

25 June 2026

Enquiries: Kieren Nyko
Our Ref: MCUC 2026_5939/1 (Doc ID 1370304)
Your Ref: 2025-10-108-Kasem-129 Rykers Road, Cape Tribulation

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

Kais Kasem
C/- Daniel Favier T/A Aspire Town Planning and Project Services
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

**Development Application for Material Change of Use for Dwelling house including
ancillary Shed and Home based business
At 129 Rykers Road, Cape Tribulation
On Land Described as Lot 2 on RP732553**

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

Please quote Council's application number: MCUC 2026_5939/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Kieren Nyko on telephone 07 4099 9444.

Yours faithfully



For
Leonard Vogel
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: Kais Kasem
Postal Address: C/- Daniel Favier T/A Aspire Town Planning and Project Services
PO Box 1040
MOSSMAN QLD 4873
Email: admin@aspireqld.com

Property Details

Street Address: 129 Rykers Road, Cape Tribulation
Real Property Description: Lot 2 on RP732553
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use (Dwelling house including ancillary Shed and Home based business)

Decision

Date of Decision: 25 June 2026
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Title Sheet and Drawing Schedule	Project No: 25-038-DE, Drawing No: BD00, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Site Plan	Project No: 25-038-DE, Drawing No: BD01, Rev: B, Prepared by Shell Engineers Structural Civil Building Design	09/04/2026

Existing Main Residence and Floor Plan	Project No: 25-038-DE, Drawing No: BD02, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Northern and Eastern Elevations	Project No: 25-038-DE, Drawing No: BD03, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Southern and Western Elevation	Project No: 25-038-DE, Drawing No: BD04, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Main Residence Roof Plan	Project No: 25-038-DE, Drawing No: BD05, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow A Floor Plan	Project No: 25-038-DE, Drawing No: BD06, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow A Elevations	Project No: 25-038-DE, Drawing No: BD07, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow A Roof Plan	Project No: 25-038-DE, Drawing No: BD08, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow B and C Floor Plan	Project No: 25-038-DE, Drawing No: BD09, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow B and C Elevations	Project No: 25-038-DE, Drawing No: BD10, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Bungalow B and C Roof Plan	Project No: 25-038-DE, Drawing No: BD11, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Carport Floor and Roof Plan	Project No: 25-038-DE, Drawing No: BD12, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	25/11/2025
Existing Carport Elevations	Project No: 25-038-DE, Drawing No: BD13, Rev: A, Prepared by	25/11/2025

	Shell Engineers Structural Civil Building Design	
Existing Driveway Plan	Project No: 25-010-E, Drawing No: 3.C01, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	27/05/2026
Proposed Driveway Plan	Project No: 25-010-E, Drawing No: 3.C02, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	27/05/2026
Footing and Slab Plan	Project No: 25-010-E, Drawing No: 3.C03, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	27/05/2026
Proposed Driveway Sections	Project No: 25-010-E, Drawing No: 3.C04, Rev: A, Prepared by Shell Engineers Structural Civil Building Design	27/05/2026

Assessment Manager Conditions & Advices

General

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, including recommendations and findings confirmed within technical reports; 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 satisfied prior to commencement of use, except where specified otherwise in these conditions of approval.

Water Supply

3. Water storage tank(s) with a minimum capacity not less than 30,000 litres must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the Building Application. Such water 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. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
- e. A 50mm ball valve with a cam lock fitting; and
- f. Shielding of tanks and pumps in accordance with the relevant standards.

Potable Water

4. Water testing must be carried out on extracted water sources (bore or spring) as to meet the requirements of 'potable water' under the Australian Drinking Water Guidelines (2011). A certificate of analysis must be provided to Council before commencement of operation. Suitable licencing must also be obtained.

Where extracted water is not to be used for human consumption, clear and legible signage must be placed at all tap fixtures stating that the water is non-potable. Sufficient bottled water must also be provided to guests staying at the property.

On-Site Effluent Disposal

5. Plans of the wastewater treatment system must be designed in accordance with the Plumbing and Drainage Act 2018 and with the Onsite Sewerage Assessment, Report No C07-316, Rev A, Prepared by Engineering Testing Services (Cairns) Pty Ltd, Dated July 2007. A Plumbing and Drainage application is to be submitted to Council and the Plumbing Permit issued prior to the commencement of use.

Lawful Point of Discharge

6. The flow of all external stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

Sediment and Erosion Control

7. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Vegetation Clearing

8. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of the Dwelling house, ancillary Shed and Home based business, as detailed on the approved plans.

Any further vegetation damage will require a Development Permit for Operational Work.

Landscaping

9. All landscaping to be installed must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing landscape. Exotic species are not permitted.

Carparking

10. A carparking area with a minimum of two (2) covered parking spaces must be constructed in accordance with the relevant Australian Standard.

Driveway Rectification Works

11. Undertake driveway rectification works in accordance with approved Driveway Rectification Plan; Project No: 25-010-E, Prepared by Shell Engineers Structural Civil Building Design.

All works should be constructed according to the approved plans and completed prior to the commencement of use.

Final Geotechnical Assessment

12. Construction must be in accordance with the recommendations of the Potential Landslide Hazard Engineers Statement; Job Number: 25-038-DE, Prepared by Shell Engineers Structural Civil Building Design.

A final geotechnical assessment must be provided to Council at the completion of the project. The final geotechnical assessment shall certify that the site has been designed and constructed in accordance with the relevant guidelines, standards and good engineering practice, to ensure that the risk for the developed sites is within the "low" to "very low" risk range as defined by the AGS (2007).

Limitation of Use

13. Where the use is being used for Home based business 'Bed and breakfast' guest stays are limited to a maximum of 14 consecutive nights.

Refuse

14. All refuse is to be disposed of off site at a Council operated waste and recycling facility.

Generators

15. Noise from generators 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

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

Bushfire

17. The Dwelling house must be developed in accordance with AS3959-2018. Vegetation clearance areas are to be maintained as per the design approved in accordance with AS3959-2018.

Building Colours

18. 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 (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

Damage to Infrastructure

19. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired at the owners expense, prior to the commencement of use.

Acid Sulfate Soils Investigation

20. Any required excavations may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Weed and Pest Management

21. Weed management is required and must be ongoing to ensure all priority, invasive and environmental weeds as listed under the *Biosecurity Act 2014* are eradicated from all cleared areas and areas immediately adjacent to any approved structures.

Advice Note: Under section 23 (the General Biosecurity Obligation) of the Biosecurity Act 2014 (Qld), persons who carry out activities on the listed land are required to take all reasonable measures to prevent or minimize any biosecurity risk and avoid actions that make worse or increase the risk, such as failing to manage the impact of invasive plants and animals on the subject land.

Advice

1. 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 cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.

Further Development Permits

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

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

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


PROPOSED RESIDENCE INCLUDING BUNGALOWS, CARPORT AND CARETAKER'S COTTAGE

CLIENT: K. Kasem ADDRESS: 129 Rykers Road Cape Tribulation QLD 4873

SHEET	SHEET NAME	REVISION	REVISION DESCRIPTION
BD00	TITLE SHEET AND DRAWING SCHEDULE	A	DEVELOPMENT APPROVAL
BD01	SITE PLAN	B	DEVELOPMENT APPROVAL - REVISED
BD02	EXISTING MAIN RESIDENCE FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD03	EXISTING NORTHERN AND EASTERN ELEVATIONS	A	DEVELOPMENT APPROVAL
BD04	EXISTING SOUTHERN AND WESTERN ELEVATIONS	A	DEVELOPMENT APPROVAL
BD05	EXISTING MAIN RESIDENCE ROOF PLAN	A	DEVELOPMENT APPROVAL
BD06	EXISTING BUNGALOW A FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD07	EXISTING BUNGALOW A ELEVATIONS	A	DEVELOPMENT APPROVAL
BD08	EXISTING BUNGALOW A ROOF PLAN	A	DEVELOPMENT APPROVAL
BD09	EXISTING BUNGALOW B AND C FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD10	EXISTING BUNGALOW B AND C ELEVATIONS	A	DEVELOPMENT APPROVAL
BD11	EXISTING BUNGALOW B AND C ROOF PLAN	A	DEVELOPMENT APPROVAL
BD12	EXISTING CARPORT FLOOR AND ROOF PLAN	A	DEVELOPMENT APPROVAL
BD13	EXISTING CARPORT ELEVATIONS	A	DEVELOPMENT APPROVAL



