



Our Ref: LMIL:wk:DA/4432: D22/3380

Your Ref: R6/21

11 February 2022

Naomi Anne Vickers & Aaron Miles Vickers

c/- U&i Town Plan

PO Box 426

COOKTOWN QLD 4895

E-mail: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

Decision Notice - approval (with conditions)

Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on **29 October 2021**.

Applicant details

Applicant name: Naomi Anne Vickers & Aaron Miles Vickers
c/- U&i Town Plan

Applicant contact details: U&i Town Plan
PO Box 426
COOKTOWN QLD 4895
E-mail: ramon@uitownplan.com.au

Application details

Application number: DA/4432

Approval sought: Development Permit for Reconfiguring a Lot

Description of the development proposed: Reconfiguring a Lot One (1) into Two (2) Lots

Location details

Street address: 1081 Mt Amos Road ROSSVILLE 4895

Real property description: Lot: 245 BK: 15726

Decision

Date of Decision: **7 February 2022**

Decision Details: Approved in full with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Details of the approval

Development Permit Reconfiguring a Lot

Conditions

This approval is subject to the conditions in Attachment 1.

Properly made submissions

Not applicable - no part of the application required public notification.

Referral Agencies

Not applicable - no part of the application required referral.

Other requirements under section 43 of the Planning Regulation

Not applicable

Approved plans and specifications

Copies of the approved plans, specifications and/or drawings are enclosed in Attachment 1.

Currency period for the approval

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within *four (4) years*.

Lapsing of approval if development started but not completed

The development will lapse at the end of the period set out in section 88(1) of the Planning Act.

Rights of appeal

The rights of applicants 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*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information, please contact Council's Planning and Environment Department on 07 4082 0500 or email: mail@cook.qld.gov.au.

Yours sincerely



Heather Kelly
Director
Organisational Business Services

enc: **Attachment 1 (Part 1)** – Conditions imposed by the assessment manager
Appendix A – Plans referenced in conditions

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

Attachment 1 (Part 1) - Conditions imposed by the assessment manager (Cook Shire Council)

Approved Plans

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Amended Plan of Development - 1 into 2 Rural Lots (Queensland Globe Overlay, Print Date: 06/12/2021, lodged 11/01/2022).

Water Supply

2. A separate source of water supply must be provided to proposed Lot 2 at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

Effluent Disposal

3. On-site septic systems must be provided to each proposed lot at the time of construction of a dwelling house. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – ‘On-site domestic wastewater management’. Details are to be provided at the time of lodgement of a plumbing and building application.

Access

4. Access to proposed Lot 1 must be provided from the existing crossover to Mt Amos Road.
5. Prior to Council Endorsement of the Survey Plan, an access crossover or culvert to proposed Lot 2, must be provided from Mt Amos Road in accordance with the approved plan of development. The access must be designed and constructed in accordance with the requirements of the FNQROC Development Manual; Drawing number S1105, and Design Manual D1, Road Geometry / or for a culvert, provide an Engineering assessment on the hydraulic capacity of the drain to size of the pipe - and subject to a Local Laws Permit to ‘Make Alterations or Improvements to a Road’, from Council.

Permits

6. An application with Engineered Plans must be submitted to Council for approval by Council's Director Infrastructure as part of a Local Law application to 'Make Alterations or Improvements to a Road', prior to works commencing for construction of the access to proposed Lot 2.

Fire Management

7. The development must be maintained at all times to a standard so as not to create a fire hazard.
8. The existing access driveway along the western side boundary must be adequately constructed and maintained as an adequate firebreak to enable access for fire fighters, residents and equipment.
9. Any new building (other than a class 10a) erected on any of the proposed lots shall:
 - (a) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater;
 - (b) Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings.

Building Envelope

10. All buildings or structures must be located within the identified building envelope for proposed Lot 2. Should the owner wish to locate any building or structure outside the identified building envelope, approval must be obtained from the Director Planning and Environment Services at the time of Building application.

Vegetation Clearing

11. Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained.

Stormwater

12. Stormwater drainage must be directed to a legal point of discharge.
13. Site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.

Sediment Control

14. The developer must ensure that effective measures are put in place to ensure construction activity does not cause erosion.
15. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

Compliance

16. All conditions of this development permit must be complied with prior to Council endorsement of the Plan of Survey.

Outstanding Charges

17. All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.

A. Assessment Manager (Council) Advice

1. The reconfiguring a lot approval authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or the approval will lapse.
2. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
3. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

4. Property Notation for Lot 2 – All buildings or structures must be located within the approved building envelope (Council file reference DA/4432). Should the owner wish to locate any building or structure outside the identified building envelope, approval must be obtained from the Director Planning and Environment Services at the time of Building application.

