ASPIRE

Town Planning and Project Services

9 October 2025

Chief Executive Officer
Douglas Shire Council
64-66 Front Street
MOSSMAN QLD 4873

Attn: Rebecca Taranto (Original Assessing Officer)

Lodged via email: enquiries@douglas.qld.gov.au

RE: CHANGE APPLICATION (MINOR CHANGE) - BUILDING WORKS ASESSABLE AGAINST THE PLANNING SCHEME (DEMOLITION, ADDITION AND RENOVATION TO AN ENXISTING DWELLING HOUSE), OVER LAND AT 63 STONEWOOD ROAD, DIWAN, MORE FORMALLY DESCRIBED AS LOT 196 ON RP740952

Aspire Town Planning and Project Services act on behalf of Russell Scott Joshua (the 'Landowner' and the 'Applicant').

Unfortunately, the existing Minor Change Decision Notice BW 2021_4445/2 authorising the proposed works expired on the 6 September 2025.

On behalf of the Applicant, please accept the following Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act'), which seeks to reinstate the earlier Change Approval in relation to the proposed additions and alterations to the existing Dwelling House.

Please find enclosed the following documentation associated with this Development Application:

- Certificate of Title (Attachment 1);
- Duly completed DA Form 2 (Attachment 2);
- Proposed Site, Floor and Elevation Plans (Attachment 3); and
- Minor Change Decision Notice (Attachment 4).

It is calculated that the relevant Application Fee under the Fees and Charges Schedule 2025/26 is $372.00. We respectfully request Council issue an Invoice to facilitate payment of the relevant fee directly by the Applicant.

Background

A Minor Change Decision Notice was issued by Douglas Shire Council in relation to a Development Permit for Building Works Assessable Against the Planning Scheme on the 6 September 2023. As a result of disruptions within

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ABN. 79 851 193 691

the region following Cyclone Jasper, the building was delayed. Recently the Landowner went to commence the Building Approval and it was realised that the Minor Change Decision Notice from Council had lapsed.

Under this new Change Application (Minor Change), no changes are proposed to the earlier approved built form or conditions authorised under the Minor Change Decision Notice Minor Change BW 2021_4445/2.

Proposed Minor Change

The Proposed Minor Change seeks approval for essentially a reduced and more modest built form then originally approved by Douglas Shire Council under the Development Permit dated 4 March 2022. In particular, the Proposed Minor Change includes:

- Extension of the existing 3m x 6.82m verandah off the south western wall of the Dwelling House to create a new 6m x 16.3m verandah;
- Demolition of the existing laundry and porch to facilitate proposed Bedroom 2;
- Build in the existing deck to facilitate proposed Bedroom 3;
- New steel framed walkway to the carport;
- Demolition of the existing carport and construction of a new 7m x 7.5m open carport positioned 8m from the western side boundary and 28m from the Stonewood Road front boundary. The proposed carport is located over an existing levelled pad. Appropriate area is provided for vehicles to reverse out of the carport into the area of the original carport and exit the site in forward gear; and
- Other minor incidental works as nominated on the plans.

The proposed changes do not seek to change the approved use or increase the residential capacity of the existing Dwelling House.

A copy of the proposed Site, Floor and Elevation Plans is included under Attachment 3.

The last Minor Change Decision Notice is included under Attachment 4.

Planning Context

The subject site remains within the Conservation Zone under the Douglas Shire Planning Scheme 2018 v1.0 (the 'Planning Scheme'). The current Planning Scheme remains the version under which the originating application was made and assessed against.

Minor Change Test

By way of definition under the Act, a 'Minor Change', means a change that:

"…

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A)the inclusion of prohibited development in the application; or

(B)referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C)referral to extra referral agencies, other than to the chief executive; or

(D)a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

(E)public notification if public notification was not required for the development application."

Assessment Comments

In support of the position that the proposed changes qualify as a Minor Change, it is submitted that the:

- The proposed Change would not cause prohibited development;
- If a development application were made, including the proposed Change, it would not trigger referral to a referral agency other than the Chief Executive;
- The proposed Change does not trigger additional referral agencies other than the Chief Executive; and
- Public Notification for the original Development Application was not required, and would not be required under the current Planning Scheme if the application was re-made at todays date.

Assessment as to whether the proposed changes trigger 'Substantially Different Development' is included in the following section of this application.

Substantially Different Development Test

The Development Assessment Rules V1.3 offer guidance in relation to assessing whether a proposed Change results in Substantially Different Development:

"A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

(a) involves a new use; or

(b) results in the application applying to a new parcel of land; or

(c) dramatically changes the built form in terms of scale, bulk and appearance; or

(d) changes the ability of the proposed development to operate as intended; or

(e) removes a component that is integral to the operation of the development; or

(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or

(g) introduces new impacts or increase the severity of known impacts; or

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or

(i) impacts on infrastructure provisions."

Assessment Comments

It is submitted that the proposed Change will not result in Substantially Different Development, in particular it is noted that:

- The Change does not involve a new use. The development remains a Dwelling House;
- The proposed change includes modest amendments to the approved built form, including an overall reduced footprint. Under the Conservation Zone Code buildings are required to be setback 10m from a side boundary. The proposed carport is located approximately 8m off the side boundary. In compliance with the corresponding Performance Outcome, setting the carport back a further 2m would not achieve any greater screening from the neighbouring property. It is noted that the driveway of the adjoining property aligns parallel to the common boundary. The proposed carport is not likely to impact on matters of privacy and amenity;
- The Change does not affect the ability of the development to operate as intended;
- The Change does not remove an integral component of the development;
- The Change does not impact traffic flow or the transport network;
- The Change does not introduce new impacts or increase severity of known impacts;
- The Change does not remove an incentive or offset; and
- The Change will not impact on infrastructure provisions.

Assessing Change Applications for Minor Change

In consideration of the above tests, it is submitted that the proposed Change is a Minor Change. In assessing Change Applications for Minor Change, s82 of the Act prescribes:

"… the responsible entity must consider—

(a) the information the applicant included with the application; and

(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and

(c) any pre-request response notice or response notice given in relation to the change application; and

(d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and

(da) if paragraph (d) does not apply—<u>all matters the responsible entity would or may assess against</u> or have regard to, <u>if the change application were a development application</u>; and

(e) another matter that the responsible entity considers relevant."

The proposed changes have been assessed against the relevant code provisions of the Planning Scheme and it is submitted that the proposal does not give rise to any additional mattes of non-compliance, with the exception of the proposed side boundary setback for the carport. This is a minor encroachment of 2m on the prescribed 10m setback requirement. In compliance with the corresponding Performance Outcome, setting the carport back a further 2m would not achieve any greater screening from the neighbouring property. Furthermore, as noted above the driveway of the adjoining property aligns parallel to the common boundary. The proposed carport is not likely to impact on matters of privacy and amenity.

Given the nature of the application and the general overall compliance, a full detailed code assessment is not included within this submission. It is considered that the existing conditions of approval remain largely relevant to the changed design, except that:

- The Approved Drawings and / or Documents Schedule should be updated with the proposed amended Site, Floor and Elevation Plans and remove the ARO drawing references;
- The changed design alters the proposed areas of clearing and therefore Condition 3 should make reference to the approved building footprint plus 3 meters;
- The proposed amended design mitigates the need for extensive retaining and therefore we submit that Condition 7 is not relevant to the current design and should also be removed; and
- The appended Approved Drawings and / or Documents are updated accordingly.

Conclusion

It is demonstrated that the proposed Change satisfies the test for a Minor Change and does not result in Substantially Different Development. The proposed Change remains in keeping with the current approved use for the land and generally complies with the relevant assessment benchmarks under the 2018 Douglas Shire Planning Scheme.

Thank you for your time in considering this application and if you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,

Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

ASPIRE

Town Planning and Project Services

Attachment 1:

Certificate of Title

Current Title Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	**21257048**	**Search Date:**	17/08/2023 13:44
Date Title Created:	30/08/1984	**Request No:**	45390513
Previous Title:	21108077		

ESTATE AND LAND

Estate in Fee Simple

LOT 196 REGISTERED PLAN 740952
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 716129881 10/11/2014

RUSSELL SCOTT JOSHUA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
   Deed of Grant No. 20135102 (POR 49V)
2. MORTGAGE No 716129882 10/11/2014 at 12:18
   NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested by: D-ENQ TITLES QUEENSLAND

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Attachment 2:

Duly Completed Change Application Form
Planning Act Form 5

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

***Note**: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).*

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) *(individual or company full name)*	Dr. Russell Joshua
Contact name *(only applicable for companies)*	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address *(P.O. Box or street address)*	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Email address *(non-mandatory)*	admin@aspireqld.com
Mobile number *(non-mandatory)*	0418826560
Applicant's reference number(s) *(if applicable)*	2023-07-70 – Joshua – 63 Stonewood Road, Diwan

2) Owner's consent - Is written consent of the owner required for this change application?
***Note**: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.*

☐ Yes – the written consent of the owner(s) is attached to this change application
☒ No

PART 2 – LOCATION DETAILS

3) Location of the premises *(complete 3.1) or 3.2), and 3.3) as applicable)*

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (*all lots must be listed*), ***or***
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises *(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).*

a)	Unit No.	Street No.	Street Name and Type	Suburb
		63	Stonewood Road	Diwan
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	196	RP740952	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)

Queensland Government

3.2) Coordinates of premises *(appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)* ***Note**: Place each set of coordinates in a separate row.*				
☐ Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)		Datum	Local Government Area(s) *(if applicable)*
			☐ WGS84 ☐ GDA94 ☐ Other:	
☐ Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) *(if applicable)*
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ Other:	

3.3) Additional premises
☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application ***Note**: see section 78(3) of the Planning Act 2016*
Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
☒ Development permit ☐ Preliminary approval	BW 2021_4445/1 (1072242)	4 March 2022	Douglas Shire Council
☒ Development permit ☐ Preliminary approval	BW 2021_4445/2	6 September 2023	Douglas Shire Council

6) Type of change proposed
6.1) Provide a brief description of the changes proposed to the development approval *(e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building)*:
Change to the layout of the proposed building additions to the existing Dwelling House.
6.2) What type of change does this application propose?
☒ Minor change application – proceed to Part 5 ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7
☐ Yes – list all affected entities below and proceed to Part 7

***Note**: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.*

Affected entity	Pre-request response provided? *(where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)*	Date notice given *(where no pre-request response provided)*
	☐ No ☐ Yes – pre-request response is attached to this change application	
	☐ No ☐ Yes – pre-request response is attached to this change application	
	☐ No ☐ Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

***Note**: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at https://planning.dsdmip.qld.gov.au.*

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☐ No
☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☐ No
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of *DA Form 1 – Development application details* as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☐ No
☐ Yes – the completed Part 5 (Building work details) of *DA Form 2 – Building work details* as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

***Note**: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.*

☐ No
☐ Yes – the completed Part 5 (Referral details) of *DA Form 1 – Development application details* as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules

☐ I agree to receive an information request if determined necessary for this change application
☐ I do not agree to accept an information request for this change application

***Note**: By not agreeing to accept an information request I, the applicant, acknowledge:*

- *that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

Further advice about information requests is contained in the DA Forms Guide: Forms 1 and 2.

12) Further details

☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the: • responsible entity in 4); and • for a minor change, any affected entities; and • for an other change all relevant referral requirement(s) in 10) ***Note**: See the Planning Regulation 2017 for referral requirements*	☒ Yes
For an other change application, the relevant sections of *DA Form 1 – Development application details* have been completed and is attached to this application	☐ Yes ☒ Not applicable
For an other change application, where building work is associated with the change application, the relevant sections of *DA Form 2 – Building work details* have been completed and is attached to this application	☐ Yes ☒ Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application ***Note**: This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning report template.*	☒ Yes
Relevant plans of the development are attached to this development application ***Note**: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see DA Forms Guide: Relevant plans.*	☒ Yes

14) Applicant declaration

☒ By making this change application, I declare that all information in this change application is true and correct.

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

***Note**: It is unlawful to intentionally provide false or misleading information.*

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:		Reference number(s):	

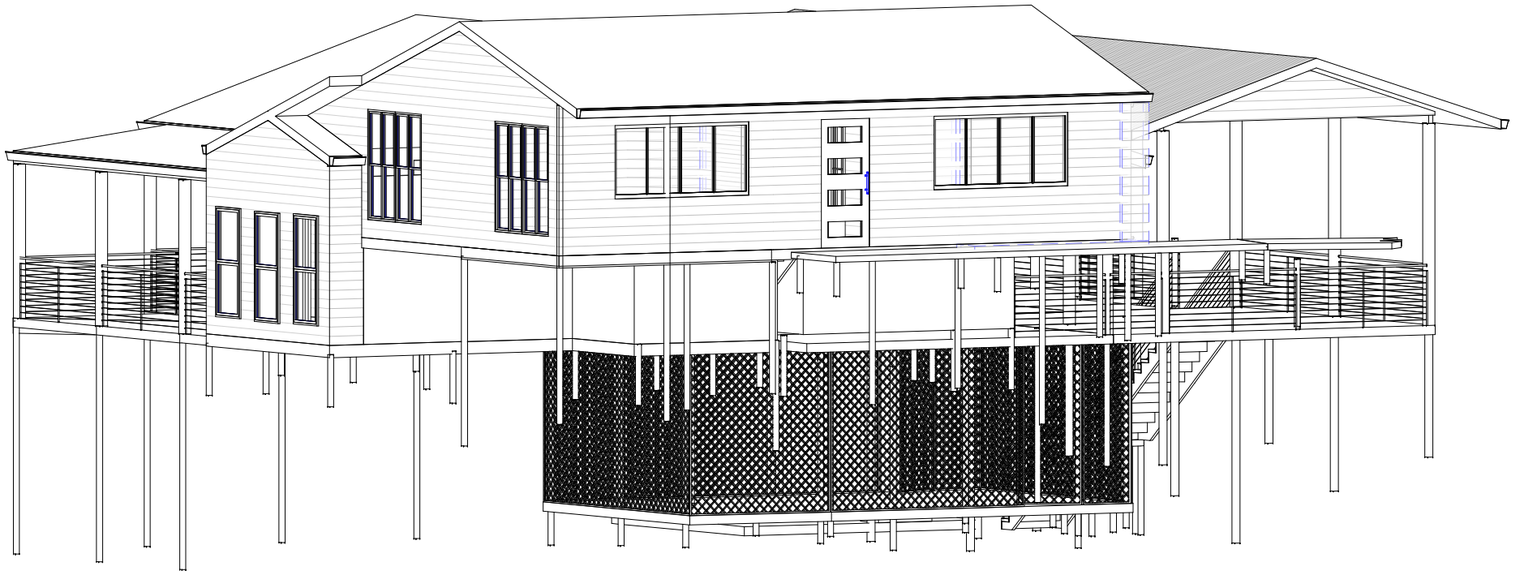
QLeave notification and payment *Note: For completion by assessment manager if applicable*			
Description of the work			
QLeave project number			
Amount paid ($)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

