

21 March 2024

Enquiries: Neil Beck
Our Ref: MCUC 2024_5581/1 (Doc ID:1917498)

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

Behind the Seens Painting & Restoration Pty Ltd
Shed 10 /33-35 Owen St Street
Craiglie QLD 4877

Dear Sir/Madam

**Development Application for Material Change of Use
(Medium Impact Industry - Spray Painting)
At 33-35 Owen Street Craiglie
On Land Described as Lot 4 on SP210322**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2024_5581/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Behind the Seens Painting & Restoration Pty Ltd
Postal Address: Shed 10 /33-35 Owen St Street
Craiglie QLD 4877
Email: behindtheseens@gmail.com

Property Details

Street Address: 33-35 Owen Street Craiglie
Real Property Description: Lot 4 on SP210322
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use - Medium Impact Industry (Spray Painting)

Decision

Date of Decision: 21 March 2024
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

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

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

Drawing or Document	Reference	Date
Quotation Behind the Seens Painting and Restoration-PBSP002	MN Spraybooths and Industrial Spraying Pty Ltd Council Doc id; 1213980	29 February 2024
MN Spray Booths Product Specification	MN Spraybooths Page 3 Council Doc id; 1213980	Submitted with Application on 3 March 2024

MN Spray Booths Product Specification	MN Spraybooths Page 4 Council Doc id; 1213980	Submitted with Application on 3 March 2024
3D View- Standard 4000 x 7200 End Draft Booth	MN Spraybooths Council Doc id; 1213980	Submitted with Application on 3 March 2024
Front Elevation 4000 x 7200 End Draft Booth	MN Spraybooths Council Doc id; 1213980	Submitted with Application on 3 March 2024
Side Elevation 4000 x 7200 End Draft Booth	MN Spraybooths Council Doc id; 1213980	Submitted with Application on 3 March 2024
Floor Plan 4000 x 7200 End Draft Booth	MN Spraybooths Council Doc id; 1213980	Submitted with Application on 3 March 2024
Site Plan	Wayne Humphreys Building Design and Drafting Job Number:220315 Drawing Number; 220315- B-01	18 July 2023
Floor Plans- Lots 5-10	Wayne Humphreys Building Design and Drafting Job Number:220315 Drawing Number; 220315- B-02	18 July 2023
North Elevation Lots 5-10 South Elevation Lots 5-10	Wayne Humphreys Building Design and Drafting Job Number:220315 Drawing Number; 220315- B-03	10 July 2023

Assessment Manager Conditions & Advices

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.

Approved Use

3. Approval is granted for a Medium Impact Industry (spray painting booth) to be established at Shed 10 (proposed Lot 10 on SP210322), as identified in the approved plan (Proposed Commercial Premises, Drawing No. 220315-B-01, Job No. 220315, prepared by Wayne Humphreys Building Design and Drafting) attached to this approval.

Painting Activity

4. All reasonable and practicable measures must be taken to prevent environmental harm from such an activity in accordance with Environmental Protection Act 1994. In particular:

All spray painting undertaken at the workplace;

- a. Must be conducted within the proposed spray booth; and
- b. Undertaken in such a manner as to ensure that the escape of odours and overspray from the spray booth is prevented or minimised; and
- d. Must be undertaken in accordance with the recommendations of the spray booth manufacturer.

Off-Site Impacts

5. Odours or airborne particulates from the use must not cause environmental nuisance to any sensitive receptor. In accordance with the *Environmental Protection Act 1994*, any emission of dust from activities on site must ensure that the emissions are consistent with the *Environmental Protection (Air) Policy 2008*.

Maintenance and Upgrades to the Spray Booth

6. At all times, the spray booth must be maintained in accordance with the manufacturer's requirements.

Should an extension or upgrade of the spray booth be required, the revised plans must be submitted to Council for endorsement by the Chief Executive Officer.

Disposal of Trade Waste

7. Obtain a trade waste permit from Council to discharge waste from spray painting activities to Council's sewer, prior to the commencement of use.

All trade waste discharge to sewer must be in accordance with Council's Trade Waste Environmental Management Plan (TWEMP).

Signage

8. All signage associated with the development must comply with the self assessable outcomes of the Advertising Devices code contained within the *2018 Douglas Shire Planning Scheme*.

