



File: 08 Planning 2025-01
Ref: 20250730 Decision Notice – Dwelling House

30 July 2025

Our Ref: 25-01

Mr Paul Quabba
Hinged Constructions Pty Ltd
8R Munro Road
Bellenden Ker QLD 4871

Via Email: pquab70@gmail.com

Dear Paul,

**Decision Notice: Material Change of Use – Dwelling House
Lot 26 Smith Street, Yarrabah**

Given under section 63 of the *Planning Act 2016*

The development application described below was decided to the Yarrabah Aboriginal Shire Council on 18 June 2025.

Applicant details

Applicant name: Bettina Rosser
C/- Hinged Constructions Pty Ltd
Applicant contact details: 8R Munro Road
Bellenden Ker QLD 4871

Location details

Street address: Lot 26 Smith Street, Yarrabah
Real property description: Lots 26 SP301698
Local government area: Yarrabah Aboriginal Shire Council

Decision

Date of decision: 05 July 2025
Decision Details: Approved in full. with conditions. These conditions are set out in **Attachment 1**
Application number: 2025-01
Approval: Development Permit
Description of the development: Dwelling house and ancillary granny flat

Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Works
2. Operational works for connecting to Council's infrastructure will require approval due to the distance required to connect, and associated works within the road reserve.

Properly made submissions

There were no properly made submissions for this application.

Referral Agencies

There were no referral agencies for the application.

Currency period for the approval

The use of the subject land must be commenced within a period of 12 years from the date, of this letter unless otherwise stated, the approval takes effect in accordance with section 71 of the Planning Act 2016. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

This approval allows the Dwelling House and Secondary Dwelling (Granny Flat) to be built separately (in stages), during this 12 year period.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*) (**Attachment 2**).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

If you have a query or seek clarification about any of these details, please contact Council's Planner via email: planner@yarrabah.qld.gov.au

Yours sincerely,



Richard Wright
Chief Executive Officer

att: **Attachment 1** – Conditions imposed by the assessment manager and approved plans
Attachment 2 – Extract of Appeal Provisions (Ch 6, Part 1 of the Planning Act 2016).



ATTACHMENT 1

30 July 2025

Our Ref: 25-01

Decision Notice: Material Change of Use – Dwelling House Lot 26 Smith Street, Yarrabah

Given under section 63 of the *Planning Act 2016*

Copies of the following plans are enclosed. The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

APPROVED PLANS

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan		2025
Floor Plan		
Elevation Plan		

#	ASSESSMENT MANAGER CONDITIONS	TIMING
1	Development The development must be carried out substantially in accordance with the approved plans outlined above and the facts and circumstances of the use as submitted with the application, subject to any alterations: a. 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 b. To ensure compliance with the following conditions of approval.	During the operation and life of the development
2	Timing of effect The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer. Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit	Prior to the commencement of the use except where specified otherwise in these conditions of approval
3	Location The Dwelling House shall be located within cleared areas, as shown on the approved plans.	Prior to the commencement of the use except

#	ASSESSMENT MANAGER CONDITIONS	TIMING
		where specified otherwise in these conditions of approval
4	<p>Water Supply</p> <p>The development must be connected to Council's water service in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's Chief Executive Officer.</p> <p>Prior to the water service connection works commencing, a request for a Plumbing Connection is required to be submitted with detailed hydraulic drawings. The connection must be approved by Council prior to the property connection work being undertaken.</p> <p>Reason: To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.</p>	Prior to the issue of a Building Approval
5	<p>Sewer Connection</p> <p>The development must connect to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's Chief Executive Officer.</p> <p>Prior to the property connection to the existing sewer main, a request for a Property Connection must be lodged with Council's Chief Executive Officer. The connection must be approved by Council prior to the property connection work being undertaken.</p> <p>Reason: To ensure that the premises are appropriately serviced by Council infrastructure where located in a service area for a sewerage service in accordance with relevant code/s and policy direction.</p>	Prior to the issue of a Building Approval
6	<p>Works – Applicant's Responsibility/Expense</p> <ol style="list-style-type: none"> 1. The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required, are met by the applicant at no cost to the Council. 2. The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. 3. Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council 	
7	<p>Landslide hazard</p> <p>Development does not</p> <ol style="list-style-type: none"> a) alter the existing flow of surface or ground water on and off the site; b) concentrate surface water or ground water on and off the site. 	Prior to the issue of a Development

#	ASSESSMENT MANAGER CONDITIONS	TIMING
	Reason: To ensure potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of landside hazard are avoided in accordance with relevant code/s and policy direction.	Permit for Building Works
8	Currency period This application is valid for a period of 12 years, for any part of the development approval relating to a material change of use, allowing the Dwelling House and Secondary Dwelling (Granny Flat) to be built separately (in stages).	

Assessment Manager Advice

1. Infrastructure Charges do not apply to this development.

2. Further Permits Required

- Building Works - Development Permit for Building Works to carry out building works prior to works commencing on site.
- Operational works for connecting to Council's infrastructure will require approval due to the distance required to connect, and associated works within the road reserve.

3. Bushfire Attack Level (BAL) Report Requirement

This site is located within a designated bushfire hazard area under the Planning Scheme. A Bushfire Attack Level (BAL) assessment is required to be undertaken by a suitably qualified professional prior to or as part of the building approval process.

The BAL report will determine the appropriate construction standards in accordance with AS 3959 – *Construction of Buildings in Bushfire-Prone Areas* and is essential to ensure the proposed development complies with the Queensland Development Code (QDC) and other applicable regulations.

Please note that the BAL assessment may influence the design and siting of buildings, vegetation management, and access requirements. Council recommends early engagement with a qualified bushfire consultant to avoid delays during the building approval stage.

4. Access should be designed and constructed to facilitate access for emergency vehicles e.g.:

- a) has a minimum cleared width of 6 metres;
- b) has a formed width and gradient to FNQROC Development Manual standards.

5. Firefighting

For firefighting purposes, in addition to a reticulated water supply, an on-site water storage of at least 5,000 litres (e.g. tank with fire brigade fittings), located within 100 metres of the Dwelling house is recommended.

6. Included in this Approval

The approval of the Dwelling House includes the approval of an Ancillary secondary dwelling (Granny Flat).