



gilvear planning

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DSC REF: MCUC1877/2017
OUR REF: J000275:WAKS:KLG
DATE: 25 September 2017

Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Simon,

RE: REQUEST TO CHANGE CONDITION ON DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (SERVICE INDUSTRY) ON LAND LOCATED AT 5 – 7 PIONEER CLOSE, CRAIGLIE (LOT 8 ON SP201317)

You may recall Gilvear Planning Pty Ltd is providing town planning assistance to Waks Developments Pty Ltd ('the Applicant') in regards approval for Service Industry on land at 5 -7 Pioneer Close, Craiglie, more specifically described as Lot 8 on SP201317 ('the site').

Approval for this project was received under cover of letter dated 26 April 2017, referenced MCUC 1877/2017 (D#810426). A copy of this approval is **ATTACHED** for reference.

It is noted that Councils' fee for this request, per the 17/18 Schedule of Fees and Charges, is 50% the fee payable for the Application proper, which in this instance is \$3,887.85. Having regard the circumstances of this change being requested, and prior communications with Mr Beck on this point, Council is requested to waive this fee. We look forward to receiving confirmation of the waiver in due course.

Legislative Context

The Development Permit granted by Council on 26 April 2017 is a "document" continuing to have effect and be subject to relevant provisions in the *Planning Act 2016* ('the Act'), given repeal of the *Sustainable Planning Act 2009*.

This request for a "minor change" to a condition on a Development Permit is submitted to Council in accordance with Section 78 of the Act. In accordance with Section 78(3)(c) of the Act, Council as the "assessment manager" for the application is the "responsible entity" for the request.

There are no "affected entities" for this request.

A "minor change" is defined within Schedule 2 of the Act as:

"a change that –

(a) ...

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0448 897 991
PO Box 228 Babinda Q 4861

SOUTH EAST QUEENSLAND
0418 843 949
PO Box 438 Paddington Q 4064

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- (b) *for a development approval –*
- (i) *would not result in substantially different development; and*
 - (ii) *if a development application for the development, including the change, were made when the change application is made would not cause –*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than to the chief executive; or*
 - (D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application."*

In assessing and deciding this request, pursuant to Section 81 of the Act Council must have regard to:

- (a) Information included in this submission;
- (b) Any submissions made in regards the original application;
- (c) Any pre-request response or advice given by an "affected entity" for the request;
- (d) All matters Council would or may have assessed the matter against, were this request a development application (including applicable Scheme/s and any amendment or changed Scheme/s in place when the request is made in accordance with Section 81(3) of the Act); and
- (e) Any other matters Council considers relevant.

Change Requested

Following discussion with Council, the Applicant seeks a modification to Condition 26 on the Approval. Condition 26 currently provides:

Liquid Waste Disposal

26. *Where required any trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. Installation of a 1000Litre Grease Arrestor and trade waste collection channel will satisfy the trade waste requirement. All*

measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Given the nature of use approved, and site conditions, further discussion with Council Officers has resulted in the following amendment being considered:

Liquid Waste Disposal

26. (a) *Where an occupant of a Lot becomes a trade waste generator, trade waste discharge to sewer must meet the requirements of Douglas Shire Water & Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be submitted to Douglas Shire Council accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council and installed, prior to the production and discharge of trade waste.*
- (b) *Signage is to be installed in the bin enclosure / wash bay area notifying occupants of their obligations prior to the issue of a Certificate of Classification. Signage to state that "No trade waste is to be discharged to the facility."*

Minor Change

The change requested is a "minor change" in circumstances whereby:

- It will not result in a substantially different development being delivered, and indeed, merely seeks to clarify operational requirements for the use proposed;
- It will not result in the inclusion of prohibited development in the substantive approval;
- It will not trigger referral and / or require a referral agency to have regard to matters as described in paragraph (D) of the definition;
- It will not require public notification of an Application originally not subject to notification.

Section 81 Assessment

It is submitted Council approval of this Request may be granted, following assessment pursuant to Section 81 of the Act, in the following circumstances:

1. The original application was not subject to public notification, and no submissions were received by Council during its assessment;
2. There are no "affected entities" for this request;
3. Council's original assessment was against requirements in the transitional Douglas Shire Planning Scheme (as amended). This Scheme remains the effective Scheme for the local government area.

Whilst the Draft Douglas Shire Council Planning Scheme was endorsed for submission to the State for its "final" State Interest Check and later adoption, this process remains ongoing and the new Scheme is not yet finalised. Regardless, the new Scheme does not contain substantially different planning requirements for the subject locality.

Conclusion

Council is requested to approve this change as soon as possible, to enable resolution of associated approval requirements for the project.

Should additional information be required to assist in consideration of this request, please call or email the undersigned in our FNQ Office.

Kind regards,



Kristy Gilvear
DIRECTOR - FNQ

Attachments: Copy Development Permit dated 26 April 2017

YOUR REF: J0000275:WAKS:KLG (Lot 8)
OUR REF: MCUC 1877/2017 (D#810426) *SC*

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

26 April 2017

Waks Developments Pty Ltd
c/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention: Ms Kristy Gilvear

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 5-7 PIONEER CLOSE CRAIGLIE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 26 April 2017, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPLICANT DETAILS

Waks Developments Pty Ltd
c/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

ADDRESS

5-7 Pioneer Close, Craiglie

REAL PROPERTY DESCRIPTION

Lot 8 on SP201317

PROPOSAL

Combined Application for Material Change of Use for Service Industry and Reconfiguration of a Lot 1 Lot into 1 Standard Lot, 12 Building Units and Common Property.

DECISION

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

DECISION DATE

26 April 2017

TYPE

Material Change of Use (Development Permit)
Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no Applicable submissions for this application.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work
Compliance Certificate (Survey Plan)

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

A. MATERIAL CHANGE OF USE

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
Master Layout 90deg. Parks	RECS Pty Ltd, Project No.08-2007, Sheet SK 1, Revision E	13 February 2017
6.3 & 7.1m Turning Circles 90 deg	RECS Pty Ltd, Project No.08-2007, Sheet SK 2, Revision E	13 February 2017
12.5 Turning Circle	RECS Pty Ltd, Project No.08-2007, Sheet SK 3, Revision E	13 February 2017
8.8m Loading Bays	RECS Pty Ltd, Project No.08-2007, Sheet SK 4, Revision E	13 February 2017
Refuse Bin Storage	RECS Pty Ltd, Project No.08-2007, Sheet SK 5, Revision E	13 February 2017
Shed Dimensions	RECS Pty Ltd, Project No.08-2007, Sheet SK 6, Revision E	13 February 2017
Plant Schedule	GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L1.00	February 2017
Landscape Establishment	GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L2.00	February 2017
Tenancy Sign Detail	Gilvear Planning correspondence, page 7	27 February 2017

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Drawing or Document	Reference	Date
Part Ground Floor Plan	Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-02, Amendment C	10 January 2017
Part Ground Floor Plan	Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-03, Amendment C	10 January 2017
Shed 1 Elevation	Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-04, Amendment C	10 January 2017
Ground Floor Plan	Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-05, Amendment C	10 January 2017
Shed 2 Elevation	Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-06, Amendment C	10 January 2017

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; 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.

