

23 August 2017

Enquiries: Daniel Lamond
Phone: (07) 4099 9456
Reference: ROL2146_2017 (825322)

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

T J Stewart
9 Ross Road
DEERAL QLD 4871

Dear Sir

**NOTICE OF DECISION – MATERIAL CHANGE OF USE
FOR 241R BAMBOO CREEK ROAD, BAMBOO (LOT 3 ON RP747675)
(GIVEN UNDER SECTION 63 *PLANNING ACT 2016*)**

Douglas Shire Council advises that the development application described below has been approved via delegated authority on 23 August 2017.

1. Applicant details

Applicant name: T J Stewart

2. Site details

Lot on plan: Lot 3 on RP747675

Local government area: Douglas Shire Council

3. Application descriptions

Application: Reconfiguration of a lot (1 into 3).

4. Description of assessment benchmarks –

Benchmarks Applying	Benchmark Reference	Compliance
State Development Assessment Requirements	State Planning Policy Far North Queensland Regional Plan	Complies
2006 Douglas Shire Planning Scheme	Codes	Complies

5. Submissions

There were no submissions received against the application. The development is code assessable against the current and proposed planning schemes.

6. Reasons for decision

- a. The proposal required an approval under the Planning Act 2016.
- b. The application was properly made.
- c. The application contained a report which Council reviewed together with Council's own investigation in making the assessment.
- d. The acceptable solutions within the relevant codes of the planning scheme are considered to be achieved by the proposal.

7. Matters prescribed by a regulation

Not applicable.

A Decision Notice for the applications is attached.

Please quote Council's application number ROL2146/2017 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully

TRACEY COUCH
A/Manager Sustainable Communities

encl: Decision Notice
 Schedule 1 – Conditions and Advice
 Schedule 2 - *Planning Act 2016* appeal provisions

**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 28 July 2017. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: T J Stewart

Postal Address: 9 Ross Road
DEERAL QLD 4871

2. Location details

Street Address: 241R BAMBOO CREEK ROAD BAMBOO
Real Property Description: LOT: 3 RP: 747675

Local Government Area: Douglas Shire Council

3. Details of proposed development

Reconfiguration of a lot (1 into 3)

4. Decision

Date of decision: 23 August 2017

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

5. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: All				
Plan of Reconfiguration	T Stewart	20 June 2017	9674	Not shown

6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit for Operational Works

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. 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

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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.**

Water Supply Works External

- 3. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:**
 - a. Locate the existing main on Bamboo Creek Road and confirm how connections can be made to the new lots. Where the main is located on the opposite side of the road, new road crossings are to be installed at no cost to Council.**

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

On-Site Effluent Disposal

- 4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.**

If earthworks are proposed to facilitate immunity to the disposal area from flooding, the earthworks are to be designed in accordance with the conditions of this approval.

Drainage Study of Site

- 5. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:**
 - a. The contributing catchment boundaries;**
 - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;**
 - c. Primary and secondary flow paths for the 5, 10 and 100 year ARI flood events;**
 - d. Nominate the minimum floor level for the future houses to provide immunity to the 100 year ARI flood event including the appropriate freeboard as required by the Queensland Urban Drainage Manual;**
 - e. Identify any requirement for drainage easements;**
 - f. Information on the proposed works and any impacts on the flow paths, particularly if filling of the building envelopes is required or proposed;**
 - g. Information on the drainage outlet(s) from the proposed development into the creek.**
 - h. Lawful point of discharge.**

The study must be endorsed by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Extent of Earthworks

- 6. Subject to the drainage study findings, the site may require filling to provide immunity at the building envelopes from the 100 year ARI flood event. The details of any earthworks proposed to the building envelopes are to be documented on plans and submitted for approval by Council.**

The plans are to be lodged with the application for a Development Permit for Operational Works (Earthworks), with the works to be completed prior to the issue of a Compliance Certificate for the Plan of Survey.

Building Envelope Plan

- 7. A building envelope plan for the new lots must be lodged with Council prior to approval and dating of the Plan of Survey. The building envelope plan must comply with the following requirements:**
 - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer;**
 - b. No building envelope shall extend into an existing or proposed easement;**
 - c. No building envelope shall contain slopes in excess of 1:3 and contain**

limited areas having slopes between 1:4 and 1:6;

- d. A suitable building envelope, which seeks to exclude all or most significant vegetation, must be identified for each new allotment. The vegetation which is approved to be cleared must be removed prior to the issue of a Compliance Certificate for the Plan of Survey;
- e. Building envelopes must be located to accommodate any necessary set-backs from drainage paths and sewerage soakage envelopes;
- f. The building envelope plan must show the actual edge of the existing drainage path;

The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

Proposed clearing on these lots is to be nominated on the engineering drawings submitted for Operational Works approval.

The boundary of building envelopes must be delineated with marker pegs prior to any removal of vegetation. Driveway access corridors must also be clearly marked within the designated vegetation retention areas.

Stockpiling and Transportation of Fill Material

- 8. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
 - b. before 7:00 am or after 6:00 pm Monday to Friday; or
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
- 9. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

- 10. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Existing Creek and Drainage Systems

- 11. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant / owner must obtain any necessary approvals from the Department

of Natural Resources and Mines for carrying out works in a watercourse.

Lawful Point of Discharge

12. All stormwater from each lot must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

13. An erosion and sediment control plan (ESC Plan) must be submitted prior the issue of a Development Permit for Operational Works for any filling proposed on the land. The measures detailed on the ESC Plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Existing Service

14. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

Electricity Supply

15. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

16. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act 2009*.

