

10 May 2018

Enquiries: Neil Beck
Our Ref: OP2599/2018 (852808)
Your Ref: 50136

E M Egel & D S Brown
C/- GJ Gardner Homes
1/255 Mulgrave Road
BUNGALOW QLD 4870

Email – Cairns.admin@gjgardiner.com.au

Dear Sir

**Development Application for Operational Works (Crossover)
At 51R/ Crees Rd CRAIGLIE:
On Land Described as LOT: 8 SP: 279535**

Thank you for lodging the above Development Application with Council on 17/04/2018.

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

In accordance with previous discussions and agreements with Douglas Shire Council, the proposed new dwelling must be provided with onsite water storage given that reticulated water supply to the property is provided via the trunk main and water supply cannot be guaranteed by Douglas Shire Council.. This has been added as an Advice Note to the approval.

Please quote Council's application number OP2599/2018 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 17 April 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: E M Egel & D S Brown

Postal Address: C/- GJ Gardiner Homes
1/255 Mulgrave Road
Bungalow Qld 4870

2. Location details

Street Address: 51R/ Crees Rd CRAIGLIE

Real Property Description: LOT: 8 SP: 279535

Local Government Area: Douglas Shire Council

3. Details of proposed development

Operational Works (Additional Crossover)

4. Decision

Date of decision: 2 May 2018

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

5. Approved drawing(s) and / or document(s)

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

| Drawing/report title | Prepared by | Date | Reference no. | Version/issue |
|----------------------|------------------|---------------|---------------|---------------|
| Site Plan | GJ Gardner Homes | 10 April 2018 | WD01 | Issue A |

A copy of the plan is enclosed.

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. Further development permits

None applicable.

8. Properly made submissions

Not applicable

9. Referral agency

None applicable

10. Currency period for the approval

Under section 85 of the *Planning Act 2016*, the relevant period for the Preliminary Approval is to be two (2) years starting from the day the approval takes effect.

11. Reasons for decision

The reasons for this decision are:

1. Section 60 of the *Planning Act 2016*:
 - a. to apply the conditions and advices as per Recommendation A above;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme; 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 on 17 April 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
3. Evidence or other material on which findings were based:

- a. the development triggered code assessable development, as the construction of an additional crossover requires Operational Works approval;
- b. Council undertook an assessment in accordance with the provisions of section 60 of the *Planning Act 2016*; and
- c. the applicant's reasons have been considered and the following findings are made:
 - i. The request for an additional crossover in this instance is reasonable;
 - ii. The conditions have regard to Council's future maintenance responsibilities;

12. *Applicant's rights to make representations and rights of appeal*

The rights of applicants to make representations and the 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*. 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*).

Schedule 2 is an extract from the *Planning Act 2016* that sets down the applicant's rights to make representations and the applicant's appeal rights.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

1. The construction of the cross-over must be undertaken in accordance with the following requirements:-
 - a. The cross-over to access the proposed dwelling must be constructed in accordance with Standard Drawing S1105 Issue E for Rural Allotment Accesses as detailed in the attached plan.
 - b. All works must be completed to the satisfaction of the Chief Executive Officer with the site and road entrance being left in a clean and tidy manner once works are complete.
2. Any batters located within the road reserve of Crees Road must not exceed 1:4 in slope for maintenance purposes.
3. The location of the cross-over must be determined onsite to avoid existing trees within the road reserve of Crees Road. The location of the driveway entry is to be identified, marked onsite and inspected by Council Officers prior to commencing construction works on the access.
4. A minimum of 1 metre cover must be maintained to the newly installed trunk water mains installed in the road reserve of Crees Road and along the frontage of the property. One metre cover is provided from the invert of the existing swale along the frontage of the property.

STANDARD CONDITIONS

General

1. The proposed works are permitted subject to any alterations:
 - a. found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements and.
 - b. to ensure the works comply in all respects with the requirements of the *FNQROC Development Manual* and good engineering practice; and
 - c. to comply with project specific conditions and the following standard conditions of approval.

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

2. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
3. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All

works must be performed in accordance with Council standards and Local Laws and other statutory requirements.

4. If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.

Hours of Work

5. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- a. 7:00 am to 6:00 pm, Monday to Friday;
- b. 7:00 am to 1:00 pm, Saturdays; and
- c. no work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Verges

6. All verges where they have been affected by works are to be covered full-width with topsoil (AS 4419/Soils for Landscaping and Garden Use) to a depth of not less than 40 mm, lightly compacted and grassed in accordance with Council's Guidelines and Specifications.

Council Infrastructure and Other Utilities

7. All works must not interfere or impact on Council water supply or other agency infrastructure and must comply with the following:
 - a. The developer shall be responsible for confirming the location of all existing services (including sewer, water and utility service infrastructure) prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.
 - b. Any works over or within the zone of influence of Council's existing water infrastructure must be approved by Douglas Shire Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice.

Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.