Should the Design and siting of the advertising devices not comply with the Planning Scheme, a separate Operational Works- Advertising Devices application must be submitted to Council.

Advices

1. 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.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To

access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au

Regulated Waste

4. Should regulated waste be generated at the workplace, specialised transport by a licenced contractor will be required to transport the waste to a suitable disposal facility.

Further Development Permits

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

- All Building Work

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights 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*.

A copy of the relevant appeal provisions is attached.



Quotation
Behind the Seens Painting and
Restoration – PBSP002
29 February 2024



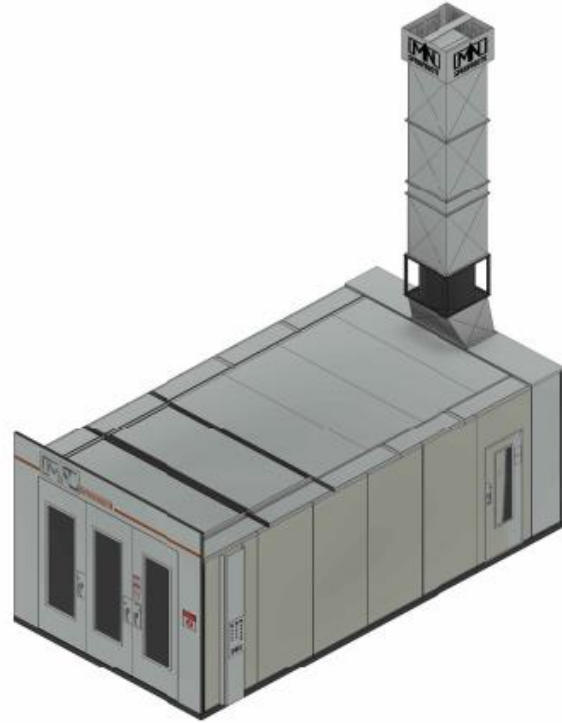
MN Spraybooths & Industrial Spraying Pty Ltd
(03) 9708 6069 | www.mnspraybooths.com.au
80 National Avenue
PAKENHAM VIC 3810

Customer Site Requirements

SITE PLAN/LAYOUT	Choose an item.	<input type="checkbox"/>
POSITIONING OF EQUIPMENT	Choose an item.	<input type="checkbox"/>
ROOF HEIGHT	Choose an item.	<input type="checkbox"/>
SITE PHOTOS	Choose an item.	<input type="checkbox"/>







CUSTOMER:

DRAWING NAME: 3D View - Standard 4000 x 7200 End Draft Booth

A3

Factory 2, 96-98 Hallam South Road,
Hallam VIC Australia 3803.