NOT FOR CONSTRUCTION

 SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation & Experience</i>	ABN 886791471876 RPEQ 7279 MBEAust PO BOX 392 EDGE HILL QLD 4870 TEL 4276 1990 E-MAIL ADMIN@SHELL.NET.AU	MEDIUM RISE QBCC 15511205	<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>P1</td> <td>PRELIMINARY - CLIENT REVIEW</td> <td>14/09/2025</td> </tr> <tr> <td>P2</td> <td>PRELIMINARY - CLIENT REVIEW</td> <td>18/11/2025</td> </tr> <tr> <td>A</td> <td>DEVELOPMENT APPROVAL</td> <td>25/11/2025</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE	P1	PRELIMINARY - CLIENT REVIEW	14/09/2025	P2	PRELIMINARY - CLIENT REVIEW	18/11/2025	A	DEVELOPMENT APPROVAL	25/11/2025							THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.	PROJECT PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873	SCALE A3	DATE 27/05/2026 3:25:12 PM	DRAWN AB/ML	CHECKED -
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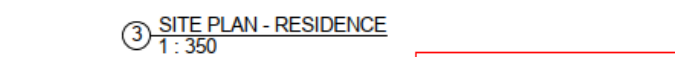
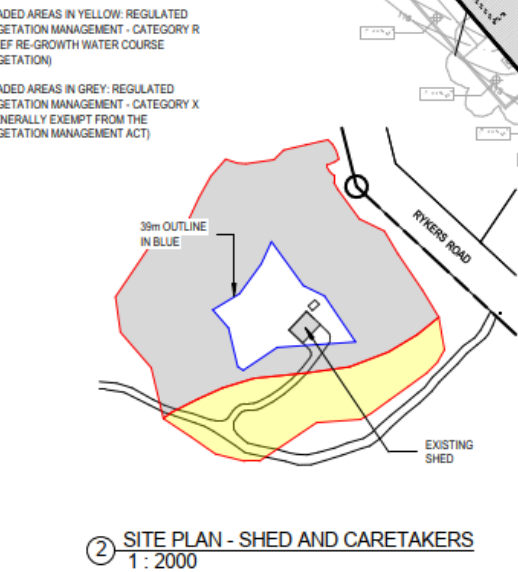
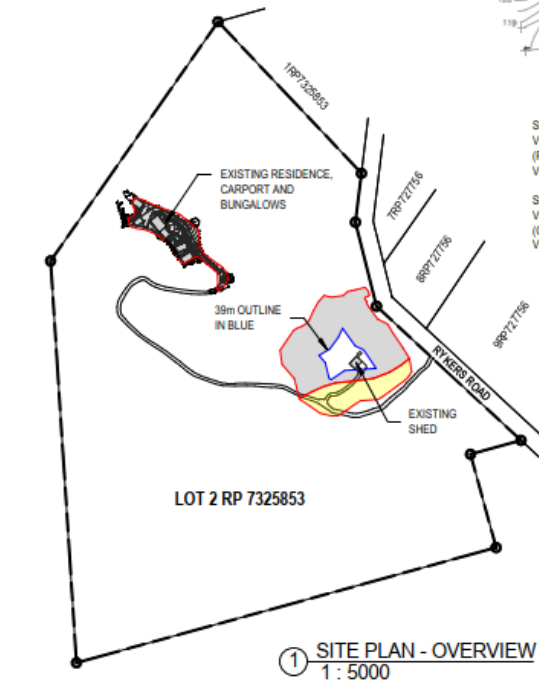
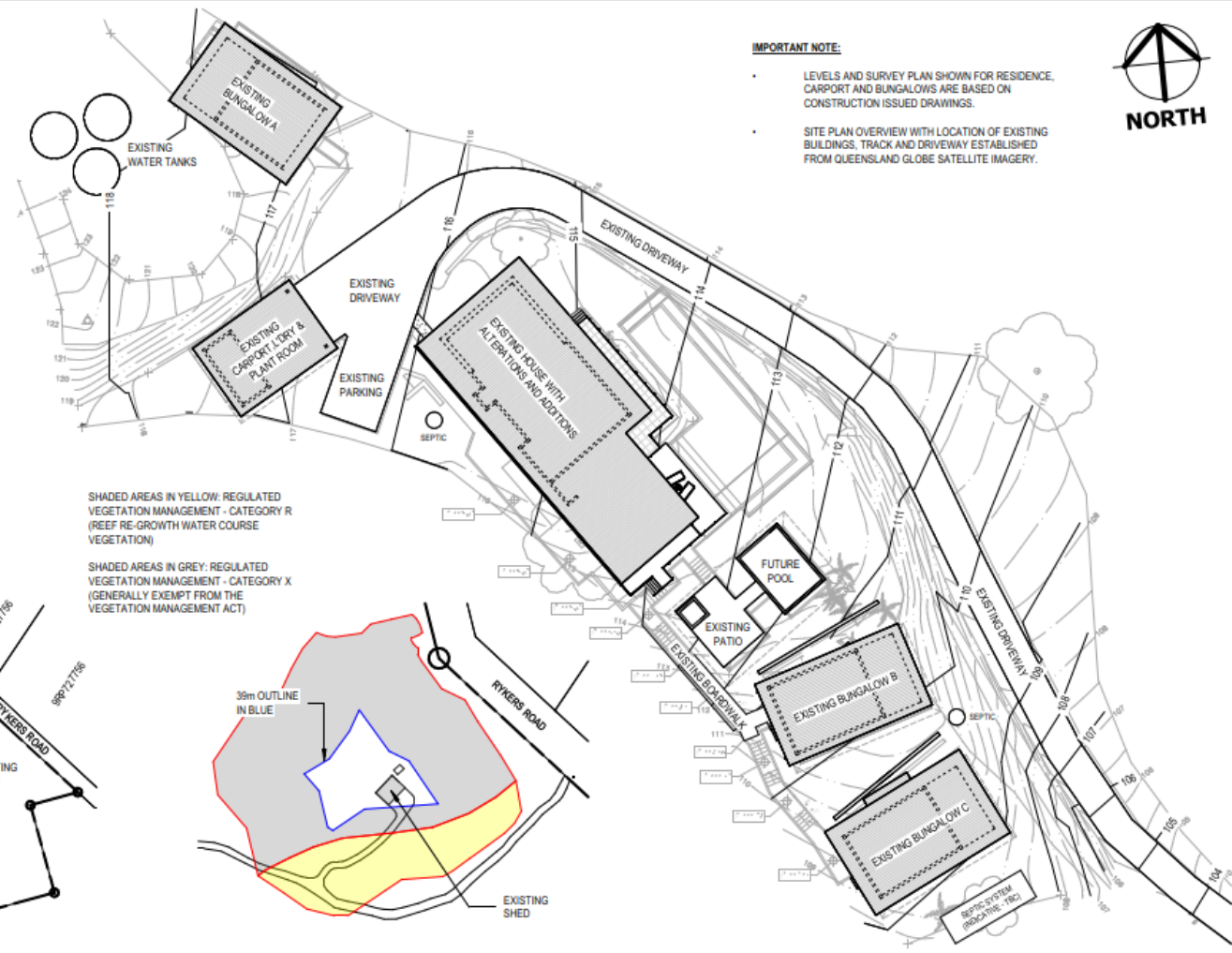
RP DATA: 2RP732553
LOT AREA (APPROX): 239910 m ²
EXISTING RESIDENCE: 187 m ²
EXISTING SHED: 103 m ²
TOTAL ADDITIONS: 709 m ²
TOTAL UNDER ROOF: 999 m ²
SITE COVERAGE: 0.4 %

AREA BREAKDOWN UNDER ROOF	
EXISTING HOUSE:	187 m ²
ADDITION TO EXISTING HOUSE:	103 m ²
BUNGALOW A:	102 m ²
BUNGALOW B:	102 m ²
BUNGALOW C:	114 m ²
CARPORT, LNDRY, PLANT:	74 m ²
POOL & PATIO:	62 m ²
CARETAKER'S COTTAGE:	152 m ²
EXISTING SHED:	103 m ²
TOTAL UNDER ROOF:	999 m ²



IMPORTANT NOTE:

- LEVELS AND SURVEY PLAN SHOWN FOR RESIDENCE, CARPORT AND BUNGALOWS ARE BASED ON CONSTRUCTION ISSUED DRAWINGS.
- SITE PLAN OVERVIEW WITH LOCATION OF EXISTING BUILDINGS, TRACK AND DRIVEWAY ESTABLISHED FROM QUEENSLAND GLOBE SATELLITE IMAGERY.



