

## 5.4. REQUEST TO EXTEND CURRENCY PERIOD COMBINED APPLICATION ANDREASSEN ROAD, CRAIGLIE

<b>REPORT AUTHOR(S)</b>	Simon Clarke, Planning Coordinator
<b>GENERAL MANAGER</b>	Michael Kriedemann, Acting General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Application to Extend Currency Period for a Combined Application for Material Change of Use and Lot Reconfiguration (3 Lots into 104 residential lots and 1 large balance parcel)
<b>APPLICANT</b>	Delfam Pty Ltd C/- RPS PO Box 1949 CAIRNS QLD 4870
<b>LOCATION OF SITE</b>	Andreassen Road Craiglie
<b>PROPERTY</b>	Lot 1 on RP725770, Lot 3 on RP7230522 and Lot 24 on SR423
<b>LOCALITY PLAN</b>	



Figure 1 - Locality Plan

<b>LOCALITY</b>	Port Douglas and Environs
<b>PLANNING AREA</b>	Residential 1 / Conservation
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006 (as amended)
<b>REFERRAL AGENCIES</b>	Department of Environment & Heritage Protection, Department of Transport & Main Roads, Department of Employment, Economic Development & Innovation (all associated with the original application)
<b>NUMBER OF SUBMITTERS</b>	None
<b>STATUTORY ASSESSMENT DEADLINE</b>	1 November 2017 (Extension agreed with applicant)
<b>APPLICATION DATE</b>	7 September 2017 (Extension Request)

## **RECOMMENDATION**

**That Council:**

- 1. approves an extension to the currency period for the Development Application to adopt development rights associated with the Residential 1 Planning Area over parts of the land in the Conservation Planning Area and a Development Permit for Reconfiguration of a Lot (3 lots into 105 lots) on land located at the Captain Cook Highway and Andreassen Road, Craiglie, more particularly described as Lot 1 on RP725770, Lot 3 on RP730522 and Lot 24 SR423 for 6 years, up to and including 9 September 2023, subject to the conditions contained in the Court Order dated 9 September 2013.**
- 2. provides a copy of this decision to the Planning and Environment Court.**

## **EXECUTIVE SUMMARY**

Council is in receipt of a request to extend the currency period for the combined application located at Andreassen Road, Craiglie for material change of use and lot reconfiguration (3 lots into 104 residential lots and 1 large balance parcel).

The application was decided by Court Order dated 9 September 2013 and is subject to conditions that attach to the Court Order.

As the conditions were set by Court under the current 2006 Planning Scheme, the planning circumstances that relate to the land have not changed. An extension to the currency period for 6 years, up to and including 9 September 2023, is recommended for approval.

## TOWN PLANNING CONSIDERATIONS

### Background

On 23 June 2010, Council issued a Preliminary Approval to override the Planning Scheme to allow the adoption of development rights associated with the Residential 1 Planning Area over parts of the site currently within the Conservation Planning Area. A Preliminary Approval was also granted for a residential subdivision over this Residential 1 Planning Area. The Preliminary Approval contained a number of requirements for the applicant to address prior to upgrading of the approval to a full Development Permit. These requirements were split into three key areas, being:

- amendments to the design;
- further drainage studies; and
- an updated infrastructure plan for the provision of services.

Council issued an upgraded development permit for the Reconfiguration component by way of a negotiated decision notice dated 18 December 2012.

The applicant subsequently lodged an appeal with the Planning and Environment Court (Appeal No 7 of 2013) in relation to conditions of approval for access to the Captain Cook Highway imposed by the Department of Transport and Main Roads. This appeal was eventually resolved and is now subject to a Court Order dated 9 September 2013.

The application was due to lapse on 9 September 2017. However, the applicants have lodged a request to extend the currency period prior to the currency period lapsing.

### Site details

The land is a 19.6 hectare, irregularly shaped site, which lies 700m to the south of the existing southern limit of the urban development in Craiglie. The nearest urban services are almost 1km from the site. The Douglas Shire Planning Scheme 2008 identifies the land as being within Special Management Area 2 – Residential Growth Area and also within an 'Investigation area for flooding and vegetation'.

