YOUR REF: J0000275:WAKS:KLG (Lot 8)
OUR REF: MCUC 1877/2017 (D#810426)

26 April 2017

Waks Developments Pty Ltd c/- Gilvear Planning Pty Ltd PO Box 228

BABINDA QLD 4861

Attention: Ms Kristy Gilvear

Dear Madam

## DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR 5-7 PIONEER CLOSE CRAIGLIE

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 26 April 2017, 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 Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoye Manager Sustainable Communities

Att

### **APPLICANT DETAILS**

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

### **ADDRESS**

5-7 Pioneer Close, Craiglie

#### **REAL PROPERTY DESCRIPTION**

Lot 8 on SP201317

#### **PROPOSAL**

Combined Application for Material Change of Use for Service Industry and Reconfiguration of a Lot 1 Lot into 1 Standard Lot, 12 Building Units and Common Property.

#### **DECISION**

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

### **DECISION DATE**

26 April 2017

#### TYPE

Material Change of Use (Development Permit) Reconfiguration of a Lot (Development Permit)

### **REFERRAL AGENCIES**

None Applicable

#### **SUBMISSIONS**

There were no Applicable submissions for this application.

43.2017.1877 2/29 (D#810426)

### **FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Work Compliance Certificate (Survey Plan)

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

#### A. MATERIAL CHANGE OF USE

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

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

Drawing or Document	Reference	Date
Master Layout 90deg. Parks	RECS Pty Ltd, Project	13 February 2017
	No.08-2007, Sheet SK 1,	
	Revision E	
6.3 & 7.1m Turning Circles 90	RECS Pty Ltd, Project	13 February 2017
deg	No.08-2007, Sheet SK 2,	
	Revision E	
12.5 Turning Circle	RECS Pty Ltd, Project	13 February 2017
	No.08-2007, Sheet SK 3,	
	Revision E	
8.8m Loading Bays	RECS Pty Ltd, Project	13 February 2017
	No.08-2007, Sheet SK 4,	
	Revision E	
Refuse Bin Storage	RECS Pty Ltd, Project	13 February 2017
	No.08-2007, Sheet SK 5,	
	Revision E	
Shed Dimensions	RECS Pty Ltd, Project	13 February 2017
	No.08-2007, Sheet SK 6,	
	Revision E	
Plant Schedule	GGI Landscape Architects,	February 2017
	Service Industry Sheds, Job	
	No. L1701, Sheet L1.00	
Landscape Establishment	GGI Landscape Architects,	February 2017
	Service Industry Sheds, Job	
	No. L1701, Sheet L2.00	
Tenancy Sign Detail	Gilvear Planning	27 February 2017
	correspondence, page 7	

Drawing or Document	Reference	Date
Part Ground Floor Plan	Sheds'n'Shouses Project 08-	10 January 2017
	2007 New Shed, Drawing	
	WD-02, Amendment C	
Part Ground Floor Plan	Sheds'n'Shouses Project 08-	10 January 2017
	2007 New Shed, Drawing	
	WD-03, Amendment C	
Shed 1 Elevation	Sheds'n'Shouses Project 08-	10 January 2017
	2007 New Shed, Drawing	
	WD-04, Amendment C	
Ground Floor Plan	Sheds'n'Shouses Project 08-	10 January 2017
	2007 New Shed, Drawing	
	WD-05, Amendment C	
Shed 2 Elevation	Sheds'n'Shouses Project 08-	10 January 2017
	2007 New Shed, Drawing	
	WD-06, Amendment C	

#### 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
  - 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**

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

#### **External Works**

- 3. Undertake the following works external to the land at no cost to Council:
  - a. Provision of an industrial concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015.

The works outlined above may either be undertaken as part of a Development Permit for Building Work or as a separate Development Permit for Operational Work. Where submitted as a separate Development Permit for Operational Work 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 issue of a Certificate of Classification or Commencement of Use whichever occurs first.

