

## 5.5. REQUEST FOR PERMISSIBLE CHANGE - FERRERO ROAD CRAIGLIE

<b>REPORT AUTHOR(S)</b>	Neil Beck - Planning Officer
<b>GENERAL MANAGER</b>	Nick Wellwood, General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Request for a Permissible Change - Public Utilities & Facilities & Reconfiguration of a Lot
<b>APPLICANT</b>	Scott Hahne C/- Douglas Shire Council
<b>LOCATION OF SITE</b>	Ferrero Road CRAIGLIE, 51R/ Crees Road Craiglie
<b>PROPERTY</b>	Lot 800 & Lot 801 on SP279536

### LOCALITY PLAN



Figure 5 - Locality Plan

<b>LOCALITY</b>	Rural Areas and Rural Settlements
<b>PLANNING AREA</b>	Rural
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCIES</b>	None Applicable
<b>NUMBER OF SUBMITTERS</b>	Not Applicable
<b>STATUTORY ASSESSMENT DEADLINE</b>	31/01/2017
<b>APPLICATION DATE</b>	06/12/2016

### RECOMMENDATION

That Council resolves to approve the request for a Permissible Change to the approval for a Material Change of Use for Public Utilities & Facilities (Water Reservoir & Associated Infrastructure) and Reconfiguration a Lot (1 Lot into 2 Lots) over land described as Lot 800 and Lot 801 on SP279536 located at Ferrero Road Craiglie whereby:

1. Condition A.2 be amended to read as follows:-

#### Timing of Effect

A.2 The conditions of the Development Permit for the reconfiguration of a lot component must be completed within 12 months of the Decision Date prior to the reservoir being commissioned.

2. Condition A.5 be deleted.
3. Condition B.9 be deleted.
4. Condition B.14 be amended to read as follows:-

#### Building Colours

B.14. The exterior finishes and colours of reservoir must be non-reflective and must blend with the natural colours of the surrounding environment to the extent possible without compromising the operation of the reservoir. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

5. Condition B.16 be deleted.
6. All other conditions of Amended Decision Notice dated 4 November 2015 remain unchanged.

## EXECUTIVE SUMMARY

On 8 September 2015 Council approved a Development Permit to reconfigure one lot into two and a material change of use for the development of a large water reservoir on the smaller of the two created lots. In November 2015, Council resolved to amend a condition of the Reconfiguration of a Lot which provided an alternative timing to undertake works external to the site. The amended condition provided the ability to excise the reservoir allotment from the parent parcel and facilitate the purchasing of the land by Council.

As the planning and construction phase of the reservoir progresses, the Project Manager has requested a change to a number of conditions relating to both the reconfiguration and material change of use components of the development approval. It is understood that the Project Manager presented the requested changes at a Council workshop prior to the Christmas break.

The requested changes are relatively minor and approval of the request is supported.

## TOWN PLANNING CONSIDERATIONS

### Background

At the Ordinary Meeting held on 8 September 2015 Council resolved to approve the Combined Application Material Change of Use (Code) For Public Utilities & Facilities (Water Reservoir & Associated Infrastructure) & Reconfiguring a Lot (1 into 2). The land over which the development is to occur is to the west of the Port Douglas township which is accessed via Ferrero Road and unconstructed road.

The application was prepared for Douglas Shire Council seeking a development permit to facilitate approvals and construction of a new 20 mega-litre water storage reservoir and associated infrastructure to deliver additional potable water supply for Port Douglas.

The combined application comprised two components: firstly, the reconfiguring of a lot over an existing cane farm to create a separate lot on which the new reservoir will be constructed; and secondly a material change of use for the development of the reservoir over part of the land. The development includes the provision of underground, infrastructure works in the road area associated with the new water main.

A condition of the development approval was amended in November 2015 to facilitate the excision of the reservoir allotment from the parent parcel. The land has subsequently been subdivided and the reservoir allotment being Lot 801 on SP279536 has been transferred to Council in freehold land tenure.

A copy of the Amended Decision Notice dated 4 November forms Attachment 1.

### Request for a permissible change to the approval

Section 374 of the *Sustainable Planning Act 2009* (SPA) states as follows:

***“374 Responsible entity to assess request***

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

In this instance Council is the responsible entity, there were no submissions lodged to the original application, there were no notices issued in respect to section 373 (referral agencies) and there were no pre-request response notices. Since the issue of the approval there has been no change to the planning instruments, plans, codes, laws or policies applying when the original application was made and the determined.

Section 371 SPA requires the owner's consent to accompany a request for a permissible change. An exemption to this requirement is available under section 371(e)(ii) where the request does not material affect the owner's land i.e the parent parcel of land. It is considered that the requested permissible change does not materially affect the owner's land and owner's consent is not required in this instance.

The Applicant's request is detailed followed by Officer Comment.

### **Applicant's Request: Condition A.5 (Reconfiguring a Lot)**

The condition currently reads as follows:-

#### *Drainage Study of Site*

- A.5. *Undertake a local drainage study on the required road works under condition A.4 above to determine drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the required road works must have no-worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage works to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the drainage study must be assessed by a qualified and independent person.*

The Project Manager has advised:

The condition indicates that a local drainage study on the required road works be provided. We consider the requirement for a drainage study to be an excessive requirement in this instance.

Condition A.5 refers to condition A.4 which in turn indicates that a Rural Road is to be constructed in accordance the FNQROC Development Manual.

The FNQROC Development Manual – Design Section D4 – Stormwater Drainage has quite clear definitions on the drainage requirements, in particular that “the upstream drainage is not adversely affected and the downstream drainage is capable of adequately catering for the discharge of the modified flow produced as a result of the development”.

The requirement for a local drainage study is not warranted as we shall be providing a RPEQ certified design that will ensure compliance with the FNQROC Manual. The road works constitute a simple change to the drainage patterns of the site and adequate details can be provided in the form of drawings rather than resorting to a drainage study.

#### **Officer Comment: Condition A.5**

It is agreed that intent of the condition can be addressed at the time of preparing detailed engineering design for the planned road works and the requirements of FNQROC Development Manual adequately addresses this issue. In the event there are concerns regarding drainage issues associated with the road works, further information can be requested as part of the Operational Works approval process.

The removal of Condition A.5 is therefore recommended.

#### **Applicant’s Request: Condition B.9 (Material Change of Use)**

The condition currently reads as follows:-

##### *Batter Treatment*

*B.9. The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.*

*Typical details of the various methods to be used to achieve this must be submitted to the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In instances where batters will exceed 1.8 metres in height, the Chief Executive Officer will require details to be submitted that include, but are not limited to, the following:*

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;*
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;*
- c. Methods to be used to minimise the visual impact; and*

d. *Elevations showing the visual impact when viewed from vantage points.*

*A geotechnical assessment by a qualified and experienced geotechnical consultant must also be endorsed by the Chief Executive Officer prior to the Commencement of Use. Prior to endorsement by the Chief Executive Officer the submissions must be assessed by a qualified and independent person.*

The Project Manager has advised:

Drawing T00039-CE001 revision C indicates batters exceeding 5 metres in height and this drawing was included in the original development application. The condition restricting the height of batters to be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters cannot be complied with.

The existing topography of the site, the floor height of the reservoir relative to the Mossman water treatment plant and the dimensions of the reservoir relative to the current site bench widths, make compliance with this condition impossible.

Consequently, we request the removal of this condition and note that:

- The specific means of support for batters in accordance with Drawing T00039-CE001 revision C. that is a slope of 1 vertical: 3 horizontal. Please refer to document #459362 for detailed geotechnical report;
- Drawing T00039-CE001 revision C provides the relevant plan and cross – section details;
- Methods to minimise the visual impact will be incorporated by condition B.12 landscaping plan;
- Drawing T00039-CG002 revision C already provides an artist's impression of the visual impact when viewed from the Cook Highway. This impact is expected to be lessened by the growth of tall native trees in the vicinity when fully detailed by condition B.12 Landscaping Plan;
- RPEQ certification by the reservoir designer indicating compliant geotechnical assessment of the structure will be forthcoming.

#### **Officer Comment: Condition B.9**

It is agreed that the condition as worded cannot be complied with due to site characteristics and the very nature of the works proposed. Therefore, the restriction on the height of batters must be removed.

In relation to screening the reservoir and geotechnical considerations, the comments from the Project Manager are concurred with as the requirements to screen the development form part of Condition B.12 and geotechnical considerations will be addressed as part of the RPEQ certification and Operational Works approval process.

