

14 January 2022

Enquiries: Jenny Elphinstone
Our Ref: BW 2021_4539/1 (Doc ID 1056591)
Your Ref: KRDP5:Baler

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Patrick Terence Jackman & Jodie May Jackman
C/- Kelly Reaston Development & Property
44 McLeod Street
CAIRNS QLD 4870

Email: kelly@kellyreaston.com.au

Dear Madam

**Development Application for Building Work Assessable Against the Planning Scheme
For Dwelling House Alterations and Additions
At 12 Baler Street Port Douglas
On land described as Lot 47 on C22513**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: BW 2021_4539/1 in all subsequent correspondence relating to this development application.

Please note Council considers the issue of this approval to also satisfy the consideration of siting under the Queensland Development Code MP 1.2.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under sections 56 and 63 of the Planning Act 2016

Applicant Details

Name: J M Jackman & P T Jackman
Postal Address: C/- Kelly Reaston Development & Property
44 McLeod St
Cairns Qld 4870
Email: kelly@kellyreaston.com.au

Property Details

Street Address: 12 Baler Street Port Douglas
Real Property Description: Lot 47 on C22513
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Building Work Assessable Against the Planning Scheme for Dwelling House Extensions.

Decision

Date of Decision: 14 January 2022
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

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

Drawing or Document	Reference	Date
Cover Sheet	Hunt Design, Project JACK001, Drawing A01, Revision 01	12 January 2022
Site Plan	Hunt Design, Project JACK001, Drawing A06. .	16 December 2021

Drawing or Document	Reference	Date
Floor Plan	Hunt Design, Project JACK001, Drawing A06, Revision 01.	12 January 2022
Elevations North and East - Proposed	Hunt Design, Project JACK001, Drawing A08, Revision 01.	12 January 2022
Elevations South and West - Proposed	Hunt Design, Project JACK001, Drawing A09, Revision 01.	12 January 2022
Section A - Proposed	Hunt Design, Project JACK001, Drawing A10, Revision 01.	12 January 2022
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

Assessment Manager Conditions & Advices

Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of use, except where specified otherwise in these conditions of approval.

Finished Floor Height for Habitable rooms

3. All habitable rooms for new building areas, being the living room and the main bedroom must achieve a minimum finished floor height of 3.547m AHD.

Sacrificial Work

4. The deck area must be designed to be sacrificial in respect to any future need to implement and establish revetment and/or erosion mitigation work along the eastern, seaward boundary.

Construct External Access

5. Vehicle access to the property must be constructed in accordance with the Standard Drawing for such works as detailed in the FNQROC Regional Development Manual. A copy of the Standard Drawing forms part of the Approved Plans attached to this Concurrence Agency response.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au

Further Development Permits

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

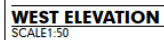
Rights to make Representations & Rights of Appeal