#### **Internal Works**

- 4. The Applicant/owner will:
  - a. Differentiate and delineate pedestrian pathways / vehicular manoeuvring areas with non-slip paint;
  - b. Provide pedestrian crossings as indicated on the approved drawings;
  - c. Provide suitable lighting to the internal, common property area;
  - d. Paint directional arrows in the common property vehicle movement area; and
  - e. Paint or surface the loading areas to identify these as different to the driveway; and

These works are to be designed and certified by a suitably qualified RPEQ with a copy of the certification lodged with the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

#### Water Supply and Sewerage Works External

- 5. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
  - Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
  - Upgrade the water main from the Council Service to the land so that the site can be provided with appropriate water service connection to the lot frontage;
  - c. Extend the sewer main from the 150Ø on the neighbouring land at 17 to 19 Owen Street, Craiglie (Lot 0 on SP 212665, Easement N on SP201317) to the land.

The external works outlined above constitute Operational Works. 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 Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first

#### **Inspection of Sewers**

- 6. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first. Water Supply and Sewerage Works Internal
- 7. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
  - b Provide a single internal water connection;
  - c. Water supply sub-metering must be designed and installed in accordance with Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008.

The above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

#### **Council Infrastructure**

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

#### **Lawful Point of Discharge**

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

#### Minimum Fill and Floor Levels

10. All floor levels in all buildings must be located 100 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

## Stockpiling and Transportation of Fill Material

11. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. before 7:00 am or after 6:00 pm Monday to Friday;
- b. before 7:00 am or after 1:00 pm Saturdays; or
- c. on Sundays or Public Holidays.

#### **Above Ground Transformer Cubicles / Electrical Sub-Stations**

12. Where required any above ground transformer cubicles and/or electrical substations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

### **Landscaping Plan**

- 13. The site must be landscaped generally in accordance with the plan prepared by GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L1.00, dated February 2017 and to include the following details:
  - a. Deep planting of setback areas;
  - b. Maintain the existing trees planted in the road area;
  - c. Provide screen planting to the waste bin service area, in particular where viewed from the street:
  - d. Provide complimentary deep planting beneath and around the tenancy sign;
  - e. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping; and

f. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas, including the provision of the roofed picnic seating and BBQ facility must be maintained at all times to the satisfaction of the Chief Executive Officer.

#### **Screen Fence**

14. A screen fence or alternatively suitable landscaping together with a chain wire fence must be provided to the northern boundary of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

## **Crime Prevention through Environmental Design**

15. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention through Environmental Design (CPTED).

### Lighting

16. 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.

### **Bicycle Parking**

17. Provide secured, on-site bicycle parking for four spaces in the common property area. The bicycle parking area must be constructed prior to Commencement of Use.

## **Vehicle Parking**

18. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces including one space for persons with a disability generally in accordance with the RECS Master Layout 90deg. Parks drawing Project No.08-2007, Sheet SK 1, Revision E dated 13 February 2017.

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6 and be constructed in accordance with Austroads and good engineering design.

In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

The car parking and loading bay areas must be maintained in a good condition, including line marking at all times.

## Protection of Landscaped Areas from Parking and Loading / Unloading Areas

19. Landscaped areas adjoining the parking area or a loading / unloading 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.

#### **Sediment and Erosion Control**

- 20. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).
- 21. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

### **Tenancy Signage**

22. The tenancy sign is to have a maximum height of 5 metres and a width of 2.5 metres unless otherwise approved by the Chief Executive Officer.

The tenancy sign must provide clear and legible signage to the land incorporating the street number and the availability of visitor parking for the benefit of the public. The tenancy sign must be complimented with landscaping. Both the tenancy sign and the associated landscaping must be maintained at all times in a good condition. The tenancy sign must be erected prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

#### **Unit Number Signage**

23. Clear and legible signage must be provided to each building unit identifying the unit number. The unit numbering must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

### **Advertising Signage**

24. All signage additional to the tenancy sign and associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the Commencement of Use.

## **Refuse Storage**

25. Refuse storage is required to service the site in accordance with Council requirements. Refuse from the site must be collected on a frequency that meets the tenant needs.

