

30 July 2024

Enquiries: Jenny Elphinstone
Our Ref: BW 2020_3702/2 (Doc ID 1241137)
Your Ref: 20203094

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

Alfred Partridge
PO Box 1099
PORT DOUGLAS QLD 4877

Email: ampmail456@yahoo.com

Dear Sir

**Development Application for Minor Change (Roof Extension to Garage)
At 8 Anchor Court Killaloe
On Land Described as Lot 2 on RP843599**

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

Please quote Council's application number: BW 2020_3702/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Shane Brumby
A/ Manager Environment & Planning

cc - adminpd@macert.com.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Appeals (Decision Notice)
- Copy of Existing Approval



Decision Notice

Approval (with conditions)

Given under s 83 of the Planning Act 2016

Applicant Details

Name: Alfred Partridge
Postal Address: PO Box 1099
Port Douglas Qld 4877
Email: ampmail456@yahoo.com

Property Details

Street Address: 8 Anchor Court Killaloe
Real Property Description: Lot 2 on RP843599
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for a minor change to the Development Permit for Building Work Made Assessable Against the Planning Scheme for an extension to the garage to the existing dwelling house.

Decision

Date of Decision: 30 July 2024

Decision Details: Approved whereby:

1. The Approved Drawing(s) and/or Document(s) are amended as follows:

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

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

Drawing Document	or Reference	Date
Structural Notes	Rogers Consulting Engineers, Project 200189, Drawing S00, Revision A.	17 August 2020

Drawing Document	or Reference	Date
Site Plan	Rogers Consulting Engineers, Project 200189, Drawing S01, Revision A <u>dated 17 August 2024 and as amended by the varied plan submitted 18 July 2024.</u>	17 August 2020 <u>and 18 July 2024.</u>
Footing Plan and Details	Rogers Consulting Engineers, Project 200189, Drawing S02, Revision A.	17 August 2020
Wall Plan, Notes and Details	Rogers Consulting Engineers, Project 200189, Drawing S03, Revision A.	17 August 2020
Roof Plan and Details	Rogers Consulting Engineers, Project 200189, Drawing S04, Revision A.	17 August 2020
Elevations and Dimensions	Rogers Consulting Engineers, Project 200189, Drawing S05, Revision A <u>dated 17 August 2024 and as amended by the varied plan submitted 18 July 2024.</u>	17 August 2020 <u>and 18 July 2024.</u>
Driveway Elevations	Rogers Consulting Engineers, Project 200189, Drawing S06, Revision A.	17 August 2020

2. All conditions and advices of the approval dated 1 October 2020 remain unchanged.

Existing Approval

As attached.

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*.

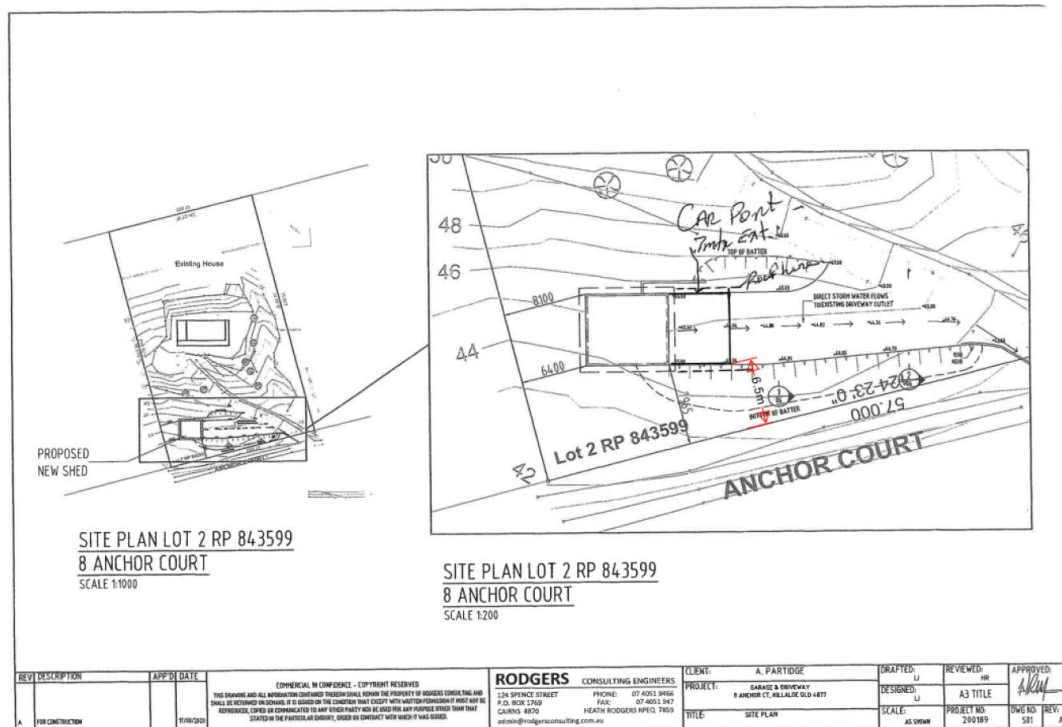
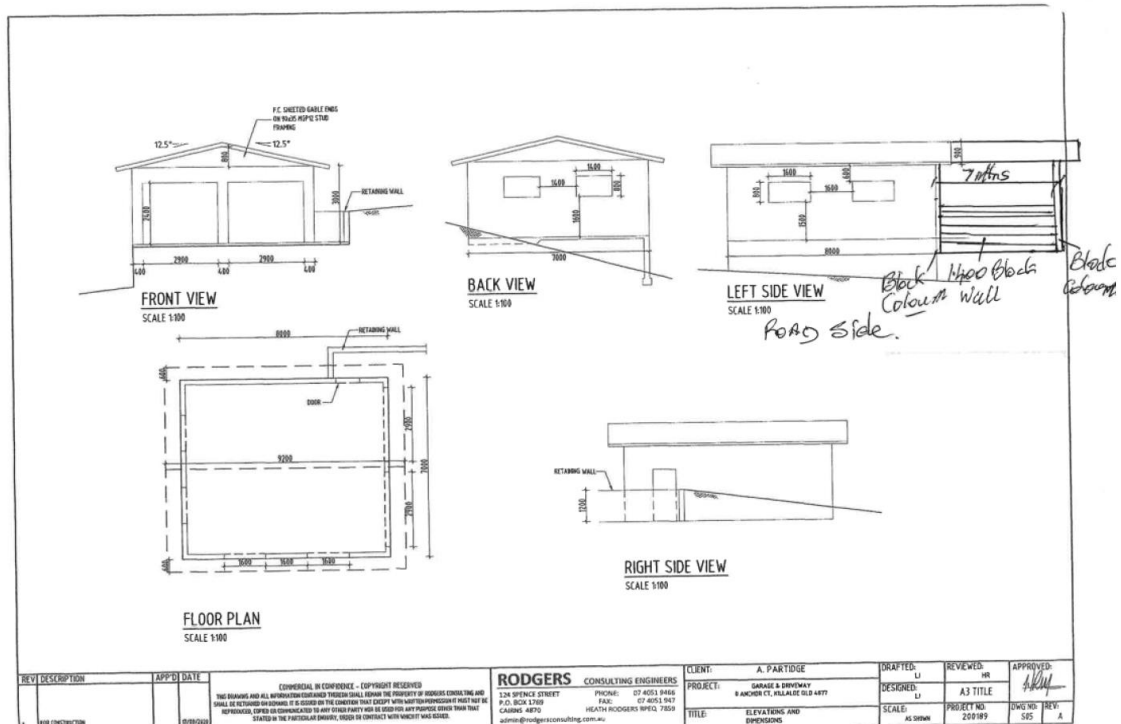
Rights to make Representations & Rights of Appeal

