

30 October 2023

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2016_1653/3 (Doc ID 1192199)
Your Ref: 20163777

Ricky J Knowles
C/- GMA Certification Pty Ltd
PO Box 831
PORT DOUGLAS QLD 4877

Email: rebekah@gmacert.com.au

Dear Sir/Madam

**Development Application for a Minor Change for the
Material Change of Use for a Dwelling house
At Ronald Road Forest Creek
On Land Described as Lot 38 on RP735855**

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

Please quote Council's application number: MCUC 2016_1653/3 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
 - Copy of Existing Approval
- Advice For Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under s.83 of the Planning Act 2016

Applicant Details

Name: Ricky J Knowles
Postal Address: C/- GMA Certification Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: rebekah@gmcert.com.au

Property Details

Street Address: L38 Ronald Road, Forest Creek
Real Property Description: Lot 38 on RP735855
Local Government Area: Douglas Shire Council

Details of Proposed Development

Minor change to the Development Permit for a Material Change of Use for a Dwelling house.

Decision

Date of Decision: 30 October 2023

Decision Details: The application for a minor change is approved whereby:

1. The Approved Drawings(s) and/or Document(s) 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 Document	or Reference	Date
Site Plan	Plan prepared by applicant <u>as submitted to Council on 17 October 2023 (Council document 1190604).</u>	August 2016. <u>17 October 2023.</u>

Drawing Document	or Reference	Date
Floor Plan (Shed Dwelling)	Plan prepared by applicant	August 2016.
<u>Amended Plans with varied patio</u>	<u>Plan prepared by applicant as submitted to Council on 17 October 2023 (Council document 1190604).</u>	<u>17 October 2023.</u>
<u>Shed Plan</u>	<u>CMG Consulting Engineers Drawings 36922-51, Amendment A and 36922-52 Amendment A</u>	<u>10 August 2016</u>
<u>Framing & Footing Plan</u>	<u>CMG Consulting Engineers Drawing untitled, dated 10 November 2020 and as amended 18 November 2020 (Council document 1190604).</u>	<u>18 November 2020.</u>

2. All other conditions and advices of the Decision Notices dated 26 September 2016 and 8 February 2012 continue to apply.

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

Copy of the above amended plans, specifications and/or drawings are enclosed.

Existing Approval

Copy of the existing approval is enclosed.

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*.

