

YOUR REF:

OUR REF: MCUI 198/2014 (790288)

28 September 2016

J Guerillot
1-5 Dickson St
CRAIGLIE QLD 4877

Attention: J Guerillot

Dear Sir

**NOTICE OF DECISION UNDER S 376 SUSTAINABLE PLANNING ACT 2009
REQUEST FOR A PERMISSIBLE CHANGE – INDOOR ENTERTAINMENT
(CHILDREN’S INDOOR ENTERTAINMENT)
1-5 DICKSON STREET CRAIGLIE**

Reference is made to your request for a permissible change to a development approval. The request for a permissible change for the material change of use from Indoor Sport and Entertainment (Gymnasium) to Indoor Sport and Entertainment (Children Indoor Entertainment), was approved under Instrument of Delegation on 28 September 2016, whereby:

- 1. The Approved Drawing(s) and / or Document(s) are amended as follows:**

Drawing or Document	Reference	Date
Building Layout	Prepared by the Applicant.	As submitted to Council on 19 May 2014 (Council document reference D#421462) <u>As submitted to Council on 8 August 2016 (Council document reference D#783743).</u>
Site Plans	Prepared by the Applicant	As submitted to Council on 7 August 2014 (Council document reference D#425954)

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

2. The following additional advices be included on the Amended Decision Notice:

All provision of food and beverages to the public must be suitably approved / licensed, depending on the nature of the activity, with Council's Environmental Health Services.

The premises is part of an established industrial area. A wide variety of industrial uses can establish on land adjacent and near to the premises that involve industrial activities that will impact on the amenity of the area.

3. All other Assessment Manager Conditions and Advice of the Decision Notice issued 26 August 2014 (Council electronic document D#427358) remain unchanged. A copy of the Decision Notice issued 26 August 2014 is to be attached to the Amended Approval.

4. The Concurrence Agency Conditions and requirements are amended as follows.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development Infrastructure and Planning	SDA-0614-010912	4 August 2014	D#425804
<u>Department of State Development Infrastructure and Planning</u>	<u>SPD-0816-030066</u>	<u>5 September 2016</u>	<u>D# 787364</u>