ASPIRE

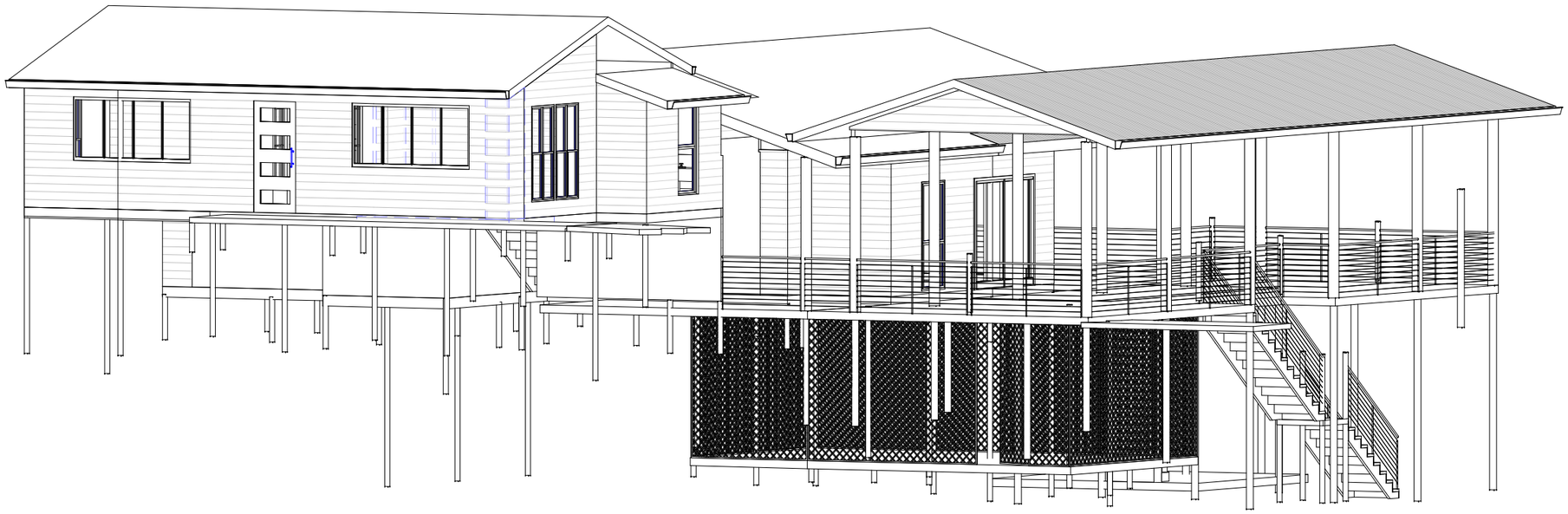
Town Planning and Project Services

Attachment 3:

Proposed Site, Floor and Elevation Plans



1 3D - Front Left

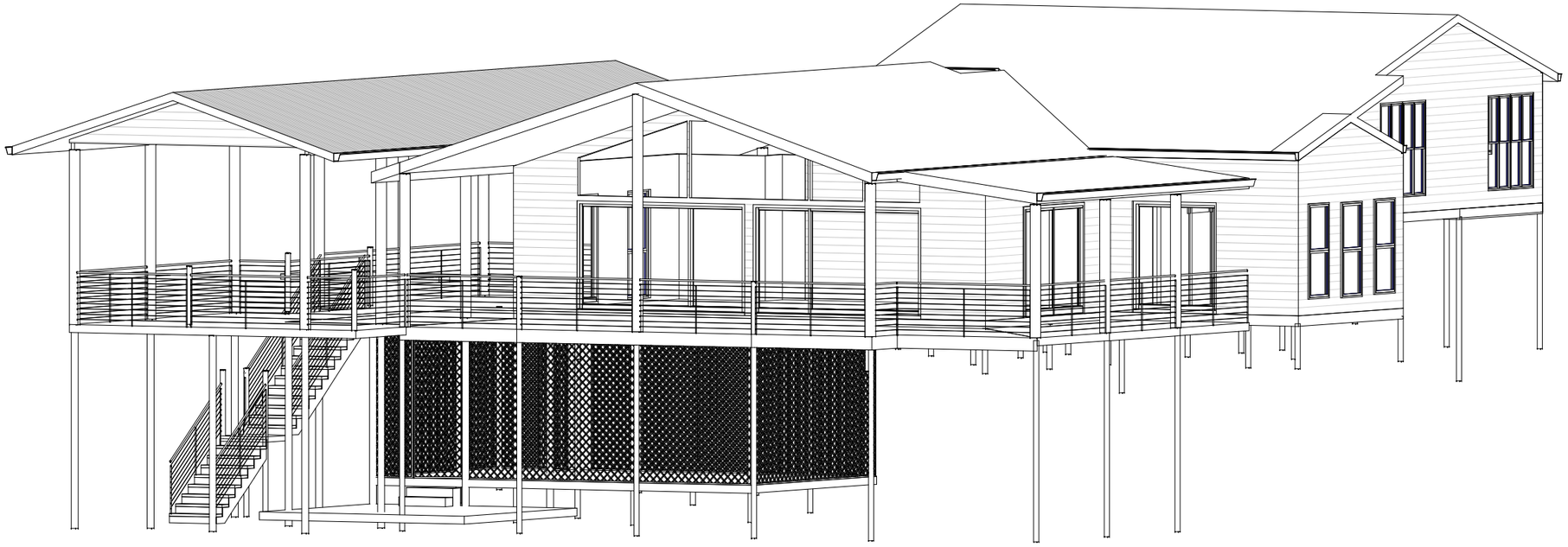


2 3D - Front Right

GREG SKYRING
Design and DRAFTING Pty. Ltd.
Lic Under QBSA Act 1991 - No 1040371
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0419212652
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	1 of 7
	SCALES	PLAN TITLE	DATE OF ISSUE	REV
		3D Views - Sheet 1	16.08.23	D

1 3D - Rear Left



2 3D - Rear Right

GREG SKYRING
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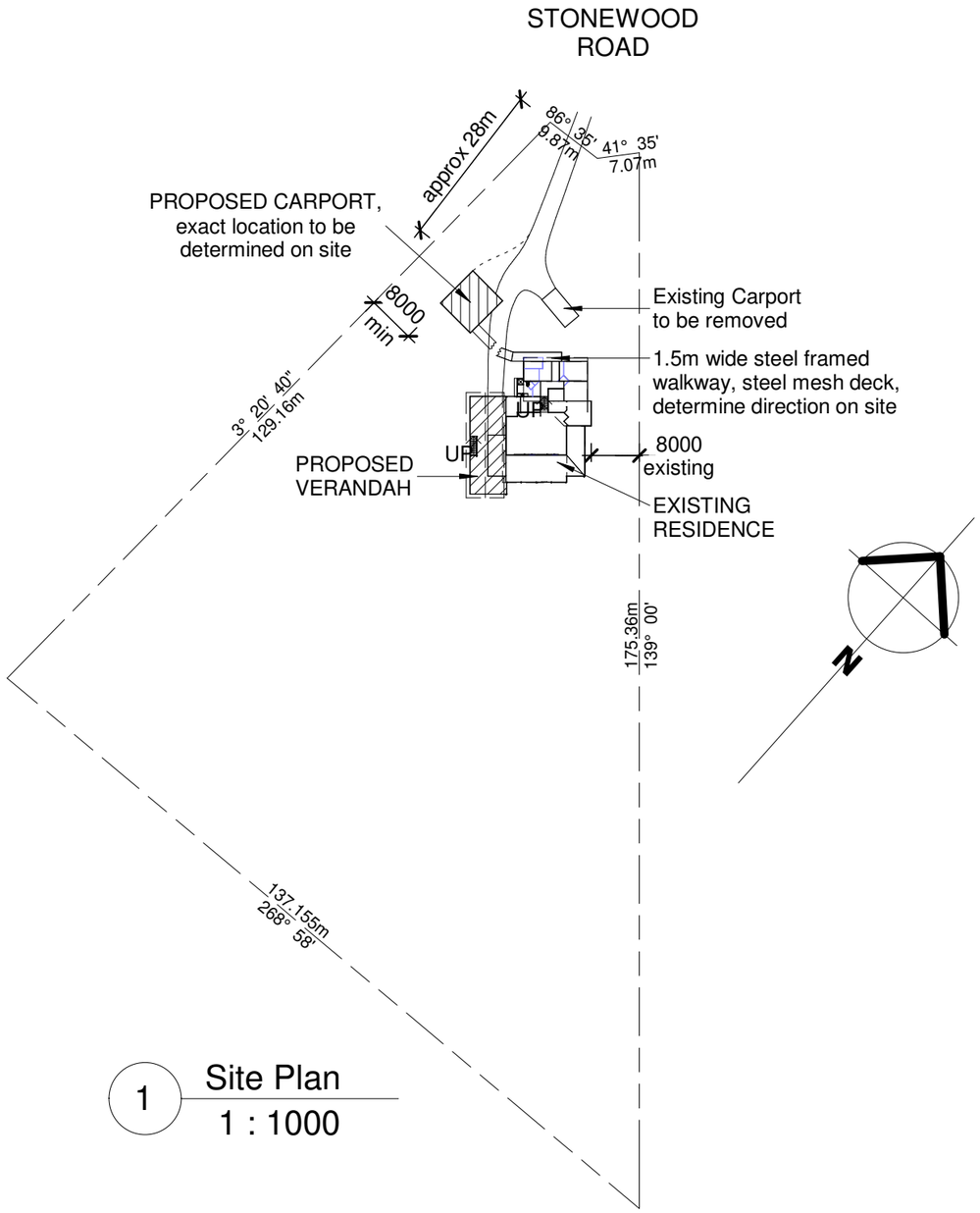
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	2 of 7
	SCALES	PLAN TITLE	DATE OF ISSUE	REV
		3D Views - Sheet 2	16.08.23	D



1 Site Plan
1 : 1000

GREG SKYRING
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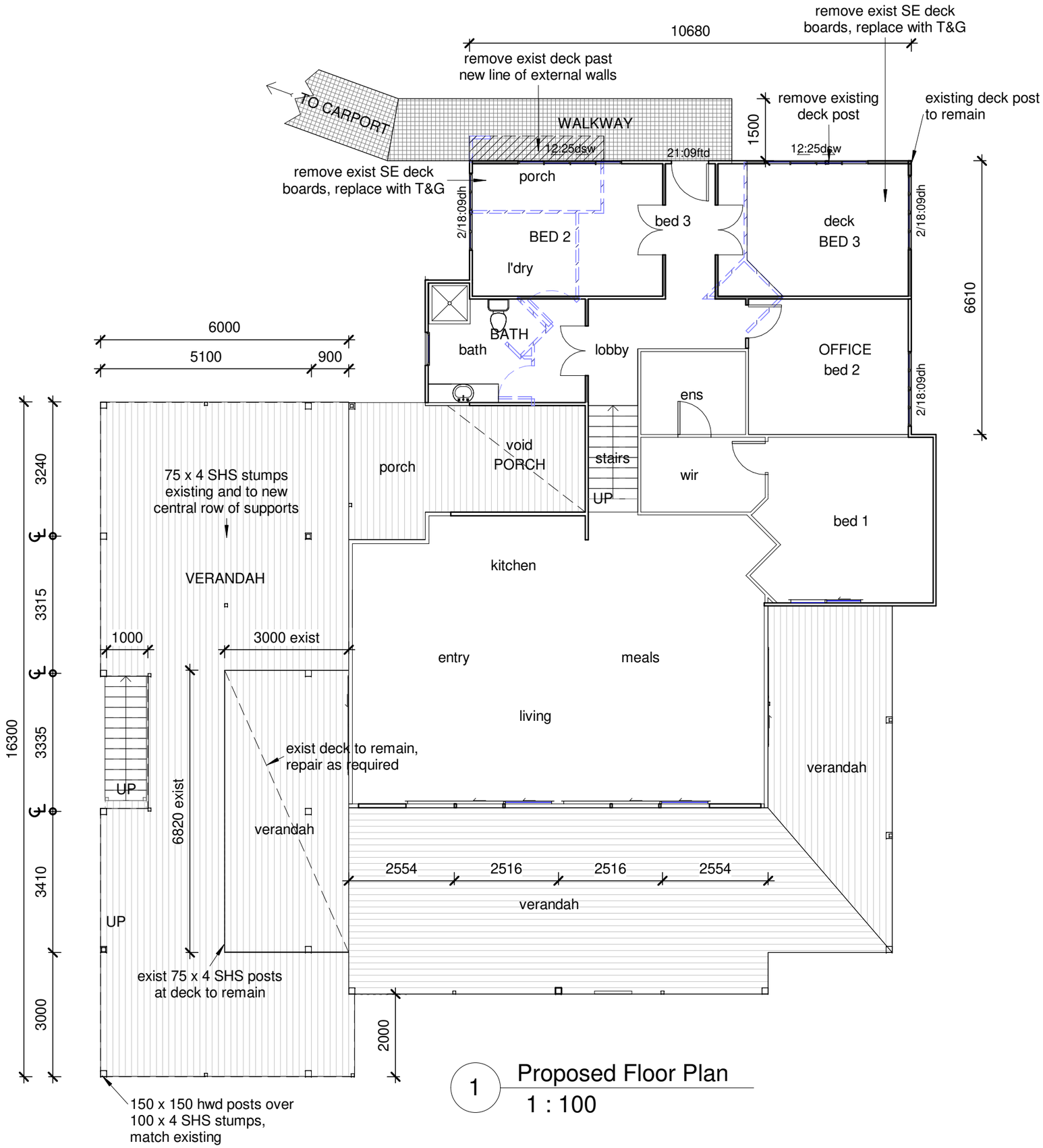
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	3 of 7
	SCALES: 1 : 1000	PLAN TITLE: Site Plan	DATE OF ISSUE: 16.08.23	REV: D



1 Proposed Floor Plan
1 : 100

REV	DATE	DESCRIPTION

GREG SKYRING
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PROJECT

Proposed Additions and Alterations to Existing Residence,
L196 RP740952,
63 Stonewood Road, DIWAN

