

5.1. EXTEND CURRENCY FOR DEVELOPMENT PERMIT FOR STAGES 4 AND 5 OF SHEPHERD VALLEY ESTATE, MOSSMAN

REPORT AUTHOR(S)	Jenny Elphinstone, Senior Planning Officer
GENERAL MANAGER	Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Extension application for the reconfiguring a lot approval for 2 Lot into 106 Lots) Stages 4 & 5 Shepherd Valley Estate
APPLICANT	Valmai Vivienne Christie 8 Connolly Street Mossman QLD 4873
LOCATION OF SITE	52-80 Coral Sea Drive Mossman Gorge and Lot 45 Connolly Street Mossman
PROPERTY	Lot 10 on RP887362 and Lot 45 on SP183690

LOCALITY PLAN



Figure 1 - Locality Plan

LOCALITY	Port Douglas and Environs
PLANNING AREA	Residential 1
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	Department of State Development Infrastructure and Planning (for the original application)
NUMBER OF SUBMITTERS	None – not applicable.
STATUTORY ASSESSMENT DEADLINE	16 May 2018
APPLICATION DATE	17 April 2018 (Application requesting extension)

RECOMMENDATION

That Council approves the extension application for the Development Permit for the Reconfiguring of a Lot for Stages 4 and 5 of the Shepherd Valley Estate (two lots into 106 lots) over land described as Lot 10 on RP887362 and Lot 45 on SP183690, located at 52-80 Coral Sea Drive, Mossman Gorge for a further four years, up to and including 4 November 2022.

EXECUTIVE SUMMARY

The land is located to the west of the existing Shepherd Valley Estate extending from the valley floor to the foothills at Coral Sea Drive. In November 2014 Council approved a Development Permit to reconfigure the land into residential lots subject to conditions. The application was determined under the 2006 Planning Scheme (as amended). The Permit is due to expire on 4 November 2018 and the land owner has made an application requesting a four year extension to currency period up to and including 4 November 2022.

No concern is raised with the request. The approval, encompassing a detailed set of conditions, is consistent with the 2018 Planning Scheme. It is recommended the extension application be approved and an Adopted Infrastructure Charges Notice issue.

TOWN PLANNING CONSIDERATIONS

Background

The land comprises two lots, one being the remaining balance of the existing subdivision (Stages 1, 2 and 3) and the other comprising cane land which also has frontage to Coral Sea Drive.

Previous approval was issued by the former Douglas Shire Council and development has occurred for Stages 1, 2 and 3 of this residential estate. Application was made to complete

the estate and a Preliminary Approval issued under Cairns Regional Council. The Development Permit was not pursued at the time due to Mr Christie's death.

In 2014 an application was made and a subsequent approval for a Development Permit was issued in November of that year for the development of Stages 4 and 5 of the Shepherd Valley Estate.

The reconfiguration will create 105 residential lots and a public Park extending the Estate from its existing alignment to the west to abut Coral Sea Drive and to the south to Parker Creek. Provision has been made for future road connection to the south. The development is staged to allow the continuation of cane production over Stage 5 land while Stage 4 is constructed and developed. Minor concern was raised with the slope and drainage for some lots in Stage 5 and conditions of the approval require further details to address these concerns. The proposed Park is centrally located with amenities and will provide benefit to existing and future residents. A copy of the current approval is included in Attachment 1.

A condition of the approval, as required by the Department of State Development, Infrastructure and Planning, is the construction of a channelised intersection off the Captain Cook Highway (Alchera Drive) and Maxwell Street (north) together with the permanent closure of the intersection of the Captain Cook Highway / Maxwell Street (south) and the construction of a turn around in Maxwell Street (south). These requirements reflect the Department of Main Road's aim to minimise the number of intersections to the state-controlled road.

Proposal

The applicant has requested extension application for a further four years, up to and including the 4 November 2022.

Planning Act 2016 (PA)

The request has been lodged under section 86 of the *Planning Act 2016* (PA).

Council must decide the request for an extension approval to the Decision Notice under section 87(a) of the PA,

"When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application."

No referrals are necessary for extension applications.

In deciding the request section 87(2) of the PA states that the assessment manager must decide whether to:

- "(a) give or refuse the extension sought; or*
- (b) extend the currency period for a period that is different from the extension sought."*

State Planning Requirements

The assessment of the original application had regard to vegetation clearing and state infrastructure (state-controlled road) matters. The approval includes conditions as required by the Department of State Development, Infrastructure and Planning. These conditions continue to apply.

The State Planning Policy (SPP) requires consideration be given to state interests. The current Policy came into effect on 3 July 2018, upon the commencement of the *Planning Act 2016*. The Policy considerations have been addressed through the assessment undertaken to date.

Douglas Shire Planning Scheme Assessment

Assessment of the approval against the 2018 Planning Scheme is tabled below.

