

2 November 2018

Enquiries: Neil Beck
Our Ref: 43/ 2897/2018 (879028)
Your Ref: 20181146 / PO6803

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

J M Riley
C/- GMA Certification Group
PO Box 831
PORT DOUGLAS QLD 4877

Dear Sir/Madam

**Development Application for MCU (Code) Dwelling
At 7 Ruby Close PORT DOUGLAS:
On Land Described as LOT: 100 SP: 150451**

Thank you for lodging the above Development Application with Council on 16 October 2018.

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

Please quote Council's application number: MCUC2897/2018 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

PAUL HOYE
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans

**DECISION NOTICE —
APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)**

Thank you for your development application detailed below which was properly made on 19 October 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: J M Riley
Postal Address: C/- GMA Certification Group
PO Box 831
PORT DOUGLAS QLD 4877

2. Location details

Street Address: 7 Ruby Close PORT DOUGLAS
Real Property Description: LOT: 100 SP: 150451
Local Government Area: Douglas Shire Council

3. Details of proposed development

Material Change of Use (Dwelling)

4. Decision

Date of decision: 2 November 2018

Decision details: Approved in full

5. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Sheet
Aspect of development: Material Change of Use (House)				
Plan of Building & Pool Setout	RPS	23 March 2018	140008-1	N/A

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. 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

8. Currency period for the approval

This development approval will lapse six (6) years from the date the approval takes effect.

9. Rights of appeal

The rights of applicants 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 – CONDITIONS AND ADVICE

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.

House Design & Siting

3. The development of a house on the site must comply with all relevant provisions of the Queensland Development Code with respect to siting and design in addition to the Planning Scheme with respect to the provision of onsite car parking accommodation.

Compliance with these documents takes precedence over the nominated building footprint of the dwelling as detailed in the setout plan prepared by RPS dated 23 March 2018. Final house plans detailing compliance with all relevant provisions is to be submitted to Council prior to the issue of a Development Permit for Building Work.

Damage to Council Infrastructure

4. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Driveway Construction

5. Any future vehicle crossing serving the property must be constructed in accordance with the FNQROC Development Manual Standard Drawing S1015 Revision D. A copy of the Standard Drawing is attached.

Finished Floor Levels

6. All habitable floor levels must be a minimum of 3.36m AHD as proposed by the owner/applicant.

PART 1B – ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
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 all 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.dsc.qld.gov.au.

PART 1C- REASONS FOR DECISION

1. The proposal can be conditioned to comply with the relevant benchmarks of the 2018 Douglas Shire Planning Scheme version 1.0.
2. The owner of the lot has acknowledged and accepted the risks associated with building in a storm tide / flood prone area where flood heights are unknown.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

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**

2. Eligible submitter appeals
 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—
 (a) any part of the development application for the development approval that required impact assessment; or
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

