

19 October 2020

Enquiries: Rebecca Taranto
Our Ref: MCUC 2020_3715/1 (976722)
Your Ref: 20203212

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

Anouk Margot
C/- Patrick Clifton, GMA Certification
PO Box 831
PORT DOUGLAS QLD 4877

Email: Patrick.C@gmacer.com.au

Dear Sir

**Development Application for Material Change of Use (Dwelling house)
At Splendour Road Mossman
On land described as Lot 10 on RP907340**

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

Please quote Council's application number: MCUC 2020_3715/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



Paul Hoyer
Manager Environment & Planning

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - non-compliance with assessment benchmark, response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Anouk Margot
Postal Address: C/- Patrick Clifton, GMA Certification
PO Box 831
PORT DOUGLAS QLD 4877
Email: Patrick.C@gmacert.com.au

Property Details

Street Address: Splendour Road Mossman
Real Property Description: Lot 10 RP907340
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit - Material Change of Use- (Dwelling house)

Decision

Date of Decision: 15 October 2020
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Contour Plan	Austart Homes Pty Ltd Job No: 449SYN Sheet 1 of 10	14/10/2020
Elevations	Austart Homes Pty Ltd Job No: 449SYN Sheet 3 of 10	30/07/2020

Drawing or Document	Reference	Date
Floor Plan	Austart Home Pty Ltd Job No: 449SYN Sheet 2 of 10	30/07/2020
Electrical Plan	Austart Home Pty Ltd Job No: 449SYN Sheet 8 of 10	30/07/2020
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

Note – The future pool nominated on the Contour Plan does not form part of this Development Permit.

Assessment Manager Conditions and Advices

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.

Earthworks

2. All earthworks must be completed in accordance with the approved plans with a finished building pad level constructed to an RL of 15.6m AHD. Earth batters are not to exceed a maximum height of (2) metres.

Timing of Effect

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

Building Colours

4. Building colours should be non-reflective and are moderately dark to darker shades of grey, green, blue and brown or the development is not visible external to the site by vegetation screening.

Treatment of Onsite Waste

5. 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*.

Vegetation Clearing

6. Existing vegetation on the subject land is to be retained, except where removal is permitted for this development, the Planning Scheme or otherwise approved under a separate development permit.

Water Supply

7. Water storage tank(s) with a minimum capacity not less than 10,000 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 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;
 - d. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting;
 - e. Must be below ground or of a non-flammable construction; and
 - f. Have a take-off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters.

Construction of a Pool

8. This Development Permit does not include approval for the future pool as indicatively shown on the Contour Plan.

Advices

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

Bushfire Hazard Overlay Considerations

4. With reference to Condition 2 the Acceptable Outcomes of the Bushfire Hazard Overlay AO12, it is advised that driveways;
 - a. Do not exceed a gradient of more than 12.5%;
 - b. Have a minimum width of 3.5m; and
 - c. Accommodate turning areas for firefighting appliances in accordance with Queensland Fire and Emergency Services Fire Hydrant and Vehicle Access Guidelines.

