

11 September 2018

Enquiries: Daniel Lamond
Our Ref: MCUC2786/2018 (872039)
Your Ref: 20182549

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

J Keonig & E B Lang
C/- GMA Certification Group
PO Box 831
PORT DOUGLAS QLD 4877

Dear Sir/Madam

**Development application for building work assessable against the Planning
Scheme (Garage)
21 Hibiscus Court ROCKY POINT:
Land Described as LOT: 31 RP: 749728**

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

Please quote Council's application number: MCUC2786/2018 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

PAUL HOYE
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans

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

Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. *Applicant's details*

Name: J Keonig & E B Lang
Postal Address: C/- GMA Certification Group
PO Box 831
PORT DOUGLAS QLD 4877

2. *Location details*

Street Address: 21 Hibiscus Court ROCKY POINT
Real Property Description: LOT: 31 RP: 749728
Local Government Area: Douglas Shire Council

3. *Details of proposed development*

Building work assessable against the Planning Scheme (Garage)

4. *Decision*

Date of decision: 11 September 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: Building work assessable against the Planning Scheme (Garage)				
Site Plan	Davies Design and Drafting Service	March 2018	Drawing No. 031-HIB, Sheet 1-7	None nominated
Elevations and Floor Plan	Davies Design and Drafting Service	March 2018	Drawing No. 031-HIB, Sheet 127	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

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 a six (6) year period 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.

Damage to Council Infrastructure

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

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of the shed.

Building Colours

5. The garage must be finished with external colours consistent with the external colours of the existing house on site.

Limitation of Use

6. The use of the garage shall be for purposes ancillary to the residential use of the land. The garage must not be used for habitable purposes.

Geotechnical Review

7. The applicant shall have a suitably qualified and experienced engineer RPEQ (Geotechnical),
 - a. Provide a copy of the Safety-in-Design Risk assessment undertaken as part of the works;
 - b. Provide the table of the assessed geotechnical Risks and Consequences, as are required and undertaken as part of the AGS (2007) Assessment process, and used to determine the applied level of risk;

- c. **Certify that the sub-surface conditions encountered during the construction of the footings, are in line with the assumptions report produced by Soiltest.biz (ref #15297, dated 24th July 2018);**
- d. **Certify that the footing details as provided by Davies Design and Drafting Service Drawing No. 031-HIB, dated March 2018, are suitable for the conditions encountered during construction.**

The above requirements must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building works. Provide certification for the works by providing completed Forms A and B of the AGS (2007) guidelines, for Council's record and reference.

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 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. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .**

PART 1C—STATEMENT OF REASONS

1. **The proposal is generally compliant with the 2018 Douglas Shire Planning Scheme version 1.0.**
2. **Where non-compliances with the planning scheme occur, conditions have been imposed to require compliance or acceptable alternative solutions have been imposed.**
3. **The proposal does not protrude above the ridge line and is not visible from any public area with the exception of the immediate vicinity of Hibiscus Court.**
4. **The proposed design is consistent with the existing house and is consistent with the nature and scale of development on Hibiscus Court.**

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

**Table 2
Appeals to the P&E Court only**

2. Eligible submitter appeals
 An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—
 (a) any part of the development application for the development approval that required impact assessment; or
 (b) a variation request.