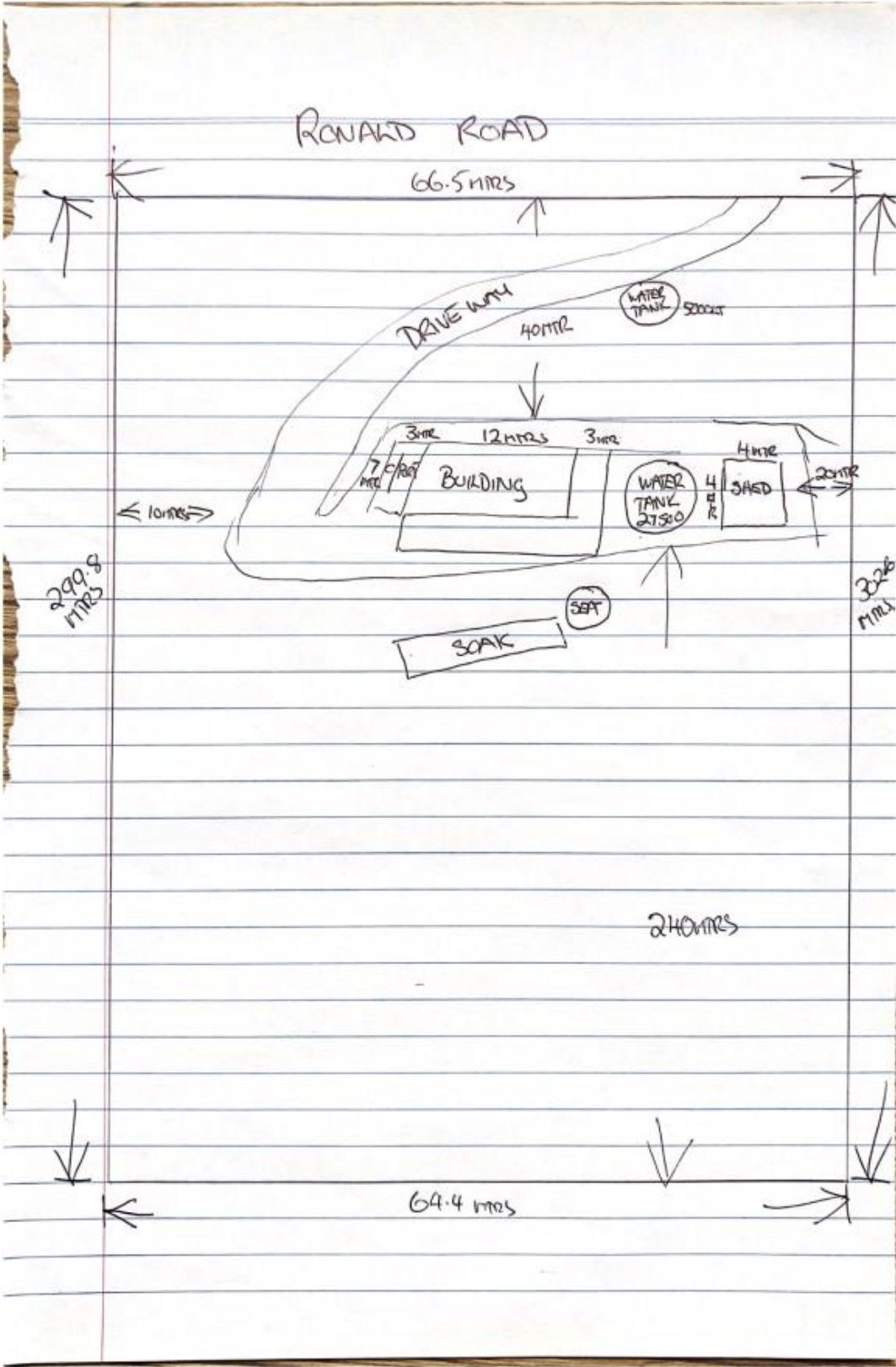
Currency Period for the Approval

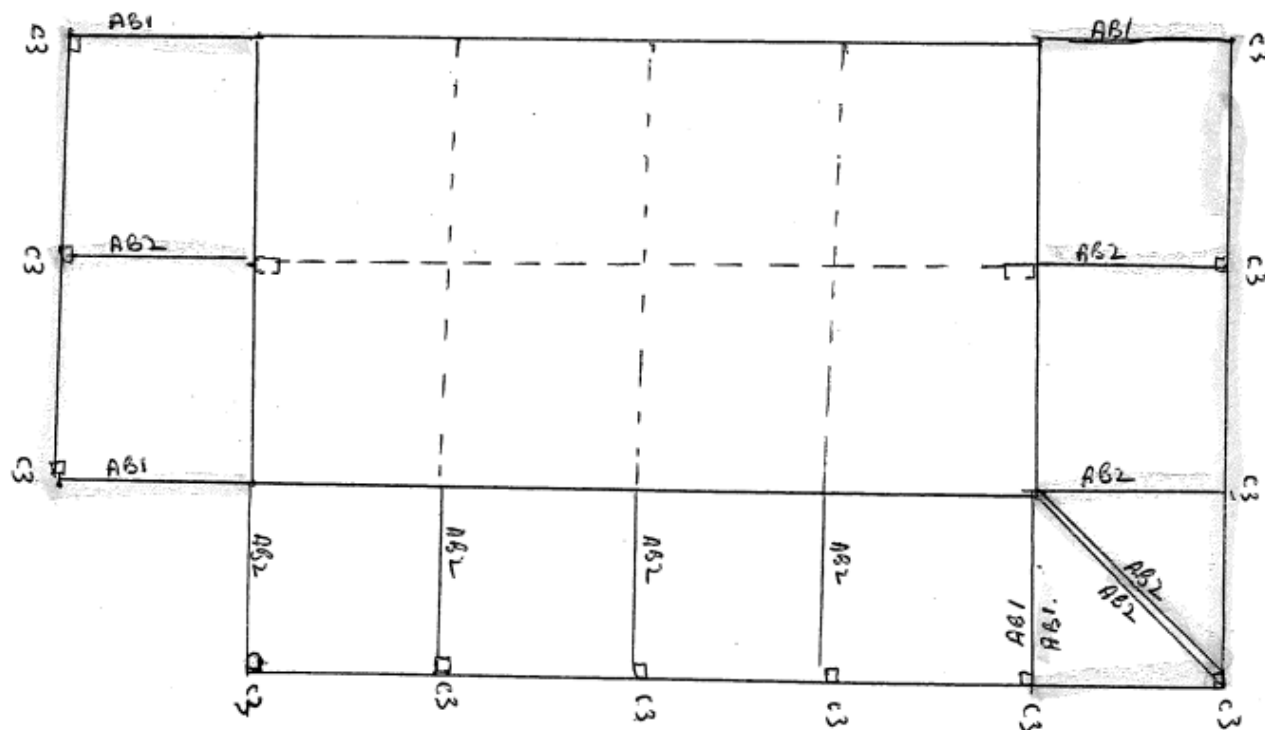
The approval for the minor change does not change the currency period that is currently due to expire on 26 March 2024 under the provisions of the *Planning Act 2016* and the previous approval to the extension of the currency period.

