

**OUR REF:** MCUI 4077/2006 (763619)

21 December 2015

Lanskey Constructions  
C/- TfA Project Group  
PO Box 301  
**ALBION QLD 4010**

Attention: Mr John Rowell

Dear Sir/Madam

**DECISION NOTICE UNDER S 369 & S 383 SUSTAINABLE PLANNING  
ACT 2009: DEVELOPMENT APPLICATION FOR  
5946R DAVIDSON STREET, CRAIGLIE**

With reference to your request for a permissible change and extension of the relevant period for the abovementioned development application, which was determined by Council at the Ordinary Meeting held on 16 December 2015, please find attached the relevant Decision Notice.

Please note that Council has extended the relevant period for 12 months and this Development Permit is now valid up to 1 January 2017.

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 Simon Clarke of Development and Environment on telephone number 07 4099 9480.

Yours faithfully

Paul Hoyer  
General Manager Operations

Att

**APPLICANT DETAILS**

Lanskey Constructions  
C/- TfA Project Group  
PO Box 301  
ALBION QLD 4010

**ADDRESS**

5946R Davidson Street, Craiglie

**REAL PROPERTY DESCRIPTION**

Lot 1 on RP739151

**PROPOSAL**

Request for a permissible change and extension of relevant period

**DECISION**

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

**DECISION DATE**

16 December 2015

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Environmentally relevant activities	Department of Infrastructure, Local Government and Planning	Advice	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works

## **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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Proposed Site Layout	Drawing No. 15017-03 Rev. E (as amended by conditions of approval)	4 November 2015
Proposed Building Elevations	Drawing No. 15017-05 Rev. C	17 July 2015
Proposed Building Floor Plan	Drawing No. 15017-04 Rev. C	17 July 2015
Proposed Site Section	Drawing no. 15017-06 Rev. C (received 11 August 2015)	17 July 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.

## **Amended Driveway Crossovers**

3. An amended access arrangement must be provided to Council and the Department of Transport and Main Roads for its assessment that considers methods to retain the significant trees along the frontage of the site as far as is practical taking into account road widening requirements, ingress and egress standards, sight-lines and safety along this section of the Davidson Street.

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Parking & Access Layout**

4. The parking and access layout shown in the Proposed Site Layout, identified as Drawing No 15017-03 Rev E, and dated 4 November 2015, must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking, in particular:
  - a. A car parking area with a minimum of nine (9) spaces including one (1) bay provided for disabled parking and a service bay generally as shown on the approved plan of development, and maintained thereafter;
  - b. Provision and identification of air and water services made available for the traveling public. These services must be located so that the efficient operation of the Service Station is not adversely affected by the use of these facilities;
  - c. Line marking and directional arrows clearly marked on the finished surfaces;
  - d. Provision of appropriate bollards and setbacks for the proposed gas tank;
  - e. Clear marking of all loading/unloading areas for the Shop and the associated Service Area must be clearly delineated and not adversely affect the efficient operation of the Service Station;
  - f. Defined safe pedestrian and bicycle pathways are provided to the building entry from the parking area and from the street, in accordance with the relevant provisions of Australian Standards.

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **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.

### **Water Supply & Sewerage**

6. The existing water and sewer services into the site are to be disconnected and a new suitably sized service is to be reinstated to cater for the proposed use.

### **External Works**

7. Undertake the following works external to the land at no cost to Council:
  - a. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

- b. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the proposed development. All structures to be located within the three (3) metre zone of influence to the sewerage main on Lot 1 are to be constructed with appropriately piered footings.

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the Commencement of Use.

### **Damage to Infrastructure**

8. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the Commencement of Use.

### **Installation of SWM Measures**

9. Soil and water management measures endorsed by the Chief Executive Officer 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).

### **Lawful Point of Discharge**

10. 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.

### **Stormwater**

11. The stormwater flow is not to be obstructed by filling or building works. The driveway over the stormwater flow corridor is to be a suspended slab construction only.
12. The topographic data used to define the watercourse geometry in the updated HECRAS Model are based on field survey provided by C & B Group (Sketch 1633-SK02) included in the submission. C & B Group Sketch 1633-SK02 indicates the site survey was completed in 2006. To reflect any changes in the watercourse geometry since 2006, confirmation of the HECRAS model (capacity and flood levels) with detail survey is required prior to issue of a Development Permit for Building Work.
13. Provide an easement for drainage purposes to cover the extent of stormwater drainage within the subject land and make provision for Council to obtain practical and legal access to this easement for maintenance purposes. This easement is to be transferred to Council as a drainage easement in fee simple at the applicant's cost.

**Ponding and/or Concentration of Stormwater**

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

**Landscape Plan**

15. A Landscape Plan prepared in accordance with the relevant provisions of the Douglas Shire Planning Scheme 2006 and the Design Guidelines (D9) of the FNQROC Development Manual is required for the site and adjoining road reserve. The plan is to take into account:
- a. retention of the balance area not required for the service station development in its natural state. This area is to be protected during the construction phase of the development through appropriate fencing to prevent damage to trees from construction activities.
  - b. Trees hosting Ant Plants (*Myrmecodia beccarii*) are to be identified and protected from development.

Two (2) A1 copies and one (1) A3 copy of this 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 the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

16. A maintenance program is to be undertaken in accordance with the Maintenance Schedule outlined in Planning Scheme Policy No 7 – Landscaping.

**Lighting**

17. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

**Screening of Plant**

18. All plant and equipment, including air conditioning units, must be visually screened to the satisfaction of the Chief Executive Officer.
19. Noise associated with loading bay activities and noise from either air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1997* and *Environmental Protection Regulation 1998 (Part 2A – Environmental Nuisance)*.

### **Refuse Storage**

20. 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.
21. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

### **Liquid Waste Disposal**

22. Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to Commencement of Use.

### **Notification of Vegetation Clearing**

23. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

### **Construction Signage**

24. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
  - a. Developer;
  - b. Project Coordinator;
  - c. Architect / Building Designer;
  - d. Builder;
  - e. Civil Engineer;
  - f. Civil Contractor;
  - g. Landscape Architect.

### **Environmentally Relevant Activity**

25. The applicant is required to comply with all the conditions of ERA 11(a) permit attached to this Decision Notice.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<b>Concurrency Agency</b>	<b>Concurrency Agency Reference</b>	<b>Date</b>	<b>Council Electronic Reference</b>
Department of Main Roads	45/20A/102(1258A)	30 March 2007	3009161
Department of Department of Primary Industries and Fisheries	NFC/140/000(836)	14 June 2007	3009161

Refer to Appendix 2: Concurrency Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

**ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse on 1 January 2017.
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. No Advertising Devices have been approved with this development permit. A separate application for operational works will be required to be submitted to Council for any proposed Advertising Devices.
5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilqp.qld.gov.au](http://www.dilqp.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) .