PART 1B—ADVICE NOTES

ADVICE

1. 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.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
4. In accordance with previous discussions and agreements with Douglas Shire Council, the proposed new dwelling must be provided with onsite water storage given that reticulated water supply to the property is provided via the trunk main and water supply cannot be guaranteed by Douglas Shire Council.

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*

SCHEDULE 3 – RIGHT OF APPEAL WAIVER

Mail To: Douglas Shire Council
Email Address: enquiries@douglas.qld.gov.au
Attention: Development Assessment

RE:

Council reference: 44.2018.2599.1

Property Address: 51R/ Crees Rd CRAIGLIE; land described as LOT: 8 SP: 279535

This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive My/Our appeal rights available under the *Planning Act 2016*.

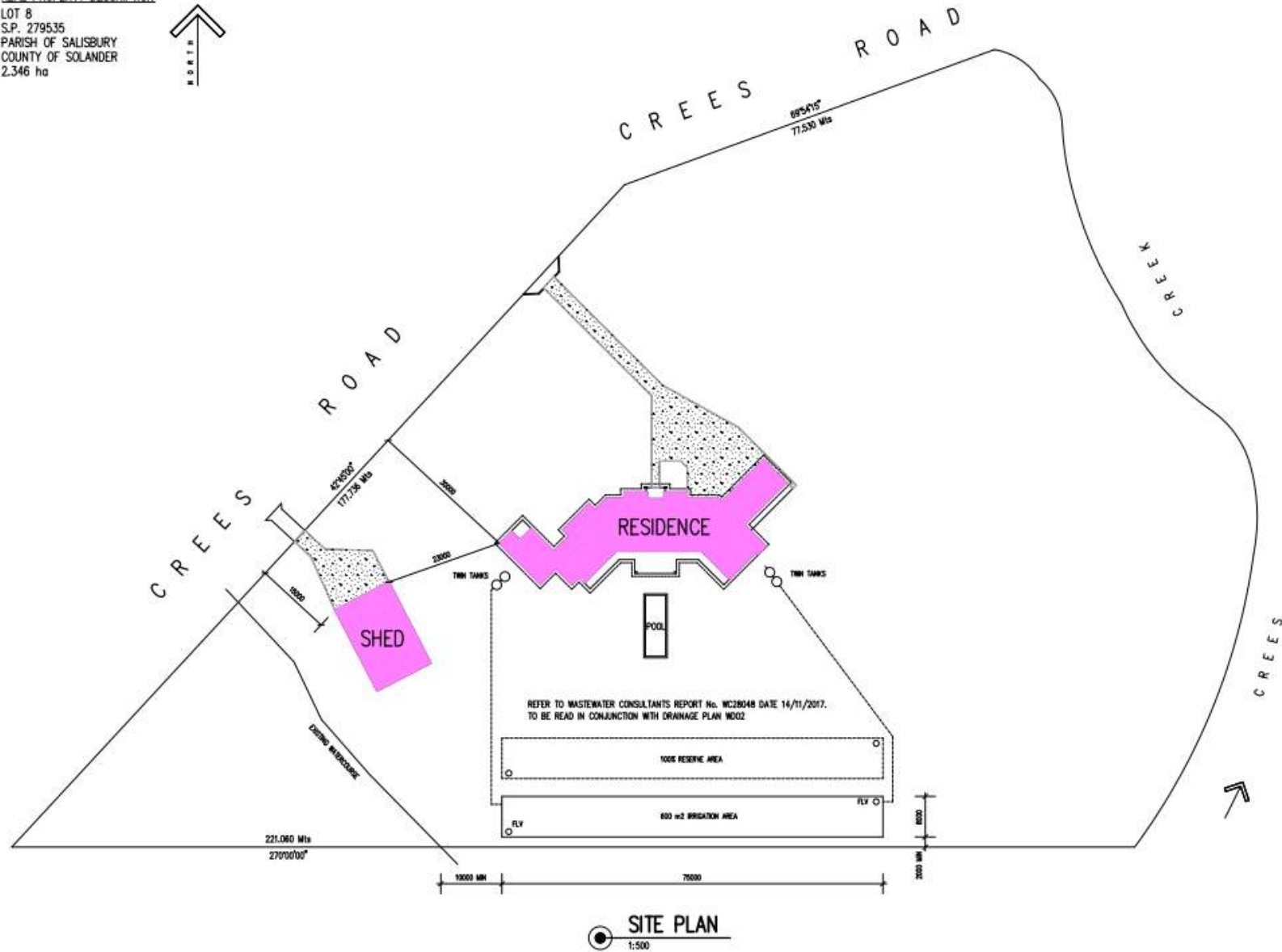
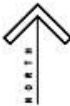
Applicants Name: _____

