

9 February 2024

**Enquiries:** Jenny Elphinstone  
**Our Ref:** CA 2008\_2876/2 (Doc ID 1209578)  
**Your Ref:** CA 2876/2008

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

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

Email: [owen.caddick-king@rpsgroup.com.au](mailto: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 above-mentioned 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 Hoyer**  
**Manager Environment & Planning**

cc. State Assessment and Referral Agency (SARA) E: [CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au)  
encl.

- Decision Notice
  - Approved Drawing(s)
  - 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: [owen.caddick-king@rpsgroup.com.au](mailto:owen.caddick-king@rpsgroup.com.au)

### 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 2024 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**

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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**

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This approval, granted under the provisions of the *Planning Act 2016*, shall lapse after the 15 February ~~2026~~ 2028 in accordance with the provisions of the *Planning Act 2016*.

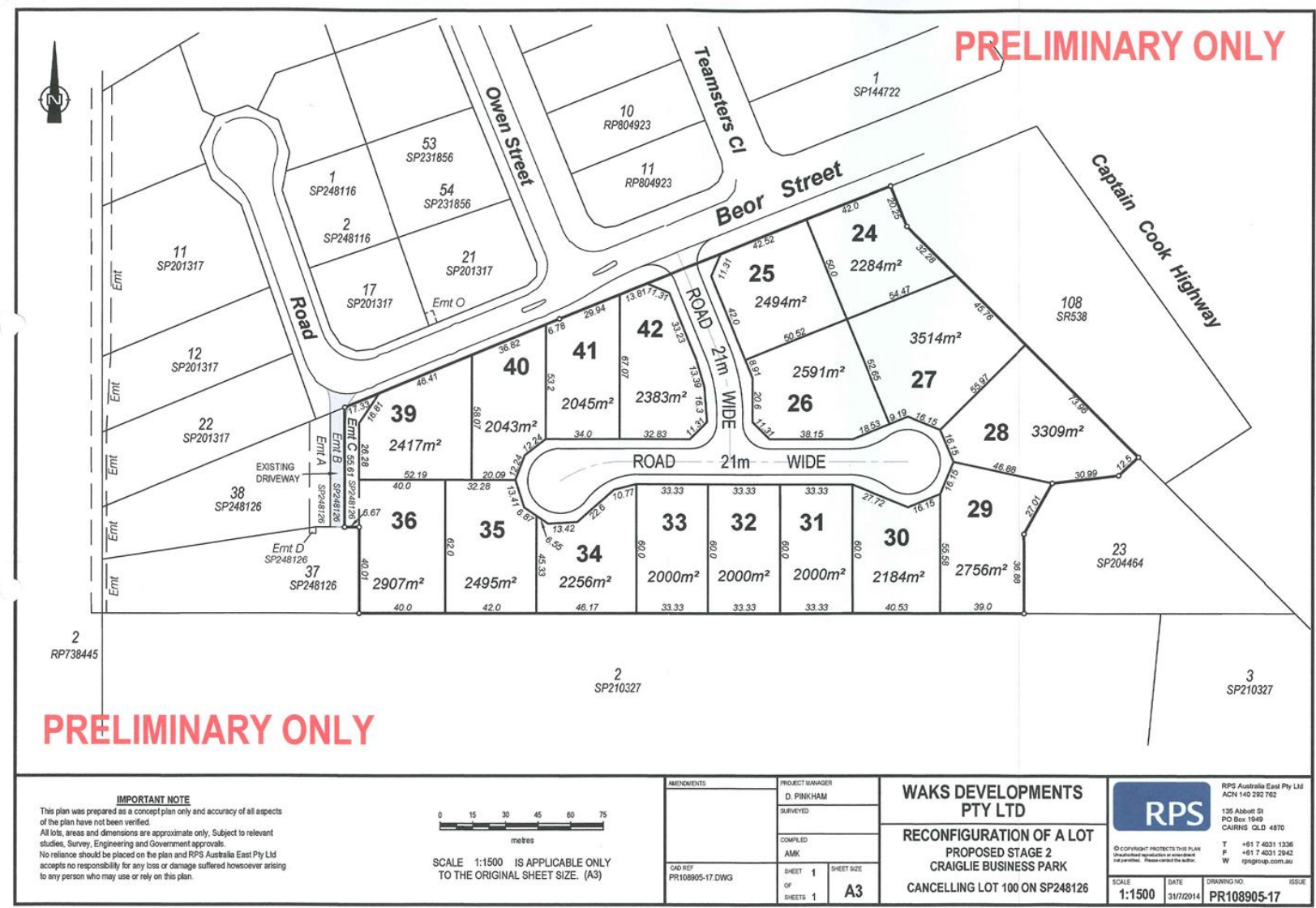
### **Rights to make Representations & Rights of Appeal**

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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





13 March 2018

Enquiries: Jenny Elphinstone  
Our Ref: CA 2876/2008 (Doc ID 844696)  
Your Ref: J000631:IPDG:KLG

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

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](mailto:CairnsSARA@dilgp.qld.gov.au)

encl.

- Decision Notice

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

Thank you 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***

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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***

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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***

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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***

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

## **5. Further development permits**

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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**

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

## **7. Referral Agencies**

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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**

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

## **9. Rights of appeal**

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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 Qld 4873  
www.douglas.qld.gov.au  
enquiries@douglas.qld.gov.au  
ABN 71 241 237 800

31 October 2017

Enquiries: Jenny Elphinstone  
Phone: (07) 4099 9462  
DSC Reference: CA 2876/2008 (D#832401)  
Your Ref: J000085 Waks

Administration Office  
64 - 66 Front St Mossman  
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.

