

1 December 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4400/1 (Doc ID 1043976)
Your Ref: 20213632

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

Paulina Juchnevicius
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 Material Change of Use (Dwelling house)
At Captain Cook Highway Killaloe
On Land Described as Lot 155 on NR78**

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

Please quote Council's application number: MCUC 2021_4400/1 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

cc. Emailed to Ergon Energy Town Planning townplanning@ergon.com.au
encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- 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: Paulina Juchnevicius
Postal Address: C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: Hannah.D@gmacert.com.au

Property Details

Street Address: Captain Cook Highway Killaloe
Real Property Description: Lot 155 on NR78
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use for a Dwelling house.

Decision

Date of Decision: 1 December 2021
Decision Details: Approved (subject to conditions)

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

Copies of the following plans, specifications and/or drawings are enclosed.

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

Drawing or Document	Reference	Date
Site Plan	Lawson Design and Rogers Engineering, Job 2105, Drawing No.02	19 October 2021

Drawing or Document	Reference	Date
Level 1 Floor Plan	Lawson Design and Rogers Engineering, Job 2105, Drawing No.03	19 October 2021
Foundation Plan	Lawson Design and Rogers Engineering, Job 2105, Drawing No.18	19 October 2021
Floor Plan – Pod 1 Sleeping Areas	Lawson Design and Rogers Engineering, Job 2105, Drawing No.04	24 September 2021
Floor plan – Pod 3 Master Bedroom	Lawson Design and Rogers Engineering, Job 2105, Drawing No.06	24 September 2021
Elevations Pod 1 – Sleeping North, Pod 1 – Sleeping West	Lawson Design and Rogers Engineering, Job 2105, Drawing No.07	24 September 2021
Elevations Pod 1 – Sleeping South, Pod 1 – Sleeping East	Lawson Design and Rogers Engineering, Job 2105, Drawing No.08	24 September 2021
Elevations Pod 2 – Living North, Pod 2 – Living West	Lawson Design and Rogers Engineering, Job 2105, Drawing No.09	24 September 2021
Elevations Pod 2 – Living South, Pod 2 – Living East	Lawson Design and Rogers Engineering, Job 2105, Drawing No.10	24 September 2021
Elevations Master Bed – North, Master Bed East.	Lawson Design and Rogers Engineering, Job 2105, Drawing No.11	24 September 2021
Elevations Master Bed – South, Master Bed West.	Lawson Design and Rogers Engineering, Job 2105, Drawing No.12	24 September 2021
Carport Entry - South Elevation, Section 1.	Lawson Design and Rogers Engineering, Job 2105, Drawing No.13	24 September 2021
Section 2 – Carport	Lawson Design and Rogers Engineering, Job 2105, Drawing No.15	24 September 2021
Floor Plan Pod 2 - Living Area	Lawson Design and Rogers Engineering, Job 2105, Drawing No.05p	24 September 2021

Drawing or Document	Reference	Date
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete Driveway for Allotment Access	Standard Drawing S1110 issue F	27 August 2020

Assessment Manager Conditions & Advices

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.

Vehicle Access & Driveway

3. Construct an access and crossover generally in accordance with the FNQROC Development Manual Standard Drawings S1015 Issue E and S1110 issue F and having regard to the rolled kerb edge to Colenso Road prior to the commencement of the use.

Building Colours

4. The exterior finishes and colours of Buildings, including the visually exposed underside of the buildings, must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures must be of moderately dark to darker shades of green, grey, blue and brown.

Bushfire Hazard

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

Water Supply

6. A water tank is to be installed and the water storage 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. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

On-Site Effluent Disposal

7. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to any plumbing work commencing.

Vegetation Clearing

8. Existing vegetation on the subject land must be retained in all areas other than the vegetation required to be removed for the construction of the dwelling, carport and associated driveway extensions, generally as shown on the submitted plans. Any further clearing that does not comply with the Planning Scheme vegetation damage assessment benchmarks requires an Operational Works Approval.

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 Section 85 of the Planning Act 2016.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

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*.

Concurrence Agency Response

Concurrence Agency	Concurrence Reference	Agency Date	Doc ID
Ergon Energy	HBD 7565838	2 November 2021	1046455

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

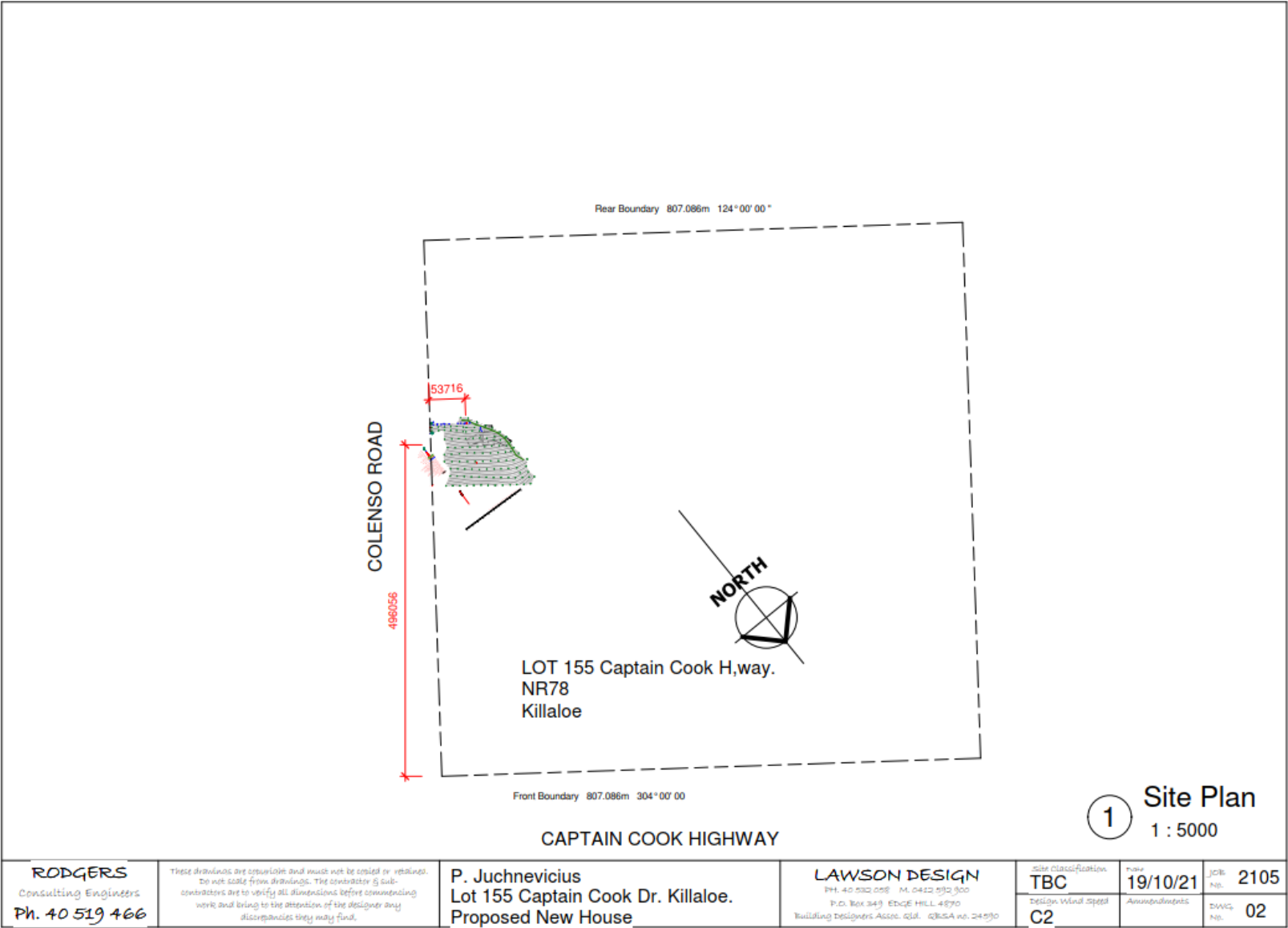
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

