

30 October 2024

Enquiries: Rebecca Taranto
Our Ref: MCUC 2016_1301/2 (Doc ID:1255559)

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

Wylde Blue Yonder Pty Ltd (Tte)
C/- Aspire Town Planning
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

**Development Application for Request for Minor Change (Shed and Carport)
At 51 Beor Street CRAIGLIE
On Land Described as LOT: 1 SP: 277137**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2016_1301/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully



Neil Beck
Acting Manager Environment and Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Wylde Blue Yonder Pty Ltd (Tte)
Postal Address: C/- Aspire Town Planning
PO Box 1040
MOSSMAN QLD 4873
Email: admin@aspireqld.com

Property Details

Street Address: 51 Beor Street CRAIGLIE
Real Property Description: LOT: 1 SP: 277137
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application has been made for a Minor Change Application (Minor Change) to vary Decision Notice MCUC 2016/1301 for a new shed and carport.

Decision

Date of Decision: 30 October 2024

Decision Details: Approved whereby;

1. The design of the development is in accordance with the following table of Approved Drawing(s) and / or Document(s).

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Lot 1 Site Layout Sheet SK1 Revision B prepared by RECS Consulting Engineers and Designers	25 February 2016

Shed 1 Elevations	SK 2 Revision A	9 December 2015
Shed 2 Elevations	SK 3 Revision A	9 December 2015
<u>Site Plan</u>	<u>Success By Design</u> <u>Sheet C02</u>	<u>Submitted to Council</u> <u>on 9/10/2024</u>
<u>Floor Plans</u>	<u>Success By Design</u> <u>Sheet C03</u>	<u>Submitted to Council</u> <u>on 9/10/2024</u>
<u>Elevations</u>	<u>Success By Design</u> <u>Sheet C04</u>	<u>Submitted to Council</u> <u>on 9/10/2024</u>

ASSESSMENT MANAGER CONDITIONS:

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Damage to Infrastructure

3. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Water & Waste at no cost to Council.

Vehicle Parking

4. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of four (4) spaces and include the provision for loading and unloading a small rigid vehicle. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.2 2002 Parking Facilities – off-street commercial vehicle facilities and be constructed in accordance with Austroads and good engineering design. All parking, driveway and vehicular maneuvering areas at the frontage of the property and extending several metres past the frontage of the sheds must be imperviously sealed, drained and line marked.

Confirmation that a small rigid vehicle can access the rear of the site and exit in forward gear must also be demonstrated.

Protection of Landscaped Areas from Parking

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

Access Works

6. Undertake the following access works:
 - a. Provide concrete crossover(s) and apron(s) at the entrance to the site with each crossover being limited to a maximum width of 3.5 metres in accordance with *FNQROC Development Manual Standard Drawing S1015*. A copy is attached at Appendix 2.

Storage of Machinery and Plant

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

Landscaping Plan

- ~~8. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:~~
 - ~~a. Deep planting of setback areas;~~
 - ~~b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping.~~
 - ~~c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.~~
- ~~Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.~~

Lawful Point of Discharge

9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

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

Ponding and/or Concentration of Stormwater

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

Refuse Storage

12. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Council.

Advertising Signage

13. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Landscaping

14. Prior to the issue of a Development Permit for Building Work, submit a Landscape Plan prepared by a suitably qualified person/s for endorsement by the Chief Executive Officer. The Landscaping Plan must show:

- a. Deep planting of setback areas;
- b. The species of plants selected for landscaping must have regard to Council's Planning Scheme Policy No SC6.7- Landscaping;
- c. Details of ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth.

The approved landscaping must be completed prior to the commencement of use. All landscaping must be maintained to the satisfaction of the Chief Executive Officer.

ADVICE

1. This approval for the minor change, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to

5. All other requirements of the Decision Notices MCUC 2016/1301-Service Industry and ROL 1665/2016 – Creation of an Easement, remain unchanged.

A copy of the original Decision Notices are attached.

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

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

└

LOT 2
SP277137

LOT 1
SP288893

LOT 2
SP288893

LOT 22
SP201317

BEOR STREET

PROPOSED SHEET

PROPOSED CAR PORT
PARKING FOR 4 CARS

1234m²

1:100

SITE PLAN

[illegible]

YOUR REF: [J000359:WAKS:JLG](#)
OUR REF: MCUC1301/2016 (769913)

17 March 2016

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
[BARINDA QLD 4861](#)

Attention: Kristy ~~Gilvear~~

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 51 BEOR STREET CRAIGLIE**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation [on](#), please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of [Development Assessment](#) and Coordination on telephone number 07 4099 9451.

