

22 February 2021

**Enquiries:** Jenny Elphinstone  
**Our Ref:** BW 2021\_3988/1 (Doc ID 997774)  
**Your Ref:** 20210739 PO19271

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

Bernard & Samantha Nagan  
PO Box 715  
PORT DOUGLAS QLD 4877

Email [bernie.nagan@gmail.com](mailto:bernie.nagan@gmail.com)

Dear Sir/Madam

**Development Application for Building Work Assessable Against the Planning Scheme  
(Carport to an Existing Dwelling House)  
At Bonnie Doon Road Killaloe  
On Land Described as Lot 54 on SP292874**

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

Please quote Council's application number: BW 2021\_3988/1 in all subsequent correspondence relating to this development application.

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 section 63 of the Planning Act 2016*

#### Applicant Details

Name: S E Nagan & B J Nagan  
Postal Address: PO Box 715  
Port Douglas Qld 4877  
Email: [bernie.nagan@gmail.com](mailto:bernie.nagan@gmail.com)

#### Property Details

Street Address: Bonnie Doon Road Killaloe  
Real Property Description: Lot 54 on SP292874  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Building Work Assessable Against the Planning Scheme for a carport to the existing Dwelling House.

#### Decision

Date of Decision: 22 February 2021  
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
Site Plan, Sheet List, Notes	Greg Skyring Design and Drafting Pty Ltd Drawing Plan 611-20, Sheet 1 of 4	Undated and as submitted to Council on 15 February 2021.

Drawing or Document	Reference	Date
Floor Plan	Greg Skyring Design and Drafting Pty Ltd Drawing Plan 611-20, Sheet 2 of 4	19 January 2021
Elevations Sheet 1	Greg Skyring Design and Drafting Pty Ltd Drawing Plan 611-20, Sheet 3 of 4	19 January 2021
Elevations Sheet 2	Greg Skyring Design and Drafting Pty Ltd Drawing Plan 611-20, Sheet 4 of 4	19 January 2021

### Assessment Manager Conditions & Advices

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1. The development is undertaken in accordance with the facts and circumstances set out in the development application referred to Council.

#### 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.statedevelopment.qld.gov.au/](http://www.statedevelopment.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](http://www.douglas.qld.gov.au)

### 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:

- 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

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This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

