

**OUR REF:** ROL 910/2015 (732590)

19 October 2015

Ms Dianne Perry  
PO Box 380  
**PORT DOUGLAS QLD 4877**

Dear Madam

**DECISION NOTICE UNDER S 331 & S 335 SUSTAINABLE  
PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR  
37-39 OWEN STREET, CRAIGLIE**

With reference to the abovementioned Development Application and your request for a Deemed Approval, which was determined under Instrument of Delegation on 19 October 2015, 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 Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Dianne Perry  
PO Box 380  
PORT DOUGLAS QLD 4877

**ADDRESS**

37-39 Owen Street, Craiglie

**REAL PROPERTY DESCRIPTION**

Lot 3 on SP201317

**PROPOSAL**

Reconfiguring a Lot (1 Lot into 2 Lots)

**DECISION**

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

**DECISION DATE**

19 October 2015

**TYPE**

Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Compliance Certificate for Plan of Survey

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Proposed Reconfiguration Plans	Tusk Design Drawings: R01; D1 Site Plan; D2 Carparking & Landscaping; and DS Services, prepared for D Perry dated June 2015 and as amended by Condition 3 of the approval.	To be determined

**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 Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

**Amendment to Design**

3. The proposed lot layout must be amended to accommodate the following changes:
  - a. Demonstrate by way of swept path diagrams that a truck can enter and exit the rear proposed Lot 1 in forward gear. This may require amendment to the internal boundaries between proposed Lot 1 and 2, and/or an alternative car accommodation arrangement within proposed Lot 1;
  - b. Demonstrate compliance on the design plan with the existing development approval for a material change of use for Service Industry including a statement regarding compliance with all conditions of the approval. In particular the Applicant must demonstrate compliance with the provision of onsite car parking and landscaping. The car parking compliance must be certified by a Registered Professional Engineer of Queensland (RPEQ); and
  - c. A statutory declaration by the land owner is to be provided to Council confirming compliance with all conditions of Development Permit 8/7/2631 for Service Industry and all Development Permits for Building Work issued to the land.

The amended lot layout must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Certificate of Compliance for the signing and dating of the Survey Plan.

**Access for Inspection**

4. Prior to the issue of a Certificate of Compliance for the signing and dating of the Survey Plan the Applicant must allow full and unrestrained access to the site by Council officers for an inspection during normal business hours in regard to compliance of the development with existing approvals and consistency of the development with the amended plan as required under Condition 3 above.

**Water Supply and Sewerage Works Internal**

5. Undertake the following works internal to the land:
  - a. Provide a single internal water and sewer connection to Lot 2 in accordance with the *FNQROC Development Manual*; and
  - b. Confirm that a separate internal sewer line for the existing building on Proposed Lot 1 is situated within the access leg.

The above works must be designed and constructed in accordance with the *FNQROC Development Manual* prior to the issue of a Compliance Certificate for the Plan of Survey.

**Location of Services**

6. Provide written evidence from a licensed surveyor that all services (water, storm water, telecommunications and power) are contained within each respective lot.

**Lawful Point of Discharge**

7. All stormwater from proposed Lot 1 must be directed to a lawful point of discharge, being Owen Street, to the requirements and satisfaction of the Chief Executive Officer.

**Electricity and Telecommunications**

8. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

**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 sections 339 and 341 or section 363 of the *Sustainable Planning Act 2009*.

**DECISION NOTICE DETAILS**  
**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 cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilgp.qld.gov.au](http://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](http://www.douglas.qld.gov.au).
5. No separate land use approval has issued for the use of the Proposed Lot 2 and development is subject to the requirements of the Planning Scheme.

