

5.2 PETITION RESPONSE - SERVICE STATION DEVELOPMENT, CRAIGLIE

REPORT AUTHOR(S): Simon Clarke, Planning Consultant
GENERAL MANAGER: Nick Wellwood, General Manager Operations
DEPARTMENT: Development and Environment

RECOMMENDATION

That the principal submitter be advised that Council is not in a position to stop development of the land for a service station as there is a valid development permit that remains current over the land and that the developer may act upon this development permit at any time while the development permit remains current.

EXECUTIVE SUMMARY

Council is in receipt of a petition calling on Council to stop an approved service station development on land currently occupied by Paws and Claws in Davidson Street, Craiglie. The site is included within the Industry Planning Area and the proposed development has a valid development permit that dates back to 2007, which can be acted upon at any time. This development permit contains conditions that are designed to mitigate impacts of the development. However, there is no doubt that a substantial proportion of the land will be impacted by the proposed service station during construction.

SITE

The land is described as Lot 1 on RP739151 and is located at 5946R Davidson Street, Craiglie. The land is included within the Industry Planning Area. An aerial image of the land is shown below:



PETITION

A petition has been received by Council's Administration Frontline Services. In accordance with clause 8.3 of the Standing Orders for Council Meetings, this petition was presented to Council at its Ordinary Committee Meeting held on 20 September 2016. At this meeting, it was resolved that a further report be presented to Council.

The principal submitter is Chelsea Malinas and contains 94 petitioners, of which 92 are residents of the Shire. The petition is included as Attachment 1.

The petition is calling on Council to stop the approved service station development on land at 5946R Davidson Street, Craiglie due to concerns relating to impacts on native wildlife in the creek that runs through the site. The petition is accompanied by:

- Photos;
- Site plan of the service station (Note: This is an earlier approved plan that has been subsequently amended with a new plan that reduces its overall development footprint on the land);
- Research material on turtles and habitat.

DISCUSSION

The land has a planning approval (TP No. 127) for Boarding Kennels and Cattery issued on 9 September 1983. The site continues to operate as a boarding kennel and cattery.

An application was lodged in October 2006 for a material change of use for a Service Station, Restaurant and Environmentally Relevant Activity 11(a) – Crude oil or petroleum (storing crude oil or a petroleum product in tanks or containers having a combined total storage capacity of 10,000L or more, but less than 500,000L) (*the application*).

The land is included in the Industry Planning Area, within which, a service station is a code assessable land use, whereas a restaurant (being a fast-food drive-through facility) is an impact (inconsistent) land use.

The application was accompanied by a range of specialist studies, including:

- Hydrology and Hydraulics Report;
- Acid Sulfate Soils Investigation; and
- Environmental Assessment.

The application was subject to referral to the following concurrence State Agencies:

- Department of Main Roads (Trigger – Development on land contiguous to a State Controlled Road for a material change of use assessable against a planning scheme).
- Department of Natural Resources, Mines and Water (Trigger – Operational work, for taking or interfering with water under the Water Act 2000 that is in a watercourse, lake or spring, or from a dam constructed on a water course).
- Department of Primary Industries and Fisheries (Trigger – Assessable operational work that is the removal, destruction or damage of a marine plant).
- Department of Natural Resources, Mines and Water (Trigger – Acid Sulfate Soils).

The application was subsequently referred to Council's Ordinary Committee held on the 17 July 2007, where Council officers recommended an approval for the service station land use component of the application and refusal of the restaurant land use component of the application. Contrary to the officer's recommendation, Council resolved to approve the entire development, subject to conditions. An approval package containing the conditions for the entire development proposal was subsequently referred to Council's Ordinary Committee held on 7 August 2007, which was endorsed by Council.

An extension to the relevant period of approval was granted by Cairns Regional Council in 2011 up until 7 August 2015. A further request to extend the relevant period was received by Douglas Shire Council in 2015, accompanied by a request for a permissible change that eliminated the restaurant land use component of the application. A 12-month extension to the relevant period of approval was granted by Council at its Ordinary Meeting held on 16 December 2015, up until 1 January 2017. Therefore, a valid approval remains in place for the development that can be acted upon at any time between now and 1 January 2017. Plans of the proposed development and conditions of approval are included at Attachments 2 and 3 respectively. As previously noted, the amended plans reduce the extent of development on the land from that which was originally approved.

During its assessment in 2015, Council officers raised some of the concerns raised by the petitioners in terms of stormwater drainage and flooding given the additional knowledge of flash flooding through this land in the years that followed the original approval. In addition, concerns about the loss of trees in the Captain Cook Highway adjacent to the proposed development were also raised. The applicant subsequently addressed the engineering concerns associated with flooding through the site (Note: the development is to be partially built on a cantilevered platform suspended over part of the watercourse that runs through the site).

It is understood that the applicant has made applications to the Department of Transport and Main Roads for permits to construct the access and egress driveways for the proposed service station and is continuing to advance its plans to build the service station.

If in the event that the use has not commenced by 1 January 2017, it is likely that the applicants will seek a further extension of time for the relevant period of approval. Council may determine at that point in time whether it is appropriate to continue to extend the life of the approval.

At that point in time, Council's proposed planning scheme will have advanced through community consultation and therefore it may place weight on the proposed planning scheme in making its decision. Of particular note, a service station will have an elevated level of assessment under the proposed planning scheme in the proposed Industry Zone (i.e. 'Impact assessment', rather than 'code assessment').

It is not possible at this stage to anticipate whether works will have commenced on the site by this stage, or to speculate on what decision Council will need to make beyond 1 January 2017.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

Attachment 1 – Petition

Attachment 2 – Plans of the proposed development

Attachment 3 – Conditions of approval

My name is Chelsea Malinas, I am writing this petition to identify why I am concerned about the proposed development of the old Paws and Claws site at lot 1 Captain Cook Hwy, Craiglie.

If a service station is built on the site it will have a devastating effect on the native wildlife that lives in the creek which runs beside and behind the site. The creek flows into the mangroves and further into the waterways that flow onto the reef. If a service station is built on the site it will destroy the habitat for the local wildlife that live in the creek namely freshwater turtles, mud cod, eels etc.

I am not opposed to the site being developed, however, the contaminates and building processes of building a service station on this environmentally sensitive site will kill the native wildlife and contaminate the creek, finally, I have become aware that all the tree's will be felled and the beauty of this area will be lost.

Please sign in solidarity to stop the proposed development.

Yours Truly,

Chelsea Malinas.

mob (0428 878 381)

Name	Address	Signature
Ebony Bennett	1/1 Beor St, Craiglie	ebonyb
Greg Staple	67/1 Beor St Craiglie	
Nannette Gledhill	52 milman Drive Craiglie	
Chelsea Malinas	11 Yiki St Craiglie	C. Malinas

DOUGLAS SHIRE COUNCIL Received	
File Name.....	Document No.....
13 SEP 2016	
Attention	
Information COPY TO NSB FOR PRESENT TO	

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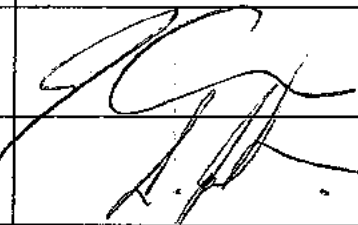
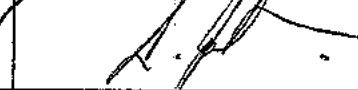
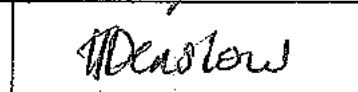
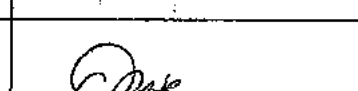
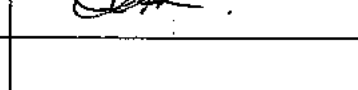
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Name	Address	Signature
IDRIS ALKAMRAIKHI	37/1 BEAR ST CRAIGLIE Q 4877.	
Lance Johnson	3 Kulu Close Coopers Beach 4873	
Heather Denstow	11 Wandu Close Craiglie	
CONNAGH GIBLIN	CRAIGLIE	
Melissa Foster	Mossman	

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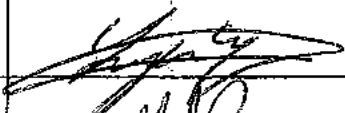
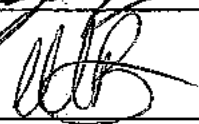
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Name	Address	Signature
BONNIE EVANS	PT DOUGLAS	S.E.
K.A. Semmel	GARRICK ST.	K.S.
LISA GENTLE	PORT DOUGLAS	
Melanie Bow	Port Douglas	
Stacy Webster	Port Douglas	SW

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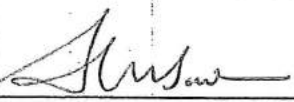
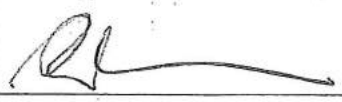
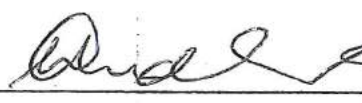




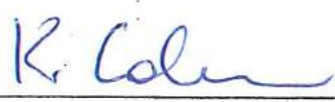


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Name	Address	Signature
S. BARBOUR	Ti Tree St Port Douglas	
RJ CAMERON	Ti Tree St Port Douglas	
N. ANDERSON	MUDLO ST PD	
M. Smith	8/3 ATOLL CL. PD.	
VINCE SMITH.	3-5 ATOLL CLOSST PD.	
A. Orwin	3 Barra Close	
N. R. McEwan	619 Torok Rd. 3142	
Kim Coleman	Port Douglas	
VADE WILLIAMS	PORT DOUGLAS	
Tasha	Port Douglas	

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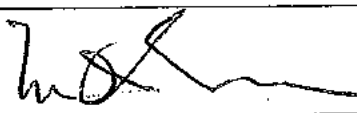
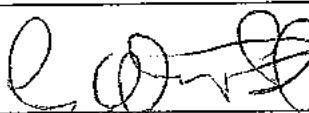
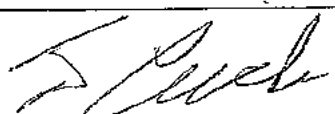
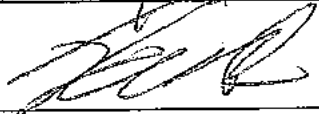
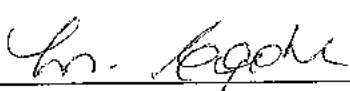
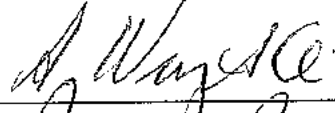
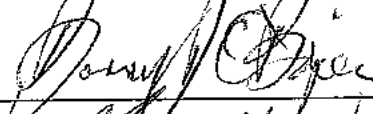
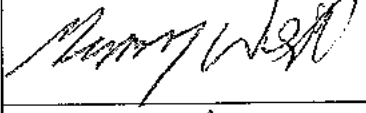
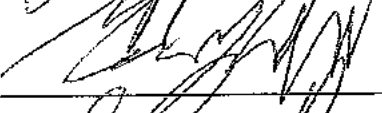
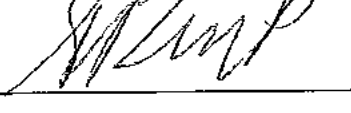
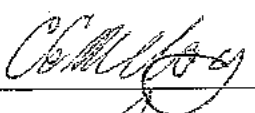

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Name	Address	Signature
M J Gaboury	P.O. Box 667	
G. OULTON-SMITH	12 CAS CAVE OR PORT DOUGLAS	
	4 REEF STREET	
MARCELLA COOKE	61 REEF ST P/DOUG	
ANNE WINTLE	6/9 Monmouth Close	
BARRY BRIEN	63 REEF ST PORT DOUGLAS	
	10 Underwood St	
Harv Lunn	31 Nautilus st	
C. MELLORS	OLD PORT RD PORT DOUGLAS	
D. FLETCHER	OLD PORT RD PORT DOUGLAS	

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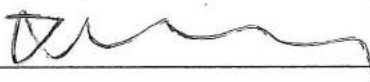






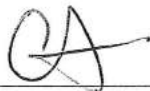
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Name	Address	Signature
Ian Cilmfield	22 Bolgs st. Craiglie	
Bansha Cotten	Demoio Drv Daintree	
Jo Radley	12 Ruby close	
M. Vlachich	130 Spring Creek Rd	
Summer Walford	19 Thooler Cl Coopa Beach	
Heather Yarr	9 Ribbon Ave Port Douglas	
Akayla Peterson	31 NAUTILUS ST PORT DOUGLAS	
R Lynch	Port Douglas	
J Ridgeon	Craiglie	
Corey Arifovic	Craiglie	

