

YOUR REF: 15-00342:-L1
OUR REF: MCUC 728/2015 (455979)

27 May 2015

Henson Pty Ltd
C/- GW Clegg & Co
PO Box 2144
TOOWONG BC QLD 4066

Attention: Mr Graham Clegg

Dear Sir

**DECISION NOTICE UNDER S 383 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
PORT DOUGLAS ROAD, PORT DOUGLAS**

Reference is made to your request to extend the relevant period for the abovementioned Development Application, which was determined at the Ordinary Meeting of Council on 26 May 2015.

The Development Permit is now valid up to and including 25 March 2018.

Council further resolved that the applicant be advised that conditions of Negotiated Decision MCU 3B 016/06 issued on 26 September 2006 remain applicable, except where varied by changes to conditions and the additional advice statements contained in Council's Decision Notice issued on 28 October 2013.

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

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

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPENDIX 1: DECISION NOTICE ISSUED 28 OCTOBER 2013

DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/38/2 MCU3B 016/06 (4167640)

28 October 2013

Henson Pty Ltd
C/- GW Clegg & Co
PO Box 2144
TOOWONG BC QLD 4066

Dear Sir/Madam

DECISION NOTICE TO EXTEND RELEVANT PERIOD AND CHANGES TO CONDITIONS OF APPROVAL FOR DEVELOPMENT APPLICATION FOR PORT DOUGLAS ROAD PORT DOUGLAS

With reference to the Request to Extend Relevant Approval and Changes to Conditions of Approval, please find attached the relevant Decision Notice which was determined under Instrument of Delegation on 28 October 2013.

Please note that this Relevant Period is extended for this Development Permit and is now valid up to and including 25 March 2015.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with s648F of the *Sustainable Planning Act*.

The following changes have been made to the Negotiated Decision Notice which was issued on 26 September 2006.

1. That condition 13 is deleted:
 - ~~13. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply and sewerage infrastructure.~~

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

~~Contributions must be paid at the rates applicable at time of payment and be based on the types of uses established.~~

~~Payment is required prior to commencement of use.~~

2. That the following advice statements be included in the notice of decision:
 1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.
 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.dsdip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
3. All other conditions of the Negotiated Decision Notice for MCU 3B 016/06 remain unchanged (copy attached).

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Services Team on telephone number (07) 4099 9457.

Yours faithfully

Graham Boyd
Manager Development & Regulatory Services

Att.

APPENDIX 1: CONCURRENCE AGENCY RESPONSE



Department of
**State Development,
Infrastructure and Planning**

Our

reference: SPD-0913-001820

Your reference: 13-00205.Extension-L3

Date: 1 October 2013

Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attention: Michelle Henderson

Dear Ms Henderson

Notice about request to extend relevant period

Cnr Port Douglas Road and Captain Cook Highway, Port Douglas - Lot 193 on
RP747071

(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* on 23/09/2013 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is two years until 25 March 2015.

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

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

##systemReference##

If you require any further information, please contact Tony Croke, Principal Planner on 07 4039 8092, or via email tony.croke@dsdip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

APPENDIX 2: NEGOTIATED DECISION NOTICE MCU 3B 016/06



ENQUIRIES:
DEPARTMENT:
EMAIL: Louise Stayte – Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dsc.qld.gov.au

OUR REF:
YOUR REF:
MCU 3B 016/06

D.G.Robertson Holdings
C/-C & B Group
PO Box 1949
Cairns QLD 4870

6th February 2007

**INTEGRATED PLANNING ACT
NEGOTIATED DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name : D.G.Robertson Holdings
Owner's Name : D.G.Robertson Holdings
Proposal : Shops & Offices
Application Number : MCU 3B 016/06
Site Address : Cnr Port Douglas Road and Captain Cook Highway, Port Douglas
Property Description : Lot 193 on RP747071

1. Decision: **Decision Date:** 26 September 2006

Approved subject to Conditions

2. Type of Development Approval:

Material Change of Use **Development Permit**

3. Referral Agencies:

Queensland Department of Main Roads (conditions attached)

