

23 February 2018

Enquiries: Daniel Lamond
Our Ref: MCUC2458/2017 (844469)

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

G W Findlay
41 Archibald St
LYNEHAM ACT 2602

Dear Sir/Madam

Development Application for Material Change of Use (House)
12R Fig Tree Road Cow Bay
Lot 339 on RP739003

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

Please quote Council's application number: MCUC2458/2017 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

Simon Clarke
A/ 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 22 December 2017. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. *Applicant's details*

Name: G W Findlay
Postal Address: 41 Archibald St
LYNEHAM ACT 2602

2. *Location details*

Street Address: 12R Fig Tree Road COW BAY
Real Property Description: LOT: 339 RP: 739003
Local Government Area: Douglas Shire Council

3. *Details of proposed development*

Material Change of Use (House)

4. *Decision*

Date of decision: 23 February 2018

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1.

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: Material Change of Use- House				
Upper Floor Plan Layout	Wallaby Grove Building Design	12 October 2017	161216	V.1
Elevations	Wallaby Grove Building Design	12 October 2017	161216	V.1
Location Plan Layout	Wallaby Grove Building Design	25 January 2018	161216	V.2
Plans and Sections	Wallaby Grove Building Design	25 January 2018	161216	None nominated
Elevations	Wallaby Grove Building Design	25 January 2018	161216	None nominated

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:

- All Building Work
- All Plumbing and Drainage Work

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*. This is six (6) years from the date the approval takes effect.

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

- 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.**

On-Site Effluent Disposal

- 3. 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 Development Permit for Building Work.**

Landscaping

- 4. A landscaping buffer of native and endemic species of vegetation must be planted in cleared areas within 10 metres of the adjoining boundary to lot 337 on RP738178, except those areas within three metres of the approved house and shed. All other cleared areas in this zone must be replanted to create effective screening, to the satisfaction of the Chief Executive Officer.**

Vegetation Clearing

- 5. Existing vegetation on the subject land must be retained in all areas except those affected by the construction or as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval.**

Building Colours

- 6. The exterior finishes and colours of Buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures must be of moderately dark to darker shades of green, grey, blue and brown.**

Prior to the issue of a development permit for building work, exterior building colours must be submitted to Council and endorsed by the Chief Executive Officer.

Limitations and Requirements of Land Use

7. The 'Guest Pavillion' is approved as a secondary dwelling in accordance with the land use definition of dwelling house under the 2018 Douglas Shire Planning Scheme. All buildings to be retained on site must attain a valid building approval. The above ground iron toilet shelter is to be demolished and the area replanted. The structure or area denoted on the approved plans as 'Above Ground Septic Tank' is not approved as part of this development permit.

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. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. For information relating to the *Planning Act 2016* log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .
6. The driveway access crossover should be constructed in accordance with FNQROC Development Manual Standard Drawing S1105E.

PART 1C- REASONS FOR DECISION

1. The proposal complies with the benchmarks of the 2006 Douglas Shire Planning Scheme.
2. The proposal is generally compliant with the 2018 Douglas Shire Planning Scheme.

