

1 February 2023

Enquiries: Neil Beck
Our Ref: MCUC 2022_5203/1 (1137746)
Your Ref: 222306

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

Austart Homes Pty Ltd
C/- The Building Approval Company
PO Box 74
REDLYNCH QLD 4870

Dear Jesse

**Development Application for Material Change of Use (Dwelling house and garage)
At Bamboo Creek Road BAMBOO
On Land Described as LOT: 3 RP: 808141**

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

Please quote Council's application number: MCUC 2022_5203/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

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: Austart Homes Pty Ltd
Postal Address: C/- The Building Approval Company
PO Box 74
REDLYNCH QLD 4870
Email: info@tbac.com.au

Property Details

Street Address: Bamboo Creek Road BAMBOO
Real Property Description: LOT: 3 RP: 808141
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use (Dwelling house)

Decision

Date of Decision: 1 February 2023
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Contour Plan	621BAM	1/11/2022
Setout Plan	621BAM	1/11/2022
Floor Plan	621BAM	1/11/2022
Elevations	621BAM	1/11/2022

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue F	27 August 2020

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

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.

On-Site Effluent Disposal

3. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. An updated on-site waste report for a 4 bedroom house must be submitted at the time of seeking a Compliance Permit for Plumbing Work.

Building Colours

4. The exterior finishes and colours of 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 unless otherwise approved by the Chief Executive Officer. Prior to the issue of a Development Permit for Building Work, provide the external building colours to the Chief Executive Officer for endorsement.

Vegetation Clearing

5. Existing vegetation on the subject land must be retained in all areas except those generally in accordance with the area approved on the site plan and those areas required to accommodate the land application area for the on-site effluent disposal system. Any further clearing outside of the existing approved earthworks footprint requires an Operational Works development approval.

Landscape Plan

6. Landscaping treatments must be undertaken in accordance with the approved landscape works previously endorsed by Council in response to the Enforcement Notice and to ensure the screening of cut batters overtime when viewed from Bamboo Creek Road and Elizabeth Close.

All landscaping works must be completed to the satisfaction of the Chief Executive Officer prior to the Commencement of Use.

Sediment and Erosion Control

7. Provide sediment and erosion control measures to stop prescribed contaminants entering water courses during the construction process to the satisfaction of the Chief Executive Officer.

Excavation Stability

8. The applicant must ensure that the excavated batter is stable and protected from risk of slip by way of certification by an appropriately qualified person.

Access

9. Vehicle access to the allotment must be constructed in accordance with Standard Drawing S1105 Issue F . A copy of the Standard Drawing forms part of the approved plans.

