

Your Ref: 8/30/126 (CRC Ref); CA69 (DSC Ref: May 2007)
Our Ref: J000085:WAK5:KLG (Stage 2 CBP Change)
Date: 11 August 2014

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Manager Development & Environment

DOUGLAS SHIRE COUNCIL	
Received	
The Name	CA 2876/2008
Document No.	
12 AUG 2014	
Attention	JE orig ✓
Information	R/N 33078

AND TO:

Chief Executive
Department of State Development, Infrastructure and Planning
PO Box 2358
CAIRNS QLD 4870
Via MyDAS

Dear Sir / Madam,

Re: Request to Change an Existing Approval being a Development Permit for Reconfiguration of a Lot (1 Lot into 19 Lots) on land located at Beor Street, Craiglie, more particularly described as Lots 37, 38 and 100 on SP 248126

I refer to the above-described matter, and confirm that Gilvear Planning Pty Ltd has been engaged by Waks Developments Pty Ltd ('the developer') to provide advice regarding approvals and related development matters associated with the Craiglie Business Park.

Pursuant to Section 369 of the *Sustainable Planning Act 2009*, the developer hereby makes request for change to the existing approval, to accommodate amendments to the Proposal Plan approved initially in 2007.

As required this request is being provided to both the Assessment Manager and the Referral Agency (SARA representing Department of Transport and Main Roads) concurrently. It is noted the request to the Referral Agency must be lodged via MyDAS.

Information to support this request is provided below.

Site

Stage 2 is being developed on land described as follows:

Lot 38 on SP248126 (4,002sq m in size)

Lot 37 on SP248126 (4,362sq m in size)

Lot 100 on SP248126 (4.88ha in size)

These lots were formerly described as Lot 100 on SP204464.

Title searches for the lots in question are included for reference. It is noted that the Applicant for this request and the Landowner are the same; owners consent is therefore not required.

Background

In May 2007, Douglas Shire Council approved the following aspects of development via a combined Development Application associated with development of Stage 2 of the Craiglie Business Park:

- (a) Development Permit for Material Change of Use for Intensive Animal Husbandry and Caretakers Residence (Paws and Claws facility);
- (b) Development Permit for Reconfiguration of a Lot (One (1) Lot into nineteen (19) Lots); and
- (c) Preliminary Approval to over-ride the Douglas Shire Planning Scheme (Use Rights consistent with the Service Industry precinct in the Port Douglas and Environs Locality).

Following negotiations with Council, the developer received a Negotiated Decision Notice dated 13 August 2007, confirming conditions imposed on development as approved.

In late 2010 through 2011, we engaged with officers within Cairns Regional Council regarding a range of issues associated with the relevant periods for the subject development.

As a result of discussions:

- (a) The Development Permit for Material Change of Use for Intensive Animal Husbandry and Caretakers Residence (Paws and Claws Facility), with a relevant period of four (4) years, was modified and the relevant period extended to 15 May 2015 (refer Cairns Regional Council correspondence dated 13 January 2011, ref: 8/30/126 (3032822));
- (b) Council confirmed that the related approval provisions within the superseded *Integrated Planning Act 1997*, and the current *Sustainable Planning Act 2009*

(Section 341(2), (4) and (7)) apply to the Development Permit for Reconfiguration of a Lot by virtue of the lodgement and approval of 'related' approvals being undertaken within two (2) years of the original approval being granted); and

- (c) Council noted that the relevant period for the Preliminary Approval to over-ride the Planning Scheme was ten (10) years, currently due to expire in 2017.

The operation of related approval provisions within the *Sustainable Planning Act 2009* resulted in the relevant period for the Development Permit for Reconfiguration of a Lot extending as follows:

Original Development Permit issued	15 May 2007
Negotiated Decision Notice issued	13 August 2007
Advertising Signage for Stage 2 (application lodged)	5 November 2008
Advertising Signage for Stage 2 (approval issued)	Late 2008 / early 2009
Operational Works Permit for Stage 2 issued	25 August 2010

Following discussion with Cairns Regional Council in 2011, we received confirmation that the relevant period for the reconfiguration of a lot re-commenced on the date the Stage 2 Operational Works permit was issued (that is, 25 August 2010). In these circumstances, the Development Permit for Reconfiguration of a Lot is due to expire on or about 25 August 2014.

During discussion with Ms Elphinstone of Council on 8 July 2014, we were informed that Council would likely require modification to the approved layout for Stage 2 in terms of vehicular access to and from the site. Specific concern was raised with reduced road width/s within the Stage 2 site on approved plans.

Following discussion and consideration of Council's concerns as raised, this request to change the development as approved is submitted for assessment.

Request for Change to the Development as Approved

This Request for Change to the Development as Approved is made pursuant to Section 369 of the Sustainable Planning Act 2009 ('SPA').

In assessing the Request, it is noted that Section 374 of SPA provides that:

Responsible entity to assess request

(1) To the extent relevant, the responsible entity must assess the request having regard to—

- (a) the information the person making the request included with the request; and*

- (b) the matters the responsible entity would have regard to if the request were a development application; and
 - (c) if submissions were made about the original application—the submissions; and
 - (d) any notice about the request given under section 373 to the entity; and
 - (e) any pre-request response notice about the request given to the entity.
- (2) For subsection (1)(b), the responsible entity must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made.