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.

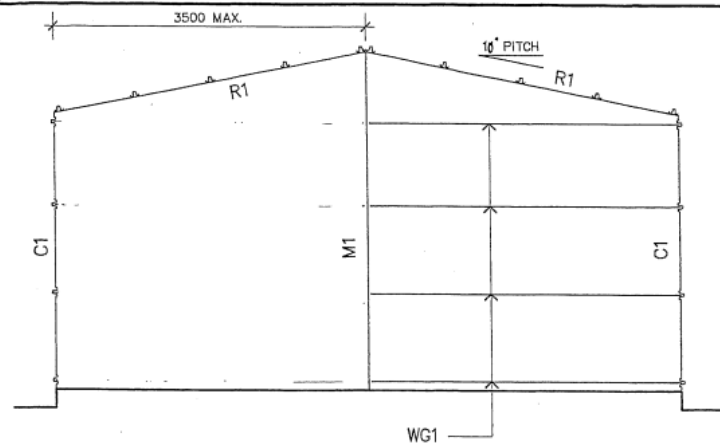




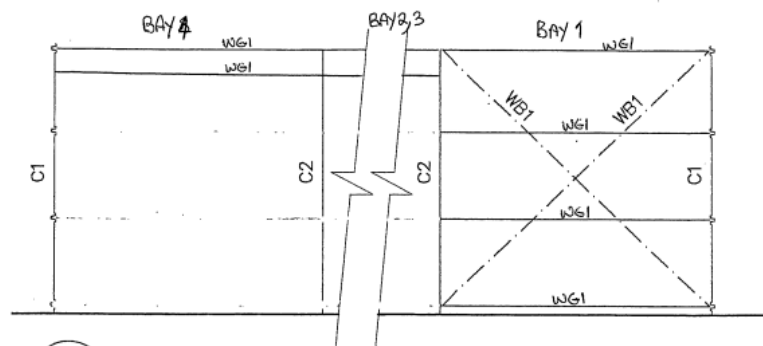
REFER TO ENGINEERING. 10-11-20 42552 01-02-03
 NEW AWNINGS TO DWELLING
 AT: 38 RONALD RD FOREST CREEK VIA DAINTREE.
 FOR: RICK KNOWLES.