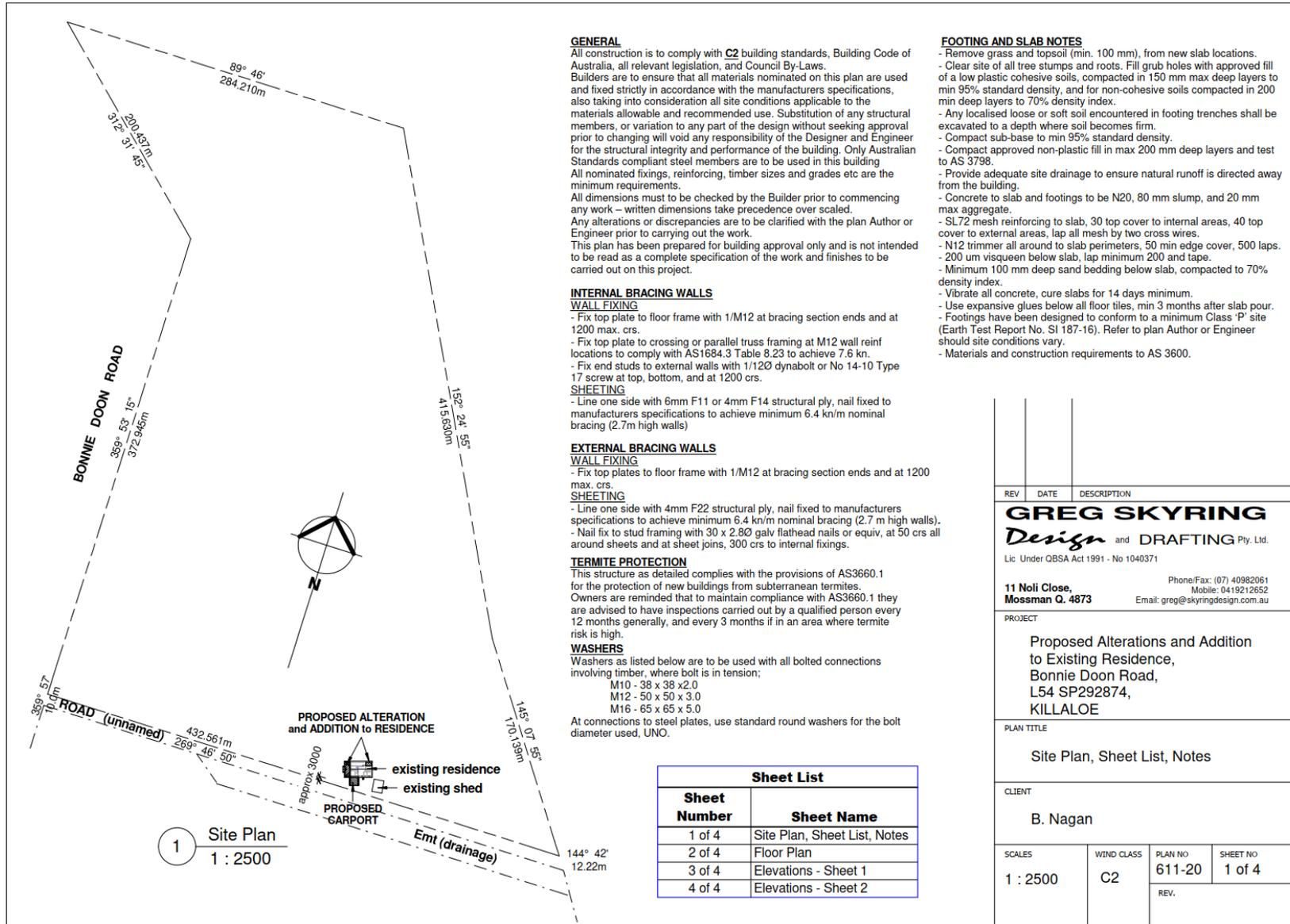
### Rights to make Representations & Rights of Appeal

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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 are attached.

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



**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.

**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)

**EXTERNAL BRACING WALLS**  
**WALL FIXING**  
 - Fix top plates to floor frame with 1/M12 at bracing section ends and at 1200 max. crs.  
**SHEETING**  
 - Line one side with 4mm F22 structural ply, nail fixed to manufacturers specifications to achieve minimum 6.4 kn/m nominal bracing (2.7 m high walls).  
 - Nail fix to stud framing with 30 x 2.80 galv flathead nails or equiv, at 50 crs all around sheets and at sheet joins, 300 crs to internal fixings.

