

14 January 2022

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4546/1 (Doc ID 1059968)
Your Ref: 211138/01

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

Hunt Constructions
C/- The Building Approval Company
PO Box 74
REDLYNCH QLD 4870

Email: troy@tbac.com.au

Attention Mr Troy Richardson

Dear Sir

**Development Application for Material Change of Use (Dwelling house)
At 10 Splendour Road Mossman
On Land Described as Lot 8 on RP907340**

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

Please quote Council's application number: MCUC 2021_4546/1 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

encl.

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



Decision Notice Approval (With conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Hunt Constructions
Postal Address: C/- The Building Approval Company
PO Box 74
Redlynch Qld 4870
Email: troy@tbac.com.au

Property Details

Street Address: 10 Splendour Road Mossman
Real Property Description: Lot 8 on RP907340
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: 14 January 2022
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 | Hunt Constructions Job TH-01 Sheet WD01. | 29 September 2020 |
| Drainage Plan | Hunt Constructions Job TH-01 Sheet WD02. | 21 October 2020 |

| Drawing or Document | Reference | Date |
|---|---|-----------------|
| Floor Plan | Hunt Constructions Job TH-01 Sheet WD02. | 21 October 2020 |
| Elevations | Hunt Constructions Job TH-01 Sheet WD04. | 21 October 2020 |
| Floor Plan (For Secondary Dwelling / Shed) | Hunt Constructions Job TH-01 Sheet SD-WD03. | 21 October 2020 |
| FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access | | |
| Rural Allotment Access | Standard Drawing S1105 Issue E | 27 August 2020 |

Assessment Manager Conditions & Advices

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.

External Works

3. Undertake the following works external to the land at no cost to Council:
 - a. Provide a rural access crossover in accordance with FNQROC Development Manual Standard Drawing S1105;

Where the vehicle crossing is constructed in accordance with the FNQROC Regional Development Manual the works do not constitute Operational Works. Such work must be constructed to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Lawful point of discharge.

4. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Vegetation Clearing

5. Existing vegetation beyond the area as marked on the approval plan is to be retained, except where removal is permitted by the Planning Scheme or otherwise approved under a separate development permit.

Bushfire Hazard

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

7. Water supply is to be provided by installed water tanks sufficient for the dwelling house and for fire fighting purposes. 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.

Building Colours

8. White and shining metallic finishes are avoided on external surfaces of buildings.

On-Site Effluent Disposal

9. 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 the issue of a Development Permit for Building Work.

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. 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 all other relevant Local Laws and other statutory requirements.
4. The applicant is responsible to achieve any required approval or exemption for the removal or damage to any protected flora under the *Nature Conservation Act 1992*.
5. 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*.

