

Our ref: AU012975

135 Abbott Street
Cairns QLD 4870
T +61 7 4031 1336

Date: 05 February 2024

Chief Executive Officer
Douglas Shire Council
PO Box 357
MOSSMAN QLD 4873
Attention: Jenny Elphinstone

Dear Jenny,

EXTENSION APPLICATION TO EXTEND THE CURRENCY OF THE RECONFIGURING A LOT COMPONENT OF DEVELOPMENT APPROVAL FOR INDUSTRIAL DEVELOPMENT ON LAND SITUATED AT BEOR STREET, CRAIGLIE, DESCRIBED AS LOT 100 ON SP248126

RPS AAP Consulting Pty Ltd confirms that we act on behalf of IPDG (S2) Pty Ltd, the owner of the land and Applicant, in respect of the industrial development permitted on land described as Lot 100 on SP248126, Beor Street, Craiglie (refer to Development Approval in **Attachment A**) and the subject Extension Application (refer to the completed Extension Application Form in **Attachment B**) to extend the currency of the Reconfiguring a Lot component of the Development Approval pursuant to Section 86 of the Planning Act.

To facilitate payment of the Council Fee, understood to be a fee of \$3,202.50 (based on the balance 17 lot development), please forward a Council invoice for the amount to owen.caddick-king@rpsgroup.com.au

Pursuant to the provisions of the Planning Act, the Douglas Shire Council is the Assessment Manager of the Extension Application and no referral of the Extension Application to Concurrence Agencies is required.

An extension to the currency of the Development Approval was granted by Council on 13 March 2018 and the Development Approval is current until 22 February 2024, including currency extensions granted by Planning Ministers in response to the Covid Pandemic (refer to Currency Period for Development Approval in **Attachment A**).

To facilitate the development, substantial infrastructure works are required, and the coronavirus pandemic has caused significant uncertainty and delay to undertaking such works that require a significant financial commitment. However, the demand for industrial land in the Port Douglas locality is considered evident which should provide the confidence to progress the development of the land and seeking an extension to the currency of the Reconfiguring a Lot component of the Development Approval is the first step towards the development of the land.

The Development Approval includes a Material Change of Use component and a Reconfiguring a Lot component and the Extension of Currency is only sought for the Reconfiguring a Lot component.

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Given the Planning Act allocates a currency period of 4 years for a Reconfiguring a Lot Development Approval, it is requested that the currency period granted in response to the Extension Application be a currency period of 4 years.

The Development Approval was assessed and determined under a Superseded Planning Scheme and a brief review of the current Planning Scheme's Strategic Framework Map, Local Plan Map and Zoning Map confirms that the approved development is no longer included in the Rural Zone and the land is now included in the current Planning Scheme's;

- The Strategic Framework Industry Area;
- The Port Douglas/Craiglie Local Plan Precincts, Precinct 3 – Craiglie Commercial and Light Industry; and
- The Planning Scheme Zone Map Industry Zone.

A brief review of the Planning Scheme's Industry Zone Code and the Port Douglas/Craiglie Local Plan Precincts, Precinct 3 – Craiglie Commercial and Light Industry Precinct provisions indicate that the approved reconfiguration development is consistent with Council's current Planning Scheme and that there is no need to seek an extension of currency for the Material Change of Use component of the Approval.

Given that the current Planning Scheme is expected to have a life of 10+ years, the Development Approval's level of consistency with Council's current Planning Scheme supports the granting of an extended currency for a period of 4 years, as per the subject request.

It is anticipated that the details provided in support of the Extension Application are adequate for your requirements. However, should you seek to discuss any aspect of the Extension Application and/or seek any further information to support the Application, do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely,
for RPS AAP Consulting Pty Ltd



Owen Caddick-King

Principal - Planning

owen.caddick-king@rpsgroup.com.au

+61 7 42761027

enc:

Attachment A: Development Approval

Attachment B: Completed Extension Application Form

13 March 2018

Enquiries: Jenny Elphinstone
Our Ref: CA 2876/2008 (Doc ID 844696)
Your Ref: J000631:IPDG:KLG

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

IPDG (37/38) Pty Ltd and IPDG (S2) Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention Ms Kristy Gilvear

Dear Madam

**APPLICATION FOR EXTENSION OF RELEVANT PERIOD FOR RECONFIGURING
A LOT (1 LOT INTO 19 LOTS) AND PRELIMINARY APPROVAL FOR A MATERIAL
CHANGE OF USE FOR SERVICE INDUSTRY
AT 43, 45 AND 100L BEOR STREET CRAIGLIE
ON LAND DESCRIBED AS LOTS 37, 38 AND 100 ON SP248126**

Thank you for lodging the above application with Council on 7 February 2018.