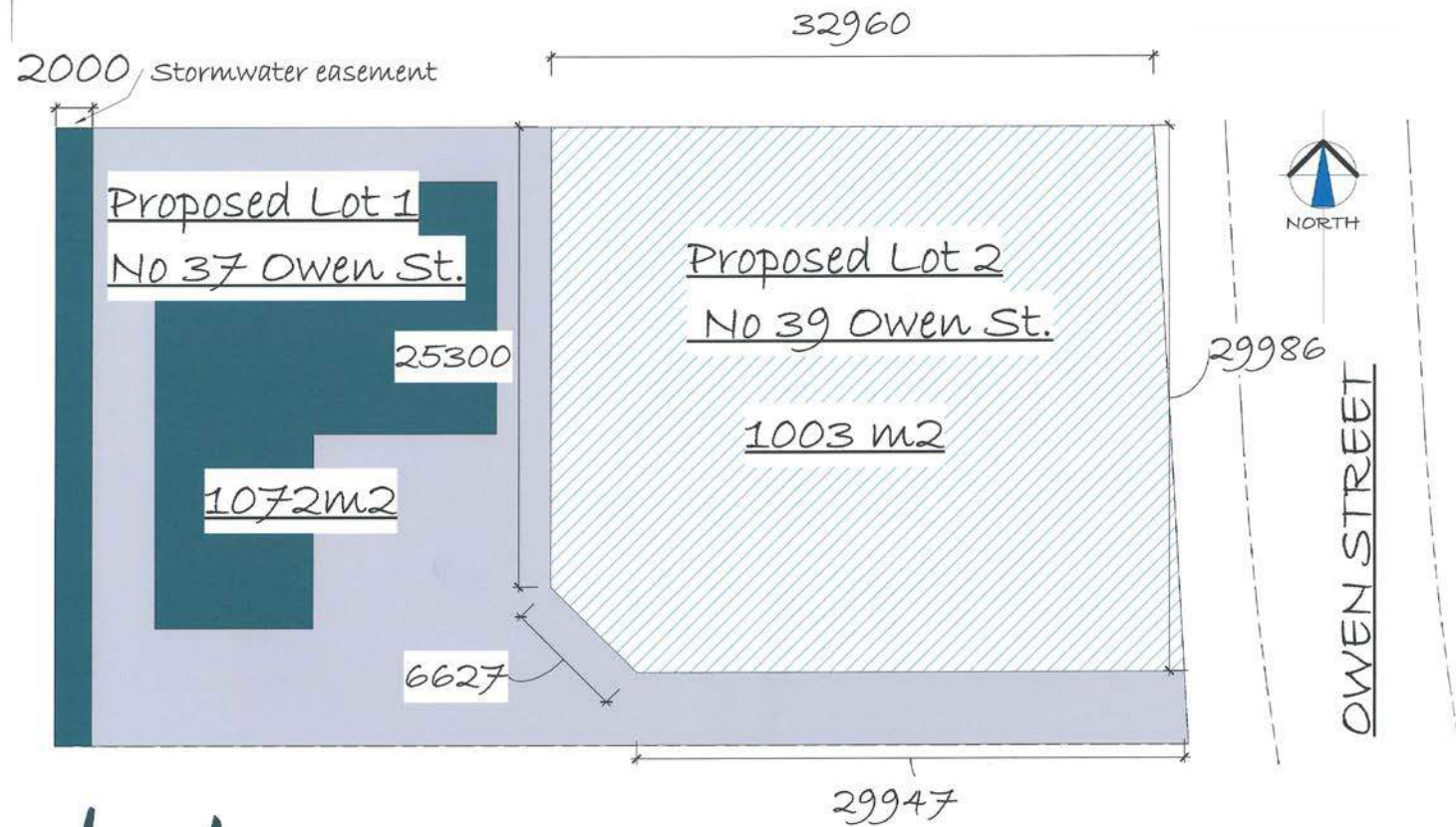
**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

