

7 May 2019

Enquiries: Neil Beck 4099 9451  
Our Ref: BW 3079/2019 (901317)  
Your Ref: 20191428

Mr Alan Jenkins  
C/- GMA Certification  
PO Box 831  
Port Douglas 4877

[alcon@westnet.com.au](mailto:alcon@westnet.com.au)

Dear Sir

**DEVELOPMENT APPLICATION FOR A SHED (CODE ASSESSMENT)  
AT 76 DE MEIO DRIVE LOWER DAINTREE ON LAND DESCRIBED  
AS LOT 13 ON RP865078**

Council refers to the above development application lodged with Council on 12 April 2019.

Please find attached the Decision Notice .

Please quote Council's application number: BW 3079/2019 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 or at [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au) .

Yours faithfully

**PAUL HOYE**  
Manager Environment and Planning

encl.

- Decision Notice
- Approved Plans
- Applicant's Rights to make representations and applicant's appeal rights.

## DOUGLAS SHIRE COUNCIL

### 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 the 15 April 2019. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

#### 1. Applicant's details

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Name: Alan Jenkins  
Postal Address: C/- GMA Certification  
PO Box 831  
Port Douglas 4877

#### 2. Location details

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Street address: 13 De Meio Drive Lower Daintree  
Real property description: Lot 13 on RP865075  
Assessment Manager: Douglas Shire Council

#### 3. Details of the proposed development

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Building Work Made Assessable Development Against the Planning Scheme

#### 4. Decision

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Decision details: Development Permit approved in full with conditions. These conditions are set out in [Schedule 1](#)

#### 5. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Site Plan	N/A	As submitted to Council with the application.	N/A	N/A
Elevation and Framing Plan	CMG Consulting Engineers	20 March 2019	40323-S1	A
Elevation and Section	CMG Consulting Engineers	20 March 2019	Drawing 40323-S2	A

## **6. Further development permits**

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

- All Building Work.

## **7. Properly made submissions**

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

## **8. Referral agencies for the application**

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Not applicable

## **9. Currency period for the approval**

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This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of *Planning Act 2016*.

## **10. Rights of appeal**

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The rights of applicants to make representations and rights to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

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

## SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

### 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 the Commencement of Use, except where specified otherwise in these conditions of approval.

#### Lawful Point of Discharge

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

#### Building Colours

5. White and shining metallic finishes are avoided on external surfaces of buildings.

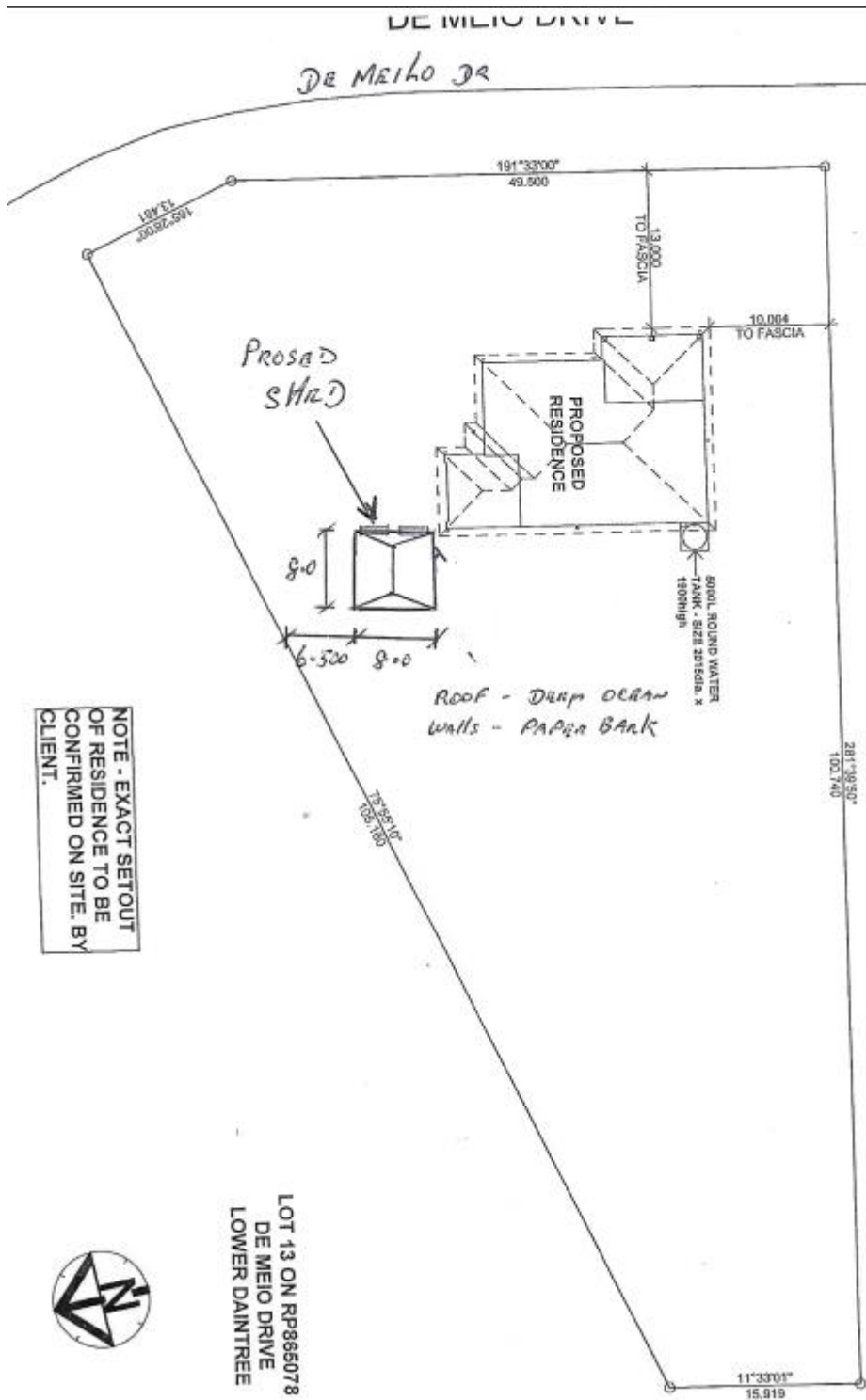
### PART 1B – ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
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 relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