Please find attached the Decision Notice.

Please quote Council's application number: CA 2876/2008 (41.2008.2876.1) in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully


PAUL HOYE
Manager Sustainable Communities

cc. SARA Cairns: Department of State Development, Manufacturing, Infrastructure and Planning,
CairnsSARA@dilgp.qld.gov.au

encl.

- Decision Notice

DECISION NOTICE — APPROVAL
(GIVEN UNDER SECTION 87 OF *THE PLANNING ACT 2016*)

Thank you for your development application detailed below which was properly made on 7 February 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. *Applicant's details*

Name: IPDG (37/38) Pty Ltd and IPDG (S2) Pty Ltd

Postal Address: C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

2. *Location details*

Street Address: 43, 45 and 100L Beor Street , Craiglie.

Real Property Description: Lots: 37, 38 and 100 on SP248126.

Local Government Area: Douglas Shire Council.

3. *Details of proposed development*

Extension application for the combined development approvals for Reconfiguring a Lot (1 Lot into 19 Lots) and a Preliminary Approval for a material change of use for the Special Management Area 3 (Service Industry Craiglie) over land described as Lot 37, 38, 100 on SP248126, located at 43, 45 and 100L Beor Street Craiglie, up to and including 15 February 2022.

Date of decision: 13 March 2018.

Decision details: Approved.

4. *Approved Development*

A copy of the approved development is included in Schedule 1.

5. Further development permits

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

- All Building Work; and
- All Operational Work.

Please be advised that approvals are also required for work under the *Plumbing and Drainage Act 2002*.

6. Properly made submissions

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

7. Referral Agencies

A copy of the Decision is issued to the Referral Agency the Department of State Development, Manufacturing, Infrastructure and Planning, for the Department of Transport and Main Roads.

8. Currency period for the approval

This development approval has a currency period up to and including the 22 February 2022.

9. Rights of appeal

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

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

SCHEDULE 1 – CURRENT APPROVAL



PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

31 October 2017

Enquiries: Jenny Elphinstone
Phone: (07) 4099 9462
DSC Reference: CA 2876/2008 (D#832401)
Your Ref: J000085 Waks

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

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention Ms Kristy Gilvear

Dear Madam

**CORRECTED DECISION NOTICES
REQUEST TO CHANGE THE APPROVAL
REQUEST TO EXTEND RELEVANT PERIOD
AT 43, 45 AND 100L BEOR STREET CRAIGLIE
LAND DESCRIBED AS LOTS 37, 38 AND 100 ON SP248126**

Reference is made to the Development Approval for a combined development for:

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

The approval was originally issued by the former Douglas Shire Council on 13 August 2007.

A request to change the approval was approved by Council at its Ordinary Meeting held on 5 May 2015 and a request to extend the reconfiguration of a lot component was approved by Council at its Ordinary Meeting held on the 8 September 2015. The Decision Notices that were issued on 8 May 2015 and 11 September 2015 incorrectly referred to the originating approval as CA 61 instead of CA69 and the incorrect original approval was attached to the issued Notices. The enclosed Corrected Decision Notices amend the clerical errors and replace the Decision Notices issued on 8 May 2015 and the 11 September 2015.

For clarification please note the reconfiguration of a lot component is valid up to and including 25 August 2019. The preliminary approval component was originally valid up to 13 August 2017. However, as two subsequent and related approvals were issued to the land the Preliminary Approval is now valid up to and including the 15 February 2018.

1 / 60 (D# 832401)
CA 2876/2008

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

Yours faithfully

TRACEY CROUCH
A/Manager Sustainable Communities

cc. CairnsSARA@dilgp.qld.gov.au

encl.

