

17/01/2019

Enquiries: Neil Beck
Our Ref: Sitex 2975/2019 (888021)
Your Ref: 20185304

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

V Callipari & G Callipari
PO Box 178
NICHOLS POINT VIC 3501

Dear Sir / Madam

**Concurrence Agency Response – With Conditions
Issued under the *Planning Act 2016*
103 St Crispins Avenue PORT DOUGLAS**

The referral agency material for the development application described below was properly received by Douglas Shire Council on 9 January 2019.

Applicant details: V Callipari & G Callipari
PO Box 178
NICHOLS POINT VIC 3501

Assessment Manager: GMA Certification Group Pty Ltd
PO Box 831
PORT DOUGLAS QLD 4877

Land details:
Street Address: 103 St Crispins Avenue PORT DOUGLAS
Real Property Description: LOT: 89 RP: 746256
Site Area: 1110 m²
Local Government Area: Douglas Shire Council

Application details:
Proposed Development: Dwelling additions (new open carport)

Aspects of development and type of approval being sought:
Development Permit for Building Work – *Queensland Development Code*, Part MP 1.2 (lots 450m² and over), Siting Dispensation.

Performance Criteria	Acceptable Solution	Proposal
P1	6000mm from road	450mm for open carport

Referral Trigger(s)

The development application was referred to Council under the following provisions of the *Planning Regulation 2017*:

Referral Trigger: *Schedule 9, Division 2, Table 3- Design and Siting*

Decision date: 17 January 2019

Conditions:

Under *Planning Act 2016*, Council requires that the conditions set out in Attachment 1 attach to any Development Permit.

Reasons for decision to impose conditions

Under *Planning Act 2016*, Council is required to set out the reasons for the decision to impose conditions.

Relevant period

Under the *Planning Act 2016*, Council requires that the relevant period of approval for any development is to be two (2) years starting the day the approval takes effect.

This advice includes extracts from the Act with respect to making representations about conditions and lodging an Appeal.

Should you require any further clarification regarding this matter, please contact Neil Beck of Development Assessment and Coordination on 07 4099 9444.

Yours faithfully

Neil Beck
A/Manager Environment & Planning

Att. Attachment 1 – Conditions and Advices
Attachment 2 – Approved Drawing(s) and/or Document(s)
Attachment 3 – FNQROC Development Manual Drawings S1015 and S1110
Attachment 4 – Rights of Representation and Rights of Appeal

ATTACHMENT 1: CONDITIONS AND ADVICES

That the Manager Environment & Planning, under Instrument of Delegation, approves the requested siting dispensation and issues a Concurrence Agency Response to the Applicant and the Assessment Manager under sections 55 and 56 of the *Planning Act 2009*, and advises as follows:

- A. Under section 55 & 56 of the Planning Act 2016 and Schedule 9, Part 3, Division 2, Table 3 Planning Regulation 2017 Council requires that the following conditions attach to any development approval:
1. a. the specifications, facts and circumstances as set out in the application submitted to Council;
 - b. vehicle access if required, is to be constructed in accordance with the *FNQROC Development Manual Drawings S1015*. The nominated drawing is included in Appendix 2.

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
Site Plan, Sheet List, Notes	311-18 Sheet 2 of 10	17/12/2018
Elevations – Sheet 1	311-18 Sheet 5 of 10	17/12/2018

B. Reasons for Decision

Under Sections 55 and 56 of the *Planning Act 2016* and Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*, the reasons for this decision are:

- a. conditions 1; and
- b. to ensure the development satisfies the Performance Criteria stated in P1 of MP1.2, of the *Queensland Development Code*.

Findings on material questions of fact

- a. The development application was properly referred to the Douglas Shire Council on 9 January 2019 under Section 54 of the Planning Act 2016 and Part 2 of the Development Assessment Rules and forwarded for determination.
- b. The development application contained a report which Council reviewed together with Council's own investigation in making its referral agency assessment.

Evidence or other material on which findings were based

- a. The development triggered referral agency assessment under Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2016*.
- b. The relevant provisions of the *Queensland Development Code*.