The site is divided into a higher western portion and a lower eastern portion that drops down the embankment adjacent to the river. The vast majority of the site is cleared and has historically been used for the cultivation of sugar cane. Large swaths of riparian vegetation, comprising both melaleuca and mangrove communities lie adjacent to the river bank and overflow areas and between the higher and lower land portions in the middle of Lot 24 on SR423.

Subdivision approvals have been granted for the site immediately to the north (northern side of Andreassen Road), being the Coral Gardens development, which proposes 214 allotments over 4 stages. The access arrangements off Andreassen Road for the development are shared with the development approval to the north via a roundabout proposed to access both developments. Department of Transport and Main Roads conditions for this development also require the realignment and upgrading of Andreassen Road and the intersection with the Captain Cook Highway.

## Proposal

The layout plan approved by Court Order is included in Attachment 1, along with the conditions that attach to the Court Order.

The applicant has requested an extension to the currency period of the approval for at least 6 years. The applicant has requested this extension on the following basis:

*“To facilitate the development, substantial infrastructure works are required and the Applicant has attempted to coordinate the provision of these with the owner of the land located to the north of Andreassen Road. However, to date this has not been successful therefore an extension of time frame is required to the Development Approval's currency period to allow adequate time for the development works to be completed.”*

## State Planning Requirements

Applications to extend Currency Periods do not require re-referral to the State Agencies for further consideration.

## Court Requirements

The *Planning Act 2016* allocates the responsibility of determining requests for extensions to currency periods to Council. However, Council is required to provide a copy of its decision to the Planning and Environment Court once the decision has been made.

## Planning Act 2016 Considerations

The request to extend currency of the approval is lodged in accordance with Section 86 of the *Planning Act 2016*.

Council assesses requests to extend currency periods under section 87(1) of the *Planning Act 2016*, as follows:

*‘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.’*

The original development approval was assessed and determined under the current Douglas Shire Planning Scheme (2006 as amended). The planning scheme remains current. Therefore there are no changes that would make the proposed development inconsistent with the scheme.

Furthermore, the development is generally consistent with the proposed planning scheme. Improvements have been made to the reconfiguration of a lot code in the proposed scheme.

If the development approval has not been acted upon by the end of the extended currency period, account will be made to these new code provisions when assessing any further request to extend the currency period.



## ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. These charges will be recalculated when the development approval has been acted upon.

## 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 - Court Order **[5.4.1]**

In the Planning and Environment Court

No. 7 of 2013

Held at: Cairns

Between:	<b>DEL FAM PTY LTD (ACN 005 010 480)</b>	Appellant
And:	<b>CAIRNS REGIONAL COUNCIL</b>	Respondent
And:	<b>CHIEF EXECUTIVE ADMINISTERING THE TRANSPORT INFRASTRUCTURE ACT 1994 AND THE TRANSPORT PLANNING AND COORDINATION ACT 1994</b>	Co-Respondent by Election

## JUDGMENT

Before His Honour Judge Everson

Date of Hearing: 9 September 2013

Date of Judgment: 9 September 2013

### IT IS ADJUDGED THAT

1. The appeal be allowed.
2. The Appellant's application for a Development Application to adopt development rights associated with the Residential 1 Planning Area over parts of the land in the Conservation Planning Area and a Development Permit for Reconfiguration of a Lot (3 lots into 105 lots) on land located at the Captain Cook Highway and Andreassen Road, Craiglie, more particularly described as Lot 1 on RP 725770, Lot 3 on RP 730522 and Lot 24 on SR 423 is approved subject to the Respondent's conditions contained in **Schedule 1**, the Co-Respondent by Election's conditions as amended on 6 September 2013 contained in **Schedule 2**, the Department of Environment and Resource Management's conditions dated 28 October 2009 contained in **Schedule 3**, the Department of Environment and Resource Management's (formerly known as the Department of Natural Resources and Water) conditions dated



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### JUDGMENT

Filed on behalf of the Appellant  
Form PEC-7

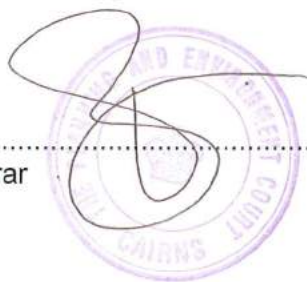
### All About Law

81 McLeod Street  
CAIRNS QLD 4870  
Tel: 07 4028 3336  
Fax: 07 4220 9434  
Ref: VM:Delfam:100049-1

19 August 2008 contained in **Schedule 4**, the Department of Transport and Main Roads' (formerly known as Queensland Transport) conditions dated 2 September 2008 contained in **Schedule 5** and the Department of Employment, Economic Development and Innovation's (formerly known as the Department of Primary Industries and Fisheries) conditions dated 19 September 2008 contained in **Schedule 6**.