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

N/A

Currency Period for the Approval

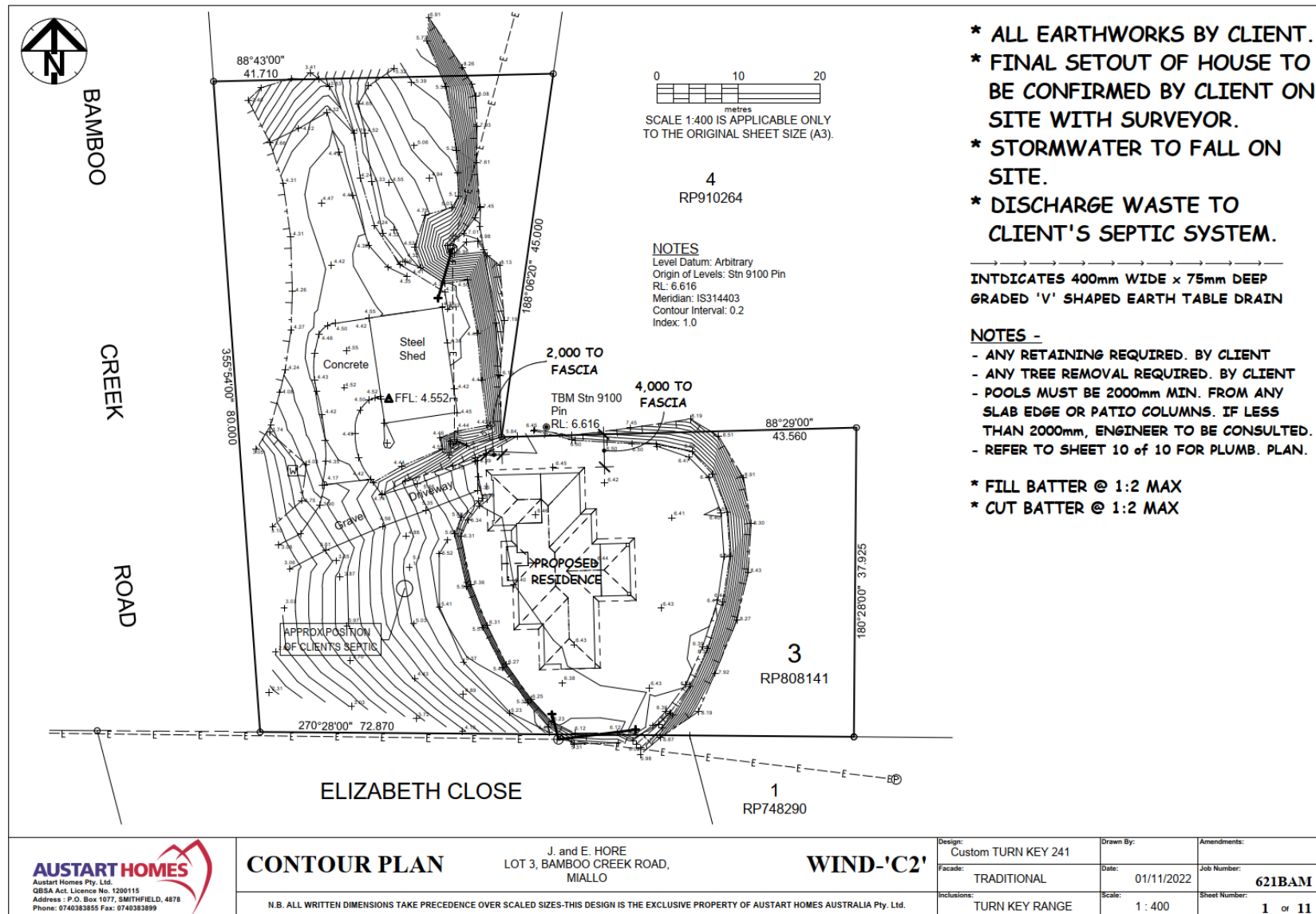
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