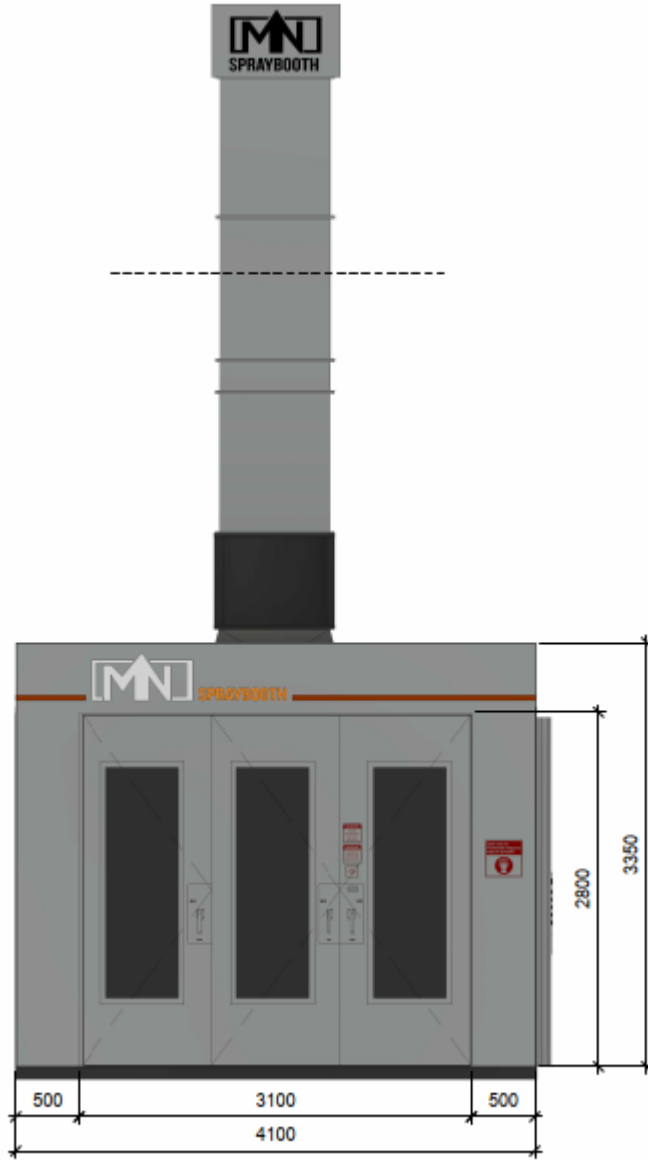
P 03 9708 6069

F 03 8786 3160

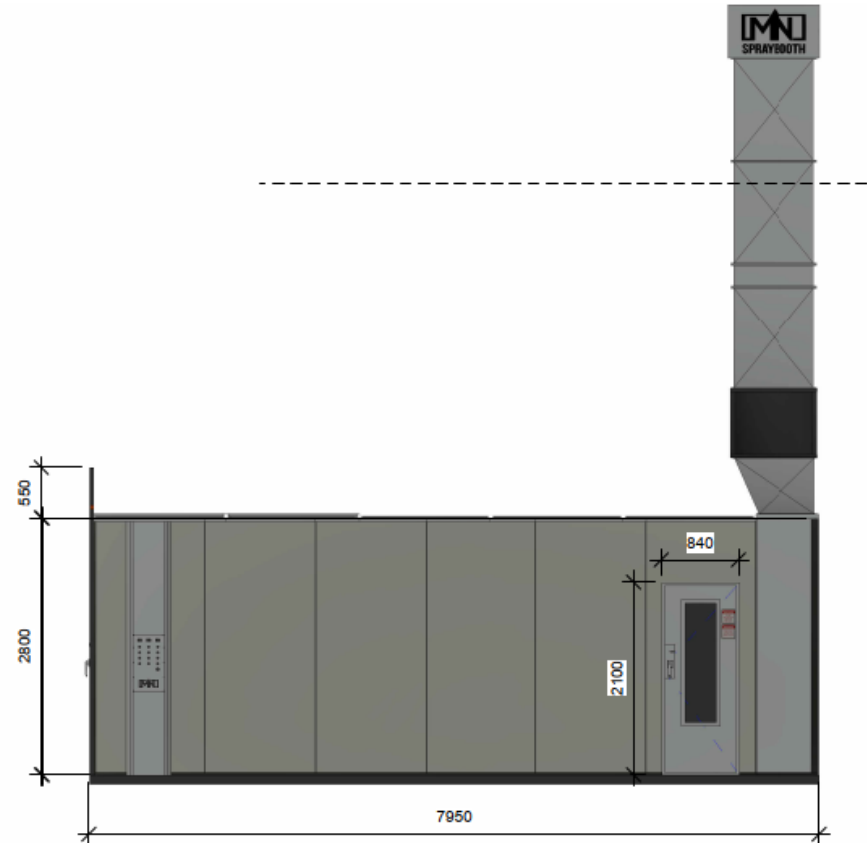



DRAWING DATE:

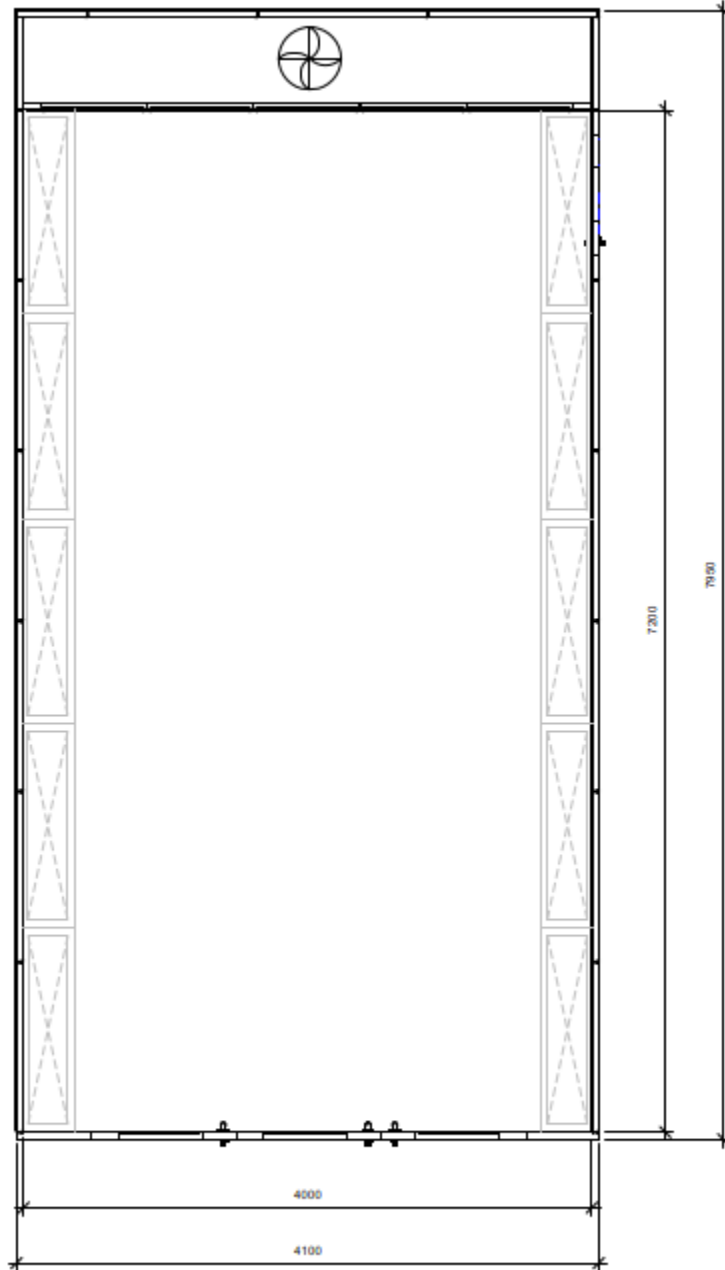
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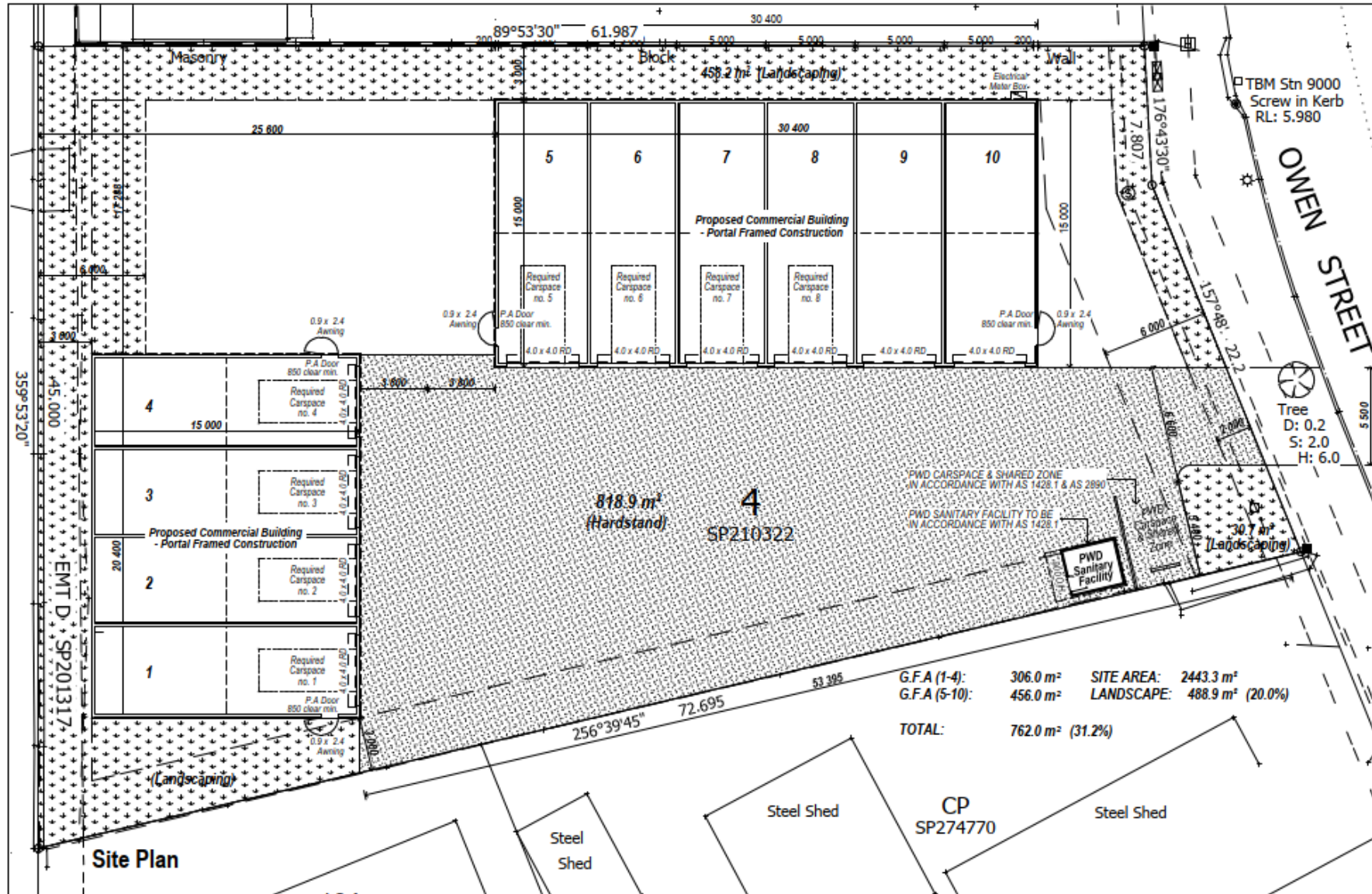
CUSTOMER:	DRAWING NAME: Ford Station 4200 x 1200 End Draft Booth	A3	Factory 2, 80-88 Nelson South Road, Nelson VIC Australia 3863.	
DRAWING DATE:	DRAWING NUMBER:	1 of 28	P 03 8726 6088 F 03 8726 2340	