1 / 60 (D# 832401)  
CA 2876/2008

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](mailto:CairnsSARA@dilgp.qld.gov.au)

encl.

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

2 / 60 (D# 832401)  
CA 2876/2008

**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: WAKS Developments 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**

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 (stage 2)	8294-10	21/9/06
Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park	RPS Drawing No. PR108905-17	31 July 2014

3 / 60 (D# 832401)  
CA 2876/2008

**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: WAKS Developments 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**

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 (stage 2)	<del>8294</del> 10	21/9/06
<u>Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park</u>	<u>RPS Drawing No. PR108905-17</u>	<u>31 July 2014</u>

3 / 60 (D# 832401)  
CA 2876/2008

2. 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.

4. 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 4000m<sup>2</sup> 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.

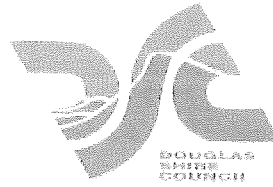
#### **9. Rights of appeal**

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.

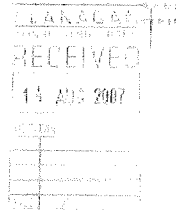
**END DECISION NOTICE**

# SCHEDULE 1 – ORIGINAL APPROVAL



TO: Mrs Natalie Clark  
FROM: Mrs Natalie Clark

Planning Officer  
Planning Services Section - ☎ (08) 4629 9455  
planning@dcsh.qld.gov.au



14 Aug

Hanagan Consulting Group  
PO Box 5820  
CAIRNS QLD 4870

14 August 2007

## INTEGRATED PLANNING ACT DECISION NOTICE

### DEVELOPMENT APPLICATION

**Applicant's Name** : Waks Pty Ltd  
**Owner's Name** : Waks Pty Ltd  
**Proposal** : A. Reconfiguration of a Lot to create 19 Lots  
B. 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 Intensive Animal Husbandry (Kennel/Cattery) and Caretaker's Residence  
**Application Number** : CA 69  
**Site Address** : Beon Street, Craiglie  
**Property Description** : Lot 33 on SR 724, Parish of Salisbury, County of Solander  
**L Decision:** **Decision Date:** 7 August 2007

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

Approved subject to Conditions

ADMINISTRATION CENTRE PHONE 131 420 0441 FACSIMILE 131 420 0442  
JAIL DEPARTMENT INTEREST www.dsh.qld.gov.au  
C/O DEPARTMENT OF JUSTICE  
LEGISLATION & POLICY UNIT LEGISLATION & POLICY UNIT  
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6 / 60 (D# 832401)  
CA 2876/2008

2. Type of Development Approval:

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

3. Referral Agency:

Department of Main Roads  
Peninsula District  
PO Box 6185  
CAIRNS QLD 4850

4. Conditions

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

Plan of Development

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

Title	Plan No.	Date
Overall Site Plan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout - Elevations, Sections, Images	SD 03	Sept 06

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

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 15.22 of the Integrated Planning Act 1997.

Landscaping

3. The Landscaping plan submitted with the proposed development referenced as:

Title	Plan No.	Date
Landscape Plan	SD 01	-

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



4. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. 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 structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
7. Animal faeces are to be collected on site and disposed of in the general refuse.
8. No animal faeces are to be placed into the sewer.

#### **Electricity and Telephone Services**

9. All electrical lines along the full frontages of the subject site (unannexed proposed sub-division) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer/owners expense and are to be completed prior to commencement of the approved use.

#### **Stormwater**

10. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as unnamed road. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - b) Cause ponding of stormwater on adjoining properties.

#### **Car parking**

11. A car parking area with a minimum of sixteen (16) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

#### **Refuse**

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

#### **Compliance**

13. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer

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

#### **Construction Requirements**

14. All construction works are to be carried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998.
15. Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.
16. All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a water tank.
17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater 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 measures to prevent any run-off of mud, silt or sand to stormwater. (Further advice on sediment control can be obtained by contacting Council's Environmental Health 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 noise nuisance as defined by the Environmental Protection Regulation 1998.

#### **RECONFIGURING A LOT**

##### **Plan of Development**

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.

Title	Plan No.	Date
Proposed Plan (Stage 2)	8794-10	23/9/06

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

##### **Water Supply**

21. The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review.  
  
This system must make provision for services to the boundaries of all lots, including main works, envelope pipes at cross street services and valve and hydrant markers and be

designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "ENQROC" Development Manual".

22. The developer must provide a new water supply connection for proposed Lots 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.
23. The developer is responsible for the external works to connect the site with Council's water supply at Boat Street.
24. The developer shall be required to provide a 20mm diameter water service to the boundary of each lot to be created, together with the lodgments with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot 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 service at no cost to the said lot purchaser.

The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection.

#### **Sewerage**

25. 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. 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. Prior 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 the provision of:
  - (a) an underground electrical supply to each lot, and
  - (b) street lighting in accordance with Council's adopted standards,
  - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
28. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground telephone service to each lot, and
  - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

#### Stormwater Drainage

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

#### Operational Works Development Permit

30. 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 "ENQRDC Development Manual". Currency Period
31. The development authorised by this Development Permit must cease at the expiration of ten (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with

#### Compliance with Conditions

32. The Plan of Survey with associated documents shall not be endorsed by Council until Conditions 20 to 18 have been complied with

#### Road Works

33. The developer must undertake the following works:

##### (a) Internal

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

##### i. Unimproved Roads

- Kerb and channeling along the full length of the frontage;
- Full width bitumen surface;
- Footpaths;
- Underground Drainage.

##### (b) External

Provision is to be made for the following works external to the site in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "ENQRDC Development Manual" for Industrial Collector Roads.

