

An **ORDINARY MEETING** of the Douglas Shire Council will be held on **TUESDAY 18 FEBRUARY 2014** at **10.00a.m.** at the Council Chambers, 64-66 Front Street, Mossman, and the attendance of each Councillor is requested.

## **AGENDA**

### **'ACKNOWLEDGEMENT OF COUNTRY'**

*'I would like to acknowledge the Kuku Yalanji people who are the Traditional Custodians of the Land. I would also like to pay respect to their Elders both past and present and extend that respect to other Indigenous Australians who are present'.*

1. Attendance & Apologies.
2. Conflict of Interest/Material Personal Interest.
3. Mayoral Minutes.
4. Confirmation of Minutes of the following meetings:-
  - Special (Budget) Meeting held on **24 January 2014**;
  - Ordinary Meeting held on **28 January 2014**
  - Special Meeting held on **13 February 2014**
5. Agenda Items as Listed.
6. General Business.

### **NEXT MEETING – 11 MARCH 2014**



Jeff Tate

**ACTING CHIEF EXECUTIVE OFFICER**

**DOUGLAS SHIRE COUNCIL**  
**ORDINARY MEETING**  
**TUESDAY 18 FEBRUARY 2014**  
**10.00 A.M.**

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## **AUDIT COMMITTEE**

Darryl Crees - General Manager Corporate Services

### **RECOMMENDATION:**

That Council:

- adopt the attached Audit Committee Charter; and
- delegate to the Chief Executive Officer under Section 257 of the *Local Government Act 2009* the authority to facilitate the recruitment process for an external Audit Committee member and report back to Council with recommended candidate.

### **EXECUTIVE SUMMARY:**

Commencing in the 2014/15 financial year, Douglas will be included in the local government remuneration category 3 which imposes a legislative obligation to establish an Audit Committee. Preliminary work has been undertaken in accordance with the 2013/14 Operational Plan and the draft Audit Committee Charter is presented for adoption. Additionally, authority is sought from Council to enable the Acting Chief Executive Officer to commence the recruitment of an external committee member.

### **BACKGROUND:**

In accordance with Section 105 of the *Local Government Act 2009*, each large local government must establish an audit committee. A large local government is defined as a local government which has a remuneration category of 3 or above.

As at 1 July 2014, Douglas will be included in the remuneration category 3 and preliminary work is now being undertaken to have an Audit Committee established to commence operations for the 2014/15 financial year.

### **PROPOSAL:**

For Council to adopt the draft Audit Committee Charter which defines the terms and reference for the operations of the Audit Committee. Some of the key points are:

- Committee to consist of 3 members, the Mayor, Deputy Mayor and an external member.
- The external member is to have significant experience and skills in financial matters and will be appointed as the Chairperson for the committee.
- Each member has equal voting rights.

- Committee to meet at a minimum of 3 times each financial year.

In addition Council is requested to delegate authority to the Acting Chief Executive Officer to commence the recruitment process for the external member and report back with recommended candidate.

**CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

This proposal is consistent with major initiative CSM3 in the 2013/14 Operational Plan which is to “Establish an Audit Committee”.

**FINANCIAL/RESOURCE IMPLICATIONS:**

Costs associated with this function will be covered in the 2014/15 financial year budget which will be the first year of operation for the Audit Committee

**RISK MANAGEMENT IMPLICATIONS:**

Establishing the Audit Committee will ensure legislative compliance.

**INTERNAL/EXTERNAL CONSULTATION:**

The Audit Committee Charter was workshopped with Councillors on 11 February 2014.

**ATTACHMENTS:**

Audit Committee Charter



## **ATTACHMENT - Audit Committee Charter**

### **1 INTRODUCTION**

To fulfil its legislative duty under the s105 of the *Local Government Act 2009*, Council is required to establish an Audit Committee. The committee undertakes an advisory function and provides the Chief Executive Officer and Council with independent advice on operational practices and procedures.

### **2 RESPONSIBILITIES**

The responsibilities of the Audit Committee have been devised to not only satisfy the statutory obligations under the *Local Government Act 2009* and associated regulation but to promote an industry best practice culture across Council. Responsibilities include that a review of the following matters be undertaken:

- the integrity of financial documents, the internal audit function and the effectiveness and objectivity of Council's internal auditors.
- the internal audit plan for the internal audit for the current financial year;
- the internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
- a draft of the local government's financial statement for the preceding financial year before the statement is certified and given to the auditor-general under section 212 of the *Local Regulation Act 2012*;
- the auditor-general's audit report and auditor-general's observation report about the local government's financial statement for the preceding financial year;

In addition to the above it is expected that regular reports will be received on matters to be defined by the Audit Committee but are likely to include:

- external audit reports;
- Council's organisational structure and its systems and procedures for carrying out its functions and duties under the Act;
- enterprise risks to which Council's objectives are exposed and internal control measures implemented for managing the risks that have been identified.

### **3 ADMINISTRATION MATTERS**

#### **Membership**

Section 210 of the *Local Government Regulation 2012* states that the Audit Committee must consist of at least 3 and no more than 6 members and of these members two must be Councillors. Membership will be as follows:

- 3.1 The Audit Committee will comprise of 3 members, 2 Councillors and an external member. Each member will have equal voting rights.
- 3.2 Councillors appointed will be the Mayor and Deputy Mayor. Should these Councillors be unable to attend a meeting, the Mayor and Chief Executive Officer will select another Councillor to attend as the member's delegate.
- 3.3 The external member is to have significant experience and skills in financial matters and will be appointed for an initial term of 2 years. The appointment of the external member will be a decision of the full Council.
- 3.4 In order to enhance the independence of the Audit Committee function the external member is to be appointed as Chairperson.

- 3.5 A quorum will consist of at least 2 members with the external member being one of the required members in attendance.
- 3.6 It is the function and responsibility of the Chairperson to develop meeting agendas to ensure the objectives of the Audit Committee's Charter is being delivered. The actual production of meeting agendas will be undertaken by Council staff.
- 3.7 The functions and responsibilities of all committee members are to:
- Provide expert knowledge to assist in enhancing the intended purpose and function of the Audit Committee.
  - Act impartially in the performance of the role and promptly notify Council of any conflict or potential conflict between their role as Committee member and other interests of the appointee.
  - Refrain from making any public comment or issuing any information, in any form, concerning the Audit Committee or the matters of interest to the Committee.
  - Act at all times in the best interests of the Council.

#### **Attendance at meetings**

- 3.8 The Chief Executive Officer would ordinarily be present at all meetings and other management staff (e.g. General Manager Operations, General Manager Corporate Services, Manger Finance and Information Technology, Manager Governance) may attend Audit Committee meetings on matters of relevance to their particular duties. Council staff do not have a vote.
- 3.9 Internal auditor and external auditor will provide presentations to Audit Committee and attend meetings as required.
- 3.10 The Councillors, managers and other staff of the Council are to be made aware they are able to raise matters with the Chairperson of the Audit Committee for discussion by the Committee but only after reference to the Chief Executive Officer.
- 3.11 Minor matters concerning the internal audit activities may be raised by the Chairperson of the Audit Committee with the Chief Executive Officer from time to time. The Chief Executive Officer should deal with the issues as considered appropriate.
- 3.12 All matters of significance concerning Internal Audit activities will be reported to Council, together with a covering report from the Chair.

#### **Meetings**

- 3.13 Meetings shall be held not less than three times per financial year. Special meetings of the Audit Committee may be convened as required after consultation with the Chairperson and Chief Executive Officer. The internal or external auditors may request a meeting if they consider one is necessary.
- 3.14 All meetings will be minuted and minutes will be confirmed at the next meeting.
- 3.15 All members of the Committee are to receive the latest monthly financial reports of the Council prior to the Audit Committee meetings together with a commentary on the result for the month.
- 3.16 The Chairperson shall determine the agenda in conjunction with Council staff and circulating it to the members prior to each meeting and attending to all meeting arrangements.

#### **Authority**

- 3.17 The Audit Committee is to be limited to a committee of review only. It does not have authority over management and should not get involved in day to day issues. Its purpose is to review information from various sources and to make recommendations to Council based on these reviews.
- 3.18 All members of the Committee have access to the Chairperson so that matters can be tabled for consideration at committee meetings.

**Council Reporting**

- 3.19 All audit reports will be tabled at Audit Committee meetings for review and recommendation to Council.
- 3.20 The minutes of each Audit Committee meeting, as soon as practicable after a meeting, will be tabled with Council together with a report identifying any recommendations arising from the audit committee.
- 3.21 The Chairperson of the Audit Committee is to be available to address the Council on any concerns they may have on any Audit Committee reports presented to Council or issues regarding the Audit Committee.

**Confidentiality**

- 3.22 All matters discussed at Audit Committee meetings together with all material provided to members of the committee is of a confidential nature.

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18 FEBRUARY 2014	

## **DETERMINATION AS TO WHETHER ELECTED MEMBERS WILL BE SUBJECT TO PAYG WITHHOLDING TAX**

Darryl Crees – General Manager Corporate Services

### **RECOMMENDATION:**

That Council resolve to either:

- become an eligible governing body pursuant to Section 446-5 of Schedule 1 of the *Taxation Administration Act 1953* effective 19 February 2014; or
- become an eligible governing body pursuant to Section 446-5 of Schedule 1 of the *Taxation Administration Act 1953*.

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### **EXECUTIVE SUMMARY:**

By unanimous resolution, Council can become an eligible governing body which will enable the elected members to be treated as employees for taxation purposes including PAYG withholding. Should this resolution not be passed unanimously, each Councillor will be responsible to manage their own taxation affairs independent of Council.

### **BACKGROUND:**

Under the provisions of the *Local Government Act 2009* and associated regulation, Councillors are not considered employees and accordingly are not subject to the PAYG withholding tax system. Without resolving to become an eligible governing body, Councillors would need to make alternative arrangements for remitting tax instalments to the Australian Taxation Office.

The decision to become an eligible governing body or not does not impact on any “salary sacrifice” superannuation arrangements for Councillors. In the Australian Taxation Office Interpretive Decision 2007/205, it is declared that remuneration foregone by non-PAYG Councillors for contributions to a complying superannuation fund does not represent assessable income for the purposes of the Income Tax Assessment Act 1997.

