

3 October 2024

Enquiries: Daniel Lamond
Our Ref: BW 2024_5621/1 (1254558)
Your Ref:

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

K R Taylor
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Building Work assessable Against the Planning Scheme
(Extension to Existing Dwelling)
At 264 Mowbray River Road MOWBRAY
On Land Described as LOT: 23 SP: 108625**

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

Please quote Council's application number: BW 2024_5621/1 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
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 s 63 of the Planning Act 2016

Applicant Details

Name: K R Taylor
Postal Address: C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
Email: admin@urbansync.com.au

Property Details

Street Address: 264 Mowbray River Road MOWBRAY
Real Property Description: LOT: 23 SP: 108625
Local Government Area: Douglas Shire Council

Details of Proposed Development

Minor Change to Development Permit- Building work Assessable Against the Planning Scheme
(Extension to Existing Dwelling)

Decision

Date of Decision: 3 October 2024
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Existing and Proposed Site Plan	Marcus Roberts Architect Drawing A3-01, Rev A	8 March 2024
Existing and Proposed Axonometric Views	Marcus Roberts Architect Drawing A3-02, Rev A	8 March 2024
Existing Plan and Demolition Plan	Marcus Roberts Architect Drawing	8 March 2024

	A3-03, Rev A	
Proposed Plan and Part Site Plan	Marcus Roberts Architect Drawing A3-04, Rev A	8 March 2024
Proposed North and East Elevations	Marcus Roberts Architect Drawing A3-07, Rev A	8 March 2024
Proposed South and West Elevations	Marcus Roberts Architect Drawing A3-08, Rev A	8 March 2024

Assessment Manager Conditions & Advices

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 endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

Bushfire

3. The proposed extensions must be designed and constructed in accordance with AS3959-2009 to the extent relevant.

Stormwater

4. All stormwater from the property must be directed to a lawful point of discharge such that it does not create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Building Colours

- ~~5. The exterior finishes and colours of buildings and structures are non-reflective and must be reflective of the surrounding viewshed. The external colour scheme must be submitted to Council for endorsement prior to the issue of a development permit for building work.~~

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

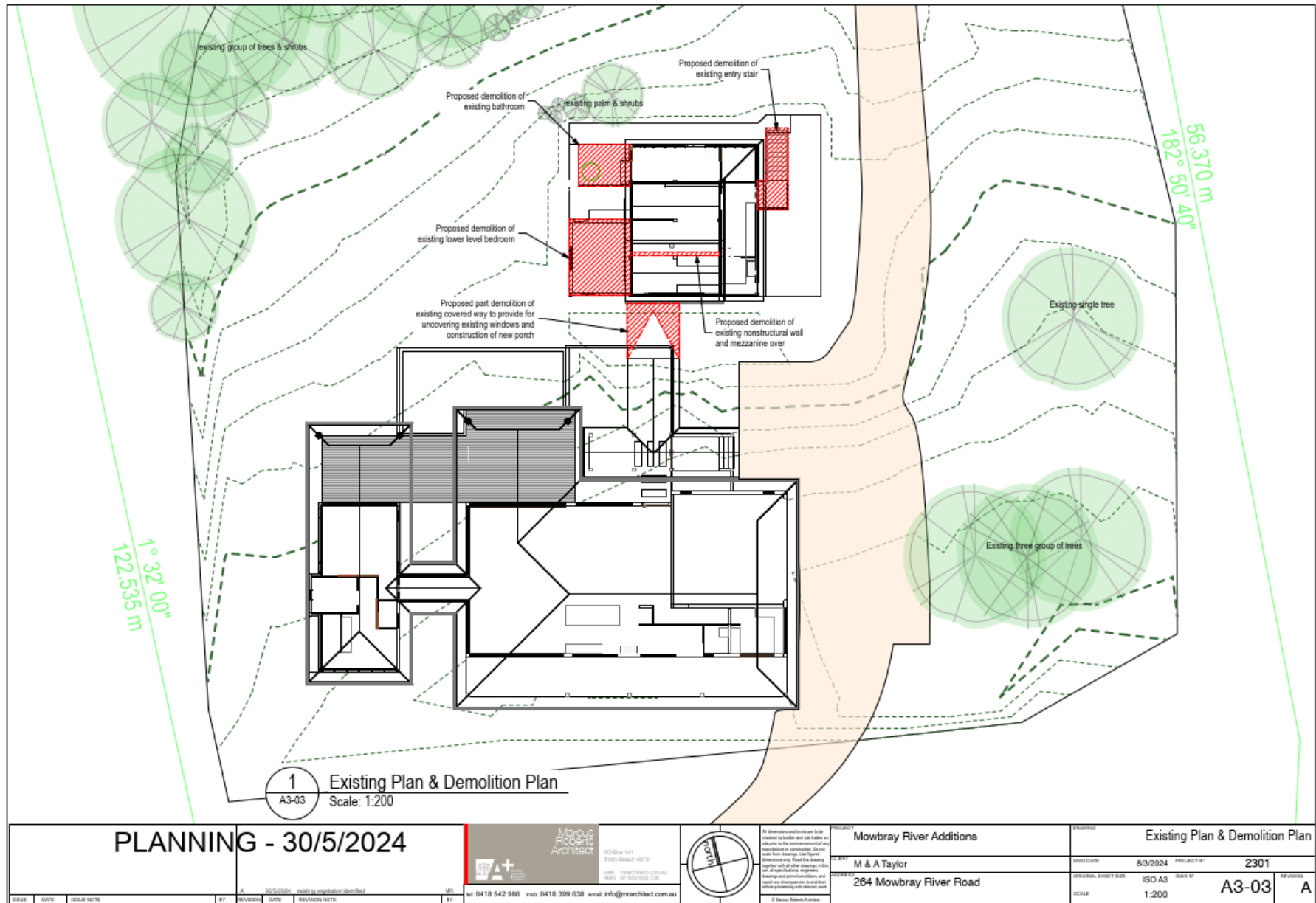
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

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)



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 12/06/2024 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 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.

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

Extracts from the Planning Act 2016 – Appeal Rights

- (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.