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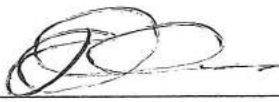


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Name	Address	Signature
P. Connor	Port Douglas	
S. McCall	Mowbray	SRBMCCALL
Zarah Puffy	^S Mowbray River Rd	Z Kelly
D. Watts	Julatten	D. Watts
S. R. WATTS	Julatten	SRWatts
Kelly	Z Kelly	Z Kelly
CAROLINE ELLISON	PORT DOUGLAS	
NARDYA DORNER	PORT DOUGLAS	
Danielle Billam	Mossman	
Alice Hansford	Mowbray	

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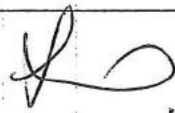




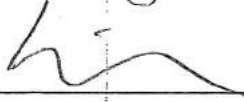
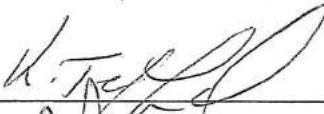

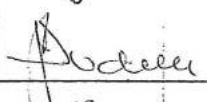
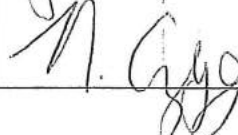
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Name	Address	Signature
Sharmad Barnard	17 Redcap Bend Trinity Park	
Jessica Keller	66 plantation Resort, Craigie	
HELEN SKENE	13 SHEARWATER ST PORT DOUGLAS	
Jonas Gohmann	23 Petrie Av Marcoola	
Priyanka Chinnai	23 Bay 1 Dr Cooya Bch	
Heather	14/11 Beer St Craigie	
Kate	192 Stonewood Low Bay Rd	
T. Stowe	976 Rex Hux MOTTEN	
J. Ducker	45 Warner St Pt Douglas	
NATASHA CYGAN	69 Alcheva	

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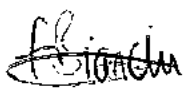



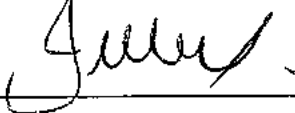
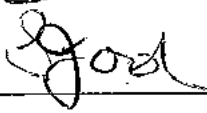
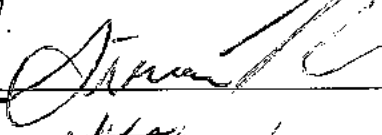
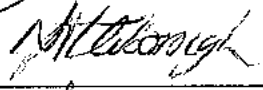

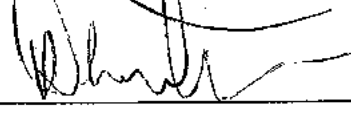
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Name	Address	Signature
Francesca Bianchi	16 Yuki Street, Craigie, QLD 4877	
Lilly Hay	20 Parkin st New Beach 4873	
Charm Botham	87 Jabea close Miallo	
Danika Storey	7 Miallo Bamboo CR Rd, Miallo	
Julie McDonald	488 Bamboo Creek Miallo	
Sonya Jordan	417 Atoll Close Port Douglas	
Simone Hackmann	Lot 83 Trezise Rd. Mowbray	
Nicole Attenborough	28 Allamachola St Cassya Beach	
Jason Fox	16 Yuki Street Craigie 4877	
Lynne Christensen	22 Jacan close Port gardens	

My name is Chelsea Malinas, I am writing this petition to identify why I am concerned about the proposed development of the old Paws and Claws site at lot 1 Captain Cook Hwy, Craiglie.

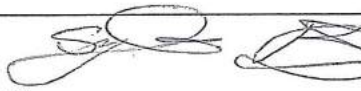
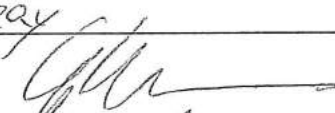
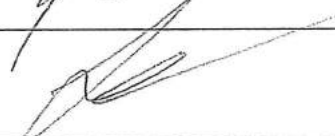
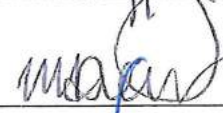



If a service station is built on the site it will have a devastating effect on the native wildlife that lives in the creek which runs beside and behind the site. The creek flows into the mangroves and further into the waterways that flow onto the reef. If a service station is built on the site it will destroy the habitat for the local wildlife that live in the creek namely freshwater turtles, mud cod, eels etc.

I am not opposed to the site being developed, however, the contaminates and building processes of building a service station on this environmentally sensitive site will kill the native wildlife and contaminate the creek, finally, I have become aware that all the tree's will be felled and the beauty of this area will be lost.

Please sign in solidarity to stop the proposed development.

Yours Truly,

Chelsea Malinas.

Name	Address	Signature
Sylvia Blackwell	33 Grays Creek Terrace Mowbray	
G. MORRISON	11	
L. Watt	79 Old forestry Rd, Whangape	
B. Barba	48 Riflebird Crescent	B. Barba
M. Peterffy	24 Andrews Close	M. Peterffy
M. Drew	3 Barbra Close Wanganui	
B. LENTERN	308 MOWBRAY RIVER RD	
D. Cuthard	Mossman	
S. Staples	Coope Beach	
T. Tayley	Wanganui Beach	Tayley

My name is Chelsea Malinas, I am writing this petition to identify why I am concerned about the proposed development of the old Paws and Claws site at lot 1 Captain Cook Hwy, Craiglie.

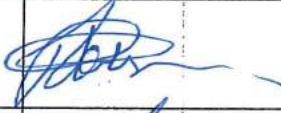







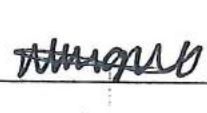
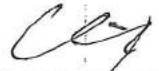
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Please sign in solidarity to stop the proposed development.

Yours Truly,

Chelsea Malinas.

Name	Address	Signature
Pauline Halsule	26 Pecten Ave Port Douglas	
Kyle Ordwell	10 Sacaranda Close Goya	
Adam Layton	10 Sacaranda Close	
KERRY WINTLE	9 MORNING CLS. PT DOUGLAS	
CRAIG BARTLEY	1- BARRILL ST PORT DOUGLAS	
Greg Abery	41/1 Boer St Craiglie	
Kellie Holmes	67/1 Boer Street CRAIGLIE	
Dixie Denniss	Lot 1 Captain Cook	
Malinda Grace	Lot 1 Captain Cook	
CHRIS LYNE	4 SATINASH ST MOSSMAN	



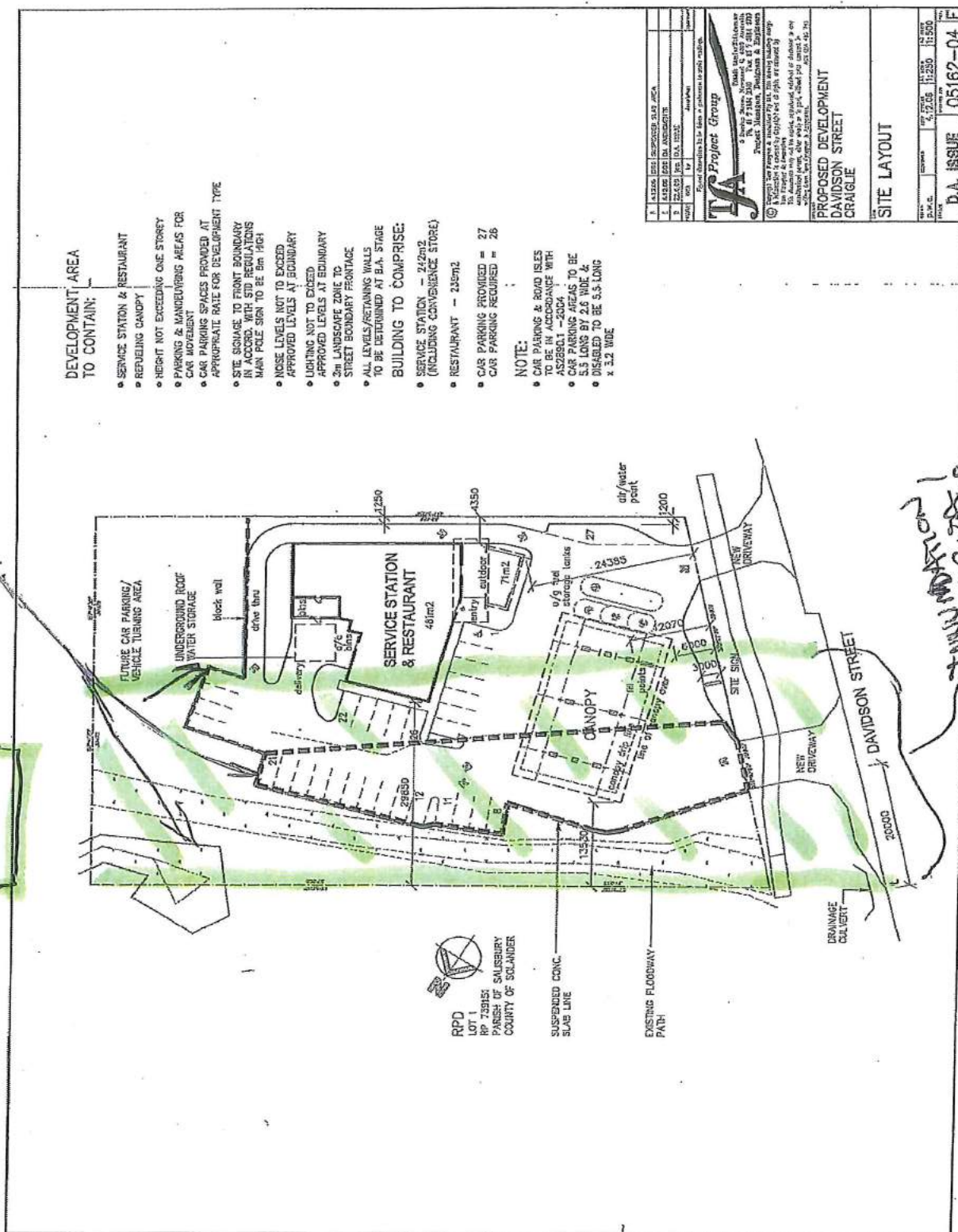
"AS INDICATED BY LEAF LITTER, WHEN A FLOOD OCCURS, THE WATER IS COMMONLY 35-40 cms ABOVE THE WALKBRIDGE !!

Ordinary Council Meeting

17 July 2007

MCU 004/06 – Lot 1, RP739151 – Captain Cook Highway

Figure 7 – Site Layout



[Sign in](#)

SafeSearch

Did you mean: [A single color image of Saw-Shelled Turtle](#)





LOT 1 RP739151 COOK HWY CRAIGIE.
PHOTO TAKEN 21ST FEB 2008

RAINFALL 280mm IN 24 HRS
TO 9.00am 21.2.08.

LOT 1 RP789151 Cook Hwy Capital
PHOTO TAKEN 21st FEB
RAINFALL 280mm IN
24 HRS TO 9.00am
21.2.08.

three to five times greater than global deforestation rates.

Actions for Change

There are many management and protection measures and tools available for use at national, regional, and global scales to help ensure a sustainable future for mangroves. Such actions range from establishing a commission to ensure that mangrove conservation is on the international development agenda, to creating a Global Mangrove Fund, to the development of international protocols that promote the protection and sustainable use of mangroves.



Mangrove seedlings

Financial mechanisms and incentives could stimulate mangrove conservation, such as carbon offset markets and corporate and private-sector investments. Economic incentives for mangrove protection, sustainable use, and restoration activities could be provided as a source of steady income to local inhabitants of these areas.

There is also tremendous potential to improve public outreach and education to raise awareness of the economic and social importance of mangroves and the consequences of their loss.

A new report entitled “**The Importance of Mangroves to People: A Call to Action,**” released by UNEP with major contributions from Forest Trends’ MARES program, details these findings and provides a solid foundation from which to move forward with actions to

The 'Stinker'



Long-necks sport a carpet of brilliant green moss on their shell, which may give them some camouflage. Image:

John Cann. [more pics]

The most common of Australia's 25 species of turtle - and the most often seen in the wild in eastern Australia - is the long-necked or snake-necked turtle *Chelodina longicollis*. The long-neck, or 'stinker' as it is often called for reasons which will become obvious, is something of a passion for Canberra

University's Professor Arthur

Georges. "You see people picking them up off the side of the road after a big rain. They drive about 40m, then suddenly pull up and the turtle gets tossed out of the car," he laughs.