Filed on: -9 SEP 2013  
Filed by: All About Law  
Service Address: 81 McLeod Street  
Cairns QLD 4870  
Phone: 07 4028 3336  
Fax: 07 4220 9434  
Email: vanessa@allaboutlaw.com.au

.....  
Registrar



## **SCHEDULE 1**

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

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Reconfiguration of a Lot	RPS 62273-5 Issue E	10 September 2012

### **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.

#### **Amendment to Design**

3. The proposed development must be redesigned or amended to accommodate the following changes:
  - a. Lots 8-9, 10-11 and 12-13 must be amalgamated or redesigned to be of regular shape and capable of supporting a rectangular area of 15m x 20m exclusive of setback requirements.

An amended plan incorporating the above requirements must be endorsed by the Chief Executive Officer, prior to the issue of a Development Permit for Operational Works.

#### **Dedication of Drainage Reserve**

4. The wetlands ('Mangroves') area, being all areas outside the 'Subdividable Area' and Lot 900, as shown on the Plan of Development being Plan 62273-5 Issue E dated 6 September 2012 and prepared by RPS Australia East Pty Ltd (RPS), are required to be dedicated back to the Crown as drainage reserve. The land must be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Natural Resources & Mines.

#### **Drainage Study of Site**



5. The drainage study supplied with the application is not approved. The Applicant is required to provide a more comprehensive 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. Determine the extent of the 100 year ARI flood event in relation to the site both pre- and post-development. This should include the methodologies used to calculate these levels;
  - b. Determine the drainage characteristics of the contributing catchment upstream of the western portion of the site and detail the mitigation and treatment measures required to ensure that all flows (up to those associated with the identified Q100 ARI flood event) can be diverted around the site. This should include the following:
    - i. Detail the necessary drainage infrastructure required to protect the existing flood immunity of the Captain Cook Highway and direct stormwater past the site to the lawful point of discharge;
    - ii. Detail any necessary drainage infrastructure required to adequately convey run-off and stormwater flows down Andreassen Road in order to provide immunity to the development and deliver it to a lawful point of discharge;
  - c. Provide a detailed plan of the proposed internal drainage system based off the outcomes of the expanded local drainage study and the updated plan of subdivision, taking into account all relevant conditions of approval;
  - d. The drainage system for 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;
    - iii. The design of the SQIDs shall not compromise the hydraulic performance of the overall drainage system; and
    - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.

- e. 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).

Detailed drainage design is to be in accordance with QUDM, complete with relevant calculations must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

#### **Lawful Point of Discharge**

6. 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, all to the requirements and satisfaction of the Chief Executive Officer.

#### **Infrastructure Plan**

7. Provision of an updated 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 external catchments that will be connected to the internal sewer or water networks;
  - b. Show how the site will be connected to Council's infrastructure taking into account other development likely to be connected to the proposed infrastructure at the time of application for operational works;
  - c. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development; and

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.

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.

#### **Infrastructure Agreement**

8. The infrastructure plan as outlined by Condition 7 and any drainage works along Andreassen Road as determined by Conditions 5 and 11, may require the construction of Trunk Infrastructure works to support the development. The cost of constructing Trunk Infrastructure must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the infrastructure. All trunk infrastructure, headworks or otherwise is subject to the applicant/owner entering

into an Infrastructure Agreement with Council prior to the issue of a Development Permit for Operational Works.

The agreement shall document the terms and conditions under which the infrastructure is to be built and how and when the applicant/owner is financially reimbursed.

#### **Water Supply and Sewerage Works Internal**

9. 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*; and

The plan of the works must be endorsed as part of the Development Permit for Operational Works.

