

8 November 2022

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2022\_5112/1 (Doc ID 1120537)  
**Your Ref:**

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

Jim Casey and Laura Mather  
PO Box 162  
MOSSMAN QLD 4873

**Email:** [Jlc1988@hotmail.com](mailto:Jlc1988@hotmail.com) & [lauramather12@outlook.com.au](mailto:lauramather12@outlook.com.au)

Dear Sir/Madam

**Development Application for Material Change of Use for a Dwelling House  
At 3013 Mossman Daintree Road Lower Daintree  
On Land Described as Lot 4 on SP243579**

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

Please quote Council's application number: MCUC 2022\_5112/1 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 s 63 of the Planning Act 2016*

#### Applicant Details

Name: Jim Casey and Laura Mather

Postal Address: PO Box 162  
Mossman Qld 4873

Email: [Jlc1988@hotmail.com](mailto:Jlc1988@hotmail.com) & [lauramather12@outlook.com.au](mailto:lauramather12@outlook.com.au)

#### Property Details

Street Address: 3013 Mossman Daintree Road Lower Daintree

Real Property Description: Lot 4 on SP243579

Local Government Area: Douglas Shire Council

#### Details of Proposed Development

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

#### Decision

Date of Decision: 8 November 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
Perspective Views	EDR Building Designs, Project 22055, Sheet A-01 I,	7 October 2022

Drawing or Document	Reference	Date
Site Plan	EDR Building Designs, Project 22055, Sheet A-04 I, dated 7 October 2022 and as amended to detail the internal access as lodged with Council on 25 October 2022 (Council document 1118352).	25 October 2022
Site Setout Plan	EDR Building Designs, Project 22055, Sheet A-05 I,	7 October 2022
Floor Plan	EDR Building Designs, Project 22055, Sheet A-06 I,	7 October 2022
Elevations	EDR Building Designs, Project 22055, Sheet A-08 I,	7 October 2022
Sections	EDR Building Designs, Project 22055, Sheets A-09 I and A-10 I,	7 October 2022

## 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.

### Bushfire code Compliance

3. The house must be developed in accordance with AS3959- 2009.

### Water Supply

4. A 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.

### **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.

### **Building Colours**

7. The exterior finishes and colours of buildings and structures are to be non-reflective and should not be visible external to the site. Dark to darker shades of grey, green, blue and brown are acceptable colours.

### **Generators**

8. Noise from generators, air-conditioning units, service equipment or other mechanical equipment, must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

### **Fuel Storage**

9. All fuels must be stored in an undercover and secure location at all times.

### **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](http://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](http://www.douglas.qld.gov.au).
4. Application needs to be sought from the Department of Transport and Main Roads for any upgrade of the access to and from the State-controlled road.

### **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**

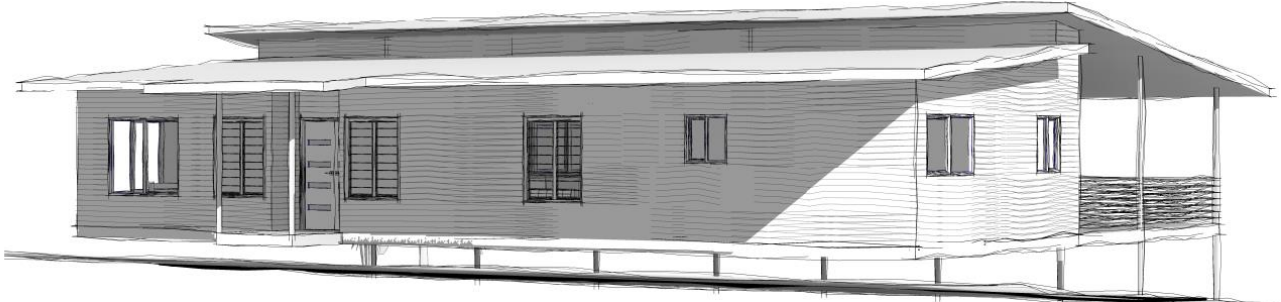
---

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)

DESIGN WIND CLASSIFICATION C2





Perspective 1




Perspective 2

**CONSTRUCTION ISSUE**

ISSUES/REVISIONS



CHARTERED MEMBER



THIS DRAWING IS COPYRIGHT & MUST NOT BE REPRODUCED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. THE CONTRACTOR & HIS/her SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By:	Edr
-Project Type:	Proposed Residence
-Client Name:	J Casey
-Project Address:	Lot 4 Mossman Daintree Rd Lower Daintree
-Project Number:	22055
-Drawing Title:	PERSPECTIVE VIEWS
-Scale:	AT A3
-Sheet Number:	A-01

**NOTE**  
NO SEWER PLAN AVAILABLE AT TIME OF DRAWING. VERIFY ON SITE PRIOR TO CONSTRUCTION.  
MAX SLOUGH WATER PRESSURE OR INSTALL PRESSURE LIMITING DEVICE.

