

An **ORDINARY MEETING** of the Douglas Shire Council will be held on **TUESDAY 29 APRIL 2014** at **10.00a.m.** at the Council Chambers, 64-66 Front Street, Mossman, and the attendance of each Councillor is requested.

## **AGENDA**

### **'ACKNOWLEDGEMENT OF COUNTRY'**

*'I would like to acknowledge the Kuku Yalanji people who are the Traditional Custodians of the Land. I would also like to pay respect to their Elders both past and present and extend that respect to other Indigenous Australians who are present'.*

1. Attendance & Apologies.
2. Conflict of Interest/Material Personal Interest.
3. Mayoral Minutes.
4. Notice of Motion
5. Confirmation of Minutes of the Ordinary Council Meeting held on 1 April 2014.
6. Agenda Items as Listed.
7. General Business.

### **NEXT MEETING – 13 MAY 2014**



Linda Cardew

**CHIEF EXECUTIVE OFFICER**

# DOUGLAS SHIRE COUNCIL

## ORDINARY MEETING

29 APRIL 2014

10.00 A.M.

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<b>29 APRIL 2014</b>	
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**LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND ROADS AND TRANSPORT ALLIANCE MEMBERSHIP**

Megan Hawke - Manager Infrastructure # 419378

**RECOMMENDATION:**

That Douglas Shire Council nominates an elected representative from Council for Regional Roads and Transport Groups (RRTGs) membership.

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**EXECUTIVE SUMMARY:**

The Local Government Association of Queensland (LGAQ) has extended a formal invitation to Council to take up its position as a member of the Far North Queensland Roads and Transport Alliance Group.

**BACKGROUND:**

The Roads and Transport Alliance has been operating since 2002 and is a cooperative Government arrangement between the Department of Transport and Main Roads (DTMR), the Local Government Association of Queensland (LGAQ), and Local Governments to jointly invest in and manage the State's transport infrastructure network at a regional level.

Under the Alliance, Regional Roads and Transport Groups (RRTGs) are comprised of elected representatives from member Councils and the DTMR regional offices, and are the primary decision-making bodies at a regional level. RRTGs determine the road and transport infrastructure projects which their Transport Infrastructure Development Scheme (TIDS) funding is allocated to, under a regionally prioritised four-year works program.

Following the recent de-amalgamation process, the Douglas Shire Council is now one of four (4) Councils able to formally join the RRTG. In December 2013, the Board granted Douglas Shire Council 'interim' membership of the Far North Queensland RRTG for a period of six (6) months from 1 January 2014. As such, the Board now requests that the Douglas Shire Council formally advises its ongoing membership intentions by 30 June 2014.

**PROPOSAL:**

That Douglas Shire Council nominates an elected representative from Council for Regional Roads and Transport Groups (RRTGs) membership. Membership will assist to identify road funding opportunities for the Local Government area.

**CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

The planning Council's capital works program and delivery of road infrastructure for Douglas communities is supported by membership of the Regional Roads and Transport Alliance.

**FINANCIAL/RESOURCE IMPLICATIONS:**

Car travel costs to attend Regional Roads and Transport Groups (RRTGs) meetings may be required. Hotel accommodation and sundries may also be required on an occasional basis.

It is likely the Regional Roads and Transport Groups will meet every eight (8) weeks, with the meeting location sometimes in Cairns, or another Far North Queensland Regional Organisation of Councils (FNQROC) Regional Area (e.g. Douglas, Cook, Croydon, Etheridge, Cairns, Cassowary, and Mareeba).

The RRTGs meeting will follow the FNQROC Board Meeting with regards to same day and venue.

**RISK MANAGEMENT IMPLICATIONS:**

Nil

**SUSTAINABILITY IMPLICATIONS:**

Economic: The Regional Roads and Transport Alliance provides a key regional opportunity for Council to identify and obtain funding for road infrastructure.

Environmental: Nil

Social: The provision of key road infrastructure, through the funding opportunities provided by the Regional Roads and Transport Alliance, is important in disaster mitigation by ensuring communities are connected and by providing recreational and safety facilities such as cycle paths.

**INTERNAL/EXTERNAL CONSULTATION:**

Nil.

**ATTACHMENTS:**

Letter of Invitation from LGAQ dated 24 February 2014

# THE ROADS AND TRANSPORT ALLIANCE



Cr Julie Leu  
Mayor - Douglas Shire Council  
PO Box 723  
MOSSMAN Q 4873

DOUGLAS SHIRE COUNCIL	
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28 FEB 2014	
Attention	MHa
Information	NSB

24 February 2014

Dear Cr Leu

## Invitation to join the Roads and Transport Alliance

On behalf of the Roads and Transport Alliance Board, I am pleased to invite Douglas Shire Council to join the Roads and Transport Alliance.

The Roads and Transport Alliance has been operating since 2002 and is a cooperative governance arrangement between the Department of Transport and Main Roads (TMR), the Local Government Association of Queensland (LGAQ) and local governments to jointly invest in and manage the State's transport infrastructure network at a regional level. A copy of the Roads and Transport Alliance Operational Guidelines can be found at <http://www.roadsalliance.com.au/>

Under the Alliance, Regional Roads and Transport Groups (RRTGs) comprised of elected representatives from member councils and the TMR regional office, are the primary decision-making bodies at a regional level. RRTGs determine the road and transport infrastructure projects their Transport Infrastructure Development Scheme (TIDS) funding is allocated to in a regionally prioritised four-year continuous works program. In 2014-15 TIDS is expected to provide RRTGs with approximately \$31m for projects on a matched funding basis.

Each RRTG is supported by a Technical Committee (TC) comprised of technical representatives from member councils and TMR regional offices, with some TCs also employing further support from expert technical coordinators. Both the RRTGs and TCs provide valuable forums to discuss shared road and transport challenges and deliver improved value from all available resources.

Following the recent de-amalgamation process, Douglas Shire Council is one of four new councils who have an opportunity to formally join a RRTG. In December 2013, the Board granted Douglas Shire Council 'interim' membership of the Far North Queensland RRTG for a period of six months from 1 January 2014. As such, the Board now requests that Douglas Shire Council formally advise its ongoing membership intentions by 30 June 2014.

If you would like to discuss any matters relating to participation in the Roads and Transport Alliance, please contact Ms Simone Talbot, Manager - Infrastructure, Economics & Regional Development LGAQ [simone\\_talbot@lgaq.qsn.au](mailto:simone_talbot@lgaq.qsn.au) tel 07 3030 2222. Ms Talbot can also put you in contact with the Far North Queensland RRTG (Cook, Croydon, Etheridge Shire and Cairns, Cassowary, and Tablelands Regional Councils).

Once Douglas Shire Council has resolved its position and informs the Alliance Board, the necessary establishment arrangements can be made.