External Works

3. Undertake the following works external to the land at no cost to Council:
 - a. Provision of an industrial concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015.

The works outlined above may either be undertaken as part of a Development Permit for Building Work or as a separate Development Permit for Operational Work. Where submitted as a separate Development Permit for Operational Work three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Internal Works

4. The Applicant/owner will:

- a. Differentiate and delineate pedestrian pathways / vehicular manoeuvring areas with non-slip paint;
- b. Provide pedestrian crossings as indicated on the approved drawings;
- c. Provide suitable lighting to the internal, common property area;
- d. Paint directional arrows in the common property vehicle movement area; and
- e. Paint or surface the loading areas to identify these as different to the driveway; and

These works are to be designed and certified by a suitably qualified RPEQ with a copy of the certification lodged with the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Water Supply and Sewerage Works External

5. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:

- a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
- b. Upgrade the water main from the Council Service to the land so that the site can be provided with appropriate water service connection to the lot frontage;
- c. Extend the sewer main from the 150Ø on the neighbouring land at 17 to 19 Owen Street, Craiglie (Lot 0 on SP 212665, Easement N on SP201317) to the land.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first

Inspection of Sewers

6. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first. Water Supply and Sewerage Works Internal
7. Undertake the following water supply and sewerage works internal to the subject land:-
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection;
 - c. Water supply sub-metering must be designed and installed in accordance with *Queensland Development Code* and the *Water Supply (Safety and Reliability) Act 2008*.

The above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Council Infrastructure

8. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Lawful Point of Discharge

9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

10. All floor levels in all buildings must be located 100 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Stockpiling and Transportation of Fill Material

11. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. before 7:00 am or after 6:00 pm Monday to Friday;
- b. before 7:00 am or after 1:00 pm Saturdays; or
- c. on Sundays or Public Holidays.

Above Ground Transformer Cubicles / Electrical Sub-Stations

12. Where required any above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Landscaping Plan

13. The site must be landscaped generally in accordance with the plan prepared by GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L1.00, dated February 2017 and to include the following details:
 - a. Deep planting of setback areas;
 - b. Maintain the existing trees planted in the road area;
 - c. Provide screen planting to the waste bin service area, in particular where viewed from the street;
 - d. Provide complimentary deep planting beneath and around the tenancy sign;
 - e. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping; and

DECISION NOTICE DETAILS
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- f. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas, including the provision of the roofed picnic seating and BBQ facility must be maintained at all times to the satisfaction of the Chief Executive Officer.

Screen Fence

14. A screen fence or alternatively suitable landscaping together with a chain wire fence must be provided to the northern boundary of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Crime Prevention through Environmental Design

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

Lighting

16. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Bicycle Parking

17. Provide secured, on-site bicycle parking for four spaces in the common property area. The bicycle parking area must be constructed prior to Commencement of Use.

Vehicle Parking

18. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces including one space for persons with a disability generally in accordance with the RECS Master Layout 90deg. Parks drawing Project No.08-2007, Sheet SK 1, Revision E dated 13 February 2017.

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6 and be constructed in accordance with Austroads and good engineering design.

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In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

The car parking and loading bay areas must be maintained in a good condition, including line marking at all times.

Protection of Landscaped Areas from Parking and Loading / Unloading Areas

19. Landscaped areas adjoining the parking area or a loading / unloading area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Sediment and Erosion Control

20. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).
21. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Tenancy Signage

22. The tenancy sign is to have a maximum height of 5 metres and a width of 2.5 metres unless otherwise approved by the Chief Executive Officer.

The tenancy sign must provide clear and legible signage to the land incorporating the street number and the availability of visitor parking for the benefit of the public. The tenancy sign must be complimented with landscaping. Both the tenancy sign and the associated landscaping must be maintained at all times in a good condition. The tenancy sign must be erected prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Unit Number Signage

23. Clear and legible signage must be provided to each building unit identifying the unit number. The unit numbering must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Advertising Signage

24. All signage additional to the tenancy sign and associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the Commencement of Use.

Refuse Storage

25. Refuse storage is required to service the site in accordance with Council requirements. Refuse from the site must be collected on a frequency that meets the tenant needs.

Liquid Waste Disposal

26. Where required any trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. Installation of a 1000Litre Grease Arrestor and trade waste collection channel will satisfy the trade waste requirement. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Storage of Machinery and Plant

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

Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas.

Use of Stage 2 Land

28. Use of this land may not occur outside a building unless otherwise approved by the Chief Executive Officer.

B. RECONFIGURATION OF A LOT CONDITIONS

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
Reconfiguration of a Lot	RPS Drawing PR108905-32 dated 16 March 2017 and as amended by Condition B.2	16 March 2017

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; 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

Amendment to Design

2. The proposed layout is to be amended as follows:
 - a. Proposed Lot 900 is to exclude the area of Easement G on SP201317 and the setback area between the intended building on Lot 900 and the northern property boundary, with these areas to be included in the common property.

Common Property Area

3. All common property areas are to:
 - a. Serve both proposed Lot 900 and the intended units under the building format plan; and
 - b. To be managed by a single community management statement.

Staging

4. The development is to consist of a maximum of two stages with:
 - a. Stage 1 comprising the development of Units 1 to 12 together with the development of the common property area including all works in the common property area; and
 - b. Stage 2 comprising the development of Units 13 to 19.

The description of the units above is as per the RPS Drawing PR108905-32 dated 16 March 2017.

Timing of Effect

5. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

DECISION NOTICE DETAILS
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The Compliance Certificate for the Plan of Survey cannot be applied for prior to the issue of a final Certificate for the Development Permit for Building Work of the associated Material Change of Use for Stage 1 (Units 1 to 12 inclusive) and an appropriate works certificate(s) has been issued for the completion of all works within the common property areas.

Electricity and Telecommunications

6. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

Community Management Statement

7. The Community Management Statement is to include the following items:
 - a. Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas;
 - b. There is to be no exclusive use of Common property area;
 - c. All common property areas and facilities must be provided for and maintained in a good condition as per the conditions of the development approval; and
 - d. Refuse from the site must be collected on a frequency that meets the tenant needs.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. All premises should have a pedestrian door of adequate width to facilitate access by disabled persons.

DECISION NOTICE DETAILS
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5. For information relating to the *Sustainable Planning Act 2009* 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.