- Corrected Decision Notice request to change (ROL componenet)
- Corrected Decision Notice request to extend (ROL component)

2 / 60 (D# 832401)
CA 2676/2008

**DOUGLAS SHIRE COUNCIL
CORRECTED DECISION NOTICE — COMBINED APPROVAL
REQUEST TO CHANGE
(GIVEN UNDER SECTION 83 OF *THE PLANNING ACT 2016*)**

Douglas Shire Council assessed your application and decided it as follows:

1. Applicant's details

Name: WAKS Developments Pty Ltd
Postal Address: C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

2. Location details

Street Address: 43, 45 and 100L Beor Street, Craiglie
Real Property Description: Lots 37, 38 and 100 on SP248126

Local Government Area: Douglas Shire Council

3. Details of proposed development

Request to change the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

4. Decision

Date of decision: 5 May 2017
This Decision Notice issued 31 October 2017 replaces the
Decision Notice dated 8 May 2015.

Decision details:

1. Condition 20 is amended as follows:

20. Plan of Development

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
Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park	RPS Drawing No. PR108905-17	31 July 2014

DOUGLAS SHIRE COUNCIL
CORRECTED DECISION NOTICE — COMBINED APPROVAL
REQUEST TO CHANGE
(GIVEN UNDER SECTION 83 OF THE PLANNING ACT 2016)

Douglas Shire Council assessed your application and decided it as follows:

1. Applicant's details

Name: WAKS Developments Pty Ltd
Postal Address: C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

2. Location details

Street Address: 43, 45 and 100L Beor Street, Craiglie
Real Property Description: Lots 37, 38 and 100 on SP248126

Local Government Area: Douglas Shire Council

3. Details of proposed development

Request to change the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

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<u>Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park</u>	<u>RPS Drawing No. PR108905-17</u>	<u>31 July 2014</u>

3 / 60 (D# 832401)
CA 2876/2008

2. A new condition, 29A, is inserted after Condition 29 as follows:

29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

3. A new Condition 33A is inserted after Condition 33 as follows:

33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.

4. Condition 38 is amended as follows:

38. ~~Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m² to the Paws and 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 in the plan of development.~~

Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complimented with a financial deed of gift of \$200,000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

5. Original Approval

A copy of the original approval (CA 69 issued by the former Douglas Shire Council on 13 August 2007) is included in Schedule 1.

6. Concurrence Agency

The State Department of Infrastructure and Planning (former concurrence agency Department of Main Roads). Refer to Schedule 3.

7. Further development permits

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

- All Building Work
- All Operational Work

Plumbing approvals are also required for all plumbing work.

8. Properly made submissions

There were no properly made submissions for this application.

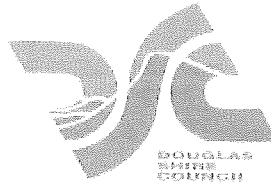
9. Rights of appeal

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

A copy of the relevant appeal provisions are included in Schedule 4.

END DECISION NOTICE

SCHEDULE 1 – ORIGINAL APPROVAL



TO: Mr. & Mrs. Waks
FROM: Mrs. Natalie Clark - Planning Officer

Planning Services Section - ☎ (08) 4629 9455
planning@dcsh.qld.gov.au



1.5 m

Hanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

14 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 : Beon Street, Craiglie
Property Description : Lot 33 on SR 724, Parish of Salisbury, County of Solander
L Decision: **Decision Date:** 7 August 2007

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

Approved subject to Conditions

ADMINISTRATION CENTRE PHONE 131 420 0441 FACSIMILE 131 420 0442
JAIL OPERATIONS UNIT INTERNET www.douglas.qld.gov.au
C/O 600/STREET 10 CAIRNS
EQUINE & HORSE MANAGEMENT FACILITY 100/STREET 10 CAIRNS
ALL CORRESPONDENCE TO BE ADDRESSED TO:
DCS, C/O 600/STREET 10 CAIRNS
PO BOX 5820
CAIRNS QLD 4870

6 / 60 (D# 832401)
CA 2876/2008

2. Type of Development Approval:

Material Change of Use	Development Permit
Reconfiguration of a Lot	Development Permit
Material Change of Use	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 Plans 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 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 (unannexed proposed cul-de-sac) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer/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.

Car parking

11. A car parking 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 (wheeled) 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 plans of reconfiguration.