Currency Period for the Approval

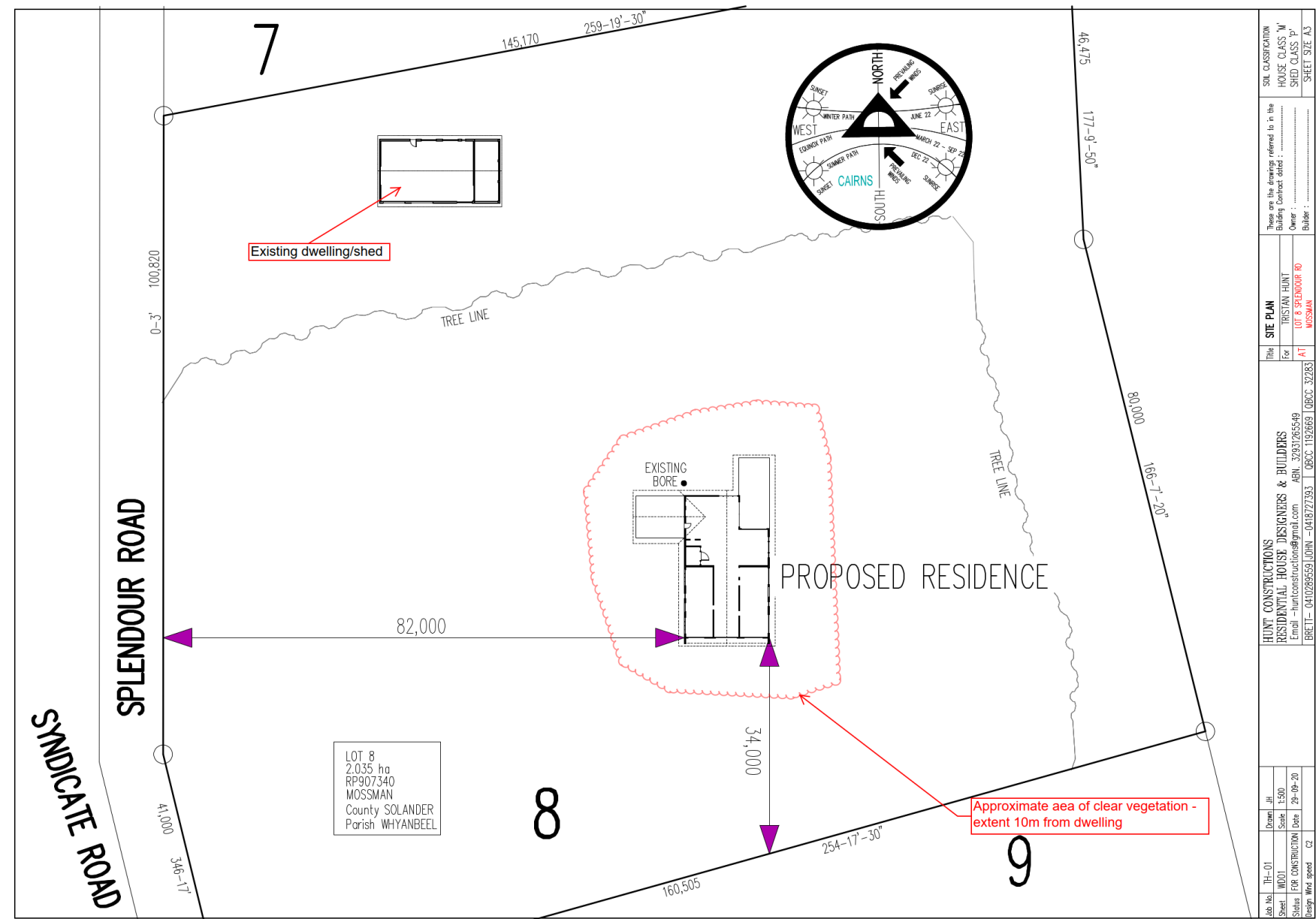
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