Yours sincerely,

Greg Hallam PSM  
Chair Roads and Transport Alliance Board

cc: Jeff Tate, A/CEO Douglas Shire Council

### Roads and Transport Alliance Board:

Greg Hallam (Chair - LGAQ) | Neil Scatena (TMR) | Greg Hoffman (LGAQ)  
Miles Yee (TMR) | Jim Groves (TMR) | Simone Talbot (LGAQ)

Office of the Chair | C/o LGAQ | PO Box 2210 | Fairbairn Valley BC | Q 4006

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**DEVELOPMENT APPLICATIONS**

J Elphinstone #419692 :

**RECOMMENDATION:**

**That Council note the report.**

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**EXECUTIVE SUMMARY:**

The report has been prepared as requested by the Chief Executive Officer to inform Council of applications and the status of same. A list of application is included in Appendix 1

## APPENDIX 1 – DEVELOPMENT APPLICATIONS AS AT 17 APRIL 2014

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
04/12/2013	David Marshall & Allison Hildreth PO Box 948 Mossman Qld 4873	Wattle Close, Cow Bay – Lot 150 on RP738167	House	Code	No	Determined	MCUC 5510/2013
27/11/2013	Brendan & Jo Moffat C/- PO Box 831 Port Douglas Qld 4877	107-111 Snapper Island Drive, Wonga – Lot 19 on RP744773	House (Shed)	Code	No	Determined	MCUC 5484/2013
22/11/2013	Gary & Helen Hahn PO Box 809 Port Douglas Qld 4877	18R Ocean View Road, Killaloe – Lot 16 on RP745098	Request to extend relevant period	Code	No	Determined	MCUC 5481/2013
22/11/2013	Greg Skyring Design & Drafting Pty Ltd 11 Noli Close Mossman Qld 4873	Scomazzon Road, Miallo – Lot 1 on RP732552	House	Code	No	Determined	MCUC 5480/2013
03/12/2013	Timothy J Williams C/- Projex Partners Pty Ltd PO Box 2133 Cairns Qld 4873	Mahogany Road, Diwan – Lot 39 on RP738875	House	Code	No	Determined	MCUC 5479/2013
12/11/2013	Heath Raistrick & Jessica M <sup>r</sup> Rostie 256 Aumuller Street Westcourt Qld 4870	Ironbark Road, Diwan – Lot 15 on RP738874	House	Code	No	Information request	MCUC 5440/2013
24/10/2013	Samantha Carey-Sage PO Box 1156 Mossman Qld 4873	62R Old Forest Creek Road, Forest Creek – Lot 1 on RP161489	House	Code	No	Determined	MCUC 5403/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4861	Andreassen Road, Craiglie – Lot 8 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5355/2013

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 5 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5353/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 4 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5352/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 3 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5351/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 2 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5350/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 1 SP2254	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5349/2013
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 90 on SR678	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5348/2013



Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
30/09/2013	NQL Properties Pty Ltd C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Andreassen Road, Craiglie – Lot 87 on SR370	Preliminary Approval for Building Envelope	Code	No	Negotiation	MCUC 5347/2013
20/09/2013	NQ Homes Pty Ltd PO Box 863 Port Douglas Qld 4877	1349R Mossman- Daintree Road, Rocky Point – Lot 270 on SR589	House Extensions	Code	No	Determined	MCUC 5338/2013
03/09/2013	Trustee for the Diwan Eco B&B Trust C/- Cardno HRP PO Box 244 Mackay Qld 4740	Cape Tribulation Road, Diwan – Lot 41 on RP739785	Home Based Business (Bed & Breakfast)	Code	No	Determined	MCUC 5306/2013
26/07/2013	Kass Investments Pty Ltd ATF The Partridge Family Trust C/- Victor G Feros Town Planning Consultants PO Box 1256 Cairns Qld 4870	34 Murphy Street, Port Douglas – Lot 126 on SP144708	House	Code	No	Determined	MCUC 5228/2013
11/08/2013	Slavo Nitschneider 15 Pandanus Court Stanhope Gardens NSW 2768	Milky Pine Road, Kimberley – Lot 11 on RP739106	House	Code	No	Information Request	MCUC 5150/2013
25/03/2014	David & Jane Lucas C/- MiCorp Property PO Box 7777 Cairns Qld 4870	40-52 Mitre Street, Port Douglas – Lots 1, 2 & 6 on C2253	Request to extend relevant period Multiple Dwellings, Restaurant, and Ancillary Facilities, Reconfiguring a Lot & Preliminary Approval for Dwelling Houses	Code	No	Assessment	CA 3504/2009

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
25/02/2014	Shaune Williams & Tanjil Whitnell 49 Fisher Road Gordonvale Qld 4865	19L Daley Road, Kimberley – Lot 19 on RP740884	House	Code	No	Determined	MCUC 3356/2009
11/03/2014	Prime Constructions Qld Pty Ltd PO Box 1056 North Cairns Qld 4870	73-85 Front Street, Mossman – Lot 2 on SP258887	Request to change conditions of approval Shopping Facilities & Business Facilities	Code	No	Determined	MCUC 3102/2009
02/04/2014	Casey Dunne & Erin Riley PO Box 831 Port Douglas Qld 4877	Bamboo Creek Road, Miallo – Lot 13 on SP204463	House (Shed)	Code	No	Not properly made	MCUC 104/2014
11/03/2014	David & Christine Budge C/- Chris Vandyke Designs PO Box 236 Clifton Beach Qld 4879	97-101 Reynolds Road, Oak Beach – Lot 19 on RP881022	House	Code	No	Information Request	MCUC 120/2014
19/03/2014	Ian & Deborah Ruddell 78 Jesson Crescent Dandenong Vic 3175	Forest Creek Road, Forest Creek	House	Code	No	Information Request	MCUC 113/2014
11/03/2014	Greg Skyring Design & Drafting Pty Ltd 11 Noli Close Mossman Qld 4873	Bamboo Creek Road, Bamboo – Lot 10 on SP204463 & SP262067	House	Code	No	Determined	MCUC 106/2014
21/02/2014	Austart Homes Pty Ltd C/- PO Box 831 Port Douglas Qld 4877	27 Oak Street, Oak Beach – Lot 4 on O9511	House	Code	No	Determined	MCUC 70/2014
16/01/2014	DPA Architects Pty Ltd PO Box 6818 Gold Coast Mail Centre Bundall Qld 9726	1 Murphy Street, Port Douglas – Lot 2 on RP742318	House	Code	No	Information Request	MCUC 15/2014