CNS 2171

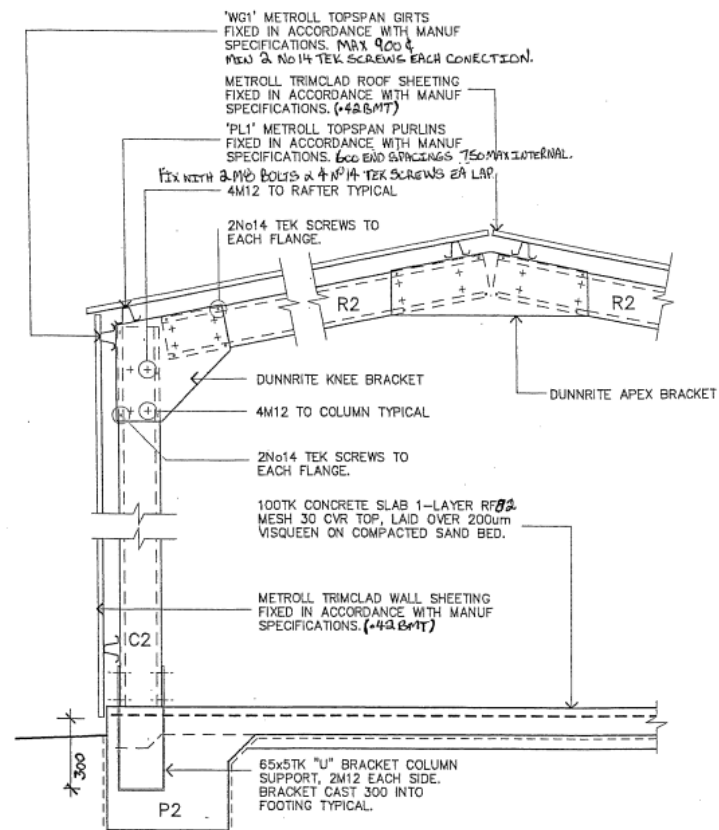
WE CERTIFY THE STRUCTURAL DETAILS
 AS SHOWN ON THESE DRAWINGS FOR
 CONSTRUCTION IN WIND CLASSIFICATION C2
[Signature] 12-8-21
C.M.G. CONSULTING
 ENGINEERS PTY LTD
 ACN 011 065 375
 208 BUCHAN ST
 CAIRNS Q 4870
 PH 07 4031 2775
 FAX 07 4051 9013



END ELEVATION
NOT TO SCALE



SIDE ELEVATION
NOT TO SCALE



SECTION
NOT TO SCALE

CLASS 1A DWELLING.

BASED ON "P" CLASS SITE.

C.M.G. CONSULTING ENGINEERS PTY LTD.

A.G.N. 011 085 375 STRUCTURAL AND CIVIL

208 Buchanan Street
CAIRNS, 4870.
Phone: (07) 4031 2775

P.O. Box 5901
Cairns Mail Centre
Fax: (07) 4051 9013

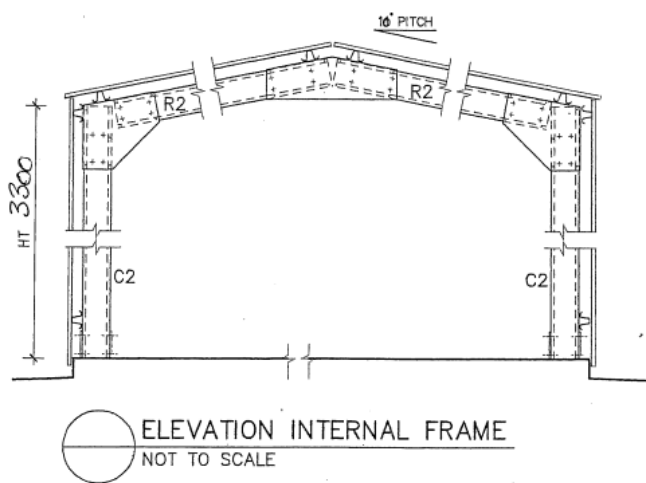
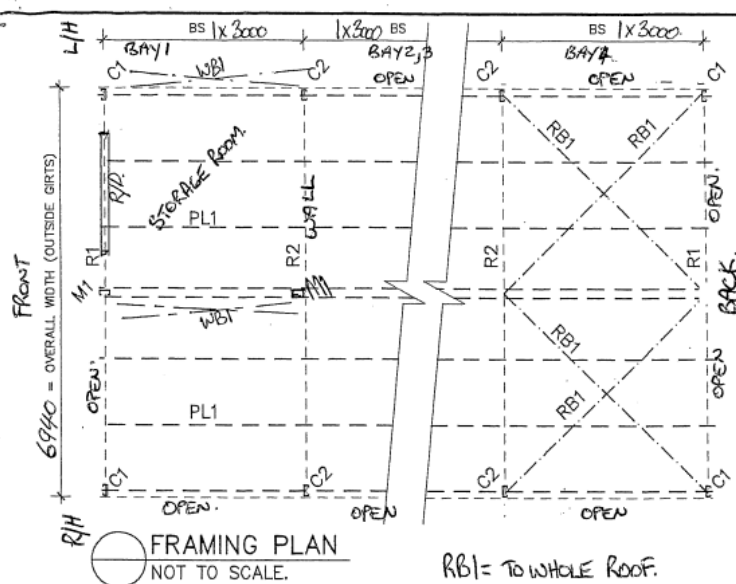
PROPOSED DUNNRITE SHED.