I have to admit something similar happened to me a few years ago, while driving along the highway between Stroud and Wingham in eastern NSW. I saw a turtle up ahead, standing right on the white line in the middle of the road. Being a caring animal lover, I pulled over and got out to move the reptile off the road. It was quite large - about 20cm long - and felt heavy in my hands as I picked it up and admired the bright green algae growing all over the shell. Then just as I stepped off the road to place it carefully in the grass, it began squirting some sort of liquid with an unbelievably obnoxious smell: a gut-wrenching mixture somewhere between rotten cabbage and sewage. I dropped the turtle quick smart but the smell stuck around for days.

Silent but deadly

All Australian freshwater turtles have some type of scent or musk gland, and the longneck is particularly well armed, sporting a gland above each leg just where it emerges from the shell. The liquid contains six different acids, not surprisingly producing a noxious brew - and long-necks are the most pungent of all the turtles.

While the adult turtles actively squirt out this liquid, newly hatched turtles just plain stink of it and experiments have shown that even a starving eel will

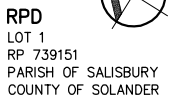


Unlike their dull parents, baby long-necks are brilliant orange or yellow. This colouration, combined with their strong odour, warns predators not to take a bite. Image: Carol Browne, University of Sydney. [more pics]

the real thing

environment
features

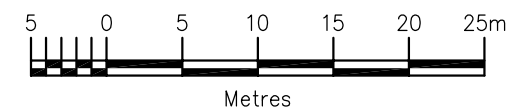




- BUILDING TO COMPRISE:

- NOTE:

- CAR PARKING & ROAD AILES TO BE IN ACCORDANCE WITH AS2890.1 –2004
- CAR PARKING AREAS TO BE 5.5 LONG BY 2.6 WIDE &
- DISABLED TO BE 5.5 LONG x 3.2 WIDE



C	17.07.15	DMR	MINOR REVISION	RO'B
B	13.07.15	DMR	MINOR AMENDMENTS	RO'B
A	6.07.15	DMR	CLIENT'S APPROVAL	RO'B
revision	date	by	description	approved

Figured dimensions to be taken in preference to scale readings.

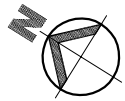


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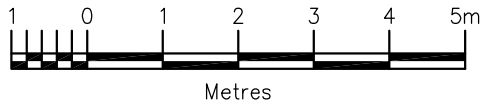
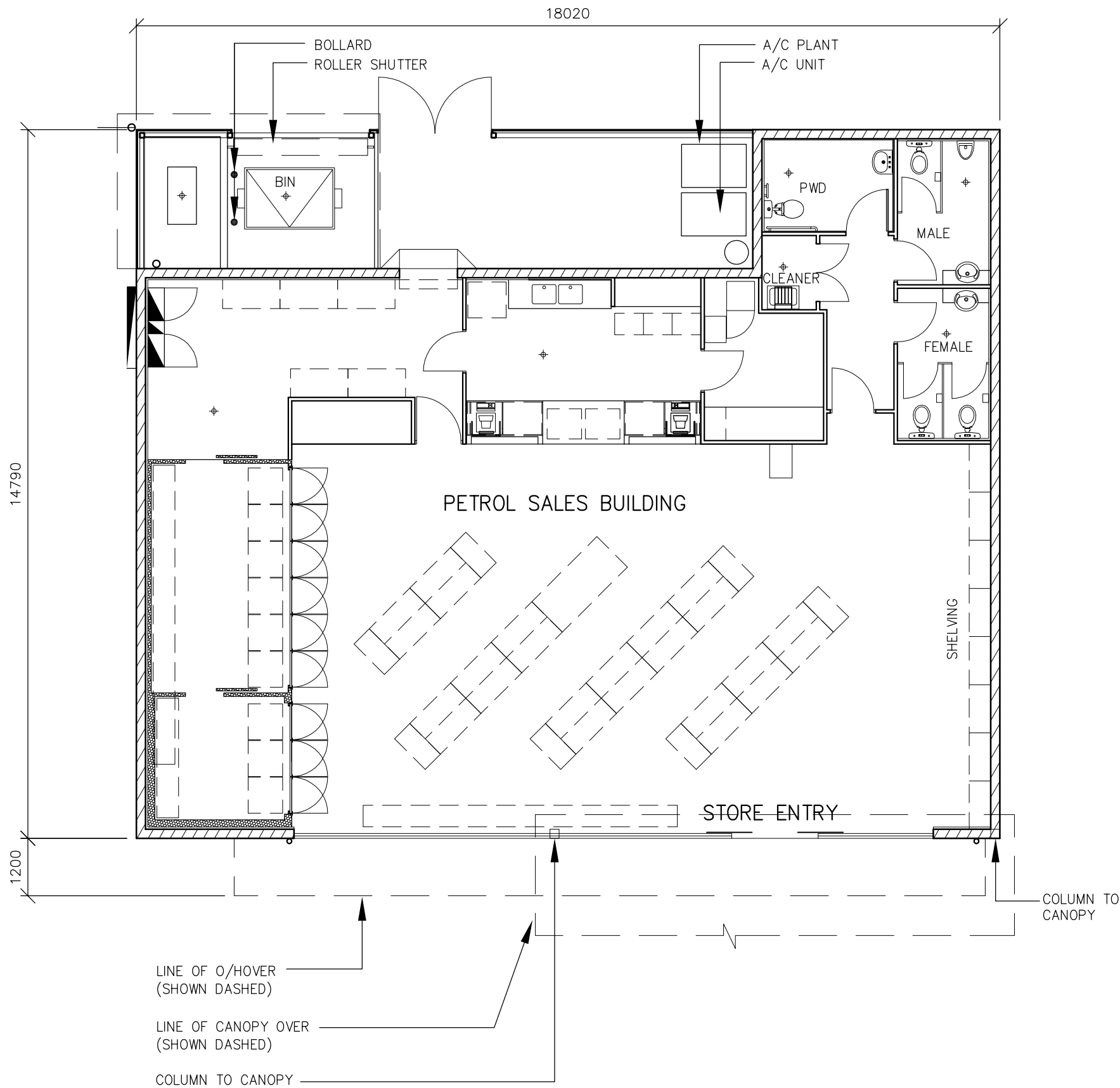
project
PROPOSED SERVICE STATION
5946 DAVIDSON STREET
CRAIGLIE PORT DOUGLAS
QLD

title
PROPOSED SITE LAYOUT

drawn DMR		approved	date created 02.07.15	A1 scale 1: 250	A3 scale 1: 500
status		drawing no.			rev.
PRELIMINARY		15017-03			C



RPD
LOT 1
RP 739151
PARISH OF SALISBURY
COUNTY OF SOLANDER



C	17.07.15	DMR	MINOR REVISION	RO'B
B	13.07.15	DMR	MINOR AMENDMENTS	RO'B
A	6.07.15	DMR	CLIENT'S APPROVAL	RO'B
revisor	date	by	description	approved

Figured dimensions to be taken in preference to scale readings.



Project Group

Email: enquiry@tfa.com.au
17 Dover Street, Albion QLD 4010 Australia
Ph. 61 7 3854 2900 Fax. 61 7 3854 2999

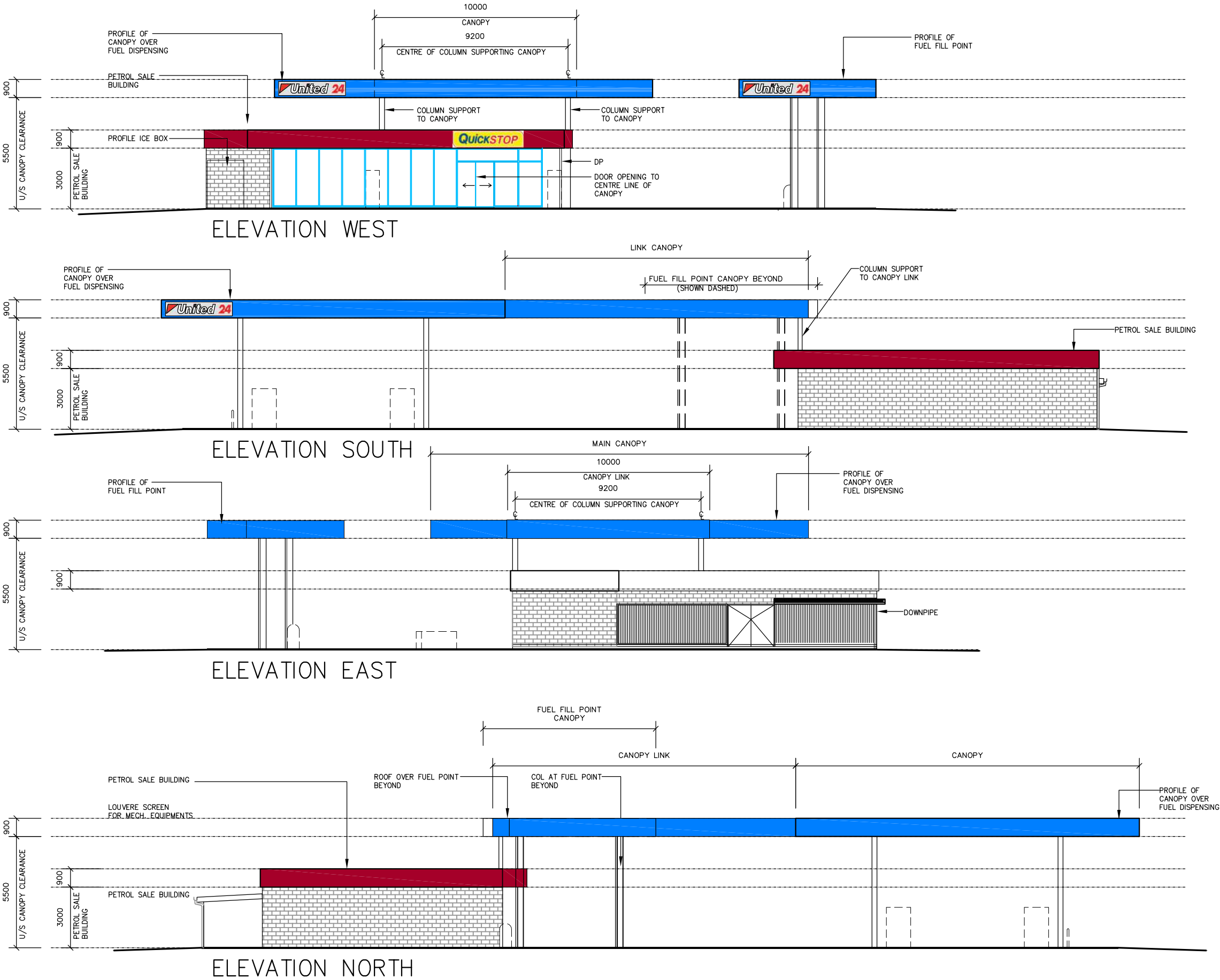
PROJECT MANAGERS | DESIGNERS | PLANNERS | ENGINEERS

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project
PROPOSED SERVICE STATION
5946 DAVIDSON STREET
CRAIGLIE PORT DOUGLAS
QLD

title
**PROPOSED BUILDING
FLOOR PLAN**

drawn	approved	date created	A1 scale	A3 scale
DMR		02.07.15	1: 50	1: 100
status	drawing no.			rev.
PRELIMINARY	15017-04			C



C	17.07.15	DMR	MINOR REVISION	RO'B
B	13.07.15	DMR	MINOR AMENDMENTS	RO'B
A	6.07.15	DMR	CLIENT'S APPROVAL	RO'B
revisor	date	by	description	approved

Figured dimensions to be taken in preference to scale readings.

