

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

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

9 February 2024

Enquiries: Jenny Elphinstone

Our Ref: CA 2008\_2876/2 (Doc ID 1209578)

Your Ref: CA 2876/2008

IPDG (S2) Pty Ltd C/- RPS AAP Consulting Pty Ltd PO Box 1949 CAIRNS QLD 4870

Email: owen.caddick-king@rpsgroup.com.au

Attention Mr Owen Caddick-King

Dear Sir

# **Corrected Decision Notice**

# Extension Application for Part of CA 69 (Reconfiguring a Lot - 1 lot into 17 lots) At Beor Street Craiglie on Land Described as Lot 100 on SP248126

Please find attached the Corrected (Second Correction) Decision Notice for the abovementioned development application.

Please quote Council's application number: CA 2008\_2876/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully

For Paul Hoye

**Manager Environment & Planning** 

cc. State Assessment and Referral Agency (SARA) **E**: <u>CairnsSARA@dilgp.qld.gov.au</u> encl.

- Decision Notice
  - Approved Drawing(s)
  - o Reasons for Decision
- Advice For Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Appeals (Infrastructure Charges)



# Corrected (Second Correction) Decision Notice Approval

# Given under s 87 of the Planning Act 2016

# **Applicant Details**

Name: IPDG (S2) Pty Ltd

Postal Address: C/- RPS AAP Consulting Pty Ltd

PO Box 1949 Cairns Qld 4870

Email: <a href="mailto:owen.caddick-king@rpsgroup.com.au">owen.caddick-king@rpsgroup.com.au</a>

# **Property Details**

Street Address: Beor Street Craiglie
Real Property Description: Lot 100 on SP: 248126
Local Government Area: Douglas Shire Council

# **Details of Proposed Development**

Extension application to the currency period for a further four years for the Reconfiguring a Lot (1 Lot into 17 Lots) on part of the land being Lot 100 on SP248126, located at 100L Beor Street Craiglie up to 22 February 2028.

# **Decision**

Date of Decision: 9 February 2024

Decision Details: The extension of currency is approved for a further four years

to the reconfiguration of a lot (1 into 17 lots) component and only to part of the land being Lot 100 on SP248126 up to and

including the 15 February <del>2024</del> 2028.

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

Copies of the associated ROL plan – as previously approved is enclosed.

# **Existing Approval**

A copy of the approval is enclosed.

# **Further Development Permits**

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

All Operational Work

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

# **Currency Period for the Approval**

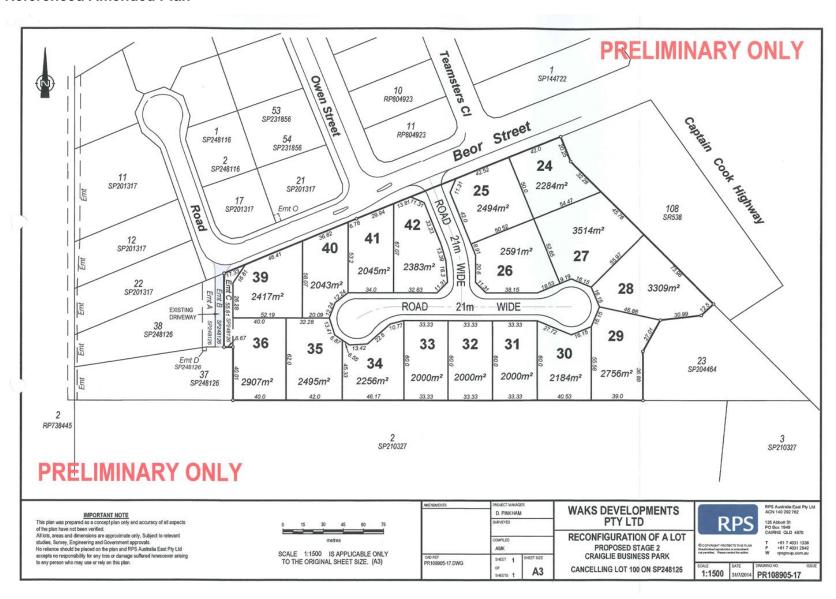
This approval, granted under the provisions of the *Planning Act 2016*, shall <u>lapse</u> after the 15 February <del>2026</del> 2028 in accordance with the provisions of the *Planning Act 2016*.

# Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

# **Referenced Amended Plan**







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

> Administration Office 64 - 66 Front St Mossman

> > P 07 4099 9444 F 07 4098 2902

13 March 2018

Enquiries: Our Ref: Jenny Elphinstone CA 2876/2008 (Doc ID 844696)

Your Ref:

J000631:IPDG:KLG

IPDG (37/38) Pty Ltd and IPDG (S2) Pty Ltd

C/- Gilvear Planning Pty Ltd

PO Box 228

**BABINDA QLD 4861** 

Attention Ms Kristy Gilvear

Dear Madam

APPLICATION FOR EXTENSION OF RELEVANT PERIOD FOR RECONFIGURING A LOT (1 LOT INTO 19 LOTS) AND PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR SERVICE INDUSTRY AT 43, 45 AND 100L BEOR STREET CRAIGLIE ON LAND DESCRIBED AS LOTS 37, 38 AND 100 ON SP248126

Thank you for lodging the above application with Council on 7 February 2018.

Please find attached the Decision Notice.

Please quote Council's application number: CA 2876/2008 (41.2008.2876.1) in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully

**PAUL HOYE** 

Manager Sustainable Communities

cc. SARA Cairns: Department of State Development, Manufacturing, Infrastructure and Planning, CairnsSARA@dilgp.qld.gov.au

encl.

Decision Notice

# DECISION NOTICE — APPROVAL (GIVEN UNDER SECTION 87 OF *THE PLANNING ACT 2016*)

Thank your for your development application detailed below which was properly made on 7 February 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

# 1. Applicant's details

Name:

IPDG (37/38) Pty Ltd and IPDG (S2) Pty Ltd

Postal Address:

C/- Gilvear Planning Pty Ltd

PO Box 228

BABINDA QLD 4861

# 2. Location details

Street Address:

43, 45 and 100L Beor Street, Craiglie.

Real Property Description:

Lots: 37, 38 and 100 on SP248126.

Local Government Area:

Douglas Shire Council.

# 3. Details of proposed development

Extension application for the combined development approvals for Reconfiguring a Lot (1 Lot into 19 Lots) and a Preliminary Approval for a material change of use for the Special Management Area 3 (Service Industry Craiglie) over land described as Lot 37, 38, 100 on SP248126, located at 43, 45 and 100L Beor Street Craiglie, up to and including 15 February 2022.

Date of decision:

13 March 2018.

Decision details:

Approved.

# 4. Approved Development

A copy of the approved development is included in Schedule 1.

# 5. Further development permits

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

- All Building Work; and
- All Operational Work.

Please be advised that approvals are also required for work under the *Plumbing and Drainage Act* 2002.

# 6. Properly made submissions

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

# 7. Referral Agencies

A copy of the Decision is issued to the Referral Agency the Department of State Development, Manufacturing, Infrastructure and Planning, for the Department of Transport and Main Roads.

# 8. Currency period for the approval

This development approval has a currency period up to and including the 22 February 2022.

# 9. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in Schedule 2.

# SCHEDULE 1 - CURRENT APPROVAL



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

Administration Office

64 - 66 Front St Mossman

31 October 2017

Enquiries: Phone: DSC Reference: Your Ref: Jenny Elphinstone (07) 4099 9482 CA 2876/2008 (C#8)2401 J000085 Waks P 07 4099 9444 F 07 4098 2902

WAKS Developments Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 BABINDA QLD 4861

Attention Ms Kristy Gilvear

Dear Madam

CORRECTED DECISION NOTICES
REQUEST TO CHANGE THE APPROVAL
REQUEST TO EXTEND RELEVANT PERIOD
AT 43, 45 AND 100L BEOR STREET CRAIGLIE
LAND DESCRIBED AS LOTS 37, 38 AND 100 ON SP248126

Reference is made to the Development Approval for a combined development for:

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

The approval was originally issued by the former Douglas Shire Council on 13 August 2007.

A request to change the approval was approved by Council at its Ordinary Meeting held on 5 May 2015 and a request to extend the reconfiguration of a lot component was approved by Council at its Ordinary Meeting held on the 8 September 2015. The Decision Notices that were issued on 8 May 2015 and 11 September 2015 incorrectly referred to the originating approval as CA 61 instead of CA69 and the incorrect original approval was attached to the issued Notices. The enclosed Corrected Decision Notices amend the clerical errors and replace the Decision Notices issued on 8 May 2015 and the 11 September 2015.

