



Our Ref: MCU + ROL Muka Street 08.02  
File name: CEO Ltr Decision notice 20230829

29 August 2023

Gindaja Treatment and Healing Indigenous Corporation  
C/- Yarrabah Post Office  
56 Sawmill Rd  
Yarrabah QLD 4871

Attention: Ailsa Lively, Chief Executive Officer

Dear Ailsa

**Amended Decision Notice - approval (with conditions) for a Development Permit:  
Material Change of Use – Community Care Centre and Reconfiguring a Lot – Lease Greater  
Than 10 Years. Gindaja Treatment and Healing Indigenous Corporation  
over Part of Lot 18 SP284220.**

Given under section 63 of the *Planning Act 2016*

The development application described below was approved by Yarrabah Aboriginal Shire Council at the Ordinary Meeting of 17 May 2023. Council considered and approved the request to amend the Decision Notice was considered by Council at the Ordinary Meeting of 23 August 2023. This Amended Decision Notice replaces the previous decision.

**Applicant details**

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Applicant name: Gindaja Treatment and Healing Indigenous Corporation

Applicant contact details: C/- Yarrabah Post Office  
56 Sawmill Rd  
Yarrabah QLD 4871

Email address: Ailsa Lively [ailsa.lively@gindaja.org](mailto:ailsa.lively@gindaja.org)  
Kathy Hare [kathy@gindaja.org](mailto:kathy@gindaja.org)

**Application details**

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Application number: PA23-02

Approval sought and Description of the development: Development Permit:  
a. Material Change of Use – Community Care Centre  
b. Reconfiguring A Lot – Lease Greater Than 10 Years

**Decision Notice - Approval (with conditions) for a Development Permit:  
MCU and RoL over Part of Lot 18 SP284220, Muka Street, Yarrabah**

**Location details**

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Street address: Muka Street, Yarrabah

Real property description: Part of Lot 18 SP284220.

**Decision**

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Date of decision: 23 August 2023

Decision Details: Conditions 5 and 6 have been deleted and are shown in ~~striketrough~~. No change to the balance of the conditions of the original Decision Notice. The conditions are set out in **Attachment 1**

**Details of the approval**

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Development Permit Material Change of Use  
Reconfiguring a Lot (Lease)

**Conditions**

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This approval is subject to the conditions in **Attachment 1**.

**Further development permits**

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

1. Building Works

**Properly made submissions**

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There were no properly made submissions for this application.

**Referral Agencies**

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There were no referral agencies for the application.

**Currency period for the approval**

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The use of the subject land must be commenced within a period of 10 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.

**Rights of appeal**

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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*).

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*).

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A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (**Attachment 2**).

**Approved plans and specifications**

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Lease A SP339694 in Lot SP284220	RPS Lease Plan	10/11/2022
LWBC Modules Yarrabah 12m x 9m x 2.4m	Ausco	29/06/2020

**Other details**

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You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied upon when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Yarrabah Aboriginal Shire Council on (07) 4056 9120.

**Delegated Person**

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Yours sincerely,



Richard Wright  
Chief Executive Officer

att: **Attachment 1** – Conditions imposed by the assessment manager and approved plans



## ATTACHMENT 1

### ASSESSMENT MANAGER CONDITIONS

Council resolved to approve the application for a Development Permit Material Change of Use – Community Care Centre and Reconfiguring a Lot over part of Lot 18 SP284220 at Muka Street with a 10 + 10 + 10 lease, subject to the following conditions:

#### APPROVED PLANS

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

Drawing or Document	Reference	Date
Lease A SP339694 in Lot SP284220	RPS Lease Plan	10/11/2022
LWBC Modules Yarrabah 12m x 9m x 2.4m	Ausco	29/06/2020

#### ASSESSMENT MANAGER CONDITIONS

#	Assessment Manager Conditions	Timing
1.	<p>Timing of Effect</p> <p>The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer.</p> <p>Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.</p>	<p>Prior to the commencement of the use except where specified otherwise in these conditions of approval</p>
2.	<p>General</p> <p>Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:</p> <p>a. Found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of</p>	<p>During the operation and life of the development</p>

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the development because of particular engineering requirements; and

b. To ensure compliance with the following conditions of approval.

Reason: The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.

**3. Noise Nuisance**

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

Screening is required to be installed and maintained to all air conditioning, lift motor rooms, plant and service facilities located at the top of, or on the external face of buildings. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facades.

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**4. Infrastructure**

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.

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 Chief Executive Officer.

