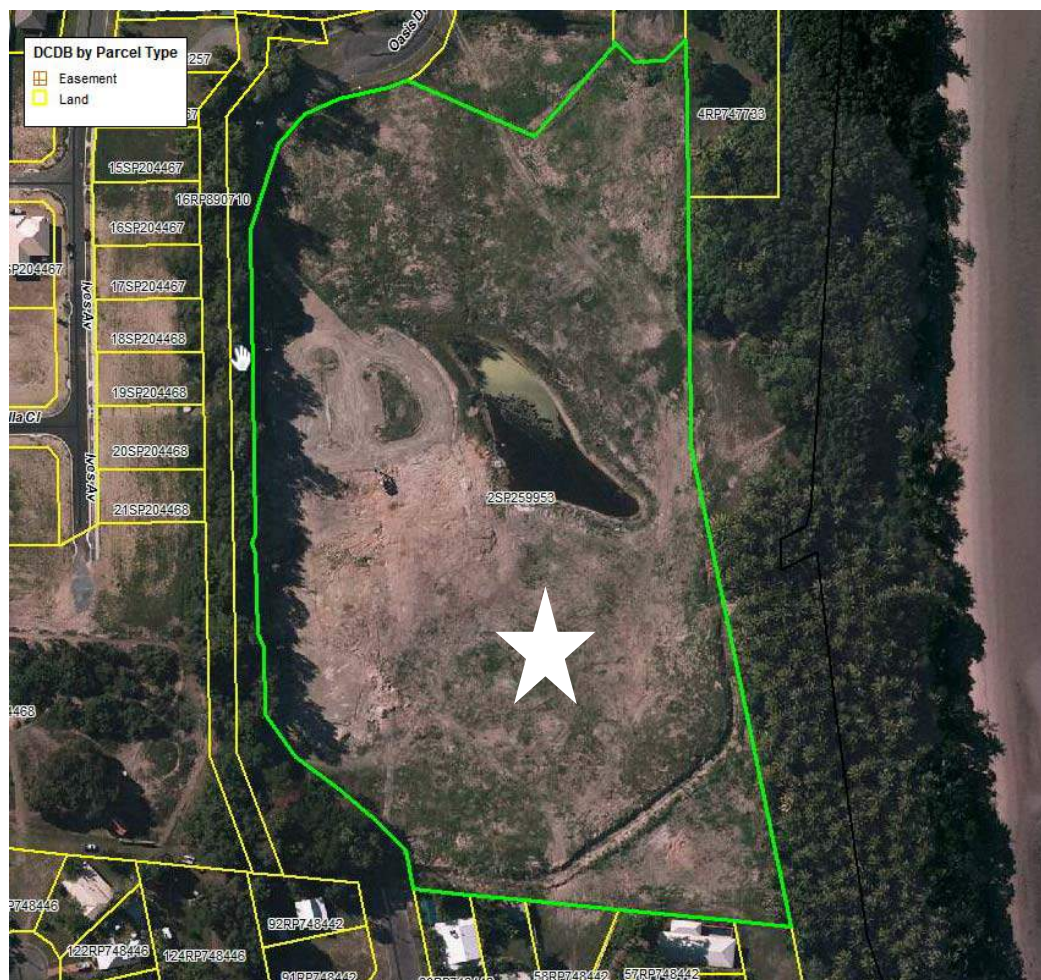


ORDINARY MEETING	5.3
8 SEPTEMBER 2015	

REQUEST FOR A NEGOTIATED DECISION FOR RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 17 LOTS) – 2L OASIS DRIVE WONGA
Jenny Elphinstone, Senior Planning Officer, #464130

<u>PROPOSAL:</u>	REQUEST FOR A NEGOTIATED DECISION NOTICE FOR RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 17 LOTS)
<u>APPLICANT:</u>	WROXALL INVESTMENTS PTY LTD C/- FLANAGAN CONSULTING GROUP PO BOX 5820 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	2L OASIS DRIVE WONGA
<u>PROPERTY:</u>	LOT 2 ON SP259953
<u>LOCALITY:</u>	COASTAL SUBURBS
<u>PLANNING AREA:</u>	TOURIST AND RESIDENTIAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NOT APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	NOT LIMITED
<u>APPLICATION DATE:</u>	10 DECEMBER 2015 (ORIGINAL APPLICATION) 10 JUNE 2015 (REQUEST FOR A NEGOTIATED DECISION)
<u>APPENDIX:</u>	1. DECISION NOTICE 2. INFRASTRUCTURE CHARGES NOTICE