LAND USE DEFINITION*

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved land use of Service Industry is defined as:

Means any premises used, or intended to be used for trades and services that cater to the tourist and marine activities in Port Douglas. This includes the manufacturing of goods on the premises, depots for receiving goods to be serviced and any administration and minor sales functions associated with the use, where these are carried out on the same Site and are ancillary to the Service Industry activity. Service Industry uses are limited to uses, which are allied to tourist and marine activities in Port Douglas.

The term may include but is not limited to the following activities:

- Limousine/bus depot;
- Cleaning or detailing of motor vehicles;
- Catering business;
- Servicing of small items and appliances such as:
 - Bicycles;
 - Cameras;
 - Electrical appliances for domestic or office use; and
 - Marine equipment;
- Printing;
- Fishing gear manufacturing;
- Marine engineering;
- Bulk storage and ancillary sales of:
 - Indoor/Outdoor furniture;
 - Hardware supplies;
 - Raw materials;
 - Plants and Landscaping supplies;

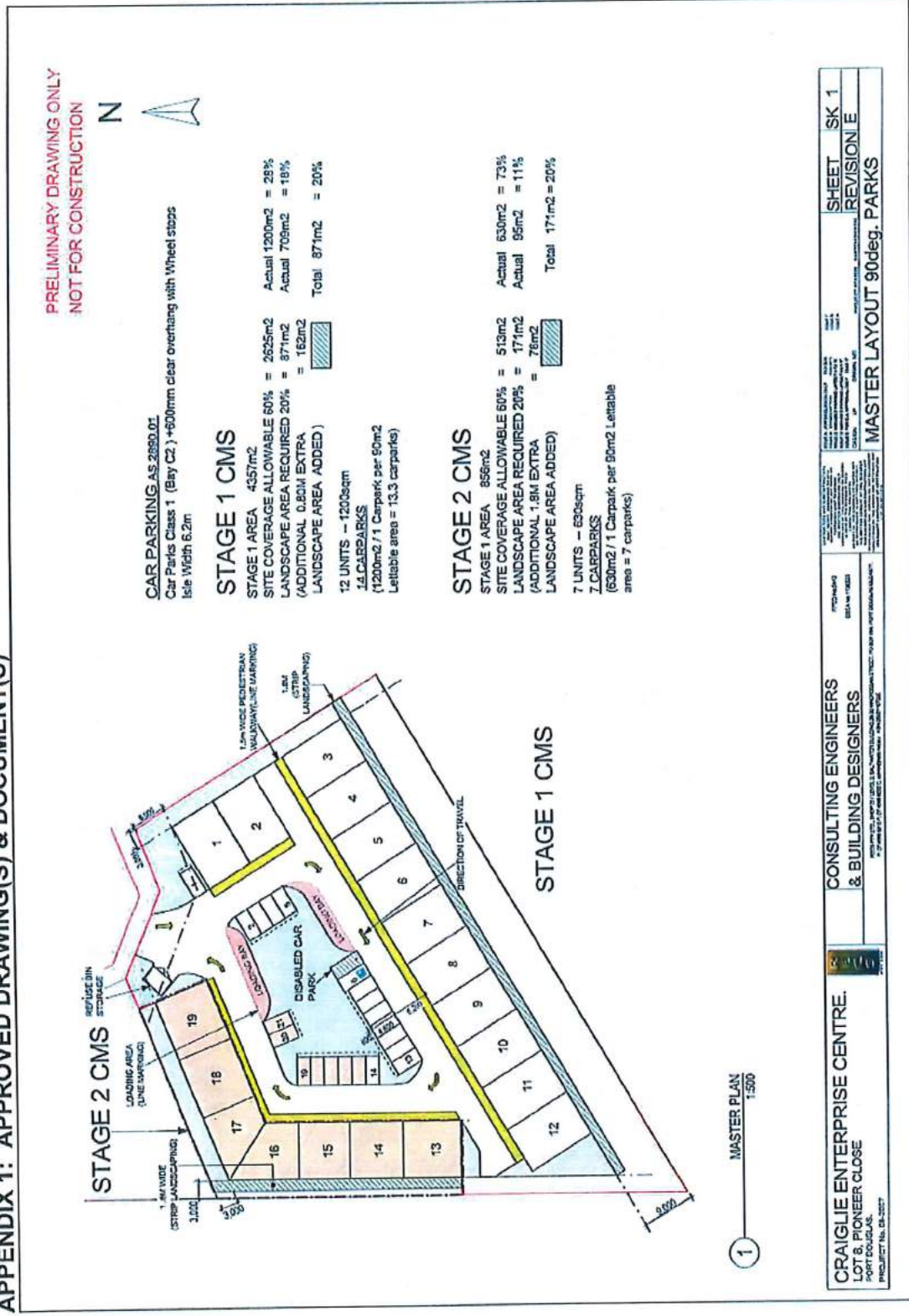
Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause detriment to adjoining Sites.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