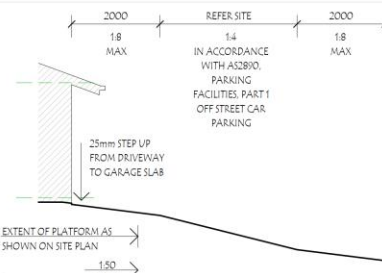
**SITE NOTES**  
LICENSED PLUMBER TO CONFIRM FINAL ALIGNMENT OF HOUSE SEWER & STORMWATER. CONFIRM ALL FALLS PRIOR TO CONSTRUCTION.  
CLIENT TO PROVIDE SKETCH PLAN SHOWING ANY FUTURE ALTERATIONS, EXTENSIONS, SWIMMING POOLS ETC. SO HOUSE SEWER & STORMWATER CAN BE ALIGNED TO ACCOMMODATE REQUIREMENTS.  
ALL PLUMBING & DRAINAGE WORK, SHALL BE IN ACCORDANCE WITH SEWERAGE AND WATER SUPPLY ACT 1994-1982, ASSOCIATED AMENDMENTS & RELEVANT AUSTRALIAN STANDARDS.  
ALL WATER TO BE DRAINED AWAY FROM BUILDING DURING & AFTER CONSTRUCTION & TO COMPLY WITH AS 2870 RESIDENTIAL SLABS & FOOTINGS. FINISHED SLAB LEVEL TO BE MINIMUM 1250mm ABOVE FINISHED GROUND LEVEL.  
ALL EARTHWORKS TO COMPLY WITH AS 3798-1996 GUIDELINES ON EARTHWORKS FOR COMMERCIAL & RESIDENTIAL DEVELOPMENTS.  
  
ALL EXISTING VEGETATION ON THE PROPERTY WITHIN THE FOOTPRINT OF THE PROPOSED RESIDENCE AND/OR WITHIN A RECOMMENDED SAFE DISTANCE FROM THE PROPOSED RESIDENCE'S FOOTINGS ARE TO BE REMOVED WELL PRIOR TO CONSTRUCTION TO ALLOW THE SOILS MOISTURE CONDITIONS TO RETURN TO A STATE OF EQUILIBRIUM.  
  
DEPRESSIONS FORMED BY THE REMOVAL OF VEGETATION & ALL DISTURBED WEAKEST SOIL SHOULD BE CLEARED OUT & BACKFILLED WITH COMPACTED SELECT FILL.

EDR BUILDING DESIGNS PO BOX 1350 ATHONTON QLD 4883 409555375 ABN: 75 121 588 052 QBSA: 104 2586 www.edrconcepts.com.au

PLEASE NOTE- SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ANY RESPONSIBILITY TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

D:\Dropbox\Projects\220000 Jobs\22055\Working\Drawings\22055\Wd's.rvt 7/10/2022 9:35:05 AM