Title	Plan No.	Date
Proposed Plan (Stage 2)	8794-10	23/9/06

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, envelope 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 "ENQROO" 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 Boat Street.
24. The developer shall be required to provide a 200mm diameter water service to the boundary of each lot to be created, together with the lodgments 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 "ENQRDC 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 AP1 "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "ENQRDC Development Manual". Currency Period
31. The development authorised by this Development Permit must cease at the expiration of ten (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 28 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 "ENQRDC Development Manual" for Industrial Access Roads.
- i. Unimproved Roads
- Kerb and channeling 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 "ENQRDC Development Manual" for Industrial Collector Roads.
- i. Heavy Street
- Kerb and channeling 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 TSO 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 \$280,000 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, as 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, silt, 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 of 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 conditions of this development approval.

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

SCHEDULE II – SELF MONITORING

111. 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
112. The complaints recorded required by condition 111 shall be maintained for a period of not less than 5 years.
113. 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, or their operator on site must notify the administering authority of the release by telephone or facsimile
114. The notification of emergencies or incidents as required by condition 113 must include but not limited to the following:
- The name of the holder of this development approval
 - The location of the emergency or 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

11. 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.
12. 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

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CA 2876/2008

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

11. 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

Advise

- Water connection and electricity transformer cabinets 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

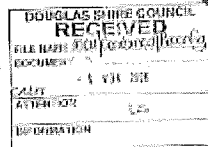
Development Permit
Development Permit



Paul Frutman
General Manager - Development & Environment

Appendix A – Consultence Agency Response

2 December 2004
 G/L T. M. M. M.
 Chief Executive Officer
 Douglas Shire Council
 PO Box 133
 Mosman QLD 4081



Queensland
 Government

Department of Main Roads

Dear Mr. M. M. M.

Douglas Shire Capital Creek Highway (Capital Creek Main Road)
 Straddling to River Street, Douglas
 Lot 30 on SR 124, Parish of Salisbury
 Waka Pty Ltd
 Proposed Material Change of Use (Service Industry Zone & Proposed Lot 37 - Intensive Animal Husbandry & Caretaker's Residence) & Reconfiguration of Lot 13 A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
 Application
 Modification of Changed Conditions of Development (DMR as Consultence Agency)

- Reference:
- the above application received at the Department 21 October 2004 regarding consideration of the above development;
 - the Department's letter of condition of development dated 21 October 2004; and
 - written representation from the applicant's conditionally received at the Department 2 November 2004, identifying reference to a proposed adjoining park in condition 1 and requesting an amended condition of the condition.

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

In accordance with section 15.13 of the *Landmark Planning Act 1997*, the Queensland Department of Main Roads, as a Consultence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following amended conditions of development for the subject application:

A. AMENDED CONDITIONS OF DEVELOPMENT

1. Proposed Road Access Location

- (a) Access between the State-controlled road (i.e. Capital Creek Highway) and the subject land shall be via River Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed along the boundary between the proposed Lot 28, 29, 30, 31, 32 and 33 and the boundary between the proposed Lot 28 and 29 and the proposed Lot 34 (park) to prevent unauthorised traffic access.

State Government Region
 Planning Branch
 PO Box 133
 Mosman QLD 4081
 21 OCT 2004 1:25 PM

Doc ID: 844696
 File No: CA 2876/2008
 Response ID: 844696
 Response ID: 844696

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 CA 2876/2008

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

L. Development Staging

The landowner/ applicant shall not lodge a plan of survey showing the first substantial allotment in "Craigie Burness Park Stage 2" to Council for signing and lodging until after the conditional Captain Cook Highway/ Beach Street Intersection works attached to Council's major road decision notice CA 64 dated 14 September 2008 for "Craigie Burness Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

M. Advertising

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

Reason

The reason 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 River Planning Scheme.

N. GENERAL DISCUSSION

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

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.