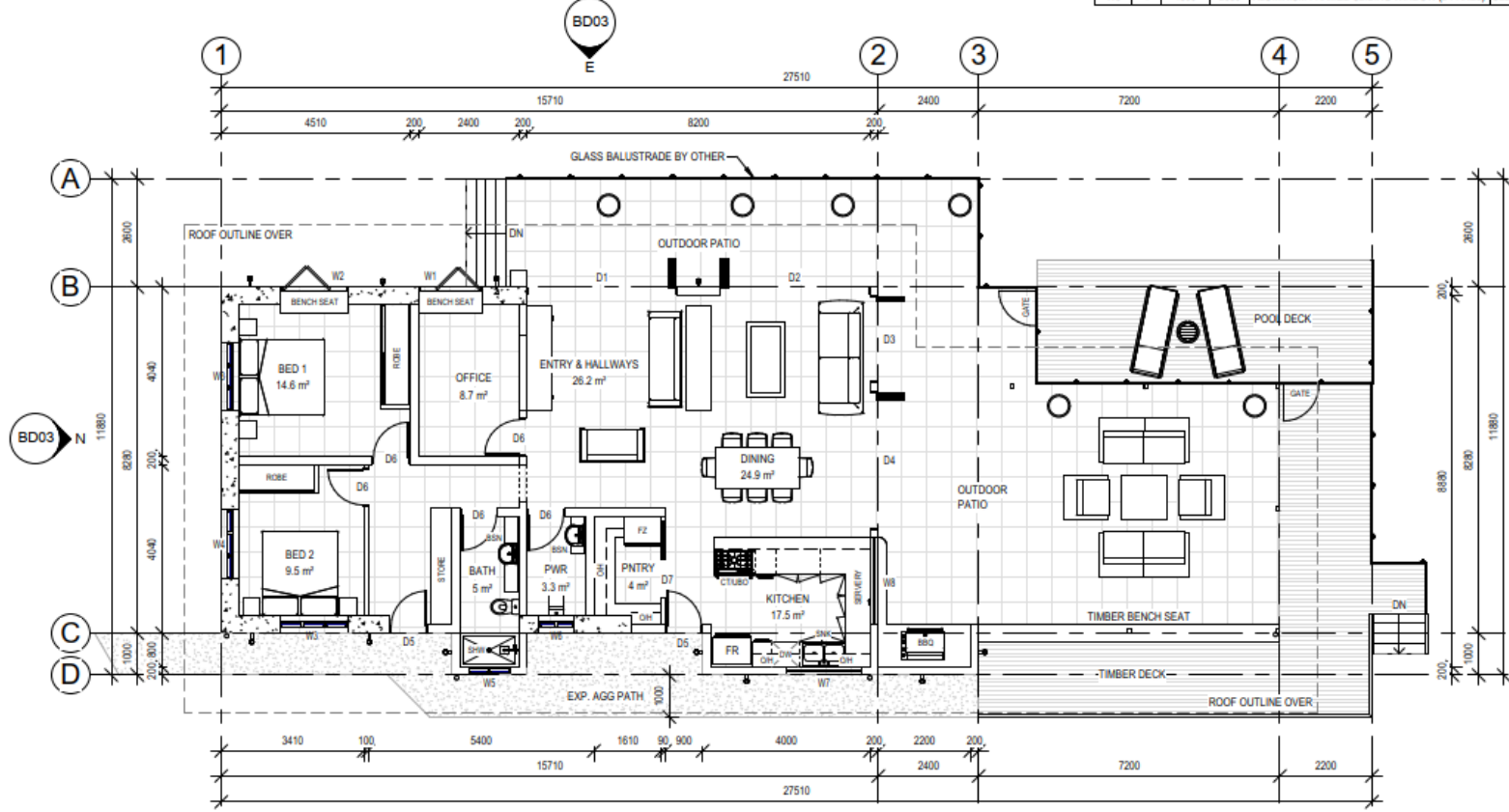
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MAIN RESIDENCE DOOR SCHEDULE						MAIN RESIDENCE WINDOW SCHEDULE						
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH	CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
D1	1	2300	3600	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT	W1	1	1600	1545	ALUMINIUM FRAMED BI-FOLD WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT
D2	1	2300	3600	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT	W2	1	1600	1630	ALUMINIUM FRAMED BI-FOLD WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT
D3	1	2300	2080	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT	W3	2	1600	1620	ALUMINIUM FRAMED LOUVRE WINDOW (3-BAY)	CLEAR GLASS	COLORBOND MONUMENT
D4	1	2300	3320	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT	W4	1	1600	1650	ALUMINIUM FRAMED LOUVRE WINDOW (3-BAY)	CLEAR GLASS	COLORBOND MONUMENT
D5	2	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH	W5	1	1200	1000	ALUMINIUM FRAMED LOUVRE WINDOW (2-BAY)	OBSCURE	COLORBOND MONUMENT
D6	5	2300	900	INTERNAL SINGLE SEMI HOLLOW CORE HINGED TIMBER DOOR	PAINTED FINISH	W6	1	1200	830	ALUMINIUM FRAMED LOUVRE WINDOW (2-BAY)	OBSCURE	COLORBOND MONUMENT
D7	1	2340	920	INTERNAL SEMI HOLLOW CORE DOUBLE CAVITY SLIDER DOOR	PAINTED FINISH	W7	1	800	1800	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	COLORBOND MONUMENT
						W8	1	1300	2080	ALUMINIUM FRAMED SLIDING WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT

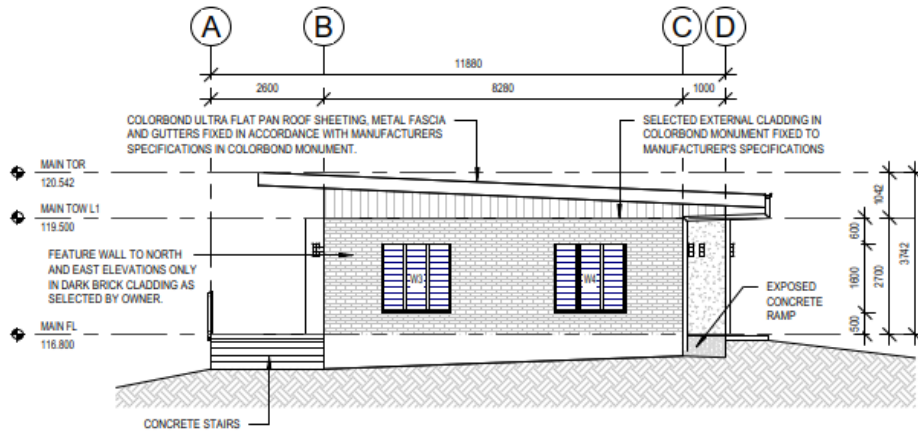
MAIN RESIDENCE FLOOR FINISH		
NAME	AREA	FINISH
BATH	5 m ²	TILES
BED 1	15 m ²	TILES
BED 2	10 m ²	TILES
DINING	25 m ²	TILES
ENTRY & HALLWAYS	26 m ²	TILES
KITCHEN	18 m ²	TILES
OFFICE	9 m ²	TILES
PENTRY	4 m ²	TILES
POOL DECK	55 m ²	TIMBER
PWR	3 m ²	TILES



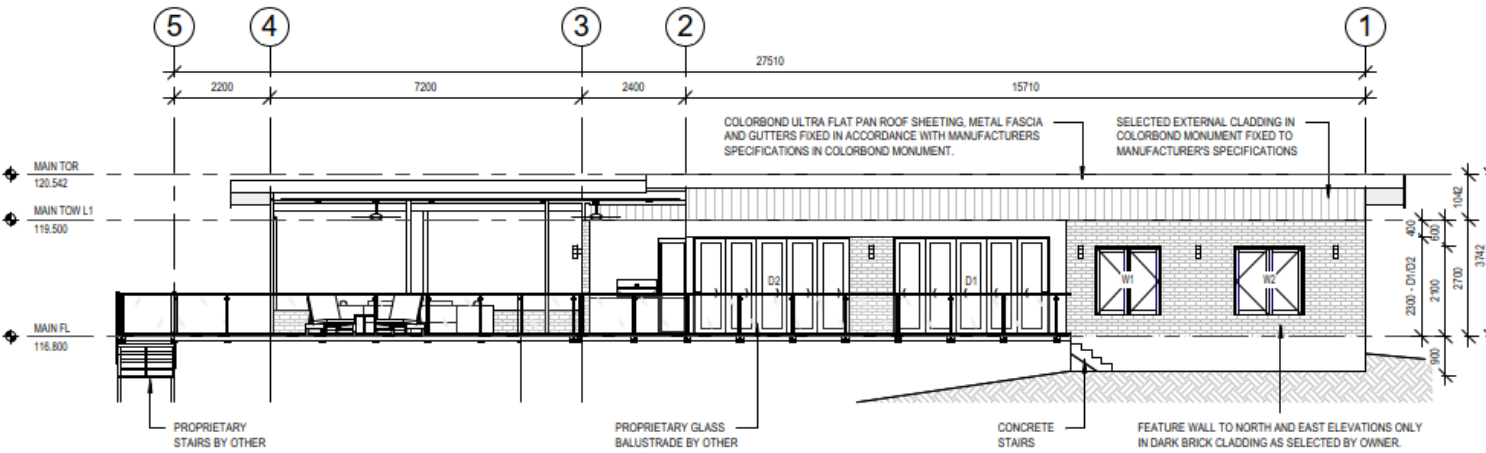
3 EX. MAIN RESIDENCE FLOOR PLAN
1 : 100

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<p>PROJECT NO. 25-038-DE</p>	<p>DWG NO. BD02</p>	<p>REV A</p>																			



N NORTHERN ELEVATION
1:100



E EASTERN ELEVATION
1:100

NOT FOR CONSTRUCTION



ABN 896791471876
RPEQ 7279 MEAust
PO BOX 952
EDGE HILL
QLD 4870
TEL 4276 1900
E-MAIL ADMIN@SHELL.NET.AU

MEDIUM RISE
QBCC 15511205

REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	19/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

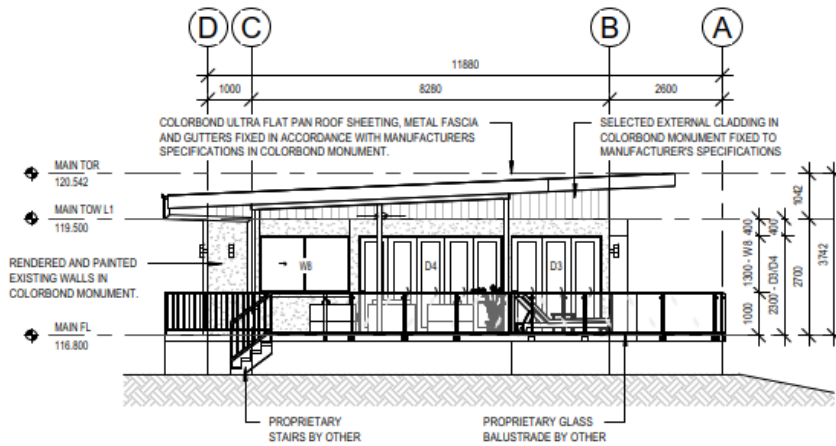
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CLIENT
K. KASEM

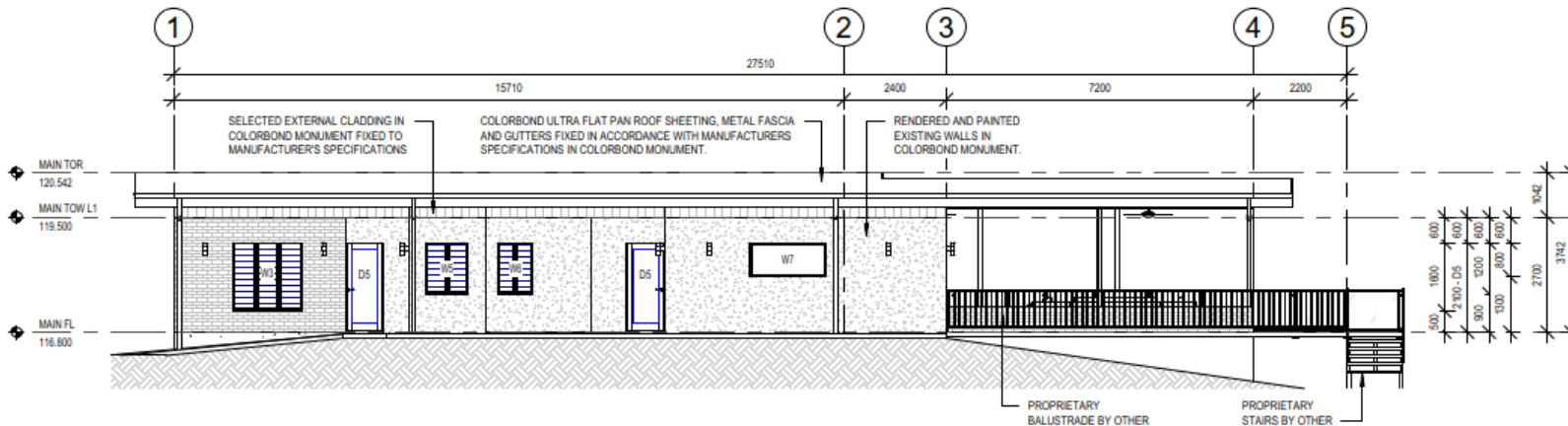
PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