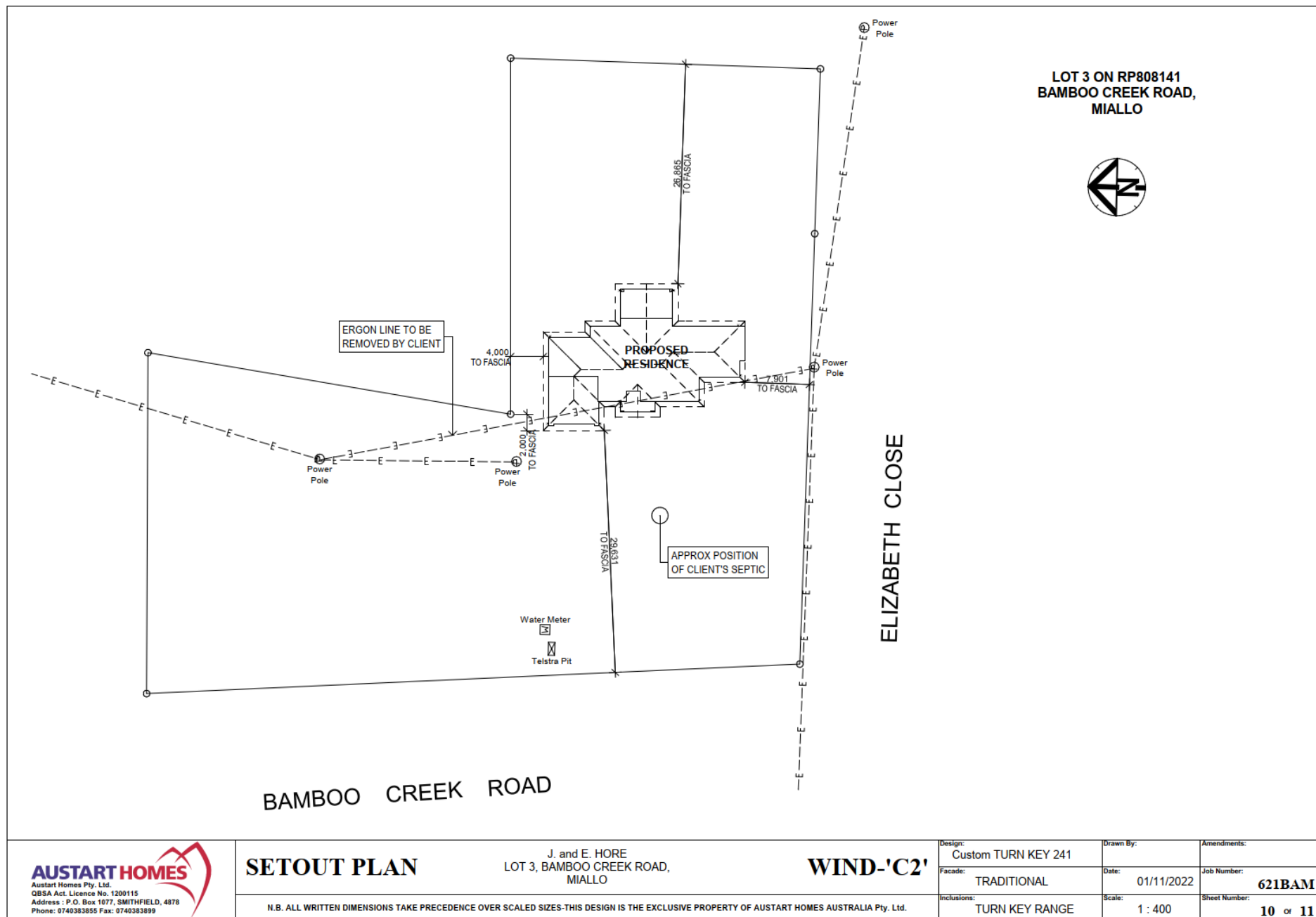
Rights to make Representations & Rights of Appeal

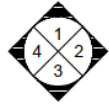
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

