DOUGLAS
SHIRE COUNCIL

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

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

16 June 2022

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2017_2359/2 (Doc ID 1090679)
Your Ref: PR152305

Prosilio Pty Ltd
C/ RPS Australia East Pty Ltd
PO Box 1949
Cairns Qld 4870

Email: Stacey.Devaney@rpsgroup.com.au

Attention Ms Stacey Devaney

Dear Madam

Application for Minor Change and Extension to Currency Period
Development Approval for a Material Change of Use for a Dwelling House
At Ferrero Road Craiglie
On Land Described as Lot 3 on SP161461

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

Please quote Council's application number: MCUC 2017_2359/2 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

For
Paul Hoye
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

Given under sections 81, 81A, 83, 86 and 87 of the Planning Act 2016

Applicant Details

Name:	Prosilio Pty Ltd
Postal Address:	C/ RPS Australia East Pty Ltd PO Box 1949 Cairns Qld 4870
Email:	Stacey.Devaney@rpsgroup.com.au

Property Details

Street Address:	L3 Ferrero Road Craiglie
Real Property Description:	Lot 3 on SP161461
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Application for a minor change to include additional conditions and new advices and to extend the currency period to a Development Permit for a Material Change of Use for a dwelling house.

Decision

Date of Decision: 16 June 2022

Decision Details:

A. The minor change to the Development Permit for a material change of use for a Dwelling House(Council Approval MCUC 2017 _ 2359 dated 16 November 2017), is approved whereby:

1. The following additional conditions are applied to the approval.

   Building Colours

   4. The exterior finishes and colours of Buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Shale Grey, Ironstone and Windspray or similar is approved for use.

Water Supply

5. Water storage tank(s) with a minimum capacity not less than 10,000 litres must be installed prior to occupation of the premises. Such water tanks 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. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

Bushfire Hazard

6. The house construction must be in accordance with AS3959-2009 and AS3959-2018.

Treatment of Onsite Waste

7. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing and Drainage Act 2002 and Section 33 of the Environmental Protection Policy (Water) 1997.

2. The existing advices be deleted and replaced with the following advices

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.

3. For information relating to the Planning Act 2016 log on to https://planning.dsdmip.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..

B. The extension of the currency period up to and including the 17 November 2027 for the Development Permit for a material change of use for a Dwelling House (Council Approval MCUC 2017_2359 dated 16 November 2017).

Existing Approval

A copy of the existing approval, including the relevant plans, specifications and/or drawings together with the conditions 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

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse after the 17 November 2027.in accordance with the provisions of Sections 85, 86 and 87 of the *Planning Act 2016*.

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

DOUGLAS
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F 07 4098 2902

16 November 2017

Enquiries: Jenny Elphinstone
Phone: (07) 4099 9482
Council Reference: MCUC 2359/2017 (D#834122)
Your Reference: 20174418

Prosilio Pty Ltd
PO Box 82
PORT DOUGLAS QLD 4877

Attention Mr Tony McGrath

Dear Sir

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A HOUSE

AT L3 FERRERO ROAD CRAIGLIE ON LOT 3 ON SP161461

Council refers to the above development application as properly made with Council on 15 November 2017. Please find attached the Decision Notice.

Please quote Council's application number MCUC 2359/2017 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully

SIMON CLARKE
A/Manager Sustainable Communities

encl.

- Decision Notice & associated schedules

cc GMA Certification adminpd@gmacert.com.au

MCUC 2359/2017
1 / 22 (D#834122)

DOUGLAS SHIRE COUNCIL
DECISION NOTICE — DEVELOPMENT PERMIT (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)

Douglas Shire Council has assessed your application and decided it as follows.

1. Location details

Street address:	Lot 3 Ferrero Road, Craiglie
Real property description:	Lot 3 on SP161461
Local government area:	Douglas Shire Council

2. Details of the proposed development

Development Permit for Material Change of Use for a House in respect to P4, Rural Planning Area Code, 2006 Douglas Shire Planning Scheme (as amended).

3. Decision

Decision details:	A Development Permit for a Material Change of Use for a House is approved in full with conditions. These conditions are set out in Schedule 1 and the approved plans are included in Schedule 2.
Date of decision:	16 November 2017

4. Approved drawing(s) and / or document(s)

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

Drawing/report title	Prepared by	Date	Reference no.	Version
3D Views Site Plan Detail Site Plan Floor and Area Plans, Floor Plan – Northern Half Floor Plan – Southern Half Elevations – Sheet 1 Elevations – Sheet 2	Greg Skyring Design & Drafting	9/10/2017	Sheets 1 - 8 of 8	A

A copy of the listed drawings(s) and / or documents is included in Schedule 2.