For clarification please note the reconfiguration of a lot component is valid up to and including 25 August 2019. The preliminary approval component was originally valid up to 13 August 2017. However, as two subsequent and related approvals were issued to the land the Preliminary Approval is now valid up to and including the 15 February 2018.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

# TRACEY CROUCH A/Manager Sustainable Communities

cc. CairnsSARA@dilgp.qld.gov.au

encl.

- Corrected Decision Notice request to change (ROL component)
- Corrected Decision Notice request to extend (ROL component)

# DOUGLAS SHIRE COUNCIL CORRECTED DECISION NOTICE — COMBINED APPROVAL REQUEST TO CHANGE (GIVEN UNDER SECTION 83 OF THE PLANNING ACT 2016)

Douglas Shire Council assessed your application and decided it as follows:

# 1. Applicant's details

Name: Postal Address: WAKS Developments Pty Ltd C/- Gilvear Planning Pty Ltd

PO Box 228

BABINDA QLD 4861

# 2. Location details

Street Address:

43, 45 and 100L Beor Street, Craiglie Lots 37, 38 and 100 on SP248126

Local Government Area:

Real Property Description:

Douglas Shire Council

# 3. Details of proposed development

Request to change the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry).
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

# 4. Decision

Date of decision:

5 May 2017

This Decision Notice issued 31 October 2017 replaces the

Decision Notice dated 8 May 2015.

Decision details:

# 1. Condition 20 is amended as follows:

# 20. Plan of Development

The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No	Date
Proposal Plan	8294	24/9/06
(stage 2)	40	
Reconfiguration of	RPS Drawing No.	31 July 2014
a Lot, Proposed	PR108905-17	
Stage 2 Craiglie		
Business Park		

# DOUGLAS SHIRE COUNCIL CORRECTED DECISION NOTICE — COMBINED APPROVAL REQUEST TO CHANGE (GIVEN UNDER SECTION 83 OF THE PLANNING ACT 2016)

Douglas Shire Council assessed your application and decided it as follows:

# 1. Applicant's details

Name: Postal Address: WAKS Developments Pty Ltd C/- Gilvear Planning Pty Ltd

PO Box 228

BABINDA QLD 4861

# 2. Location details

Street Address:

43, 45 and 100L Beor Street, Craiglie Lots 37, 38 and 100 on SP248126

Real Property Description: Local Government Area:

Douglas Shire Council

# 3. Details of proposed development

Request to change the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

# 4. Decision

Date of decision:

5 May 2017

This Decision Notice issued 31 October 2017 replaces the

Decision Notice dated 8 May 2015.

Decision details:

# 1. Condition 20 is amended as follows:

# 20. Plan of Development

The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No	Date
Proposal Plan	8294	21/9/06
(stage-2)	40	
Reconfiguration of	RPS Drawing No.	31 July 2014
a Lot, Proposed	PR108905-17	
Stage 2 Craiglie		
Business Park		

- A new condition, 29A, is inserted after Condition 29 as follows:
  - 29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

- 3. A new Condition 33A is inserted after Condition 33 as follows:
  - 33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.
- Condition 38 is amended as follows:
  - Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m² to the Paws and Claws organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated in the plan of development.

Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complimented with a financial deed of gift of \$200 000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

# 5. Original Approval

A copy of the original approval (CA 69 issued by the former Douglas Shire Council on 13 August 2007) is included in Schedule 1.

# 6. Concurrence Agency

The State Department of Infrastructure and Planning (former concurrence agency Department of Main Roads), Refer to Schedule 3.

# 7. Further development permits

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

- All Building Work
- All Operational Work

Plumbing approvals are also required for all plumbing work.

# 8. Properly made submissions

There were no properly made submissions for this application.

# 9. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 4.

**END DECISION NOTICE** 

# SCHEDULE 1 - ORIGINAL APPROVAL



Mrs Matalic Clark — Francian (1978-2) Planning Services Section - 置 1973 4029 9435, paneingsoder yld gin as:

1 4 80

Hanagan Consulting Group PO Box 5820 CAIRNS QLD 4870

Di August 2007

# INTEGRATED PLANNING ACT DECISION NOTICE

# DEVELOPMENT APPLICATION

Applicant's Name

Waks Pty Ltd.

Change's Nume

Waks Pty Ltd.

Proposit

A Reconfiguration of a Lot to create 19 Luts
H. Preliminary Approval for a Material Change of Use to
permit uses consistent with Industry (Service Industry)
C. Development Permit for a Material Change of Use for the purpose of Inscredic Amand Hurbandry (Kennel-Cattery) and Caretaker's Residence

Application Number

CAM

Hear Sarset, Coniglic

Property Description

1 Lot 83 on SR 724. Parish of Salasbury: County of Solander

Decision:

Site Address

Decision Date: 7 August 2007

This acgorizated decision matter replaces the decision notice dated 19 May 2007. Condition 18 has been amended. All other cuadifions remain unchanged.

Approved subject to Conditiess

ADMINISTRATION CENTRY PROMISE OF FACILITY ACCIDENCES OF ALL COMMUNICATIONS OF MALL COMMUNICATIONS OF THE MALL COMMUNICATION OF THE MALL COMMUNICATIO

2. Type of Development Approval:

Material Change of Use Reconfiguration of a Lot Material Change of Use Development Permit Development Permit Prelimbary Approval

3. Referral Agency:

Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870

4. Conditions

# MATERIAL CHANGE OF USE (Intensive Animal Husbandry & Caretaker's Residence)

# Plan of Development

 But approved development and the conduct of the approved use, the contribution of any tracks 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 Planes of Development:

File 1	Plan Mis	Dage
Overall Site Flan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout - Elevations, Sections, Images	SD 63	Sept. 05

Except where each plans are readilied by the terms of this approval.

# Carnetty Period

2 This development approval lapses four (4) years after the day that the development approval takes officet, unless extended under Section 3.5.22 of the Integrated Planning Act 1992.

# Landscaping

The Lindscaping plan submitted with the proposed development referenced as:

Tide Visc No. Date	
Title Plan No. Date	- 1
Enndscape Plan 5D41 -	- 1

Has been approved, as post of this development, except where otherwise stated as a condition of this approval

- The maner developes shall be responsible for all maintenance work for a period of beauty-less (24) mustles. Contact will not accept the landscaping off maintenance until it meets the requirements of Council's bagineering Services. Irrigation for external landscaping shall be transferred to Council's reticulated scates.
- system prior to landscaping being accepted as off maintenance.

## Sewerage

- No addational external structional books are permitted to be applied to Council's existing sover as a consequence of the approved development
- Animal factor see to be collected on vite and disposed of in the general refuse.
- No animal lawyes are to be placed into the newer

# Electricity and Telephone Services

All electrical lines along the full frontages of the subject site (usuarmed proposed cul desuc) are to be placed underground. These works are to be undertaken by Engus Energy at the developers/owners expense and are to be completed great to commencement of the approved test.

### Stormwater

- All sucromanics run-off from new permeable surfaces and well areas occurring on the sale must be collected within the premises and discharged to the legal and practical point of discharge which has been requirested as unsurred road. The approved use must not
  - Interfere with the natural flow of stormwater;
  - Course possibing of attenues also undisplaced properties

### Carparking

A carparking area with a manimum of votices (16) spaces shall be constructed, scaled, drained and line marked in accordance with the relevant Australian Standard, and the argumoved plan of development and maintained free-calter.

A waste storage area is to be available on site in a location approved by the Manager Favirosamental Health Services. The storage area is as be of sufficient size to house all makele partiage (wheeler) ions including recycling bias. The storage area is to be suitably paived, with a bose cook litted in those proximity to the enclosure and drain to server visi a legal server engacetion

# Compliance

All combiners shall be complical with price to the excurance of the building for the approved use or communication of the approved use or communication of the approved test on the land. Any developer

security, associated with this approved will not be released until all conditions of approval are completed with.