Information to assist Council in its assessment of the Request as required by Section 374 is provided below:

Relevant Matters for a New Application for the Reconfiguration

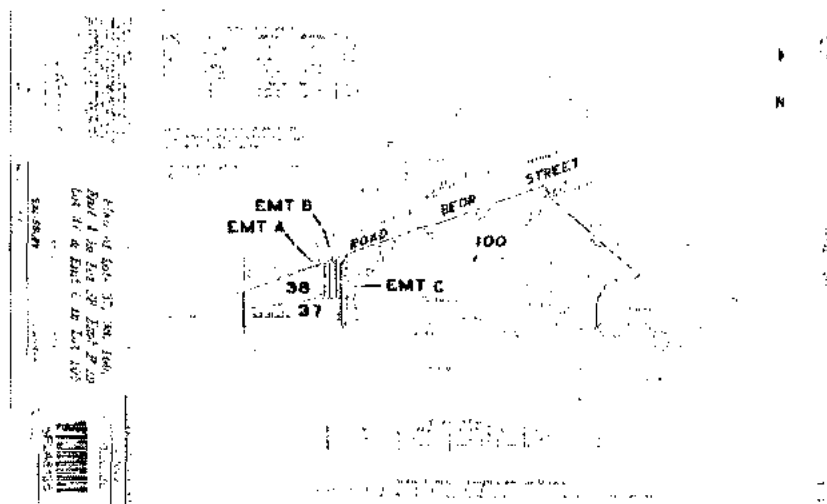
Were an application for reconfiguration on the site to be lodged with Council today, assessment would be undertaken with due regard to:

- (a) Approvals for development on the site

The site is being developed for Service Industry and associated uses pursuant to a Preliminary Approval to Over-Ride the Planning Scheme (relevantly, the 2006 Douglas Shire Planning Scheme) granted in 2007.

Stage 2A of the development (bulk earthworks) has been completed.

Stage 2B of the development, creating 2 allotments (Lots 37 and 38) were completed and a Survey Plan formalizing their creation endorsed in 2012. An extract of the Survey Plan confirming location and site arrangements is provided below for reference.



Development of the balance of Stage 2, representing 17 additional allotments, has yet to be completed.

Additional detail regarding approvals history on the site is provided above.

(b) Approvals and / or nature of existing development in the locality within which the site is located

The site is located adjacent to an existing Service Industry precinct.

The nature of existing development in the Craiglie locality is predominantly service industry and associated uses.

(c) Council's Planning Scheme and Planning Scheme Policies

The development was assessed originally with reference to the 2006 Douglas Shire Planning Scheme. Whilst it is noted that the Scheme was amended in 2008, it is submitted that the amendments in question would not largely affect the decision as initially granted.

It is noted that uses on site require Material Change of Use approval prior to commencement; detailed assessment requirements that may arise as a result of 2008 amendments to the Scheme (relating in particular to the Sustainable Development Code) may more appropriately be considered and reasonable conditions imposed as part of those latter development application processes.

When initially approved, it is understood Council at the time granted a concession in regards the road width for the access road for lots in the eastern portion of the site. The major issue being addressed through this application is an increase in the road width for that access road to comply with current FNQ ROC Development Manual Standards (per Council's Planning Scheme Policy), to ensure appropriate vehicular access is provided to lots created.

(d) Relevant State legislation, policies and requirements

Whilst there has been extensive modification since 2007 to a range of State legislation, policies and requirements, it is noted that matters likely to have significant impact on reconfiguration of the subject site remain largely unchanged.

Additional detail in this respect is provided below.

Submissions

The Application would be code-assessable. Submissions are not be an issue.

Other Entity Decision/s or Advice on the Request

The request is being lodged contemporaneously with Council and with the State (representing Department of Transport and Main Roads, for State Controlled Roads issues).

New Planning Instruments

A range of 'new' Planning Instruments have been introduced since the original Application was approved in 2007. Brief comment regarding these documents is provided below.

Sustainable Planning Act 2009 and Regulations

Whilst the legislation governing development in Queensland changed in 2009, it is noted that, by and large, the development assessment framework has remained fairly static. In recent months, there have been a raft of changes to the referral assessment framework in terms of referral agency involvement in the development assessment process; however, for this site and this Approval, state controlled road issues remain unchanged.

Single State Planning Policy

On review it is considered that the Single State Planning Policy and associated guidance material would not largely impact or alter the approval as initially granted, were application for the development be submitted today.

State Development Assessment Provisions

Matters considered in assessment and approval of the subject application in 2007 would be largely consistent with matters considered in assessment of an application for a similar approval, if lodged today.

Far North Queensland Regional Plan 2009 – 2031

The FNQ Regional Plan, introduced in draft in 2008, and finalized in 2009, includes the site within the Urban Footprint designation.

Douglas Shire Planning Scheme: 2008 Amendments

It is noted in early 2007, amendments to the Douglas Shire Planning Scheme were proposed, and later implemented following gazettal in 2008. Amendments included:

- (a) Workability amendments to provide greater clarity within the Scheme and respond to issues raised during court proceedings; and
- (b) Inclusion of a Sustainable Development Code within the Scheme.

As noted above, the more significant impact as a result of these amendments is on subsequent Material Change of Use applications for development within the balance of Stage 2, rather than affecting the subdivision as proposed.

Draft Douglas Shire Planning Scheme

It is understood Council has commenced preparation of a New Planning Scheme for the Douglas Shire. At this time, we are uncertain as to the impact of this draft on the amendment to subdivision approval as proposed.

Changes Requested

Council is requested to change Condition 20 of the Negotiated Decision Notice, issued 13 August 2007, in the following manner:

Original Condition	Proposed Change	Discussion												
<p><i>The approved plan for reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.</i></p> <table border="1"> <thead> <tr> <th>Title</th><th>Plan No.</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposal Plan (Stage 2)</td><td>8294-10</td><td>21/9/06</td></tr> </tbody> </table> <p><i>Except where such plans are modified by the terms of this approval.</i></p>	Title	Plan No.	Date	Proposal Plan (Stage 2)	8294-10	21/9/06	<p><i>The approved plan for reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.</i></p> <table border="1"> <thead> <tr> <th>Title</th><th>Plan No.</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposal Plan (Stage 2)</td><td>PR108905-17</td><td>31 July 2014</td></tr> </tbody> </table> <p><i>Except where such plans are modified by the terms of this approval.</i></p>	Title	Plan No.	Date	Proposal Plan (Stage 2)	PR108905-17	31 July 2014	<p>The Stage 2 Proposal Plan has been modified to:</p> <p>(a) reflect development of Lots 37 and 38 in the western portion of the site, including modified access arrangements in that area; and</p> <p>(b) modify the internal access street arrangements for the balance of lots within Stage 2, to achieve compliance with FNQ ROC Development Manual requirements.</p> <p>Engineering advice has been sought in terms of this access road configuration, having regard to comments of Ms Elphinstone during our recent meeting. It is understood the road is capable of functioning to a level appropriate for the Service Industry uses established and likely to establish in this location. The road formation as proposed</p>
Title	Plan No.	Date												
Proposal Plan (Stage 2)	8294-10	21/9/06												
Title	Plan No.	Date												
Proposal Plan (Stage 2)	PR108905-17	31 July 2014												

Original Condition	Proposed Change	Discussion
		is consistent with roads established within Stage 1 of the Craiglie Business Park to the north.