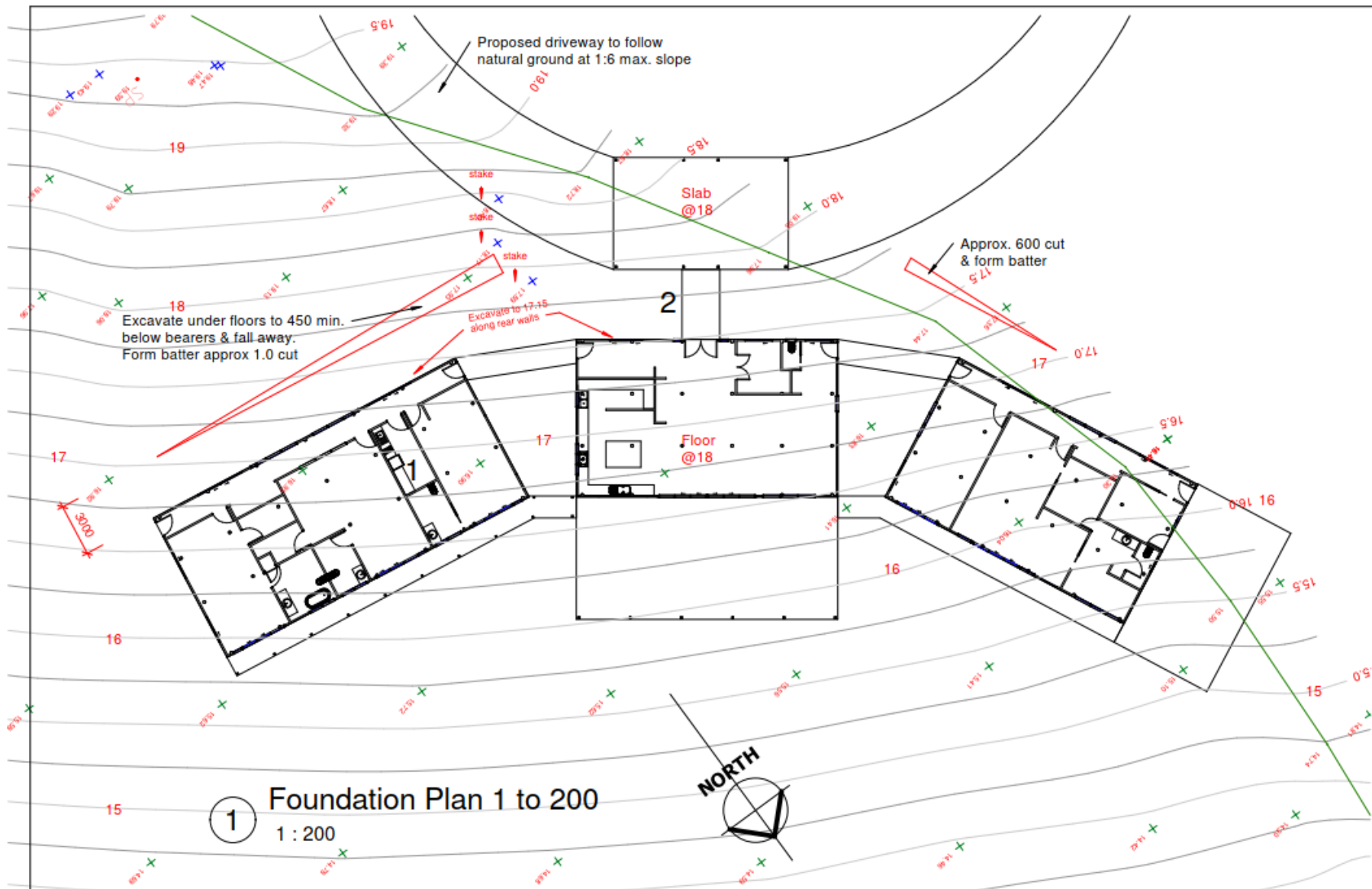
Rights to make Representations & Rights of Appeal

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*.

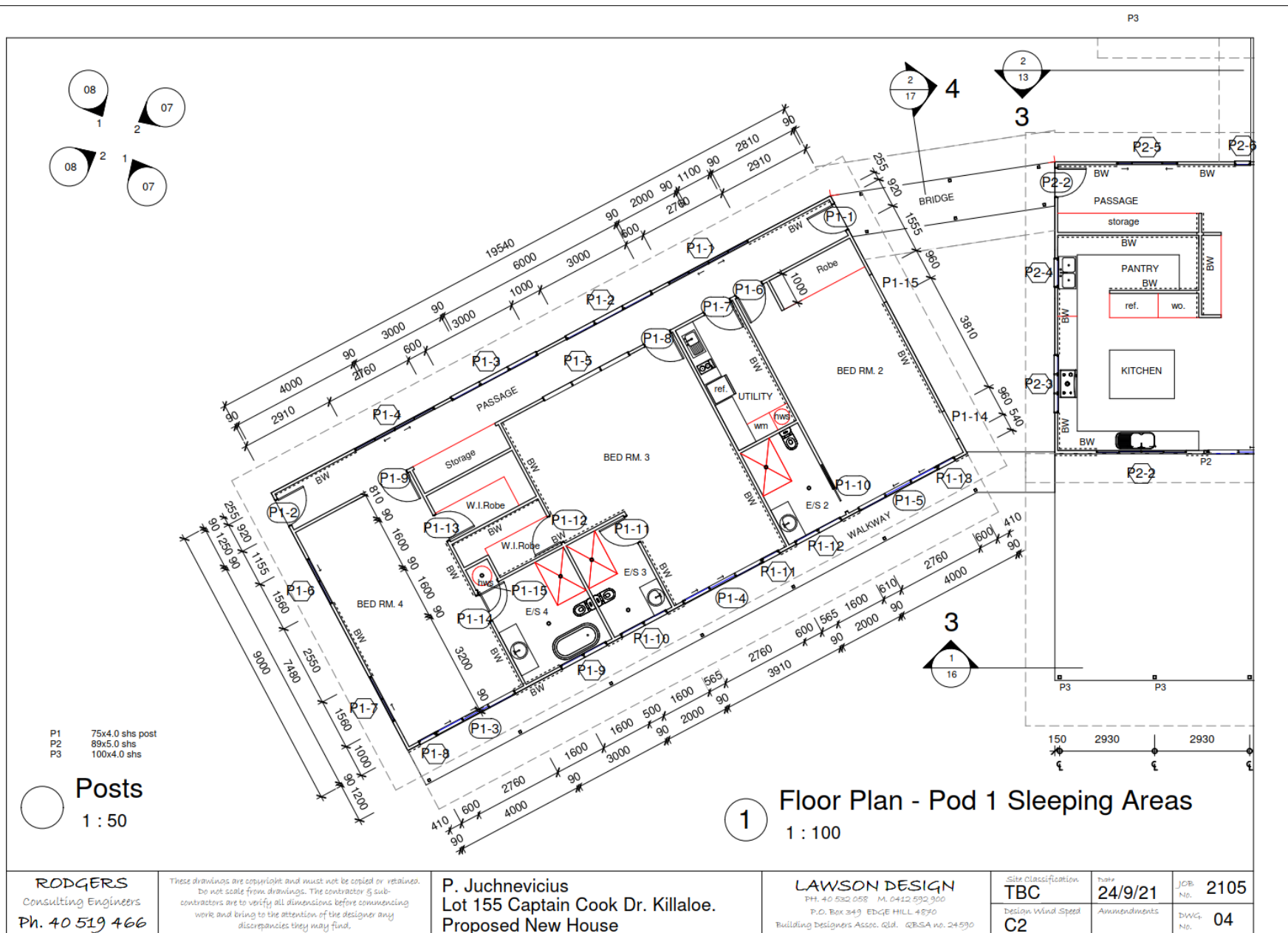
A copy of the relevant appeal provisions is attached.