The removal of Condition B.12 is therefore recommended.

### **Applicant's Request: Condition B.14 (Material Change of Use)**

The condition currently reads as follows:-

#### *Building Colours*

*B.14. The exterior finishes and colours of reservoir must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.*

The Project Manager has advised,

The condition indicates that exterior finishes must be of darker shades of green, grey, blue and brown.

This condition will have an adverse effect on the operation of the water reservoir. Darker colours will increase the temperature of water stored in the tank and increase micro-biological activity which in turn will have a detrimental effect on water quality and hence increased public health risks.

We note that condition B.12 Landscaping plan will reduce visual impacts by screening over time the reservoir structure from the majority of observation points.

### **Officer Comment: Condition B.14**

The comments from the Project Manager are noted. The condition has been amended to maintain the intent of the condition while not compromising the operational aspects of the reservoir.

### **Applicant's Request: Condition B.16 (Material Change of Use)**

The condition currently reads as follows:-

#### *Removal of Protected Vegetation*

*B.16 An Ecoaccess approval must be obtained from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal as plant species protected under the provisions of the Nature Conservation Act 1992 are known to occur within the area covered by this development approval. Information on Ecoaccess approvals may be obtained at [www.derm.qld.gov.au](http://www.derm.qld.gov.au) or by contacting the Ranger Flora at the Cairns office of Queensland Parks and Wildlife Service on phone: 07 4046 6609.*

The Project Manager has advised:

The condition states that a clearing permit (protected plants) must be obtained from the Department of Environment and Heritage Protection.

The requirements for clearing permits require that if a protected plants flora survey trigger map indicates the area to be cleared is in a high risk area then a clearing permit in accordance with the Departments requirements must be obtained, refer

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/clearing.html>

The Reservoir lot does not contain any high risk areas and hence a protected plant clearing permit is not required.

Consequently, we request the removal of this condition.

#### **Officer Comment: Condition B.16**

As the Project Manager has advised, there are no known protected plant species on the site and the site is not located within the protected plants flora survey trigger map. The condition is therefore erroneous and must be removed from the approval.

#### **Other**

While not specifically requested by the Project Manager, it is noted that Condition A.2 of the reconfiguration component amended in November 2015 requires conditions of the approval, namely the construction of the road must be completed within 12 months of the Decision Date. As the works directly align with and are associated with the construction of the reservoir, it is recommended that this condition also be amended to ensure the works are complete prior to the reservoir being commissioned.

The condition has been amended accordingly.

#### **COUNCIL'S ROLE**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

#### **ATTACHMENTS**

1. Amended Decision Notice dated 4 November 2015 **[5.5.1]**

**OUR REF:** CA 880/2015 (734241)

4 November 2015

Douglas Shire Council  
C/- SC Town Planning  
33 Moore Street  
**TRINITY BEACH QLD 4879**

Attention: Mr Simon Clarke

Dear Sir

**AMENDED DECISION NOTICE UNDER S 363 SUSTAINABLE  
PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR  
FERRERO ROAD, CRAIGLIE**

With reference to the abovementioned request for an Amended Decision, which was determined by Council at the Ordinary Meeting held on 3 November 2015, please find attached the relevant Negotiated Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

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

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Douglas Shire Council  
C/- SC Town Planning  
33 Moore Street  
TRINITY BEACH QLD 4879

**ADDRESS**

Ferrero Road, Craiglie

**REAL PROPERTY DESCRIPTION**

Lot 8 on RP893100

**PROPOSAL**

Public Utilities & Facilities – Water Reservoir & Associated Infrastructure

**DECISION**

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

**DECISION DATE**

This Negotiated Decision Notice dated 4 November 2015 replaces the Decision Notice dated 8 September 2015.

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Works  
Development Permit for Building Works

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

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

Yes. Conflict with the Reconfiguring a Lot Code.

Neither of the proposed lots achieves the minimum site area under the Acceptable Solution for new lots created in the Rural Planning Area. Section 326 of the *Sustainable Planning Act 2009* states, 'the assessment manager's decision must not conflict with a relevant instrument unless ...there are sufficient grounds to justify the decision, despite the conflict.' The proposed reservoir is a much needed essential facility that justifies the conflict. The proposed lot for the water tower meets the size necessary for this facility while achieving a regular boundary alignment and providing the remaining agricultural land in a separate lot. The reconfiguration utilises area under that is not under cane production, does not result in an intrusion of an incompatible use and satisfactorily maintains the purpose of the Reconfiguration of a Lot Code.

**A. RECONFIGURATION OF A LOT COMPONENT**

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

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

<b>RECONFIGURATION OF A LOT COMPONENT</b>		
<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Reconfiguration of Lot	RPS Drawing PR109791-4 received by Council on 17 June 2015 and as amended by Condition A.3	To be determined
Reservoir Site with Aerial Detail	CRC and BMD Consulting drawing T00039-CG002 Revision C dated 28 March 2013 and as amended by Condition A.3	To be determined
Land Acquisition Plan	CRC and BMD Consulting drawing T00039-CG003 Revision C dated 2 April 2013 and as amended by Condition A.3	To be determined
Constraint Map	CRC and BMD Consulting drawing T00039-CG005 Revision C dated 2 April 2013 and as amended by Condition A.3	To be determined
Roadworks and Drainage Plan	CRC and BMD Consulting drawing T00039-CR001 Revision C	2 April 2013
Access Road Longitudinal Section	CRC and BMD Consulting drawing T00039-CR002 Revision C	28 March 2013
Access Road Cross Sections (Sheet 1 of 2)	CRC and BMD Consulting drawing T00039-CR003 Revision C	2 April 2013
Access Road Cross Sections (Sheet 2 of 2)	CRC and BMD Consulting drawing T00039-CR004 Revision C	2 April 2013



<b>RECONFIGURATION OF A LOT COMPONENT</b>		
<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Stormwater Longitudinal Sections	CRC and BMD Consulting drawing T00039-CR005 Revision C	2 April 2013
Sediment and Erosion Control Plan Construction Phase	CRC and BMD Consulting drawing T00039-CV001 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined
Sediment and Erosion Control Plan Construction Phase	CRC and BMD Consulting drawing T00039-CV002 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined
Sediment and Erosion Control Typical Details	CRC and BMD Consulting drawing T00039-CV003 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined

**ASSESSMENT MANAGER CONDITIONS**

- A.1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
- a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

**Timing of Effect**

- A.2. ~~The conditions of the Development Permit for the Reconfiguration of a lot component must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.~~

The conditions of the Development Permit for the reconfiguration of a lot component must be completed within 12 months of the Decision Date.

**Amended Plan**

- A.3. The proposed lot plan must be generally in accordance with the RPS Drawing PR109791-4 and the design plans for associated road and stormwater drainage to the road lodged with the application received by Council on 17 June 2015 and must be amended to:
- a. remove reference to Lot 8 on SP243566 and the new road over Lot 8 on SP243566; and
  - b. having regard to the notations on the CRC and BMD Consulting Drawing T00039-CG003 Revision C dated 2 April 2013, site the southwest boundary to be offset a minimum of ten (10) metres from the maximum extent of rock outcrops in this area of the land with the boundary alignment to be confirmed on site by the landowner, the Chief Executive Officer and the Cadastral Surveyor.

Amended plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey. Prior to endorsement by the Chief Executive Officer the amended plans must be assessed by a qualified and independent person.

**General External Works**

- A.4. Undertake the following external works:
- a. Construct a Rural Road without sealing in accordance with the *FNQROC Development Manual* including all associated stormwater drainage generally in accordance with the design plans submitted with the application, being a connection from the existing sealed Ferrero Road to each of the new lots; and
  - b. Construct a rural access for each lot in accordance with the *FNQROC Development Manual Drawing S110*.

Two (2) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the plan of the works must be assessed by a qualified and independent person. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey.

**Drainage Study of Site**

- A.5. Undertake a local drainage study on the required road works under condition A.4 above to determine drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the required road works must have no-worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage works to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the drainage study must be assessed by a qualified and independent person.

**Cane Railway Crossing**

- A.6 Where the road required under Condition A.4 above crosses cane railway the design of the crossing shall be in consultation with the owner of the railway and to an agreed standard to the satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the agreed standard must be assessed by a qualified and independent person.

**Lawful Point of Discharge**

- A.7. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the nominated lawful point of discharge must be assessed by a qualified and independent person.