#### **Street Layout and Design**

10. 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. 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;
  - b. Ensure the access place 'street leg length' is designed to satisfy the 30km/hr design speed control criteria;
  - c. Ensure the access street 'street leg length' is designed to satisfy the 40km/hr design speed control criteria;
  - d. Internal road intersections are to be clearly marked in accordance with appropriate standards to avoid confusion of right of way traffic.

A plan incorporating the above requirements must be submitted to Council, to the satisfaction of 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.

All works must be carried out in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **External Works to Andreassen Road**

11. Undertake the following external works to Andreassen Road:
  - a. Upgrade Andreassen Road from the intersection of with the Captain Cook

Highway to a point immediately behind proposed Lot 2 on Plan 62273-5 Issue E dated 10 September 2012, generally in accordance with Lambert & Rehbein Drawing C07037-CSK07-B and to a Major Collector Standard as per the *FNQROC Development Manual*. Works are to include the provision of kerb and channel, underground drainage and street lights;

- b. Where the extent of external drainage infrastructure identified by the expanded drainage study as detailed in Condition 5 is unable to be accommodated within the existing Andreassen Road Reserve, the road reserve width will need to be increased to ensure that all necessary infrastructure is fully accommodated within the road reserve. As outlined in Condition 8, these works may represent creditable Trunk infrastructure; and
- c. Provision of 600 mm wide landscaping strip within the Road Reserve, immediately behind the rear of lots adjoining Andreassen Road from behind proposed Lot 88 through to proposed Lot 2 on Plan 62273-5 Issue E dated 10 September 2012, in accordance with the provisions of Condition 13.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

### Street Lighting

12. 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 issue of a Compliance Certificate for the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the *FNQROC Development Manual*. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the *FNQROC Development Manual*.

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

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

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

- b. Prior to 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 the 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.

#### **Community Purpose/Park Infrastructure – Local Park**

13. The physical provision of land must be dedicated in accordance with the approved Plan of Development being Plan 62273-5 Issue E dated 6 September 2012 and prepared by RPS. The park is to be laid out and improved in accordance with a Park Development Plan. In lieu of the shortfall in the parkland area provided, the following items as a minimum are required to be shown on the Park Development Plan:
  - a. bollards preventing vehicular access to the park;
  - b. two (2) drinking fountains/taps;
  - c. in-ground irrigation for landscaping;
  - d. indication of all turfed areas and landscaped areas;
  - e. minimum of one (1) playground equipment area;
  - f. an internal pathway linking surrounding streets with features of the park;
  - g. two (2) bins;
  - h. one (1) picnic table and associated seating;
  - i. two (2) seats in other locations;
  - j. shade structures are required over the playground and picnic table;
  - k. landscaping including turfed areas, ornamental plantings, shade trees and buffer planting with native species; and
  - l. removal of all pest plants.

Three (3) copies of Park Development Plan must be provided and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational



Works.

Park improvements must be completed to the satisfaction of the Chief Executive Officer in accordance with the Park Development Plan and the *FNQROC Development Manual*, Design Guideline D9 – 01/09, Landscaping. The park improvements must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.

### **Landscaping Plan**

14. Undertake landscaping of the development in accordance with the *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. Any plants proposed to be removed within the park or riparian buffer areas;
  - b. Planting of the footpaths and park areas with trees, shrubs and grass, using appropriate species with regard to any overhead power line constraints;
  - c. The provision of shade trees within the park, particularly adjacent to play areas, picnic areas and seating;
  - d. Planting of the park with native species with a preference on species that attract native wildlife;
  - e. Provision of a 600 mm wide strip of landscaping of vegetation with screening qualities, within the Andreassen Road Reserve, from behind proposed Lot 88 through to proposed Lot 2; 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.

### **Wetlands Setback Area**

15. The wetlands setback area is to be landscaped in accordance with the following:

- a. Removal of any invasive weeds or non-native pioneer species;

Inclusion of a five (5) m wide grass strip immediately behind all lots that back on to the Wetlands setback areas (being proposed Lots 12-13 and 55-68). Suitable provision for access and turnaround areas for lawn-mowing machinery must be provided within the proposed Park and at the end of the road stubs immediately in front of proposed Lot 68 and adjacent proposed Lots 12-13; and

- b. Planting of native shrubs complementary to the existing riparian vegetation, from the edge of the 5m grass strip to the extent of native vegetation or the top of bank line, whichever is closest.

