

26 April 2019

Enquiries: Neil Beck  
Our Ref: 52/ 3088/2019 (899920)

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

NQ Homes Tropical Living Pty Ltd  
PO Box 863  
PORT DOUGLAS QLD 4877

Copy:  
GMA Certification Group Pty Ltd  
PO Box 831  
PORT DOUGLAS QLD 4877

Dear Sir / Madam

## EXEMPTION CERTIFICATE

Thank you for your request for an exemption certificate for the following premises received on 24 April 2019.

### ***Summary of Exempt Development***

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For the construction of a new dwelling as detailed in Attachment 1.

#### ***1. Location details***

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Street address: 71 Cooya Beach Road BONNIE DOON

Real property description: LOT: 186 SP: 285536

I wish to advise that an exemption certificate has been granted on 26 April 2019 for the construction of a new dwelling as detailed in Attachment 1.

#### ***2. Referral agencies***

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Not Applicable

#### ***3. Reasons for giving exemption certificate***

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The development is exempt under this certificate under s46(3)(b) of the Planning Act 2016 for the following reason(s):

- The effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development.

#### ***4. When exemption certificate ceases to have effect***

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This exemption certificate does not lapse.

Please quote Council's application number: SITEX 3088/2019 in all subsequent correspondence relating to this request.

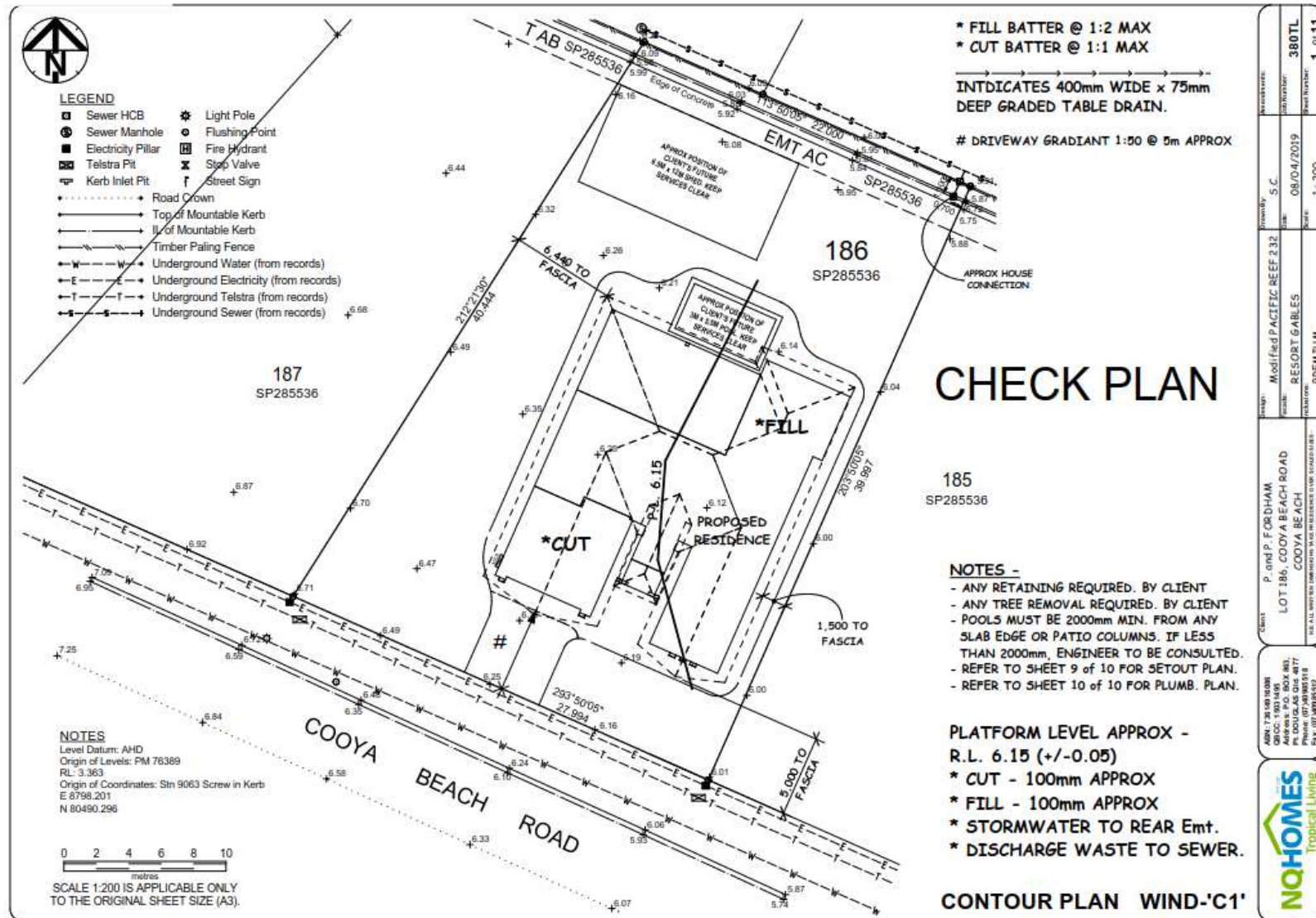
Should you require any clarification regarding this matter, please contact Neil Beck on telephone 07 4099 9451.