Yours faithfully

Paul Hoyer
General Manager Operations

~~Att~~

43.2016.1301
1/11

APPLICANT DETAILS

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
[BARINDA QLD](#) 4861

ADDRESS

51 Beor Street CRAIGLIE

REAL PROPERTY DESCRIPTION

Lot 1 on SP277137

PROPOSAL

Service Industry

DECISION

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

DECISION DATE

16 March 2016

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

[None Applicable](#)

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Site Plan	Lot 1 Site Layout Sheet SK1 Revision B prepared by RECS Consulting Engineers and Designers	25 February 2016
Shed 1 Elevations	SK 2 Revision A	9 December 2015
Shed 2 Elevations	SK 3 Revision A	9 December 2015

ASSESSMENT MANAGER CONDITIONS:

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Damage to Infrastructure

3. ~~In the event that~~ any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Water & Waste at no cost to Council.

Vehicle Parking

4. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of four (4) spaces and include the provision for loading and unloading a small rigid vehicle. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-~~street~~ car parking and Australian Standard AS2890.2 2002 Parking Facilities – off-street commercial vehicle facilities and be constructed in accordance with ~~Austrorads~~ and good engineering design. All parking, driveway and vehicular maneuvering areas at the frontage of the property and extending several ~~metres~~ past the frontage of the sheds must be imperviously sealed, drained and line marked.

Confirmation that a small rigid vehicle can access the rear of the site and exit in forward gear must also be demonstrated.

Protection of Landscaped Areas from Parking

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

Access Works

6. Undertake the following access works:
 - a. Provide concrete crossover(s) and apron(s) at the entrance to the site with each crossover being limited to a maximum width of 3.5 metres in accordance with *FNQROC Development Manual Standard Drawing S1015*. A copy is attached at Appendix 2.

Storage of Machinery and Plant

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

Landscaping Plan

8. The site must be landscaped in accordance with details included on a [Landscaping Plan](#). The Landscaping Plan must show:
 - a. Deep planting of setback [areas](#);
 - b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping.
 - c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

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

Lawful Point of Discharge

9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

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

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Ponding and/or Concentration of Stormwater

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

Refuse Storage

12. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Council.

Advertising Signage

13. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
5. The site is located within a pest quarantine area declared under section 4(1) of the *Plant Protection (Electric Ant) Quarantine Notice 2006*. The *Plant Protection (Electric Ant) Quarantine Notice 2006* places restrictions on the movement of electric ants and 'high risk items' within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the *Plant Protection (Electric Ant) Quarantine Notice 2006* consult the Department of Agriculture & Fisheries. Further information is also available at the following website: <https://www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/electric-ants>