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

**5. Access**

The applicant/developer must:

During the operation and life of the development

During the operation and life of the development

Technical details are to be submitted to

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<p><del>a. Engage a suitably qualified engineer to confirm the access driveways are suitably located providing safe and efficient access to the site, and provide written confirmation to the satisfaction of Council's Chief Executive Officer; and</del></p> <p><del>b. Construct commercial access crossovers in the locations shown on the approved plans, except where modified by item a. above. The crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer; and</del></p> <p><del>c. Ensure that any redundant vehicle crossovers are removed and the ground surface made good.</del></p> <p><del>Reason: To provide development with access in accordance with council standards.</del></p>	<p><del>council prior to issue of a Building Approval and maintained for the life of the development</del></p>
<p><b>6. Parking/Internal Driveways</b></p> <p><del>The applicant/developer must provide a minimum of 16 on-site parking spaces, including 1 PWD space and 1 emergency vehicle bay.</del></p> <p><del>All spaces must be sealed, line marked and appropriately drained and designed in accordance with Australian Standard AS2890:1 Off Street Parking – Car Parking and Australian Standard AS2890.6-2009 Off street parking for people with disabilities as applicable.</del></p> <p><del>All car parking facilities must be maintained to a safe operating standard at all times thereafter.</del></p> <p><del>Reason: To provide development with parking in accordance with council standards.</del></p>	<p><del>Prior to the commencement of the use</del></p>
<p><b>7. Stormwater Drainage</b></p> <p>The applicant/developer must:</p> <p>a. Take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development; and</p> <p>b. Ensure development is undertaken in accordance with the approved Stormwater Management Plan SKC01 and supporting material, prepared by STP Consultants in particular:</p> <p>i. Stormwater management must meet or exceed 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 Chief Executive Officer; and</p> <p>ii. Erosion and Sediment Control Plan must that meet or exceed the Soil Erosion and Sedimentation Control Guidelines</p>	<p>Prior to the commencement of works and during the operation and life of the development</p>

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(Institute of Engineers Australia) to the satisfaction of Chief Executive Officer.

Reasons: To convey stormwater legally and in an environmentally responsible manner and to manage and minimise the risk of causing environmental harm to receiving waters, damage to council infrastructure, and unnecessary financial burdens to council and the community in accordance with relevant code/s and policy direction.

8. Landscaping

The landscaping of the site must be carried out generally accordance with the landscaping shown on the Proposed Site Plan (SD02 rev 7), and irrigated, mulched and maintained to the satisfaction of Council's Chief Executive Officer.

Reason: To ensure the development does not have a detrimental effect on the amenity of the surrounding land in accordance with relevant code/s and policy direction.

9. Lighting

a. Outdoor lighting must be designed, located and installed to prevent light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

b. 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.

Reason: To ensure that the use does not cause a light nuisance to nearby sensitive receptors, and to ensure that a nuisance is not caused to the use from other nearby light sources in accordance with the Queensland Environmental Protection Act 1994 Section 440.

10. Water Supply

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.

Prior to the water service connection works commencing, a request for a Plumbing Connection is required to be submitted with detailed

Prior to the commencement of the use and maintained during the operation and life of the development

Prior to the commencement of the use and maintained during the operation and life of the development

Prior to the issue of a Building Approval

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hydraulic drawings. The connection must be approved by Council prior to the property connection work being undertaken.

Reason: To ensure that the premises is appropriately serviced by reticulated water supply infrastructure in accordance with relevant code/s and policy direction.

**11. Sewerage Connection**

Prior to the issue of a Building Approval

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.

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.

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.

**12. Minimum Floor Levels**

Prior to the issue of a Development Permit for Building Works

Floor levels must achieve immunity from flood hazards by ensuring floor levels for new buildings or structures (other than Class 10 Buildings and Structures) achieve a finished floor level of 12.14m AHD.

Note: the draft drainage study forming part of the Yarrabah Masterplan 2021 provides guidance on flood depth. The site is mapped with an indicative flood depth of 0.5-1.0 m across the site and identifies a maximum flood level of 11.17 to 12.81. Applying a maximum flood depth of 1m from the lowest level of the site of 10.84 m AHD (south eastern corner), a finished floor level 12.14 m AHD is required (11.84 plus 300mm).

Reason: To ensure developments are appropriately immune from rising storm tide /flood water in accordance with relevant code/s and policy direction.

**13. Bushfire Management**

During the operation and life of the development

The Gindaja Treatment and Healing Centre Business Continuity Plan shall be reviewed and updated as necessary to addresses actions to be undertaken during a bushfire event.

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Reason: To protect development from bushfire hazards in accordance with relevant code/s and policy direction.