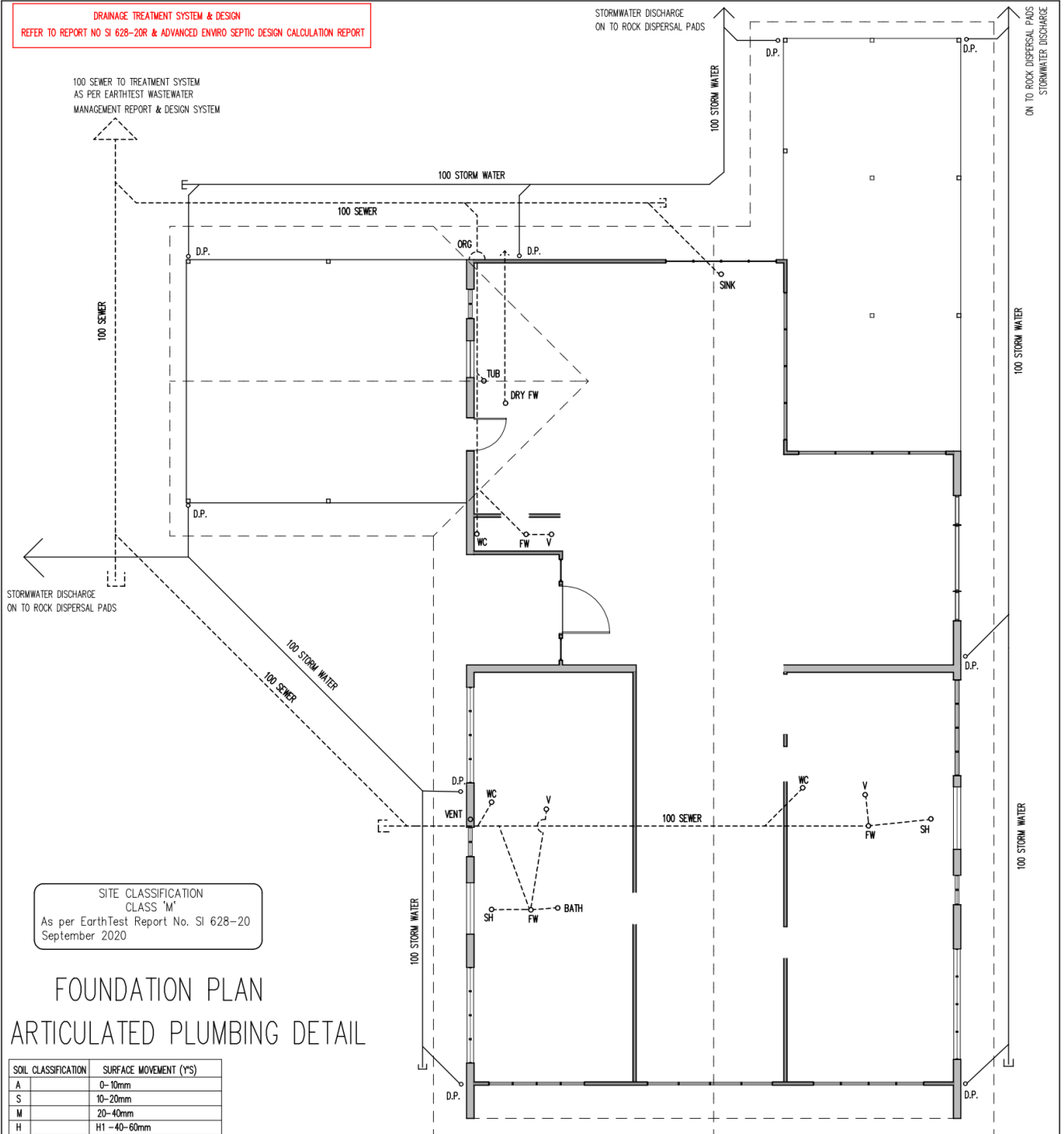
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

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



DRAINAGE TREATMENT SYSTEM & DESIGN
REFER TO REPORT NO SI 628-20R & ADVANCED ENVIRO SEPTIC DESIGN CALCULATION REPORT

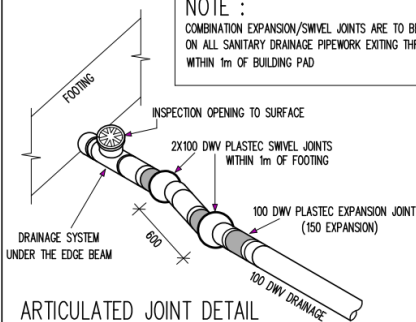


SITE CLASSIFICATION
CLASS 'M'
As per EarthTest Report No. SI 628-20
September 2020

FOUNDATION PLAN ARTICULATED PLUMBING DETAIL

| SOIL CLASSIFICATION | SURFACE MOVEMENT (Y'S) |
|---------------------|-----------------------------------|
| A | 0-10mm |
| S | 10-20mm |
| M | 20-40mm |
| H | H1 - 40-60mm |
| | H2 - 60-75 mm |
| P | Engineer determined and Certified |

NOTE :
COMBINATION EXPANSION/SWIVEL JOINTS ARE TO BE INSTALLED
ON ALL SANITARY DRAINAGE PIPEWORK EXITING THROUGH FOOTINGS,
WITHIN 1m OF BUILDING PAD



ARTICULATED JOINT DETAIL

ARTICULATED PLUMBING

To be utilised if site soil classification is H1, H2, H3 E & P

To be installed as per AS2870 - Residential Slabs & Footings Section 5.6.4-Plumbing requirements for H1, H2, E and P Class sites, and in conjunction with AS/NZS 3500, and any other relevant Standards and requirements of the N.C.C, Local council Plumbing requirements, and any Design Requirements by Structural Engineer for the above Class Sites if required.