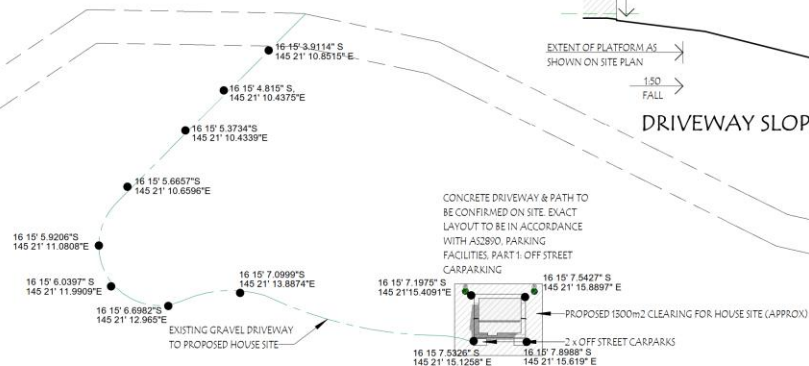
DESIGN WIND CLASSIFICATION C2



DRIVEWAY SLOPE DETAIL

# GENERAL NOTES

- REFER SITE PLANS FOR LOCATION, SETOUT AND ACTUAL LEVELS OF BUILDINGS. CONFIRM PRIOR TO EXCAVATION.
- CONTRACTOR TO CHECK ON SITE ALL DIMENSIONS PRIOR TO SHOP DRAWINGS AND FABRICATION.
- ALL DIMENSIONS ARE TO GRID LINES, FACE OF BLOCKWORK/BRICKWORK, FACE OF STUD OR CENTRELINE OF COLUMNS, U.N.O.
- CONTRACTOR TO CO-ORDINATE ALL SERVICES, PENETRATIONS AND STRUCTURE PRIOR TO CONSTRUCTION AND INFORM THE CONTRACT ADMINISTRATOR PRIOR TO CONSTRUCTION/FABRICATION.
- RAMPS, STAIRS, AND PATHWAYS/APRONS TO COMPLY WITH AS1428.1 (2009).
- WHERE A TRADE NAMED PRODUCT IS SPECIFIED IN THESE DOCUMENTS, IT IS TO BE CONSIDERED AS, OR EQUIVALENT TO APPROVAL OF CONTRACT ADMINISTRATOR.



Site Plan  
SCALE 1:2000

LOT NUMBER: 4  
RP NUMBER: Sp 243579  
PARISH: Whyanbeel  
COUNTY: Solander  
SITE AREA: 18730 m<sup>2</sup>

0 1000 2000 3000 4000 5000mm  
SCALE 1:100 AT ORIGINAL SIZE



EDR BUILDING DESIGNS PO BOX 1550 ATHERTON QLD 4885 40955375 A.B.N. 75 121 588 052 QB5A-104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.  
D:\Dropbox\Projects\220000 Jobs\220551\Working\Drawings\220551Wd's.rvt 7/10/2022 9:55:08 AM