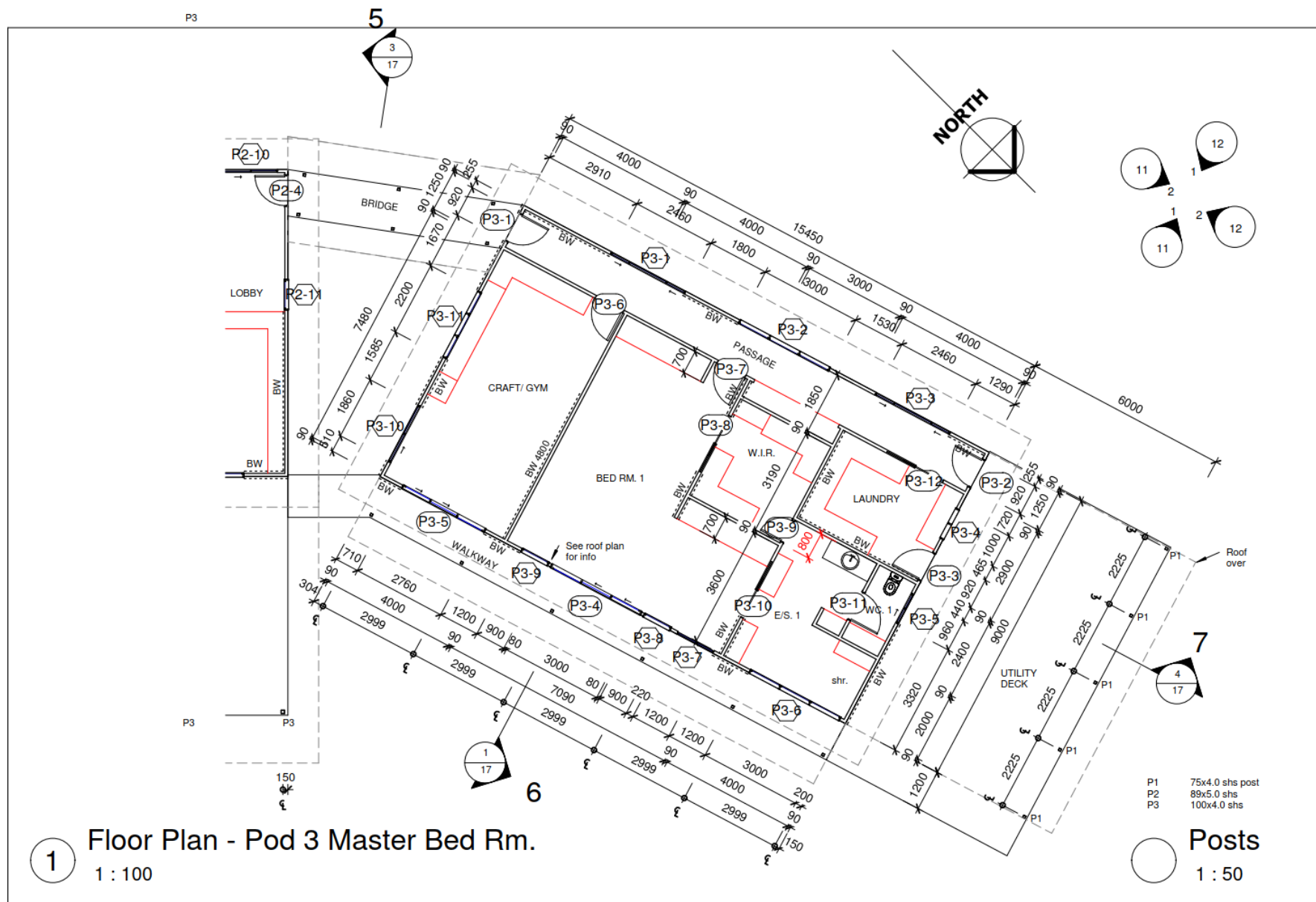
Approved Drawing(s) and/or Document(s)





RODGERS Consulting Engineers Ph. 40 519 466	These drawings are copyright and must not be copied or retained. Do not scale from drawings. The contractor & sub-contractors are to verify all dimensions before commencing work and bring to the attention of the designer any discrepancies they may find.	P. Juchnevicius Lot 155 Captain Cook Dr. Killaloe. Proposed New House	LAWSON DESIGN PH. 40 552 058 M. 0412 992 300 P.O. Box 349 EDGE HILL 4870 Building Designers Assoc. Qld. QBSA No. 24 930	site classification TBC Design Wind Speed C2	Date 19/10/21 Amended/Revised	Job No. 2105 DWG No. 18
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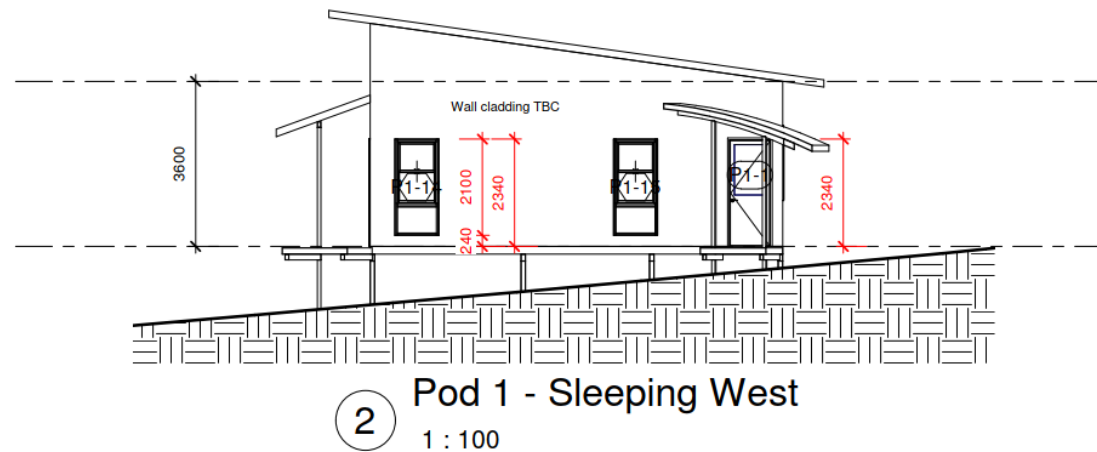
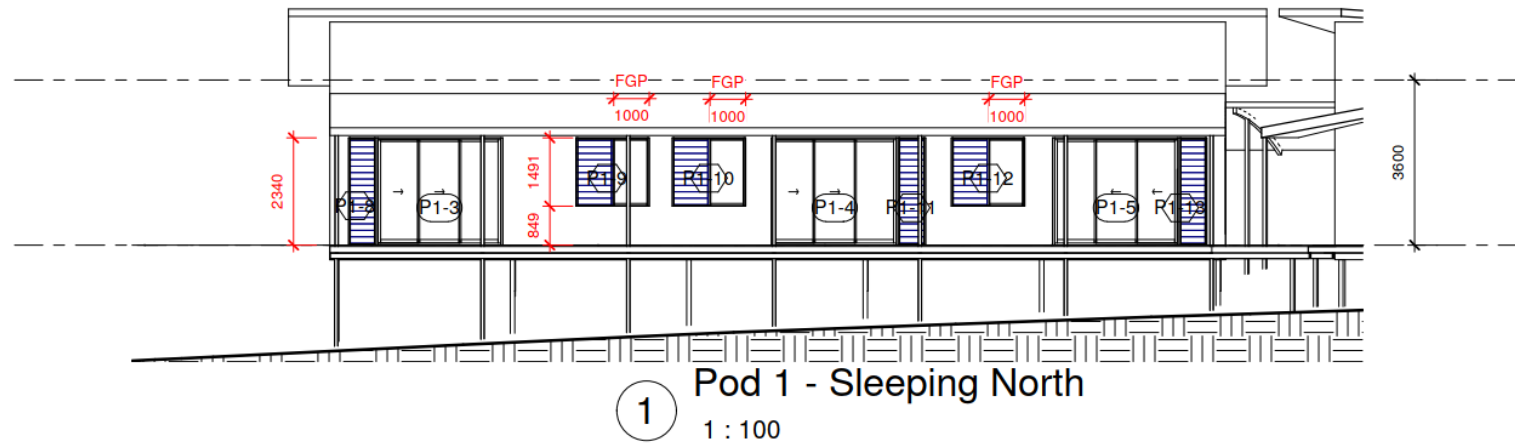
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P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 06



