



ABN: 30 977 526 871

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Our Ref: Gindaja DA Workshop St
Your Ref: DA2021_017

23rd September 2021

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@datsip.qld.gov.au

DECISION NOTICE
Planning Act 2016

Section 63 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 07 June 2021 seeking approval for the following is noted:

- 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 special meetings held on 28/7/21.

Council resolved to:

- a) Approve (subject to conditions) the Development Application lodged with Council by Planz Town Planning Pty Ltd on behalf of Gindaja Treatment and Healing Indigenous Corporation for:
 - i. 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	
Applicant Details	Planz Town Planning Pty Ltd on behalf of Gindaja Treatment and Healing Indigenous Corporation
Property Description	Lot 923SP265165
Proposal	Material Change of Use to enable Community Care Centre (Learning and Well-being Centre) at Workshop Road on Lot 923SP265165
Level of Assessment	Impact Assessable

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	
Decision	The application was approved subject to reasonable and relevant conditions which reflect and accord generally with the application as made.
Decision Date	28/7/2021
Decision Type	Development Permit
Planning Instrument	Yarrabah Aboriginal Shire Council Planning Scheme Amendment Alignment adopted 04 September 2019 and commenced 11 December 2019.
Submissions	Nil
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 subject site was previously used as the library and learning centre (the building was demolished in early 2016 and was replaced by the current ‘donga’ buildings that have been used by Gindaja to continue to provide learning services to the community). The existing dongas will be removed to facilitate the new development.
- The development intent is to enable a Learning and Well-being Centre in Yarrabah. The site is located adjacent to health care, childcare and other community uses. Although the land is currently zoned as Low-density Residential, the proposal is consistent with the surrounding existing development.
- The development has four (4) parking spaces one of which is a Disabled Car Park. The subject site is located within walking distance to a significant client base.
- Two (2) bicycle parks will be provided on the site.
- All services are available for connection to the site.

SCHEDULE OF CONDITIONS

Applicable to the following Section 63 of the *Planning Act 2016*, approval:

- i. 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												
<p>(1) Administration</p> <p>1.1 The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>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;</p> <p>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;</p> <p>1.4 The conditions of approval, the requirements of Council’s Planning Scheme and best practice engineering.</p>	At all times												
<p>(2) Currency Period</p> <p>2.1 The currency period applicable to this approval is 6 years.</p>	As per condition												
<p>(3) Approved Site Drawings</p> <p>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:</p> <table border="1" data-bbox="239 1019 1308 1254"> <thead> <tr> <th>Plan / Document Name</th> <th>Drawing Number</th> <th>Sheet No/Ref.</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>LEARNING AND WELL-BEING CENTRE WORKSHOP ROAD, YARRABAH, QLD</td> <td>1471 - SD-04</td> <td>ISSUE C</td> <td>March 2021</td> </tr> <tr> <td>LEARNING AND WELL-BEING CENTRE WOKSHOP ROAD, YARRABAH, QLD</td> <td>1471 - SD-05</td> <td>ISSUE A Amendment A MCU Application 30/06/2021</td> <td>JUNE 2021</td> </tr> </tbody> </table> <p>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.</p> <p>3.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.</p>	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	At all times
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<p>(4) Construction</p> <p>4.1 Any construction work associated with this development shall be carried out in accordance with sound engineering practice.</p> <p>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.</p> <p>4.3 Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.</p> <p>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.</p>	At all times												
<p>(5) Damage to Infrastructure</p> <p>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.</p> <p>5.2 All works must be completed prior to the issue of a Certificate of Occupation, Building Act.</p>	At all times												

CONDITIONS OF APPROVAL		TIMING
(6) Drainage		At all times
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.	
(7) Access		Prior to the commencement of the use.
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.	
(8) Infrastructure Services		Prior to the commencement of the use.
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.	
(9) Acid Sulfate Soils		Prior to the commencement of the use.
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.	
(10) Landscaping and Fencing		Prior to the commencement of the use.
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.	At all times