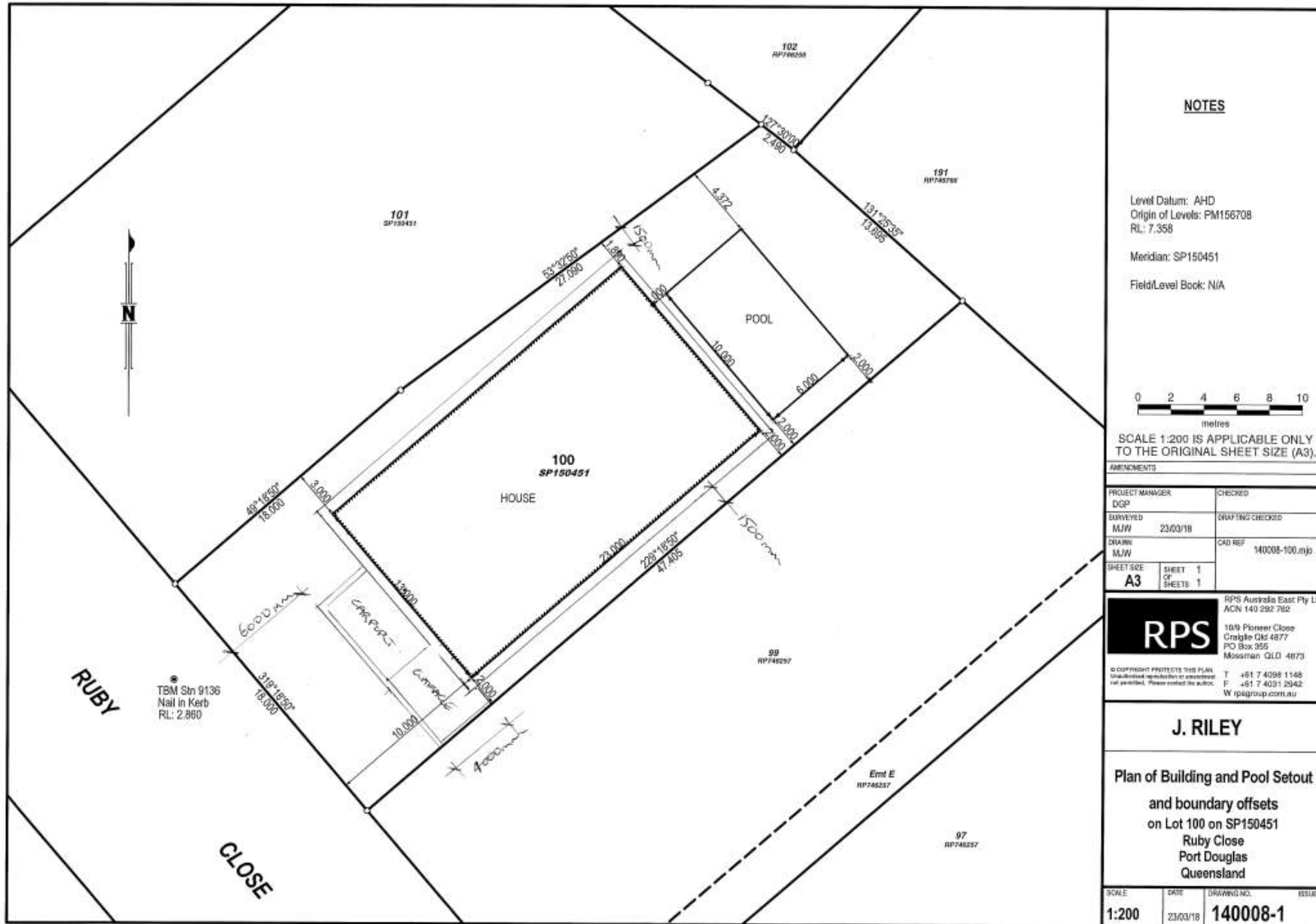
3. Eligible submitter and eligible advice agency appeals
 An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—
 (a) any part of the development application or the change application, for the development approval, that required impact assessment; or
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

Note:

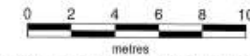
Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)



NOTES

Level Datum: AHD
 Origin of Levels: PM156708
 RL: 7.358
 Meridian: SP150451
 Field/Level Book: N/A



SCALE 1:200 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3).

AMENDMENTS

PROJECT MANAGER DGP	CHECKED
SURVEYED MJW 23/03/18	DRAWING CHECKED
DRAWN MJW	CAD REF 140008-100.mjp
SHEET SIZE A3	SHEET 1 OF SHEETS 1

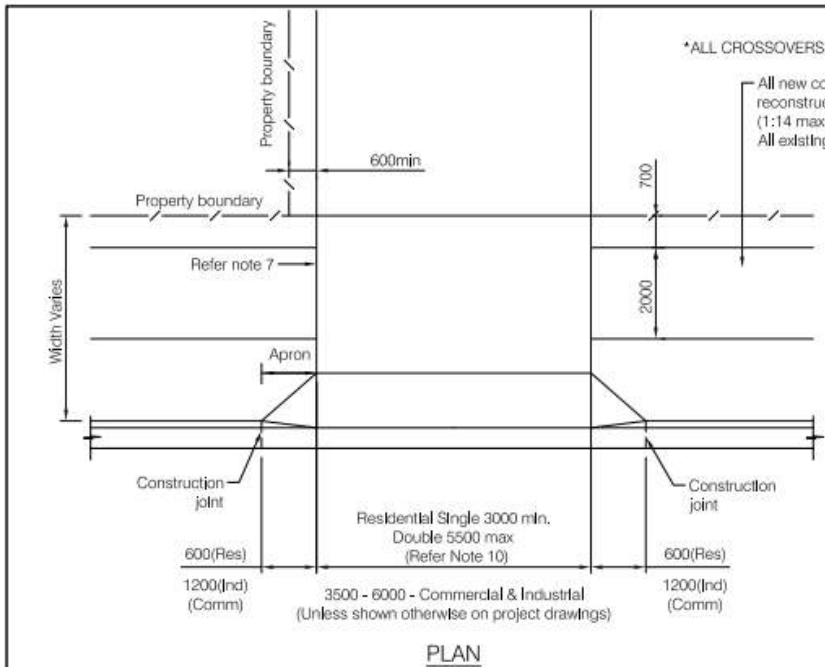
RPS RPS Australia East Pty Ltd
 ACN 140 292 782
 10/9 Pioneer Close
 Craigie Qld 4877
 PO Box 355
 Mossman QLD 4873

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 not permitted. Please contact the author.
 T +61 7 4098 1148
 F +61 7 4031 2942
 W rpsgroup.com.au