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

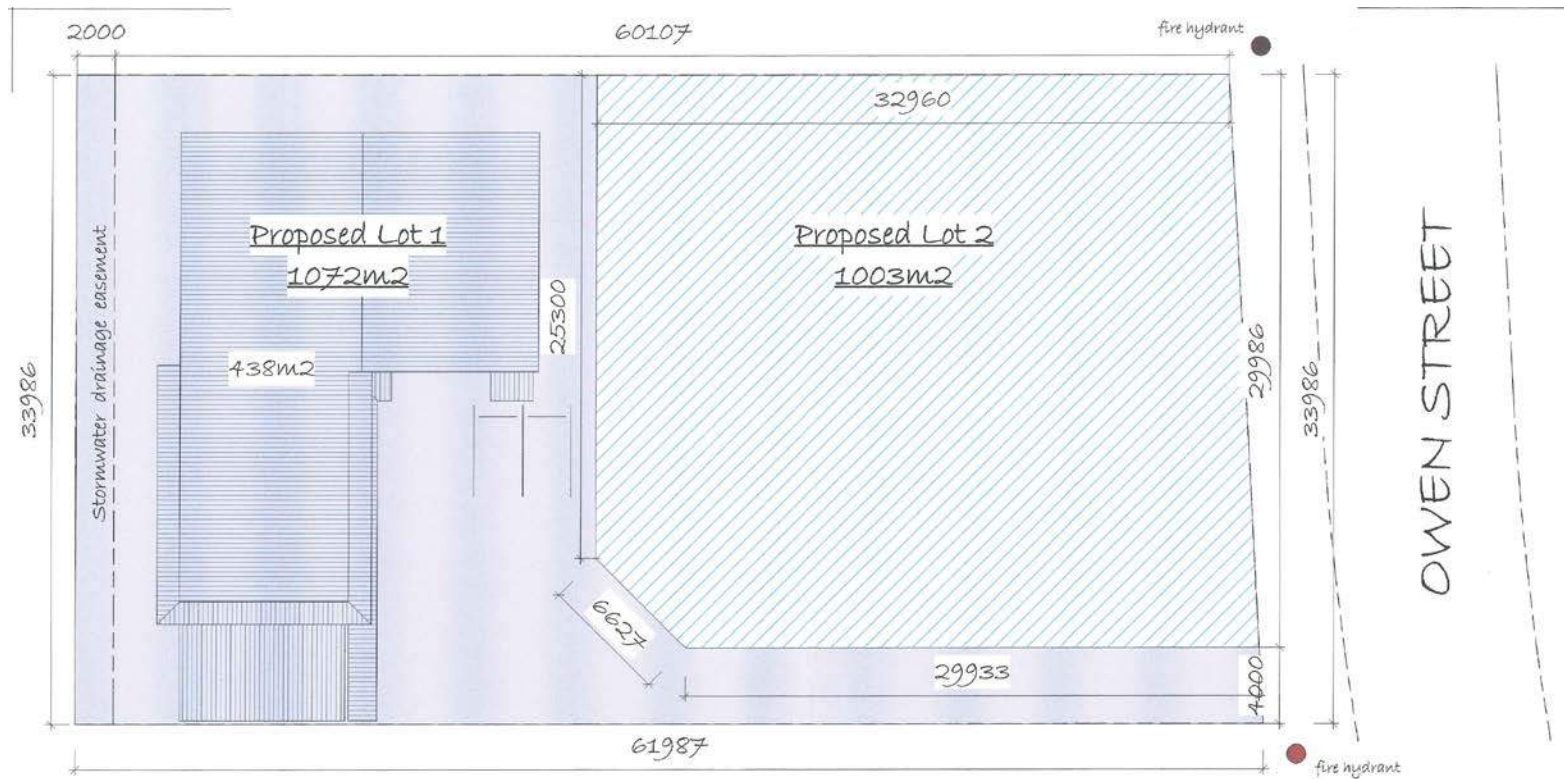


**tzusk**  
DESIGN

Proposed Reconfiguration for D perry  
Lot 3 on SP 201317 Owen Street, Craiglie

Dwg. R01  
Date. June 2015

Scale 1: 20



Total Site Area = 2075m<sup>2</sup>

Allowable coverage Lot 1 = 60% = 643m<sup>2</sup>

Actual = 438m<sup>2</sup>

**tzusk**  
DESIGN

Proposed Reconfiguration for D perry  
Lot 3 on SP 201317 Owen Street, Craiglie

Dwg. D1. Site plan  
Date. June 2015



Scale 1: 200





Minimum landscape requirements Lot 1: 20% of 1072 m2 = 215m2  