DRAWING TITLE
EXISTING NORTHERN AND EASTERN ELEVATIONS

SCALE	DATE	DRAWN	CHECKED
1:100 A3	27/05/2026 3:25:16 PM	AB/ML	-
PROJECT NO.	DWG NO.	REV	
25-038-DE	BD03	A	



S SOUTHERN ELEVATION
1 : 100



W WESTERN ELEVATION
1 : 100

NOT FOR CONSTRUCTION



SHELL ENGINEERS
STRUCTURAL CIVIL BUILDING DESIGN
Innovation & Experience

ABN 896791471876
RPEQ 7279 MEAusst
PO BOX 952
EDGE HILL
QLD 4870
TEL 4276 1900
E-MAIL ADMIN@SHELL.NET.AU

MEDIUM RISE
QBCC 15511205

REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	19/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

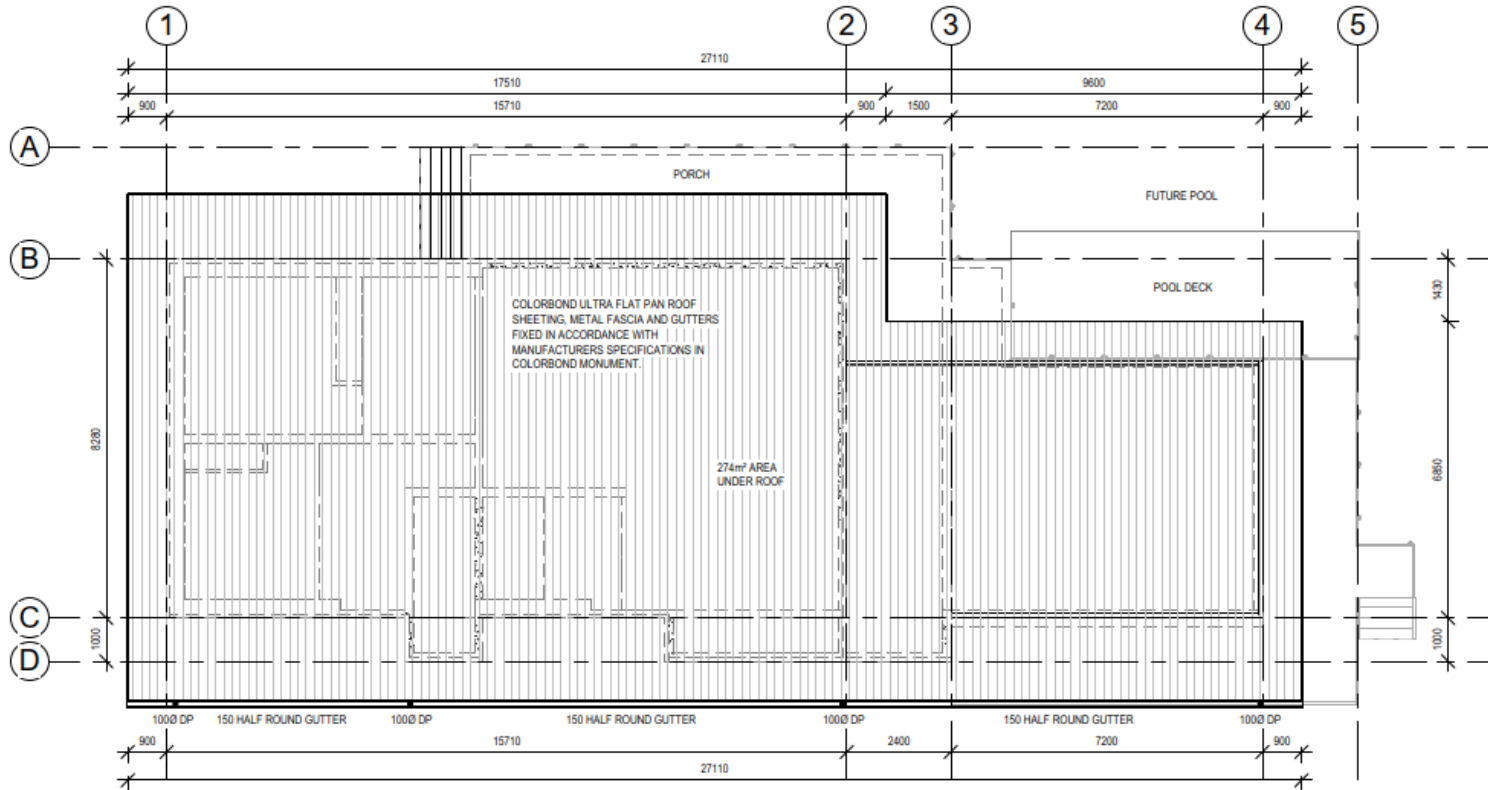
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CLIENT
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PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

DRAWING TITLE
EXISTING SOUTHERN AND WESTERN ELEVATIONS

SCALE	DATE	DRAWN	CHECKED
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD04	A	



④ EX. MAIN RESIDENCE ROOF PLAN
1 : 100

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STRUCTURAL CIVIL
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ABN 896791471876
RPEQ 7279 MEAust
MEDIUM RISE
QBCC 15511205

REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	19/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

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CLIENT
K. KASEM

PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

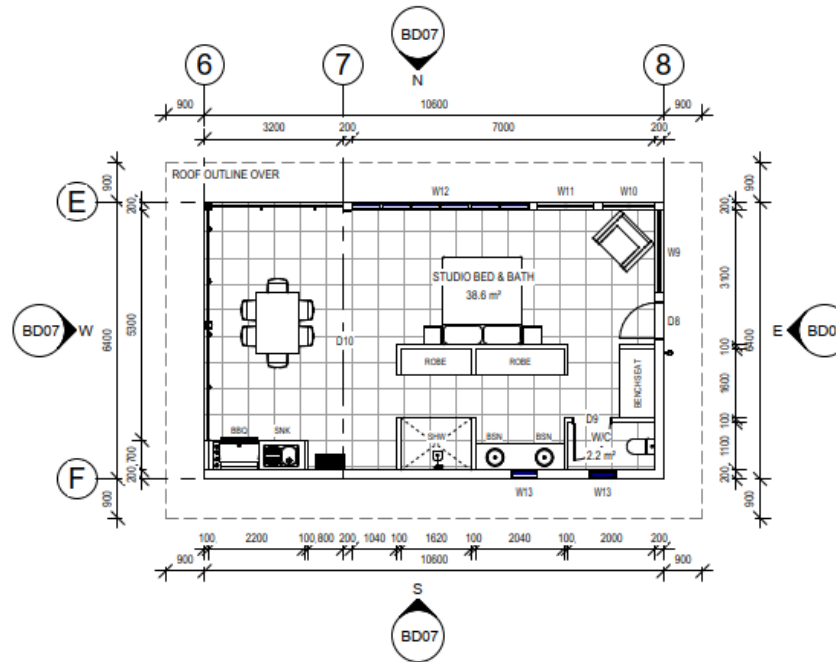
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EXISTING MAIN RESIDENCE ROOF PLAN

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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD05	A	



BUNGALOW A DOOR SCHEDULE						BUNGALOW A WINDOW SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH	MARK	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
D8	1	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH	W9	2400	1900	ALUMINIUM FRAMED FIXED WINDOW (3-PANELS)	CLEAR GLASS	CLEAR ANOISED
D9	1	2400	900	INTERNAL SINGLE SEMI HOLLOW CORE HINGED TIMBER DOOR	PAINTED FINISH	W10	2400	1200	ALUMINIUM FRAMED FIXED WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANOISED
D10	1	2300	6000	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	CLEAR ANOISED	W11	2400	1305	ALUMINIUM FRAMED FIXED WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANOISED
						W12	2400	4095	ALUMINIUM FRAMED LOUVRE WINDOW (6-BAY)	CLEAR GLASS	CLEAR ANOISED
						W13	700	610	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSCURE	CLEAR ANOISED

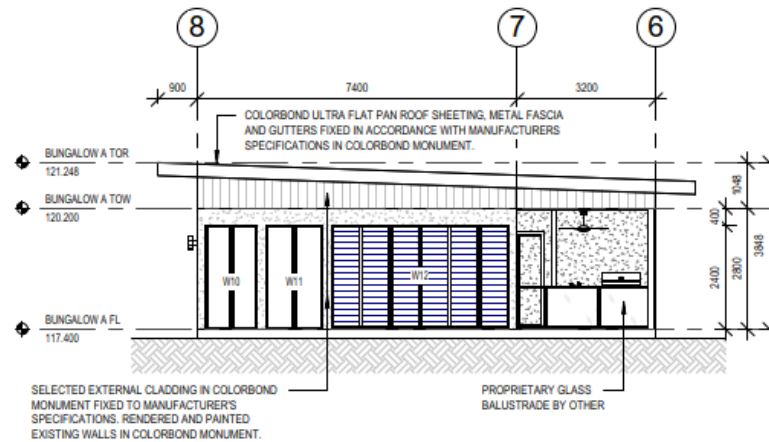
BUNGALOW A FLOOR FINISH		
NAME	AREA	FINISH
STUDIO BED & BATH	38 m ²	TILES
W/C	2 m ²	TILES



