

23 February 2023

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2023\_5283/1 (Doc ID 1141859)  
**Your Ref:**

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

Ms Karen Dennis  
17 White Oak Avenue  
MOSSMAN QLD 4873

Email: [kasawary23@gmail.com](mailto:kasawary23@gmail.com)

Dear Madam

**Development Application for Material Change of Use (Dwelling House)  
At 1187 Mossman-Daintree Road Rocky Point  
On Land Described as Lot 4 on RP747762**

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

Please quote Council's application number: MCUC 2023\_5283/1 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: Karen Dennis  
Postal Address: 17 White Oak Avenue  
Mossman Qld 4873  
Email: kasawary23@gmail.com

#### Property Details

Street Address: 1187 Mossman-Daintree Road, Rocky Point  
Real Property Description: Lot 4 on RP747762  
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: 23 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.

The term 'approved drawing(s) and/or document(s) or other similar expressions means the following plans.

Drawing or Document	Reference	Date
Site plan detailing location of the onsite waste infrastructure.	Unauthored Plumbing drawing as submitted by Applicant.	Undated as lodged to Council on 5 January 2023 (Council doc 1132811).

Drawing or Document	Reference	Date
Shed Plans (Elevations and basic floor plan)	Zammataro Plumbing Jon ZPL-178712, Drawings: 01 – 03, Revision 1	16 June 2022
Perspective of exterior and frame plans	Unauthored drawings submitted by Applicant.	Undated as lodged to Council on 5 January 2023 (Council doc 1132811).
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
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; and
  - 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.

### Erosion and Sediment Control Strategy

5. 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.

All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual and must comply with the following:

- a. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.
- b. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

### **Access**

6. 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.

### **Vehicle Access & Driveway**

7. The point of the vehicle access on the boundary is to be maintained.

Undertake the following works at no cost to Council whereby the access is upgraded to:

- a. Construct a rural allotment access in accordance with the FNQROC Development Manual Standard Drawing S1105 Rev F prior to the commencement of the use; and
- b. Construct a driveway access in accordance with the FNQROC Development Manual Standard Drawing S1110 Rev F prior to the commencement of use.

The access design to ensure vehicles can access and egress the land in a forward gear movement.

### **Bushfire**

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

### **Noise Attenuation**

9. The house must be developed in accordance with the Queensland Development Code MP 4.4 for requirements residential building in designated transport noise corridor

### **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**

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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*.

Note any work in the external to the front boundary of the site will require an approval from the Department of Transport and Main Roads for undertaking work in the road corridor.

### **Currency Period for the Approval**

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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**

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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.