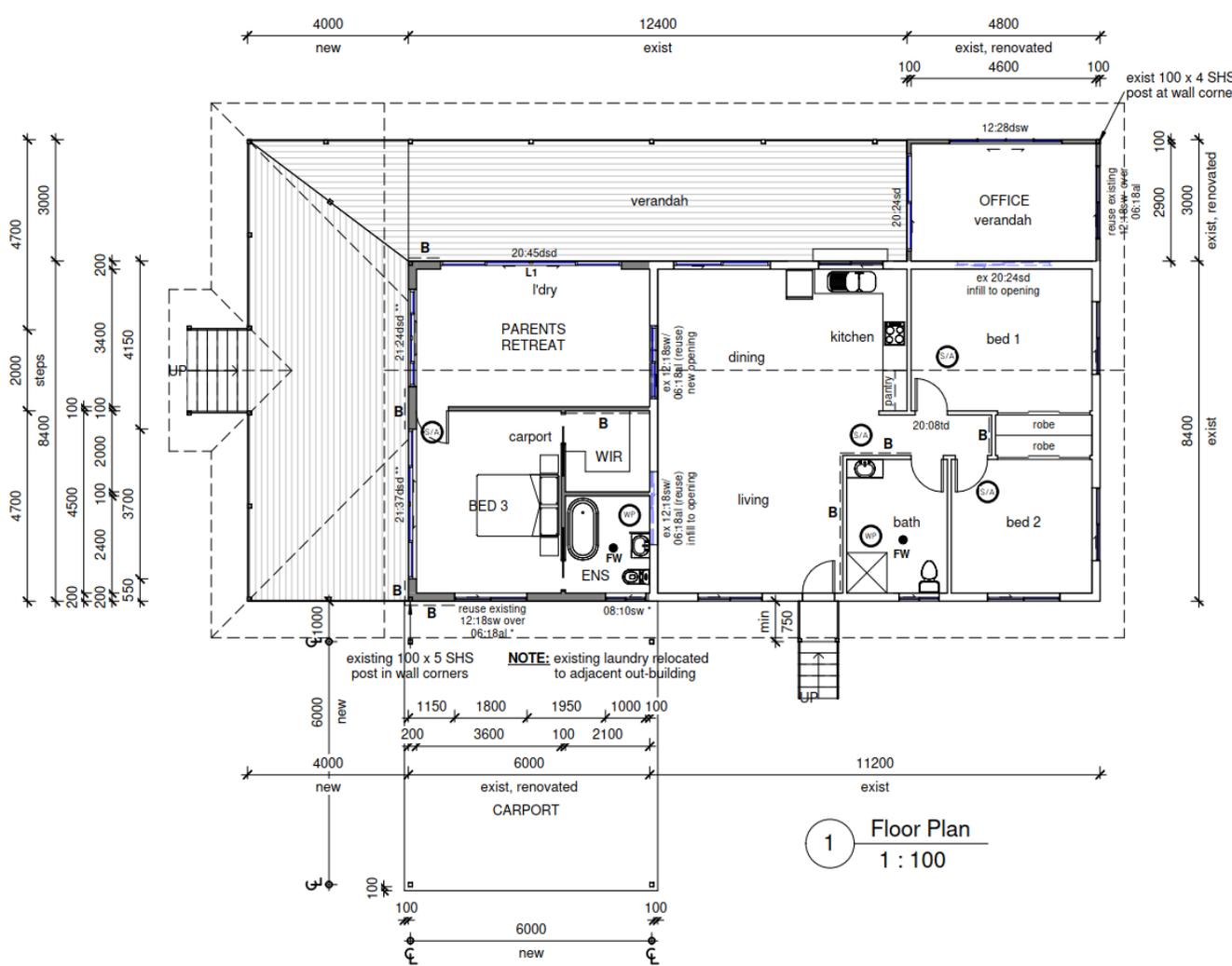
**TERMITE PROTECTION**  
 This structure as detailed complies with the provisions of AS3660.1 for the protection of new buildings from subterranean termites.  
 Owners are reminded that to maintain compliance with AS3660.1 they are advised to have inspections carried out by a qualified person every 12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

**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.

Sheet List	
Sheet Number	Sheet Name
1 of 4	Site Plan, Sheet List, Notes
2 of 4	Floor Plan
3 of 4	Elevations - Sheet 1
4 of 4	Elevations - Sheet 2

**FOOTING AND SLAB NOTES**  
 - Remove grass and topsoil (min. 100 mm), from new slab locations.  
 - Clear site of all tree stumps and roots. Fill grub holes with approved fill of a low plastic cohesive soils, compacted in 150 mm max deep layers to min 95% standard density, and for non-cohesive soils compacted in 200 min deep layers to 70% density index.  
 - Any localised loose or soft soil encountered in footing trenches shall be excavated to a depth where soil becomes firm.  
 - Compact sub-base to min 95% standard density.  
 - Compact approved non-plastic fill in max 200 mm deep layers and test to AS 3798.  
 - Provide adequate site drainage to ensure natural runoff is directed away from the building.  
 - Concrete to slab and footings to be N20, 80 mm slump, and 20 mm max aggregate.  
 - SL72 mesh reinforcing to slab, 30 top cover to internal areas, 40 top cover to external areas, lap all mesh by two cross wires.  
 - N12 trimmer all around to slab perimeters, 50 min edge cover, 500 laps.  
 - 200 um visqueen below slab, lap minimum 200 and tape.  
 - Minimum 100 mm deep sand bedding below slab, compacted to 70% density index.  
 - Vibrate all concrete, cure slabs for 14 days minimum.  
 - Use expansive glues below all floor tiles, min 3 months after slab pour.  
 - Footings have been designed to conform to a minimum Class 'P' site (Earth Test Report No, SI 187-16). Refer to plan Author or Engineer should site conditions vary.  
 - Materials and construction requirements to AS 3600.

