

7 September 2023

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2011_4205/3 (Doc ID 1181870)
Your Ref: 20205046

Craig and Amanda Pickard
C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877

Email: rebekah@gmacert.com.au

Attention Ms Rebekah Mulligan

Dear Madam

**Development Application for Minor Change (Cabin)
At 116 Hickory Road Cow Bay
On Land Described as Lot 376 on RP739003**

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

Please quote Council's application number: MCUC 2011_4205/3 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under sections 81, 81A & 83 of the Planning Act 2016

Applicant Details

Name: Craig and Amanda Pickard
Postal Address: C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: rebekah@gmacer.com.au

Property Details

Street Address: 116 Hickory Road Cow Bay
Real Property Description: Lot 376 on RP739003
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for Minor Change for Development Permit (8/7/2226 AKA MCUC 2011_4205/2) for Material Change of Use for the Dwelling-house to include a bedroom cabin.

Decision

Date of Decision: 7 September 2023

Decision Details: Approved whereby:
1. The approved plans are amended as follows:
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 |
|---------------------|---|-------------|
| Site Plan | Drawing prepared by Steve Grogan (Council Ref No 3117656) | 31 Mar 2011 |
| Floor Plan | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |

| Drawing or Document | Reference | Date |
|---|---|-----------------------|
| Elevations | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |
| Site plan | Drawing prepared by applicant and provide to Council on 26 November 2021 (Council document 1052572). | 26 November 2021 |
| Floor plan | Drawing prepared by applicant and provide to Council on 26 November 2021 (Council document 1052572). | 26 November 2021 |
| <u>Site Plan and General Location</u> | <u>Drawings prepared and submitted by applicant on 28 August 2023 (Council document ID 1179550)</u> | <u>28 August 2023</u> |
| <u>Site Location Plan, Footings Plan, Floor Tie-down and Framing Plans.</u> | <u>Structural Consulting Engineers Lincoln Roberts, Project 23-011, Drawings 01- 04 inclusive, Revision A</u> | <u>22 May 2023</u> |
| <u>Perspectives, Floor Plans, Elevations</u> | <u>Drawings Titled <i>Modified Palm Beach C.Pickard</i>, submitted by applicant on 28 August 2023 (Council document ID 1179550)</u> | <u>28 August 2023</u> |
| FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access | | |
| Rural Allotment Access | Standard Drawing S1105 Issue E | 27 August 2020 |

2. All other conditions of the respective approvals remain unchanged.

Additional Approved Drawing(s) and/or Document(s)

Refer to Attachment 1.

Existing Approval

Refer to Attachment 2.

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 must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

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*.

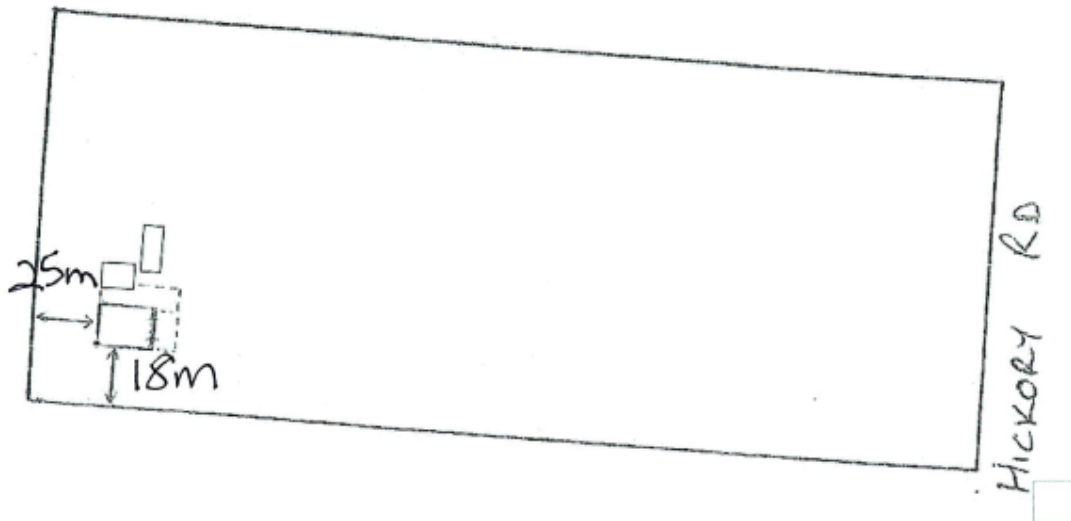
Rights to make Representations & Rights of Appeal

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 is attached.

Attachment 1 Additional Approved Drawing(s) and/or Document(s)

SITE PLAN
By Craig Pickard



PROPOSED PRE-FABRICATED LOG CABIN AT: 116 HICKORY ROAD, COW BAY

GENERAL NOTES:

- G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS DRAWINGS AND SPECIFICATIONS.
- G2. SETTING OUT DIMENSIONS AND SIZES OF MEMBERS OR ELEMENTS SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS. ALL DIMENSIONS SHOWN ON THE ENGINEERING DRAWINGS SHALL BE CHECKED BY THE CONTRACTOR BEFORE COMMENCEMENT OF FABRICATION OR SITE WORKS.
- G3. DURING CONSTRUCTION, THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION. CONSTRUCTION LOADS MUST NOT EXCEED THE SAFE LOAD CAPACITY OF THE STRUCTURE AT ANY TIME DURING CONSTRUCTION. STABILITY OF EXCAVATION IN THE VICINITY OF NEIGHBORING BUILDINGS IS THE RESPONSIBILITY OF THE BUILDER. IF IN DOUBT ASK.
- G4. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE THE REQUIREMENTS OF THE CURRENT EDITIONS INCLUDING AMENDMENTS OF THE RELEVANT SAA CODES OF PRACTICE AND NATIONAL CONSTRUCTION CODES NCC, EXCEPT AS VARIED BY THE CONTRACT DOCUMENTS AND OF THE BY-LAWS OF THE LOCAL GOVERNMENT AUTHORITY.
- G5. PERMANENT, IMPOSED AND OTHER LOADS (DEAD & LIVE) FOR THIS PROJECT HAVE BEEN DETERMINED IN ACCORDANCE WITH AS1170.1 - 2002
- G6. WIND LOADS FOR THIS PROJECT HAVE BEEN DETERMINED IN ACCORDANCE WITH AS4055 - 2021.

FOOTING NOTES:

- F1. ALL FOOTING EXCAVATIONS SHALL BE CLEANED OF LOOSE MATERIAL AND WATER.
- F2. ALL FOOTINGS TO FOUND MATERIAL OF MINIMUM SAFE BEARING CAPACITY >100kPa.
- F3. WHERE SPECIFIED TARGET MATERIAL IS BELOW THE UNDERSIDE OF FOOTING PIER FURTHER EXCAVATION SHALL BE UNDERTAKEN AND BACKFILLED WITH LEAN MIX CONCRETE U.N.O.
- F4. IF EXCAVATIONS ARE TO BE CARRIED OUT ADJACENT TO AN EXISTING FOOTING THE EXACT LEVEL OF THE UNDERSIDE OF THE EXISTING FOOTING SHALL BE DETERMINED VIA TEST PIT EXCAVATION. UNDERPINNING AND SHORING OF THE EXISTING STRUCTURE SHALL BE CARRIED OUT AS REQUIRED AND THE EXISTING STRUCTURE SHALL BE MAINTAINED IN A STABLE AND UNDAMAGED CONDITION.
- F5. BUILDER TO VERIFY LOCATIONS OF ALL EXISTING SERVICES ON SITE PRIOR TO UNDERTAKING SITE EXCAVATION WORKS.