RIGHTS OF APPEAL
Attached

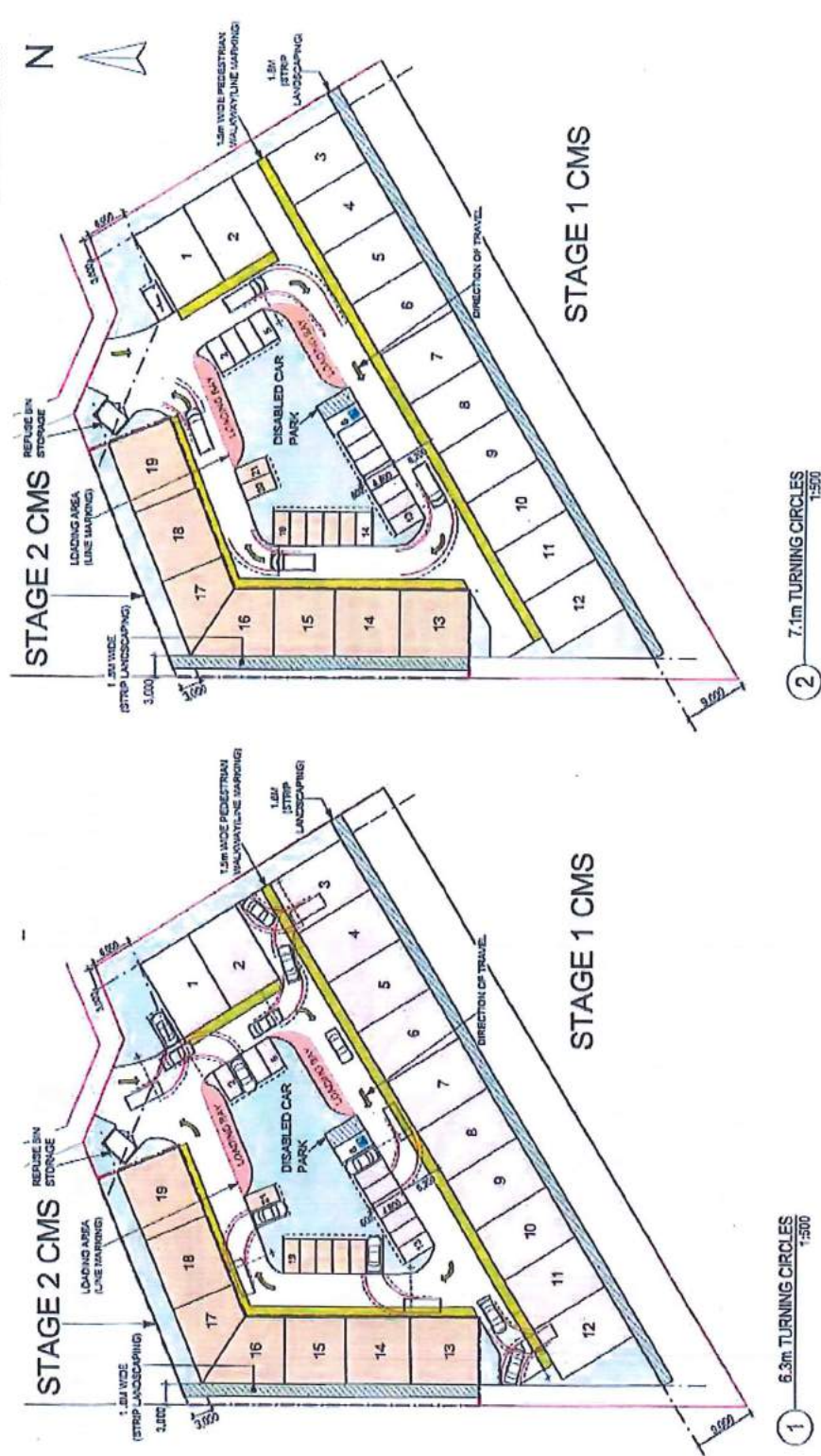
End of Decision Notice

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



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

PRELIMINARY DRAWING ONLY
NOT FOR CONSTRUCTION

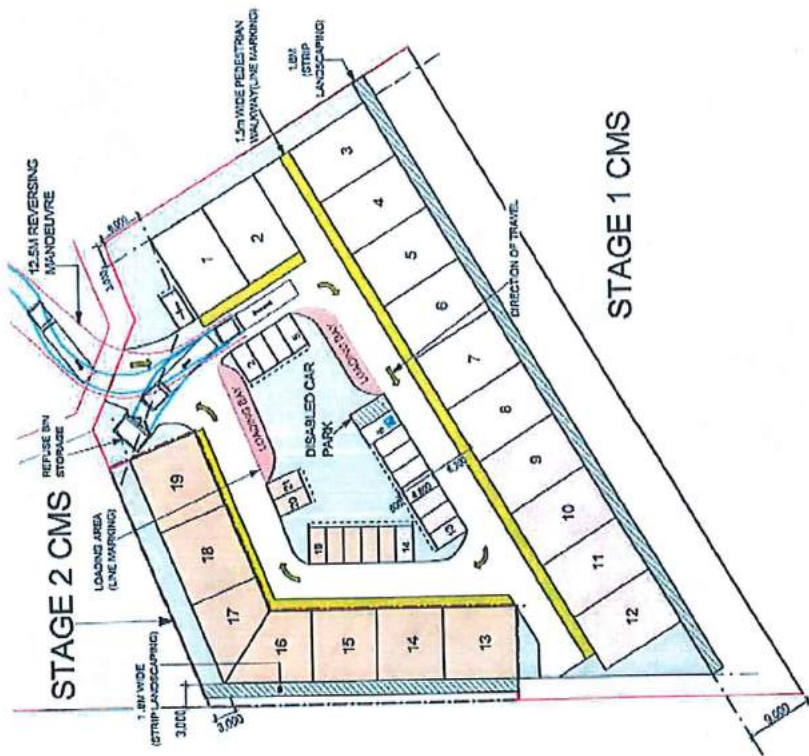


CRAIGLIE ENTERPRISE CENTRE. LOT 8, PIONEER CLOSE PORT DOUGLAS. PROJECT NO. 09-0317	CONSULTING ENGINEERS & BUILDING DESIGNERS	SHEET SK 2 REVISION E	6.3 & 7.1m TURNING CIRCLES 90deg

43.2017.1877
16/29 (D#810426)

DECISION NOTICE DETAILS

PRELIMINARY DRAWING ONLY
NOT FOR CONSTRUCTION



① 12.5m TURNING CIRCLE 1:500

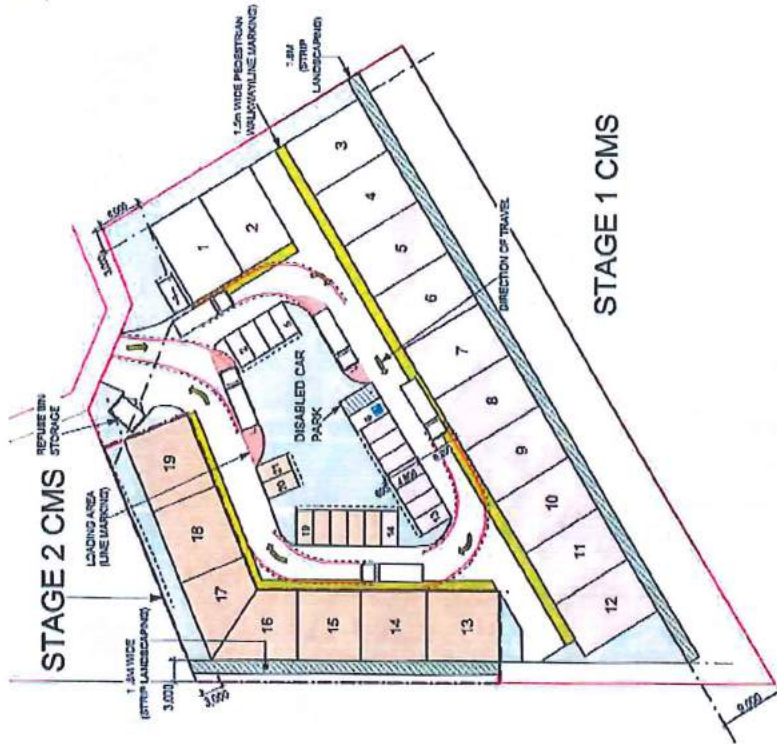
CRAIGLIE ENTERPRISE CENTRE.
LOT 8, PIONEER CLOSE
PORT DOUGLAS.
PROJECT No. 284-7087