CONSTRUCTION ISSUE

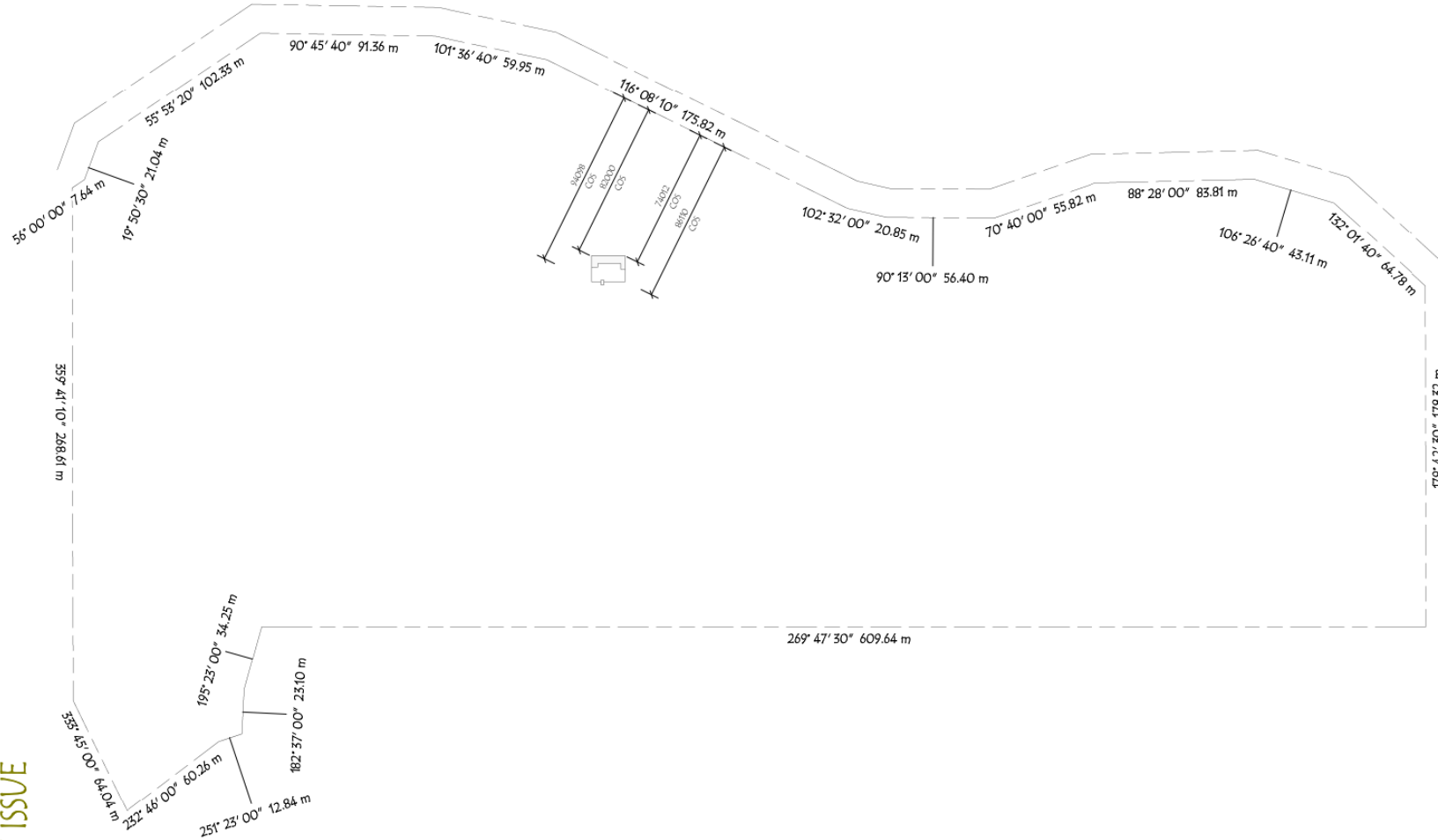
ISSUES/REVISIONS




THIS DRAWING IS COPYRIGHT & MUST NOT BE REPRODUCED, COPIED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. DO NOT SCALE FROM THE DRAWING. THE CONTRACTOR & HIS/her SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By: Edr  
-Project Type: Proposed Residence  
-Client Name: J Casey  
-Project Address: Lot 4 Mossman Paintree Rd Lower Paintree  
-Project Number: 22055  
-Drawing Title: SITE PLAN  
-Scale: AT A3  
-Sheet Number: A-04 I

DESIGN WIND CLASSIFICATION C2



CONSTRUCTION ISSUE

Site Setout Plan  
SCALE 1 : 2000

ISSUES/REVISIONS




THIS DRAWING IS COPYRIGHT & MUST NOT BE RETAINED, COPIED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. IT IS TO NOT SCALE FROM THE DRAWING. THE CONTRACTOR & HIS/her SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By:	Author	-Project Number:	22055
-Project Type:	Proposed Residence	-Drawing Title:	SITE SETOUT PLAN
-Client Name:	J Casey	-Scale:	AT A5
-Project Address:	Lot 4 Mossman Daintree Rd Lower Daintree	-Sheet Number:	A-05 I

EDR BUILDING DESIGNS PO BOX 1330 ATHERTON QLD 4885 40955575 ABN: 75 121 588 052 085-A 104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR'S BUILDING DESIGN OF ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING  
D:\Dropbox\Projects\22000 Jobs\22055\Working\dwgs\22055Wd's.rvt 7/10/2022 9:55:10 AM