No specific Main Roads condition requires modification; rather, the State has been requested to confirm the revised layout for Stage 2 is acceptable.

Conclusion

As required to support the subject Request, please find **attached**:

1. Request to Change an Existing Approval Template Form (completed);
2. Payment to Douglas Shire Council in the sum of \$5,015.88 (per DSC Schedule of Fees and Charges – 2014/2015FY);
3. Copy Negotiated Decision Notice dated 13 August 2007;
4. Modified Plan for Stage 2 (RPS Drawing No PR108905-17); and
5. Title searches for the lots in question.

I look forward to receiving confirmation of Council and the State's consideration of the change as requested, and ask that if additional information is required to assist in your consideration of this request, please do not hesitate to contact me.

Kind regards,



Kristy Gilvear
Director
Gilvear Planning Pty Ltd

Far North Queensland Office:

Email: kristy@gilvearplanning.com.au
Telephone: 0448 897 991
Postal: PO Box 228
BABINDA QLD 4861

(Sustainable Planning Act 2009 version 1.1 effective 1st March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 170A of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?

Name/s (individual or company name in full)

Wars Developments Pty Ltd

For companies, contact name

Dr Kirsty Givson, Gilvear Planning Pty Ltd

Postal address

P.O. Box 128

DARWIN NT 08 4851

Contact phone number

0448897997

Mobile number (non-mandatory)

Fax number (non-mandatory)

e-mail address (non-mandatory)

kirsty

@gilvearplanning.com.au

2. What are the details of the existing approval sought to be changed?

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	CAB9	10 August 2007	Douglas Shire Council
<input type="checkbox"/> Preliminary approval			

3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?

- ☒ No
- ☐ Yes—complete table A and then go to question 4

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate or is operating

4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B—street address lot for the premises or street address lot on plan for the land adjoining or adjacent to the premises

- ☒ street address lot on the plan
- ☐ street address lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb locality name	Post- code	Lot no.	Plan type and plan no.	
		Beor Street, Chapple	4677	100	17/53 SP246126	Douglas

Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94	
					<input type="checkbox"/> WGS84	
					<input type="checkbox"/> Other	

5. Details of the proposed change

Amendment to Approved Plan

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

- ☒ No
- ☐ Yes—complete either table D or table E as applicable

Table D

Name of owner of the land

I, the above-mentioned owner of the land, consent to the making of this request.

Signature of owner of the land

Date

Table E

Name of owner of the land

☐ The owner's written consent is attached

7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- ☒ No ☐ Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 25(4)(i) must be attached.

8. Has a pre-request response notice been given for this request?

- ☒ No ☐ Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- ☐ No ☒ Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

- ☒ Assessment manager for the original application
☒ Concurrence agencies for the original application
☐ Any other entity prescribed by a regulation

10. Provide details of any other supporting information attached to this request

Planning Submission attached

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
 - a change to an approval given by the assessment manager
 - a change to a condition imposed by a concurrence agency
 - a change to an approval given by the Minister under a Ministerial call in
 - a change to a condition imposed by the Minister under a Ministerial direction
 - a change to an approval given by the Planning and Environment Court

Question 6:

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
 - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
 - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
 - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
 - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
 - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land

Question 7:

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given for:
 - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
 - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
 - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

OFFICE USE ONLY

Date received

Reference numbers



**DOUGLAS
SHIRE
COUNCIL**

ENQUIRIES:
DEPARTMENT
EMAIL

Mrs Natalie Clark - Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dsc.qld.gov.au

OUR REF
FLANAGAN YOUR REF
DOUGLAS SHIRE COUNCIL
RECEIVED

CA 69

14 AUG 2007

Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

13 August 2007

INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION

Applicant's Name : Waks Pty Ltd
Owner's Name : Waks Pty Ltd
Proposal : A. Reconfiguration of a Lot to create 19 Lots
B. Preliminary Approval for a Material Change of Use to permit uses consistent with Industry (Service Industry)
C. Development Permit for a Material Change of Use for the purpose of Intensive Animal Husbandry (Kennel/Cattery) and Caretaker's Residence
Application Number : CA 69
Site Address : Beor Street, Craiglie
Property Description : Lot 83 on SR724, Parish of Salisbury, County of Solander

1. Decision: **Decision Date:** 7 August 2007

This negotiated decision notice replaces the decision notice dated 18 May 2007. Condition 38 has been amended. All other conditions remain unchanged.

Approved subject to Conditions

**ADMINISTRATION CENTRE
(ALL DEPARTMENTS)**
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 **FACSIMILE** (07) 4098 2902
INTERNET www.dsc.qld.gov.au

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 **FACSIMILE** (07) 4098 3298

**ALL COMMUNICATIONS TO BE
ADDRESSED TO:**
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

2. Type of Development Approval:

Material Change of Use
Reconfiguration of a Lot
Material Change of Use

Development Permit
Development Permit
Preliminary Approval

3. Referral Agency:

Department of Main Roads
Peninsula District
PO Box 6185
CAIRNS QLD 4870

4. Conditions

MATERIAL CHANGE OF USE (Intensive Animal Husbandry & Caretaker's Residence)

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Date
Overall Site Plan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout – Elevations, Sections, Images	SD 03	Sept 06

Except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Landscaping

3. The landscaping plan submitted with the proposed development referenced as:

Title	Plan No.	Date
Landscape Plan	SD 01	-

Has been approved, as part of this development, except where otherwise stated as a condition of this approval.

4. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

Sewerage

6. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
7. Animal faeces are to be collected on site and disposed of in the general refuse.
8. No animal faeces are to be placed into the sewer.

Electricity and Telephone Services

9. All electrical lines along the full frontages of the subject site (unnamed proposed cut-de-sac) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

Stormwater

10. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as unnamed road. The approved use must not:
 - a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties.

Carparking

11. A carparking area with a minimum of sixteen (16) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

Refuse

12. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

Compliance

13. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer

security, associated with this approval will not be released until all conditions of approval are complied with.

Construction Requirements

14. All construction works are to be carried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998.
15. Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.
16. All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a water tank.
17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.
18. All sites are to be provided with sediment control measures to prevent any run-off of mud, silt or sand to stormwater. (Further advice on sediment control can be obtained by contacting Council's Environmental Health Services Section for a free booklet).
19. The applicant is to provide an Acoustic Report prepared by an Acoustic Engineer that demonstrates that measures proposed to be installed on the kennel site will be adequate to mitigate potential noise nuisance as defined by the Environmental Protection Regulation 1998.

RECONFIGURING A LOT

Plan of Development

20. The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No.	Date
Proposal Plan (Stage 2)	8294-10	21/9/06

Except where such plans are modified by the terms of this approval.

Water Supply

21. The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review.

This system must make provision for services to the boundaries of all lots, including main works, enveloper pipes at cross street services and valve and hydrant markers and be

designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

22. The developer must provide a new water supply connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.
23. The developer is responsible for the external works to connect the site with Council's water supply at Beor Street.
24. The developer shall be required to provide a 20mm diameter water service to the boundary of each lot to be created, together with the lodgment with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the service at no cost to the said lot purchaser.

The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection

Sewerage

25. The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for approval.
26. The developer must provide a new sewerage connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.

Electrical & Telephone Services

27. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
 - (a) an underground electrical supply to each lot; and
 - (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
28. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
 - (a) an underground telephone service to each lot; and
 - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

Stormwater Drainage

29. The Developers are required to place pollution control devices in stormwater drains in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". The design and location of these devices must be submitted at Operational Works application stage.

Operational Works Development Permit

30. The developer must submit as part of an application for a Development Permit for Operational Works information and plans in accordance with Section API "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". Currency Period
31. The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with.

Compliance with Conditions

32. The Plan of Survey with associated documents shall not be endorsed by Council until Conditions 20 to 38 have been complied with.

Road Works

33. The developer must undertake the following works:

(a) Internal

Provision is to be made for the following works in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Access Roads.

i. Unnamed Roads

- Kerb and channelling along the full length of the frontage;
- Full width bitumen surface;
- Footpaths;
- Underground Drainage.

(b) External

Provision is to be made for the following works external to the site in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Collector Roads.

i. Beor Street

- Kerb and channelling along the full length of the frontage;
- Construction of road shoulders, to full width;
- Footpaths;
- Underground Drainage

The plans and specifications of the internal and external road works must be submitted to Council at Operational Works application stage for review.

34. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

Environmental Management Plan

35. The Developer is to submit with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 *"Reports and Information the Council may Request"*. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

Water supply & Sewerage Headworks

36. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions (The Policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	69
Sewerage	69

Street Tree Planting

37. The applicant is to undertake street tree planting in accordance with the requirements of the FNQ Development Manual.

Contributions

38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4 000m² to the Paws & Claws Organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated on the plan of development.

ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS

SCHEDULE A – GENERAL CONDITIONS

- A1. The environmentally relevant activity must be constructed, operated and maintained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A2. The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase.
- A3. Contaminant must not be released to the environment other than in accordance with the development approval.
- A4. The holder of the development approval must install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- A5. A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.
- A6. The holder of the development approval must ensure that those persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- A7. Any record required to be kept as a condition of the development approval must be kept at the approved place and be available for examination by an authorised person.
- A8. Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request.

SCHEDULE B – AIR DISCHARGE

- B1. Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- B2. No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place.
- B3. No incineration or open burning is to be carried out on the approved place

SCHEDULE C – WATER DISCHARGE

- C1. Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- C2. Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

SCHEDULE D – STORMWATER MANAGEMENT

- D1. Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D2. Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.
- D3. Any spillage of wastes, contaminants or other material must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D4. All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to the sewer via an approved silt trap.

SCHEDULE E – LAND APPLICATION

- E1. The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.

SCHEDULE F – NOISE CONTROL

- F1. Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- F2. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.

SCHEDULE G – WASTE MANAGEMENT

- G1. Waste must not be released to the environment or disposed contrary to the condition of this development approval.

- G2. Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.
- G3. Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

SCHEDULE H – SELF MONITORING

- H1. All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- Time and date of complaint;
 - Contact details of the complainant;
 - Response and investigation undertaken as a result of the complainant;
 - Name of person responsible for investigating complaint; and
 - Action taken as a result of the investigation of the complaint.
- H2. The complaints recorded required by condition H1 shall be maintained for a period of not less than 3 years.
- H3. As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the condition of this development approval, the holder of this development approval, to their operator on site must notify the administering authority of the release by telephone or facsimile.
- H4. The notification of emergencies or incidents as required by condition H3 must include but not limited to the following:
- The name of the holder of this development approval
 - The location of the emergency or the incident
 - The name and telephone number of the designated contact person
 - The time of release
 - The time the holder of the development approval became aware of the release
 - The suspected cause of the release
 - The environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
 - Actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

SCHEDULE I – DEFINITIONS

- I1. For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- I2. In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that

term, the meaning conferred in the definitions schedule of this development approval must apply.