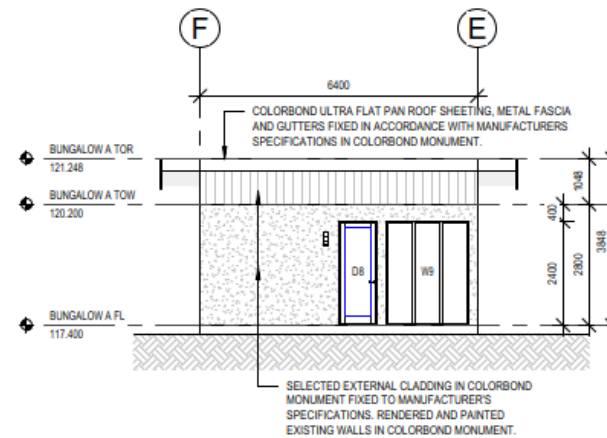
④ EX. BUNGALOW A FLOOR PLAN
1 : 100

NOT FOR CONSTRUCTION

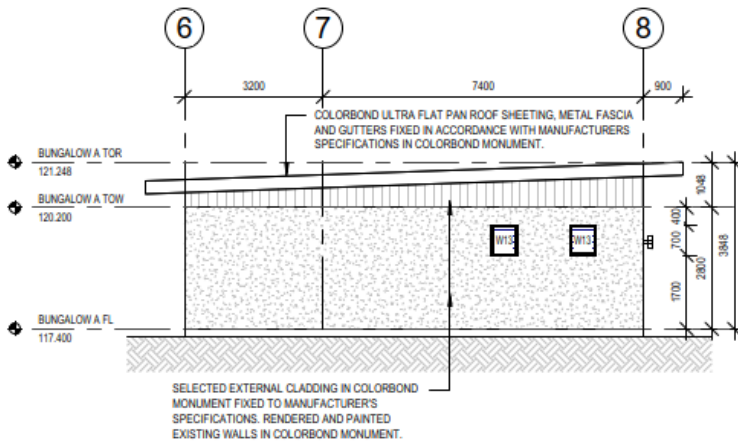
SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation & Experience</i>	ABN 896791471876 RPEQ 7279 MEAust MEDIUM RISE QBCC 15511205	REV A	DESCRIPTION DEVELOPMENT APPROVAL	DATE 25/11/2025	THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. CLIENT K. KASEM	PROJECT PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873	SCALE 1 : 100 A3	DATE 27/05/2026 3:25:20 PM	DRAWN AB/ML	CHECKED -
	PO BOX 952 EDGE HILL QLD 4870 TEL 4276 1900 E-MAIL ADMIN@SHELL.NET.AU						DRAWING TITLE EXISTING BUNGALOW A FLOOR PLAN	PROJECT NO. 25-038-DE	DWG NO. BD06	REV A



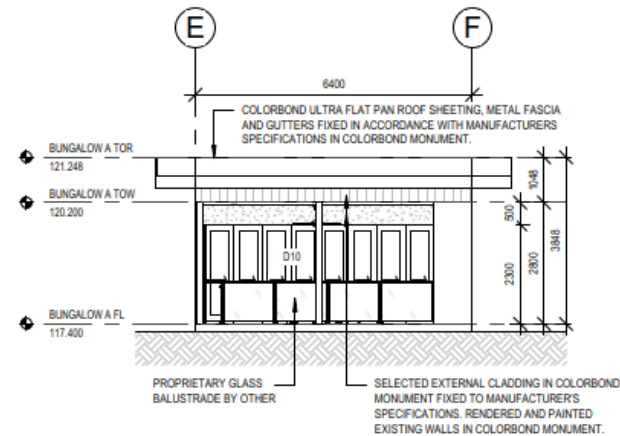
(N) NORTHERN BUNGALOW A ELEVATION
1 : 100



(E) EASTERN BUNGALOW A ELEVATION
1 : 100



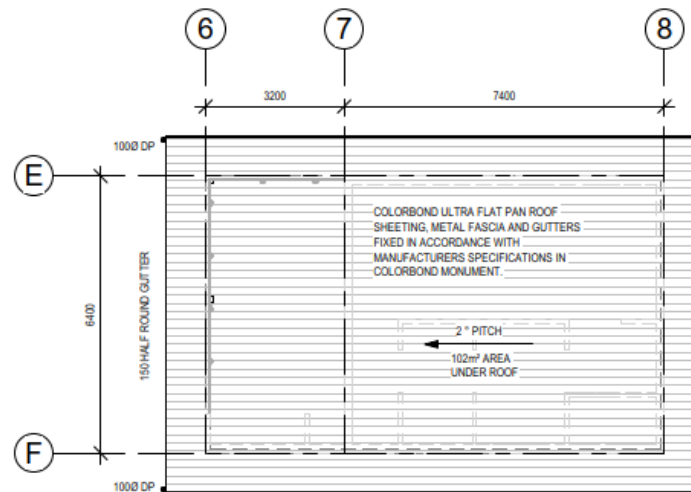
(S) SOUTHERN BUNGALOW A ELEVATION
1 : 100



(W) WESTERN BUNGALOW A ELEVATION
1 : 100


NOT FOR CONSTRUCTION

<p>SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation & Experience</i></p>	<p>ABN 896791471876 RPEQ 7279 MEAust MEDIUM RISE QBCC 15511205</p>	<p>REV A DESCRIPTION DEVELOPMENT APPROVAL DATE 25/11/2025</p>	<p>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. CLIENT K. KASEM</p>	<p>PROJECT PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873</p>	<p>SCALE 1 : 100 A3</p>	<p>DATE 27/05/2026 3:25:20 PM</p>	<p>DRAWN AB/ML</p>	<p>CHECKED -</p>
	<p>PO BOX 952 EDGE HILL QLD 4870 TEL 4276 1900 E-MAIL ADMIN@SHELL.NET.AU</p>	<p>PROJECT NO. 25-038-DE</p>	<p>DWG NO. BD07</p>	<p>REV A</p>				



⑤ EX. BUNGALOW A ROOF PLAN
1 : 100

NOT FOR CONSTRUCTION

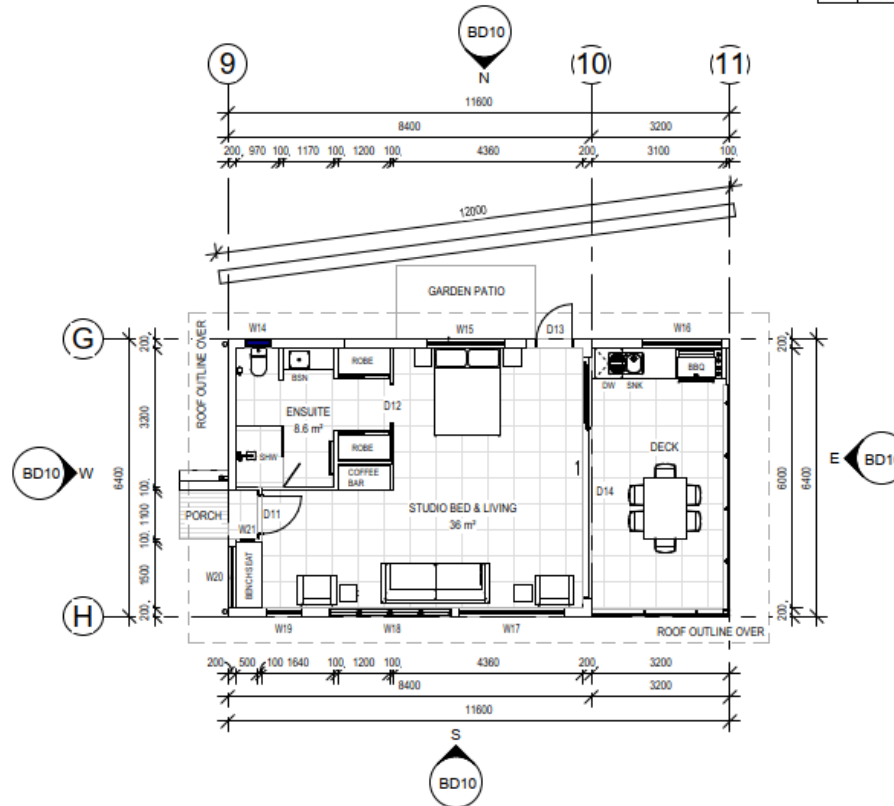
 SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation & Experience</i>	ABN 896791471876 RPEQ 7279 MEAust MEDIUM RISE QBCC 15511205	<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DEVELOPMENT APPROVAL</td> <td>25/11/2025</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE	A	DEVELOPMENT APPROVAL	25/11/2025										THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. CLIENT <p style="text-align: center;">K. KASEM</p>	PROJECT <p style="text-align: center;">PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873</p>	SCALE 1 : 100 A3	DATE 27/05/2026 3:25:21 PM	DRAWN AB/ML	CHECKED -
	REV	DESCRIPTION	DATE																				
A	DEVELOPMENT APPROVAL	25/11/2025																					
PO BOX 952 EDGE HILL QLD 4870 TEL 4276 1900 E-MAIL ADMIN@SHELL.NET.AU	DRAWING TITLE <p style="text-align: center;">EXISTING BUNGALOW A ROOF PLAN</p>	PROJECT NO. 25-038-DE	DWG NO. BD08	REV A																			