26m

37m

11m

8m

9m

8m

20m

MOESMAN DAINTRREE ROAD

BR 1

BR 2

B

K

CAR PARK AREA

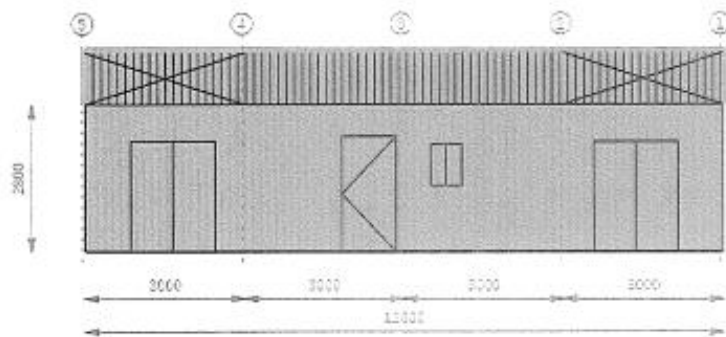
DRIVE WAY FOR CHANGING AREA

3000 LT SEPTIC TANK

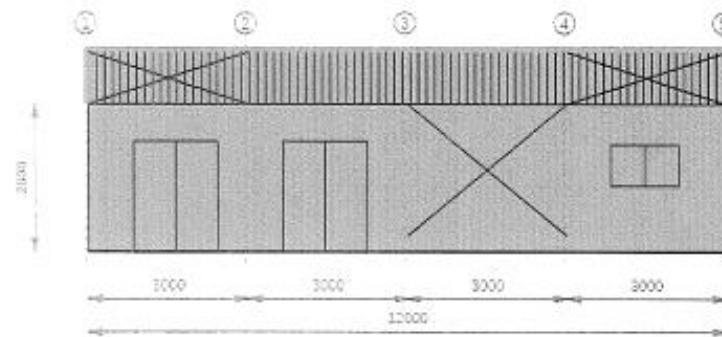
RES. BED ROOM

11m

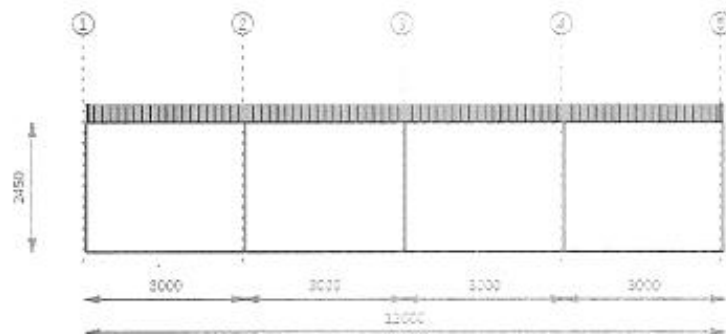
SITE PLAN & ON SITE SEWERAGE FACILITIES PLAN FOR 1187 MOESMAN DAINTRREE ROAD



Side Wall A



Side Wall B

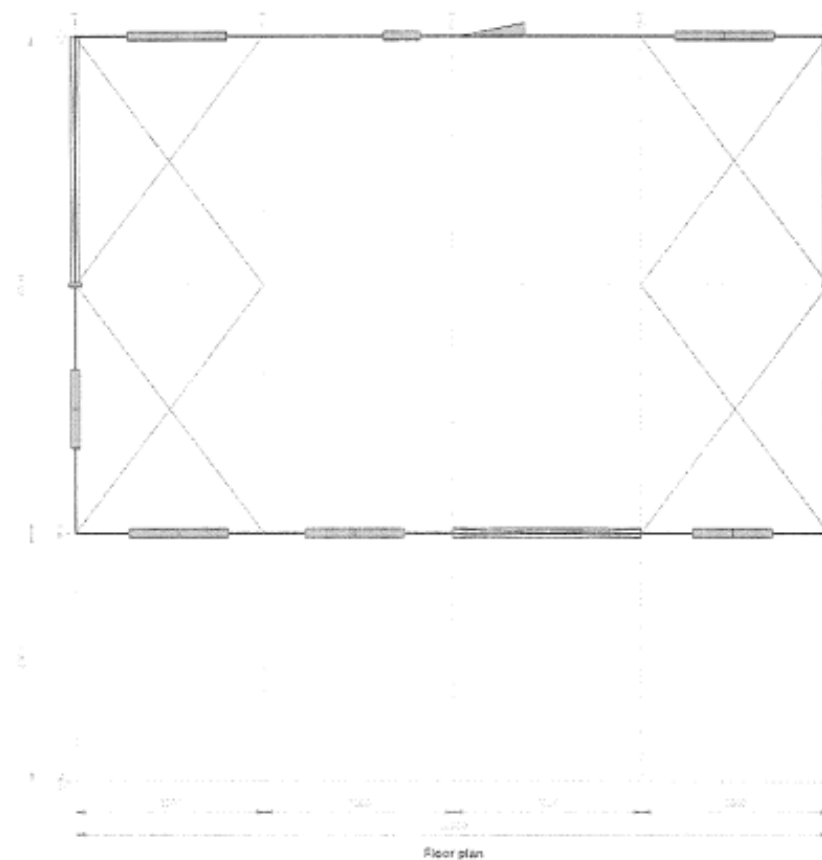


Side Wall C

Rev	Date	Description



File Name:	CONTRACT PLANS FOR A SHED 8.0M x 12.0M x 2.8M	Job No.	ZPL-178712
Client:	Karen Dennis	Dwg No.	02
Site address:	118T Danden Rd Moorman, Queensland, 4873	Date	16-Jun-2022
Rev	1	A3	