##### i. Main Street

- Kerb and channeling along the full length of the frontage;
- Construction of road shoulders, to full width;
- Footpaths;
- Underground Drainage

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

34. All damage 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, at their expense, prior to completion of works associated with the development.

#### Environmental Management Plan

35. The Developer is to submit with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 *“Reports and Information the Council may Request”*. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

#### Water supply & Sewerage Headworks

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

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

Water Supply	69
Sewerage	69

#### Street Tree Planting

37. The applicant is to undertake street tree planting in accordance with the requirements of the TSO Development Manual.

#### Contributions

38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4,000m<sup>2</sup> to the Paws & Claws Organisation, together with \$280,000 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 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 plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A2. The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase
- A3. Contaminant must 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 measures, perform all acts and do all things necessary to 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 carrying out the activity.
- A6. The holder of the development approval must ensure that those 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 as a condition of the development approval must be kept at the approved 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. Notwithstanding any other condition of the development approval, as odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- B2. No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place.
- B3. No incineration or open burning is to be carried out on the approved place.

### ***SCHEDULE C – WATER DISCHARGE***

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

#### ***SCHEDULE D – STORMWATER MANAGEMENT***

- D1. Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D2. Any stormwater leaving the approved place shall contain no visible floating oil, grease, silt, litter or other matter.
- D3. Any spillage of wastes, contaminants or other material must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D4. All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to the sewer via an approved silt trap.

#### ***SCHEDULE E – LAND APPLICATION***

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

#### ***SCHEDULE F – NOISE CONTROL***

- F1. Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission of noise.
- F2. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.

#### ***SCHEDULE G – WASTE MANAGEMENT***

- G1. Waste must not be released to the environment or disposed contrary to the conditions of this development approval.

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

#### **SCHEDULE II – SELF MONITORING**

11. All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- Time and date of complaint;
  - Contact details of the complainant;
  - Response and investigation undertaken as a result of the complaint;
  - Name of person responsible for investigating complaint; and
  - Action taken as a result of the investigation of the complaint
12. The complaints recorded required by condition 11 shall be maintained for a period of not less than 5 years.
13. 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, or their operator on site must notify the administering authority of the release by telephone or facsimile
14. The notification of emergencies or incidents as required by condition 13 must include but not limited to the following:
- The name of the holder of this development approval
  - The location of the emergency or incident
  - The name and telephone number of the designated contact person
  - The time of release
  - The time the holder of the development approval became aware of the release
  - The suspected cause of the release
  - The environmental harm and/or the environmental nuisance caused, threatened or suspected to be caused by the release
  - Actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

#### **SCHEDULE I – DEFINITIONS**

11. For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
12. In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that

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

11. For the purpose of this development approval the following definitions apply:

"Act" means the Environmental Protection Act 1994

"Administering Authority" means the Douglas Shire Council or its successor

**Advise**

- Water connection and electricity transformer cabinets are located on alternate lot boundaries to ensure safety when requiring maintenance.
- In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres 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 Douglas Shire Planning Scheme.

5. Further Development Approvals Required:

Operational Work  
Building Permit

Development Permit  
Development Permit



Paul Trutman  
General Manager - Development & Environment

# Appendix A – Consultence Agency Response

1 December 2004

Glen M. McKeown  
Chief Executive Officer  
Douglas Shire Council  
PO Box 133  
Mooloolah QLD 4601

Glen M. McKeown

**Queensland Government**  
Department of Main Roads

**DOUGLAS SHIRE COUNCIL**  
**RECEIVED**  
FILE NAME: 2004/00000000000000000000  
DOCUMENT: 1  
DATE: 1 DEC 2004  
BY: [signature]  
REFERENCE: [blank]  
INFORMATION: [blank]

**Douglas Shire Capital Creek Highway (Capital Creek Main Road)**  
Strategic to Main Roads, Mooloolah  
Lot 30 on SR 724, Parish of Salisbury  
Waka Pty Ltd  
Proposed Material Change of Use (Service Industry Zone & Proposed Lot 37 - Intensive Animal Husbandry & Caretaker's Residence) & Reconfiguration of Lot 38 (13 A Business & New Road)  
Application  
Modification of General Conditions of Development (DMR as Consultence Agency)

1. In the event:
- the above application received at the Department 23 October 2004 regarding consideration of the above development;
  - the Department's letter of condition of development dated 23 October 2004; and
  - written representation from the applicant's conditionally received at the Department 2 November 2004 identifying reference to a proposed adjoining park in condition 1 and requesting an amended wording of the condition.

The Department has reviewed the request and is able to amend condition 1.

In accordance with section 15.13 of the *Landmark Planning Act 1997*, the Queensland Department of Main Roads, as a Consultence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following amended conditions of development for the subject application:

## A. AMENDED CONDITIONS OF DEVELOPMENT

### 1. Proposed Road Access Location

- (a) Access between the State-controlled road (i.e. Capital Creek Highway) and the subject land shall be via West Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed along the boundary between the proposed Lots 28, 29 and 30 and between Lot 30 and the boundary between the proposed Lots 28 and 29 and the proposed Lot 31 (park) to prevent unauthorised traffic access.

State Government Region  
Perth Office  
PO Box 1000  
6000 Perth WA  
200 000 000 000

Doc ID: 844696/2008/00000000000000000000  
File No: 2004/00000000000000000000  
Document: 1  
Reference: 1  
Page: 1 of 1

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- (c) No direct access between the State-controlled road network (i.e. Captain Cook Highway) and the subject land is permitted.