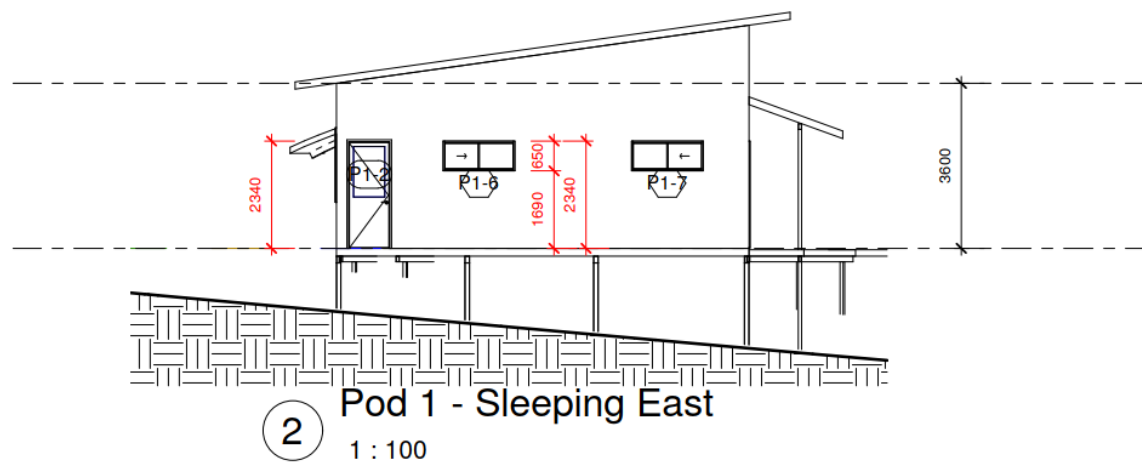
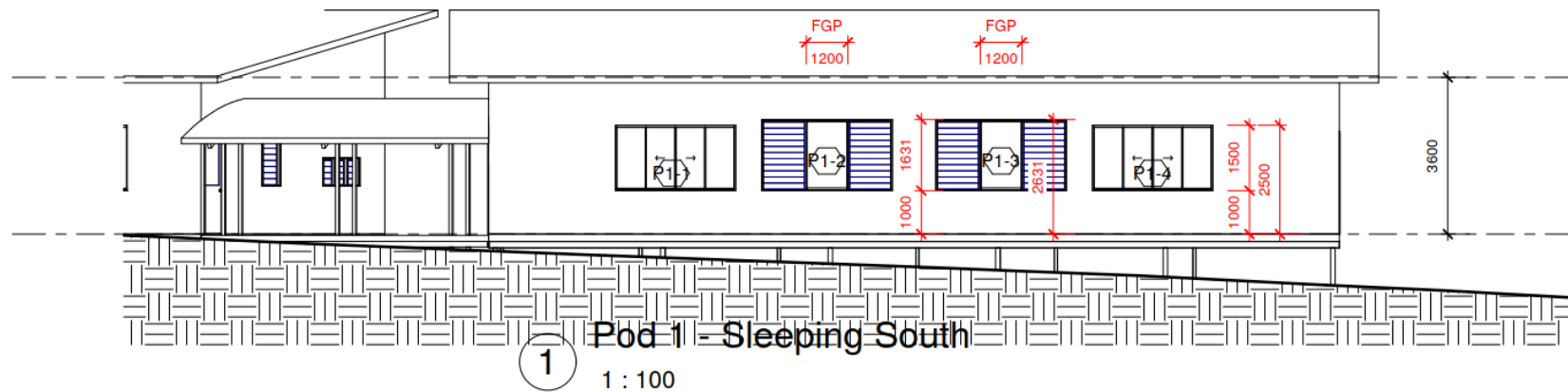
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P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 07



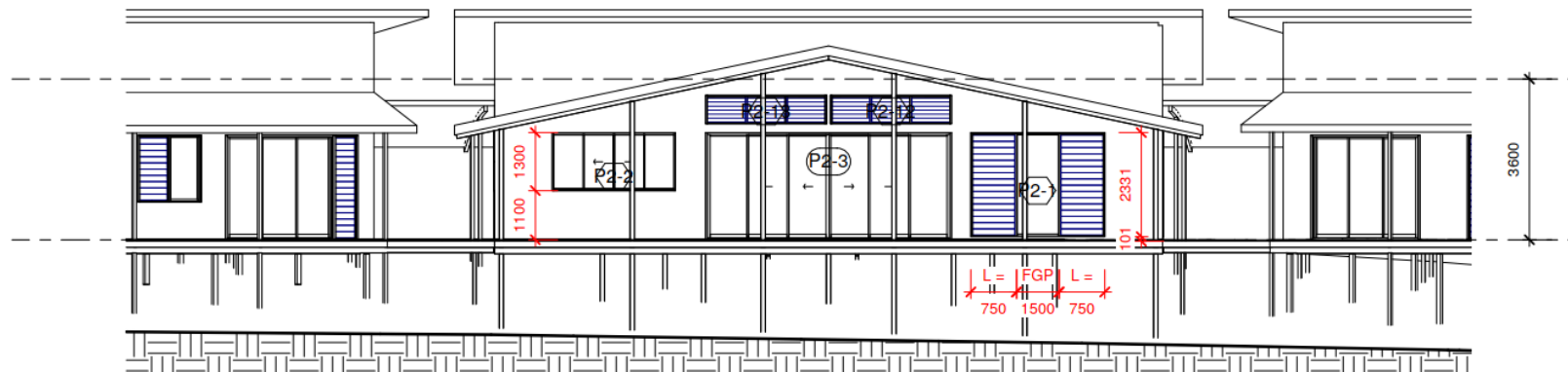
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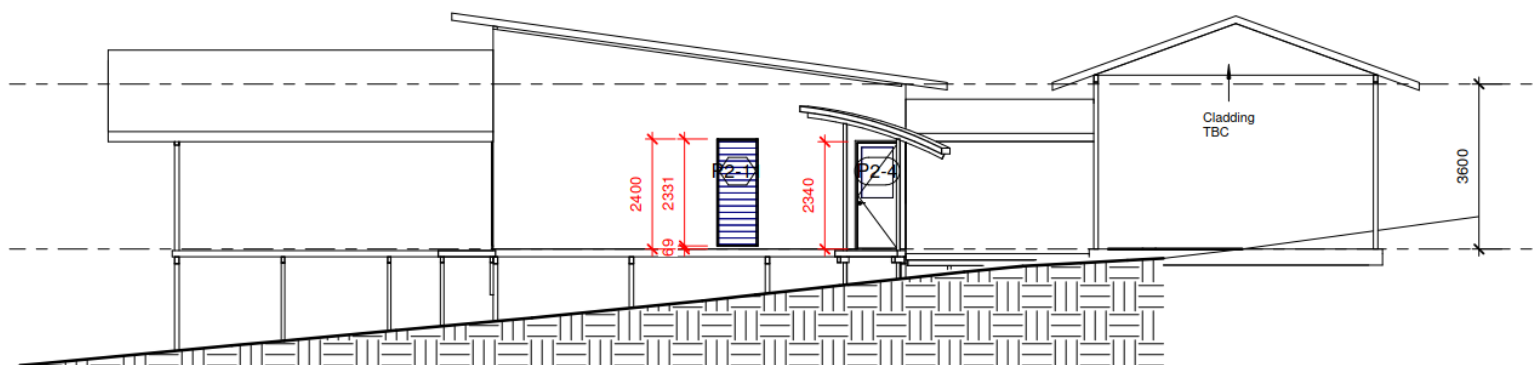
P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 08