In the instances of P Class sites where the footings are designed to Classes A, S, or M and the Structural Engineer determines that Articulated joints in the drainage are not required, a signed Form 15 from the Certifying Engineer will be required by Council.

Drains attached to or emerging from the building shall incorporate flexible joints immediately outside the footing, and commence within 1 metre of the Building Perimeter to accommodate a total range of differential movement in any direction equal to the estimated (Y's) of the site.

This requirement applies to all sanitary plumbing drains and discharge pipes.

'PLASTIC' Swivel and expansion joints installed to manufacturers specifications meet these requirements

| | | | |
|-------------------|------------------|-------|--------------|
| Job No. | TH-01 | Drawn | JH |
| Sheet | WD02 | Scale | 1:100 & 1:20 |
| Status | FOR CONSTRUCTION | Date | 21-10-20 |
| Design Wind speed | C2 | | |

HUNT CONSTRUCTIONS
RESIDENTIAL HOUSE DESIGNERS & BUILDERS
Email - huntconstructions@gmail.com ABN. 32931265549
BRETT - 0410289559 | JOHN - 0418727393 | QBCC 1192669 | QBCC 32283

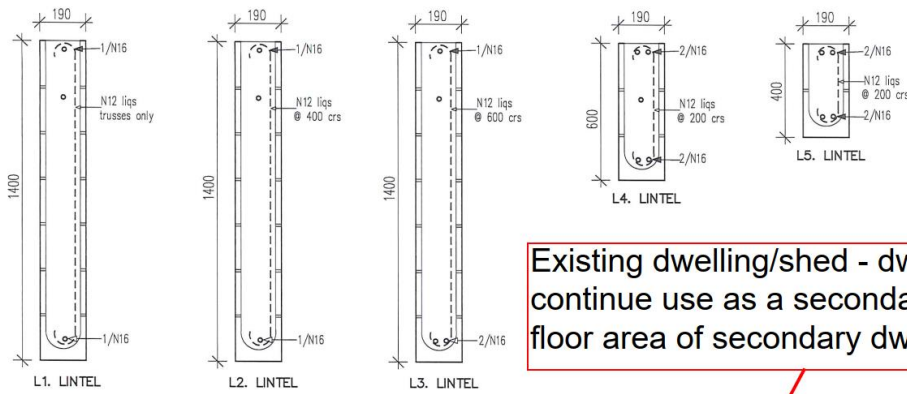
Title
For
AT
DRAINAGE PLAN
TRISTAN HUNT
LOT 8 SPLENDOR RD
MOSSMAN

These are the drawings referred to in the
Building Contract dated :
Owner :
Builder :