**LAND USE DEFINITION**

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

***Service Station***

*Means the use of premises for:*

- *The retail sale of motoring requirements such as fuels, lubricants, oils and greases, batteries, tyres, spare parts, auto accessories and general convenience items to the travelling public;*
- *The hire of a limited range of vehicles or trailers;*



**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

- *The washing of motor vehicles for a fee, including facilities provide to the public to wash their own vehicles.*

*The use includes facilities commonly described as:*

- *Garage; or*
- *Car wash.*

*\*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.*

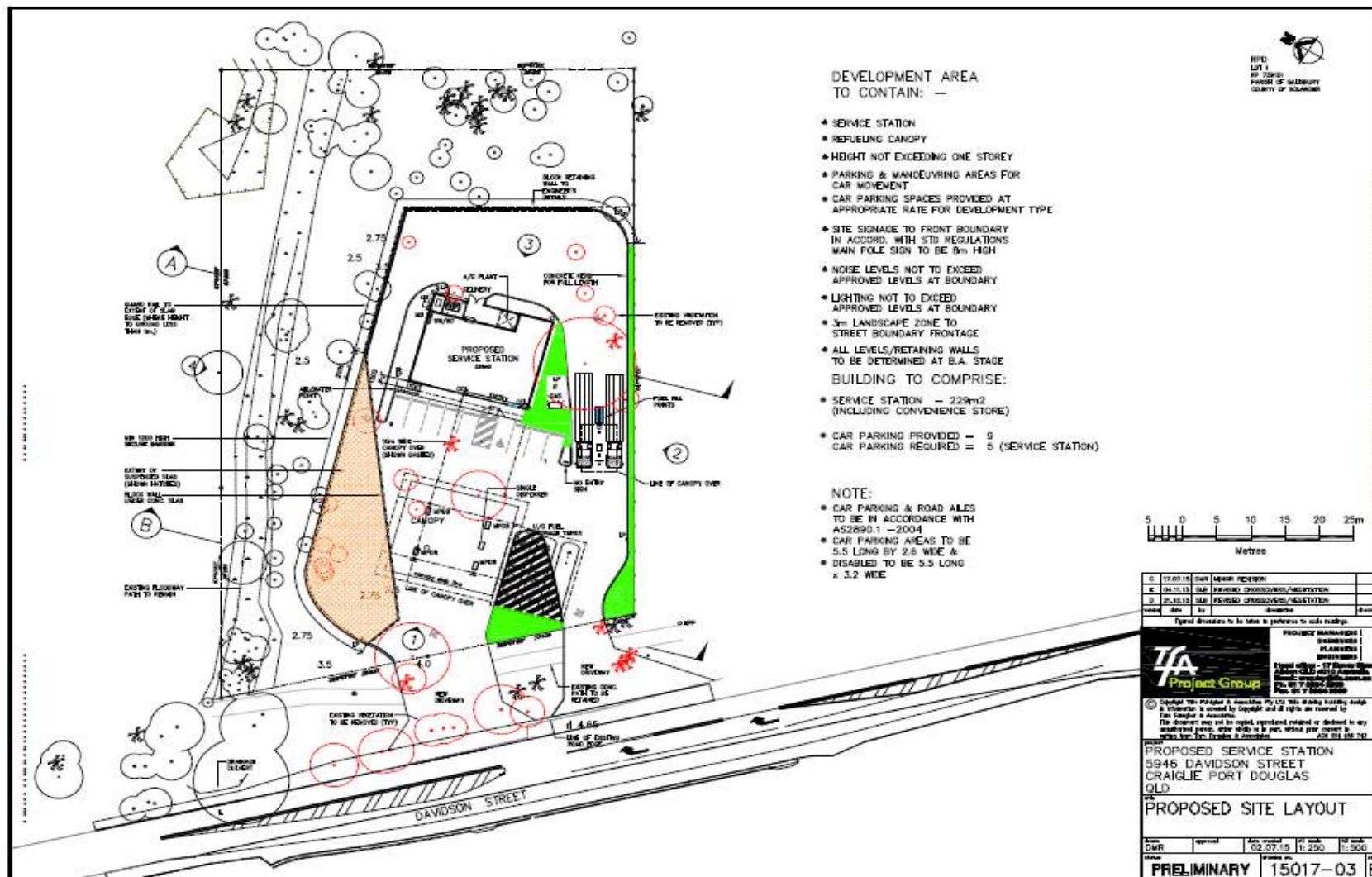
**RIGHTS OF APPEAL**

Attached

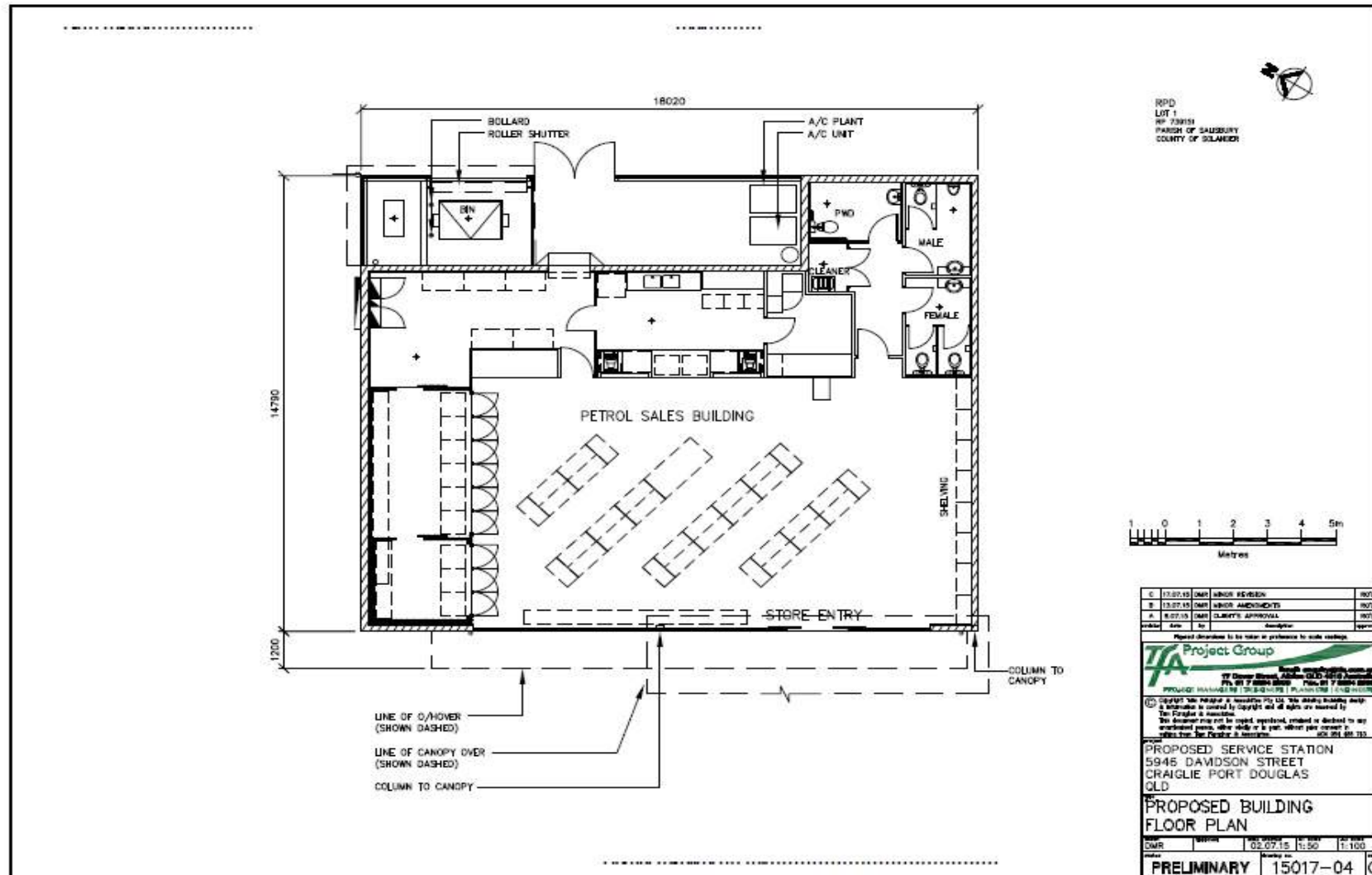
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**End of Decision Notice**

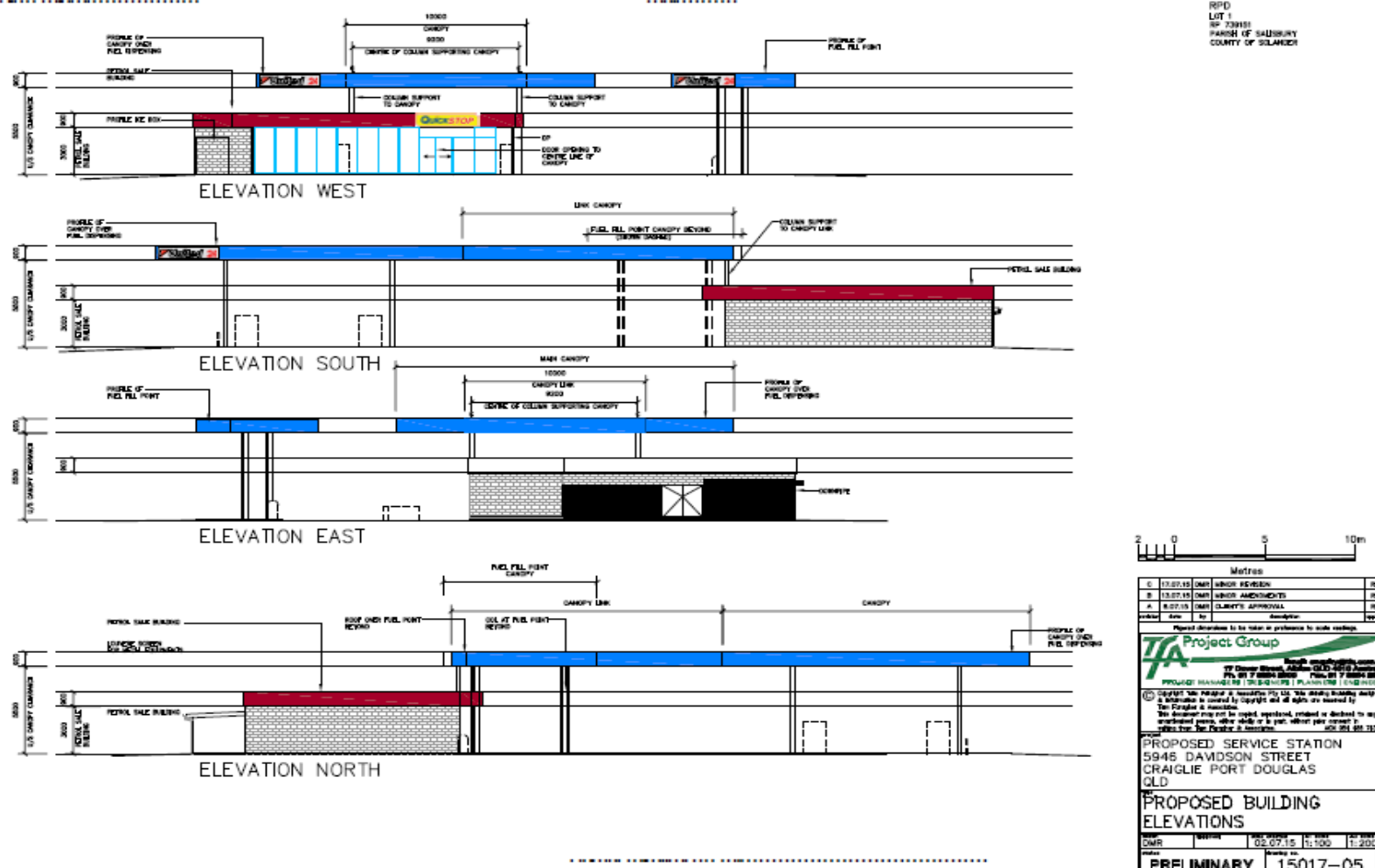
## APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