ADMINISTRATION CENTRE
(ALL DEPARTMENTS)
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902
INTERNET www.dsc.qld.gov.au

ALL COMMUNICATIONS TO BE
ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

4. Conditions

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:
 - a. The approved plans of development No.DA-01 A and DA-02 A attached to this approval;
 - b. Except where such plans and/or specifications are modified by the terms of this approval.
2. A pathway shall be constructed to a minimum width of 2m from the entry to the existing supermarket to the pedestrian footpath located on Port Douglas Road. A formalised pedestrian crossing point is to be provided on the entry/exit point a minimum distance of 10m from the boundary of the easement.

Amenity

3. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

Currency Period

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

Compliance

5. All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and prior to occupancy of any buildings for the approved use or commencement of the approved use on the land.

Footpath Damage Liability

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

Stormwater Drainage

7. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as the underground drainage system in Port Douglas Road.

8. The approved use must not:
 - a. interfere with the natural flow of stormwater;
 - b. cause ponding of stormwater on adjoining properties

Landscaping & Fencing

9. The landscape areas adjoining the car parking area shall be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.
10. The landscaping plan submitted with the proposed development, referenced as plan No.771760-SD-L1.01 Rev 01, 771760-SD-L1.02 Rev 01 and 771760-SD-L1.02 Rev 02 prepared by Vivo Design has been approved, as part of this development, except where otherwise stated as a condition of this approval.
11. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

Works within the Access Easement

12. The applicant shall construct the following works external to the site in accordance with Council's adopted standards:
 - a. Street lighting to FNQROC Development Manual standards for a minor collector road (Section D8.07) and in accordance with AS/NZS 1158 for intersections.

Details and specifications for the above works shall be shown on the plans for building work.

Security

13. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, and to ensure payment of headworks contribution, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$35,000, such Guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the applicant fail to do so prior to issuing of a Development Permit for Building Work.

5. Further Development Approvals Required:

Building Work
Plumbing and Drainage Permit

Development Permit
Development Permit



Paul Trotman
General Manager – Development & Environment



Queensland
Government

17 August 2006

Department of Main Roads

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

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCU 2006
DOCUMENT NO.	Plan 1200 2006
21 AUG 2006	
ATTENTION	PTG
INFORMATION	

Dear Mr Melchert

Douglas Shire : Captain Cook Highway & Port Douglas Road
The Habitat Shopping Centre, Port Douglas
Lot 193 on RP 747071, Parish of Salisbury
DG Robertson Holdings Pty Ltd
Proposed Material Change of Use (Shops & Office) Application
Notification of Change Conditions of Development (DMR as Referral Agency)

I refer to:

- the above application received at the Department 26 July 2006 requesting consideration of the above development,
- the Department's letter of conditions of development dated 10 August 2006, and
- written representations from the applicant's consultants received at the Department 17 August 2006 requesting the deletion of conditions 2 and 4.

The Department has reviewed the intents of the conditions in the light of the representations made and is able to delete conditions 2 and 4, and amend the Landscaping Works condition to include the intent of the deleted Physical Barrier condition.

In accordance with section 3.3.17 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 requires that Council include the following amended conditions of development for the subject application:

A. AMENDED CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- Access between the State-controlled road (i.e. Port Douglas Road) and Lot 193 on RP 747071 shall be via the access easement along the north-eastern boundary of Lot 193 on RP 747071 and the associated reciprocal access easement along the south-western boundary of Lot 194 on RP 747071.
- No additional access between the State-controlled road reserve (i.e. Port Douglas Road) and Lot 193 on RP 747071 is permitted.

North Queensland Region
Peninsula District
PO Box 6185
CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 4520A/102(206.01B)
Your ref MCU016/06
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

- (iii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and Lot 193 on RP 747071 is permitted.