SITE DRAINAGE NOTES:

- D1. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH AS2870
- D2. DRAINAGE SHALL BE CONSTRUCTED TO AVOID WATER PONDING AGAINST OR NEAR THE FOOTING. THE GROUND IN THE IMMEDIATE VICINITY OF THE PERIMETER FOOTING, INCLUDING THE GROUND UPHILL FROM THE SLAB ON CUT-AND-FILL SITES, SHALL BE GRADED TO FALL 50mm MINIMUM AWAY FROM THE FOOTING OVER A DISTANCE OF 1.0M. SURFACE OR SUBSURFACE DRAINS SHALL BE USED TO CHANNEL WATER AWAY AND CONNECT TO STORMWATER SYSTEM. ANY PAVING SHALL ALSO BE SUITABLY SLOPED.
- D3. EXCAVATIONS NEAR THE EDGE OF THE FOOTING SYSTEM SHALL BE BACKFILLED IN SUCH A WAY AS TO PREVENT ACCESS OF WATER TO THE FOUNDATION, FOR EXAMPLE, EXCAVATIONS SHOULD BE BACKFILLED ABOVE OR ADJACENT THE FOOTING WITH MOIST CLAY, COMPACTED BY HAND-RODDING/TAMPING. POROUS MATERIAL SUCH AS SAND, GRAVEL OR BUILDING RUBBLE SHOULD NOT BE USED.
- D4. WATER RUN-OFF SHALL BE COLLECTED AND CHANNLED AWAY FROM THE HOUSE DURING CONSTRUCTION.
- D5. CONNECTION OF STORMWATER DRAINS AND WASTE DRAINS SHALL INCLUDE FLEXIBLE CONNECTIONS.
- D6. ADDITIONAL PLUMBING REQUIREMENTS ARE NEEDED FOR MODERATELY, HEAVILY & EXTREMELY REACTIVE SITES IN ACCORDANCE WITH CLAUSE 6.6 (F) FROM AS 2870.
- D7. PLUMBING & DRAINAGE UNDER THE SLAB SHOULD BE AVOIDED WHERE PRACTICAL REFER AS 2870 CLAUSE 5.6.4 (D)
- D8. ALL PIPEWORK INCLUDING STORMWATER FITTINGS & ADAPTERS SHOULD BE PROTECTED FROM MECHANICAL DAMAGE.
- D9. PROVISIONS SHOULD BE MADE FOR THE CONNECTION OF OVERFLOW OR WATER DISCHARGE FROM FIXTURES SUCH AS HOT WATER SYSTEMS AND AIR CONDITIONERS TO A DRAIN AS REQUIRED BY THE RELEVANT LOCAL AUTHORITY.

REINFORCED CONCRETE NOTES:

- C1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT CURRENT AUSTRALIAN STANDARD CODES (AS3600, AS2870 & AS1379), BUILDING BY-LAWS AND THE ORDINANCES OF THE RELEVANT LOCAL AUTHORITY
- C2. ALL CONCRETE SHALL BE VIBRATED IN TO PLACE.
- C3. NO CONCRETE TO BE POURED WHEN SITE TEMPERATURE EXCEEDS 35° C OR FALLS BELOW 5°C
- C4. CONCRETE FOOTING REINFORCEMENT SHALL BE INSPECTED BY LICENSED COMPETANT PERSON PRIOR TO CONCRETE POUR.

STEELWORK NOTES:

- S1. ALL STEELWORK SHALL COMPLY WITH THE REQUIREMENTS OF:-
AS4100 - STEEL STRUCTURES
AS2312 - GUIDE TO THE PROTECTION OF IRON AND STEEL
AS1214 - HOT DIP GALVANISING OF THREADED FASTENERS
- S2. PLATES, CLEATS, BRACES AND ALL OTHER HOT ROLLED SECTIONS SHALL BE GRADE 300 MATERIAL U.N.O. AND POWER BRUSHED TO ST2 AND PRIMED WITH AN APPROVED METAL PROTECTIVE COATING.
- S3. ALL EXTERNAL STEEL MEMBERS SHALL HOT DIP GALVANISED INCLUDING CLEATS, BOLTS & WASHERS U.N.O. VENT AND DRAINAGE HOLES SHALL BE PROVIDED IN ACCORDANCE WITH THE FABRICATORS RECOMMENDATIONS.
- S4. WHERE CORROSION COATINGS ARE DAMAGED OR INHIBITED AND SITE WELDS ARE UNDERTAKEN 2-COATS INC RICH PAINT SHALL BE APPLIED.
- S5. WELDS SHALL BE 6mm CONTINUOUS FILLETS FROM E48XX SP ELECTRODES U.N.O
- S6. ALL CLEATS AND GUSSETS SHALL BE 10mm THICK U.N.O
- S7. ALL BOLTS SHALL BE GRADE 8.8/5 SNUG TIGHT U.N.O

TIMBER NOTES:

- T1. ALL DETAILS, INCLUDING FRAMING CONNECTIONS NOT SHOWN, TO BE IN ACCORDANCE WITH AS 1684: CLASSIFICATION C2 & 1720.1 AND SHALL BE HANDLED, ERECTED INSTALLED AND BRACED IN ACCORDANCE WITH AS 1860 AS 4440.
- T2. ALL SEASONED TIMBER TO BE JOINT GROUP JO4 MINIMUM.
- T3. THE CONTRACTOR SHALL PROVIDE PROTECTION OF THE CONSTRUCTION AGAINST TERMITE ATTACK IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE AND AS 3660.1 AND QIMBA TECHNICAL CIRCULAR: TECH01 12/2004.
- T4. ALL FRAMING AND STRUCTURAL MEMBERS HAS BEEN DESIGNED USING: DESIGN IN HYNÉ 7.5 OR STRUCTURAL TOOLKIT. DESIGN PARAMETERS AND LIMITATIONS HAVE BEEN USED BASED ON ENGINEERING PRINCIPLES AND GOOD DESIGN PRACTICES. ANY SUBSTITUTION OR DESIGN MODIFICATIONS TO MEMBERS SPECIFIED HEREIN, NOT UNDERTAKEN BY STRUCTURALINC CONSULTING ENGINEERS SHALL TRANSFER THE RESPONSIBILITY FOR THE MEMBER CHANGED OVER TO THE PERSON OR BUSINESS WHO HAS MADE THE CHANGE.
- T5. ALL BOLTS TO TIMBER WORK GRADE 4.6/5 U.N.O. BOLTS, NUTS AND WASHERS SHALL BEHOT DIP GALVANISED.
- T6. BOLT HOLES IN STEEL PLATES SHALL PROVIDE A SNUG FIT I.E. NOT GREATER THAN 0.5mm LARGER THAN BOLT DIAMETER.
- T7. ALL BOLTS TO BE INSTALLED WITH ONE HARDENED WASHER UNDER THE TURNED PART.
- T8. ALL TIMBER MATERIALS, FASTENERS ETC. TO BE IN ACCORDANCE WITH AS1720.1 - 2011



SITE LOCATION PLAN NTS

NOTE: REFER TO NICK STELLING BUILDING DESIGN SITE PLAN: RHf-03D FOR SCALED SITING ARRANGEMENTS.

GEOTECHNICAL:

REPORT BY: EARTH TEST
REPORT NO: SI 219-23Report
DATED: 23/04/2023
SITE CLASS: 'M' MODERATELY REACTIVE
RELATIVE REACTIVITY 'M' 20-40mm YS
THIS DRAWING MUST BE READ IN CONJUNCTION WITH THE ABOVE REPORT.

PROPERTY DESCRIPTION

LOT 376
ON: RP 739003
DOUGLAS SHIRE COUNCIL

WIND CLASSIFICATION:

AS4055 -2021- WIND LOADS FOR HOUSING
REGION: 'C'
TERRAIN CATAGORY: 2.5
TOPOGRAPHY: T0
SHEILDING: NS
SITE WIND CLASS: C2

STRUCTURE LIVE LOADINGS:

AS1170.1 - STRUCTURAL DESIGN ACTIONS
A1 - SELF CONTAINED DWELLINGS
GENERAL FLOORS: Qlive = 1.5 kPa & 1.8kN
BALCONIES: Qlive = 2.0 kPa & 1.8kN
ROOFS: Qlive = 0.25 kPa
GARAGE: Qlive = 2.5 kPa & 13kN

| REV | DATE | DESCRIPTION | BY | CHKD | DRAWING DETAILS | DRAWING SCALE: uno |
|-----|------------|------------------|----|------|---|--------------------|
| A | 22-05-2023 | FOR CONSTRUCTION | LR | KA | DESIGN LR DRAWN LR CHECK BY KA DATE MAY 2023 FOR CONSTRUCTION | |



Structuralinc Consulting Engineers
Lincoln Roberts - CPEng, NER, RPEQ: 17393

www.structuralinc.com
ph: 0478 009468
e: structuralinc@outlook.com

L.J. Roberts

PROPOSED PRE-FABRICATED LOG CABIN
'PALM BEACH'
AT: 116 HICKORY ROAD, COW BAY QLD
FOR: MR CRAIG PICKARD

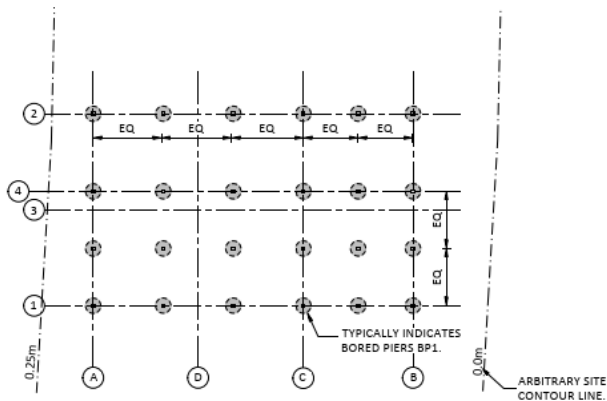
DRAWING TITLE:
LOCATION PLAN & GENERAL NOTES