# Construction Requirements

- All construction works are to be corried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998.
- 15. Adequate facilities must be provided dusing construction to constain all size refuse. Excitities should be dealgoed to preyent lunce stems of refuse being displaced by wind forces or being washed off size.
- 16. All liquid wastes generated during construction of the premises should be muniqued so that they are not permitted to enter a roadside outer, storowater drain or a water tool.
- 17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to source or stermwater systems and should be dispused of using the services of a trade waste contractor or other approach disposal agency.
- 18. All sites are to be provided with rediction control measures to prevent any run-off of mod, silt or rand to stormwater. (I uribe advice on rediment control can be obtained by contacting Found's Environmental Realth Services Section for a free booklett.
- 19. The applicant is to provide an Acoustic Report prepased by an Acoustic Engineer that demonstrates that measures proposed to be installed on the kennel site will be adequate to radigate potential souse radiantee as defined by the Erastromacreal Protection Regulation 1998.

# RECONFIGURING A LOT

# Plan of Development

26 The approved plan of reconfiguration and carrying out of my works on the permises associated with this development must be in accordance with the following approved plants at reconfiguration.

Litle	Plan No.	Date
Proposal Plan (Stace 2)	8294-10	23/9436

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

# Water Supply

24. The plans and specifications of the internal water supply must be submitted to Conneil at Operational Weeks application stage for this reconfiguration for review.

This system most make gravision for services to the bourdaries of all lots, including main works, enveloper pipes at cross street services and valve and hydront markers and be

- designed in secondance with the requirements of Planning Policy Nich "Planning Scheene Policy No.6 "FNQROC Development Manual".
- I he developes cause provide a new water supply connection for proposed Lata 24 47. The design and specifications for the new connection must be submitted to Cosmeil for its approval prior to the lodgement of the Survey Plan for endurement
- 23. The developer is responsible for the external works to connect the site with Council's water
- 24. The developer shall be sensited to provide a 20mm dazmeter water service to the hotendary of each lot to be excessed, together with the loogment with Council of an amount equivalent to the tool of completing each service with a water mater. The service connection to the Cosmeil water main will remain closed until such time as the respective lot precision and/or application to have the service operative. At this trans, Crossed will small the water treater and turn the flow of water on through the service at na cost to the said lot number of the service. gun chaser

The amount hodged by the applicant shall be placed in Council's Erast Lund and is so be saided when applications are received from the allotment putchasers for a valer service connection

- The plans and specifications of the internal sewerage works must be submitted to Council
  at Operational Works application stage for approval
- 26. The developer must provide a new sewerage connection for proposed Lots 24 42. He design and specifications for the new connection must be submitted to Council for its approval prior to the following of the Survey Plan for unlesserted.

# Electrical & Tylephone Services

- 27 Paren to the approval of the Plan of Survey, the Developer sums velouit to Council a crapy of a letter from Ergon Ergopy stating that satisfactory agrangements have been made for the provision of

  - (a) an underground visc trival supply to each lot, and
    (b) street lighting in occurriance with Council's adopted standards.
    (c) locating of all above ground transference cubicles clear of footpath and punktood.
- 28. Prior to the appeaval of the Plan of Status: the Developes must otheric in Courteil a cupy of a letter from Telsita stating that satisfactory anonymness have been made for the Paterisson of

  - an underground telephone service to each lot, and
     bocating of all above ground swetching station cubactes clear of bodpath and
    published areas.

# Stormwater Drain\*ge

The Developers are required to place pollution control devices in sturmwater drains in accordance with the requirements of Planning Publey No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". The design and location of these devices must be salurated at Operational Works application stage.

# Operational Works Development Permit

- The developer must submit as pan of an application for a Development Permit for Operational Works information and plans in accordance with Section API "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC" Development Manual". Currescy Period
- The development authorised by this Development Pennit must cease at the experation of tous (4); cans from the day that this Development Pennit takes effect under the Integrated Planning Act 1997 unless a detailed plan of survey has been holged with Council for endorsement and all conditions of this approval complied with

# Compliance with Conditions

Hs: Plan of Survey with associated documents shall not be endorsed by Council with Cambrions 20 to 18 have been complied with

# Road Works

- The developer must makerake the following works:

Internal Provision is to be made for the following works in accondance with Planning Policy No.6 "Planning Schone Policy No.6 "FNQRUC Development Manast" for Industrial Access Roads.

- i. Unnemed Roads
- Kerb and channelling along the fall langue of the frontage:
- Fall width blamser surface:
- Footcaths:
- Underground Drainage

(b) External Provision is to be made for the following works external to the site in accordance with Plansing Policy No.6 "Plansing Scheme Policy No.6 "PSORTH" Development Manual "for Industrial Collector Roads.

- Henr Street
   Kerb and charactleng along the first bright of the frontinge;
  - Construction of read shoulders, to full width:
  - Fooipaths;
  - Underground Dialoge

The plans and specifications of the internal and external read works must be submitted to Council at Operational Works application stage for review

34. All damage to the road anchor road reserve adjacess to the sate as a result of, or in connection with this development must be reposted by the development, at their experse, prior to completion of works associated with the development.

# Environmental Management Plan

15 The Developer is to submit with the application for approval of Operational Works, no Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Pubey No. 10 "Reports and Information the Council may Enquest". This EMP must detail the controls to be utilised to ensure that on environmental harm or autisance is caused from the proposed use of the land and construction of the works.

# Water supply & Sewerage Headworks

16. The developed/awner 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 Warks #vsternall Contributions (The Policy). The contributions shall be calculated at the rate per Equivalent Demostic Connection (EDC) applicable as the time of payment in accordance with the policy.

The current reamber of ETEC's for the approved use are

Water Supply 69 Sewerage 69

## Street Tree Planting

37 The applicant is to undersake street tree planting in accordance with the requirements of the ENQ flex dopment Manual

### Contributions

38. Council acknowledges first with Stage One (I) of the proposal the applicant intends to provide a land component of 4 000m² to the Baws & Clavs Organisation, together with \$260,000 worth of works in bee and a numetary contribution equivalent to 9% of the total open space and recreation required for Stage One (I) and Stage I wo (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the excitribation 43.9% as land in the south castern postum of the site as indicated on the plan of development.

# ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS

# SCHEDULE A - GENERAL CONDITIONS

- A). The environmentally relevant activity must be constructed, operated and manutained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administroing Auditority as set out in the attached schedule to this development approval except that, in the event of air inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A? The holder of the development approval rates to change the method of disposal or increase the amount of disposed waste under this development approval if the clauge is filely to increase.
- A3. Contaminant emust not be released to the environment other than in accordance with the development approval.
- A4. The holder of the development approval must install and operate all works and control equipment, and take all recusares, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- A5. A sopy of this development approval must be kept in a foration readily accessible to personnel currying out the activity.
- A6. The holder of the development approval must ensure that those persons responsible for day-ta-day operations at the approved place are familiar with the conditions of this development approval.
- A7 Any record required to be kept as a condition of the development approxial aimst be kept at the approxed place and be available for examination by an authorised person
- A8. Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request

# SCHEDULE B - AIR DISCHARGE

- B1. Netwithstanding any other condition of the development approval, no adour determined by an authorised person to be naxious or offensive is to be released beyond the boundaries of the approved place.
- 112. No release of continuinants, including but not limited to adout, dust, sander, figures, particulates and serosals is to cause or likely to cause un environmental redearce beyond the boundaries of the approved place.
- His Ma tracing out in manageral lumning is to be contried and 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 secessary to prevent or informate the release of contominants to waters.
- C2. Contaminants must not be directly or indirectly released from the approved place to any waters or the bad and banks of any waters (except as permitted under arother schedule of this development approval).

# SCHEDULE O - STORMWATER MANAGEMENT

- D1. Except as provided by the conditions of the steamwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical masses which may be necessary to present or minimise the consect of incident rainfall and stormwater transiff with wastes, contaminants or material to any stormwater drainage system, residuide guater or water
- Any stormwater leaving the approved place shall consum to viable floating oil, grease, scien. Meet or other matter.
- D3. Any spallage of wastes, contaminants or other masterial must be cleaned up as quackly as practical. Such spallage most not be cleaned up by hosing, awareping or otherwise releasing such wastes, contaminants or material to any stormwaser dealeage system, roadside guiner or waster.
- All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of annuals and animal accommodation is to be discharged to the zerver via an approved silt map

# SCHEDULE E ~ LAND APPLICATION

1.1 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 band.

# SCHEDULE F - NOISE CONTROL

- Except as otherwise proyeded by the conduitor of the Nesse schedule of this development approval, the environmentally relevant activity must be caused out by such means that may be necessary to prevent or minimise the emission or nouse.
- 12. The curiestion of entire from the approved place must not result in offensive mose levelbeing curited beyond the boundaries of the approved place as determined by an nuffsorised person.