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

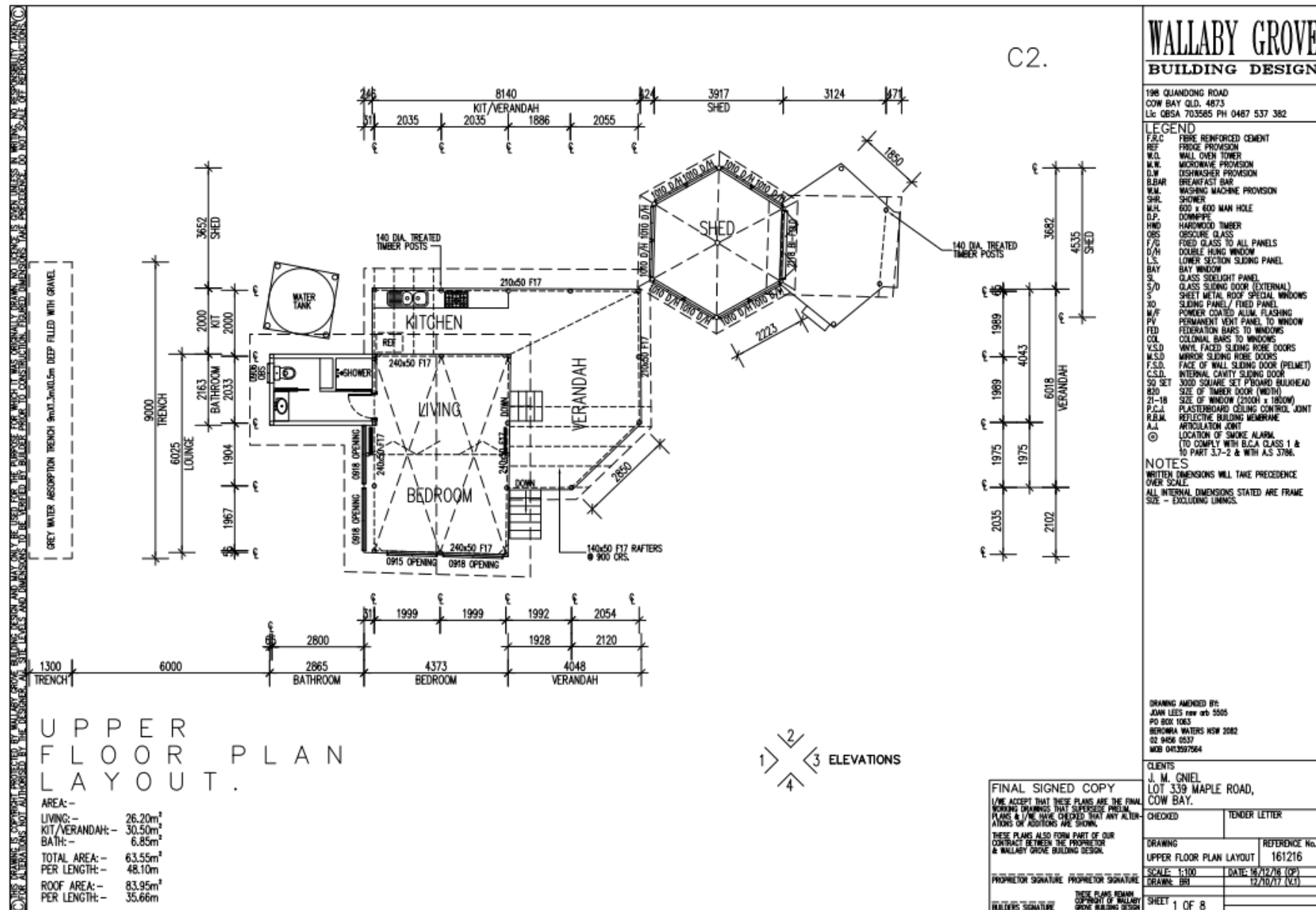
Table 2
Appeals to the P&E Court only

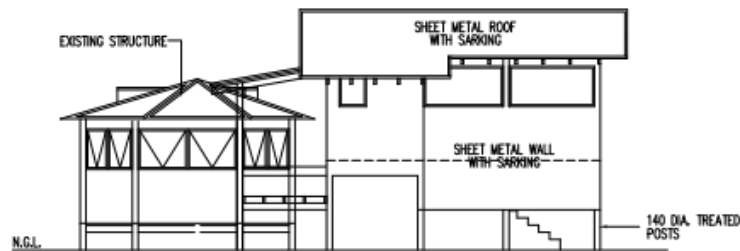
<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact 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>

Note:

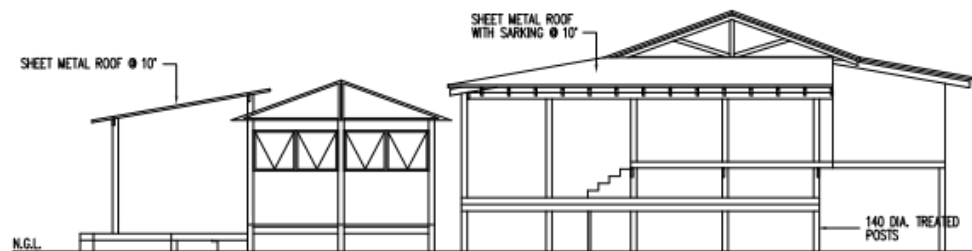
Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)