PROJECT No:
23-011

1 of 4

DWG No:
01

REV
A



FOOTINGS LAYOUT PLAN 1:100 @ A3

REFER TO CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C.PICKARD - FOR SET-OUT DIMENSIONING

CABIN FOOTING SITE NOTES:

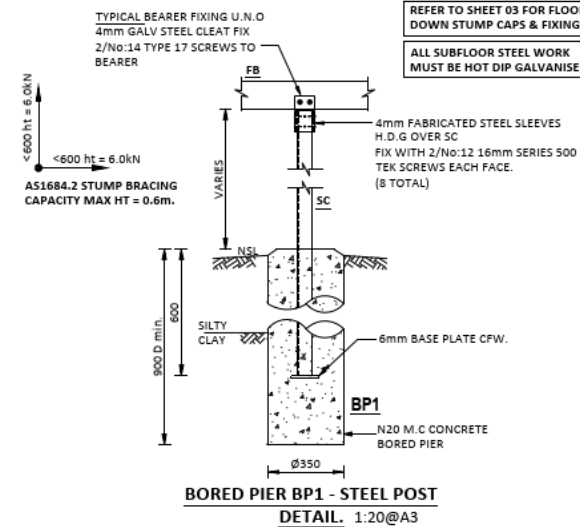
1. SITE CONTAINS STIFF SANDY SILTY-CLAY >100kPa AT 0.8m BELOW NSL.
2. ALL FOOTINGS MUST FOUND >100kPa SANDY SILTY-CLAY.
3. VERIFICATION OF BEARING CAPACITY MUST BE UNDERTAKEN BY SUITABLY QUALIFIED COMPETENT PERSON.
4. SITE RELATIVE SOIL REACTIVITY 'M' SLIGHTLY = 20-40mm SEASONAL VARIATION.
5. BASES OF ALL EXCAVATIONS MUST BE FREE OF LOOSE MATERIAL AND WATER PRIOR TO CONCRETE PLACEMENT.
6. ENSURE ALL BORED PIER FOOTINGS ARE DOMED ABOVE NSL.
7. ENSURE ALL STORMWATER FLOWS AWAY FROM BUILDING FOUNDATIONS.
8. TERMITE PROTECTION MUST BE PROVIDED IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE.

FOOTING LEGEND:

| MARK | DESCRIPTION |
|------|--------------------------------------|
| BP1 | Ø350 X 900d M.C BORED PIER |
| | N20 CONC 10mm AGG 100mm SLUMP ± 20mm |

GEOTECHNICAL:

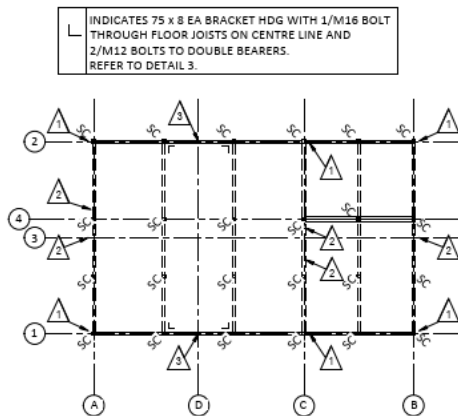
REPORT BY: EARTH TEST
 REPORT NO: SI 219-23report
 DATED: 23/04/2023
 SITE CLASS: 'M' MODERATELY REACTIVE
 RELATIVE REACTIVITY 'M' 20-40mm Y5
 THIS DRAWING MUST BE READ IN CONJUNCTION WITH THE ABOVE REPORT.



BORED PIER BP1 - STEEL POST
 DETAIL: 1:20@A3

NOTE: THIS DRAWING SHALL BE READ IN CONJUNCTION WITH:
 CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C.PICKARD

| REV | DATE | DESCRIPTION | BY | CHKD | DRAWING DETAILS | DRAWING SCALE uno | STRUCTURALINC CONSULTING ENGINEERS LINCOLN ROBERTS - CPENG, NER, RPEQ: 17393 www.structuralinc.com ph: 0478 009468 e: structuralinc@outlook.com L.J. Roberts | PROJECT No: 23-011 2 of 4 |
|-----|------------|------------------|----|------|---|---|--|---------------------------------|
| A | 22-05-2023 | FOR CONSTRUCTION | LR | KA | DESIGN LR DRAWN LR CHECK BY KA DATE MAY 2023 FOR CONSTRUCTION | 0 1.0 2.0 3.0 4.0 5.0m SCALE 1:100 A3 This drawing is not to be copied or amended without written permission from StructuralInc Consulting Engineers. | PROPOSED PRE-FABRICATED LOG CABIN 'PALM BEACH' AT: 116 HICKORY ROAD, COW BAY QLD FOR: MR CRAIG PICKARD DRAWING TITLE: MODIFIED PALM BEACH CABIN - C2 FOOTINGS PLAN & DETAILS | DWG No: 02 REV A |



REQ'D = 41.7 kN
PROVIDED = 144 kN min.

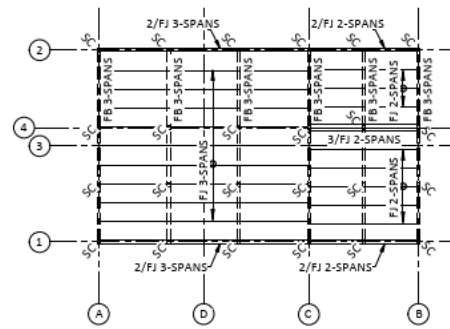
REQ'D = 28.4 kN
PROVIDED = 144 kN min.

SUBFLOOR BRACING VALUES
AS4055 - C2

DETAIL NOTE:
INDICATES FLOOR TIE DOWN
FIXING AS DETAILED.

FLOOR TIE DOWN & BRACING PLAN 1:100 @ A3

REFER TO CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD - FOR SET-OUT DIMENSIONING

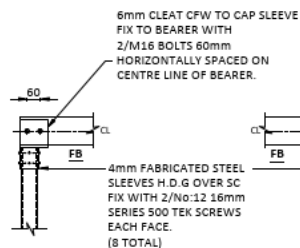


| FLOOR FRAME SCHEDULE: | |
|-----------------------|---|
| MARK | DESCRIPTION |
| SC | 75 x 4 C350 SHS - STUB COLUMN H.D.G |
| FJ | 96 x 45 KD F7 SPRUCE @ 436crs MAX. (H3) |
| FB | 2/140 x 35 KD MGP10 BEARERS (H3) CONTINUOUS SPANS AS SHOWN ON PLAN |

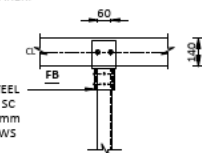
NOTE: 96x45 F7 SPRUCE PINE FLOOR JOISTS HAVE BEEN CALCULATED TO EXCEED THE DYNAMIC DEFLECTION OF 1.5mm IN ACCORDANCE WITH AS1720.3
DYNAMIC DEFLECTION REFERS TO THE "BOUNCE" IN FLOOR PERFORMANCE. ALTHOUGH THESE JOIST ARE STRUCTURALLY ADEQUATE FOR DESIGN STRENGTH CRITERIA WE RECOMMEND REDUCING THE 3-SPAN FLOOR JOIST SPACING TO 400crs MAX.

FLOOR FRAME LAYOUT PLAN 1:100 @ A3

REFER TO CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD - FOR SET-OUT DIMENSIONING

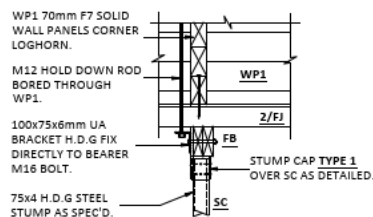


HOLD DOWN STUMP CAP
TYPE 1 DETAIL 1:20@A3



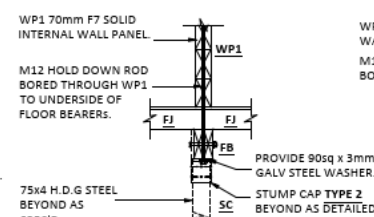
HOLD DOWN STUMP CAP
TYPE 2 DETAIL 1:20@A3

NOTE:
ALL HOLD DOWN STUMP FIXINGS MUST HAVE 2/M16 BOLTS HORIZONTALLY SPACED POSITIONED ON THE CENTERLINE OF THE BEARER.
ALL BEARER FIXING NOT SUBJECT TO UPLIFT FORCES SHALL BE STANDARD CAP FIXINGS AS DETAILED ON SHEET 02.