The following works are required to be installed during the Operational Works stage such that they are well established and clearly delineated prior to the issue of a Compliance Certificate for the Plan of Survey. This area must be separated and protected from any development works on proposed Lots 55 to 68 in perpetuity.

#### **Weed Management**

16. 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.

#### **Entrance Statement**

17. Council does not support the provision of any significant entrance statement within the Andreassen Road reserve. Details of any proposed entrance statement within the development are required to be endorsed prior to the issue of a Development Permit for Operational Works.

#### **Electricity and Telecommunications**

18. 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.

#### **Minimum Fill and Floor Levels**

19. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level identified by the expanded (and endorsed) drainage study. This level is to be made known to all prospective purchasers.

#### **Storage of Machinery and Plant**

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

#### **Sediment and Erosion Control**

21. Soil and water management measures 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*).
22. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<b>Concurrency Agency</b>	<b>Concurrency Agency Reference</b>	<b>Date</b>	<b>Council Electronic Reference</b>
Department of Environment & Resource Management (Ecoaccess)	326965 IPCC01168508 IPCC01168608 IPCC01168708	28 October 2009	#2374518
Department of Environment & Resource Management (Formerly DNRW)	IC0708CNS0003	19 August 2008	#1806490
Department of Transport & Main Roads (Formerly Department of Main Roads)	214/20A/102/830.01	15 July 2008 (amended 6 September 2013)	#1753273
Department of Transport & Main Roads (Formerly Queensland Transport)	CRN-201 P28391	4 September 2008	#1821702
Department of Employment, Economic Development and Innovation (Formerly Department of Primary Industries & Fisheries) Northern Fisheries Centre	NFC/140/000(949)	23 September 2008	#1838106

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 802, 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.
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.

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Please note that this Negotiated 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 Negotiated 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 Assessment team 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.

5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

#### **RIGHTS OF APPEAL**


Attached

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## **End of Decision Notice**





		<b>2006 Douglas Shire Planning Scheme Applications</b>	
<b>INFRASTRUCTURE CHARGES NOTICE</b>			
<b>Delfam Pty Ltd</b>		<b>0</b>	<b>0</b>
DEVELOPERS NAME		ESTATE NAME	STAGE
<b>Andreassen Road</b>	<b>Craiglie</b>	<b>L1 on RP725770; L3 on RP730522 &amp; L24 on SR423</b>	<b>4675</b>
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
<b>ROL (1 Into 104)</b>	<b>8/30/119</b>	<b>30-Jun-12</b>	<b>4</b>
DEVELOPMENT TYPE	COUNCIL FILE NO.	QUARTER ENDING	VALIDITY PERIOD
<b>3779823</b>	<b>1</b>	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
SKIDS No.	VERSION No.		

	DIST.	\$ / ERA		NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
<b>WATER</b>								
EX	11	6,342.58	X	101.00	0.00	\$640,600.84		T 615/ 05674
Pro	11	627.30	X	101.00	0.00	\$63,356.97		T 616/ 05660
Water sub - total						\$703,957.81		
<b>SEWERAGE</b>								
Ex	6	2,421.30	X	101.00	0.00	\$244,551.80		T 617/ 05689
Pro	6	1,052.53	X	101.00	0.00	\$106,305.31		T 618/ 05683
Sewerage sub - total						\$350,857.11		
<b>Road Network</b>	Not Applicable in Former DSC Area					0		
	District No.					0	\$0.00	000/ 0
<b>DRAINAGE</b>	Not Applicable in Former DSC Area					None		
	Stream Management						\$0.00	0
	Stormwater Quality						\$0.00	0
<b>OPEN SPACE</b>	Former DSC Area						\$0.00	T 614 / 546
<b>BONDS</b>	None						\$0.00	
	None						\$0.00	
<b>OTHER</b>	Port Douglas General road upgrade						\$0.00	348 / 05427
	None						\$0.00	
<b>TOTAL</b>						<b>\$1,054,814.91</b>		