2018 Douglas Shire Planning Scheme Codes		Code Applicability	Compliance
Zone	Low Density Residential	✓	Satisfactory layout design, refer to comment.
Local Plan	Mossman	✓	Complies.
Precinct / Sub Precinct	Precinct 7 – Emerging Communities	✓	Transport Investigation Corridor through land connecting neighbouring land to the north and to the south.
State Codes	Community Residence Code	x	Not Applicable
	Forestry For Wood Production Code	x	Not Applicable
	Reconfiguring A Lot (Subdividing One Lot Into Two Lots) And Associated Operational Work Code	x	Not Applicable
Overlay Codes	Acid Sulfate Soils Code	✓	<ul style="list-style-type: none"> Part Acid Sulfate Soils (5-20m AHD) Complies.
	Bushfire Hazard Code	✓	<ul style="list-style-type: none"> Part Potential Impact Buffer. Satisfactory compliance with the Code. The developable area will be within urban service. Development is in an urban area. Building codes consider radiant heat flux considerations. Majority of boundary fronts a road (Coral Sea Drive) which is a public road and forms a buffer.
	Coastal Environment Overlay Code	x	Not mapped.
	Flood And Storm Tide Hazard Overlay Code	x	Not mapped.
	Hillslopes Overlay Code	✓	Part Area Affected by Hillslopes. Satisfactorily addressed through the conditions of the approval.
	Landscape Values Overlay Code	x	Not mapped.

2018 Douglas Shire Planning Scheme Codes		Code Applicability	Compliance
	Natural Areas Overlay Code	✓	MSES - Regulated Vegetation (Intersecting a Watercourse). Satisfactorily addressed through the conditions of approval and considerations of lot layout.
	Places Of Significance Overlay Code	x	Not mapped.
	Potential Landslide Hazard Overlay Code	✓	Edge to Coral Sea Drive mapped as Potential Landslide Hazard. Satisfactorily addressed through the conditions of the approval.
	Transport Network Overlay Code: (Pedestrian and Cycle) Overlay	✓	Strategic Investigation Route mapped connecting through site. Complies through conditions.
	Transport Network Overlay Code: (Road Hierarchy) Overlay	✓	<ul style="list-style-type: none"> Development will join to an existing connector road. Complies.
	Transport Network Overlay Code: (Transport Noise Corridor) Overlay	x	Not mapped.
	Land Use Code:	x	No applicable land use code.
Other Development Codes	Access, Parking And Servicing Code	x	Not applicable
	Advertising Devices Code	x	Not applicable.
	Environment Performance Code	x	Not applicable.
	Filling And Excavation Code	✓	Complies through the conditions of the approval.
	Infrastructure Works Code	✓	Complies through the conditions of the approval.
	Landscaping Code	✓	Complies through the conditions of the approval.
	Reconfiguring A Lot Code	✓	Complies through the conditions of the approval.
	Ship-Sourced Pollutants Reception Facilities In Marina Code	x	Not Applicable.
	Vegetation Management Code	✓	Complies through the conditions of the approval.

Compliance Issues

Low Density Residential Zone

The performance criteria for new lots seek a minimum area of 600m², an ability to contain a 20m x 15m rectangle and a minimum road frontage of 15m. Each lot is at least 800m² site area and has an ability to contain a 20m x 20m square. The majority of the proposed lots have a frontage of 20m. Some lots, at the cul-de-sac heads have frontages of 12m and one lot has a frontage of 9m. the nomination of a minimum frontage, as a performance criteria, reflects the ability to provide suitable on-street parking. This issue is satisfactorily addressed through Condition 10.c, that requires demonstration of on-street parking that achieves the rate nominated in the code *Queensland Streets*. Through the conditions of the approval the development complies with the Code purpose.

The conditions of the approval satisfactorily address the 2018 Planning Scheme codes.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers infrastructure charges under Council's Adopted Charges resolution. These charges are included in Attachment 2.

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. Attachment 1 Current Decision Notice **[5.1.1]**
2. Attachment 2 Adopted Charges **[5.1.2]**

YOUR REF: 031213
OUR REF: ROL 125/2014 (433028)

4 November 2014

Mr Wayne Storey
PO Box 1285
INNISFAIL QLD 4860

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 52-80 CORAL SEA DRIVE, MOSSMAN
GORGE & CONNOLLY STREET, MOSSMAN**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 4 November 2014, please find attached the relevant Decision Notice.

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

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9456.

Yours faithfully

Paul Hoyer
General Manager Operations

Att

APPLICANT DETAILS

Wayne Storey
PO Box 1285
INNISFAIL QLD 4860

ADDRESS

52-80 Coral Sea Drive, Mossman Gorge & Connolly Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 10 on RP887362 & Lot 45 on SP183690

PROPOSAL

Reconfiguring a Lot (2 Lots into 106 Lots) Stages 4 & 5 Shepherd Valley Estate

DECISION

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

DECISION DATE

4 November 2014

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Native vegetation clearing	Department of State Development, Infrastructure and Planning	Advice or Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State transport infrastructure (thresholds)	Department of State Development, Infrastructure and Planning	Advice or Concurrence	Far North Queensland Regional Office PO Box 2358 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