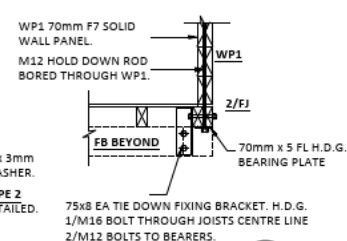
DETAIL 1
SCALE 1:20 @A3

EXTERNAL WALL & LOG-HORN HOLD DOWN FIXING DETAIL



DETAIL 2
SCALE 1:20 @A3

EXTERNAL & INTERNAL WALL HOLD DOWN FIXING DETAIL



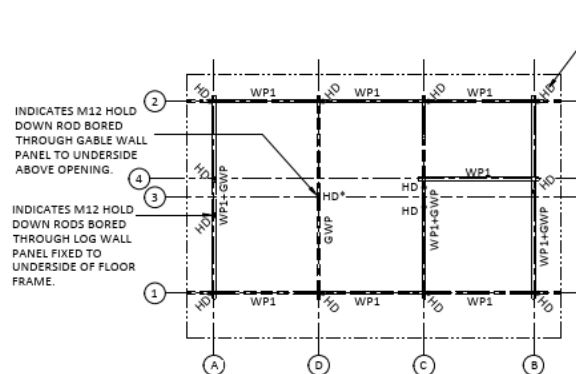
DETAIL 3
SCALE 1:20 @A3

EXTERNAL WALL HOLD DOWN FIXING DETAIL

NOTE: THIS DRAWING SHALL BE READ IN CONJUNCTION WITH:
CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD

| REV | DATE | DESCRIPTION | BY | CHKD | DRAWING DETAILS | DRAWING SCALE uno | <div> <div>StructuralInc Consulting Engineers</div> <div>Lincoln Roberts - CPEng, NER, RPEQ: 17393</div> <div>www.structuralinc.com</div> <div>ph: 0478 009468</div> <div>e: structuralinc@outlook.com</div> <div>L.J. Roberts</div> </div> | | PROJECT No: | 3 of 4 | REV |
|-----|------------|------------------|----|------|---|--|---|--|-------------|---------|-----|
| A | 22-05-2023 | FOR CONSTRUCTION | LR | KA | DESIGN LR DRAWN LR CHECK BY KA DATE MAY 2023 FOR CONSTRUCTION | 0 1.0 2.0 3.0 4.0 5.0m SCALE 1:100 A3 | | | 23-011 | | A |
| | | | | | | | | | | DWG No: | |
| | | | | | | | | | | 03 | |

PROPOSED PRE-FABRICATED LOG CABIN
'PALM BEACH'
AT: 116 HICKORY ROAD, COW BAY QLD
FOR: MR CRAIG PICKARD
DRAWING TITLE:
MODIFIED PALM BEACH CABIN - C2
FLOOR TIE DOWN & FRAME PLAN AND FIXING DETAILS.



WALL FRAME & TIE DOWN PLAN 1:100 @ A3

REFER TO CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD - FOR SET-OUT DIMENSIONING

EXTERNAL TIMBER DURABILITY RECOMENDATIONS:

CABIN WALL PANELS & ROOF BOARD EXTERNAL SURFACES SHOULD BE EFFECTIVELY SEALED WITH EITHER:

- 1-COAT EXTERNAL UNDERCOAT & 2-COATS OF EXTERNAL WEATHER DURABLE PAINT WITH CAULK
- 3-COATS OF INTERGRAIN ULTRA-CLEAR MARINE GRADE EXTERNAL TIMBER FINISH.

WALL FRAME SCHEDULE:

WALL PANELS:

WP1 70mm F7 NORDIC SPRUCE PINE SOLID WALL PANEL ASSEMBLED FROM 136 x 70mm DOUBLE TONGUE & GROOVE WALL PLATES.

GWP 70mm F7 NORDIC SPRUCE PINE SOLID GABLE WALL PANEL ASSEMBLED FROM 136 x 70mm DOUBLE TONGUE & GROOVE WALL PLATES.

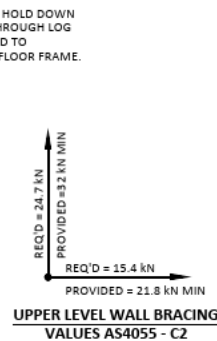
HD M12 HOLD DOWN RODS BORED THROUGH LOGS TO UNDERSIDE OF FLOOR FRAME REFER TO FLOOR TIE DOWN FIXING DETAILS.

WALL PANEL NOTES:

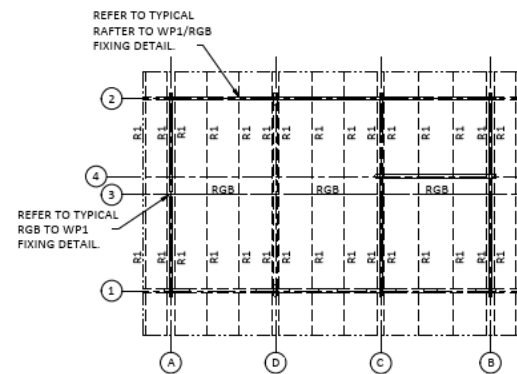
1. WALL PANELS PLATES TYPICALLY MACHINE ROUTED HALF CUT JOINTS INTERLOCKING AT INTERSECTIONS.
2. THE FIRST BOTTOM LAYER OF WALL PLATES SHALL BE VERTICALLY SCREWED FIXED WITH 200mm No:14 TYPE 17 BATTEN SCREWS @ 600cfs TO FLOOR FRAMING THROUGHOUT FULL LENGTH.
3. WP1 TOP 2 LAYERS SHALL BE VERTICALLY SCREWED FIXED WITH 200mm No:14 TYPE 17 BATTEN SCREWS @ 600cfs TO FULL LENGTH OF WALLS.
4. GWP GABLE WALL PANELS TOP 3 TAPERED LAYERS SHALL BE VERTICALLY SCREW FIXED WITH 200mm No:14 TYPE 17 BATTEN SCREWS. REFER TO TYPICAL DETAIL.
5. M12 HOLD DOWN RODS SHALL BE PROVIDED WHERE NOMINATED ADJACENT TO WALL INTERSECTION AND WHERE SHOWN, 160 HOLES TO BE BORED VERTICAL THROUGH WALL PLATES TO ALLOW HOLD DOWN RODS TO BE CONTINUOUS WITH L-BRACKET FIXINGS OVER TOP WALL LAYER TO UNDERSIDE OF FLOOR FRAMING. REFER TO FLOOR FRAME FIXINGS.
6. M12 HOLD DOWN RODS TO BE RE-TENSIONED 1 MONTH POST CONSTRUCTION DUE TO TIMBER GROOVE SETTLEMENTS & ANNUALLY THEREAFTER.
7. INSTALL WALL PANEL STRENGTHENING SQUARE DOWEL INSERTS AS PER CABIN LIFE DESIGN DRAWINGS.

NOTE:
REFER TO CABIN LIFE KIT DRAWING ELEVATIONS FOR LOCATIONS FOR '5P' SQUARE DOWEL WALL STRENGTHENING HIDDEN FIXINGS.

NOTE: THIS DRAWING SHALL BE READ IN CONJUNCTION WITH:
CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD



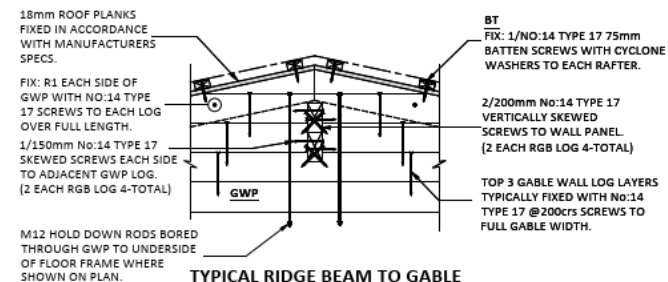
**UPPER LEVEL WALL BRACING
VALUES AS4055 - C2**



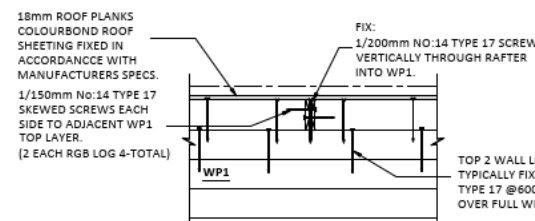
ROOF FRAME PLAN 1:100 @ A3

REFER TO CABIN LIFE DRAWINGS: 230309.2KT - MODIFIED PALM BEACH C. PICKARD - FOR SET-OUT DIMENSIONING

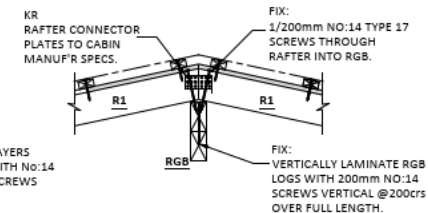
CONSTRUCTION NOTE:
THE CONSTRUCTION BUILDER SHALL PROVIDE A STATUTORY DECLARATION FOR FINAL CERTIFICATION PURPOSES CONFIRMING THAT ALL CONCEALED SCREWED FIXINGS ARE INSTALLED AS DETAILED.