### PART 1C—REASONS FOR DECISION

1. The proposal is consistent with the performance outcomes from within the 2018 Douglas Shire Planning Scheme version 1.0.

APPROVED PLANS



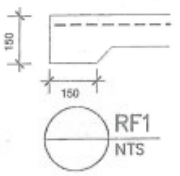
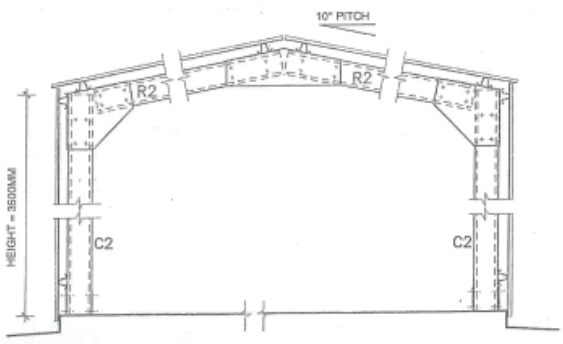
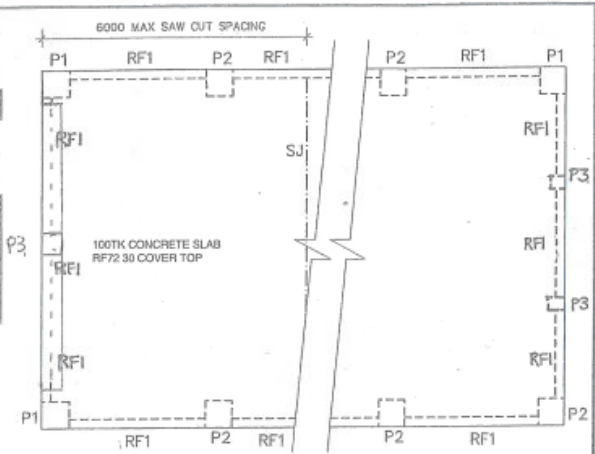


BS = BAY SPACING = 2.67 M  
HT = HEIGHT = 3.5 M

MEMBER SCHEDULE	
C1	= C15019
R1	= C15019
C2	= C20024
R2	= C20024
M1	= C20019
RB1	= 30x1.2 GI STRAP
WB1	= 30x1.2 GI STRAP
PL1	= METROLL 64x1.0
WG1	= TOPSPAN BATTENS

RB1 & WB1 = MIN 2x NO.14 TEK SCREWS AT EACH END OF BRACING  
P1 & P2 = 600x600x600 DEEP MASS CONCRETE FOOTING  
P3 = 400x400x400 DEEP MASS CONCRETE FOOTING