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.

GMA Certification Group

APPENDIX 1





PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

1 October 2020

Enquiries: Jenny Elphinstone
Our Ref: BW 2020_3702/1 (Doc ID: 974754)
Your Ref: 20203094

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

Alfred Partridge
C/- Patrick Clifton, GMA Certification
PO Box 831
PORT DOUGLAS QLD 4877

Email: Patrick.c@gmacert.com.au

Dear Sir

**Development Application for Building Work Assessable Against the Planning Scheme
(Domestic outbuilding)
At 8 Anchor Court Killaloe
On Land Described as Lot 2 on RP843599**

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

Please quote Council's application number: BW 2020_3702/1 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

A handwritten signature in blue ink, appearing to read "P. Hoyer", written over a light blue circular stamp.

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: Alfred Partridge
Postal Address: C/- Patrick Clifton, GMA Certification
PO Box 831
Port Douglas Qld 4877
Email: Patrick.c@gmacert.com.au

Property Details

Street Address: 8 Anchor Court Killaloe
Real Property Description: Lot 2 on RP843599
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Building Work Assessable Against the Planning Scheme for a Domestic Outbuilding.

Decision

Date of Decision: 1 October 2020
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
Structural Notes	Rogers Consulting Engineers, Project 200189, Drawing S00, Revision A.	17 August 2020

Drawing or Document	Reference	Date
Site Plan	Rogers Consulting Engineers, Project 200189, Drawing S01, Revision A.	17 August 2020
Footing Plan and Details	Rogers Consulting Engineers, Project 200189, Drawing S02, Revision A.	17 August 2020
Wall Plan, Notes and Details	Rogers Consulting Engineers, Project 200189, Drawing S03, Revision A.	17 August 2020
Roof Plan and Details	Rogers Consulting Engineers, Project 200189, Drawing S04, Revision A.	17 August 2020
Elevations and Dimensions	Rogers Consulting Engineers, Project 200189, Drawing S05, Revision A.	17 August 2020
Driveway Elevations	Rogers Consulting Engineers, Project 200189, Drawing S06, Revision A.	17 August 2020

Assessment Manager Conditions & Advices

Assessment Manager 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;
 - 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.

Building Colours

3. External finishes of the building must be non reflective using moderately dark to darker shades of grey, green, blue and brown colours.

Batter

4. The new lower batter has a minimum of a grassed finish and sediment control measures are installed to ensure no inappropriate discharge to the adjacent road when the works are undertaken.

Advices

1. 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*.

2. 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws 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 are attached.