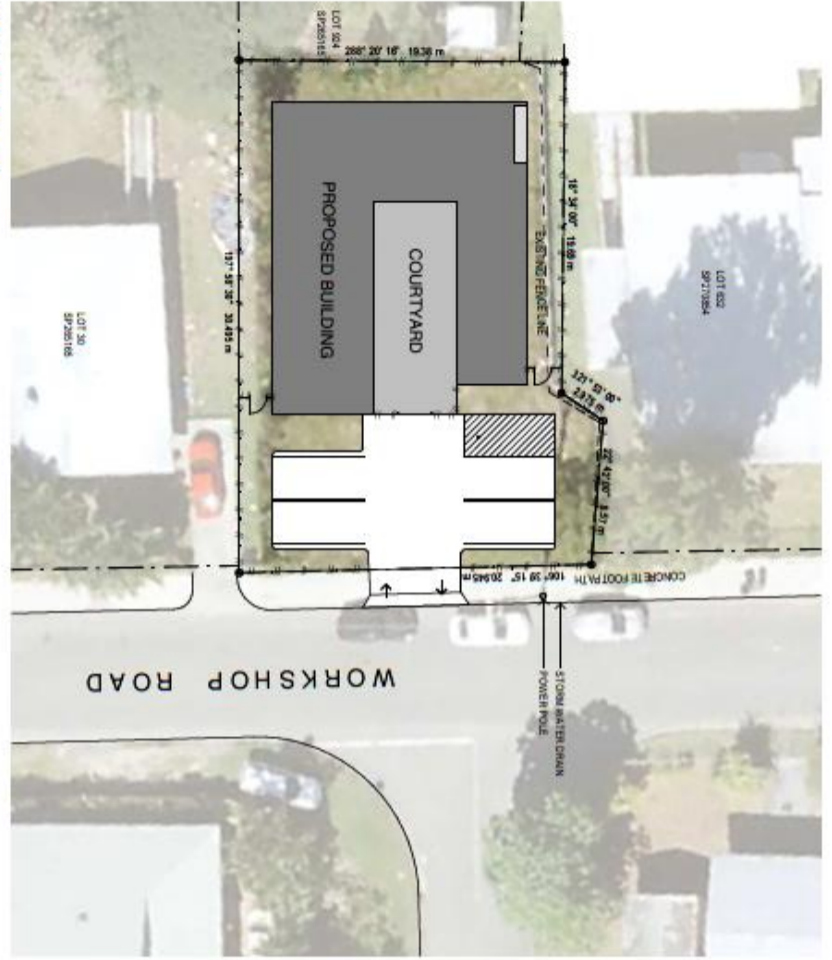
Recommendation:

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

Reasons for Decision

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

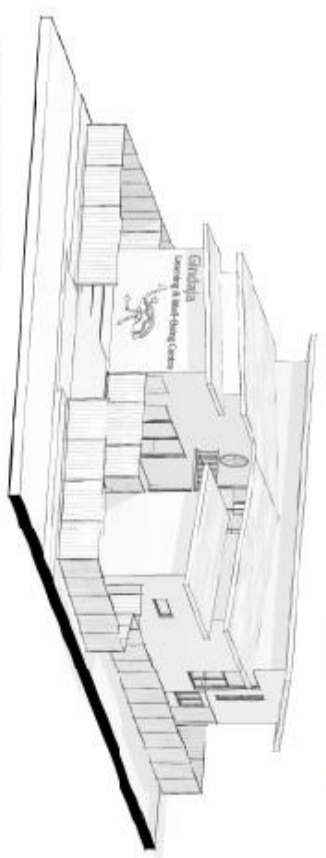
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1 SITE PLAN
 SCALE - 1:1,200