**Sediment and Erosion Control**

- A.8. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works having regard to any requirements identified in Condition A.5 above. Such plans must be installed / implemented prior to commencement of road works associated with the development, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

**ADVICE FOR RECONFIGURATION OF A LOT COMPONENT**

1. The Reconfiguration of a Lot component of the approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.

3. For information relating to the *Sustainable Planning Act 2009*, log on to <http://www.statedevelopment.qld.gov.au/resources-ilgp/fact-sheet-guidelines/sustainable-planning-act.html> . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

## B. MATERIAL CHANGE OF USE COMPONENT

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

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

MATERIAL CHANGE OF USE COMPONENT		
Drawing or Document	Reference	Date
Reservoir Site with Aerial Detail	CRC and BMD Consulting drawing T00039-CG002 Revision C dated 28 March 2013 and as amended by Condition B.3	To be determined
Land Acquisition Plan	CRC and BMD Consulting drawing T00039-CG003 Revision C dated 2 April 2013 and as amended by Condition B.3	To be determined
Reservoir Layout	CRC and BMD Consulting drawing T00039-CG004 Revision C .	2 April 2013
Constraint Map	CRC and BMD Consulting drawing T00039-CG005 Revision C dated 2 April 2013 and as amended by Condition B.3	To be determined
Roadworks and Drainage Plan	CRC and BMD Consulting drawing T00039-CR001 Revision C.	2 April 2013
Access Road Longitudinal Section	CRC and BMD Consulting drawing T00039-CR002 Revision C.	28 March 2013
Access Road Cross Sections (Sheet 1 of 2)n	CRC and BMD Consulting drawing T00039-CR003 Revision C.	2 April 2013
Access Road Cross Sections (Sheet 2 of 2	CRC and BMD Consulting drawing T00039-CR004 Revision C.	2 April 2013
Stormwater Longitudinal Sections	CRC and BMD Consulting drawing T00039-CR005 Revision C.	2 April 2013

<b>MATERIAL CHANGE OF USE COMPONENT</b>		
<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Reservoir Site Earthworks	CRC and BMD Consulting drawing T00039-CE001 Revision C.	2 April 2013
Trunk Main Longitudinal Section (Sheet 6 of 7)	CRC and BMD Consulting drawing T00039-CW007 Revision C.	2 April 2013
Sediment and Erosion Control Plan Construction Phase	CRC and BMD Consulting drawing T00039-CV001 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined
Sediment and Erosion Control Plan Construction Phase	CRC and BMD Consulting drawing T00039-CV002 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined
Sediment and Erosion Control Typical Details	CRC and BMD Consulting drawing T00039-CV003 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8	To be determined
Framing Elevations Sheet 1 of 2	Glynntucker Consulting Engineers Project 24021 drawing S-301 Revision B1	5 April 2013
Framing Elevations Sheet 2 of 2	Glynntucker Consulting Engineers Project 24021 drawing S-302 Revision B1	5 April 2013

**ASSESSMENT MANAGER CONDITIONS**

- B.1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
- a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval.

**Timing of Effect**

- B.2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

**Amended Plans**

- B.3. The proposed development must be generally in accordance with the design plans lodged with the application received by Council on 17 June 2015 and must be amended to remove reference to Lot 8 on SP243566 and the new road over Lot 8 on SP243566.

Amended plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of any further Development Permit required to undertake any work associated with the Material Change of Use. Prior to endorsement by the Chief Executive Officer the amended plans must be assessed by a qualified and independent person.

**External Works**

- B.4. Undertake the following external works:

- a. Construct a Rural Road with sealing in accordance with the *FNQROC Development Manual* including all associated stormwater drainage generally in accordance with the design plans submitted with the application, being a connection from the existing sealed Ferrero Road to proposed lot 100.

Two (2) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the plan of the works must be assessed by a qualified and independent person. All works must be carried out in accordance with the approved plan prior to Commencement of Use.

**Drainage Study of Site**

- B.5. Undertake a local drainage study on the development site and the required road works under condition B.4 above to determine drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the required road works must have no-worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage works to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the drainage study must be assessed by a qualified and independent person.

### **Cane Railway Crossing**

- B.6 Where the road required under Condition B.4 above crosses cane railway the design of the crossing shall be in consultation with the owner of the railway and to an agreed standard to the satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the agreed standard must be assessed by a qualified and independent person.

### **Lawful Point of Discharge**

- B.7. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the nominated lawful point of discharge must be assessed by a qualified and independent person.

### **Sediment and Erosion Control**

- B.8. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works having regard to any requirements identified in Condition B.5 above. Such plans must be installed / implemented prior to commencement of road works associated with the development, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

### **Batter Treatment**

- B.9. The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

Typical details of the various methods to be used to achieve this must be submitted to the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In instances where batters will exceed 1.8 metres in height, the Chief Executive Officer will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;
- c. Methods to be used to minimise the visual impact; and
- d. Elevations showing the visual impact when viewed from vantage points.

A geotechnical assessment by a qualified and experienced geotechnical consultant must also be endorsed by the Chief Executive Officer prior to the Commencement of Use. Prior to endorsement by the Chief Executive Officer the submissions must be assessed by a qualified and independent person.

### **Transportation of Fill Material**

B.10 Transportation of fill or spoil to and from the site must not occur within:

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

B.11. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

### **Landscaping Plan**

B.12 The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

- a. Deep planting of areas to the north and east of the reservoir structure to provide screening;
- b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping and be native or endemic species selected for screening, durability and low-maintenance to ensure the scenic values of the Shire are maintained

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the landscape plan must be assessed by a qualified and independent person. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### **Vegetation Clearing**

B.13. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services and the reservoir and associated structures and infrastructure as detailed on the approved plans. Any further clearing requires an Operational Works approval.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

**Building Colours**

B.14. The exterior finishes and colours of reservoir must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

**Wildlife**

B.15 Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

**Removal of Protected Vegetation**

B.16 A clearing permit (protected plants) must be obtained from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal as plant species protected under the provisions of the Nature Conservation Act 1992 are known to occur within the area covered by this development approval. Information on clearing permits may be obtained at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) .

**Notification of Vegetation Clearing**

B.17 Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

**ADVICE FOR MATERIAL CHANGE OF USE COMPONENT**

1. The Material Change of Use component of the approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009*, log on to <http://www.statedevelopment.qld.gov.au/resources-ilgp/fact-sheet-guidelines/sustainable-planning-act.html> . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

**LAND USE DEFINITIONS\***

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of *Public Utilities and Facilities* is defined as:

Public Utilities and Facilities

*Means the use of premises for the provision of public facilities and services such as water, sewerage, electricity, gas, telecommunications, transport, drainage and refuse collection and disposal by Local Government or State Government.*

*The use includes emergency services such as:*

- *ambulance;*
- *fire (urban or rural);*
- *police services; and*
- *State Emergency Services.*