J. RILEY

**Plan of Building and Pool Setout
 and boundary offsets
 on Lot 100 on SP150451
 Ruby Close
 Port Douglas
 Queensland**

SCALE 1:200	DATE 23/03/18	DRAWING NO. 140008-1	ISSUE
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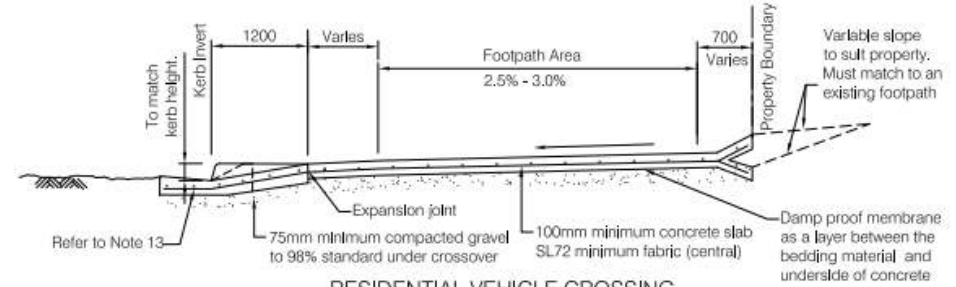
PLAN

NOTES

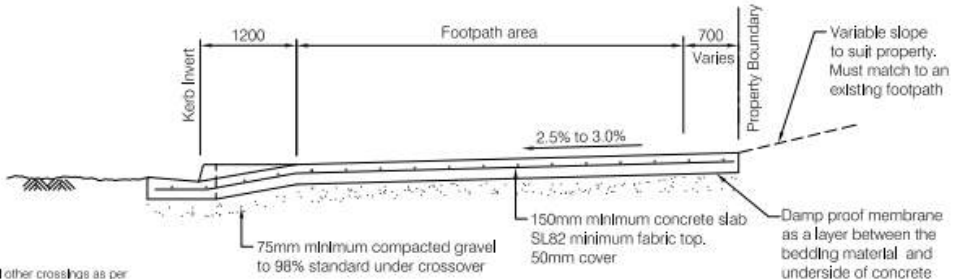
- All joints to existing kerbs shall be sawcut prior to breaking out concrete for removal. Entire section of kerb to be removed.
- Concrete is to be N25 min residential, N32 min, commercial/industrial in accordance with AS1379 and AS3600.
- All concrete to be broom finished.
- Where a concrete footpath abuts a crossing an expansion joint shall be installed and the footpath levels must not be changed.
- Expansion joints to be 10mm thick, closed cell cross linked polyethylene foam (85-150kg/m), 12mm round galvanised dowels @ 600 Ctrs
- Depths of concrete and reinforcing steel shown are minimum requirements for good foundations and average traffic loadings. Where this does not apply, depths of concrete and reinforcing steel shall be increased to suit specific conditions.
- Where an existing footpath is present it is to be sawcut and an expansion joint provided, 12mm round galvanised dowels @ 600 Ctrs.
- Subgrade to be compacted to 95% standard.
- All dimensions are in millimetres.
- *Residential refers to single dwelling or duplex. All other crossings as per commercial/industrial details.
- Where new sections of footpath are required, these shall be 2000mm wide and constructed in accordance with standard drawing s1035.
- For cook shire council, fibre can be used in lieu of reinforcement fabric.
- For Layback Kerb Residential Crossing the undamaged tray may be left in situ and 12mm galvanised dowels @ 600mm Ctrs installed.
- Relocating or removal of a street tree requires an approval.
- Stormwater downpipe outlets to be located clear of crossover and aprons.
- Refer to FNQROC Development Manual Section D9 for street tree clearances.
- Driveway to be 500mm clear of electrical pillars.
- Driveway edge to be 1m clear of light and power poles.
- All new downpipe connectors to kerb + channel are to use kerb adapter to match kerb profile

*ALL CROSSOVERS NOT COMPLYING WITH THIS DRAWING REQUIRE APPROVAL

All new concrete footpaths, where required in old developments shall be reconstructed to match neatly to existing driveway slab. (1:14 maximum grade. Plain concrete only)
All existing footpaths are not to be altered without approval.



RESIDENTIAL VEHICLE CROSSING (OPTIONAL KERB TYPE)



COMMERCIAL & INDUSTRIAL VEHICLE CROSSING

REVISIONS	DATE
D VARIOUS MINOR AMENDMENTS	23/10/17
C VARIOUS MINOR AMENDMENTS	26/11/14
B NOTE 10 ADDED	13/01/06
A ORIGINAL ISSUE	12/03/04

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



ACCESS CROSSOVERS

Standard Drawing			
S1015			
A	B	C	D