2 LOCALITY PLAN
 SCALE - 1:2,000



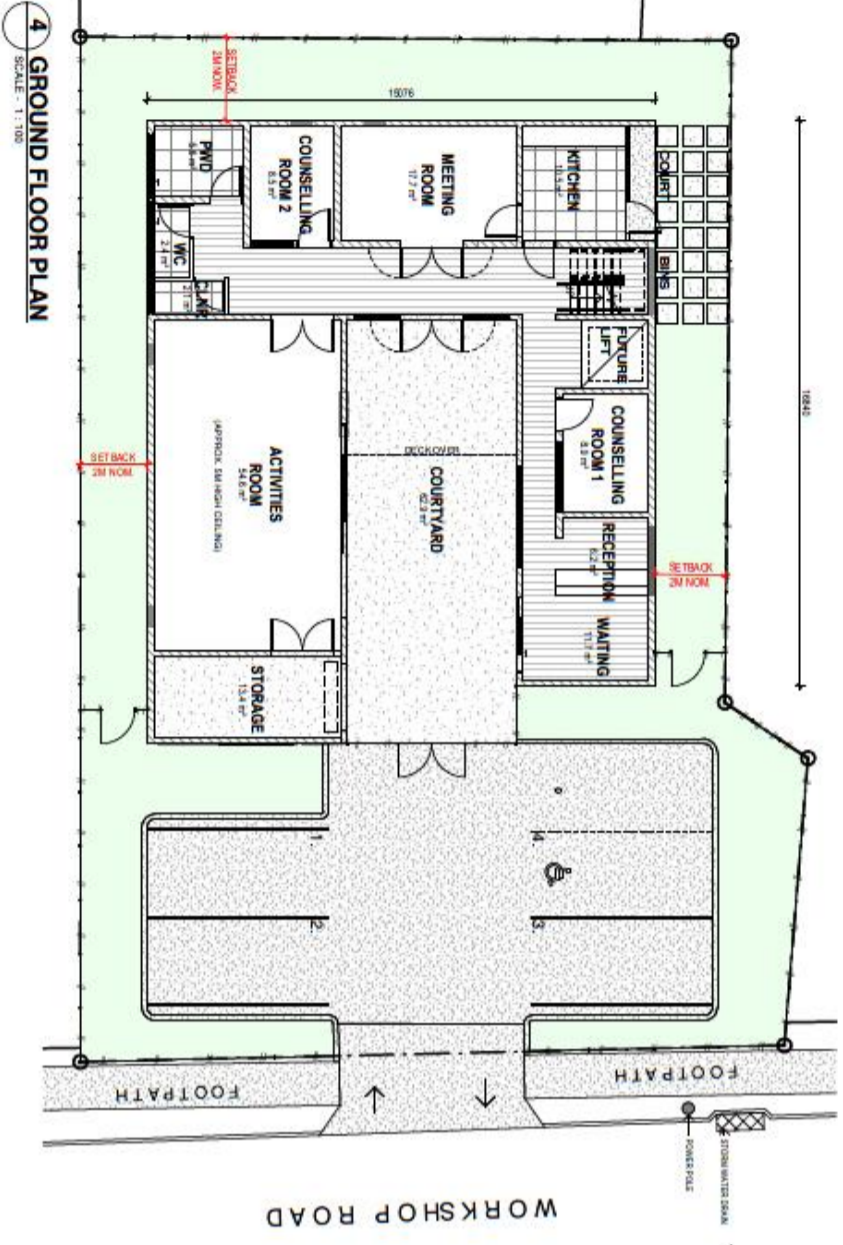
3 PERSPECTIVE
 SCALE - 1:100

**GINDAJA
 PROPOSED LEARNING AND
 WELL-BEING CENTRE
 WORKSHOP ROAD, YARRABAH, QLD**

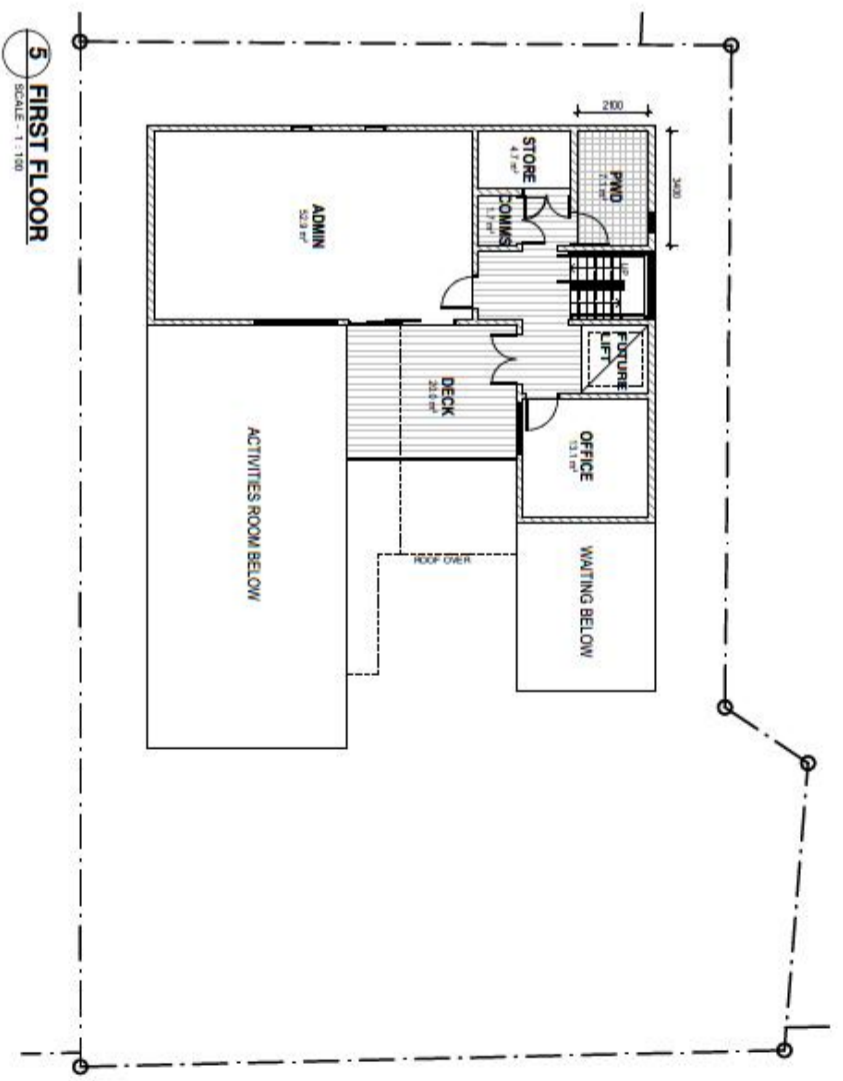
TOWN PLANNING
 REAL PROPERTY DESCRIPTION: LOT 523 ON SP28158
 STATE: QLD
 LOCAL AUTHORITY: YARRABAH ABORIGINAL SHIRE COUNCIL
 ZONE: LOW DENSITY RESIDENTIAL
 RELEVANT OVERLAYS: ACID SULFATE SOILS
 CARNS AIRPORT

AREA SCHEDULE

LEVEL	AREA
FIRST FLOOR	114 m ²
COURTARD FLOOR	297 m ²
TOTAL ENCLOSED	327 m ²
FIRST FLOOR DECK	20 m ²
COURTARD	53 m ²



4 GROUND FLOOR PLAN
 SCALE - 1:1,200



5 FIRST FLOOR
 SCALE - 1:1,200

NO.	DATE	BY	REVISION
1	15/03/2021	AL	PRELIMINARY DESIGN
2	15/03/2021	AL	REVISED DESIGN
3	15/03/2021	AL	FINAL DESIGN
4	15/03/2021	AL	PLANNING APPLICATION REVISION
5	15/03/2021	AL	PLANNING APPLICATION

Gindija
 Learning & Well-being Centre
 Workshop Road, Yarrabah, QLD
 PHOENIX PLANS

NO.	DATE	BY	REVISION
1	14/11/2020	AL	PROPOSED PLANS
2	14/11/2020	AL	WORKSHOP ROAD, YARRABAH, QLD
3	14/11/2020	AL	GINDAJA
4	14/11/2020	AL	LEARNING AND WELL-BEING CENTRE
5	14/11/2020	AL	WORKSHOP ROAD, YARRABAH, QLD
6	14/11/2020	AL	PHOENIX PLANS
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17	14/11/2020	AL	WORKSHOP ROAD, YARRABAH, QLD
18	14/11/2020	AL	PHOENIX PLANS
19	14/11/2020	AL	PROPOSED PLANS
20	14/11/2020	AL	WORKSHOP ROAD, YARRABAH, QLD
21	14/11/2020	AL	GINDAJA
22	14/11/2020	AL	LEARNING AND WELL-BEING CENTRE
23	14/11/2020	AL	WORKSHOP ROAD, YARRABAH, QLD
24	14/11/2020	AL	PHOENIX PLANS
25	14/11/2020	AL	PROPOSED PLANS
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