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

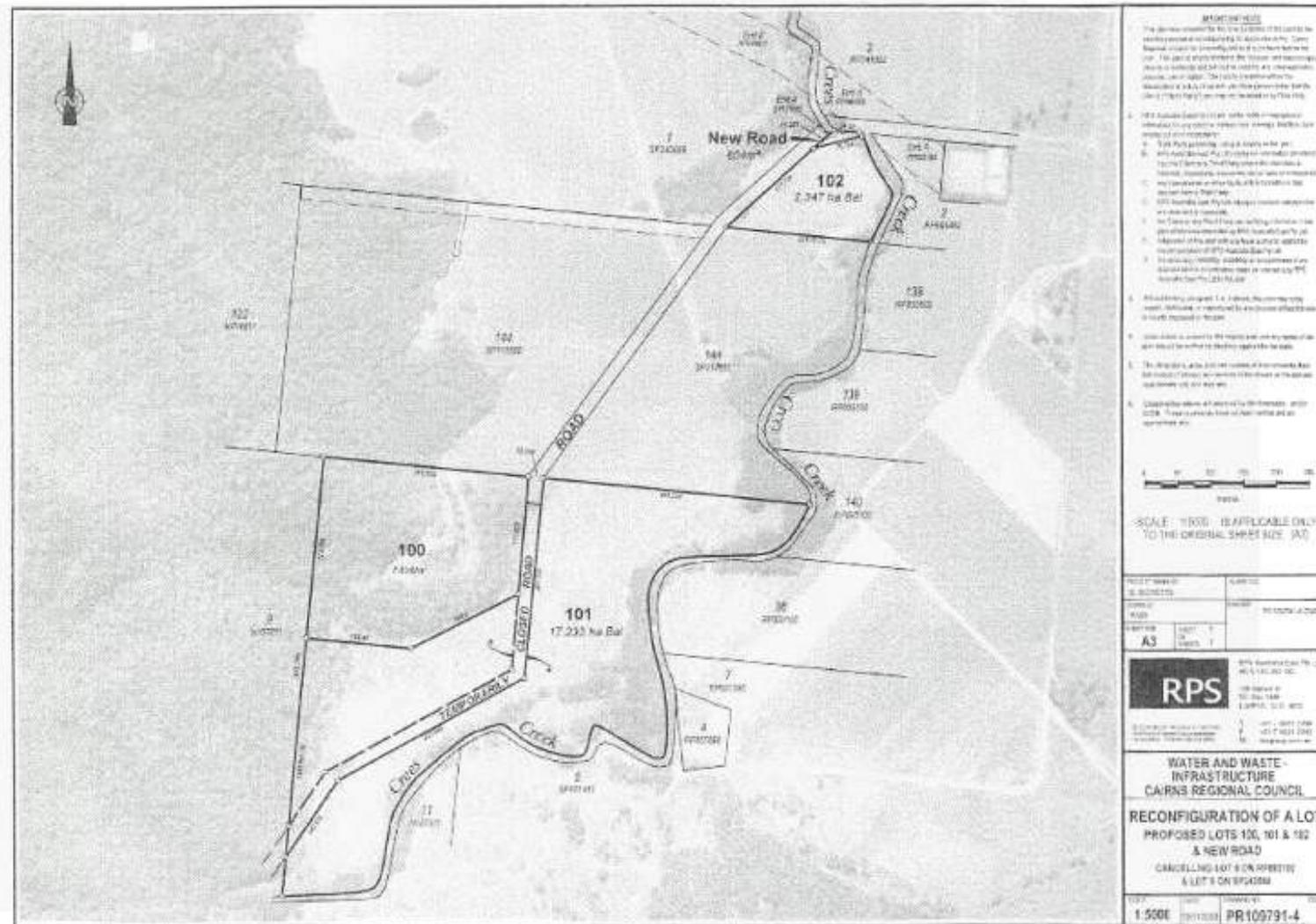
**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

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



**IMPORTANT NOTES**

The plan is intended to be used in conjunction with the 2016/17 Council Rates and the 2016/17 Council Rates Schedule. The Council is not responsible for the accuracy of the plan. The plan is intended to be used in conjunction with the 2016/17 Council Rates and the 2016/17 Council Rates Schedule. The Council is not responsible for the accuracy of the plan. The plan is intended to be used in conjunction with the 2016/17 Council Rates and the 2016/17 Council Rates Schedule. The Council is not responsible for the accuracy of the plan.

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DATE OF SHEET	DATE
BY	BY
NO.	NO.
AS	AS

**RPS**

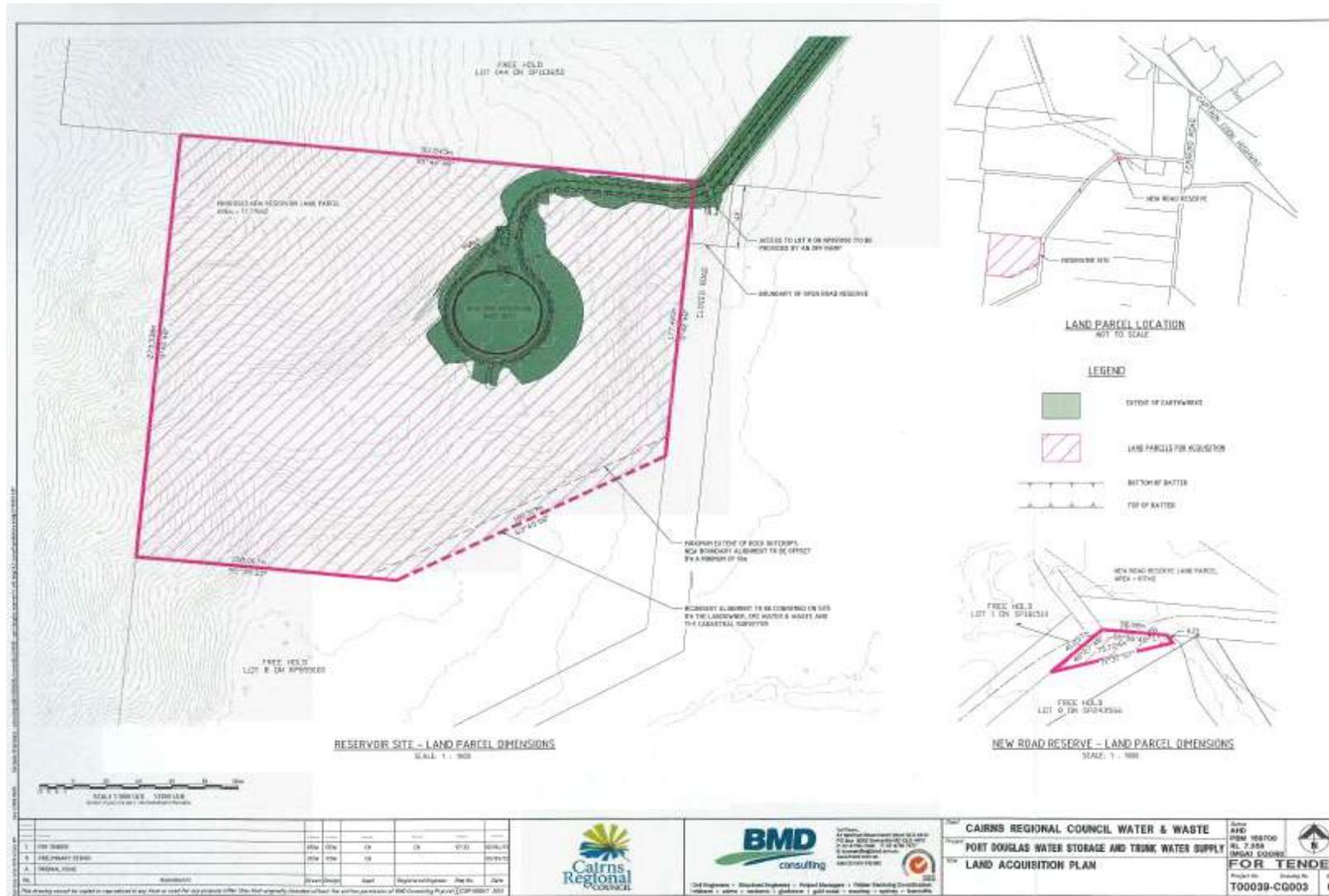
WATER AND WASTE-INFRASTRUCTURE  
CAIRNS REGIONAL COUNCIL