Actual: 217 m2

Carparking requirements: 1/90 m2 of net lettable area 323 m2 = 4 spaces

**tzusk**  
DESIGN

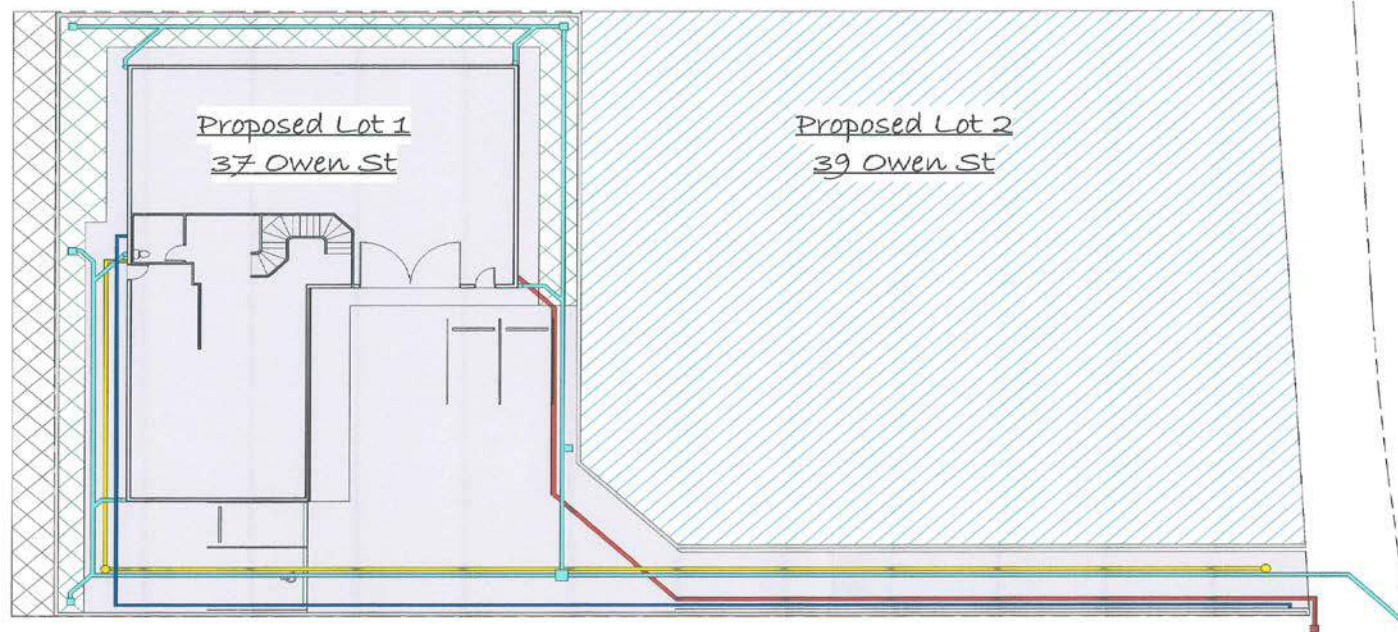
Proposed Reconfiguration for D perry  
Lot 3 on SP 201317 Owen Street, Craiglie

Dwg. D2. Carparking & Landscaping

Date. June 2015

Scale 1: 200





- 3 Phase Power feed & Telstra lines
- Stormwater downpipes & ground pits
- Sewer
- Concrete Aprons & driveway
- 32mm Water service



Proposed Reconfiguration for D perry  
Lot 3 on SP 201317 Owen Street, Craiglie

Dwg. DS Services  
Date. June 2015

Scale 1:200