

Administration Office

64 - 66 Front St Mossman

P 07 4099 9444

F 07 4098 2902

20 October 2022

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2022_5111/1 (Doc ID 1117145)
Your Ref: TPC452

Warren John Coleman and Kim Coleman
Unit 1
15 Limpet Avenue
PORT DOUGLAS QLD 4877

Dear Sir/Madam

**Development Application for a Minor Change to Town Planning Consent TPC 452 for a
Carport at Unit 1, 15 Limpet Avenue Port Douglas
On Land Described as Lots 0 and 1 on BUP 71497**

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

Please quote Council's application number: MCUC 2022_5111/1 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)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under s78, s78A, s79, s81, s81A and s83 of the Planning Act 2016

Applicant Details

Name: Warren John Coleman and Kim Coleman

Postal Address: Unit 1, 15 Limpet Avenue
Port Douglas Qld 4877

Email: fossilspd@yahoo.com.au

Property Details

Street Address: Units 0 and 1, 15 Limpet Avenue Port Douglas

Real Property Description: Lots 0 and 1 on BUP71497

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for a Minor Change to the Town Planning Consent TPC 452 for Multiple Dwellings for a carport to Unit 1.

Decision

Date of 20 October 2022

Decision:

Decision Details: Approved whereby:

1. The design of the development is in accordance with the following table of Approved Drawing(s) and / or Document(s).

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

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

Drawing Document	or Reference	Date
Car Port Site Plan	JD Constructions Drawing.	11 October 2022

2. The following conditions and advices are included on the approval:

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.

ADVICE

1. This approval for the minor change, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) 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.
 4. 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.
3. All other requirements of the Decision Notice dated 16 June 1988 remain unchanged.

A copy of the original Decision Notice is attached.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work.

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.

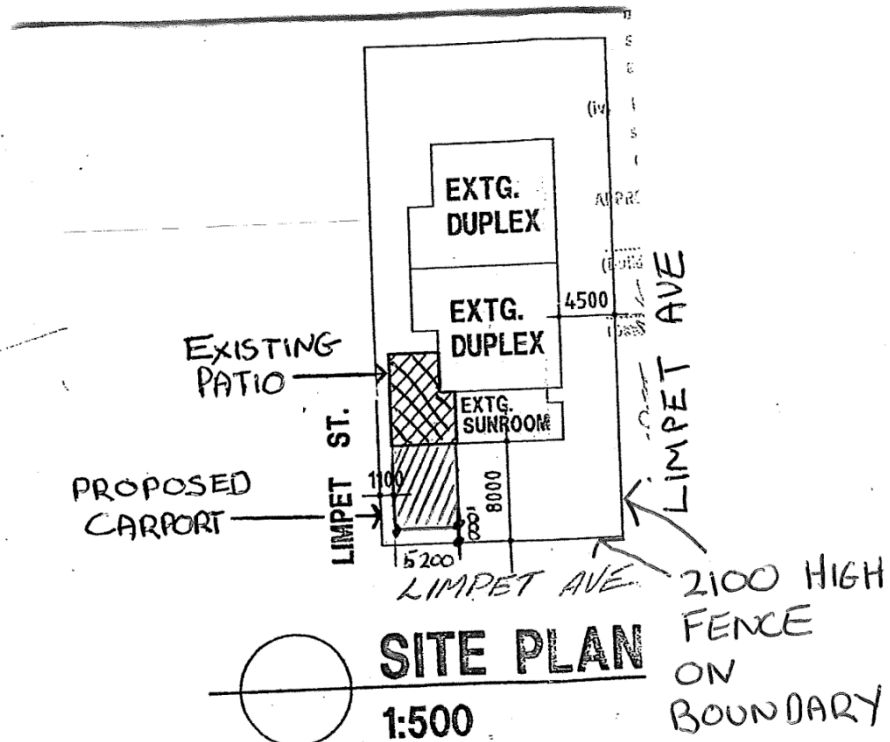
J.D. ADAMS CONSTRUCTIONS

ABN: 25 731 701 039

Extensions and Renovations
Decking and Pergolas
General Maintenance
Refurbishments
Registered with BSA Lic. No. 1061903

23 Birdwing St
Port Douglas 4877
Mobile: 0412 019 698
j.adams8@bigpond.com

11/10/22



PROPOSED CARPORT 7000 LONG 5200 WIDE
FOR WARREN AND KIM COLEMAN
15A LIMPET ST PORT DOUGLAS
LOT 34
RP 726590
BUP 71497

DOUGLAS SHIRE COUNCIL



TELEPHONE (070) 98 1555 - ADMINISTRATION OFFICES
98 1644 - WORKS DEPOT
98 1822 - ENGINEERING OFFICE
FAX No. (070) 98 1902
88/

P.O. BOX 357
MOSSMAN Q. 4873

ALL COMMUNICATIONS TO BE ADDRESSED TO
THE SHIRE CLERK

IF CALLING OR TELEPHONING ON THIS MATTER
ASK FOR:-

Mr J F Parsons

QUOTE REFERENCE

T2A JFP:SAS

YOUR REFERENCE

J A & M P Halstead,
P O Box 84,
PORT DOUGLAS QLD 4871.