13. For the purpose of this development approval the following definitions apply:

“Act” means the Environmental Protection Act 1994

“Administering Authority” means the Douglas Shire Council or its successor

Advice

- Water connection and electricity transformer cubicles are located on alternate lot boundaries to ensure safety when requiring maintenance.
- In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres of the pool fence.
- No Advertising Device has been approved with this application. Any Advertising Device proposed will require an operational works application in accordance with the 2006 Douglas Shire Planning Scheme.

5. Further Development Approvals Required:

Operational Work
Building Permit

Development Permit
Development Permit



Paul Trotman
General Manager – Development & Environment

Appendix A – Concurrence Agency Response

2 November 2006

Mr T Melchert
Chief Executive Officer
Douglas Shire Council
PO Box 337
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCU Combined Reconfig
DOCUMENT	
- 6 NOV 2006	
CALF	
ATTENTION	LS
INFORMATION	

**Queensland
Government**

Department of Main Roads

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)

Situated at Bear Street, Craiglie

Lot 83 on SR 724, Parish of Salisbury

Waks Pty Ltd

Proposed Material Change of Use (Service Industry Zone & Proposed Lot 37 - Intensive Animal Husbandry & Caretaker's Residence) & Reconfiguration of Lot (19 Allotments & New Roads) Application

Notification of Changed Conditions of Development (DMR as Concurrence Agency)

I refer to:

- the above application received at the Department 23 October 2005 requesting consideration of the above development,
- the Department's letter of conditions of development dated 27 October 2006, and
- written representation from the applicant's consultants received at the Department 2 November 2006 clarifying reference to a proposed adjoining park in condition 1 and requesting an amended wording of the condition.

The Department has reviewed the request and is able to amend condition 1.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following amended conditions of development for the subject application.

A. AMENDED CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Bear Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed along the boundary between the proposed Lots 24, 27 and 28 and Teamsters Park and the boundary between the proposed Lots 28 and 29 and the proposed Lot 23 (park) to prevent alternative traffic access.

North Queensland Region
Peninsula District
PO Box 5185
CA RNS Queensland 4870
ABN 67 636 727 711

Our ref: 46/20/102/2E29.02A/
Your ref: CA 69
Enquiries: MALCOLM HARDY
Telephone: +61 7 4050 5611
Facsimile: +61 7 4050 5436

- (ii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.

2. Development Staging

The landowner/ applicant shall not lodge a plan of survey creating the first industrial allotment in "Craiglie Business Park Stage 2" to Council for signing and dating until after the conditioned Captain Cook Highway/ Beor Street intersection works attached to Council's negotiated decision notice CA 61 dated 14 September 2006 for "Craiglie Business Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

3. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

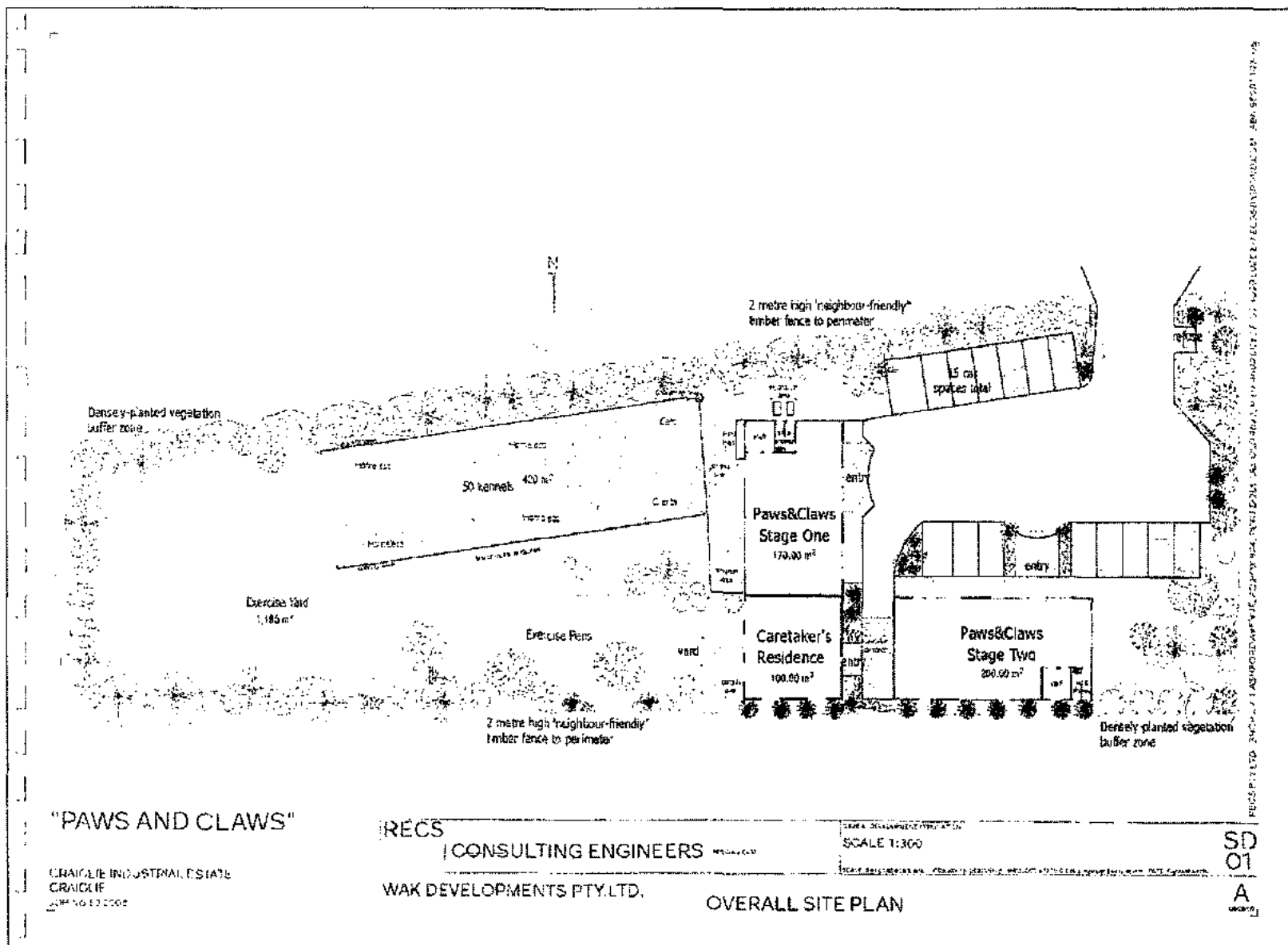
Yours sincerely

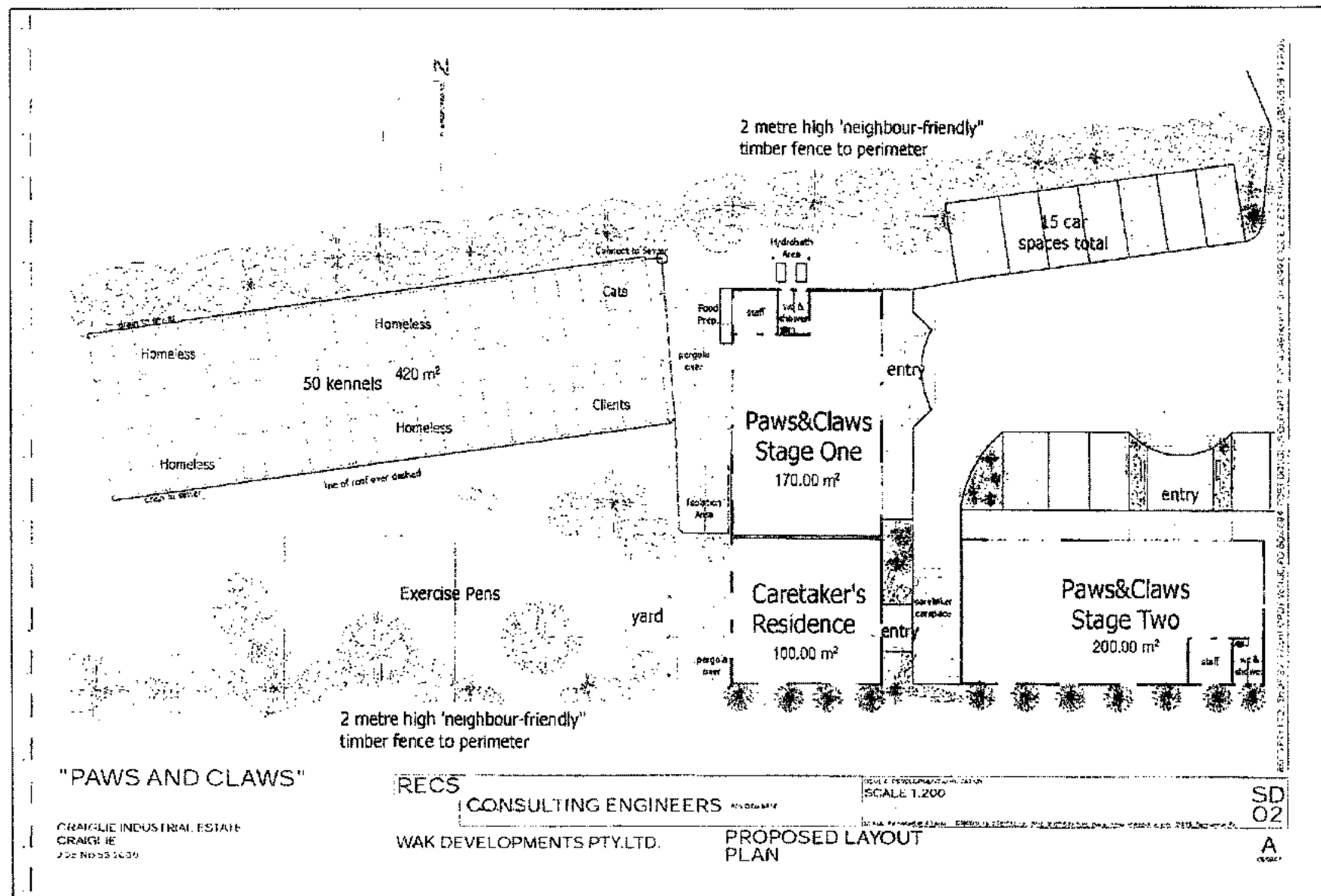


David Huhner

MANAGER (TRANSPORT PLANNING) PENINSULA

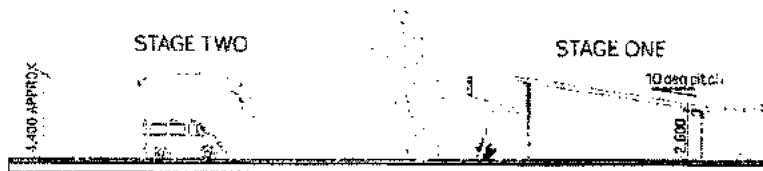
Appendix B – Plans of Development



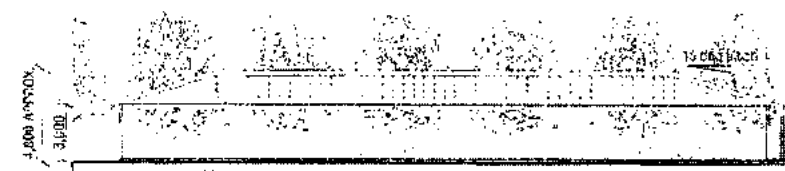




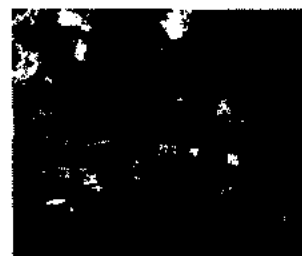
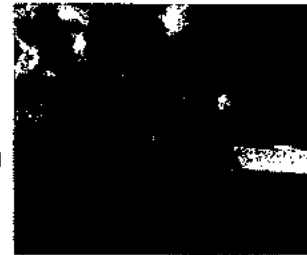
ELEVATION STAGE ONE
SECTION STAGE TWO



ELEVATION STAGE TWO
SECTION STAGE ONE



SECTION - KENNELS



"PAWS AND CLAWS"

CRAIGIE INDUSTRIAL ESTATE
CRAIGIE
PORT GARDNER

RECS
CONSULTING ENGINEERS

WAK DEVELOPMENTS PTY.LTD.