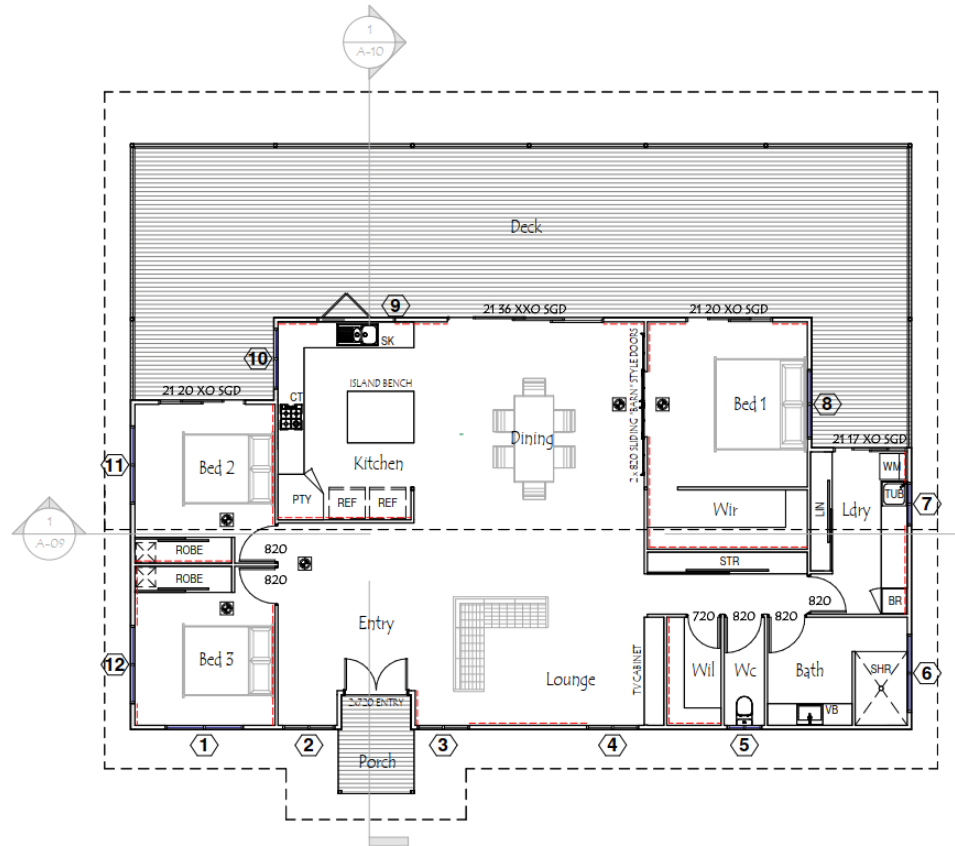
DESIGN WIND CLASSIFICATION C2

### Floor Area

Living	156.6 m <sup>2</sup>
Deck	85.2 m <sup>2</sup>
Porch	3.9 m <sup>2</sup>
	245.6 m <sup>2</sup>

### Window Schedule

No.	Ht	Wd	Description
1	1500	1800	XO SLIDING GLASS WINDOW
2	1500	1200	2 PANEL GLASS LOUVRES
3	1500	1200	2 PANEL GLASS LOUVRES
4	1500	1200	2 PANEL GLASS LOUVRES
5	800	800	XO SLIDING GLASS WINDOW OBS
6	1000	1800	XO SLIDING GLASS WINDOW
7	1000	1000	XO SLIDING GLASS WINDOW
8	800	1600	XO SLIDING GLASS WINDOW
9	1200		
10	1200	1400	XO SLIDING GLASS WINDOW
11	1500	1800	XO SLIDING GLASS WINDOW
12	1500	1800	XO SLIDING GLASS WINDOW



### Keynote Legend

Key Value	Keynote Text
BR	BROOM CPD
CT	COOKTOP
LIN	LINEN
PTY	PANTRY
REF	REFRIDGERATER PROVISIONS ONLY
ROBE	ROBE
SHR	SHOWER
SK	SINK
STR	STORE
TU/B	LAUNDRY TU/B
VB	VANITY BASIN
WM	WASHING MACHINE SPACE

### GENERAL JOINERY NOTES & STANDARDS

CHECK ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS

CONTRACTOR TO REPORT ANY DISCREPANCIES (ON DRAWING OR ON SITE) BEFORE COMMENCING OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS

SPECIFIED PROPRIETARY ITEMS DOES NOT IMPLY PREFERENCE FOR THE ITEM INDICATED, BUT IDENTIFIES THE MINIMUM PROPERTIES REQUIRED FOR SUCH ITEMS. ANY SUBSTITUTIONS ARE BY APPROVAL ONLY

CONFIRM NOMINATED APPLIANCES' MANUFACTURER'S RECOMMENDATIONS, SPECIFICATION, REQUIRED SPATIAL REQUIREMENTS AND INSTALLATION REQUIREMENTS WHERE SPECIFIED AS PART OF JOINERY UNIT AND / OR LOCATED ADJACENT TO - REFER JOINERY DRAWINGS AND FLOOR PLAN

JOINER TO ENSURE ALL APPLIANCES AND EQUIPMENT FITS IN ALLOCATED SPACINGS, AND TO ADVISE AND ACCOUNT FOR ADJUSTMENTS FOR APPROVED SUBSTITUTIONS