## **Liquid Waste Disposal**

26. Where required any trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. Installation of a 1000Litre Grease Arrestor and trade waste collection channel will satisfy the trade waste requirement. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

### Storage of Machinery and Plant

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

Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas.

## Use of Stage 2 Land

28. Use of this land may not occur outside a building unless otherwise approved by the Chief Executive Officer.

### B. RECONFIGURATION OF A LOT CONDITIONS

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

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

Drawing or Document	Reference	Date
Reconfiguration of a Lot	RPS Drawing PR108905-32	16 March 2017
	dated 16 March 2017 and as	
	amended by Condition B.2	

#### 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

## **Amendment to Design**

- 2. The proposed layout is to be amended as follows:
  - a. Proposed Lot 900 is to exclude the area of Easement G on SP201317 and the setback area between the intended building on Lot 900 and the northern property boundary, with these areas to be included in the common property.

### **Common Property Area**

- 3. All common property areas are to:
  - a. Serve both proposed Lot 900 and the intended units under the building format plan; and
  - b. To be managed by a single community management statement.

### **Staging**

- 4. The development is to consist of a maximum of two stages with:
  - Stage 1 comprising the development of Units 1 to 12 together with the development of the common property area including all works in the common property area; and
  - b. Stage 2 comprising the development of Units 13 to 19.

The description of the units above is as per the RPS Drawing PR108905-32 dated 16 March 2017.

## **Timing of Effect**

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

The Compliance Certificate for the Plan of Survey cannot be applied for prior to the issue of a final Certificate for the Development Permit for Building Work of the associated Material Change of Use for Stage 1 (Units 1 to 12 inclusive) and an appropriate works certificate(s) has been issued for the completion of all works within the common property areas.

## **Electricity and Telecommunications**

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

## **Community Management Statement**

- 7. The Community Management Statement is to include the following items:
  - a. Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas;
  - b. There is to be no exclusive use of Common property area;
  - All common property areas and facilities must be provided for and maintained in a good condition as per the conditions of the development approval; and
  - d. Refuse from the site must be collected on a frequency that meets the tenant needs.

#### **ADVICE**

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
- 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. All premises should have a pedestrian door of adequate width to facilitate access by disabled persons.

5. For information relating to the *Sustainable Planning Act 2009* log on to <a href="https://www.dilgp.qld.gov.au">www.dilgp.qld.gov.au</a>. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to <a href="https://www.douglas.qld.gov.au">www.douglas.qld.gov.au</a>.

#### LAND USE DEFINITION\*

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved land use of Service Industry is defined as:

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

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

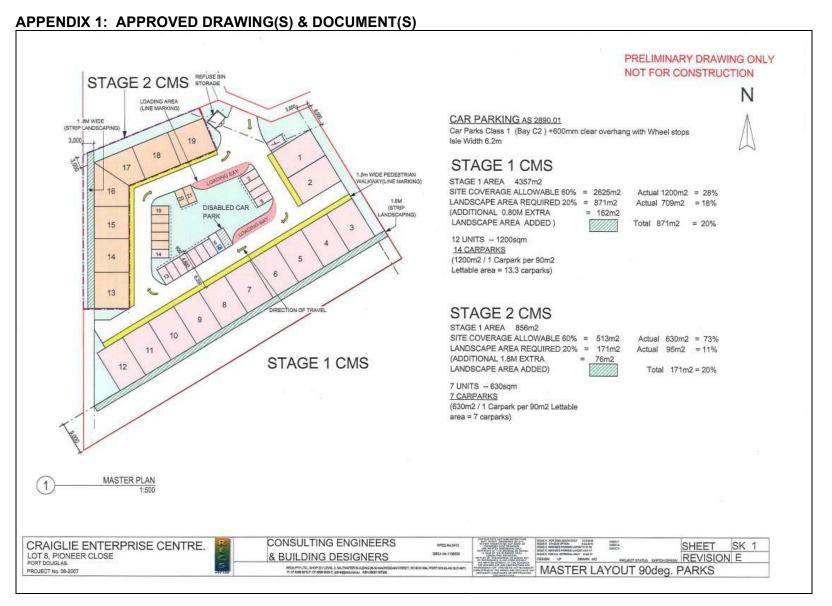
- Limousine/bus depot;
- Cleaning or detailing of motor vehicles;
- Catering business;
- Servicing of small items and appliances such as:
  - Bicycles;
  - Cameras;
  - Electrical appliances for domestic or office use; and
  - Marine equipment;
- Printing;
- Fishing gear manufacturing;
- Marine engineering;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