### **PROPOSAL:**

Section 446-5 of Schedule 1 of the Taxation Administration Act 1953 allows councillors, by unanimous decision, to elect to be treated as PAYG taxpayers by becoming an eligible governing body. This decision will effectively treat Councillors as employees for taxation purposes.

**FINANCIAL/RESOURCE IMPLICATIONS:**

Council will become liable for any fringe benefits tax liability incurred by way of non-cash benefits provided to Councillors.

**RISK MANAGEMENT IMPLICATIONS:**

There are no significant risks to the organisation by Council resolving to become an eligible governing body. However, Councillors are encouraged to obtain their own independent professional advice on this decision and how it may impact on their personal circumstances.

**INTERNAL/EXTERNAL CONSULTATION:**

Consultation on this matter has not occurred. Across Queensland, a number of Councils have opted to become an eligible governing body and others have not. This decision is a matter of choice for the individual councils.

**ATTACHMENTS:**

Nil

<b>ORDINARY MEETING</b>	<b>3</b>
<b>18 FEBRUARY 2014</b>	

**MATERIAL CHANGE OF USE (CODE ASSESSMENT) - SERVICE INDUSTRY-  
5957R DAVIDSON STREET CRAIGLIE**

Jenny Elphinstone: 8/7/2906 : (412576)

<u>PROPOSAL:</u>	MATERIAL CHANGE OF USE - SERVICE INDUSTRY
<u>APPLICANT:</u>	GORDAN WELLHAM 3 CAPTAIN COOK HIGHWAY CRAIGLIE QLD 4873
<u>LOCATION OF SITE:</u>	5957R DAVIDSON STREET, CRAIGLIE (AKA 3 CAPTAIN COOK HIGHWAY)
<u>PROPERTY:</u>	LOT 57 ON C22511
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	INDUSTRY
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING (ADJACENT TO STATE-CONTROLLED ROAD)
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	21 FEBRUARY 2014
<u>APPLICATION DATE:</u>	16 DECEMBER 2013
<u>APPENDIX:</u>	<ol style="list-style-type: none"> <li>1. APPROVED PLAN(S) &amp; DOCUMENT(S)</li> <li>2. CONCURRENCE AGENCY CONDITIONS &amp; REQUIREMENTS</li> <li>3. INFRASTRUCTURE CHARGES NOTICE</li> <li>4. SUPPORTIVE INFORMATION</li> </ol>

**LOCALITY PLAN**



<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Ground Floor Existing</b>	<b>Exemplar Drawing 201, Revision A</b>	<b>6 December 2013</b>
<b>First Floor Existing and Proposed</b>	<b>Exemplar Drawing 203, Revision A</b>	<b>6 December 2013</b>
<b>Canopy Plan</b>	<b>Exemplar Drawing 206, Revision A</b>	<b>6 December 2013</b>
<b>Canopy Elevations</b>	<b>Exemplar Drawing 207, Revision A</b>	<b>6 December 2013</b>
<b>Landscape Overview</b>	<b>Exemplar Drawing 301, Revision A</b>	<b>6 December 2013</b>
<b>Landscape Plan</b>	<b>Exemplar Project no 1301, Drawing 302a</b>	<b>12 December 2013</b>
<b>Landscape Details</b>	<b>Exemplar Project no 1301, Drawing 302b</b>	<b>12 December 2013</b>
<b>Driveway Plan</b>	<b>Exemplar Project No 1301, Drawing 302c dated 12 December 2013 and as amended by condition 3</b>	<b>To be determined</b>

### **ASSESSMENT MANAGER CONDITIONS**

#### **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.

#### **Amendment to Design**

3. The proposed development must be amended to accommodate the following changes:

- a. **Provide a two metre wide concrete footpath to the full width of the property frontage external to the land and landscape the verge between the footpath and the road pavement to Davidson Street (Captain Cook Highway) with plant material (not gravel or paving). The Driveway Plan, Exemplar Project No 1301, Drawing 302c dated 12 December 2013, is to be amended deleting the “Manicured Turf and Exiting Verge” and including the concrete pathway and landscaping in accordance with FNQROC Development Manual standard and any requirements of the Department of Transport and Main Roads;**
- b. **Remove the existing grease trap, currently inside the premises;**
- c. **Where it is proposed to provide onsite vehicle washing provide a silt trap to the covered, vehicle wash bay area;**
- d. **Remove the two mango trees adjacent to the parking area in the rear yard adjacent to Council’s sewer easement, by cutting the trunk above ground level and poisoning the remaining stump;**
- e. **Remove pole structures in the front of the building and in the road reserve; and**
- f. **Include “No Standing” signage adjacent to the road frontage for the full width of the property frontage to Davidson Street (Captain Cook Highway).**

**Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work.**

#### **Vehicle Wash Bay / Detailing Area**

4. **Where the land use includes a vehicle wash bay it must be undertaken in a covered and bunded area that is connected to Council’s sewer with a silt trap and any other compliance requirements in accordance with a Trade Waste Environmental Management Plan 2011. The infrastructure must be to the satisfaction of the Chief Executive Officer and compliance achieved prior to the commencement of washing vehicles on the land.**

#### **Staff Parking**

5. **Staff vehicles are to be parked on the land.**

#### **Air-Conditioning Screens**

6. **Air-conditioning units located above ground level and visible from the street must be screened with appropriate materials to improve the appearance of the building. .**

#### **Sustainable Development**

7. **The office component of the Service Industry must comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the Douglas Shire Planning Scheme, 2006, or a higher standard as required by the Building Code of Australia (BCA).**

### **Damage to Council Infrastructure**

8. In the event that any part of Council's existing sewer, water supply, stormwater and/or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

### **Water Supply Internal**

9. When providing any water supply sub-metering, where installed, the infrastructure must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 at a location on the land agreed to by the Chief Executive Officer.

### **Vehicle Parking**

10. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of six (6) spaces. The car parking must be provided prior to Commencement of Use.

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design having regard to the following:

- a. The initial driveway access from the state- controlled road and the disable driver car parking space and connecting pedestrian access to the building is to be sealed, drained and marked;
- b. The remaining driveway and vehicular manoeuvring areas must be appropriately gravelled with crushed rock, drained and marked.

All works are to be undertaken to the satisfaction of the Chief Executive Officer under a Development Permit for Operational Work.

### **Bicycle Parking**

11. Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles for a minimum of two (2) parking spaces. The bicycle parking area must be constructed prior to Commencement of Use to the satisfaction of the Chief Executive Officer.

### **Loading and Unloading**

12. All loading and unloading must occur on the land.

### **Lighting**

13. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

## External Works

14. Undertake the following works external to the land at no cost to Council:
- a. Construct a two (2) metre wide concrete footpath to Davidson Street (Captain Cook Highway) frontage, adjacent to the land and connecting with the adjoining pathway and in accordance with FNQROC Development Manual Standard Drawing S1035;
  - b. Landscape the verge between the footpath and the road pavement for Davidson Street (Captain Cook Highway) with plant material (not gravel or paving) for the whole width of the road frontage excepting the vehicle crossover to the requirements of the Department of Transport and Main Road; and
  - c. Provide "No Standing" signs to the whole width of the road frontage to Davidson Street (Captain Cook Highway).

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

## Stockpiling and Transportation of Fill Material

15. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
  - b. before 7:00 am or after 6:00 pm Monday to Friday;
  - c. before 7:00 am or after 1:00 pm Saturdays; or
  - d. on Sundays or Public Holidays.
16. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

## Storage of Machinery and Plant

17. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

## Landscaping Plan

18. The site must be landscaped in accordance with details included on a Landscaping Plan. The completion of all landscaping works must be undertaken in accordance with the approved plan prior Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### Lawful Point of Discharge

19. 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.

### Minimum Fill and Floor Levels

20. All floor levels in all buildings must be located 100 mm above the Q100 flood immunity, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

### Street Fencing

21. Any proposed fences and/or walls to any road frontage are to be limited to the following:
- a. 1.2 metres in height if solid; or
  - b. 1.5 metres in height if at least 25% visually transparent; or
  - c. 1.8 metres in height if at least 50% visually transparent.

### Refuse Storage

22. Refuse storage is required to service the site to the satisfaction of the Chief Executive Officer. The refuse bin enclosure must be roofed and enclosed.

### Service Area

23. No washing of vehicles is permitted on the land other than as undertaken in regards to the requirement of Condition 4 above.

### Crime Prevention Through Environmental Design

24. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development, Infrastructure and Planning	SDA-0114-007493	24 January 2014	412628

Refer to Appendix 2: Concurrency Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

**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 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 all relevant Local Laws and statutory requirements.
4. For information relating to the Sustainable Planning Act 2009 log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.dsc.qld.gov.au](http://www.dsc.qld.gov.au).
5. **Infrastructure Charges**

A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be the lesser amount as calculated in accordance with:-

- a. The Regulated Charge for non-residential development as detailed in the State Planning Regulatory Provision;
- Or,
- b. The Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the prior to issue of a Development Permit for Building Work.

**LAND USE DEFINITIONS\***

In accordance with Douglas Shire Planning Scheme 2008, the approved land use of Service Industry is defined as:

**Service Industry**

Means any premises used, or intended to be used for trades and services that cater to the tourist and marine activities in Port Douglas. This includes the manufacturing of goods on the premises, depots for receiving goods to be serviced and any administration and minor sales functions associated with the use, where these are carried out on the same Site and are ancillary to the Service Industry activity. Service Industry uses are limited to uses, which are allied to tourist and marine activities in Port Douglas.

**The term may include but is not limited to the following activities:**

- **Limousine/bus depot;**
- **Cleaning or detailing of motor vehicles;**
- **Catering business;**
- **Servicing of small items and appliances such as:**
  - **Bicycles;**
  - **Cameras;**
  - **Electrical appliances for domestic or office use; and**
  - **Marine equipment;**
- **Printing;**
- **Fishing gear manufacturing;**
- **Marine engineering;**
- **Bulk storage and ancillary sales of:**
  - **Indoor/Outdoor furniture;**
  - **Hardware supplies;**
  - **Raw materials;**
  - **Plants and Landscaping supplies;**

**Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause detriment to adjoining Sites.**

*\*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.*

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## **EXECUTIVE SUMMARY:**

Application has been made to establish Service Industry on the land, more particularly a bus and limousine depot and office and an electrical service centre. The land fronts the Captain Cook Highway and forms part of the entry to Craiglie and the Port Douglas area. It is important that the development reflects a high standard of design and that its impacts are contained to the land. Conditions of the approval require staff parking to be provided on the land, the unsealed area of the road verge to be landscaped and "No Standing" signage to be installed to the road frontage. The Applicant's request for dispensation with the standard requirement for a pedestrian footpath adjacent to the land is not supported. The proposed development is generally of a high standard and will significantly improve the streetscape and amenity of the Industry Planning Area. The report recommends the application be supported subject to conditions.