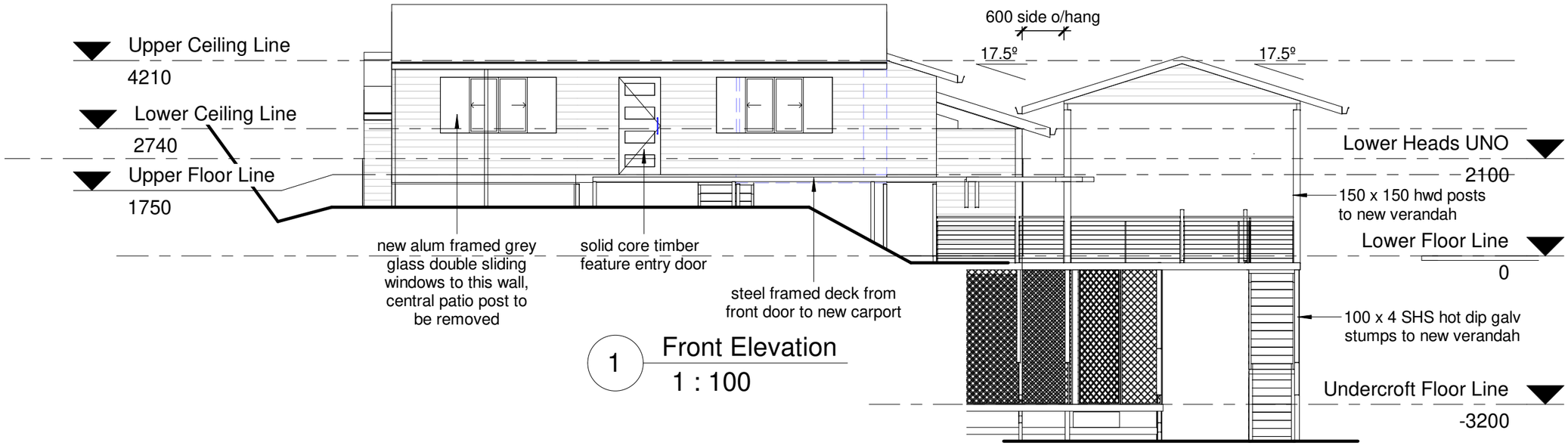
PLAN TITLE

Floor Plan - Residence

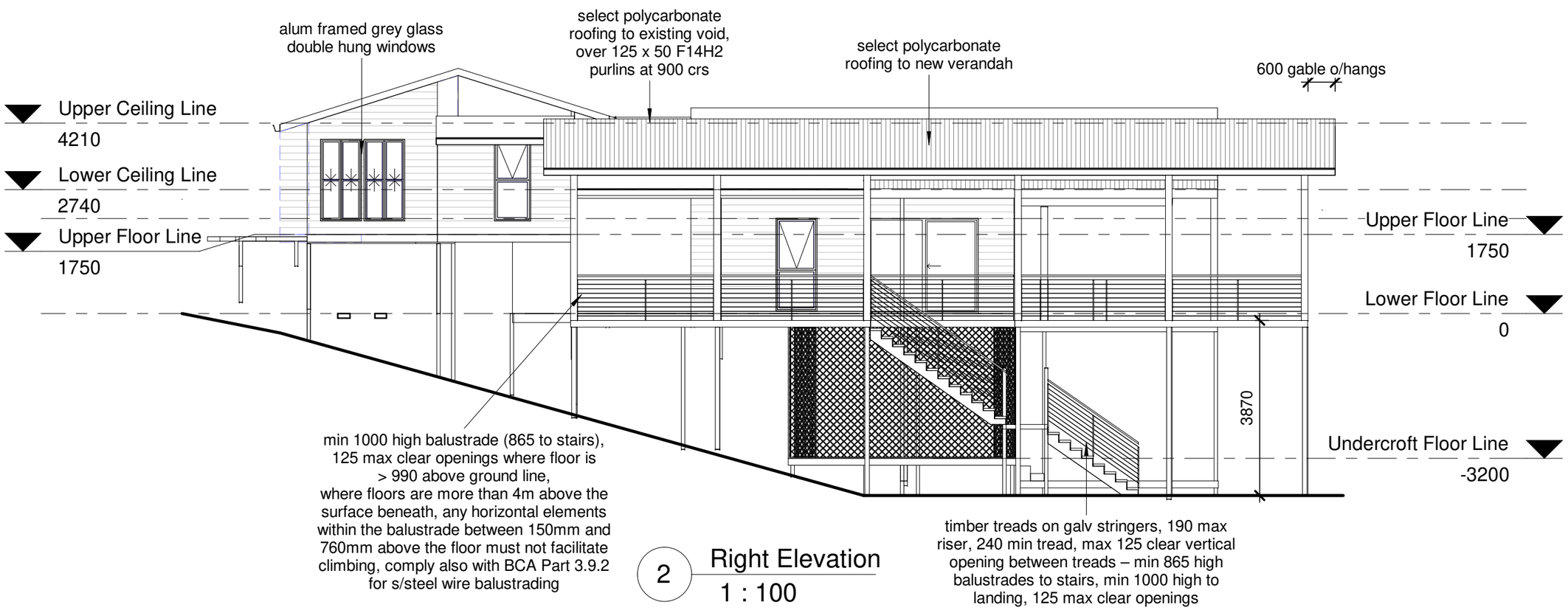
CLIENT

R. Joshua

SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 100	C2	206-23	4 of 7
		REV. D	



1 Front Elevation
1 : 100



2 Right Elevation
1 : 100

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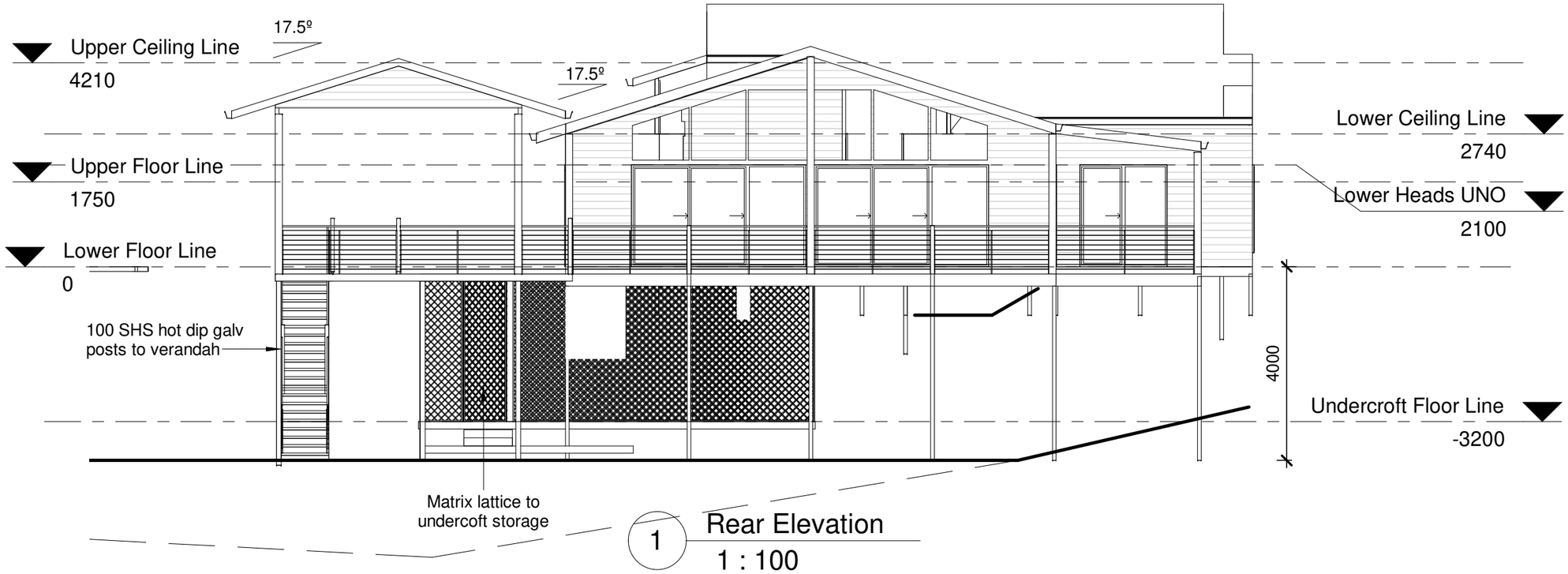
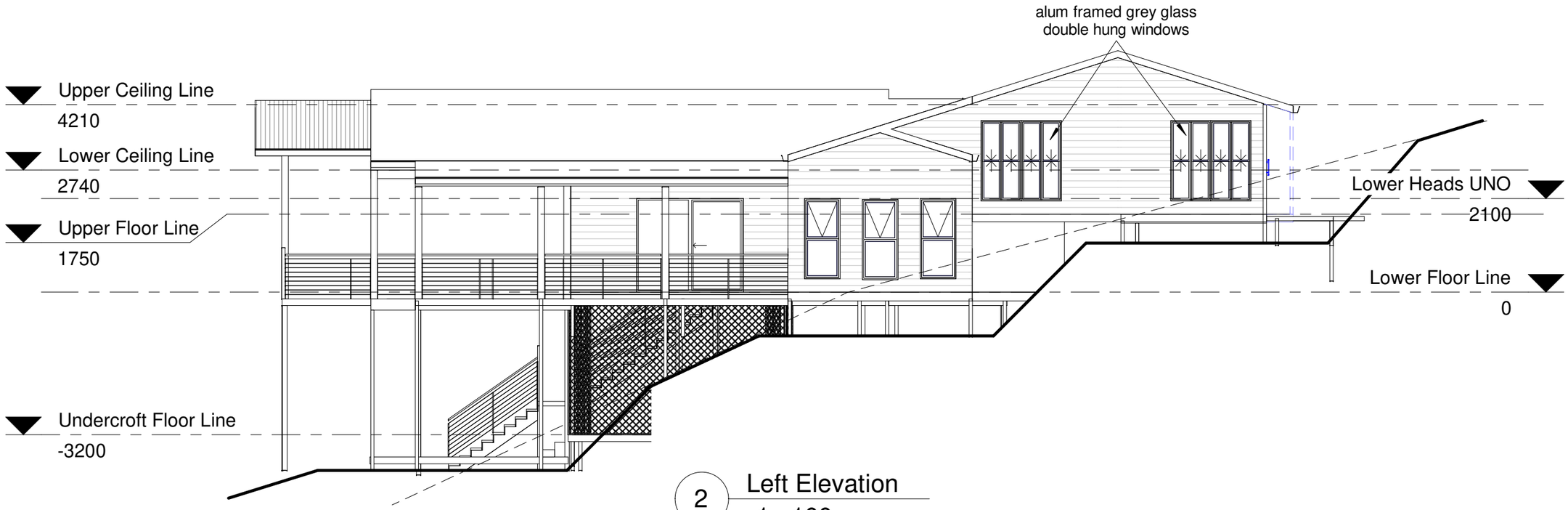
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	5 of 7
	SCALES: 1 : 100	PLAN TITLE: Elevations - Sheet 1	DATE OF ISSUE: 16.08.23	REV: D



1 Rear Elevation
1 : 100



2 Left Elevation
1 : 100

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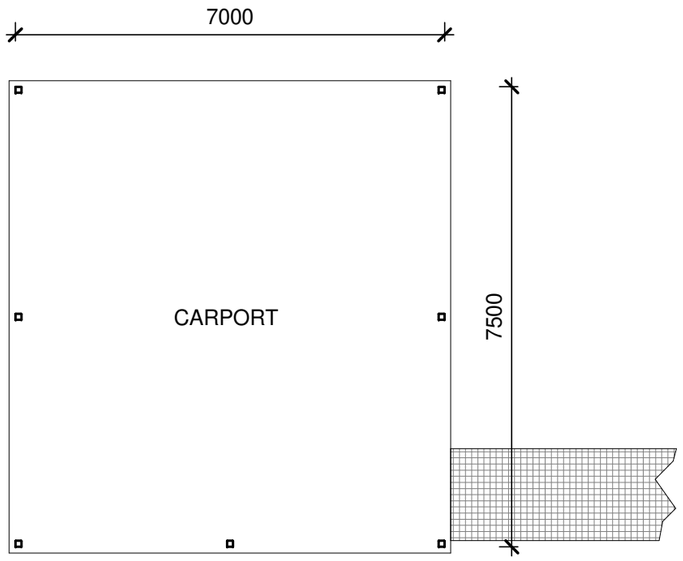
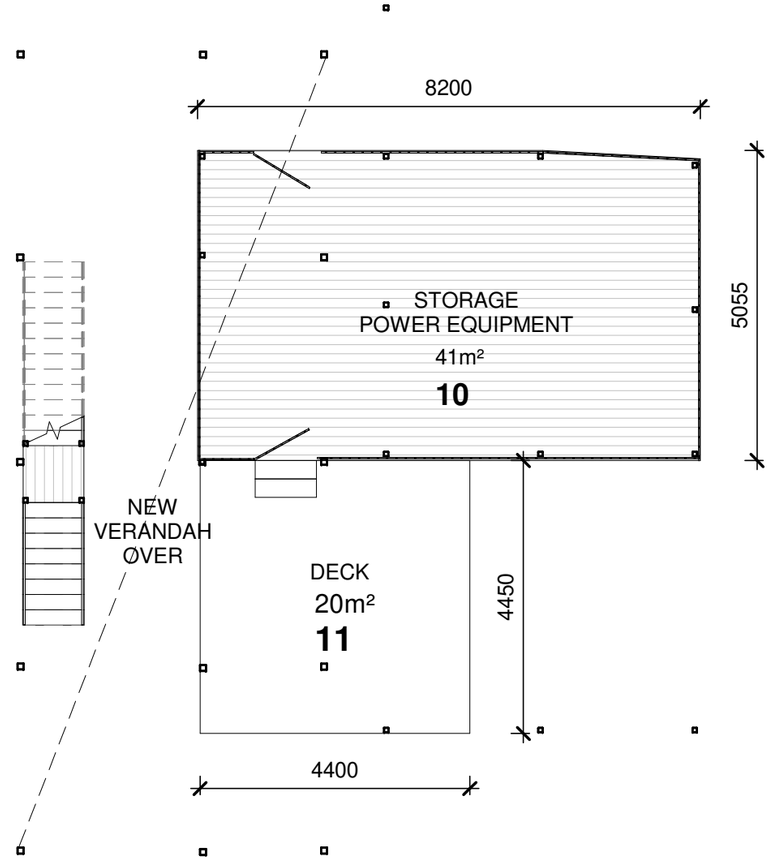
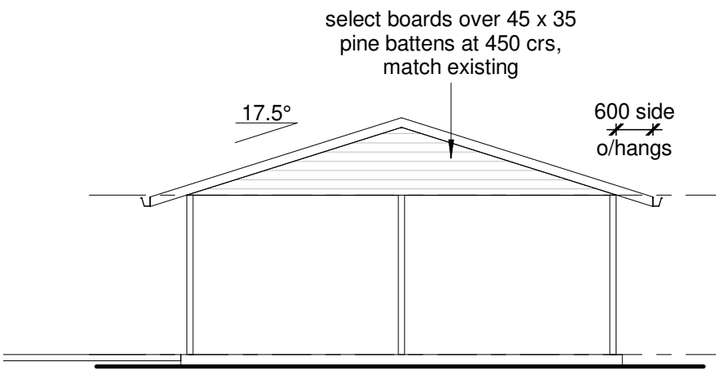
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	6 of 7
	SCALES	**PLAN TITLE**	**DATE OF ISSUE**	**REV**
	1 : 100	Elevations - Sheet 2	16.08.23	D



1 Carport Floor Plan
1 : 100

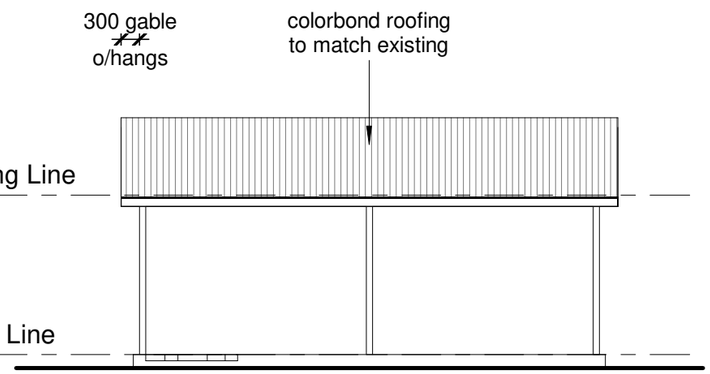


4 Undercroft Floor Plan
1 : 100



2 Carport Front Elevation
1 : 100

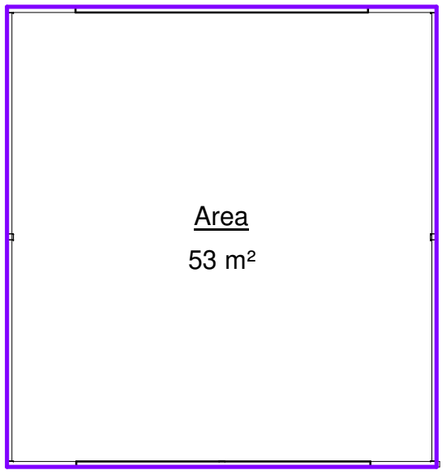
floor line to be confirmed
and distance off side boundary



3 Carport Side Elevation
1 : 100

GREG SKYRING Design and DRAFTING Pty. Ltd.
Lic Under QBSA Act 1991 - No 1040371
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0419212652
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	7 of 7
	SCALES: 1 : 100	PLAN TITLE: Carport & Undercroft Floor Plans, Carport Elevations	DATE OF ISSUE: 16.08.23	REV: D