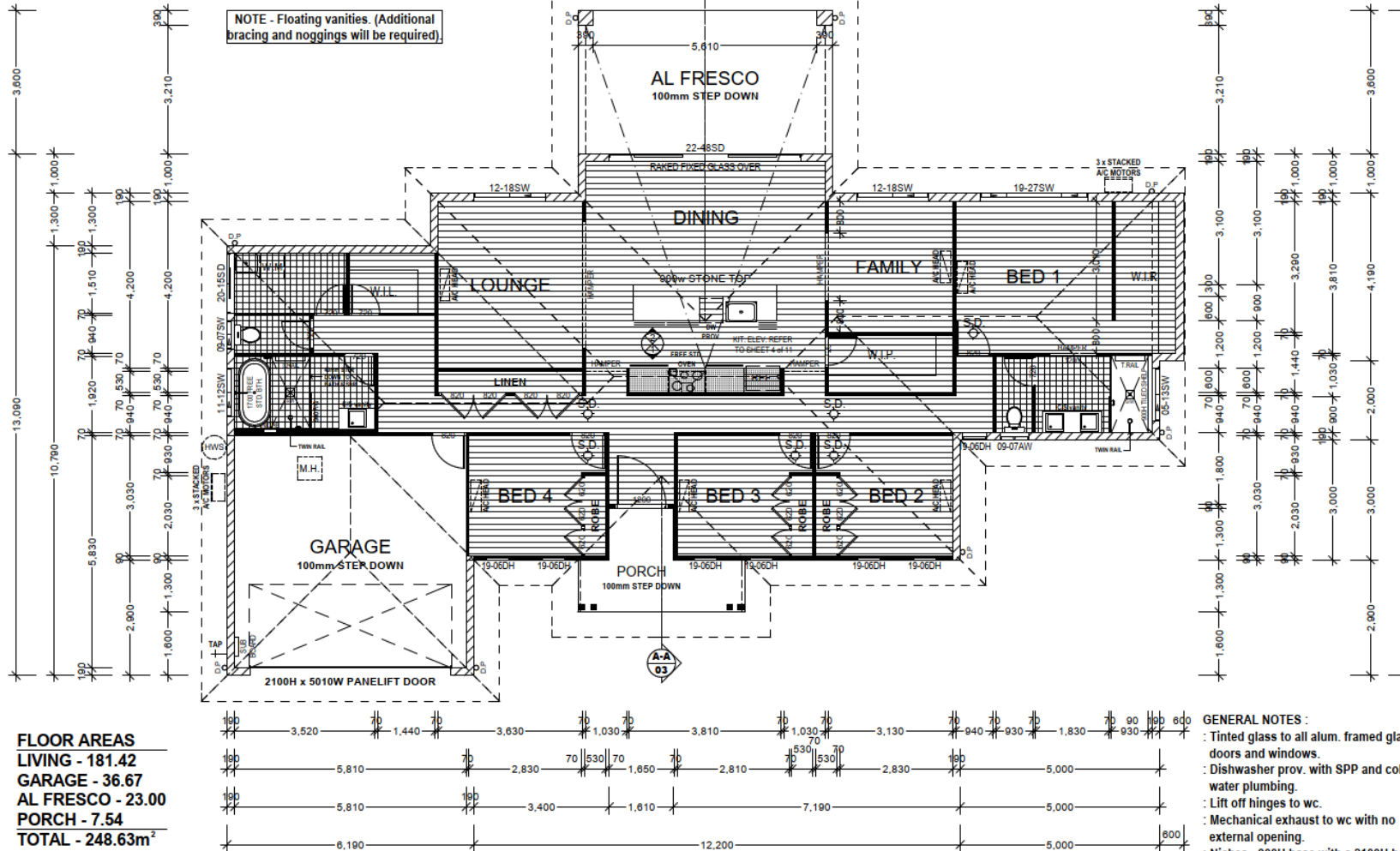
Approved Drawing(s) and/or Document(s)







ELEVATION KEY



FLOOR AREAS
LIVING - 181.42
GARAGE - 36.67
AL FRESCO - 23.00
PORCH - 7.54
TOTAL - 248.63m²
26.75 SQUARES

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

ALL DIMENSIONS SHOWN ARE TO FRAME AND BLOCKWORK, EXCLUDES GYPROCK

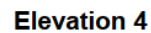
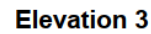
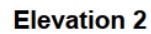
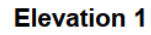
GENERAL NOTES :
: Tinted glass to all alum. framed glass doors and windows.
: Dishwasher prov. with SPP and cold water plumbing.
: Lift off hinges to wc.
: Mechanical exhaust to wc with no external opening.
: Niches - 900H base with a 2100H head U.N.O.
: Hampers and Openings - 2100H head U.N.O.
: Bulkheads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