5. Conditions

This approval is subject to the conditions and advices included in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

6. 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.

Approvals are also required for:

- All Plumbing and Drainage Work.

7. Properly made submissions

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

8. Referral agencies for the application

Not applicable

9. Currency period for the approval

Under section 85(1)(a) of the *Planning Act 2016*, the relevant period for any development approval is to be six (6) years starting from the day the approval takes effect.

10. Reasons for decision

The reasons for this decision are:

A. Section 60 of the *Planning Act 2016*:

   i. conditions 1 and 2; and

   ii. to ensure the development satisfies the Performance Criteria stated in P4, Rural Planning Area Code, 2006 Douglas Shire Planning Scheme (as amended).

B Findings on material questions of fact:

   i. The development application was properly lodged to the Douglas Shire Council on 15 November 2017 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and

   ii. The development application contained a report which Council reviewed together with Council's own investigation in making its assessment manager decision.

C. Evidence or other material on which findings were based:

i. The development triggered assessable development under Performance Criteria stated in P4, Rural Planning Area Code, 2006 Douglas Shire Planning Scheme (as amended);

ii. Council undertook an assessment in accordance with the provisions of section 60 of the *Planning Act 2016;* and

iii. The applicant's reasons are concurred with and the following findings are also made:

a. As the road is of a gravel finish the land is subject to dust emissions in particular during the dry season. A condition of the approval requires the applicant to maintain a 6m wide vegetation buffer that has a height of approximately 2 metres, except at the driveway entry to ensure good sight lines. This condition is imposed to minimise the impact of dust from the road; and

b. No details have been provided regarding compliance or otherwise for P14 and the standard of vehicle access. It is noted no application has been lodged for non-compliance with the Acceptable Solution / Planning Scheme Policy. These matters can be sufficiently addressed by an Advice Statement.

11. Rights to make Representations and rights of appeal

The rights of applicants to make representations and to appeal are included in Schedule 4.

END DECISION NOTICE

Schedule 1 - Conditions and advices imposed by the 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. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

   Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Landscape Buffer

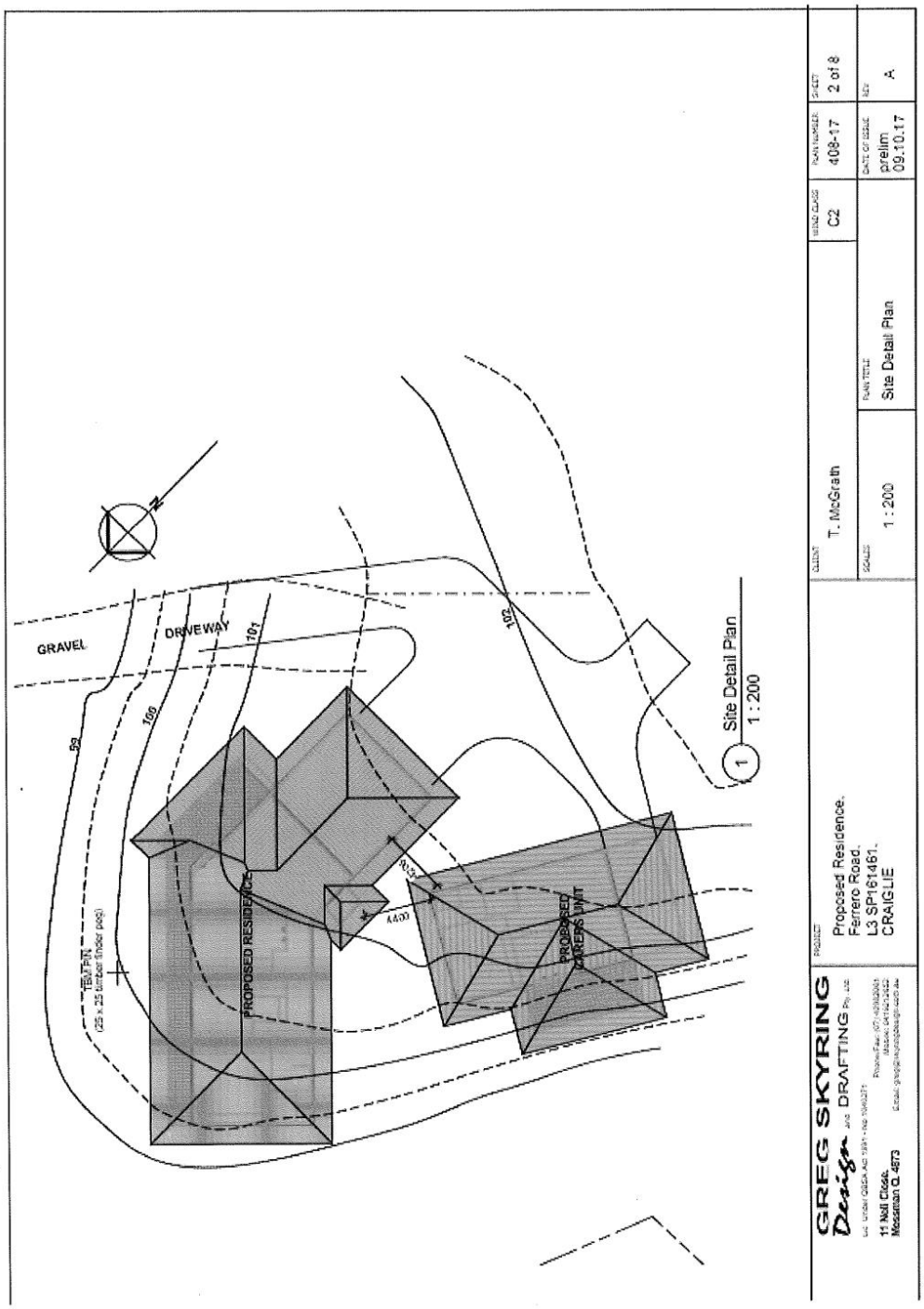
3. The owner must provide and maintain a 6m wide landscape buffer from the property boundary to the road, with exception at the intersection of the driveway to achieve good sight lines. The landscape buffer is to be established with species to provide an approximate height of 2m after five years of growth.

Advice Notes

1. The Applicant's attention is drawn to P14, Rural Planning Area Code, 2006 Douglas Shire Planning Scheme (as amended). No details were provided or a development application sought regarding non-compliance with the associated A14.1. Given the elevation of the building the external finishes also need to apply to the underside of the building where exposed.
2. The Applicant's attention is drawn to the FNQROC Development Manual Drawing S1105 Rural Allotment Accesses for the standard vehicle crossing. A copy of the latest version of this drawing is included in Schedule 3.
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 including Council's Planning Scheme and the *FNQROC Development Manual.*
5. For information relating to the *Planning Act 2016* log on to 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 .

Schedule 2 – Approved drawing(s) and / or document(s)

GREG SKYRING Design and DRAFTING Pty. Ltd. 11 Noll Close, Mossman Q. 4873	PROJECT: Proposed Residence, Ferrero Road, L3 SP161461, CRAIGLIE	CLIENT: T. McGrath	WIND CLASS: C2	PLAN NUMBER: 408-17	SHEET: 1 of 8
		SCALES:	PLAN TITLE: 3D Views	DATE OF ISSUE: prelim 09.10.17	REV: A