BUNGALOW B & C DOOR SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D11	1	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH
D12	1	2400	920	INTERNAL SINGLE SEMI HOLLOW CORE CAVITY SLIDING DOOR	PAINTED FINISH
D13	1	3000	940	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR WITH CLEAR GLAZING	PAINTED FINISH
D14	1	2400	2400	ALUMINIUM FRAMED SLIDING GLASS POCKET DOOR	CLEAR ANOISED

BUNGALOW B & C WINDOW SCHEDULE					
MARK	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
W14	800	600	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSOURE	CLEAR ANOISED
W15	1200	1810	ALUMINIUM FRAMED SLIDING WINDOW (2-PANEL)	CLEAR GLASS	CLEAR ANOISED
W16	1100	1810	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANOISED
W17	2400	2410	ALUMINIUM FRAMED FIXED WINDOW (3-PANELS)	CLEAR GLASS	CLEAR ANOISED
W18	2400	2845	ALUMINIUM FRAMED LOUVRE WINDOW (4-BAY)	CLEAR GLASS	CLEAR ANOISED
W19	2400	800	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANOISED
W20	1200	1400	ALUMINIUM FRAMED AWNING WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANOISED
W21	2400	300	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANOISED

BUNGALOW B & C FLOOR FINISH		
NAME	AREA	FINISH
DECK	19 m ²	TILES
ENSUITE	9 m ²	TILES
STUDIO BED & LIVING	36 m ²	TILES



6 EX. BUNGALOW FLOOR PLAN
1: 100

NOT FOR CONSTRUCTION



SHELL ENGINEERS
STRUCTURAL CIVIL
BUILDING DESIGN
Innovation & Experience

ABN 896791471876
RPEQ 7279 MEAust
MEDIUM RISE
QBCC 15511205

PO BOX 952
EDGE HILL
QLD 4870

TEL 4276 1900
E-MAIL ADMIN@SHELL.NET.AU

REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	19/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

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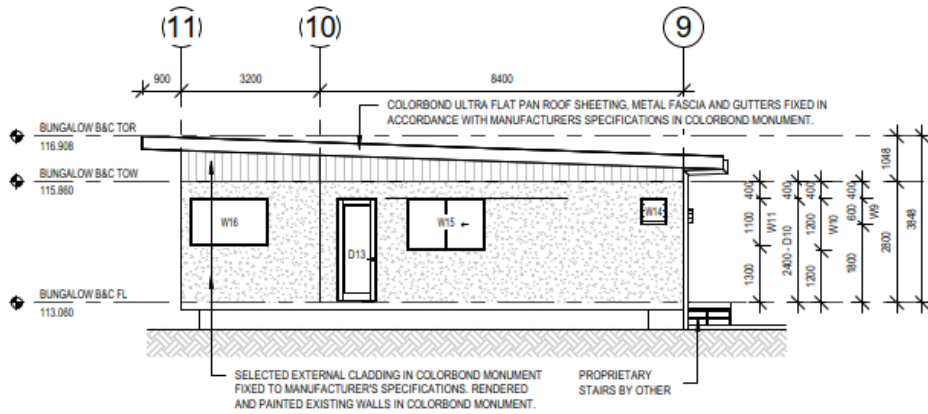
CLIENT

K. KASEM

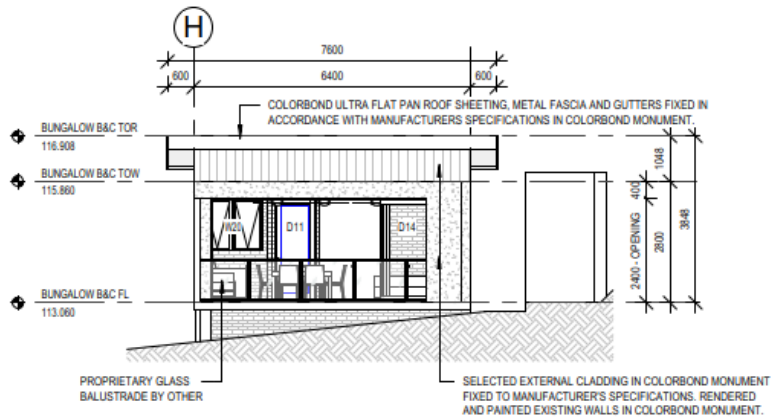
PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

DRAWING TITLE
EXISTING BUNGALOW B AND C FLOOR PLAN

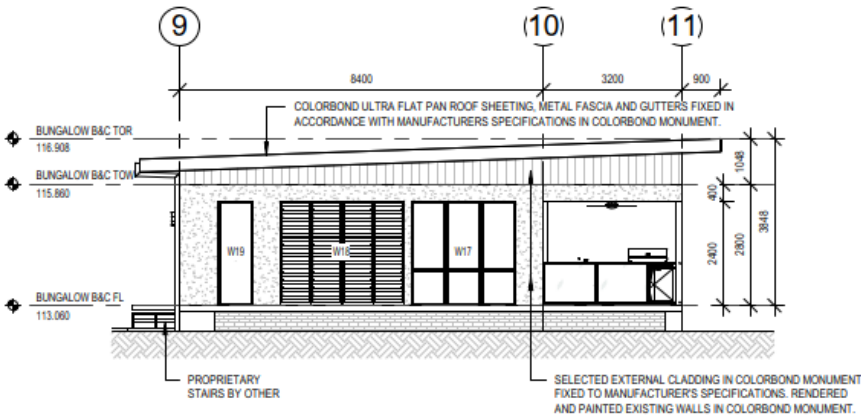
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25-038-DE	BD09	A	



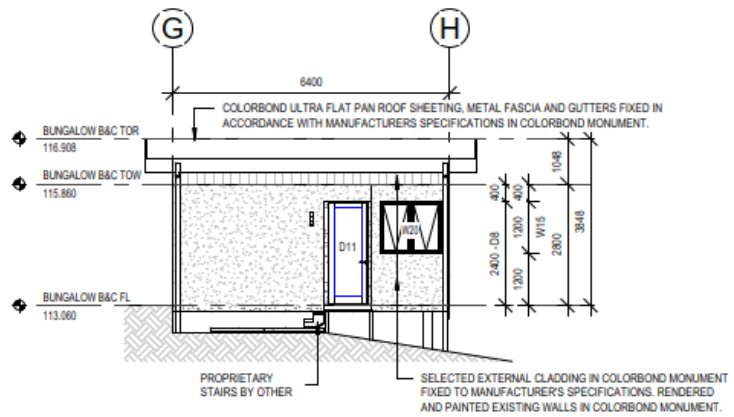
NORTHERN BUNGALOW B & C ELEVATION
 1 : 100



EASTERN BUNGALOW B & C ELEVATION
 1 : 100



SOUTHERN BUNGALOW B & C ELEVATION
 1 : 100



WESTERN BUNGALOW B & C ELEVATION
 1 : 100

NOT FOR CONSTRUCTION



ABN 896791471876
 RPEQ 7279 MEAust
 MEDIUM RISE
 QBCC 15511205
 PO BOX 952
 EDGE HILL
 QLD 4870
 TEL 4276 1900
 E-MAIL ADMIN@SHELL.NET.AU

REV	DESCRIPTION	DATE
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P2	PRELIMINARY - CLIENT REVIEW	19/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

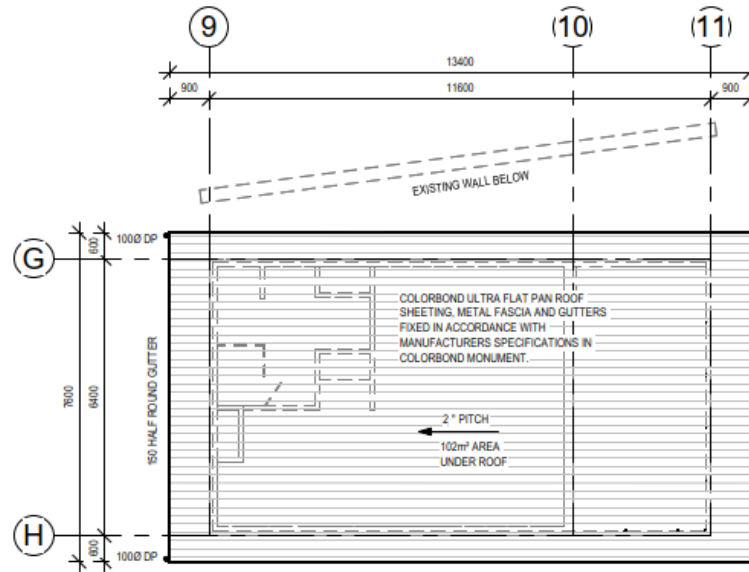
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CLIENT
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PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

DRAWING TITLE
EXISTING BUNGALOW B AND C ELEVATIONS

SCALE	DATE	DRAWN	CHECKED
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD10	A	



7 EX. BUNGALOW ROOF PLAN
1 : 100

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BUILDING DESIGN
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RPEQ 7279 MEAust
MEDIUM RISE
QBCC 15511205

PO BOX 952
EDGE HILL
QLD 4870
TEL 4276 1900
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CLIENT
K. KASEM

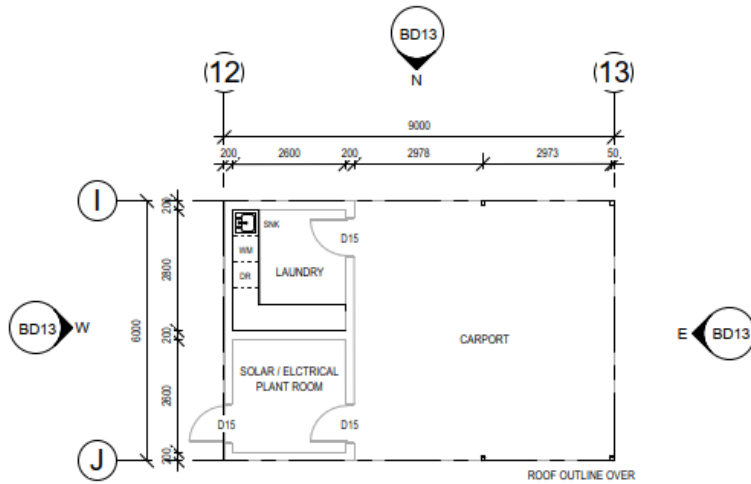
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DRAWING TITLE
EXISTING BUNGALOW B AND C ROOF PLAN