# SCHEDULE G. WASTE MANAGEMENT

Waste transform for released to the curviorances or disposed contrary to the condition of this development approval

- Waste most not be busin or allowed to bean at the approved place or removed and borst 42. chewhere.
- Where a recycling service is available, recyclable waste must not be deposited in the general waste succure. 611

# SCHEDULE II - SELF MONITORING

- All complaints received by the holder of this development approval of this 311 envisormentally relevant activity relating to operations at the approved place must be recorded in a logbasek with the following details:
  - · Time and date of complaint:
  - Contact details of the complainast;
  - Response seal investigation undertaken as a result of the complainant; Name of person responsible for investigating complaint; and

  - Action taken as a result of the hoverigation of the complaint
- The complaints recorded required by condition HT shall be usaintained for a period of 112.
- As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or consulably expected to be not in 115. 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 facebooks.
- 114 The estitisation of energencies or incidents as required by condition H3 must include but not limited to the following:
  - · The name of the holder of this development approval

  - The location of the envergency of the incident
    The name and relephone number of the designated contact person

    The name and relephone number of the designated contact person

    The name and relephone number of the designated contact person

    The name and relephone number of the designated contact person

    The name and relephone number of the incident

    The name and relephone number of the incident number
  - The time of release
  - The time the holder of the development approval became uware of the release
  - The suspected cause of the release
  - The environmental horn and or the environmental message garded, threatened or suspected to be caused by the release
  - Actions taken to prevent any finither release and militigate any unvironmental home or environmental nuisance caused by the release

# SCHEDULE 1 DEFINITIONS

- For the purpose of this development approval say remainst otherwise delined in legislation or in the definitions schedule of this development approval has the meaning conferred to that form in its commission usage.
- In the excist of any inconsistency orising between the meaning of any term provided in the delikitions schedule of this development approxist and any common usage of that

torso, the meaning conferred in the definitions schedule of this development aggrees at most apply.

- For the purpose of this development approval the following definations apply:

  - "Axt" means the Environmental Protection Act 1984
    "Administering Authority" means the Douglas Shire Council or its autressor

# Advice

- Winter connection and electricity transformer cubicles are located on alternate for boundaries to crosure safety when requiring regaintenance.
- In necordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 tactics of the pool fence
- No Advertising Device has been approved with this application. Any Advertising Device proposed will require an operational works application in accordance with the 2006 Decada. Shire Planning Scheme.

# Further Development Approvals Required:

Operational Work Building Pennit

Development Pennit Development Pennit

Paid Tratemen

deltation

General Manager - Development & Environment

# Appendix A - Concurrence Agency Response



Disco Mr Melekert

Designet Shire : Capitala Cook Highray (Calcul Monomon)
Strance at their Street, Criticia
Let 30 in Sir 174, Farrich of Salithory
Wate Ciry Let
Troported Materian) Integra of the (Sarrich Endunry Zoon & Pripared Let 37. Insertion Animal
Hadrandry & Carather's Refelence) & Reconfiguration of Let 134 Abstrances & New Books,
Applicates
Nonfiguries of Congred Conditions at Service and 1984 of Constitution Agency

- Tecles 20.

  18 shows implication product at the Department 23 October 1005 requesting consideration of the Mont development.

  18 Department from all conditions of development afted 27 October 2006, and service regressions of the 15 september 4 received as the Department 2 Notewhen 2006, descripting enforces to a proposed alphabate park in according to the condition of the condition of the condition of the condition of the condition.

The Department has produced the resource and in Able to assend pendicon 1.

is tembrismer with motion 1.3.1.2 of the leasurement Flavolog Ap. (1997, the Upwareterni Department of Mids Rands, as a Leaderman Agenty, has reviewed the require of the proposed development on the State controller and normal near Impairs (for Council) both the Sectionary remaind conditions of development for the raisest application.

# A. AMENDED CONDITIONS OF BEYERDFMENT

# L. Paramel Sort Acerd Localics

(ii) Access between the State-controlled cond (i.e. Cupusis Conf. Highway) and the radject test field for the Seas Terms rely, to the validation of Designs White Council. A validation to the Seas Likeline Controlled design to between photocolist the proposed Lots 24, 27 and 24 and Termsons Palls and the Seas-Seas-Statement photocolist Conf. 28 and 29 and the proposed Lots 28 and 29 and

ibe of prosentialistics.

The bit their project in the project in the control of the control of

(9) No direct access between the Max controlles read reserve (14, Captain Cred Highway) and the subject (14.5 is permitted.)

# I. Dividopment Stagleg

The landscense' applicant shall are looking a plan of servery crossing the first incorrect allocatery in 'Craigle Brokers Flori Stage 7' to Controll for signing and during serif after the analysis of Capture Code in plans; these States Interest the server of the states for Compiler and the Compiler and Capture Code in the Capture Capture Code in the Capture Ca

No advances any device for the proposed development is promoted within the Maco-controlled and Courte (i.e. Caption Cook Highway).

- Per retreen and information and it the screeg of tendelices detained drawn account.

  Department of Majo Roads Arrest Policy.

  Expansion of Majo Roads Arrest Policy.

  Expansion of Majo Roads incomment in Development Application Referrals and Assessment Francis; and
  Development Francis

# R GENERAL DISCUSSION

Council or requested to reflect the above contained on its Batts Record, in cause that the phorning introduced of the conditions for incorrect

Hids Department which appreciate a copy of Contact observing nature transfers for application.

A copp of this letter bus bein steel to the applicant

Your sensors!

Mathematic Halaman

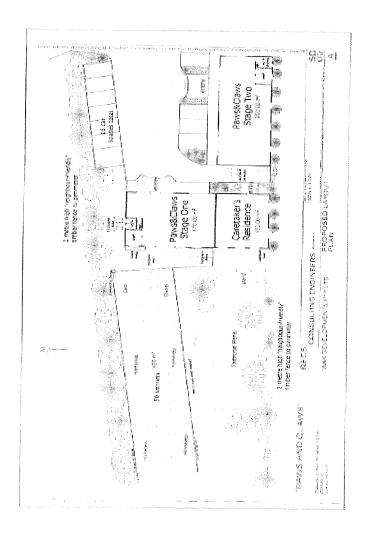
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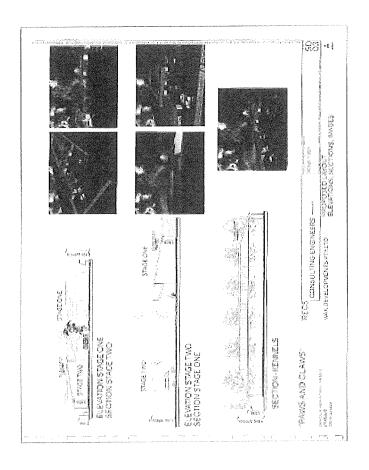
MANAGERI (TRANSPORT PLANMING) EXNINSOLA

PWAS AND CLAWS

PROSECUTION OF TAXES OF

Appendix H - Plass of Development





21 / 60 (D# 832401) CA 2876/2008

# Plan of Reconfiguration



Cook topics 34 WAKS DEVELOPMENTS
PTY LTD
FIECOMPOLISATION OF A LOT
RECOMPOLISATION OF A LOT
CHARGE SERVING A CHARGE SERVING 86 33000 8 Ø 14 9 7 1 8 25 Valid Č Š Tearraints Cl 7100 THE S. S. া প্ৰ # 3# English THE PARTY WAS IN THE PARTY THE \*\* Oner Sheep の政権を行う en i PACIFIE . Road

# SCHEDULE 2 - APPROVED AMENDED PLANS

# SCHEDULE 3 REFERRAL AGENCY ADVICE



State Occalopment, tabustructure and Planning

Our reference 8PD-0814-010287 Your reference

Date: 21 August 2014

Als Linde Cardew Chief Executive Officer Douglas Shire Council PO Box 723 MOSSMAN QLD 4873

Dear Ms Cardew

# Notice about request for permissible change-relevant entity

43 Bear - Craighe, Douglas Shire - QLD, 45 Bear - Craighe, Douglas Shire - QLD (Given under section 5/3)(1) of the Sustainable Pannang Act 2009)

The Department of State Gevelopment, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustainable Planning Act 2059 on 11 August 2014 advising the department, as a relevant entity of the request for a permissible change made to the responsible entity under section 360 of the Sustamable Planning Act 2009.