**TYPICAL RIDGE BEAM TO GABLE
WALL PANEL FIXING DETAIL 1:20@A3**



**TYPICAL RAFTER TO WALL
PANEL FIXING DETAIL 1:20@A3**



**TYPICAL RAFTER TO RIDGE
BEAM FIXING DETAIL 1:20@A3**

| REV | DATE | DESCRIPTION | BY | CHKD | DRAWING DETAILS | DRAWING SCALE uno |
|-----|------------|------------------|----|------|---|---|
| A | 22-05-2023 | FOR CONSTRUCTION | LR | KA | DESIGN LR DRAWN LR CHECK BY KA DATE MAY 2023 FOR CONSTRUCTION | 0 1.0 2.0 3.0 4.0 5.0m SCALE 1:100 A3 This drawing is not to be copied or amended without written permission from Structuralinc Consulting Engineers. |

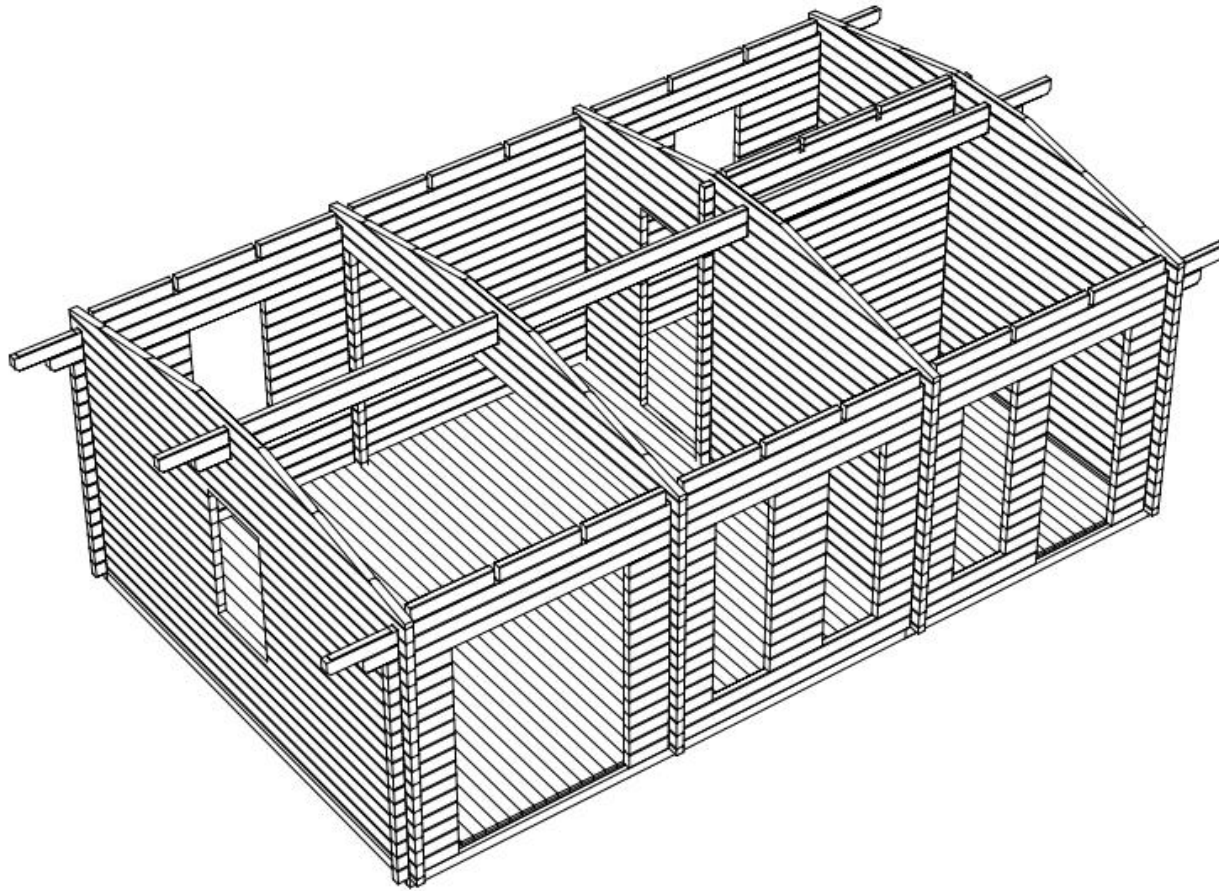
Structuralinc Consulting Engineers
Lincoln Roberts - CPEng, NER, RPEQ: 17393
www.structuralinc.com
ph: 0478 009468
e: structuralinc@outlook.com
L.J. Roberts

**PROPOSED PRE-FABRICATED LOG CABIN
'PALM BEACH'
AT: 116 HICKORY ROAD, COW BAY QLD
FOR: MR CRAIG PICKARD**

DRAWING TITLE:
**MODIFIED PALM BEACH CABIN - C2
WALL FRAME & ROOF FRAME PLAN & TIE DOWN DETAILS**

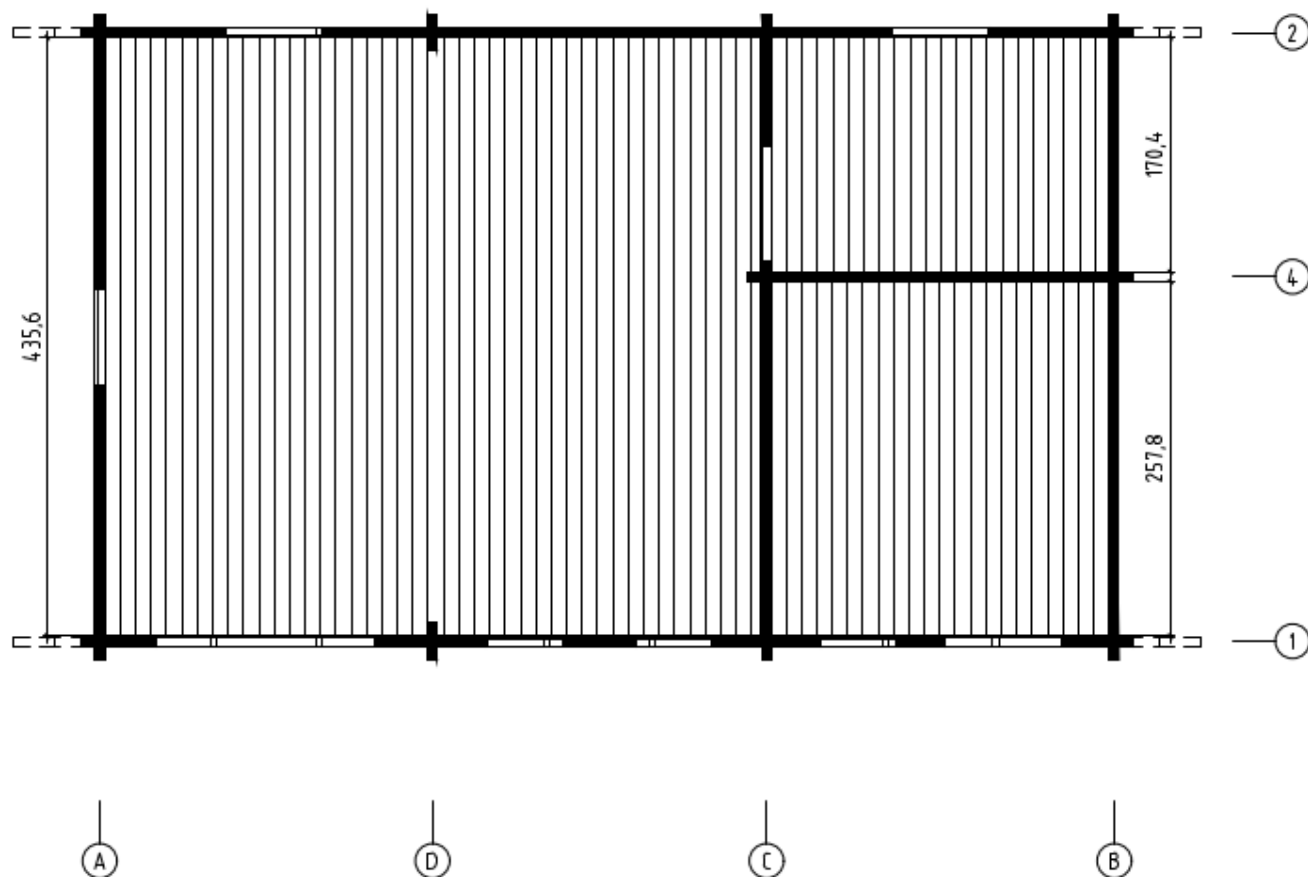
| |
|-----------------------|
| PROJECT No: 23-011 |
| 4 of 4 |
| DWG No: 04 |
| REV A |

