

13 November 2017

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Enquiries: Daniel Lamond
Phone: 4099 9456
Reference: MCUC2318/2017 (833313) *SL*

1300 Rideshare Pty Ltd
PO Box 519
MANUNDA QLD 4870

Dear Sir

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE

SERVICE INDUSTRY

49 OWEN STREET, CRAIGLIE; LAND DESCRIBED AS LOT 1 on SP 210321

Thank you for your development application for material change of use for Service Industry at 49 Owen Street, Craiglie, that was lodged with Council on 18 October 2017.

Please find attached the Decision Notice.

Please quote Council's application number: MCUC2318/2017 in all subsequent correspondence relating to this development application. Should you require any clarification, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully


PAUL HOYE
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans

**DECISION NOTICE —
APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)**

Thank you for your development application detailed below which was properly made on 18 October 2017. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: 1300 Rideshare Pty Ltd

Postal Address: PO Box 519
MANUNDA QLD 4870

Email: erj3@bigpond.com

2. Location details

Street Address: 49 Owen Street CRAIGLIE

Real Property Description: LOT: 1 SP: 210321

Local Government Area: Douglas Shire Council

3. Details of proposed development

Material Change of Use- Service Industry

4. Decision

Date of decision: 8 November 2017

Decision details: Approved in full with conditions.

5. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Site Plan	KFB Engineers	December 2016	P16-002-01	D
Vehicle Turning Paths	KFB Engineers	December 2016	P16-002-02	C
Plan Sheet- Elevations	Shed Boss Cairns	14 August 2017	7418-1300 Ride Share Pty Ltd	None nominated
Plan Sheet- Elevations	Shed Boss Cairns	14 August 2017	7416-1300 Ride Share Pty Ltd	None nominated

6. Conditions

This approval is subject to the conditions in Schedule 1.

7. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building Work
- Plumbing and Drainage Work

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

10. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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 the issue of a development permit for building works, except where specified otherwise in these conditions of approval.

General External Works

3. Undertake the following external works:-
 - a. Construct a concrete commercial access cross-over in accordance with the FNQROC Drawing S1015C (Copy attached); and
 - b. The applicant is to ensure the current kerb and channel to the frontage is fit for purpose. Any sections showing ponding, significant cracking etc, shall be deemed as not fit for purpose and are to be replaced.

Vehicle Parking and Access

4. Demonstrate the ability to load and unload vehicles onsite. The design vehicle for this exercise must be a medium-rigid vehicle. Provide a swept path diagram drawn to an appropriate scale indicating how this vehicle can enter and exit the site. Demonstrate where a designated loading and unloading bay can be catered for on site. This layout must be certified by an RPEQ as complying with the Australian Standards and be constructed in accordance with Austroads and good engineering design. Plans must be submitted for endorsement by the Chief Executive Officer prior to the issue of a development permit for building works.

In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked. Indicate on the above plan the extent of imperviously sealed area.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:-

- a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

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

6. 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, 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

7. All internal 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 to the requirements and satisfaction of the Chief Executive Officer.

A stormwater plan complete with stormwater calculations must be endorsed by the Chief Executive Officer, illustrating how the allotment will be adequately drained. The stormwater plan is to be certified by a Registered Professional Engineer of Queensland (RPEQ). The approved works must be implemented prior to the commencement of use.

Minimum Fill and Floor Levels

8. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level plus any hydraulic grade effect (whichever is the greater), in accordance with the FNQROC Development Manual and Planning Scheme requirements.

Stockpiling and Transportation of Fill Material

9. 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

10. Where required any above ground transformer cubicles and/or electrical sub-stations 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

11. 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;
 - b. The existing Easement at the rear of the premises is to remain as is i.e no further plantings;
 - c. Plants utilised must be in accordance with Douglas Shire Planning Scheme Policy No.7; and
 - d. 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 first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Screen Fence

12. A screen fence or alternatively suitable landscaping together with a chain wire fence must be provided to the side and rear boundaries 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

13. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention through Environmental Design (CPTED).
14. 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.

Protection of Landscaped Areas from Parking

15. 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.

Sediment and Erosion Control

16. 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).

Emissions

17. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Address Signage

18. The development must provide clear and legible signage incorporating the street number for the benefit of the public prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Advertising Signage

19. All signage 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

20. The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.

The facility design must be amended to accommodate a minimum of two 1.1 cubic metre bulk storage bins. Amended plans must be provided to the Chief Executive Officer for endorsement prior to the issue of a development permit for building work.

Storage of Machinery and Plant

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

PART 1B – ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
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 *Planning Act* 2016 log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .
5. The minimum size requirements for a 1.1 cubic metre bulk storage bin enclosure are 2100mm in length, 1700mm in depth and 2500mm in height.