A. CONDITIONS OF APPROVAL FOR RECONFIGURING A LOT FOR STAGES 4 & 5 SHEPHERD VALLEY ESTATE OVER LAND DESCRIBED AS LOT 10 ON RP887362 AND LOT 45 ON SP183690, LOCATED AT 52-80 CORAL SEA DRIVE, MOSSMAN GORGE AND CONNOLLY STREET, MOSSMAN**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
Coral Sea Drive Development, Drainage Study Internal Catchment Drainage Plan	Projex Partners Drawing 601-001-SK03 Revision 2 dated 9 July 2014 and as amended by Condition 4 of the Approval	To be determined
Proposed Reconfiguration of Lot 45 on SP183690 and lot 10 on RP887362 – Stage 4 Layout	Benchmark Survey and Design Drawing 031213-C01 Revision A dated 12/13 and as amended by Condition 4 of the Approval	To be determined
Proposed Reconfiguration of Lot 45 on SP183690 and lot 10 on RP887362 – Stage 5 Layout	Benchmark Survey and Design Drawing 031213-C02 Revision A dated 12/13 and as amended by Condition 4 of the Approval	To be determined
Proposed Reconfiguration of Lot 45 on SP183690 and lot 10 on RP887362 – Stage 4 and 5 Road Layout	Benchmark Survey and Design Drawing 031213-C03 Revision A dated 12/13 and as amended by Condition 4 of the Approval	To be determined

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

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

Access

3. No lot is to be accessed from Coral Sea Drive.

Lot Yield

4. The allotment yield as detailed on Drawing No 601-001-SK03 Revision 2 dated 9 July 2014 prepared by Projex Partners may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit with particular reference to Condition 5 requiring further design and also to the Condition 6 requiring an update to the stormwater master plan, which also has potential implications to the lot layout.

Street Layout and Design

5. The street layout and design must be revised to comply with Queensland Streets and the *FNQROC Development Manual*, to the satisfaction of the Chief Executive Officer. In particular:
 - a. Provide a detailed survey of Parker's Creek upstream from the south-eastern boundary of Lot 45 on SP183690 to identify the top of bank. Setback lots a minimum of ten (10) metres from the northern top of bank or a distance as required from a geotechnical report for slumping or incised bank of Parker Creek;
 - b. Proposed Lots 89 to 97 and proposed Lots 104 and 105 are not approved and are subject to further design to prove that all services sewer and stormwater can be provided to these lots without need to resort to extensive retaining. Council does not accept that a 3.8m retaining wall is an acceptable outcome.

Where the cul-de-sac and part of proposed Lots 89 to 97 can be shown to be developed without need for extensive earthworks and retaining adjacent the boundary, Council may be able to accept some of the lots;

- c. Discharge of stormwater to the drain at the rear of proposed Lot 47 is indicated to be at RL 16.0m on the stormwater master plan. All development below the 16m contour is subject to confirmation of serviceability without resorting to significant earthworks and resulting high retaining walls.
- d. Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;

- e. Revisit the design of proposed Lots 79 to 82 to ensure that each allotment is provided with sufficient area to accommodate a building envelope. The building envelope must be free from vegetation and must reflect the slope of the lots to accommodate an individual driveway of suitable gradient for each proposed lot.

Nominate all access driveways and excavations to establish a preliminary building pad on these lots;

- f. Ensure the access place 'street leg length' is designed to satisfy the design speed control criteria for the respective road hierarchy; and
- g. Demonstrate that the required on-street car parking spaces can be provided in the vicinity of cul-de-sacs and lots with frontage less than 17m.

An amended plan incorporating the above requirements must be submitted 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 the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Master Plan

- 6. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the development can be serviced.

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 the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Infrastructure Plan

- 7. A water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:
 - a. Identify any external catchments that will be connected to the internal sewer or water networks;
 - b. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development; and
 - c. Provide any required pump station with a service vehicle turnaround area.

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Water Supply and Sewerage Works Internal

8. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection to each lot in accordance with the *FNQROC Development Manual*;
 - b. Provide water reticulation within the estate in accordance with the *FNQROC Development Manual*; and
 - c. Construct service vehicle turnarounds for any required pump station(s).

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 the issue of a Compliance Certificate for the Plan of Survey.

Inspection of Sewers

9. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Road Layout

10. Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the *FNQROC Development Manual*. The investigation is to include but not be limited to the following:
 - a. Proposed Lots 36 and 43 and the proximity of these lots to the roundabout and the ability to provide suitable access. Sight distance to these lots on the roundabout, and any requirements for the driveway locations (including possible specification for access at the side boundaries) is to be nominated. In addition any implications for existing Lots 15 and 16 on RP 910268 are to be advised.
 - b. Batters from road and access onto proposed Lots 68 to 78 are to be demonstrated on plans prior to the issue of a Development Permit for Operational Works for those stages. Driveway access is to be confirmed to each lot once the final road grading is confirmed.