The department understands that the proposed changes are as follows:

- uniqualitient uncertaints that the produced changes are as follows.

  That Condition 20 of the Negotiated Decision Notice, posed 13 August 2007 change the referencing with respect to Plan No. 9294-10 dated 2 totaxilla to Plan No. 9294-10 dated 2 totaxilla to Plan No. PR 10995-17 dated 3 totaxilla totaxilla totaxilla totaxilla totaxilla totaxilla access for the balance of lats within Stage 2 to comply with FNQRQC Development Manual.

The department has considered the proposed changes to the development approval and advises that if has no objection to the change being made  ${\bf r}$ 

ezge f

Fai North Controllate Regional Office Ground Food, Galery Perl Authority PU Box 2358 Cams CAD 4570

It you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037-3233, or via canait angela foster@dsdip qld gov air who will be able to exist.

Yours smocraty

Room Clerk

Manager (Planning)

Ash Clark

cc Waks Developments Pty 13d IO: Kreay Govern, Gilvear, Pranning Eristy@givearplanning com au

December of the Control of the State of the Control of the State of th

Page 2

# **SCHEDULE 4 APPEAL RIGHTS**

Planning Act 2016 Chapter 6 Dispute resolution

(5 229)

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section -

conduct means an act or omission.

representative means...

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's-

- (a) knowledge, intention, opinion, belief or purpose, and
- (b) reasons for the intention, opinion, belief or purpose.

# Chapter 6 Dispute resolution

# Part 1 Appeal rights

# 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
  - (a) matters that may be appealed to-
    - (i) cither a tribunal or the P&E Court, or
    - (ii) only a tribanal; or
    - (in) only the P&E Court; and
  - (b) the person-
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter, and

Current as at 3 July 2017

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Addicated by the Photonestay Connect

8 229]

- (iii) who is a co-respondent in an appeal of the matter:
- (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is
  - for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - for an appeal about a deemed approval of a development application for which a decision notice has not been given-30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - for any other appeal-20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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Authorised by the Pullingulary Contic

[5 230]

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

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Authorises by the Pullangulary Council

S 231

- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

#### (4) The service period is-

- (a) if a submitter or advice agency started the uppeal in the P&E Court—2 business days after the appeal is started;
- (b) otherwise-10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

#### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1901 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section -

decision includes-

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- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Indicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Current as at 3 July 2017

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Authorises by Sar Pullaneculary Counce

# DOUGLAS SHIRE COUNCIL CORRECTED DECISION NOTICE — COMBINED APPROVAL REQUEST TO EXTEND (GIVEN UNDER SECTION 87 OF THE PLANNING ACT 2016)

Douglas Shire Council assessed your application and decided it as follows:

#### 10. Applicant's details

Name:

WAKS Developments Pty Ltd C/- Gilvear Planning Pty Ltd

PO Box 228

BABINDA QLD 4861

#### 11. Location details

Street Address: Real Property Description:

Postal Address:

43, 45 and 100L Beor Street, Craiglie Lots 37, 38 and 100 on SP248126

Local Government Area:

Douglas Shire Council

### 12. Details of proposed development

Request to extend the relevant period for five years for the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

### 13. Decision

Date of decision:

8 September 2015

This Decision Notice issued 31 October 2017 replaces the

Decision Notice dated 11 September 2015.

Decision details:

Council has extended the relevant period and this Development Permit is now valid up to and including 25 August 2019. All other conditions of the Development Permit (attached) issued on 6

May 2015 remain unchanged.

### 14. Existing Approval

A copy of the existing approval (CA 69 issued by the former Douglas Shire Council on 13 August 2007 and amended by Douglas Shire Council on 5 May 2015) is included in Schedule 1.

### 15. Concurrence Agency

The State Department of Infrastructure and Planning (former concurrence agency Department of Main Roads). Refer to Schedule 2.

### 16. Further development permits

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

- All Building Work
- All Operational Work

Plumbing approvals are also required for all plumbing work.

### 17. Properly made submissions

There were no properly made submissions for this application.

### 18. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 3.

**END DECISION NOTICE** 

### SCHEDULE 1 - EXISTING APPROVAL



Mrs Matthe Clark - Pieneing Officer Planeing Services Section - 響 (67) 4689 1434 planeing@dacqfilgor.co

14 A96 2007

CABE

13 August 2007

Flanagan Consulting Grossp PO 868, 5820 CARNS QLD 4870

### INTEGRATED PLANNING ACT DECISION NOTICE

### DEVELOPMENT APPLICATION

Waks Pty Ltd Applicant's Name Change's Name Wiss Pty Ltd

A. Recordiguestion of a Lot to create 19 Lots Proposal

A. Recognitation of a Lot 30 (1900) 19 (1900)

Application Number CA 69

Hear Street, Craiglic Site Address

Property Description Lot \$3 on SR 724, Parish of Salisbury, County of Solander

Decision Date: 7 August 2007 Decision:

This negotiated decision notice replaces the decision notice dated 18 May 2007. Condition 38 has been amended. All other conditions remain quelcauged.

Appraised subject to Combilers

### 2. Type of Deresopment Approval:

Material Change of Use Reconfiguration of a Lat Material Change of Use Development Permi Development Permit Preliminary Approval

#### 3. Referral Agency:

Department of Main Reads Peninsula District PO Bes, 6135 CAIRNS QLD 4870

#### 4. Conditions

### MATERIAL CHANGE OF USE (Intensive Animal Bushandry & Caretaker's Residence)

### Plan of Development

Use approved development and the constact of the approved use, the earrying out of any works on the premises and the construction of any buildings on the premises associated with the development most generally be in accordance with the details of the application and the following approved Plan's of Development:

Talle	Flau No	Data
Overall Site Plan	SDOI	Sept 06
Proposed Layout Plan	SD 02	Sept (to
Proposed Layout Elevations, Sections, Images	SD 03	Sept 05

Except where  $\operatorname{such}$  plans are need that 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 His landscaping plan submitted with the proposed development referenced as:

Litte	Plan No.	Date	
Landscape Plan	SDall		

Has been approved, as gost of this development, except where otherwise stated as a condition of this approval

- The avener/developes shall be responsible for all maintenance work for a period of twenty-dots (24) murals. 3 (samed will not accept the landwisping off maintenance mult it meets the requirements of Cosmeil's Engineering Services.
- Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

#### Sewerage

- 6. No additional external sinuclical backs are permitted to be applied to Council's existing server as a consequence of the approved development
- 7 Animal faces see to be collected on size and disposed of or the general refuse.
- 3 No saimal factors see to be placed into the server.

#### Electricity and Telephone Services

 All electrical lines along the full frontages of the subject site (unnamed proposed cub-desac) are to be placed undergomed. These works are to be undertaken by firgus Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

#### Stormwater

- 10 All stormwater ram-off from room 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 roominated as unasared road. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - by Cruse possible of stoomwater on adjoining properties.

### Carparklag

 A carparking area with a minimum of visteen (16) agrees shall be consequently, eached, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

### Refuse

§2. 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 due to house all mobile parhage (wheele) bins including recycling bins. The storage area is to be suitably paved, with a local code fitted in close praximity to the enclosure and drain to server via a legal sewer connection.

#### Compliance

11 Ail conditions shall be compliced with prine 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 consplict with.

### Construction Requirements

- All construction works are to be carried out in compliance with the Environmental Protection (Water) Pubery 1997 and the Environmental Protection Regulation 1998
- 15 Adequate facilities must be provided during construction to contain all size refuse. I acilities should be designed in prevent home stems of refuse being displaced by wind forces or being washed off size.
- All liquid wastes generated during construction of the promises should be managed so that they are not permitted to cuse a read-ade gutter, stormwater durin or a water field.
- Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or atornwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.
- 18. All sites are to be provided with sediment control recessives to prevent any nan-off of med, silt or sand to atomovater. (Further advice on sediment control can be obtained by controlling Founcil's Environmental Bealth Services Section for a free booklet.
- 19. The applicant is to provide an Acoustic Report prepared by an Acoustic Engineer that demonstrates that measures proposed to be installed on the kennel site will be adequate to mitigate potential isome maisture as defined by the Environmental Protection Regulation 1998.