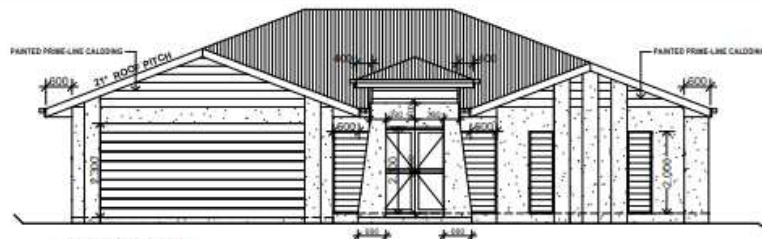
Yours faithfully

**PAUL HOYE**  
**Manager Environment & Planning**

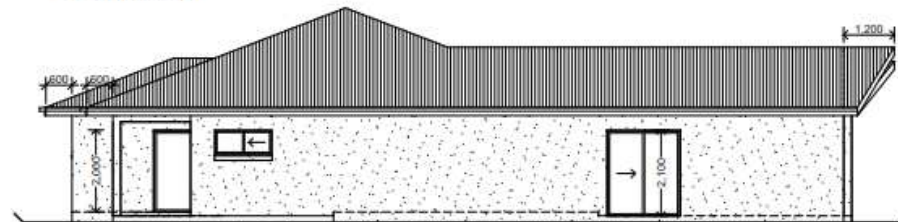
Cc GMA Certification Group Pty Ltd

## Attachment 1

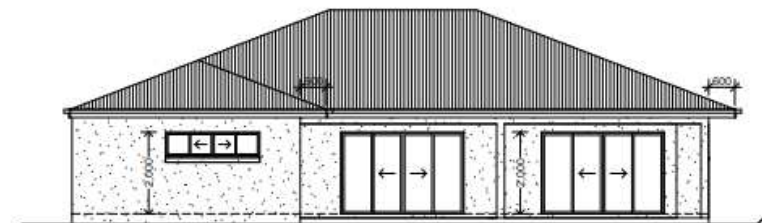




Elevation 1



Elevation 2

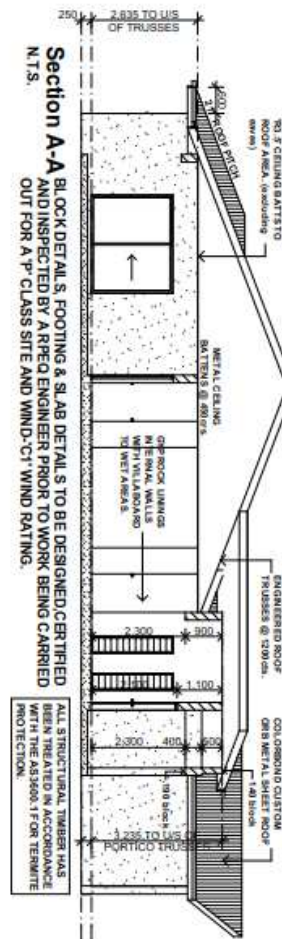


Elevation 3



Elevation 4

# CHECK PLAN



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client: P. and P. FORDHAM  
LOT 186, COOYA BEACH ROAD  
COOYA BEACH