- c. A car parking plan is to be provided in support of the operational works application showing how on-street car parking at the cul-de-sacs will be provided at the rate nominated in Queensland Streets. The plan must include driveways and infrastructure to verify that the car parks are available within the road system. Where additional parking is required this must be documented in the operational works plans for approval by Council.

The advice on the outcomes from this review must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Where specific access locations are nominated for particular allotments, the cross-over and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.

Geotechnical Report

11. A geotechnical assessment must be carried out by a qualified and experienced geotechnical consultant for proposed Lots 67-93. The preliminary geotechnical reports are to be lodged with the application for a Development Permit for Operational Works, with a final geotechnical report endorsed by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Updated Drainage Study of Site

12. Undertake an update to the 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 including justification for the contour data utilised, (it is noted that there are discrepancies between the internal and external contour information at the limit of the detail survey);
 - 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 2, 5, 10 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements, and provide substantiation of the easement widths supported by details of flow depths, water spread and freeboard to adjacent lots);
 - 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;

- h. Clarification of the drainage concept for the park area and the swale behind proposed Lots 62 to 66. The master plan appears to indicate duplicate drainage systems. The function, size and capacity of each system is to be advised so Council can assess its acceptance or otherwise of the concept being proposed;
- i. The width of the drainage easement in the rear of proposed Lots 43 to 55 is to be confirmed with detailed stormwater calculation submitted with the operational works applications for the relevant stage. In particular the calculations shall demonstrate that the adjacent lots are provided with freeboard in accordance with the requirements of the *QUDM Development Manual*;

The afflux at any culverts and associated implications for hydraulic gradient is to be calculated with these calculations submitted to Council as part of the operational works supporting information.

The stormwater designer must certify the runoff is fully contained with appropriate freeboard for all events;

- j. The profiling of proposed Lot 82 is to demonstrate that the lot is not at risk to external flows from the west with an apparent low spot mid-way along the rear boundary. The lot profiling must also show that the lot is provided with freeboard to the adjacent drain;
- k. Stormwater catch drain at the rear of proposed Lots 83 to 92 appears to be relied on for protecting these lots. No information is provided on the capacity, tenure and long term stability of this diversion. The revised stormwater study is to provide further advice on this diversion and demonstrate how it meets the requirements of the *FNQROC Development Manual* and the *QUDM Development Manual*;
- l. Stormwater modelling of Parker Creek is to confirm immunity and freeboard to adjacent lots;
- m. Flows through the park are to be conveyed underground to ensure utility of the Park is not compromised by surface drainage channels. If the park is intended to have any detention function, details are to be provided to demonstrate what immunity is provided to the park and the operation and maintenance of any infrastructure;
- n. The drainage for road flows in the vicinity of proposed Lots 61 and 62 is to be confirmed. If the major flows are intended to be conveyed from a sag point at this location, calculations and details of the localised road grading are to be provided for review at operational works phase;
- o. Proposed Lots 1 to 13 are below the road, this has implications for the major flow capacity of the road. The updated stormwater master plan is to confirm that the stormwater can be managed noting the reduction to permissible road flow capacity;

- p. Stormwater drainage reserve behind proposed Lots 62 to 66 must demonstrate that there is appropriate capacity to avoid overtopping into lots below the drainage reserve. Controls for surface flows at bends are to be nominated; and
- q. Stormwater easement in proposed Lots 56 to 61 must demonstrate that there is appropriate capacity to avoid overtopping into lots below the easement. Any controls on fencing must be nominated in the revised Master Plan.

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

Earthworks on Lots

- 13. Having regard to condition 5e above for the Lots in the area of proposed Lots 79 to 82 construct a vehicle access driveways and excavations to establish a preliminary building pad on each lot.

The height of batters / retaining structures shall be generally limited to avoid visual amenity issues. 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 Council in conjunction with seeking a Development Permit for Operational Works. In instances where batters will exceed 1.8 metres in height, Council 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 submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

External Works

- 14. Undertake the following external works:-
 - a. Upgrade the northern drain including outlet into Parker's Creek, as recommended in the drainage report.

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 plan prior to the issue of a Compliance Certificate for the Plan of Survey.

Fence Requirement – For Stage 4

15. Construct an acoustic fence to the eastern boundary of Stage 5 that is to remain in good condition until the release of lots in Stage 5.

Demolish Structures

16. 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 the issue of a Compliance Certificate for the Plan of Survey.

Temporary Vehicle Turnaround

17. A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds 60 metres (ie, maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

Filling Lots

18. Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto. No fill can occur in the Parker Creek area (including ten (10) m from top of bank) and no filling can be such that detrimentally impacts on the drainage areas.

The applicant must ensure that as a result of the filling there is no impact on upstream or downstream drainage.

Details of the proposed fill must be provided as part of the application for a Development Permit for Operational Work.

All filling must be completed and stabilised to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for approval the Survey Plan.