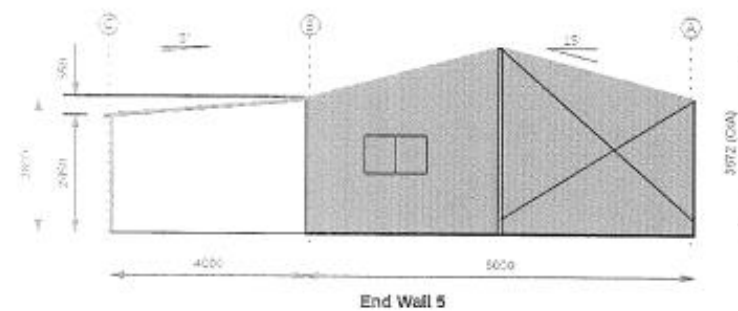
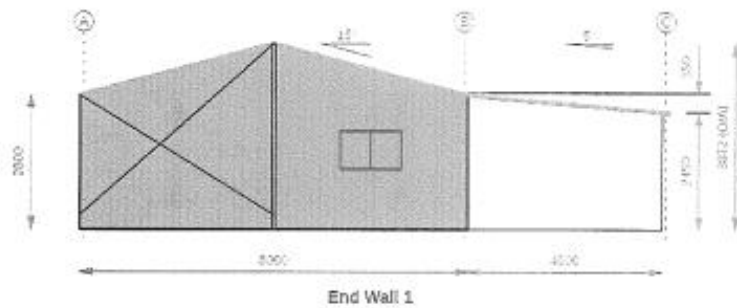
Rev	Date	Description



Title Name:	CONTRACT PLANS FOR A SHED 8.0M x 12.0M x 2.8M
Client:	Karen Dennis
Site address:	1187 Oaktree Rd Moorman, Queensland, 4673

Job No.	ZPL-178712
Dwg No.	03
Date	16-Jan-2022
Rev	1 A3





Rev	Date	Description



Title Name:	CONTRACT PLANS FOR A SHED 8.0M x 12.0M x 2.8M
Client:	Karen Dennis
Site address:	3387 Dairies Rd Moodoolan, Queensland, 4873

Job No.	ZPL-178732
Dwg No.	01
Date	16-Jun-2022
Rev	1
A3	

  
Information

  
Detail

  
Colours

  
Awning

  
Doors + Accessories

Footings

Slab Thickness

100mm

Slab Reinforcement

F72

Slab Strength

25MPA

Soil Type

M (20mm to 40mm)