Design: Modified PACIFIC REEF 232  
Estate: RESORT GABLES  
Inclusions: PREMIUM

Drawn By: S.C.  
Date: 08/04/2019  
Scale: 1 : 100

Revised/Revised:  
Job Number: 380TL  
Sheet Number: 3 of 11

26/04/2019

Enquiries: Neil Beck  
Our Ref: 51/ 3088/2019 (899920)  
Your Ref: 20191579

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

NQ Homes Tropical Living Pty Ltd  
PO Box 863  
**PORT DOUGLAS QLD 4877**

cc [adminpd@gmacer.com.au](mailto:adminpd@gmacer.com.au)

Dear Sir / Madam

**Concurrence Agency Response – With Conditions**  
**Issued under the *Planning Act 2016***  
**71 Cooya Beach Road BONNIE DOON**

The referral agency material for the development application described below was properly received by Douglas Shire Council on 23/04/2019.

**Applicant details:** NQ Homes Tropical Living Pty Ltd  
PO Box 863  
PORT DOUGLAS QLD 4877

**Assessment Manager:** GMA Certification Group Pty Ltd  
PO Box 831  
PORT DOUGLAS QLD 4877

**Land details:**  
Street Address: 71 Cooya Beach Road BONNIE DOON  
Real Property Description: LOT: 186 SP: 285536  
Site Area: 1000 m<sup>2</sup>  
Local Government Area: Douglas Shire Council

**Application details:**  
Proposed Development: Alternative siting request for front boundary setback

**Aspects of development and type of approval being sought:**

Development Permit for Building Work – *Queensland Development Code*, Part MP 1.2 (lots 450m<sup>2</sup> and over), Siting Dispensation.

Performance Criteria	Acceptable Solution	Proposal
P1	6000mm from road	5000mm from facia

## Referral Trigger(s)

The development application was referred to Council under the following provisions of the *Planning Regulation 2017*:

Referral Trigger: *Schedule 9, Division 2, Table 3- Design and Siting*

Decision date: 26 April 2019

## Decision

**A. Under section 55 & 56 of the *Planning Act 2016* and Schedule 9, Part 3, Division 2, Table 3 *Planning Regulation 2017* Council requires that the following conditions attach to any development approval:**

1. The specifications, facts and circumstances as set out in the application submitted to Council.

**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

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

Drawing or Document	Reference	Date
Contour Plan	380TL 1/11.	8 April 2019
Elevations	380TL 3/11.	8 April 2019
Floor Plan	380TL 2/11	8 April 2019
Setout Plan	380TL 10/11	8 April 2019

**B. Reasons for Decision**

Under Sections 55 and 56 of the *Planning Act 2016* and Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*, the reasons for this decision are:

- a. condition 1; and
- b. to ensure the development satisfies the Performance Criteria stated in P1 of MP1.2, of the Queensland Development Code.

*Findings on material questions of fact*

- a. The development application was properly referred to the Douglas Shire Council on 24 April 2019 under Section 54 of the *Planning Act 2016* and Part 2 of the Development Assessment Rules and forwarded for determination.
- b. The development application contained a report which Council reviewed together with Council's own investigation in making its referral agency assessment.

*Evidence or other material on which findings were based*

- a. The development triggered referral agency assessment under Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*.
- b. Council undertook an assessment in accordance with the provisions of sections 55 and 56 of the *Planning Act 2016*.
- c. The relevant provisions of the *Queensland Development Code*.

**C. Relevant Period**

Under section 85(c)(i) of the *Planning Act 2016*, Council requires that the relevant period for any development approval is to be two (2) years starting from the day the approval takes effect.

