

**OUR REF:** MCUC2145\_2017 (822143)

20 July 2017

B Wallace  
11-13 Nancy Cl  
Oak Beach QLD 4877

Attention: Benjamin Wallace

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 11-13 NANCY CLOSE OAK BEACH**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 20 July 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 Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Paul Hoye  
Manager Sustainable Communities

Att

**APPLICANT DETAILS**

B Wallace  
11-13 Nancy Ct  
Oak Beach 4877

**ADDRESS**

11-13 Nancy Close OAK BEACH

**REAL PROPERTY DESCRIPTION**

Lot 3 on RP747243

**PROPOSAL**

Home based business (cooking lessons)

**DECISION**

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

**DECISION DATE**

20 July 2017

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

None

**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
Cooking Areas & Car Park	Plan prepared by Benjamin Wallace. Lot 3 Nancy close, Oak Beach 4877.	Plan submitted to Council 17 July 2017
House Layout	Plan prepared by Benjamin Wallace. Lot 3 Nancy close, Oak Beach 4877.	Plan submitted to Council 17 July 2017

**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, including recommendations and findings confirmed within technical reports; 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 satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.

### Limitations on Use

3. The home based business is conducted by residents of the House.
4. The home based business is located within the House and is limited to the area marked on the approved plan/s of the house which is less than one third of the entire roofed area of the house and the out door cooking area marked on the approved site plan.
5. The home based business does not produce any odour, dust, vibration, noise or electrical interference which is detectable at the boundary of the site, other than reasonably associated with the cooking activity, with respect to odour.
6. Approved operating times are as below;
  - a. Tuesday, Wednesday, Thursday, Friday and Saturday
  - b. 10:00am -7:00pm
7. A maximum of two people per cooking session are permitted to undertake lessons at any one time.

### FURTHER 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 section 339 and section 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.

### LAND USE DEFINITIONS

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Home Based Business is defined as:

**Means the use of a House and its surrounds, or an ancillary Building on the lot containing the House, by the permanent resident/s of the House for the conduct of a business, commercial or professional enterprise which is not industry based.**

\*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*.