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

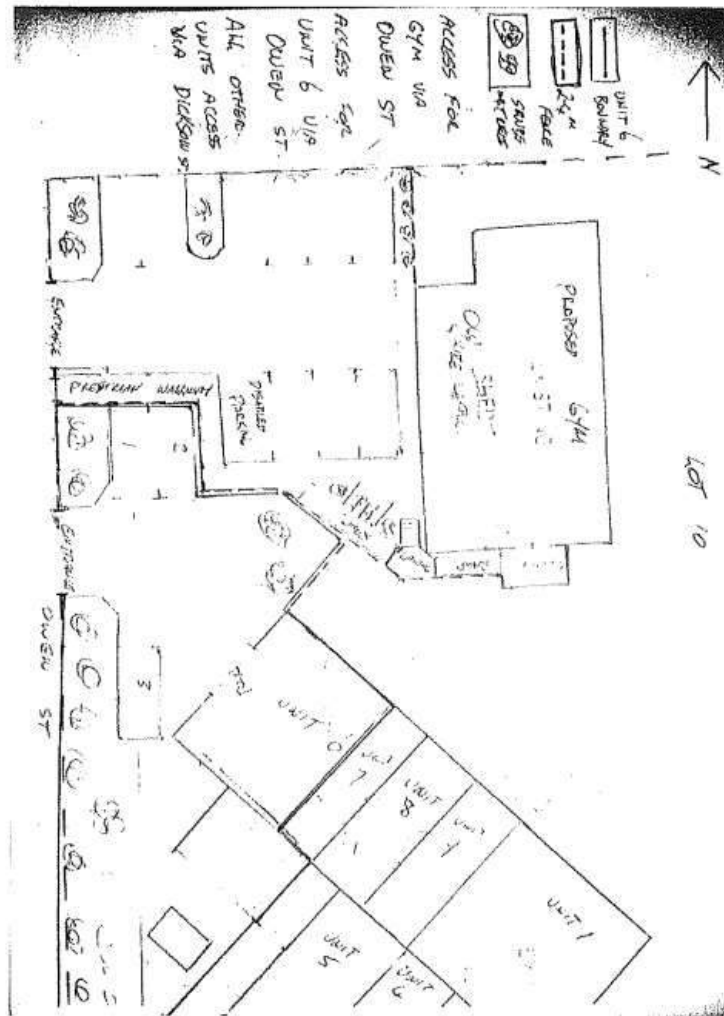
Yours faithfully

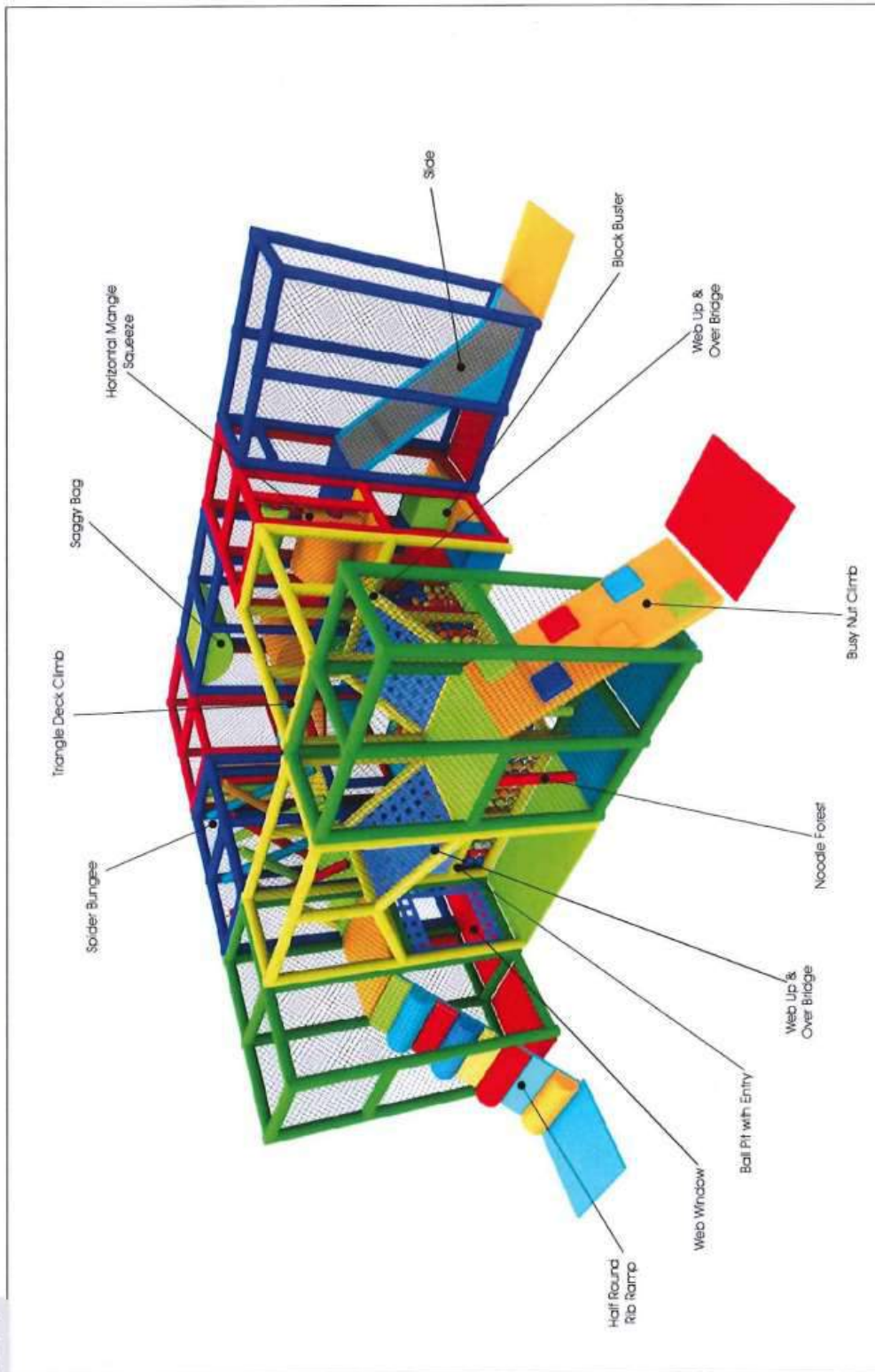
Nick Wellwood | General Manager
Operations | Douglas Shire Council