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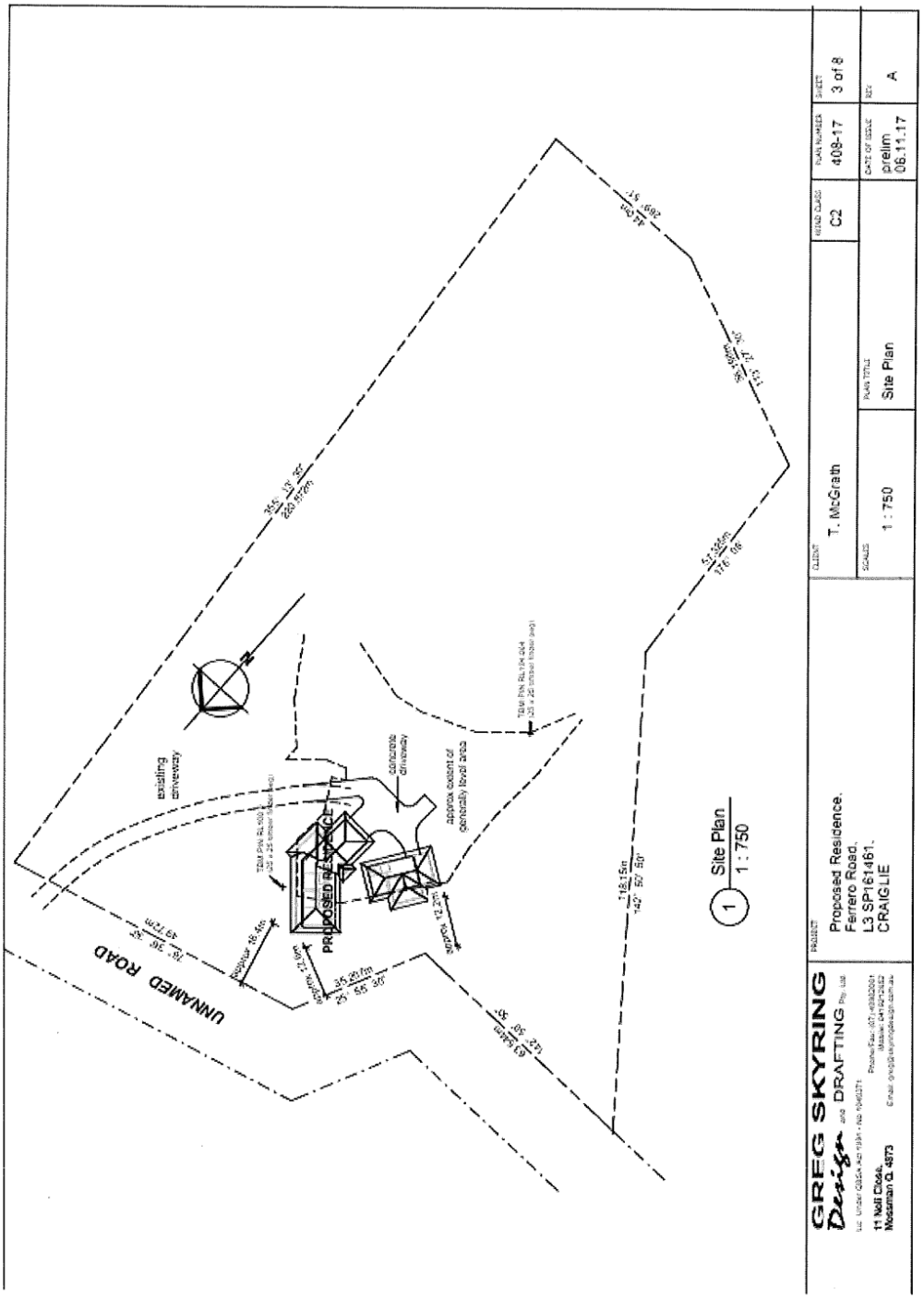