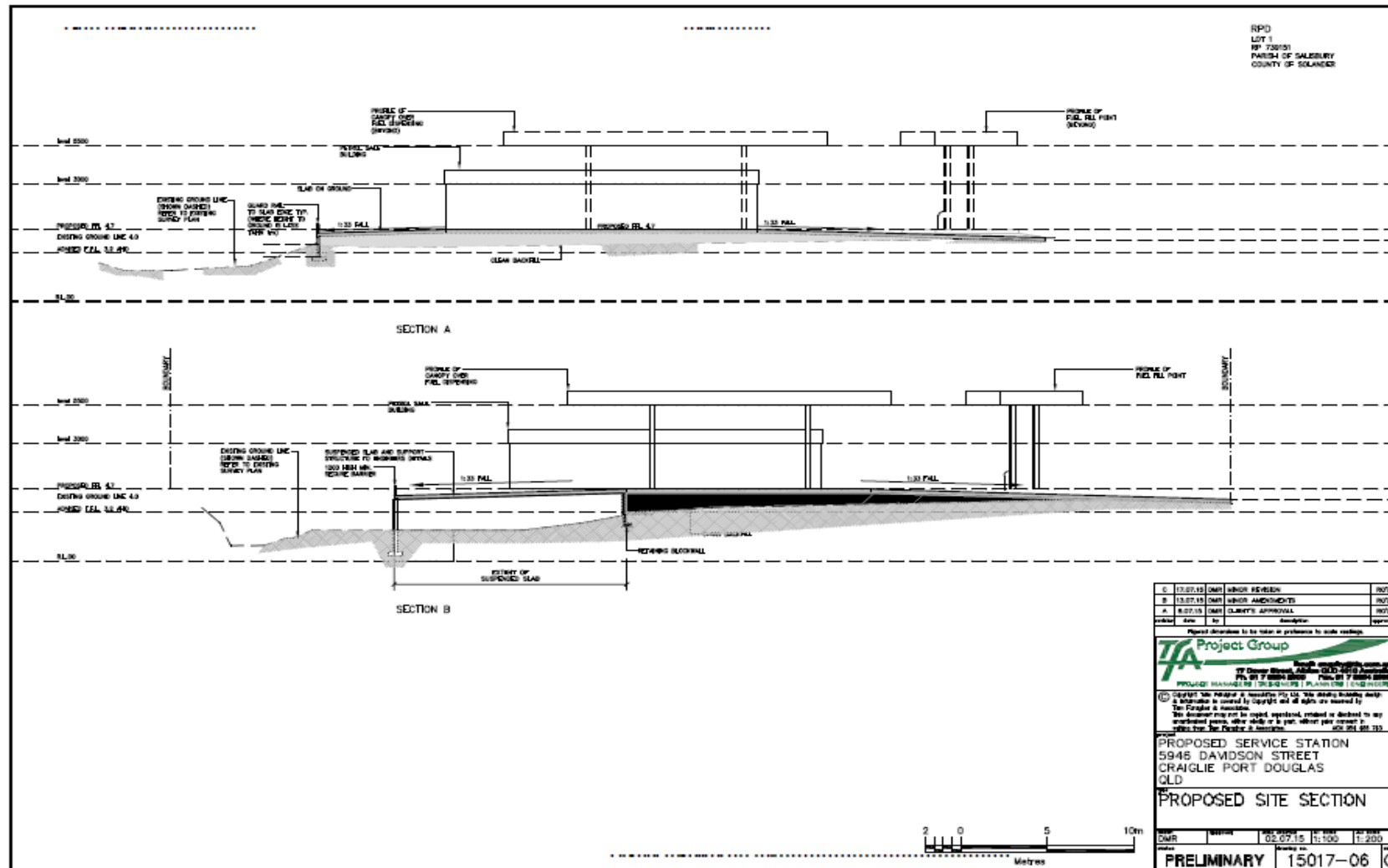
# **DECISION NOTICE DETAILS** **SUSTAINABLE PLANNING ACT 2009**



## **DECISION NOTICE DETAILS**



# **DECISION NOTICE DETAILS** **SUSTAINABLE PLANNING ACT 2009**



## APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,  
Local Government and Planning

Our reference: SPD-0715-019567  
Your reference: MCUI 004/06

27 July 2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873  
enquiries@douglas.qld.gov.au

Dear Sir / Madam

### **Notice about request for permissible change—relevant entity**

Development permit for a material change of use for the purpose of a service station, restaurant and ERA at 5946 Davidson Street, Craiglie and more particularly described as Lot 1 on RP739151

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 20 July 2015 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:

- Removal of the fast food restaurant from proposal.
- Reduction in GFA from 480m<sup>2</sup> to 229m<sup>2</sup>.
- Reduction in car parking spaces from 29 spaces to 9 spaces plus a service bay.

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

Page 1

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

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If you require any further information, please contact Bec Turner, A/ Planning Officer, SARA  
Far North QLD on 4037 3208, or via email [bec.turner@dilgp.qld.gov.au](mailto:bec.turner@dilgp.qld.gov.au) who will be able to  
assist.

Yours sincerely



Robin Clark  
Manager (Planning)



.....

Mrs Natalie Clark – Planning Officer  
Planning Services Section - ☎ (07) 4099 9456  
planning@dsc.qld.gov.au

MCUI 004/06

Lanwal Pty Ltd  
C/- C & B Group  
PO Box 1949  
CAIRNS QLD 4870

2 August 2007

**INTEGRATED PLANNING ACT  
DECISION NOTICE  
DEVELOPMENT APPLICATION**

**Applicant's Name** : Lanwal Pty Ltd  
**Owner's Name** : Lanwal Pty Ltd  
**Proposal** : Material Change of Use for the purpose of a Service Station,  
Restaurant and ERA  
**Application Number** : MCUI 004/06  
**Site Address** : Davidson Street, Craiglie  
**Property Description** : Lot 1 on RP739151, Parish of Salisbury, County of Solander

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

Approved subject to Conditions

**B. Type of Development Approval:**

Material Change of Use                      Development Permit

.../2.