**CONSULTING ENGINEERS
& BUILDING DESIGNERS**

SHEET	SK 3
REVISION	E

12.5m TURNING CIRCLE

PRELIMINARY DRAWING ONLY
NOT FOR CONSTRUCTION

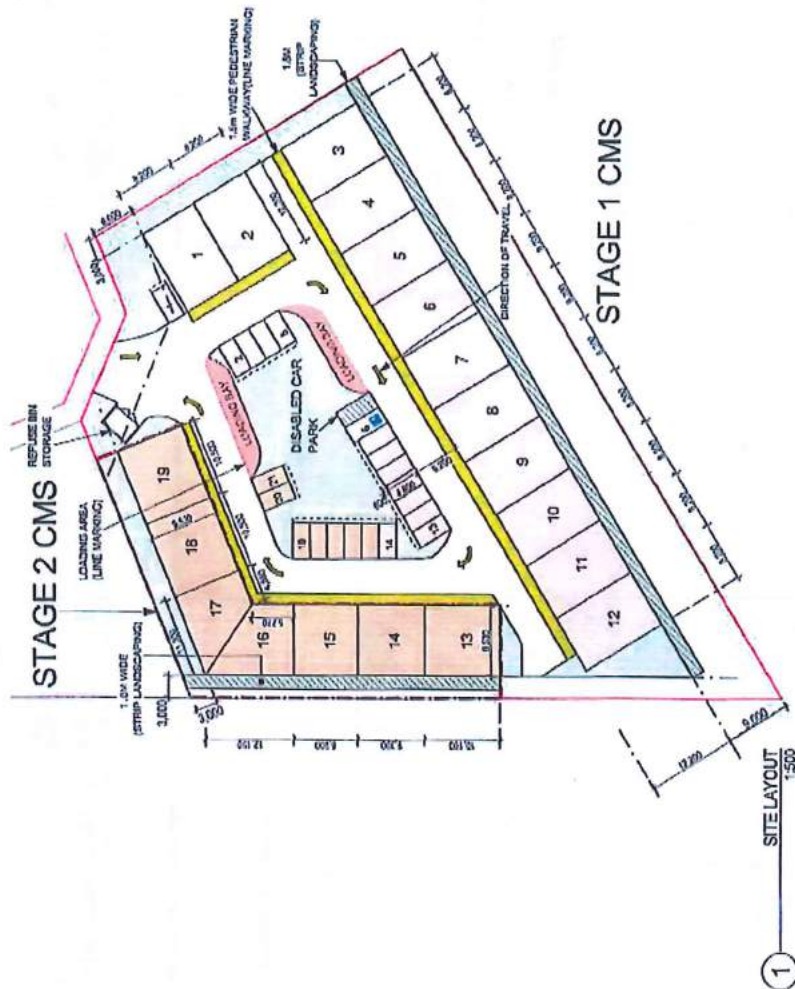


1 8.8m LOADING BAYS
1:500

CRAIGLIE ENTERPRISE CENTRE. LOT 8, PIONEER CLOSE PORT COCKLE PROJECT No. 09-2007	CONSULTING ENGINEERS & BUILDING DESIGNERS PORT COCKLE PROJECT No. 09-2007	SHEET SK 4 REVISION E



PRELIMINARY DRAWING ONLY
NOT FOR CONSTRUCTION

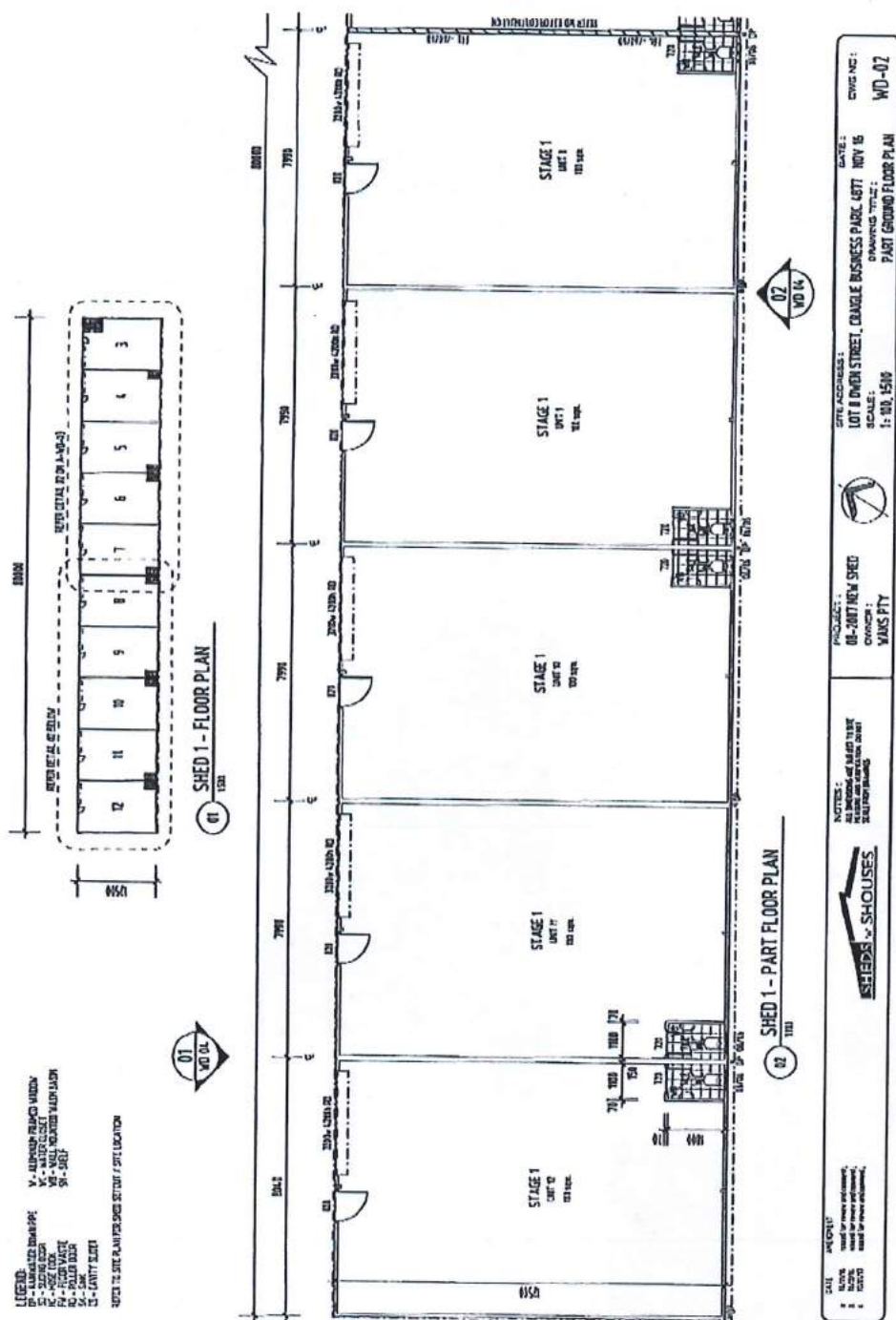


CRAIGLIE ENTERPRISE CENTRE. LOT 8, PIONEER CLOSE PROJECT No. 03-2007	CONSULTING ENGINEERS & BUILDING DESIGNERS	PROJECT NO. 03-2007 LOT 8, PIONEER CLOSE A PROJECT OF THE CRAIGLIE ENTERPRISE CENTRE	SHEET SK 6 REVISION E

DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009

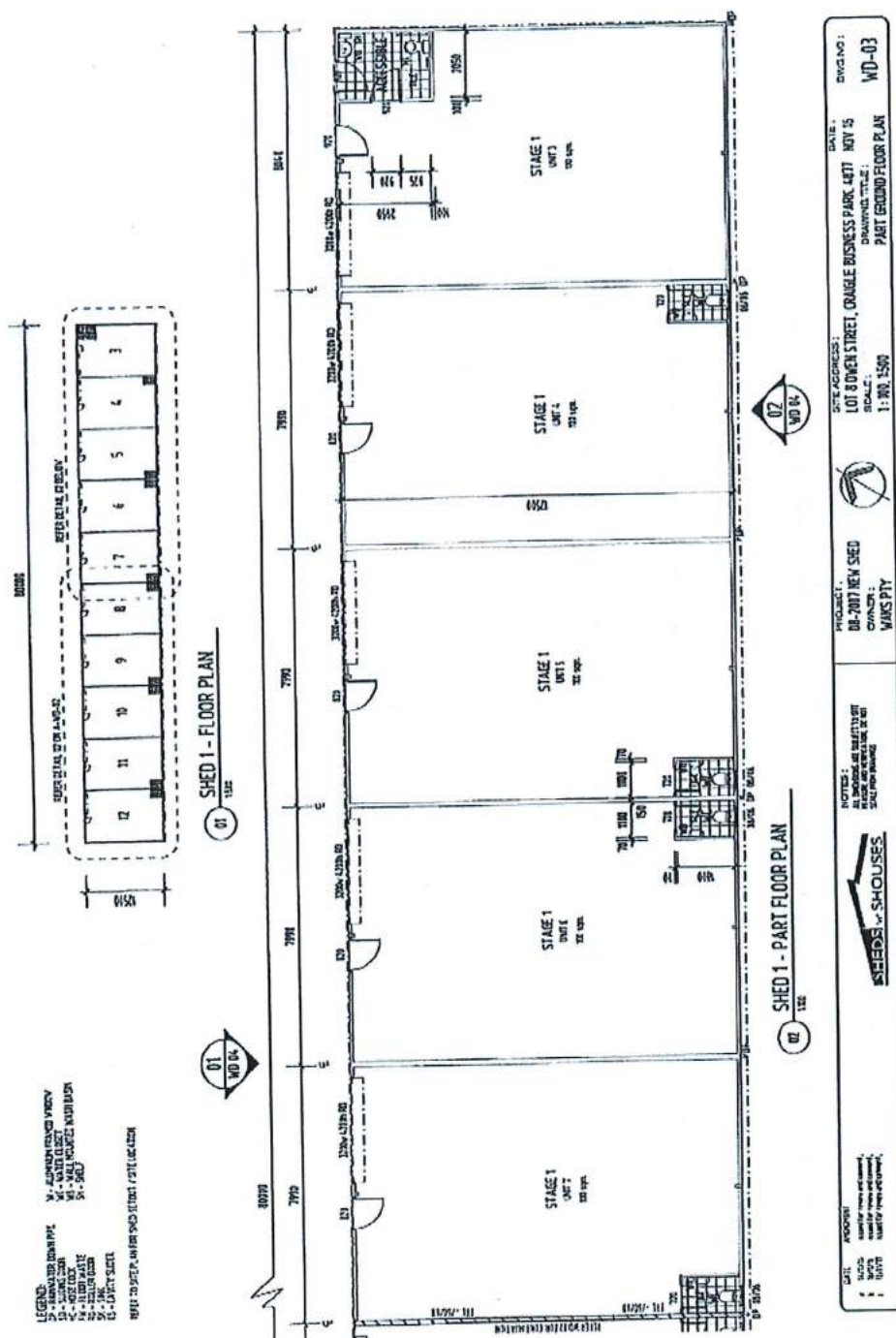


DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



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22/29 (D#810426)