JOINER TO ENSURE ALL APPLIANCES AND EQUIPMENT THAT REQUIRE POWER, WATER AND/OR WASTE ARE CORRECTLY PROVIDED



### ELEVATION KEY

-Drawn By:	Edr	-Project Number:	22055
-Project Type:	Proposed Residence	-Drawing Title:	FLOOR PLAN
-Client Name:	J Casey	-Scale:	AT A5
-Project Address:	Lot 4 Mossman Daintree Rd Lower Daintree	-Sheet Number:	A-06

EDR BUILDING DESIGNS PO BOX 1330 ATHONTON QLD 4885 40955375 ABN: 75 121 588 052 085A 104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING  
D:\Dropbox\Projects\22000 Jobs\22055\Working\pws\22055Wd's.rvt 7/10/2022 9:35:11 AM

CONSTRUCTION ISSUE



ISSUES/REVISIONS




THIS DRAWING IS COPYRIGHT & MUST NOT BE RETAINED, COPIED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. IT IS TO NOT SCALE FROM THE DRAWING. THE CONTRACTOR & HIS/her SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

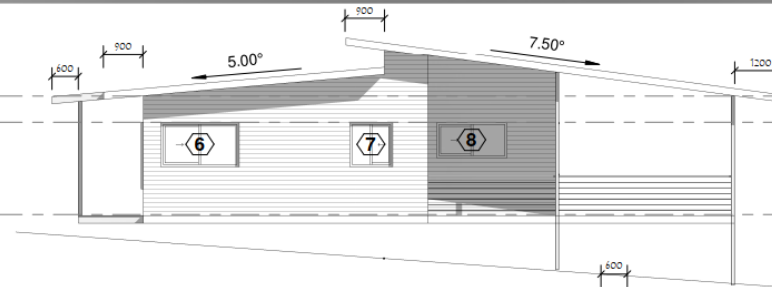
DESIGN WIND CLASSIFICATION C2

ROOF PITCH - AS SHOWN  
TYP O/H = AS SHOWN

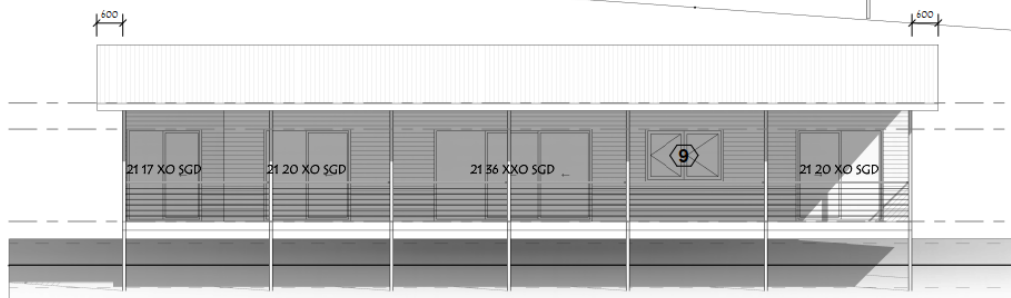
Elevation 1



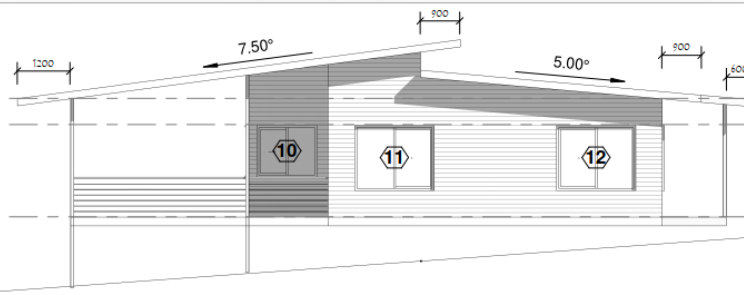
Elevation 2



Elevation 3



Elevation 4



Top Of Wall 2700  
Head Height 2100  
Ground Floor

Top Of Wall 2700  
Head Height 2100  
Ground Floor

Top Of Wall 2700  
Head Height 2100  
Ground Floor

Top Of Wall 2700  
Head Height 2100  
Ground Floor

EDR BUILDING DESIGNS PO BOX 1350 AITHERTON QLD 4883 40955375 ABN: 75 421 588 05 2 QBSA: 104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.  
7/10/2022 9:55:18 AM  
D:\Dropbox\Projects\22000 Jobs\22055\Working\Drawings\22055\WD's.rvt