☐ Piers Only

☒ Full Slab

☐ Slab & Piers

Hold Down System

Cee Base Plate

On Slab - Chemical Anchor

SHS Base Plate

On Slab - Chemical Anchor

Submit

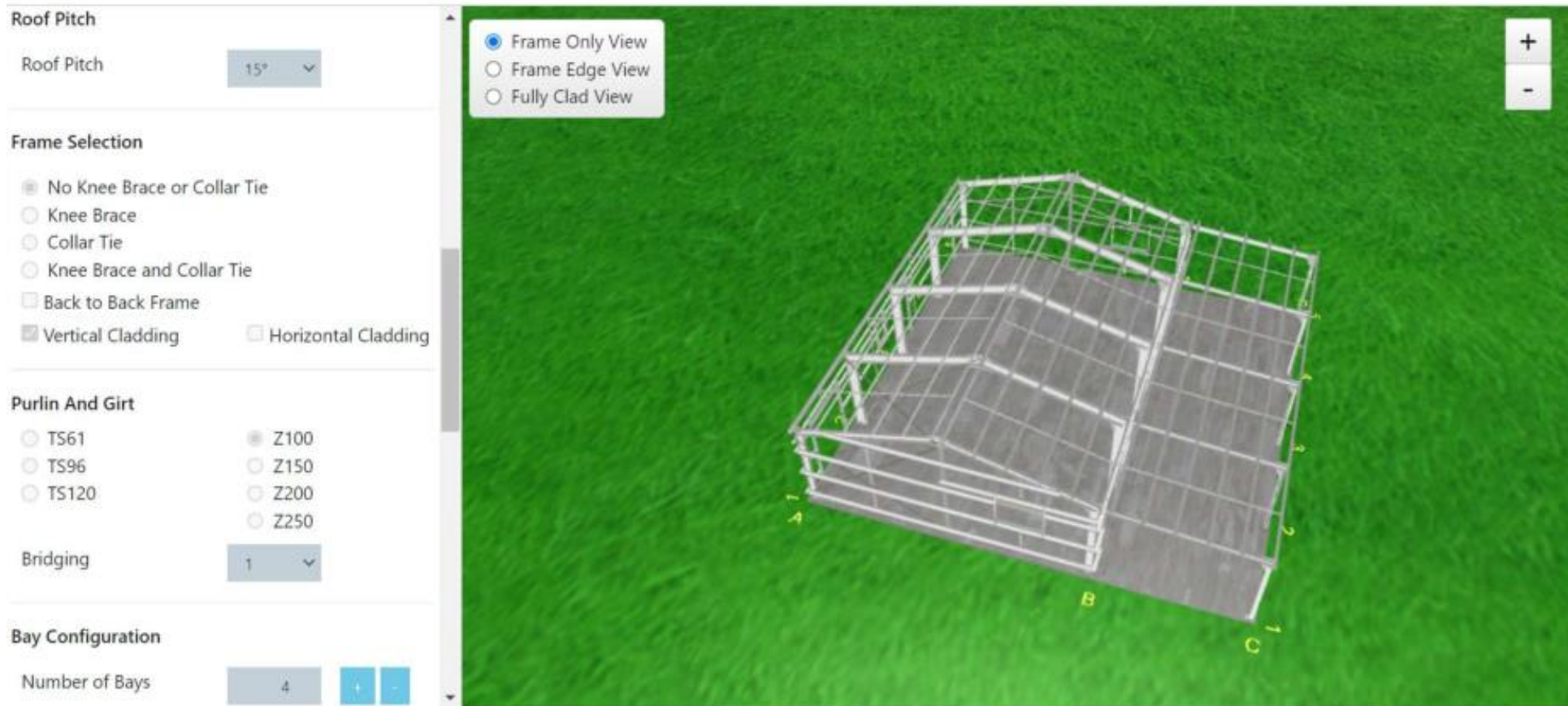
☐ Frame Only View

☒ Fully Clad View

+

-





### Bay Configuration

Number of Bays

4 + -

Bay #	Actual		Range
1	3		0.3m - 4.5m
2	3		0.3m - 4.5m
3	3		0.3m - 4.5m
4	3		0.3m - 4.5m

