

July 2019

Enquiries: Melissa Mitchell
Our Ref: OP /2019 (Doc ID:909247)
Your Ref:

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

Ray White Port Douglas and Mossman
PO Box 564
PORT DOUGLAS QLD 4877

Dear Sir

**DEVELOPMENT APPLICATION FOR ADVERTISING SIGNS
AT 51-53 Front Street Mossman
ON LAND DESCRIBED AS LOT 18 ON SP161462**

Council acknowledges the above Development Application lodged and as properly made on July 2019.

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

Please quote Council's application number: OP /2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Melissa Mitchell on telephone 07 4099 9487.

Yours faithfully

PAUL HOYE
Manager Environment and Planning

encl.

- Decision Notice
- Approved Plans
- Rights to Make Representations and Rights of Appeal

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

Council refers to the development application detailed below which was properly made on July 2019. Please be aware that Douglas Shire Council has assessed the application and decided it as follows.

1. Applicant's details

Name: Ray White Port Douglas and Mossman

Postal Address: PO Box 564
PORT DOUGLAS QLD 4877

2. Location details

Street Address: 51-53 Front Street Mossman

Real Property Description: Lot 18 on SP161462

Local Government Area: Douglas Shire Council

3. Details of proposed development

Development Permit for Operational Work for Advertising Devices.

4. Decision

Date of decision: July2019

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

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: Operational Work – Advertised Signage				
Replacement fascia signs	On the Spot Signs	24/06/2018		Sheet 1

6. Further development permits

Not applicable – No development permits are required

7. Properly made submissions

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

8. Currency period for the approval

This development approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of *Planning Act 2016*.

9. Rights to make representations and 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*.

Schedule 2 includes extracts from the Development Assessment Rules and the *Planning Act 2016* that sets down these rights.

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 documents, and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - 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.

Size of Sign

- 2 a. The sign is not to exceed 25% of the surface area of the wall to which it is attached and obscure any window or architectural feature.
 - b. The sign is not more than 300mm thick and is not to project above or beyond the wall to which it is attached.

Content of Sign

- 3 The content of the sign will be generally limited to that shown on the approved drawings. The sign is not to be modified for use as any other form of general advertising.

Illumination, Lighting and Movement

- 4 a. Illumination and lighting is not to cause a nuisance or distraction or to create glare, reflecting or flaring of colours.
 - b. The sign will not create a potential safety hazard, including traffic safety hazard.

Structural Certification

- 5 a. The proposed sign is appropriately secured and supported so as to cause no injury or damage to persons or property.
 - b. The proposed sign will be certified by a suitably qualified professional following installation under the awning to ensure that the sign is structurally adequate.

Maintenance of Sign

- 6 The proposed sign is to be:
 - a. Constructed of a high quality materials selected for easy maintenance, durability and an ability not to readily stain, discolour or deteriorate;
 - b. Maintained to ensure that any damage to the sign (graffiti), staining, discolouring or deterioration is either remedied or removed as soon as practical after the damage is detected.