Att

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

SDA-0014-010012

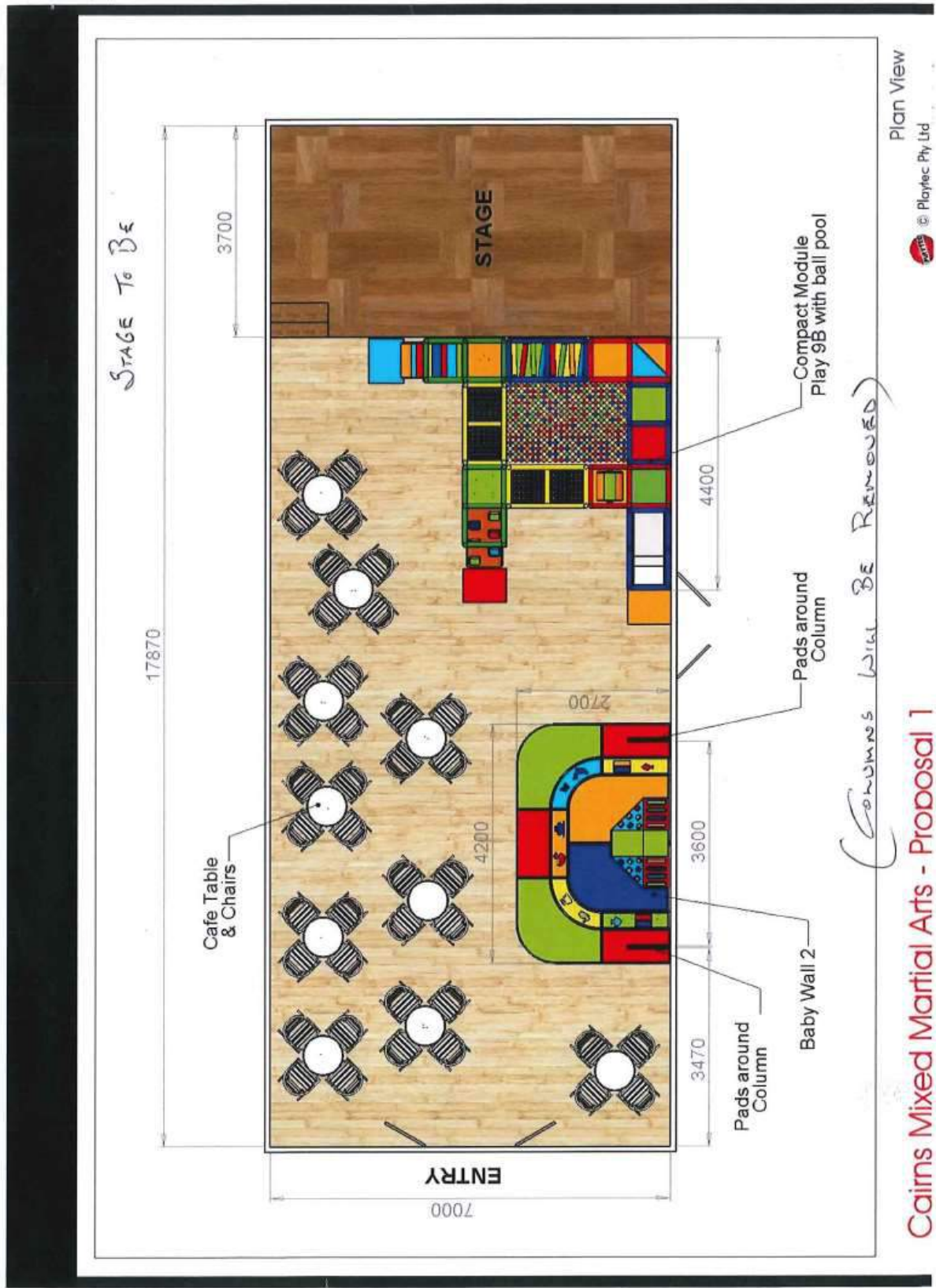






Perspective View
© Playtec Pty Ltd
Made in Australia

Cairns Mixed Martial Arts - Proposal 1



APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0816-030066
Your reference: MCUI 198/2014

5 September 2016

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Dear Sir / Madam

Notice about request for permissible change—relevant entity

Development permit for a material change of use (indoor sport and entertainment) on land situated at 1-5 Dickson Street, Craiglie and described as Lot 10 on RP746523
(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 29 August 2016 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:

- Change of internal use of Shed 2 from a proposed gymnasium to a children's indoor entertainment centre.

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

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 who will be able to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brett Nancarrow".

Brett Nancarrow
Manager (Planning)

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

APPENDIX 3: CURRENT DECISION NOTICE

OUR REF: MCUI 198/2014 (427358)

26 August 2014

Mr John Guerillot
C/- Post Office
PORT DOUGLAS QLD 4877

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 1-5 DICKSON STREET, CRAIGLIE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 26 August 2014, 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

Paul Hoyer
General Manager Operations

Att

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APPLICANT DETAILS

John Guerillot
C/- Post Office
PORT DOUGLAS QLD 4877

ADDRESS

1-5 Dickson Street, Craiglie

REAL PROPERTY DESCRIPTION

Lot 10 on RP746523

PROPOSAL

Indoor Sports & Entertainment (Gymnasium)

DECISION

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

DECISION DATE

26 August 2014

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of State Development, Infrastructure and Planning	Advice or 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
Compliance Permit for Plumbing 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:

Drawing or Document	Reference	Date
Building Layout	Prepared by the Applicant.	As submitted to Council on 19 May 2014 (Council document reference D#421462)
Site Plans	Prepared by the Applicant	As submitted to Council on 7 August 2014 (Council document reference D#425954)

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; and
 - 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.

Vehicle Parking

3. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) spaces must be provided for the Indoor Sport and Entertainment land use. One of the ten (10) spaces must provide for a disabled person's car.