16th June, 1988

Dear Sir/Madam,

RE: TOWN PLANNING SCHEME APPLICATION NUMBER. 452

I refer to your application dated 8th May, 1988 for land use approval under the provisions of the Town Planning Scheme for the development of a Duplex on land described as Lot 34 on RP 26590, Parish of Salisbury, County of Solander.

This application has been considered by Council and I advise that consent has been granted thereto subject to the following conditions:-

1. This approval does not constitute a Building Permit and a Building Permit must be obtained before any building operations proceed.
2. The Building Application when submitted must be in accordance with the Building Act and must also substantially comply with the sketch plan submitted with the consent application.
3. The applicant is to contribute, in accordance with Council's policy provided for in Section 33 (18e) and 33 (18f) of the Local Government Act, towards the provision of water headworks. The contribution is to be paid at the time of the building application at the rate current at that time. On the basis of the Facts and Circumstances set out in the application and the current provisions of the policy the estimated contribution is \$5,280-00.
4. If any sewerage is available at the time of lodgement of the building application, the applicant is to contribute, in accordance with Council's policy provided for in Section 33 (18e) and 33 (18f) of the Local Government Act, towards the provision of sewerage headworks. The contribution is to be paid at the time of the building application at the rate current at that time. On the basis of the Facts and Circumstances set out in the application and the current provisions of the policy the estimated contribution is \$4,600-00.

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..PAGE 2..

..J A & M P HALSTEAD..

5. The required area of landscaped area as outlined in Chapter 53 of the Council's By-Laws shall be planted and maintained to the satisfaction of the Building Surveyor.

6. The development must comply with the provisions of:-

(a) Council's Town Planning Scheme;

(b) Council's Development Control Plans;

(c) The Local Government Act, The Building Act, The Fire Safety Act, and all other relevant acts and regulations and the By-Laws of the Council shall at all times be observed and performed in relation to the land, the building, and the use and occupation thereof.

(d) The Traffic Act with particular reference to the ingress and egress of vehicles of the site in a forward gear.

7. All internal driveways, parking areas and vehicle manoeuvring areas shall be bitumen or otherwise imperviously sealed, drained and line marked to the satisfaction of the Building Surveyor.

8. Should work on the development as approved not be commenced within a period of two (2) years from the date of the permit, Council may implement action to revoke the approval as given.

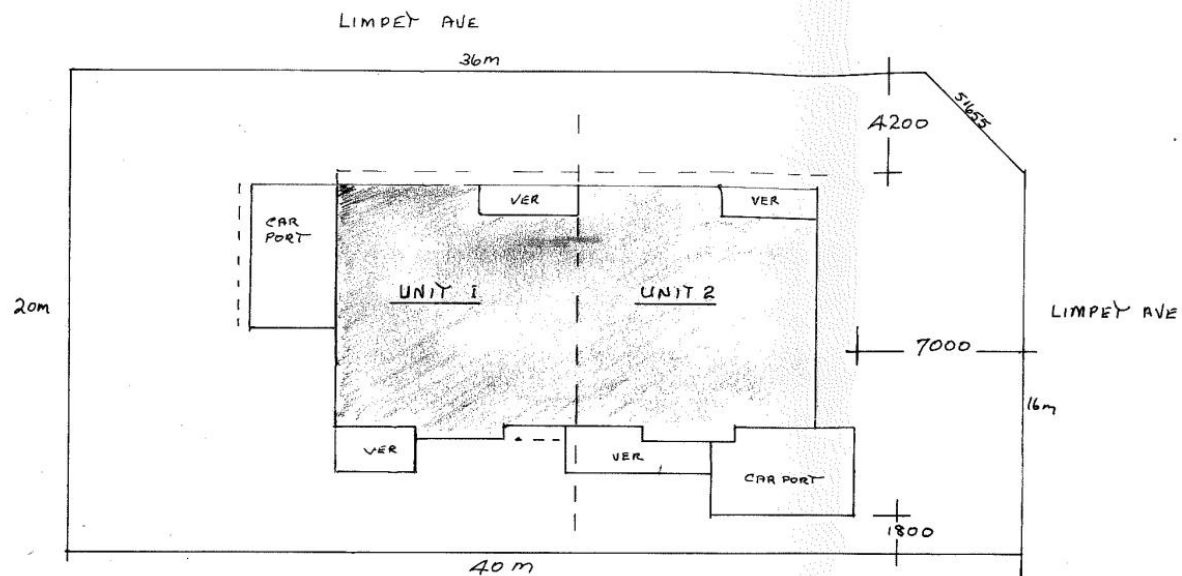
9. The conditions of the Town Planning consent are to be effected prior to the commencement of the specific use of the said consent.