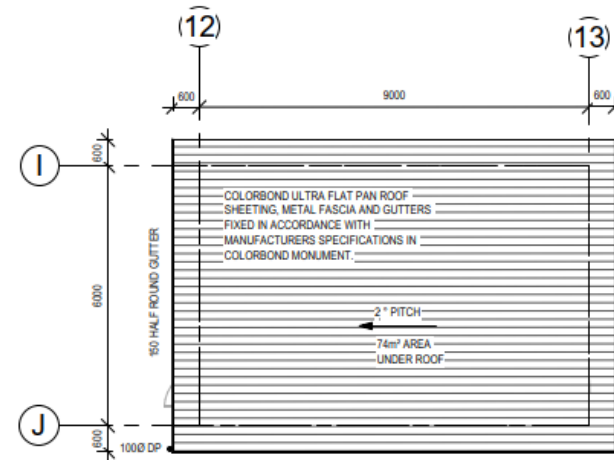
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD11	A	



CARPORT DOOR SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D15	3	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH



8 EX. CARPORT FLOOR PLAN
1:100



9 EX. CARPORT ROOF PLAN
1:100

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SHELL ENGINEERS
STRUCTURAL CIVIL
BUILDING DESIGN
Innovation & Experience

ABN 896791471876
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QBCC 15511205

PO BOX 952
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QLD 4870

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REV	DESCRIPTION	DATE
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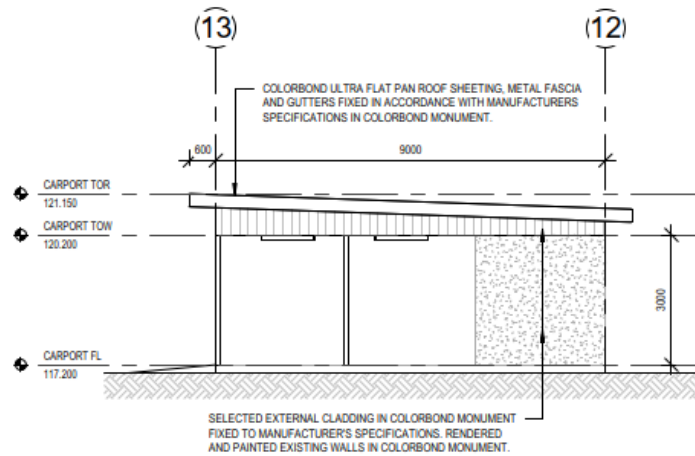
CLIENT

K. KASEM

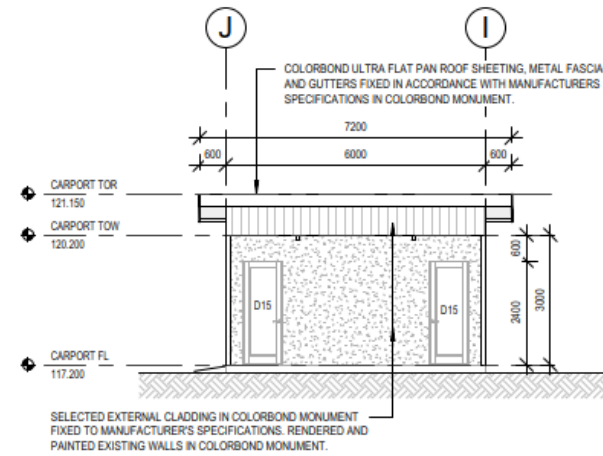
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DRAWING TITLE
EXISTING CARPORT FLOOR AND ROOF PLAN

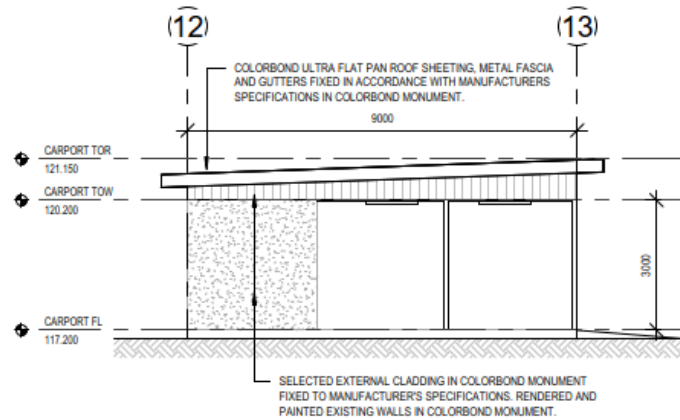
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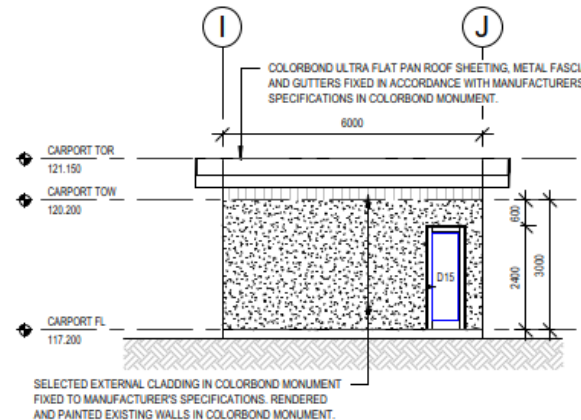
N NORTHERN CARPORT ELEVATION
1 : 100



E EASTERN CARPORT ELEVATION
1 : 100



S SOUTHERN CARPORT ELEVATION
1 : 100



W WESTERN CARPORT ELEVATION
1 : 100

NOT FOR CONSTRUCTION



ABN 896791471876
RPEQ 7279 MEAust
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CLIENT

K. KASEM

PROJECT
PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873

DRAWING TITLE
EXISTING CARPORT ELEVATIONS

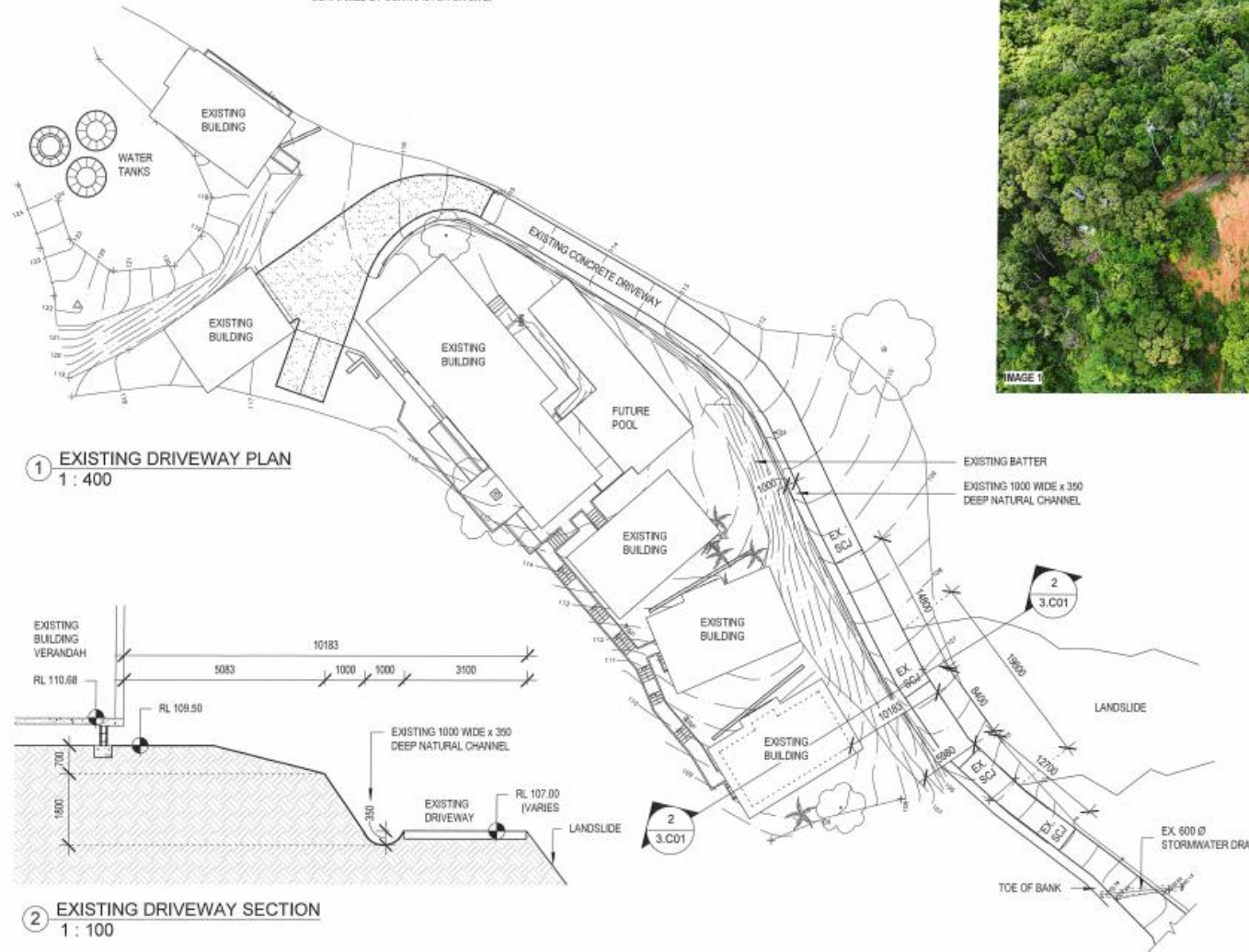
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD13	A	

LEGEND

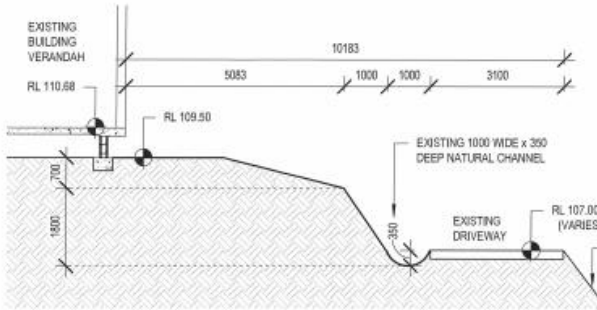
EX. SCJ: EXISTING SLAB CONSTRUCTION JOINT

CONSTRUCTION NOTES

1. DIMENSIONS AND LEVELS TO BE CONFIRMED BY CONTRACTOR ON SITE.



1 EXISTING DRIVEWAY PLAN
1 : 400



2 EXISTING DRIVEWAY SECTION
1 : 100

WE HEREBY CERTIFY THE STRUCTURAL ELEMENTS AS SHOWN ON OUR DRAWINGS TO BE READ IN CONJUNCTION WITH THOSE LISTED IN OUR DOCUMENT ISSUE REGISTER AND OR FORM 15.