2. Landscaping Works

- (i) The applicant/landowner shall provide landscaping along the full frontages of the subject land to Port Douglas Road and Captain Cook Highway. The landscaping shall be designed generally in accordance with Main Roads Drawing Plan No. PD 85 (B) with a 3m wide strip, such that when the landscaping matures it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7 metre spacings.
- The landscaping shall be designed to prevent headlight glare generated by vehicles on the subject land from affecting the safety of traffic travelling along Port Douglas Road and Captain Cook Highway and to prevent vehicles and pedestrians moving directly between Port Douglas Road and Captain Cook Highway and the subject land.
- (ii) The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species that are effective at providing a filtered view between the road and the building and do not create a safety risk (i.e. no thorns, heavy nuts or poisonous fruits or berries).
- (iii) The landscaping works shall be completed prior to, or in conjunction with the commencement of the approved use, to the satisfaction of the Director-General of the Department of Main Roads and the Chief Executive Officer of the Douglas Shire Council.

3. Advertising

No additional advertising device for the proposed development is permitted within the State-controlled road reserves (i.e. Port Douglas Road and Captain Cook Highway) to the existing signage.

4. Parking

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

The landowner/ applicant shall also provide adequate and safe on-site parking provision for:

- buses, with covered area for waiting patrons,
- taxis, with covered area for waiting patrons, and
- bicycles,

to the satisfaction of the Douglas Shire Council.

Reasons

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

- Department of Main Roads Access Policy.

- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

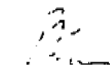
B. GENERAL DISCUSSION

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

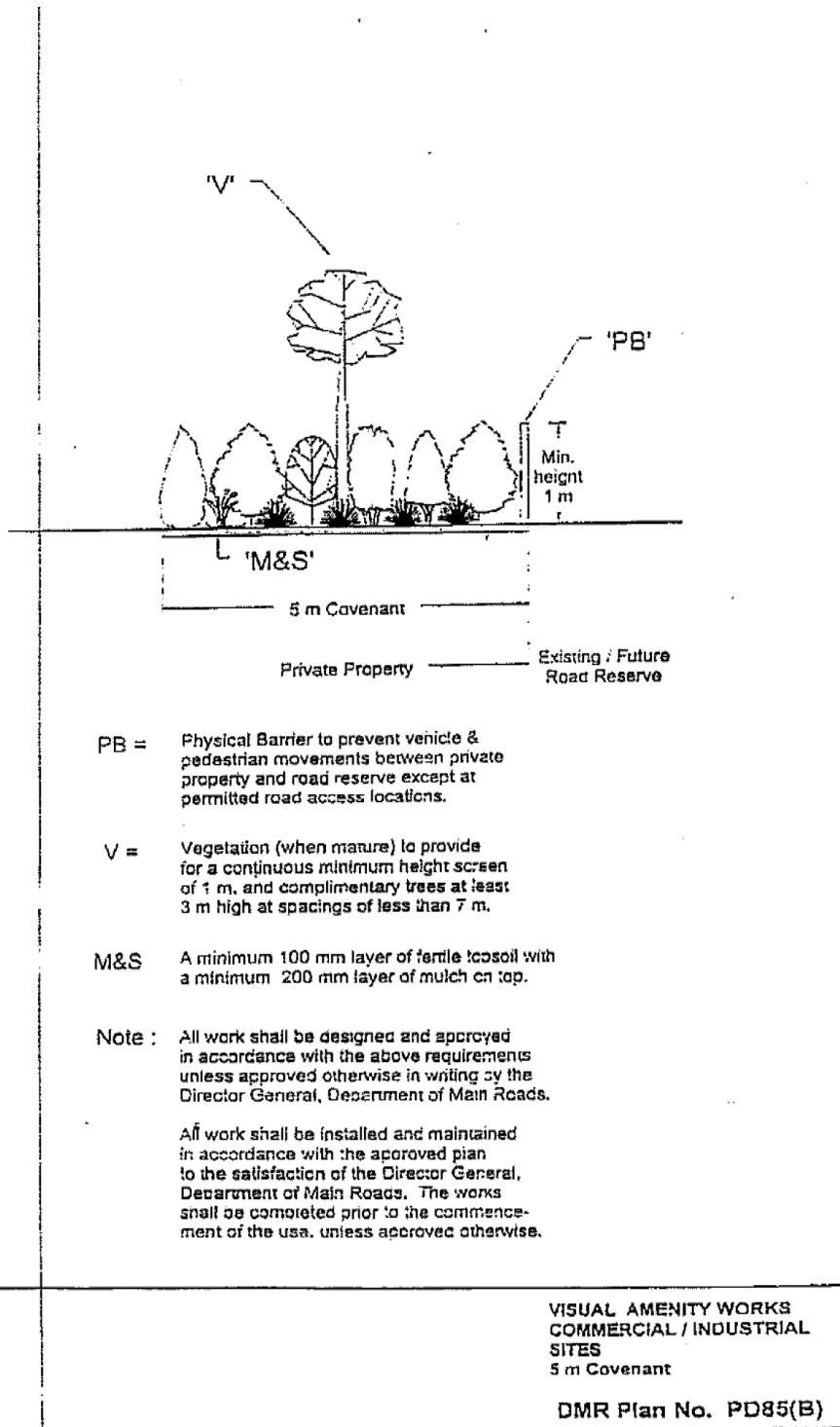
This Department would appreciate a copy of Council's decision notice regarding the application.