## **TOWN PLANNING CONSIDERATIONS:**

### **Background**

The land is situated between the Court House Bottle Shop, to the north, a Service Industry (Hanson's Concrete) to the southwest and vacant land to the south. The Applicant currently occupies land on the opposite side of the Captain Cook Highway.

A two storey building has been established on the land for many years. This building is currently vacant and is undergoing refurbishment. The land is connected to Council's water supply and sewer.

Previously the land was used as a fish processing premises and seafood shop. Application was lodged to formalise the takeaway sales, under a Town Planning Consent application to the former Douglas Shire Council (TPC 1259), but this was not pursued.

A stormwater drain lies on the vacant land to the south and for the majority runs parallel to the northern, common property boundary before diverting to run in alignment with the Captain Cook Highway. The road reserve in front of the land is partly grassed and partly gravelled and used as for on-street parking.

Refer to the aerial photograph in Appendix 4 that details the location of the land in respect to neighbouring and nearby uses. A photograph of the existing building is also included in Appendix 4.

### **Proposal**

Application has been lodged to refurbish and increase the floor area and establish Service Industry over the land for Exemplar Coaches and Limousines. The land will also provide a second tenancy as a Service Industry for Port Douglas Electrical Sales and Services.

In addition to increasing the office and storage areas of the premises additional staff amenities will be installed internally and a vehicle detailing facility constricted in the rear yard. The footprint of the existing building will not be increased.

Vehicle parking for buses, limousines, staff and visitors will be provided in the rear yard. This area will have gated access after hours.

The external facades will be upgraded and modernised and signage provided for both tenancies. The building will be complimented with a high standard of landscaping in the front yard to improve the streetscape appearance and align the development with the neighbouring bottle shop and the recently upgraded service station.

Vehicle access will utilise the existing driveway which is to be partially sealed. The remainder of the driveway and the rear service yard will have a crushed rock gravel finish. The exceptions to this will be the disabled driver car space, which will be appropriately sealed and include pedestrian connectivity to the building, nominated car parking bays and the vehicle detailing/washing area. The onsite provision of eight car parking spaces is above the Planning Scheme's Acceptable Solution requirement for six car spaces.

Design details of the development are included in Appendix 1.

The Applicant has requested Council dispense with the standard requirement to provide a concrete pedestrian footpath in the adjacent road reserve and maintain the gravelled verge between the Captain Cook Highway road pavement and the land. The Applicant states that the development is unlikely to attract foot traffic and the land is "orphaned" from other land to the south by the stormwater drain. The Applicant does not believe there is a necessity for a concrete footpath. The gravelled area allows for water to drain from the road pavement to the nearby stormwater drain. Photographs of the neighbouring footpaths and landscaped frontages for land to the north and the neighbouring road frontage area for the land to the south are included in Appendix 4.

## Douglas Shire Planning Scheme Assessment

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Refer to comment
<b>Planning Area</b>	Industry	✓	Refer to comment
<b>Defined Use</b>	Service Industry	✓	No Specific Land Use Code
<b>Overlay Codes</b>	Acid Sulfate Soils Code	✓	Complies
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
<b>General Codes</b>	Design and Siting of Advertising Devices Code	✓	Complies
	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Complies
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✓	Complies – Refer to comment
	Sustainable Development Code	✓	Complies through conditions
<b>Amendment</b>	Vegetation Damage	✓	Complies

### Compliance Issues

#### Port Douglas and Environs Locality Code

Concern is raised with the request for dispensation to provide a public footpath and landscaping of the road verge, between the road pavement and the land boundary.

This area of Craiglie is a main thoroughfare for vehicle traffic and forms part of the entry to Port Douglas. The Scheme's Code Purpose seeks to, *"ensure that all forms of development complement the tropical image of the town by incorporating attractive design."* The Performance Criteria states that *"Landscaping of development Sites complements existing tropical seaside resort town character of Port Douglas and creates a dominant tropical vegetated streetscape."* Industrial development is to be, *"of a scale and intensity of development which is acceptable in the Locality."* Performance Criteria 29 has particular relevance and states, *"Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the Frontage to enable landscaping to screen or soften the appearance of the development."*

Parking associated with the development is to be provided on the land thereby containing the impacts of development to the land itself. The enabling of hard standing parking areas in front of the land, in the road reserve, does not meet the Performance Criteria or Code Purpose. A condition of the approval requires staff parking to be provided on the land. This is also supported by eth DTMR conditions referred to in the next section.

The provision of a public footpath provides connectivity to the land and will be continued to the south at a time in the future when neighbouring land is developed. A condition of the approval requires the provision of a two metre wide pedestrian footpath adjacent to the land and connecting to the neighbouring footpath, landscaping between the road pavement and the footpath and installation of "No Standing" signs to the land frontage. Normally the condition would require the area of road verge, between the road pavement and the footpath to be grassed. However this area is state-controlled road reserve and the detail of landscaping is subject to the Department of Transport and Main Roads requirements. The condition reflects flexibility with the final form of planting.

The standard of landscaping to be provided on the land at the front of the property is commendable and this will substantially improve the streetscape and entry to the Port Douglas and Craiglie area.

Concern is raised with the existing mango trees sited adjacent to Council's sewer easement. The continued presence of the trees is likely to result in future damage by tree roots. A condition of the approval requires their removal in a manner that is to result in minimal impact to the sewerage infrastructure. A detailed plan of the location of Council's sewer is included in Appendix 4.

#### Industry Planning Area

The application is not definitive on whether there is to be vehicle washing on the land. It is understood that dry vehicle detailing will occur and the canopy from the nearby Shell service station will be reused for the vehicle cleaning area. Once an approval is acted on, in compliance with conditions, then the land retains those use rights until the use is considered to be abandoned. It is important for Council to consider the ancillary activities that may occur in the future. A condition of the approval sets environmental standards to be achieved should vehicle washing occur.

#### Vehicle Parking

While the development meets the Acceptable Solution concern is raised with the impacts of staff parking being contained to the land and a condition of the approval requires such onsite provision.

#### **Referral**

Due to the adjacent state-controlled road the application was referred to the Department of Transport and Main Roads via the Department of State Development Infrastructure and Planning. The Department has required conditions to be included with the approval. The conditions require:

- a. all vehicles to enter and leave the site in a forward direction;
- b. access to the land to be limited to the existing vehicle access point;
- c. the installation of an industrial standard driveway and connection to the Highway;
- d. any landscaping of the road verge to be in accordance with Department standards,
- e. provision of sufficient onsite parking without reliance on parking in the state-controlled road; and
- f. inhibits loading and unloading to occur in the road reserve.

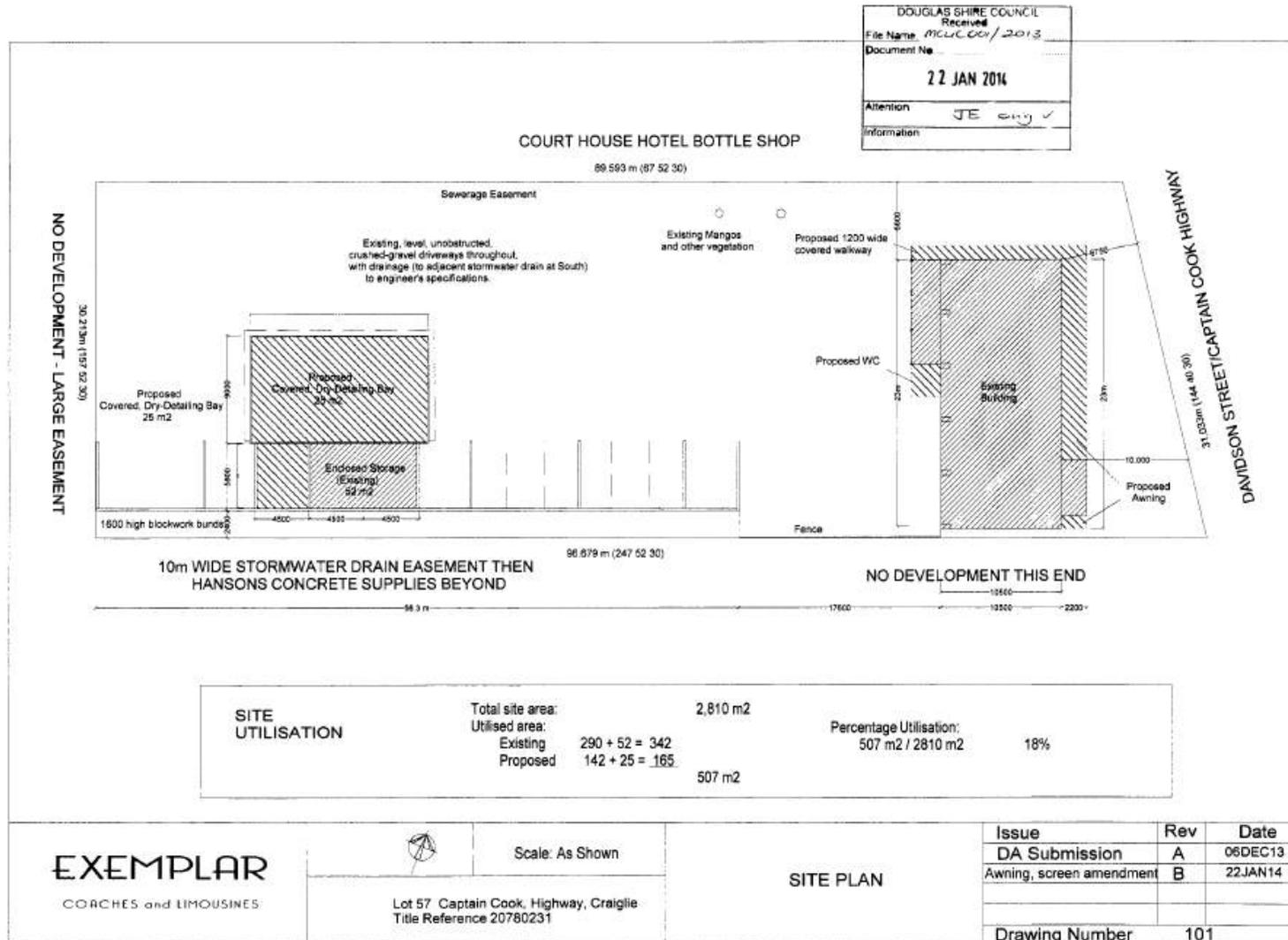
The Department's decision is included in Appendix 2.