### RECONFIGURING A LOT

### Plan of theretopment

20 The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plans of reconfiguration.

\$ 12 C	Plate Note.	
		1 hate
uposas Plan (Stage 2)		
	1 記294 10	23.9006

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

### Water Supply

23 The plans and specifications of the internal water supply must be submitted in Conneil at Operational Works application stage for this reconfiguration for review.

This system must make provision for services to the homodaries of all fols, including main works, enveloper paper at cross street services and vaive and hydrant markers and be

designed in accordance with the requisensents of Planning Policy No.6 "Planning Schoole Palsey No.6 "FNQROC Development Manual".

- 22. The developer must provide a new water supply connection for proposed Lots 24 4%. The design and specifications for the new connection must be submitted to Council for its approval point to the hologoment of the Survey Plan for endorsement.
- 23. The developer is responsible for the external works to connect the site with Courseil's water
- 24. The developer shall be required to provide a 25turn diameter water service to the houndary The developer staff to required to provines it animal manners was sectore in the non-tany of each lot to be created, together with the fodgment with Council of an amount equivalent to the cost of complaining each service with a water mater. The service extension to the Council water main will remain closed until such time as the respective for purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the reverse at no cost to the said lot

The amount ledged by the applicant shall be placed in Cunwill's Trust Fund and is to be unliked when applications are accived from the allotatent purchasers for a water service consection

#### Sewerage

- 25. The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for approval.
- The developer sums provide a new seweringe connection for proposed Loss 24 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.

#### Electrical & Telephone Services

- 27 Páou to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for

  - (a) as underground electrical supply to each late, and
     (b) street lighting in accordance with Council's adopted standards.
     (c) locating of all above ground transference cubicities of footpath and quakturid areas.
- 28. Prior to the approval of the Pian of Survey, the Developer must submit to Council a copy of a letter from Telatra stating that satisfactory arrangements have been mude for the
  - (a) an enterground telephone service to each lot; and
  - focuting of all above governd existedness station cubicles clear all featignth and parl land areas.

#### Stormwater Drainage

The Developers are required to place pollution corarol devices in stormwater drains in accordance with the requirements of Planting Policy No.6 "Planting Scheme Policy No.6 "FNQRXC Development Manual". The design and location of these devices must be submitted at Operational Works application stage.

#### Operational Works Development Permit

- The developer must submit as part of an application for a Development Permit for Operational Works information and plans in accordance with Section AP1 "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC" Bevelopment Manual". Curressey Period
- The development radiorised by this Development Permit must coase at the expiration of four (4) years from the day that this Development Permit takes effect under the Integrated Planning. Let 1997 unless a detailed plan of survey has been holged with Council for ordersensent and all conditions of this approval complied with

#### Compliance with Conditions

The Plan of Survey with associated documents shall not be endorsed by Coursel entit Combiners 20 to 18 have been complied with

#### Rand Works

the developes must undertake the following works.

Provision is to be made for the following works in accordance with Plansing Policy No 6 "Planning Scheme Policy No 6 "PNQRUI" Development Manual" for Industrial Access Reads.

#### i. Usus and Roads

- Kerb and channelling along the half kength of the frantage.
- Fall width bismuser surface:
- Footpaths:
- Underground Disamage.

### the <u>External</u>

Provision is to be made for the following works external to the site in accordance with Placeting Peticy No.6 "Placeting Scheme Peticy No.6 "FNQR111".

Development Manual." for Industrial Collector Resels.

### Henr Street

- Kerb and charactlang alway the full length of the frontage, Construction of read shoulders, to full width;
- Feorpaths;
- Underground Diagrage

The plans and specifications of the internal and external road works must be submitted to Council at Operational Works application stage for review.

14. All distinge to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer. If their expense, prior to completion of works associated with the development.

#### Environmental Management Plan

15. The Developer is to solubil with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Plansing Scheme Policy No.10 "Reports and Information the Council may Request". This EMP must detail the controls to be utilised to amore that no environmental harm or antisance it caused from the proposed use of the land and construction of the works.

### Water supply & Sewerage Healtworks

16. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in neconfance 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 Demestic Connection (EDC) applicable as the time of payment in neconfance with the policy.

The current resulter of EIK"s for the approved use ore:

Water Supply 69 Sowerage 69

#### Street Tree Planting

17 The applicant is to undertake street tree planting in accordance with the requirements of the UNO flevelopment Manual

#### Contributions

38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4 000m2 to the Paivi & Claivs Organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the Intal open space and recreation required for Stage One (1) and Stage Two (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the exatribation 43.9% as land in the south-castera portion of the site as indicated on the plan of development.

### ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS

#### SCHEDULE A - GENERAL CONDITIONS

- A1. The environmentally relevant activity must be constructed, operated and maintained in accordance with the plants, specifications and information submitted by the applicant which are approved by the Administering Authority to set out in the attached schedule to they development approval except that, in the event of an acconsistency arising between the application and the conditions of this development approval, the conditions of this development approval, the
- A2 The holder of the development approval must no change the method of dispusal or factesse the amount of disposed waste needer this development approval if the change is blacky to increase.
- A3 Continuinant must not be released to the environment other than in accordance with the development approval
- A4. The heider of the development approval most install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary in ensure compliance with the conditions of the development approval.
- A5. A copy of this development approval must be kept in a location readily accessible to personnel currying out the activity.
- Ab. The hulder of the development approval must ensure that flasse persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- A7 Any record required to be kept to a condition of the development approval must be kept at the approved place and be available for examination by an authorised person
- A8. Cupses of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administrating inflainty on request.

### SCHEDULE B - AIR DISCHARGE

- B1 Networkstanding any other condition of the development approval, no redout determined by an authorised person to be invisors or affensive is to be released beyond the boundaries of the approved place.
- 112 No release of contaminants, including but not furnish to indoor, dust, senoke, fames, particulates and acrossels is to cause or likely to cause on environmental missance beyond the boundaries of the approved place.
- 113 No reservention or open bearing is to be carried and on the approved place

SCHEDULE C - WATER DISCHARGE

- C1. Except as atherwise provided by the constitions 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 discretly 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 storiowater management schedule and the water schedule of this development approval, the environmentally relevant activity and by carried out by such practical means which may be necessary to prevent or minimize the contact of incident rainfall and stormwater ment? with wastes, contaminants or material to any stormwater draining system, readside gotter or water.
- Any stormwater leaving the approved place shall courain no visible floating oil, grease, scam, lines or other grates.
- 193. Any spillage of varses, contaminants or other tradecial 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, madeing patter or water.
- D4. All weatewater produced as a result of the environmentally relevant activity, including water produced from the washing of unimals and animal accommodation is to be discharged to the server via an approved silt rop.

#### SCHEDULE E ~ LAND APPLICATION

E1. The environmentally relevant activity must be carried out by such practical means that may be necessary to precent or minimise the release of contaminants to the land.

#### SCHEDULE F - NOISE CONTROL

- F1 Except as otherwise prayided by the condition of the Noise schedule of this development approval, the environmentally relevant netivity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- 12. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the houselesses of the approved place, as determined by an authorised person.

### SCHEDULE G - WASTE MANAGEMENT

G13. Waste rants notable released to the environment or disposed contrary to the combition of this development approval.

- G2. Waste must not be burnt or allowed to burn at the approved place or removed and bound elsewhere.
- Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

#### SCHEDULE II - SELF MONITORING

- All complaints reversed 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:
  - · Line 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 complains; and
  - Action takes as a sessift of the investigation of the complaint
- 132. The complaints recorded required by conducton [11] shall be assentained for a period of not less than 3 years.
- (B) 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 maisly the administering authority of the release by telephone or facsionize.
- 114 The notification of envergencies or incidents as required by condition I/O must include but not limited to the following
  - The name of the holder of this development approach
  - . The location of the emergency of the incident
  - · The name and telephone rumber of the designated constact person
  - · The time at 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 universe content, threatened is suspected to be caused by the release
  - Actions taken to prevent any further release and mitigate any envaronmental huma
    or envaronmental measures caused by the release

#### SCHEBULE 1 DEFINITIONS

- If For the purpose of this development approval any term and otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred in that term in its currants quage.
- If the execut of any inconsistency orising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of this

term, the meaning conferred in the definitions schedule of this development approval most apply,

- For the purpose of this development approval the following definitions apply:

  - "Act" means the Environmental Prosection Act 1984
    "Administering Authority" means the Douglas Shire Council or its successor

### Advice

- Water connection and electricity transformer cubicles are located on alternate lot boundaries to ensure safety when requiring resintenance.
- In accordance with the Queensland State regulations for pan) fencing there shall be no climbable vegetation within 1.2 metres of the pool fence
- Mn Advestising Device has been approved with this application. Any Advestising Device proposed will require an aperational works application in accordance with the 1006 Douglas State Planning Sebenc.