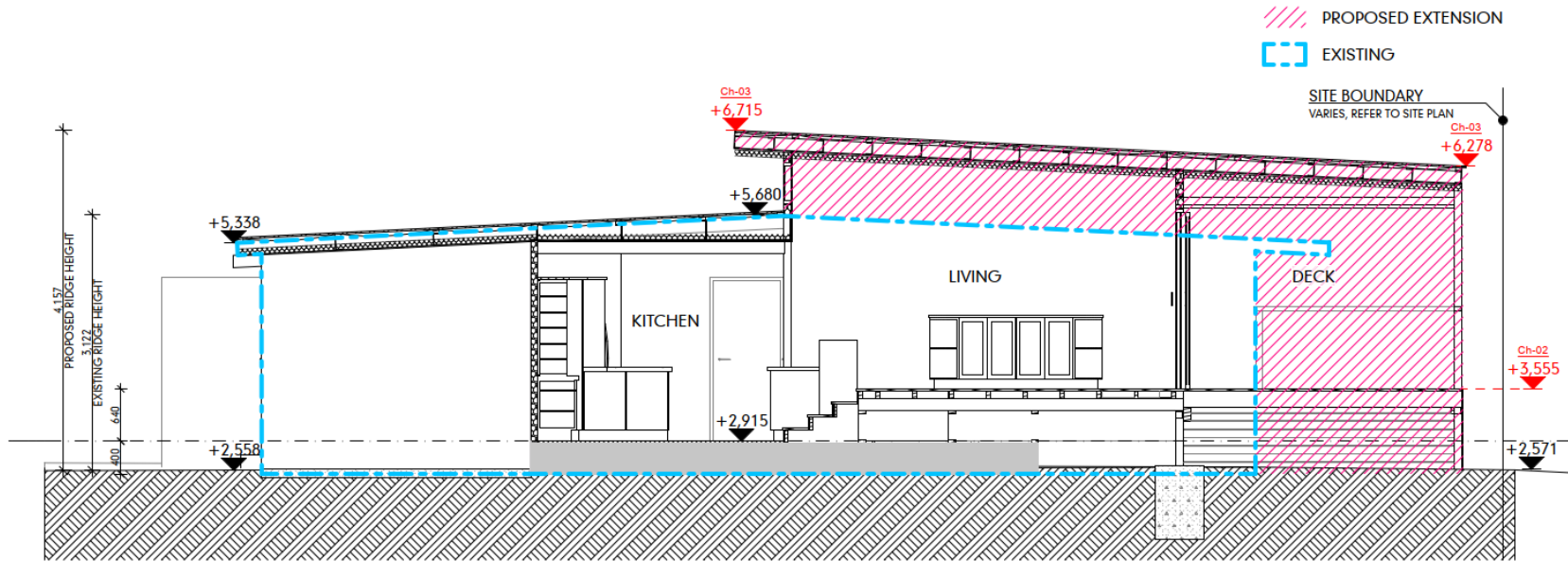
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)



Doc ID: 1056591



SECTION A
SCALE: 1:50

IMPORTANT NOTES

THE READER IS TO CHECK ALL DIMENSIONS FOR TOTAL CORRECT AND CONFORMANCE WITH THE REQUIREMENTS OF ANY OTHER DOCUMENTS. THE READER IS TO CHECK ALL DIMENSIONS FOR TOTAL CORRECT AND CONFORMANCE WITH THE REQUIREMENTS OF ANY OTHER DOCUMENTS. THE READER IS TO CHECK ALL DIMENSIONS FOR TOTAL CORRECT AND CONFORMANCE WITH THE REQUIREMENTS OF ANY OTHER DOCUMENTS.

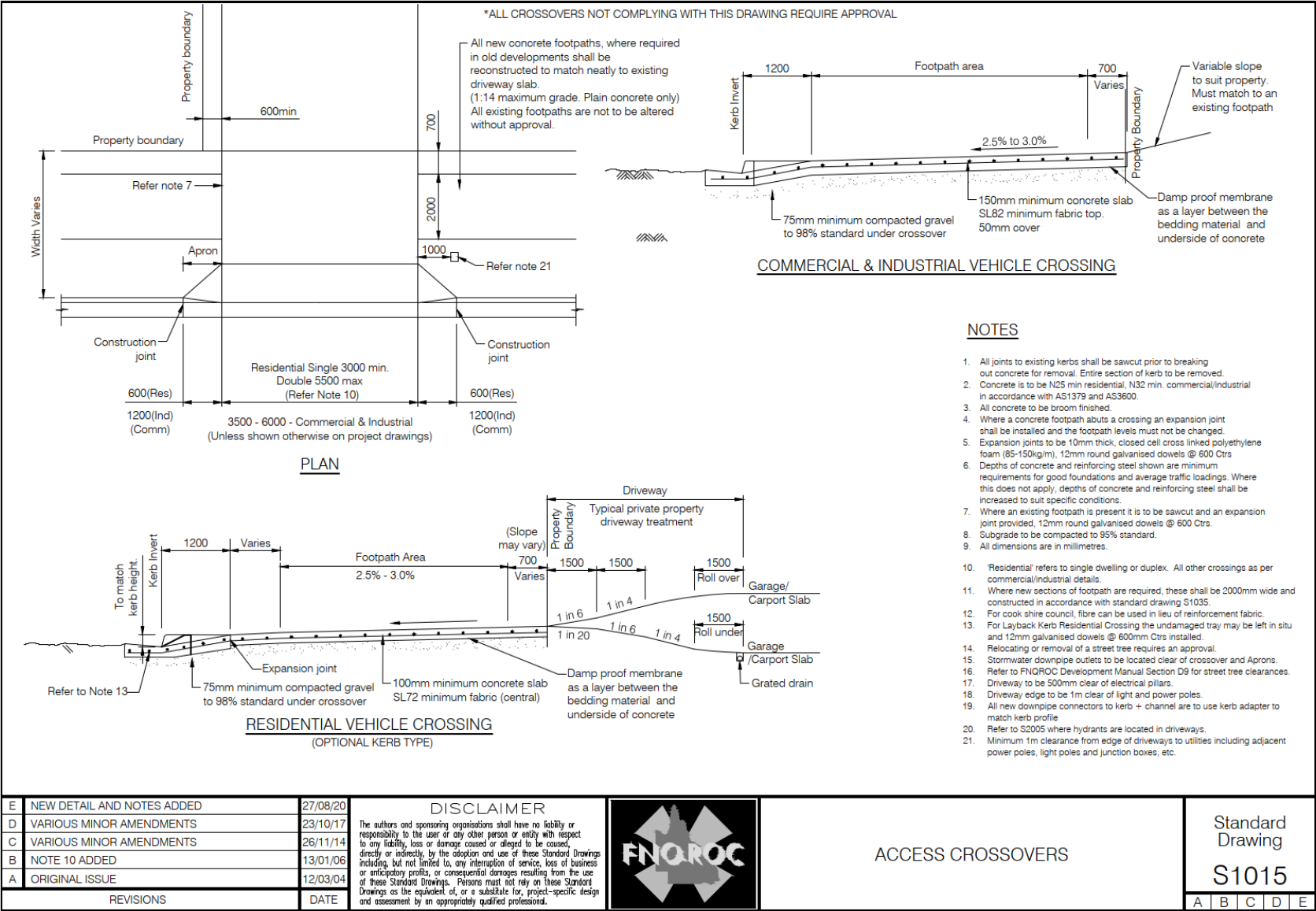
RevID	ChID	CHANGE DESCRIPTION	DATE
01	Ch-02, Ch-03	REVISED FLOOR LEVEL - AND 3.555 m, REVISED ROOF LEVEL - 180 mm	12/1/22