The car parking layout must comply with the Australian Standard AS2890.1 2004 *Parking Facilities – off-street car parking* and be constructed in accordance with Austroads and good engineering design.

Prior to the commencement of use the following must be provided to the satisfaction of the Chief Executive Officer:

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- a. A concrete crossover and apron, for a length of at least 5m onto the land, consistent with the *FNQROC Development Manual*; and
- b. The car parking and remaining driveway area must be drained, sealed and constructed of a gravel or concrete or bitumen surface.

Protection of Landscaped Areas from Parking

4. 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.

Landscaping Plan

5. 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 using species as per the Planning Scheme Policy No 7 ; and
 - b. Inclusion of any other relevant conditions included in this Development Permit.

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 the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Bicycle Parking

6. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles*. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is two (2) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

7. 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.

Damage to Infrastructure

8. In the event that any part of Council's existing sewer/water/road 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.

Advertising Signage

9. Prior to the display of advertising signage the Applicant must provide details of the signage including the content and proportions and method of erection to the Chief Executive Officer. The advertising device must be subservient in scale to the primary use of the land and where a banner sign must be maintained in good condition to the satisfaction of the Chief Executive Officer. A maximum of one (1) sign per frontage is permitted for the use of Indoor Sports and Entertainment (Gymnasium). All signage must be within a landscaped setting. No flashing signage is permitted to face the State-controlled Road.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development Infrastructure and Planning	SDA-0614-010912	4 August 2014	D#425804

Refer to Appendix 2: Concurrence 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 four (4) years from the day the approval takes effect in accordance with the provisions of select one sections 339 and 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 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 the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Indoor Sports & Entertainment is defined as:

Means the use of premises for sport, physical exercise, recreation or public entertainment predominantly within a Building.