AT 38 RONALD RD FORREST CRK VIA DAINTREE 4873.

FOR MR RICK KNOWELS.

ELEVATIONS & SECTIONS.

SCALE	HOR AS SHOWN	DRAWN	JD
		DESIGNED	CMG
DATE	10-8-16	CHECKED	CMG
APPROVED	<i>[Signature]</i>		
DWG NUMBER	36922-52	AMDT	A



BS = BAY SPACING = 3000 m
HT = HEIGHT = 3300 m

MEMBER SCHEDULE

C1 = C20019
R1 = C20019
C2 = C20019
R2 = C20019
M1 = C15019
RB1 = 30x1.0 GI STRAP
WB1 = 30x1.2 GI STRAP
PL1 = METROLL 64x1.0 TOP
WG1 = SPAN BATTENS.

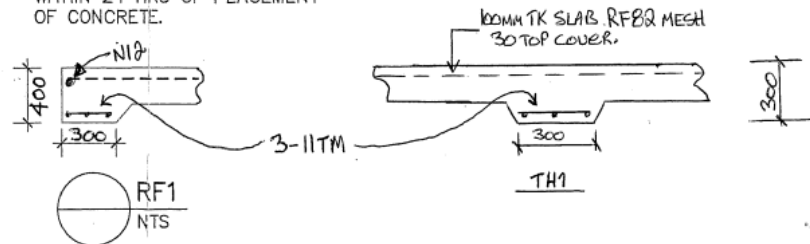
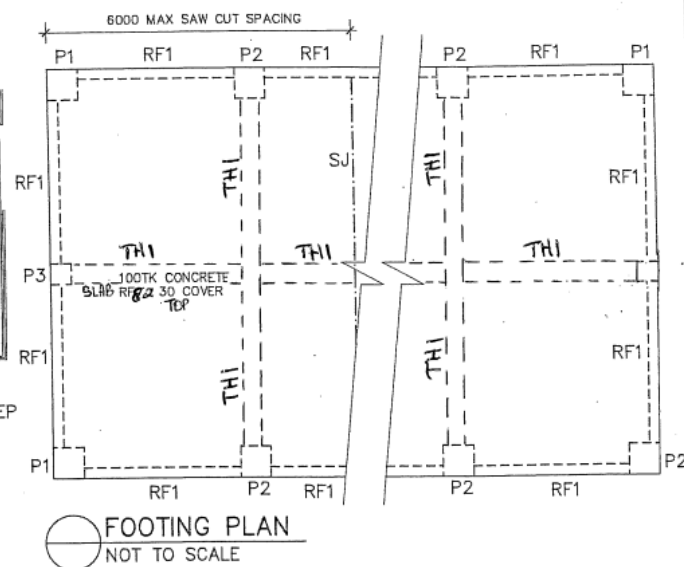
RB1 & WB1 = MIN 8mm 14 TEK SCREWS AT EACH END OF BRACING.