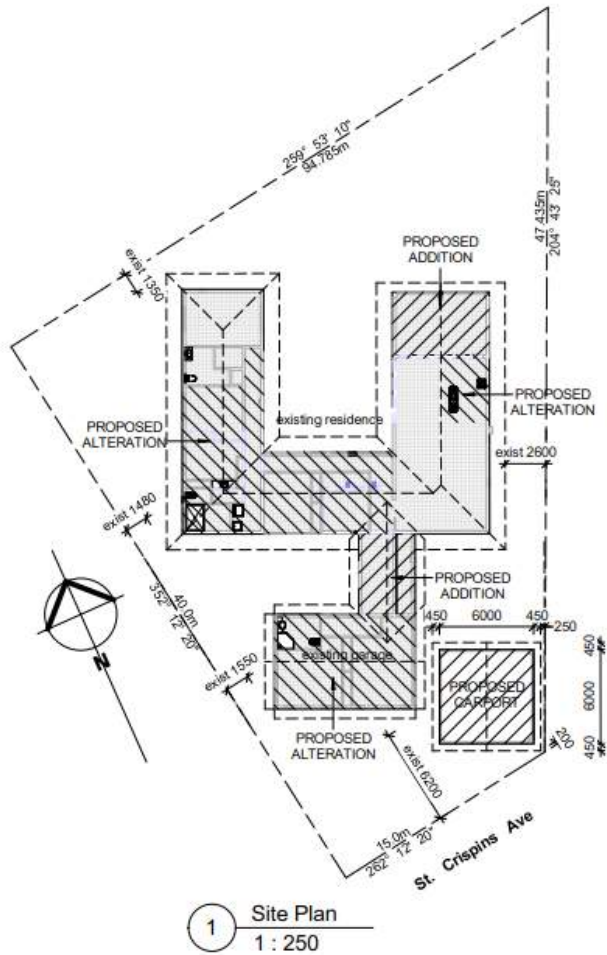
C. Relevant Period

Under section 85(c)(i) of the *Planning Act 2016*, Council requires that the relevant period for any development approval is to be two (2) years starting from the day the approval takes effect.

D. The Applicant should have regard to the following advices:

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 Local Laws and other statutory requirements including Council's Planning Scheme and the *FNQROC Development Manual*.
3. Vehicle access is to be constructed in accordance with the *FNQROC Development Manual Drawings S1015*. The nominated drawing is included at Appendix 1.
4. For information relating to the *Planning Act 2016* log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au .

ATTACHMENT 2: APPROVED DRAWING(S) AND/OR DOCUMENT(S)



Sheet List	
Sheet Number	Sheet Name
1 of 10	3D Views
2 of 10	Site Plan, Sheet List, Notes
3 of 10	Floor Plan - Residence
4 of 10	Floor Plan - Garage & Carport
5 of 10	Elevations - Sheet 1
6 of 10	Elevations - Sheet 2
7 of 10	Foundation Plan - Residence, Details, Notes
8 of 10	Foundation Plan - Garage & Carport, Details
9 of 10	Wall and Roof Framing Details
10 of 10	Sections, Details, Notes

GENERAL

All construction is to comply with **C2** building standards, Building Code of Australia, all relevant legislation, and Council By-Laws.
 Builders are to ensure that all materials nominated on this plan are used and fixed strictly in accordance with the manufacturers specifications, also taking into consideration all site conditions applicable to the materials allowable and recommended use. Substitution of any structural members, or variation to any part of the design without seeking approval prior to changing will void any responsibility of the Designer and Engineer for the structural integrity and performance of the building. Only Australian Standards compliant steel members are to be used in this building.
 All nominated fixings, reinforcing, timber sizes and grades etc are the minimum requirements.
 All dimensions must be checked by the Builder prior to commencing any work – written dimensions take precedence over scaled.
 Any alterations or discrepancies are to be clarified with the plan Author or Engineer prior to carrying out the work.
 This plan has been prepared for building approval only and is not intended to be read as a complete specification of the work and finishes to be carried out on this project.

WASHERS

Washers as listed below are to be used with all bolted connections involving timber, where bolt is in tension;
 M10 - 38 x 38 x 2.0
 M12 - 50 x 50 x 3.0
 M16 - 65 x 65 x 5.0
 At connections to steel plates, use standard round washers for the bolt diameter used, UNO.

TERMITE PROTECTION

This structure as detailed complies with the provisions of AS3660.1 for the protection of new buildings from subterranean termites.
 Owners are reminded that to maintain compliance with AS3660.1 they are advised to have inspections carried out by a qualified person every 12 months generally, and every 3 months if in an area where termite risk is high.