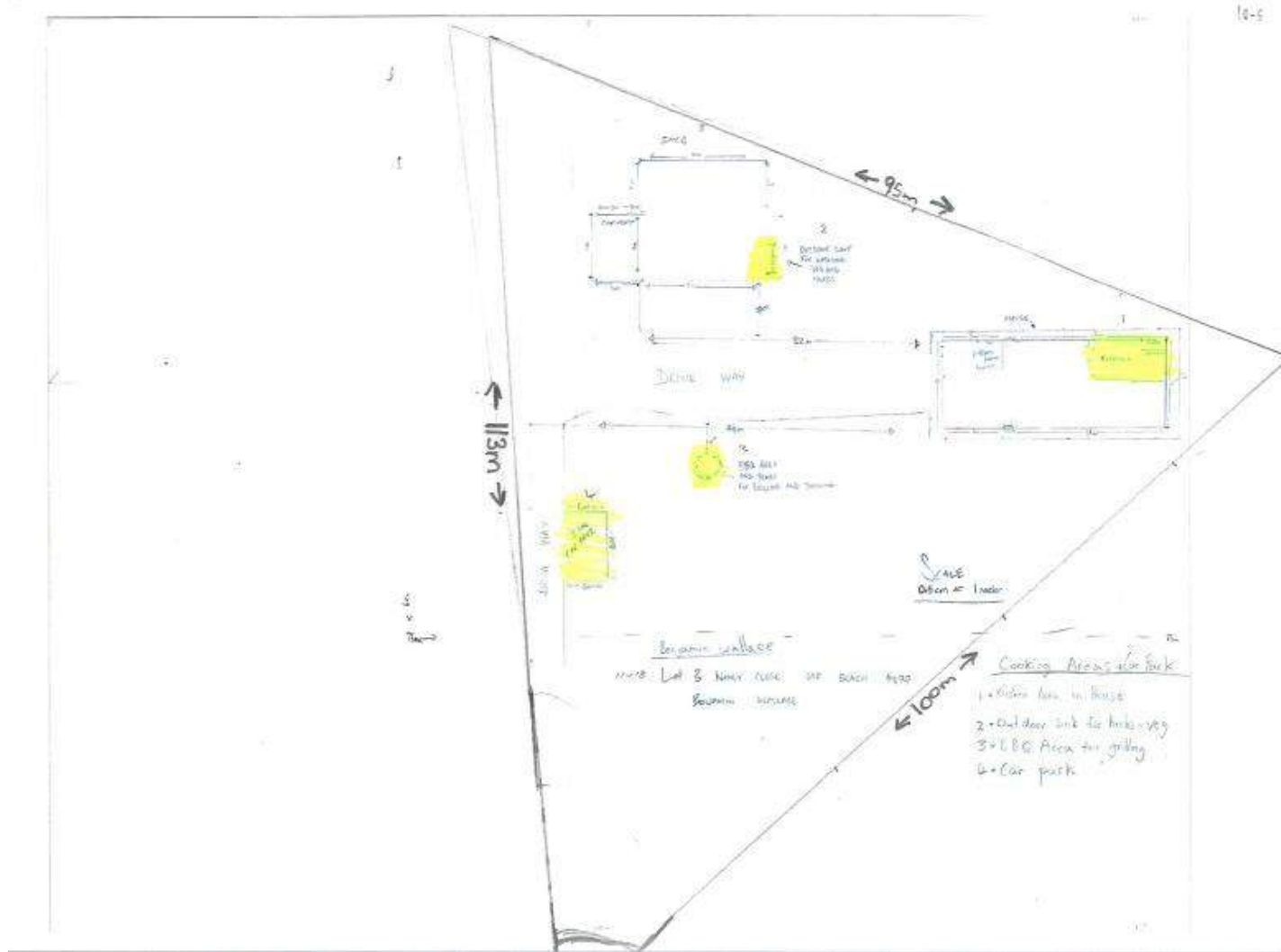
**RIGHTS OF APPEAL**

Attached

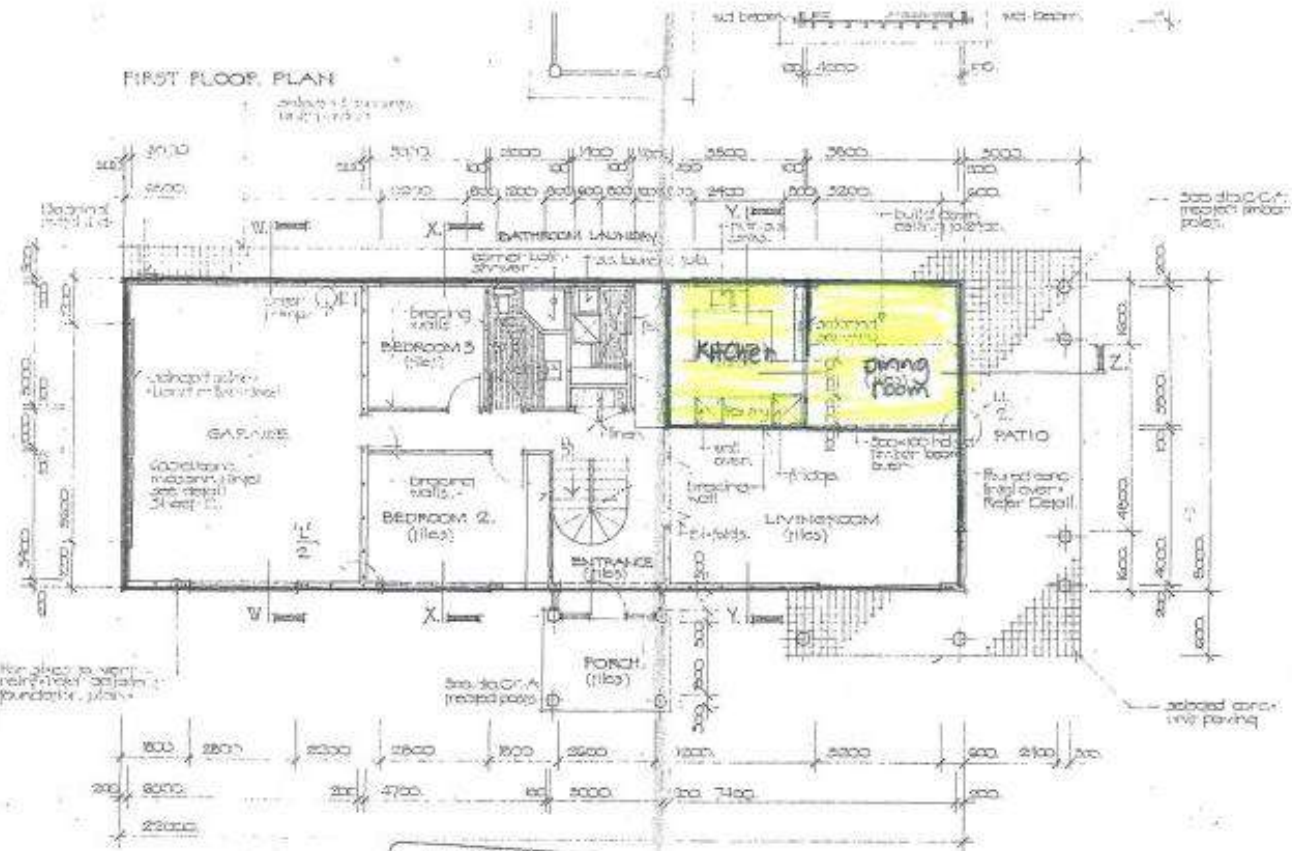
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**End of Decision Notice**

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



FIRST FLOOR PLAN



- 1. 1/2" = 1'-0"
- 2. 1/4" = 1'-0"
- 3. 1/8" = 1'-0"
- 4. 1/16" = 1'-0"
- 5. 1/32" = 1'-0"
- 6. 1/64" = 1'-0"
- 7. 1/128" = 1'-0"
- 8. 1/256" = 1'-0"
- 9. 1/512" = 1'-0"
- 10. 1/1024" = 1'-0"

11. 1/2" = 1'-0" for all other dimensions.

GROUND FLOOR PLAN



117106 3097  
 Date: 11/17/66  
 Architect: [Signature]  
 Licensed Professional Engineer  
 State of Florida  
 License No. 117106  
 Registered Professional Engineer  
 State of Florida  
 License No. 117106

DESIGNED: J. ANDERSON  
 DRAWN: J. JOHNSON  
 DATE: 1 JULY 61

SCALE: 1/8" = 1'-0"  
 1/4" = 1'-0"  
 CHECKED: J. J. JOHNSON

OWNER: J. ANDERSON  
 CONSULTING ENGINEER  
 101 NORTH AVENUE  
 CORAL GABLES, FLORIDA

HANNARONG HOUSE  
 OAK BEACH

117106 3097  
 ARCHITECT  
 101 NORTH AVENUE  
 CORAL GABLES, FLORIDA

Drawn No. 1  
 of 2 sheets