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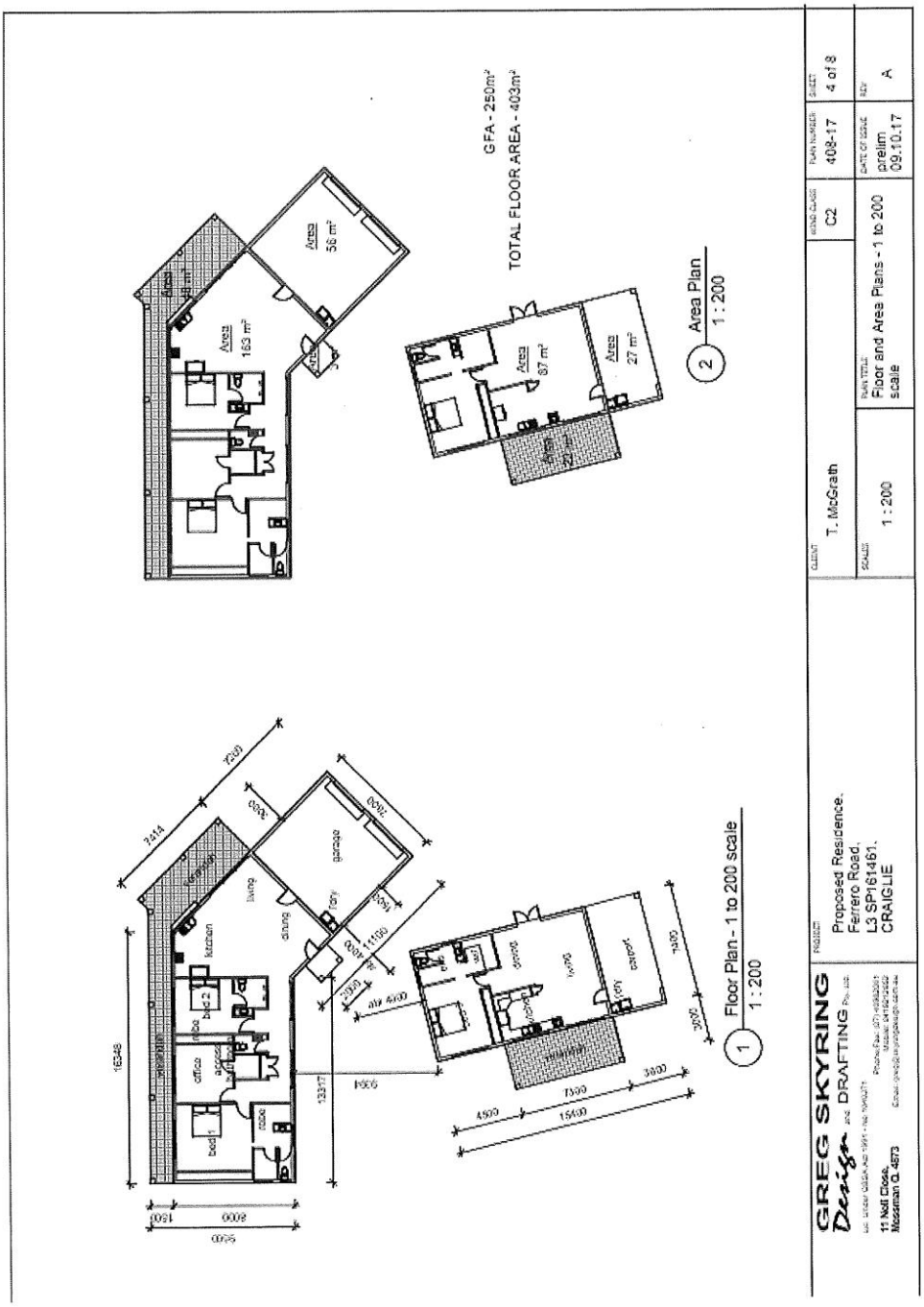
8 / 22 (D#834122)