The use includes facilities commonly described as:

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- *sports centre;*
- *gymnasium;*
- *amusement and leisure centre;*
- *cinema*
- *dance club;*
- *music club;*
- *nightclub;*
- *reception room;*
- *theatre;*
- *convention centre; or*
- *function centre.*

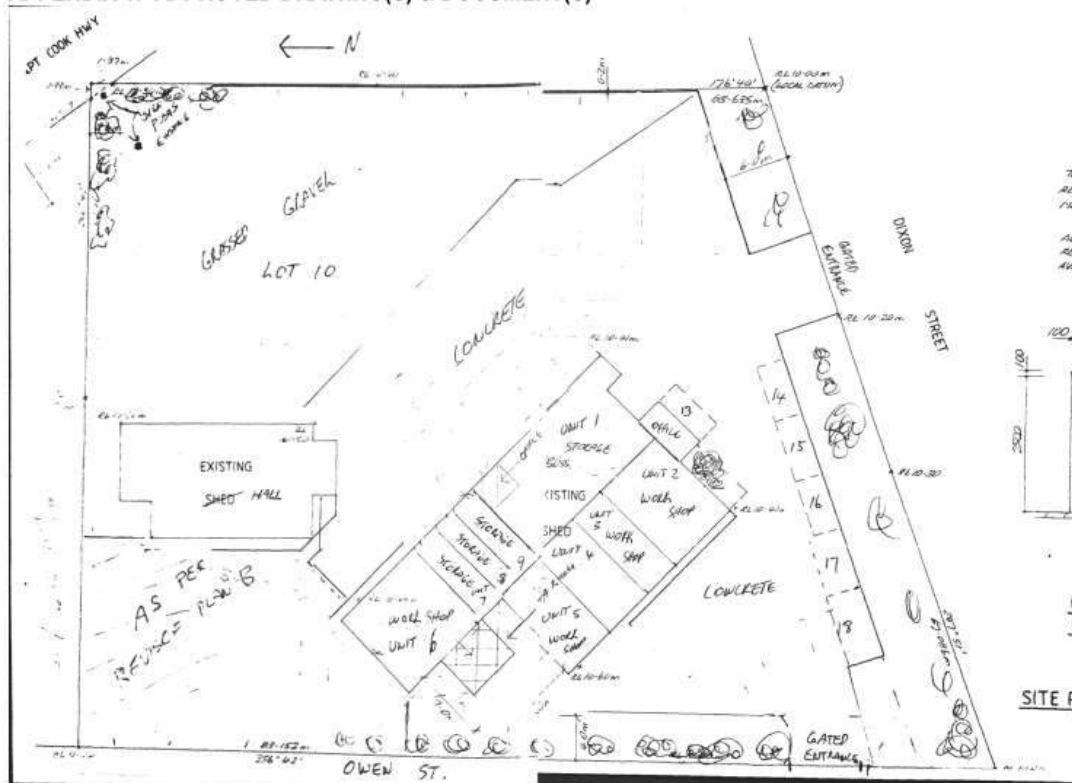
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