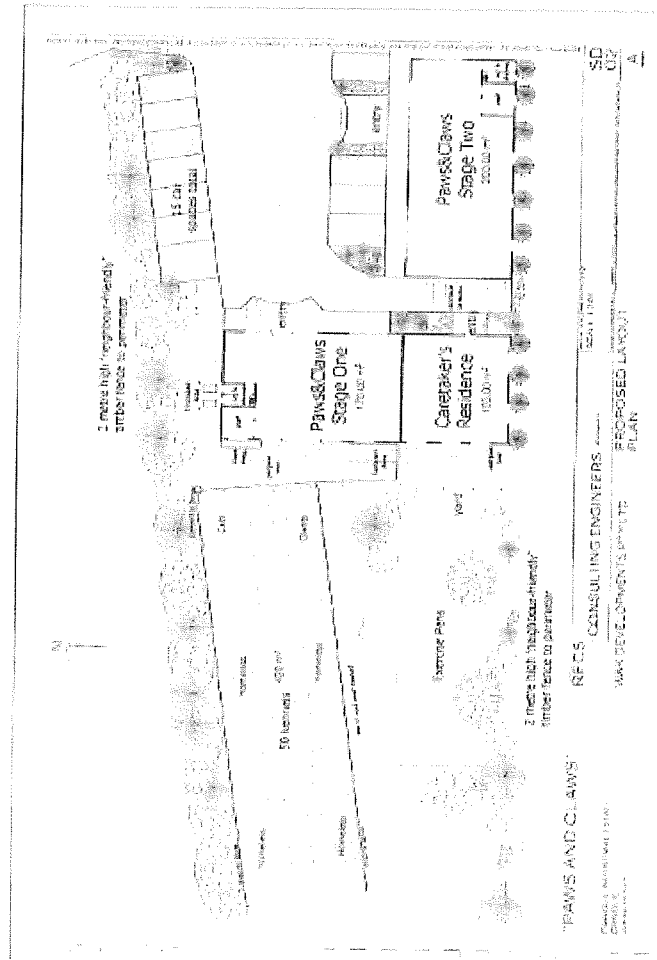
Yours sincerely,



David Hales
MANAGER (TRANSPORT PLANNING) COUNCIL

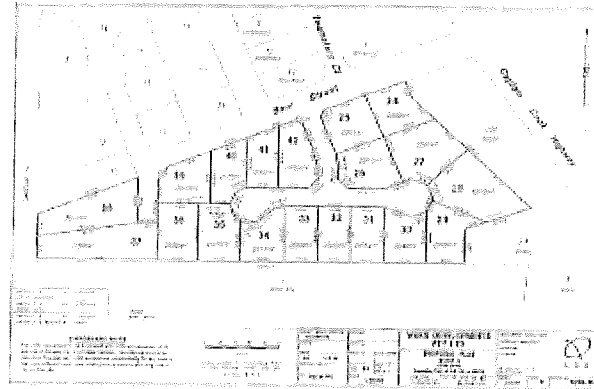
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CA 2876/2008

Plan of Reconfiguration



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CA 2876/2008

PRELIMINARY ONLY

Teamsters Ct

Owen Street

Beer Street

Captain Cook Highway

100m

0 100m

PRELIMINARY ONLY

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SCHEDULE 3 REFERRAL AGENCY ADVICE



Great Hall 31 of
State Development,
Infrastructure and Planning

Our reference: SPD-0814-010267
Your reference:

Date: 21 August 2014

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

Dear Ms Cardew

Notice about request for permissible change—relevant entity

43 Bear - Craigie, Douglas Shire - QLD; 45 Bear - Craigie, Douglas Shire - QLD,
(given under section 37(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 37(1) of the *Sustainable Planning Act 2009* on 11 August 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 368 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- That Condition 20 of the Negotiated Decision Notice, issued 13 August 2007 changes the referencing with respect to Plan No. 9294-10 dated 21/09/06 to Plan No. FR109905-17 dated 31/07/2014
- In summary effectively: (a) altering access to lots 37 and 38; (b) modifying internal access for the balance of lots within Stage 2 to comply with FNQROC Development Manual

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

Page 1

Fair North Queensland Regional
Office Ground Floor, Cairns Port
Authority PO Box 2558
Cairns QLD 4870

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If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email angela.foster@dsdip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Waks Developments Pty Ltd
10 Krazy Goves, Giverny Planning
krazy@givernyplanning.com.au

SCHEDULE 4 APPEAL RIGHTS

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter, and

Current as at 3 July 2017

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Authorised by the Parliamentary Counsel

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CA 2876/2008

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

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

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Authorised by the Parliamentary Counsel

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1997* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

**DOUGLAS SHIRE COUNCIL
CORRECTED DECISION NOTICE — COMBINED APPROVAL
REQUEST TO EXTEND
(GIVEN UNDER SECTION 87 OF THE PLANNING ACT 2016)**

Douglas Shire Council assessed your application and decided it as follows:

10. Applicant's details

Name: WAKS Developments Pty Ltd
Postal Address: C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

11. Location details

Street Address: 43, 45 and 100L Beor Street, Craiglie
Real Property Description: Lots 37, 38 and 100 on SP248126
Local Government Area: Douglas Shire Council

12. Details of proposed development

Request to extend the relevant period for five years for the Reconfiguring of a Lot component of the combined approval for

- a Preliminary Approval for a Material Change of Use to permit uses consistent with industry (Service Industry),
- a Reconfiguration of a Lot (1 into 19 lots); and
- a Material Change of Use for the purpose of Animal Husbandry (Kennel/Cattery) and Caretaker's residence.