1 Pod 2 - Living North
1 : 100



2 Pod 2 - Living West
1 : 100

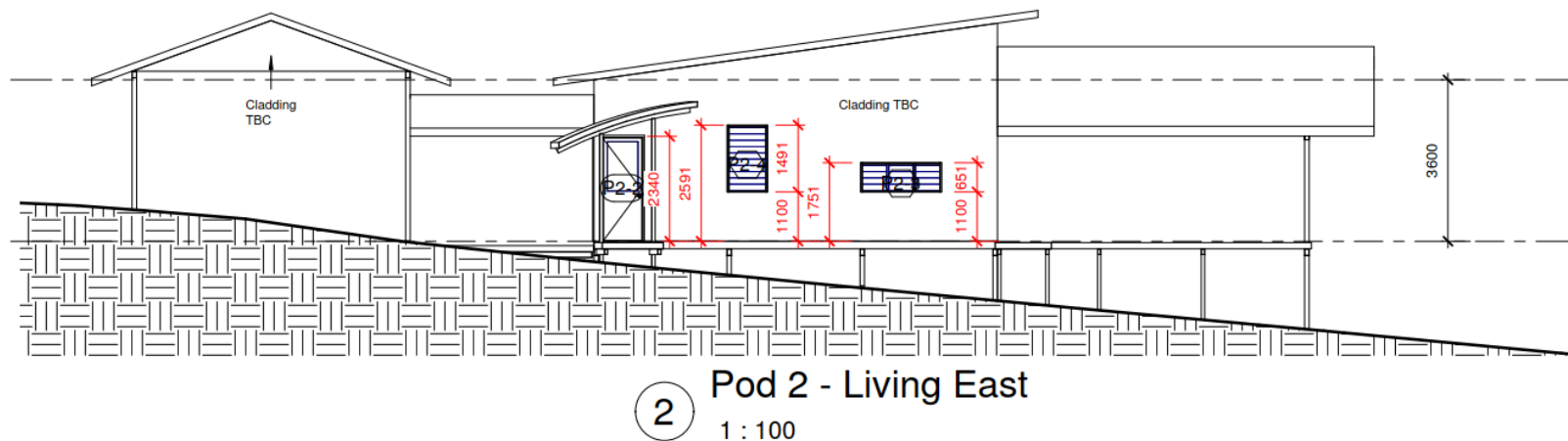
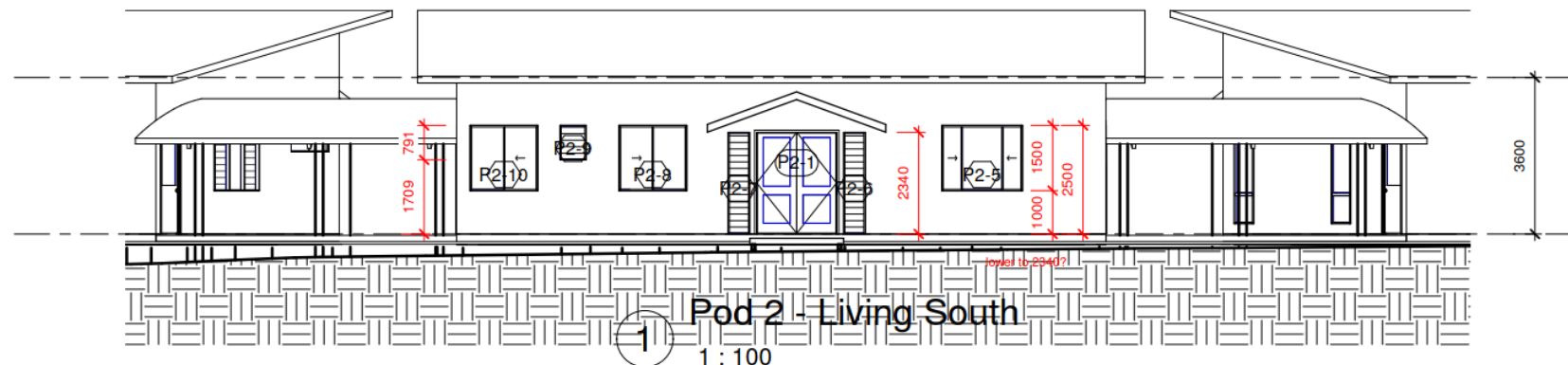
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P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 09



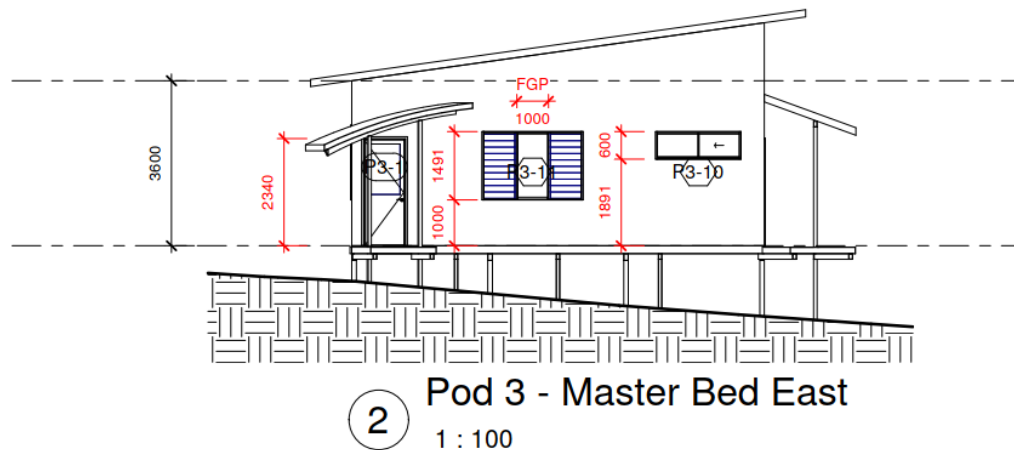
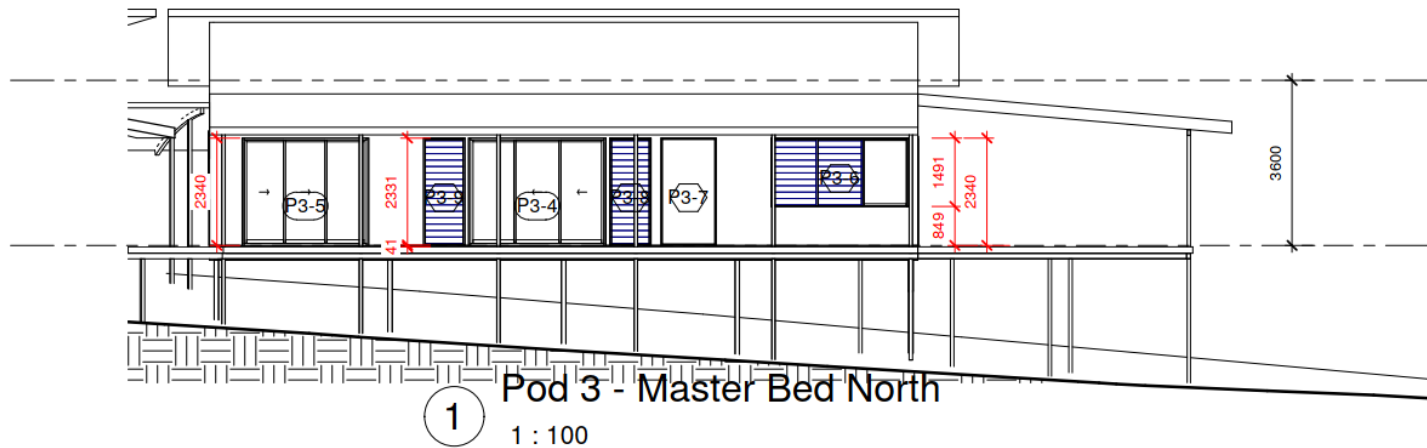
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P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QB-SA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 10



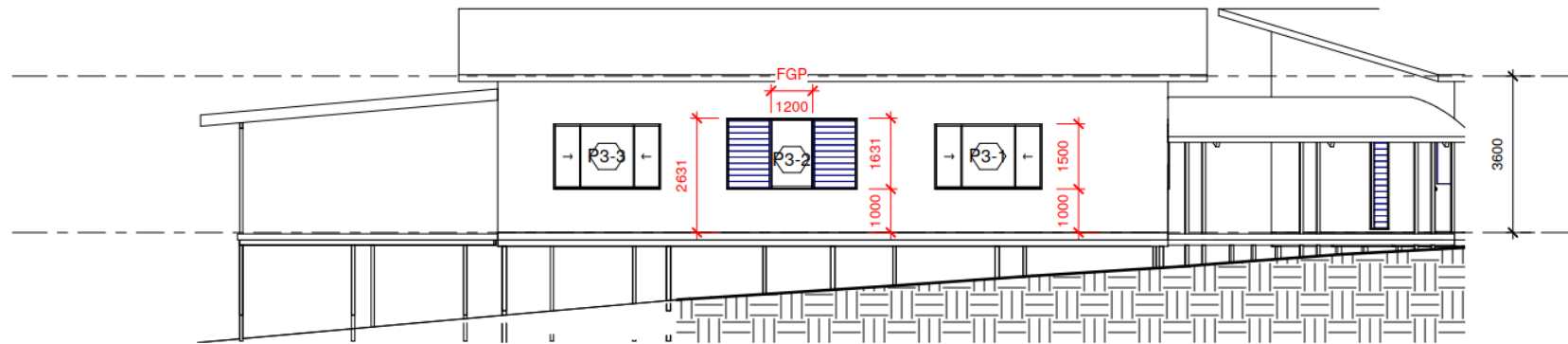
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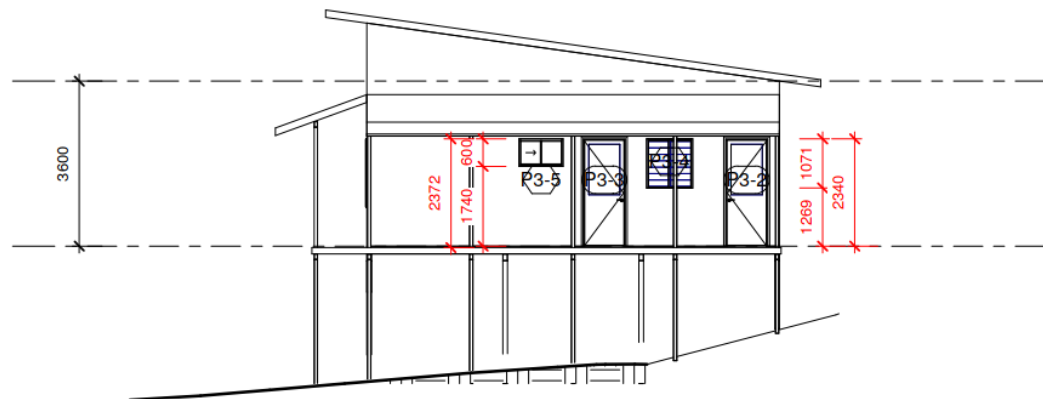
P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 11