14. Acid Sulphate Soils Management

Development does not disturb acid sulfate soils or potential acid sulfate soils. Where disturbance is unavoidable an acid sulfate soils investigation is to be conducted. Should the soils and groundwater investigations reveal the presence of acid sulphate soils or potential acid sulphate soils, an Acid Sulphate Soils Management Plan must be prepared and complied with.

Prior to the issue of a Development Permit for Building Works

Reason: To ensure potential adverse impacts on the natural and built environment, including infrastructure and human health as a result of acid sulphate soils are avoided in accordance with relevant code/s and policy direction.

15. Refuse Facilities

The waste storage area is to be of sufficient size to house all garbage bins including recycling bins. The waste storage is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

During the operation and life of the development

Where the refuse truck must enter the site for waste collection, access roads and driveways must be designed and constructed to accept vehicle loadings of not less than G.V.M 33 tonnes.

Reason: to ensure protection of matters of public health and amenity in accordance with relevant code/s and policy direction.

16. Electricity Supply

Where Ergon Energy requires the installation of a padmount, transformer or substation to augment their network, details of any electrical padmount or substation positioning must be endorsed by the Chief Executive Officer.

Prior to the issue of a Development Permit for Building Works

# **Assessment Manager Advice**

1. Infrastructure Charges do not apply to this development.

2. Further Permits Required

a) Building Works

A Development Permit for Building Works to carry out building works prior to works commencing on site.

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**ADVICE**

1. No infrastructure charges are levied on this development.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the FNQROC Development Manual, Local Laws and other applicable policies log on to the Yarrabah Aboriginal Shire Council website.
4. Council may refer Planning Applications to the Land Office and traditional and rightful owners of the land for consultation. Stakeholders will have their say on whether the application may harm any important features of cultural significance to country.

**Infrastructure Charges**

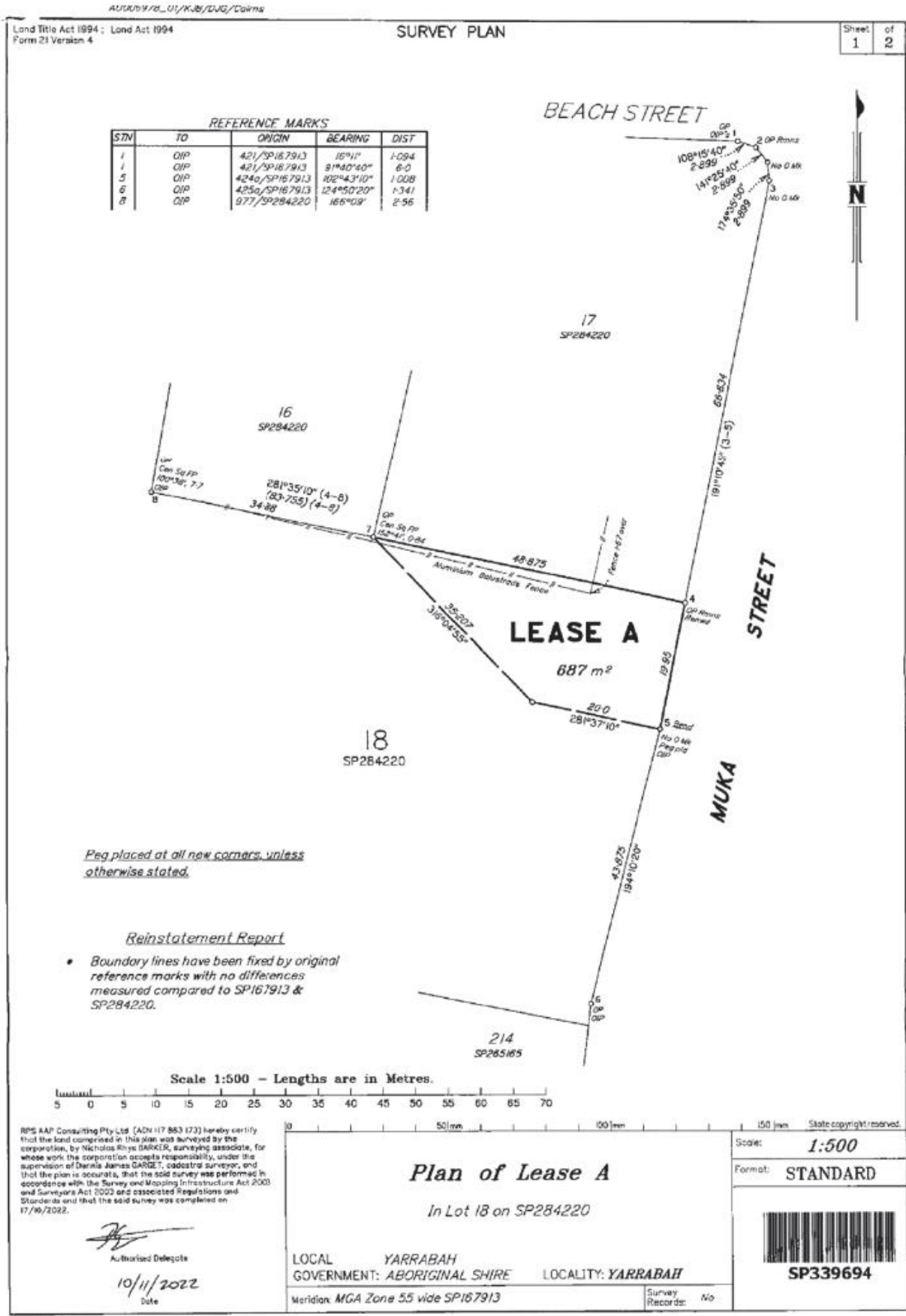
Yarrabah Aboriginal Shire Council does not levy infrastructure charges or impose conditions for trunk infrastructure.