Building Envelope Plan

19. A building envelope plan for proposed Lots 67 to 93 must be lodged with Council prior to approval and dating of the Plan of Survey. The building envelope plan must comply with the following requirements:
 - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer;
 - b. No building setback shall be closer than 1.5 metres to a completed sewer main;

- c. No building envelope shall extend into an existing or proposed easement;
- d. No building envelope shall contain slopes in excess of 1:3 and contain limited areas having slopes between 1:4 and 1:6;
- e. A suitable building envelope, which seeks to exclude all or most significant vegetation, must be identified for each new allotment. The vegetation which is approved to be cleared must be removed prior to the issue of a Compliance Certificate for the Plan of Survey;
- f. The building envelope must be clear of the sewer unless alternative arrangements are made to make the existing sewer line redundant to the satisfaction of the Chief Executive Officer;
- g. Building envelopes must be located to accommodate any necessary set-backs from drainage paths and sewerage soakage envelopes;
- h. The building envelope plan must show the actual edge of the existing drainage path;

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

Proposed clearing on these lots is to be nominated on the engineering drawings submitted for Operational Works approval.

The boundary of building envelopes must be delineated with marker pegs prior to any removal of vegetation. Driveway access corridors must also be clearly marked within the designated vegetation retention areas.

Stockpiling and Transportation of Fill Material

- 20. 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 7:00 am or after 6:00 pm Monday to Friday; or
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
- 21. 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 and Plant

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

Construction Access

23. Vehicular access to the site for construction and demolition purposes must be provided from Forest Glen Road only, unless authorised by the Chief Executive Officer. No access is permitted of Coral Sea Drive.

Drainage Easements

24. A Drainage Easement having a minimum width of four (4) m in the location(s) shown on the Drainage Study Plan drawing 601-001-SK03 revision 2, dated 4 July 2014 and prepared by Projex Partners must be granted in favour of Council. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Damage to Council Infrastructure

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

Provision of Park

26. The physical provision of Park land must be the dedicated proposed Lot 106 as shown in accordance with the Plan 601-001-SK03 Revision 2 prepared by Projex Partners and dated 7 July 2014.

The Park land must be developed with the following Park improvements:

- a. Bollards surrounding the entire road frontage to the park to prevent vehicular access to the park;
- b. A play space to cater for a wide range of age groups. The play space is to have shade in the form of both shade cloth and trees;
- c. A picnic set with shade structure;
- d. A bubbler with tap and dog drinking bowl;
- e. Landscaping including trees (ie, plants that will become trees). Plants must be agreed to by Council and must be native species. The remaining areas must be turfed;
- f. Two (2) seats with one (1) adjacent to the play space;
- g. Pathways linking surrounding paths and streets;

- h. Open areas sufficient for informal kick around;
- i. Minimum of one (1) bin to be located adjacent to the picnic area; and
- j. An electric BBQ.

Park improvements must also be completed to the satisfaction of the Chief Executive Officer. The park improvements must be completed prior to the issue of a Compliance Certificate for the Plan of Survey for Stage 4.

This area is to be a fair average of the type of land to be reconfigured and shall be filled, graded, and drained, and all declared pest plants to be destroyed and left in a mowable condition to the requirements and satisfaction of the Chief Executive Officer. Bollards to prevent vehicle access must also be installed as part of the physical land dedication.

Three (3) copies of an amended plan showing the required parkland for the entire estate must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

The park areas shall be transferred to the Crown at the same time as the issue of a Compliance Certificate for the Plan of Survey for Stage 4.

Landscape Plan

27. Undertake landscaping of the site and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

- a. Planting of the footpath with trees, using appropriate species;
- b. The provision of shade trees, especially in parks;
- c. The revegetation of cut and fill batters;
- d. Species to have regard to the Planning Scheme Policy No.7 Landscaping;
- e. Remediation and revegetation works to be undertaken within the both the major drainage line and the drainage line in the northern portion of the site to enhance these areas as a passive recreational spaces; and
- f. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Weed Management

28. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
29. A vehicle wash down and inspection facilities for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Vegetation Clearing

30. Existing vegetation on the subject land must be retained in all areas except those affected by construction of roadworks / access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires an Operational Works Approval.

Buffer Around Vegetation

31. Any common boundaries with the area of Parker's Creek drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity. A minimum two (2) metre wide buffer shall be provided around the vegetation to be retained and around the vegetation within the area of Parker's Creek. This buffer must consist of suitable fencing to ensure that machinery, equipment or construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times for the duration of the construction to the satisfaction of the Chief Executive Officer.

Council is to inspect the buffer prior to machinery, equipment or construction materials being delivered to the site.

Wildlife

32. 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.

Reserves Over Creeks and Streams

33. A Drainage Reserve containing all land below the top of the high bank and a 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.

The land must be handed over as the adjacent stage is registered.

Existing Creek and Drainage Systems

34. 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 Natural Resources and Mines for carrying out works in a watercourse.

Rehabilitation of Drainage Line

35. The drainage line located on the south side of the land has deteriorated and must be rehabilitated to a natural maintenance-free watercourse, with rock protection for invert erosion stability as required with respect to velocities, and banks laid back to a slope of 1:4, landscaped with naturally occurring tree species that will shade out grass and weed species within two (2) years.