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

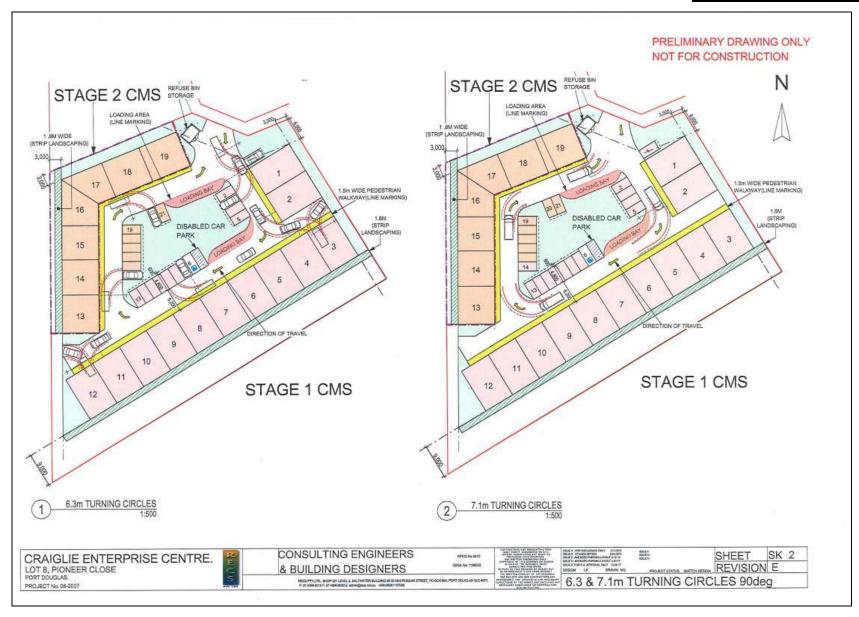
\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