Modified Palm Beach C.Pickard
Art. Nr.230309.2KT



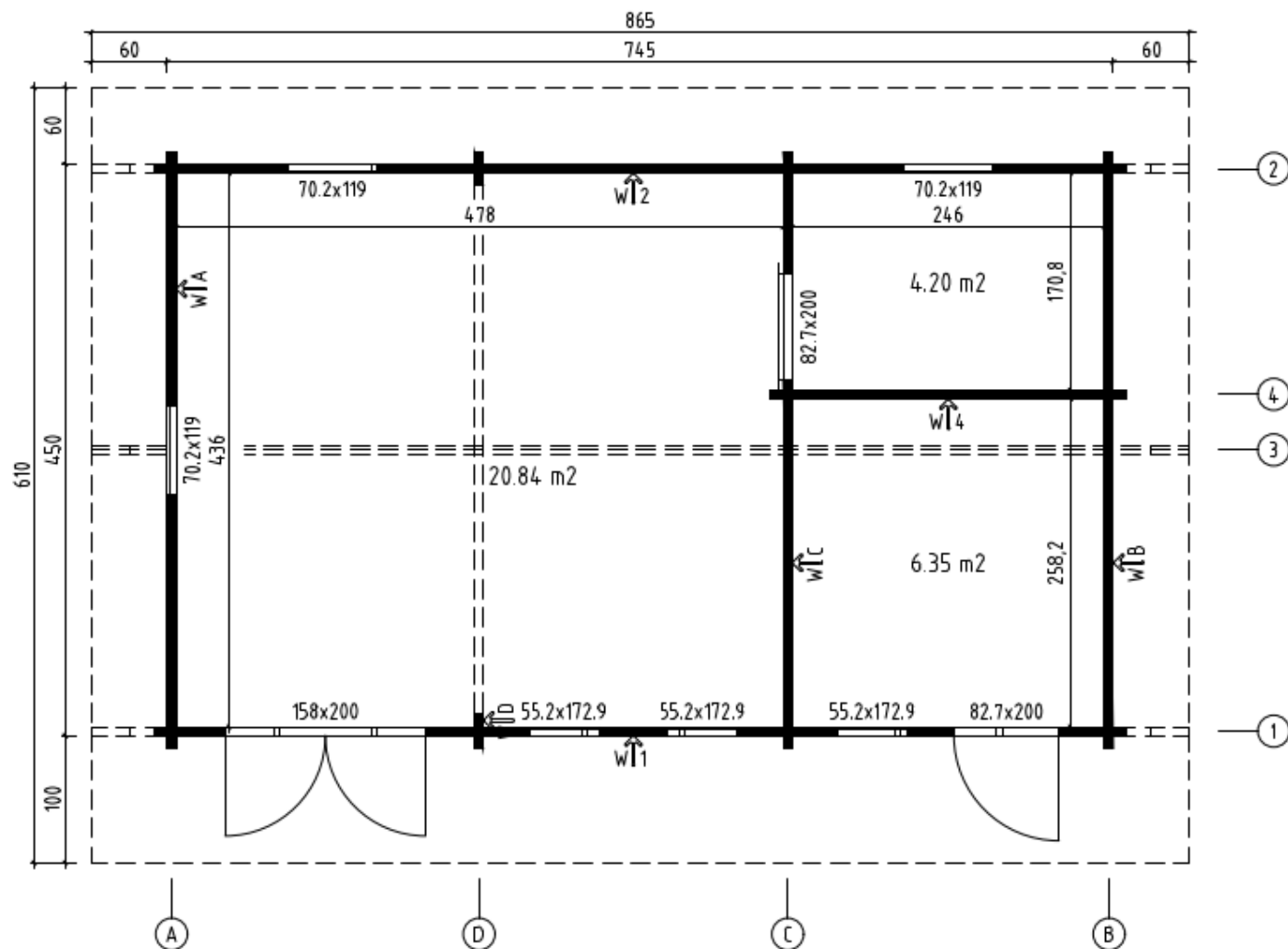
230309.2KT - Modified Palm Beach C.Pickard

FLOOR BOARDS

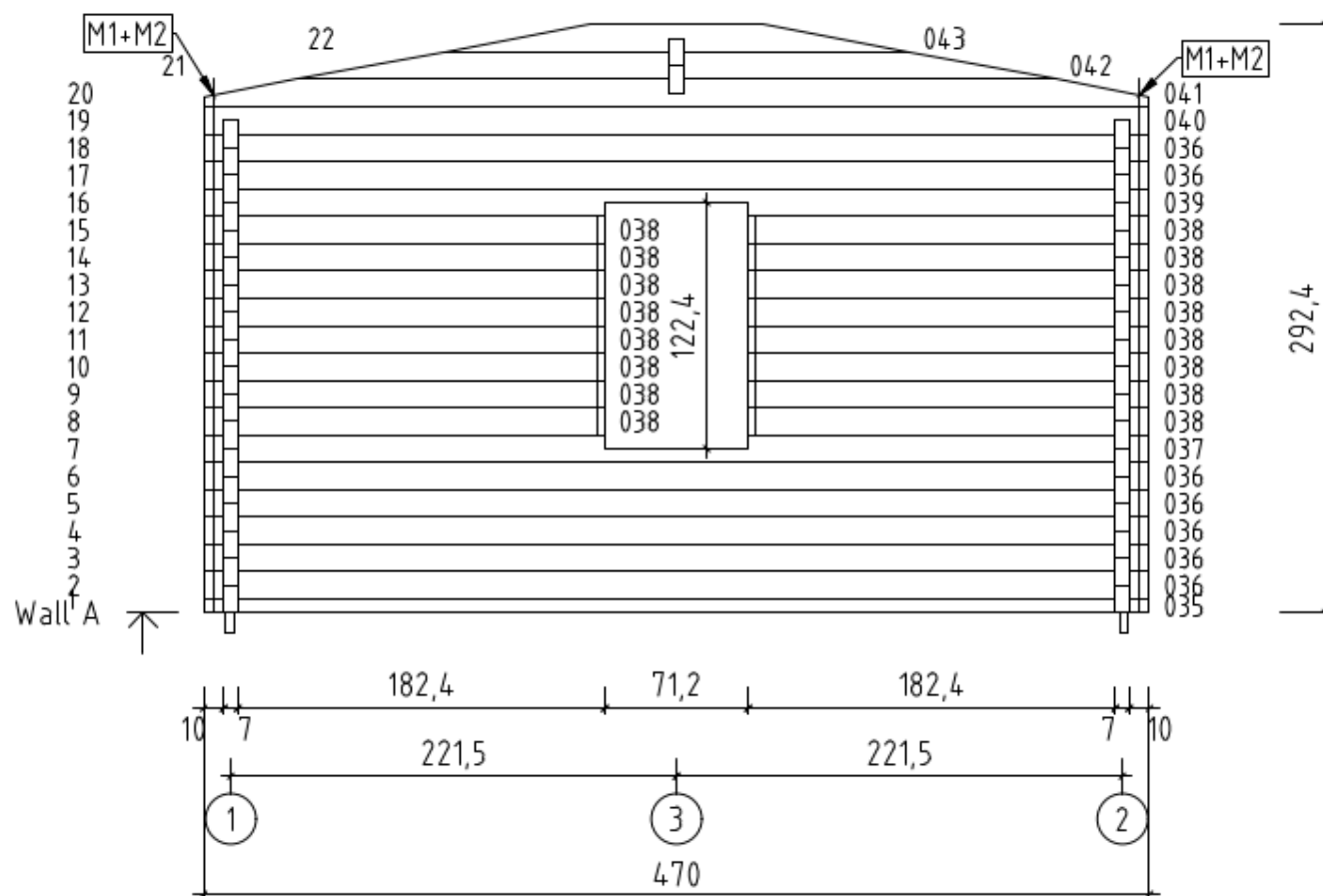


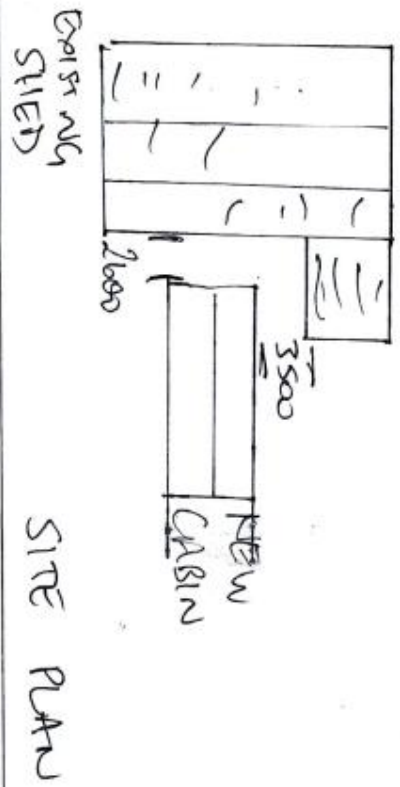
230309.2KT - Modified Palm Beach C.Pickard