### Further Development Approvals Required:

Ogerational Work Building Permit

Development Pevnit Development Pevnit

Paul Frotousn

General Manager - Development & Environment

### Appendix A - Consurrence Agency Response

		Queensland Government
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Designe Stare : Capitala Cont. Highway (Catena Massacen)
Straude & Hest Street, Creigie
Let 33 vs. 33 T.A. Farndo of Salidano;
Wate Pr. Lai
Terponed Meterial I being a five (Saraka Letanov, Love & Propused Let 37 - Intestrier Animal
Hadronity & Caretator's Residence) & Reconfiguration of Let (13 A Intestrier & New Reads)
Applicates.
Possible sides of Changed Conditions at Davids passace (BMR as Concentrator Agency)

- India to:

   On short application statistical in the Department 21 October 1849 respectively remoderation of the Moon development.

   The Operatorial form of contineers of development detect 27 October 2005, and

   written representation from the application contribute versions of the Department 3 Notional 2866 describes a referred to a population indicated path in contribute 1 and respectively as according to the contribute 1 and respectively as according of the contribute 1.

For Department to a preserved the measure and  $\hat{\rho}$  while in agreed along the  $\hat{\tau}$ 

5. september 4 with arction 1.5.10 of the Josephand Flavring 441 (497, the Queenshand Department of Main Reads, in a Conference Agency, but reversed this request of the preprint development on the Data controlled area decreased and request than Chandily Include the Makes may consolid another so Josephanese for the remed agraduation.

### TO WHENDED CONDITIONS ON DRIVER OF MEAST

### 1. Pressuled End Arren Leastern

10 Action between the facts contributed models of England Contributions and the subject tend shall be six New Parent only to the substantian of England between Control of the Artificial Services of the first accreticated sharp to extend the between the first accreticated sharp to extend the between the first accreticated sharp to extend the proposed Loss (2) and 19 and the proposed Loss (2) and 19 and

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(iii) No direct access between the Star-constrolled road matrix (i.e. Coptain Coch Highway) and the subject Load is particled.

### Decodoposem Staging

the inchorance applicant shall are holds a plan of leaving crossing the first inchorance in "Craights Business Park Stages P to Contain for significant desiring sum often the conditioned Capture back highway floor States between the works standard to Contain pages and decision remain CA, 61 shall be September 1906 for "Confight Business Park Stage P are completed to the authorises for the Disposition of the Requirement of Malin Reads.

No administry decide for the proposed development is presented within the State-controlled conditioning its Copie field resp.

#### Kirat tan

- Per reason and information and in the steining of prodifferer detailed above instake.

  Department of Mala Datals Agents Policy;

  Expariment of Mala Datals Interferenced in Development Application Referrals and January (1986).

  Designs Strike Planning Scheme.

#### R. GENERAL DISCUSSION

Council is requested to reflect the store continues on its flares flaced, in enteric that the planning interestion of the conditions interested

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A copy of this letter but been sent to the applicant

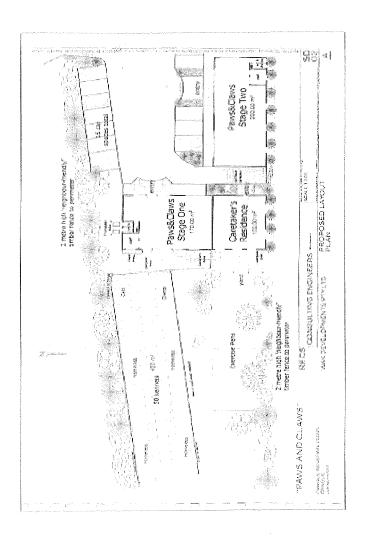
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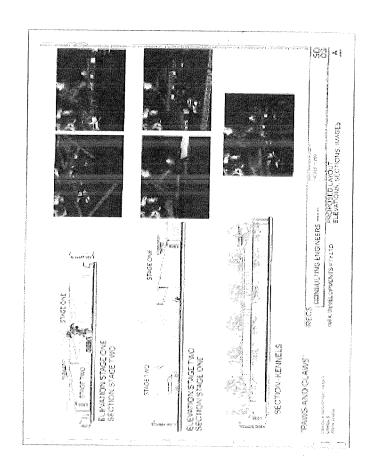
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Majarid Hebret Managkii (transport Planning) Peninsola

|85 **4**| OVERALL SITE MAIN WECS COMMULTING ENGINEERS ----SWAND CLAWS

Appendix B - Plans of Development





### Plan of Recordigaration



### Council Amendments 5 May 2015

- Condition 20 is amended as follows:
  - 20. Plan of Development

The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title Proposal Plan (stage 2)	Plan No 8294 40	Date 21/9/06
Reconfiguration of a Lot. Proposed Stage 2 Craiglie Business Park	RPS Drawing No. PR108905-17	31 July 2014

A new condition, 29A, is inserted after Condition 29 as follows:

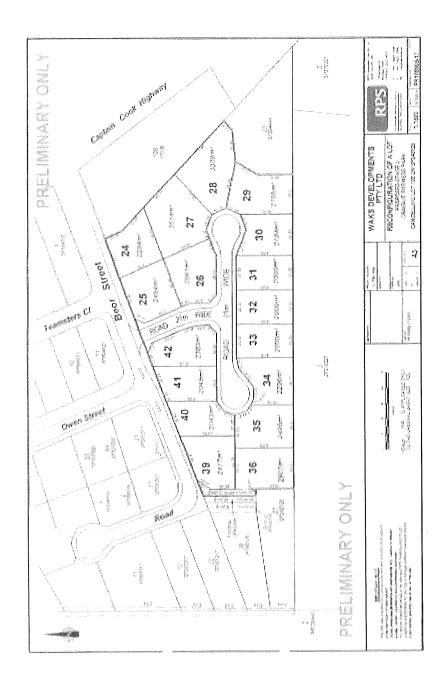
29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

- 3. A new Condition 33A is inserted after Condition 33 as follows:
  - 33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.
- Condition 38 is amended as follows:
  - 38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m² to the Paws and Claws organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated in the plan of development.

Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complimented with a financial deed of gift of \$200 000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.



51 / 60 (D# 832401) CA 2876/2008



State Development, Inhantructure and Flaming

Our reference SPD Get4-Indize? Your reference

Date 21 August 2014

Ms Linda Cardew Chief Executive Officer Douglas Share Council PO 80x 723 MOSSMAN QLD 4873

Dear Ms Cardew

### Notice about request for permissible change-relevant entity

43 Bear - Craigne, Conglas Stare - QLD, 45 Bear - Craigne, Dougras Stare - QLD, (Gash under section SERE) of the Sustanable Farring Act 2009.

The Department of State Development, Inhabitructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustamuble Planning Act 2009 on 11 August 2014 advissing the department, as a relevant critity, of the request for a permissible change made to the responsible entity under section 369 of the Sustainable Fransag Act 2009

The department understands that the proposed changes are as follows

- The Condition 20 of the Negotiated Decision Notice, issued 13 August 2007 change the referencing with respect to Plan No. 8284-10 dated 21-09/06 to Plan No. PR168905-17 dated 31-07/2314

  In summary effectively: (a) altering access to lots 37 and 38; (b) modifying internal access for the balance of lots within Stage 2 to comply with FNOROC Previous August 2007.
- Development Marsad

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

Fat North Controlland Regional Office Geomyt Floor, Califes Port Authority P.D. Box 2359 Carris GLO 4870

52 / 60 (D# 832401) CA 2876/2008

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Doc ID 844696

R you require any tinther information, please contact Angela Foster, Principal Planning Officer, on 4037-3233, or via email angela faster@dsdip qld gav au who will be able to assist

Yours sincecely

Ask Class

Robin Clark Monager (Piarving)

> Waks Developments Pty Ltd Kr. Knaty Gavear, Gavear, Francing keaty@gavearplanning.com.au

Department of Gain Development Introduction and Philomog

में कड़न *2* 

### SCHEDULE 3 REFERRAL AGENCY ADVICE



Ospadiment of infrastructure, total Government and Planning

SPO-0815-015600 8/39/126 (CRC Ref) | CAS9 (DSC Ref May 2007)

13 August 2015

Chief Executive Officer Douglas Shire Council PO Box 723 MOSSMAN OLD 4873 engurus<u>a)</u> dauglas gld gay au

Dear SinMadam,

#### Notice about request to extend relevant period

Control of the Contro	·	
Lot on plan	Street address	
Lots 37, 38 and 160 on	43 Bear Street, Craighe, Douglas Shire Council, QCD	
SP248128		8

(Green under section 30% of the Sustainable Planning Act 2009)

The Department of Intrastructure Local Government and Planning received written notice under section 383(1)(a) of the Sustainable Piarring Act 2003 (the act) on 2 August 2015 advising the department as a consumerace agency, of the request to extend the relevant period. The proposed extension to the relevant period is for a further 12 months until 25 August 2019

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

if you require any further information, please confect Sue Lockwood, Senior Prantang Officer, on (07) 40/37-32.15, or via email suis ackwoodaadsap gld gov au who will be pleased to assist

Yours sincerely

Steff Narscarrow A&binager (Planeing)

Suhmon ?