1 Pod 3 - Master Bed South
1 : 100



2 Pod 3 - Master Bed West
1 : 100

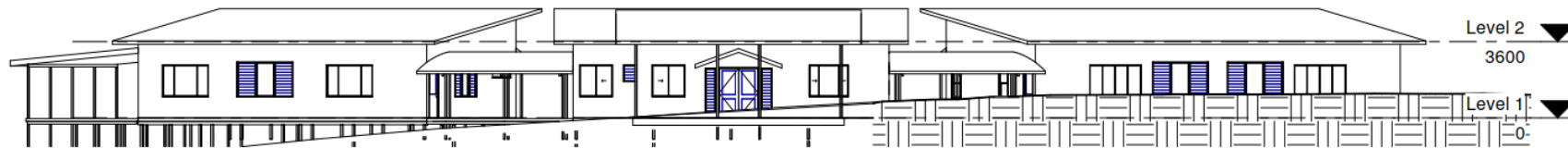
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Consulting Engineers
Ph. 40 519 466

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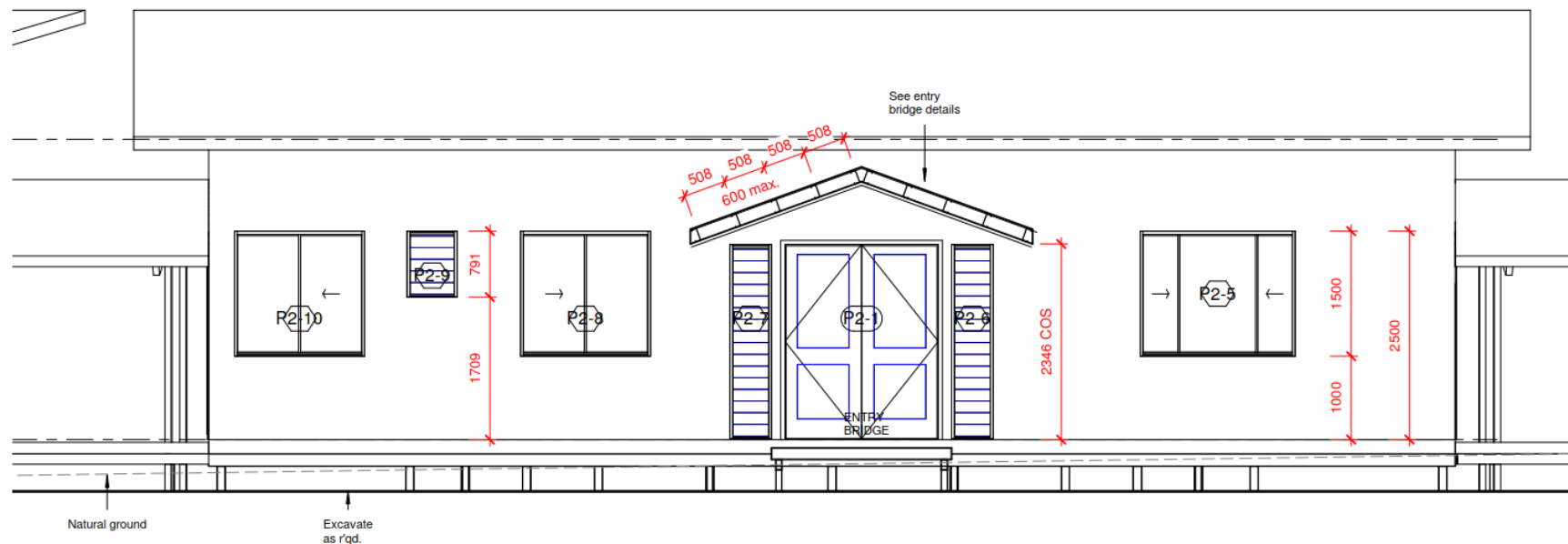
P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 300
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBASA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 12



1 Carport/ Entry - South Elevation
1 : 200



2 Section 1
1 : 50

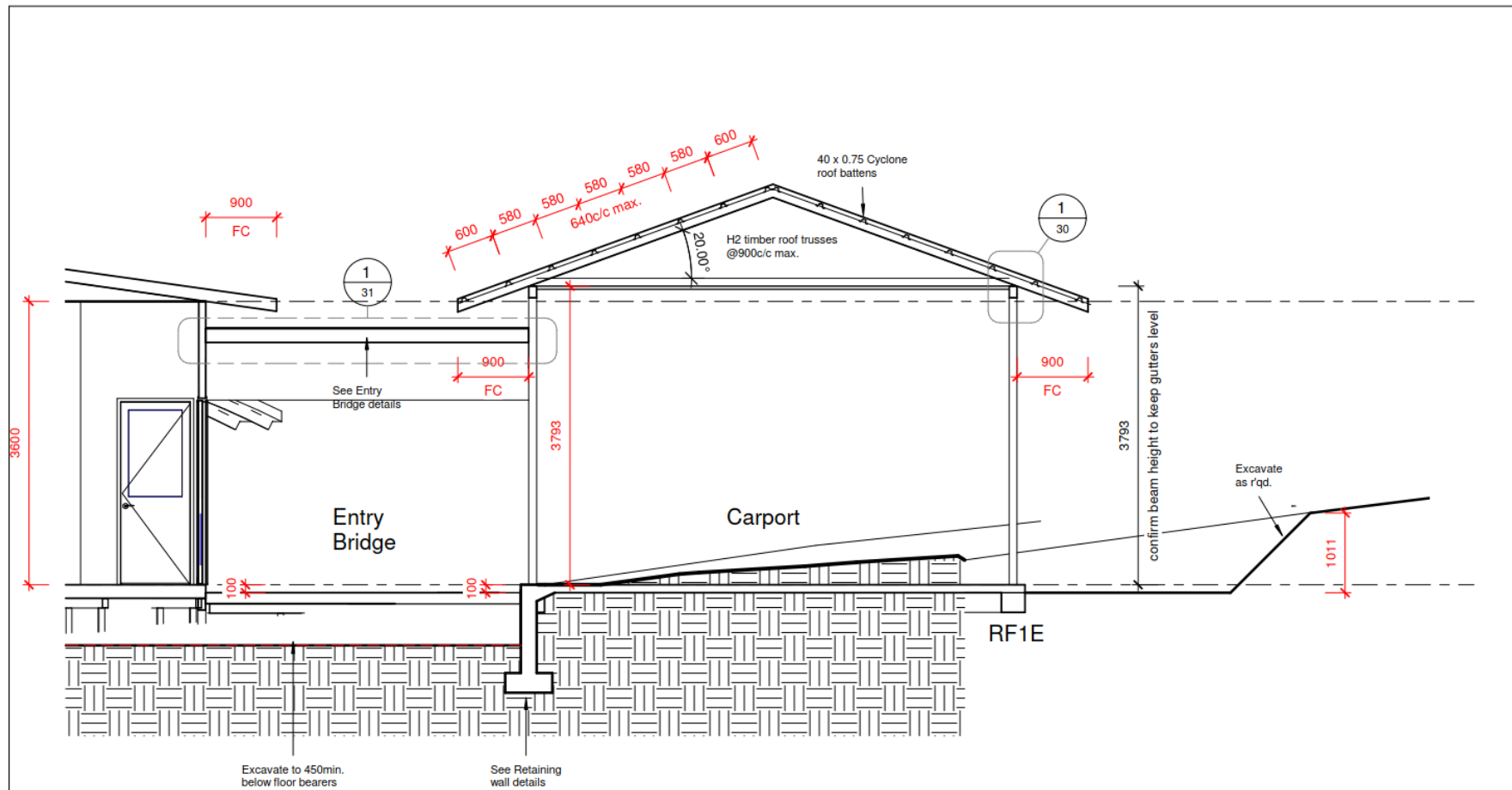
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P. Juchnevicius
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