LOCALITY PLAN



RECOMMENDATION:

- A. That Council approves a Negotiated Decision to vary the Decision Notice dated 16 April 2015 for the development application to Reconfigure a Lot (1 Lot into 17 Lots) over land described as Lot 2 on SP259953, located at 2L Oasis Drive Wonga, whereby:

1. Condition 10 is amended:

Extent of Earthworks

10. The concept for excavation and earthworks as detailed on FCG Sketch 3969-SK05 and SK06 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:
 - a. The earthworks fill zones are to be continuous across the boundaries of lots to avoid localised low points between properties;
 - b. The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 3969-SK05 to ensure that they remain free draining throughout the property and through to the

drainage reserve or Esplanade area.

- c. ~~The nominated fill level of 2.9m is to be increased to 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.~~

The nominated fill level of 2.9m is to be increased to provide immunity to the 1% AEP stormtide event unless otherwise approved by Council. The Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council document reference D# 462510) identified the 1% AEP stormtide event as 4.04 metres AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.

The Applicant's submitted DHI Water and Environment Pty Ltd hydrodynamic analysis dated 9 June 2015 (Council document reference D#457391) utilised 0.3m AHD sea level rise and intensity of cyclonic action. The DHI hydrodynamic analysis is acceptable only where a 0.8m sea level rise is utilised and an amended study is required to be submitted to the satisfaction of the Chief Executive Officer.

Any reduction below a 0.8m sea level rise must be supported by an appropriate study that deals with sea level rise and intensity of cyclonic action to be approved by Council.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

2. All other conditions remain unchanged.

- B. That an amended Infrastructure Charges Notice is issued reflecting the current Adopted Charges Policy.

EXECUTIVE SUMMARY:

Council at Ordinary Meeting held on 14 April 2015 approved a development application to reconfigure the land into residential lots. The application is over part of the former Redbacks Resort at Wonga Beach. The development involves the resiting of the drainage channel and filling of lots to address stormwater, stormtide and erosion resulting from changes including sea level rise. A condition of the approval requires the filling having regard to a 0.8m sea level rise unless satisfactory further technical advice is provided to support a lower level. The Applicant has requested the level of fill be reduced having regard to adopting a 0.3m sea level rise and the respective setback distance of lots from the foreshore. Since the issue of the Decision Notice the State Government has readopted the sea level rise to be 0.8m for 2100. The request is agreed to in part having regard to the technical submission by DHI. The reworded condition maintains the position of 0.8m sea level rise being an appropriate standard.

TOWN PLANNING CONSIDERATIONS:

Background

Condition 10c of the Decision Notice requires the Applicant to fill the proposed house area to 4.04m AHD. This is in respect to the inclusion of a 0.8m sea level rise as applicable to the Wonga Beach area as identified in the Cairns Regional Council's sponsored BMT-WBM report. At this time the State Government considered 0.8m as to be the appropriate sea level rise for Queensland.

Since the publication of the BMT-WBM report the former State Government removed the 0.8m sea level rise requirement. The report accompanying the application to reconfigure the land nominated that the extent of fill was unreasonable and unnecessary in the circumstances suggesting the level of fill be reduced. Having regard to the submission and lack of a State adopted height for sea level rise the condition was worded with flexibility to reflect the identified level from the BMT-WBM study with opportunity for a reduced extent of fill on the submission of further technical advice.

The condition currently reads as follows.