P1 & P2 = 450x450x450 DEEP MASS CONCRETE FOOTING

P3 = 300x300x300 DEEP MASS CONCRETE FOOTING

RF1 = 150x150 SLAB EDGE THICKENING

SJ = 25mm DEEP SAW CUT WITHIN 24 HRS OF PLACEMENT OF CONCRETE.



"CLASS 1 DWELLING."



Based on "p" class sites

C.M.G. CONSULTING ENGINEERS PTY LTD.

ACN. 011 065 375 STRUCTURAL AND CIVIL

208 Buchan Street
CAIRNS, 4870.
Phone: (07) 4031 2775

P.O. Box 5901
Cairns Mail Centre
Fax: (07) 4051 9013

PROPOSED DUNNRITE SHED.

AT 38 RONALD RD FORREST CRK VIA DAINTREE 4873
FOR MR RICK KNOWLES.

PLANS AND SECTION.

SCALE	HOR AS SHOWN	DRAWN	JD
DATE	10-8-76	DESIGNED	CMG
APPROVED	<i>[Signature]</i>		
DWG NUMBER	36922-51	AMDT	A

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 81, 81A and 83 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 24 October 2023 under sections 78 and 79 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy 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 triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. 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

None. Though the conditions of the approval the development complies with the Assessment Benchmarks.



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

8 February 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2016_1653/2 (Doc ID 995231)
Your Ref: 2016377

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

R J Knowles
PO Box 55
TRINITY BEACH QLD 4879

Email C/ admincns@gmacert.com.au

Dear Sir

**Extension to the period of currency for MCU Shed/House
At Ronald Road Forest Creek
On Land Described as Lot 38 on RP735855**

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

Please quote Council's application number: MCUC 2016_1653/2 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
 - Existing Approval
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)

Cc- email to R J Knowles



Decision Notice

Approval

Given under sections 86 and 87 of the Planning Act 2016

Applicant Details

Name: R J Knowles
Postal Address: PO Box 55
Trinity Beach Qld 4879

Email: adminpd@macert.com.au

Property Details

Street Address: Ronald Road Forest Creek
Real Property Description: Lot 38 on RP735855
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for a three year extension to the period of currency for the Development Permit for Material Change of Use for a Shed/House.

Decision

Date of Decision: 8 February 2021
Decision Details: Approved. The currency period of the Development Approval for a Material change of use for a Shed/House is extended for a further three (3) years up to and including 26 March 2024.

Existing Approval

A copy of the existing approval is attached.

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*.

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*.

A copy of the relevant appeal provisions is attached.

Existing Approval

OUR REF: MCUC1653/2016 (789827)

26 September 2016

Ricky John Knowles
PO Box 55
Trinity Beach QLD 4879

Attention: Mr Ricky John Knowles

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR RONALD ROAD, FOREST CREEK**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 26 September 2016, please find attached the relevant Decision Notice.

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 enquiries in relation to this Decision Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Nick Wellwood
General Manager Operations

Att

43.2016.1401
1/7

APPLICANT DETAILS

Ricky John Knowles
PO Box 55
Trinity Beach QLD 4879

ADDRESS

Ronald Road FOREST CREEK

REAL PROPERTY DESCRIPTION

Lot 38 on RP735855

PROPOSAL

House

DECISION

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

DECISION DATE

26 September 2016

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

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	Plan prepared by Applicant	August 2016
Floor Plan (Shed)	Plan prepared by Applicant	August 2016

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, including recommendations and findings confirmed within technical reports; and
 - 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 satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Lawful Point of Discharge

3. The flow of all external 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.

Damage to Council Infrastructure

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

Vegetation Clearing

43.2016.1401
3/7

5. Existing vegetation on the land must be retained in all areas except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires a Permit for Operational Works.

Landscaping

6. All landscaping to be installed must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.
A vegetation buffer must be planted along the boundary adjoining lot 37 on RP735855 in order to screen view from the neighbouring property.