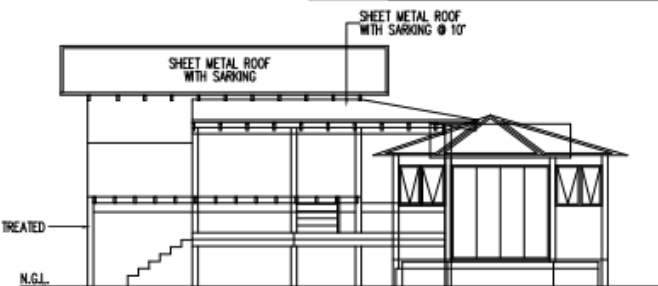




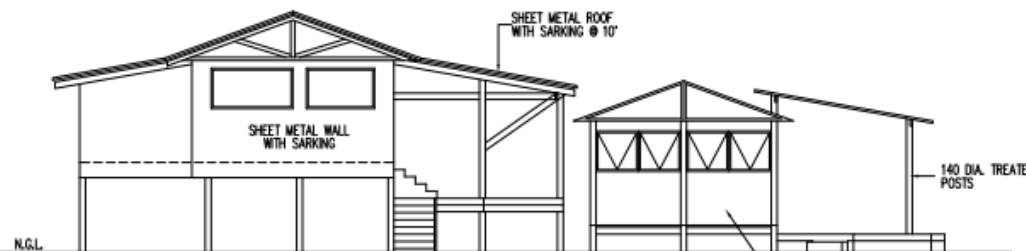
ELEVATION 1 (NORTH).



ELEVATION 2 (EAST).



ELEVATION 3 (SOUTH).



ELEVATION 4 (WEST).

Energy Efficiency Schedule													
Element		Specification											
Glazing & Air Movement	shading	600 eave											
	glazing frame	N/A											
Wallaby Grove		Room Name	Floor	Area	Opening size	U	W	North	East	West	South	Glazing area	U-value
COMMON AREA 1		AWN	1	27.2	9	10	1	N	Y	N	1.02	22.9%	0.0
		AWN	1	9	10	1	N	Y	N	1.02			0.0
		AWN	1	9	10	1	N	N	N	1.02			1.0
		AWN	1	9	10	1	N	N	N	1.02			1.0
TOTAL FLOOR AREA				56.7									0.1
max. 37% 600 eave, max 26% no eave													
Building Envelope	SW-sliding window, FW-hd window, SD-sliding door, HD-hinged door												
	External walls	Sheet metal											
	Roofing	foil to ext. walls											
	Ceiling	Insulation											
	Skylights	N/A											
Building Detail	Weatherstripping to doors and windows	n/a											
	exhaust fans	n/a											
		skylights	n/a										

NOTES

ROOF PITCHED AT 20° UNLESS NOTED OTHERWISE.

N.G.L. = NATURAL GROUND LINE

A.J. = ARTICULATION JOINT

R.B.M. = REFLECTIVE BUILDING MEMBRANE

FINAL SIGNED COPY

I/WE ACCEPT THAT THESE PLANS ARE THE FINAL WORKING DRAWINGS THAT SUPERSEDE PRELIM PLANS & I/WE HAVE CHECKED THAT ANY ALTERATIONS OR ADDITIONS ARE SHOWN.

THESE PLANS ALSO FORM PART OF OUR CONTRACT BETWEEN THE PROPRIETOR & WALLABY GROVE BUILDING DESIGN.