5. Removal of Protected Vegetation

This development approval does not approve or authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

A. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;

B. *Nature Conservation Act 1999 (Qld)*;

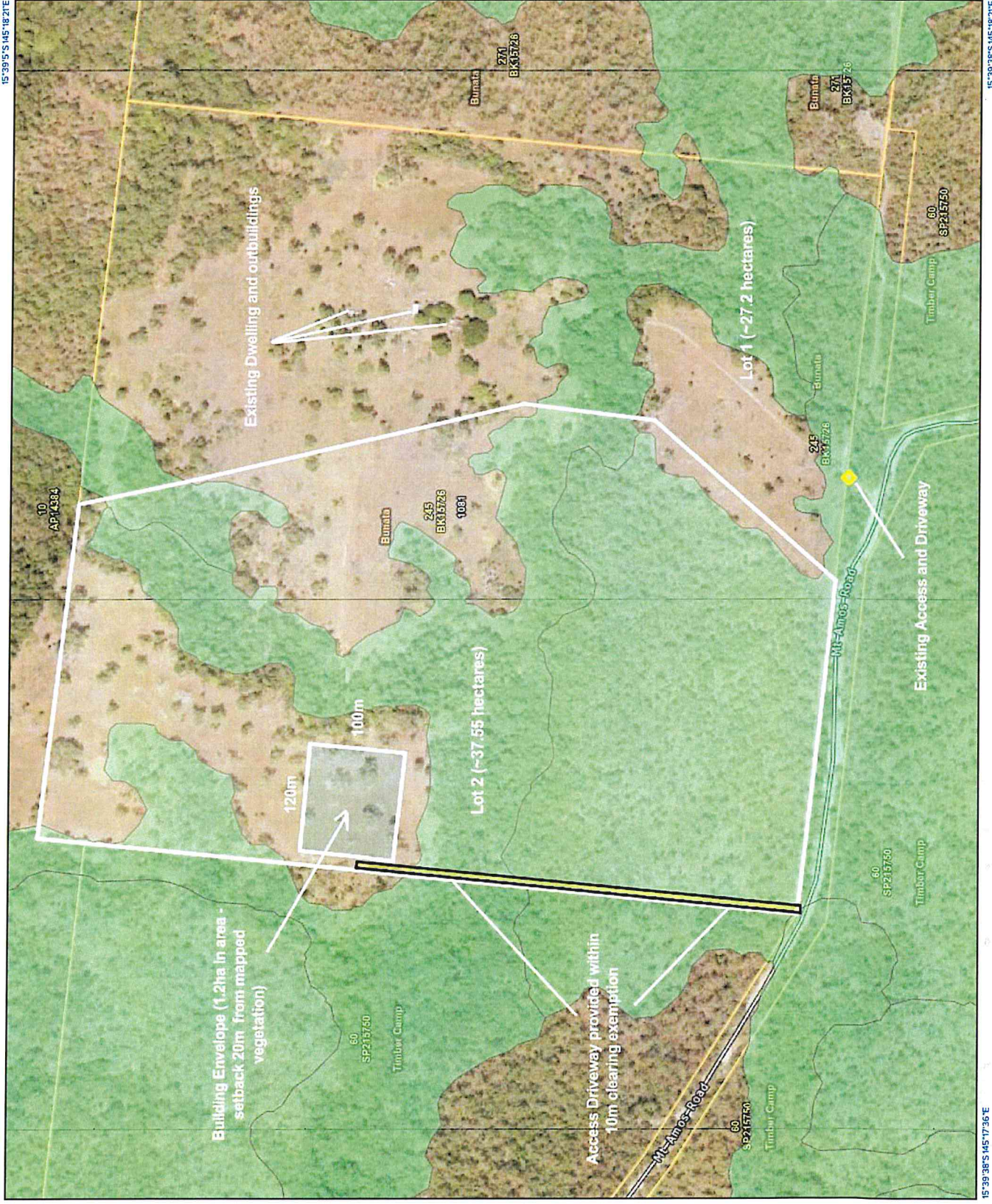
C. *Vegetation Management Act 1999 (Qld)*.

Appendix A – Plans referenced in conditions

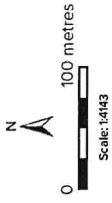
Amended Plan of Development - 1 into 2 Rural Lots

Lot 245 on BK15726

15°39'5" S 145°17'36" E



Legend located on next page



Printed at: A3
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Projection: Web Mercator EPSG: 31466
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**Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the
Planning Act 2016)**

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

- (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

(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.