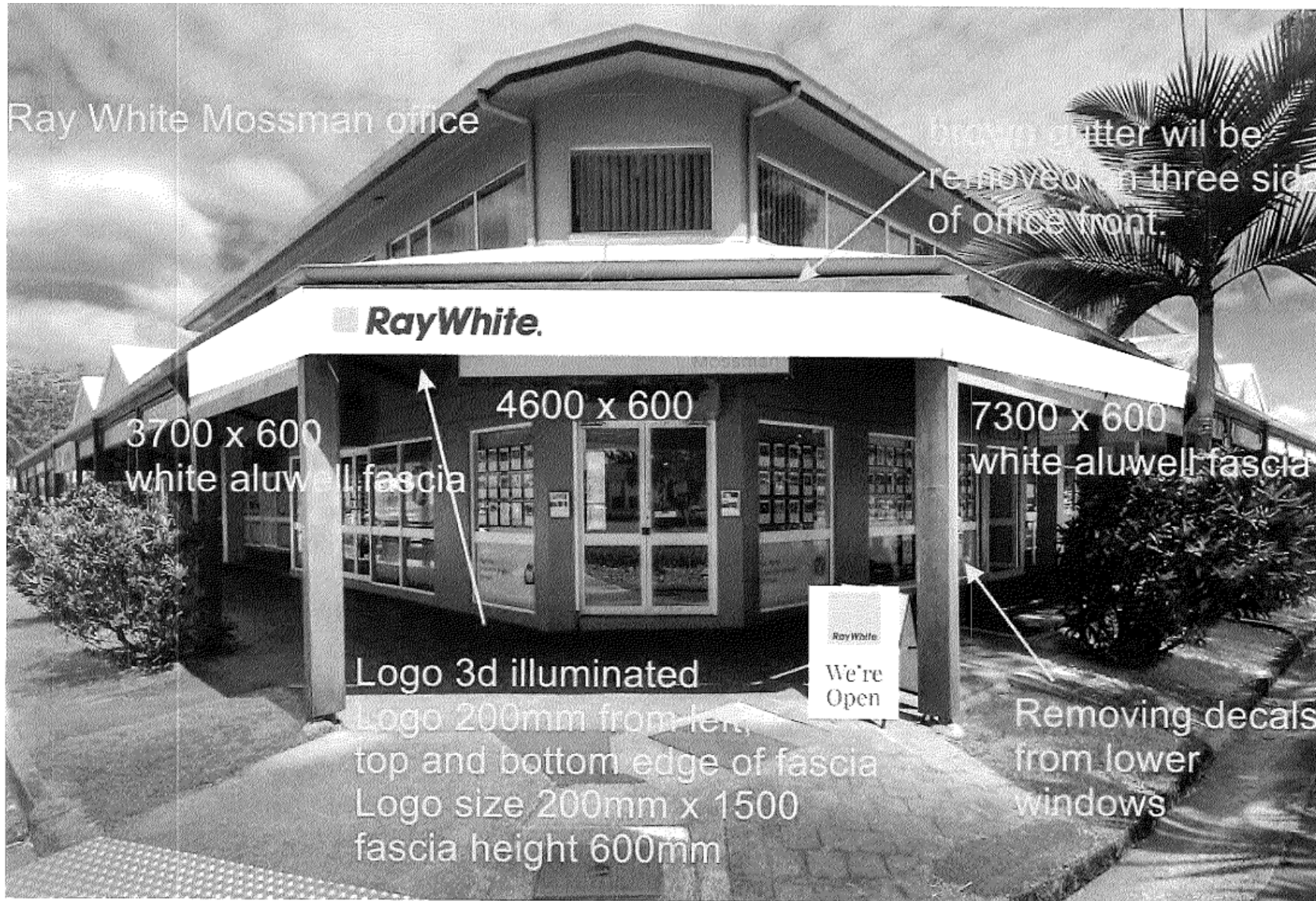
Limitation on Life of Approval (Relevant Period)

- 6 A Relevant Period of two (2) years applies to the Development Permit, unless prior to the Development Permit lapsing, the Applicant has made application to extend the Relevant Period.

PART 1B—ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 65 of the *Planning Act 2016*.
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. Advice regarding building approval for the Advertising Device should be obtained from a suitably qualified private building certifier prior to construction and commencement of use.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. 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 .

APPROVED PLAN(S) & SPECIFICATIONS



(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—

conduct means an act or omission.

representative means—

(a) of a corporation—an executive officer, employee or agent of the corporation; or

(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

(a) knowledge, intention, opinion, belief or purpose; and

(b) reasons for the intention, opinion, belief or purpose.

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 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.

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- (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.
- (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 Other appeals

- (1) Subject to this chapter, 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.
- (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—

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- (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.

SCHEDULE 3 – RIGHT OF APPEAL WAIVER

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

RE:

Council reference: OP /2019

Property Address: 51-53 Front Street Mossman, land described as Lot 18 on SP161462.

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: _____