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
10/01/2014	Brad Fisher & Clare Pelham C/- Planz Town Planning Pty Ltd 17 Atherton Street Whitfield Qld 4870	Zena Close, Cape Tribulation – Lot 12 on RP738897	House	Code	No	Determined	MCUC 11/2014
16/12/2013	Gordon Wellham 3 Captain Cook Highway Craiglie Qld 4877	5957R Davidson Street, Craiglie – Lot 57 on C22511	Service Industry >100 m <sup>2</sup>	Code	No	Negotiated	MCUC 001/2013
06/12/2013	Gordon Pringle PO Box 677 Mossman Qld 4873	1082R Mossman-Daintree Road, Rocky Point – Lot 43 on SP219618	Outdoor Sport & Recreation (Horse Trail Rides)	Impact	Yes	Assessment	MCUI 5/2014
31/03/2014	Sweet Farm Tours Pty Ltd PO Box 60 Mossman Qld 4873	Miallo-Bamboo Creek Road, Whyanbeel Qld 4873	Tourist Attraction (Sugarcane & Cocoa Farm Tours)	Impact	Yes	Acknowledgement	MCUI 129/2014
19/12/2013	Carron Properties Pty Ltd C/- Victor G Feros Town Planning Consultants PO Box 1256 Cairns Qld 4870	36 Murphy Street, Port Douglas – Lot 131 on PTD2094	Request to extend relevant period Reconfiguring a Lot (1 Lot into 2 Lots)	Code	No	Appeal	SUP 006/2013
19/12/2013	Carron Properties Pty Ltd C/- Victor G Feros Town Planning Consultants PO Box 1256 Cairns Qld 4870	36 Murphy Street, Port Douglas – Lot 131 on PTD2094	Request to extend relevant period Multiple Dwellings (Residential)	Code	No	Appeal	SUP 008/2013
21/11/2013	Department of Aboriginal, Torres Strait Islander and Multicultural Affairs C/- Gilvear Planning Pty Ltd PO Box 228 Babinda Qld 4881	Gorge Road, 301R & 304R Gorge Road, Mossman Gorge – Lot 100 on RP911412 & Lot 152 on SR832	Preliminary Approval to Override the Douglas Shire Planning Scheme (Use Rights Consistent with the Township Zone)	Impact	Yes	Assessment	MCUI 5470/2013

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
23/12/2013	Jim Papas Drafting Pty Ltd PO Box 2347 Mareeba Qld 4880	15 Front Street, Mossman – Lot 2 on SP238242	Earthworks	Code	No	Determined	OP 004/2013
22/01/2014	Port Douglas & District Combined Clubs Inc C/- RECS Consulting Engineers & Building Design PO Box 894 Port Douglas Qld 4877	7 Ashford Avenue, Port Douglas – Lot 126 SR888	Construction of disabled access ramp, entry steps, pedestrian paving, relocation of historical monument, entrance portico and temporary club entrance walkway	Code	No	Assessment	OP 20/2014
29/01/2014	Cairns Regional Council PO Box 359 Cairns Qld 4870	Forest Creek Road, Forest Creek – Lot 2 on RP738242	Bridge stability works – revetment	Code	No	Assessment	OP 38/2014
28/02/2014	Carron Properties Pty Ltd C/- PO Box 894 Port Douglas Qld 4877	36 Murphy Street, Port Douglas – Lot 131 on PTD2094	Road & drainage works, stormwater, earthworks, water & sewerage infrastructure	Code	No	Assessment	OP 84/2014
10/02/2014	SQM Acquisitions Pty Ltd C/- Milanovic Neale Consulting Engineers PO Box 2118 North Ipswich Qld 4305	507-511 Davidson Street, Craiglie – Lot 2 on C2258	Roadworks	Code	No	Assessment	OP 85/2014
03/04/2014	Hilrok Properties Pty Ltd C/- RECS Consulting Engineers & Building Design PO Box 894 Port Douglas Qld 4877	18-20 Wharf Street, Port Douglas – Lot 1 on SP139088	Replace shade sail structures	Code	No	Assessment	OP 142/2014

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
06/06/2012	Gary & Helen Hahn C/- RECS Consulting Engineers & Building Design PO Box 894 Port Douglas Qld 4877	18R Ocean View Road, Killaloe – Lot 16 on RP745096	Driveway realignment	Code	No	Determined	OP 4630/2012
22/01/2014	Jim Papas Drafting Pty Ltd PO Box 2347 Mareeba Qld 4873	905L Cooya Beach Road, Cooya Beach – Lot 905 on SP210324	Request to extend relevant period Roadworks, drainage works, earthworks, signage, water & sewer infrastructure, landscaping	Code	No	Assessment	OP 3546/2009
10/04/2013	Jim Papas Drafting Pty Ltd PO Box 2347 Mareeba Qld 4880	Cooya Beach Road, Cooya Beach – Lot 901 on SP199682 Ocean Breeze Stage 5A	Earthworks, concrete works, erosion & sediment control, drainage works, roadworks, water & waste	Code	No	Determined	OP 5092/2013
21/02/2014	Theresa L Fowler C/- Victor G Feros Town Planning Consultants PO Box 1256 Cairns Qld 4870	1407R Mossman- Daintree Road, Rocky Point – Lot 11 on SP132055	Request to extend relevant period Reconfiguring a Lot (1 Lot into 10 Lots & Balance Parcel) and Preliminary Approval for Reconfiguring a Lot (Stage 3)	Code	No	Assessment	ROL 2236/2006
14/03/2014	Wayne Storey PO Box 1285 Innisfail Qld 4860	Forest Glen Road & 52-80 Coral Sea Drive, Mossman – Lot 45 on SP183690 & Lot 10 on RP887362	Reconfiguring a Lot (2 Lots into 106 Lots) Stages 4 & 5 Shepherd Valley Estate	Code	No	Assessment	ROL 2272/2008

Application date	Applicant's name and address	Property description	Proposed development	Level of assessment	Public notification	Status	Application number
01/08/2009	Vittorio Scomazzon C/- Cardno HRP PO Box 1619 Cairns Qld 4870	Vixie's Road, Wonga - Lot 32 on SP128925	Reconfiguring a Lot (1 Lot into 72 Lots)	Code	No	Assessment	ROL 3316/2009
06/11/2012	J & S Marano PO Box 47 Mossman Qld 4873	5R-7R Miallo- Bamboo Creek Road, Miallo - Lot 2 on RP712539	Reconfiguring a Lot (1 Lot into 2 Lots)	Code	No	Determined	ROL 4894/2012
29/11/2013	Mackay Sugar Ltd C/- RPS Australia East Pty Ltd PO Box 1949 Cairns Qld 4870	Kidd Street, Mossman - Lot 27 on RP804231	Request for a Negotiated Decision Reconfiguring a Lot (1 Lot into 2 Lots plus Access Easement)	Code	No	Assessment	ROL 5204/2013
30/08/2013	Jonpa Pty Ltd C/- RPS Australia East Pty Ltd	46 Cooya Beach Road, Bonnie Doon - Lot 147 on SP199682	Reconfiguring a Lot (1 Lot into 2 Lots)	Code	No	Determined	ROL 5297/2013
28/11/2013	Shane & Priscilla Quaid C/- MiCorp Town Planning PO Box 7777 Cairns Qld 4870	Junction Road, Mossman - Lot 3 on RP720296	Reconfiguring a Lot (1 Lot into 33 Lots)	Code	No	Assessment	ROL 5468/2013
11/02/2014	Port Douglas Master Fishermen's Club Inc PO Box 47 Mossman Qld 4873	Port Street, Port Douglas - Lot 1 on SP262338	Reconfiguring a Lot (1 Lot into 2 Lots)	Code	No	Assessment	ROL 5513/2013
15/01/2014	Fred & Lola Langton C/- RPS Australia East Pty Ltd	27 Murphy Street, Port Douglas - Lot 113 on PTD2091	Request to Extend Relevant Period Multiple-Dwelling Units (4)	Code	No	Appeal	SUP 2770/2008
16/12/2013	Trailfinders Pty Ltd C/- Elizabeth Taylor, Town Planner 4/9 Kamerunga Road Stratford Qld 4870	Esplanade, Cape Tribulation - Lot 102 on SP250034	Prescribed Tidal Works - Bloomfield Lodge jetty	Code	No	Determined	TW 5503/2013