**D. The Applicant should have regard to the following advices:**

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 Council Local Laws and other statutory requirements including the Mirage Plan under the *Integrated Resort Development Act 1987* and any associated Principle Body Corporate By-Laws.
3. For information relating to the *Planning Act 2016* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the *FNQROC Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

This advice includes extracts from the Act with respect to making representations about conditions and lodging an Appeal.

Should you require any further clarification regarding this matter, please contact Neil Beck of Development Assessment and Coordination on 07 4099 9451.

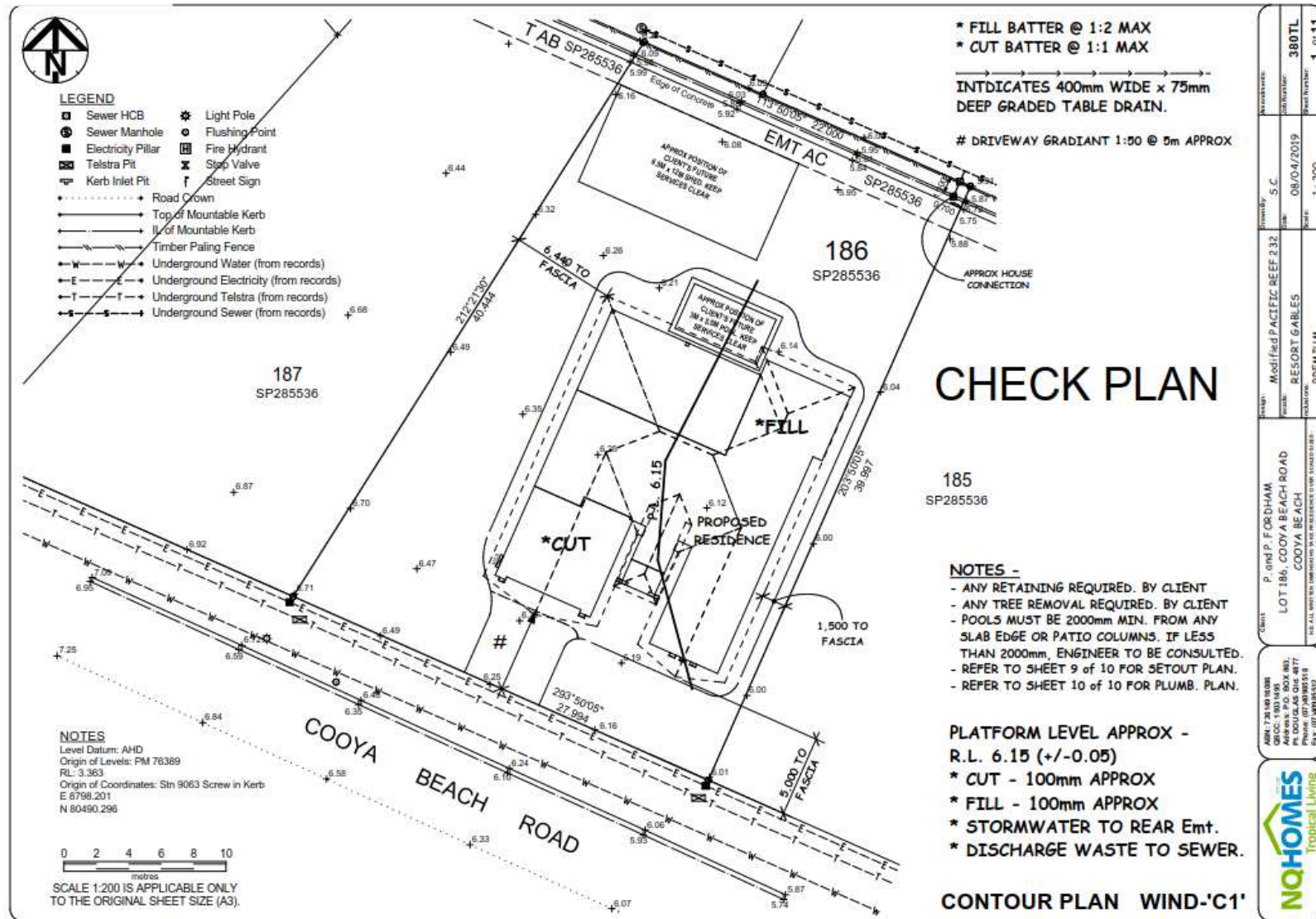
Yours faithfully

**PAUL HOYE**  
**Manager Environment & Planning**

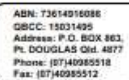
Att. Attachment 1 – Approved Drawings  
Attachment 2 – Rights of Representation and Rights of Appeal



## Attachment 1 – Approved Drawings







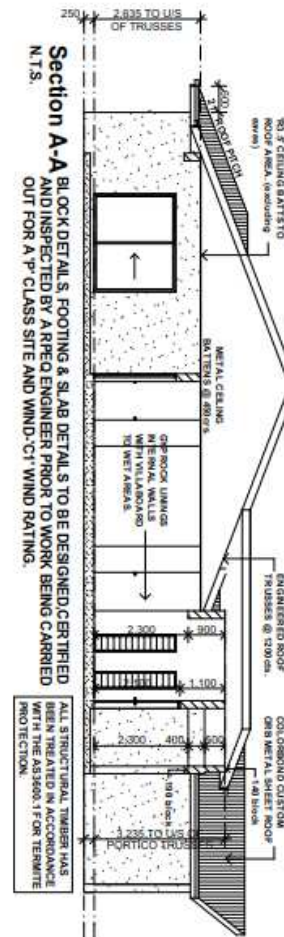
### ELEVATIONS

## WIND-'C1'

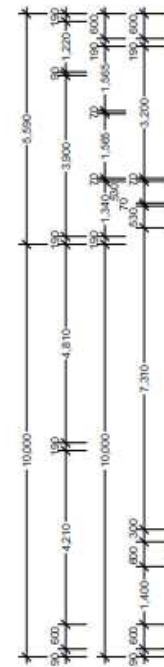
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

P. and P. FORDHAM  
LOT 186, COOYA BEACH ROAD  
COOYA BEACH

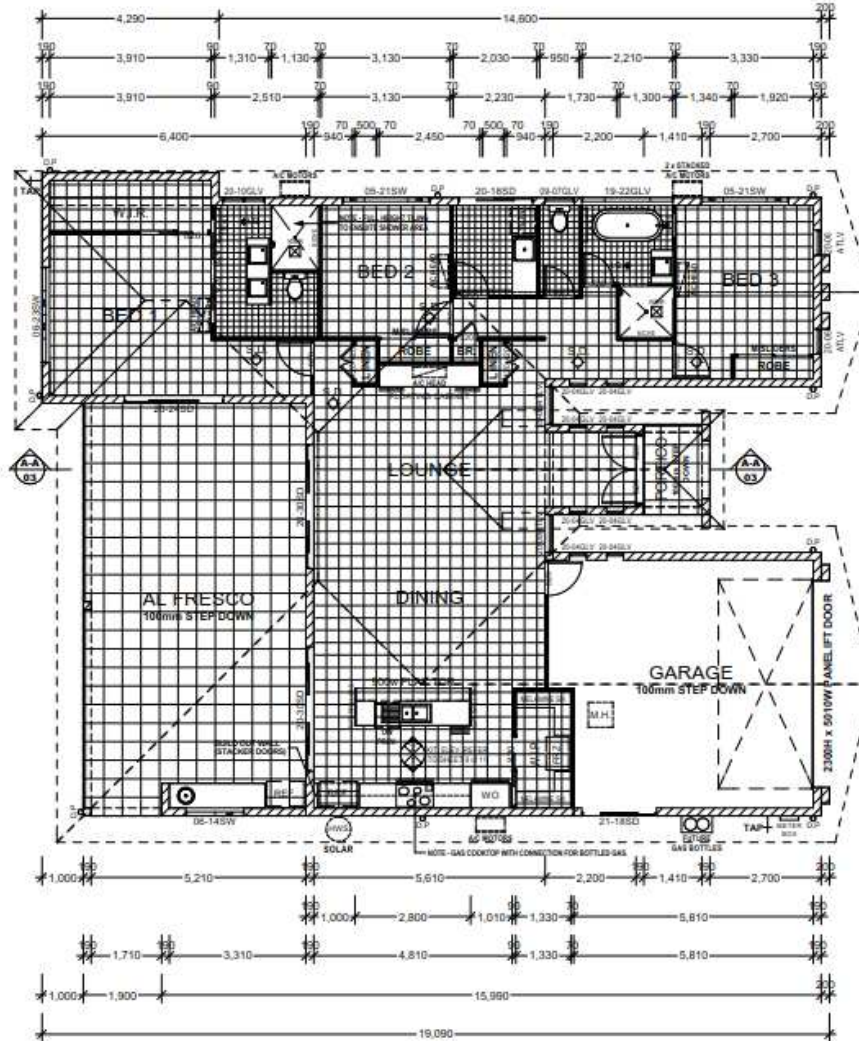
**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A REG. ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-CT WIND RATING.  
N.T.S.



ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE A53600.1 FOR TERMITE PROTECTION.



**NOTE - ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**



**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.


**GENERAL NOTES :**

- : Solar Block 2 to all aluminium framed glass doors and windows.
- : Dishwasher prov. with SPP and cold water plumbing.
- : Lift off hinges to wc.
- : Mechanical exhaust to wc with no external opening.
- : Niches-900H base with a 2100H head U.N.O.
- : Hampers and Openings - 2100H head U.N.O.
- : Bulkheads - 2100H U.N.O.

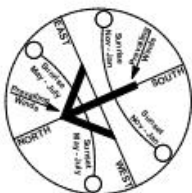
## CHECK PLAN

**FLOOR PLAN**

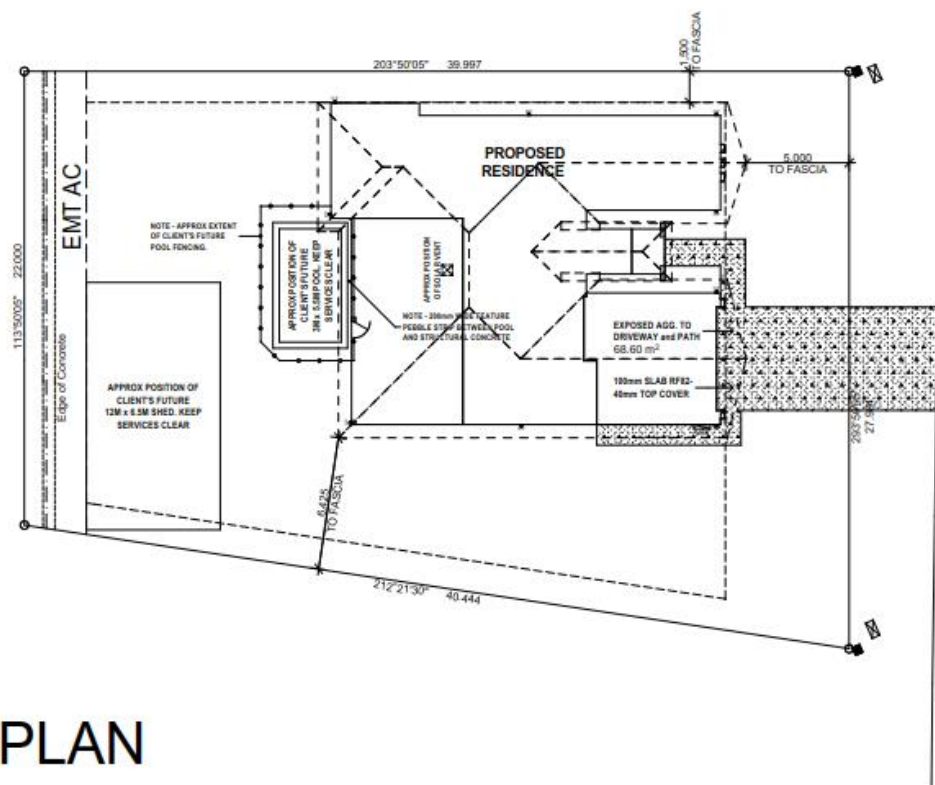
WIND-'C1'