CONSTRUCTION ISSUE

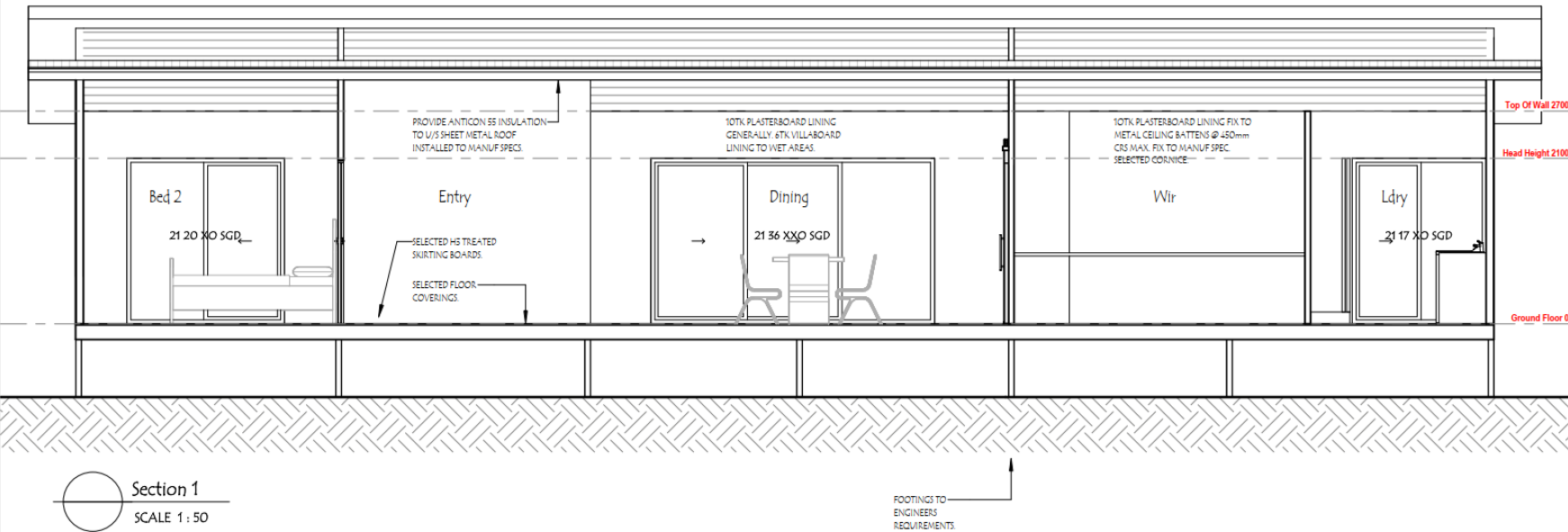
ISSUES/REVISIONS




THIS DRAWING IS COPYRIGHT & MUST NOT BE RETAINED, COPIED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. DO NOT SCALE FROM THE DRAWING. THE CONTRACTOR & HIS/HER SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By:	Edr	-Project Number:	22055
-Project Type:	Proposed Residence	-Drawing Title:	ELEVATIONS
-Client Name:	J Casey	-Scale:	AT A3
-Project Address:	Lot 4 Mossman Daintree Rd Lower Daintree	-Sheet Number:	A-08

DESIGN WIND CLASSIFICATION C2



Section 1  
SCALE 1:50

CONSTRUCTION ISSUE

ISSUES/REVISIONS




CHARTED MEMBER



THIS DRAWING IS COPYRIGHT & MUST NOT BE REPRODUCED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. THE CONTRACTOR & HIS/HER SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWING OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By:  
-Project Type:  
-Client Name:  
-Project Address:

Edr  
Proposed Residence  
J Casey  
Lot 4 Mossman  
Daintree Rd  
Lower Daintree