**L. Development Staging**

The landowner/ applicant shall not lodge a plan of survey showing the first substantial allotment in "Craigie Burnside Park Stage 2" to Council for signing and lodging until after the conditional Captain Cook Highway/ Beach Street Intersection works attached to Council's major road decision number CA 64 dated 14 September 2008 for "Craigie Burnside Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

**M. Advertising**

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

**Reason**

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

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

**N. GENERAL DISCUSSION**

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

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

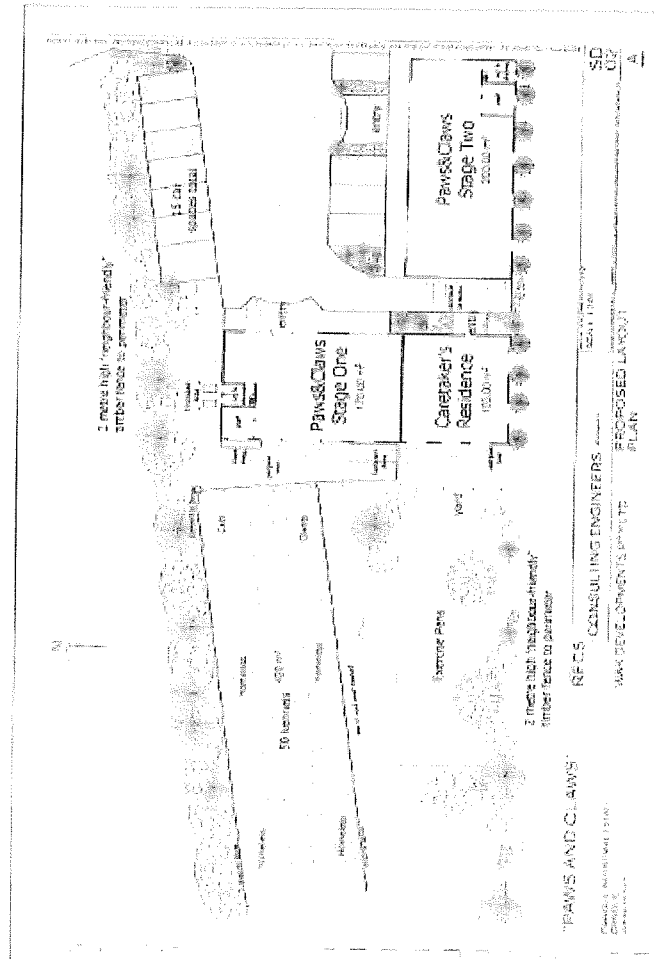
A copy of this letter has been sent to the applicant.

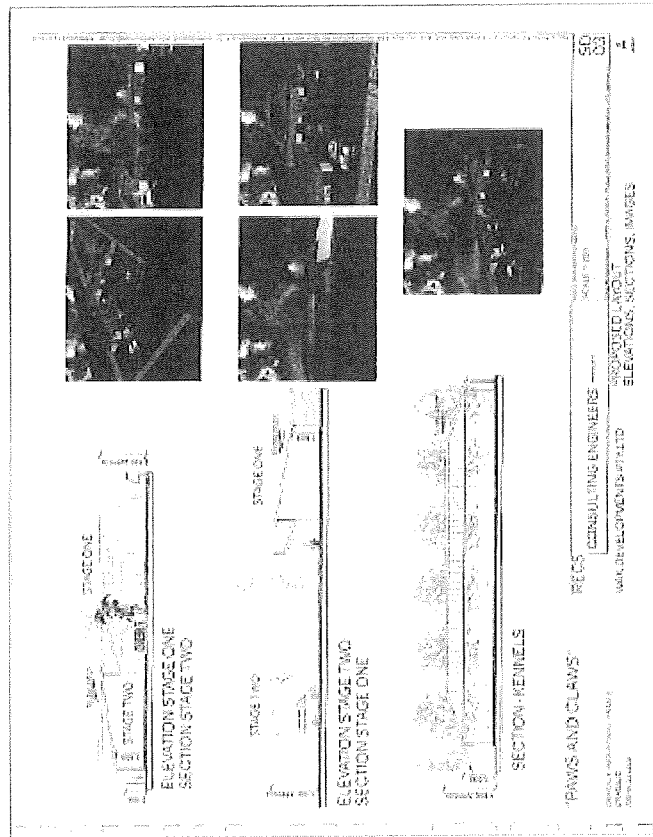
Yours sincerely,



David Hales  
MANAGER (TRANSPORT PLANNING) COUNCIL

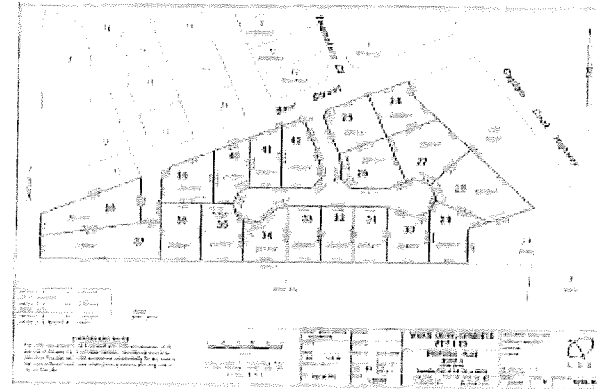
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Plan of Reconfiguration



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## SCHEDULE 3 REFERRAL AGENCY ADVICE

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Great South Coast  
State Development,  
Infrastructure and Planning

Our reference: SPD-0814-010267  
Your reference:

Date: 21 August 2014

Ms Linda 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 - Craigie, Douglas Shire - QLD; 45 Bear - Craigie, Douglas Shire - QLD,  
(given under section 37(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 37(1) of the *Sustainable Planning Act 2009* 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 368 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- That Condition 20 of the Negotiated Decision Notice, issued 13 August 2007 changes the referencing with respect to Plan No. 9294-10 dated 21/09/06 to Plan No. FR109905-17 dated 31/07/2014
- 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 FNQROC Development Manual

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

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Fair North Queensland Regional  
Office Ground Floor, Cairns Port  
Authority PO Box 2558  
Cairns QLD 4870

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If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email [angela.foster@dsdip.qld.gov.au](mailto:angela.foster@dsdip.qld.gov.au) who will be able to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Waks Developments Pty Ltd  
10 Krazy Goves, Giverny Planning  
[krazy@givernyplanning.com.au](mailto:krazy@givernyplanning.com.au)

## SCHEDULE 4 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—
  - 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) 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

Current as at 3 July 2017

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- (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (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.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, 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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- (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent 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 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 1997* 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.