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 plan prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

36. 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.

Plan of Drainage Works

37. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular:
- a. Drainage infrastructure in accordance with the *FNQROC Development Manual*;
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQIDs), namely:
 - i. End-of-line stormwater quality improvement devices (SQIDs) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit;

- ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQIDs treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated;
 - iii. The design of the SQIDs shall not compromise the hydraulic performance of the overall drainage system;
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
- c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and
 - d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Sediment and Erosion Control

38. 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

39. Written confirmation of the location of existing services for the land must be provided. All services must be contained within the lot it serves. In any instance where existing services are not contained within the lot it serves 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, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

Electricity Supply

40. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

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

Street Lighting

42. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for 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:

- i. Intersections;
- ii. Pedestrian Refuges;
- iii. Cul-de-sacs; and
- iv. 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 the issue of a Compliance Certificate for the Plan of Survey 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 (2) 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 (2) spans either side of the intersection to the relevant Lighting Category.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development, Infrastructure and Planning.	SDA-0414-009734	3 June 2014	D#422178

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

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

Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. *The Sustainable Planning Act 2009* confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development and Environment Branch at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

6. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

B. THE FOLLOWING NOTATIONS WILL BE PLACED ON COUNCIL'S FUTURE RATES RECORD:

1. For Lots 67 to 93:

Building Envelope

- a. The future dwelling and outbuildings must be sited within the building envelope as detailed on the Building Envelope Plan held by Council. A copy of the Building Envelope Plan is available from Council.

Geotechnical Report

- b. Future development on this site must occur in accordance with the Geotechnical Report required under Condition 11 of the approval. Any request to undertake alterations to the cut / fill batters must be accompanied by a report prepared by a qualified and experienced geotechnical consultant. A copy of the Geotechnical Report is available from Council.

2. For Lots 68 to 83:

Access Limitation

- a. Access to the lot is only permitted via the internal road within the development. Dual access is not permitted.

RIGHTS OF APPEAL

Attached

End of Decision Notice

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









APPENDIX 2: REFERRAL AGENCY REQUIREMENTS

SDA-0414-009734



Department of
State Development,
Infrastructure and Planning

Our reference: SDA-0414-009734
Your reference: ROL 125/2014

Date: 3 June 2014

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

Dear Ms Cardew,

Concurrence agency response—with conditions

Reconfiguration of a lot (2 Lots into 106 Lots) –
52-80 Coral Sea Drive and Forest Glen Road, Mossman
(Lot 10 on RP887362 & Lot 45 on SP183690)
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 29 April 2014.

Applicant details

Applicant name:	Mr Wayne Storey
Applicant contact details:	PO Box 1285 Innisfail, Qld, 4860

Site details

Street address:	52-80 Coral Sea Drive and Forest Glen Road, Mossman
Real property description:	Lot 10 on RP887362 & Lot 45 on SP183690
Site area:	149,968m ²
Local government area:	Douglas Shire Council

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Application details

Proposed development: Development Permit for Reconfiguration of a Lot – 2 Lots into 106 Lots

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Reconfiguring a Lot	Development Permit	2 Lots into 106 Lots	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 2 – Development impacting on state transport infrastructure

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Charlton Best, Senior Planning Officer, on 07 4048 1499 or via email at CairnsSARA@dsdip.qld.gov.au, who will be pleased to assist.

Yours sincerely



Darren Cleland
Regional Director

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cc: Mr Wayne Storey, highdodd@westnet.com.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice

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Our reference: SDA-0414-009734

Your reference: ROL 125/2014

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Reconfiguring a Lot (2 Lots into 106 Lots – Stages 4 & 5)		
1.	<p>Development must be carried out generally in accordance with the following plans and reports, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> Benchmark Survey & Design 'Proposed Reconfiguration of Lot 45 on SP183690 & Lot 10 on RPRP887362 – Stage 4 Layout', Plan No 031213-C01, Rev A, dated 31/12/13. Benchmark Survey & Design 'Proposed Reconfiguration of Lot 45 on SP183690 & Lot 10 on RPRP887362 – Stage 5 Layout', Plan No 031213-C02, Rev A, dated 31/12/13. Benchmark Survey & Design 'Proposed Reconfiguration of Lot 45 on SP183690 & Lot 10 on RPRP887362 – Stage 4 & 5 Road Layout', Plan No 031213-C03, Rev A, dated 31/12/13. Proposal Report to Council, Mt Demi Stage 4 & 5, prepared by Benchmark Survey & Design, dated January 2014. Drainage Study, Ref: 601-001-001, prepared by ProjexPartners, dated 13/03/14. Geotechnical Assessment 'Proposed Stage 5', Ref: 1315AA-D_R01_V1601-001-001 – Valmai Christie, prepared by GEO Design, dated 30/01/2014. 	Prior to submitting the Plan of Survey to the local government for approval.
<p>State-controlled road - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
2.	The permitted road access location for the development is between subject land (Lot 10 on RP887362 and Lot 45 on SP183690) and the Captain Cook Highway via Forest Glen Road (Maxwell Street North), generally in accordance with the Proposal Report to Council and Stage 4 & 5 Layout Plans.	Prior to submitting the Plan of Survey to the local government for approval.
3.	<p>(a) The Captain Cook Highway and Forest Glen Road (Maxwell Street North) intersection must be upgraded to include a Channelised Right Turn (CHR) and Auxiliary Left Turn (AUL (S)) treatment. The intersection must be designed and constructed in accordance with a CHR / AUL(S) intersection design, generally in accordance with Figure 13.60 – Channelised Right Turn Treatment (CHR) and Figure 13.81 – Auxiliary Left Turn with a Short Turn Slot treatment on a Rural Road, as per Chapter 13 of the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice.</p> <p>AND</p> <p>(b) The intersection upgrade must be designed and constructed to include:</p>	<p>(a) – (d)</p> <p>Prior to submitting the Plan of Survey to the local government for approval.</p>