LAND USE DEFINITIONS

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

Service Industry

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

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

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

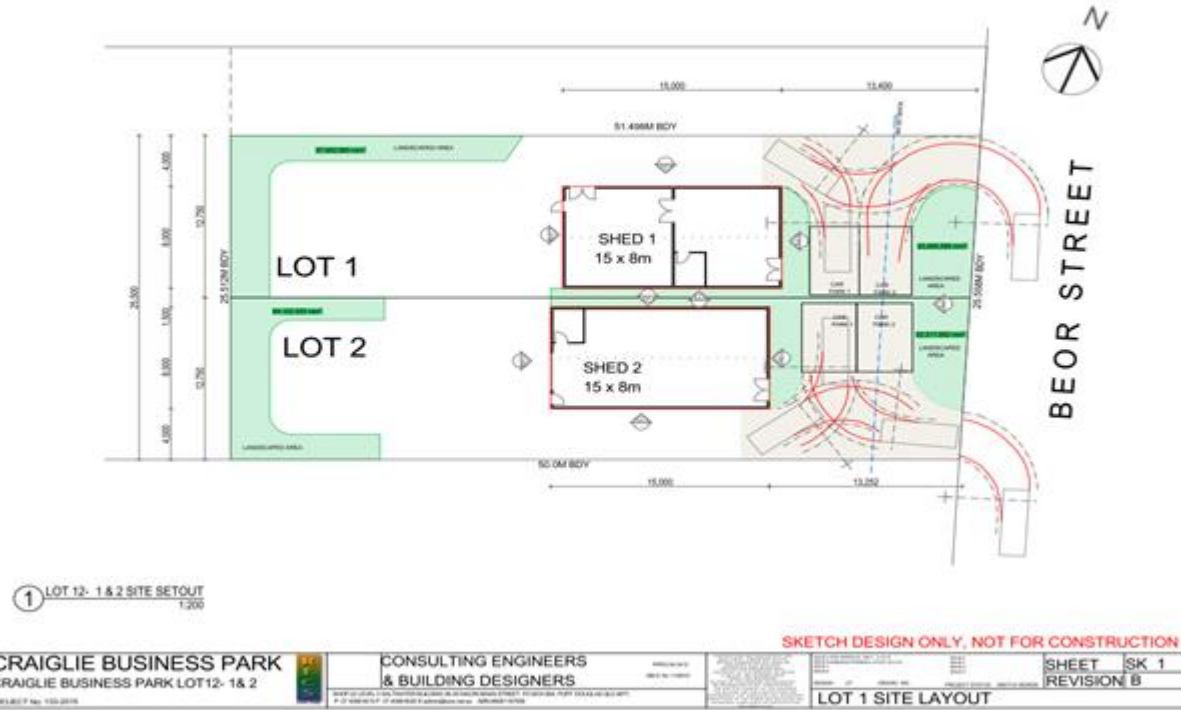
Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause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

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

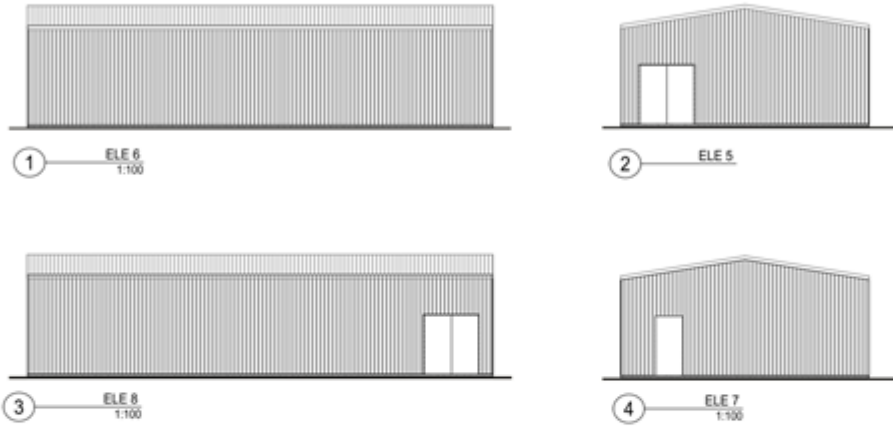
RIGHTS OF APPEAL
Attached

End of Decision Notice

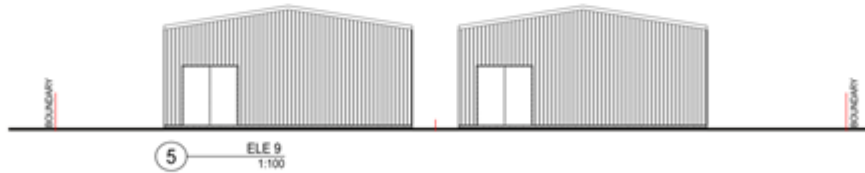
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