SIGNED *G. Thirukaly* DATE 27/06/2026

GEORGE THIRUKALY (RPEQ 1275)
SHELL ENGINEERS STRUCTURAL & CIVIL
BUILDING DESIGN
ABN 55671471876

MICHAEL
CPEng, AER

PO BOX 962
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QLD 4873

TEL : 07 4218 1960
EMAIL : info@shell.net.au

FOR CONSTRUCTION

<p>SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation & Experience</i></p>	<p>ABN 55671471876 RPEQ 1275 M&A/mt</p> <p>PO BOX 962 EDGE HILL QLD 4873</p> <p>TEL: 4218 1960 E-MAIL: ADMIN@SHELL.NET.AU</p>	<p>MEDIUM ISSUE QBCC 16411266</p>	<p>REV A</p>	<p>DESCRIPTION CONSTRUCTION ISSUE</p>	<p>DATE 27/06/2026</p>	<p>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.</p>	<p>PROJECT DRIVEWAY RECTIFICATION AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873</p>	<p>SCALE As indicated</p>	<p>DATE 1/06/2026 1:44:18 PM</p>	<p>DRAWN ML/JAR</p>	<p>CHECKED -</p>
			<p>CLIENT K. KASEM</p>	<p>DRAWING TITLE EXISTING DRIVEWAY PLAN</p>	<p>PROJECT NO. 25-010-E</p>		<p>DWG NO. 3.C01</p>	<p>REV A</p>			

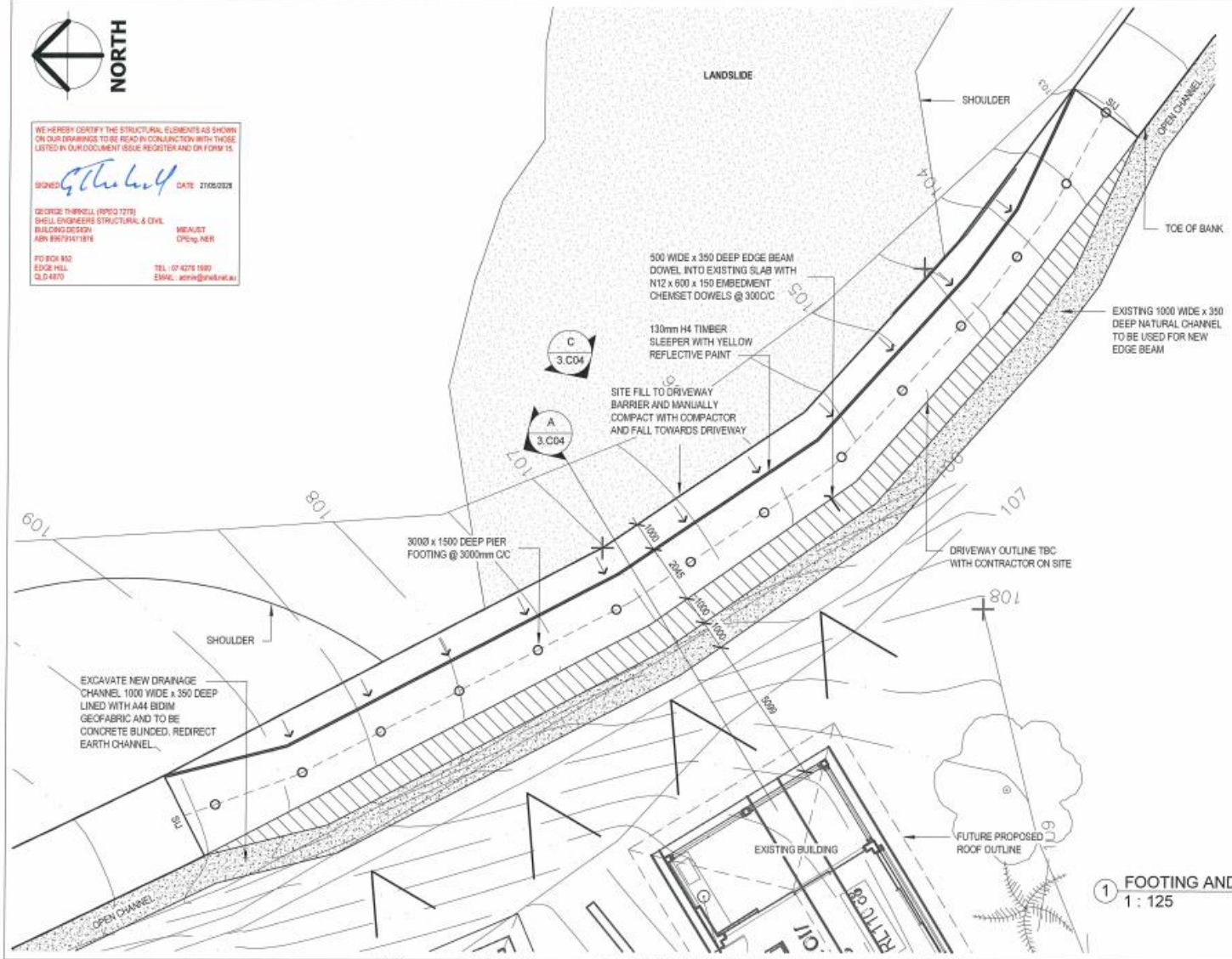


WE HEREBY CERTIFY THE STRUCTURAL ELEMENTS AS SHOWN ON OUR DRAWINGS TO BE READ IN CONJUNCTION WITH THOSE LISTED IN OUR DOCUMENT ISSUE REGISTER AND ON FORM 15.

SIGNED *G. Threlk* DATE 27/05/2026

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FOOTING NOTES

- REFER N-SERIES DRAWING NOTES FOR FULL SPECIFICATIONS & SOIL REPORT REFERENCE.
- CONCRETE SHALL BE N32 TO SPECIFICATIONS.
- INSPECTION OF EXCAVATION REQUIRED. ENGINEER TO CONFIRM DESIGN.
- MINIMUM CLEAR COVER TO REINFORCEMENT:

	N32
SURFACE IN CONTACT WITH GROUND WITH MEMBRANE	30
SURFACE IN CONTACT WITH GROUND WITHOUT MEMBRANE	45
INTERNAL SURFACES	20
COVER TO EMBEDDED PIPES AND CONDUITS	20
EXPOSED SURFACES < 1KM FROM COAST	45
EXPOSED SURFACES > 1KM FROM COAST	40
- PROVIDE 10mm x 10mm CHAMFERS TO ALL EXPOSED CONCRETE EDGES.
- REFER CONCRETE NOTES FOR JOINT SPECIFICATIONS & SEALANT.
- SKJ: SLAB KEY JOINT. DANLEY EXPANDA JOINT.
- SC: SAW CUT OF 25mm DEEP x 3mm WIDE. DEPRESS MESH REINFORCEMENT LOCALLY AND CUT EVERY SECOND BAR.
- SIJ: SLAB ISOLATION JOINT. PROVIDE 10mm COMPRESSIBLE FILLER AND SEAL WITH 12mm MASTIC.
- SCJ: SLAB CONTROL JOINT. DANLEY DIAMOND DOWEL JOINT.
- EX. SCJ: EXISTING SLAB CONTROL JOINT.

① FOOTING AND SLAB PLAN
1 : 125

FOR CONSTRUCTION

	ABN 89679411816 RFBQ 7279 MESAUST PO BOX 962 EDGE HILL QLD 4870 TEL: 4276 1880 E-MAIL: ADMIN@SHELL.NET.AU	MEDIUM RISE QBCC 1641246	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>CONSTRUCTION ISSUE</td> <td>27/05/2026</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE	A	CONSTRUCTION ISSUE	27/05/2026							THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. CLIENT K. KASEM	PROJECT DRIVEWAY RECTIFICATION AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873 DRAWING TITLE FOOTING AND SLAB PLAN	SCALE As indicated	DATE 1/06/2026 1:44:23 PM	DRAWN MLJ/AR	CHECKED -
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A	CONSTRUCTION ISSUE	27/05/2026																			
PROJECT NO. 25-010-E	DWG NO. 3.C03	REV A																			

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 12 May 2026 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 Conservation 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.

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

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 given by the Minister under part 6, division 2; or
 - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(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)(d).
- (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 assessment manager gives the applicant the decision notice for 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) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) 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.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is 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.

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

- (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.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a *change application*) to change a development approval.

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

- (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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) 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
 - (g) 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
- (h) 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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—