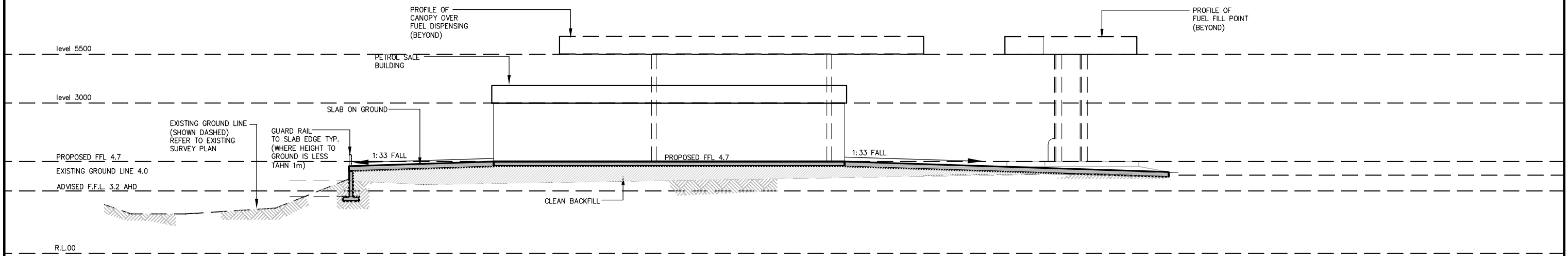
TFA Project Group
Email: enquiry@tfa.com.au
17 Dover Street, Albion QLD 4010 Australia
Ph. 61 7 3854 2900 Fax. 61 7 3854 2999
PROJECT MANAGERS | DESIGNERS | PLANNERS | ENGINEERS

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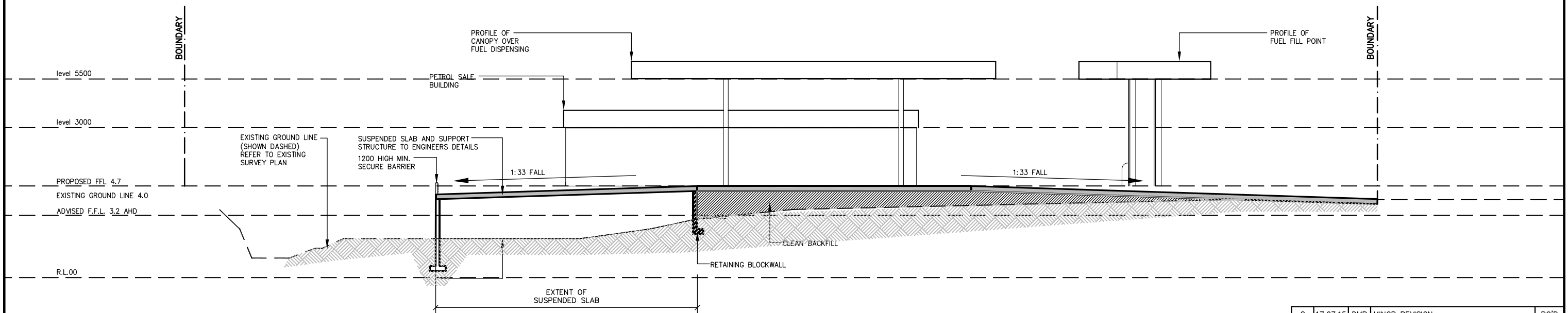
project
PROPOSED SERVICE STATION
5946 DAVIDSON STREET
CRAIGLIE PORT DOUGLAS
QLD

title
PROPOSED BUILDING ELEVATIONS

drawn	approved	date created	A1 scale	A3 scale
DMR		02.07.15	1:100	1:200
status		drawing no.		rev.
PRELIMINARY		15017-05		C



SECTION A



SECTION B

C	17.07.15	DMR	MINOR REVISION	RO'B
B	13.07.15	DMR	MINOR AMENDMENTS	RO'B
A	6.07.15	DMR	CLIENT'S APPROVAL	RO'B
revisor	date	by	description	approved

Figured dimensions to be taken in preference to scale readings.

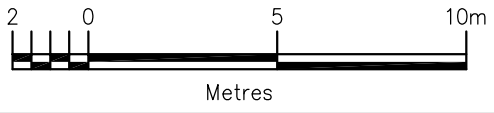
TFA Project Group
Email: enquiry@tfa.com.au
17 Dover Street, Albion QLD 4010 Australia
Ph. 61 7 3854 2900 Fax. 61 7 3854 2999
PROJECT MANAGERS | DESIGNERS | PLANNERS | ENGINEERS

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PROJECT
PROPOSED SERVICE STATION
5946 DAVIDSON STREET
CRAIGLIE PORT DOUGLAS
QLD

TITLE
PROPOSED SITE SECTION

drawn	approved	date created	A1 scale	A3 scale
DMR		02.07.15	1:100	1:200
status		drawing no.		rev.
PRELIMINARY		15017-06		C



OUR REF: MCUI 4077/2006 (763619)

21 December 2015

Lanskey Constructions
C/- TfA Project Group
PO Box 301
ALBION QLD 4010

Attention: Mr John Rowell

Dear Sir/Madam

**DECISION NOTICE UNDER S 369 & S 383 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR
5946R DAVIDSON STREET, CRAIGLIE**

With reference to your request for a permissible change and extension of the relevant period for the abovementioned development application, which was determined by Council at the Ordinary Meeting held on 16 December 2015, please find attached the relevant Decision Notice.

Please note that Council has extended the relevant period for 12 months and this Development Permit is now valid up to 1 January 2017.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development and Environment on telephone number 07 4099 9480.

Yours faithfully

Paul Hoyer
General Manager Operations

Att

APPLICANT DETAILS

Lanskey Constructions
C/- TfA Project Group
PO Box 301
ALBION QLD 4010

ADDRESS

5946R Davidson Street, Craiglie

REAL PROPERTY DESCRIPTION

Lot 1 on RP739151

PROPOSAL

Request for a permissible change and extension of relevant period

DECISION

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

DECISION DATE

16 December 2015

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Environmentally relevant activities	Department of Infrastructure, Local Government and Planning	Advice	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building 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
Proposed Site Layout	Drawing No. 15017-03 Rev. E (as amended by conditions of approval)	4 November 2015
Proposed Building Elevations	Drawing No. 15017-05 Rev. C	17 July 2015
Proposed Building Floor Plan	Drawing No. 15017-04 Rev. C	17 July 2015
Proposed Site Section	Drawing no. 15017-06 Rev. C (received 11 August 2015)	17 July 2015

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.

Amended Driveway Crossovers

3. An amended access arrangement must be provided to Council and the Department of Transport and Main Roads for its assessment that considers methods to retain the significant trees along the frontage of the site as far as is practical taking into account road widening requirements, ingress and egress standards, sight-lines and safety along this section of the Davidson Street.

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Parking & Access Layout

4. The parking and access layout shown in the Proposed Site Layout, identified as Drawing No 15017-03 Rev E, and dated 4 November 2015, must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking, in particular:
- a. A car parking area with a minimum of nine (9) spaces including one (1) bay provided for disabled parking and a service bay generally as shown on the approved plan of development, and maintained thereafter;
 - b. Provision and identification of air and water services made available for the traveling public. These services must be located so that the efficient operation of the Service Station is not adversely affected by the use of these facilities;
 - c. Line marking and directional arrows clearly marked on the finished surfaces;
 - d. Provision of appropriate bollards and setbacks for the proposed gas tank;
 - e. Clear marking of all loading/unloading areas for the Shop and the associated Service Area must be clearly delineated and not adversely affect the efficient operation of the Service Station;
 - f. Defined safe pedestrian and bicycle pathways are provided to the building entry from the parking area and from the street, in accordance with the relevant provisions of Australian Standards.

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas from Parking

5. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Water Supply & Sewerage

6. The existing water and sewer services into the site are to be disconnected and a new suitably sized service is to be reinstated to cater for the proposed use.

External Works

7. Undertake the following works external to the land at no cost to Council:
- a. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

- b. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the proposed development. All structures to be located within the three (3) metre zone of influence to the sewerage main on Lot 1 are to be constructed with appropriately piered footings.

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 the Commencement of Use.

Damage to Infrastructure

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

Installation of SWM Measures

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

Lawful Point of Discharge

10. 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.

Stormwater

11. The stormwater flow is not to be obstructed by filling or building works. The driveway over the stormwater flow corridor is to be a suspended slab construction only.
12. The topographic data used to define the watercourse geometry in the updated HECRAS Model are based on field survey provided by C & B Group (Sketch 1633-SK02) included in the submission. C & B Group Sketch 1633-SK02 indicates the site survey was completed in 2006. To reflect any changes in the watercourse geometry since 2006, confirmation of the HECRAS model (capacity and flood levels) with detail survey is required prior to issue of a Development Permit for Building Work.
13. Provide an easement for drainage purposes to cover the extent of stormwater drainage within the subject land and make provision for Council to obtain practical and legal access to this easement for maintenance purposes. This easement is to be transferred to Council as a drainage easement in fee simple at the applicant's cost.

Ponding and/or Concentration of Stormwater

14. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Landscape Plan

15. A Landscape Plan prepared in accordance with the relevant provisions of the Douglas Shire Planning Scheme 2006 and the Design Guidelines (D9) of the FNQROC Development Manual is required for the site and adjoining road reserve. The plan is to take into account:
- a. retention of the balance area not required for the service station development in its natural state. This area is to be protected during the construction phase of the development through appropriate fencing to prevent damage to trees from construction activities.
 - b. Trees hosting Ant Plants (*Myrmecodia beccarri*) are to be identified and protected from development.

Two (2) A1 copies and one (1) A3 copy of this landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

16. A maintenance program is to be undertaken in accordance with the Maintenance Schedule outlined in Planning Scheme Policy No 7 – Landscaping.

Lighting

17. 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.

Screening of Plant

18. All plant and equipment, including air conditioning units, must be visually screened to the satisfaction of the Chief Executive Officer.
19. Noise associated with loading bay activities and noise from either air conditioning units, 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 the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1997* and *Environmental Protection Regulation 1998 (Part 2A – Environmental Nuisance)*.

Refuse Storage

20. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Council.
21. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Liquid Waste Disposal

22. Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to Commencement of Use.

Notification of Vegetation Clearing

23. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

Construction Signage

24. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect.

Environmentally Relevant Activity

25. The applicant is required to comply with all the conditions of ERA 11(a) permit attached to this Decision Notice.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Main Roads	45/20A/102(1258A)	30 March 2007	3009161
Department of Department of Primary Industries and Fisheries	NFC/140/000(836)	14 June 2007	3009161

Refer to Appendix 2: Concurrence 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 on 1 January 2017.
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.
4. No Advertising Devices have been approved with this development permit. A separate application for operational works will be required to be submitted to Council for any proposed Advertising Devices.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dilqp.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

LAND USE DEFINITION

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

Service Station

Means the use of premises for:

- *The retail sale of motoring requirements such as fuels, lubricants, oils and greases, batteries, tyres, spare parts, auto accessories and general convenience items to the travelling public;*
- *The hire of a limited range of vehicles or trailers;*

- *The washing of motor vehicles for a fee, including facilities provide to the public to wash their own vehicles.*

The use includes facilities commonly described as:

- *Garage; or*
- *Car wash.*

**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.*

RIGHTS OF APPEAL

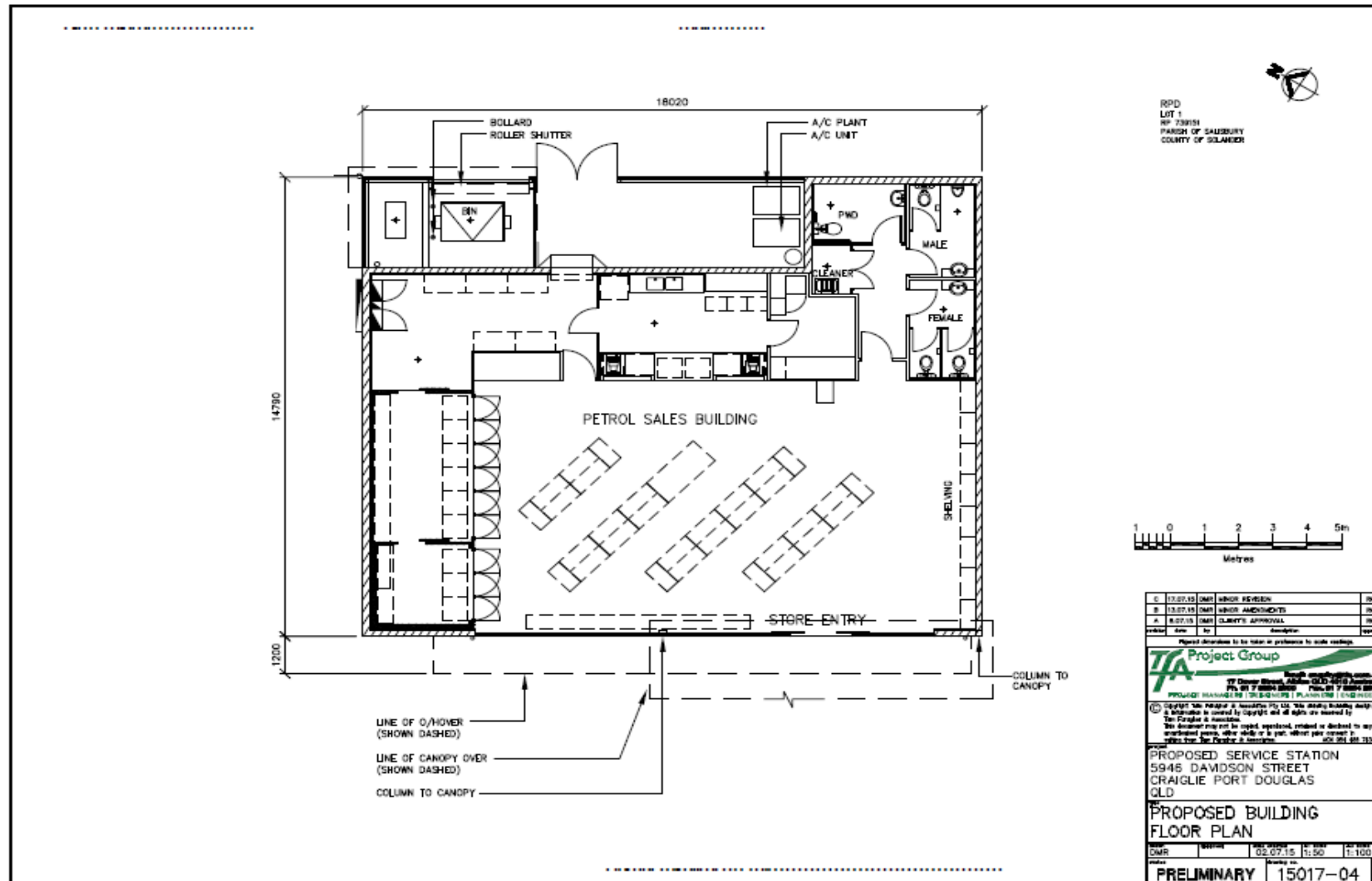
Attached

End of Decision Notice

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

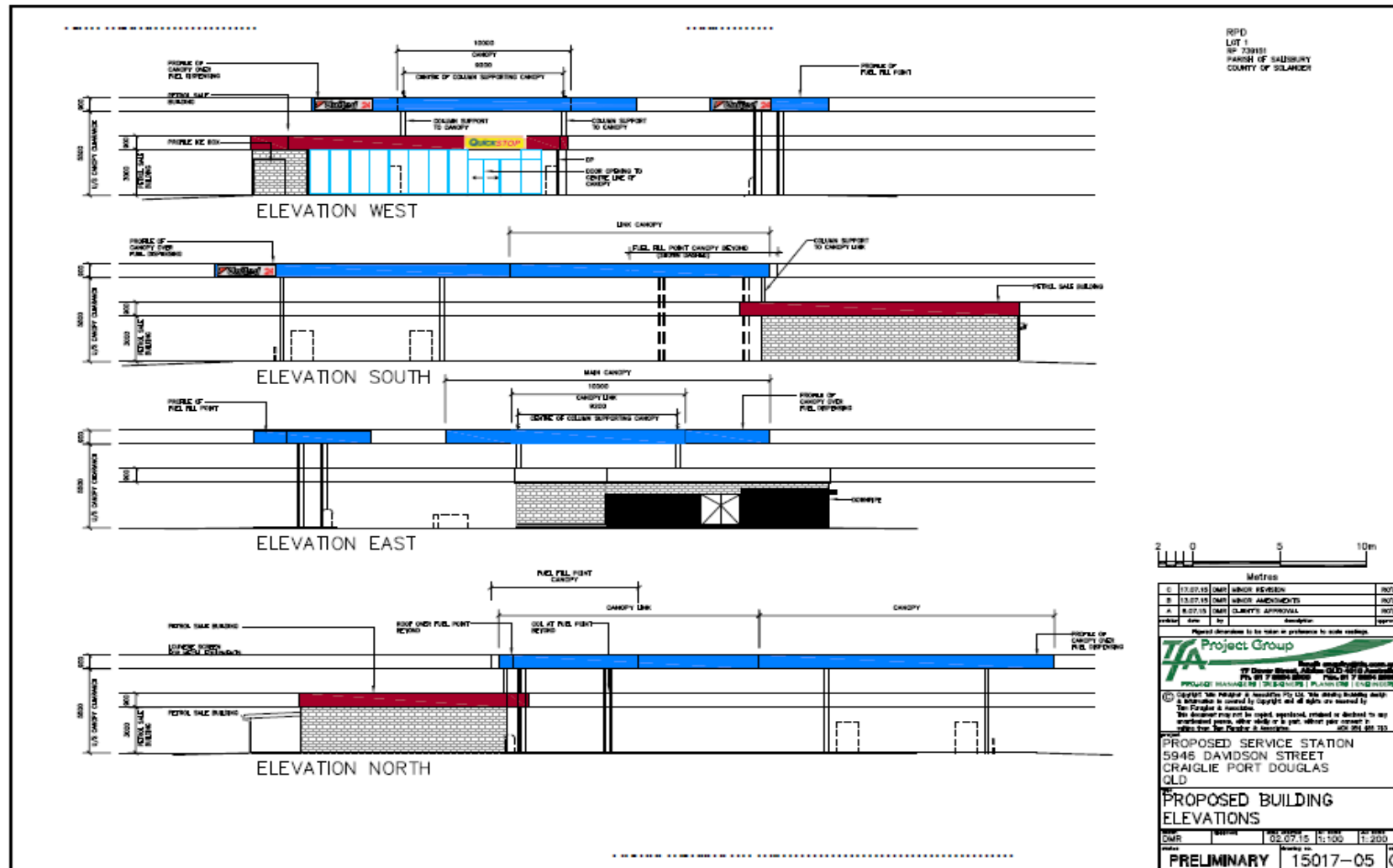


DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

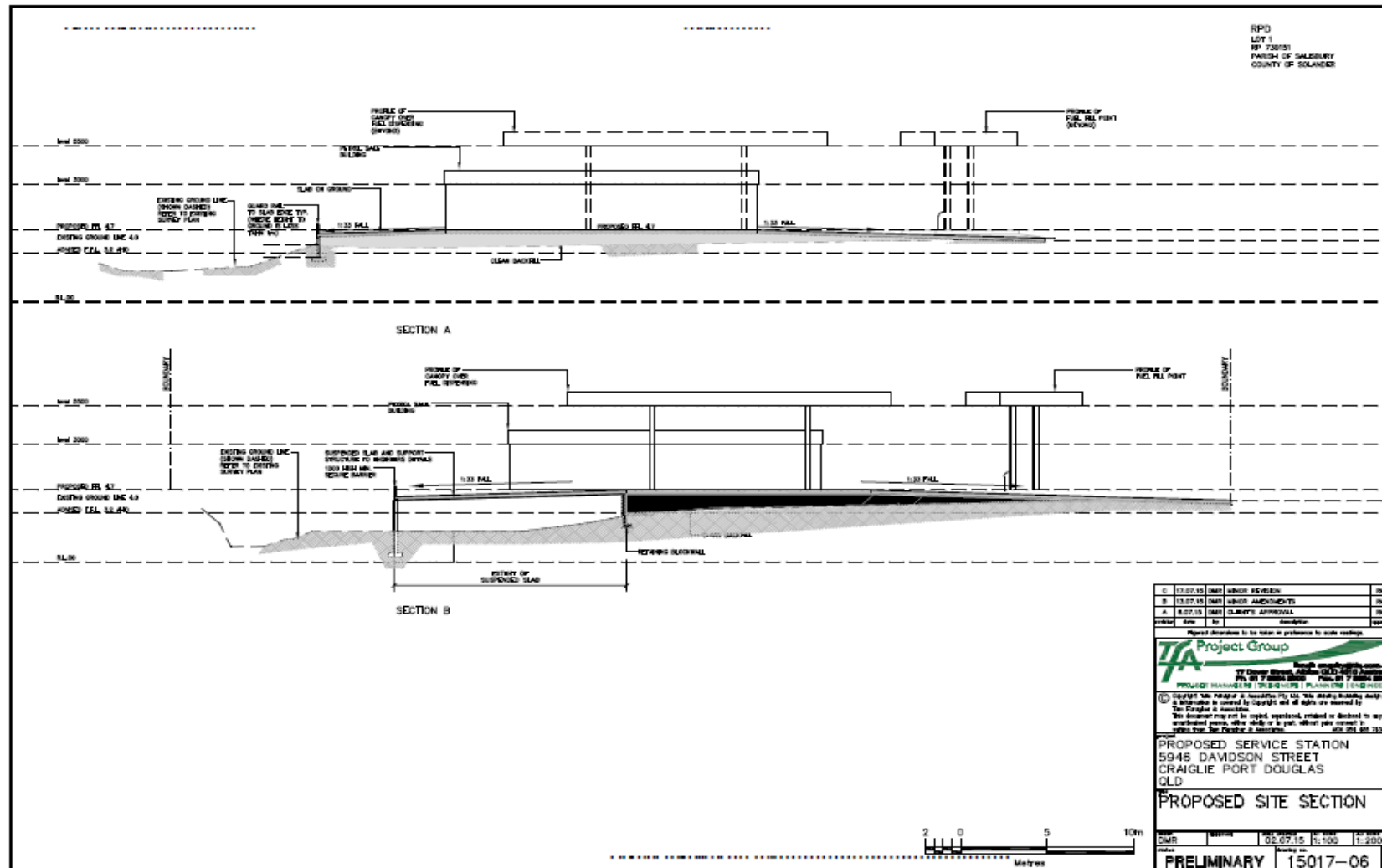


43.2006.4077
11/43

DECISION NOTICE DETAILS **SUSTAINABLE PLANNING ACT 2009**



DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009



APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0715-019587
Your reference: MCUI 004/06

27 July 2015

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873
enquiries@douglas.qld.gov.au

Dear Sir / Madam

Notice about request for permissible change—relevant entity

Development permit for a material change of use for the purpose of a service station, restaurant and ERA at 5946 Davidson Street, Craiglie and more particularly described as Lot 1 on RP739151

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 20 July 2015 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- Removal of the fast food restaurant from proposal.
- Reduction in GFA from 480m² to 229m².
- Reduction in car parking spaces from 29 spaces to 9 spaces plus a service bay.

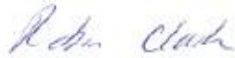
The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

Page 1

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

If you require any further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or via email bec.turner@dilgp.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

.....

Mrs Natalie Clark – Planning Officer
 Planning Services Section - ☎ (07) 4099 9456
 planning@dsc.qld.gov.au

MCUI 004/06

Lanwal Pty Ltd
 C/- C & B Group
 PO Box 1949
 CAIRNS QLD 4870

2 August 2007

INTEGRATED PLANNING ACT DECISION NOTICE

DEVELOPMENT APPLICATION

Applicant's Name	:	Lanwal Pty Ltd
Owner's Name	:	Lanwal Pty Ltd
Proposal	:	Material Change of Use for the purpose of a Service Station, Restaurant and ERA
Application Number	:	MCUI 004/06
Site Address	:	Davidson Street, Craiglie
Property Description	:	Lot 1 on RP739151, Parish of Salisbury, County of Solander

A. Decision: **Decision Date:** 7 August 2007

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use	Development Permit
------------------------	--------------------

.../2.

.....