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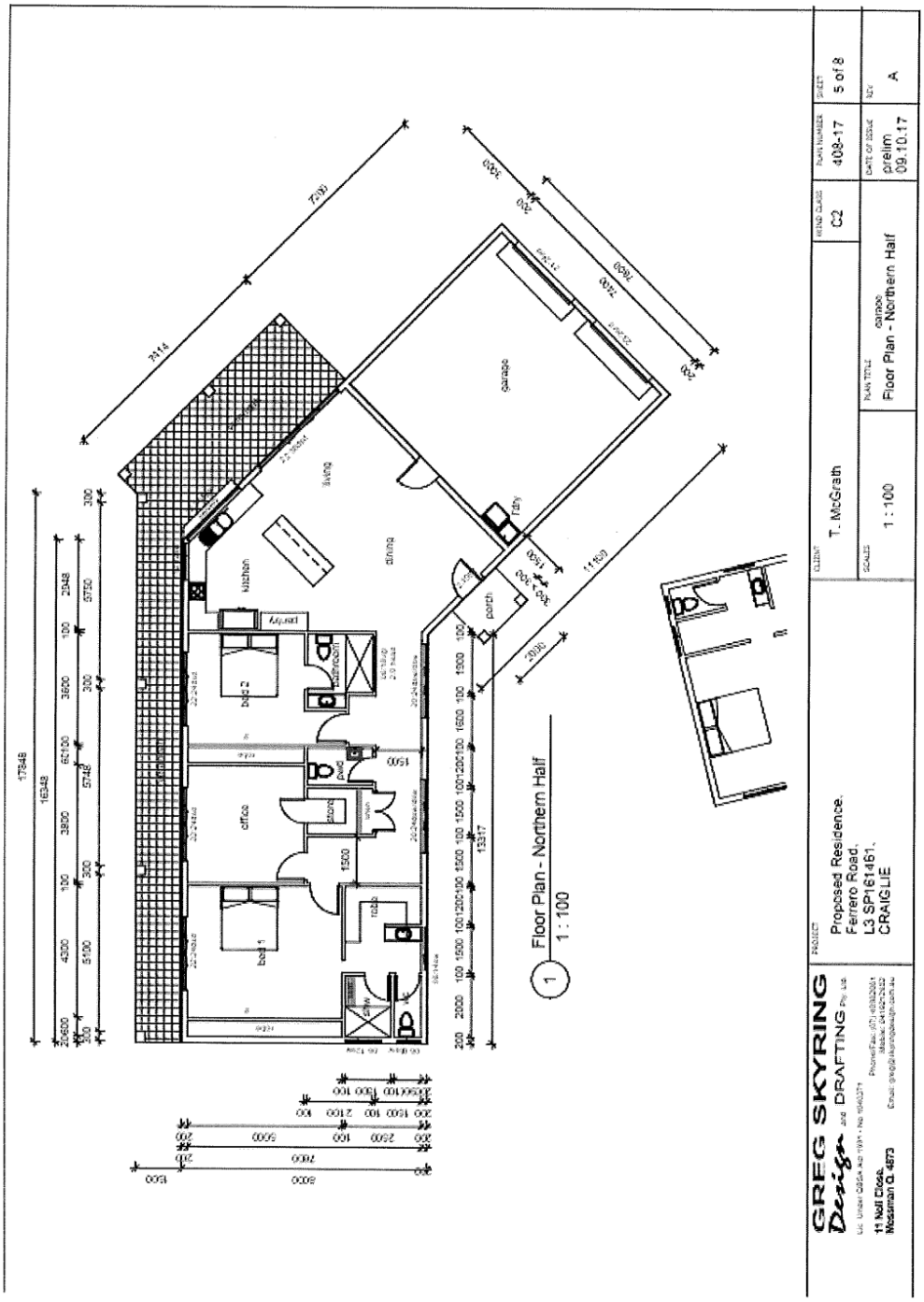

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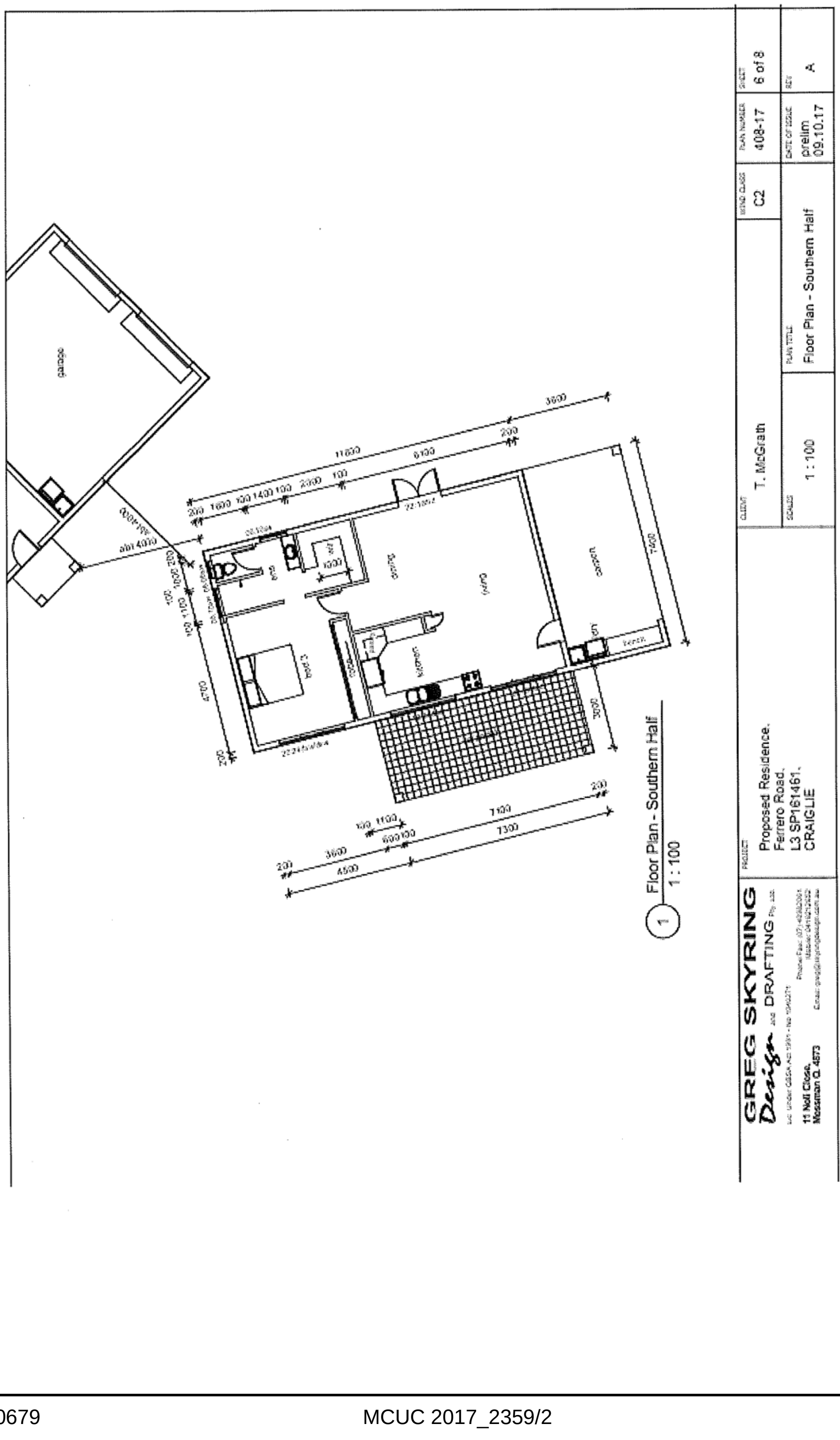