Extent of Earthworks

10. *The concept for excavation and earthworks as detailed on FCG Sketch 3969-SK05 and SK06 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:*
 - a. *The earthworks fill zones are to be continuous across the boundaries of lots to avoid localised low points between properties;*
 - b. *The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 3969-SK05 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.*
 - c. *The nominated fill level of 2.9m is to be increased to 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.*

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

Proposal

Applicant has raised issue with the extent of fill required having regard to sea level rise. The Applicant has requested a negotiated decision whereby part c on Condition 10 is deleted and the following wording substituted,

- c. *Lots within the area between 100metres and 190 metres of the mean sea shoreline – i.e. Lots 1-6 and 15-17 are to have a building pad level of RL3.5 metres AHD. Those lots which are further than 190 metres from the mean sea shoreline – i.e., Lots7-14 are to have a building pad level of RL 3.3 metres AHD*

The request was accompanied by a detailed report prepared by DHI Water & Environment dated 9 June 2015. The submitted DHI report gave reasons and explanations of why reduced heights may be appropriate at different parts of the site utilising a sea level rise and intensity of cyclonic action of 0.3m AHD.

Officer Comment

It is acknowledged in the condition that a sea level rise of at least 0.3m be utilised as it was intended that substantiation would be provided regarding a sea level rise less than 0.8m. There has been no reasoning submitted supporting why the sea level rise should be less than 0.8m.

Council officers do not have a technical concern with the position that lots that are further away from the shoreline have a lower nominated fill level than those adjacent to the shoreline in respect to stormtide events. Both the BMT-WBM and DHI studies identify this as a finding.

Since the lodgement of the request the State Government has advised that it has reinstated a sea level rise of 0.8m into erosion prone areas and storm tide inundation area mapping commencing 8 July 2015. A brief discussion with officers of the coastal support unit of the Department of Environment and Heritage Protection identified that the 0.8m was identified through international research and application of the precautionary principle.

Council officers advised the Applicant that given the State's reinstatement of an adopted position the ability to reduce this level could no longer be supported. Officer's suggested alternative wording on a without prejudice basis reflects the new State Government position and acknowledges the submitted DHI report. This gives the Applicant part of the request sought.

The proposed alternative wording is as follows.

- c. *The nominated fill level of 2.9m is to be increased to provide immunity to the 1% AEP stormtide event unless otherwise approved by Council. The Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council document reference D# 462510) identified the 1% AEP stormtide event as 4.04 metres AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.*

The Applicant's submitted DHI Water and Environment Pty Ltd hydrodynamic analysis dated 9 June 2015 (Council document reference D#457391) utilised 0.3m AHD sea level rise and intensity of cyclonic action. The DHI hydrodynamic analysis is acceptable only where a 0.8m sea level rise is utilised and an amended study is required to be submitted to the satisfaction of the Chief Executive Officer.

Any reduction below a 0.8m sea level rise must be supported by an appropriate study that deals with sea level rise and intensity of cyclonic action to be approved by Council.

The Applicant has advised that it does not accept the alternative wording and has requested Council to either accept or reject the Applicant's proposed wording for part c of Condition 10.

The Applicant has indicated that should Council maintain the 0.8m sea level rise the development would be commercially unsustainable.

Section 363(1) of SPA states, *“If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice,”* to the Applicant. Section 363(2) further states, *“the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.”* In this instance Council officers agree with part of the representations and the extent of fill should vary have regard to the distance of the lots from the foreshore. Further given the State’s readoption of the 0.8m sea level rise it is considered appropriate that the wording be varied. The Applicant’s request that the suggested wording be accepted or rejected is not considered to appropriately have regard to SPA. It is recommended that Council vary the condition to the alternative wording, as suggested by Council officers above.

Concern is raised with the assertion that the economic viability of development is dependent on the level of fill and therefore a lower standard should be applied. A lower standard would not meet the State adopted 0.8m SLR and transfer the risk to Council. Commercial viability for an individual development is not a relevant planning consideration under the *Sustainable Planning Act 2009*.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. Since the issue of the Decision Notice Council has adopted new charges. Refer to Appendix 2 to view calculations.

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 areas outline 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.