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


FLOOR PLAN

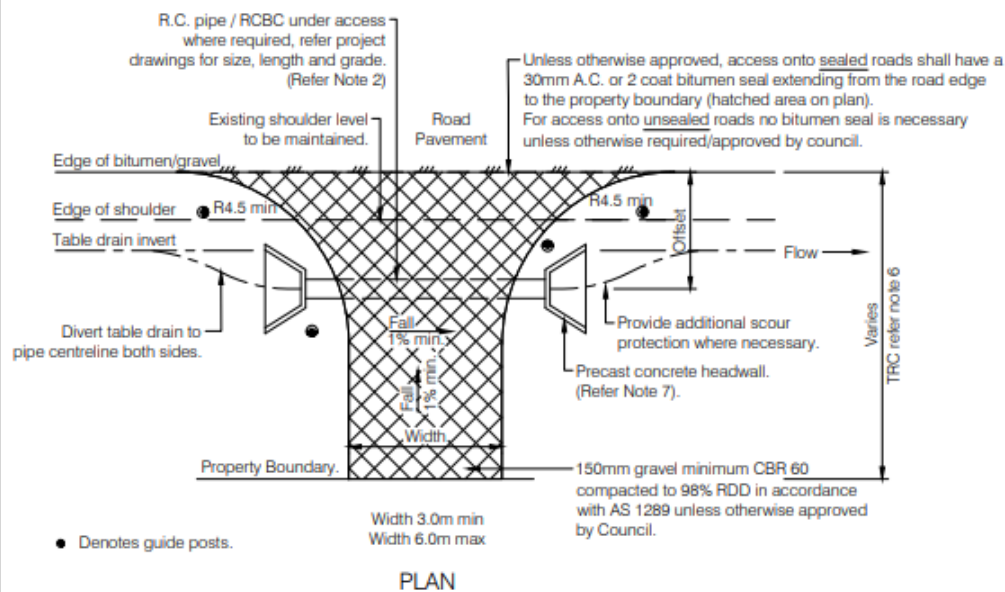
WIND-'C2'

Design: Custom TURN KEY 241	Drawn By:	Amendments:
	Date:	Job Number:
	Scale:	Sheet Number:
Traditional	01/11/2022	621BAM
TURN KEY RANGE	1:100	2 of 11
J. and E. HORE LOT 3, BAMBOO CREEK ROAD, MIALLO		
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES. THIS DESIGN IS THE EXCLUSIVE PROPERTY OF AUSTART HOMES AUSTRALIA Pty. Ltd.		
 Austart Homes Pty. Ltd. QBSA Act. Licence No. 1200115 Address : P.O. Box 1077, SMITHFIELD, 4878 Phone: 0746383838 Fax: 0746383839		

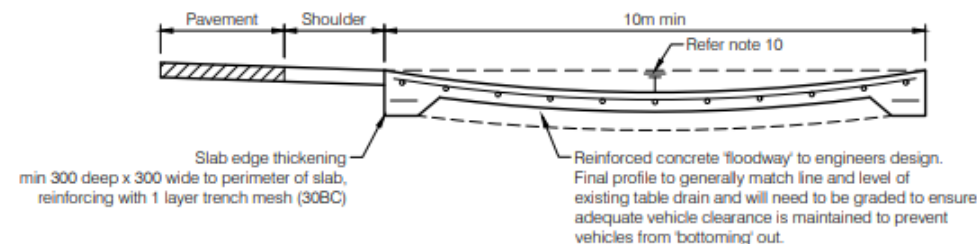


**FLY SCREENS ONLY TO ALL
OPENING WINDOWS AND
SLIDING GLASS DOORS,
INCLUDING FRONT DOOR.
(EXCLUDES GARAGE DOORS).**

 <p>AUSTART HOMES Austart Homes Pty. Ltd. QBSA Act. Licence No. 1200115 Address : P.O. Box 1077, SMITHFIELD, 4878 Phone: 0740383855 Fax: 0740383899</p>	<p>ELEVATIONS-1</p> <p>J. and E. HORE LOT 3, BAMBOO CREEK ROAD, MIALLO</p> <p>WIND-'C2'</p>		Design: Custom TURN KEY 241	Drawn By:	Amendments:
			Facade: TRADITIONAL	Date: 01/11/2022	Job Number: 621BAM
	<p>N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES-THIS DESIGN IS THE EXCLUSIVE PROPERTY OF AUSTART HOMES AUSTRALIA Pty. Ltd.</p>			Inclusions: TURN KEY RANGE	Scale: 1 : 100



NOTES



TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS

E	MINOR AMENDMENTS	26/11/14	<p>DISCLAIMER</p> <p>The authors and sponsoring organizations 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.</p>		<p>RURAL ALLOTMENT ACCESSES</p>	<p>Standard Drawing S1105</p>
D	COMBINED PLAN DETAIL AND ADDED SECTIONS	28/11/12				
C	VARIOUS MINOR AMENDMENTS	13/01/06				
F	MINOR AMENDMENTS	27/08/20				
REVISIONS		DATE				

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.