SCALE 1:200

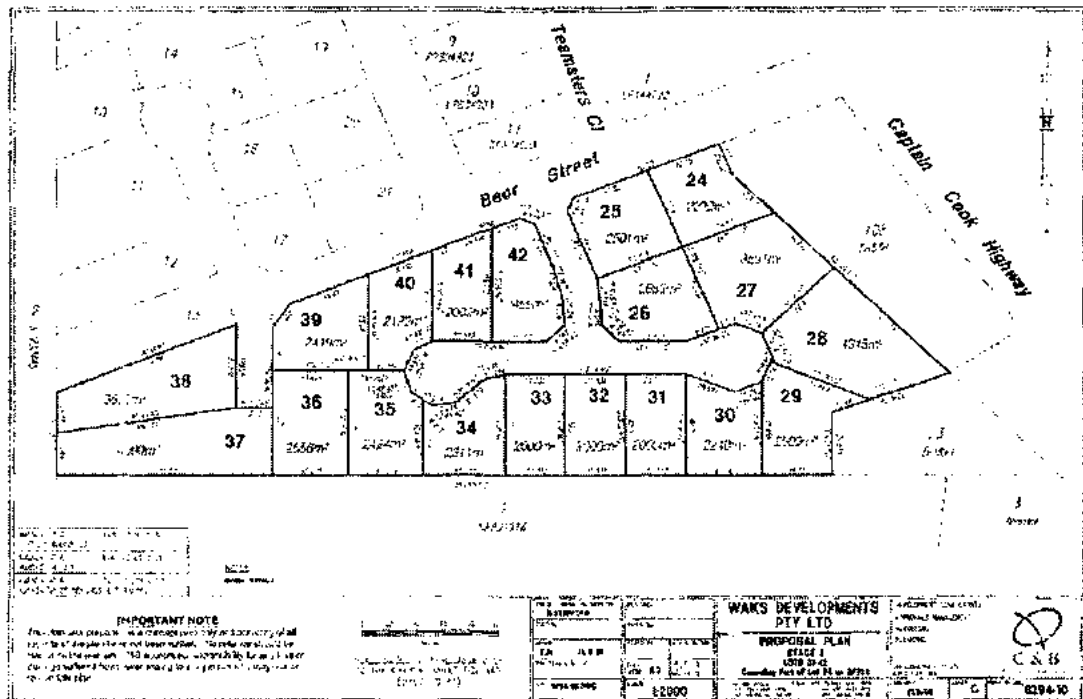
PROPOSED LAYOUT
ELEVATIONS, SECTIONS, IMAGES

SD
03

A

RECS PTY LTD, 10/100 WATSON ST, PORT GARDNER, SA 5287. TEL: 08 8532 1111. FAX: 08 8532 1112. EMAIL: RECS@RECSPTY.COM.AU

Plan of Reconfiguration



*Division 8 – Appeals to court relating to development applications***Appeals by applicants**

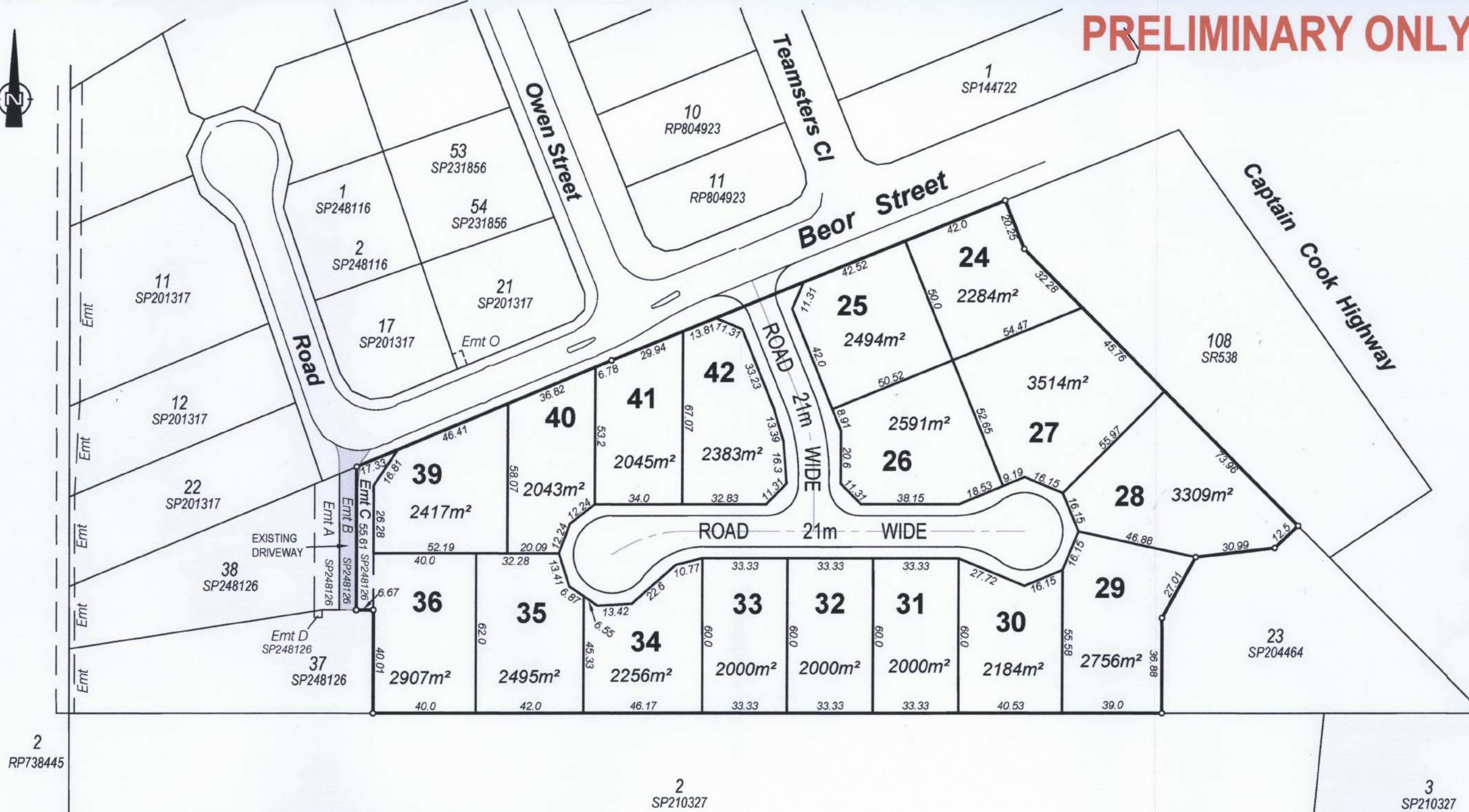
- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6:66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Division 10 – Making an appeal to court