-----2-----

C. Concurrence Agencies:

Department of Main Roads Peninsular District PO Box 6185 CAIRNS QLD 4870	See Appendix A
Department of Primary Industries & Fisheries North Region PO Box 1085 TOWNSVILLE QLD 4810	See Appendix B
Douglas Shire Council Environmental Health Services PO Box 357 MOSSMAN QLD 4873	See Appendix C

D. Advice Agency

Department of Natural Resources & Water PO Box 210 ATHERTON QLD 4883	No response provided
--	----------------------

E. Statement of Grounds for Approval

1. The restaurant is not a stand alone project, but in conjunction with a Service Station which is supportive of the Craiglie service industry precinct aims in Council's Planning Scheme.
2. The fast food offer proposed in conjunction with the service station is captured within the 'restaurant' definition in the Council's Planning Scheme.
3. A restaurant is considered impact (inconsistent) on this site in the Council's Planning Scheme – this does not mean that Council must automatically refuse the application (refer Integrated Planning Act 1997 – Councils must not prohibit development).
4. The fast food offer is to be undertaken in the same building as the service station – the developer will not be able to get approval for a 'service station' and 'restaurant' and then set up the 'restaurant' as a stand alone offer without getting further Council approval.
5. There is an overwhelming need for the proposed 'service station' and 'restaurant' (refer Reliance Petroleum advice).
6. The 'service station' and 'restaurant' uses are consistent with, and supportive of, the Craiglie service industry precinct aims in Council's Planning Scheme (they support and cater for the tourism and marine industries).
7. The 'restaurant' use, to be undertaken with the 'service station' use, is entirely consistent with Council's Planning Scheme.
8. The 'service station' and fast food offer proposed is consistent with contemporary practice for 'service centres' – this form of use is not reflected within Council's current Planning Scheme.

.../3.

-3-

F. Conditions

Plan of Development

- 1 The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Date
Building Layout	05162-09 Rev C	07/06/06
Site Layout	05162-04 Rev F	04/12/06
Typical Cross Sections	05162-08 Rev C	22/06/06
Building Elevations	05162-07 Rev E	18/01/06

Except where such plans are modified by the terms of this approval.

Currency Period

- 2 This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Landscaping

3. The following amendments are to be made to the landscape concept plan, numbered 8909-SD-L1.01 Rev 3, dated 23-02-2007 submitted with the proposed development:
 - a) Screening vegetation is to be provided along the front road boundary in the area marked with a dotted line on the abovementioned plan. Ground covers and low shrubs are not acceptable. Due to width of the road way, sight lines will not be compromised by screening vegetation.
 - b) Shade trees are planted at regular intervals (a minimum of one (1) shade tree is provided for every five (5) carp parks) throughout the car parking area, and adjacent driveways. Trees within the car parking areas have a minimum planting area the equivalent of one (1) car parking bay, with a minimum topsoil depth of 0.8 metres.

The amended plan is to be submitted to Council as part of an application for an operational works permit.

.../4.

 -4-

4. Landscape beds and trees are protected by garden edging, bollards or wheel stops.
5. A maintenance program is to be undertaken in accordance with the Maintenance Schedule outlined in Planning Scheme Policy No. 7 – Landscaping. Water runoff is re-used through draining of hard surfaces, turf garden beds and by minimising impervious surfaces on the Site.
6. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
7. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

Water Supply & Sewerage

8. The plans and specifications of the internal water supply must be submitted to Council at Building Works application stage for review.

This system must make provision for services to the boundaries of all lots, including main works, envelope pipes at cross street services and valve and hydrant markers and be designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

9. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development. All structures to be located within the 3 metre zone of influence to the sewerage main on Lot 1 are to be constructed with appropriately piered footings.
10. The applicant is to disconnect the existing water and sewer services into the site and re-instate with a new suitably sized service to cater for the proposed use.

Electricity and Telephone Services

11. All electrical lines along the full frontages of the subject site (Captain Cook Highway) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

.../5.

 -5-

Stormwater

12. The applicant is to provide an easement for drainage purposes over the creek located within the subject land and make provision for Council to obtain practical and legal access to this easement for maintenance purposes. This easement is to be transferred to Council as a drainage easement in fee simple at the applicant's cost.
13. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as the creek located within the northern boundary of the site. The approved use must not:
 - a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties.
 - c) Overland flow paths are not to be restricted by Landscaping works
14. Adequate drainage is to be provided to all paving, turf and garden beds, including the use of swales, spoon drains, subsurface drainage, field gullies, rock or pebble lined watercourses and stormwater connections.
15. The Applicant is required to install pollution control devices prior to the outlet of all points of discharge into the creek. The applicant is to install an energy dissipater and rock revetment to dissipate flows and prevent stream bank erosion at the points of discharge. Details of these works are to be provided for Council approval at Operational Works stage.

Contributions

16. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions (The Policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	3.0
Sewerage	3.0

.../6.

-6-

Car parking and Access

17. A car parking area with a minimum of thirty (30) spaces including one bay adjacent to the air pump shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.
18. Defined, safe pedestrian and bicycle pathways are provided to the building entry from the parking area and from the street, in accordance with the relevant provision of the Australian Standards.

Refuse

19. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

Footpath Damage Liability

20. All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

Advertising Devices

21. No Advertising Devices have been approved with this Development Permit. Should the applicant wish to erect any Advertising Devices in relation to the approved development, an Operational Works application is required to be submitted to Council.

Compliance

22. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

.../7.

-7-

Security

23. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$23,000.00. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Environmentally Relevant Activity

24. The applicant is required to comply with all the conditions of ERA 11(a) permit attached to this decision notice at Appendix C.

G. Submitter

Mrs T McNamara
31 Coral Drive
PORT DOUGLAS QLD 4877

H. Further Development Approvals Required:

Operational Work
Building Permit

Development Permit
Development Permit

Paul Trotman
General Manager – Development & Environment

Appendix A – DMR Concurrence Agency Response

30 March 2007

Mr T Melchert
Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCL
DOCUMENT NO.	
DATE	2 APR 2007
ATTENTION	NAC
INFORMATION	

Queensland
Government

Department of Main Roads

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)
Situated at Paws & Claws Vet Clinic, Captain Cook Highway, Craiglie
Lot 1 on RP 739151, Parish of Salisbury
Lanval Pty Ltd
Proposed Material Change of Use (Service Station & Restaurant) Application
Concurrence Agency's Response (conditions apply)

I refer to the above application received at the Department 15 November 2006 and 23 March 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Locations

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via an ingress only driveway located about 30m south of the centreline of the culvert under the Highway near the northern side boundary of the subject land and an egress only driveway near the southern side boundary of the subject land. The existing driveway located between the proposed separate ingress and egress driveways shall be permanently closed.
- (ii) No other direct vehicular access between the State-controlled road (i.e. Captain Cook Highway) and the subject land is permitted.

2. Road Access Works

North Queensland Region
Peninsula District
PO Box 6160
CAIRNS Queensland 4870
ABN 97 838 727 711

Current 4525A/102(1258A)
Your ref: MCL 00466
Enquiries: MALCOLM HANDEY
Telephone +61 7 4586 5611
Facsimile +61 7 4586 5438

- 2 -

- (i) Road access works at the permitted road access locations are required and shall be constructed in accordance with:

- the Department of Main Roads *Road Planning and Design Manual* and
- current Department of Main Roads standards.

The road access works require the provision of the following:

- an industrial crossover at the proposed ingress and egress driveways,
- removal of culvert and driveway between the proposed separate ingress and egress driveways and re-instatement of drain and landscaping,
- bitumen strip 3m wide and 50m long adjoining the existing edge of bitumen of the Highway on the opposite side,
- a deceleration lane for traffic north of the ingress driveway,
- an acceleration lane for traffic south of the egress driveway,
- the ingress and egress driveways sealed from the edge of bitumen to the property boundary, except for the existing concrete footpath,
- painted channelised right turn lane to the ingress driveway,
- hot bitumen and 7mm chip seal over double barrier lines to provide 10m long breaks to enable right-turning traffic to the ingress driveway and from the egress driveway, and
- nomination of trees proposed for removal within the Highway reserve, by location, species and size, indicated on plan and tagged onsite.

- (ii) The landowner/ applicant shall write to the Cairns office of the Department of Main Roads to obtain the necessary plans, forms and approvals for road access works prior to commencing works within the State-controlled road reserve (i.e. Captain Cook Highway).

- (iii) All road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the approved uses.

3. **Parking**

When calculating carparking requirements associated with the proposed development, no allowance shall be made for parking within the State-controlled road reserve (i.e. Captain Cook Highway).

4. **Advertising**

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

- 3 -

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely


(David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA

Appendix B – DPI Concurrence Agency Response



**Queensland
Government**

Reference: NFC/140600(236)

14 June 2007

Mr Paul Gleeson
Manager Planning Services
Douglas Shire Council
PO Box 357
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCH
DOCUMENT NO	
DATE	15 JUN 2007
ATTENTION	NAC
INFORMATION	

Dear Mr Gleeson

Concurrence agency response - operational works involving the disturbance of marine plants – Lanwal Pty Ltd

I refer to the application by Lanwal Pty Ltd, received on 27 November 2006 for an operational works approval for the removal, disturbance or damage of marine plants associated with construction of a service station at Craiglie.

On 14 June 2007, the application was approved subject to the conditions in the concurrence agency response

If you require any further information regarding this matter, please do not hesitate to contact Louise Johns on telephone 07 4057 3706 or email louise.johns@dpi.qld.gov.au.

Yours sincerely

Phil Hales
Manager (North)
Fisheries Habitat Management

**Profitable primary
industries for Queensland**

Mission Maximise the economic potential of Queensland primary industries on a sustainable basis

Northern Fisheries Centre
30-40 Trogas Street, Portmoresby
(PO Box 5399)
Cairns
Queensland 4870 Australia
Call Centre 13 25 23
Website www.dpi.qld.gov.au
ABN 78 342 564 039

Att: Concurrence Agency Response No. 2006CA0581; DPI&F Conditions; Drawing No. 8909-03 dated 2/2/07 titled "Site Plan Proposed Service Station Development Lot 1 on RP739151 Craiglie".

CC: Mr Ian Yarroll
General Manager, Fisheries and Aquaculture Development
Department of Primary Industries and Fisheries
GPO Box 48
BRISBANE QLD 4001
Attention: John Beumer

Steve Pollard
District Officer
Old Boating & Fisheries Patrol
PO Box 412
Port Douglas QLD 4873

Owen Dalton
C & B Group
PO Box 1949
Cairns Qld 4870

DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES CONDITIONS

Applicant(s)/Address: Landwal Pty Ltd of c/- C&B Group, PO Box 1949, CAIRNS, QLD 4870

Development: Operational works (disturbance of marine plants)

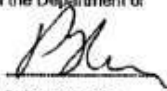
DPI&F Reference: 2006CA0681

File Number: NFC/140/000(836)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- 1 Works authorised under this approval is limited by the following:
removal of marine plants is approved within the development footprint detailed in Drawing No. 8909-3 dated 2/2/07 titled "Site Plan Proposed Service Station Development Lot 1 on RP739151 Craiglie".
- 2 Written notice of the date of commencement of fisheries development works must be provided to the District Officer, Queensland Boating and Fisheries Patrol Fax. No. 4099 5172 and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries Fax. No. 4057 3810 at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works.
- 3 A written report which details the completed fisheries development works must be provided within fifteen (15) days of the completion of the works, to the District Officer, Queensland Boating and Fisheries Patrol, PO Box 412, Port Douglas QLD 4877 and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries, PO Box 5396, Cairns, QLD 4870.
- 4 At least one (1) sign must be displayed around the development works site at the main entrance to the property, in a position where the sign is clearly visible to the public, for at least five (5) business days prior to the commencement, during and for 5 business days after all fisheries development works. The sign is to be removed 5 business days after the completion of the works. The sign must state:
"Operational works that is the removal, destruction or damage of marine plants authorised under Development Approval Conditions. DPI&F Reference No.2006CA0581, DPI&F tel: 4057 3700."
- 5 The boundaries of the approved fisheries development works area must be adequately marked (e.g. with corner pegs) to allow for ease of identification.
- 6 Marine plants authorised for removal and/or other material used in the development (e.g. debris, construction material, soil, etc.) are to be removed from the intertidal zone, unless the material is to be used in a restoration project accepted by chief executive of the Department of Primary Industries and Fisheries.


Delegate of the
Chief Executive

Date 14/6/07

Department of Primary Industries and Fisheries

Page 1 of 2

- 7 Any tidal land profiles disturbed by the development works are to be restored to pre-work levels following completion of works to promote natural restoration of marine plants and fish habitats.
- The restoration of tidal profiles includes the removal of any existing structures, within the approved fisheries development area, where those structures have been replaced, within six (6) months of completion of the new structure.
- 8 For the purposes of section 145 (c) (ii) of the Fisheries Act 1994 the place where works will take place is a place required to be open for inspection.

Basis for inclusion of conditions:

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the Fisheries Act 1994. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

Department of Primary Industries and Fisheries


Delegate of the
Chief Executive
Date 14/6/07
Page 2 of 2

CONCURRENCE AGENCY RESPONSE

This response is issued by the Department of Primary Industries and Fisheries pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*.