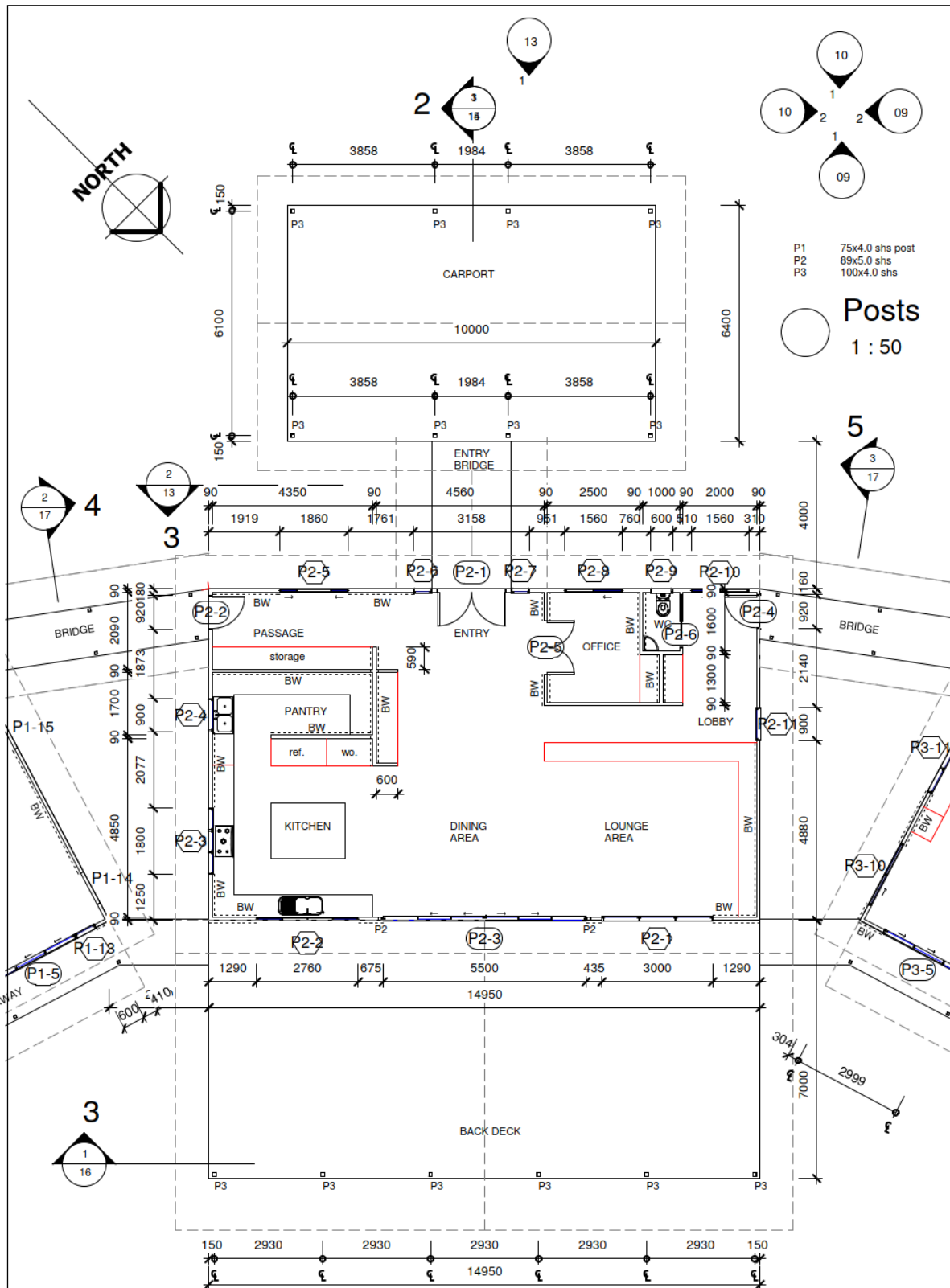
LAWSON DESIGN
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P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA No. 24 590

Site Classification TBC	Date 24/9/21	JOB No. 2105
Design Wind Speed C2	Amendments	DWG. No. 13



1 Section 2 - Carport
1 : 50

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1 Floor Plan - Pod 2 Living Area
1 : 100

JOB No.	2105	24/9/21	2105	05p
Rev.	24/9/21	24/9/21	24/9/21	24/9/21
Rev.	24/9/21	24/9/21	24/9/21	24/9/21
Rev.	24/9/21	24/9/21	24/9/21	24/9/21
Rev.	24/9/21	24/9/21	24/9/21	24/9/21
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Rev.	24/9/21	24/9/21	24/9/21	24/9/21

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Ph. 40 519 466

P. Juchnevicus
Lot 155 Captain Cook Dr. Killaloe.
Proposed New House

LAWSON DESIGN
PH. 40 502 266 FAX 40 502 267
P.O. Box 349 ETCETERA HILL 4050
Building Designers Assoc. Qld. GBCSA No. 24590

TBC
Below: Wood Street
C2

2105
JOB No.

24/9/21
Rev.

2105
JOB No.

05p
DWG. No.

2105
JOB No.

05p
DWG. No.

2105
JOB No.

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DWG. No.

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JOB No.

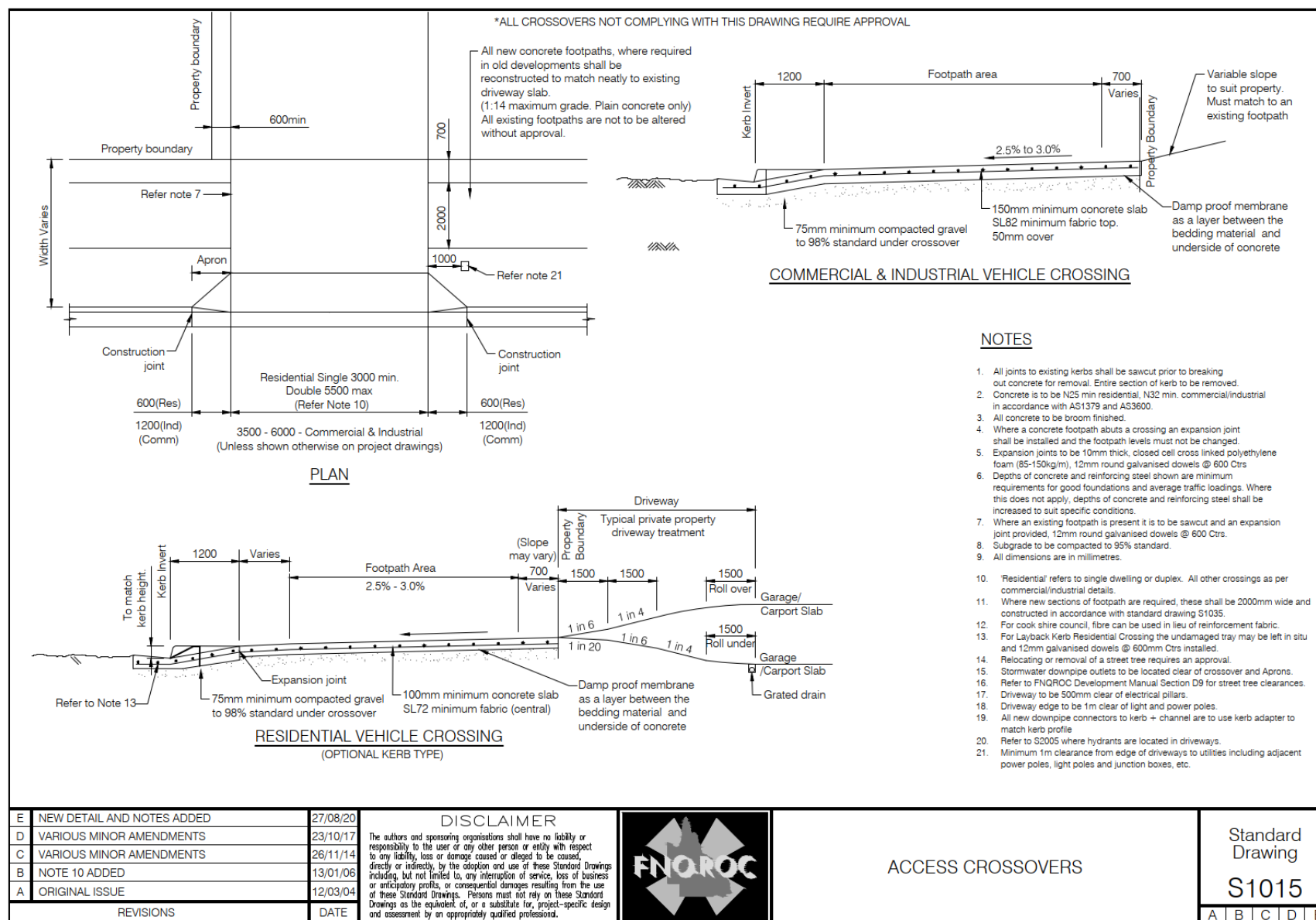
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DWG. No.