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

GENERAL NOTES		CONCRETE AND REINFORCEMENT		STEELWORK																																	
<p>1. THE ENGINEERING NOTES UNDER THE JOB NUMBER ABOVE ARE PART OF THE DRAWINGS, AND ARE TO BE ATTACHED TO EACH SET OF DRAWINGS TO BE WORKED FROM.</p> <p>2. ENGINEERING DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS, AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONSTRUCTION. ANY DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.</p> <p>3. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT SAA CODES, AND BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES, EXCEPT WHERE VARYED BY THE PROJECT SPECIFICATION.</p> <p>4. ALL RELEVANT DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ENGINEERS' DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS.</p> <p>5. DURING CONSTRUCTION THE STRUCTURE WITH ITS ALL STRUCTURAL ELEMENTS SHALL NOT BE OVERSTRESSED, AND SHALL BE MAINTAINED IN A STABLE CONDITION. TEMPORARY SHORING, PROPPING AND BRACING SHALL BE PROVIDED BY THE BUILDER TO KEEP ALL EXCAVATIONS AND THE STRUCTURE STABLE AT ALL TIMES.</p> <p>6. UNLESS NOTED OTHERWISE ALL LEVELS ARE IN METRES AND ALL DIMENSIONS ARE IN MILLIMETRES.</p> <p>7. THE STRUCTURAL COMPONENTS DETAILED ON THE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE RELEVANT CODES AND LOCAL GOVERNMENT ORDINANCES FOR THE LOADINGS INDICATED.</p> <p>8. UNO STANDS FOR 'UNLESS NOTED OTHERWISE'.</p> <p>SERVICE LOADS</p> <p>1. LIVE LOADS TO AS 1170, PART 1 ROOF 0.25 KPA</p> <p>2. WIND LOADS TO AS 1170, PART 2 REGION 'C', DESIGN GUST WIND SPEED 61m/s ULTIMATE LIMIT STATE.</p> <p>FOOTINGS</p> <p>1. THE BUILDER SHALL FAMILIARISE HIMSELF WITH THE CONTENTS OF THE SOILS REPORT WHERE AVAILABLE AND STRICTLY ADHERE TO THE RECOMMENDATIONS CONTAINED THEREIN. ALL FOOTINGS ARE TO BE INSPECTED AND APPROVED PRIOR TO PLACING CONCRETE.</p> <p>2. FOOTINGS SHALL BE LOCATED CENTRALLY UNDER COLUMNS AND WALLS, AND STRIP FOOTINGS SHALL BE CAST ON HORIZONTALLY EXCAVATED BENCHES, UNLESS SPECIFICALLY DETAILED OTHERWISE.</p> <p>3. THE DESIGN OF THE STRUCTURE HAS BEEN BASED ON THE FOUNDATION HAVING A MINIMUM BEARING CAPACITY OF 100 kPa.</p> <p>4. FOOTINGS ARE TO BE CONSTRUCTED AND BACK FILLED AS SOON AS POSSIBLE FOLLOWING EXCAVATION TO AVOID SOFTENING OR DRYING OUT DUE TO EXPOSURE.</p> <p>BUILDING PLATFORM PREPARATION</p> <p>1. BUILDING PLATFORM PREPARATION SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3798, GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT, AND OTHERWISE AS DIRECTED IN THE ENGINEERING DOCUMENTATION.</p> <p>2. ALL WORK INCLUDING ANY TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS AND CODES OF PRACTICE, IN PARTICULAR AS 3870 - RESIDENTIAL SLABS AND FOOTINGS.</p> <p>3. STRIP BUILDING PLATFORM OF TOPSOIL, DELETERIOUS ORGANICS, AND ANY OTHER DELETERIOUS MATERIAL.</p> <p>4. COMPACT THE EXPOSED SUBGRADE WITH SUITABLE EQUIPMENT TO A MINIMUM DRY DENSITY RATIO 95% USING STANDARD COMPACTION, OR A DENSITY INDEX OF AT LEAST 70%.</p> <p>5. RAISE BUILDING PAD A MAXIMUM OF 300MM WITH APPROVED SAND OR CRUSHER/STUFF FILL COMPACTED TO A DENSITY INDEX OF AT LEAST 70%.</p> <p>FOUNDATION MAINTENANCE SHALL BE IN ACCORDANCE WITH THE CSIRO BROCHURE, 'GUIDE TO HOME OWNERS ON FOUNDATION MAINTENANCE AND FOOTING PERFORMANCE'.</p>		<p>1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH AS 3600 CONCRETE STRUCTURE CODE.</p> <p>2. CONCRETE SPECIFICATION SHALL BE:</p> <table border="1"> <thead> <tr> <th>ELEMENT</th> <th>GRADE</th> <th>SUMP</th> <th>MAX AGG</th> </tr> </thead> <tbody> <tr> <td>FILLING 200mm</td> <td>N20</td> <td>20-30</td> <td>10</td> </tr> <tr> <td>GROUND SLAB & FOOTINGS</td> <td>N20</td> <td>10-15</td> <td>20</td> </tr> </tbody> </table> <p>3. REINFORCEMENT IS SHOWN DIAGMATICALLY; IT IS NOT NECESSARILY SHOWN IN TRUE PROJECTION. WHERE TRANSVERSE BARS ARE NOT SHOWN, PROVIDE W3-306.</p> <p>4. ALL REINFORCEMENT SHALL BE IN ACCORDANCE WITH AS 4671.</p> <p>SYMBOLS:</p> <table border="1"> <thead> <tr> <th>F, RF, SL</th> <th>HARD DRAWN WIRE REINFORCING FABRIC</th> </tr> </thead> <tbody> <tr> <td>R</td> <td>STRUCTURAL GRADE 238R ROUND BAR</td> </tr> <tr> <td>S</td> <td>STRUCTURAL GRADE 238S DEFORMED BAR</td> </tr> <tr> <td>Y</td> <td>HOT ROLLED GRADE 430Y DEFORMED BAR</td> </tr> <tr> <td>N</td> <td>GRADE 300N DEFORMED BAR</td> </tr> </tbody> </table> <p>5. GRADE BAR MAY BE SUBSTITUTED FOR Y GRADE BAR.