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**C. Concurrence Agencies:**

Department of Main Roads Peninsular District PO Box 6185 CAIRNS QLD 4870	See Appendix A
Department of Primary Industries & Fisheries North Region PO Box 1085 TOWNSVILLE QLD 4810	See Appendix B
Douglas Shire Council Environmental Health Services PO Box 357 MOSSMAN QLD 4873	See Appendix C

**D. Advice Agency**

Department of Natural Resources & Water PO Box 210 ATHERTON QLD 4883	No response provided
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**E. Statement of Grounds for Approval**

1. The restaurant is not a stand alone project, but in conjunction with a Service Station which is supportive of the Craigie service industry precinct aims in Council's Planning Scheme.
2. The fast food offer proposed in conjunction with the service station is captured within the 'restaurant' definition in the Council's Planning Scheme.
3. A restaurant is considered impact (inconsistent) on this site in the Council's Planning Scheme – this does not mean that Council must automatically refuse the application (refer Integrated Planning Act 1997 – Councils must not prohibit development).
4. The fast food offer is to be undertaken in the same building as the service station – the developer will not be able to get approval for a 'service station' and 'restaurant' and then set up the 'restaurant' as a stand alone offer without getting further Council approval.
5. There is an overwhelming need for the proposed 'service station' and 'restaurant' (refer Reliance Petroleum advice).
6. The 'service station' and 'restaurant' uses are consistent with, and supportive of, the Craigie service industry precinct aims in Council's Planning Scheme (they support and cater for the tourism and marine industries).
7. The 'restaurant' use, to be undertaken with the 'service station' use, is entirely consistent with Council's Planning Scheme.
8. The 'service station' and fast food offer proposed is consistent with contemporary practice for 'service centres' – this form of use is not reflected within Council's current Planning Scheme.

.../3.

## F. 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 the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Date
Building Layout	05162-09 Rev C	07/06/06
Site Layout	05162-04 Rev F	04/12/06
Typical Cross Sections	05162-08 Rev C	22/06/06
Building Elevations	05162-07 Rev E	18/01/06

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 following amendments are to be made to the landscape concept plan, numbered 8909-SD-L1.01 Rev 3, dated 23-02-2007 submitted with the proposed development:
  - a) Screening vegetation is to be provided along the front road boundary in the area marked with a dotted line on the abovementioned plan. Ground covers and low shrubs are not acceptable. Due to width of the road way, sight lines will not be compromised by screening vegetation.
  - b) Shade trees are planted at regular intervals (a minimum of one (1) shade tree is provided for every five (5) carp parks) throughout the car parking area, and adjacent driveways. Trees within the car parking areas have a minimum planting area the equivalent of one (1) car parking bay, with a minimum topsoil depth of 0.8 metres.

The amended plan is to be submitted to Council as part of an application for an operational works permit.

.../4.

4. Landscape beds and trees are protected by garden edging, bollards or wheel stops.
5. A maintenance program is to be undertaken in accordance with the Maintenance Schedule outlined in Planning Scheme Policy No. 7 – Landscaping. Water runoff is re-used through draining of hard surfaces, turf garden beds and by minimising impervious surfaces on the Site.
6. 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.
7. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

#### Water Supply & Sewerage

8. The plans and specifications of the internal water supply must be submitted to Council at Building Works application stage 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 "FNQROC Development Manual".

9. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development. All structures to be located within the 3 metre zone of influence to the sewerage main on Lot 1 are to be constructed with appropriately piered footings.
10. The applicant is to disconnect the existing water and sewer services into the site and re-instate with a new suitably sized service to cater for the proposed use.

#### Electricity and Telephone Services

11. All electrical lines along the full frontages of the subject site (Captain Cook Highway) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

.../5.

#### Stormwater

12. The applicant is to provide an easement for drainage purposes over the creek located within the subject land and make provision for Council to obtain practical and legal access to this easement for maintenance purposes. This easement is to be transferred to Council as a drainage easement in fee simple at the applicant's cost.
13. 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 creek located within the northern boundary of the site. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - b) Cause ponding of stormwater on adjoining properties.
  - c) Overland flow paths are not to be restricted by Landscaping works
14. Adequate drainage is to be provided to all paving, turf and garden beds, including the use of swales, spoon drains, subsurface drainage, field gullies, rock or pebble lined watercourses and stormwater connections.
15. The Applicant is required to install pollution control devices prior to the outlet of all points of discharge into the creek. The applicant is to install an energy dissipater and rock revetment to dissipate flows and prevent stream bank erosion at the points of discharge. Details of these works are to be provided for Council approval at Operational Works stage.

#### Contributions

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	3.0
Sewerage	3.0

.../6.

#### Car parking and Access

17. A car parking area with a minimum of thirty (30) spaces including one bay adjacent to the air pump shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.
18. Defined, safe pedestrian and bicycle pathways are provided to the building entry from the parking area and from the street, in accordance with the relevant provision of the Australian Standards.

#### Refuse

19. 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 (wheelie) 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.

#### Footpath Damage Liability

20. 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.

#### Advertising Devices

21. No Advertising Devices have been approved with this Development Permit. Should the applicant wish to erect any Advertising Devices in relation to the approved development, an Operational Works application is required to be submitted to Council.

#### Compliance

22. 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.

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**Security**

23. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$23,000.00. Such guarantee shall be lodged prior to the issue of a Building Work 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 developer fail to do so prior to issuing a permit for Building Work.

**Environmentally Relevant Activity**

24. The applicant is required to comply with all the conditions of ERA 11(a) permit attached to this decision notice at Appendix C.

**G. Submitter**

Mrs T McNamara  
31 Coral Drive  
PORT DOUGLAS QLD 4877

**H. Further Development Approvals Required:**

Operational Work  
Building Permit

Development Permit  
Development Permit

Paul Trotman  
General Manager – Development & Environment

## Appendix A - DMR Concurrence Agency Response

30 March 2007

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

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCL
DOCUMENT NO.	
DATE	2 APR 2007
ATTENTION	NAC
INFORMATION	

Queensland  
Government

Department of Main Roads

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)  
Situated at Paws & Claws Vet Clinic, Captain Cook Highway, Craiglie  
Lot 1 on RP 739151, Parish of Salisbury  
Lanval Pty Ltd  
Proposed Material Change of Use (Service Station & Restaurant) Application  
Concurrence Agency's Response (conditions apply)

I refer to the above application received at the Department 15 November 2006 and 23 March 2007 requesting consideration of the above development.

### A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

#### 1. Permitted Road Access Locations

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via an ingress only driveway located about 30m south of the centreline of the culvert under the Highway near the northern side boundary of the subject land and an egress only driveway near the southern side boundary of the subject land. The existing driveway located between the proposed separate ingress and egress driveways shall be permanently closed.
- (ii) No other direct vehicular access between the State-controlled road (i.e. Captain Cook Highway) and the subject land is permitted.

#### 2. Road Access Works

North Queensland Region  
Peninsula District  
PO Box 6166  
CAIRNS Queensland 4870  
ABN 67 638 727 711

Our ref: 4520A/102(1258A)  
Your ref: MCL 00466  
Enquiries: MALCOLM HANDEY  
Telephone +61 7 4060 5611  
Facsimile +61 7 4060 5438

- (i) Road access works at the permitted road access locations are required and shall be constructed in accordance with:

- the Department of Main Roads *Road Planning and Design Manual* and
- current Department of Main Roads standards.