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



DECISION NOTICE DETAILS

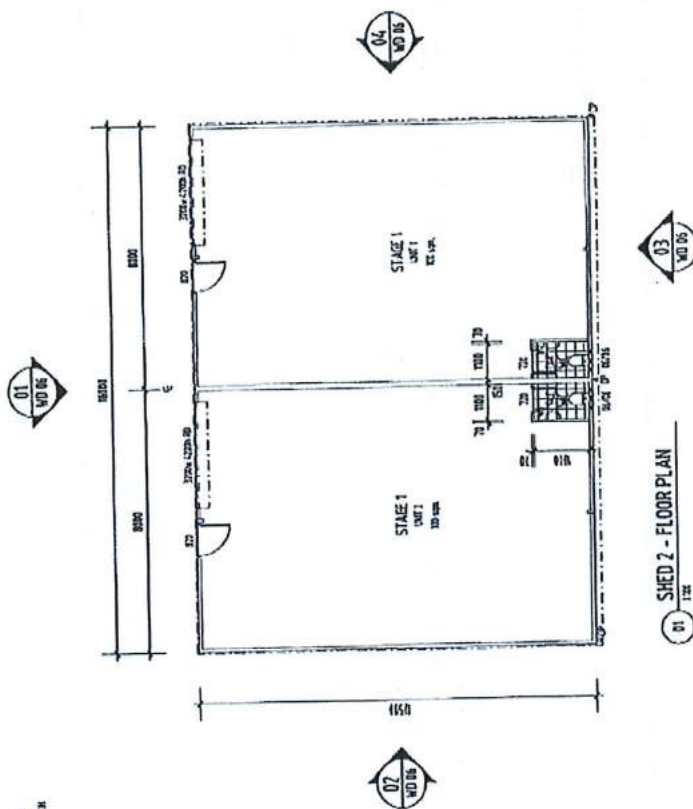


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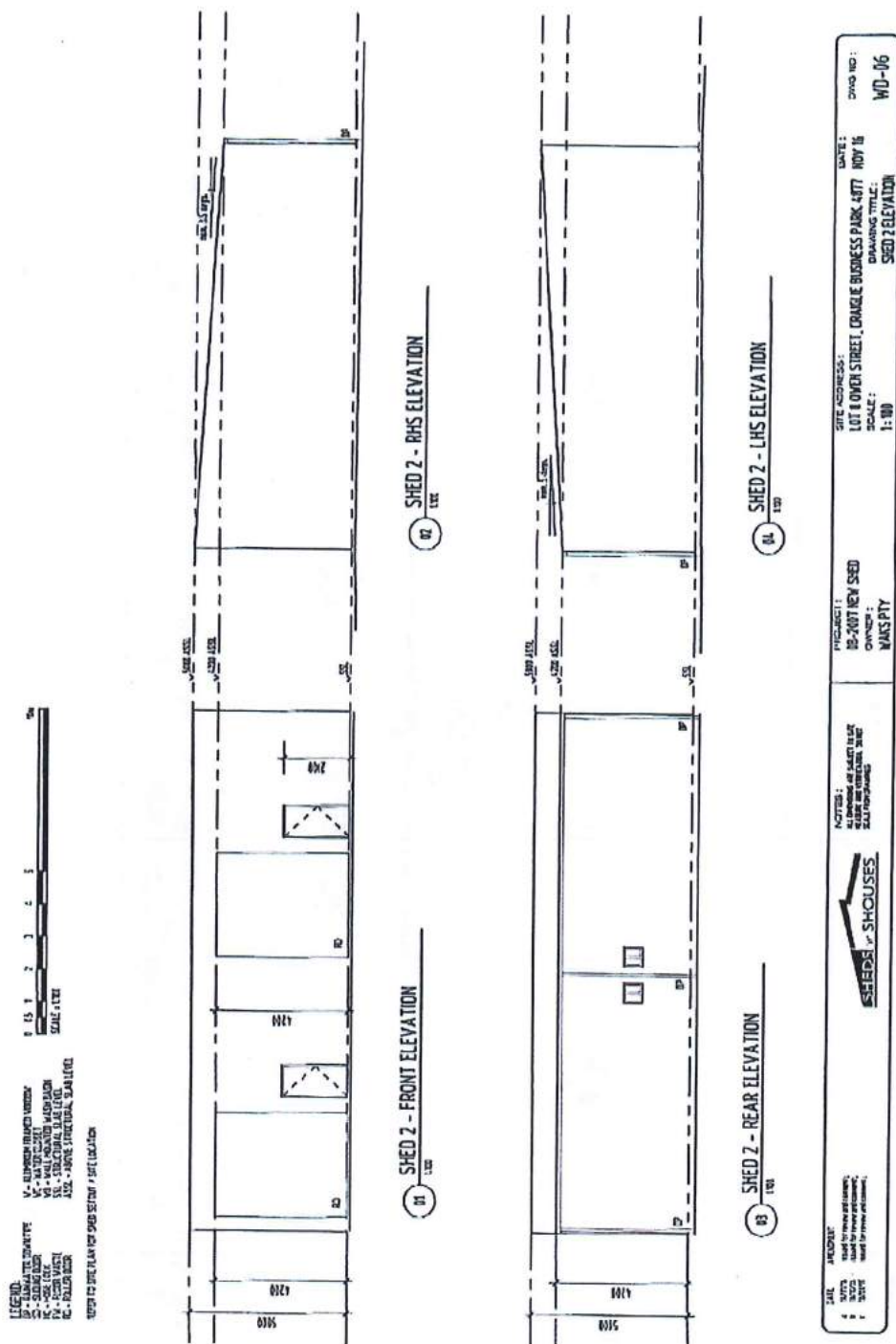
NEW YORK 125 / WELLS FARGO SECURITIES INC. 2005-01-01



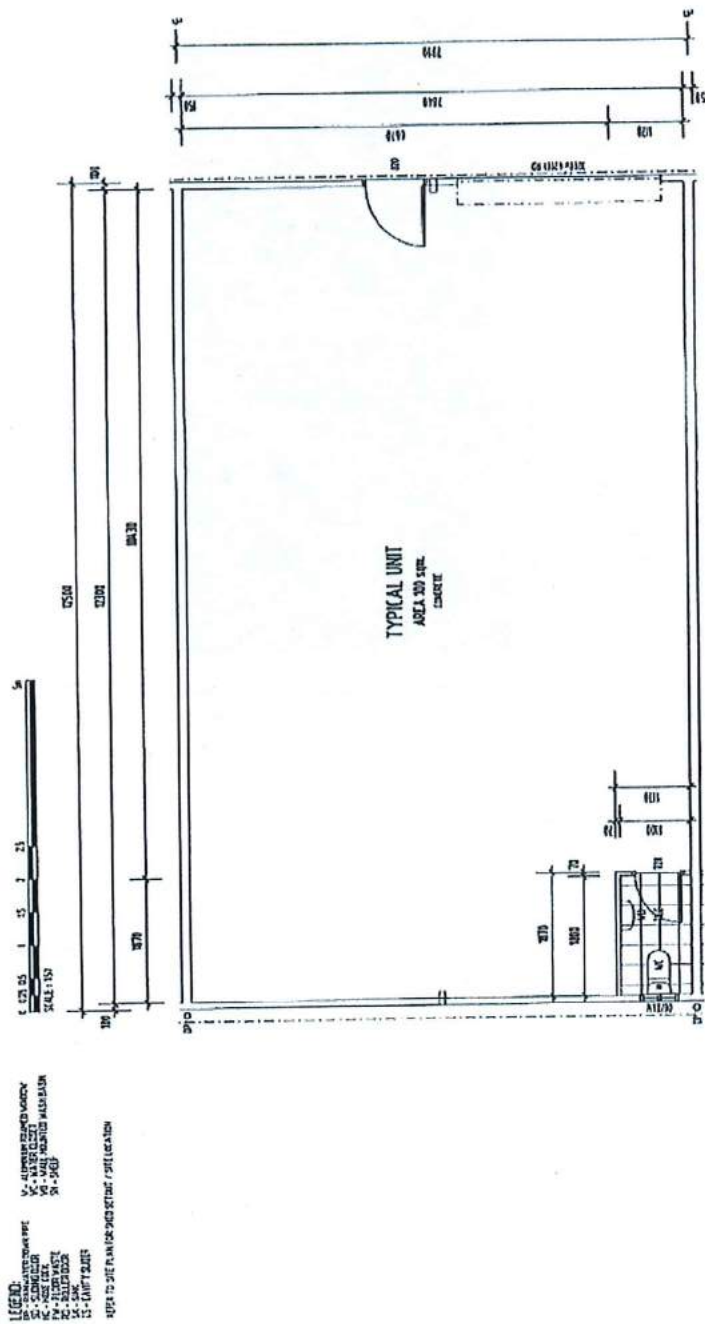
SHED 2 - FLOOR PLAN

SHEETS & SHOUSES 	NOTES: 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	PROJECT: 08-2007 NEW USED DRAWING TITLE: LOT 8 OPEN STREET, CRANBLE BUSINESS PARK, 4877 SCALE: 1" = 100' SHEET NO: WD-05 DATE: 11/10/07
		SITE ADDRESS: 4877 SHEET NO: 1 OF 1 DRAWING TITLE: LOT 8 OPEN STREET, CRANBLE BUSINESS PARK, 4877 SCALE: 1" = 100' SHEET NO: WD-05 DATE: 11/10/07