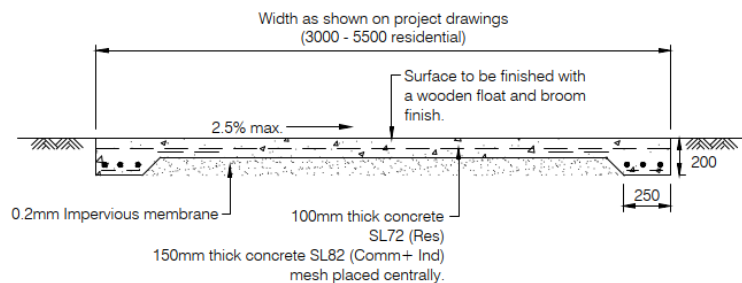
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JOB No.

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DWG. No.

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JOB No.

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access

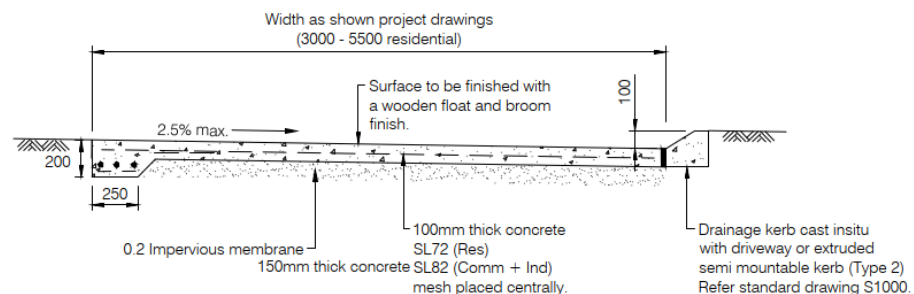




CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

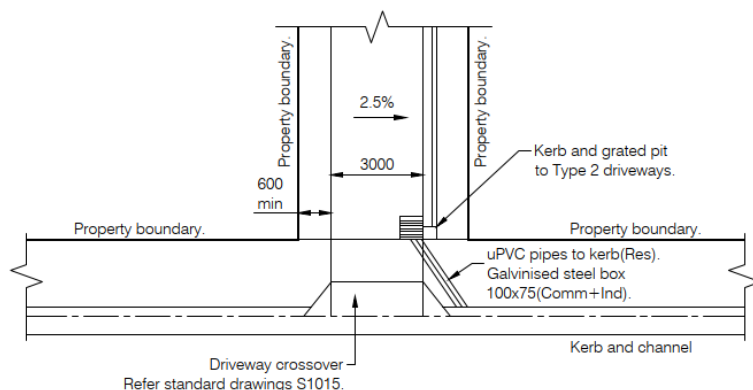
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



CONCRETE DRIVEWAY - TYPE 2

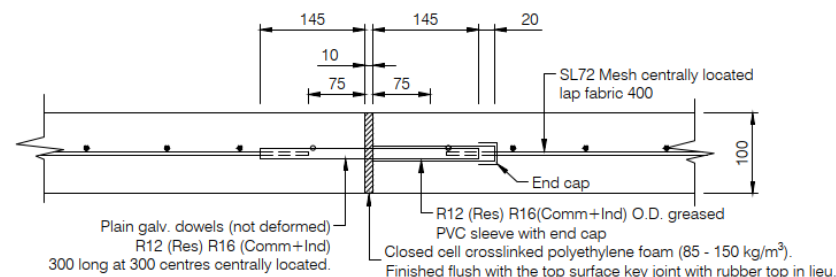
(With drainage)

Closed cell cross linked polyethylene foam with 12mm galvanised dowels @ 600mm Ctrs



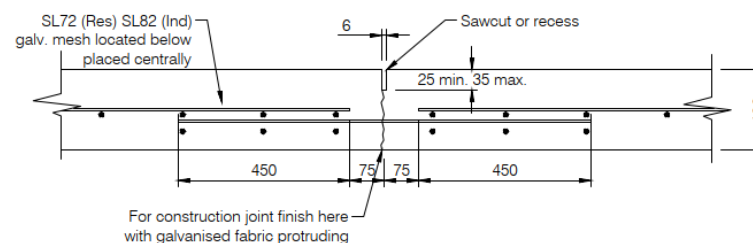
TYPICAL DRIVEWAY LAYOUT

Refer standard drawings S1015.



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

NOTES

- For driveway alignment, longitudinal grade and associated drainage details refer project drawings.
- Concrete is N25 in accordance with AS 1379 and AS 3600.
- Construction joints shall be provided at 4.0m max. Ctrs with expansion joints or approved equivalent @ 16.0m max. Ctrs.
- All dimensions to be in millimetres.
- 'Residential' refers to single dwelling/duplex.
- For commercial or industrial driveways 150mm thick N32 concrete and SL82 mesh.
- Access to Gross Pollutant Traps (GPT) to be min 3.5m wide to commercial/ industrial driveway standard.
- All grates within driveway/roadway are to be Class D for vehicle traffic.

E	VARIOUS AMENDMENTS	23/10/17
D	MINOR AMENDMENTS	26/11/14
C	TYPES 1 AND 2 REVISED, NOTE 3 AMENDED	01/02/06
F	NOTE ADDED	27/08/20
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.



CONCRETE DRIVEWAY FOR ALLOTMENT ACCESS

Standard
Drawing

S1110

F C D E

Concurrence Agency Conditions



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

02 November 2021

Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attention: *Jenny Elphinstone*
Via email: enquiries@douglas.qld.gov.au

Cc Paulina Juchnevicius
GMA Certification Group
PO Box 831
Kilaloe QLD 4877
Attention: *Hannah Dayes*
Via email: Hannah.d@gmacer.com.au

Dear Jenny,

Referral Agency Response – Development Permit for a Material Change of Use for a Dwelling House located at Captain Cook Highway Killaloe described as Lot 155 on NR78

Council Ref: MCUC 2021_4400/1
Applicant Ref: 20213632
Our Ref: HBD 7565838

We refer to the abovementioned Development Application, which has been referred to Ergon Energy pursuant to section 54(1) of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use, as an Advice Agency for the Development Application, Ergon advises the following in relation to the development:

1. This application is approved in accordance with the below referenced plans. Any changes to these plans should be resubmitted to Ergon for further review and comment.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

Ergon Energy Corporation Limited ABN 50 087 646 062

Title	Approved Plans		
	Plan Number	Rev.	Date
Site Plan	02	-	24/9/21
Location Plan	03	-	24/9/21

2. The conditions of any easements in favour of Ergon must be maintained at all times.
3. Access to the easement and access along the easement must be available to Ergon personnel and heavy equipment at all times.
4. Clearance from any building/structures to the existing electricity wires must be maintained accordance with the Electrical Safety Regulation 2013 at all times.
5. Any future works in the vicinity of Ergon assets are to be carried out in accordance with the Electricity Entity Requirements: Working Near Overhead and Underground Electric Lines. This guideline can be accessed via the following link:
https://www.ergon.com.au/_data/assets/pdf_file/0010/211231/Working-near-OH-UG-lines-BS001405R107ver2.pdf.

Should you require further information regarding this matter, feel free to contact the undersigned on 0456 836 609 or email townplanning@ergon.com.au.

Yours faithfully,



Maddison Low
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency

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 13 October 2021 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.

Non-Compliance with Assessment Benchmarks

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

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) 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.