- Changing the intent of the development
- Is undertaken due to on site practical solutions
- Compliance with parking rules re provision of PWD space. Not required if 5 or less parking spaces are provided.

SCHEDULE OF CONDITIONS

Applicable to the following Section 81 & 83 of the *Planning Act 2016*, approval:

- i. A Minor Change to the existing Development Approval for a Material Change of Use to enable Community Care Centre (Learning and Well-being Centre) in the Low Medium Residential Zone at Workshop Road on Lot 923SP265165.

CONDITIONS OF APPROVAL

TIMING

- (1) **Administration** At all times
- 1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:
 - 1.2 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;
 - 1.3 The development must unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards and with the relevant design guidelines in the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual;
 - 1.4 The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.

- (2) **Currency Period** As per condition
- 2.1 The currency period applicable to this approval is **6 years**.

- (3) **Approved Site Drawings** At all times
- 3.1 The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:

Plan / Document Name	Drawing Number	Sheet No/Ref.	Date
LEARNING AND WELL-BEING CENTRE WORKSHOP ROAD, YARRABAH, QLD	1471-SD-04	ISSUE C	March 2021
LEARNING AND WELL-BEING CENTRE WOKSHOP ROAD, YARRABAH, QLD	1471-SD-05	ISSUE A Amendment A MCU Application 30/06/2021	JUNE 2021
Site & Locality Plan	1471-CD-A01	Issue P2	February 2022
Floor Plan, Slab Setout Plans & Details	1471-CD-A02	Issue P2	February 2022
Elevations & Sections	1471-CD-A04	Issue P2	February 2022

- 3.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.

- (4) **Construction** At all times
- 4.1 Any construction work associated with this development shall be carried out in accordance with sound engineering practice.
 - 4.2 No nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours.
 - 4.3 Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.
 - 4.4 Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.

- (5) **Damage to Infrastructure** At all times
- 5.1 In the event that any part of Council’s infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.

CONDITIONS OF APPROVAL	TIMING
5.2 All works must be completed prior to the issue of a Certificate of Occupation, Building Act.	
(6) Drainage 6.1 The surface drainage must be catered for in a manner that lessens possible impacts in receiving areas. 6.2 Any works as a result of the reconfiguration must not interfere with natural stormwater flow over or through the land.	At all times
(7) Access 7.1 Access provision to the development must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence. 7.2 Bicycle and Vehicle parking requirements and Parking Design must be provided/constructed in accordance with FNQROC specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence.	Prior to the commencement of the use.
(8) Infrastructure Services 8.1 Water Supply connection or suitable alternative adequate water supply must be provided to the site. 8.2 Sewer connection or suitable alternative on-site treatment must be provided to the site. 8.3 Electricity provision certificate must be provided to the Local Authority. 8.4 Telecommunications provision certificate or declaration of exemption must be provided to the Local Authority.	Prior to the commencement of the use.
(9) Acid Sulfate Soils 9.1 Due care must be taken to ensure that the development will manage to not disturb or minimise the release of acid or metal contaminants. 9.2 Dispose of acid or metal contaminants compliant to legislation and provide relevant disposal documentation to Council.	Prior to the commencement of the use.
(10) Landscaping and Fencing 10.1 Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. 10.2 Landscaping and fencing to be erected to enhance the appearance of the site to the road and provide a buffer to adjoining sites. 10.3 The landscaping and fencing must be maintained to an appropriate standard.	Prior to the commencement of the use. At all times

Recommendation:

- Installation of End of trip cycling facilities (shower and lockers).