<b>ORDINARY COUNCIL MEETING</b>	<b>3</b>
<b>29 APRIL 2014</b>	

**REQUEST TO EXTEND RELEVANT PERIOD FOR RECONFIGURING A LOT (1 LOT INTO 10 LOTS AND BALANCE PARCEL) – 1407R MOSSMAN-DAINTREE ROAD ROCKY POINT**

Michelle Henderson ROL2236/2006 417594 (CRC ref no 8/37/5) (DSC ref no SUB010/06)

<u>PROPOSAL:</u>	REQUEST TO EXTEND RELEVANT PERIOD RECONFIGURING A LOT (1 LOT INTO 10 LOTS AND BALANCE PARCEL)
<u>APPLICANT:</u>	T B FOWLER C/- VICTOR FEROS PLANNING
CONSULTANTS	PO BOX 1256 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	1407 MOSSMAN-DAINTREE ROAD, ROCKY POINT
<u>PROPERTY:</u>	LOT 11 ON SP132055
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 1996
<u>STRATEGIC PLAN:</u>	URBAN AREAS
<u>DEVELOPMENT CONTROL PLAN:</u>	DEVELOPMENT CONTROL PLAN 4 - WONGA, NEWELL AND COOYA PART RESIDENTIAL AREAS (DWELLING HOUSE) AND PART PROTECTION AREA DESIGNATIONS SPECIAL AREA 1
<u>ZONING:</u>	RESIDENTIAL A
<u>CURRENT PLANNING SCHEME:</u>	

LOCALITY: RURAL AREAS AND RURAL SETTLEMENTS LOCALITY

PLANNING AREA: PART RESIDENTIAL 1 AND PART CONSERVATION

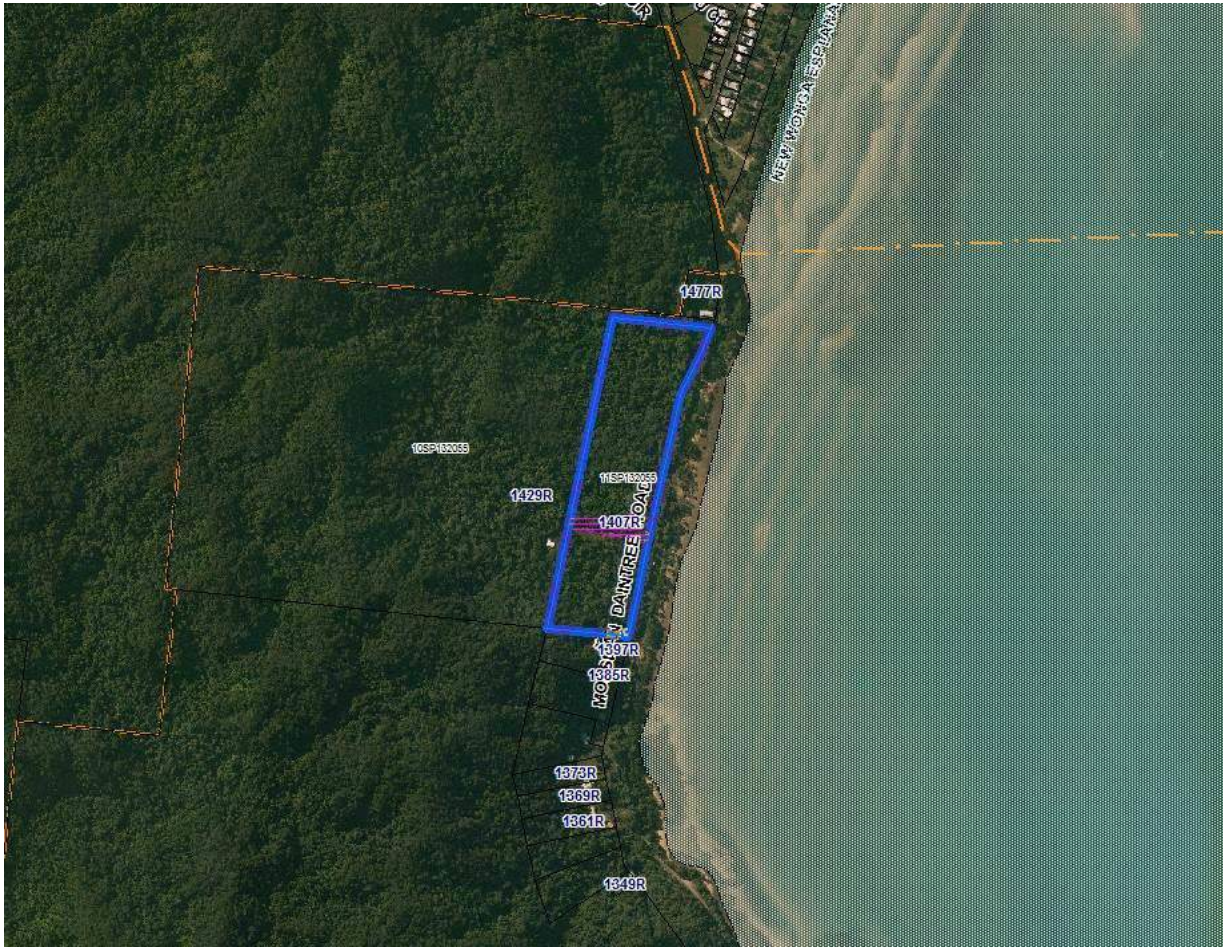
REFERRAL AGENCIES: DEPARTMENT OF NATURAL RESOURCES & MINES (CONCURRENCE); AND DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION (CONCURRENCE, THIRD PARTY, OTHER AGENCY MATTERS) DEPARTMENT OF TRANSPORT & MAIN ROADS (CONCURRENCE) ERGON ENERGY (ADVICE)

NUMBER OF SUBMITTERS: NONE APPLICABLE

APPENDIX:  
NOTICE

1. AMENDED NEGOTIATED DECISION
2. CONCURRENCE AGENCY COMMENT



**LOCALITY PLAN****RECOMMENDATION:**

- A. That Council resolve to refuse the request to extend the period of approval for Reconfiguring a Lot (1 lot into 10 lots and balance parcel), on land at Lot 11 on SP132055 also described as 1407R Mossman-Daintree Road, Rocky Point, on the following grounds:**
- 1. The 1996 Douglas Shire Planning Scheme has been superseded by new planning controls, including the 2006 Douglas Shire Planning Scheme, which identifies the development as Impact Assessable. It is considered that the development would, if applied for under the current Scheme, be likely to give rise to submissions against it;**
  - 2. The 1996 Douglas Shire Planning Scheme has been superseded by the 2006 Douglas Shire Planning Scheme. The development approved under the Development Permit is inconsistent with the Purpose of the Conservation Planning Area Code, and the anticipated downstream development, being residential in nature, is Impact (Inconsistent) development in the Conservation Planning Area;**