How appeals to the court are started

- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

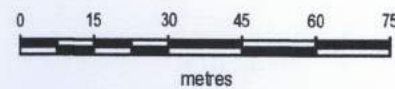
PRELIMINARY ONLY



PRELIMINARY ONLY

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



SCALE 1:1500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS

CAD REF
PR108905-17.DWG

PROJECT MANAGER

D. PINKHAM

SURVEYED

COMPILED

AMK

SHEET 1 OF SHEETS 1 SHEET SIZE A3

WAKS DEVELOPMENTS PTY LTD

**RECONFIGURATION OF A LOT
PROPOSED STAGE 2
CRAIGLIE BUSINESS PARK
CANCELLING LOT 100 ON SP248126**

RPS

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RPS Australia East Pty Ltd
ACN 140 292 762

135 Abbott St
PO Box 1949
CAIRNS QLD 4870

T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com.au

SCALE 1:1500	DATE 31/7/2014	DRAWING NO. PR108905-17	ISSUE
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CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143429

Search Date: 11/08/2014 12:52

Title Reference: 50904285

Date Created: 29/01/2013

Previous Title: 50709945

REGISTERED OWNER

Dealing No: 714838511 13/12/2012

WAKS DEVELOPMENTS PTY LTD A.C.N. 116 396 573

ESTATE AND LAND

Estate in Fee Simple

LOT 37 SURVEY PLAN 248126
County of SOLANDER Parish of SALISBURY
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)
2. EASEMENT IN GROSS No 710964112 04/09/2007 at 12:38
burdening the land
DOUGLAS SHIRE COUNCIL
over
EASEMENT L ON SP201317
3. EASEMENT No 714838520 13/12/2012 at 11:29
benefiting the land over
EASEMENT A ON SP248126
4. EASEMENT No 714838525 13/12/2012 at 11:29
burdening the land to
LOTS 38 AND 100 ON SP248126 OVER EASEMENT B ON SP248126
5. EASEMENT No 714838526 13/12/2012 at 11:30
benefiting the land over
EASEMENT C ON SP248126
6. EASEMENT IN GROSS No 714838542 13/12/2012 at 11:31
burdening the land
CAIRNS REGIONAL COUNCIL
over
EASEMENT D ON SP248126

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143429

Search Date: 11/08/2014 12:52

Title Reference: 50904285

Date Created: 29/01/2013

Caution - Charges do not necessarily appear in order of priority

**** End of Current Title Search ****

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Requested By: D APPLICATIONS CITEC CONFIRM

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143433

Search Date: 11/08/2014 12:52

Title Reference: 50904286

Date Created: 29/01/2013

Previous Title: 50709945

REGISTERED OWNER

Dealing No: 714838511 13/12/2012

WAKS DEVELOPMENTS PTY LTD A.C.N. 116 396 573

ESTATE AND LAND

Estate in Fee Simple

LOT 38 SURVEY PLAN 248126
County of SOLANDER Parish of SALISBURY
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)
2. MORTGAGE No 710202063 20/12/2006 at 12:43
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937
3. EASEMENT IN GROSS No 710964112 04/09/2007 at 12:38
burdening the land
DOUGLAS SHIRE COUNCIL
over
EASEMENT L ON SP201317
4. EASEMENT No 714838520 13/12/2012 at 11:29
burdening the land to
LOTS 37 AND 100 ON SP248126 OVER EASEMENT A ON SP248126
5. EASEMENT No 714838525 13/12/2012 at 11:29
benefiting the land over
EASEMENT B ON SP248126
6. EASEMENT No 714838526 13/12/2012 at 11:30
benefiting the land over
EASEMENT C ON SP248126
7. EASEMENT IN GROSS No 714838542 13/12/2012 at 11:31
burdening the land
CAIRNS REGIONAL COUNCIL
over
EASEMENT A ON SP248126

ADMINISTRATIVE ADVICES - NIL

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143433

Search Date: 11/08/2014 12:52

Title Reference: 50904286

Date Created: 29/01/2013

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

**** End of Current Title Search ****

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CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143432

Search Date: 11/08/2014 12:52

Title Reference: 50904287

Date Created: 29/01/2013

Previous Title: 50709945

REGISTERED OWNER

Dealing No: 714838511 13/12/2012

WAKS DEVELOPMENTS PTY LTD A.C.N. 116 396 573

ESTATE AND LAND

Estate in Fee Simple

LOT 100 SURVEY PLAN 248126
County of SOLANDER Parish of SALISBURY
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)
2. MORTGAGE No 710202063 20/12/2006 at 12:43
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burdening the land to
LOTS 37 AND 38 ON SP248126 OVER EASEMENT C ON SP248126

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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