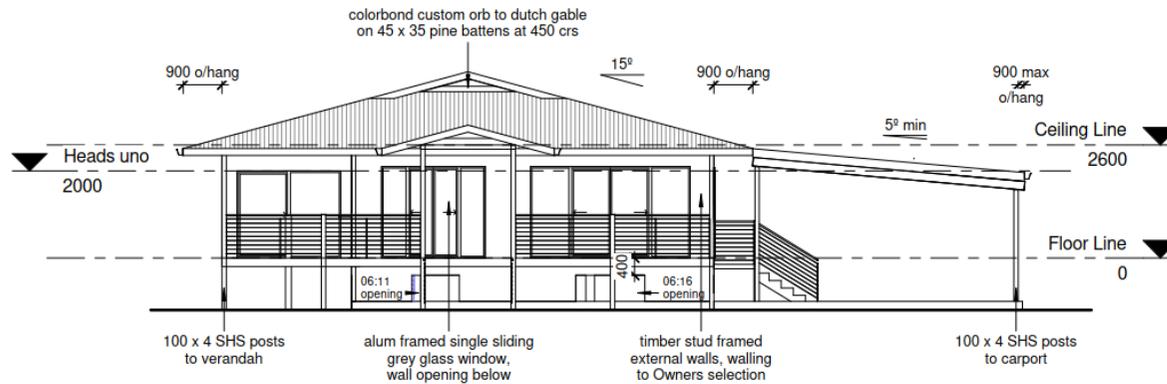
REV	DATE	DESCRIPTION
<p><b>GREG SKYRING</b>                      Design and DRAFTING Pty. Ltd.                      Lic Under QBSA Act 1991 - No 1040371</p> <p>11 Noli Close,                      Mossman Q. 4873</p> <p>Phone/Fax: (07) 40982061                      Mobile: 0419212652                      Email: greg@skyringdesign.com.au</p>		
<p>PROJECT</p> <p>Proposed Alterations and Addition to Existing Residence, Bonnie Doon Road, L54 SP292874, KILLALOE</p>		
<p>PLAN TITLE</p> <p>Site Plan, Sheet List, Notes</p>		
<p>CLIENT</p> <p>B. Nagan</p>		
<p>SCALES</p> <p>1 : 2500</p>	<p>WIND CLASS</p> <p>C2</p>	<p>PLAN NO</p> <p>611-20</p> <p>SHEET NO</p> <p>1 of 4</p> <p>REV.</p>