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

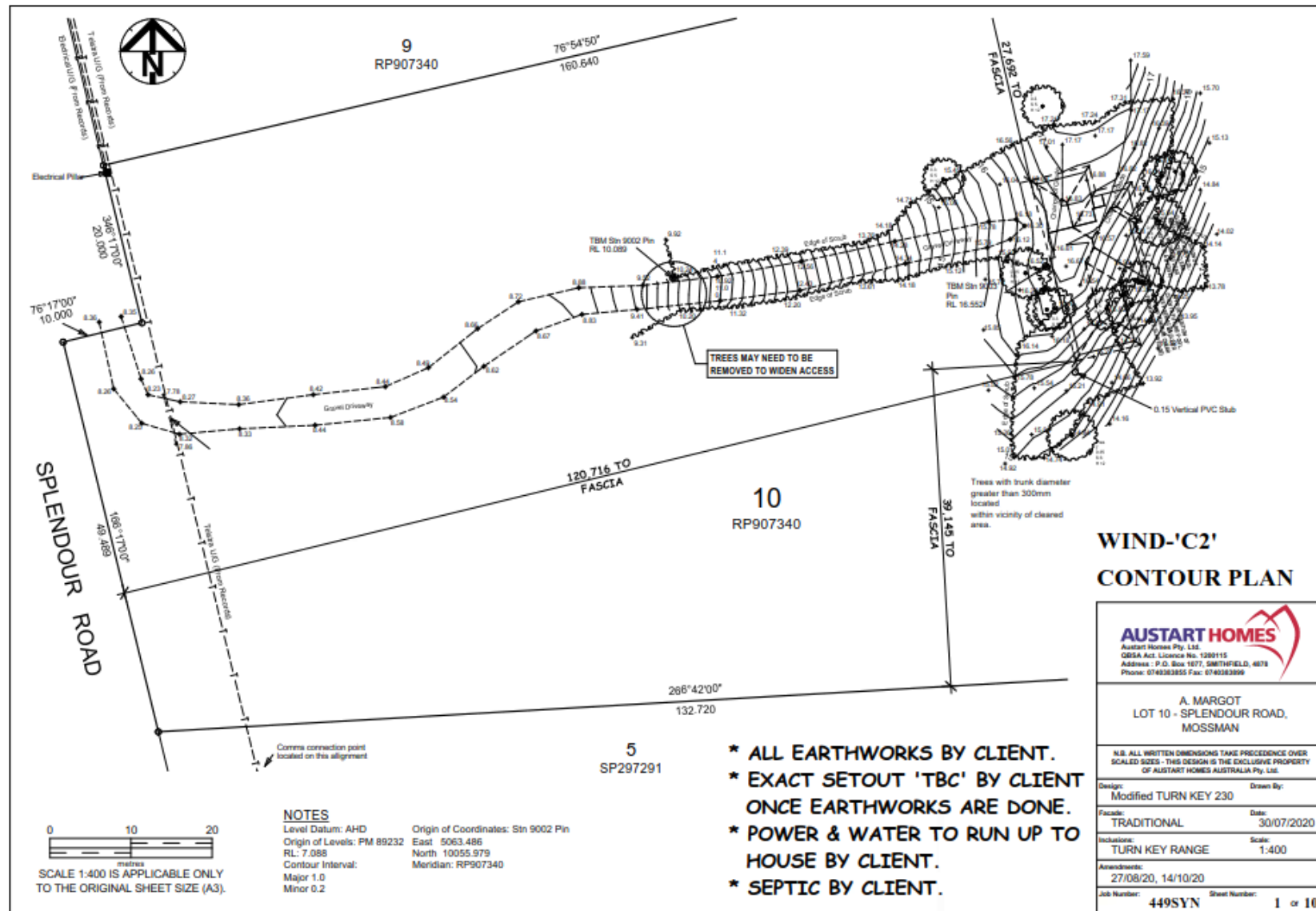
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

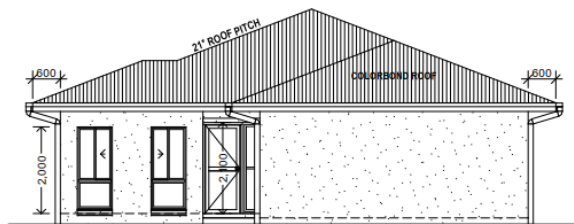
Rights to make Representations & Rights of Appeal

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*.

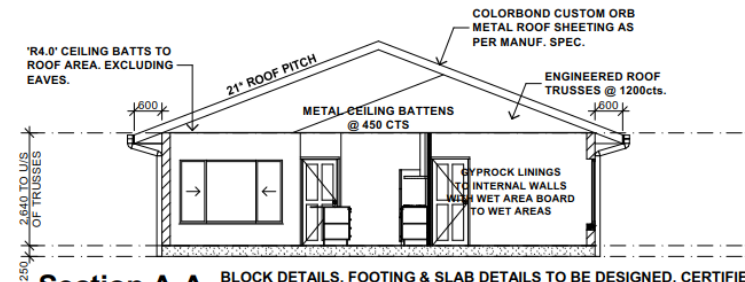
A copy of the relevant appeal provisions are attached.