Prepared by	Leon Doutre	on	5/11/121	Amount Paid	
Checked by		on		Date Paid	
Date Payable					
Amendments					
				Cashier	



## **SCHEDULE 2**

15 July 2008 (amended 6 September 2013)

Department of  
**Transport and Main Roads**

### **Amended Concurrence Agency Conditions and Statement of Reasons (former Department of Main Roads jurisdiction)**

**Cairns Regional Council: Captain Cook Highway (Cairns-Mossman)**

**Located at Andreassen Road, Craiglie**

**Lot 1 on RP 725770, Lot 3 on RP 730522 & Lot 24 on SR 423, Parish of Salisbury**

**Delfam Pty Ltd**

**Proposed Material Change of Use (Residential 1 Planning Area) & Reconfiguration of Lot (124 Residential Allotments, Parks, Conservation Areas & New Roads) Application**

**Referral Agency Response (conditions apply)**

I refer to the above application received at the Department 8 July 2008 requesting consideration of the above development.

#### **A. CONDITIONS OF DEVELOPMENT**

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Transport and Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

##### **1. Permitted Road Access Location**

- (i) Access between the subject land and the Captain Cook Highway shall be via Andreassen Road, to the satisfaction of the Cairns Regional Council.
- (ii) No direct access between the subject land and the Captain Cook Highway is permitted.

*Advice: This is a decision under section 62(1) of the Transport Infrastructure Act 1994 in conjunction with a development approval for a permitted road access location.*

Roads Business Group  
Far North Regional Office  
Floor 4 Cairns Corporate Tower 15 Lake Street  
PO Box 6185 CAIRNS Queensland 4870  
ABN 57 836 727 711

Our ref 214/20A/102(830.01)  
Your ref 8/30/119  
Enquiries MALCOLM HARDY  
Telephone +61 7 4050 5511  
Facsimile +61 7 4050 5438

## 2. Land Requirements for Future Road Purposes

Deleted.

## 3. Intersection Works

- (i) The landowner/ applicant shall upgrade the existing Andreassen Road/ Captain Cook Highway intersection in accordance with:
- the Department of Transport and Main Roads' *Road Planning and Design Manual* (RP&DM) including the *Interim Guide to Road Planning and Design Practice*, and
  - current Department of Transport and Main Roads standards.

A recent site inspection indicates the requirement for the provision of the following works:

- the centre of the proposed intersection of Captain Cook highway/Andreassen Road shall be a minimum of 180 metres north of the centre of the Captain Cook Highway/Mowbray River Road intersection. This intersection relocation will be negotiated between the Department of Transport Main Roads and the owner of Lot 2 on SR 431. The Department will require a minimum 6 months written notice from the landowner/ applicant before the commencement of intersection works.
- a Channelised Right Turn (CHR) treatment on the Captain Cook Highway for vehicles turning right into Andreassen Road;
- a Left Turn (Deceleration) Auxiliary Lane (AUL) treatment on the Captain Cook Highway for vehicles turning left into Andreassen Road;
- Separate outbound left and right turn lanes in Andreassen Road at the intersection with the Captain Cook Highway;
- The alignment, pavement width and design in Andreassen Road shall be to the satisfaction of the Director-General of the Department of Transport and Main Roads and Chief Executive officer of Cairns Regional Council;
- All lanes of 3.5m minimum width,
- 2.0m wide shoulders along both sides of the road within the extent of the intersection works (provision for bicycles),
- raised concrete median 1.2m wide and 1.7m between edgelines (0.25m each side),
- semi mountable kerbs on both sides of the intersection on the development intersection leg, set back 2m from Highway edgelines and 1.5m from the Andreassen Road edgelines,
- V3 intersection lighting in accordance with the Electrical Act, AS1158, 3000 and RP&DM Chapter 17 and certified by Registered Professional Engineer Queensland (RPEQ) Electrical;
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service

providers' satisfaction. No existing water mains within 3m of the new sealed shoulder edge permitted, and

- All associated works are to be completed to the department's satisfaction (such as drainage, visibility clearing, line marking (including raised reflective pavement markers) and signage in accordance with the Manual of Uniform Traffic Devices.
- (ii) The landowner/ applicant shall submit intersection design drawings prepared by a suitably qualified RPEQ for approval to the Cairns office of the Department of Main Roads, and receive approval prior to works commencing within the State-controlled road reserve (i.e. Captain Cook Highway).
- (iii) All required intersection works shall be completed to the satisfaction of the Director-General of the Department of Transport and Main Roads prior to the first plan of survey of the subject land creating residential allotments. "As Constructed" plans are required by the Cairns office of the Department of Transport and Main Roads at the completion of construction.