LOCALITY PLAN



SITE LEGEND:

- PROPOSED BUILDING
- PROPOSED DRIVEWAY
- PROPOSED DRIVEWAY
- PROPOSED DRIVEWAY

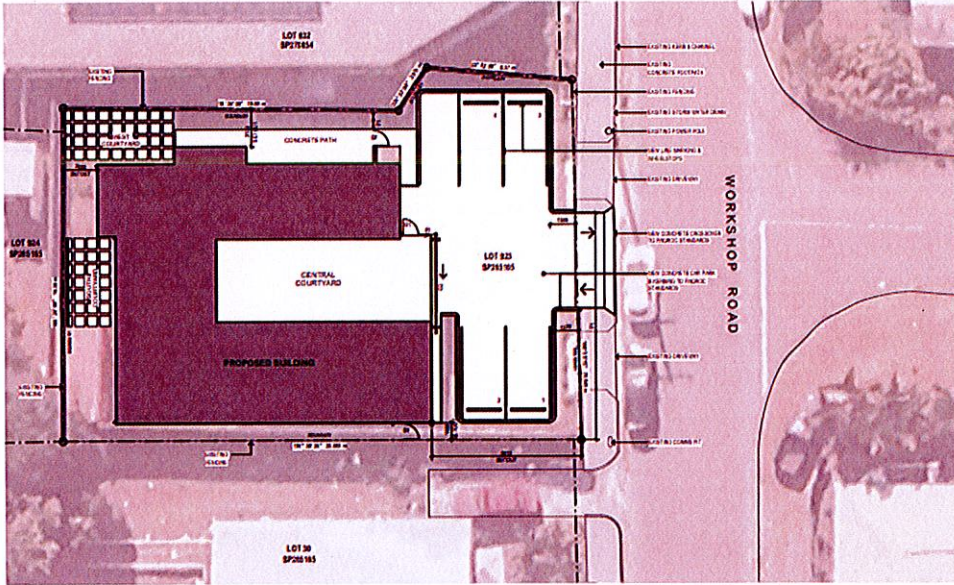
- ELECTRICAL
- WATER
- SEWER