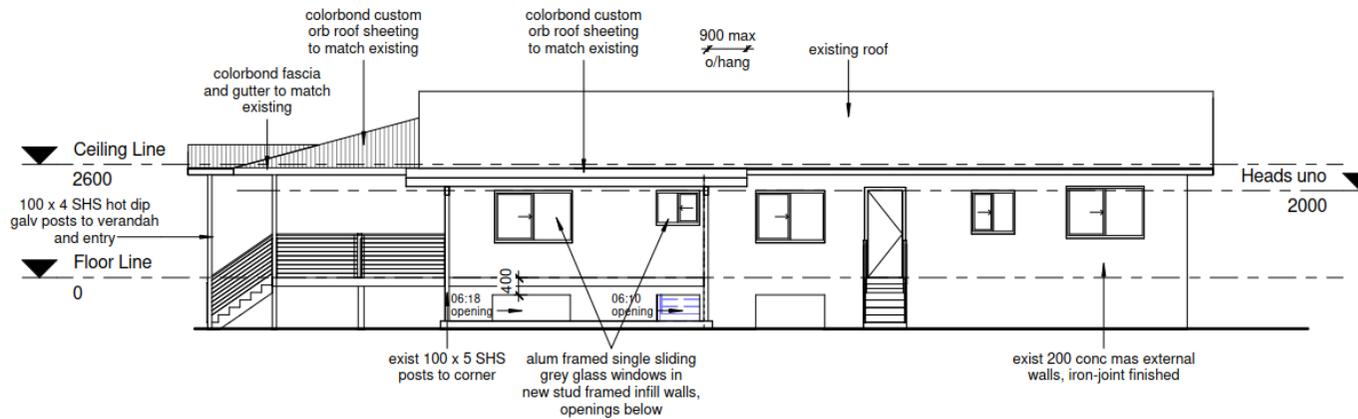
- LEGEND**
- exist 200 Concrete Masonry external walls, iron joint finished to external, and internal
  - new 200 Concrete Masonry external walls, iron joint finished to external, and internal
  - exist stud framed internal walls, gyprock line generally, villaboard to bathroom
  - new timber stud framed internal walls, gyprock to internal generally, villaboard to wet areas
  - As above with 4mm F14 structural ply lining or equivalent sheeting extra to one face, nail fixed for bracing (see bracing notes).
  - Floor Waste (optional)
  - Waterproof wet area to AS3740.
  - Smoke alarms to AS3786.
  - bed 1 existing area use, lower case
  - BED 3 new area use, upper case
- WINDOW and DOOR LEGEND**
- sd sliding door
  - td select timber doors, quality appropriate to location
  - csl cavity sliding timber doors
  - ftd select feature timber doors
  - sw single sliding window
  - al aluminium louvre
  - \* denotes openings below windows, refer to elevations
  - \*\* denotes part openings below doors, refer to elevations
- NOTE: all windows and doors are colour coated aluminium framed uno, fitted with grey glass and flymesh

1 Floor Plan  
1 : 100

<p><b>GREG SKYRING</b> <i>Design</i> and DRAFTING Pty. Ltd. Lic Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au</p>	<p>PROJECT Proposed Alterations and Addition to Existing Residence, Bonnie Doon Road, L54 SP292874, KILLALOE</p>	CLIENT B. Nagan	WIND CLASS C2	PLAN NUMBER 611-20	SHEET 2 of 4
		SCALES 1 : 100	PLAN TITLE Floor Plan	DATE OF ISSUE prelim 19.01.21	REV



1 Front Elevation  
1 : 100



2 Right Elevation  
1 : 100

**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.

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PROJECT  
Proposed Alterations and Addition  
to Existing Residence,  
Bonnie Doon Road,  
L54 SP292874,  
KILLALOE