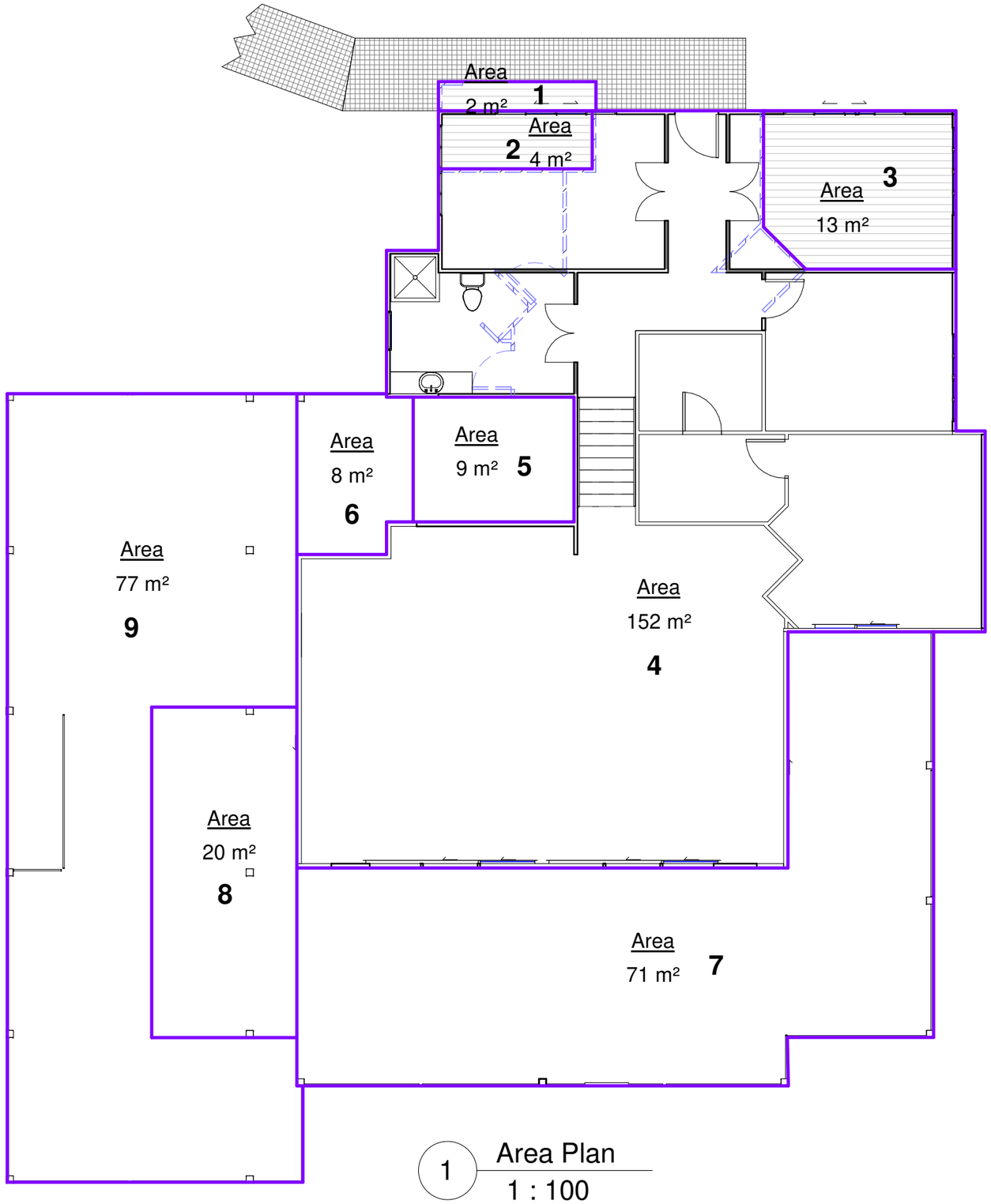


AREA LEGEND

1 exist deck, remove
2 exist deck, new internal area
3 exist deck, new internal area
4 exist internal area
5 exist void, new deck area
6 exist deck, unchanged
7 exist deck, unchanged
8 exist deck, unchanged
9 new deck
10 new undercroft storage
11 new undercroft deck

AREA SUMMARY

exist deck to be removed - 1	2m²
exist GFA area - 4	152m²
new GFA area - 2,3,4	169m²
(increase in GFA of 11%)	
exist deck area - 2,3,6,7,8	108m²
new deck area - 5,6,7,8,9	185m²
new undercroft storage - 10	41m²
new undercroft deck - 11	20m²
EXIST BUILDING AREA -	270m²
NEW BUILDING AREA -	415m²



1 Area Plan
1 : 100

REV	DATE	DESCRIPTION

GREG SKYRING
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Mossman Q. 4873

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PROJECT
Proposed Additions and Alterations
to Existing Residence,
L196 RP740952,
63 Stonewood Road, DIWAN

PLAN TITLE
Area Plan

CLIENT
R. Joshua

SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 100	C2	206-23	7 of 8
		REV. D	

ASPIRE

Town Planning and Project Services

Attachment 4:

Minor Change Decision Notice

DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

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

6 September 2023

Enquiries: Rebecca Taranto
Our Ref: BW 2021_4445/2, BW 2021/4445/1, MCUC 2016/1667 (Doc ID:1181157)
Your Ref: 2023-07-70

Dr. Russell Joshua
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

Development Application for Minor Change to Building Work Assessable Against the Planning Scheme, Approval BW 2021/4445 (Demolition, Addition and Renovation)
At 63 Stonewood Road Diwan
On Land Described as Lot 196 on RP40952

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

Please quote Council's application number: BW 2021_4445/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully

For
Paul Hoye
Manager Environment & Planning

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Concurrence Agency Response
  - Reasons for Decision - response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)

Decision Notice

Approval (with conditions)

Given under s 78, s78A, s79, s81, s81A and s83 of the Planning Act 2016

Applicant Details

Name:	R S Joshua
Postal Address:	C/- Daniel Favier (Aspire Town Planning) PO Box 1040 MOSSMAN QLD 4873
Email:	admin@aspireqld.com

Property Details

Street Address:	63 Stonewood Road Diwan
Real Property Description:	LOT: 196 RP: 740952
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Application has been made for a Change Application (Minor Change) to vary Decision Notice BW2021_4445 for renovations, extensions and demolition.

Decision

Date of Decision: 6 September 2023

Decision Details: Approved whereby;

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

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

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

Drawing or Document	Reference	Date
~~3D Views~~	~~Greg Skyring Plan 304-19, sheet 1 of 10~~	~~21 January 2022~~
~~3D View- Front~~	~~Greg Skyring Plan 304-~~	~~21 January~~

~~right~~	~~19, sheet 2 of 10~~	~~2022~~
~~Site Plan~~	~~Greg Skyring Plan 304-19, sheet 4 of 10~~	~~21 January 2022~~
~~Floor Plan-Proposed~~	~~Greg Skyring Plan 304-19, sheet 6 of 10~~	~~21 January 2022~~
~~Floor Plan-Undercroft~~	~~Greg Skyring Plan 304-19, sheet 7 of 10~~	~~21 January 2022~~
~~Elevations-sheet 1~~	~~Greg Skyring Plan 304-19, sheet 8 of 10~~	~~21 January 2022~~
~~Elevations-sheet 1~~	~~Greg Skyring Plan 304-19, sheet 9 of 10~~	~~21 January 2022~~
~~Floor Plan, Elevations-Carport~~	~~Greg Skyring Plan 304-19, sheet 10 of 10~~	~~21 January 2022~~
~~Cut/ Fill Plan~~	~~ARO Plan ARO0096-SK02~~	~~24 January 2022~~
~~Vegetation Survey~~	~~ARO Plan ARO0096-SK03~~	~~21 January 2022~~
3D Views-Sheet 1	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 1 of 7 Rev D	16 August 2023
3D Views-Sheet 2	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 2 of 7 Rev D	16 August 2023
Site Plan	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 3 of 7 Rev D	16 August 2023
Floor Plan Residence	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23	Submitted with Application on 18 August

	Sheet 4 of 7 Rev D	2023
Elevations - Sheet 1	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 5 of 7 Rev D	16 August 2023
Elevations- Sheet 2	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 6 of 7 Rev D	16 August 2023
Carport and Undercroft Floor Plans, Carport Elevations	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 7 of 7 Rev D	16 August 2023
Area Plan	Greg Skyring Design and Drafting Pty Ltd Plan Number 206-23 Sheet 7 of 8 Rev D	Submitted with Further Issues Response on 6 September 2023

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

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:

   a. The specifications, facts and circumstances as set out in the application submitted to Council; 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.

~~**Clearing Limitation**~~

3. ~~Clearing is limited to the tree species as detailed in the ARO Drawing ARO0096-SK03.~~

~~**Landscaping**~~

4. ~~Prior to commencement of use provide a remediation and landscaping plan to be endorsed by the Chief Executive Officer. The plan must detail plant locations, plant size and must be in accordance with *Planning Scheme Policy SC6.7 Landscaping.*~~

Prescribed Activity Permit

5. Obtain a prescribed activity permit in accordance with Council's *Subordinate Local Law No. 1- Administration-2020* for the use of the Stonewood Road cul-de-sac for plant and material storage prior to the issued of a Development Permit for Building Work.

~~Erosion and Sediment Control~~

6. ~~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. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Building Work.~~

   ~~b. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.~~

   ~~c. 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.~~

~~Geotechnical Report~~

7. ~~All works must be carried out in accordance with the requirements and recommendations from the Geotechnical Report ARO0096, certified by Rudd Rankine RPEQ 8452.~~

Building Colours

8. Prior to the issue of a Development Permit for Building Work, the external colours of the building must be submitted to Council for endorsement by the Chief Executive Officer. The external building colours must be reflective of the surrounding natural environment and must not be white or metallic.

System Sizing for On-site Effluent Disposal System

9. The office and media room are not to be used as bedrooms unless endorsed by the Chief Executive Officer.

<u>Approved Clearing</u>

10. <u>This Approval permits the clearing of exotic vegetation adjacent to the existing Dwelling to facilitate the construction of the verandah. No other vegetation removal is permitted.</u>

ADVICE

1. This approval for the minor change, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016.*

2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

5. All other requirements of the Decision Notices MCUC 1667/2016- Dwelling House, remain unchanged.

A copy of the original Decision Notices is attached.

Further Development Permits

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

- All Building Work

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

Currency Period for the Approval

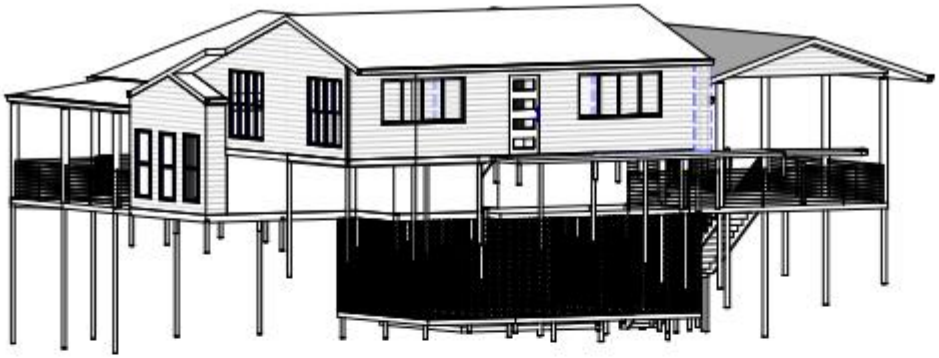
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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)



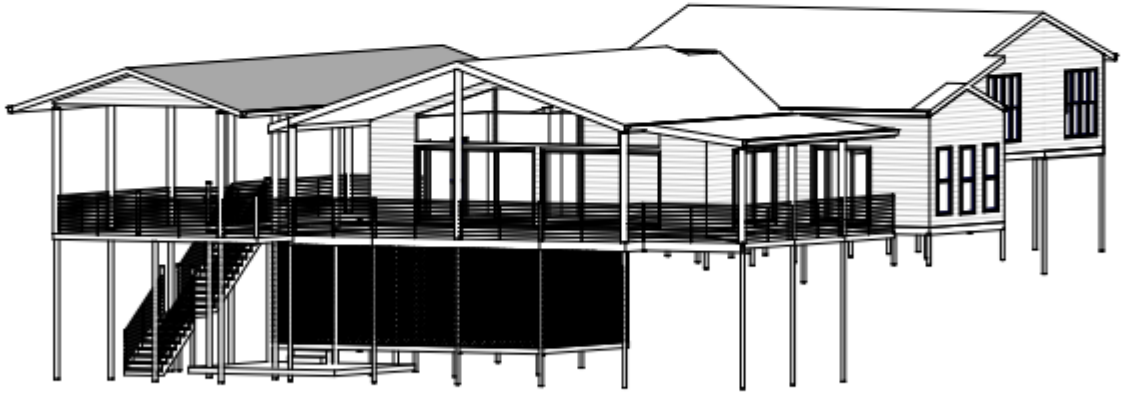
1 3D - Front Left

2 3D - Front Right

GREG SKYRING Design and DRAFTING Pty. Ltd.
Lic. Under QBSA Act 1991 - No 1040371
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982961
Mobile: 0419212652
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	1 of 7
SCALES	PLAN TITLE: 3D Views - Sheet 1		DATE OF ISSUE: 16.08.23	REV: D

1 3D - Rear Left



2 3D - Rear Right

GREG SKYRING
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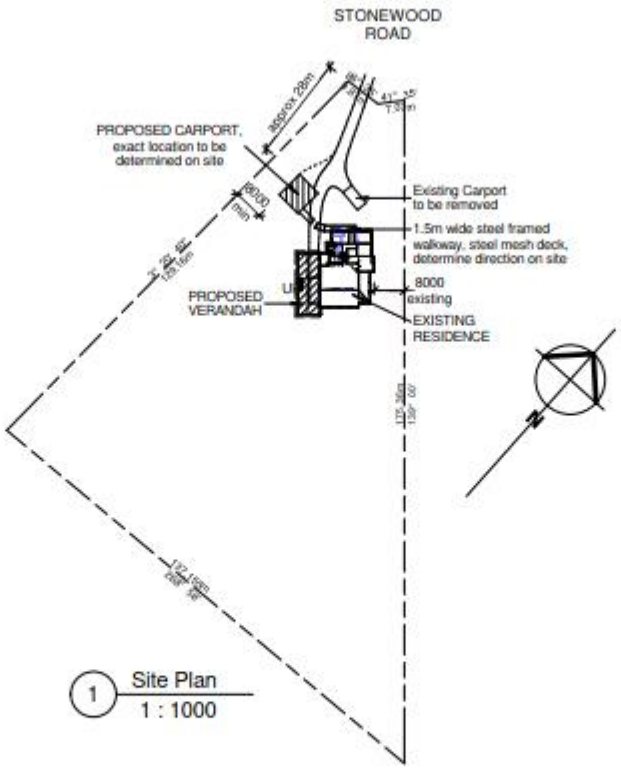
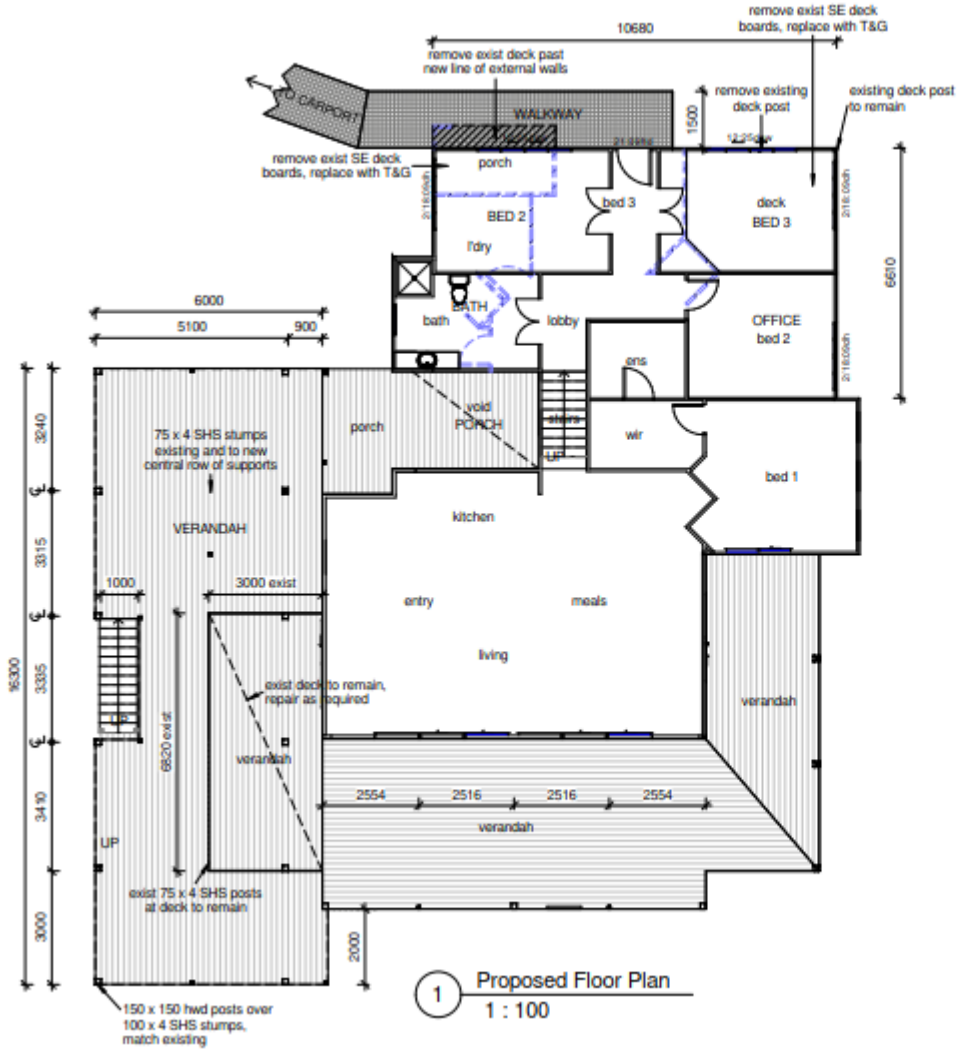
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	2 of 7
	SCALES	PLAN TITLE	DATE OF ISSUE	REV
		3D Views - Sheet 2	16.08.23	D