PROPRIETOR SIGNATURE PROPRIETOR SIGNATURE

THESE PLANS FORM PART OF OUR CONTRACT BETWEEN THE PROPRIETOR & WALLABY GROVE BUILDING DESIGN

BUILDERS SIGNATURE

DRAWING AMENDED BY:
JOAN LEES raw art 5505
PO BOX 1063
BEROMUNGA WATERS NSW 2082
02 9456 0337
MOB 0433997564

WALLABY GROVE BUILDING DESIGN

196 QUANDONG ROAD
COW BAY QLD. 4873
Lic QBASA 703585 PH 0487 537 382

CLIENTS
J. M. GNIEL
LOT 339 MAPLE ROAD,
COW BAY.

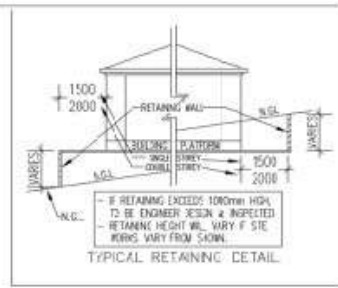
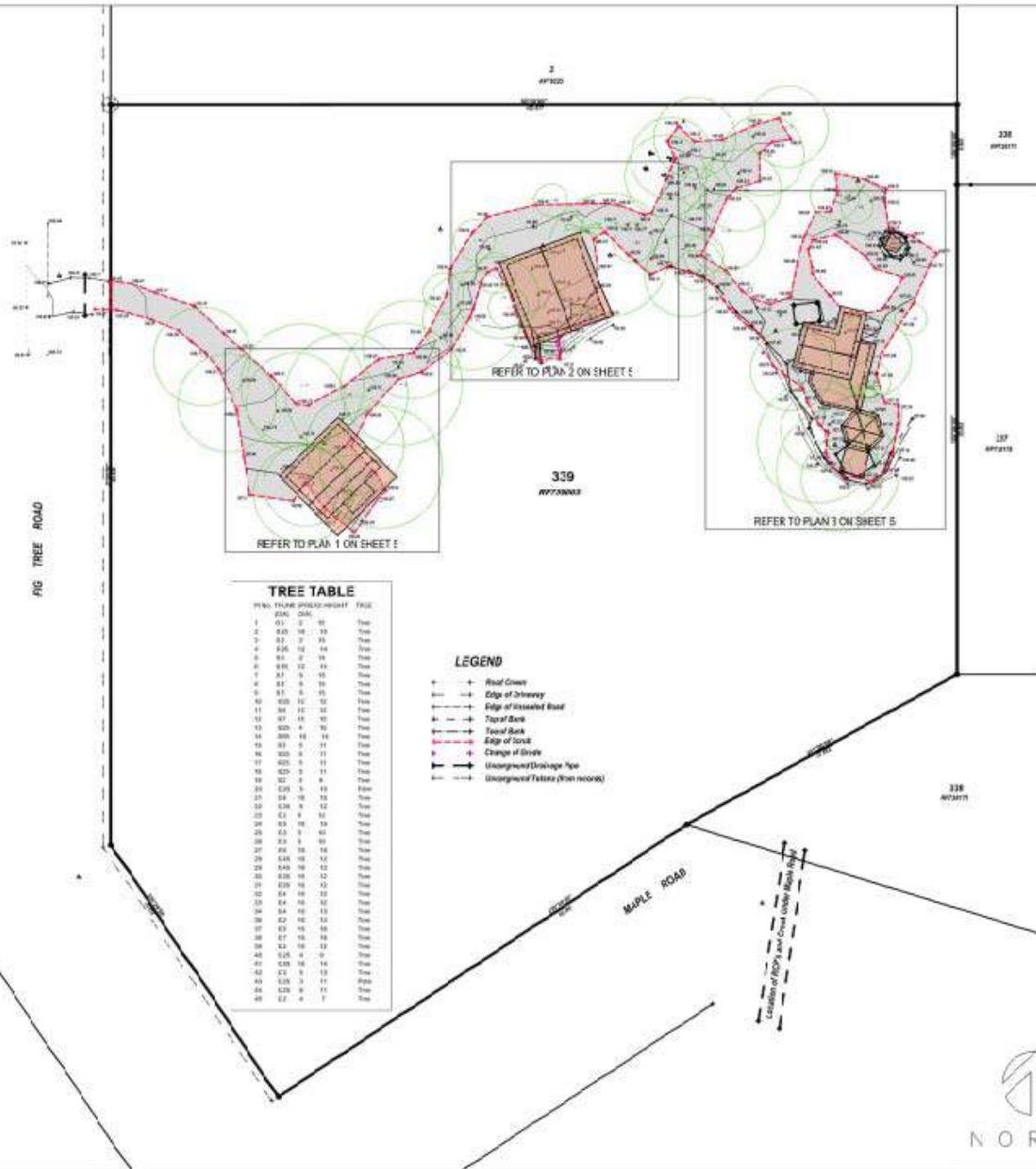
CHECKED TENDER LETTER