APPENDIX 1: DECISION NOTICE

YOUR REF: 3969/01 L-EC1624
OUR REF: ROL 591/2014 (452457)

16 April 2015

Wroxall Investments Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 2L OASIS DRIVE, WONGA**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 14 April 2015, 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 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

41.2014.591
1/21

APPLICANT DETAILS

Wroxall Investments Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

ADDRESS

2L Oasis Drive, Wonga

REAL PROPERTY DESCRIPTION

Lot 2 on SP259953

PROPOSAL

Reconfiguring a Lot (1 Lot into 17 Lots)

DECISION

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

DECISION DATE

14 April 2015

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

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) AND TO BE AMENDED BY THE CONDITIONS OF THE APPROVAL

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

Drawing or Document	Reference	Date
Proposal Plan	Flanagan Consulting Group, Sketch 3969-SK03 dated 3 December 2014 and to be amended by the conditions of the approval.	To be determined.
Water Reticulation Plan	Flanagan Consulting Group, Sketch 3969-SK04, as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.
Stormwater Drainage Plan	Flanagan Consulting Group, Sketch 3969-SK05 as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.
Drainage Details / Earthworks Plan	Flanagan Consulting Group, Sketch 3969-SK06 as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.
Marlin Drive Turnaround	Flanagan Consulting Group, Sketch 3969-SK07 as submitted to Council on 10 December 2014 and to be amended by the conditions 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 Commencement of Use, except where specified otherwise in these conditions of approval.

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Access

3. No lot is to be accessed from the Esplanade.

Street Layout and Design

4. The street layout and design is to be generally in accordance with Flanagan Consulting Group (FCG) Proposal Plan, Sketch 3969-SK03 subject to:
 - a. Deletion of the catch drain and easement at the eastern boundary of Lots 1-6 and Lots 15-17 inclusive;
 - b. Setback of fill areas a minimum of six (6) metres from the property boundary from all roads and Esplanade.
 - c. Setback of fill areas a minimum of three (3) metres from the southern boundary of proposed Lot 17.
 - d. The fill pad for proposed Lot 7 is to be extended to the northern boundary and retained;
 - e. The fill pad for Lots 1 to 6 inclusive must be a continual plane with the pads draining to the new road to the west.
 - f. The fill pad for Lots 7 to 14 inclusive must be a continual plane with the pads draining to the new road to the east. The rear of these lots is to be graded to the west to negate ponding of water between the fill pad and the existing road reserve;
 - g. The fill pad for Lots 15 to 17 inclusive to be a continual plane with the pads draining to the new drainage reserve
 - h. On-street car parking spaces in the vicinity of lots 15 to 17 are to be provided as shown on FCG Sketches 3969-SK03 to 06 and the maintenance access to the new drainage reserve are to be designed with minimal increase of stormwater drainage to Marlin Drive.
 - i. Appropriate protection is to be provided to prevent non authorised vehicles from entering the drain including at a minimum, Barrier Kerbing. The applicant is to assess the need for additional barriers and or landscaping in these areas;
 - j. The access to the drainage channel is to be designed to facilitate normal maintenance machinery and is to be fitted with suitable gates;
 - k. Provision of estuarine crocodile warning signs to new road and public pedestrian pathways;
 - l. A six (6) metre setback area from the eastern boundary (to the Esplanade) is to be included in a conservation covenant area and is to be vegetated in accordance with condition 25;

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- m. Provision of suitable vehicle access for Council from the pedestrian pathway to the Esplanade and foreshore for maintenance purposes. These purposes include the ability to access to maintain the open channel drainage flow path;
- n. Provide a suitable lining and finish to the 20 metre wide drainage easement area to provide a stabilised channel that is able to be traversed by Council's maintenance equipment; and
- o. Any amendments required to comply with the conditions and the requirements of Queensland Streets and the *FNQROC Development Manual*;

The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for 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

- 5. Undertake water supply works internal to the subject land in accordance with the *FNQROC Development Manual* within the internal road system such that each lot can be connected to Council's water supply network at the lot frontage. A plan of the water supply reticulation network is to be generally in accordance with FCG Sketch 3969-SK04 and must be supported by appropriate calculations including hydraulic network analysis demonstrating compliance with the *FNQROC Development Manual*. In particular, the plan must include:
 - a. A minimum 100mm main on one side and a 50mm (63mm OD) main on the opposite side to provide a looped service;
 - b. A minimum 100mm connection from the southern end of the cul-de-sac to the northern end of Marlin Drive;
 - c. Provide the conduit for water supply for the full length of the access leg for proposed Lots 15 and 16. The conduit does not need to be connected to Council's water supply. The conduit must be capped and staked at the road frontage of the lots and at the end of the access leg for easy identification when a future house is constructed on this lot;

The plan must also identify any infrastructure external to the subdivision that may require upgrading to accommodate the development and achieve the minimum pressures for maximum hour and firefighting scenarios.