1 Site Plan
1 : 1000

GREG SKYRING Design and DRAFTING Pty. Ltd. Lic. Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212052 Email: greg@skyringdesign.com.au	PROJECT Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	CLIENT R. Joshua	WIND CLASS C2	PLAN NUMBER 206-23	SHEET 3 of 7
		SCALES 1 : 1000	PLAN TITLE Site Plan	DATE OF ISSUE 16.08.23	REV D



1 Proposed Floor Plan
1 : 100

LEGEND

- exist stud framed external and internal walls, gyprock to int generally, villaboard to bathroom, select boards to external
- denotes exist walls to be removed
- new stud framed external and internal walls, lined as above
- B — As above with 4mm F22 structural ply lining extra to one face, nail fixed for bracing (see bracing notes).
- bed 2 — exist room use (lower case)
- BED 2 — new room use (upper case)

WINDOW and DOOR LEGEND

- ftd — feature timber door, suitable for location
- dsw — alum framed double sliding window
- dh — double hung window

REV	DATE	DESCRIPTION

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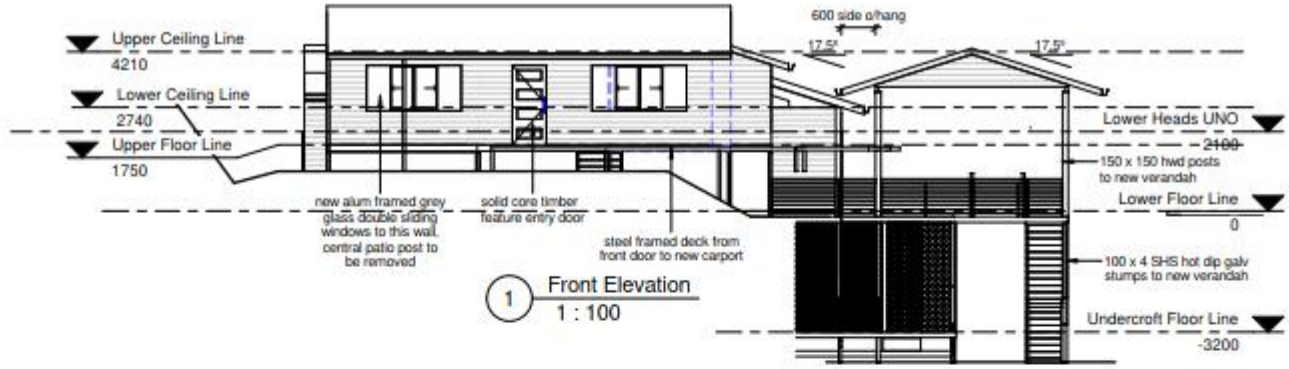
PROJECT
Proposed Additions and Alterations to Existing Residence,
L196 RP740952,
63 Stonewood Road, DIWAN

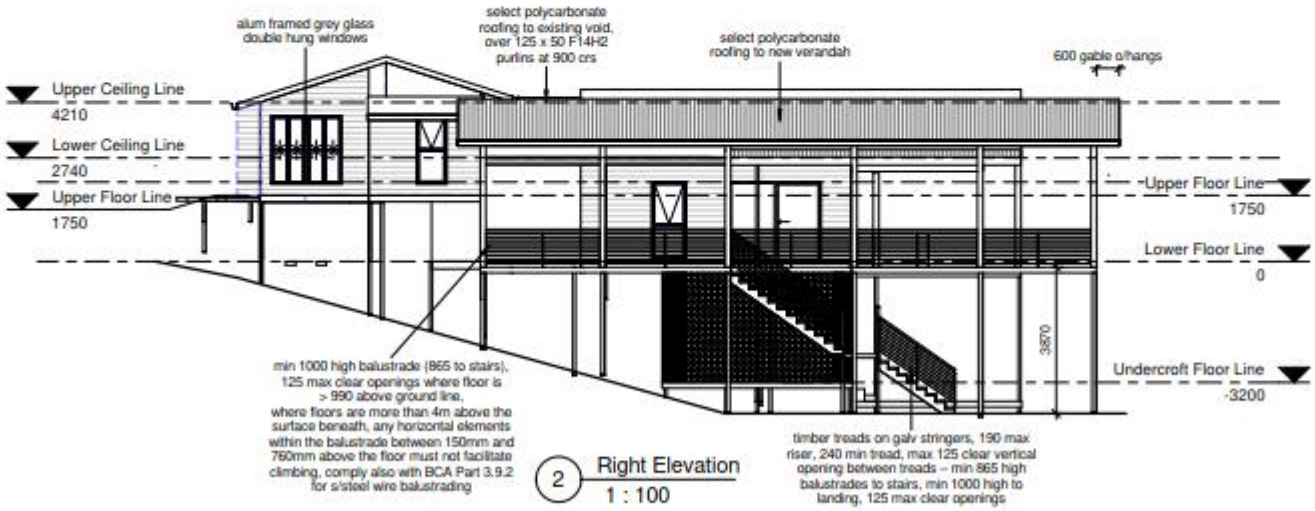
PLAN TITLE
Floor Plan - Residence

CLIENT
R. Joshua

SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 100	C2	206-23	4 of 7
		REV. D	



1 Front Elevation
1 : 100



2 Right Elevation
1 : 100

GREG SKYRING Design and DRAFTING Pty. Ltd.
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Mossman Q. 4873
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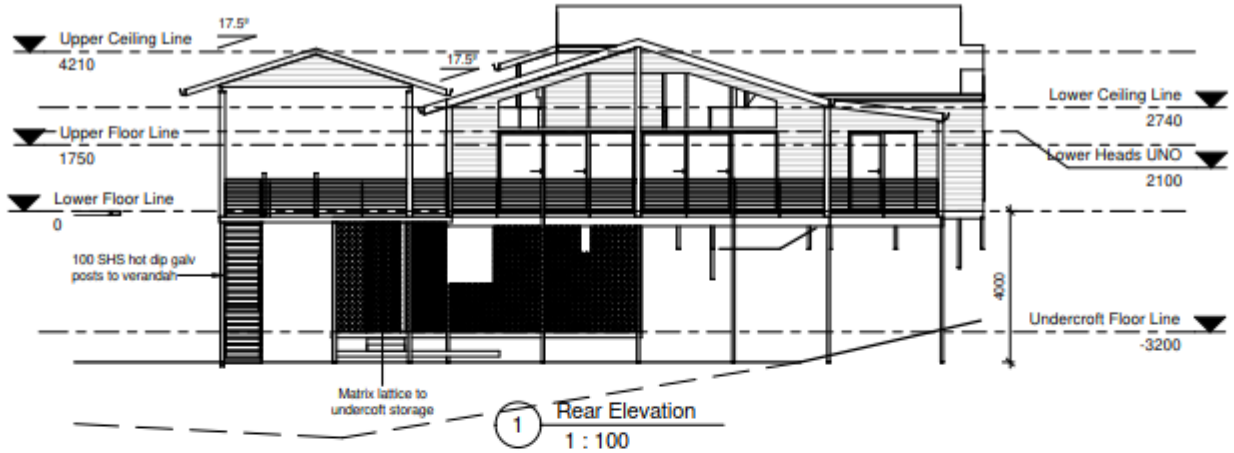
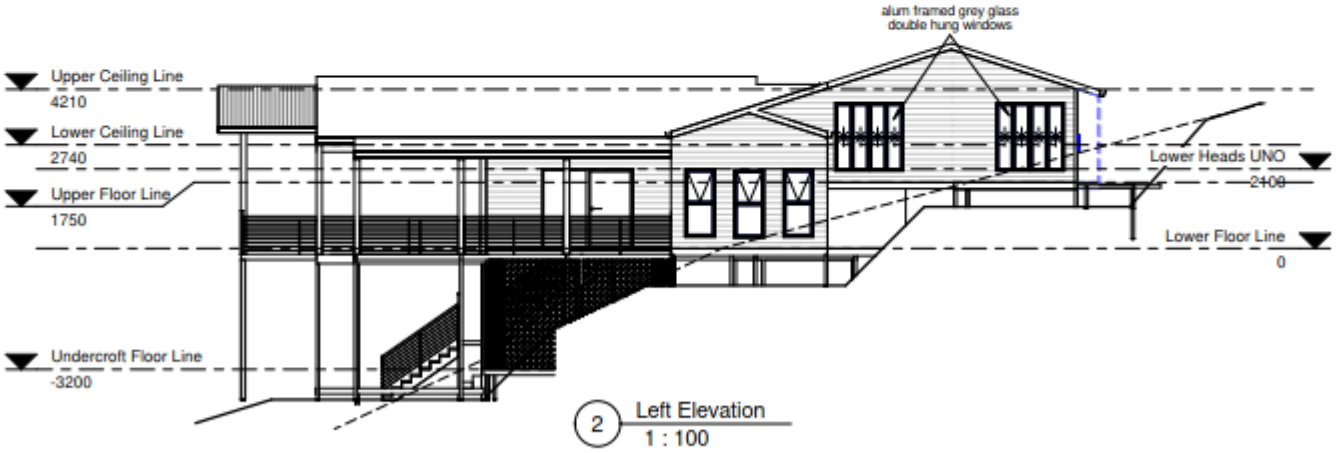
PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	206-23	5 of 7
SCALES: 1 : 100	PLAN TITLE: Elevations - Sheet 1		DATE OF ISSUE: 16.08.23	REV: D



1 Rear Elevation
1 : 100



2 Left Elevation
1 : 100

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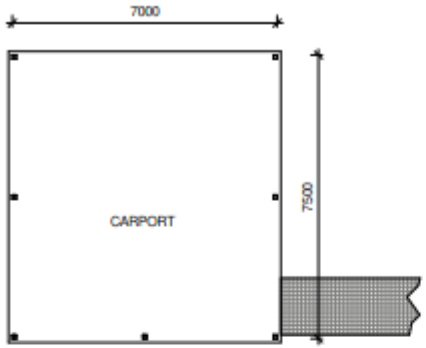

1 Carport Floor Plan
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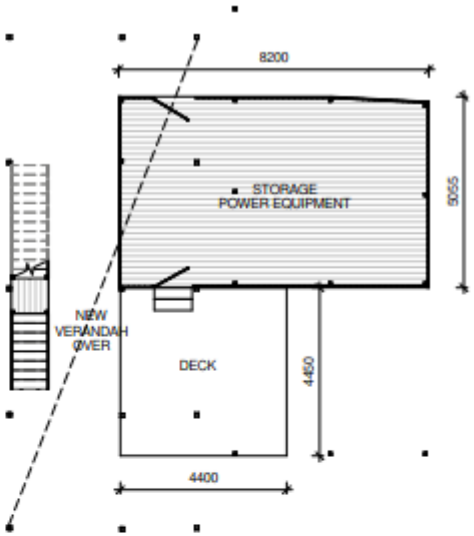
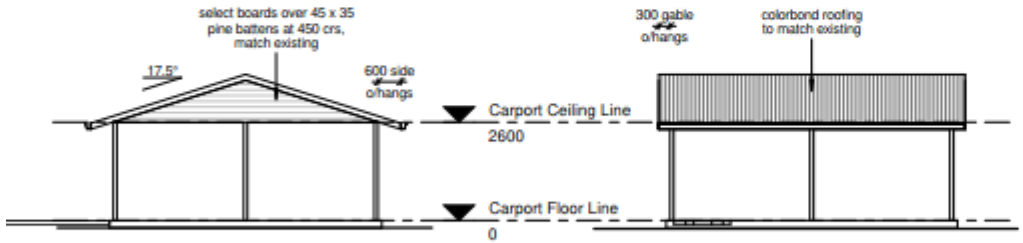


4 Undercroft Floor Plan
1 : 100

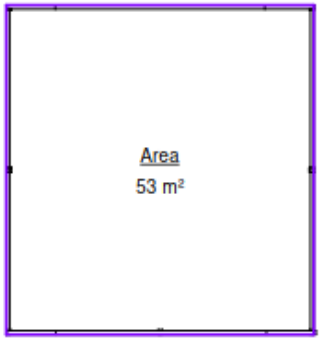


2 Carport Front Elevation
1 : 100

floor line to be confirmed
and distance off side boundary

3 Carport Side Elevation
1 : 100

GREG SKYRING Design and DRAFTING Pty. Ltd. Lic. Under QBSA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au	PROJECT Proposed Additions and Alterations to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	CLIENT R. Joshua	WIND CLASS C2	PLAN NUMBER 206-23	SHEET 7 of 7
		SCALES 1 : 100	PLAN TITLE Carport & Undercroft Floor Plans, Carport Elevations	DATE OF ISSUE 16.08.23	REV D



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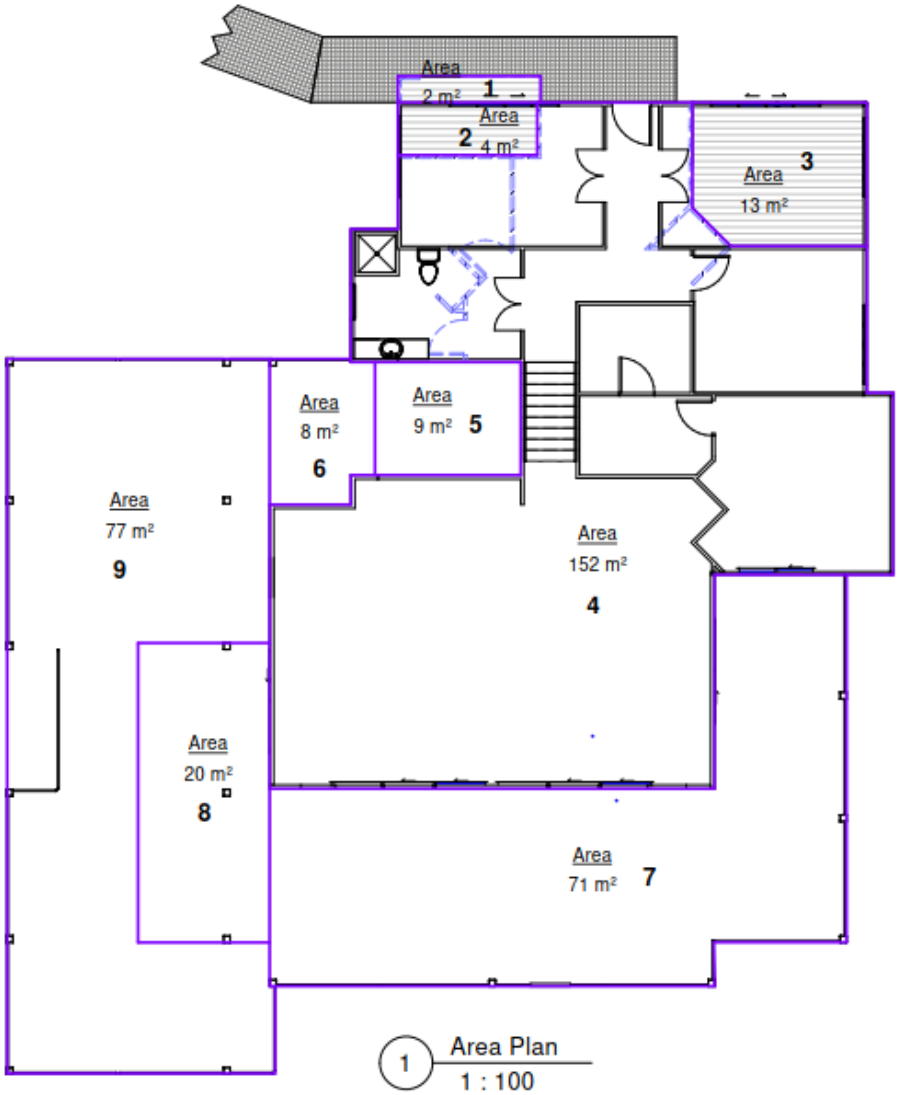