SHED 1 ELEVATIONS



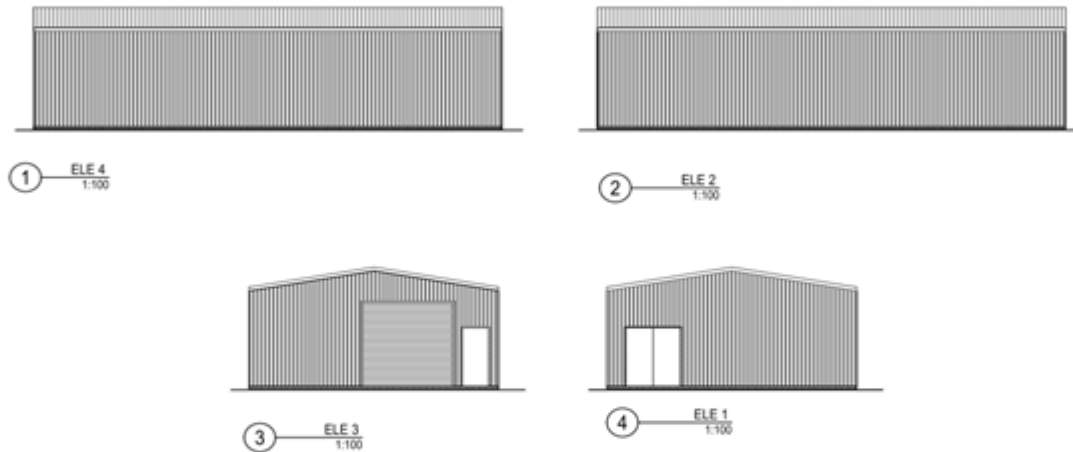
ROAD ELEVATION SHEDS 1 & 2

SKETCH DESIGN ONLY, NOT FOR CONSTRUCTION

CRAIGLIE BUSINESS PARK CRAIGLIE BUSINESS PARK LOT12- & 2 <small>PROJECT NO. 153-2015</small>		CONSULTING ENGINEERS & BUILDING DESIGNERS <small>1000 WEST 10TH AVENUE SUITE 100 DENVER CO 80202 P: 303.733.8800 F: 303.733.8801 WWW.CEBD.CO</small>	<small>DESIGNED BY</small> DESIGNED BY NAME <small>CHECKED BY</small> CHECKED BY NAME	<small>DATE OF SHEET</small> DATE OF SHEET <small>DATE OF REVISION</small> DATE OF REVISION			SHEET SK 2 REVISION A
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SHED 1 ELEVATIONS