**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**

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Name: WAKS Developments Pty Ltd  
Postal Address: C/- Gilvear Planning Pty Ltd  
PO Box 228  
BABINDA QLD 4861

**11. Location details**

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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

**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**

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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**

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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.

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**15. Concurrence Agency**

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

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**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.

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**17. Properly made submissions**

There were no properly made submissions for this application.

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**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**

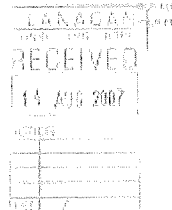
# SCHEDULE 1 – EXISTING APPROVAL



Planning  
Services Unit  
11/11/07

Mrs Natalie Clark - Planning Officer  
Planning Services Section - ☎ 081 969 9436  
planning@ds.csl.qld.gov.au

Hanagan Consulting Group  
PO Box 5820  
CAIRNS QLD 4870



CA 69

13 August 2007

## INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION

**Applicant's Name** : Wicks Pty Ltd  
**Owner's Name** : Wicks Pty Ltd  
**Proposal** : A. Reconfiguration of a Lot to create 19 Lots  
B. 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 'Intensive Animal Husbandry' (Kennel/Cattery) and Caretaker's Residence  
**Application Number** : CA 69  
**Site Address** : Bear Street, Craiglie  
**Property Description** : Lot 81 on SR 724, Parish of Salisbury, County of Solander

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

This negotiated decision notice replaces the decision notice dated 18 May 2007. Condition 28 has been amended. All other conditions remain unchanged.

Approved subject to Conditions

ADMINISTRATION CENTRE PHONE (08) 4998 0641 FACSIMILE (08) 4998 0642 ALL COMMUNICATIONS TO BE  
CALL DEPARTMENT 11/11/07 INTERNET www.douglas.qld.gov.au ADDRESSED TO  
C/O DEPT STREET HANAGAN DOUGLAS SHIRE COUNCIL PO BOX 5820  
CAIRNS QLD 4870

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2. **Type of Development Approval:**

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

3. **Referral Agency:**

Department of Main Roads  
Perkins District  
PO Box 6185  
CARRNS QLD 4870

4. **Conditions**

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

**Plan of Development**

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

Title	Plan No.	Date
Overall Site Plan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout - Elevations, Sections, Images	SD 03	Sept 06

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

**Currency Period**

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

**Landscaping**

3. The landscaping plan submitted with the proposed development referenced as:

Title	Plan No.	Date
Landscape Plan	SD 01	-

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

4. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. 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 structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
7. Animal faeces are to be collected on site and disposed of in the general refuse.
8. No animal faeces are to be placed into the sewer.

#### **Electricity and Telephone Services**

9. All electrical lines along the full frontages of the subject site (named proposed cul-de-sac) are to be placed underground. These works are to be undertaken by Fibres Energy at the developer/owners expense and are to be completed prior to commencement of the approved use.

#### **Stormwater**

10. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as unnamed road. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - b) Cause ponding of stormwater on adjoining properties.

#### **Carparking**

11. A carparking area with a minimum of sixteen (16) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

#### **Refuse**

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

#### **Compliance**

13. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer

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

#### Construction Requirements

14. All construction works are to be carried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998
15. Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.
16. All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a water tank.
17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater 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 measures to prevent any run-off of mud, silt or sand to stormwater. (Further advice on sediment control can be obtained by contacting Council's Environmental Health 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 kernel site will be adequate to mitigate potential noise nuisance as defined by the Environmental Protection Regulation 1998

#### RECONFIGURING A LOT

##### Plan of Development

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 plan/s of reconfiguration

Title	Plan No.	Date
Proposed Plan (Stage 1)	R294-10	23/9/06

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

##### Water Supply

21. The plan and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review

This system must make provision for services to the boundaries of all lots, including main water, envelope pipes at cross street services and valve and hydrant markers and be

designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

22. The developer must provide a new water supply connection for proposed Lots 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.
23. The developer is responsible for the external works to connect the site with Council's water supply at Boat Street.
24. The developer shall be required to provide a 200mm diameter water service to the boundary of each lot to be created, together with the lodgment with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot 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 service at no cost to the said lot purchaser.

The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection.

#### **Sewerage**

25. 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. 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. Prior 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 the provision of:
  - (a) an underground electrical supply to each lot; and
  - (b) street lighting in accordance with Council's adopted standards;
  - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
28. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground telephone service to each lot; and
  - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

#### **Stormwater Drainage**

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

#### **Operational Works Development Permit**

30. 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 "FNORRC Development Manual". Currency Period
31. The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Background Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with

#### **Compliance with Conditions**

32. The Plan of Survey with associated documents shall not be endorsed by Council until Conditions 20 to 38 have been complied with

#### **Road Works**

33. The developer must undertake the following works:

##### **(a) Internal**

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

##### **i. Unpaved Road**

- Kerb and channelling along the full length of the frontage;
- Full width bitumen surface;
- Footpaths;
- Underground Drainage.