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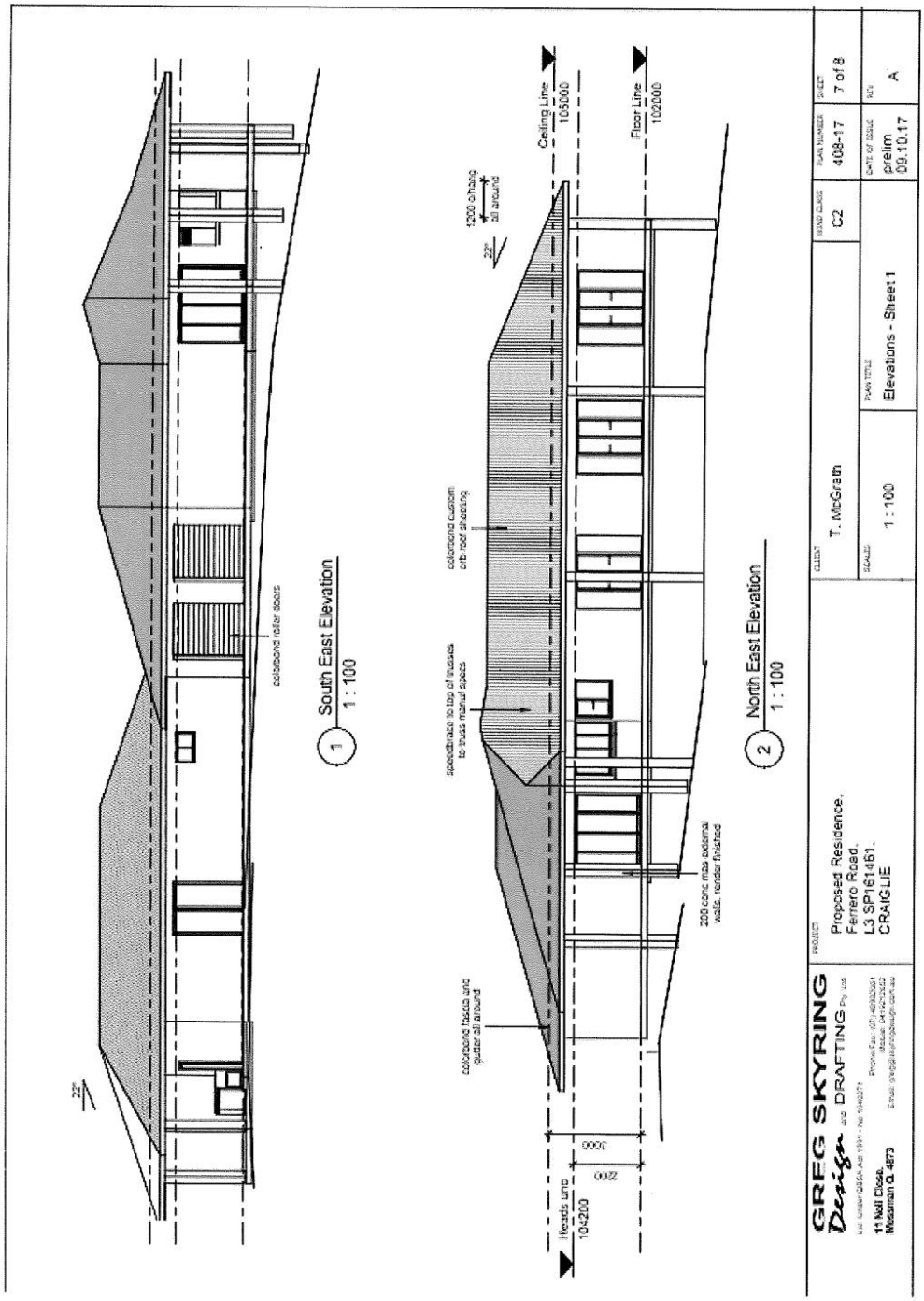