CUSTOMER:	DRAWING NAME: Side 1 Elevation 4000 x 7200 End Draft Booth	A4 1 : 50	Factory 2, 96-98 Hallam South Road, Hallam VIC Australia 3803.	
DRAWING DATE:	DRAWING NUMBER:		P 03 9708 6069 F 03 8786 3160	

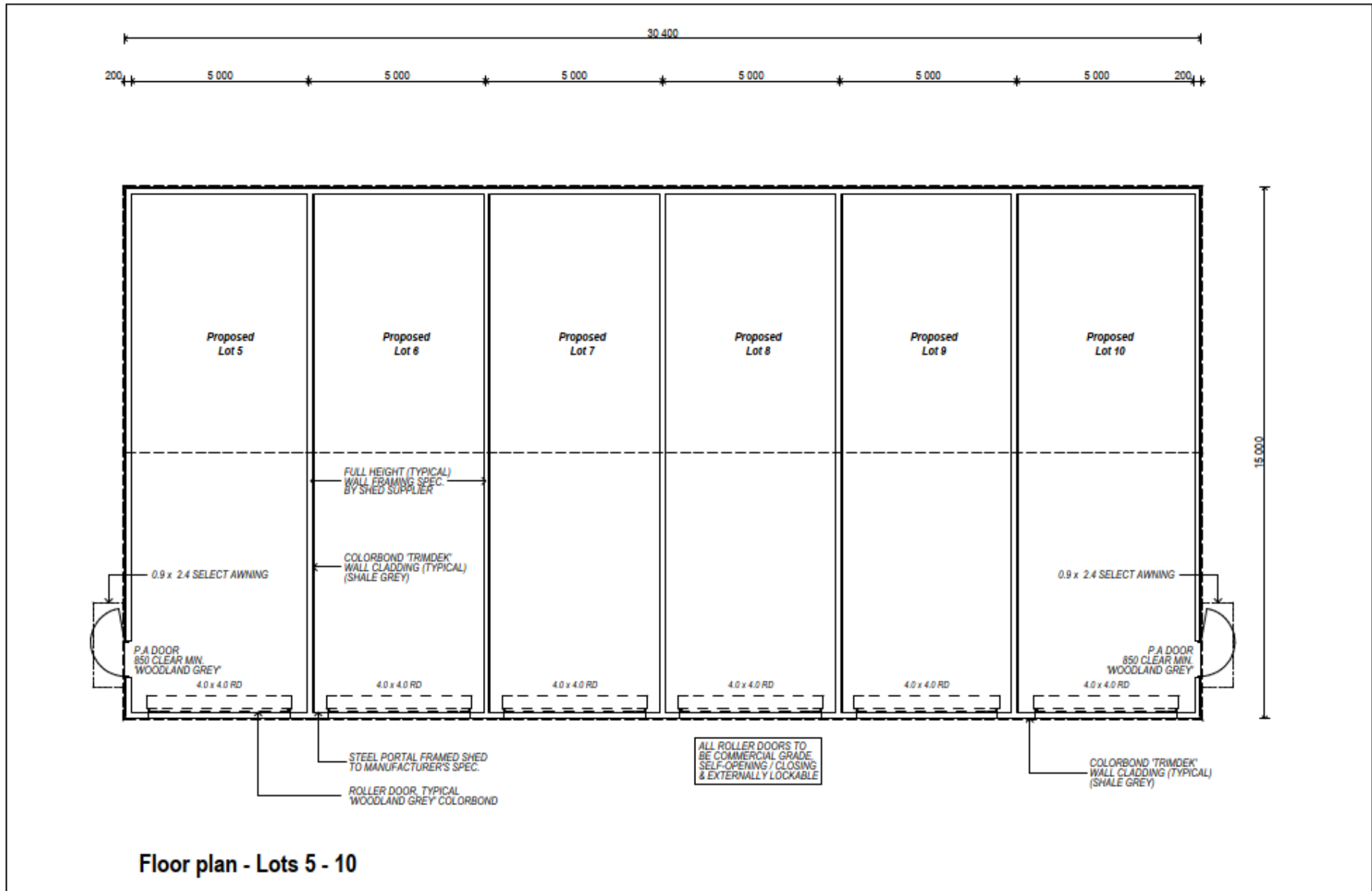


CUSTOMER: N/A DRAWING DATE:	DRAWING NAME: Floorplan 4000 x 7200 End Draft Booth DRAWING NUMBER:	A3 1 : 25	Factory 2, 96-98 Hatten South Road, Hatten VIC Australia 3623. P 03 9758 6069 F 03 9756 3100	
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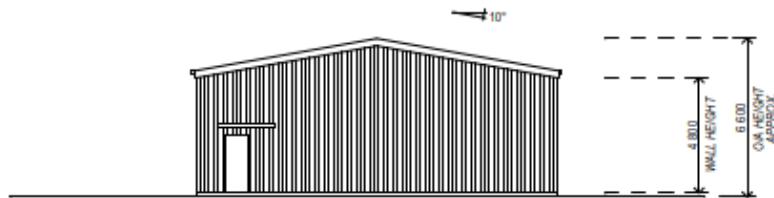


G.F.A (1-4):	306.0 m ²	SITE AREA:	2443.3 m ²
G.F.A (5-10):	456.0 m ²	LANDSCAPE:	488.9 m ² (20.0%)
TOTAL:	762.0 m² (31.2%)		

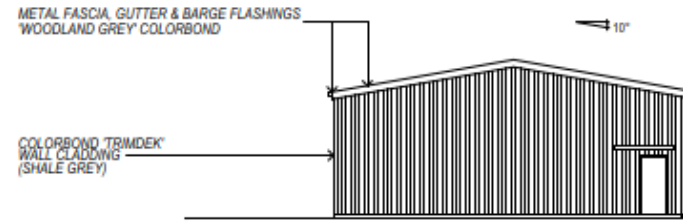
Wayne Humphreys Building Design & Drafting <small>P.O. BOX 5712 GAWA BRISBANE QLD 4001</small>	Issue	Amendment	Date	Lot: 4 SP: 210322 Area: 2443 m ² Local Authority: Douglas Shire Council Zone:	Proposed Commercial Premises 33-35 (L4) Owen Street, Craiglie Teamsters Close Unit trust		Date: 16/07/2022 Scale: 1:300 on A3 Issued: 16/07/2022 Job no: 220315 Drawing no: 220315-B-01
	P	Preliminary Concept	10.07.22				
A	Client Revisions	17.07.22					