</p> <p>6. COVER TO REINFORCEMENT SHALL BE:</p> <table border="1"> <thead> <tr> <th>ITEM</th> <th>COVER</th> </tr> </thead> <tbody> <tr> <td>1a) FOOTINGS IN GROUND</td> <td>75mm BOTTOM, 15mm SIDES AND TOP</td> </tr> <tr> <td>1b) FOOTINGS ON MEMBRANE</td> <td>10mm BOTTOM</td> </tr> <tr> <td>1c) SLAB ON GROUND</td> <td>30mm NOMINAL, 20mm MINIMUM TOP</td> </tr> <tr> <td>1d) WITHIN CONCRETE MASONRY BLOCKS - 10mm</td> <td>50mm BOTTOM</td> </tr> </tbody> </table> <p>7. REINFORCEMENT SHALL BE SUPPORTED ON APPROVED CHAIRS AT 600mm CENTRES.</p> <p>8. SPLICE LAPS UNLESS SHOWN OTHERWISE:</p> <p>FABRIC - 1 COMPLETE MESH + 30mm, DEFORMED BAR - 36 X BAR DIAMETER MINIMUM.</p> <p>9. CONSTRUCTION JOINTS SHALL BE SCABBLED AND CLEANED AND COATED WITH CEMENT/WATER SLURRY IMMEDIATELY PRIOR TO PLACING CONCRETE.</p> <p>10. CONCRETE SHALL BE COMPACTED USING MECHANICAL VIBRATORS.</p> <p>11. CONCRETE SHALL BE CURED TO AS 3799 FOR A MINIMUM OF 7 DAYS BY A METHOD APPROVED BY THE ENGINEER.</p> <p>12. CONTROL JOINTS SHALL BE CONSTRUCTED AS SPECIFIED. SAW CUTTING SHALL BE CARRIED OUT WITHIN 6 HOURS OF CONCRETE HARDENING.</p>		ELEMENT	GRADE	SUMP	MAX AGG	FILLING 200mm	N20	20-30	10	GROUND SLAB & FOOTINGS	N20	10-15	20	F, RF, SL	HARD DRAWN WIRE REINFORCING FABRIC	R	STRUCTURAL GRADE 238R ROUND BAR	S	STRUCTURAL GRADE 238S DEFORMED BAR	Y	HOT ROLLED GRADE 430Y DEFORMED BAR	N	GRADE 300N DEFORMED BAR	ITEM	COVER	1a) FOOTINGS IN GROUND	75mm BOTTOM, 15mm SIDES AND TOP	1b) FOOTINGS ON MEMBRANE	10mm BOTTOM	1c) SLAB ON GROUND	30mm NOMINAL, 20mm MINIMUM TOP	1d) WITHIN CONCRETE MASONRY BLOCKS - 10mm	50mm BOTTOM	<p>1. ALL STEELWORK SHALL BE IN ACCORDANCE WITH AS 4100 - STEEL STRUCTURES CODE, AND AS 4689 - COLD FORMED STEEL STRUCTURES CODE.</p> <p>2. THE CONTRACTOR SHALL PROVIDE AND SUPPLY ANY ADDITIONAL TEMPORARY BRACING ETC. NECESSARY TO ADEQUATELY AND SAFELY HOLD STEELWORK IN POSITION DURING CONSTRUCTION.</p> <p>3. ALL WELDING SHALL BE IN ACCORDANCE WITH AS 1554 STRUCTURAL STEEL WELDING CODE.</p> <p>4. ALL STEELWORK EXPOSED TO THE WEATHER SHALL BE GALVANISED OR UNDERCOAT PAINTED WITH ONE COAT 0.075mm MINIMUM DRY THICKNESS OF TWO PACK INORGANIC AIR CURED ZINC SILICATE APPLIED WITHIN 2 HOURS OF APPROVED PREPARATION. SUCH UNDERCOAT SHALL BE TOP COAT PROTECTED TO THE APPROVAL OF THE ARCHITECT / DESIGNER.</p> <p>5. GALVANISING WITH HOT DIPPING SHALL BE TO AS 1627 AND AS/NZS 4480.</p> <p>6. PAINTING AND PREPARATION SHALL BE TO MANUFACTURER'S SPECIFICATION.</p> <p>7. IF NOT OTHERWISE SPECIFIED ABRASIVE CLEANING PRIOR TO PAINTING SHALL BE CLASS 2.5 TO AS 1627.4.</p> <p>8. BOLTS SHALL BE GALVANISED. A SUITABLE WASHER SHALL BE USED UNDER ALL NUTS.</p> <p>9. BOLT LEGEND 4.65 - COMMERCIAL GRADE 4.6 BOLTS, SNUG TIGHTENED.</p> <p>1. 8.85 - HIGH STRENGTH GRADE 8.8 BOLTS, SNUG TIGHTENED.</p> <p>10. UNLESS OTHERWISE SPECIFIED, THE FOLLOWING SHALL APPLY:</p> <p>a) CLEATS, BRACKETS, STIFFENERS ETC. - EX. 6mm PLATE</p> <p>b) WELDING - 6mm CONTINUOUS FILLET TO FULL PERIMETER AT CONTACT</p> <p>c) BOLT HOLE CLEARANCE - 3mm, HOLE DOWN BOLT HOLE CLEARANCE - 4mm</p> <p>d) ALL BOLTS CAST INTO CONCRETE TO BE HOT DIPPED GALVANISED</p> <p>e) BUTT WELDS SHALL BE QUALIFIED COMPLETE PENETRATION IN ACCORDANCE WITH AS 1554.1</p> <p>f) END PLATES TO ALL HOLLOW MEMBERS SHALL BE EQUAL TO WALL THICKNESS OR MINIMUM 10mm. PROVIDE 'BREATHERS' HOLES IF MEMBERS ARE TO BE HOT DIPPED GALVANISED.</p> <p>g) CONNECTIONS - MINIMUM OF 2-MIN 4.6/5 BOLTS.</p> <p>h) BRACKETS SHALL INTERSECT ON CENTRAL LINES OF MEMBERS.</p> <p>i) FABRICATOR SHALL ALLOW FOR ALL CLEATS AND OTHER FIXINGS REQUIRED.</p> <p>j) ALL BEAMS HAVING A NATURAL CAMBER WITHIN THE STRAIGHTNESS TOLERANCE SHALL BE ERRECTED WITH THE CAMBER UP. BEAMS AND TRUSSES OVER 6m SPANS SHALL BE PRE CAMBERED 1 IN 500 (UND 1).</p> <p>11. ALL PURLING AND GIRTS, FLOORING AND ACCESSORIES, SHALL BE GALVANISED COLD FORMED. INSTALLATION OF ALL ACCESSORIES SHALL BE TO THE MANUFACTURER'S SPECIFICATION.</p> <p>12. METAL ROOF CLADDING INSTALLED WITH METAL ROOF BATTENS SHALL HAVE THE CLADDING BATTENS WITH BATTEN SPACING, AND FIXINGS, CERTIFIED BY THE SUPPLIER FOR THE NOMINATED PROFILE, FOR THE WIND LOAD NOMINATED ON PAGE 1. THE LOADING NOTES, THEY SHALL BE COMPLIANT WITH CURRENT AUSTRALIAN STANDARDS AND CODES OF PRACTICE.</p>	
ELEMENT	GRADE	SUMP	MAX AGG																																		
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REV	DESCRIPTION	APPROVED DATE
A	FOR CONSTRUCTION	15/04/2020
B	REVISION	15/04/2020