RF1 = 150x150 SLAB EDGE THICKENING  
SJ = 25mm DEEP SAW CUT WITHIN 24 HRS OF PLACEMENT OF CONCRETE

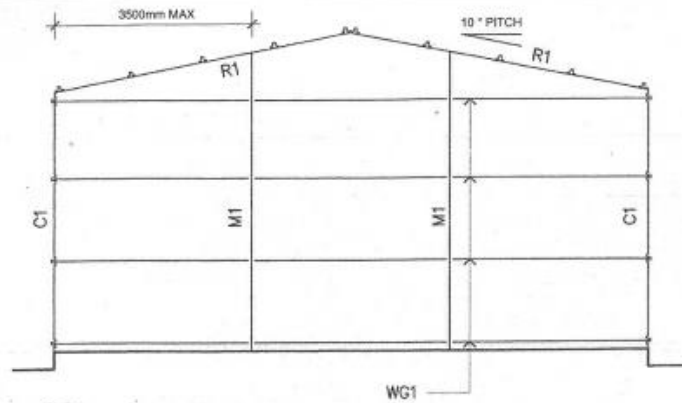


BASED ON 'M' OR 'S' CLASS SITE ONLY

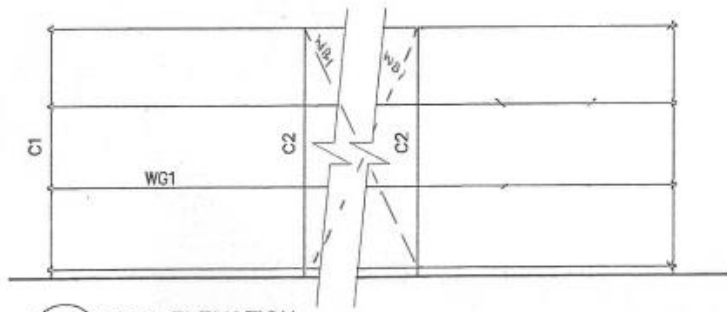
**C.M.G. CONSULTING ENGINEERS PTY.LTD.**  
MEM. 01 60 315 STRUCTURAL AND CIVIL  
208 Buchan Street CAROLIS 4870 Phone: (07) 4031 2775  
P.O. Box 5901 Collins Mill Centre Phone: (07) 4051 9013

**PROPOSED GREG JACK SHED**  
AT: LOT 13 76R DE MEIO DRIVE, LOWER DAINTREE, 4873  
FOR: SJ VIZARD & KJ MACKAY  
PLANS AND SECTION.

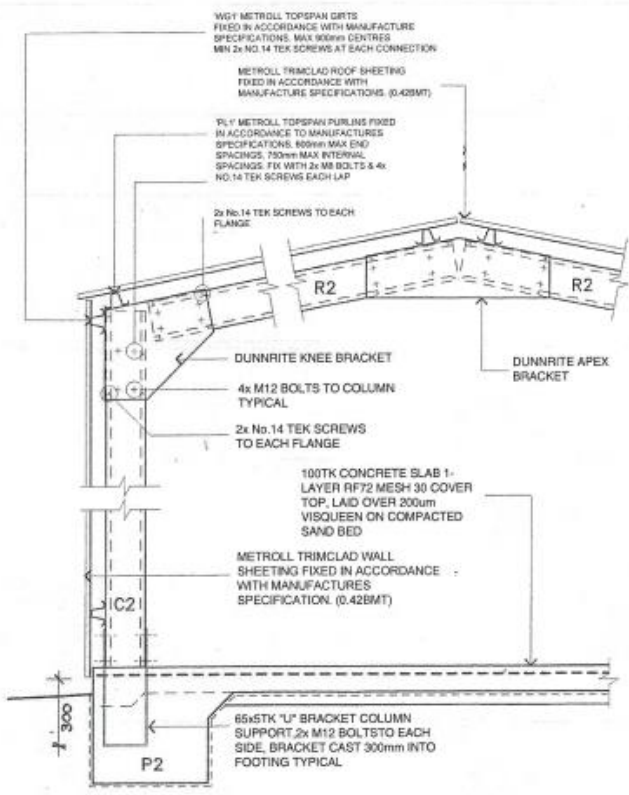
SCALE	HOR AS SHOWN	DRAWN	JD
		DESIGNED	CMG
DATE	20-3-19	CHECKED	CMG
APPROVED	<i>[Signature]</i>		
DWG NUMBER	40323-S1	AMDT	A



END ELEVATION  
NOT TO SCALE



SIDE ELEVATION  
NOT TO SCALE



SECTION  
NOT TO SCALE

**C.M.G. CONSULTING ENGINEERS** PTY.LTD.  
ACA 01 102 270 STRUCTURAL AND CIVIL  
 208 Buchan Street CARNS, 4870 P.O. Box 5501 Cairns Mail Centre Phone: (07) 4031 2775 Fax: (07) 4051 9013

**PROPOSED GREG JACK SHED**  
 AT: LOT 13 76R DE MEIO DRIVE, LOWER DAINTREE, 4873  
 FOR: SJ VIZARD & KJ MACKAY  
 ELEVATIONS & SECTIONS.

BASED ON "M" OR "S" CLASS SITE ONLY

SCALE	HOR AS SHOWN	DRAWN	JD
		DESIGNED	CMG
DATE	20-3-19	CHECKED	CMG
APPROVED	<i>[Signature]</i>		
DWG NUMBER	40323-82	AMDT	A

## SCHEDULE 2 – 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**

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
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