REV	DATE	DESCRIPTION

GREG SKYRING
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11 Noli Close,
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Phone/Fax: (07) 40982061
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PROJECT
Proposed Additions and Alterations
to Existing Residence,
L196 RP740952,
63 Stonewood Road, DIWAN

PLAN TITLE
Area Plan

CLIENT
R. Joshua

SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 100	C2	206-23	7 of 8
		REV. D	

Original Approvals

DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

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

4 March 2022

Enquiries: Daniel Lamond
Our Ref: BW 2021_4445/1 (1072242)

Russell Joshau
C/- Greg Skyring Design & Drafting Pty Ltd ATF The Skyring Family Trust
11 Noli Close
MOSSMAN QLD 4873

Dear Sir

Development Application for Building Works Assessable Against the Planning Scheme (Demolition, Addition and Renovation)
At 63 Stonewood Road DIWAN
On Land Described as LOT: 196 RP: 740952

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

Please quote Council's application number: BW 2021_4445/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully

For
Paul Hoye
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 section 63 of the Planning Act 2016

Applicant Details

Name:	Russell Joshua C/- Greg Skyring Design & Drafting Pty Ltd ATF The Skyring Family Trust
Postal Address:	11 Noli Close MOSSMAN QLD 4873
Email:	greg@skyringdesign.com.au

Property Details

Street Address:	63 Stonewood Road DIWAN
Real Property Description:	LOT: 196 RP: 740952
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Development Permit for Building Works Assessable Against the Planning Scheme (Demolition, Addition and Renovation).

Decision

Date of Decision:	4 March 2022
Decision Details:	Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
3D Views	Greg Skyring Plan 304-19, sheet 1 of 10	21 January 2022
3D View- Front right	Greg Skyring Plan 304-19, sheet 2 of 10	21 January 2022
Site Plan	Greg Skyring Plan 304-19, sheet 4	21 January 2022

	of 10	
Floor Plan- Proposed	Greg Skyring Plan 304-19, sheet 6 of 10	21 January 2022
Floor Plan- Undercroft	Greg Skyring Plan 304-19, sheet 7 of 10	21 January 2022
Elevations- sheet 1	Greg Skyring Plan 304-19, sheet 8 of 10	21 January 2022
Elevations- sheet 1	Greg Skyring Plan 304-19, sheet 9 of 10	21 January 2022
Floor Plan, Elevations- Carport	Greg Skyring Plan 304-19, sheet 10 of 10	21 January 2022
Cut/ Fill Plan	ARO Plan ARO0096-SK02	24 January 2022
Vegetation Survey	ARO Plan ARO0096-SK03	21 January 2022

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.

Clearing limitation

3. Clearing is limited to the tree species as detailed in the ARO Drawing ARO0096-SK03.

Landscaping

4. Prior to commencement of use provide a remediation and landscaping plan to be endorsed by the Chief Executive Officer. The plan must detail plant locations, plant size and must be in accordance with *Planning Scheme Policy SC6.7 Landscaping*.

Prescribed Activity Permit

5. Obtain a prescribed activity permit in accordance with Council's *Subordinate Local Law No. 1- Administration- 2020* for the use of the Stonewood Road cul-de-sac for plant and material storage prior to the issued of a Development Permit for Building Work.

Erosion and Sediment Control

6. 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. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Building Work.

b. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.

c. 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.

Geotechnical Report

7. All works must be carried out in accordance with the requirements and recommendations from the Geotechnical Report ARO0096, certified by Rudd Rankine RPEQ 8452.

Building Colours

8. Prior to the issue of a Development Permit for Building Work, the external colours of the building must be submitted to Council for endorsement by the Chief Executive Officer. The external building colours must be reflective of the surrounding natural environment and must not be white or metallic.

System Sizing for On-site Effluent Disposal System

9. The office and media room are not to be used as bedrooms unless endorsed by the Chief Executive Officer.

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

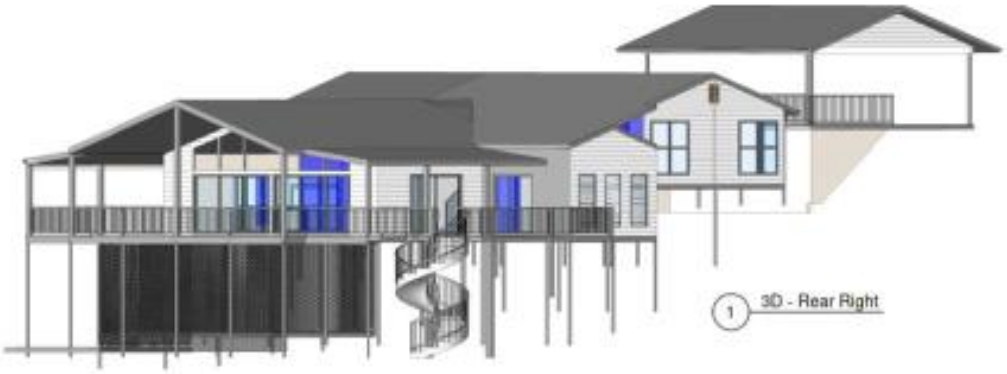
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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 are attached.

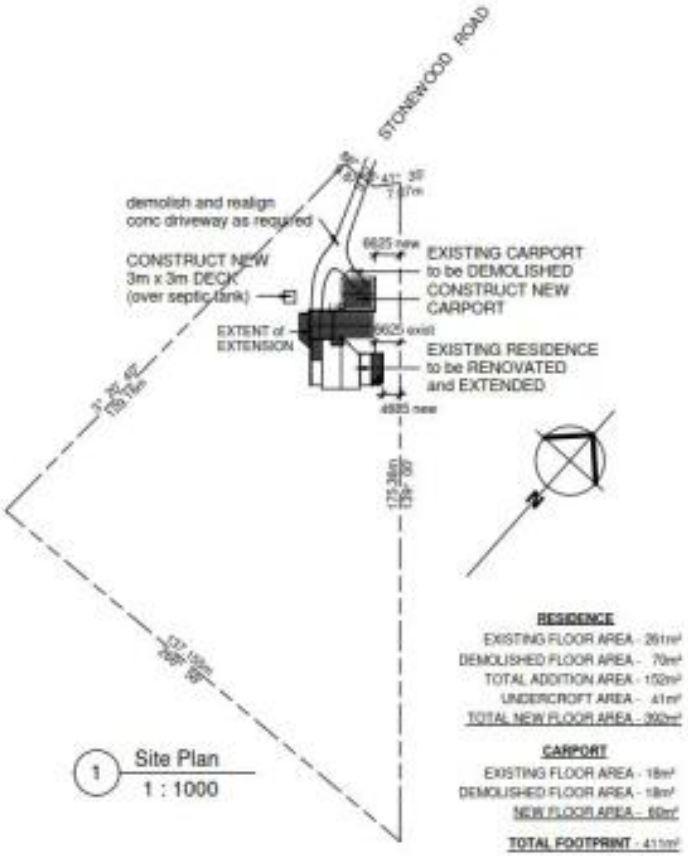
Approved Drawing(s) and/or Document(s)



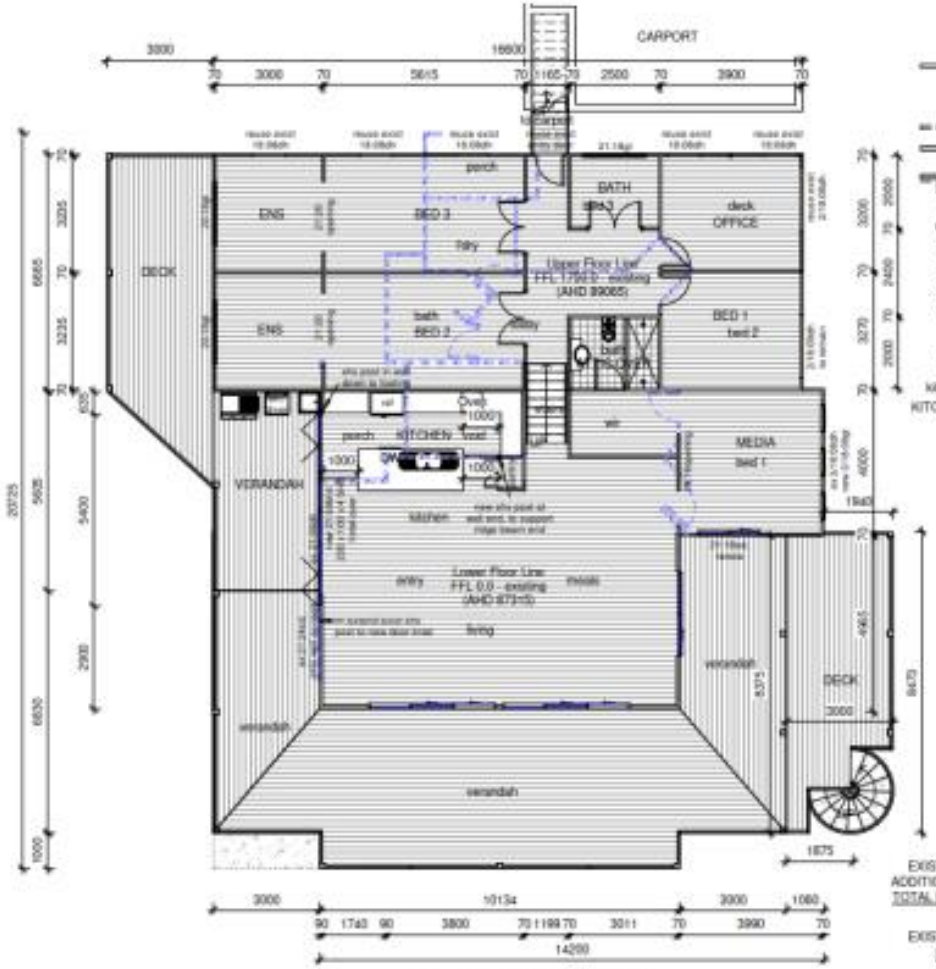
GREG SKYRING Design and DRAFTING Pty. Ltd. 11 Nell Close, Mossman Q. 4873	Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	1 of 10
			3D Views	prelim 21.01.22	

3D View - Front Right
NTS

GREG SKYRING Design and DRAFTING Pty. Ltd.	PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Lic. Under QBSA Act 1991 - No 1048571	Alterations and Additions to Existing Residence, L 198 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	2 of 10
		SCALES / PLAN TITLE		DATE OF ISSUE	REV



GREG SKYRING Design and DRAFTING Pty Ltd. Ltd. Under QBSA Act 1991 - No 1046371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40962961 Mobile: 0419212402 Email: greg@skyringdesign.com.au	PROJECT Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	CLIENT R. Joshua		WIND CLASS C2	PLAN NUMBER 304-19	SHEET 4 of 10
		SCALE 1 : 1000	PLAN TITLE Site Plan		DATE OF ISSUE prelim 21.01.22	REV



1 Floor Plan - Proposed
1 : 100

LEGEND

exist stud framed external and internal walls, gyprock to int generally, villaboard to bathroom, select boards to external

denotes exist walls to be removed

new stud framed external and internal walls, lined as above

As above with 4mm F22 structural ply lining extra to one face, nail fixed for bracing (see bracing notes).

Floor Waste (optional)

Waterproof wet area to AS3740.

Smoke alarms to AS3786.

Lift-off hinges to WC - where pan is within a 1200 radius from door hinge

Denotes location of M12 galv hold down bolts, M16 at roof beam ends

kitchen — exist room use (lower case)

KITCHEN — new room use (upper case)

WINDOW and DOOR LEGEND

td — timber door, suitable for location
ftd — feature timber door, suitable for location
gsd — alum framed glass swing door
rd — colorbond roller door
bfd — bifold door

sw — alum framed single sliding window
sw/sw — alum framed single sliding window over single sliding window
gl — glass louvres in Altair frame
dh — double hung window

NOTE: all windows and doors are colour coated aluminium framed uno, fitted with grey glass and flyscreen

RESIDENCE
EXISTING FLOOR AREA - 269m² **
ADDITIONAL FLOOR AREA - 63m²
TOTAL NEW FLOOR AREA - 344m²

CARPORT
EXISTING FLOOR AREA - 18m² *
NEW FLOOR AREA - 60m²

** - minor areas demolished and repurposed
* - demolish existing

REV	DATE	DESCRIPTION

GREG SKYRING
Design and DRAFTING Pty. Ltd.
Lic. Under QBSA Act 1991 - No 1040371

11 Noli Close,
Mossman Q.
4873
Phone/Fax: (07) 40620361
Mobile: 0419212652
Email: greg@skyringdesign.com.au

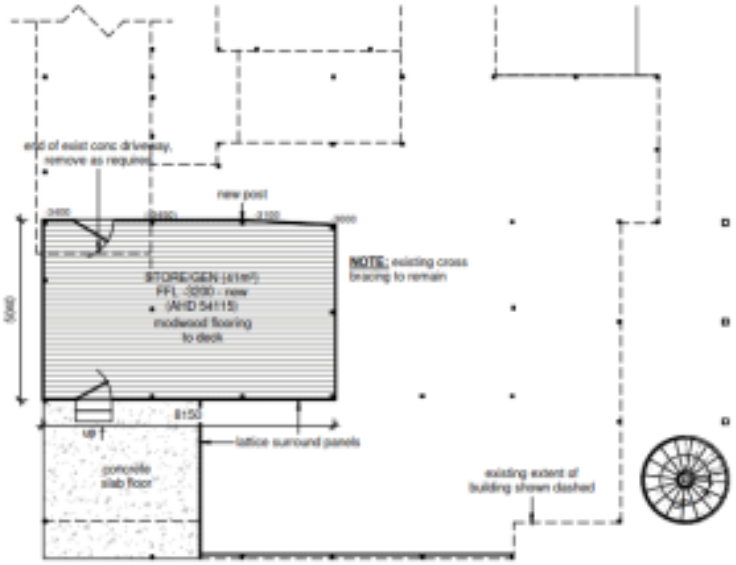
PROJECT
Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN

PLAN TITLE
Floor Plan - Proposed

CLIENT
R. Joshua

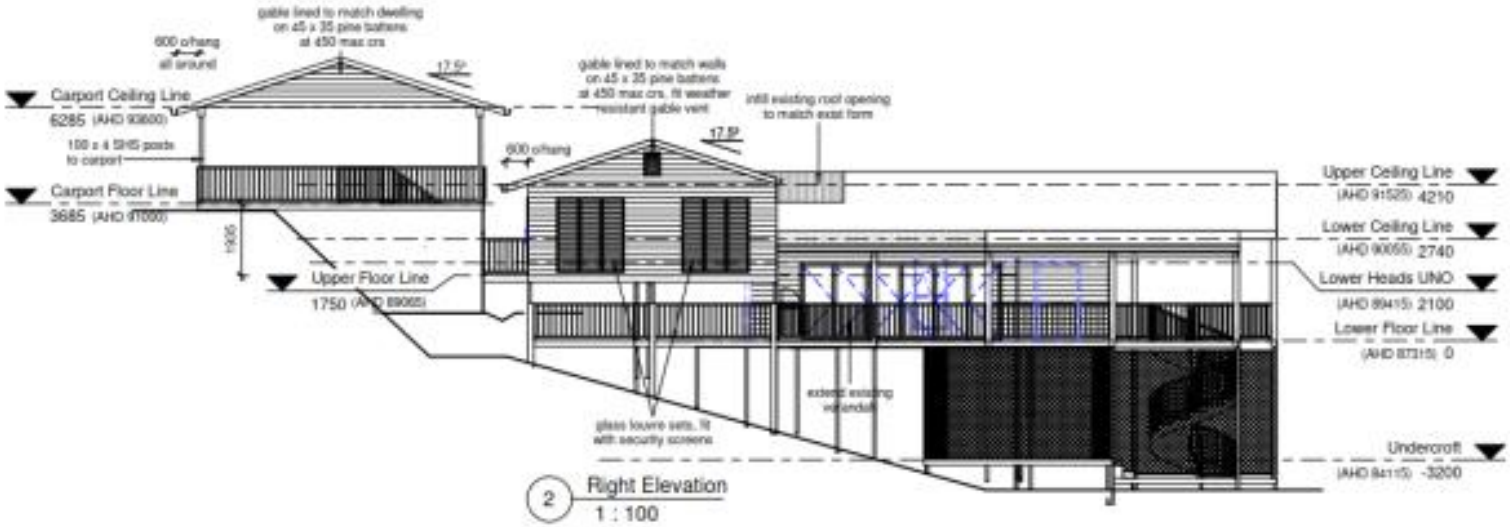
SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 100	C2	304-19	6 of 10

REV.