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No.	Conditions	Condition timing
	<ul style="list-style-type: none"> The installation of lighting of V3 category at the intersection of the Captain Cook Highway and Forest Glen Road (Maxwell Street North) in accordance with Chapter 17 of the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice. <p>AND</p> <p>(c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p> <p>AND</p> <p>(d) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.</p>	
4.	<p>The applicant must provide permanent road closure works to the Maxwell Street (South) intersection with the Captain Cook Highway to the satisfaction of the Department of Transport and Main Roads. This road closure is to prevent all turning movements into and out of Maxwell Street (South).</p> <p>AND</p> <p>The works shall include a turnaround facility in Maxwell Street (South) in general accordance with FNQROC standards and to the satisfaction of Council.</p> <p>AND</p> <p>The applicant must provide a 'No Through' road sign in Maxwell Street (South) at a location to the satisfaction of Council.</p>	Prior to submitting the Plan of Survey to the local government for approval.
5.	<p>The applicant must provide a footpath along the full length of the new road from Forest Glen Road as shown by Stage 4 & 5 Road Layout, Plan No 031213-C03. The footpath must provide safe and adequate connectivity and be designed to integrate with the existing footpath network. The footpath must be designed and constructed to FNQROC standards and to the satisfaction of Council.</p>	Prior to submitting the Plan of Survey to the local government for approval.

SDA-0414-009734

Our reference: SDA-0514-010095

Your reference: 8/13/1799

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development achieves the performance outcomes within the State Development Assessment Provisions – Module 17, Module 18 and Module 19.
- To ensure the development is carried out generally in accordance with the submitted plan and development application.
- To ensure vehicular impacts from the development are controlled and minimised and that safety and efficiency of the state-controlled road is maintained.
- The development will generate pedestrian and cycle movements, additional active transport infrastructure is required.
- The closure of Maxwell Street (South) will rationalise and reduce road access locations onto the Captain Cook Highway, a state-controlled road.
- To ensure that the development does not compromise the safe and efficient or operation of the State-controlled road.

Findings on material questions of fact

- The development application was properly referred to the Department of State Development, Infrastructure and Planning on 30 April 2014. The subject site does not have road frontage or direct access to the Captain Cook Highway, a state-controlled road.
- The access location for the development is via Forest Glen Road (Maxwell Street North).
- The intersection between Forest Glen Road (Maxwell Street North) and the Captain Cook Highway will be required to be upgraded due to an increase in traffic generation from the proposed development, existing residential traffic volumes and existing and future through road traffic generation.
- The Maxwell Street (South) intersection is required to be closed permanently with all traffic and turning movements at the Maxwell Street (South) intersection prohibited. The road access closure will improve the safety and efficiency of the Captain Cook Highway.
- The development proposal is considered to meet or proposes acceptable outcomes or actions that meet with the performance outcomes specified in the statutory planning instrument, the State Development Assessment Provisions.

Evidence or other material on which the findings were based

- The development application material including documents, plans, and drawings submitted with the application.
- Technical advice on 2 June 2014 by Department of Transport and Main Roads (TMR).
- State Development Assessment Provisions (SDAP), particularly:
 - Module 17 – Public and active transport,
 - Module 18 – State transport infrastructure protection; and
 - Module 19 – State transport network functionality.

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- SARA mapping online system
- SPP interactive mapping system (DA Mapping)
- Professional technical reports
- Historical DTMR planning documentation
- *Transport Infrastructure Act 1994*
- *Transport Planning and Coordination Act 1994*
- *Sustainable Planning Act 2009*
- *Sustainable Planning Regulation 2009*

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Our reference: SDA-0514-010095

Your reference: 8/13/1799

Attachment 3—Further advice


General advice	
1.	<p>Advertising device</p> <p>Under section 43 of the Transport Infrastructure Act 1994, a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p>
2.	<p>Road Access Works</p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain approval from the Department of Transport and Main Roads to carry out road works, including road access works on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for approval under section 33 of the Transport Infrastructure Act 1994 (TIA) to carry out road works. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p>