DRAWING ELEVATIONS REFERENCE No.
161216

SCALE: 1:100 DATE: 16/12/16 (CP)
DRAWN: BH 12/10/17 (V.1)

SHEET 3 OF 8

THIS DRAWING IS COPYRIGHT PROTECTED BY WALLABY GROVE BUILDING DESIGN AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS ORIGINALLY DRAWN. NO LICENSE IS GIVEN UNLESS IN WRITING. NO RESPONSIBILITY TAKEN FOR ANY CONSEQUENCES NOT ANTICIPATED BY THE DESIGNER. ALL SITE DETAILS AND DIMENSIONS TO BE CHECKED BY CLIENT PRIOR TO CONSTRUCTION. DESIGNER'S RESPONSIBILITY FOR THE DESIGN OF THE BUILDING AND ITS FOUNDATIONS ONLY.



SITE COST OPTION: - 16-DEC-16

PROPERTY DESCRIPTION
LOT 339 ON RP 735003
MAPLE ROAD
SUBURB COW BAY
LOCAL AUTH. DOUGLAS S.C.
PARISH ALEXANDRA
COUNTY SOLANDER
UBO REF. N/A

AREAS
LAND 130'0.00
SITE COVERAGE 6.84% (0.3084:1)

STEWORKS
OUT- N/A
FILL- N/A
P.D. R.L. - N/A
SLAB R.L. - N/A
NOTE: CRITICAL
DRAINAGE SWIRET
RESTRICTED FILL
CONC. CHKS
NOTE: PLATFORM
HEIGHT CAN VARY
DUE TO SITE COND.

LEGEND
DENOTES 10/100mm
DIA P.V.C. STORM-
WATER PIPE
D.P. - DOWNPIPE
LOCATION
DENOTES 150:
750 SURFACE
SWC WATER GRATE
CONNECTED TO
SEPARATE STORM-
WATER PIPE