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

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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.

On-Site Effluent Disposal

6. The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report prepared by Gilbert and Sutherland or as otherwise approved by the Chief Executive Officer.

General External Works

7. Undertake the following external works:-
 - a. Provide a new pedestrian and cycle connection across the realigned drain to reinstate the pathway connection from the northern end of Marlin Drive to the pathway running to the west from the development site.
 - b. The detail design in a. above must include hydraulic assessment of the afflux through the culvert and must maximise the water way area to achieve minimum afflux through the culvert;
 - c. The northern end of Marlin Drive currently has a levee/berm to prevent the stormwater flows within the drain entering Marlin Drive and creating flooding and trafficability issues. The construction of the Marlin Drive extension and turnaround is to be graded and designed to achieve a similar barrier to protect Marlin Drive from external flows entering the street. Council will be guided by advice from the designer on the appropriate configuration for stormwater infrastructure and overland flow path from Marlin Drive.

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.

Acid Sulfate Soil Investigation

8. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) or updated version of document produced by Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – '*Planning and Managing Development involving Acid Sulfate Soils*'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

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Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: *'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland'* (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: *'Queensland Acid Sulfate Soil Technical Manual'* (2002), including Soil Management Guidelines (updated February 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

9. The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by DHI International. The applicant must certify that there are no adverse drainage impacts on upstream and downstream properties and/or identify the mitigation measures required to minimise such impacts.

The study must be endorsed as remaining current for this development or must be updated and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Extent of Earthworks

10. The concept for excavation and earthworks as detailed on FCG Sketch 3969-SK05 and SK06 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:
 - a. The earthworks fill zones are to be continuous across the boundaries of lots to avoid localised low points between properties;
 - b. The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 3969-SK05 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.
 - c. The nominated fill level of 2.9m is to be increased to 4.04 metres AHD level unless otherwise approved by Council. Any reduction below 4.04 metres AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54 metres AHD. Any reduction below 4.04 metres AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

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Access to Hatchet or Battleaxe Lots

11. Construct a concrete driveway or other approved surface to battleaxe Lots 15 and 16 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the *FNQROC Development Manual* Standard Drawing. Construction of the concrete driveway must be in accordance with the *FNQROC Development Manual* Standard Drawing.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Service Conduits

12. Provide service conduits to Lots 15 and 16 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Building Envelope Plan

13. A building envelope plan for each of the lots must be lodged with Council prior to the issue of a Compliance Certificate for 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; and
- b. No building, structure, infrastructure or fill shall be sited or vehicle / pedestrian access provided through to the Esplanade within the conservation covenant area for Lots 1 to 6 and 15 to 17 inclusive.

The applicant / owner must also 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 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.

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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 and 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.

Drainage Construction

17. The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study dated 28 November 2013 prepared by DHI Water and Environment Pty Ltd as detailed by FCG Sketch 3969-SK05 and SK06 with a robust channel base lining to facilitate trafficability and maintenance to the satisfaction of the Chief Executive Officer.

Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

Lawful Point of Discharge

18. 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

19. The subject land must be drained to the satisfaction of the Chief Executive Officer generally in accordance with FCG sketch 3969-SK05. 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 95 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.

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- 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). Note the drainage easement shown on FCG Sketch 3969-SK05 in the eastern side of Lots 2 to 6, 15 and 16 is not required.

Sediment and Erosion Control

- 20. 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

- 21. 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, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

Electricity Supply

- 22. 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

- 23. 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.

DECISION NOTICE DETAILS
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Street Lighting

24. 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:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs (including the new turnaround at the northern end of Marlin Drive)
- 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.