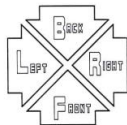
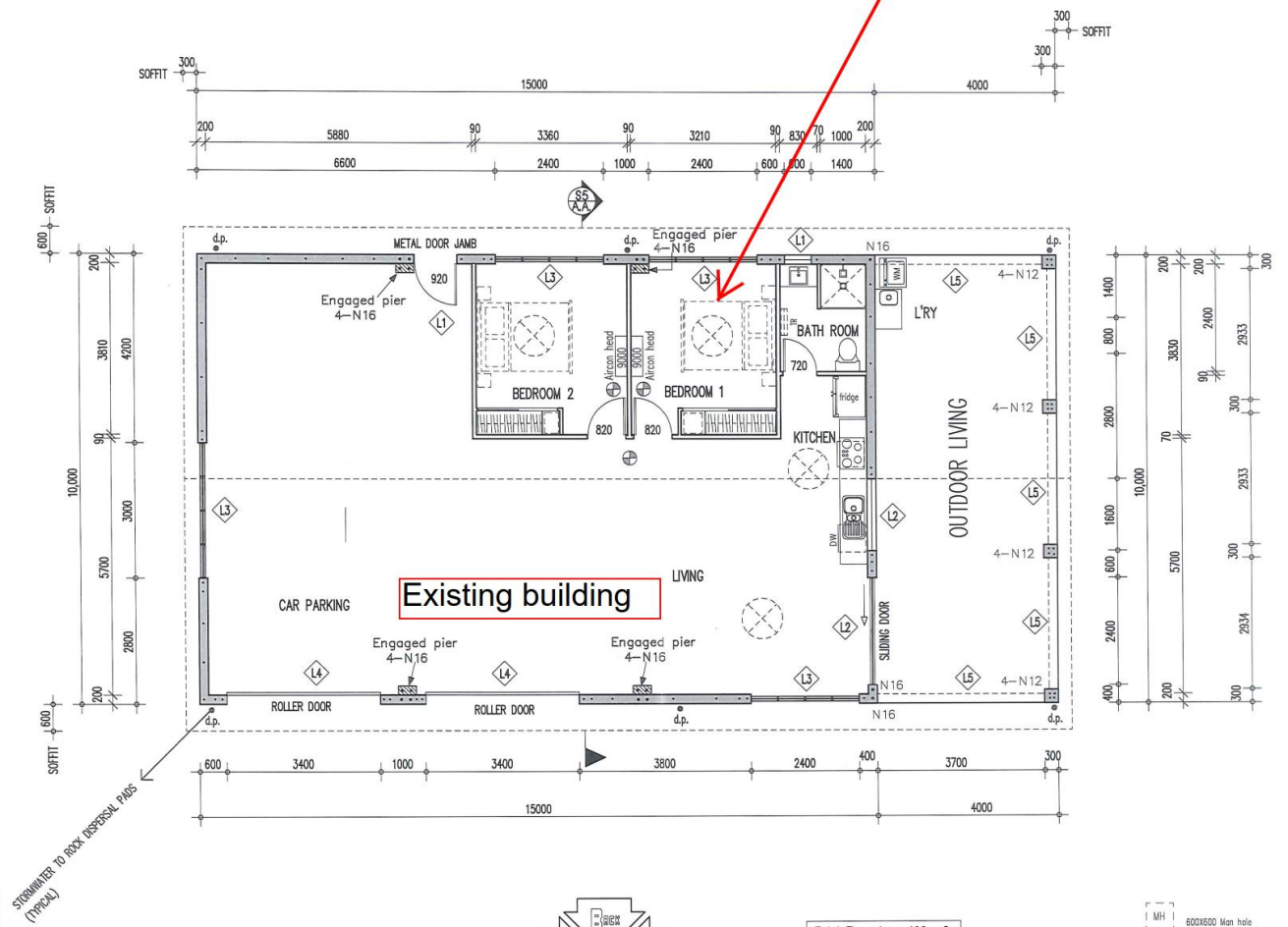
SOIL CLASSIFICATION
CLASS 'M'
SHEET SIZE A3

| | | |
|---|---|---|
| <p>MASSON FLOCK WALLS</p> <p>2800 series masonry</p> <p>Double bond beam to extend walls</p> <p>Minimum height 2400 & 2400 As noted</p> <p>As noted & tussan Min. H/2</p> <p>External facade</p> | <p>INTERNA. PANTHER WALLS</p> <p>Steel as follows 70x55 Wp 10 @ 500 or 50x55 Wp 10 @ 1200</p> <p>SCALP SILVER STIP WALLS</p> <p>90x55 Wp 10, studs @ 500 c/s</p> | <p>RECESS - Fridge general @ 900 c/s H/2</p> <p>SPRINTS 500 on poles or as shown</p> <p>ROD PITCH 20 degrees</p> |
| <p>1. H/1 1. H/2</p> <p>1. H/1 1. H/2</p> <p>to be confirmed by Bulter)</p> <p>to be confirmed by Bulter)</p> | <p>1. H/1 1. H/2</p> <p>1. H/1 1. H/2</p> <p>to be confirmed by Bulter)</p> <p>to be confirmed by Bulter)</p> | <p>1. H/1 1. H/2</p> <p>1. H/1 1. H/2</p> <p>to be confirmed by Bulter)</p> <p>to be confirmed by Bulter)</p> |