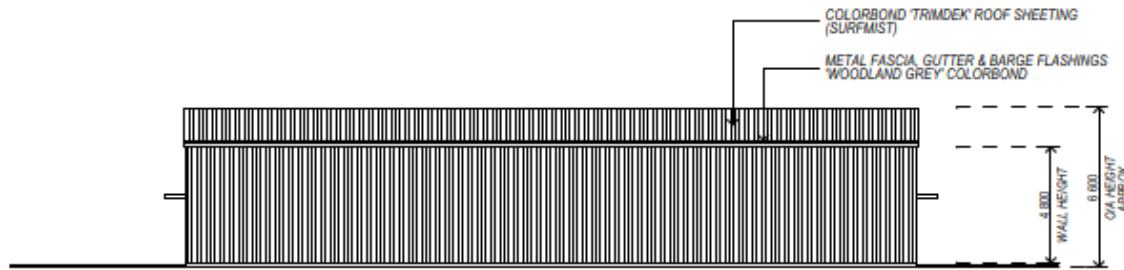
Wayne Humphreys Building Design & Drafting <small>17 BRIDGE STREET, CRAIGLIE VIC 3203</small>	Issue Amendment Date	Lot: 4 SP: 210322 Area: 2443 m² Local Authority: Douglas Shire Council Zone:	Proposed Commercial Premises 33-35 (L4) Owen Street, Craiglie Teamsters Close Unit trust	north 	Date: 10/07/2022
	P Preliminary Concept 10.07.22				Scale: 1:200 on A3
	A Client Revisions 17.07.22				Issued: 18/07/2023
	B Client Revisions 18.07.22				Job no: 220315 Drawing no: 220315-B-02



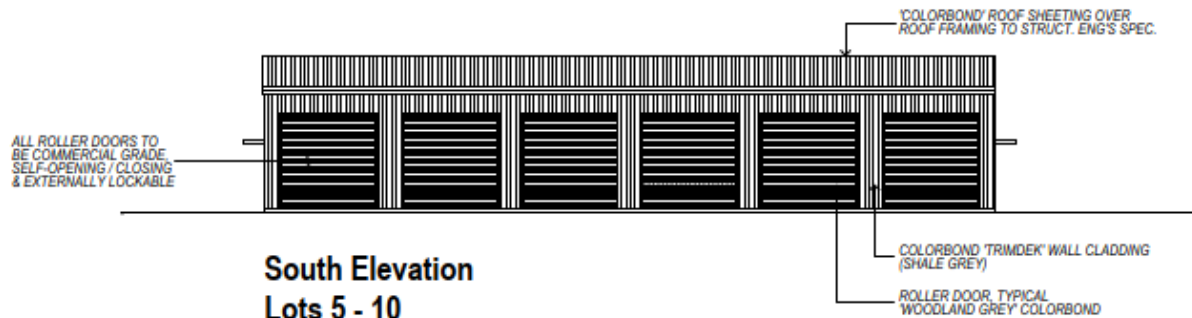
**Owen Street (East) Elevation
Lots 5 - 10**



**West Elevation
Lots 5 - 10**



**North Elevation
Lots 5 - 10**



**South Elevation
Lots 5 - 10**

Wayne Humphreys
Building Design & Drafting
170/105 B'Y 5656 BRCC No 10849517

Issue	Amendment	Date
P	Preliminary Concept	10.07.22
A	Client Revisions	17.07.22

Lot: 4
SP: 210322
Area: 2443 m²
Local Authority: Douglas Shire Council
Zone:

**Proposed Commercial Premises
33-35 (L4) Owen Street, Craiglie
Teamsters Close Unit trust**

Date: 10/07/2022
Scale: 1:200 on A3
Issued: 18/07/2023
Job no: 220315
Drawing no: 220315-8-03

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 03/03/2024 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Industry Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

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- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

must be considered when assessing a development application, to the extent those matters are relevant.

- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

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- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable**, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.