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

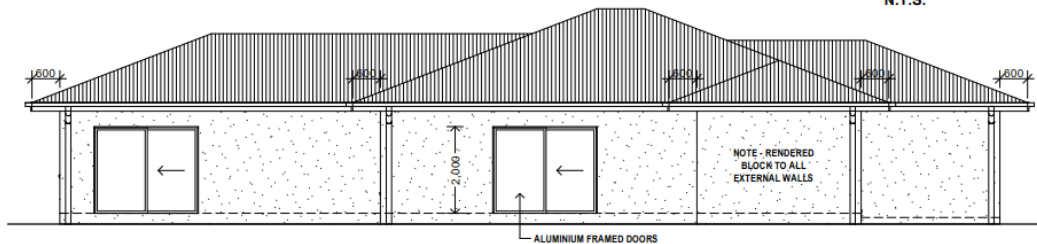




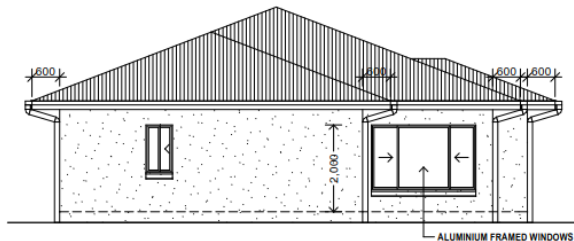
Elevation 1



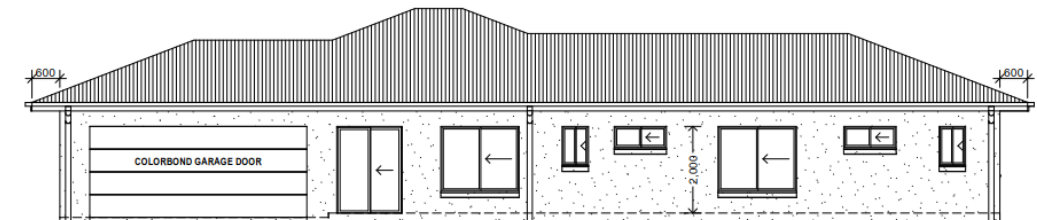
Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'M' CLASS SITE AND WIND-'C2' WIND RATING.
N.T.S.



Elevation 2



Elevation 3



Elevation 4

FLY SCREENS ONLY TO ALL
OPENING WINDOWS AND
SLIDING GLASS DOORS,
INCLUDING FRONT DOOR.
(EXCLUDES GARAGE DOORS)

WIND-'C2' ELEVATIONS



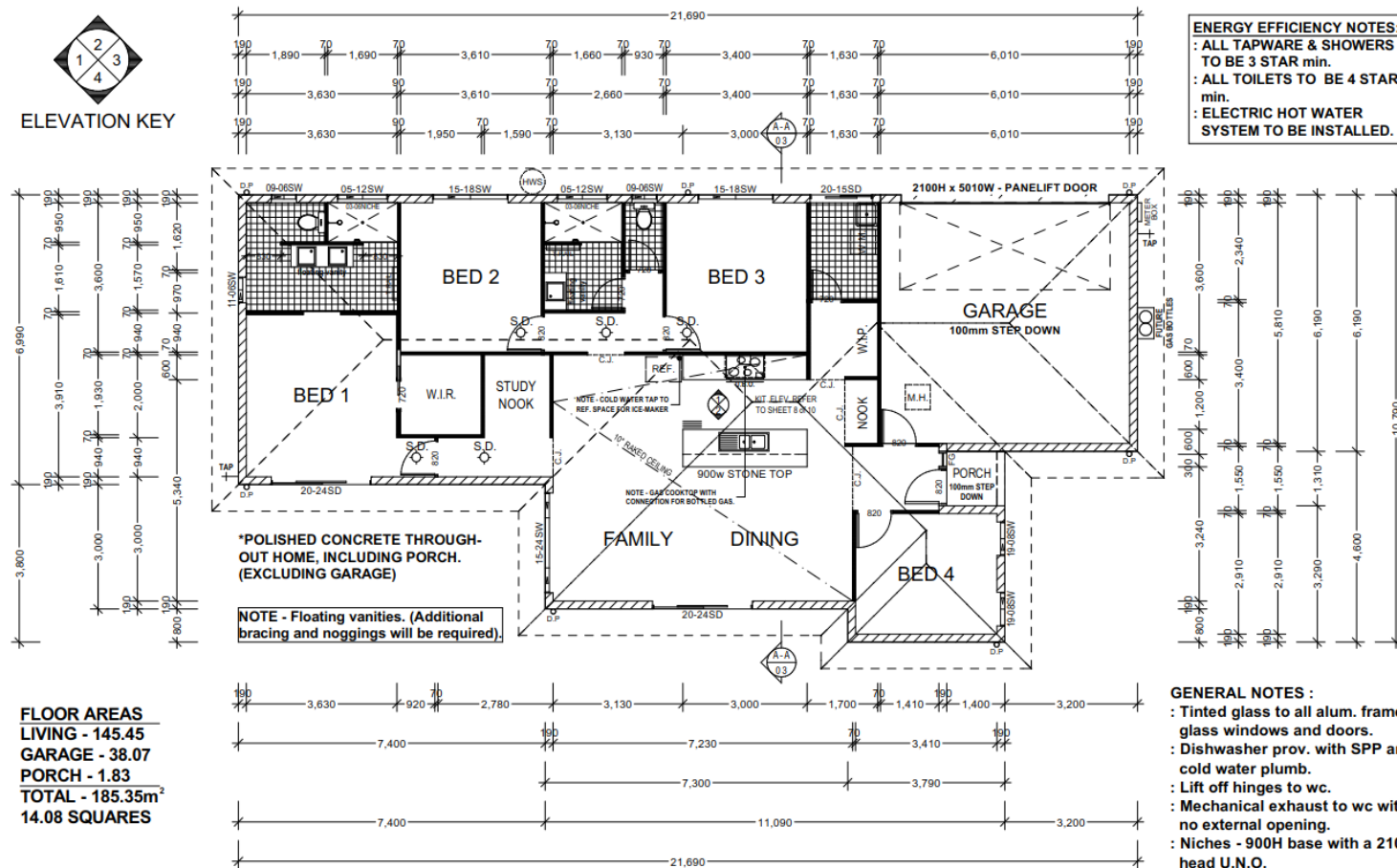
A. MARGOT
LOT 10 - SYNDICATE ROAD,
FINLAYVALE