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

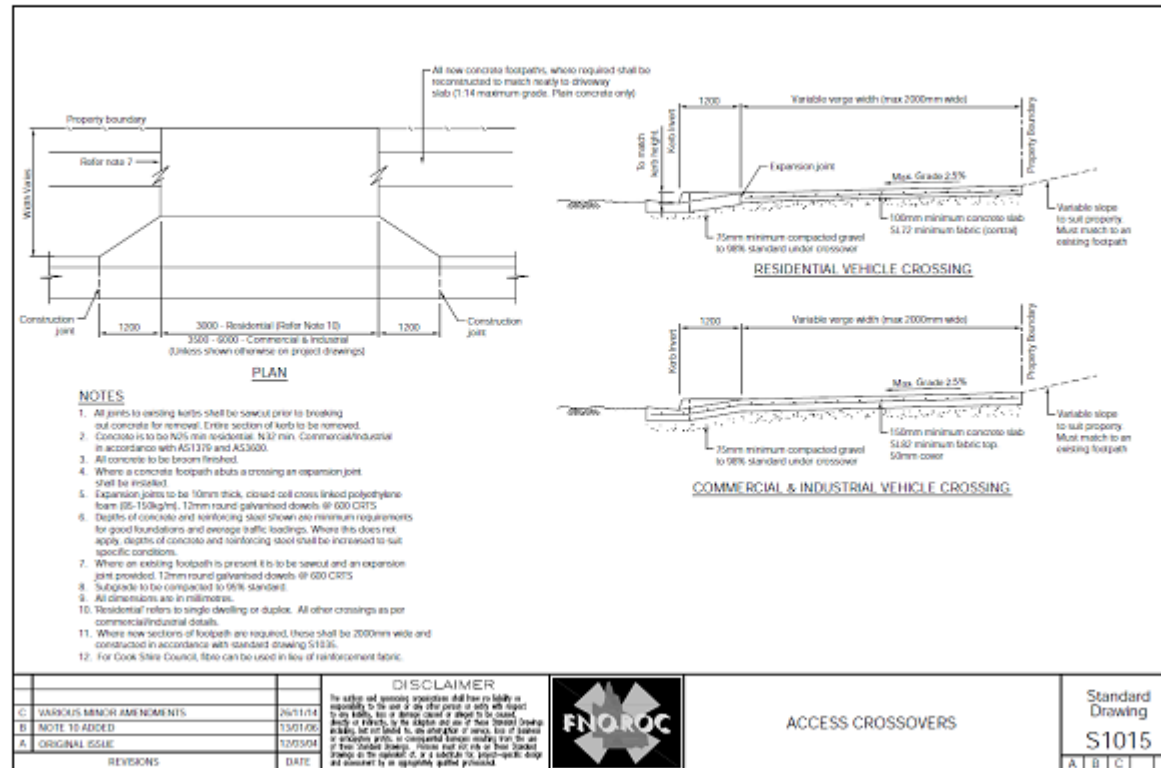


SHED 2 ELEVATIONS

CRAIGLIE BUSINESS PARK		CONSULTING ENGINEERS & BUILDING DESIGNERS		SKETCH DESIGN ONLY, NOT FOR CONSTRUCTION		SHEET SK 3	
CRAIGLIE BUSINESS PARK LOT12- 1& 2		PROJECT No. 133.2015		PROJECT No. 133.2015		REVISION A	
43: 5/1		PROJECT No. 133.2015		PROJECT No. 133.2015		SHED 2 ELEVATIONS	

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPENDIX 2 - FNQROC DEVELOPMENT MANUAL STANDARD DRAWING S1015



43.2016.1301
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43.2016.1301
11/11

YOUR REF: SEDA
OUR REF: ROL 1665/2016_SEDA (787653)

8 September 2016
1665/

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

Attention: Kristy Gilvear

Dear Madam,

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 51 & 53 BEOR STREET CRAIGLIE -
RECONFIGURING A LOT (CREATION OF ACCESS EASEMENT)**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 8 September 2016, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Please note Advice Statement 1 which allows for the creation of the access easement prior to constructing the additional hardstand area required for Building 'A' in order to assist with the resolution of this matter.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9451.

Yours faithfully

Simon Clarke
A / Manager Sustainable Communities

Att

41.2013.5373
1/5

APPLICANT DETAILS

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

ADDRESS

51 & 53 Beor Street CRAIGLIE

REAL PROPERTY DESCRIPTION

Lot 1 and Lot 2 on SP277137

PROPOSAL

Reconfiguring a Lot (Creation of Access Easement)

DECISION

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

DECISION DATE

8 September 2016

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were No Applicable submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

None Applicable

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
SKETCH PLAN OF PROPOSED EASEMENT 'C'	PR108905_11	As submitted with Development Application and attached.

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Permit for the Plan of Survey except where specified otherwise in these conditions of approval.

Access/Services Easement

3. Create a reciprocal Access (and services if required) Easement to allow vehicle access and on-site maneuvering over Lot 2 on SP277137 in ~~favour~~ of Lot 1 on SP277137. A copy of the easement documents must be submitted to Council for the approval. The approved easement documents must be submitted at the same time as application for a Compliance Permit for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