#### **ADOPTED INFRASTRUCTURE CHARGES**

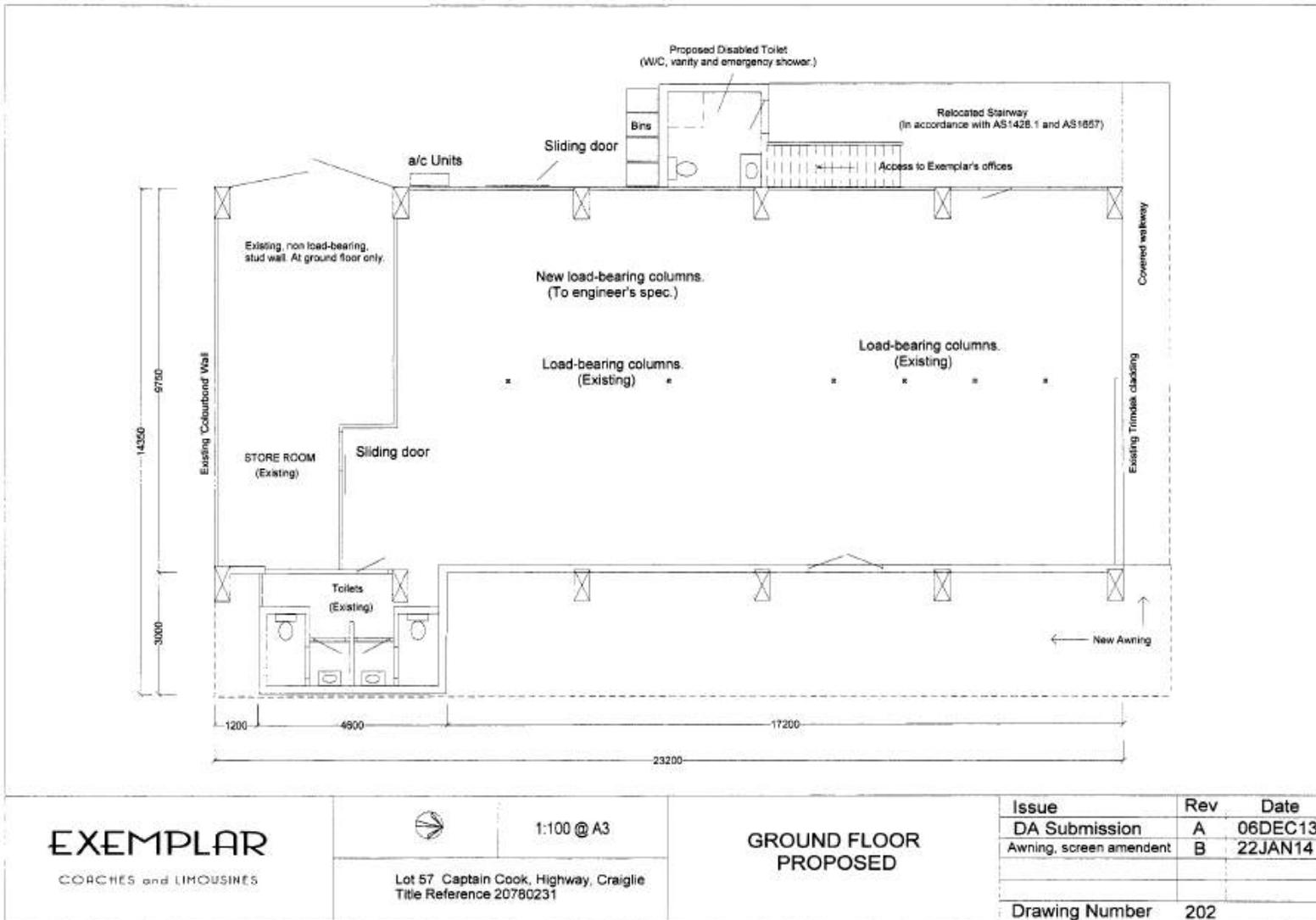
The proposed development triggers Adopted Infrastructure Charges. Cairns Regional Council made resolution in consideration for non-residential development that the lower of the Council's Developer Contributions Policy and the adopted State Infrastructure Charges would apply. This position carries over to Douglas Shire Council post de-amalgamation. The advice on the approval reflects this position and takes into account that the State may adopt a different charge at a time in the future.

Currently the adopted State Infrastructure charge is the lower charge. The main difference in the charging is that the Council Policy does not give credit to an existing use unless a developer contribution has previously been paid to Council for development on the land. The State charging gives credit for existing development. Refer to Appendix 3 to view calculations.