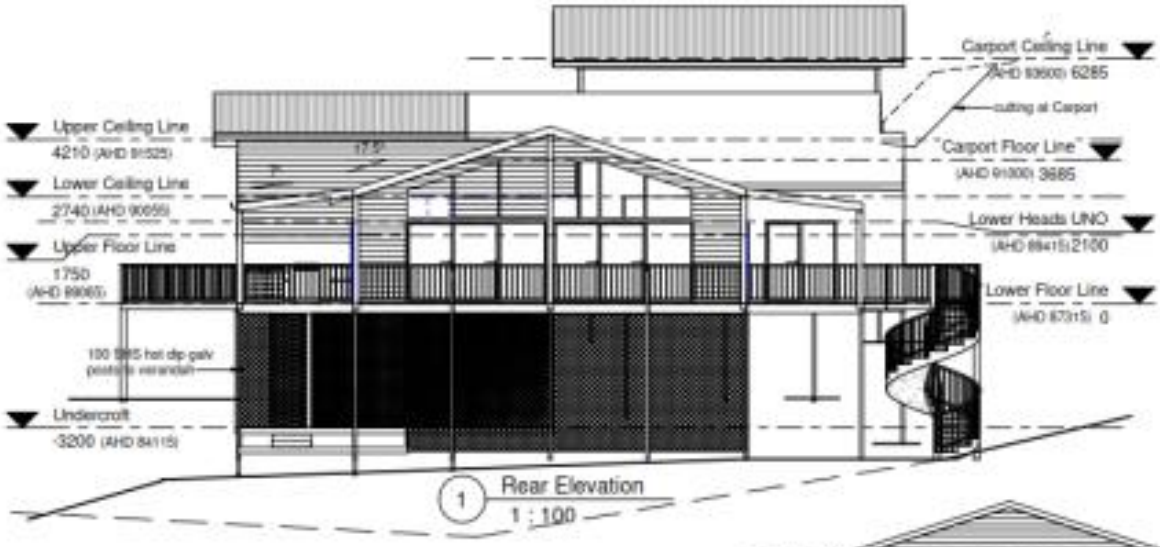
1 FLoor Plan - Undercroft
1 : 100

GREG SKYRING Design and DRAFTING Pty Ltd.	PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Lic. Under QBSA Act 1991 - No 1048371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40580961 Mobile: 0418213602 Email: greg@skyringdesign.com.au	Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	7 of 10
		SCALES: 1 : 100	PLAN TITLE: Floor Plan - Undercroft	DATE OF ISSUE: prelim 21.01.22	REV



GREG SKYRING
Design and DRAFTING Pty Ltd
Lic. Under QBSA Act 1991 - No 1340371
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40992861
Mobile: 0419213850
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	8 of 10
	SCALE: 1 : 100	PLAN TITLE: Elevations - Sheet 1	DATE OF ISSUE: prelim 21.01.22	REV

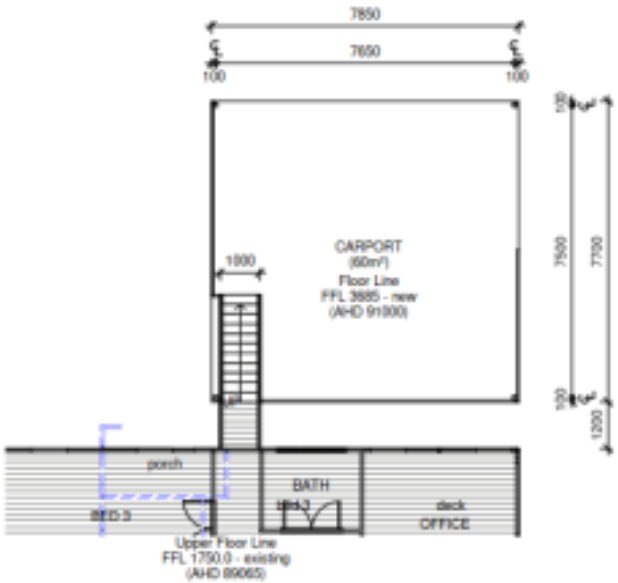


1 Rear Elevation
1 : 100

2 Left Elevation
1 : 100

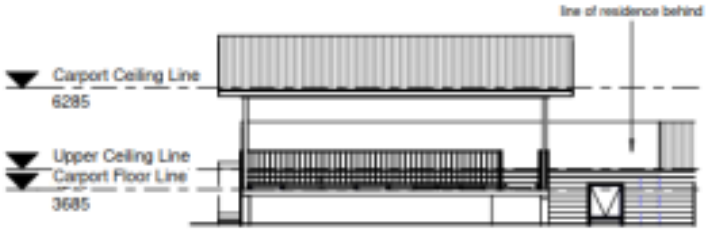
GREG SKYRING
Design and DRAFTING Pty. Ltd.
Ltd. Under QBSA Act 1991 - No 1940371
11 Noli Close,
Mooloolah Q. 4573
Phone/Fax: (07) 4098 2881
Mobile: 0419 214 652
Email: greg@skyringdesign.com.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	9 of 10
SCALES: 1 : 100	PLAN TITLE: Elevations - Sheet 2	DATE OF ISSUE: prelim 21.01.22	REV	

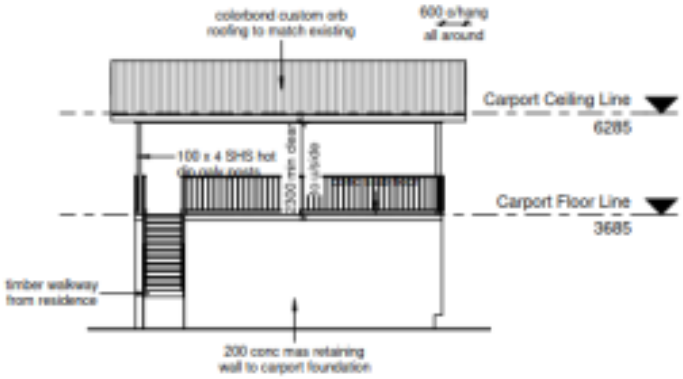


1 Floor Plan - Carport
1 : 100

REFER ALSO TO:
ELEVATIONS - SHEET 8, RIGHT ELEVATION
ELEVATIONS - SHEET 9, LEFT ELEVATION



2 Front Elevation - Carport
1 : 100



3 Rear Elevation - Carport
1 : 100

GREG SKYRING Design and DRAFTING Pty. Ltd.	PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Lic. Under QBSA Act 1991 - No 1048371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40962061 Mobile: 0419210652 Email: greg@skyringdesign.com.au	Alterations and Additions to Existing Residence, L196 RP740952, 63 Stonewood Road, DIWAN	R. Joshua	C2	304-19	10 of 10
		SCALES: 1 : 100	PLAN TITLE: Floor Plan, Elevations - Carport	DATE OF ISSUE: prelim 21.01.22	REV

LEGEND
NEW CARPORT
ARO
CUT / FILL PLAN
ARC0096-GK02

NOTES

LEGEND

PLANT SCHEDULE

ARO

65 STONEWOOD ROAD

VEGETATION SURVEY

ARC0096-SK03

YOUR REF: 15-23\000561
OUR REF: MCUC 1667/2016 (792375)

18 October 2016

Dr Russell Joshua
C/- Planning Plus
PO Box 8046
CAIRNS QLD 4870

Attention: Ms Claire Simmons

Dear Madam

DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR 63R STONEWOOD ROAD DIWAN

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 18 October 2016, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Paul Hoye
Manager Sustainable Communities

Att

43.2016.1667
1/12

APPLICANT DETAILS
Dr Russell Joshua
C/- Planning Plus
PO Box 8046
Cairns QLD 4870

ADDRESS
63R Stonewood Road DIWAN

REAL PROPERTY DESCRIPTION
Lot 196 on RP740952

PROPOSAL
House

DECISION
Approved subject to conditions (refer to approval package below).

DECISION DATE
18 October 2016

TYPE
Material Change of Use (Development Permit)

REFERRAL AGENCIES
None Applicable

SUBMISSIONS
There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED
Development Permit for Building Works
Compliance Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT
None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)
Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)
The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Contour Plan	Folkhome Drafting Service Job 20114 Drawing 2 of 11, Revision A	September 2000
Floor Plan	Folkhome Drafting Service Job 20114 Drawing 3 of 11, Revision A	September 2000
Elevations 1 and 3	Folkhome Drafting Service Job 20114 Drawing 4 of 11, Revision A	September 2000
Elevations 2 and 4	Folkhome Drafting Service Job 20114 Drawing 5 of 11, Revision A	September 2000

ASSESSMENT MANAGER CONDITIONS:

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

   a. The specifications, facts and circumstances as set out in the application submitted to Council;

   b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual,

   except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Water Supply

3. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and 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 tanks 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 o 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. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

On-Site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Building Colours

5. 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. The applicant / owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Landscaping and Setback from Top of Creek Bank

6. a. All landscaping on the land must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping. No species that are identified as Declared or Environmental Weeds or constitute an Invasive Species are to be established on the land

And

b. A setback of 10m from the top of creek bank must be revegetated within 1 year of the approval date and thereon maintained with a hierarchy of planting, which includes shade trees, shrubs and groundcovers.

Existing Creek and Drainage Systems

7. With the exception of replanting of the setback of the top of creek, as required under Condition 6 above all existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

Lawful Point of Discharge

8. All 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, all to the requirements and satisfaction of the Chief Executive Officer.

Generators

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

Fuel Storage

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

FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act* 2009.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

LAND USE DEFINITIONS

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of House is defined as:

Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:

- Outbuildings/structures incidental to and necessarily associated with the residential use;
- The care of children in accordance with the Child Care (Family Day Care) Regulation 1991;
- Accommodation for a member or members of the extended family of the Household occupying the House and for personal staff;
- A display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of twelve (12) months and which then converts to a House for the exclusive use of one Household; and
- The short term letting of a house for the purpose of holiday rental accommodation.