##### **(b) External**

Provision is to be made for the following works external to the site in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNORRC Development Manual" for Industrial Collector Roads.

##### **c. Near Street**

- Kerb and channelling along the full length of the frontage;
- Construction of road shoulders to full width;
- Footpaths;
- Underground Drainage.

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 damage 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, at their expense, 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, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 - *Reports and Information the Council may Request*. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

#### Water supply & Sewerage Headworks

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

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

Water Supply 69  
Sewerage 69

#### Street Tree Planting

17. The applicant is to undertake street tree planting in accordance with the requirements of the ENQ Development Manual.

#### Contributions

18. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4.00ha to the Taves & Claves 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 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 plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A2. The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase
- A3. Contaminant must 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 measures, perform all acts and do all things necessary to 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 carrying out the activity.
- A6. The holder of the development approval must ensure that those 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 as a condition of the development approval must be kept at the approved 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. Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- B2. No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place
- B3. No incineration or open burning is to be carried out on the approved place

### ***SCHEDULE C - WATER DISCHARGE***

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

#### **SCHEDULE D – STORMWATER MANAGEMENT**

- D1. Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D2. Any stormwater leaving the approved place shall contain no visible floating oil, grease, silt, litter or other matter.
- D3. Any spillage of wastes, contaminants or other material must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D4. All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to the sewer via an approved silt trap.

#### **SCHEDULE E – LAND APPLICATION**

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

#### **SCHEDULE F – NOISE CONTROL**

- F1. Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission of noise.
- F2. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.

#### **SCHEDULE G – WASTE MANAGEMENT**

- G1. Waste must not be released to the environment or disposed contrary to the condition of this development approval.

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

#### **SCHEDULE II – SELF-MONITORING**

111. All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- Time and date of complaint;
  - Contact details of the complainant;
  - Response and investigation undertaken as a result of the complaint;
  - Name of person responsible for investigating complaint; and
  - Action taken as a result of the investigation of the complaint
112. The complaints recorded required by condition 111 shall be maintained for a period of not less than 5 years.
113. 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, or their operator on site must notify the administering authority of the release by telephone or facsimile.
114. The notification of emergencies or incidents as required by condition 113 must include but not limited to the following:
- The name of the holder of this development approval
  - The location of the emergency or the incident
  - The name and telephone number of the designated contact person
  - The time of release
  - The time the holder of the development approval became aware of the release
  - The suspected cause of the release
  - The environmental harm and/or the environmental nuisance caused, threatened or suspected to be caused by the release
  - Actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

#### **SCHEDULE I – DEFINITIONS**

11. For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred in that term in its common usage.
12. In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that

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

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

"Act" means the Environmental Protection Act 1994

"Administering Authority" means the Douglas Shire Council or its successor

Advice

- Water connection and electricity transformer cabinets are located on alternate lot boundaries to ensure safety when requiring maintenance.
- In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres 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 Douglas Shire Planning Scheme.

8. Further Development Approvals Required:

Operational Work  
Building Permit

Development Permit  
Development Permit



Paul Frutman  
General Manager - Development & Environment

# Appendix A – Concurrence Agency Response

2 November 2008

Mr T Michener  
Chief Executive Officer  
Douglas Shire Council  
PO Box 111  
Mussman Qld 4871

**DOUGLAS SHIRE COUNCIL**  
**RECEIVED**  
FILE NAME: 2008/00000000000000000000  
DOCUMENT: 1  
4 5 31 31  
CALL  
ATTENTION  
DISPOSITION

**Queensland Government**  
Department of Main Roads

Dear Mr Michener:

Douglas Shire Capital Creek Highway (Caloon, Mussman)  
Stranded at Hair Street, Craigie  
Lot 59 to 58 714, Parish of Salisbury  
Waka Pty Ltd  
Proposed Material Change of Use (Service Industry Zone & Proposed Lot 51 - Intensity Animal Husbandry & Livestock's Residence) & Reconfiguring of Lot (18 A Horsemen & New Road)  
Application  
Modification of Changed Conditions of Development (DMR as Concurrence Agency)

I refer to:

- the above application received at the Department 21 October 2007 requesting reconsideration of the above development;
- the Department's letter of conditions of development dated 27 October 2007; and
- written representation from the applicant's representative received at the Department 7 November 2007, providing information to a proposed adjoining park to condition 1 and requesting no amended wording of the condition.

The Department has reviewed the material and is able to agree condition 1.

In accordance with section 1.3.13 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following amended conditions of development for the named application:

**A. AMENDED CONDITIONS OF DEVELOPMENT**

**1. Proposed Road Access Location**

(1) Access between the State-controlled road (i.e. Capital Creek Highway) and the subject land shall be via Hair Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed along the boundary between the proposed Lots 28, 27, 61/18 and 28/18/19 and the boundary between the proposed Lots 28 and 29 and the proposed Lot 27/28/29 to prevent alternative traffic access.

Work Organisation Report  
Project Name  
Project ID  
Project Description  
2008/00000000000000000000

Project ID: 2008/00000000000000000000  
Project Name: CA 2876/2008  
Project Description: Request for Concurrence  
Project ID: 2008/00000000000000000000

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CA 2876/2008

- (c) No direct access between the State-controlled road network (i.e. Captain Cook Highway) and the subject land is permitted.