Water Supply

7. Water storage tank(s) with a minimum capacity not less than 30,000 litres must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the Building Application. Such water tank(s) must be provided with:
 - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
 - b. Flap valve at every opening of the tank or other receptacle; or
 - c. Other approved means for preventing the ingress or egress of mosquitoes; and
 - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and
 - e. A 50mm ball valve with a camlock fitting.

Effluent Disposal system

8. The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2002. Details of the wastewater treatment system to be installed must be in accordance with report submitted by Earth Test dated 26 April 2016.

Building Colours

9. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) 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 & Nightsky

Roof – Dune & Nightsky

The above requirements must be made known in writing to all prospective purchasers.

Sediment and Erosion Control

10. Soil and water management measures must be installed/implemented prior to discharge

43.2016.1401
4/7

of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

ADVICE

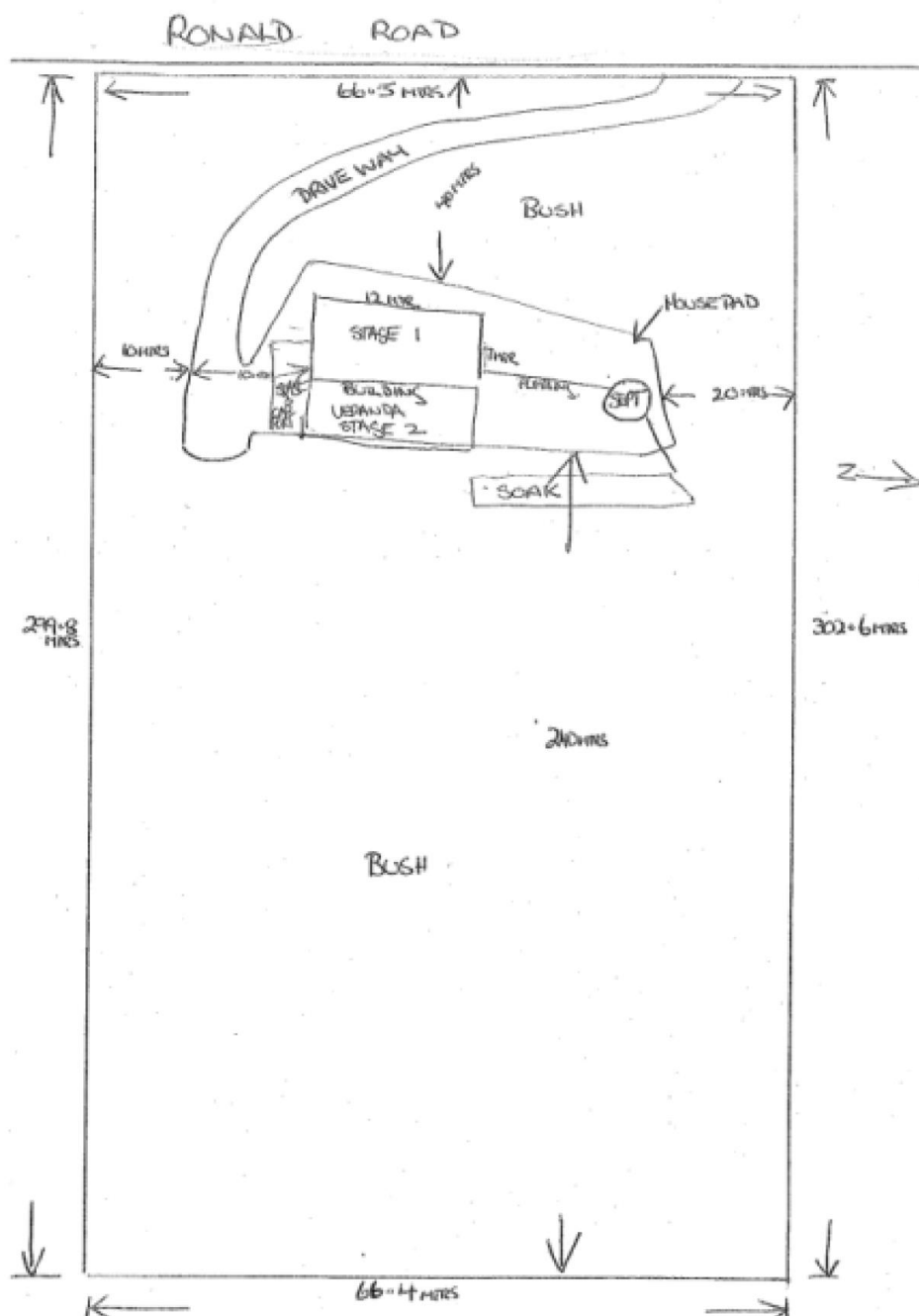
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained 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. For information relating to the *Sustainable Planning Act 2009* log on to www.dilqp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