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RODGERS CONSULTING ENGINEERS

124 SPENCE STREET
P.O. BOX 12700
CARLTON, VIC 3060

PHONE: 07 4261 9446
FAX: 07 4261 9477
HEALTH RODGERS RPEQ 12509

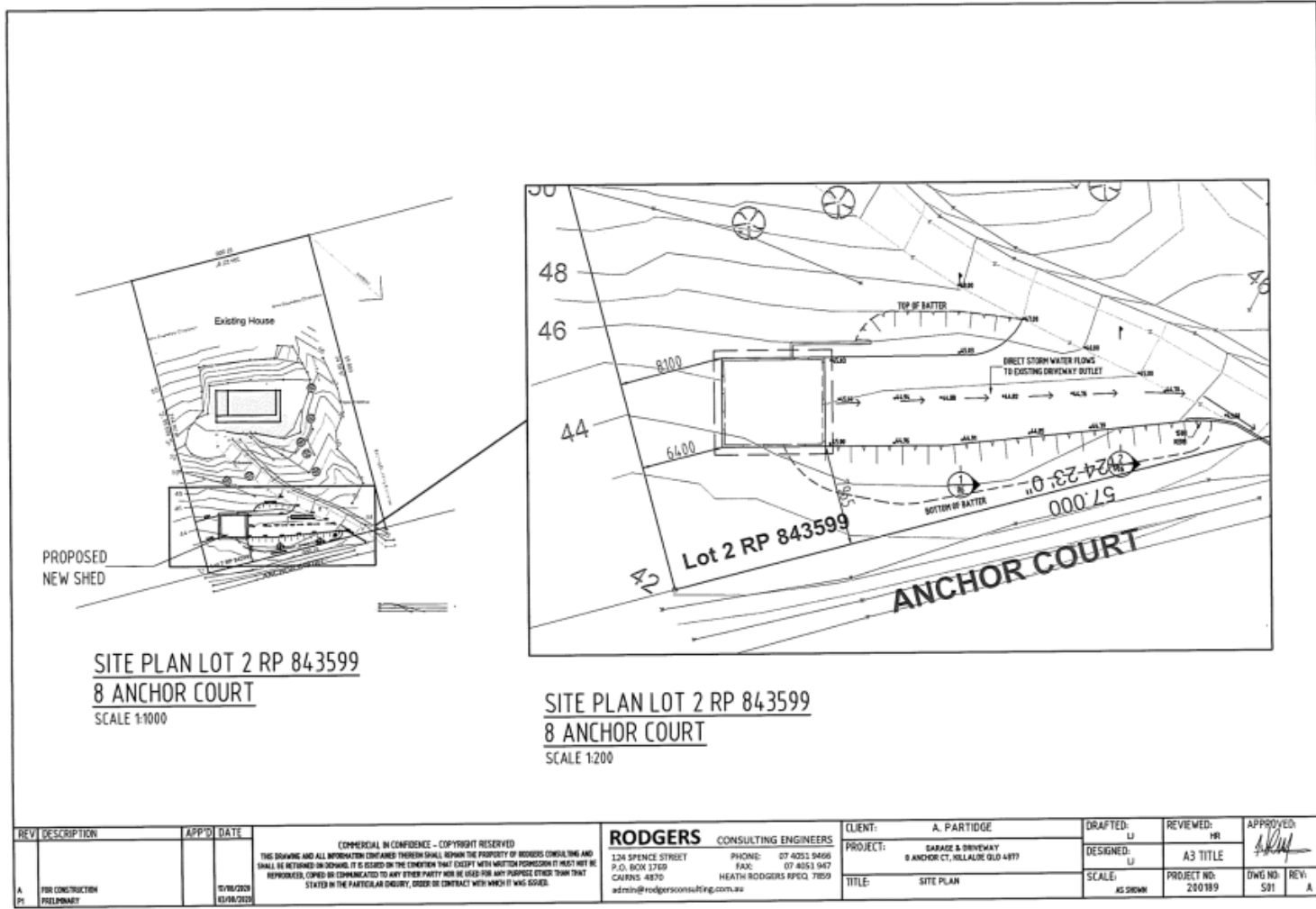
admin@roddgersconsulting.com.au

CLIENT: A. PARTIDGE

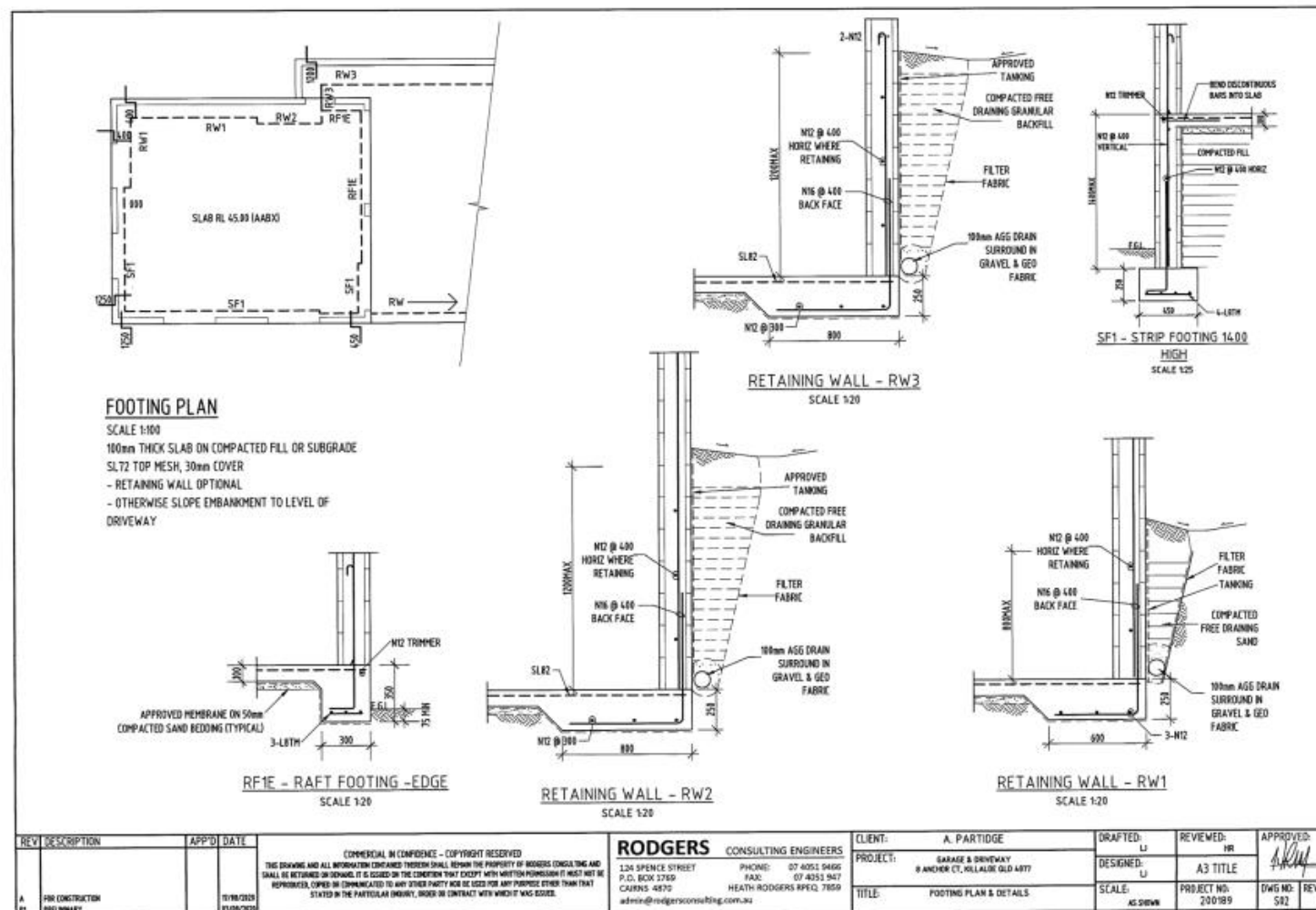
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8 ANCHOR CT, MELB/RE OLD ARTY