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

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA



PB = Physical Barrier to prevent vehicle & pedestrian movements between private property and road reserve except at permitted road access locations.

V = Vegetation (when mature) to provide for a continuous minimum height screen of 1 m, and complimentary trees at least 3 m high at spacings of less than 7 m.

M&S A minimum 100 mm layer of fertile topsoil with a minimum 200 mm layer of mulch on top.

Note : All work shall be designed and approved in accordance with the above requirements unless approved otherwise in writing by the Director General, Department of Main Roads.

All work shall be installed and maintained in accordance with the approved plan to the satisfaction of the Director General, Department of Main Roads. The works shall be completed prior to the commencement of the use, unless approved otherwise.

**VISUAL AMENITY WORKS
COMMERCIAL / INDUSTRIAL
SITES
5 m Covenant**

DMR Plan No. PD85(B)

re 24/04/01
Drawing 66/128/01/01/01/01

1:1000

DEVELOPMENT SCHEDULE

LOT 103 EXTENT	14,220 SQ M
PUBLIC CALCULATED	14,220 SQ M
CITY OF SCHEDULE	1,352 SQ M
SUB AREA 103 1 194	261 SQ M
TOTAL SITE AREA	421 SQ M
EXISTING USE	229 SQ M
PROPOSED EXTENSION A	555 SQ M
PROPOSED EXTENSION B	1,255 SQ M
PROPOSED EXTENSION C	3,550 SQ M
TOTAL NEW GFA	5,360 SQ M
MAXIMUM	120 BAYS