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

Design:	Modified TURN KEY 230	Drawn By:	
Facade:	TRADITIONAL	Date:	30/07/2020
Inclusions:	TURN KEY RANGE	Scale:	1:100
Amendments:			
Job Number:	449SYN	Sheet Number:	3 of 10



ELEVATION KEY



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

FLOOR AREAS
 LIVING - 145.45
 GARAGE - 38.07
 PORCH - 1.83
 TOTAL - 185.35m²
 14.08 SQUARES

NOTE - ALL HOT and COLD WATER PIPING TO GO THROUGH CEILING DOWN TO STUD WALLS, OTHER THAN PIPING FOR ISLAND BENCH. ALSO GAS PIPING (IF APPLICABLE) TO RUN THROUGH CEILING and STUD WALLS.

ALL DIMENSIONS SHOWN ARE TO FRAME AND BLOCKWORK, EXCLUDES GYPROCK

GENERAL NOTES :
 : Tinted glass to all alum. framed glass windows and doors.
 : Dishwasher prov. with SPP and cold water plumb.
 : Lift off hinges to wc.
 : Mechanical exhaust to wc with no external opening.
 : Niches - 900H base with a 2100H head U.N.O.
 : Hampers and Openings - 2100H head U.N.O.
 : Bulkheads - 2200H U.N.O.