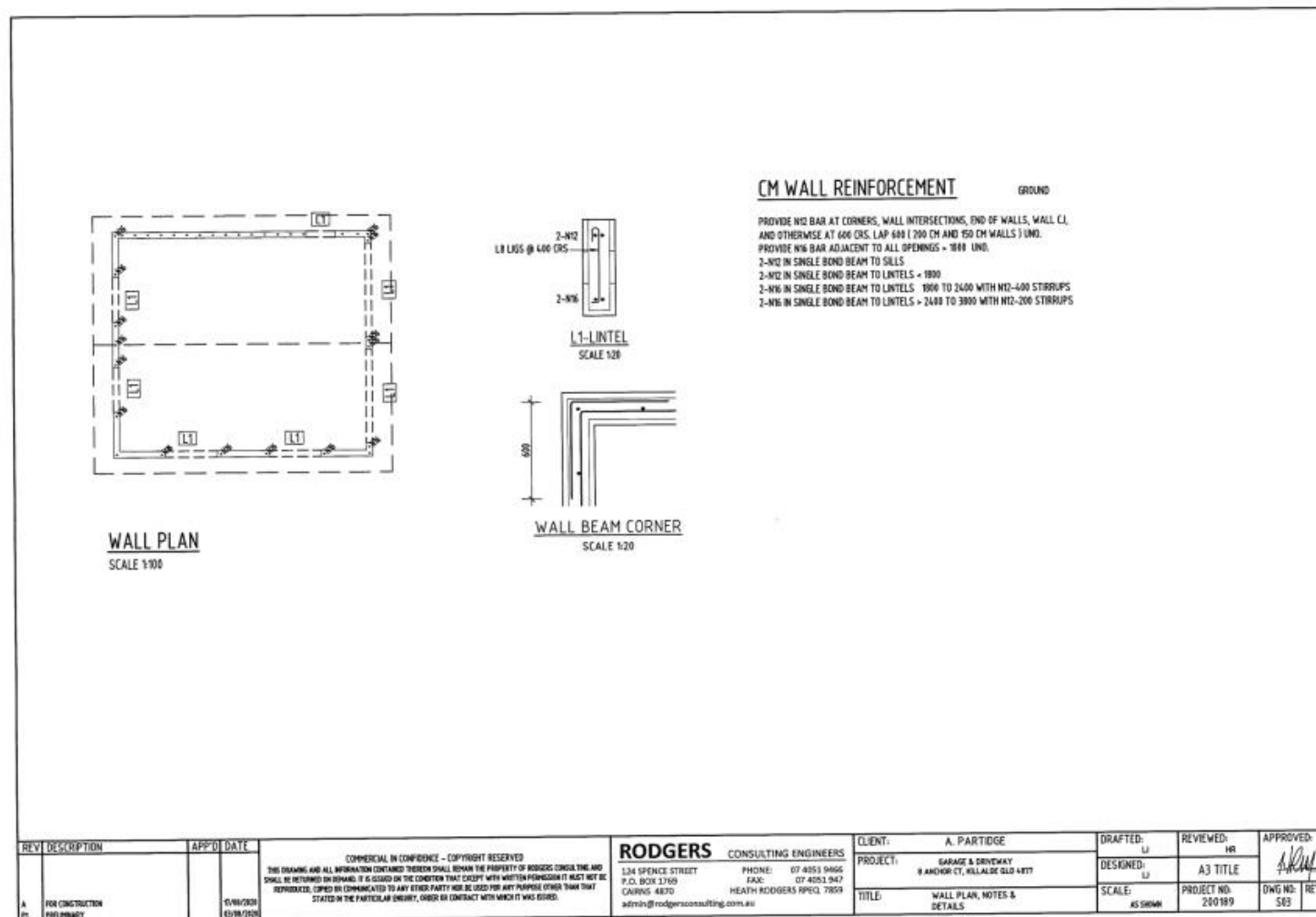
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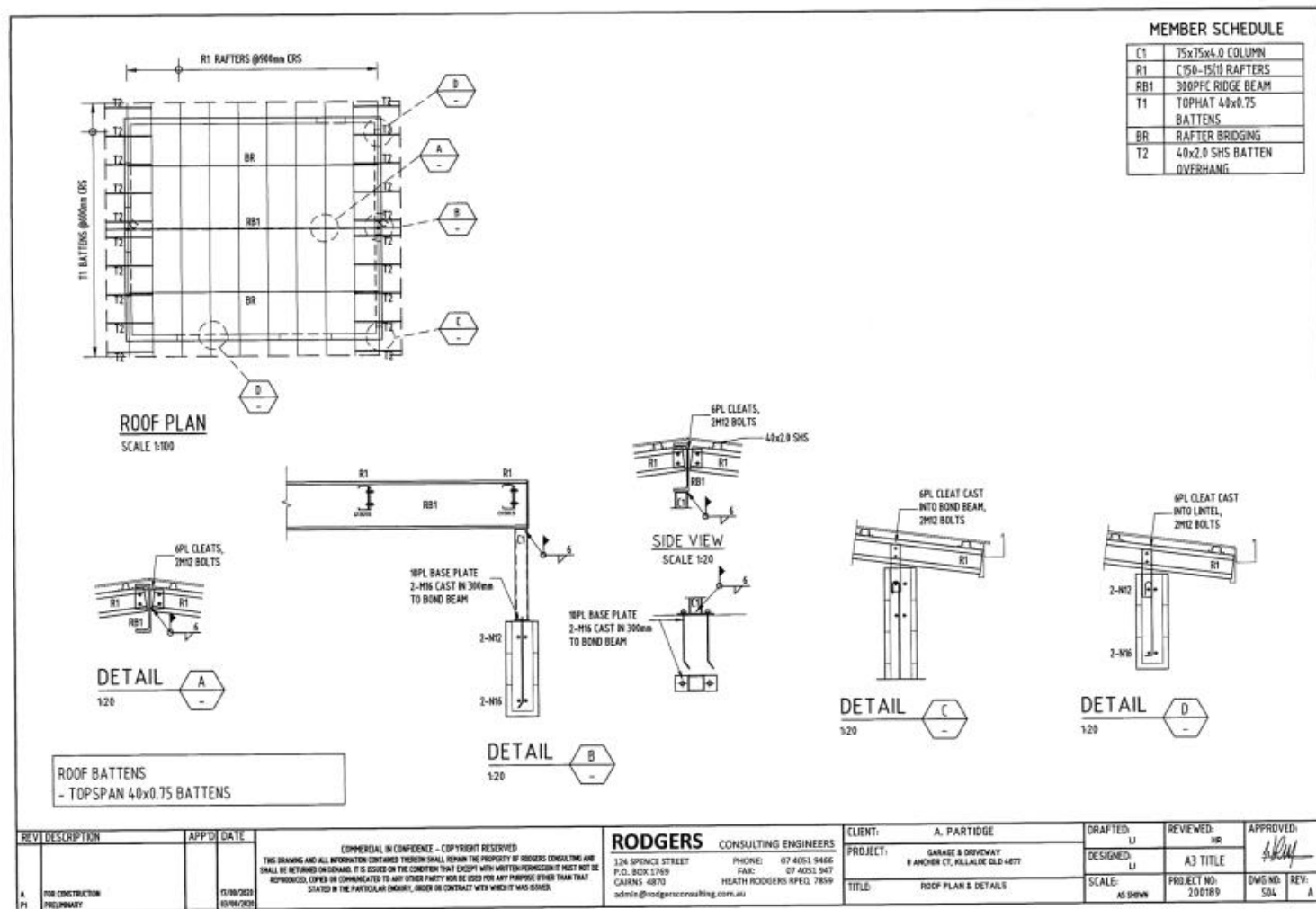
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		REV: A