***This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.**

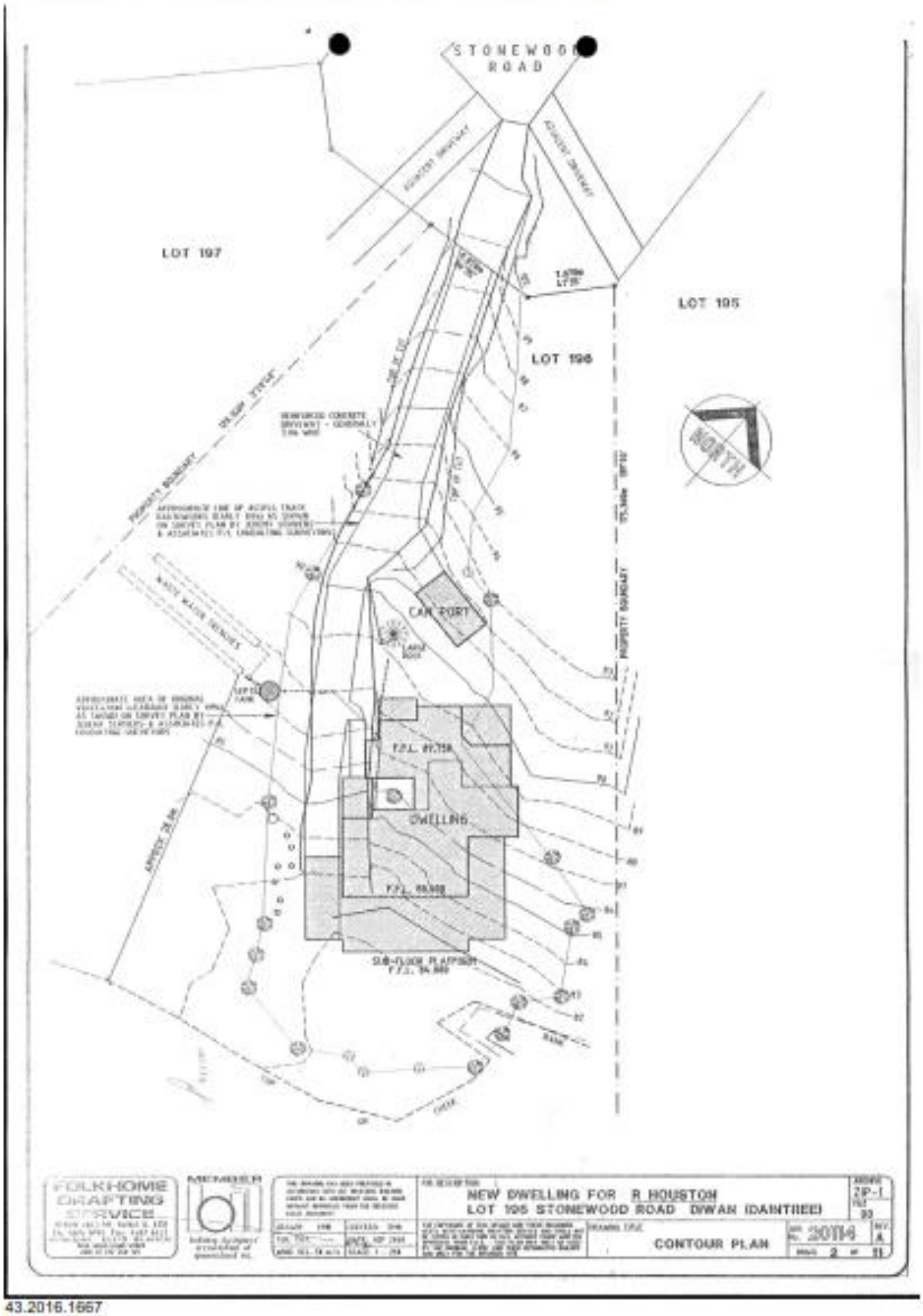
43.2016.1667
5/12

RIGHTS OF APPEAL
Attached

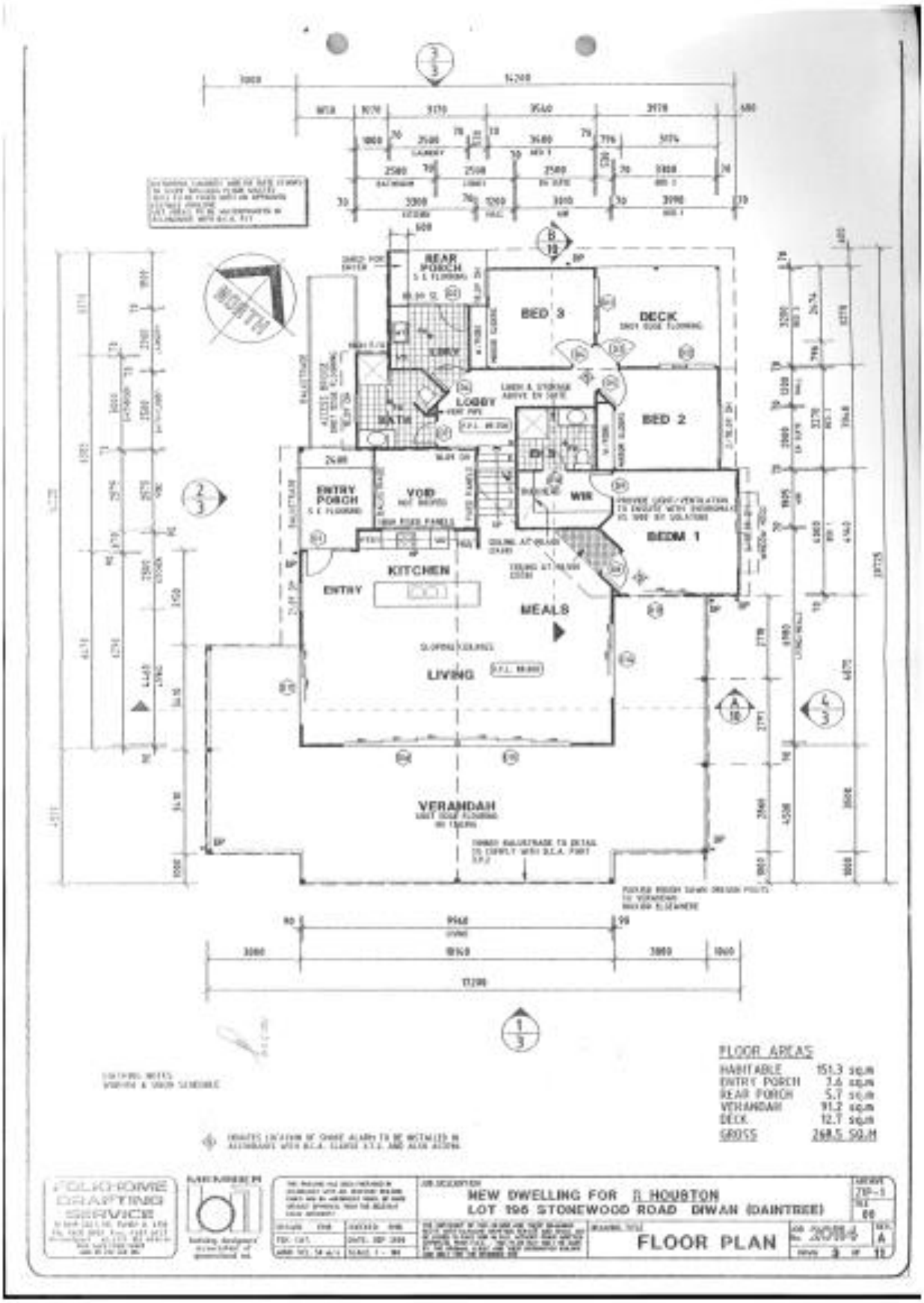
End of Decision Notice

43.2016.1667
6/12

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



43.2016.1667
7/12



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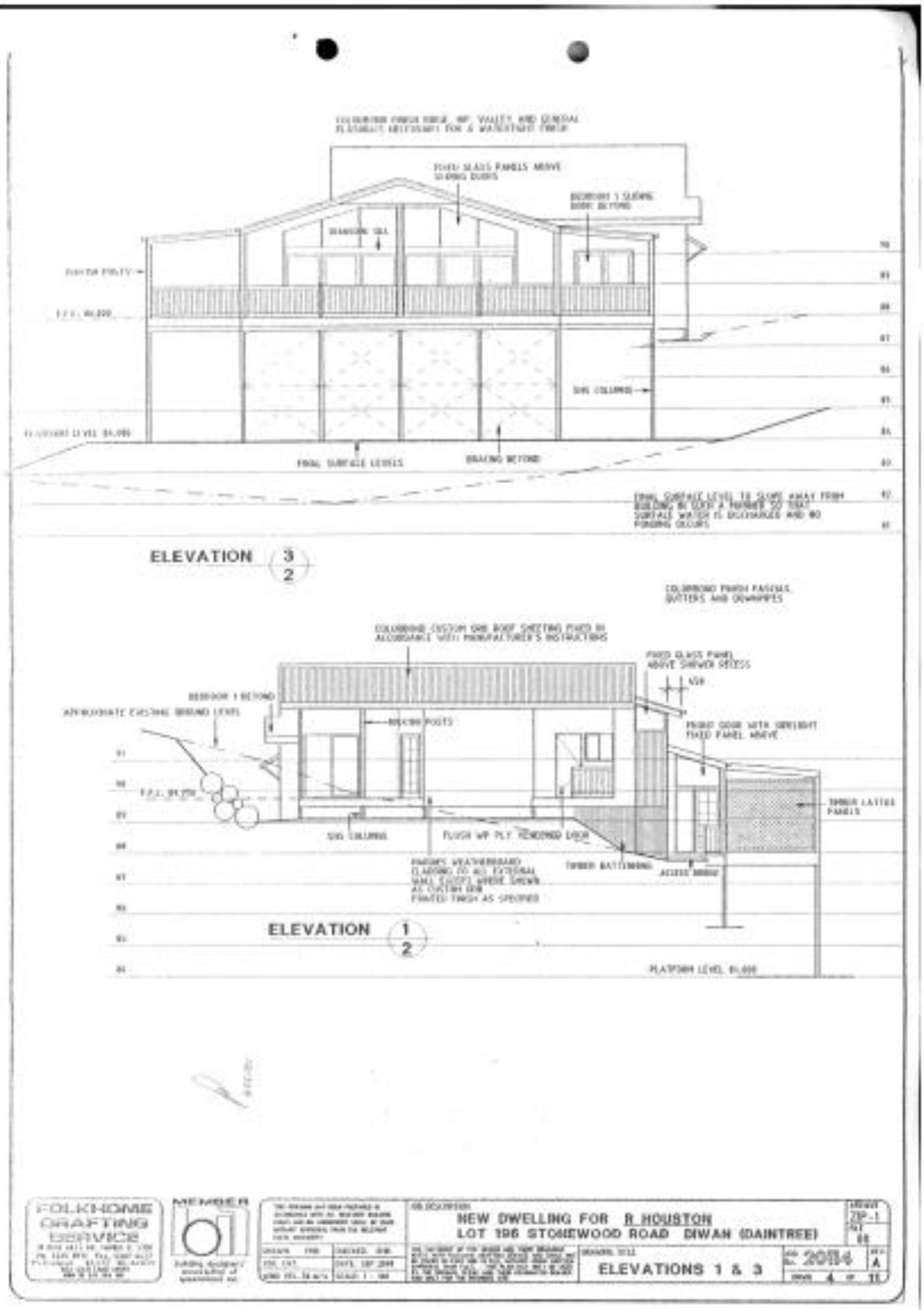
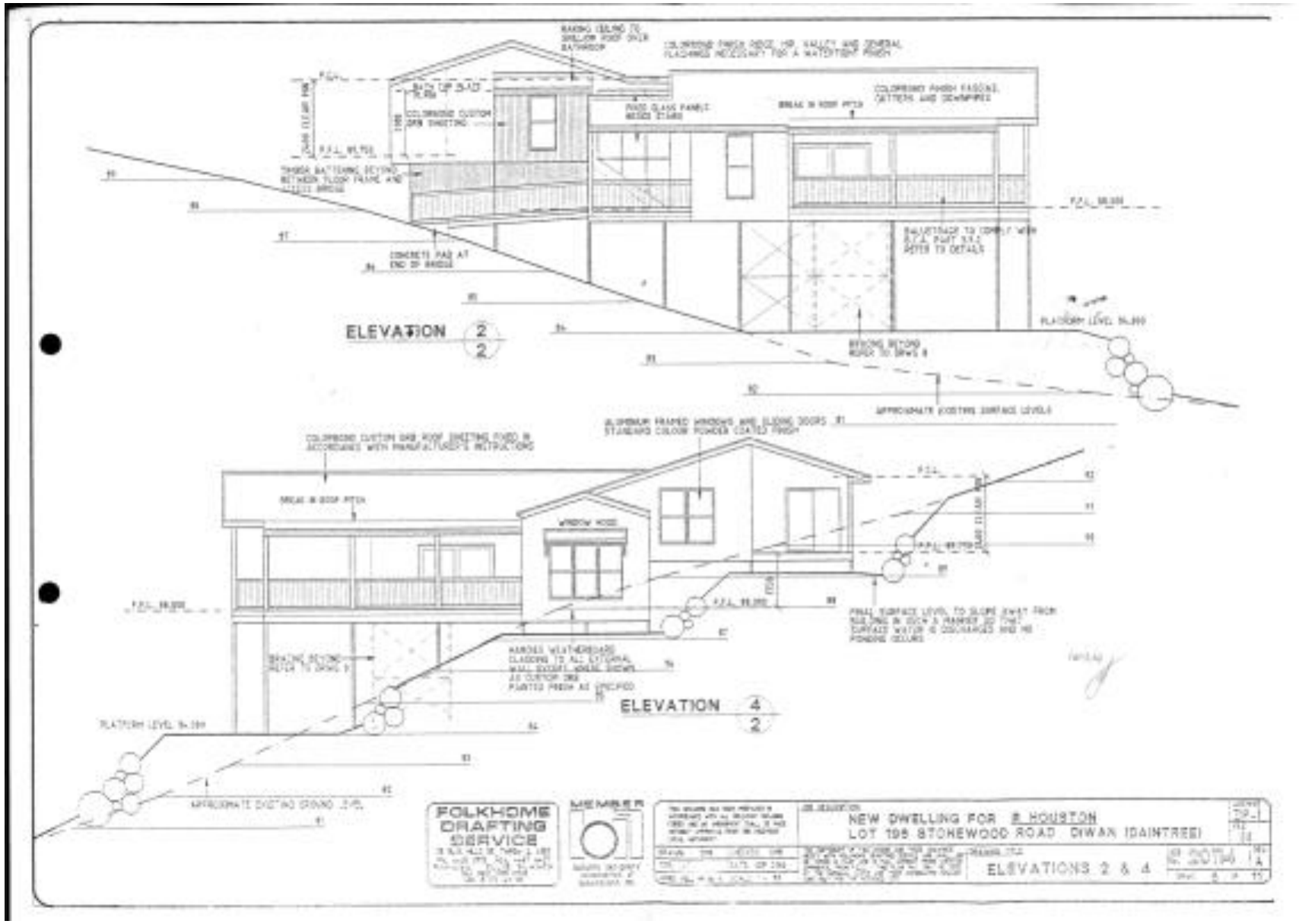
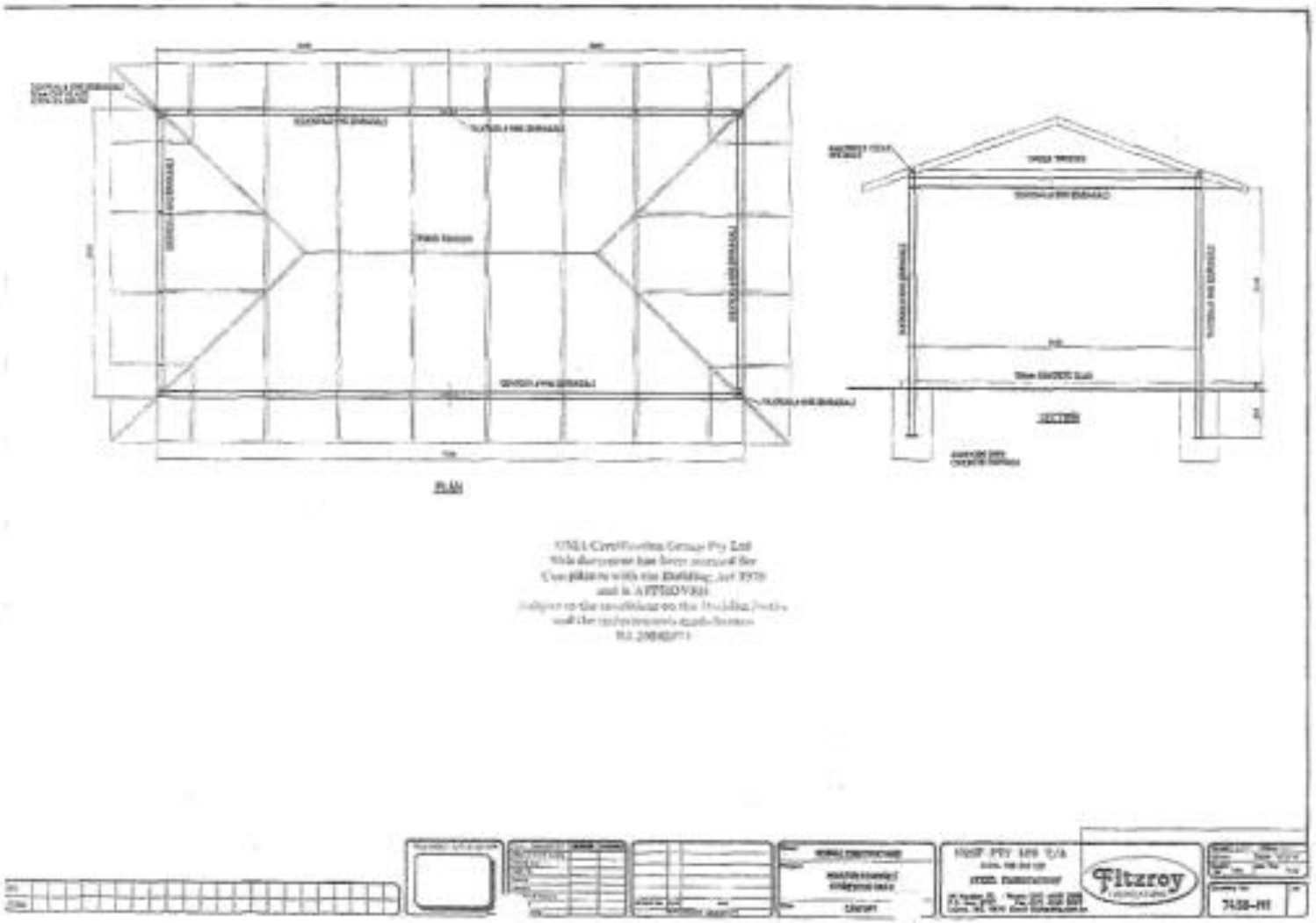
8/12



43.2016.1667
9/12


ELEVATION 2/2
ELEVATION 4/2
FOLKHOME DRAFTING SERVICE
MEMBER
NEW DWELLING FOR B HOUSTON
LOT 195 STONEWOOD ROAD DIWAN (DAINTREE)
ELEVATIONS 2 & 4

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



43.2016.1667
12/12

Reasons for Decision

1. The reasons for this decision are:
   a. Sections s78, s78A, s79, s81, s81A and s83 of the *Planning Act 2016*:
   b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
   c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
   a. the development application was properly lodged to the Douglas Shire Council 18/08/2023 under s78, s78A, s79 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
   b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 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 s81, s81A and s83 of the *Planning Act 2016*; and
   c. the applicant's reasons have been considered and the following findings are made:
      i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

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

Authorised by the Parliamentary Counsel

(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

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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.

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Extracts from the Planning Act 2016 – Appeal Rights

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

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(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.

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(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

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(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.

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(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.

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