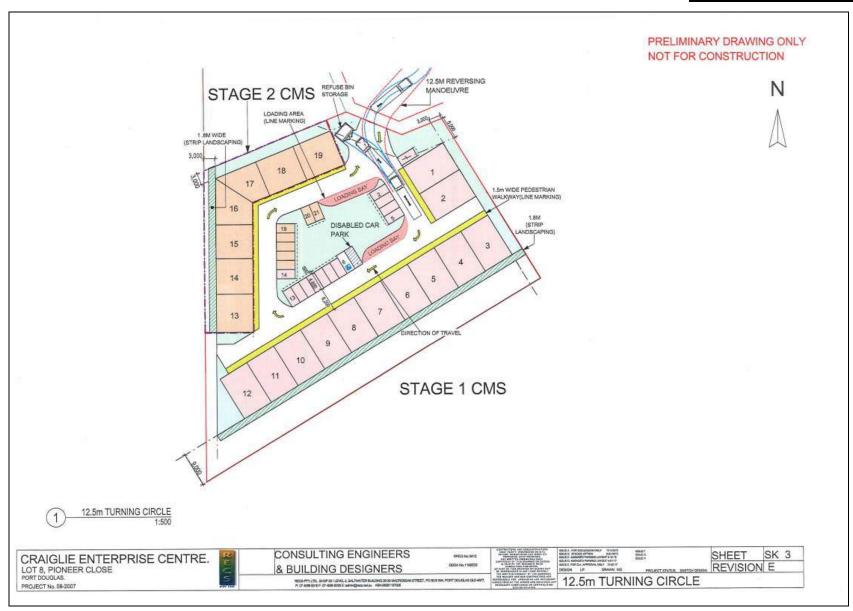
## RIGHTS OF APPEAL Attached

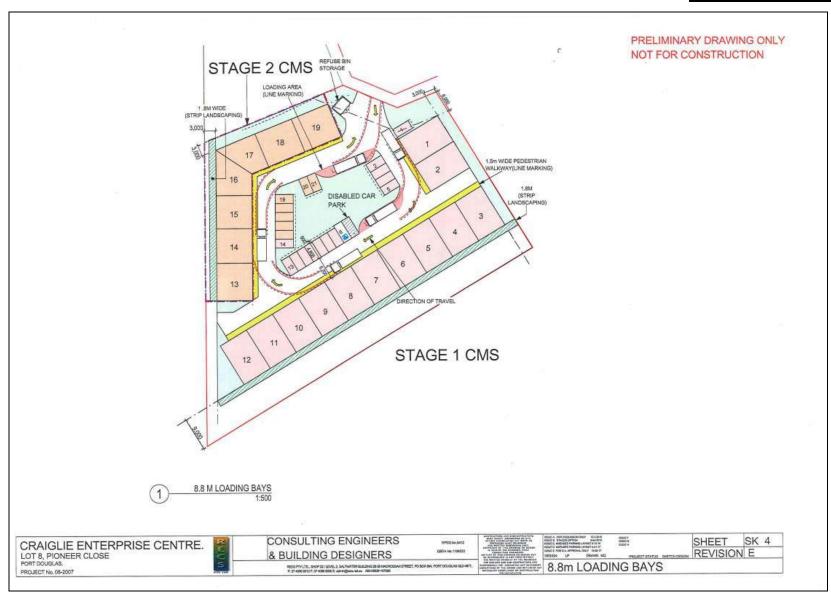
**End of Decision Notice** 

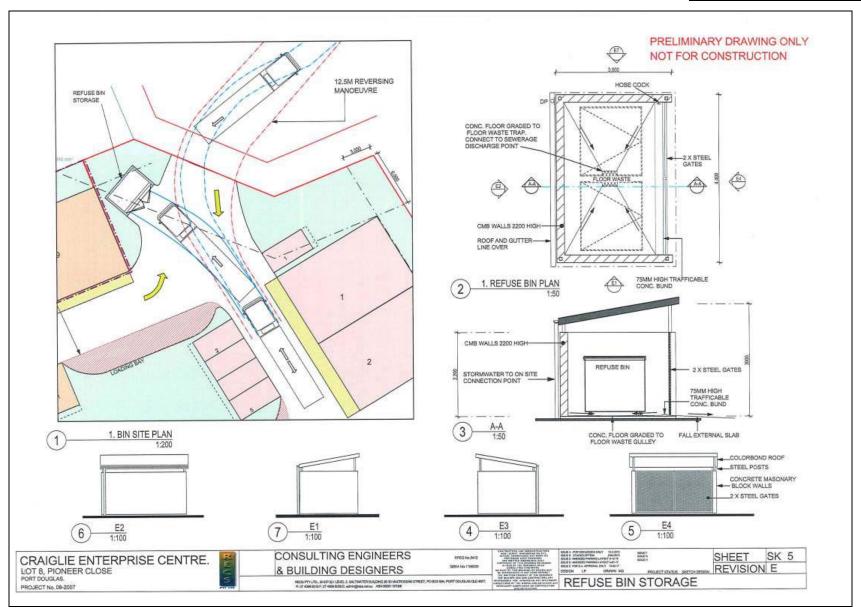