MCUC 2359/2017
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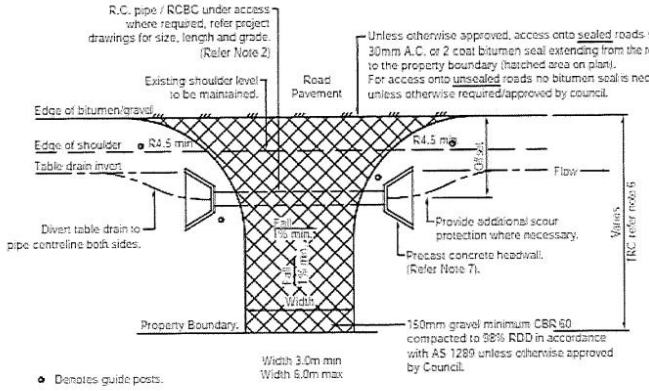
Schedule 3 FNQROC Development Manual Drawing S1105 Rural Allotment Access



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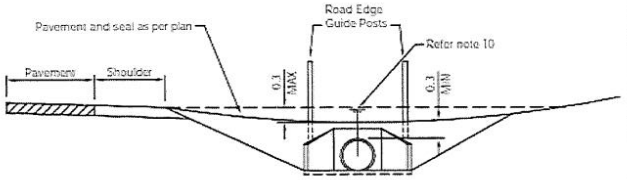
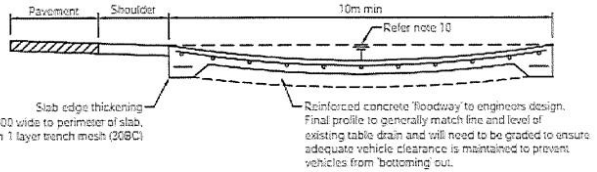


END ELEVATION



TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS
(Where approved by Council)

NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete surround.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :
   a) the through road has a signposted speed of 80km/hr or greater.
   b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N25 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at accesses should comply with "Sight Distance at Property Entrances" Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
12. In instances where the details shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative.

E	MINOR AMENDMENTS	26/11/14
D	COMBINED PLAN DETAIL AND ADDED SECTIONS	28/11/12
C	VARIOUS MINOR AMENDMENTS	13/01/06
B	NOTES AMENDED	18/01/05
A	ORIGINAL ISSUE	12/03/04
REVISIONS		DATE

DISCLAIMER
The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

FNQROC

RURAL ALLOTMENT ACCESSES

Standard Drawing S1105

A B C D E

Reasons for Decision

1. The reasons for this decision are:

    a. Sections 81, 81A, 83, 86 and 87 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 25 May 2022 under section 86 and the 9 June 2022 under sections 79 and 80 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 Rural 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

Through the conditions of the approval the development satisfactorily complies with the Assessment benchmarks.

Extracts from the Planning Act 2016 – Appeal Rights

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

Authorised by the Parliamentary Counsel

(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) 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

Authorised by the Parliamentary Counsel

(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

Authorised by the Parliamentary Counsel

(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.

Authorised by the Parliamentary Counsel

(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.

Authorised by the Parliamentary Counsel