RIGHTS OF APPEAL

Attached

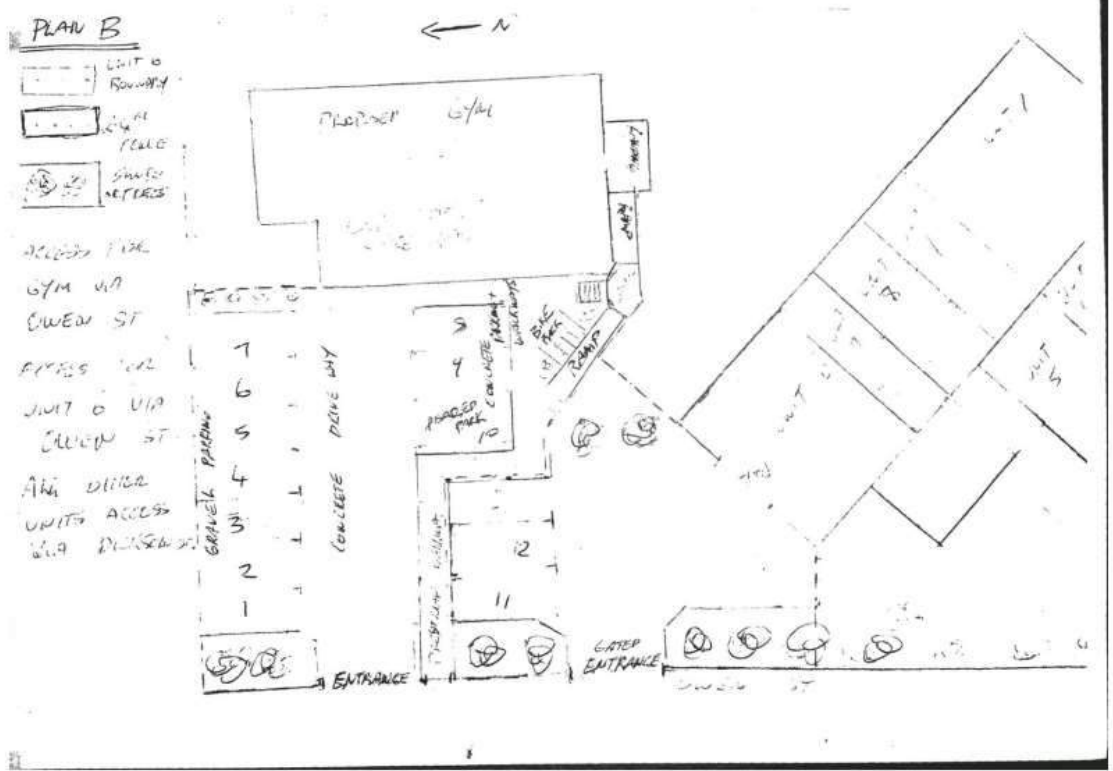
End of Decision Notice

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

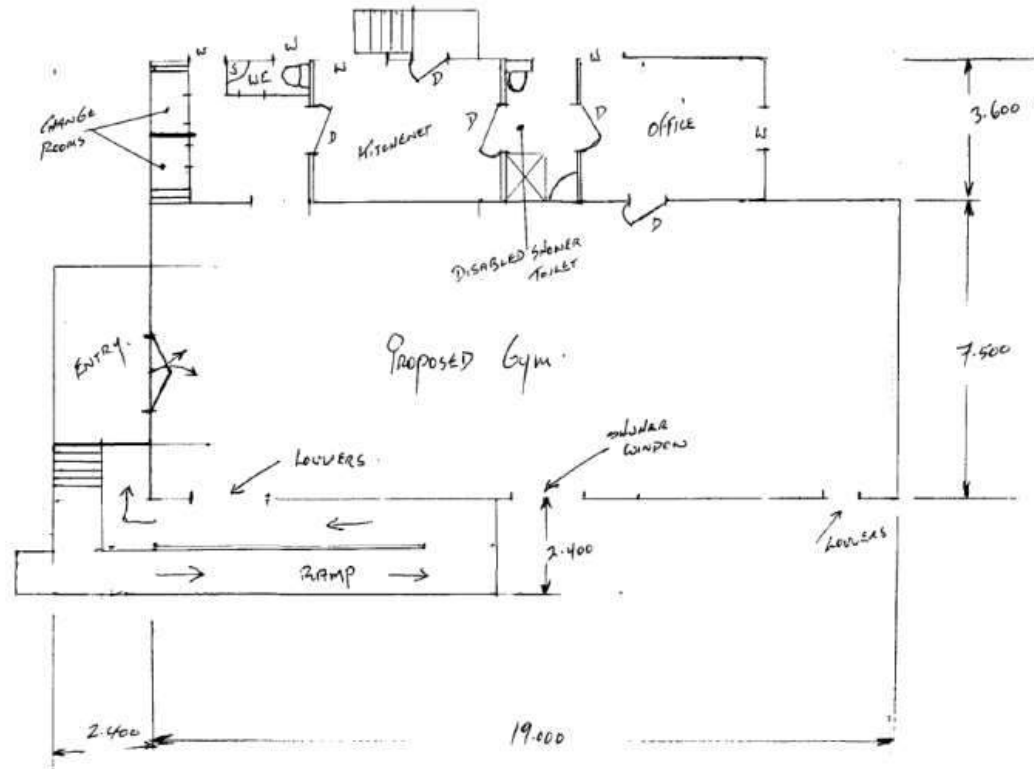


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APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