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 cyclone watch 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 other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

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.

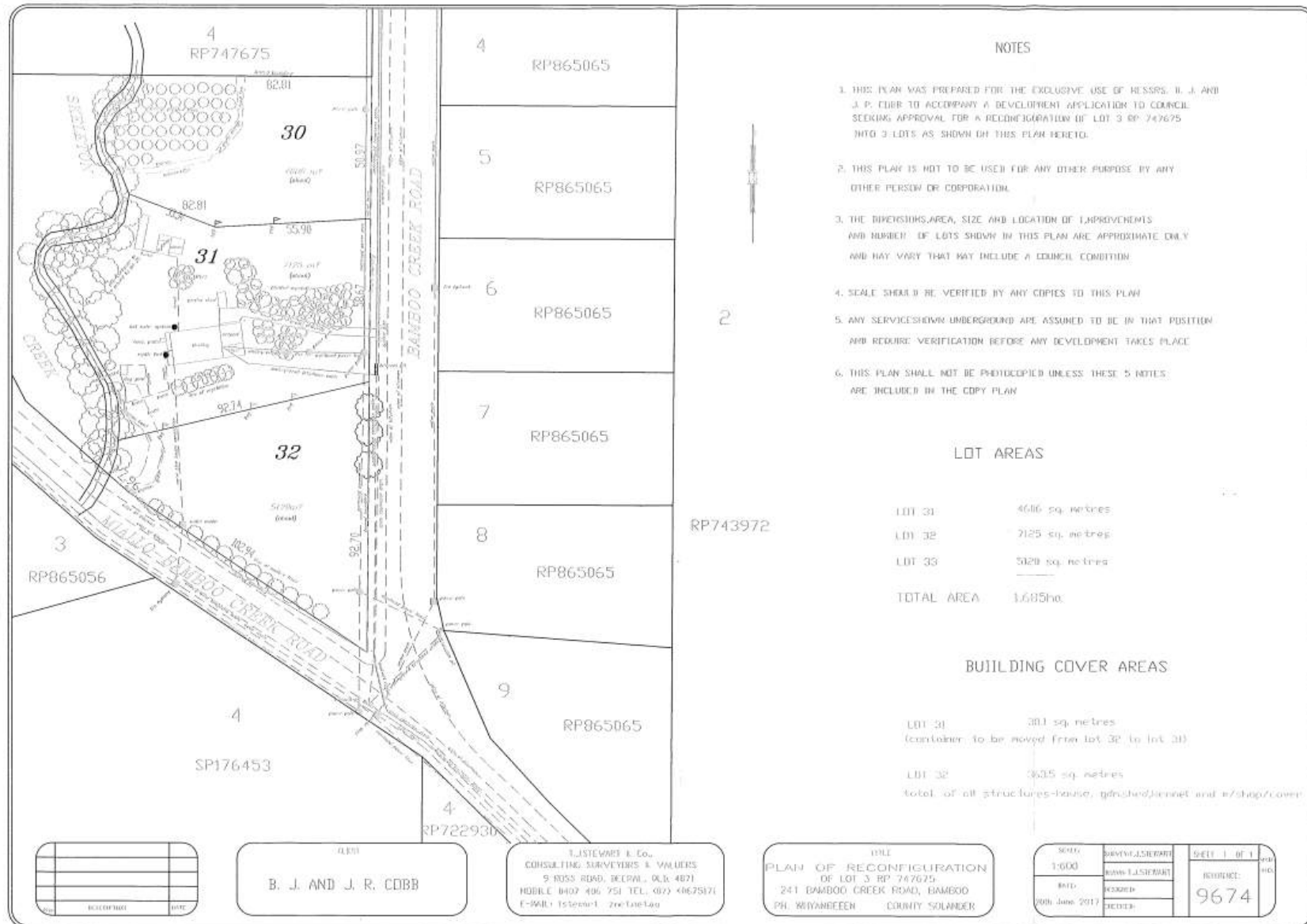
Extract of Schedule 1 of the Planning Act 2016

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

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

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)



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

OUR REF: ROL2146_2017 (825322)

23 August 2017

D J & J P Cobb
C/- Terence James Stewart
9 Ross Road
DEERAL QLD 4871

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
241R BAMBOO CREEK ROAD, BAMBOO**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 118 of the *Planning Act* 2016 (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

These charges are payable prior to the change of use occurring, or prior to the issue of a Compliance Certificate for the Building Format Plan, or which ever occurs first, in accordance with section 118 of the Act.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number no 4099 9456.

Yours faithfully

Tracey Crouch

A/ Manager Sustainable Communities

Att

INFRASTRUCTURE CHARGES NOTICE

D J & J P Cobb		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
241R Bamboo Creek Road	Bamboo	Lot 3 on RP747675	5844
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
Reconfiguration of a lot	2146/2017	10-Nov-16	Four (4)
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (years)	
825343	1		
DSC Reference Doc. No.	VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed	3	14,263.83	42,791.49 0.00	
	existing	1	14,263.83	14,263.83	
	Total				
Urban Areas - Water only	proposed	0	0.00	0.00	
	existing	0	0.00	0.00	
	Total		0.00		
Urban Areas - Water & Sewer	proposed	0	0.00		
	existing	0	0.00	0.00	
	Total		28,527.66		
TOTAL			28,527.66		

Prepared by	D Lamond	23-Aug-17	Amount Paid	
Checked by	N Beck	23-Aug-17	Date Paid	
Date Payable				
Amendments	Date	Receipt No.		
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the Sustainable Planning Act 2009 (SPA).

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au