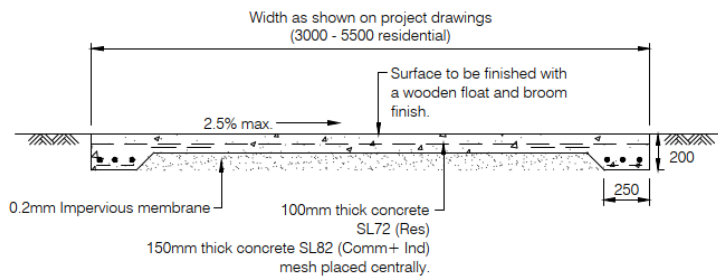
HUNT
DESIGN
Architecture - Master Planning - Interiors
PLANNING DESIGN
101 MONMOUTH RIVER ROAD, MONMOUTH
VIC 3207 151 CLE 4877
T +61 7 4091 5555 F +61 7 4091 5554
www.hunt-design.com.au
ABN: 90514251521

PROJECT	JACKMAN BEACHSHACK	SCALE	1:50	DATE	VARIOUS	DATE	G.H.
CLIENT	12 BAKER STREET PORT DOUGLAS QUEENSLAND 4875 AUSTRALIA	PROJECT NO.	A3	REVISION NO.	DA ISSUED		

LOD 300 - PLANNING DOCUMENTATION -
SECTION A 1:50 - PROPOSED
PROJECT NO. JACK001
DATE 12/1/22
REVISION NO. A10
REVISION 01