3. **The delay in effecting the Reconfiguration of a Lot due to suppressed market conditions and constraint on the ability to develop and sell the lots are not planning considerations permitted to be considered for approving an extension to the period of the approval; and**
  4. **Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit it is not considered that the request has sufficient merit, having regard to section 388 of the *Sustainable Planning Act 2009*, to support an extension to the relevant period. Having regard to the *Sustainable Planning Act 2009* it is inappropriate for Council to extend the period of approval.**
- B. That Council resolve to advise the applicant that the Development Permit over Stages 1 and 2 does not lapse until 27 September 2015.**

#### **EXECUTIVE SUMMARY:**

Council is in receipt of a request to extend the relevant period of an approval granted under the 1996 Douglas Shire Planning Scheme for Reconfiguring a Lot (1 lot into 10 lots and balance parcel) over land at 1407R Mossman-Daintree Road, Rocky Point, for a further two (2) years to 14 April 2016. The approval comprises a Development Permit for Stages 1 and 2 and a Preliminary Approval for Stage 3.

A review of timelines for the staged approval indicates that Stages 1 and 2 will not lapse until 27 September 2015, and as such a request to extend the relevant period is considered to be premature. Stage 3 lapses on 14 April 2014. Concern is raised with proposed Stage 3 as this portion of the land is highly constrained by vegetation, a watercourse and excessive slope. Information about the proposed lots is completely lacking due to the lots being inaccessible. Land is nominated on the plan for drainage purposes, however it has not been demonstrated that the proposed lots can be safely accessed, developed or serviced by on-site sewerage.

The application was Code Assessable under the 1996 Douglas Shire Planning Scheme. The application, if remade under the current Douglas Shire Planning Scheme, would be Impact Assessable and would require public notification. It is reasonable to expect that submissions would be likely taking into consideration the vegetated nature of the land and the location and visual prominence of the site. Further, the anticipated form of future development on these lots is residential parcels. A downstream Material Change of Use application for a House on land in the Conservation Planning Area is Impact (Inconsistent) development.

Section 388 of the *Sustainable Planning Act 2009* outlines the specific matters that Council must as Assessment Manager apply to determine a request to extend the relevant period of an approval. These are:

- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development; and
- (b) the community's current awareness of the development approval; and
- (c) whether, if the request were refused –
  - (i) further rights to make a submission may be available for a further development application; and
  - (ii) the likely extent to which those rights may be exercised; and
- (d) the views of any concurrence agency for the approval.

The test by which SPA requires Council to determine the requests has not been met in this instance, and it is recommended that the request be refused, for both the Development Permit and the Preliminary Approval.

## **PLANNING CONSIDERATIONS:**

### **Background**

The subject site is located on the western side of the Mossman-Daintree Road and is located approximately 200m south of the existing Wonga Beach Urban Area. The land has a total area of 13.09 hectares and a frontage of approximately 723 metres to the Mossman-Daintree Road, with a depth ranging between 184 metres and 220 metres. The application was Code Assessable at the time it was made and was not required to be publicly notified. The land is constrained by natural vegetation, two creek and gully systems and excessive slope gradient in some areas.

The application originally lodged with Council was for Reconfiguring a Lot (1 lot into 42 lots). Due to the constraints over the land and a lack of information provided about the proposed Stage 3, the final Negotiated Decision Notice that was issued granted a Development Permit for Stages 1 and 2, and a Preliminary Approval for Stage 3, with a lot yield of 10 lots and a balance parcel. .

The following table outlines important actions in the processing of the application.

<b>Date</b>	<b>Action</b>
10 April 2006	Application lodged with Council
11 December 2008	Decision Notice (Decision Date)
14 April 2010	Negotiated Decision Notice (Decision Date)
1 April 2011	Amended Negotiated Decision Notice issued
21 July 2011	Operational Works application lodged with Council
27 September 2011	Operational Works approval issued (lapsed 27 Sept 2013)

### **Relevant Period and Related Approvals**

In accordance with S339 of the Sustainable Planning Act 2009 (SPA) the approval took effect from the date the Negotiated Decision Notice was given, being 14 April 2010. S341(2)(b) of SPA states that a development approval for Reconfiguring a Lot

requiring Operational Works lapses if development is not started within 4 years starting the day the approval takes effect.

The relevant period, or the period in which an approval lapses, can be further extended by a 'related approval', which is outlined in S341 of SPA. In the case of a Preliminary Approval, as is the case with Stage 3 of this approval, that approval can be further extended by gaining a Development Permit for Reconfiguring a Lot. In this instance a Development Permit was not achieved for Stage 3, and therefore Stage 3 of the approval lapses 14 April 2014.

As outlined in the above table, an Operational Works application (a 'related approval') was made to Council in July 2011, and approved 27 September 2011. As this is within two years of the issue of the Negotiated Decision Notice, which was decided 14 April 2010, the relevant period for the Development Permit for Stages 1 and 2 now commences 27 September 2011, and lapses 27 September 2015.

### **Proposal**

The applicant requests a two (2) year extension to the relevant period of the approval, to 14 April 2016. The applicant submits a number of reasons in support of the request, which are summarised below:

- (a) Market conditions have been suppressed, placing a constraint on the development and sale of the lots; and
- (b) Since the Operational Works approval issued 27 September 2011 has lapsed, it will take time to prepare and lodge another Operational Works application; and
- (b) The approved plan included a setback of 40m to the Mossman-Daintree Road which is to remain vegetated and free of any buildings or structures. The applicant submits that the approved setback represents an appropriate response to the Conservation Planning Area in the 2006 Douglas Shire Planning Scheme; and
- (c) The approved plan includes a significant proportion of drainage reserve land that is located in the Conservation Planning Area in the 2006 Douglas Shire Planning Scheme, allowing the retention of that land for conservation purposes; and
- (d) The approved lots range from 1,932m<sup>2</sup> to 3,922m<sup>2</sup>, demonstrating compliance in part with the Rural Areas and Rural Settlements Locality Code in the 2006 Douglas Shire Planning Scheme which nominates a minimum lot size of 3,500m<sup>2</sup> in the Rocky Point area; and
- (e) The applicant submits that the action by Cairns Regional Council to consider and approve the application and to issue the Negotiated Decision Notice and subsequent Amended Negotiated Decision Notice demonstrates that Council had proper regard for the provisions of the current Douglas Shire Planning Scheme and determined that the development was suitable and appropriate; and

- (f) The applicant submits that the purpose of the Conservation Planning Area Code can be achieved due to restrictions placed on the approval including, but not limited to, the land dedicated to drainage reserve, DTMR setback requirements, and the retention and protection of existing native vegetation required by the then-Environmental Protection Agency.
- (g) The applicant submits that despite the change in level of assessment from Code Assessable to Impact Assessable, that it is considered unlikely that the granting approval to the request to extend the relevant period would cause detriment to the community.