13. Decision

Date of decision: 8 September 2015
This Decision Notice issued 31 October 2017 replaces the Decision Notice dated 11 September 2015.

Decision details: Council has extended the relevant period and this Development Permit is now valid up to and including 25 August 2019. All other conditions of the Development Permit (attached) issued on 6 May 2015 remain unchanged.

14. Existing Approval

A copy of the existing approval (CA 69 issued by the former Douglas Shire Council on 13 August 2007 and amended by Douglas Shire Council on 5 May 2015) is included in Schedule 1.

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15. Concurrence Agency

The State Department of Infrastructure and Planning (former concurrence agency Department of Main Roads). Refer to Schedule 2.

16. Further development permits

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

- All Building Work
- All Operational Work

Plumbing approvals are also required for all plumbing work.

17. Properly made submissions

There were no properly made submissions for this application.

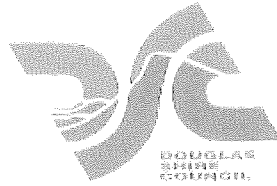
18. Rights of appeal

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

A copy of the relevant appeal provisions are included in Schedule 3.

END DECISION NOTICE

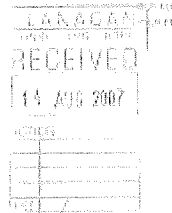
SCHEDULE 1 – EXISTING APPROVAL



Planning
Services Unit

Mrs Natalie Clark - Planning Officer
Planning Services Section - ☎ 081 969 9456
planning@ds.cgd.qld.gov.au

Hanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870



CA 69

13 August 2007

INTEGRATED PLANNING ACT DECISION NOTICE

DEVELOPMENT APPLICATION

Applicant's Name : Wicks Pty Ltd
Owner's Name : Wicks 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 : Bear Street, Craiglie
Property Description : Lot 81 on SR 724, Parish of Salisbury, County of Solander

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

This negotiated decision notice replaces the decision notice dated 18 May 2007. Condition 28 has been amended. All other conditions remain unchanged.

Approved subject to Conditions

ADMINISTRATION CENTRE PHONE (08) 4998 0661 FACSIMILE (08) 4998 1007 ALL COMMUNICATIONS TO BE
ALL DEPARTMENTS INTERNET www.douglas.qld.gov.au OR E-MAIL info@ds.cgd.qld.gov.au
C/O DEPT. STREET, DOUGLAS
PO BOX 99
DOUGLAS QLD 4860

33 / 60 (D# 832401)
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2. **Type of Development Approval:**

Material Change of Use	Development Permit
Reconfiguration of a Lot	Development Permit
Material Change of Use	Preliminary Approval

3. **Referral Agency:**

Department of Main Roads
Perkins District
PO Box 6185
CARRNS 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 (named proposed cul-de-sac) are to be placed underground. These works are to be undertaken by Fibres Energy at the developer/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 (wheeled) 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
Proposed Plan (Stage 1)	R294-10	23/9/06

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

Water Supply

21. The plan 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 water, envelope 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 Boat Street.
24. The developer shall be required to provide a 200mm 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 "ENOROC 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 AP1 "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "ENOROC 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 *Background 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 "ENOROC Development Manual" for Industrial Access Roads.

i. Unimproved 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 "ENOROC Development Manual" for Industrial Collector Roads.

c. Near 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.

14. 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

15. 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

16. 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

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

Contributions

18. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4.00ha² to the Taves & Claves 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 of 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, silt, 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 of 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.

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

SCHEDULE II – SELF-MONITORING

11. 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 complaint;
 - Name of person responsible for investigating complaint; and
 - Action taken as a result of the investigation of the complaint
12. The complaints recorded required by condition 11 shall be maintained for a period of not less than 5 years.
13. 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, or their operator on site must notify the administering authority of the release by telephone or facsimile.
14. The notification of emergencies or incidents as required by condition 13 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

11. 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 in that term in its common usage.
12. 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.