Development Application details:

Applicant's name:	Lanwal Pty Ltd
Applicant's address:	C/o C & B Group Level 1 26 Florence St Cairns Qld 4870
Proposed development:	Operational works involving the removal, disturbance or damage of marine plants associated with the construction of a service station
Description of the land:	Lot on Plan: Lot 1 on RP739151
Development application number:	06-00610
Development permit:	2005CA0581
File number:	NFC/140/000(836)

1. Response to Development Application

The Department of Primary Industries and Fisheries, acting as a concurrence agency under the *Integrated Planning Act 1997*, has assessed the above development application against the purposes of the *Fisheries Act 1994*.

It has been determined that the fisheries development permit application is approved with conditions (DPI&F Reference number: 2007CA0140) for which the conditions in the 'DPI&F Conditions' must apply.



Delegate of the
Chief Executive

Date: 14/6/07

Department of Primary Industries and Fisheries

Page 1 of 2

2. Conditions

Conditions imposed by the Department of Primary Industries and Fisheries are the conditions listed in the 'DPI&F conditions' attached.

3. Additional Information to applicants:

Cultural Heritage

Under the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from www.nrm.qld.gov.au.

Acid Sulfate Soil

Any soil disturbance resulting from development works should be managed to prevent acid sulfate soil development as outlined in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on 3896 9819 or access the website www.nrm.qld.gov.au.



Delegate of the
Chief Executive

Date: 14/6/07

Page 3 of 3

Department of Primary Industries and Fisheries

.....
Appendix C – DSC Env Health – ERA Conditions
.....



ENVIRONMENTAL SERVICES

MEMORANDUM

TO: Natalie Clark – Planning Officer
FROM: Environmental Health Officer
DATE: 21 June 2007
RE: Petrol Station for C Walker at Craiglie

Please insert the following conditions on any permit issued in relation to the subject application:

ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS

This Development Approval Consists of the following schedules:

Schedule A: General Conditions
Schedule B: Air Discharge Conditions
Schedule C: Water Discharge Conditions
Schedule D: Stormwater Management Conditions
Schedule E: Land Application Conditions
Schedule F: Noise Control Conditions
Schedule G: Waste Management Conditions
Schedule H: Self-Monitoring and Reporting Conditions
Schedule I: Definitions

..... ***SCHEDULE A – GENERAL CONDITIONS***

- (A1) Before an operational works permit is granted, application for a Flammable and Combustible Liquid Storage License must be submitted to Environmental Health Services. The application must be submitted with details plans outlining the installation of any tanks, the quantity to be stored on the premises, stormwater management plans, hours of operation, and supporting information relating to the minimisation of risks involved.
- (A2) In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused
- (A3) From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.
- ◆ The SBMP must address the following matters:
 - ◆ Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
 - ◆ Identification of environmental issues and potential impacts.
 - ◆ Control measures for routine operations to minimise likelihood of environmental harm.
 - ◆ Contingency plans and emergency procedures for non-routine situations.
 - ◆ Organisational structure and responsibility.
 - ◆ Effective communication.
 - ◆ Monitoring of contaminant releases.
 - ◆ Conducting environmental impact assessments.
 - ◆ Staff training.
 - ◆ Record keeping.
 - ◆ Periodic review of environmental performance and continual improvement.
- (A4) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
- (A5) Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- (A6) All Records must be kept for a minimum of 5 years.
- (A7) The Local Authority and EPA must be notified as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.
- (A8) A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition [A7]:
- ◆ the name of the operator, including their approval / registration number;
 - ◆ the name and telephone number of a designated contact person;
 - ◆ quantity and substance released;
 - ◆ vehicle and registration details;
 - ◆ person/s involved (driver and any others);
 - ◆ the location and time of the release;
 - ◆ the suspected cause of the release;
 - ◆ a description of the effects of the release;
-

- ♦ the results of any sampling performed in relation to the release,
 - ♦ actions taken to mitigate any environmental harm caused by the release; and
 - ♦ Proposed actions to prevent a recurrence of the release.
- (A9) A competent person(s) must conduct any monitoring required by this approval.
- (A10) All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.
- (A11) An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site.
- (A12) All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

SCHEDULE B – AIR DISCHARGE

- (B1) The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place.
- (B2) No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place.
- (B3) No incineration or open burning is to be carried out on the approved place.

SCHEDULE C – WATER DISCHARGE

- (C1) Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- (C2) Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

SCHEDULE D – STORMWATER MANAGEMENT

- (D1) Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D2) Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.

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- (D3) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- (D4) All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to an approved septic sewer system.

SCHEDULE E – LAND APPLICATION

- (E1) The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.
- (E2) Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

SCHEDULE F – NOISE CONTROL

- (F1) Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- (F2) The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.
- (F3) When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
- ◆ airblast overpressure (dB (Lin) Peak);]
 - ◆ LA 10, adj, 10 mins
 - ◆ LA 1, adj, 10 mins
 - ◆ the level and frequency of occurrence of impulsive or tonal noise;
 - ◆ atmospheric conditions including wind speed and direction;
 - ◆ effects due to extraneous factors such as traffic noise; and
 - ◆ location, date and time of recording.

SCHEDULE G – WASTE MANAGEMENT

- (G1) Waste must not be released to the environment or disposed contrary to the condition of this development approval.
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(G2) Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.

(G3) Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

SCHEDULE H – SELF-MONITORING

(H1) All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:

- ◆ time and date of complaint
- ◆ contact details of the complainant
- ◆ response and investigation undertaken as a result of the complainant
- ◆ name of person responsible for investigating complaint
- ◆ action taken as a result of the investigation of the complaint

(H2) As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the condition of this development approval, the holder of this development approval, to their operator on site must notify the administering authority of the release by telephone or facsimile.

(H3) The notification of emergencies or incidents as required by condition H2 must include but not limited to the following:

- ◆ the name of the holder of this development approval
- ◆ the location of the emergency or the incident
- ◆ the name and telephone number of the designated contact person
- ◆ the time of release
- ◆ the time the holder of the development approval became aware of the release
- ◆ the suspected cause of the release
- ◆ the environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
- ◆ actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

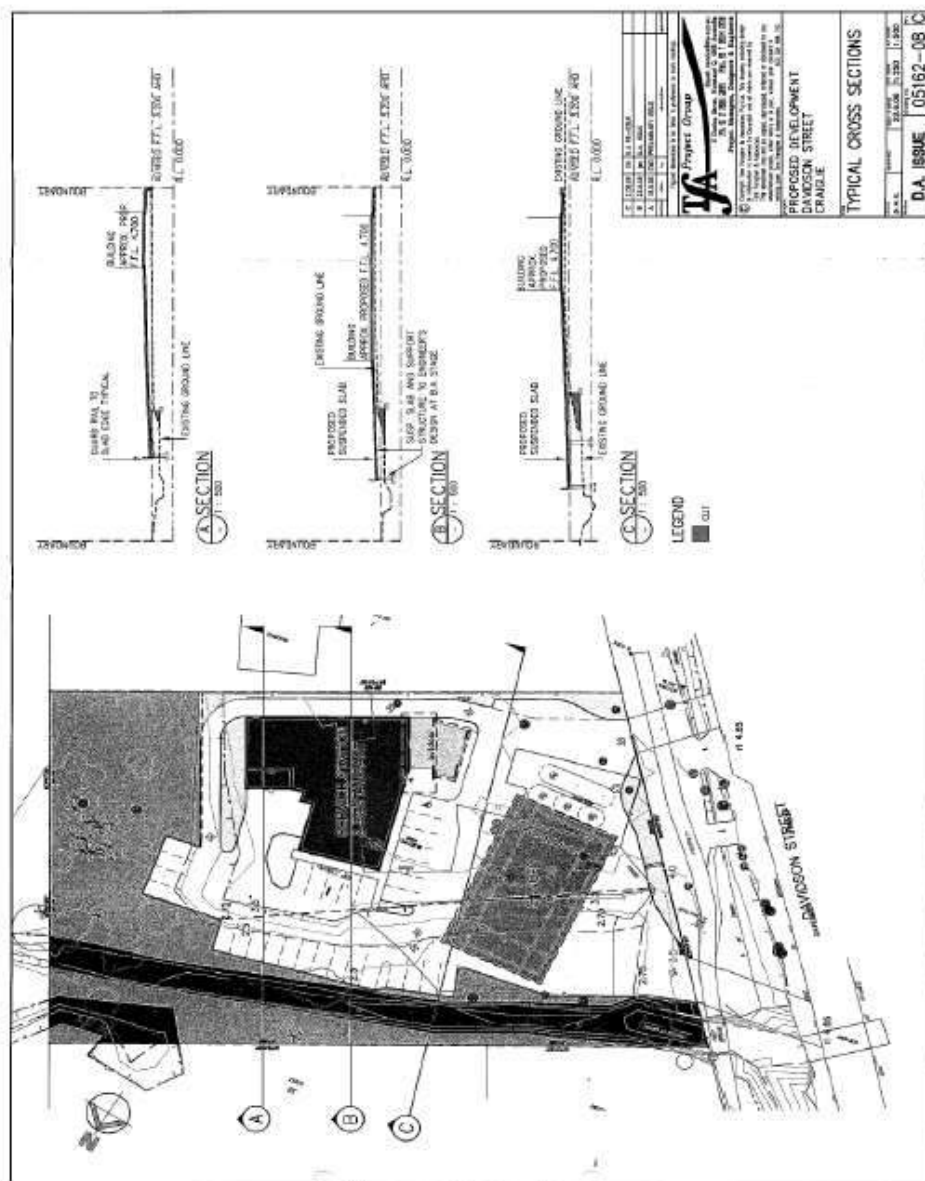
SCHEDULE I – DEFINITIONS

(I1) For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.

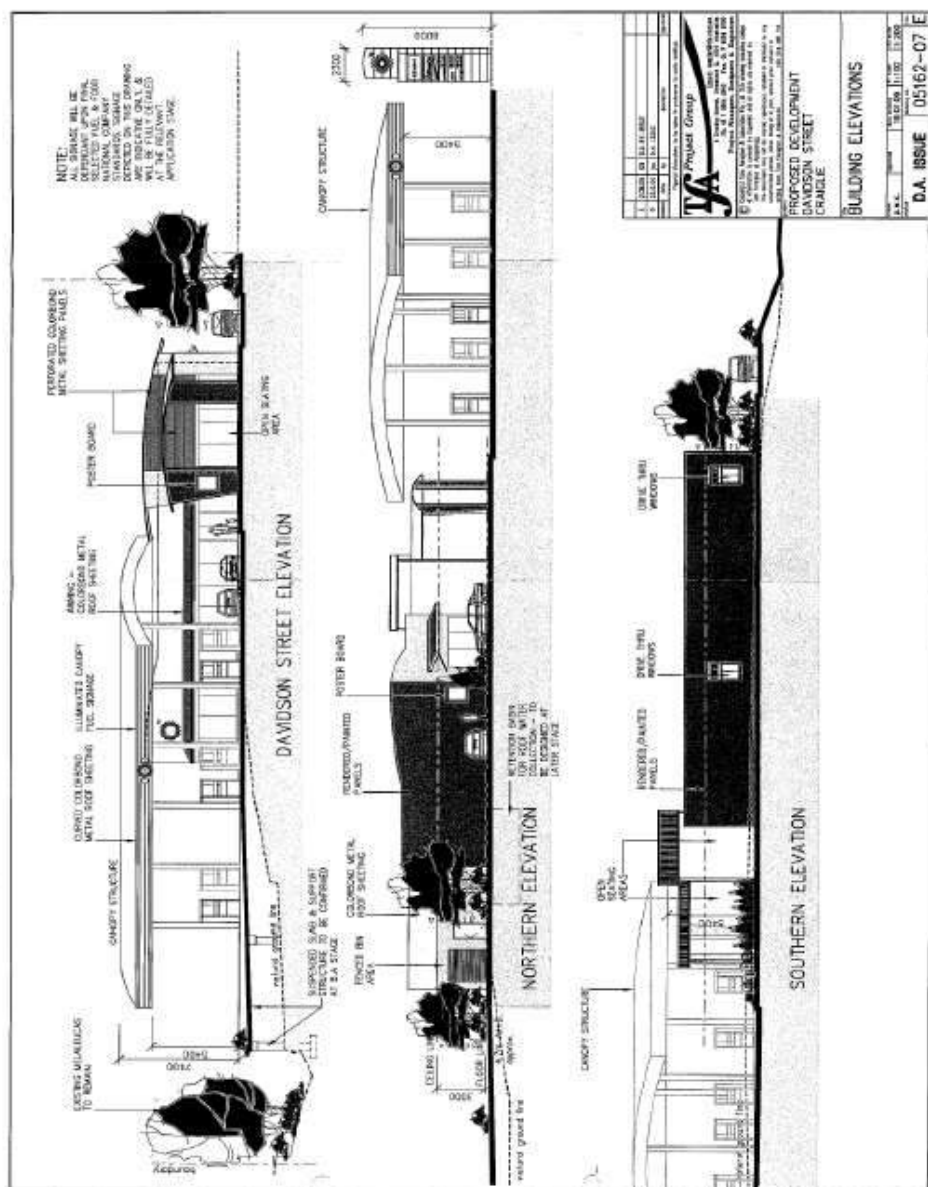
(I2) In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that term, the meaning conferred in the definitions schedule of this development approval must apply.