Reasons for Decision

1. The development generally complies with the 2006 Douglas Shire Planning Scheme.
2. Conditions imposed require submission of landscaping plans, drainage plans and an amended roofed refuse storage area.
3. The proposal generally complies with the FNQROC Development Manual.
4. The use is assessable development under the Planning Scheme and Planning Act 2016.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

Table 2
Appeals to the P&E Court only

2. Eligible submitter appeals

An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—

- (a) any part of the development application for the development approval that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

3. Eligible submitter and eligible advice agency appeals

An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—

- (a) any part of the development application or the change application, for the development approval, that required impact assessment; or
- (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

SCHEDULE 3 – RIGHT OF APPEAL WAIVER

Mail To: Douglas Shire Council
Email Address: enquiries@douglas.qld.gov.au
Attention: Development Assessment

RE:

Council reference: 43.2017.2318.1

Property Address: 49 Owen Street CRAIGLIE; land described as LOT: 1 SP: 210321

This advice is to confirm that I/We have received the above approval and agree to the conditions contained therein. I/We hereby waive My/Our appeal rights available under the *Planning Act 2016*.

Applicants Name: _____

Signature: _____

Date : _____

ACCESS ROAD

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7000

3000

2000

1000

500

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125

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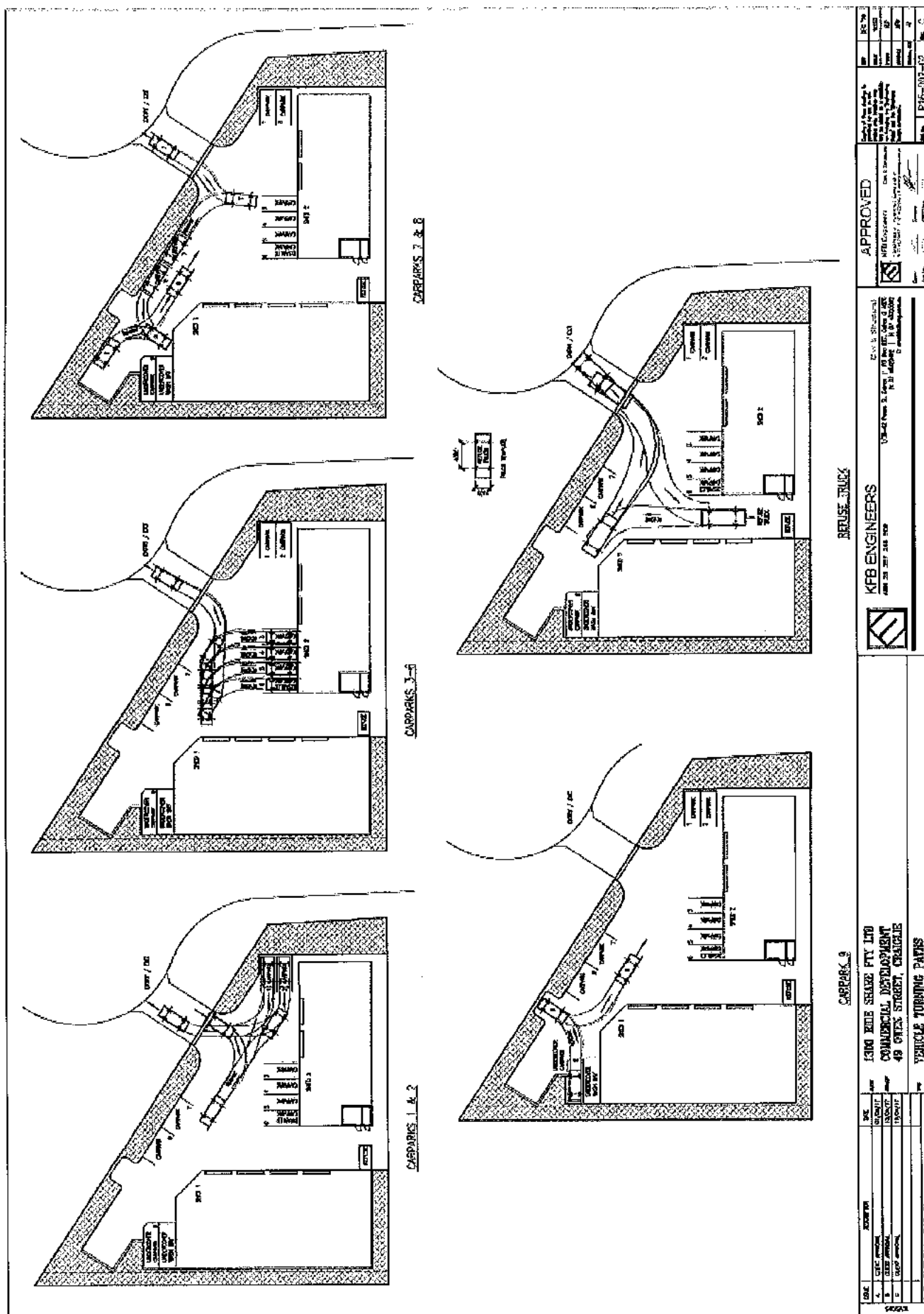
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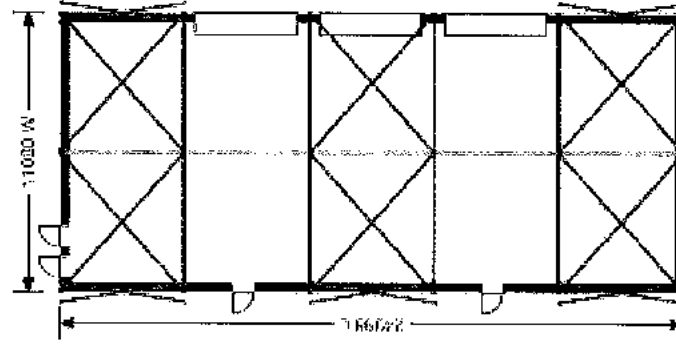