Landscape Plan

25. Undertake landscaping of the conservation covenant areas for Lots 1 to 6 and 15 to 17 inclusive 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:

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

- a. The revegetation of the conservation covenant area including ground, lower, middle and upper storey canopy vegetation using species in accordance with the Planning Scheme Landscaping Policy;
- b. The revegetation of cut and fill batters;
- c. provision of suitable street trees; and
- d. 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.

Damage to Council Infrastructure

- 26. In the event that any part of Council's existing 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 any Use.

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) 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. In respect to Condition 17 Council's current preference is for the base and the toe of the batter to a flow depth of 200mm to be concrete to enable trafficability and maintenance.
- 3. 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.
- 4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Infrastructure Charges Notice

5. 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 Development and Environment 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.dsdp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.

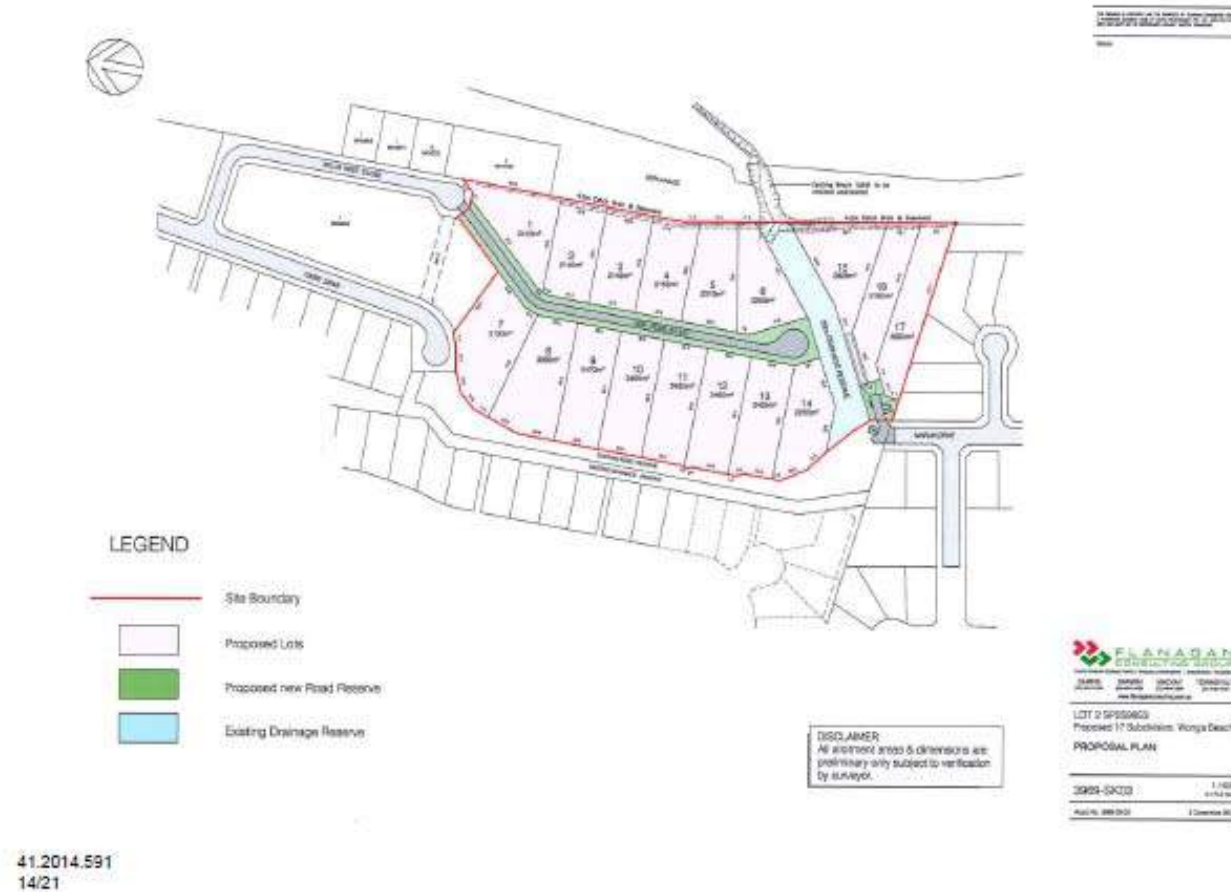
Further information on the EPBC Act can be obtained from the Department of Sustainability, Environment, Water, Population and Communities' website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: PROPOSAL PLAN(S) & DOCUMENT(S) TO BE AMENDED BY CONDITIONS OF THE APPROVAL