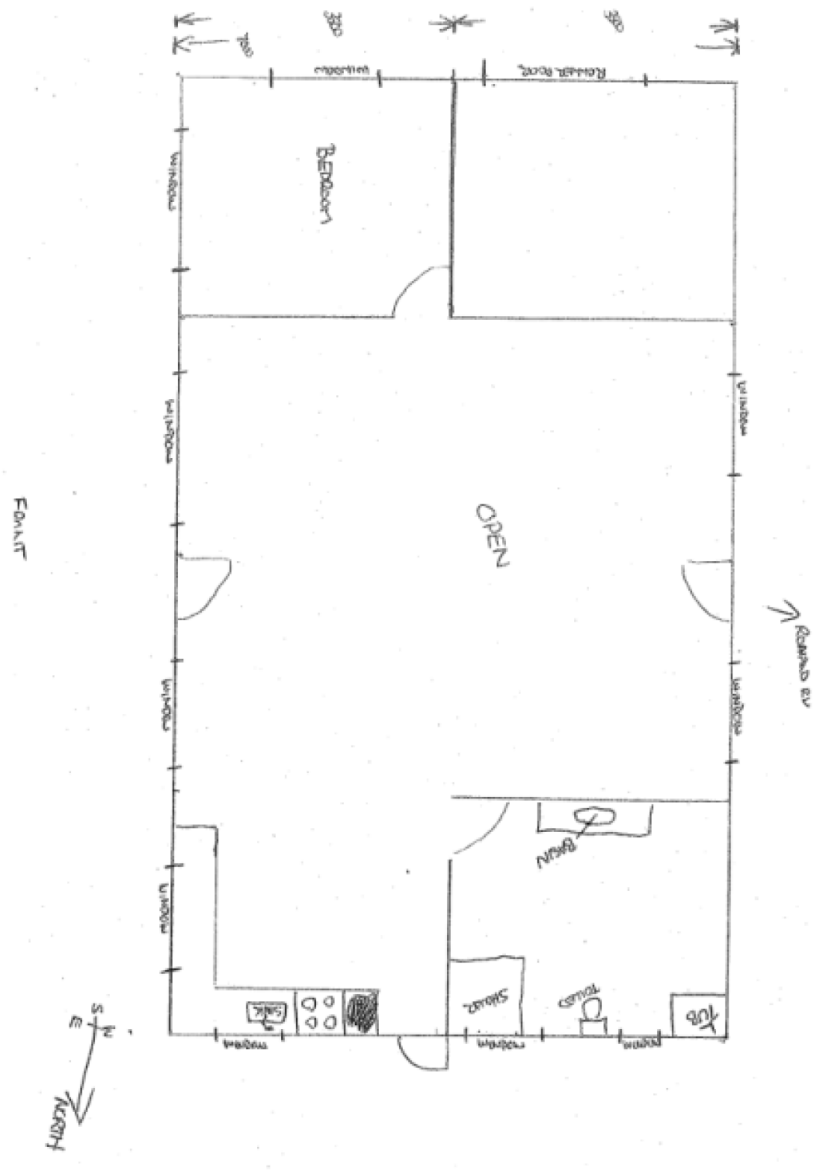
RIGHTS OF APPEAL

Attached

End of Decision Notice

43.2016.1401
5/7





43.2016.1401
7/7

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.