The road access works require the provision of the following:

- an industrial crossover at the proposed ingress and egress driveways,
- removal of culvert and driveway between the proposed separate ingress and egress driveways and re-instatement of drain and landscaping,
- bitumen strip 3m wide and 50m long adjoining the existing edge of bitumen of the Highway on the opposite side,
- a deceleration lane for traffic north of the ingress driveway,
- an acceleration lane for traffic south of the egress driveway,
- the ingress and egress driveways sealed from the edge of bitumen to the property boundary, except for the existing concrete footpath,
- painted channelised right turn lane to the ingress driveway,
- hot bitumen and 7mm chip seal over double barrier lines to provide 10m long breaks to enable right-turning traffic to the ingress driveway and from the egress driveway, and
- nomination of trees proposed for removal within the Highway reserve, by location, species and size, indicated on plan and tagged onsite.

- (ii) The landowner/ applicant shall write to the Cairns office of the Department of Main Roads to obtain the necessary plans, forms and approvals for road access works prior to commencing works within the State-controlled road reserve (i.e. Captain Cook Highway).

- (iii) All road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the approved uses.

**3. Parking**

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

**4. Advertising**

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



**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 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.

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

Appendix B – DPI Concurrence Agency Response



Queensland  
Government

Reference: NFC/140600(236)

14 June 2007

Mr Paul Gleeson  
Manager Planning Services  
Douglas Shire Council  
PO Box 357  
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCH
DOCUMENT NO	
DATE	15 JUN 2007
ATTENTION	NAC
INFORMATION	

Department of  
Primary Industries and Fisheries

Dear Mr Gleeson

**Concurrence agency response - operational works involving the disturbance of marine plants – Lanwal Pty Ltd**

I refer to the application by Lanwal Pty Ltd, received on 27 November 2006 for an operational works approval for the removal, disturbance or damage of marine plants associated with construction of a service station at Craiglie.

On 14 June 2007, the application was approved subject to the conditions in the concurrence agency response

If you require any further information regarding this matter, please do not hesitate to contact Louise Johns on telephone 07 4057 3706 or email [louise.johns@dpi.qld.gov.au](mailto:louise.johns@dpi.qld.gov.au).

Yours sincerely

Phil Hales  
Manager (North)  
Fisheries Habitat Management

**Mission Vision**  
Profitable primary  
industries for Queensland  
Maximise the economic  
potential of Queensland  
primary industries on a  
sustainable basis

Northern Fisheries Centre  
35-45 Targa Street, Portsmith  
(PO Box 5399)  
Cairns  
Queensland 4870 Australia  
Cell Centre 13 25 23  
Website [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au)  
ABN 79 342 664 030

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**Att:** Concurrence Agency Response No. 2006CA0581; DPI&F Conditions; Drawing No.  
8909-03 dated 2/2/07 titled "Site Plan Proposed Service Station Development Lot 1 on  
RP739151 Craiglie".

**CC:** Mr Ian Yarroll  
General Manager, Fisheries and Aquaculture Development  
Department of Primary Industries and Fisheries  
GPO Box 46  
BRISBANE QLD 4001  
Attention: John Bourner

Steve Pollard  
District Officer  
Old Boating & Fisheries Patrol  
PO Box 412  
Port Douglas QLD 4873

Owen Dalton  
C & B Group  
PO Box 1949  
Cairns Qld 4870

**DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES  
CONDITIONS**

**Applicant(s)/Address:** Landwal Pty Ltd of c/- C&B Group, PO Box 1949, CAIRNS, QLD 4870  
**Development:** Operational works (disturbance of marine plants)  
**DPI&F Reference:** 2006CA0681  
**File Number:** NFC/140/000(836)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the approval should be a Development Permit to which the following conditions apply:

- 1 Works authorised under this approval is limited by the following:  
removal of marine plants is approved within the development footprint detailed in Drawing No. 8909-3 dated 2/2/07 titled "Site Plan Proposed Service Station Development Lot 1 on RP739151 Craiglie".
- 2 Written notice of the date of commencement of fisheries development works must be provided to the District Officer, Queensland Boating and Fisheries Patrol Fax. No. 4099 5172 and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries Fax. No. 4057 3810 at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works.
- 3 A written report which details the completed fisheries development works must be provided within fifteen (15) days of the completion of the works, to the District Officer, Queensland Boating and Fisheries Patrol, PO Box 412, Port Douglas QLD 4877 and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries, PO Box 5396, Cairns, QLD 4870.
- 4 At least one (1) sign must be displayed around the development works site at the main entrance to the property, in a position where the sign is clearly visible to the public, for at least five (5) business days prior to the commencement, during and for 5 business days after all fisheries development works. The sign is to be removed 5 business days after the completion of the works. The sign must state:  
"Operational works that is the removal, destruction or damage of marine plants authorised under Development Approval Conditions. DPI&F Reference No.2006CA0581, DPI&F tel: 4057 3700."
- 5 The boundaries of the approved fisheries development works area must be adequately marked (e.g. with corner pegs) to allow for ease of identification.
- 6 Marine plants authorised for removal and/or other material used in the development (e.g. debris, construction material, soil, etc.) are to be removed from the intertidal zone, unless the material is to be used in a restoration project accepted by chief executive of the Department of Primary Industries and Fisheries.

  
Delegate of the  
Chief Executive

Date 14/6/07

- 7 Any tidal land profiles disturbed by the development works are to be restored to pre-work levels following completion of works to promote natural restoration of marine plants and fish habitats.

The restoration of tidal profiles includes the removal of any existing structures, within the approved fisheries development area, where those structures have been replaced, within six (6) months of completion of the new structure.

- 8 For the purposes of section 145 (c) (ii) of the Fisheries Act 1994 the place where works will take place is a place required to be open for inspection.

Basis for inclusion of conditions:

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

  
Delegate of the  
Chief Executive  
Date 14/6/07  
Page 2 of 2

## CONCURRENCE AGENCY RESPONSE

This response is issued by the Department of Primary Industries and Fisheries pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*.