Projet 1

Carry Fort Advanty Gradies and Harley Street FO Box 2356 Carries GLO 4875 Telephone -61.7 (027)256 Webatte was dags did you sa NSQ 25.166 SCO 688

### **SCHEDULE 3 APPEAL RIGHTS**

Planning Act 2016 Chapter 6 Dispute resolution

is 2201

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section-

conduct means an act or omission.

representative means.

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's-

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

### 229 Appeals to tribunal or P&E Court

- (1) Schedule I states-
  - (a) matters that may be appealed to-
    - (i) cither a tribunal or the P&E Court, or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person-
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter, and

Current as at 3 July 2017

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Adhered by the Performance Councer

s 229]

- (iii) who is a co-respondent in an appeal of the matter;
- (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is-
  - (a) for an appeal by a building advisory agency—10 husiness days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Mate-

See the P&E Coun Act for the count's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Count to withdraw from the appeal.

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Authorized by the Pullungulary County's

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—.
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

Current as at 3 July 2017

Page 205

Authorised by the Parliamentary Cospor

[8 231]

- (f) for an appeal to the P&E Court—the chief executive; and
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

#### (4) The service period is—

- (a) if a submitter or advice agency started the uppeal in the P&E Court—2 business days after the appeal is started:
- (b) otherwise-10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any ofher Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1901 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section -

decision includes-

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Autorierá ly Se Philaneslay Cource

- (a) conduct engaged in for the purpose of making a decision; and
- other conduct that relates to the making of a decision; and
- the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (c) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1997 or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (e) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground

### 232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

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### SCHEDULE 2 - PLANNING ACT EXTRACT ON APPEAL RIGHTS

Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—

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representative means-

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
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# Chapter 6 Dispute resolution

# Part 1 Appeal rights

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    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and

Current as at 3 July 2017

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Authorised by the Parliamentary Counsel

- (iii) who is a co-respondent in an appeal of the matter; and
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  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note-

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
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Authorised by the Paritamentary Counsel

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  - (a) the adopted charge itself; or
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  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule
     1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph
     (c) or (d); and

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Authorised by the Parliamentary Counsel

- (f) for an appeal to the P&E Court—the chief executive; and
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- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes-

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- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

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#### **Reasons for Decision**

- 1. The reasons for this decision are:
  - a. Sections 86 and 87 of the *Planning Act 2016*:
  - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - c. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
  - a. the development application was properly lodged to the Douglas Shire Council 8 February 2024 under section 86 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
- 3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Industry Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of section 87 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions of the approval, the development satisfactorily meets the Planning Scheme benchmarks.

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

Planning Act 2016 Chapter 3 Development assessment

s 74

## Division 2 Changing development approvals

## Subdivision 1 Changes during appeal period

#### 74 What this subdivision is about

- This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application;
     and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application;
     and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

## 75 Making change representations

- The applicant may make representations (change representations) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - a matter stated because of a referral agency's response; or

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- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## 76 Deciding change representations

 The assessment manager must assess the change representations against and having regard to the matters that

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- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
  - (a) the applicant; and
  - if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a negotiated decision notice) that states the assessment manager agrees with a change representation must—
  - (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

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Current as at 10 June 2022

Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

## Chapter 6 Dispute resolution

## Part 1 Appeal rights

## 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
  - (a) matters that may be appealed to-
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
  - for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

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- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the Plumbing and Drainage Act 2018—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the Plumbing and Drainage Act 2018—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note-

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - the establishment cost of trunk infrastructure identified in a LGIP; or
    - the cost of infrastructure decided using the method included in the local government's charges resolution.

## 230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

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- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive;
- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

### (4) The service period is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## 231 Non-appealable decisions and matters

(1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

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- (2) The Judicial Review Act 1991, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

#### decision includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision;
   and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

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

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

9 February 2024

**Enquiries:** Jenny Elphinstone

Our Ref: CA 2008\_2876 (Doc ID 1208802)

Your Ref: CA 2876/2008

IPDG (S2) Pty Ltd C/- RPS AAP Consulting Pty Ltd PO Box 1949 CAIRNS QLD 4870

Dear Sir/Madam

# Adopted Infrastructure Charge Notice For Development Application Request for Extension (Reconfiguring a lot - 1 lot into 17 lots) At Beor Street Craiglie On Land Described as Lot 100 on SP248126

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act* 2016.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice: and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2008\_2876 in all subsequent correspondence relating to this matter.

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

Yours faithfully

For

Paul Hoye Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

## **Adopted Infrastructure Charges Notice**

	IPDG (S2) Pty Lt	td		Ī	N/A		0
	DEVELOPERS NA			- 1	ESTATE N	AME	STAGE
L100 Beor Street			Craiglie		L100 on SP248126		156875
STREET No. & NAME			SUBURB	1	LOT & RP	No.s	PARCEL No.
ROL					CA 2008_2	876	6
DEVELOPMENT TYPE				7	COUNCIL FIL		VALIDITY PERIOD (year)
0			1		Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL		
	DSC Reference Doc . No.		VERSION No				
frastructure Charg	es as resolved by Council at t	he Ordinary Meeting	held on 23 Feb	ruary 2021	(Came into effect on 1 N	larch 2021)	
		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
oposed Demand				urcanto.			
ts comersurate to	a Dwelling-House						
esidential	Dwelling_house	\$_per_3_or_more_be droom_dwelling	25,314.98	17	\$430,354.66		
	Total Demand	_ 0			\$430,354.66		
edit							
xisting land use							Prior arrangement for online payment via invoicing - see below.
acant Lot Comersura	ate to a Dwelling-House						
3 or more bedroom dwelling	1 lot	\$_per_3_or_more_be droom_dwelling	25,314.98	1	\$25,314.98		
	Total Credit				\$25,314.98 ————————————————————————————————————		Code 895 GL GL7500.135.825
	Required Payment or Credit		TOTAL		\$405,039.68		
repared by	JI		1	7-Feb-24	Amount Paid		
			1		,		
necked by		R Taranto		j	7-Feb-24	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision						
						Receipt No.	
nendments					Date	Ĺ	
				•			
						Cashier	
				j			
	arges in this Notice are payables solution from the Ordinary Me			nd 120 of t	he <i>Planning Act</i> 2016		
harge rates under t	he Policy are subject to indexir reement for trunk works must b	ng.		issue of De	evelopment Permit for Op	erational Work.	
	e to: Douglas Shire Council. Yo B, Mossman QLD 4873. Chequ						

Planning Act 2016 Chapter 4 Infrastructure

[s 124]

## Subdivision 5 Changing charges during relevant appeal period

## 124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

#### 125 Representations about infrastructure charges notice

- During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
  - (a) agrees with a representation; and
  - (b) decides to change the infrastructure charges notice;

the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.

- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
  - (a) must be in the same form as the infrastructure charges notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

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## 126 Suspending relevant appeal period

- If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

## Division 3 Development approval conditions about trunk infrastructure

## Subdivision 1 Conditions for necessary trunk infrastructure

## 127 Application and operation of subdivision

- This subdivision applies if—
- (a) trunk infrastructure—
  - (i) has not been provided; or
  - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the subject premises) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.

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Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

## Chapter 6 Dispute resolution

## Part 1 Appeal rights

## 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
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  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
  - for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

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- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
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Note-

See the P&E Court Act for the court's power to extend the appeal

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

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- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
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