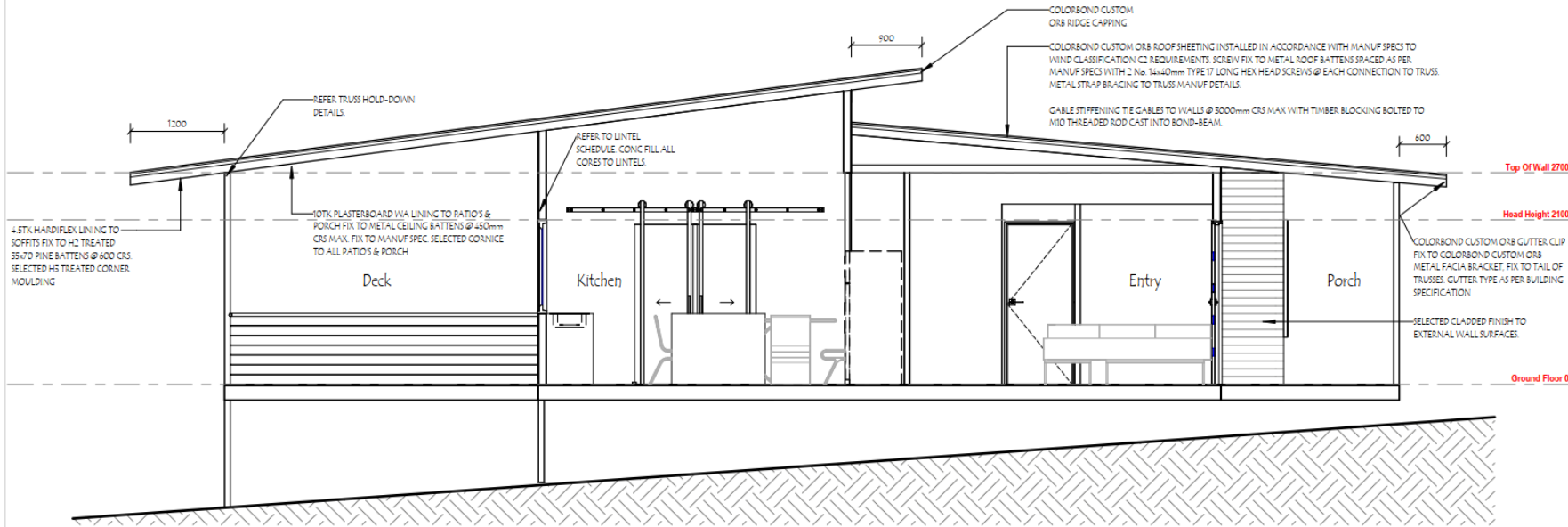
-Project Number:  
-Drawing Title:  
-Scale:  
-Sheet Number:

22055  
ARCHITECTURAL  
SECTIONS  
AT A3  
A-091

EDR BUILDING DESIGNS

PO BOX 1550 ATHONTON QLD 4883 40955375 ABN: 75 121 588 052 QBSA 104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGN'S ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.  
D:\Dropbox\Projects\22055\WorkingDwgs\22055\Wd's.rvt 7/10/2022 9:55:18 AM

DESIGN WIND CLASSIFICATION C2



Section 2  
SCALE 1 : 50

CONSTRUCTION ISSUE

ISSUES/REVISIONS




THIS DRAWING IS COPYRIGHT & MUST NOT BE REPRODUCED, COPIED OR USED WITHOUT THE AUTHORITY OF EDR BUILDING DESIGNS. DO NOT SCALE FROM THE DRAWING. THE CONTRACTOR & HIS/her SUB-CONTRACTORS ARE TO VERIFY DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

-Drawn By:  
-Project Type:  
-Client Name:  
-Project Address:

**AUTHOR**  
**Proposed Residence**  
**J Casey**  
**Lot 4 Mossman**  
**Daintree Rd**  
**Lower Daintree**

-Project Number: **22055**  
-Drawing Title: **ARCHITECTURAL SECTIONS**  
-Scale: **A1:AS**  
-Sheet Number: **A-10 |**

EDR BUILDING DESIGNS PO BOX 1350 ATHERTON QLD 4883 40753375 ABN: 75 121 588 052 QB5A-104 2586 www.edrconcepts.com.au  
PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ANY RESPONSIBILITY TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING  
D:\Dropbox\Projects\22000 Jobs\22055\Working\Drawings\22055\Wd's.wt 7/10/2022 9:55:18 AM

## 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 10 October 2022 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

None. Through the conditions of the approval the development complies with the planning scheme and no concerns are raised.

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.



## 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.