		150N 7504TH DRW0 GBC: 15031-001 Address: P O BOX 911 PC 00043S US Phone: (757) 338-5511 Fax: (757) 338-5511		Client: P. and P. FORDHAM LOT 186, COOYA BEACH ROAD COOYA BEACH AIA: ALL INFORMATION TAKEN FROM RECORD OVER 100 YRS. AGO		Design: Modified PACIFIC REEF 232 Grade:		Permit No: 5-C Date: 08/04/2019		Project Name: RESORT GABLES (Date: 8/4/2019)		Project Number: 3807L Sheet Number: 2 of 4	
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LOT 186 ON SP285536  
COOYA BEACH ROAD  
COOYA BEACH



SC - 35mm DEEP SAWCUT WITHIN  
8 HOURS OF CONCRETE POUR  
- CUTOUT EVERY 2nd MESH BAR  
ACROSS JOINT



CHECK PLAN



ABN: 73614916086  
QBCC: 15031485  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

SETOUT PLAN

WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS  
THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client: P. and P. FORDHAM  
LOT 186, COOYA BEACH ROAD  
COOYA BEACH

Design: Modified PACIFIC REEF 232  
Facade: RESORT GABLES  
Inclusions: PREMIUM

Drawn By: S.C.  
Date: 08/04/2019  
Scale: 1 : 200

Revised/Drawn: 380TL  
Job Number: 380TL  
Sheet Number: 10 of 11



## Part 7: Miscellaneous

### 29. Missed referral agency

- 29.1. This section applies if, at any time before the application is decided, an applicant has not referred the application to a referral agency referred to in section 55 (1) of the Act or to another referral agency for all referral requirements under section 55(2) of the Act in the time provided to refer the application (a **missed referral agency**).<sup>19</sup>
- 29.2. A party to the application may, by notice given to each other party to the application, advise the parties that the applicant has not referred the application in accordance with section 54(1) of the Act.
- 29.3. Despite section 31.1(a) and subject to section 31.4 where notice has been given under section 29.2, the application does not lapse as a result of a missed referral agency.<sup>20</sup>
- 29.4. The applicant must refer the application in accordance with section 5.1, as if 'the day after part 1 has ended' is 'after the day the applicant gave or received notice about a missed referral agency'.
- 29.5. Part 2 and part 3 apply to the missed referral agency once action is taken under section 29.4.
- 29.6. Despite section 11.1, any referral agency referred the development application as a result of this section may make an information request.
- 29.7. If a notice about a missed referral agency is given before part 5 starts, then part 5 cannot start before part 2 has ended in relation to the missed referral agency.<sup>21</sup>
- 29.8. If part 4 applies to the application, the giving of a notice under this section has no effect on any actions already undertaken under part 4.

### 30. Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>22</sup>

### 31. Lapsing of the application

- 31.1. An application lapses if the applicant does not carry out the following actions in the prescribed period, including any further agreed period under the relevant section—
- (a) give the referral agency material to each referral agency that is party to the application and advise the assessment manager when the referral agency material was given under section 5, section 27 or section 29, as relevant to the application;<sup>23</sup> or

<sup>19</sup> As provided for under section 5.

<sup>20</sup> As set out in section 31.4, this section has no effect where a missed referral notice has already been given about the missed referral agency.

<sup>21</sup> Section 23.2 describes the effect on the decision period if part 5 had already commenced before notice about the missed referral had been given.

<sup>22</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

<sup>23</sup> This provision is subject to section 29.3.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

*conduct* means an act or omission.

*representative* means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

*state of mind*, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

## Chapter 6 Dispute resolution

### 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.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
*decision* includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.