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







**EXEMPLAR**  
COACHES and LIMOUSINES

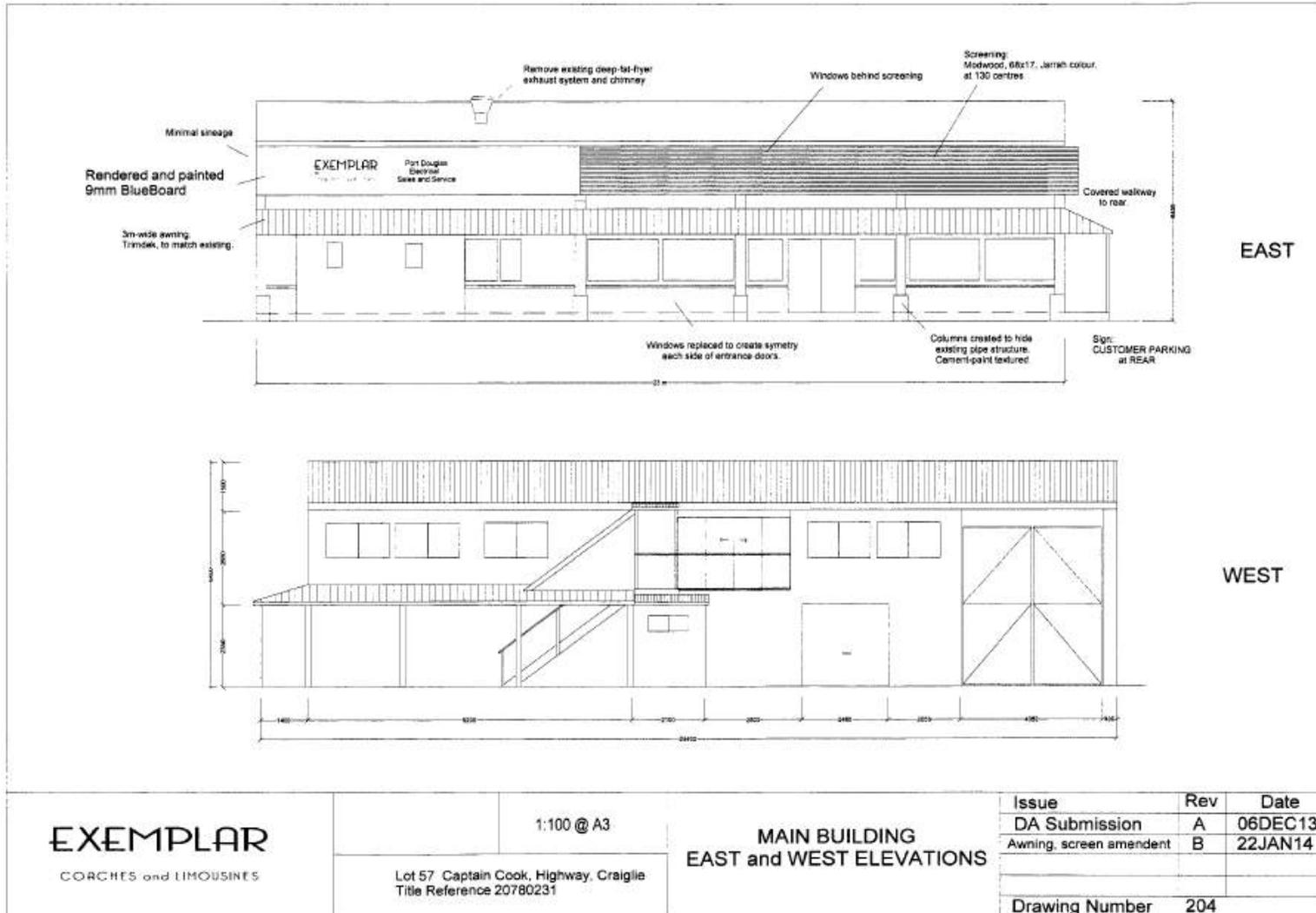


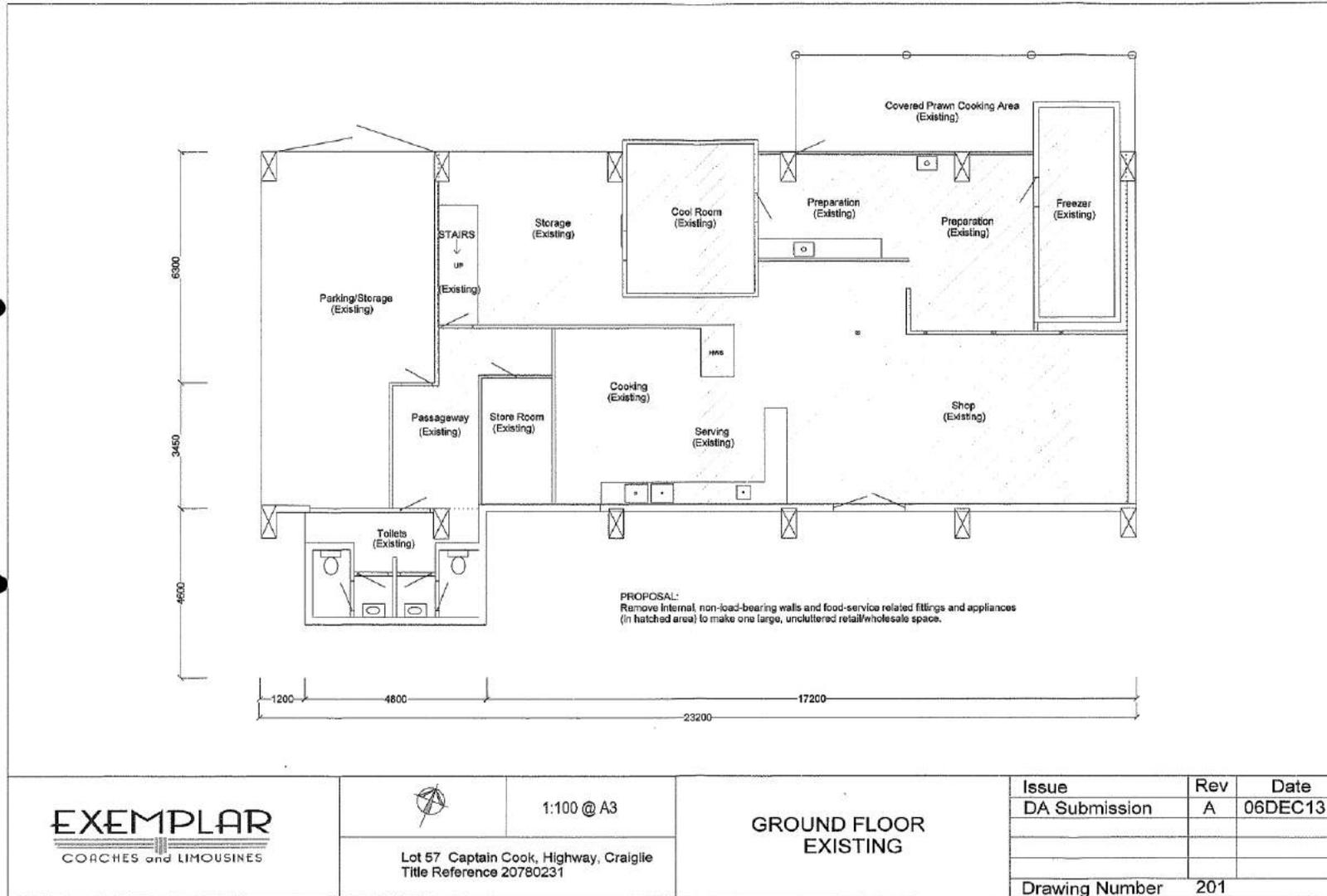
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Lot 57 Captain Cook, Highway, Craigie  
Title Reference 20780231

**GROUND FLOOR  
PROPOSED**

Issue	Rev	Date
DA Submission	A	06DEC13
Awning, screen amendent	B	22JAN14
Drawing Number	202	