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

Our reference: SDA-0614-010912
Your reference: MCIU 198/2014

04 August 2014

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Att: Jenny Elphinstone

Dear Ms Cardew

Amended concurrence agency response

Material change of use – indoor sports and entertainment (gymnasium) at 1-5 Dickson Street, Craiglie and described as Lot 10 on RP746523
(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of State Development Infrastructure and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 16 June 2014.

On 27 June 2014 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

The applicant has provided written agreement to this amended concurrence agency response, as attached.

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Department of State Development, Infrastructure and Planning
Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

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Our reference: SDA-0614-010912

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Material change of use – indoor sports and entertainment (gymnasium)		
State-controlled road (7.3.1) —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development must be carried out generally in accordance with the following plans provided in the email to Douglas Shire Council and dated 16 May 2014 , except as modified by these concurrence agency conditions: <ul style="list-style-type: none"> Proposed Gym & Unit 6– ‘Site Plan, Car Parking Area & Landscaping Plan’ (not dated) Proposed Gym (Shed 2) and Shed 1, Layout Plan (not dated) Proposed Martial-Centre, Craiglie–Proposed Gym, dated 13/05/2014. 	Prior to the commencement of use and to be maintained at all times.
2.	The permitted road access location for the development is between Lot 10 on RP746523 and the Captain Cook Highway is via Owen Street and generally in accordance with the Proposed Gym–Site Plan, Car Parking Area & Landscaping Plan The permitted road access locations for the development shall be as follows: <ul style="list-style-type: none"> Proposed Gym (Shed 2) via a new access location via Owen Street, Unit 6 via a new access location via Owen Street, Existing Shed 1 via Dickson Street; and generally in accordance with the revised development layout plans (received by the Department of State Development Infrastructure and Planning on 28 July 2014)	Prior to the commencement of use and to be maintained at all times.
3.	CONDITON DELETED	
4.	Direct access is not permitted between the Captain Cook Highway, a state-controlled road and the subject site at any location other than the permitted road access location.	At all times

Our reference: SDA-0614-010912

Attachment 2—Amended reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the proposed development generally proceeds in accordance with the cited plans provided to the Department of State Development Infrastructure and Planning on 25 July 2014 in the email to Douglas Shire Council that depicts how the development is to be carried out;
- to ensure the development achieves the relevant performance outcomes within Module 1 (Community amenity); Module 18 (State transport infrastructure protection) and Module 19 (State transport network functionality) prescribed in the State Development Assessment Provisions version 1.3 published 9 May 2014 and commenced 16 May 2014;
- to ensure that any impacts from the development are controlled and minimised; and
- to ensure that the development does not compromise the safety and efficiency or operation of the state-controlled road.

Attachment 3 — Approved Plans and Specifications





Attachment 4 – Applicant written agreement to amended concurrence agency response

A/EN JEANNE MANSON JEANNE.MANSON@DSDIP.QLD.GOV.AU

APPLICANT WRITTEN AGREEMENT
Amended Concurrence Agency Response

DSDIP Reference: SDA-0614-010912

Douglas Shire Council reference: MCUI 198/2014

I/we, as the applicant for the development application for a Development Permit for a Material Change of Use – indoor sports and entertainment (gymnasium), give written agreement to the Chief Executive of the Department of State Development, Infrastructure and Planning to give an amended concurrence agency response under section 290 of the *Sustainable Planning Act 2009*.

Name(s): John Buegler
(Applicant)

Signed: J Buegler

Date: 31-07-2014