Existing dwelling/shed - dwelling component to continue use as a secondary dwelling. Max floor area of secondary dwelling = 80m2



Total Floor Area=190 m2

FLOOR PLAN

SCALE - 1:100

MASONRY BLOCK WALLS
 '200' series masonry
 3600 HIGH
 Double bond beam to External walls
 Window heads 2200 & 2400 As noted
 Flush sills
 All timber & trusses Min. H2
 Termite treated.

INTERNAL PARTITION WALLS
 Studs & plates 70x35 MGP10 @ 500 crs
 1-row noggings @ 1200

CAVITY SLIDER STUD WALLS
 90x35 MGP10, studs @ 500 crs

TRUSSES - Prefab gangnail @ 900 crs H2
 SOFFITS 600 Raking, or as shown
 ROOF PITCH 15 degrees

JOB NO: 51420615
 DATE: 13/11/2020
 CONSULTING ENGINEERS
 ADEQUATE AS CERTIFIED
 RODGERS

MASONRY BLOCK WALL REINFORCING
 '200' Series masonry Nominal 3600 High
 Flush sills
 Double bond beam to External walls, 1- N16 to each course.
 Single bond beam to Internal Masonry walls, 1- N16.
 Provide N12 Vert. bar at Max 1000 crs, and at all corners,
 Adjacent to all openings, and under Girder truss tiedown locations.
 N16 Vertical bars where indicated on plan
 Lap 600 (200 CM and 150 CM walls) UNO.
 Provide 2-N12 bar adjacent to all openings > 1800 UNO.
 1-N12 in single bond beam to sills.
 LINTELS as per detail

- 1 MH 600x600 Man hole
(Location to be confirmed by Builder)
- d.p. - 90 Down pipe
Discharge to rock dispersed pads
- G.T. - Gorden top
- Mechanical exhaust fan/light
vented to eaves
- Indicates min. 1200
diameter ceiling fan.
- Smoke detectors to be wired into electricity
mains & to conform with A.S. 3878.
Location indicative only -
installing electrician to determine correct location,
and number of units required as per B.C.A. part 3.7.2.
- All primary Building elements
Termite Min H2 Termite treated

WATER PROOFING TO WET AREAS
 to be installed to AS3740
 Water stop angles to all doorways
 including Bathrooms, Water Closets
 and Laundries as per
 BCA Part 3.8.1.8(C) (ii)

| | | | |
|-------------------|------------------|-------|--------------|
| Job No. | TH-02 | Drawn | JH |
| Sheet | SH-WD03 | Scale | 1:100 & 1:20 |
| Status | FOR CONSTRUCTION | Date | 21-10-20 |
| Design Wind speed | C2 | | |