Plan Sheet

Customer 1300 RIDE SHARE PTY LTD
Site Address 49 OWEN STREET
Suburb GRAGLIE QLD 4877

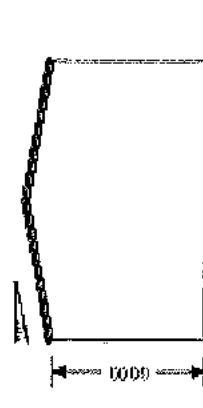
Project 7418-1300 RIDE SHARE PTY LTD
Lot on Plan
Wind Speed 54 m/s

These drawings are to be read in conjunction
with Shed Boss standard structural detail drawings.
Use figured dimensions only.
Note! Drawing is NOT TO SCALE



FLOOR PLAN

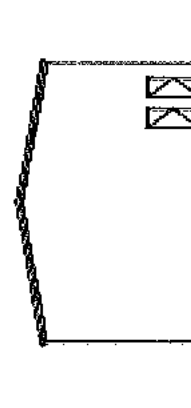
7418-1300 RIDE SHARE PTY LTD



1. FRONT ELEVATION



2. RIGHT ELEVATION



3. REAR ELEVATION



4. LEFT ELEVATION

1300 Ride Share Pty Ltd Create : Print [23.00.71.20170819 / 23.00.71.20170819] Printed: Mon, 14-Aug-2017 Page 3/3



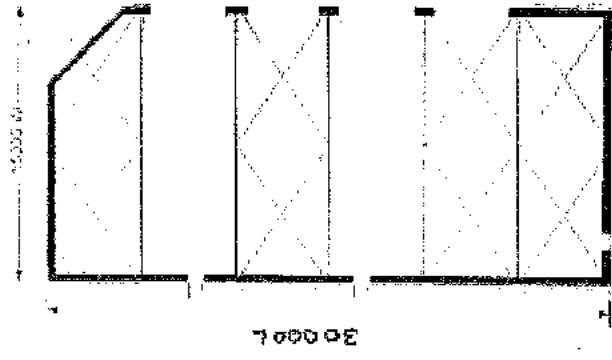
SR Cairns Pty Ltd
Shed Boss Cairns
1133 Harley Street
Cairns QLD 4870
Ph: 4053 2366
Fax: 4053 2368
APN: 60 147 850 000
Licence No 0000 1074 044

Plan Sheet

These drawings are to be read in conjunction
with Shed Boss standard structural detail drawings
Use figured dimensions only.
Note: Drawing is NOT TO SCALE

Project: 7418-1200 RICE SHARE PTY LTD
Location: Plan
Wind speed: 54 m/s

Customer: 1200 RICE SHARE PTY LTD
Site Address: 43 CHRYN STREET
SQUID: 390000 OLD 4877



FLOOR PLAN

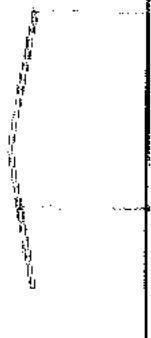
7418-1200 RICE SHARE PTY LTD



1. FRONT ELEVATION



2. RIGHT ELEVATION



3. REAR ELEVATION

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4. LEFT ELEVATION

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