### Development Application details:

<b>Applicant's name:</b>	Lanwal Pty Ltd
<b>Applicant's address:</b>	C/o C & B Group Level 1 26 Florence St Cairns Qld 4870
<b>Proposed development:</b>	Operational works involving the removal, disturbance or damage of marine plants associated with the construction of a service station
<b>Description of the land:</b>	Lot on Plan: Lot 1 on RP739151
<b>Development application number:</b>	06-00610
<b>Development permit:</b>	2005CA0581
<b>File number:</b>	NFC/140/000(836)

### 1. Response to Development Application

The Department of Primary Industries and Fisheries, acting as a concurrence agency under the *Integrated Planning Act 1997*, has assessed the above development application against the purposes of the *Fisheries Act 1994*.

It has been determined that the fisheries development permit application is approved with conditions (DPI&F Reference number: 2007CA0140) for which the conditions in the 'DPI&F Conditions' must apply.



Delegate of the  
Chief Executive

Date: 14/6/07

Department of Primary Industries and Fisheries

Page 1 of 2

.....

## 2. Conditions

Conditions imposed by the Department of Primary Industries and Fisheries are the conditions listed in the 'DPI&F conditions' attached.

## 3. Additional Information to applicants:

### Cultural Heritage

Under the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

### Acid Sulfate Soil

Any soil disturbance resulting from development works should be managed to prevent acid sulfate soil development as outlined in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on 3896 9819 or access the website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).



Delegate of the  
Chief Executive

Date: 14/6/07

Page 2 of 2

Department of Primary Industries and Fisheries



## ENVIRONMENTAL SERVICES

### MEMORANDUM

TO: Natalie Clark – Planning Officer  
FROM: Environmental Health Officer  
DATE: 21 June 2007  
RE: Petrol Station for C Walker at Craiglie

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Please insert the following conditions on any permit issued in relation to the subject application:

#### ***ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS***

This Development Approval Consists of the following schedules:

Schedule A: General Conditions  
Schedule B: Air Discharge Conditions  
Schedule C: Water Discharge Conditions  
Schedule D: Stormwater Management Conditions  
Schedule E: Land Application Conditions  
Schedule F: Noise Control Conditions  
Schedule G: Waste Management Conditions  
Schedule H: Self-Monitoring and Reporting Conditions  
Schedule I: Definitions



## *SCHEDULE A – GENERAL CONDITIONS*

- (A1) Before an operational works permit is granted, application for a Flammable and Combustible Liquid Storage License must be submitted to Environmental Health Services. The application must be submitted with details plans outlining the installation of any tanks, the quantity to be stored on the premises, stormwater management plans, hours of operation, and supporting information relating to the minimisation of risks involved.
- (A2) In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused
- (A3) From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.
- ◆ The SBMP must address the following matters:
  - ◆ Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals.
  - ◆ Identification of environmental issues and potential impacts.
  - ◆ Control measures for routine operations to minimise likelihood of environmental harm.
  - ◆ Contingency plans and emergency procedures for non-routine situations.
  - ◆ Organisational structure and responsibility.
  - ◆ Effective communication.
  - ◆ Monitoring of contaminant releases.
  - ◆ Conducting environmental impact assessments.
  - ◆ Staff training.
  - ◆ Record keeping.
  - ◆ Periodic review of environmental performance and continual improvement.
- (A4) The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval.
- (A5) Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
- (A6) All Records must be kept for a minimum of 5 years.
- (A7) The Local Authority and EPA must be notified as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval.
- (A8) A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition [A7]:
- ◆ the name of the operator, including their approval / registration number;
  - ◆ the name and telephone number of a designated contact person;
  - ◆ quantity and substance released;
  - ◆ vehicle and registration details;
  - ◆ person/s involved (driver and any others);
  - ◆ the location and time of the release;
  - ◆ the suspected cause of the release;
  - ◆ a description of the effects of the release;

- ♦ the results of any sampling performed in relation to the release,
  - ♦ actions taken to mitigate any environmental harm caused by the release; and
  - ♦ Proposed actions to prevent a recurrence of the release.
- (A9) A competent person(s) must conduct any monitoring required by this approval.
- (A10) All instruments, equipment and measuring devices used for measuring or monitoring in accordance with any condition of this approval must be calibrated, and appropriately operated and maintained.
- (A11) An appropriate spill kit, personal protective equipment and relevant operator instructions/emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site.
- (A12) All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

### ***SCHEDULE B – AIR DISCHARGE***

- (B1) The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial 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, scum, litter or other matter.

- .....
- (D3) Any spillage of wastes, contaminants or other materials 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 an approved septic sewer system.

### ***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.
- (E2) Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.

NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.

### ***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 or 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.
- (F3) When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:
  - ◆ airblast overpressure (dB (Lin) Peak);]
  - ◆ LA 10, adj, 10 mins
  - ◆ LA 1, adj, 10 mins
  - ◆ the level and frequency of occurrence of impulsive or tonal noise;
  - ◆ atmospheric conditions including wind speed and direction;
  - ◆ effects due to extraneous factors such as traffic noise; and
  - ◆ location, date and time of recording.

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

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

(G2) Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.

(G3) Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

## ***SCHEDULE H – SELF-MONITORING***

(H1) 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 complainant
- ◆ name of person responsible for investigating complaint
- ◆ action taken as a result of the investigation of the complaint

(H2) As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the condition of this development approval, the holder of this development approval, to their operator on site must notify the administering authority of the release by telephone or facsimile.

(H3) The notification of emergencies or incidents as required by condition H2 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***