colin lee architects

100/101 COLLEGE STREET
SYDNEY NSW 2000

PH: 02 9231 1111
WWW.COLINLEEARCHITECTS.COM.AU

PROJECT: PROPOSED METAL DEVELOPMENT

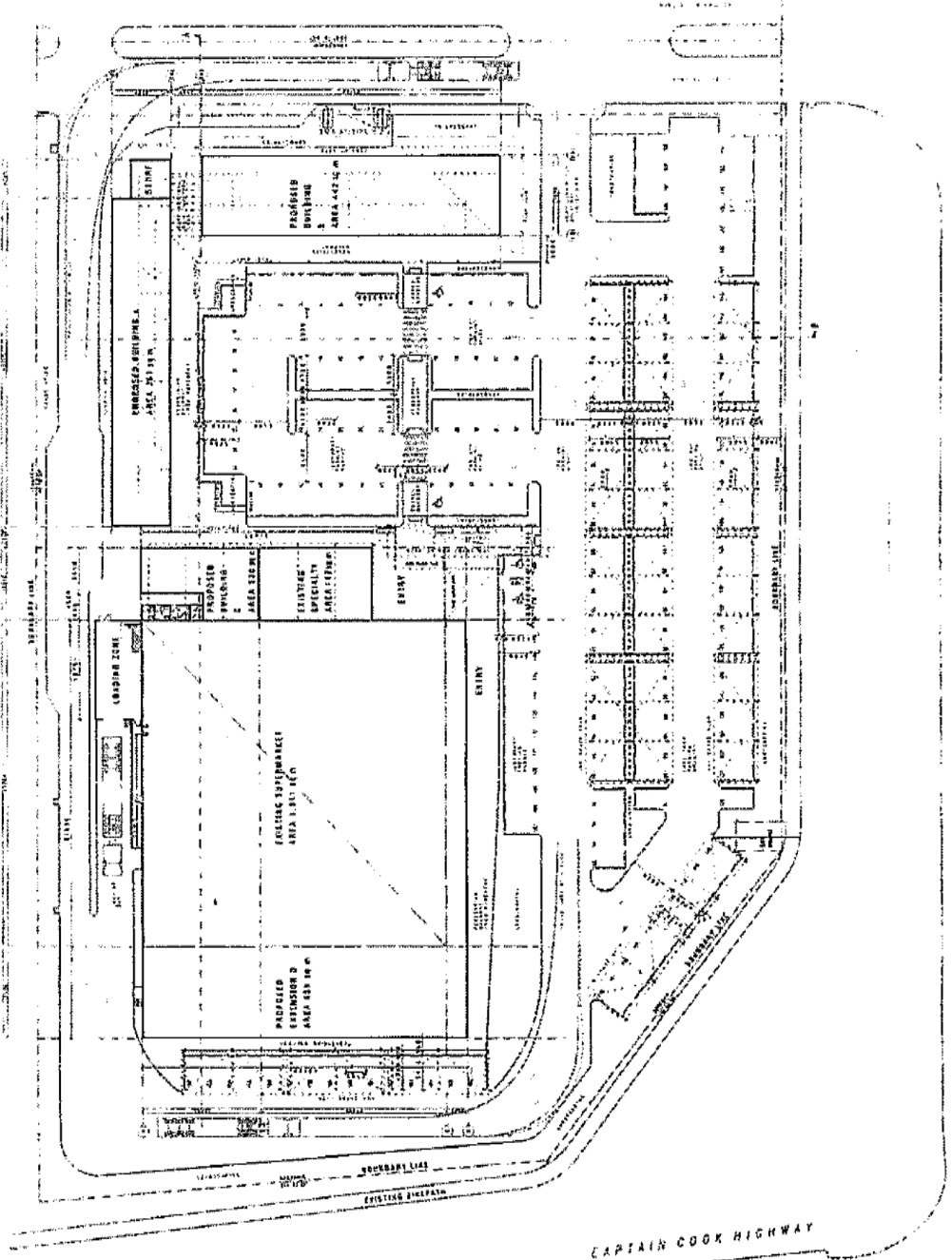
DATE: 14/05/2015 (REVISED)

SCALE: 1:1000 (GENERAL DEVELOPMENT)

DATE: 14/05/2015

BY: COLIN LEE ARCHITECTS

FOR: PROPOSED METAL DEVELOPMENT



APPENDIX 3: LETTER FROM DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING 2 MARCH 2015



Department of
State Development,
Infrastructure and Planning

Our reference : SPD-0215-015614
Your reference : 8/38/2 MCU3B 016/06

2 March 2015

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman, Qld, 4873

enquiries@douglas.qld.gov.au

Dear Sir/Madam,

**Notice about request to extend relevant period
Material Change of Use (Shops and Offices)**

Lot on plan	Street address
193RP747071	Port Douglas Road, Port Douglas QLD

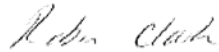
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 25 February 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 3 years until 25 March 2018.

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 Brett Nancarrow, Principal Planning Officer on 4037 3229, or via email brett.nancarrow@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)