NOTE: ALL BUILDING WORKS ARE TO
COMPLY WITH THE BUILDING
CODE OF AUSTRALIA

WRITTEN DIMENSIONS SHALL TAKE
PRECEDENCE OVER SCALE

SURVEYOR No. - N/A

**WALLABY GROVE
BUILDING DESIGN**

168 BLANDING ROAD
COW BAY QLD 4813
LIC: QB54 703585 PH 0487 537 382

CLIENTS
J. W. GRIEL
LOT 339 MAPLE ROAD,
COW BAY

CHECKED BENDER LETTER

DRAWING LOCATION PLAN LAYOUT REFERENCE No. 161216

SCALE: 1:500 DATE: 22/01/16 (V.1)
DRAWN: BJS

SHEET 4 OF 8

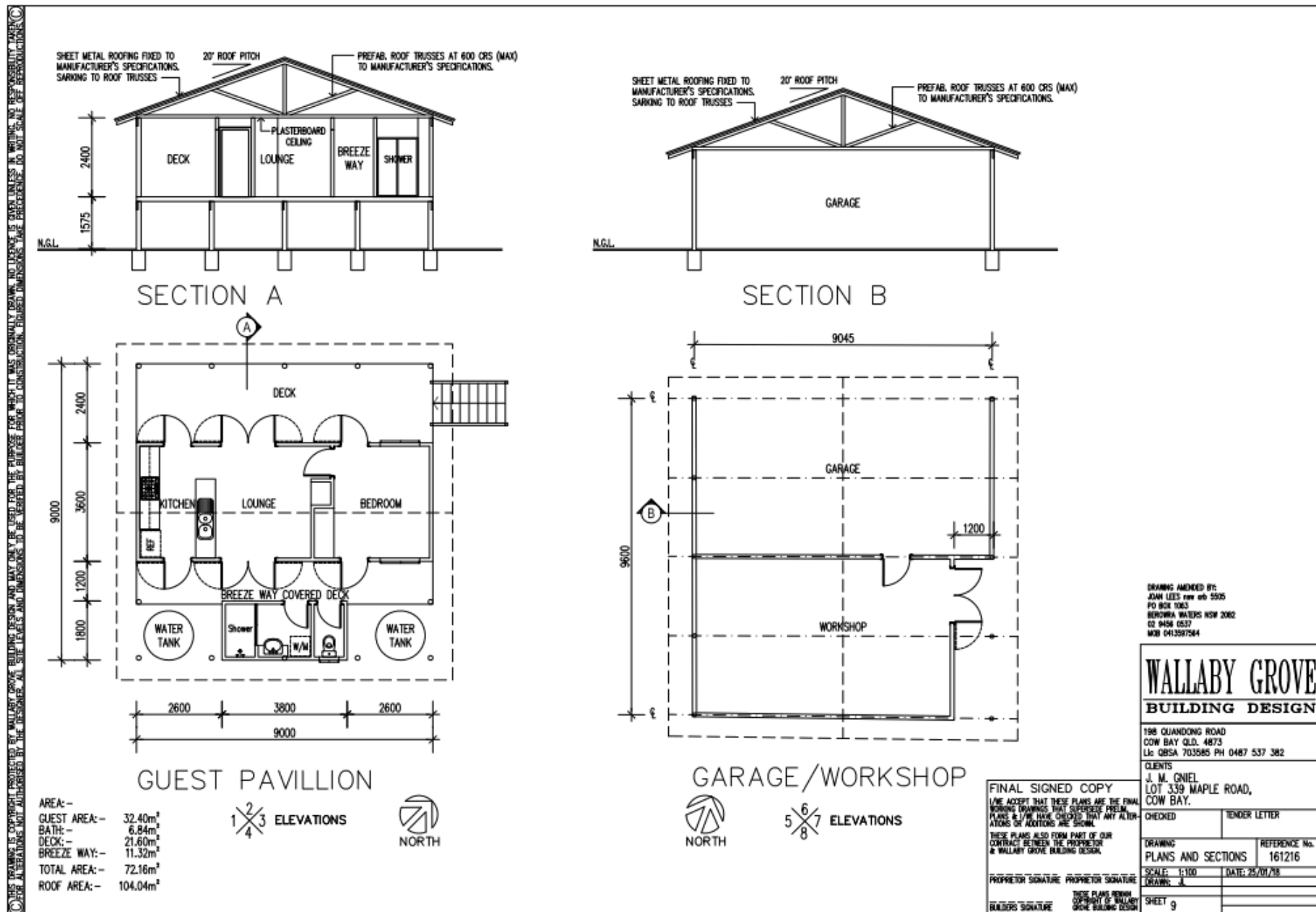
DRAWING AMENDED BY:
JOAN LEE'S NEW 15/05/16
PO BOX 1061
BEROWRA WATERS NSW 2602
02 4456 0507
M08 040291954