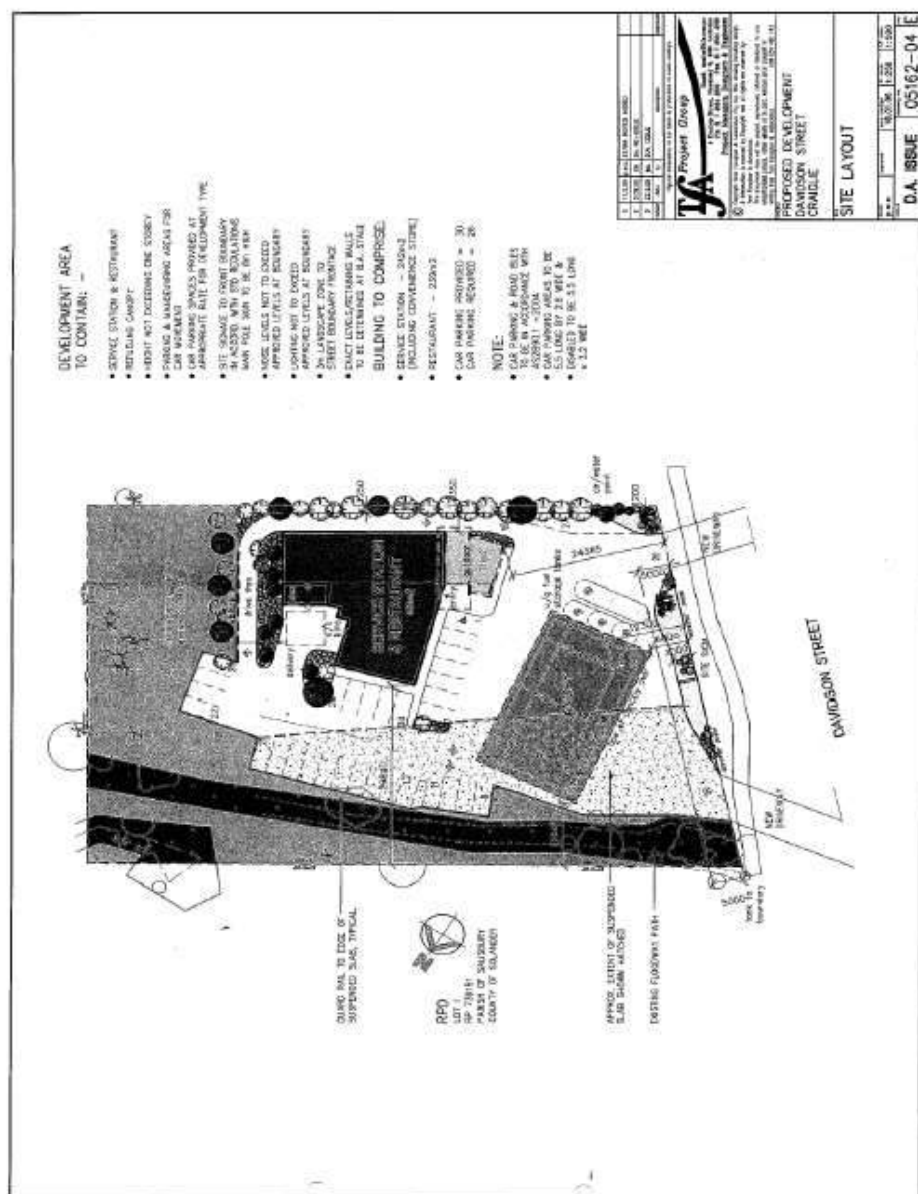
(I3) For the purpose of this development approval the following definitions apply:
 “Act” means the Environmental Protection Act 1994
 “Administering Authority” means the Douglas Shire Council or its successor

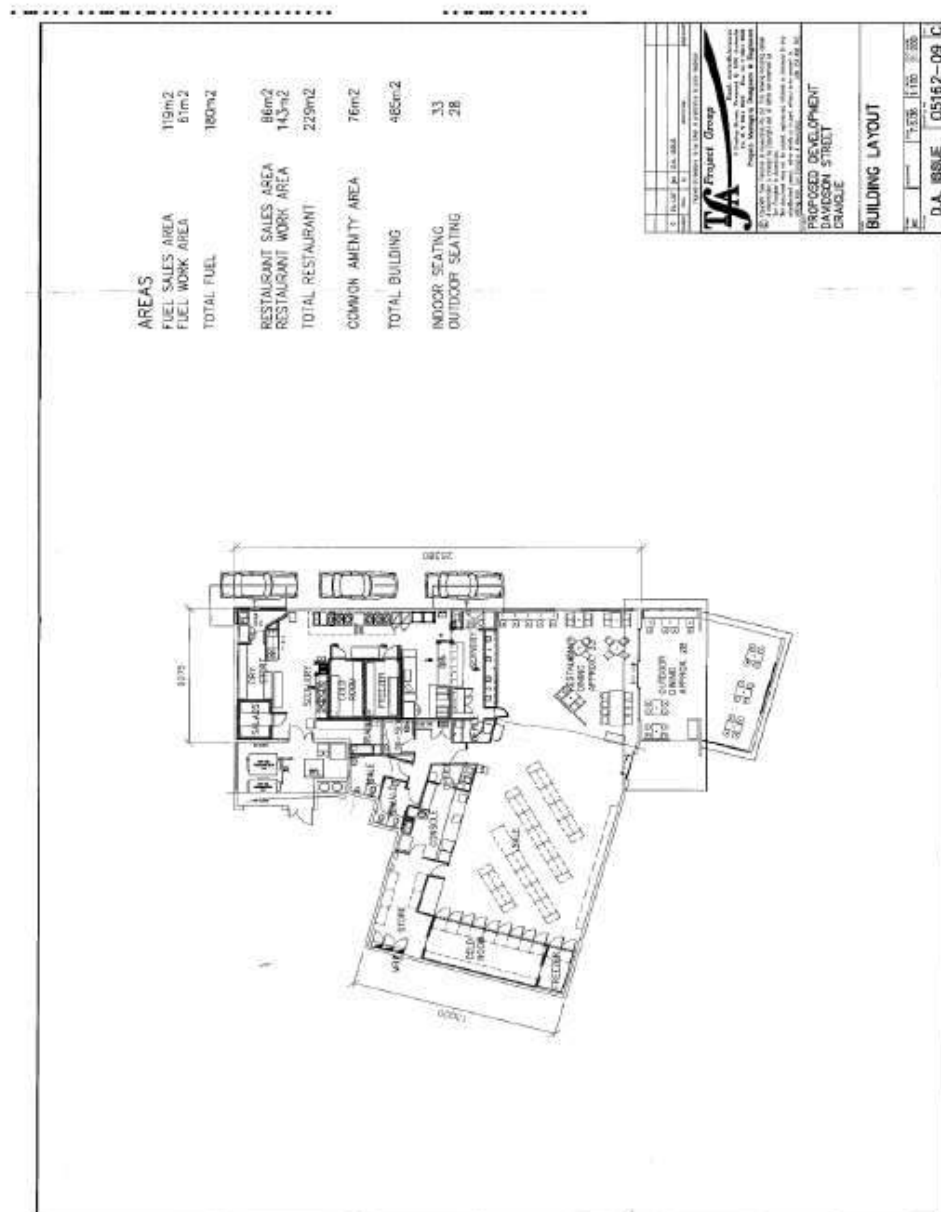
Appendix D – Plans of Development

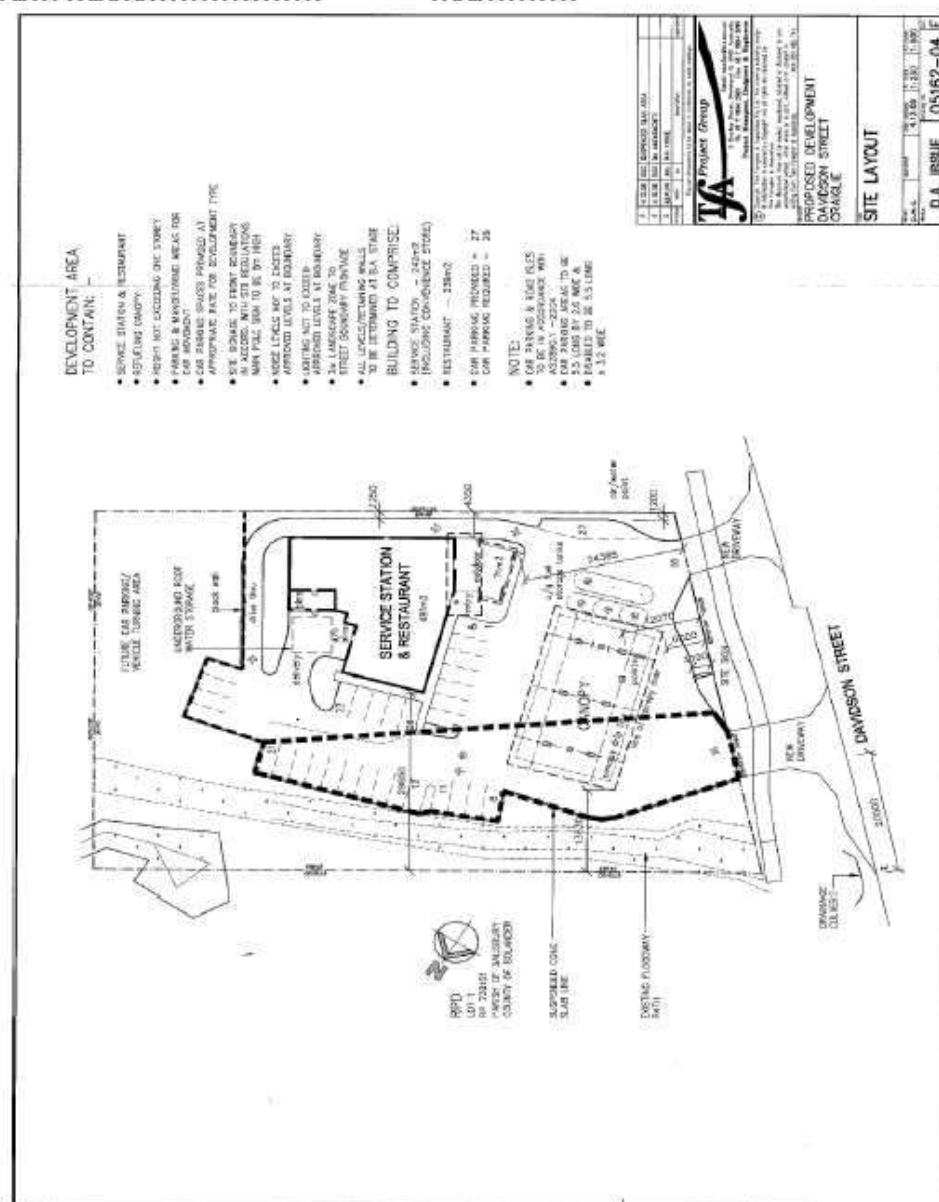


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~~s 4.1.27~~ ~~147~~ s 4.1.28
Integrated Planning No. 69, 1997

Division 8 – Appeals to court relating to development applications

Appeals by applicants

- 4.1.27. (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

s 4.1.36	131	s 4.1.39
<i>Integrated Planning</i>		

Division 10 – Making an appeal to court

How appeals to the court are started

- 4.1.39
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).