**EXEMPLAR**  
COACHES and LIMOUSINES

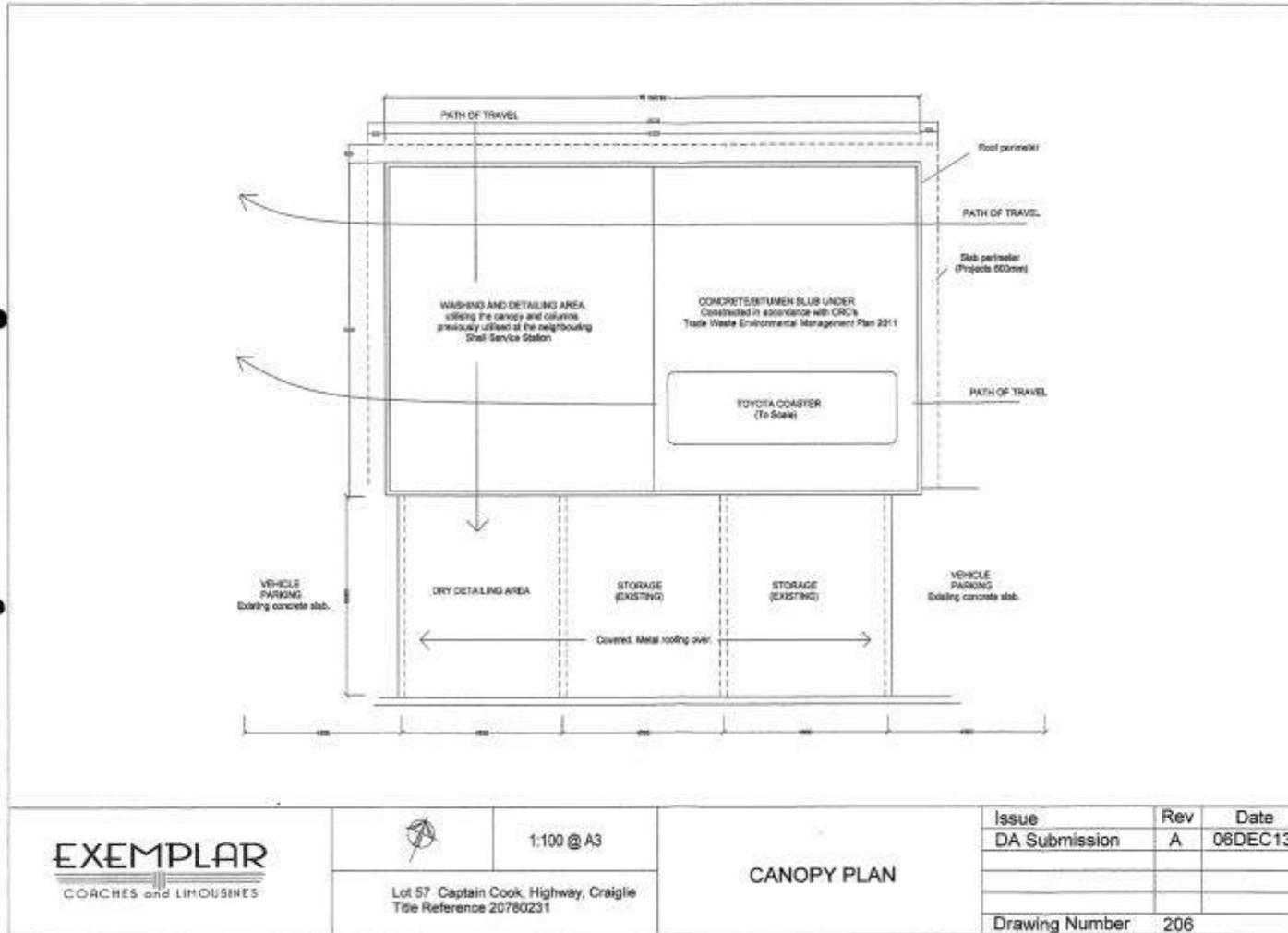


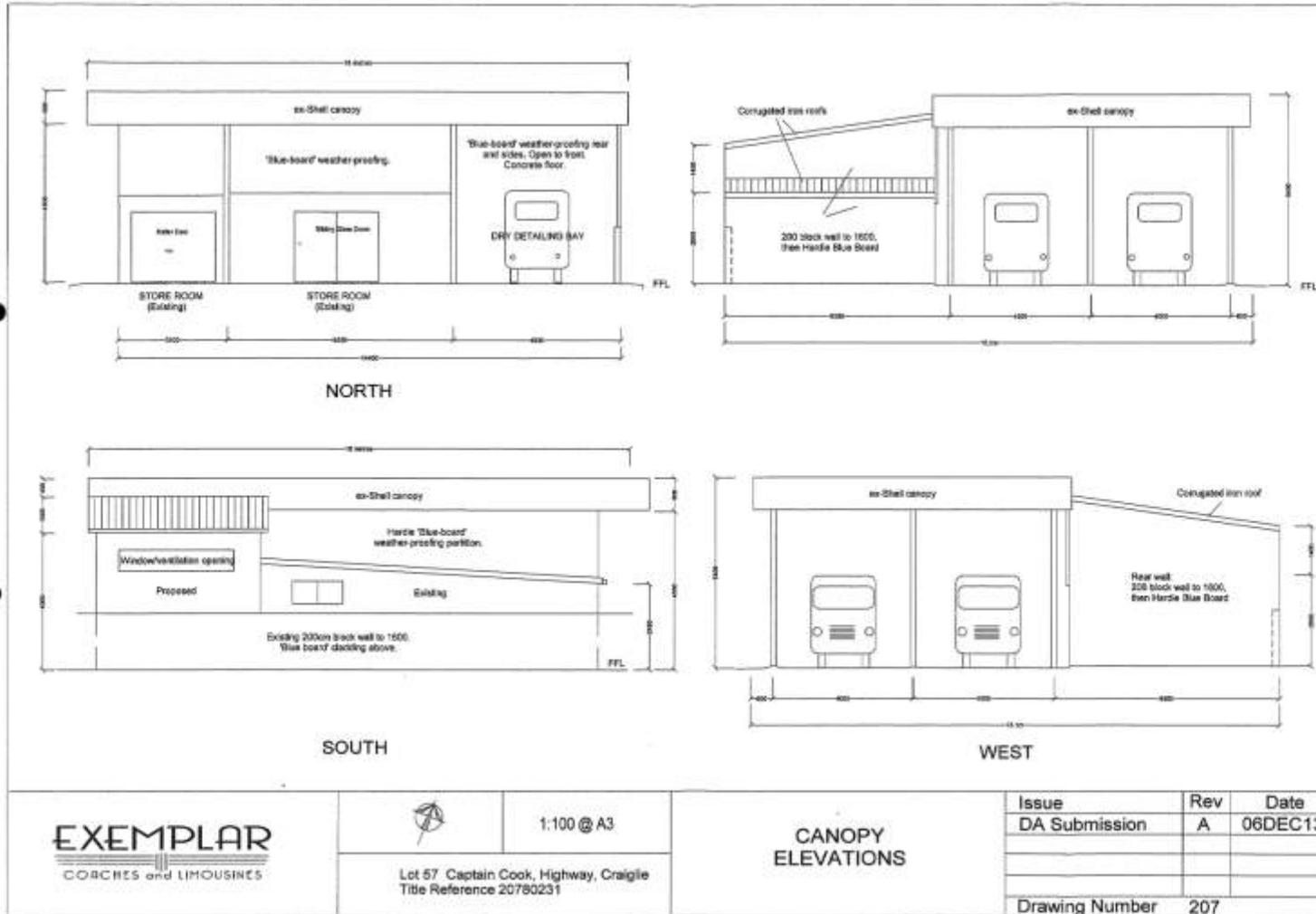
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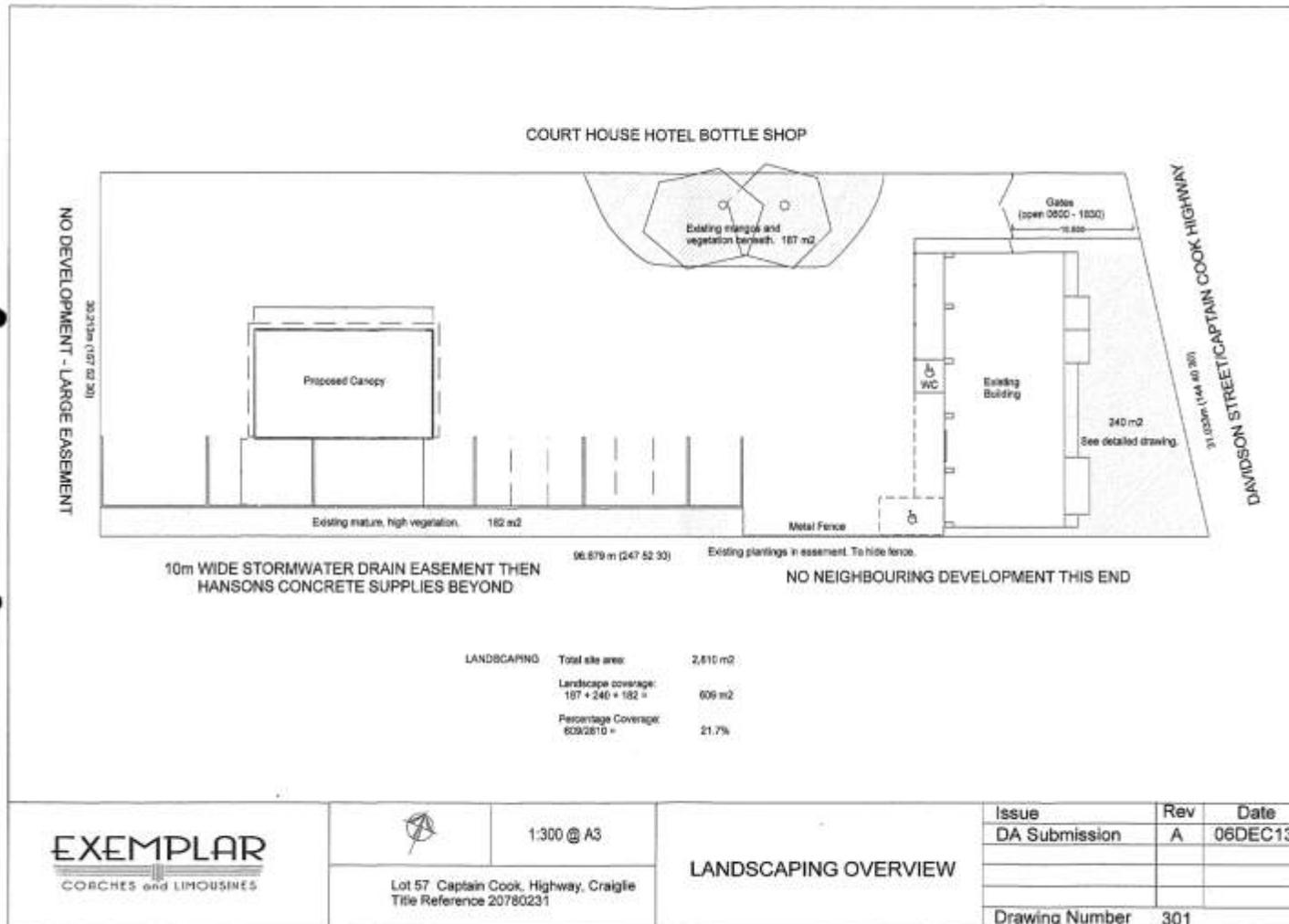
Lot 57 Captain Cook, Highway, Craiglie  
Title Reference 20780231