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APPENDIX 3: INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Applications	
INFRASTRUCTURE CHARGES NOTICE			
Wayne Storey		Shepherd Valley	
DEVELOPERS NAME		ESTATE NAME	
52-80 Coral Sea Drive & Connolly St		L45 on SP183690 L10 RP887362	
STREET No. & NAME		PARCEL No.	
ROL (105 lots + Park)		4	
DEVELOPMENT TYPE		COUNCIL FILE NO.	
431663		1	
DSC Reference Doc. No.		VERSION No.	
431663		1	
R&B INDEX QUARTER ENDING			
This logsheet is indexed appropriately only for payments made within the quarter noted above.			
VALIDITY PERIOD			
This logsheet is indexed appropriately only for payments made within the quarter noted above.			
WATER			
Existing 9 4,278.19 X 105.00 0.00 \$449,210.17 859 GL 07470.0135.0823			
Proposed 9 30.16 X 105.00 0.00 \$3,166.48 873 GL 07470.0135.0824			
Mossman South Water sub - total			
\$452,376.66			
SEWERAGE			
Existing 1 2,224.11 X 105.00 0.00 \$233,531.32 881 GL 07480.0135.0823			
Proposed 1 6,668.77 X 105.00 0.00 \$700,220.47 887 GL 07480.0135.0824			
Mossman / Coor Sewerage sub - total			
\$933,751.80			
OPEN SPACE			
DSC Area 0.00 \$0.00 894 GL 07230.0135.0825			
Off-Site Car Parking			
0.00 \$0.00			
TOTAL			
\$1,386,128.45			
Prepared by		J Elphinstone	
Checked by		Neil Beck	
Date Payable		21-Oct-14	
Amendments		Date	
Date Paid		21-Oct-14	
Amount Paid		Date Paid	
Cashier		Date Paid	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. **The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.**

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

YOUR REF: 031213
OUR REF: ROL 125/2014 (433028)

4 November 2014

Mr Wayne Storey
PO Box 1285
INNISFAIL QLD 4860

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
52-80 CORAL SEA DRIVE, MOSSMAN GORGE &
CONNOLLY STREET, MOSSMAN**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act* 2009 (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development and Environment Branch at Council for review of the charge amount prior to payment.

These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

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


Yours faithfully

Paul Hoyer
General Manager Operations

Att

41.2014.125
33/34

INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Applications	
INFRASTRUCTURE CHARGES NOTICE			
Wayne Storey		Shepherd Valley	4 & 5
DEVELOPERS NAME		ESTATE NAME	STAGE
52-80 Coral Sea Drive & Connolly St		Mossman	L45 on SP183690 L10 RP887362
STREET No. & NAME		SUBURB	LOT & RP No.s
ROL (105 lots + Park)		41.2014.125	30-Jun-14
DEVELOPMENT TYPE		COUNCIL FILE NO.	R&B INDEX QUARTER ENDING
431663		1	VALIDITY PERIOD
DSC Reference Doc. No.		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
VERSION No.			
	DIST	\$ / EDC	NET EDC
	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID
	Receipt Code & GL Code		
WATER			
Existing	9	4,278.19 X	105.00
		0.00	\$449,210.17
Proposed	9	30.16 X	105.00
		0.00	\$3,166.48
Mossman South		Water sub - total	\$452,376.66
SEWERAGE			
Existing	1	2,224.11 X	105.00
		0.00	\$233,531.32
Proposed	1	6,668.77 X	105.00
		0.00	\$700,220.47
Mossman / Coor		Sewerage sub - total	\$933,751.80
OPEN SPACE			
DSC Area		\$0.00	894 GL 07230.0135.0825
Off-Site Car Parking		\$0.00	
TOTAL		\$1,386,128.45	
Prepared by	J Elphinstone	on	21-Oct-14
Checked by	Neil Beck	on	21-Oct-14
Date Payable			
Amendments	Date		
		Cashier	


Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. **The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.**

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			

V Christie		Shepherd Valley		4 and 5	
DEVELOPERS NAME		ESTATE NAME		STAGE	
62-80 Coral Sea Drv, L45 Connolly St		Mossman		L45 SP183690, L10 RP887362	
STREET No. & NAME		SUBURB		LOT & RP No.s	
ROL (2 into 105 residential Lots, 1 Park Lot)				11695 & 8112	
DEVELOPMENT TYPE		COUNCIL FILE NO.		PARCEL No.	
D#852071		1		4	
DSC Reference Doc . No.		VERSION No.		VALIDITY PERIOD (year)	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer	Proposed Residential Lots	105	14,342.13	1,505,923.65	
	Proposed Park Lot	1	0.00	0.00	
		0	0.00	0.00	
	Less Existing Lots	2	14,342.13	28,684.26	
	Total		1,477,239.39		
TOTAL			\$1,477,239.39		

Prepared by	J Elphinstone	24-Apr-18	Amount Paid	
Checked by	D Lamond	27-Apr-18	Date Paid	
Date Payable			Receipt No.	
Amendments			Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

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