FURTHER ADVICE

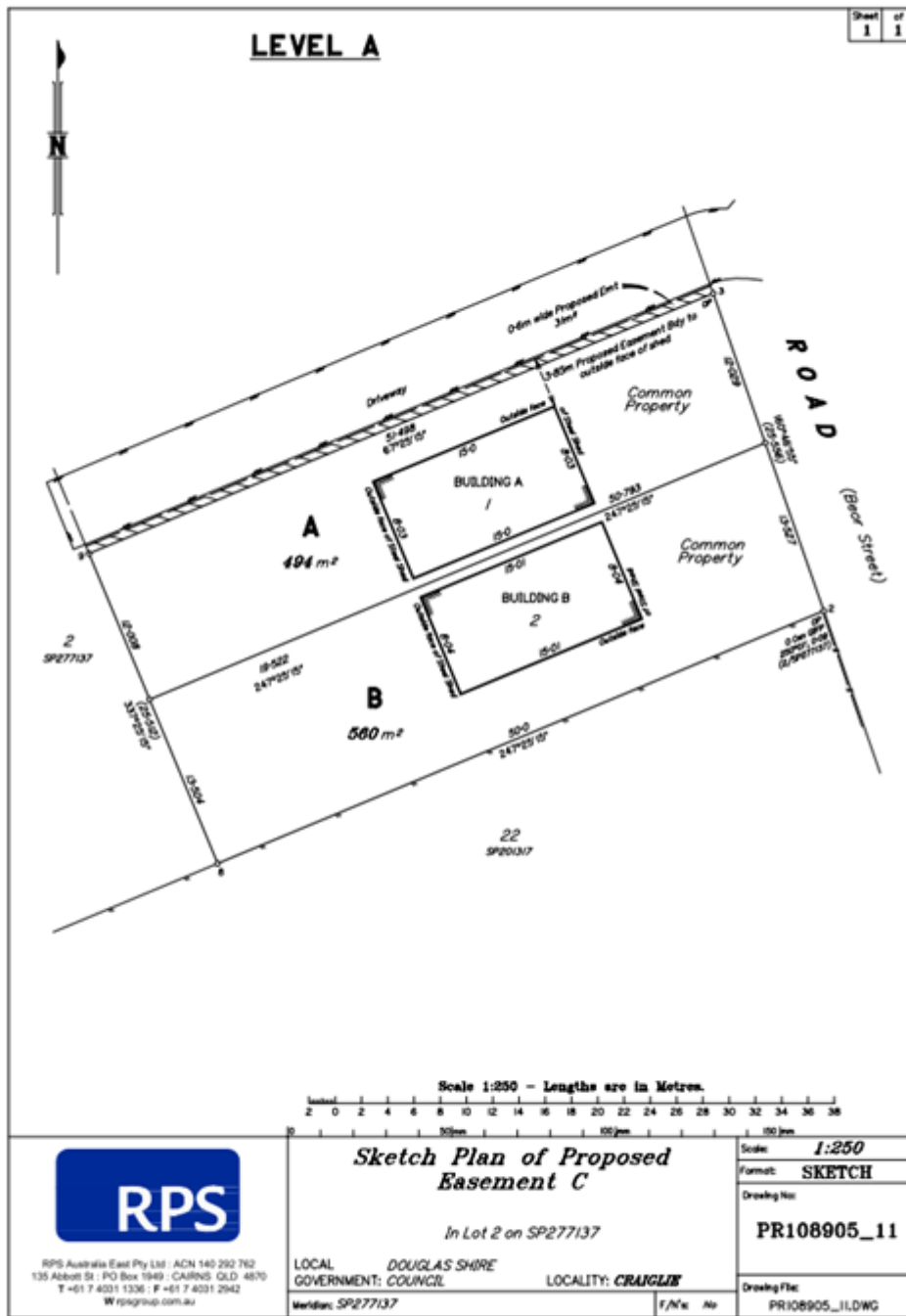
1. The extension of the hardstand area required for vehicle parking and on-site maneuvering area for Building "A" as detailed on Sketch Plan PR108905_11 must be constructed prior to endorsement of the Building Format Plan over Lot 1 on SP277137.
2. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.

3. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

RIGHTS OF APPEAL
Attached

End of Decision Notice

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



41.2013.5373
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relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

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 assessment manager gives the applicant the decision notice for 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) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2), the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) 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.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is 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
- (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.

30 October 2024

Enquiries: Rebecca Taranto
Our Ref: MCUC. 2016_1301/2 (Doc ID:1255559)

Wylde Blue Yonder Pty Ltd (Tte)
C/- Aspire Town Planning
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Shed and Carport)
At 51 Beor Street CRAIGLIE
On Land Described as LOT: 1 SP: 277137**

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: MCUC 2016_1301/2 in all subsequent correspondence relating to this matter.

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

Yours faithfully



Neil Beck
Acting Manager Environment and 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

Wylde Blue Yonder Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
51 Beor Street STREET No. & NAME	Craiglie SUBURB	Lot 0 SP288893 LOT & RP No.s	157838 PARCEL No.
MCUC DEVELOPMENT TYPE	1 VERSION No.	2016_1301/2 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
2016_1301/2 DSC Reference Doc. 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)

Proposed Demand	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Industry	Low_impact_industry	\$_per_m²_GFA	54.00	93	\$5,022.00	
	Total Demand			\$5,022.00		
						Prior arrangement for online payment via invoicing - see below.
						Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **\$5,022.00**

Prepared by	Rebecca Taranto	30-Oct-24	Amount Paid	
Checked by	Jenny Elphinstone	30-Oct-24	Date Paid	
Date Payable	MCU - prior to the commencement of use		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

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

Subdivision 5 Changing charges during 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 any representations made by the recipient.

- (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.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the 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 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 appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

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.

- (2) Section 128 provides for the local government to be able to impose particular development conditions (each a ***necessary infrastructure condition***) on the development approval.

Note—

For imposing or amending development conditions in relation to an approval of a change application, see sections 81A(2)(a) and 82(3)(b).

Chapter 6 Dispute resolution

Part 1 Appeal rights

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- (1) Schedule 1 states—
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 - (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
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Note—

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

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 - (a) the adopted charge itself; or
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 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, 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—
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decision includes—
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 - (b) other conduct that relates to the making of a decision; and
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- (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.