GROUNDPLAN



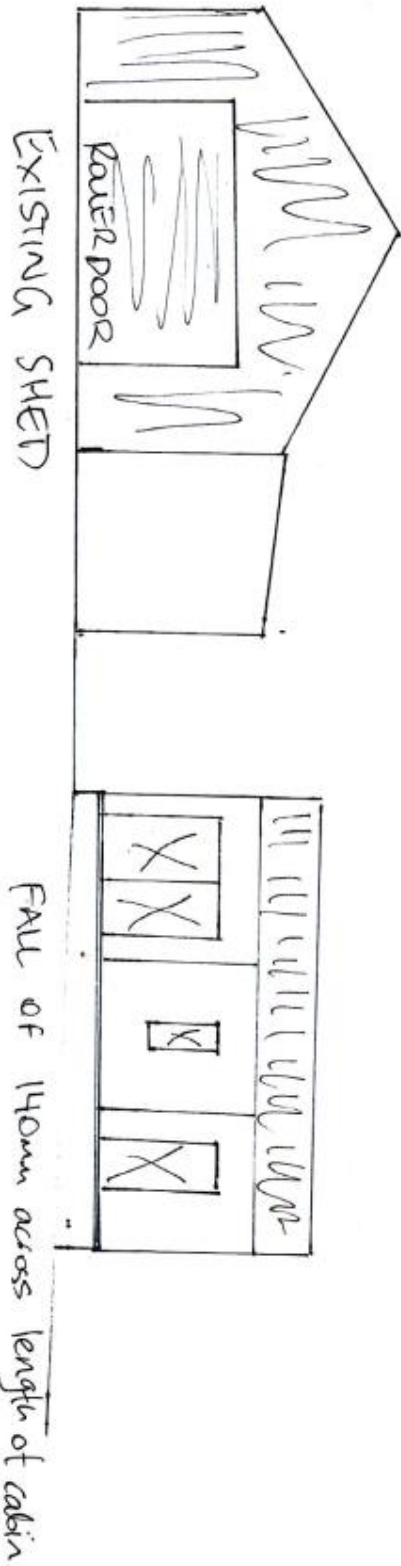
230309.2KT - Modified Palm Beach C.Pickard





COLOUR SCHEDULE

EXTERNAL TIMBER NATURAL SPRUCE
ROOF + GUTTER - PALE EUCALYPT



ELEVATIONS + SITE PLAN

C+A PICKARD
116 HICKORY RD
COW BAY 4873

Architectural drawing of a building section showing a cross-section with multiple rooms, corridors, and structural elements. The drawing includes dimensions for overall size (865 x 258.4), room widths (e.g., 204, 242, 243, 253), and room numbers (e.g., 001, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 015, 016, 017, 018). It also shows structural details like 'Wall 1' and 'SP' (Structural Panel) locations.

[illegible]

Attachment 2 – Existing Approval



PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

13 December 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2011_4205/2 (Doc ID 1055144)
Your Ref: 20205048

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

Troowala Lifetime Super Fund CT Pty Ltd
C-/ GMA Certification Group Pty Ltd
PO Box 831
PORT DOUGLAS QLD 4877

Email: Hannah.D@gmacer.com.au

Attention Ms Hannah Dayes

Dear Madam

**Development Application for Request for Minor Change to the material change use
For a dwelling house (shed) (8/7/2226)
At 116 Hickory Road Cow Bay
On Land Described as Lot 376 on RP739003**

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

Please quote Council's application number: MCUC 2011_4205/2 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully

A handwritten signature in black ink, appearing to be "P. Hoyer", written over a light blue horizontal line.

**For
Paul Hoyer
Manager Environment & Planning**

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under sections 81, 81A & 83 of the Planning Act 2016

Applicant Details

Name: Troowala Lifetime Super Fund CT Pty Ltd (Tte)
Postal Address: C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: Hannah.D@qmacert.com.au

Property Details

Street Address: 116 Hickory Road Cow Bay
Real Property Description: Lot: 376 on RP739003
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for Minor Change for Development Permit (8/7/2226 AKA MCUC 2011_4205) for Material Change of Use for the use of the shed as a dwelling house.

Decision

Date of Decision: 13 December 2021
Decision Details: Approved whereby:

1. The approved plans are amended as follows:

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 |
|---------------------|---|-------------|
| Site Plan | Drawing prepared by Steve Grogan (Council Ref No 3117656) | 31 Mar 2011 |
| Floor Plan | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |

| | | |
|--|--|------------------|
| Elevations | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |
| Site plan | Drawing prepared by applicant and provide to council on 26 November 2021 (Council document 1052572). | 26 November 2021 |
| Floor plan | Drawing prepared by applicant and provide to council on 26 November 2021 (Council document 1052572). | 26 November 2021 |
| <u>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</u> | | |
| Rural Allotment Access | Standard Drawing S1105 Issue E | 27 August 2020 |

2. Conditions 8 and 10 are deleted as follows:

- ~~8. The Use of the Shed shall be for purposes ancillary to the residential use of the land.~~
- ~~10. This approval does not authorise the construction of a 'Dwelling Unit' on the site.~~

3. Include the following additional conditions:

Vehicle Access

- 11. Construct a rural allotment access in accordance with the FNQROC Development Manual Standard Drawing S1105 Rev F.
- 12. The Applicant must achieve a change of classification for the shed from a Class 10 to a Class 1A prior to the Commencement of Use.

4. The Advice 6 is deleted and replaced with the new advice as detailed below.

- ~~6. For information relating to the Sustainable Planning Act 2009 log on to www.dgip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.~~
- 6. For information relating to the Planning Act 2016 log on to www.dsdpip.qld.gov.au. To access the FNQROC Regional Development Manual, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au

5. All other conditions of the respective approvals remain unchanged.

Additional Approved Drawing(s) and/or Document(s)

Refer to Attachment 1.

Existing Approval

Refer to Attachment 2.

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 must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

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*.

Rights of Appeal

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*.

A copy of the relevant appeal provisions is attached.

Attachment 1 Additional Approved Drawing(s) and/or Document(s)

PLANNING STATEMENT : 116 Hickory Road, Cow Bay



Site Plan

McSHEDS

SITE PLAN

Client Name: STEVE GREEN
Postal Address: PO BOX 379 CAPEW BACH 4877
Phone: 0434 128 999 Fax: _____
Site Address: 116 HICKORY RD COW BAY

Lot: 376 RP: 739003 Local Authority: Caribou Region

Please ensure Roller Door position is marked on site plan.

N

HICKORY RD

Signed by Client: _____
Date: _____
Signed on behalf of McSheds: _____
Date: _____