3. Development Staging

The landowner/applicant shall not lodge a plan of subdivision creating the first commercial allotment in "Craigie Business Park Stage 2" to Council for signing and forwarding after the conditional Captain Cook Highway/Beer Street intersection works attached to Council's sign and decision notice CA 61 dated 16 September 2004 for "Craigie Business Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

3. Advertising

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

Reason

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

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

B. GENERAL DISCUSSION

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

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

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

Yours sincerely



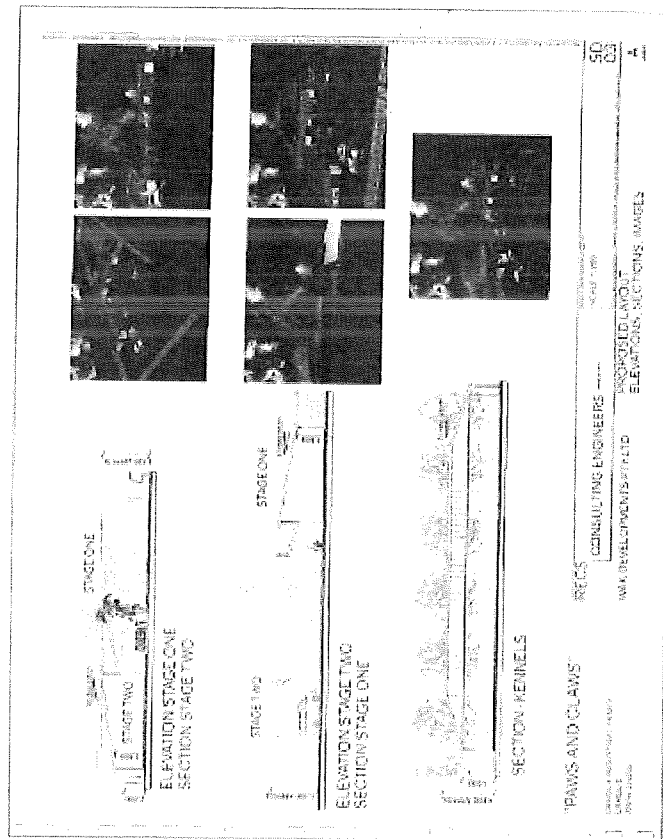
Michael Mahoney  
MANAGER (TRANSPORT PLANNING) PETERBOROUGH

[illegible]

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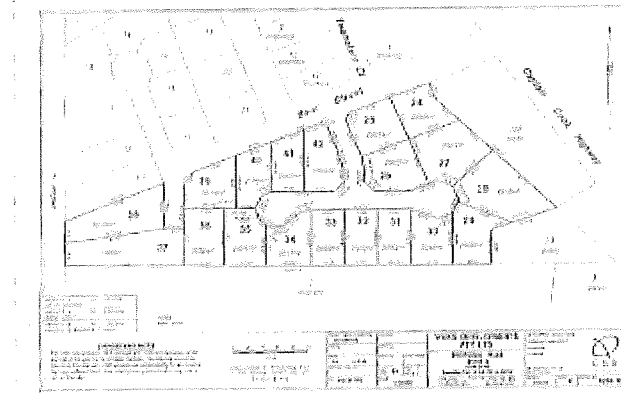






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Plan of Reconfiguration



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CA 2876/2008

### Council Amendments 5 May 2015

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 (stage 2)	8284-10	21/9/06
Reconfiguration of a Lot. Proposed Stage 2 Craiglie Business Park	RPS Drawing No. PR108905-17	31 July 2014

2. 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:

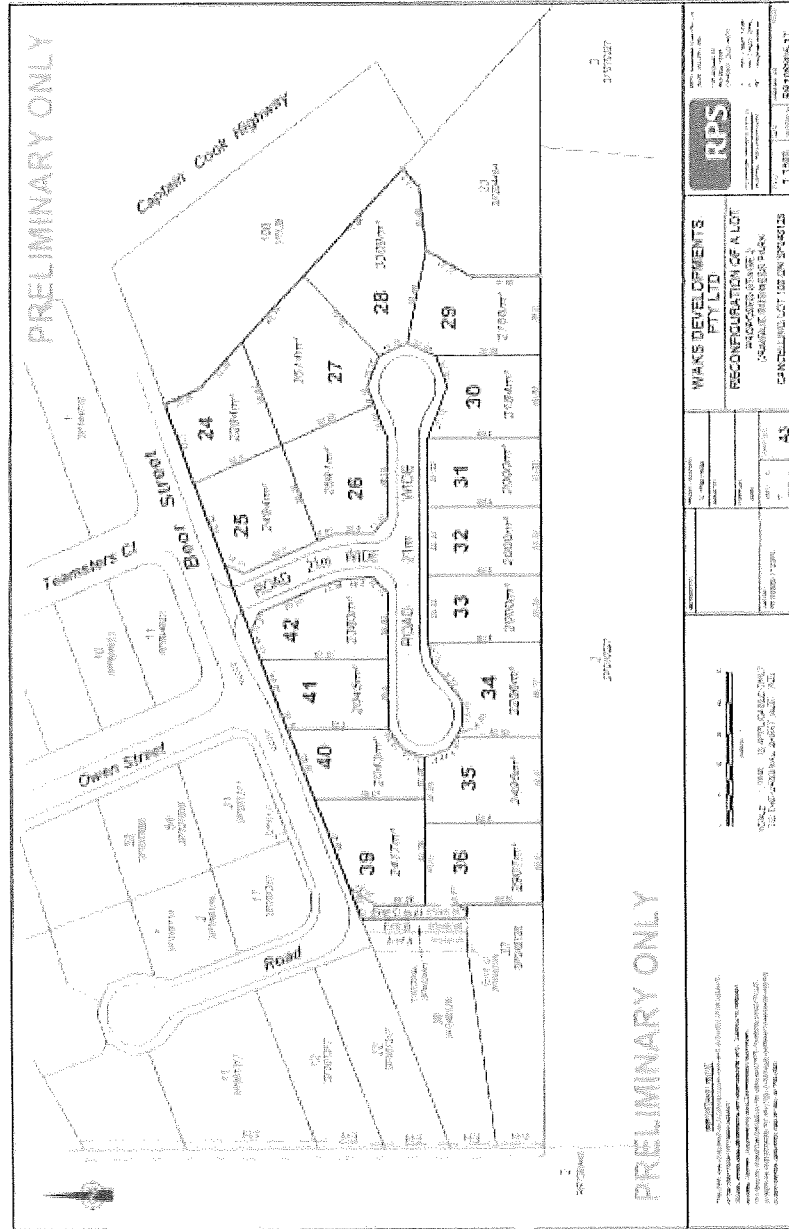
#### 33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.