RECONFIGURATION OF A LOT  
PROPOSED LOTS 100, 101 & 102  
& NEW ROAD  
CANCELLING LOT 8 ON SP4206  
& LOT 9 ON SP4206

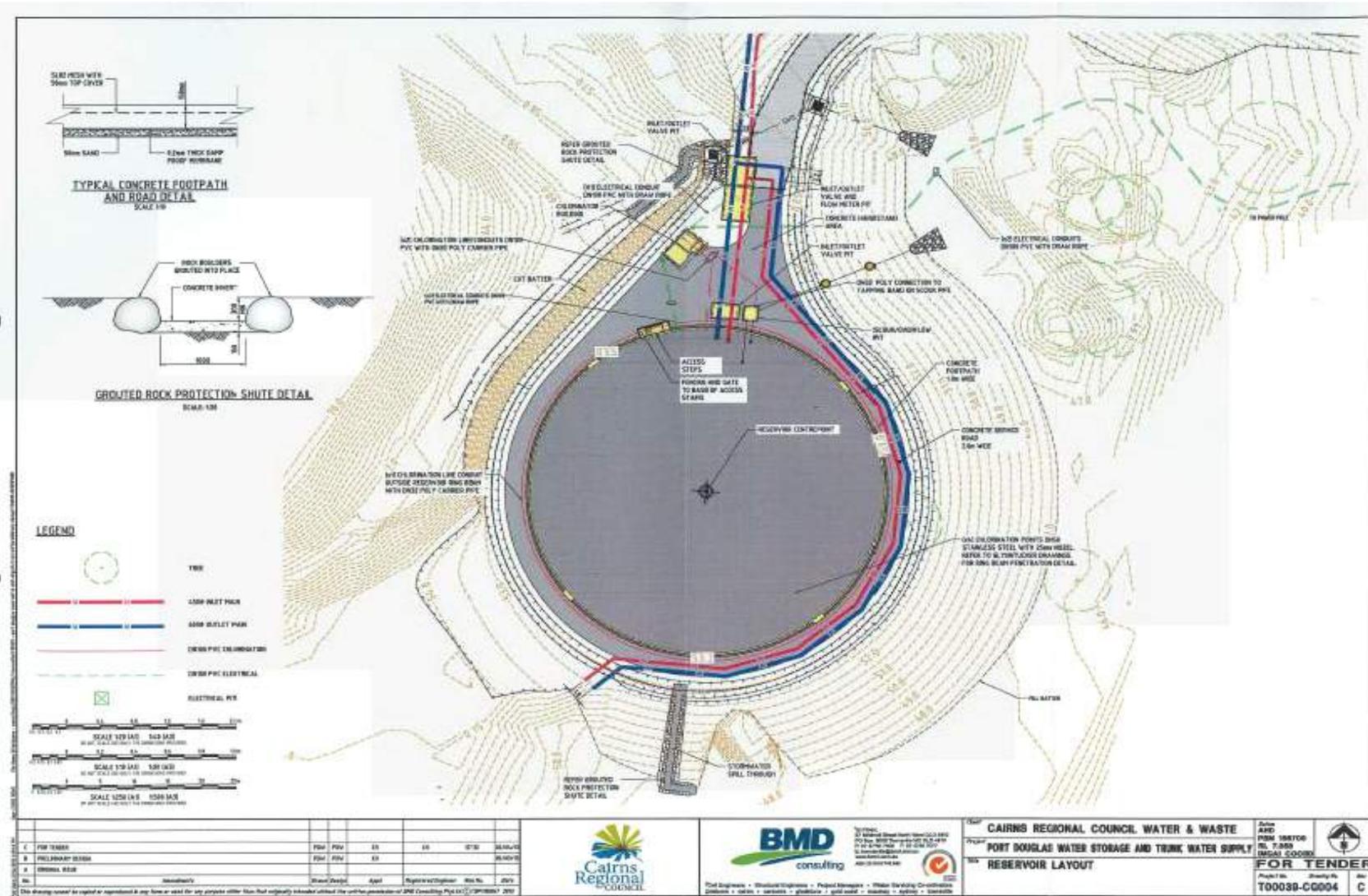
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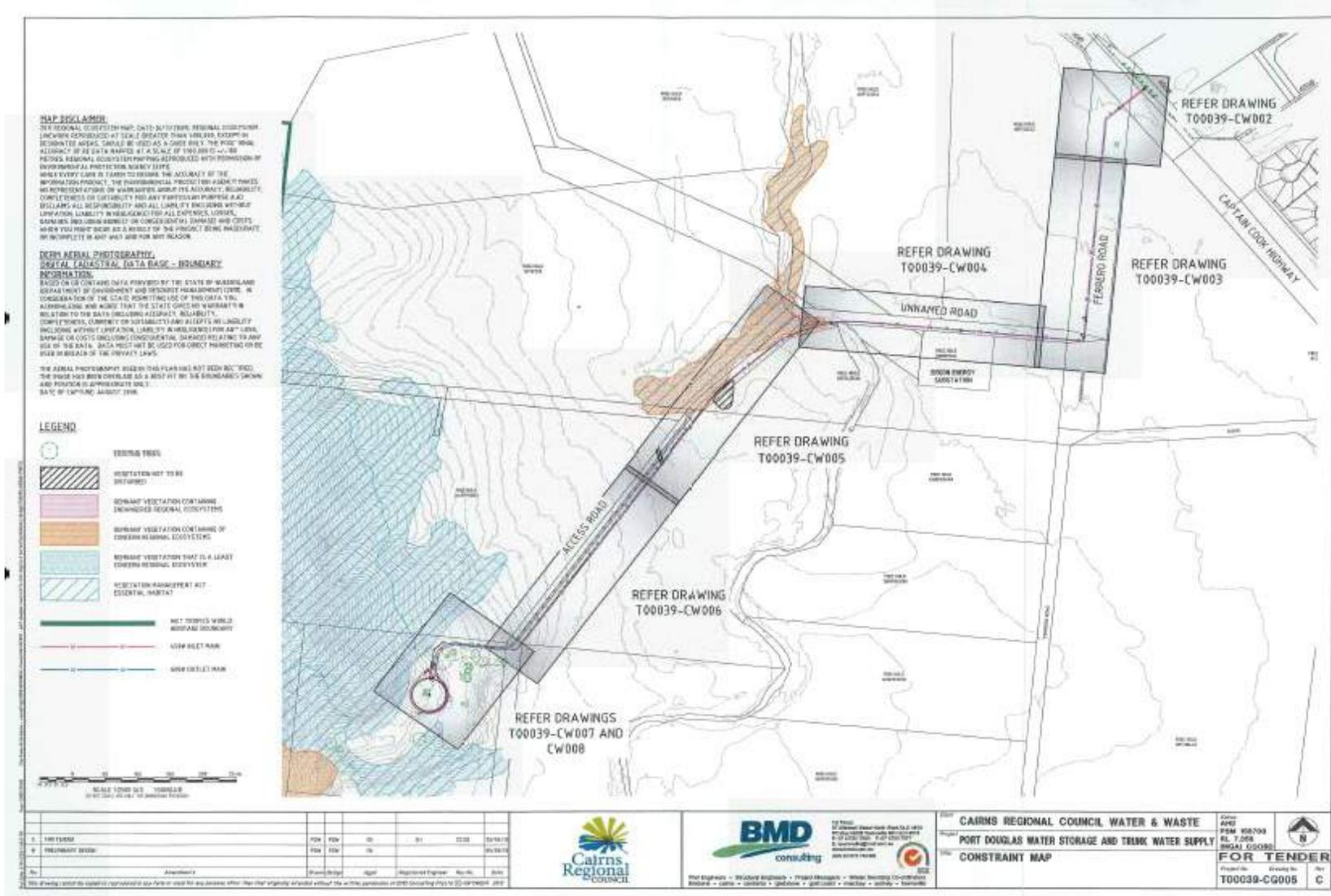
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16/31



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17/31



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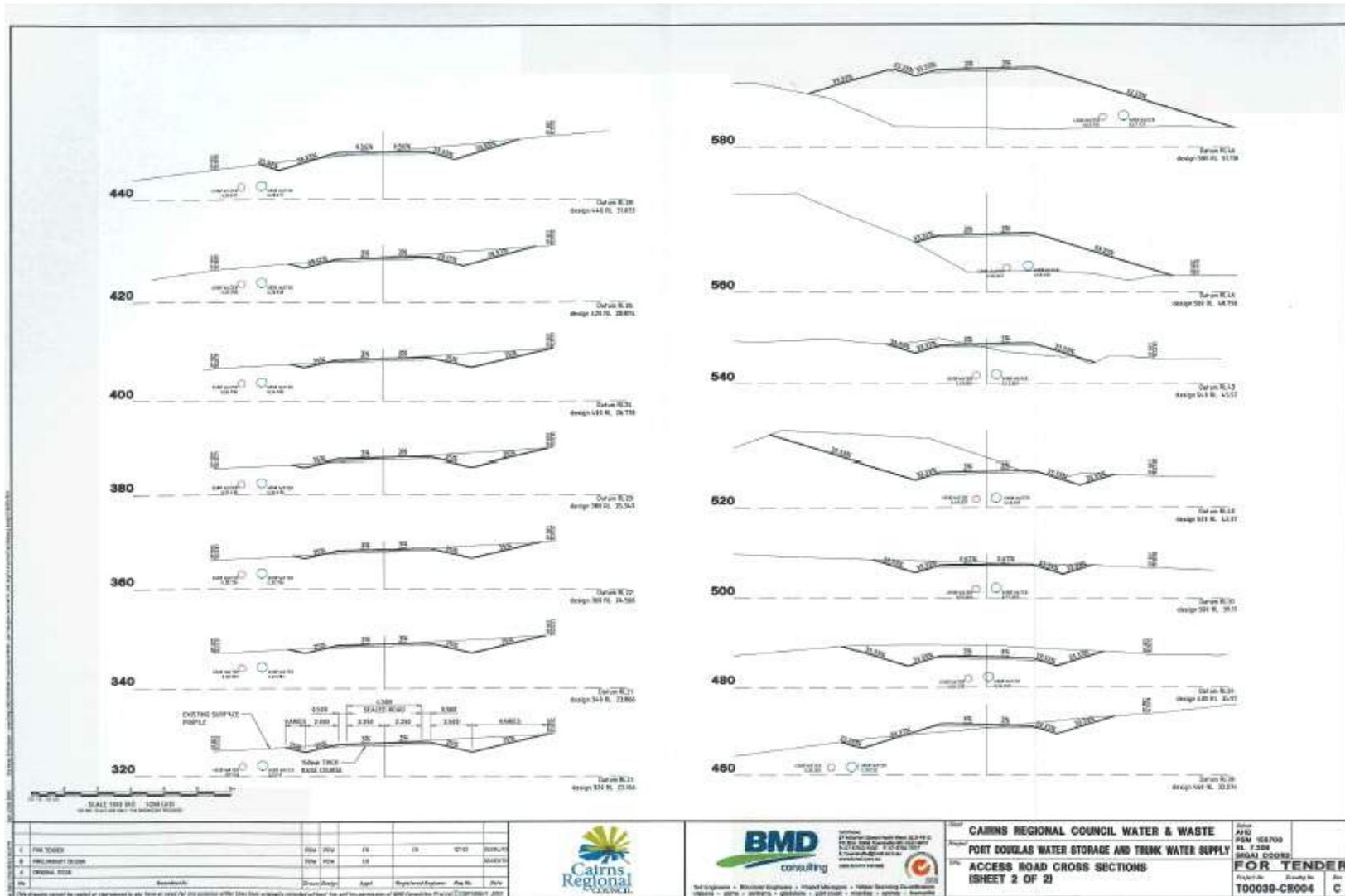