PRELIMINARY SITE PLAN

www.gmacert.com.au

BUILDING APPROVALS & INSPECTIONS

BUILDING CERTIFICATION

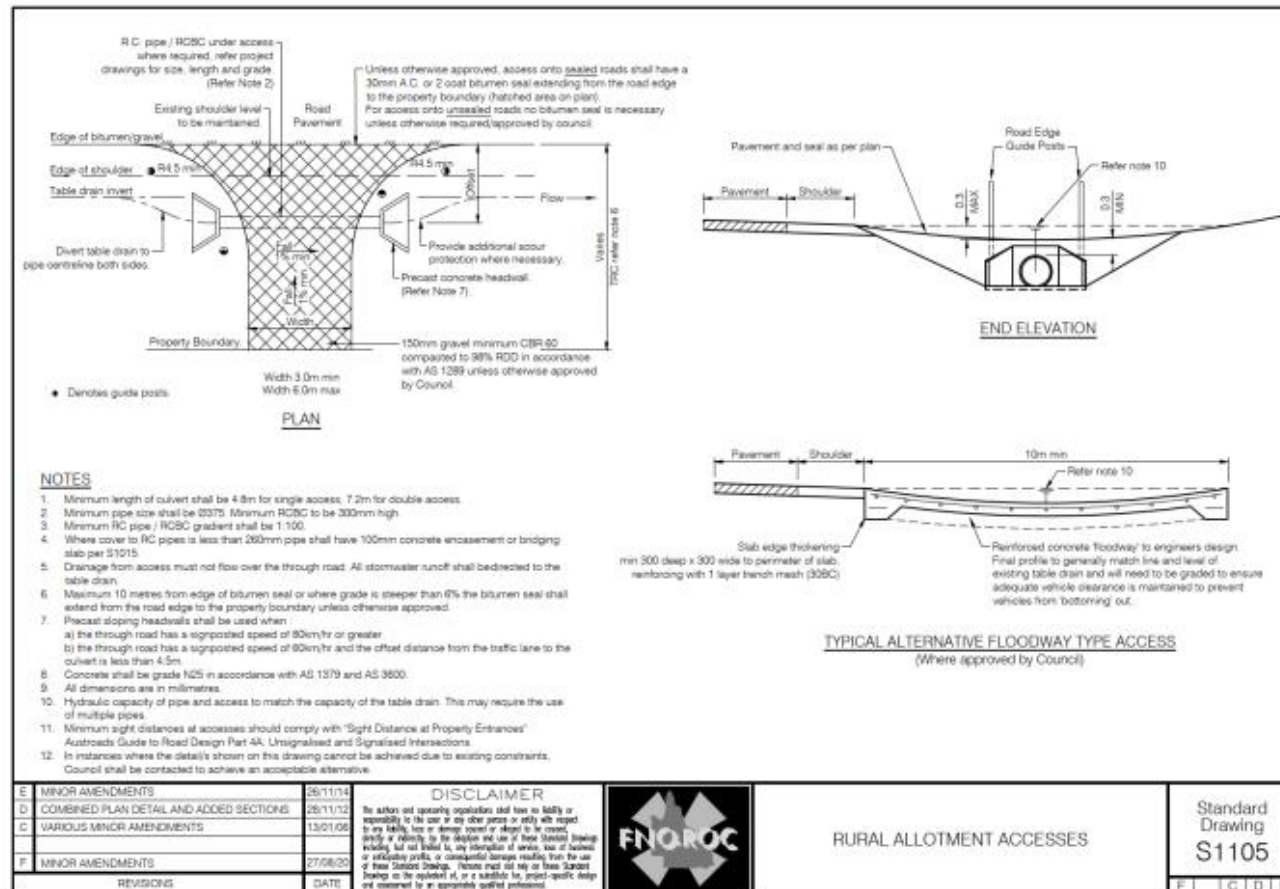
FIRE SAFETY AUDITS

Page 16 of 19

Floor Plan



FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



Attachment 2 – Existing Approval

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/7/2226 (3190784)

6 June 2011

Tamco Builders Pty Ltd
PO Box 468
TOLGA QLD 4882

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 116R HICKORY ROAD COW BAY**

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined under Instrument of Delegation on 6 June 2011.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

40.2011.4205
1/8

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPLICANT DETAILS

Tamco Builders Pty Ltd
PO Box 468
TOLGA QLD 4882

ADDRESS

116R Hickory Road Cow Bay

REAL PROPERTY DESCRIPTION

Lot 376 on RP739003

PROPOSAL

House (Shed)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

6 June 2011

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

40.2011.4205
2/8

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

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

| Drawing or Document | Reference | Date |
|---------------------|---|-------------|
| Site Plan | Drawing prepared by Steve Grogan (Council Ref No 3117656) | 31 Mar 2011 |
| Floor Plan | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |
| Elevations | Drawing prepared by McSheds (Council Ref No 3138956) | 23 Dec 2010 |

ASSESSMENT MANAGER CONDITIONS

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. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

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.

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 to the requirements and satisfaction of the Chief Executive Officer.

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3/8

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.

Generators

5. Noise from; generators, air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment, must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Fuel Storage

6. All fuels must be stored in an undercover and secure location at all times.

Building Colours

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

The following proposed building colours are approved for use:

Exterior Walls – Dune
Roof – Bushland

The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Land Use (Shed)

8. The use of the shed shall be for purposes ancillary to the residential use of the land.

Landscaping

9. All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

40.2011.4205
4/8

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Exclusions

10. This approval does not authorise the construction of a "Dwelling unit" on the site.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building works. The applicant will be required to obtain a Development Permit for Building Work 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. The taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Water. Further information can be obtained from the Department of Natural Resources and Water on (07) 4039 8431 or at www.nrw.qld.gov.au.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dgip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

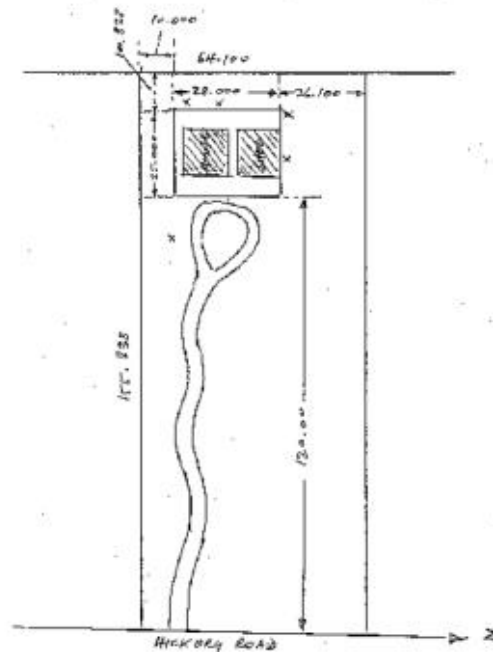
End of Decision Notice

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5/8

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPENDIX 1 APPROVED PLAN(S) AND DOCUMENT(S)
(Future dwelling excluded)

SITE PLAN: PROPOSED CLEARING & SHED CONSTRUCTION
LOT 396, HICKORY ROAD, COW BAY
RP 959003



- X THIS AREA TO 400 M² DUE TO SETBACK
- PROPOSED DWELLING 144 M²
- PROPOSED SHED 126 M²
- (N.B. BUILDING APP' FOR SHED ONLY)

40.2011.4205
6/8

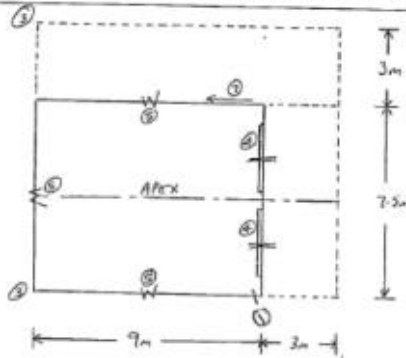
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



SPECIFICATION SHEET

Client Name: STEVE GREGAN
 Postal Address: PO Box 379 CLIFTON BEACH 4879
 Phone: 0434 128 799 Fax: _____
 Site Address: 116 HICKORY RD CONN. BAY

Building: 7.5 Span 1.2 Length 3 Height _____
 Awning: 3 Span 1.2 Length 2.2 Wind Rating _____



Legend

| | | | | | | | |
|----------------------|---|----|----------------------------------|-------------------|-----|-------------------|----|
| 1 | Electrical Conduct 32mm | 5 | Window - 900 x 1100 | | | | |
| 2 | P.A Door | 6 | Window | | | | |
| 3 | Downpipe Round <input checked="" type="checkbox"/> Square | 7 | Sliding Glass Door - 2100 x 1800 | | | | |
| 4 | Roller Door - 2700 x 2700 | 8 | | | | | |
| Generator | Yes | No | Power on site | Yes | No | Distance to power | m |
| Aircoil to Main Roof | Yes | No | m2 | Aircoil to Awning | Yes | No | m2 |
| Aircoil to Main Roof | Yes | No | m2 | Aircoil in Awning | Yes | No | m2 |
| Aircoil to Walls | Yes | No | m2 | Aircoil to Walls | Yes | No | m2 |
| Skatation Paper | Yes | No | m2 | Support Mesh | Yes | No | m2 |

Signed by Client: [Signature]
 Date: 23/12/10
 Signed on behalf of McSheds: [Signature]
 Date: 23/12/10

SPEC SHEET

40.2011.4205
 7/8

40.2011.4205
8/8

[illegible]

Reasons for Decision

The reasons for this decision are:

1. Sections 78, 78A, 79, 81, 81A and 83 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (As Amended) and the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the application for a minor change was properly lodged to the Douglas Shire Council 26 November 2021 under section 78, 78A, 79 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. The application is for a minor change, being a minor change consistent with Schedule 2 of the *Planning Act 2016*;
 - c. the application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, the 2006 Douglas Shire Planning Scheme (As Amended) and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development was code assessable development under the 2006 Douglas Shire Planning Scheme (As Amended);
 - b. the development, where considered under the 2018 Douglas Shire Planning Scheme Version 1.0 is also code assessable development
 - c. Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 of the *Planning Act 2016*; and
 - d. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Through the amended conditions the development complies with the planning scheme and no concerns are raised.

Reasons for Decision

The reasons for this decision are:

1. Sections 78, 78A, 79, 81, 81A and 83 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (As Amended) and the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the application for a minor change was properly lodged to the Douglas Shire Council 29 August 2023 under section 78, 78A, 79 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. The application is for a minor change, being a minor change consistent with Schedule 2 of the *Planning Act 2016*;
 - c. the application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, the 2006 Douglas Shire Planning Scheme (As Amended) and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development was code assessable development under the 2006 Douglas Shire Planning Scheme (As Amended);
 - b. the development, where considered under the 2018 Douglas Shire Planning Scheme Version 1.0 is also code assessable development
 - c. Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 of the *Planning Act 2016*; and
 - d. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (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 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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.