FIXINGS

All bolts, screws, nails, brackets, framing anchors and other hardware in contact with preservative treated timber, should be hot dipped galvanised, monel, silicon bronze, or stainless steel.
 Unless noted otherwise, all bolts are to be hex-head

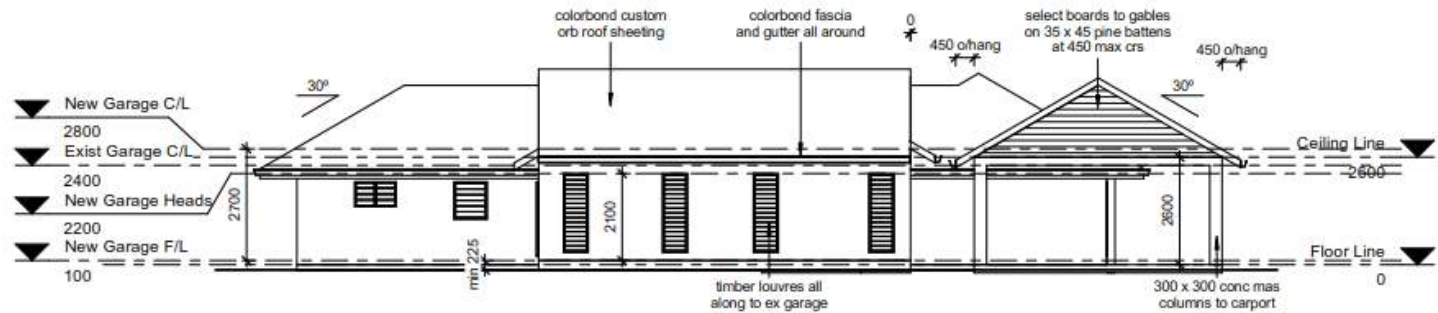
INTERNAL BRACING WALLS

WALL FIXING
 - Fix top plate to floor frame with 1/M12 at bracing section ends and at 1200 max. crs.
 - Fix top plate to crossing or parallel truss framing at M12 wall reinf locations to comply with AS1684.3 Table 8.23 to achieve 7.6 kn.
 - Fix end studs to external walls with 1/120 dynabolt or No 14-10 Type 17 screw at top, bottom, and at 1200 crs.
SHEETING
 - Line one side with 6mm F11 or 4mm F14 structural ply, nail fixed to manufacturers specifications to achieve minimum 6.4 kn/m nominal bracing (2.7m high walls).

GREG SKYRING
Design and DRAFTING Pty. Ltd.
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PROJECT
 Proposed Alterations and Additions to existing Residence,
 103 St. Crispins Avenue
 L89 RP74256,
 PORT DOUGLAS

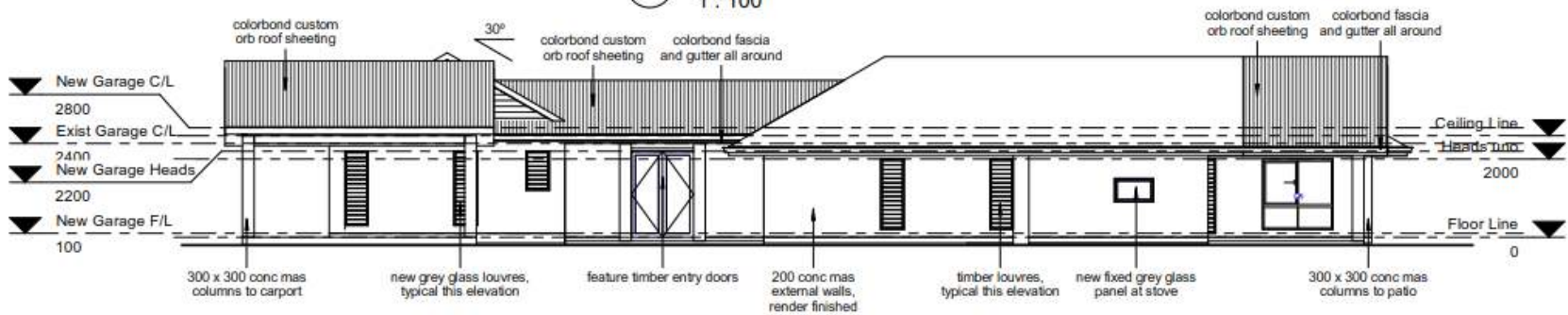
CLIENT	J. & V. Callipari	WIND CLASS	C2	PLAN NUMBER	311-18	SHEET	2 of 10
SCALES	1 : 250	PLAN TITLE	Site Plan, Sheet List, Notes		DATE OF ISSUE	17.12.18	REV