11 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 cabinets 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.

8. Further Development Approvals Required:

Operational Work
Building Permit

Development Permit
Development Permit



Paul Frutman
General Manager - Development & Environment

Appendix A – Concurrence Agency Response

3 December 2004
Mr T. Munksgaard
Chief Executive Officer
Dunlop Drive Centre
PO Box 100
Mossburn NSW 2561

DOUGLAS SHIRE COUNCIL
RECEIVED
FILE NAME: *municipalaffairs*
EXCISEMENT
+ 9 JUL 2018
ALG
ATTENTION
ES-06000000

**Queensland
Government**

Development of a Multiple-Choice Test

Dear Mr. Michelson:

Douglas Shire, Captain Cook Highway (Cairns, Queensland)
5910002, 16 Hilly Street, Cairns
Lot 83 on SH 734, Parish of Solihull
Waka Pty Ltd
Proposed Masterplan Change of Use (Service Industry, Commercial and Proposed Lot 25 - Intensive Animal Husbandry & Poultry Processing) & Reconfiguration of Lot 13 & 14 (Business & Town Road)
Applicant
Notification of Proposed Conditions of Development (DMR at Council's request)

I refer you

- the above appliance received at the Department 21 October 2005 regarding consideration of the above development;
- the Department's letter of condition of development dated 27 October 2005; and
- written representation from the applicant's consultants received at the Department 2 November 2005, providing reference to a proposed adjoining park in condition 1 and requesting no amended wording of the condition

The Department has reviewed the request and is able to report that the

In accordance with sections 1.5.1.3 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concessions 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 CONCLUSIONS AND DEVELOPMENT

1. Prevalent Small Animal Leishmaniasis

10. Accord between the State-controlled traffic Expressways Highway) and the subject road shall be via their direct entry to the intersection of Highway No. 60 and A. Vehicle traffic shall be concentrated along the secondary between the proposed Lane 28, 27 and 26 and Transverse Road and the secondary between the proposed Lane 26 and 24 and the proposed of 23 (km) to prevent alternative traffic accident.

Shant Gharapour, Regional
Engineering Manager
for the Middle East,
South Africa, Eastern Europe, India
and the Pacific Region

2007年12月28日
 星期五
 晴
 2007年12月29日
 星期六
 晴

44 / 60 (D# 832401)
CA 2876/2008

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

3. Development Staging

The landowner/applicant shall not lodge a plan of subdivision creating the first commercial allotment in "Craigie Business Park Stage 2" to Council for signing and sealing until after the conditional Captain Cook Highway/Beer Street intersection works attached to Council's sign and decision notice CA 61 dated 16 September 2004 for "Craigie Business Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

3. Advertising

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

Reason

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

- Department of Main Roads Access Policy;
- Department of Main Roads land use set 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.

Fair 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



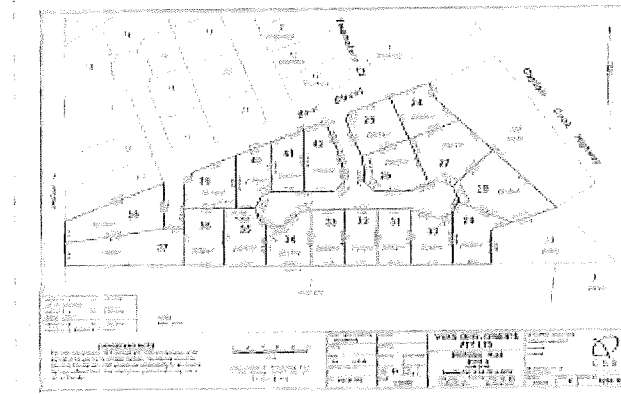
Michael Hether

MANAGER (TRANSPORT PLANNING) PETERBOROUGH

[illegible]

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Plan of Reconfiguration



49 / 60 (D# 832401)
CA 2876/2008

Council Amendments 5 May 2015

1. Condition 20 is amended as follows:

20. Plan of Development

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)	8284-10	21/9/06
<u>Reconfiguration of a Lot. Proposed Stage 2 Craiglie Business Park</u>	<u>RPS Drawing No. PR108905-17</u>	<u>31 July 2014</u>

2. A new condition, 29A, is inserted after Condition 29 as follows:

29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

3. A new Condition 33A is inserted after Condition 33 as follows:

33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.