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



DECISION NOTICE DETAILS



DATE	10/20/2007	INVOICE #	08-2007 NEW SHED	SITE ADDRESS	LOT 8 OWEN STREET, CRANLE BUSINESS PARK, 4577	DATE	NOV 15
DESCRIPTION	10' X 12' X 8' SHED	QUANTITY	1	CHARTING TITLE		DWG NO.	WD-07
REMARKS	10' X 12' X 8' SHED	UNIT PRICE	150.00	CHARTING TITLE	TYPICAL UNIT PLAN		
TOTAL	150.00	TOTAL	150.00				

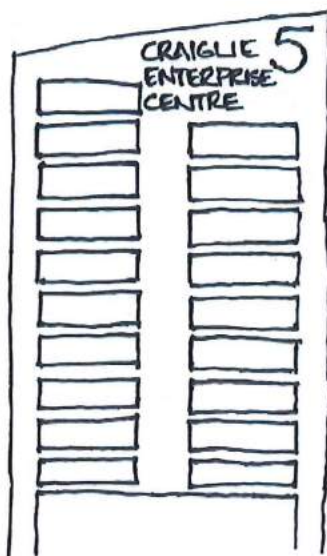
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Response to Information Request
27 February 2017

Response:

The Applicant acknowledges the need for appropriate tenancy signage to be provided for the proposed development.

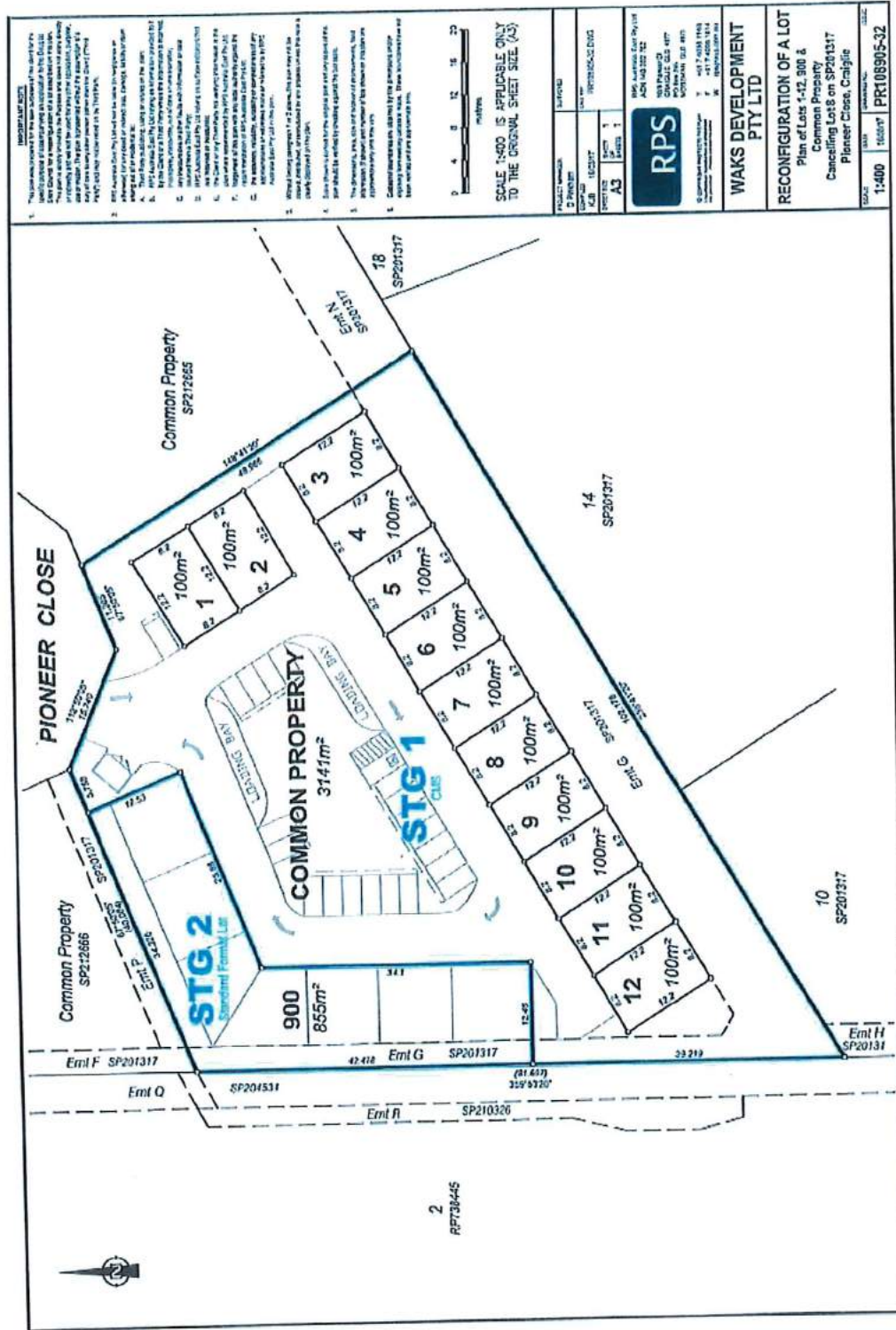
Detailed plans for the signage will be sought in conjunction with commencement of construction on the site. However, at this preliminary stage, the Applicant confirms its intention to provide signage similar to that provided for 7 Pioneer Close (photograph below), which is of a similar height, and colour, to the buildings on that site. Similar finish (ie, similar height and colour to buildings on this site) is proposed, with the sign to be wider and accommodate 2 rows of tenancy signs. A very preliminary sketch of the potential signage, incorporating the street number, and the complex name, "Craiglie Enterprise Centre", is below for reference.



Please note the final dimensions (width in particular) for the sign will be confirmed with the sign designer / installer. At this stage, noting the maximum height of sheds is 5.1m, the height of the sign will be limited to this, although the width may be altered to ensure the sign area available for each tenancy is at least 30cm in height, and potentially 1m or so in width.

The tenancy sign will be provided at the entrance to the site, near Parking Space No 1.

DECISION NOTICE DETAILS



Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a levied charge.
- (2) The local government may give the applicant a new infrastructure charges notice to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or

- (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

Division 8

Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (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 the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.

- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be 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.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).