## Officer's Comments

### Relevant Period and Related Approvals

As outlined in the Background section of the report, an Operational Works application (a 'related approval') was made to Council in July 2011, and approved 27 September 2011. As this is within two years of the issue of the Negotiated Decision Notice, which was decided 14 April 2010, the relevant period for the Development Permit for Stages 1 and 2 now commences 27 September 2011, and will not lapse until 27 September 2015. As such, a request to further extend the relevant period for Stages 1 and 2 is considered to be premature at this point in time. In this instance a Development Permit was not achieved for Stage 3, and therefore Stage 3 of the approval lapses 14 April 2014.

In deciding a request under section 383, Council as assessment manager must only have regard to the following matters in deciding a request to extend the relevant period of an approval:

- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development; and
  - (b) the community's current awareness of the development approval; and
  - (c) whether, if the request were refused –
    - (i) further rights to make a submission may be available for a further development application; and
    - (ii) the likely extent to which those rights may be exercised; and
  - (d) the views of any concurrence agency for the approval.
- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development;**

It is emphasised that considerations regarding downturn of economies and the inability of the Applicant to effect the approvals are not matters which the Act permits Council to have regard to. Timing considerations for related approvals are also not valid planning considerations under section 383.

It is noted that the level of assessment for the proposed development has changed from Code to Impact Assessment, due to the land being zoned a combination of Residential 1 and Conservation.

The applicant submitted that the action by Cairns Regional Council to consider and approve the application and to issue the Negotiated Decision Notice dated 14 April 2010 and subsequent Amended Negotiated Decision Notice dated 1 April 2011 had proper regard for the provisions of the current Douglas Shire Planning Scheme (2006) and determined that the development was suitable and appropriate.

Both the *Integrated Planning Act 1997* and the *Sustainable Planning Act 2009* contain provisions allowing Council as the assessment manager to give weight to later planning instruments, codes, laws or policies that come into effect after an application is made but before the decision stage commences. That said, this application was made under the 1996 Douglas Shire Planning Scheme, and therefore the assessment gave strong consideration to those provisions.

The applicant asserts that because large areas of the land are unable to be developed that the proposal is consistent with the current Scheme, however this opinion is not concurred with. A significant difference between the 1996 and 2006 Schemes is the increase in minimum lot size for areas of Rocky Point. The 1996 Scheme supported lot sizes of 800m<sup>2</sup>. While the approved lot sizes exceed the requirements of the 1996 Planning Scheme, the current Scheme seeks a minimum lot size of 3500m<sup>2</sup> for new lots in the areas of Rocky Point, and many of the currently approved lots do not comply.

While the proposal would not directly constitute Impact (Inconsistent) development, extending the relevant period of the approval in its current form will result in downstream development that is Impact (Inconsistent). The purpose of the reconfiguration is the creation of residential parcels.

Under the current Douglas Shire Planning Scheme a House attracts the need for a Code Assessable Material Change of Use application to be made when the land is in the Rural Areas and Rural Settlements Locality, and the Residential 1 Planning Area, but for the portions of the land located in the Conservation Planning Area, a Material Change of Use for a House is Impact (Inconsistent) development. Five of the approved lots are located nearly entirely within the Conservation Planning Area, and a further two lots are located partially in the Conservation Planning Area.

#### State Planning Policy – Far North Queensland Regional Plan 2009-2031

The Policy states,

*2.3.2 On coastal hill slopes and headlands contained between the boundary of the Wet Tropics World Heritage area to the west and the Great Barrier Reef lagoon to the east; and from the Daintree River to the north and Cardwell Gap to the south:*

- a) *in the urban footprint and rural living area, reconfiguring a lot and other development inconsistent with a council planning scheme avoids slopes greater than 1:4 or upwards to and including the ridgeline unless there is an overriding need for essential community service infrastructure.*
- b) *in the regional landscape and rural production area, development inconsistent with a council planning scheme avoids slopes greater than 1:6 or upwards to and including the ridgeline.*
- c) *community consultation is undertaken for development on slopes greater than 1:4 and upward in the urban footprint and rural living area and on slopes greater than 1:6 and upward in the regional landscape and rural production area.*

The Regional Plan came into effect in February 2009 and remains current. The land is in the regional landscape and rural production area and contains slopes in excess of 1:6.

The development demonstrates inconsistencies with current laws and policies applying to the development, and as such it is recommended that the request to extend the relevant period be refused. .

- (b) the community's current awareness of the development approval; and**
- (c) whether, if the request were refused –**
  - (i) further rights to make a submission may be available for a further development application; and**
  - (ii) the likely extent to which those rights may be exercised;**

The application was Code Assessable under the 1996 Douglas Shire Planning Scheme. Should the request be refused, under the current Douglas Shire Planning Scheme an application for Reconfiguring a Lot would require Impact Assessment, enabling submissions to be made with regard to the proposed development, and these submitters would hold third party appeal rights..

Taking into account the location, forested nature and visual prominence of the site, it is considered that an application would be likely to attract submissions. Considering that the current Douglas Shire Planning Scheme has been in effect since 2006; it is reasonable for the community to expect that the current Scheme should apply.

As mentioned above, Section 2.3 of the FNQ Regional Plan 2031 ('the Plan') focuses on scenic amenity and avoiding adverse impacts of development on scenic amenity, as well as avoidance of landslide. Section 2.3.2 of the Plan encourages introducing a community consultation element for development within

a specific geographic area, being on coastal hill slopes and headlands

contained between the boundary of the Wet Tropics World Heritage Area to the west and the Great Barrier Reef lagoon to the east; and from the Daintree River to the north and Cardwell Gap to the south.

Based on both the change to the level of assessment for the proposal and the provisions in Section 2.3.2 of the Plan, it is considered appropriate to refuse the request to extend, thereby giving an opportunity for the community to make submissions in the event of a new application to Council.



**(d) the views of any concurrence agency for the approval.**

The Department of State Development, Infrastructure and Planning (DSDIP) advised via letter dated 18 March 2014 (Council ref no 419577) that the department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved. The correspondence is attached at Appendix 2.

**Infrastructure Charges**

These remain applicable for the life of the approval. Council's Policy has not varied the amount due, except indexing, since the issue of the approval.

**Planning Conclusions**

Under the current Douglas Shire Planning Scheme the land lies within the Residential 1 Planning Area and the Conservation Planning Area of the Rural Areas and Rural Settlements Locality. The approved development is identified in the tables of assessment in the current Scheme as impact assessable development, and the intended use of the proposed lots is for residential parcels. The current Scheme seeks the development of Houses on Residential 1 land, as evidenced by the level of assessment (Code Assessable), however the development of Houses on land in the Conservation Planning Area is strongly discouraged, as that development is Impact (Inconsistent). The current Scheme seeks a lower density of development through a minimum lot size of 3500m<sup>2</sup>. The expected outcome under the current scheme would be a lesser lot yield, with development to be sited on that part of the lot which is located in the Residential 1 Planning Area, and on that part of the lot least constrained by slope, vegetation or access constraints, and preferably avoiding extensive cut and fill and/or complex geotechnical solutions.

The approval is not consistent with current planning requirements, and results in the creation of lots where the intended residential use is Impact (Inconsistent) where the land is in the Conservation Planning Area. Given that the current Scheme seeks significantly different outcomes to that of the 1996 Scheme it is not considered appropriate that the request be supported.