CLIENT  
B. Nagan

WIND CLASS  
C2

PLAN NUMBER  
611-20

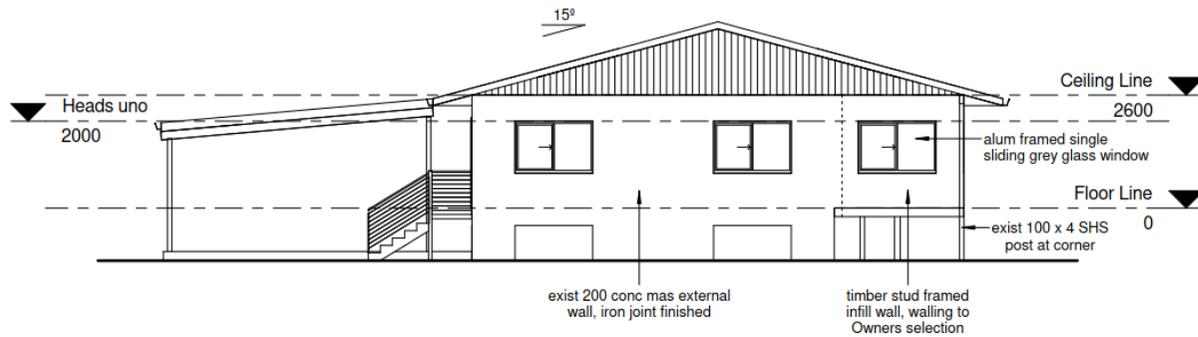
SHEET  
3 of 4

SCALES  
1 : 100

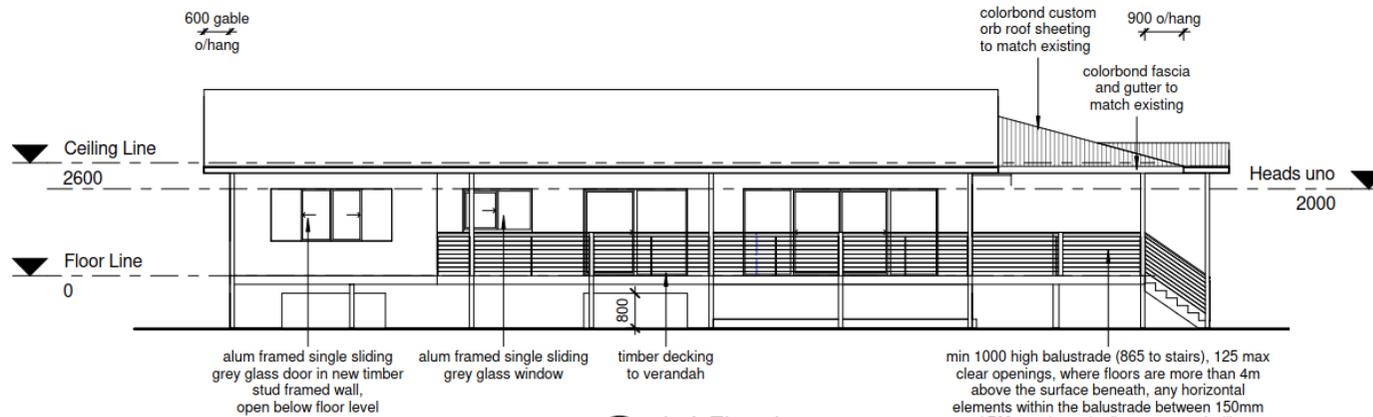
PLAN TITLE  
Elevations - Sheet 1

DATE OF ISSUE  
prelim  
19.01.21

REV



1 Rear Elevation  
1 : 100



2 Left Elevation  
1 : 100

<p><b>GREG SKYRING</b> <i>Design</i> and DRAFTING Pty. Ltd. Lic Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au</p>	<p>PROJECT Proposed Alterations and Addition to Existing Residence, Bonnie Doon Road, L54 SP292874, KILLALOE</p>	CLIENT	B. Nagan	WIND CLASS	C2	PLAN NUMBER	611-20	SHEET	4 of 4
		SCALES	1 : 100	PLAN TITLE	Elevations - Sheet 2		DATE OF ISSUE	prelim 19.01.21	REV

## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections 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; and
  - c. 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 19 February 2021 under section 51 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 Rural 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

Development complies with the planning scheme and no concerns are raised.

## 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.

## Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016  
Chapter 6 Dispute resolution

[s 229]

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- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
  - conduct* means an act or omission.
  - representative* means—
    - (a) of a corporation—an executive officer, employee or agent of the corporation; or
    - (b) of an individual—an employee or agent of the individual.
  - state of mind*, of a person, includes the person's—
    - (a) knowledge, intention, opinion, belief or purpose; and
    - (b) reasons for the intention, opinion, belief or purpose.

## 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

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Current as at 1 October 2020

Authorised by the Parliamentary Counsel

- 
- (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,

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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.

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
  - (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and
    - (ii) to apply the principles of natural justice; and
    - (iii) to analyse complex technical issues; and
    - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.