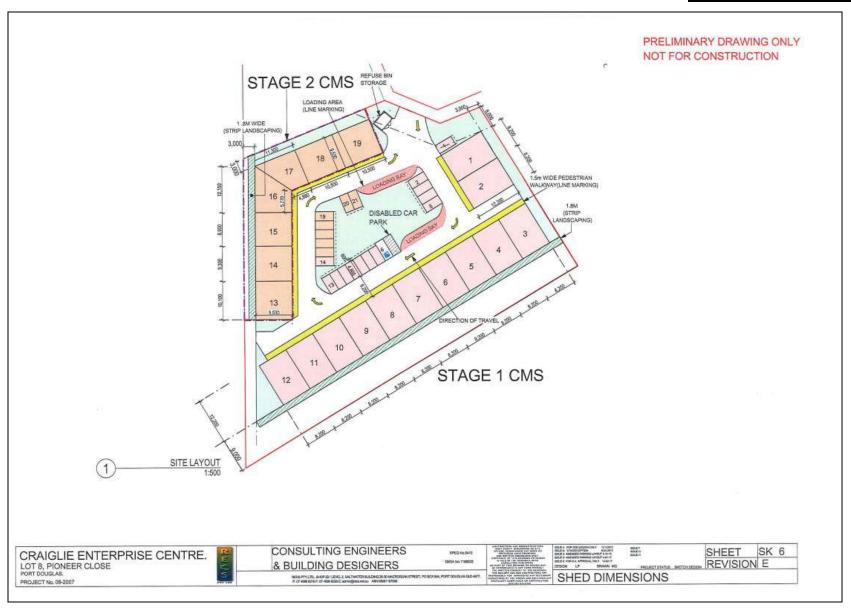
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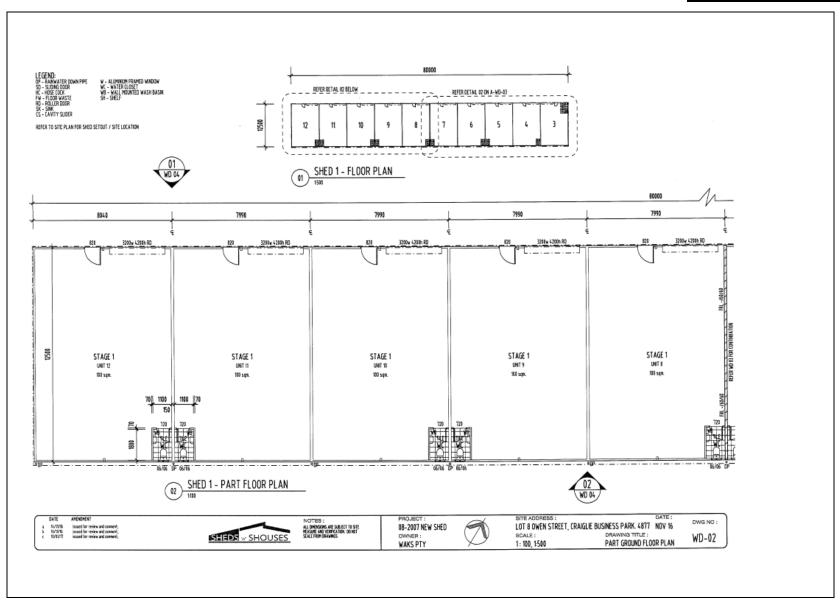