### Footings

Slab Thickness 100mm

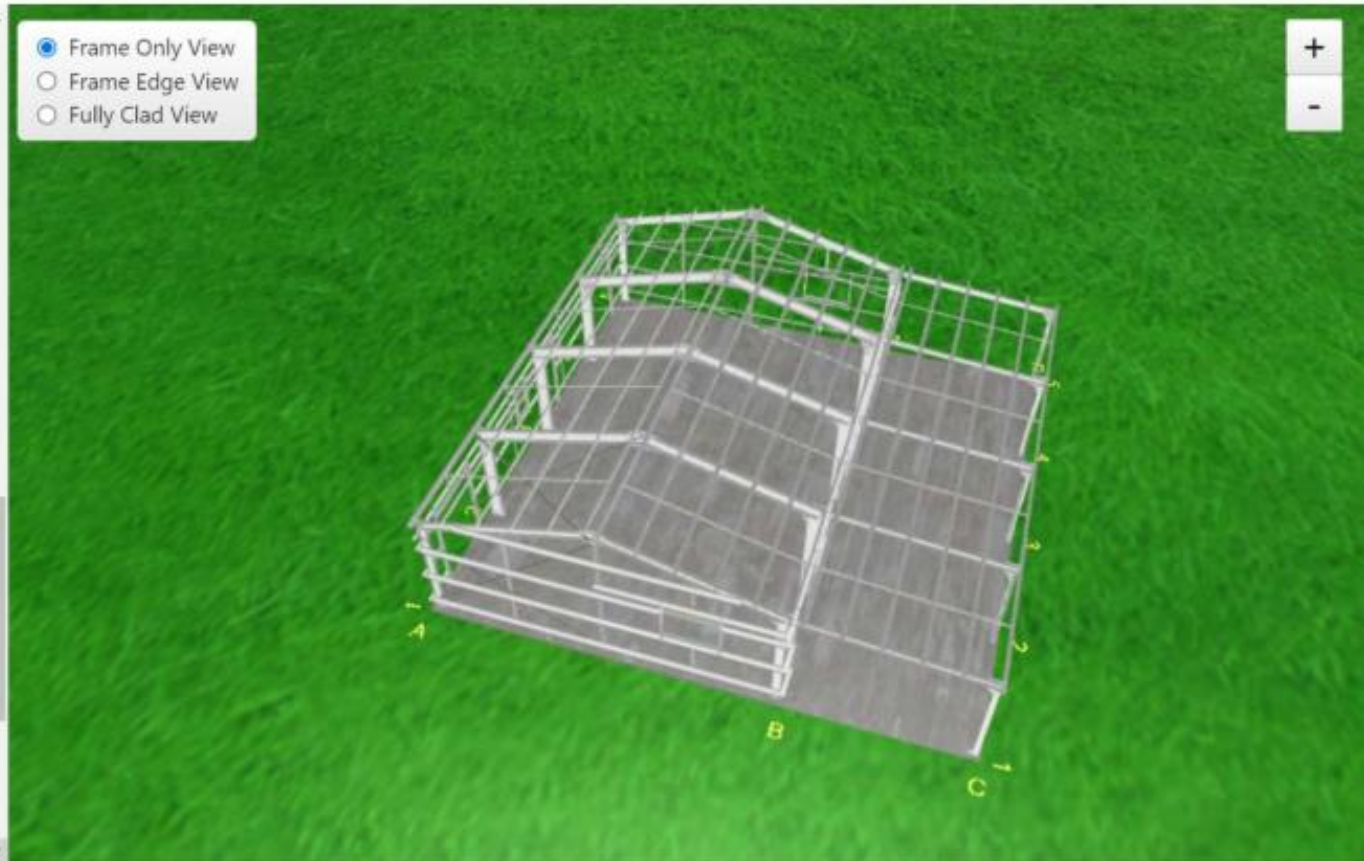
Slab Reinforcement F72

Slab Strength 25MPa

Soil Type

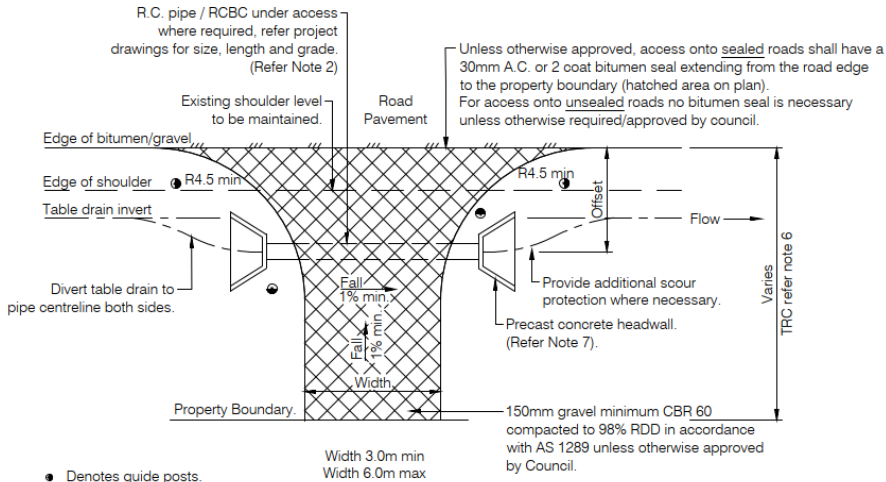
M (20mm to 40mm)

- ☒ Frame Only View
- ☐ Frame Edge View
- ☐ Fully Clad View





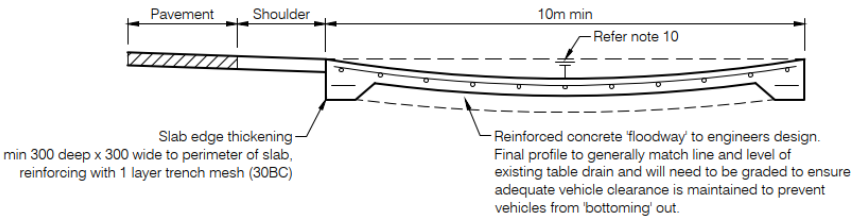
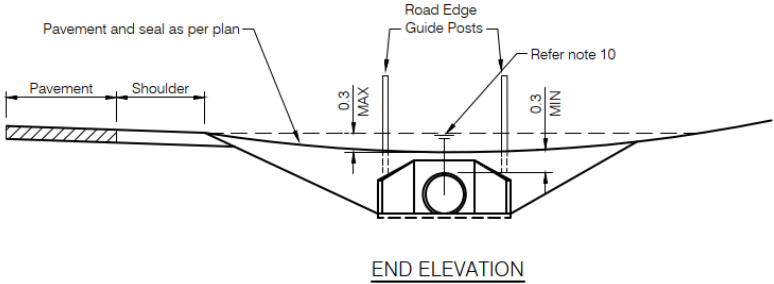
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



PLAN

NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete encasement or bridging slab per S1015.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when:  
a) the through road has a signposted speed of 80km/hr or greater.  
b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N25 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at accesses should comply with "Sight Distance at Property Entrances" Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
12. In instances where the detail/s shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative.



TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS  
(Where approved by Council)

E	MINOR AMENDMENTS	26/11/14
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

**DISCLAIMER**

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



RURAL ALLOTMENT ACCESSSES

Standard  
Drawing  
S1105

F | C | D | E

## 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 17 February 2023 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 Environmental Management 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]

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## **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.