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



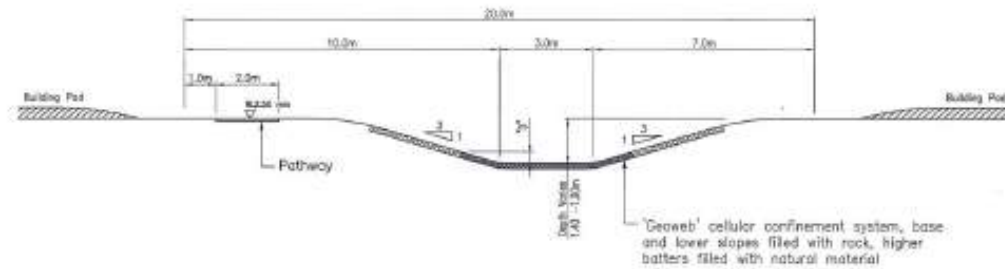
41.2014.591
 15/21

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

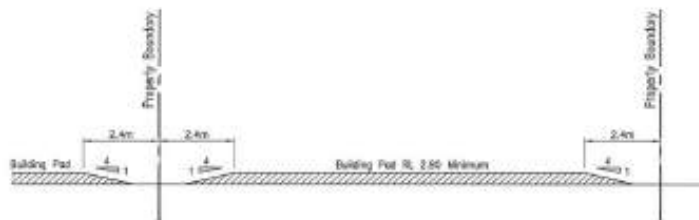


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 16/21

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



PROPOSED DRAINAGE CHANNEL
1:100

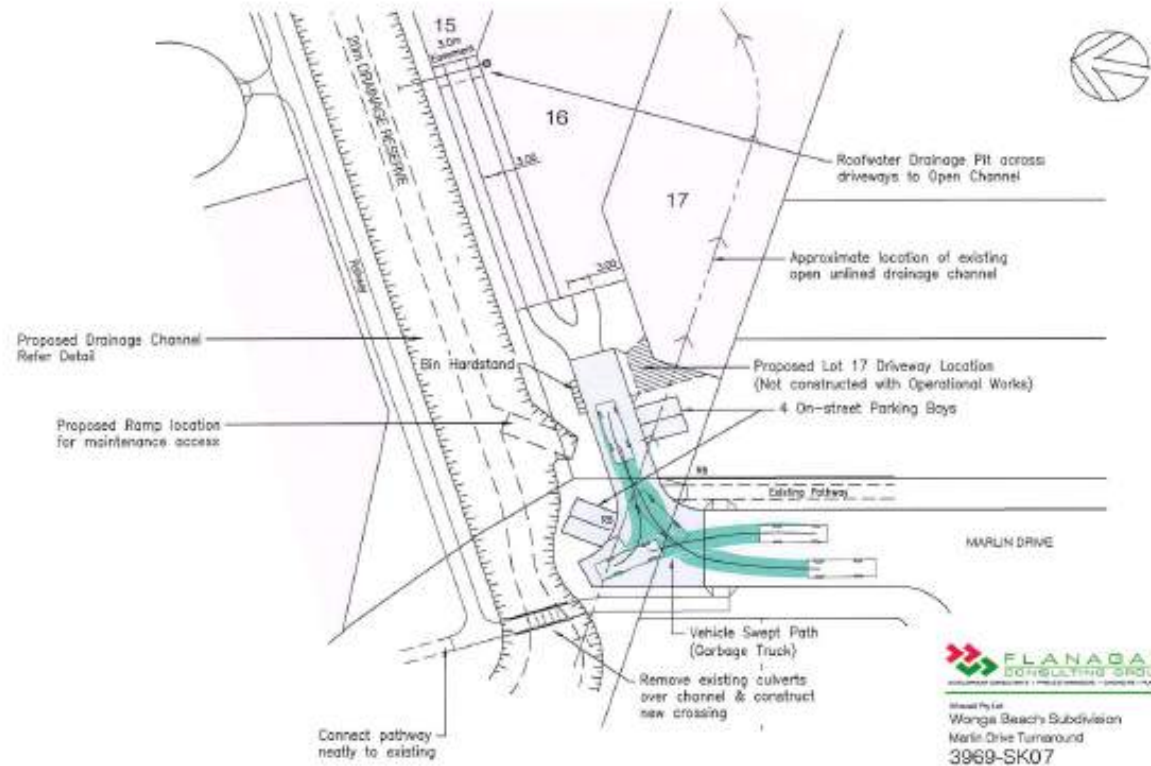


TYPICAL BUILDING PAD
1:100



Flanagan Pty Ltd
 Wonga Beach Subdivision
 Drainage Details / Earthworks Plan
 3969-SK06

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



41.2014.591
 18/21

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications																																																																																																									
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The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA)

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.

Ordinary Meeting 8 September 2015

YOUR REF: 3969/01 L-EC1624
OUR REF: ROL 591/2014 (452457)

16 April 2015

Wroxall Investments Pty Ltd
 C/- Flanagan Consulting Group
 PO Box 5820
CAIRNS QLD 4870

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
 2L OASIS DRIVE, WONGA**

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 Development and Environment 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

Donna Graham
 Manager Development & Environment

Att

41.2014.591
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INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications					
INFRASTRUCTURE CHARGES NOTICE							
Wroxall Investments Pty Ltd		0		0			
DEVELOPERS NAME		ESTATE NAME		STAGE			
2L Oasis Drive		Wonga Beach		L2 SP259953			
STREET No. & NAME		SUBURB		LOT & RP No.s			
ROL		41.2014.591		31-Dec-14			
DEVELOPMENT TYPE		COUNCIL FILE NO.		R&B INDEX QUARTER ENDING			