4. Condition 38 is amended as follows:

38. ~~Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m² to the Paws and 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 in the plan of development.~~

Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complimented with a financial deed of gift of \$200 000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.



Department of
State Development,
Infrastructure and Planning

Our reference: SPD-0814-000287
Your reference:

Date: 21 August 2014

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

Dear Ms Cardew

Notice about request for permissible change—relevant entity

43 Beer - Craigie, Douglas Shire - QLD, 43 Beer - Craigie, Douglas Shire - QLD,
(Given under section 373(1) of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the Sustainable Planning Act 2009 on 11 August 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the Sustainable Planning Act 2009.

The department understands that the proposed changes are as follows:

- That Condition 20 of the Negotiated Decision Notice, issued 13 August 2007 change the referencing with respect to Plan No. 8284-10 dated 21/09/06 to Plan No. PR108995-17 dated 31/07/2014.
- In summary effectively: (a) altering access to lots 37 and 38; (b) modifying internal access for the balance of lots within Stage 2 to comply with FNRDC Development Manual.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

Page 1

Far North Queensland Regional
Office Ground Floor, Cairns Port
Authority PO Box 2358
Cairns QLD 4870

52 / 60 (D# 832401)
CA 2876/2008

If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email angela.foster@dodip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Waks Developments Pty Ltd
PO Kestry Great, Great, Planning
kesty@gdweapanning.com.au

SCHEDULE 3 REFERRAL AGENCY ADVICE



Department of Infrastructure,
Local Government and Planning

Our reference: SPO 0815-01900
Your reference: 839/126 (CRG Ref: CA69 (ESG Ref: May 2007))

13 August 2015

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873
enquiries@douglas.qld.gov.au

Dear Sir/Madam,

Notice about request to extend relevant period

Lot on plan	Street address
Lots 37, 38 and 100 on SP248126	43 Beer Street, Craigie, Douglas Shire Council, QLD

(Given under section 305 of the Sustainable Planning Act 2009)

The Department of Infrastructure, Local Government and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 2 August 2015 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is for a further 12 months until 25 August 2019.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

If you require any further information, please contact Sue Lockwood, Senior Planning Officer, on (07) 4637 3215, or via email sue.lockwood@dspp.qld.gov.au who will be pleased to assist.

Yours sincerely,

Brett Nancarrow
A Manager (Planning)

Page 1

Centre Point Authority
Griffin and Henty Street
PO Box 2358
Cairns QLD 4870
Telephone +61 7 4033 3200
Website www.dspp.qld.gov.au
ABN 25 166 523 688

54 / 60 (D# 832401)
CA 2876/2008

55 / 60 (D# 832401)
CA 2876/2008

SCHEDULE 3 APPEAL RIGHTS

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

Current as at 3 July 2017

Page 203

Authorised by the Parliamentary Counsel

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

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1997* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
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 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
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Chapter 6 Dispute resolution

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 - (i) who may appeal a matter (the *appellant*); and
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Current as at 3 July 2017

Page 203

Authorised by the Parliamentary Counsel

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 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
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Note—

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

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-
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- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
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decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

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- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Attachment B
Completed Extension Application Form

Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

Note: All terms used within this template have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	IPDG (S2) Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS AAP Consulting Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Contact number	(07) 4276 1027
Applicant's reference number(s) <i>(if applicable)</i>	AU012975

2) Owner's consent – Is written consent of the owner required for this extension application?	
Note: section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application	
<input checked="" type="checkbox"/> No – proceed to question 3	

PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.	
Douglas Shire Council	

PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit <input checked="" type="checkbox"/> Preliminary approval for MCU	CA 2876/2008 (41.2008.2876.1)	13 March 2018	Douglas Shire Council

5) Further details
5.1) Provide the currency period for this development approval.
22 February 2024 (including extensions of currency granted by Planning Ministers in response to Covid Pandemic)
5.2) Identify how long this application seeks to extend the currency period of this development approval. <i>Note: reasoning to support the proposed extension should also be provided</i>
4 years from 22 February 2024 – refer to RPS submission, dated 2 February 2024, for detail.

PART 4 – FOR OFFICE USE ONLY

Date received: Reference number(s):

The *Planning Act 2016*, the Planning Regulation 2017 and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.