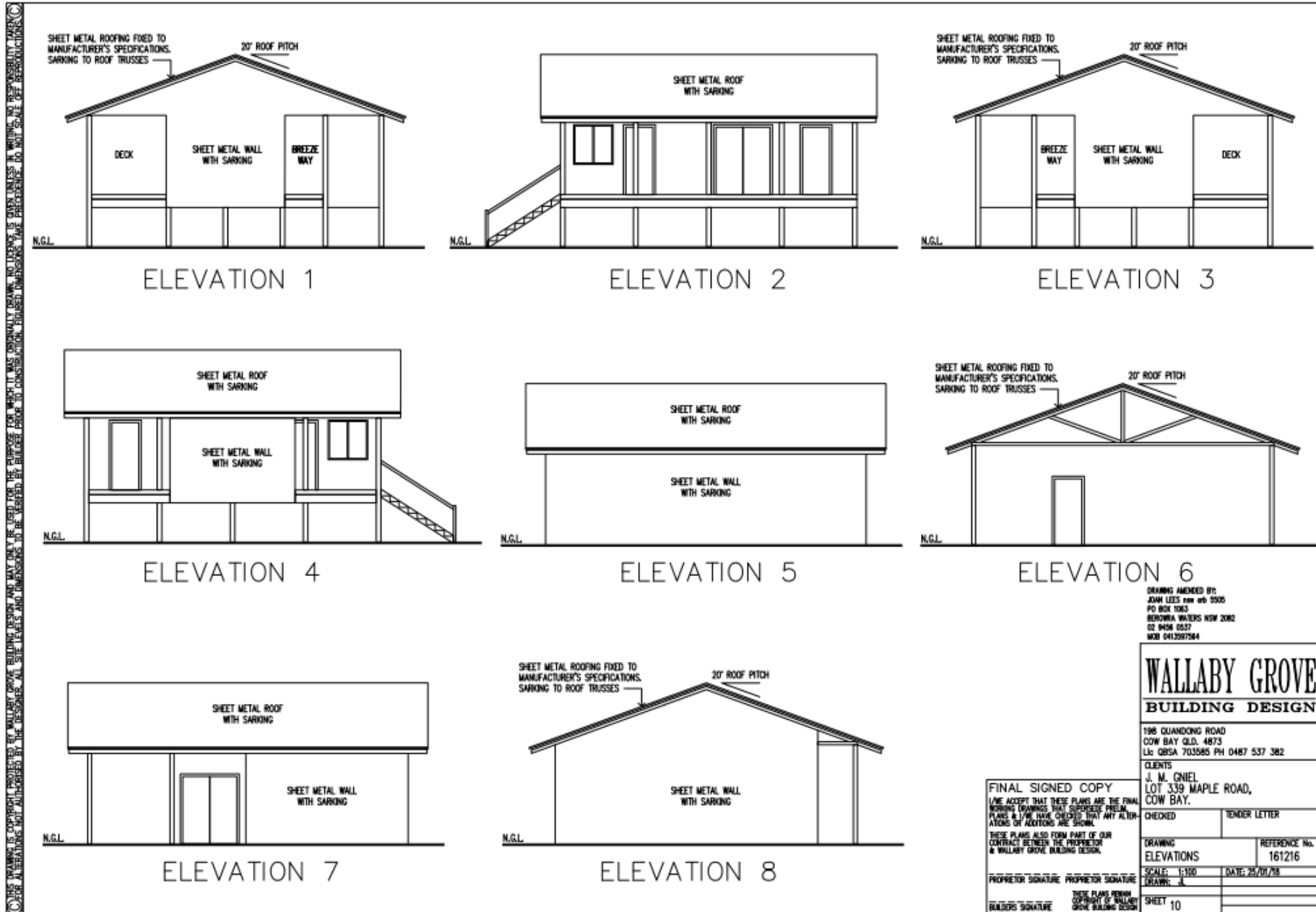
FINAL SIGNED COPY
I/WE ACCEPT THAT THESE PLANS ARE THE FINAL
WORKING DRAWINGS THAT SUPERSEDE PRELIM.
PLANS & I/WE HAVE CHECKED THAT ANY ALTER-
ATIONS OR ADDITIONS ARE SHOWN.

THESE PLANS ALSO FORM PART OF OUR
CONTRACT BETWEEN THE PROPRIETOR
& WALLABY GROVE BUILDING DESIGN

PROPRIETOR SIGNATURE: PROPRIETOR SIGNATURE
BUILDER SIGNATURE: THESE PLANS REMAIN
COPYRIGHT OF WALLABY
GROVE BUILDING DESIGN







FNQROC DEVELOPMENT MANUAL CROSSOVER GUIDELINE