451761		1		This logsheet is indexed appropriately only for payments made within the quarter noted above.			
DSC Reference Doc. No.		VERSION No.					
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
WATER							
Existing	6	14,140.17	X 16.00	0.00	\$226,242.66		856 GL 07470.0135.0823
Proposed	6	0.00	X 16.00	0.00	\$0.00		870 GL 07470.0135.0824
Wonga Water sub - total					\$226,242.66		
SEWERAGE							
Existing	8	0.00	X 0.00	0.00	\$0.00		0
Proposed	8	0.00	X 0.00	0.00	\$0.00		0
None Sewerage sub - total					\$0.00		
OPEN SPACE							
DSC Area					\$80,000.00		894 GL 07230.0135.0825
Off-Site Car Parking					\$0.00		
TOTAL					\$306,242.66		
Prepared by	J Elphinstone		on	2-Apr-15		Amount Paid	
Checked by	N Beck		on	2-Apr-15		Date Paid	
Date Payable							
Amendments							
						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

APPENDIX 2: INFRASTRUCTURE CHARGES NOTICE

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			

Wroxall Pty Ltd	0	0
DEVELOPERS NAME	ESTATE NAME	STAGE
2L Oasis Drive	Wonga Beach	L2 SP259953
STREET No. & NAME	SUBURB	LOT & RP No.s
ROL 17 lots	ROL 591/2014	157270
DEVELOPMENT TYPE	COUNCIL FI	PARCEL No.
464320	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	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	17	12,832.47	218,151.99		
	0	0.00	0.00		
existing	1	12,832.47	12,832.47		
Total			205,319.52		
Urban Areas - Water & Sewer					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
TOTAL			\$205,319.52		

Prepared by	J Elphinstone	31 May 15
Checked by	N Beck	1 Sep 15
Date Payable		
Amount Paid		
Date Paid		
Receipt No.		
Cashier		

Amendments	Date

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 630 of the Sustainable Planning Act 2009 (SPA) 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.

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