1 Front Elevation - Garage
1 : 100



2 Front Elevation - House
1 : 100



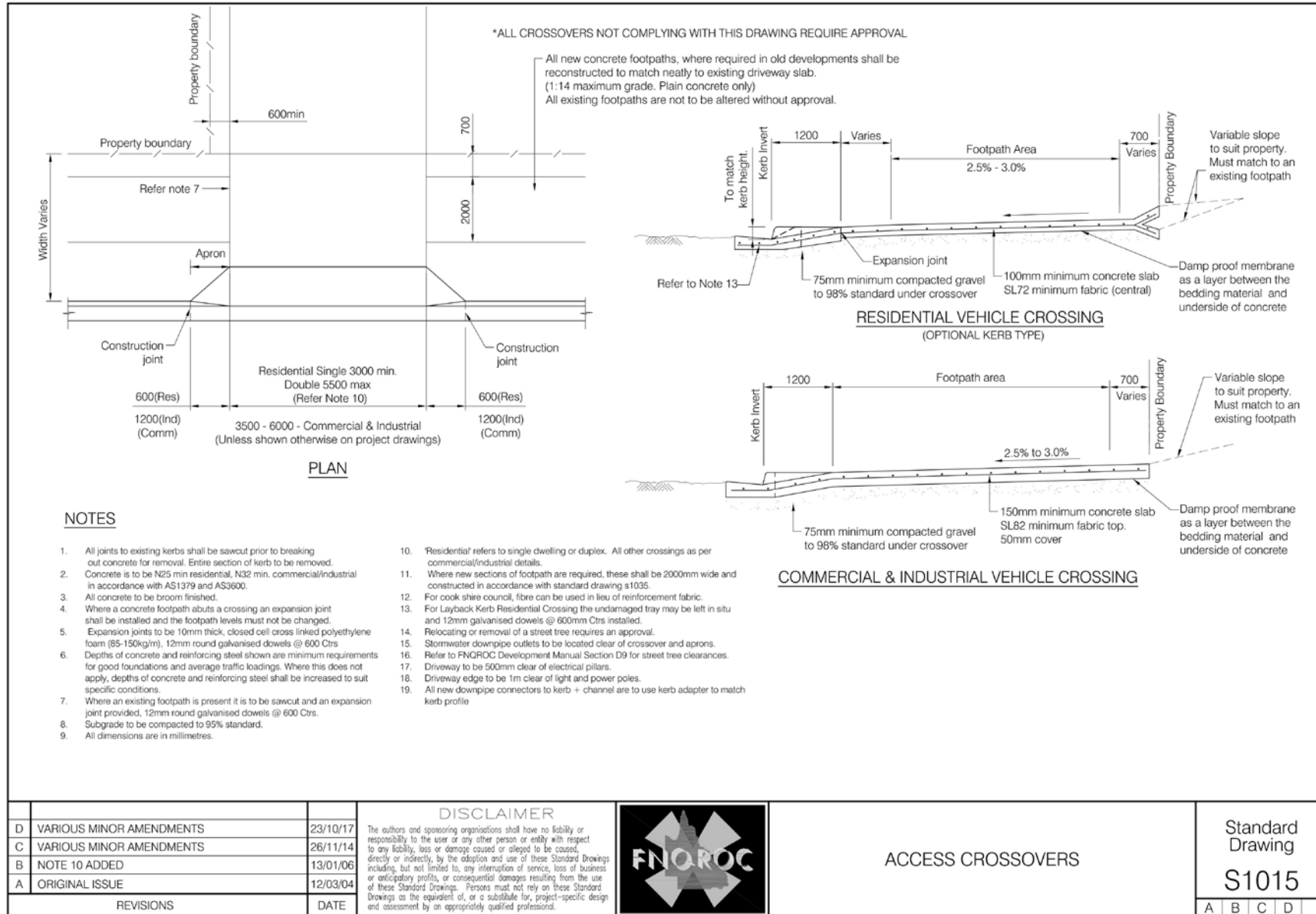
3 Right Elevation
1 : 100

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PROJECT
Proposed Alterations and Additions
to existing Residence,
103 St. Crispins Avenue
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CLIENT	J. & V. Callipari	WIND CLASS	C2	PLAN NUMBER	311-18	SHEET	5 of 10
SCALES	1 : 100	PLAN TITLE	Elevations - Sheet 1		DATE OF ISSUE	17.12.18	REV

ATTACHMENT 3: FNQROC DEVELOPMENT MANUAL DRAWINGS S1015 AND S1110



ATTACHMENT 4: *PLANNING ACT 2009* – RIGHTS OF REPRESENTATION & RIGHTS OF APPEAL

CHAPTER 6, 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 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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—
 - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or

- (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

Table 2
Appeals to the P&E Court only

<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>