It is further noted that Stages 1 and 2 of the approval remain current until 27 September 2015, which allows time in which to gain an Operational Works approval and commence works on the approved development. It is recommended that the applicant be advised that the Development Permit over Stages 1 and 2 does not lapse until 27 September 2015.

**APPENDIX 1: AMENDED NEGOTIATED DECISION NOTICE**

**ENQUIRIES:** Michelle Henderson  
**PHONE:** (07) 4099 9457  
**FAX:** (07) 4044 3838  
**YOUR REF:**  
**OUR REF:** 8/37/5 (3117916)

1 April 2011

T B Fowler  
C/- Victor Feros Planning Consultants  
PO Box 1256  
**CAIRNS QLD 4870**

Dear Sir/Madam

**AMENDED NEGOTIATED DECISION UNDER S807 SUSTAINABLE PLANNING  
ACT 2009: DEVELOPMENT APPLICATION FOR 1407R MOSSMAN-DAINTREE  
ROAD ROCKY POINT**

With reference to the abovementioned Development Application which was determined by Council at its Planning & Environment Committee Meeting held on 14 April 2010 please find attached the relevant Amended Negotiated Decision Notice. The amendment corrects an error pertaining to the proposal details. Please note that the contributions calculations at Appendix 2 have not been updated with the issuing of this Amended Decision Notice. Updated contributions should be requested prior to payment of Developer Headworks contributions.

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

Should you have any enquires in relation to this Negotiated Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston  
**Manager Development Assessment**

Att.

40.2006.2236  
1/15

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**APPLICANT DETAILS**

T B Fowler  
C/- Victor Feros  
PO Box 1256  
CAIRNS QLD 4870

**ADDRESS**

1407R Mossman-Daintree Road Rocky Point

**REAL PROPERTY DESCRIPTION**

Lot 11 on SP132055

**PROPOSAL**

1 lot into 10 lots and balance parcel

**DECISION**

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

**DECISION DATE**

14 April 2010

**TYPE**

Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

*(MCU or ROL containing remnant vegetation as defined under the Vegetation Management Act 1999)*

Development Application Lodgement  
Department of Environment & Resource Management  
PO Box 15155  
City East QLD 4002

*(Heritage, Coastal & ERAs EPA)*

Development Application Lodgement  
Department of Environment & Resource Management  
(Formerly EPA)  
PO Box 15155  
CITY EAST QLD 4002  
1300 368 326

**DECISION NOTICE DETAILS**  
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*(State Controlled Roads)*  
 Department of Transport and Main Roads  
 Road Assets and Operations  
 Senior Planner  
 (Formerly Main Roads Far North Region)  
 PO Box 6185  
 CAIRNS QLD 4870  
 (07) 4050 5444

Ergon Energy  
 Chris Souter  
 PO Box 358  
 CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Work

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

None

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

Not in conflict

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

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

**STAGES 1 AND 2 APPROVED DRAWING(S) AND/OR DOCUMENT(S)**

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

Drawing or Document	Reference	Date
Plan of Proposed Subdivision of Lots 1-10, 100, 101 & 500, Mossman-Daintree Road, Rocky Point	5115JAM-08 Rev. J (as amended by Condition 3 herein)	23 March 2010

- A. A Development Permit is granted over Stages 1 and 2 generally in accordance with Drawing 5115JAM-08 Rev. J Prepared by Charles O'Neill Pty Ltd (Council Ref No 2523302) and subject to the following conditions;

**DECISION NOTICE DETAILS**  
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**Assessment Manager Conditions**

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

Except where modified by these conditions of approval.

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

**Amended Plan of Reconfiguration**

3. The proposed development must be designed to accommodate the following:
  - a. Relocate Access Easement A so that it is not located on the Public Use Land (Drainage Easement);

**Street Layout and Design**

4. Amend the proposed internal road layout such that it demonstrates compliance with the FNQROC Development Manual and QLD Streets. A copy of the amended drawings are to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works prior to the issue of a Development Permit for Operational Works.

**Water Supply Contributions**

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$102,261.64.

Payment is required prior to approval and dating of the Plan of Survey.

**DECISION NOTICE DETAILS**  
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**Parkland Contribution**

6. Prior to the approval of the Plan of Survey, the Applicant must pay a monetary contribution in accordance with Local Planning Policy No.5 – Developer Contributions Parks in the amount of \$10,000.00.

Payment is required prior to approval and dating of the Plan of Survey.

**Water Supply Works External**

7. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
- a. Extend water infrastructure to connect the site to Council's existing water infrastructure at a point that has sufficient capacity to service the development.

Three (3) 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.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to approval and dating of the Plan of Survey.

**Water Supply Works Internal**

8. Undertake the following water supply works internal to the subject land:-
- a. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

**On-site Effluent Disposal**

9. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to issue of a Development Permit for Operational Works.

**DECISION NOTICE DETAILS**  
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**Damage to Infrastructure**

10. In the event that any part of Council's existing water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Cairns Water & Waste, at the developers cost, prior to the commencement of use.

**Drainage Study of Site**

11. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
- a. The contributing catchment boundaries;
  - b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
  - c. Primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;
  - d. Identify any requirement for drainage easements;
  - e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
  - f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
  - g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

**Demolish Structures**

12. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to approval and dating of the Plan of Survey.

**DECISION NOTICE DETAILS**  
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**Building Envelope Plan**

13. The applicant/owner must ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

**Stockpiling and Transportation of Fill Material**

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

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

- a. peak traffic times; or
  - b. before 7am or after 6pm Monday to Friday; or
  - c. before 7 am or after 1pm Saturdays; or
  - d. on Sundays or Public Holidays.
15. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**Storage of Machinery & Plant**

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

**Landscaping & Revegetation**

17. Landscaping and revegetation is to be in accordance with the Landscape Report for Proposed Reconfiguration of a lot located at 1407 Mossman-Daintree Road, Rocky Point Lot 11 on SP132055, Parish of Whyanbeel by Hortulus Landscape Design & Management.

**Vegetation Clearing**

18. 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 as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.

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



**DECISION NOTICE DETAILS**  
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**Tree Protection**

19. Trees and vegetation to be retained are to be protected in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites.

**Wildlife**

20. 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**

21. An Ecoaccess approval must be obtained from the Environmental Protection Agency 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.epa.qld.gov.au](http://www.epa.qld.gov.au) or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

**Notification of Vegetation Clearing**

22. Council's Development Assessment Branch must be notified two business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

**Weed Management**

23. Weed management is to be in accordance with the Weed Management section of the Landscape Report for Proposed Reconfiguration of a lot located at 1407 Mossman-Daintree Road, Rocky Point Lot 11 on SP132055, Parish of Whyanbeel by Hortulus Landscape Design & Management.

**Reserves Over Creeks and Streams**

24. A Drainage Reserve containing all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent to the top of the bank or the limit of the Q100 ARI event, whichever is the greater must be transferred to the Crown for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**Existing Creek and Drainage Systems**

25. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

**Lawful Point of Discharge**

26. 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.