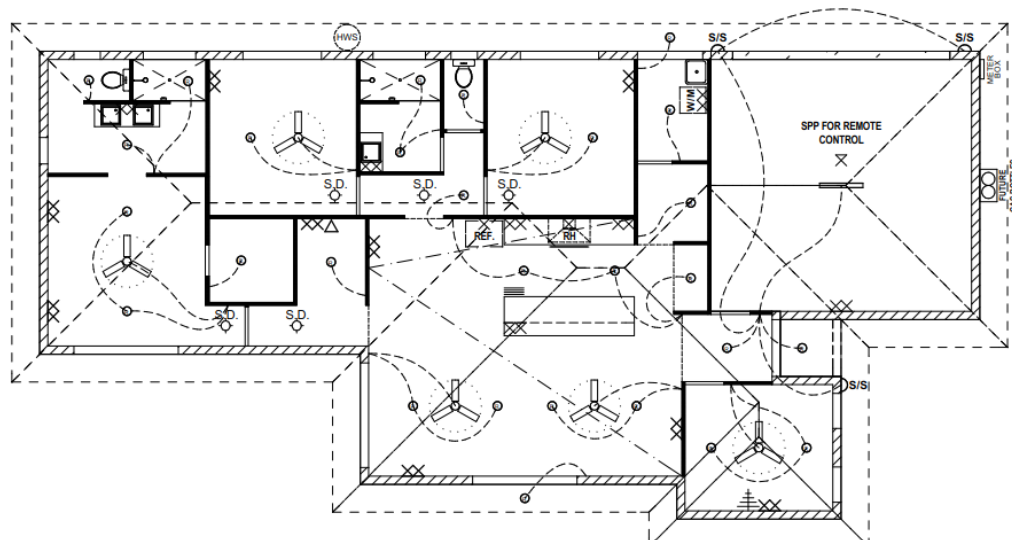
FLOOR PLAN

A. MARGOT
 LOT 10 - SYNDICATE ROAD,
 FINLAYVALE

WIND-'C2'

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Design:	Modified TURN KEY 230	Drawn By:		Amendments:	
Facade:	TRADITIONAL	Date:	30/07/2020	Job Number:	449SYN
Inclusions:	TURN KEY RANGE	Scale:	1 : 100	Sheet Number:	2 of 10



S/S - UP & DOWN
STAINLESS STEEL
LIGHTS

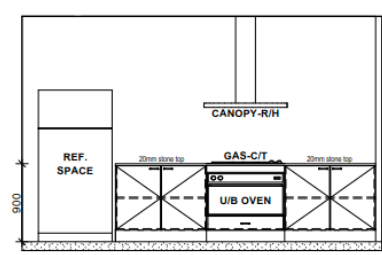
ELECTRICAL LEGEND	
SINGLE G.P.O. 300mm AFL	⊗
SINGLE G.P.O. 1050mm AFL	⊗
DOUBLE G.P.O. 300mm AFL	⊗⊗
DOUBLE G.P.O. 1050mm AFL	⊗⊗
CEILING LIGHT(BATTEN HOLD)	○
RECESSED DOWNLIGHTS	⊙
WALL MOUNTED LIGHT	⌒
RECESSED LED LIGHTS	⊙
FLUORESCENT LIGHT	—
TWIN SPOT or FLOODLIGHT	⌒
EXHAUST FAN	⊙
CEILING FAN	⌒
SMOKE DETECTOR	⊙
T.V. POINT 300mm AFL U.N.O.	⌒
PHONE POINT 300mm AFL U.N.O.	⌒
HOT WATER SYSTEM	⌒
METER BOX	⌒
SWITCH	⌒
DIMMER SWITCH	⌒

NOTE : THIS LAYOUT HAS BEEN DESIGNED
TO SHOW 100% ENERGY EFFICIENT LED
LIGHTING, (INTERNAL, EXCLUDING GARAGE).

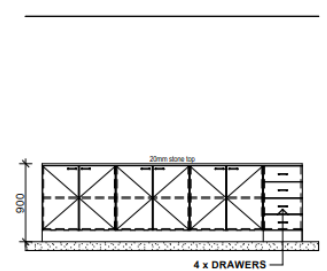
NOTE : A/C HEADS AND OUT DOOR
UNIT POSITIONS TO BE CONFIRMED
ON SITE BY AIR-CON INSTALLER.

WIND-'C2'

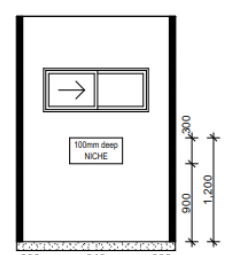
ELECTRICAL PLAN



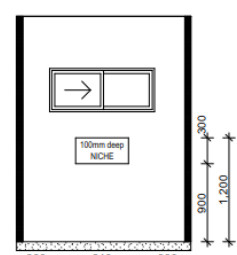
Kitchen Elevation 1
1 : 50



Kitchen Elevation 2
1 : 50



Ens. Shr. Niche
1 : 50



Bth. Shr. Niche
1 : 50

AUSTART HOMES
Austart Homes Pty. Ltd.
QBSA Act. Licence No. 1200115
Address : P.O. Box 1077, SMITHFIELD, 4878
Phone: 0746383855 Fax: 0746383899

A. MARGOT
LOT 10 - SYNDICATE ROAD,
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TURN KEY RANGE	1:100
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Job Number:	Sheet Number:
449SYN	8 of 10

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 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 11 September 2020 under section 51 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.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

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.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution
[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.