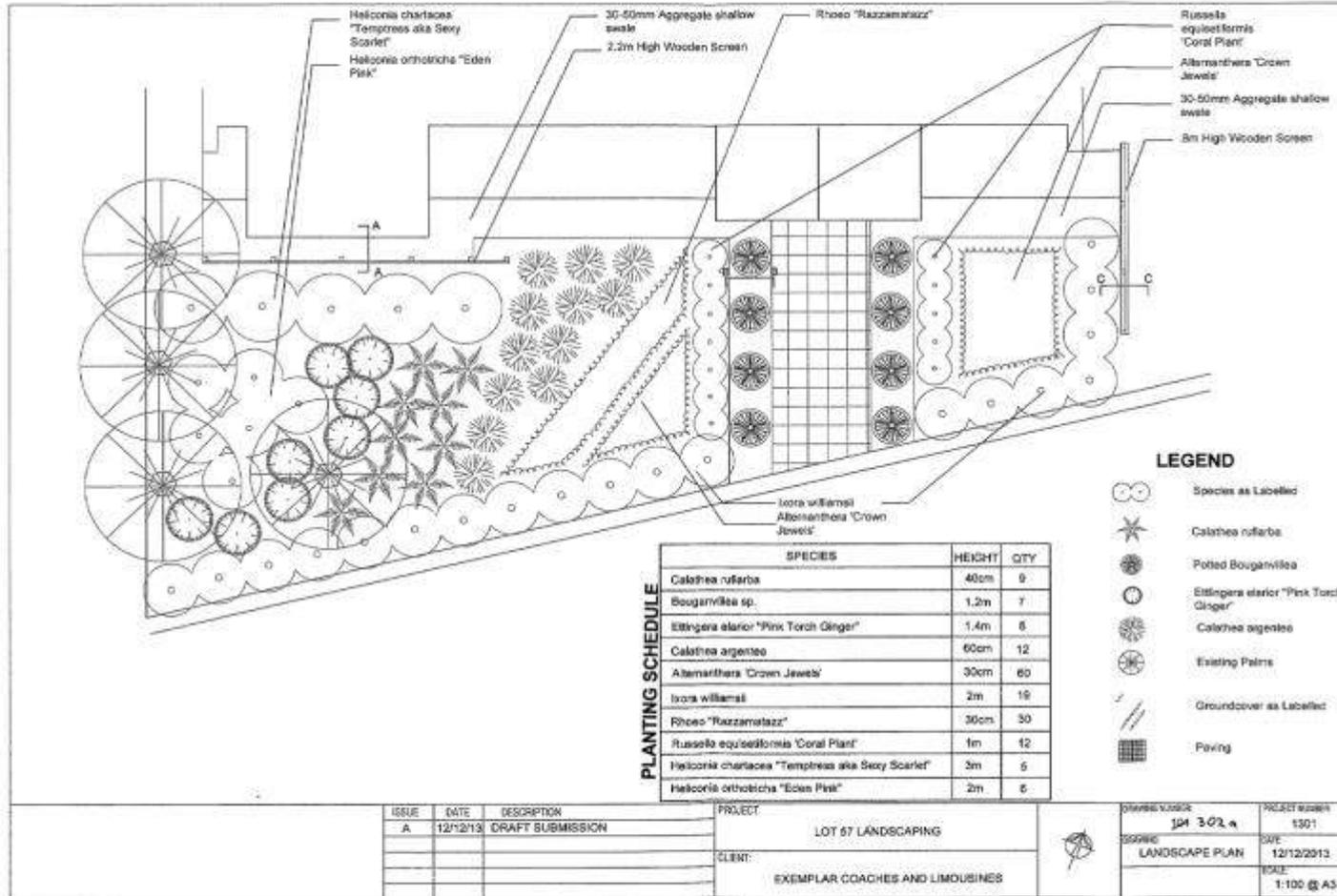
**GROUND FLOOR  
EXISTING**

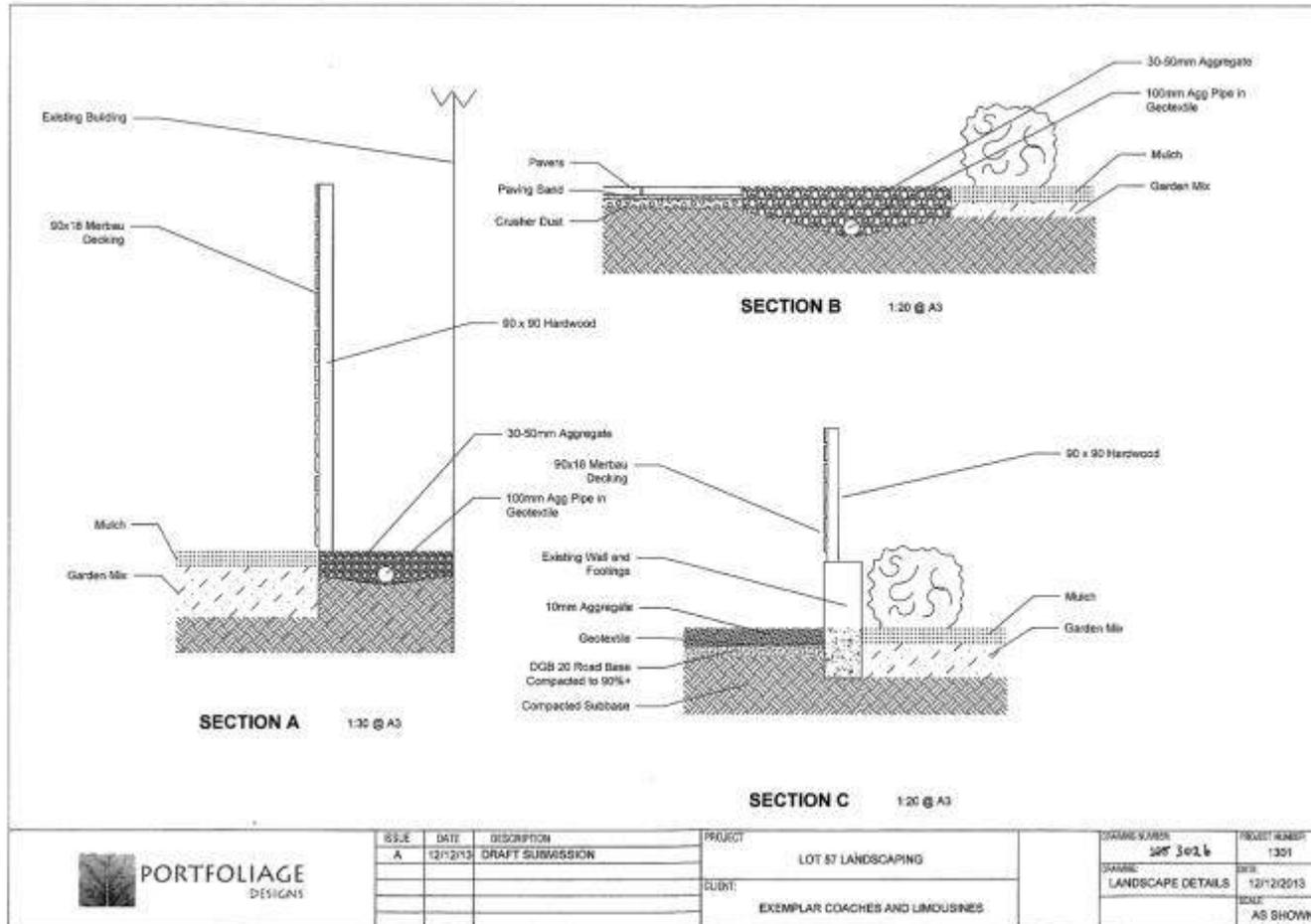






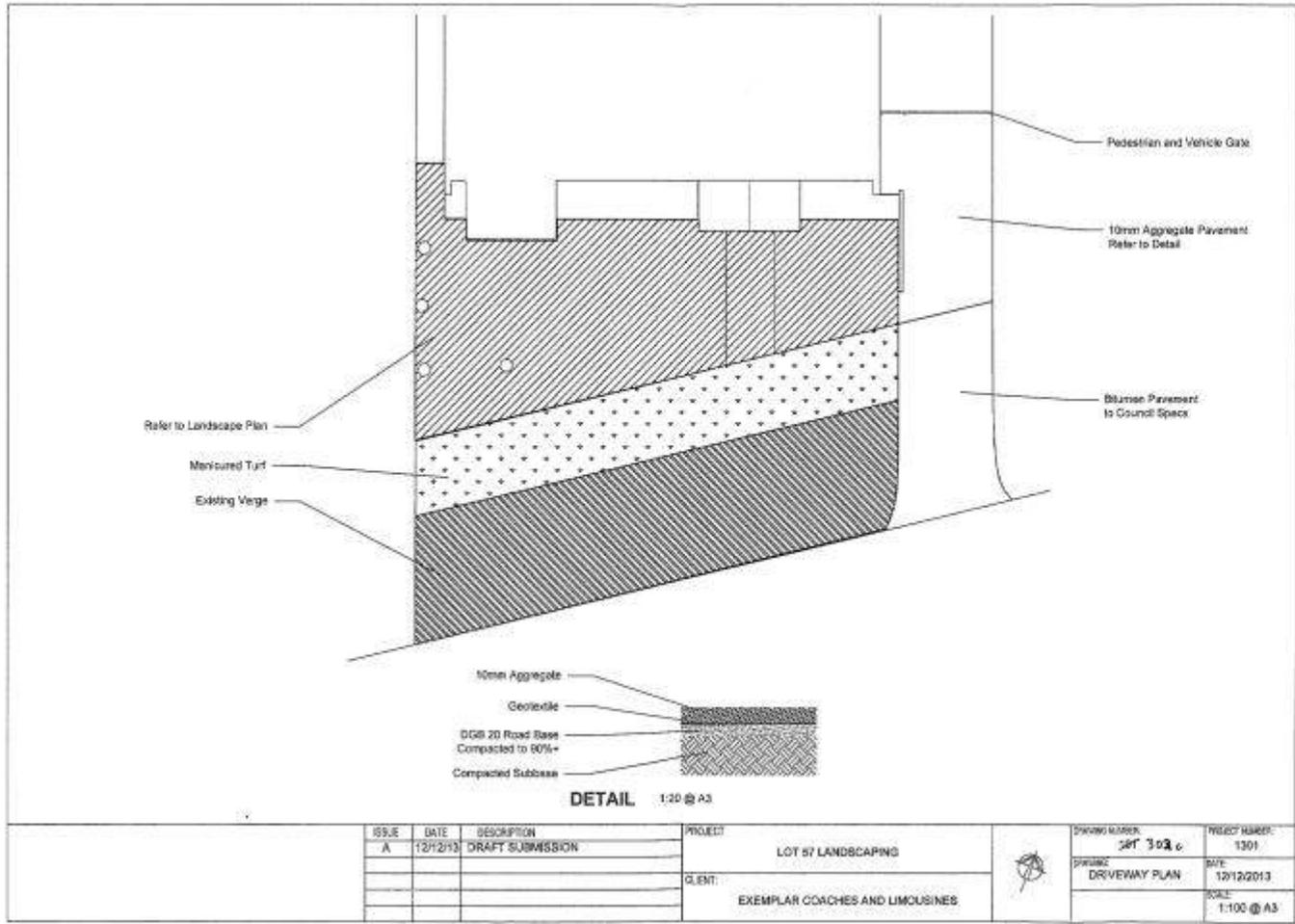




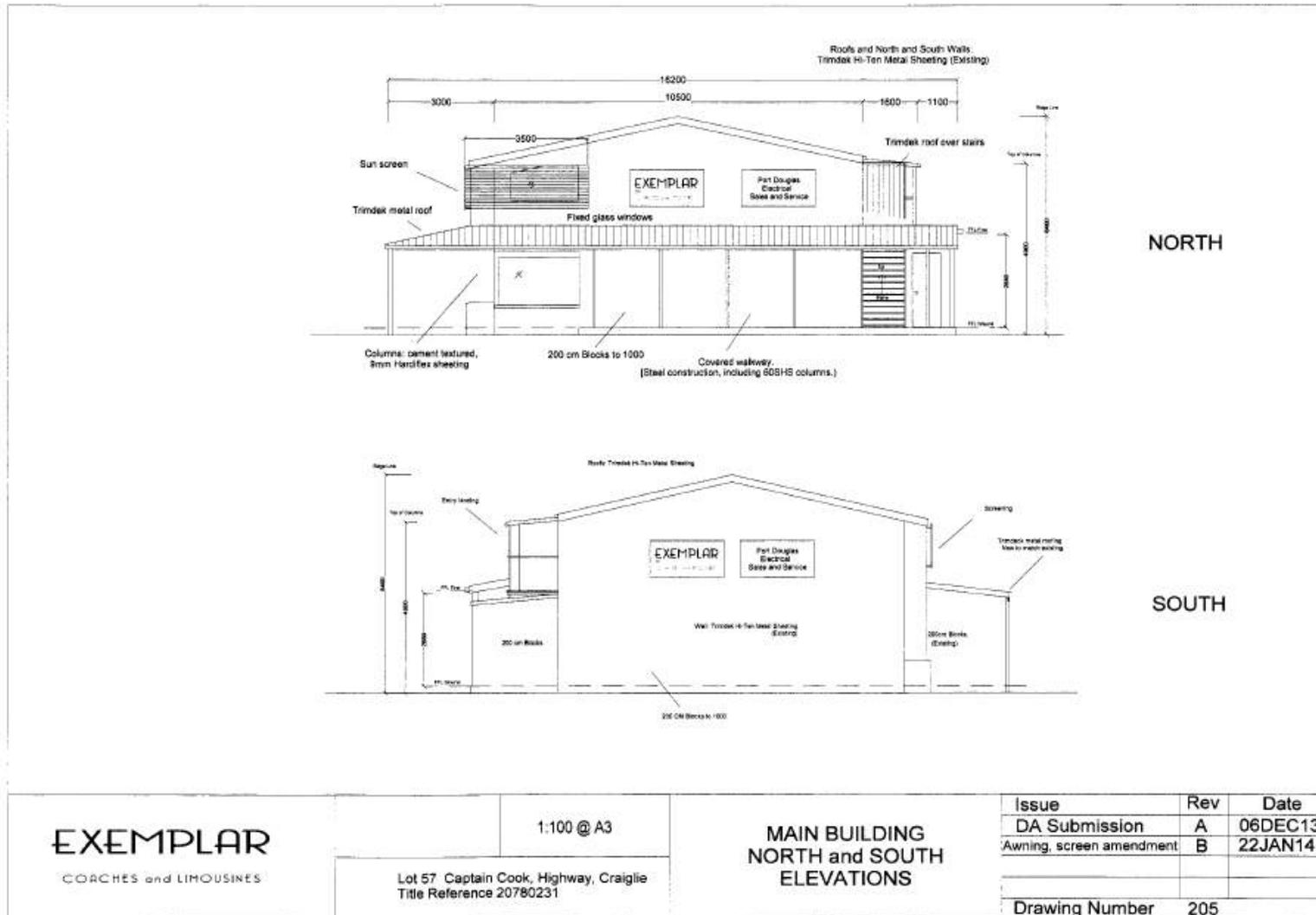


**PORTFOLIAGE**  
DESIGNS

ISSUE	DATE	DESCRIPTION	PROJECT	DRAWN BY	PROJECT NUMBER
A	12/12/13	DRAFT SUBMISSION	LOT 57 LANDSCAPING	SPJ/Seib	1301
			CLIENT: EXEMPLAR COACHES AND LIMOUSINES	LANDSCAPE DETAILS	DATE: 12/12/2013
					SCALE: AS SHOWN



ISSUE	DATE	DESCRIPTION	PROJECT	DRAWING NUMBER	PROJECT NUMBER
A	12/12/13	DRAFT SUBMISSION	LOT 57 LANDSCAPING	SP1 302 c	1301
			CLIENT:	DRIVEWAY PLAN	DATE:
			EXEMPLAR COACHES AND LIMOUSINES		12/12/2013
					SCALE:
					1:100 @ A3



**EXEMPLAR**  
CORCHES and LIMOUSINES

1:100 @ A3

Lot 57 Captain Cook, Highway, Craiglie  
Title Reference 20780231

**MAIN BUILDING  
NORTH and SOUTH  
ELEVATIONS**

Issue	Rev	Date
DA Submission	A	06DEC13
Awning, screen amendment	B	22JAN14
Drawing Number	205	



**EXEMPLAR**  
CORCHES and LIMOUSINES

Lot 57 Captain Cook, Highway, Craiglie  
Title Reference 20780231

**SCHEMATICS**

Issue	Rev	Date
Awning, screen amendment	B	22JAN14
Drawing Number		500

## APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

SDA-0114-007493



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0114-007493  
Your reference: MCUC1/2013

**Date: 24/01/2014**

Mr Jeff Tate  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman, Qld, 4873

Att: Jenny Elphinstone

Dear Mr Tate

### **Concurrence agency response—with conditions**

5957R Davidson Street, Craiglie, Qld, 4877  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 20 January 2014.