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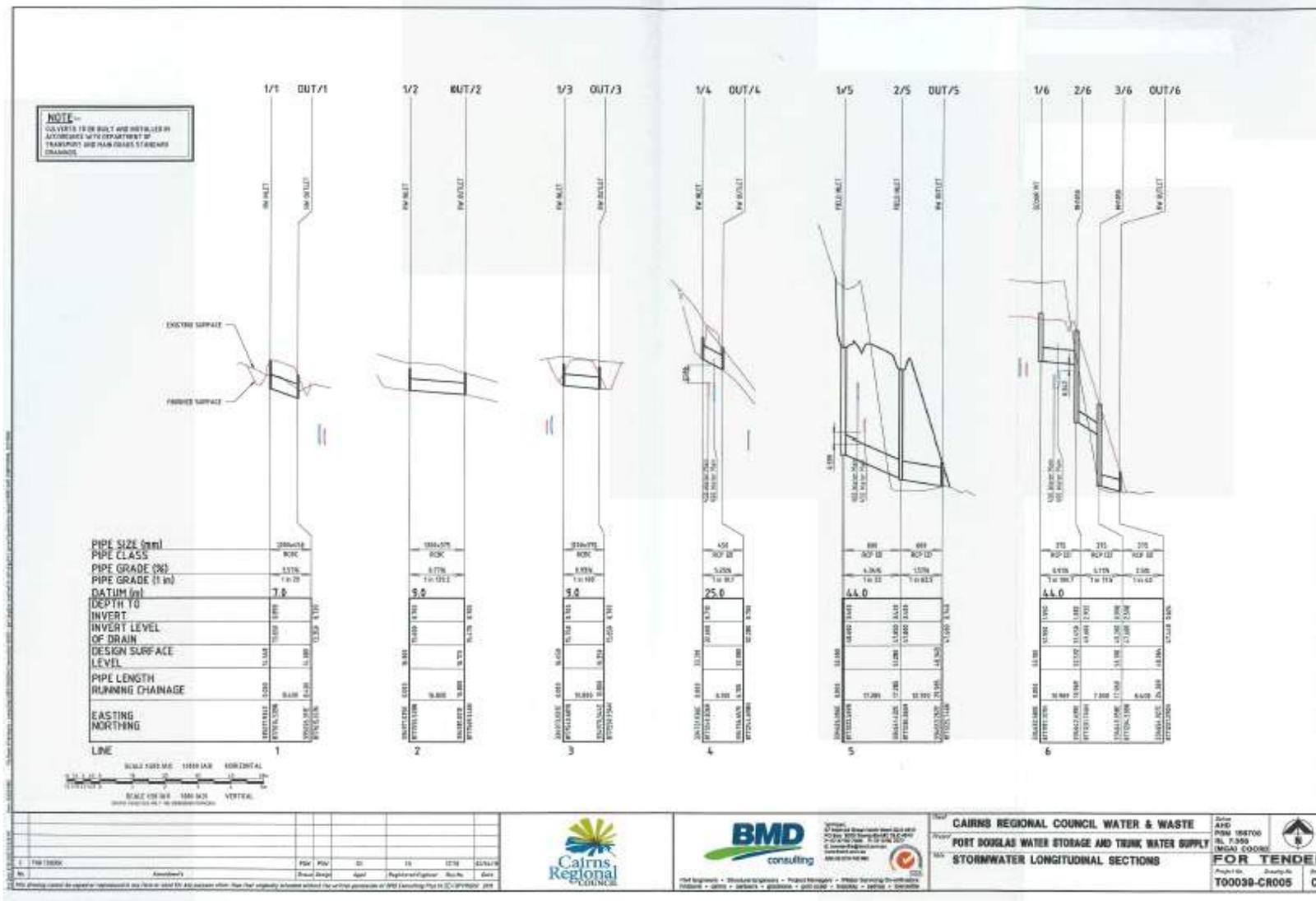