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## **APPROVED PLANS & DOCUMENTS**

**Decision Notice - Approval (with conditions) for a Development Permit:  
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### EXTERNAL FINISHES

- Roof: 0.42mm BMT Roof Sheeting, Trimdek  
Colour "Surfmat", Ultra
- Barge & Outlet:  
Preformed, Pre-Painted  
Colour "Manor Red", Ultra
- Downpipe: 100x75mm Preformed,  
Pre-Painted  
Colour "Manor Red", Ultra
- Walls: CCS Stratlad  
Colour "Merino", Ultra
- Windows: Face Fixed Sliding  
Windows,  
Aluminum Framed, Powder Coated,  
Colour "Black"
- Door Panel: CCS Clad  
Hinge, Painted,  
Colour "Merino", Ultra
- Door Frame: Steel  
Colour "Night Sky"  
with Aluminum Trim powdercoated Dulux E-Prime
- Deck: Modwood  
Colour "Irrah"

### INTERNAL FINISHES

- Ceiling: Pre-finished  
plywood, 3.6mm, with H-  
mould Joints  
Colour: Mirage Pearl
- Cornice: D Mould  
Colour "Black"
- Walls: Pre-finished  
plywood, 3.6mm with H-  
Mould Joints  
Colour: White Smoke
- Floor in Office:  
2mm Vinyl Armstrong Seamless  
Colour "Neutral Grey"
- Floor in Toilet:  
2mm Vinyl Armstrong  
Seamless Slip Resistant  
Vinyl  
Colour "Sand Grey"




DRAWINGS ARCHITECTURAL		CHECKED BY: DR. JAMES	
Sheet	Content	Date	Scale
A.100	COVER SHEET	1	AS SHOWN
A.101	FOUNDATION PLAN	1	AS SHOWN
A.102	FLOOR PLAN	1	AS SHOWN
A.103	ELEVATION	1	AS SHOWN
A.104	SECTION	1	AS SHOWN
A.105	DETAILS	1	AS SHOWN
A.106	MECHANICAL PLAN	1	AS SHOWN
A.107	ELECTRICAL PLAN	1	AS SHOWN
A.108	PLUMBING PLAN	1	AS SHOWN
A.109	LANDSCAPE PLAN	1	AS SHOWN
A.110	CONCRETE WORK	1	AS SHOWN

**AUSCO**  
NOT FOR CONSTRUCTION

DESIGNED BY: DR. JAMES  
DRAWN BY: DR. JAMES  
CHECKED BY: DR. JAMES  
DATE: 10/10/2023

PROJECT: 480118  
SUBJECT: 480118  
CLIENT: 480118



**1. PROJECT NORTH**  
A.100 1:50

**2. PROJECT EAST**  
A.100 1:50

**3. PROJECT WEST**  
A.100 1:50

**4. PROJECT SOUTH**  
A.100 1:50

Scale: 0m 1m 2m 3m 4m 5m  
A2 - 1:50

DRAWINGS ARCHITECTURAL		CHECKED BY: DR. JAMES	
Sheet	Content	Date	Scale
A.100	COVER SHEET	1	AS SHOWN
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A.109	LANDSCAPE PLAN	1	AS SHOWN
A.110	CONCRETE WORK	1	AS SHOWN

**AUSCO**  
NOT FOR CONSTRUCTION

DESIGNED BY: DR. JAMES  
DRAWN BY: DR. JAMES  
CHECKED BY: DR. JAMES  
DATE: 10/10/2023

PROJECT: 480118  
SUBJECT: 480118  
CLIENT: 480118