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

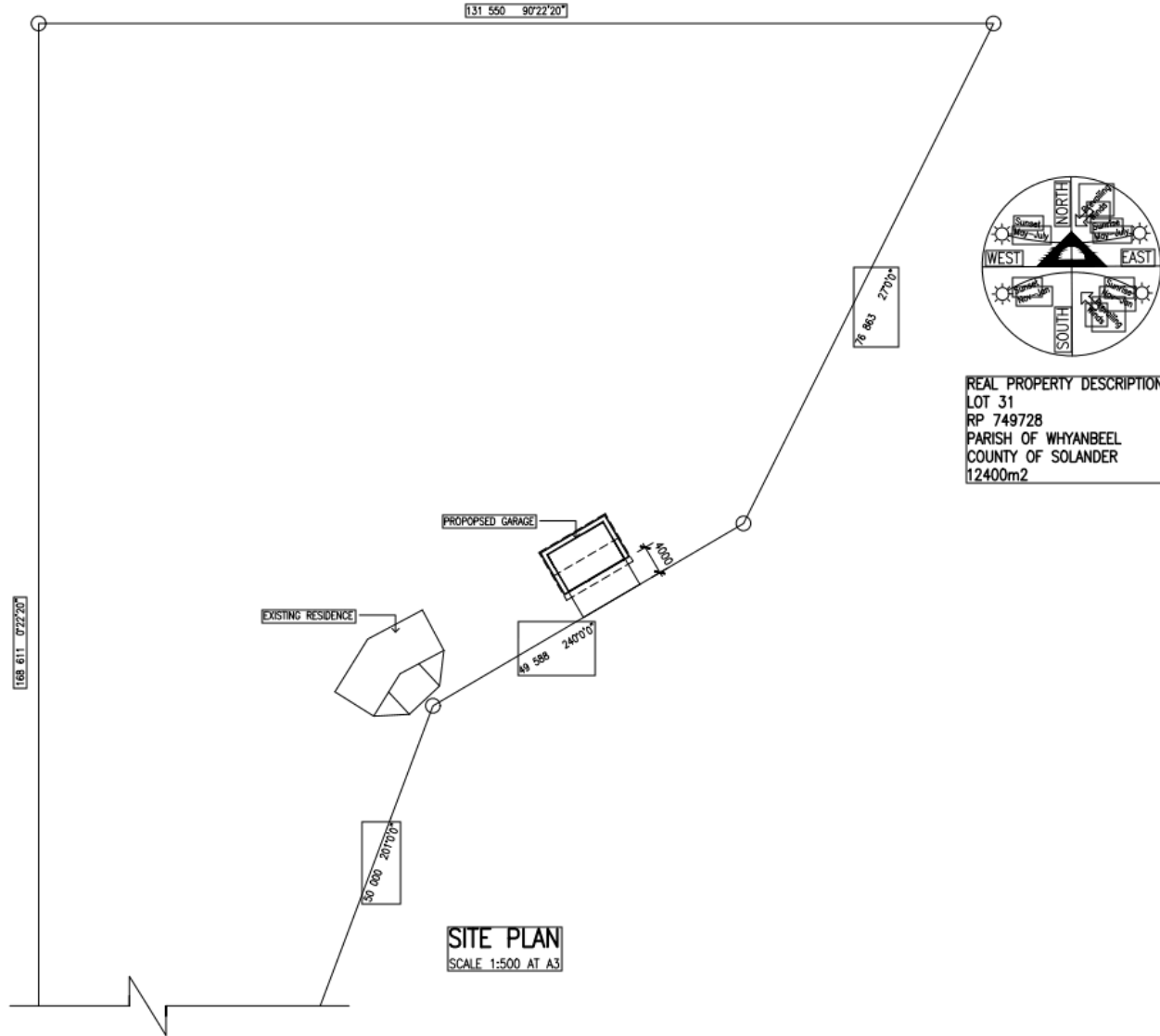
3. Eligible submitter and eligible advice agency appeals
 An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—
 (a) any part of the development application or the change application, for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

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

Note:

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

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)



REAL PROPERTY DESCRIPTION
 LOT 31
 RP 749728
 PARISH OF WHYANBEE
 COUNTY OF SOLANDER
 12400m2

DATE	DETAILS

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**CERTIFIED AS
 STRUCTURALLY
 ADEQUATE**

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Date: _____
 Job No: _____
 Signed: _____
 RPEQ No: _____

CLIENT:-
JUERGEN KOENIG

PROJECT:-
**PROPOSED GARAGE AT-
 LOT 31 HIBISCUS
 COURT, ROCKY POINT**

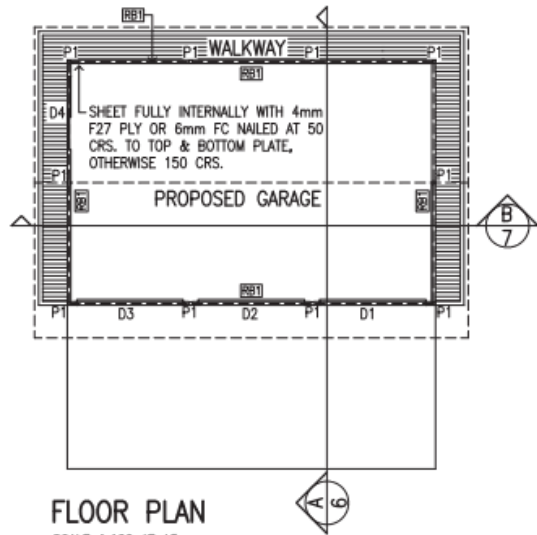
DRAWN:-
 T.GOUGH

BUILDER:-
 T.B.A.