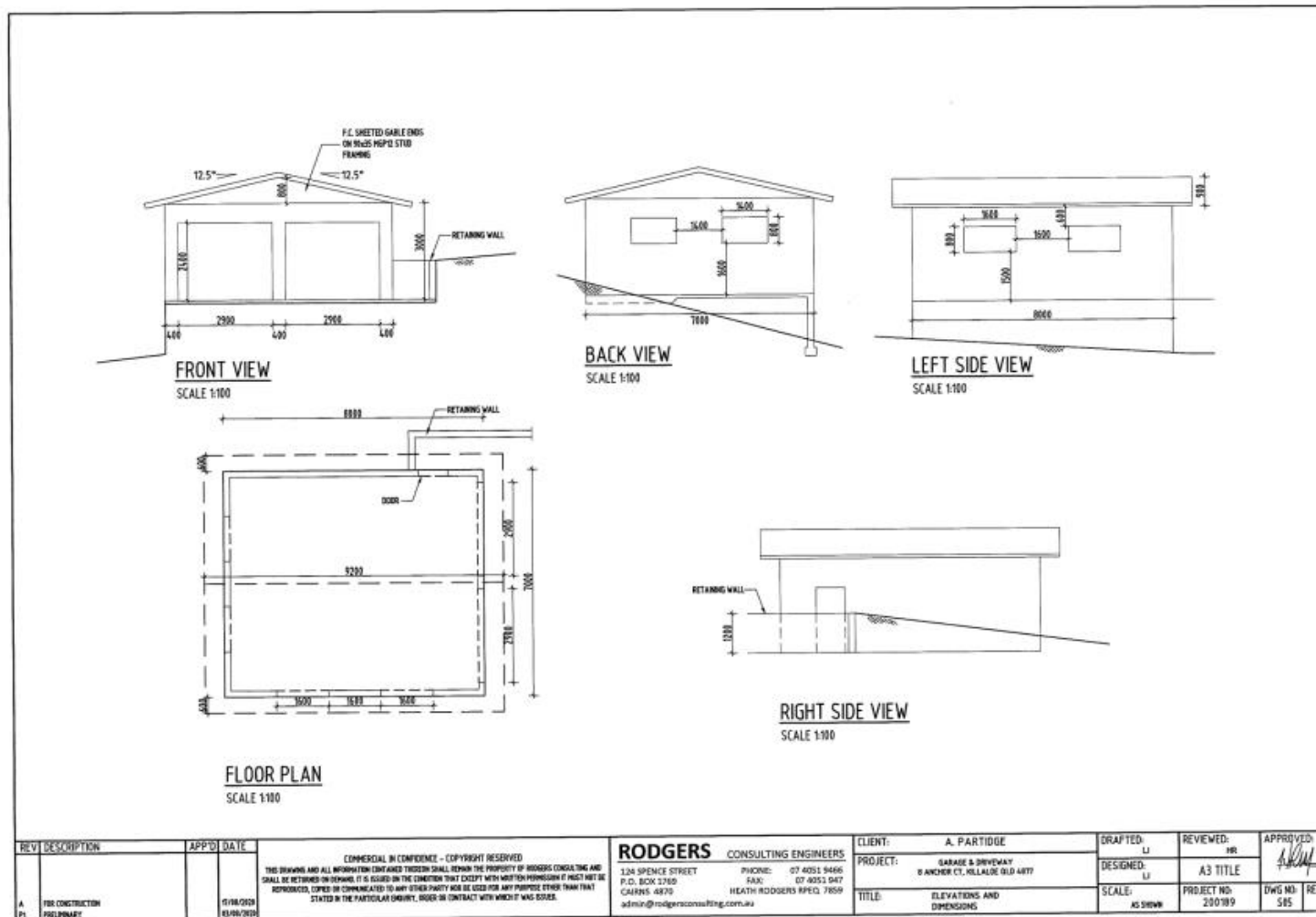


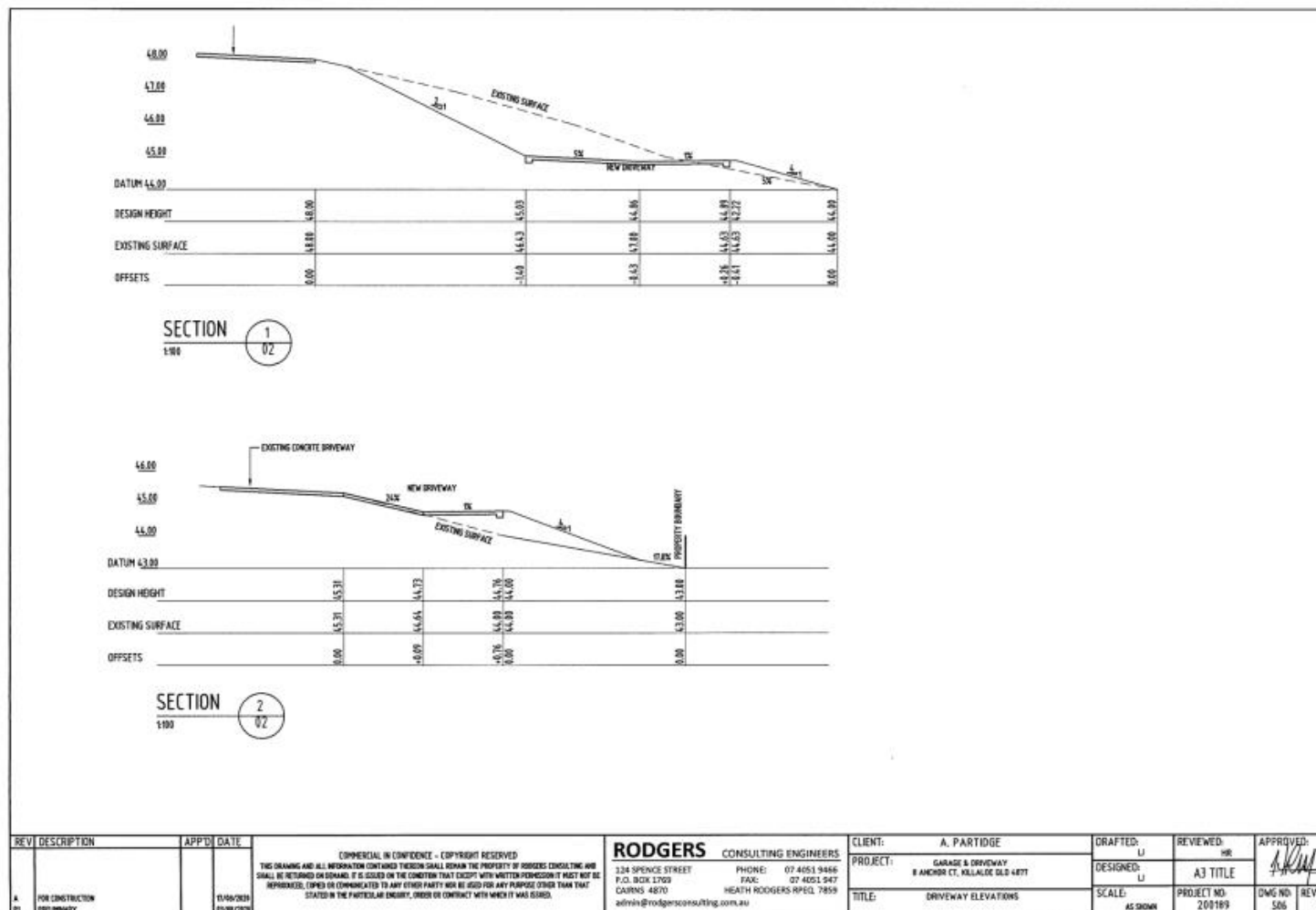
REV	DESCRIPTION	APP'D	DATE	RODGERS CONSULTING ENGINEERS 124 SPENCE STREET P.O. BOX 1769 CAULFIELD VIC 3168 admin@roddersconsulting.com.au		CLIENT:	DRAFTED:	REVIEWED:	APPROVED:
A	FOR CONSTRUCTION PRELIMINARY		15/06/2023 03/08/2023			A. PARTIDGE	LJ	HPI	
				THIS DRAWING AND ALL INFORMATION CONTAINED THEREIN SHALL REMAIN THE PROPERTY OF RODGERS CONSULTING ENGINEERS AND SHALL BE RETURNED OR DESTROYED IF IT IS REQUESTED BY THE CLIENT THAT IT BE DESTROYED. IT IS REQUESTED THAT THE CLIENT AGREE TO THIS AND SIGN THIS STATEMENT.		PROJECT:	DESIGNED:	A3 TITLE	
				124 SPENCE STREET P.O. BOX 1769 CAULFIELD VIC 3168 admin@roddersconsulting.com.au		8 ANCHOR CT, KILLALUE QLD 4877	LJ		
						TITLE:	SCALE:	PROJECT NO:	DWG NO:
						SITE PLAN	AS SHOWN	200189	S01
									REV: A











Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 26/08/2020 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 Environmental Management 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

NA - Through conditions the development complies with the planning scheme and no concerns are raised.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment
[s 74]

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

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- (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

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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]

- (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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- (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.

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.

Reasons for Decision

The reasons for this decision are:

1. Sections 81, 81A and 83 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 on 18 July 2024 under section 79 of the *Planning Act 2016*;
 - 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 Environmental Management Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to the continued conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Development complies with the planning scheme and no concerns are raised.

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (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

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- (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;
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 - (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 a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
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- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
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