**Sediment and Erosion Control**

27. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

**Existing Services**

28. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
- a. Relocate the services to comply with this requirement; or
  - b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

**Electricity and Telecommunications**

29. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.

**DECISION NOTICE DETAILS**  
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**Street Lighting**

30. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:
- a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual.

The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs
- LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.
- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.

**DECISION NOTICE DETAILS**  
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**Vegetation Retention**

31. A \$100,000 cash or bank bond is to be lodged with Council prior to commencement of works onsite to ensure the retention of all vegetation within the 40 metre setback area to the Mossman-Daintree Road. The bond is to be held by Council until approval and dating of the Plan of Survey.

- B. Preliminary Approval is granted for the balance of the land (Stage 3), subject to the following:

**Amended Plan of Reconfiguration**

1. The proposed development must be redesigned to accommodate the following:
  - a. Exclusion of all land and setting such land aside for drainage purposes. This land must contain all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent to the top of the bank to the extent of the subject land or the limit of Q100 flooding, whichever is the greater along the un-named stream riparian margins.
  - b. Exclusion of all land steeper than 1 in 3 gradient from reconfiguration.
  - c. Vehicular access to the site is confined to one point as directed by Department of Main Roads.
  - d. Each new lot must contain a building envelope that:
    - i. Provides a minimum site area of 500m<sup>2</sup> for the provision of a house and curtilage including an on-site waste facility that meets the relevant Code for such facility. Such envelopes are to be located in parts of the land unconstrained by significant native vegetation.
    - ii. Is set back 40 metres from the Mossman-Daintree Road and 6 metres from any internal road.
  - e. Each proposed building envelope must be fully supported by a site specific Geotechnical Report that demonstrates that each building site can safely accommodate a future dwelling.

**DECISION NOTICE DETAILS**  
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**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Natural Resources and Water	IC1007CNS0017; ATH/006721	21 December 2007	1663048
Department of Main Roads	45/655/102(3321)	8 April 2008	1687627
Environmental Protection Agency	295213	27 March 2008	1681483

Refer to Appendix 1: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

**C. PROPERTY NOTATION**

The following notation will be placed on Council's rates record for lots adjoining the Mossman-Daintree Road with the exception of the existing house lot :-

- a. The owner (s) of this lot will be required to retain all vegetation within the 40 metre setback area to the Mossman-Daintree Road.

**ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 2. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. A permit under Section 266 of the *Water Act 2000* may be required to be obtained from the Department of Environment and Resource Management prior to the clearing and /or damage to riparian vegetation within or along the bank of any watercourse.

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**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

6. An Ecoaccess approval must be obtained from the Department of Environment & Resource Management prior to Operational Works Approval for the clearing of vegetation and/or tree removal as the following plant species protected under the provisions of the *Nature Conservation Act 1992* are known to occur within the area covered by this 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 QPWS on Phone: 4046 6609.

*Randia audasii* specimens of this plant were identified in or adjacent to Lots 19 and 20 of Stage 3.

*Rourea brachyandra* numerous specimens of this vine were observed in the area of the proposed access roads in Stage 1 and 2 and on Lots 3,4,6,7, 11 and Lot 20 of Stage 3.

7. Trees and/or vegetation that contain nesting native birds, dens or roosting sites of native animals are not to be removed while the nests, dens or roosting sites are in use as per the requirements of the *Nature Conservation (Wildlife Management) Regulation 2006* without the necessary Ecoaccess Approval. Information on Ecoaccess approvals may be obtained at [www.derm.qld.gov.au](http://www.derm.qld.gov.au) or by contacting the Cairns Office of QPWS.
8. For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://www.dip.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**



**DECISION NOTICE DETAILS  
SUSTAINABLE PLANNING ACT 2009**

**APPENDIX 2 DEVELOPER CONTRIBUTIONS CALCULATIONS FOR STAGES 1 & 2**

T L Fowler		N/A		1 & 2		
DEVELOPERS NAME		ESTATE NAME		STAGE		
1407R Mossman-Daintree Road		Rocky Point		Lot 11 on SP132055		
STREET No. & NAME		SUBURB		LOT & RP No.s		
Reconfiguring of a Lot (1 into 10)		8/37/5		31-Dec-09		
DEVELOPMENT TYPE		COUNCIL FILE NO.		QUARTER ENDING		
2493052		1		This logsheet is indexed appropriately only for payments made within the quarter noted above.		
SEDS No.		VERSION No.				
DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
<b>WATER</b>						
EX	5 11,362.40	X 9.00	0.00	\$102,261.64		T 615/ 05608
PRO	5 0.00	X 9.00	0.00	\$0.00		T 616/ 05654
Water sub - total				\$102,261.64		
<b>SEWERAGE</b>						
EX	8 0.00	X 0.00	0.00	\$0.00		T 617/ 0
PRO	8 0.00	X 0.00	0.00	\$0.00		T 618/ 0
Sewerage sub - total				\$0.00		
<b>Road Network</b>	Not Applicable in Former DSC Areas		0	\$0.00		000/ 0
District No.		0				
<b>DRAINAGE</b>	Not Applicable in Former DSC Areas		None	\$0.00		0
Stream Management				\$0.00		0
Stormwater Quality				\$0.00		0
<b>OPEN SPACE</b>			Former DSC Area	\$10,000.00		T 614 / 546
<b>BONDS</b>	None			\$0.00		
				\$0.00		
<b>OTHER</b>	Mossman Outside CB Area & Rest of Shire Car P			\$0.00		T 613 / 05848
				\$0.00		
<b>TOTAL</b>				\$112,261.64		
Prepared by	M Henderson		on	31-Mar-10	Amount Paid	
Checked by	Trish Read		on	31-Mar-10	Date Paid	
Amendments			Date		Receipt No.	
					Cashier	

- The Developer should confirm these details with City Assessment prior to arranging payment.
- City Assessment must update these details if the effective quarter is no longer current.
- City Assessment must update these details in the event of policy change or variation to Development Approval.
- These details must be presented at time of payment.
- A photocopy of these details to be forwarded to City Assessment once payment is received.
- The original of these details to be forwarded to Finance Department with receipt once payment is received.
- Payment details to be entered into Developer Contributions Register by Finance Officer.

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## APPENDIX 2: CONCURRENCE AGENCY COMMENT



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0214-005306  
Your reference: 8/37/5

Date: 18/03/2014

Ms Linda Cardew  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman, Qld, 4873

Att: *Jenny Elphinstone*

Dear Ms Cardew

**Notice about request to extend relevant period**

1407 Mossman Daintree Road, Rocky Point, Qld, 4873 described as Lot 11 on SP132055  
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* on 23/02/2014 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 two years.

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 Joanne Manson, Senior Planning Officer, Regional Services – Far North on (07) 4048 1498 or via email [joanne.manson@dspdip.qld.gov.au](mailto:joanne.manson@dspdip.qld.gov.au) who will be able to assist.

Yours sincerely

A handwritten signature in cursive script that reads 'Angela Foster'.

Angela Foster  
Manager (Planning)

cc: Theresa L Fowler, c/- Victor Feros Town Planning email: [nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)

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