SITE NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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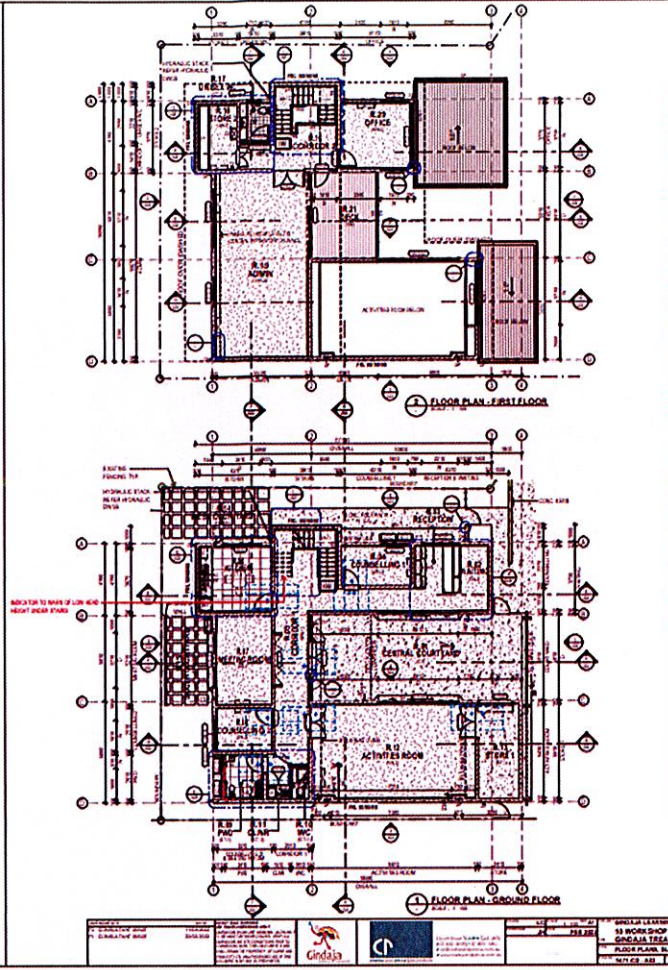
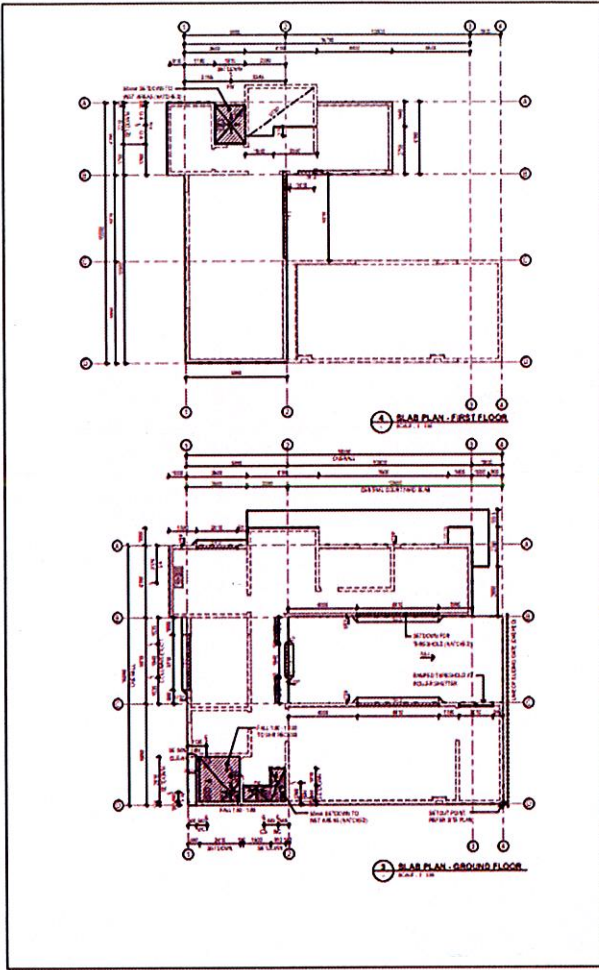
GENERAL NOTES:

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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SITE PLAN

<p>CLIENT: M/s. [Name]</p> <p>DATE: [Date]</p> <p>PROJECT: [Project Name]</p> <p>SCALE: [Scale]</p> <p>DESIGNER: [Designer Name]</p> <p>APPROVED: [Signature]</p>	<p>LOCAL AUTHORITY: [Name]</p> <p>PROJECT NO.: [Number]</p> <p>DATE OF ISSUE: [Date]</p> <p>SCALE: [Scale]</p> <p>DESIGNER: [Designer Name]</p> <p>APPROVED: [Signature]</p>	<p>PROJECT LOCATION & BOUNDING CENTRE: [Address]</p> <p>LOCAL AUTHORITY: [Name]</p> <p>PROJECT NO.: [Number]</p> <p>DATE OF ISSUE: [Date]</p> <p>SCALE: [Scale]</p> <p>DESIGNER: [Designer Name]</p> <p>APPROVED: [Signature]</p>
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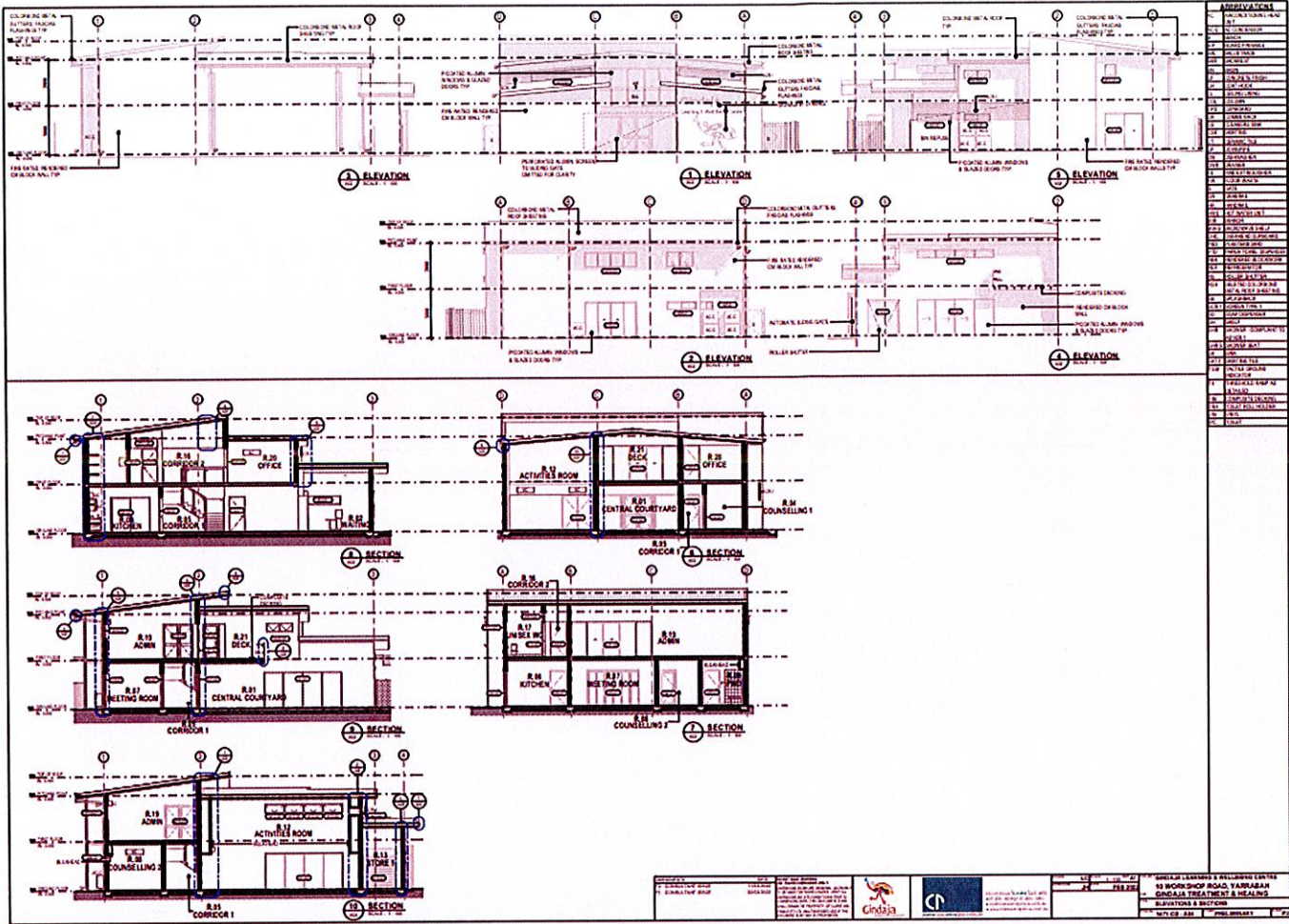


AMMENDATIONS

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NOTES

1. SHOW TOOLS ROOMS, STORES, WORKSHOP, PAINTS, GLASS, ROOF TO BE FLAT, DRAINAGE & W/S, ROOFING TO BE AS PER SPEC.
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ABBREVIATIONS	
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RECEPTION

ELEVATION - RECEPTION (multiple views)

DETAIL PLAN - RECEPTION

KITCHEN

ELEVATION - KITCHEN (multiple views)

DETAIL PLAN - KITCHEN

PWR

ELEVATION - PWR (multiple views)

WC

ELEVATION - WC (multiple views)

CLUB

ELEVATION - CLUB

GROUND FLOOR

DETAIL PLAN - GROUND FLOOR

UNISEX WC

ELEVATION - UNISEX WC (multiple views)

DETAIL PLAN - UNISEX WC

STORE 2

ELEVATION - STORE 2

LEGEND

NO.	DESCRIPTION
1	CONCRETE
2	BRICK
3	PLASTER
4	PAINT
5	GLASS
6	ALUMINIUM
7	WOOD
8	STEEL
9	ROOFING
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11	MECHANICAL
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