10. The applicant is to comply with the Traffic Act, with particular reference to ingress and egress of vehicles to and from the site in forward gear. To enable this, the applicant shall construct manoeuvring bays adjacent to the individual driveways.

Yours faithfully,

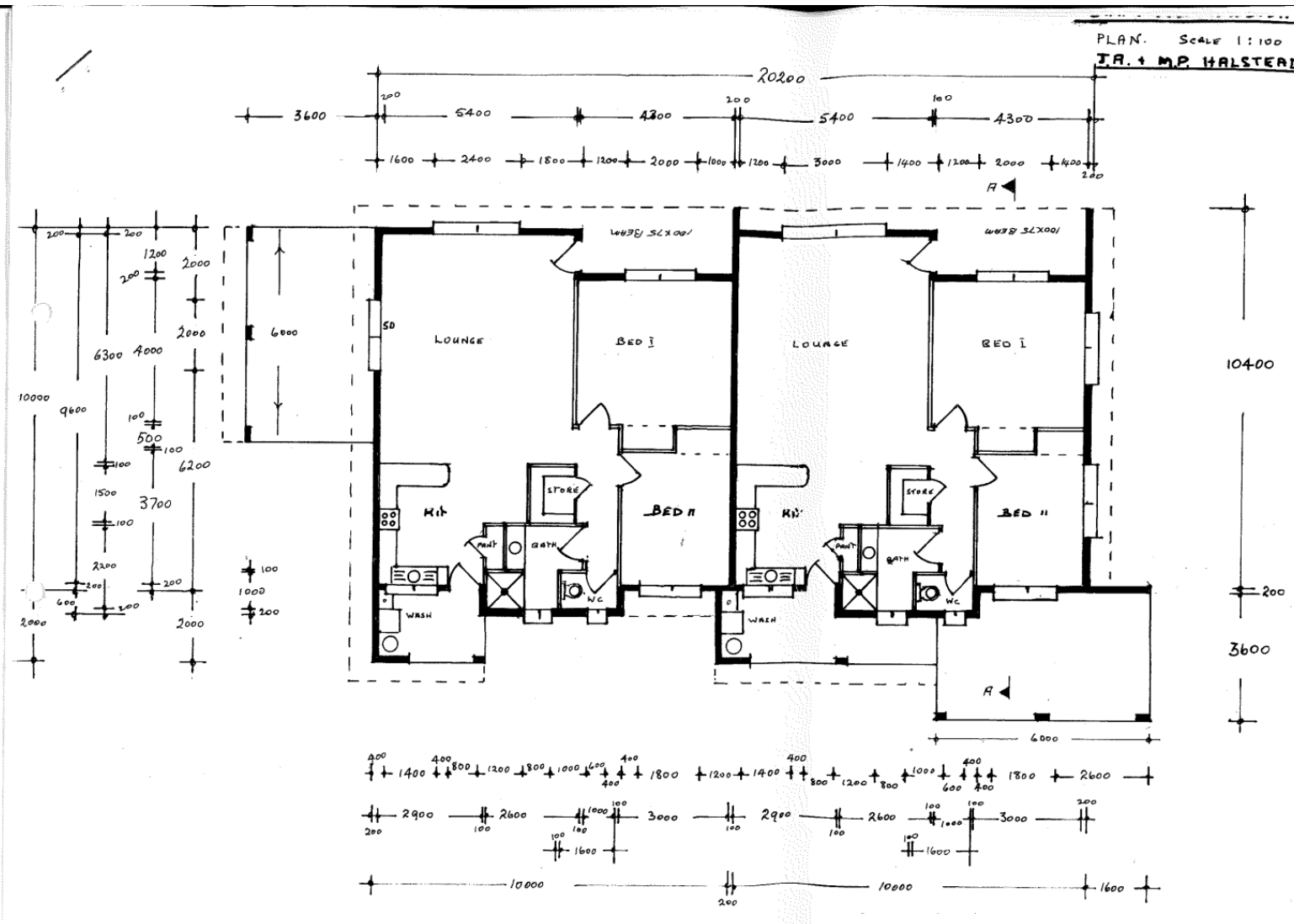


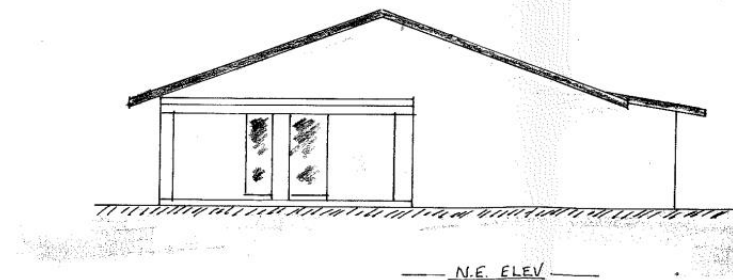
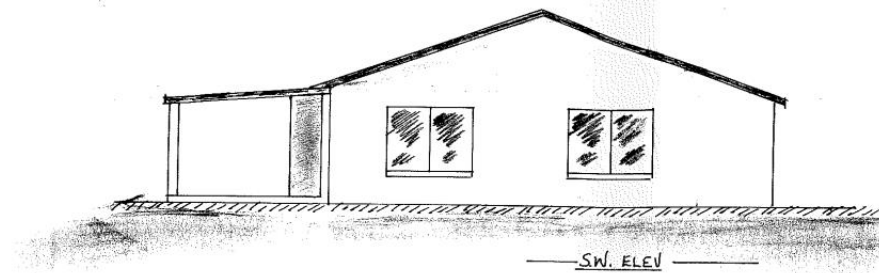
A J TWOMEY,
SHIRE CLERK.



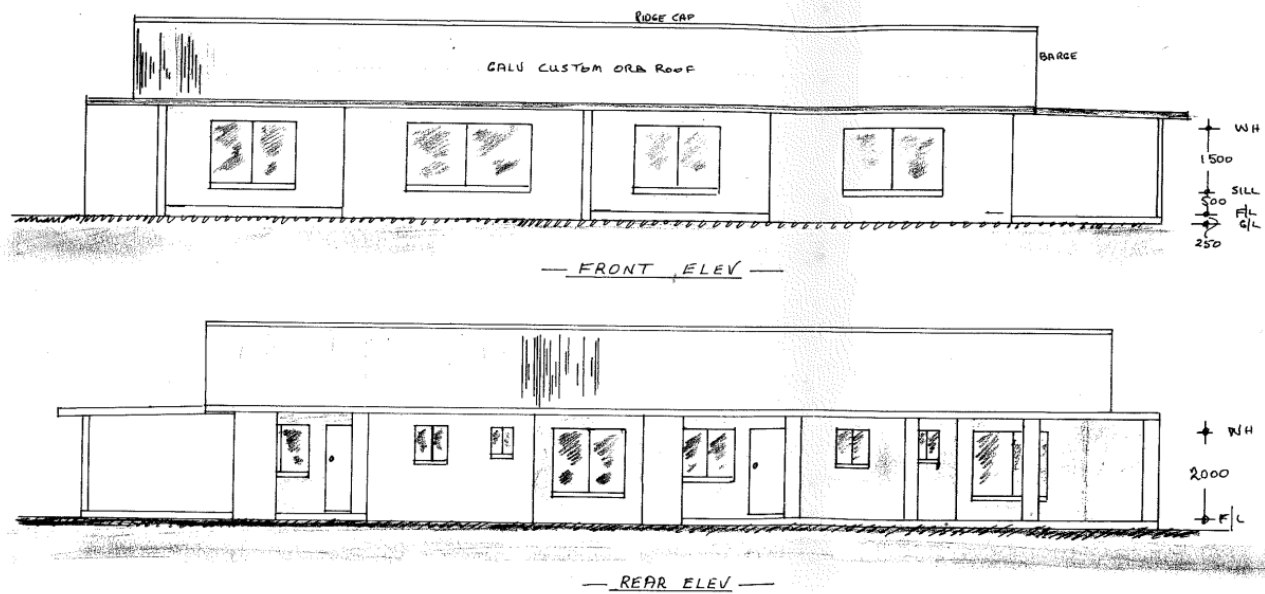
LOT 34 COUNTY OF SOLANDER
 RP 26590
 PARISH OF SABLESBURY
 TOWN OF PORT DOUGLAS
 VOL M937 FOLIO 148

J.A. + M.P. HALSTEAD
 BLOCK PLAN.





J.A. + M.P. HALSTEAD
ELEVATIONS



Reasons for Decision

1. The reasons for this decision are:
 - a. Sections s78, s78A, s79, s81, s81A and s83 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 2022 under sections s78, s78A, s79 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 and the 1981 Planning Scheme for the Whole of the Douglas Shire 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 Low-Medium Residential Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections s81, s81A and s83 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Development satisfactorily complies with the planning scheme and no concerns are raised.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.