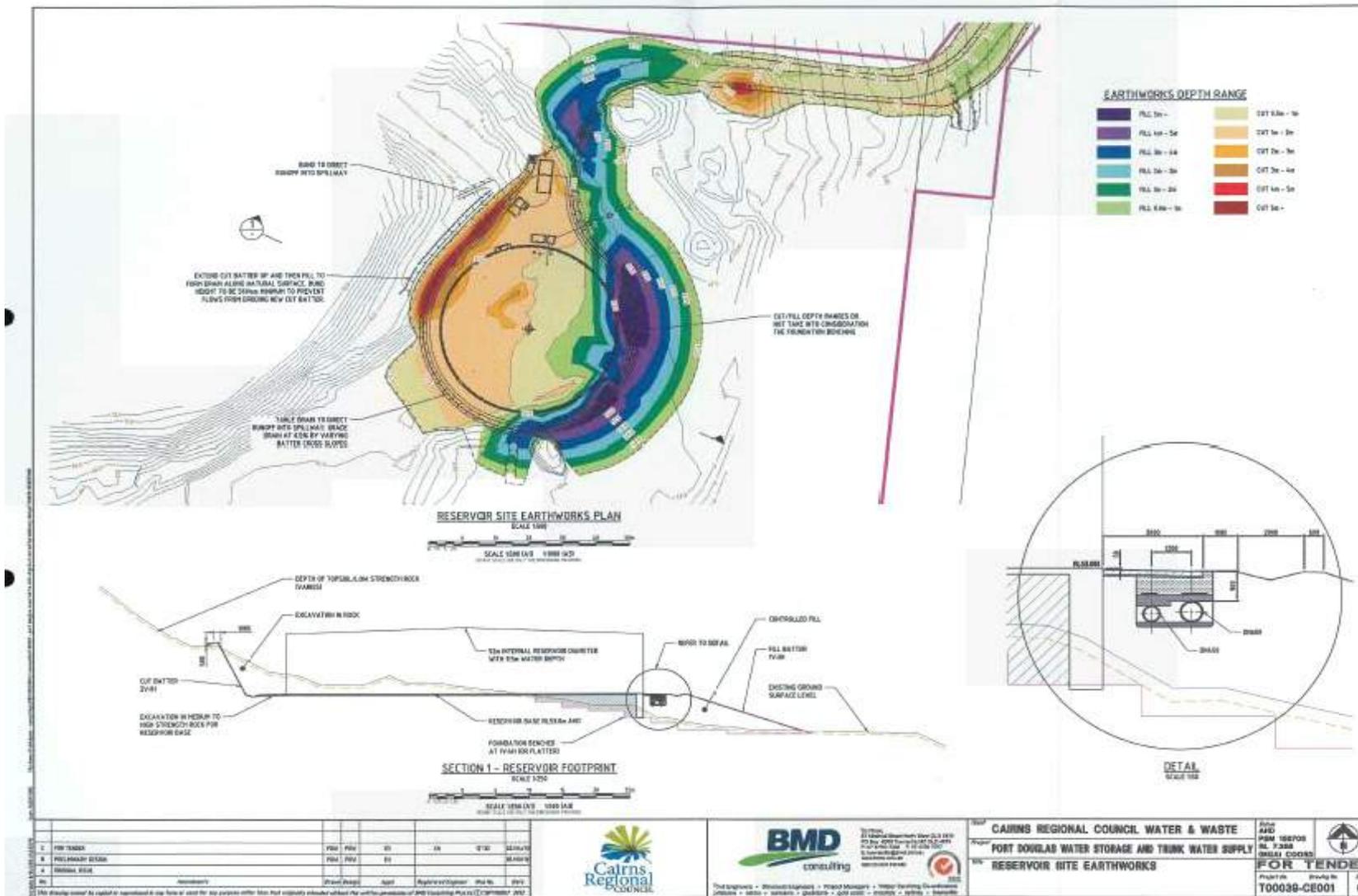




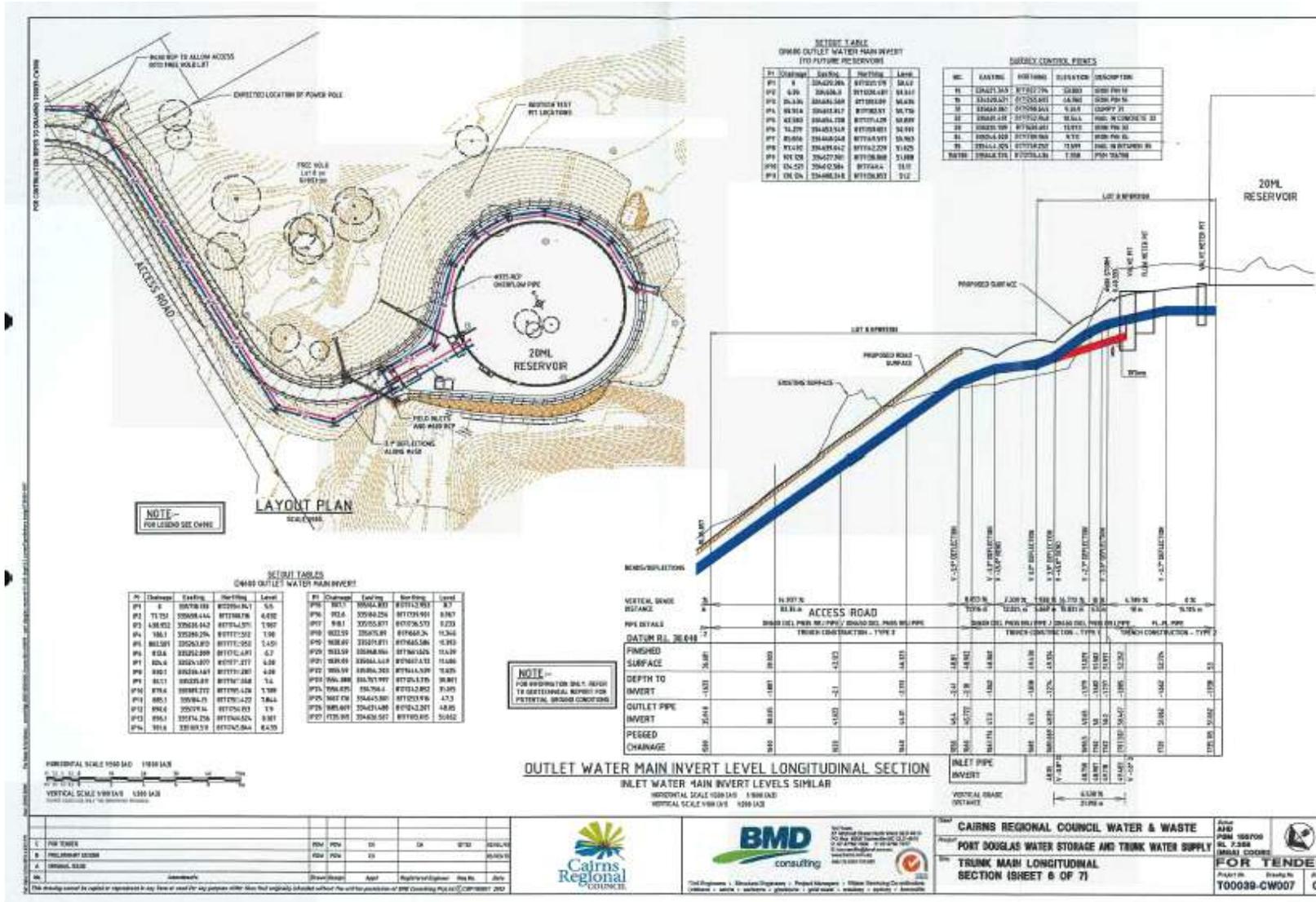
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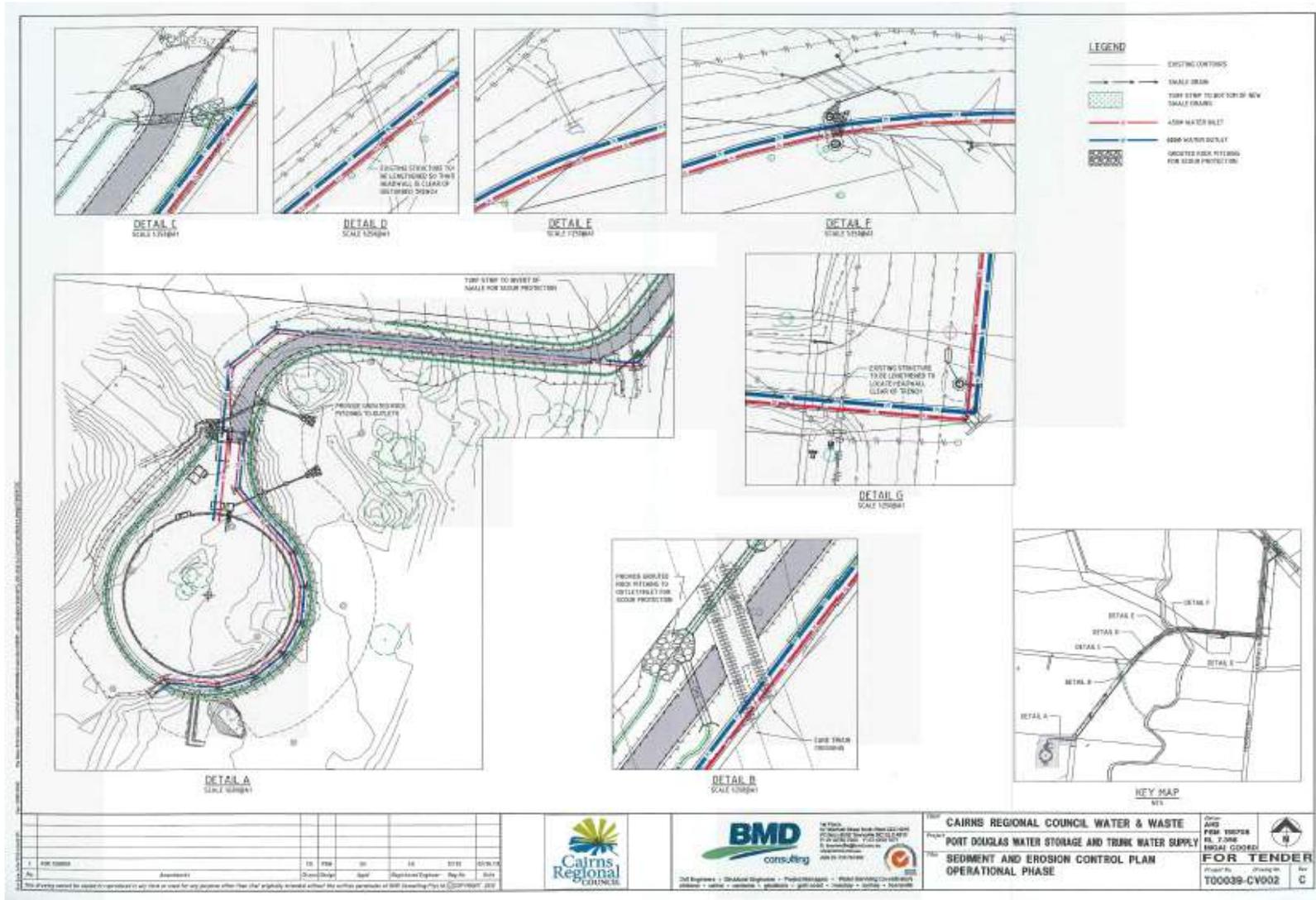