4. 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 4000m<sup>2</sup> 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.



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CA 2876/2008



Department of  
State Development,  
Infrastructure and Planning

Our reference: SPD-0814-000287  
Your reference:

Date: 21 August 2014

Ms Linda 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 Beer - Craigie, Douglas Shire - QLD, 43 Beer - Craigie, Douglas Shire - QLD,  
(Given under section 373(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustainable Planning Act 2009 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 369 of the Sustainable Planning Act 2009.

The department understands that the proposed changes are as follows:

- That 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. PR108995-17 dated 31/07/2014.
- 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 FNRDC Development Manual.

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

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

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CA 2876/2008

If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 4233, or via email [angela.foster@dodip.qld.gov.au](mailto:angela.foster@dodip.qld.gov.au) who will be able to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Waks Developments Pty Ltd  
PO Kesty Great, Great, Planning  
[kesty@gdwanplanning.com.au](mailto:kesty@gdwanplanning.com.au)

### SCHEDULE 3 REFERRAL AGENCY ADVICE



Department of Infrastructure,  
Local Government and Planning

Our reference SPO 0815-01900  
Your reference 832401 (CRG Ref: CA69 (ESG Ref: May 2007))

13 August 2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873  
[enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Dear Sir/Madam,

#### Notice about request to extend relevant period

Lot on plan	Street address
Lots 37, 38 and 100 on SP243126	43 Beer Street, Craigie, Douglas Shire Council, QLD

(Given under section 305 of the Sustainable Planning Act 2009)

The Department of Infrastructure, Local Government and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 2 August 2015 advising the department, as a concurrence 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 contact Sue Lockwood, Senior Planning Officer, on (07) 4637 3215, or via email [sue.lockwood@dsp.qld.gov.au](mailto:sue.lockwood@dsp.qld.gov.au) who will be pleased to assist.

Yours sincerely,

Brett Nancarrow  
A Manager (Planning)

Page 1

Centre Point Authority  
Grafton and Henty Street  
PO Box 2358  
Cairns QLD 4870  
Telephone +61 7 4033 3200  
Website [www.dsp.qld.gov.au](http://www.dsp.qld.gov.au)  
N89 25 106 523 000

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55 / 60 (D# 832401)  
CA 2876/2008



## SCHEDULE 3 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—
  - 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) 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

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Authorised by the Parliamentary Counsel

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CA 2876/2008

- (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (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.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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

### **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, 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

- (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent 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 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 1997* 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.

## 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—
  - 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) 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

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Authorised by the Parliamentary Counsel

- (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (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.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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

### **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, 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



- (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent 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 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
*decision* includes—

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

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

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

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

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

## 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.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## **Division 2                      Changing development approvals**

### **Subdivision 1              Changes during appeal period**

#### **74              What this subdivision is about**

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

#### **75              Making change representations**

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

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

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that

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



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

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

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

- (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.



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

## **230 Notice of appeal**

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

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

## **231 Non-appealable decisions and matters**

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

- (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
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## 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.

9 February 2024

**Enquiries:** Jenny Elphinstone  
**Our Ref:** CA 2008\_2876 (Doc ID 1208802)  
**Your Ref:** CA 2876/2008

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

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 Hoyer**  
**Manager Environment & Planning**

encl.

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

# Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

## ADOPTED INFRASTRUCTURE CHARGES NOTICE

IPDG (S2) Pty Ltd DEVELOPERS NAME		N/A ESTATE NAME	0 STAGE
L100 Bear Street STREET No. & NAME	Craigie SUBURB	L100 on SP248126 LOT & RP No.s	156875 PARCEL No.
ROL DEVELOPMENT TYPE		CA 2008_2876 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
0 DSC Reference Doc. No.	1 VERSION No.	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand							
Lots comensurate to a Dwelling-House							
Residential	Dwelling_house	\$_per_3_or_more_be droom_dwelling	25,314.98	17	\$430,354.66		Prior arrangement for online payment via invoicing - see below.
Total Demand					\$430,354.66		
Credit							
<u>Existing land use</u>							
<u>Vacant Lot Comensurate to a Dwelling-House</u>							
3 or more bedroom dwelling	1 lot	\$_per_3_or_more_be droom_dwelling	25,314.98	1	\$25,314.98		Code 895 GL GL7500.135.825
Total Credit					\$25,314.98		
Required Payment or Credit			TOTAL		\$405,039.68		

Prepared by	J Elphinstone	7-Feb-24	Amount Paid	
Checked by	R Taranto	7-Feb-24	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision		Receipt No.	
Amendments		Date	Cashier	

### Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.  
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

If you seek to pay online, please request an invoice to be issued via [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)



## **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**

- (1) 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.

## **126 Suspending relevant appeal period**

- (1) 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**

- (1) 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.

## 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
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    - (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
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- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
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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 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
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*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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  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
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- (4) The *service period* is—
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- (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.
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- (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.