Signature: _____

Date : _____

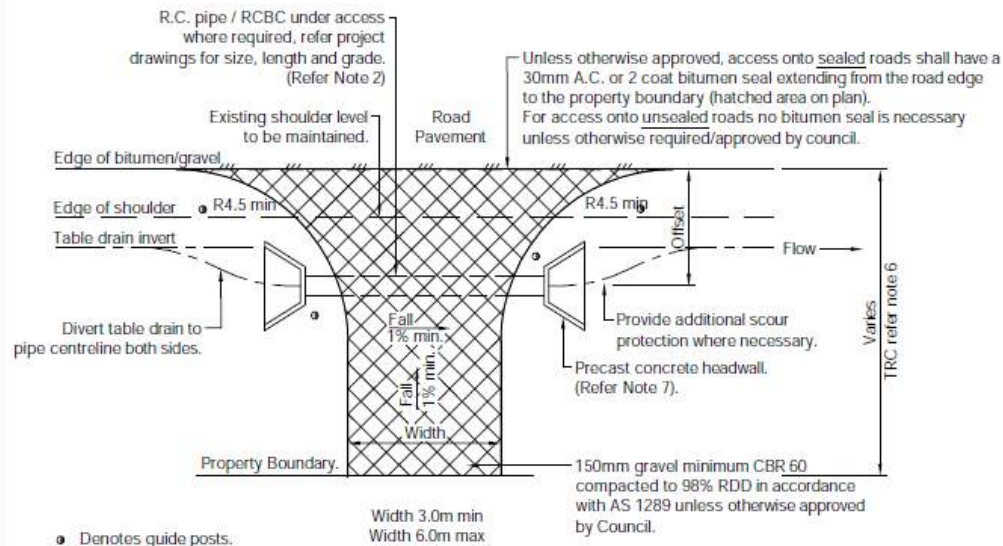
APPROVED PLAN

REAL PROPERTY DESCRIPTION
LOT 8
S.P. 279535
PARISH OF SALISBURY
COUNTY OF SOLANDER
2.346 ha



CHECK ISSUE:
DO NOT SCALE DRAWINGS

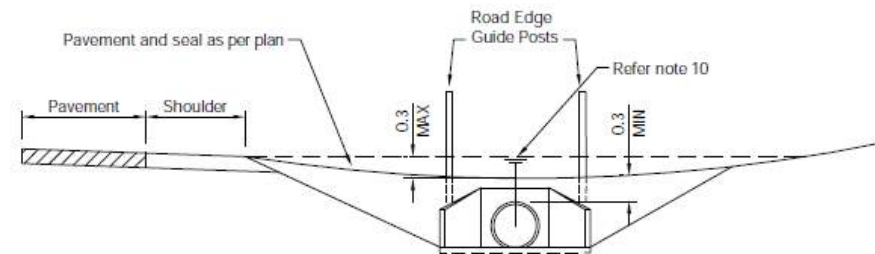
| REVISION | DATE | ISSUE | PROJECT NUMBER | CAD | DATE | LOT | DATE |
|----------|------------|-------|---------------------------------|--------------------------------------|-----------|--------|------|
| 1 | 14/11/2017 | A | LOT 8 CREES ROAD, ORANGE. | DEREK SIMON BROWN & EMMA MAY EGEL | 15-1-2018 | 008ORE | A |
| 2 | 14/11/2017 | B | | | | WD01 | |
| 3 | 14/11/2017 | C | | | | | |
| 4 | 14/11/2017 | D | | | | | |



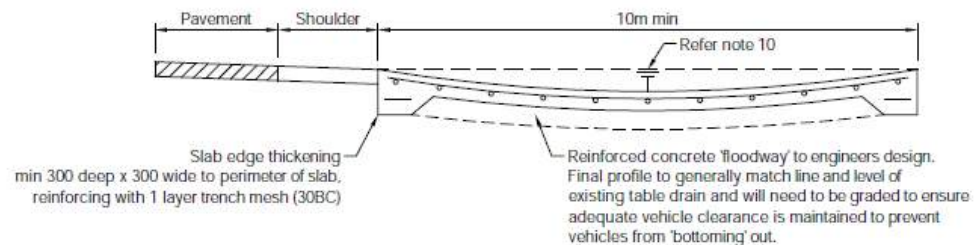
PLAN

NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete surround.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :
 - a) the through road has a signposted speed of 80km/hr or greater.
 - b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N25 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at accesses should comply with "Sight Distance at Property Entrances" Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
12. In instances where the detail/s shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative.



END ELEVATION



TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS

(Where approved by Council)

| | | | | | | |
|-----------|---|----------|--|---|----------------------------------|----------------------------------|
| E | MINOR AMENDMENTS | 26/11/14 | 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 anticipated 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. |  | RURAL ALLOTMENT ACCESSSES | Standard Drawing S1105 |
| D | COMBINED PLAN DETAIL AND ADDED SECTIONS | 28/11/12 | | | | |
| C | VARIOUS MINOR AMENDMENTS | 13/01/06 | | | | |
| B | NOTES AMENDED | 18/01/05 | | | | |
| A | ORIGINAL ISSUE | 12/03/04 | | | | |
| REVISIONS | | DATE | | | | |
| A | B | C | D | E | | |