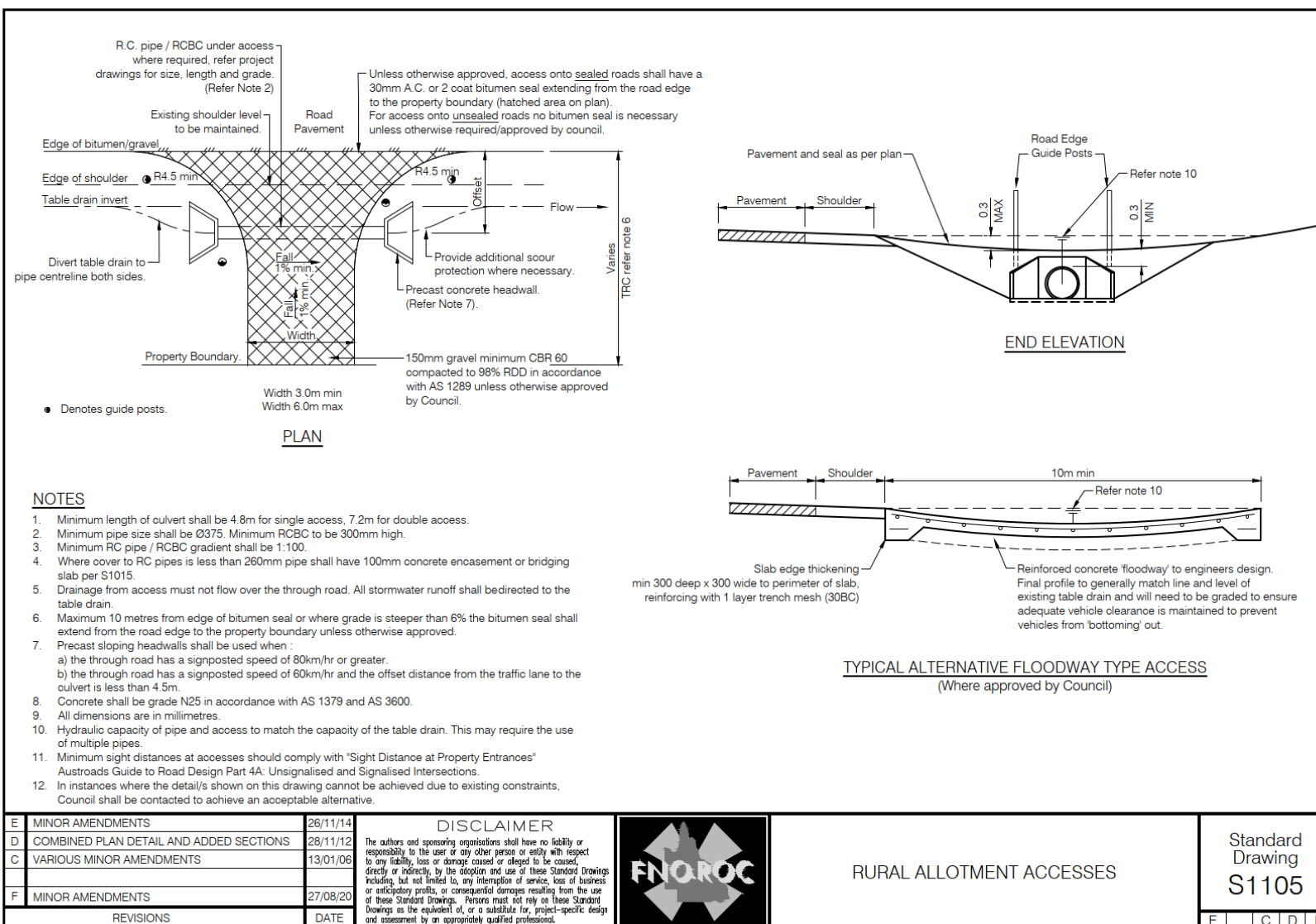
HUNT CONSTRUCTIONS
 RESIDENTIAL HOUSE DESIGNERS & BUILDERS
 Email - huntconstructions@gmail.com ABN. 32931265549
 BRETT - 0410289559 JOHN - 0418727393 QBCC 1192669 QBCC 32283

| | |
|-------|-----------------------------|
| Title | FLOOR PLAN |
| For | TRISTAN HUNT |
| AT | LOT 8 SLENDOR RD MOSSMAN |

These are the drawings referred to in the
 Building Contract dated :
 Owner :
 Builder :

| | |
|--------------------|---------|
| SOL CLASSIFICATION | CLASS P |
| SHEET SIZE | A3 |

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



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 23 December 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 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.