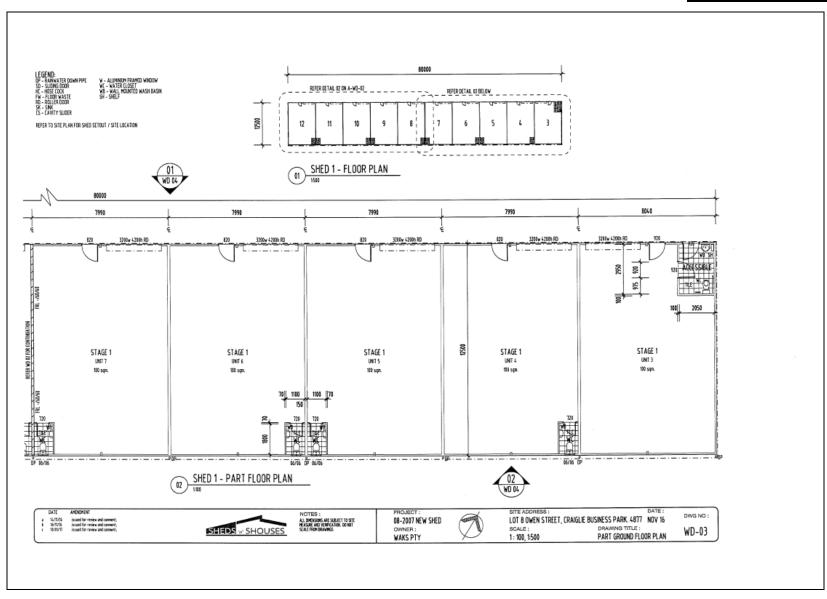


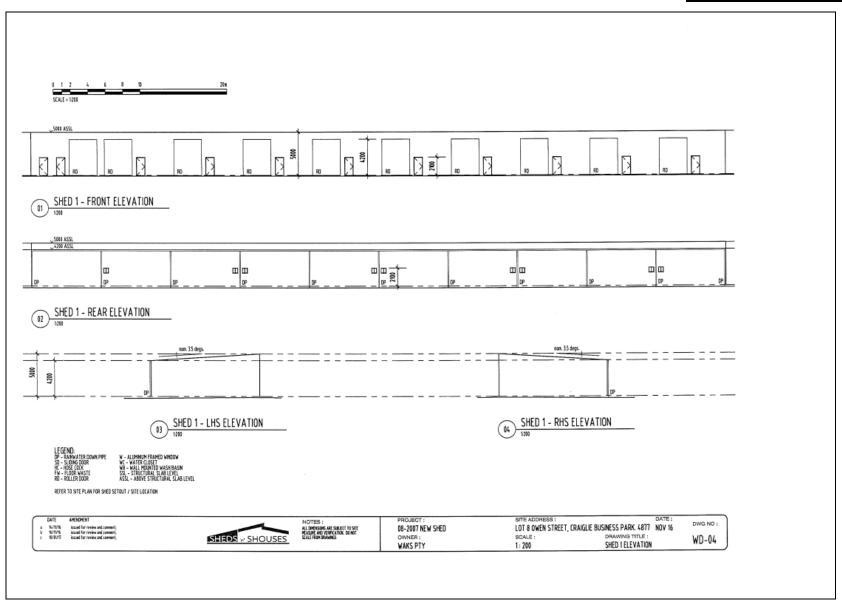


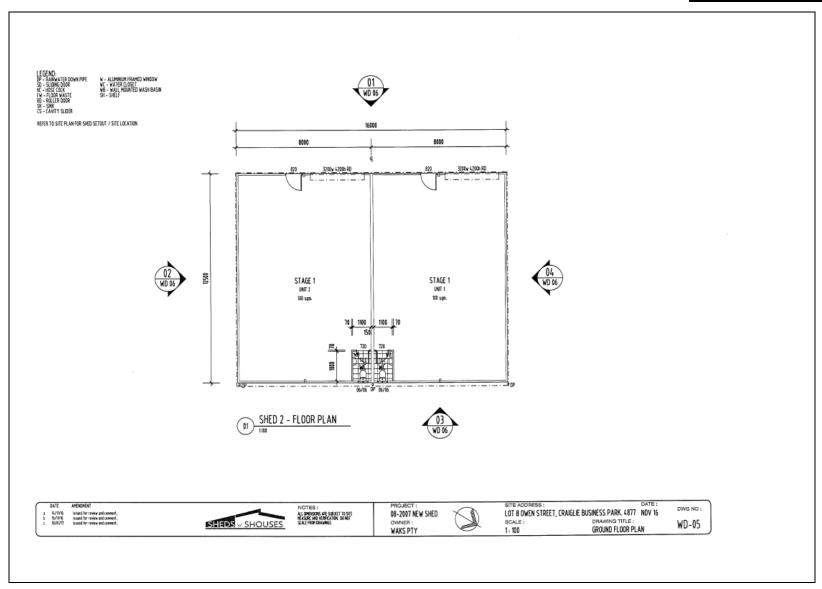


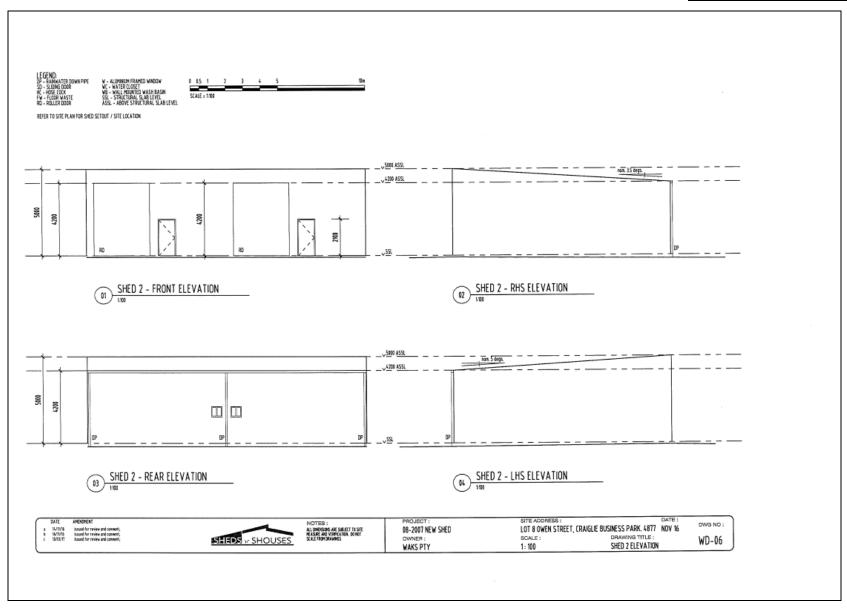
## <u>DECISION NOTICE DETAILS</u> <u>SUSTAINABLE PLANNING ACT 2009</u>

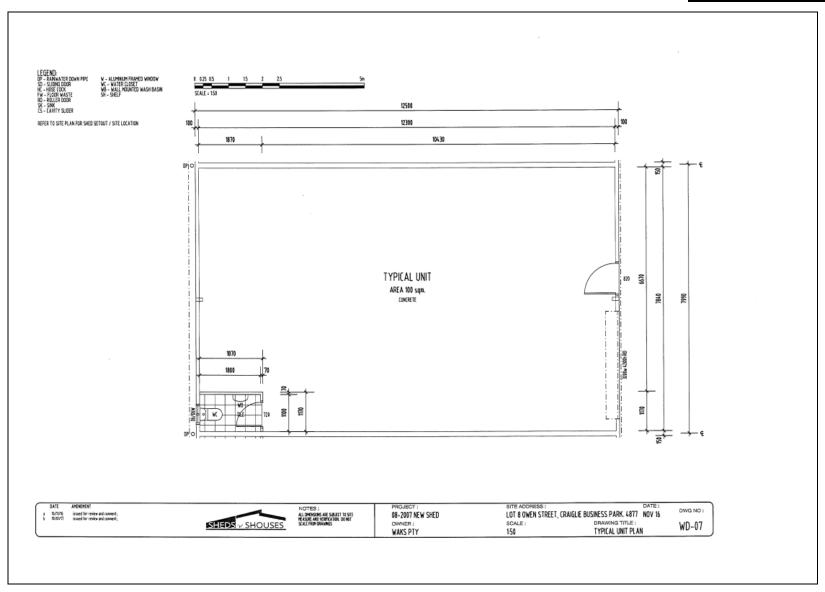












Response to Information Request 27 February 2017

#### Response:

The Applicant acknowledges the need for appropriate tenancy signage to be provided for the proposed development.

Detailed plans for the signage will be sought in conjunction with commencement of construction on the site. However, at this preliminary stage, the Applicant confirms its intention to provide signage similar to that provided for 7 Pioneer Close (photograph below), which is of a similar height, and colour, to the buildings on that site. Similar finish (ie, similar height and colour to buildings on this site) is proposed, with the sign to be wider and accommodate 2 rows of tenancy signs. A very preliminary sketch of the potential signage, incorporating the street number, and the complex name, "Craiglie Enterprise Centre", is below for reference.



Please note the final dimensions (width in particular) for the sign will be confirmed with the sign designer / installer. At this stage, noting the maximum height of sheds is 5.1m, the height of the sign will be limited to this, although the width may be altered to ensure the sign area available for each tenancy is at least 30cm in height, and potentially 1m or so in width.

The tenancy sign will be provided at the entrance to the site, near Parking Space No 1.

7