Development Manual Standard Drawing/s for Vehicle Access

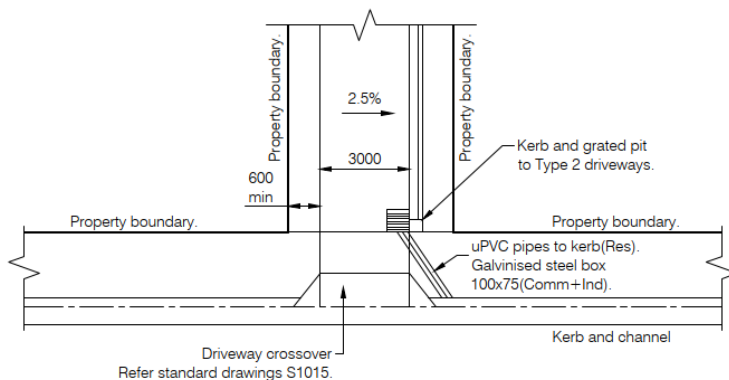




CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

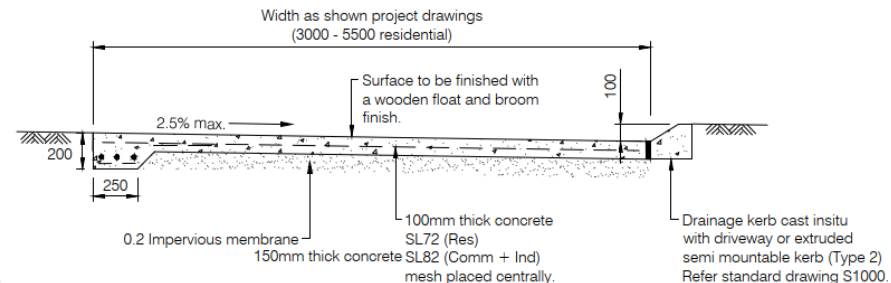
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



TYPICAL DRIVEWAY LAYOUT

NOTES

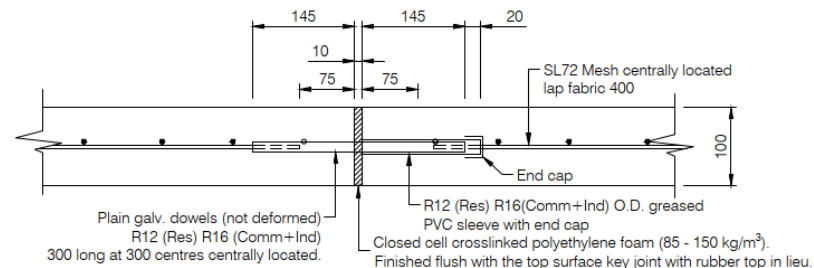
1. For driveway alignment, longitudinal grade and associated drainage details refer project drawings.
2. Concrete is N25 in accordance with AS 1379 and AS 3600.
3. Construction joints shall be provided at 4.0m max. Ctrs with expansion joints or approved equivalent @ 16.0m max. Ctrs.
4. All dimensions to be in millimetres.
5. 'Residential' refers to single dwelling/duplex.
6. For commercial or industrial driveways 150mm thick N32 concrete and SL82 mesh.
7. Access to Gross Pollutant Traps (GPT) to be min 3.5m wide to commercial/ industrial driveway standard.
8. All grates within driveway/roadway are to be Class D for vehicle traffic.



CONCRETE DRIVEWAY - TYPE 2

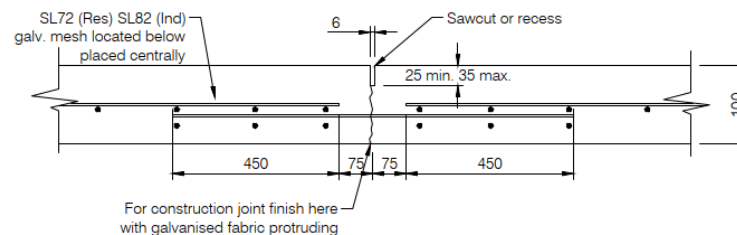
(With drainage)

Closed cell cross linked polyethylene foam
with 12mm galvanised dowels @ 600mm Ctrs



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

E	VARIOUS AMENDMENTS	23/10/17
D	MINOR AMENDMENTS	26/11/14
C	TYPES 1 AND 2 REVISED, NOTE 3 AMENDED	01/02/06
F	NOTE ADDED	27/08/20
REVISIONS		DATE

DISCLAIMER

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



CONCRETE DRIVEWAY FOR ALLOTMENT ACCESS

Standard
Drawing
S1110

F C D E

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 53, 54, 56, 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0;
 - c. to ensure the development satisfies the benchmarks of the Queensland Development Code M1.2 ; and
 - d. to ensure compliance with the *Planning Act 2016*;
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 10 December 2021 under sections 51 and 54 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Low-Medium Residential Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Through the conditions of the approval the development is considered to meet the Planning Scheme and QDC MP 1.2 requirements.

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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 the 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.