*(I1) 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.*

*(I2) 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.*

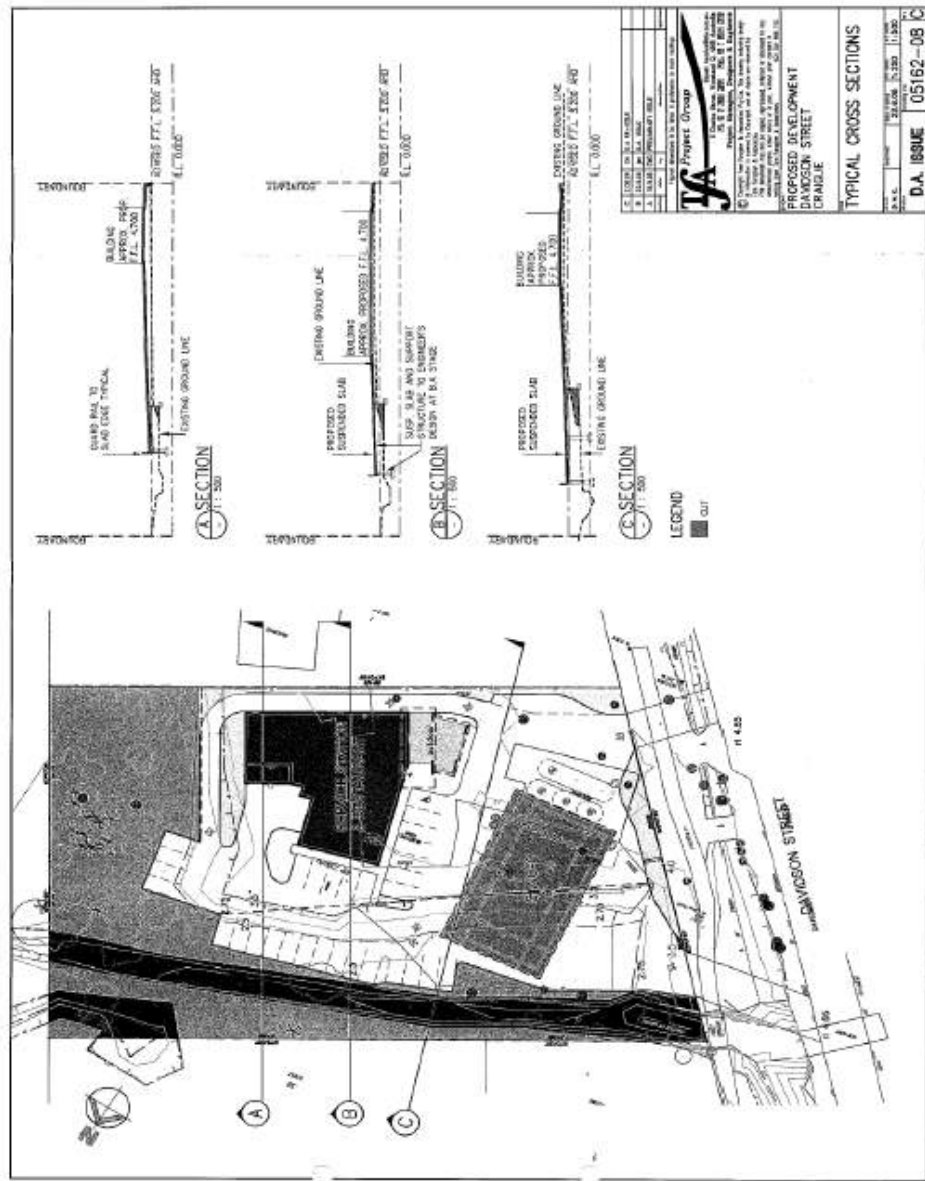
*(I3) For the purpose of this development approval the following definitions apply:*

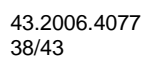
*“Act” means the Environmental Protection Act 1994*

*“Administering Authority” means the Douglas Shire Council or its successor*

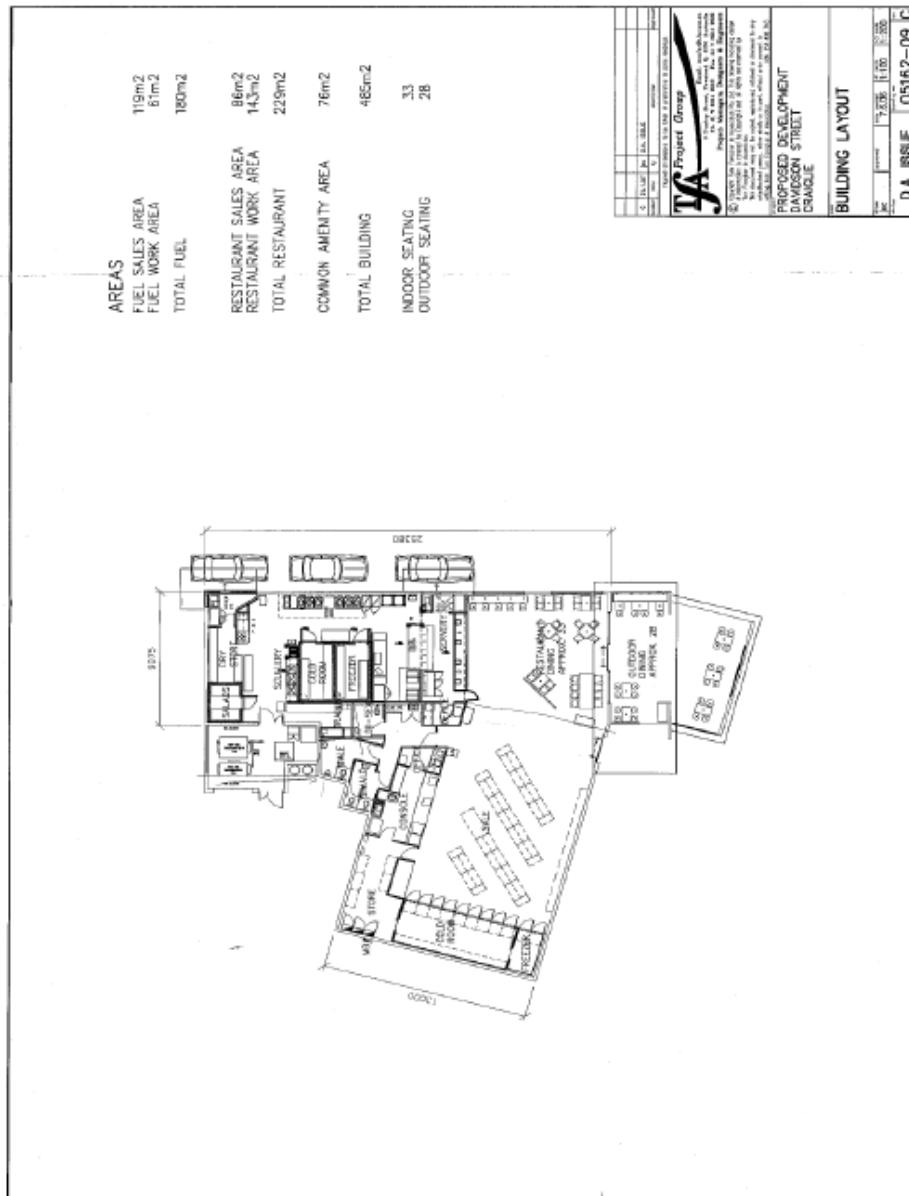


# Appendix D – Plans of Development













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*Division 8 – Appeals to court relating to development applications*

**Appeals by applicants**

- 4.1.27. (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a currency period;
  - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

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*Division 10 – Making an appeal to court*

How appeals to the court are started

- 4.1.39
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
  - (2) The notice of appeal must state the grounds of the appeal.
  - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
  - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).