DATE:- MAR 2018
 ISSUE:-

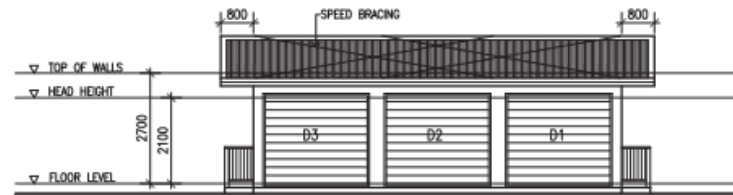
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031 HIB

SHEET No:-
1 - 7

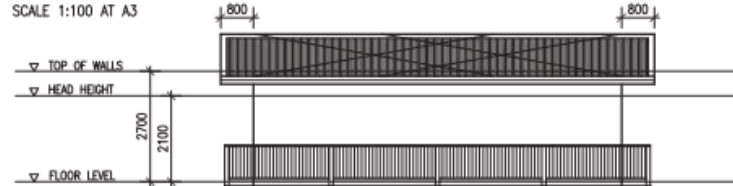


FLOOR PLAN
SCALE 1:100 AT A3

P1 - 75x5 S.H.S. POST
RB1 - 125x75x5 R.H.S. RING BEAM

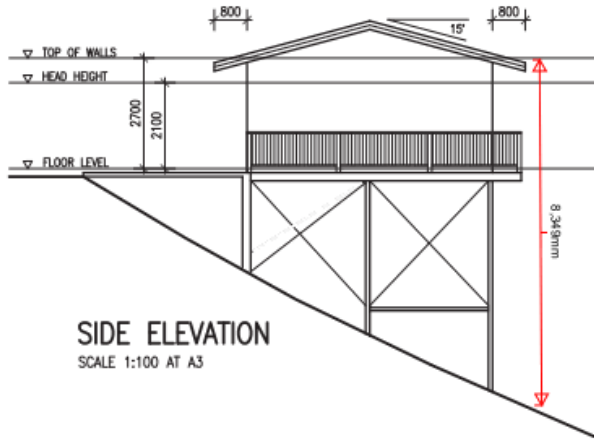


FRONT ELEVATION
SCALE 1:100 AT A3

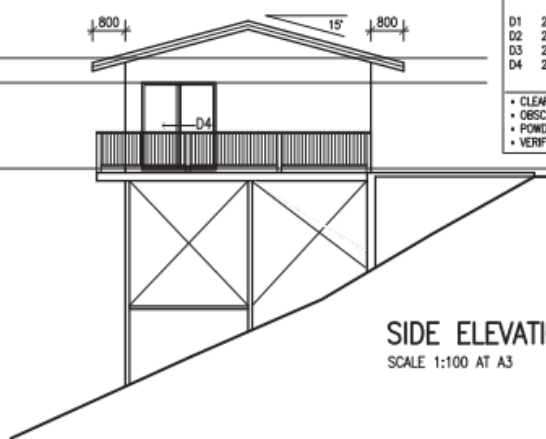


REAR ELEVATION
SCALE 1:100 AT A3

75x4 S.H.S. STRUTS
M16 BRACING RODS WITH TENSIONERS OR 25x3 S.H.S. WELDED BRACES



SIDE ELEVATION
SCALE 1:100 AT A3



SIDE ELEVATION
SCALE 1:100 AT A3

DOOR SCHEDULE -

D1	2300dX2600W	EXTERNAL ROLLER DOOR
D2	2300dX2600W	EXTERNAL ROLLER DOOR
D3	2300dX2600W	EXTERNAL ROLLER DOOR
D4	2100dX1800W	SLIDING GLASS DOOR

- CLEAR GLASS U.N.O.
- OBSCURE GLASS TO BATHROOM & ENSUITE
- POWDER-COATED ALUMINIUM FRAMES U.N.O.
- VERIFY SIZES ON SITE

DATE	DETAILS

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**CERTIFIED AS
STRUCTURALLY
ADEQUATE**

KFB Engineers
Civil & Structural

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E: ena@kfbeng.com.au

Date: 16/5/18

Job No: K-4944

Signed:

RPEQ No: 5711

CLIENT:-
JUERGEN KOENIG

PROJECT:-
**PROPOSED GARAGE AT
LOT 31 HIBISCUS
COURT, ROCKY POINT**

DRAWN:-
T.GOUGH

BUILDER:-
T.B.A.

DATE:- MAR 2018

ISSUE:-

DRAWING No:-

031 HIB

SHEET No:-

2 - 7