#### **Applicant details**

Applicant name:	Gordon Wellham
Applicant contact details:	3 Captain Cook Highway Craiglie, Qld, 4877

#### **Site details**

Street address:	5957 Davidson Street, Craiglie, Qld, 4877
Real property description:	Lot 57 on C22511
Site area:	2 810 square metres
Local government area:	Douglas Shire Council

#### **Application details**

Proposed development:	Development permit for a material change of use for service industry
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#### **Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material Change of Use	Development permit	Refurbishment of existing building for use as offices and wholesale / retail facility:	Code Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger                      Schedule 7, Table 3, Item 1— State-controlled road

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Joanne Manson, Senior Planning Officer, Regional Services – Far North Queensland on (07) 4048 1498 who will be pleased to assist.

Yours sincerely



Angela Foster  
A/Manager (Planning)

cc: Gordon Wellham, g.wellham@exemplaronline.com.au  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice

Our reference: SDA-0114-007493

Your reference: MCUC1/2013

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
Material change of use		
State-controlled road – Department of Transport and Main Roads		
1.	Development must be carried out generally in accordance with the following plan and report, except as modified by these concurrence agency conditions: # Exemplar Site Plan, Drawing Number 101, Rev B 22 Jan 14 # Exemplar Development Application report, dated 14 December 2013 # Exemplar email dated 22 January 2013 providing revised drawings and development specifications.	From the date this approval takes effect and to be maintained at all times.
2.	Vehicles must enter and exit the subject site at the permitted road access location in a forward direction.	At all times
3.	The permitted road access location for the development is between Lot 57 on C22511 and Davidson Street (state-controlled road), that is the existing access adjoining the northern side boundary and generally in accordance with the site plan.	From the date this approval takes effect and to be maintained at all times.
4.	Direct access is not permitted between Davidson Street (state-controlled road) and the subject site at any location other than the permitted road access location.	At all times
5.	A. Provide vehicular access comprising an industrial standard driveway to the development at the permitted road access location.  AND  B. The vehicular access between the Davidson Street (state-controlled road) pavement and the property frontage must be designed and constructed in accordance with Far North Queensland Region of Council specifications with a minimum width of 6 metres and incorporate existing stormwater and drainage infrastructure.	A and B From the date this approval takes effect and to be maintained at all times.
6.	Any landscaping on the subject land that is located between the existing building and the road frontage with Davidson Street (state-controlled road) must be planted in accordance with the Department of Transport and Main Roads' Road Landscape Manual 2004, section C5 – Safety Requirements and Landscape Design.	From the date this approval takes effect and to be maintained at all times.
7.	Ensure there is sufficient on-site carparking without a reliance on parking in the state-controlled road reserve.	From the date this approval takes effect and to be maintained at all times.
8.	All loading and unloading associated with the development must not be carried out within the state-controlled road reserve.	From the date this approval takes effect and to be maintained at all times.

Our reference: SDA-0114-007493

Your reference: MCUC01/2013

### **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

#### Condition 1

- # The department's assessment of the development application was undertaken on the proposal details and the associated plans of development that detail how the proposed development is to be carried out.

#### Conditions 2 and 5

State Development Assessment Provisions State Code 19.1

- # To comply with PO6 conditions required to ensure:
  - o the development maintains the safety and efficiency of the state-controlled road

#### Conditions 3 and 4

State Development Assessment Provisions State Code 19.1

- # To comply with PO1 and PO2 conditions required to ensure:
  - o safety and efficiency of the state-controlled road is maintained by limiting the number of direct access point; and
  - o no additional direct access points are created to and from the development site to the state-controlled road.

#### Condition 6

State Development Assessment Provisions State Code 18.1

- # To comply with PO3 condition required to ensure:
  - o landscaping is undertaken in accordance with the Road landscape manual prepared by the Department of Transport and Main Roads

#### Conditions 7 and 8

State Development Assessment Provisions State Code 19.1

- # To comply with PO6 and PO7 conditions required to ensure:
  - o sufficient on-site area for vehicle parking, including the loading and unloading of vehicles associated with the development is provided to mitigate impacts on the safety and efficiency of the state-controlled road

#### **Findings on material questions of fact**

- # The development application was properly referred to the Department of State Development, Infrastructure and Planning on 20 January 2014.
- # The development application contained a planning report and associated plans of development which the department relied on in making its referral agency assessment.
- # The applicant provided additional information on 22 January 2014 that demonstrated minor modifications to the design drawings and other development specifications.
- # Technical advice from the Department of Transport and Main Roads recommended the proposed development is supported subject to conditions.

#### **Evidence or other material on which the findings were based**

- # The development triggers referral agency assessment under the *Sustainable Planning Regulation 2009*.

- # The department undertook an assessment against in accordance with the provisions of Section 282 of the *Sustainable Planning Act 2009*.
- # The development application was assessed against the relevant code provisions prescribed in State Development Assessment Provisions; published by the Department of State Development, Infrastructure and Planning on 22 November 2013 version 1.1 (in effect 2 December 2013).
- # The *Transport Infrastructure Act 1994* that prescribes requirements for other approvals required from the Department of Transport and Main Roads.

Our reference: SDA-0114-007493  
Your reference: MCUC1/2013

**Attachment 3—Further advice**

<b>General advice</b>	
<b>Advertising devices</b>	
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , the local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road; and beyond the boundaries of the state-controlled road; and reasonably likely to create a traffic hazard for the state-controlled road.
<b>Further permits, compliance permits or compliance certificates</b>	
<b>Road Access Works</b>	
1.	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works and intersection upgrade works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7151 (Ron Kaden) to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

**APPENDIX 3: INFRASTRUCTURE CHARGES NOTICE  
COUNCIL'S POLICY CHARGES:**

		<b>2006 &amp; 2008 Douglas Shire Planning Schemes Applications</b>	
<b>INFRASTRUCTURE CHARGES NOTICE</b>			
Gordon Wellham		0	
DEVELOPERS NAME		ESTATE NAME	
5957 Davidson Street		L57 C22511	
STREET No. & NAME		SUBURB	
MCUC Service Industry		43.2013.001	
DEVELOPMENT TYPE		LOT & RP No.s	
415858		31-Dec-13	
COUNCIL FILE NO.		QUARTER ENDING	
1		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
DSC Reference Doc. No.		VERSION No.	
	DIST	\$/ EDC	NET EDC
	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID
	WO / Task		
<b>WATER</b>			
Existing	11	6,603.28 X	1.92 0.00 \$12,678.29
Proposed	11	653.08 X	1.92 0.00 \$1,253.91
<b>Water sub - total</b>		<b>\$13,932.21</b>	
<b>SEWERAGE</b>			
Existing	6	2,520.04 X	1.92 0.00 \$4,838.47
Proposed	6	1,095.51 X	1.92 0.00 \$2,103.38
<b>Sewerage sub - total</b>		<b>\$6,941.85</b>	
<b>OPEN SPACE</b>			
DSC Area			\$0.00
<b>Off-Site Car Parking</b>			
None			\$0.00
<b>TOTAL</b>		<b>\$20,874.06</b>	
Prepared by	J Elphinstone	on	9-Feb-14
Checked by	M Henderson	on	10-Feb-14
Date Payable			
Amendments		Date	
		Cashier	

**Note:**  
The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009*.  
Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. Please contact the Development & Environment Douglas Shire Council prior to payment for review.  
Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted  
Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Infrastructure Charges Notice		DOUGLAS SHIRE COUNCIL		PO Box 723 Mossman QLD 4873 www.douglas.qld.gov.au enquiries@douglas.qld.gov.au ABN 71 241 257 800	
Applicant: G Welham Address: 5957R Davidson Street, Craigle		File Number: MCUC 001/2013 Date issued: Officer: J Elphinstone		DSC Ref: 415860 10-February-2014 Council Adopted Charges Resolution - Jun 2011	
Parcel Number/s: 119 Lot & RP Number/s: L57 C2251		Contributions Issued Under: Index Used:		CPI 31-Dec-12 0	
Adopted Infrastructure Charge					
Development Type	m2 GFA / m2 Impervious	Adopted Charge / Adopted Stormwater Charge (Indexed)	Charge	Existing Credit Charge	
Commercial (Retail)	481 / 507 @	\$180 / \$10	\$ 91,650.00	\$73,420.00	
<b>Total Charge</b>				<b>\$16,230.00</b>	<b>Account: T648 05446</b>
TOTAL CHARGES					
<b>TOTAL CHARGE:</b>		<b>\$16,230.00</b>	Date Payable:	MCU - Before the change occurs	
<b>Note:</b>					
The infrastructure charges in this notice are levied in accordance with Section 629 of the Sustainable Planning Act 2009.					
Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may differ. Please contact Development & Environment, Douglas Shire Council prior to payment for review.					
You can make payment at Council's Business Office or by mail with your cheque or money order to Douglas Shire Council, PO BOX 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.					
Any enquiries regarding Infrastructure Charges can be directed to Development & Environment, Douglas Shire Regional Council through enquiries@douglas.qld.gov.au or by telephoning Council's office on 4099 8444.					
CHECKED BY:				M Henderson	

**APPENDIX 4: SUPPORTIVE INFORMATION**

**AERIAL PHOTOGRAPH OF SITE AND SURROUNDING LAND**



EXISTING BUILDING



NEIGHBOURING LANDSCAPED FRONTAGES TO THE NORTH



VIEW OF THE LAND



NEIGHBOURING LAND TO THE SOUTH