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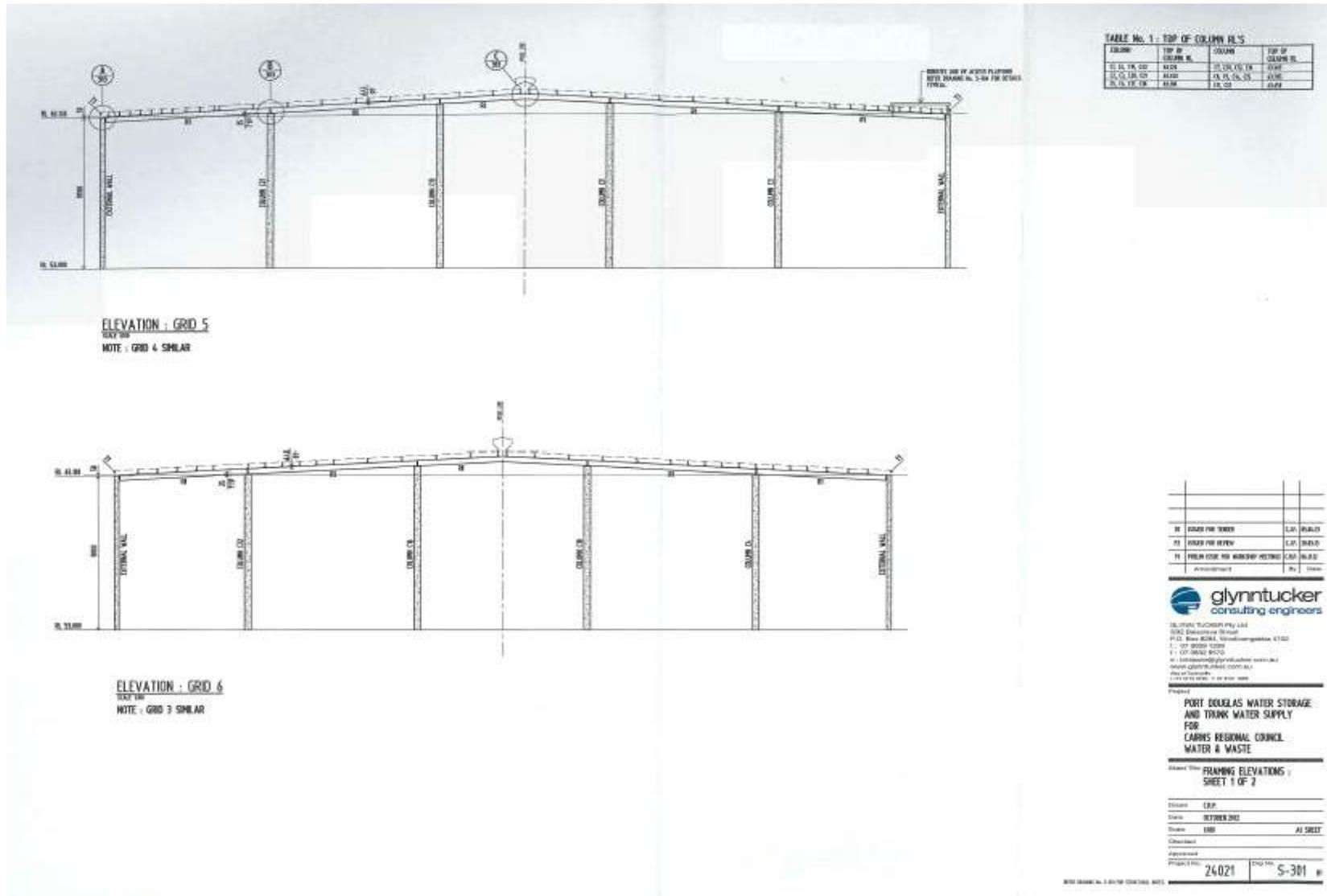


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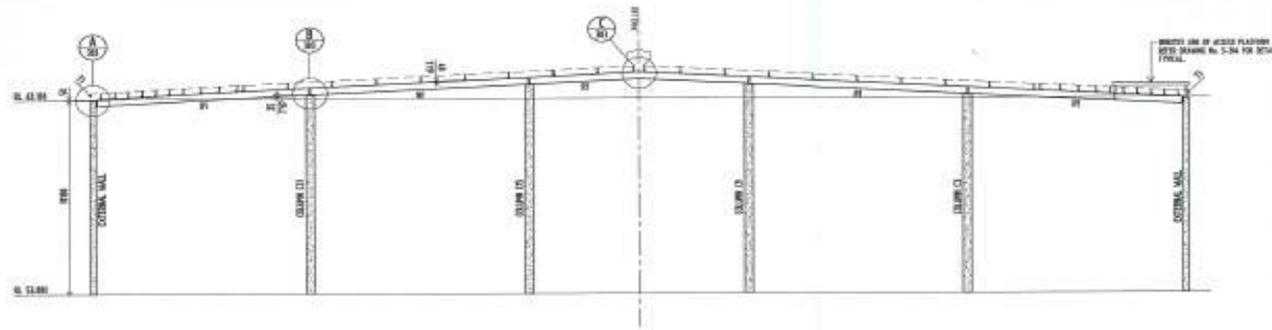


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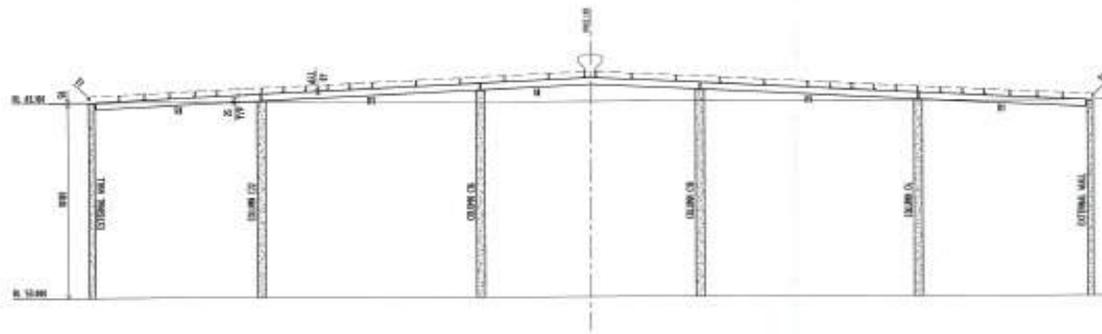




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30/31



**ELEVATION - GRID 5**  
SCALE 1/8"  
NOTE : GRID 4 SIMILAR



**ELEVATION - GRID 6**  
SCALE 1/8"  
NOTE : GRID 3 SIMILAR

**TABLE No. 1 - TOP OF COLUMN E.L.'S**

COLUMN	TOP OF COLUMN E.L.	TOP OF COLUMN E.L.	TOP OF COLUMN E.L.
11	11.14	11.14	11.14
12	11.14	11.14	11.14
13	11.14	11.14	11.14

11	11.14	11.14	11.14
12	11.14	11.14	11.14
13	11.14	11.14	11.14

**glynntucker**  
consulting engineers

Glynn Tucker Pty Ltd  
300 Dandenong Road  
P.O. Box 8094, Warrongarra 4102  
T: 07 3854 4204  
F: 07 3854 3873  
E: [enquiries@glynn-tucker.com.au](mailto:enquiries@glynn-tucker.com.au)  
[www.glynn-tucker.com.au](http://www.glynn-tucker.com.au)  
AUSTRALIAN  
C. 2004-2016  
G. 2016-2017

**PORT DOUGLAS WATER STORAGE  
AND TRUNK WATER SUPPLY  
FOR  
CARNS REGIONAL COUNCIL  
WATER & WASTE**

**FRAMING ELEVATIONS :  
SHEET 1 OF 2**

Drawn	CBR
Date	OCTOBER 2012
Scale	1:500
Sheet No.	41 SHEET
Project No.	24021
Draw No.	5-301

8000 Standard No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100