#### 4. Road Traffic Noise

- (i) In accordance with the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, the development, including any noise attenuation treatments, must achieve the following environmental emission (noise) criteria, allowing for predicted road traffic noise levels on the Captain Cook Highway for up to 10 years from the estimated time for completion of the development (being from when the local government approves the plan of survey):
- External noise criteria of  $\leq 60$  dB(A)  $L_{10}$  (18hr) facade corrected (measured  $L_{90}$  (8hr) free field between 10pm and 6am  $\leq 40$  dB(A)), or
  - External noise criteria of  $\leq 63$  dB(A)  $L_{10}$  (18hr) facade corrected (measured  $L_{90}$  (8hr) free field between 10pm and 6am  $> 40$  dB(A)).
- (ii) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) of this condition.

*Advice 1: Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor.*

*Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Housing and Public Works website (<http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.*

*Advice 2: The definitions and criteria referenced in this condition are in accordance with the Department of Transport and Main Roads Policy Position Statement – Development on Land Affected by Environmental Emissions from Transport and Transport Infrastructure Version 1.0 dated 31 March 2011. The policy position statement can be accessed at <http://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Planning-policy/Policy-statements-guidelines-and-development-codes/Development-on-Land-Affected-by-Environmental-Emissions.aspx>.*

## **5. Hydraulic Considerations**

(i) For the purpose of this condition:

- “no worsening impact” means no adverse impact caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects on the existing stormwater flows within the SCRR;
- “SCRR” means the Captain Cook Highway road reserve; and
- “DTMR” means the Department of Transport and Main Roads, or such other Department with responsibility for control of State Controlled Roads, as that term is defined in the Transport Infrastructure Act 1994 (Qld).

(ii) The development must achieve a no worsening impact on existing drainage patterns within the SCRR for all events up to and including the Q100 year storm event.

(iii) Prior to submitting any development application for operational works, the applicant must submit to DTMR for approval, a Hydraulic Impact Assessment report, utilising a full two-dimensional hydrodynamic model, which demonstrates that the development:

- will not change the existing flow patterns in and around the SCRR; and
- will achieve a no worsening impact on the SCRR.



- (iv) The Hydraulic Impact Assessment must include the information required by Cairns Regional Council's Negotiated Decision Notice condition 5(b)(i), as well as the following:
- hydrology and hydraulics of the existing and post development situation (including supporting plans and modelling calculations);
  - identify, with reference to plans, the location, size and nature of any detention basins and/or drainage treatments;
  - identify the land area for drainage purposes (if any) that is to be dedicated to the State/Council for drainage purposes;
  - identify the legal point of discharge for all stormwater;
  - demonstrate that the proposed culvert crossing of Andreassen Road does not change flow patterns, or cause more stormwater to be diverted, into the SCRR; and
  - demonstrate that the proposed drainage channel along Andreassen Road (including consideration of maintenance or otherwise of the drainage channel) does not change flow patterns or cause more stormwater to be diverted into the SCRR.
- (v) Any excavation, filling, paving, landscaping, construction or any other works to the subject land must not:
- create any new discharge points for storm water runoff onto the SCRR;
  - interfere with and/or cause damage to the existing storm water drainage on the SCRR (except as required as a consequence of Condition 3, and approved by DTMR in accordance with section 33 of the *Transport Infrastructure Act 1994*);
  - surcharge any existing culvert or drain on the SCRR; or
  - reduce the quality of storm water discharge onto the SCRR.
- (vi) Prior to submitting the Plan of Survey to the local government for approval, the applicant must provide RPEQ certification to DTMR that the development has been designed and constructed in accordance with Parts (ii), (iii), (iv) and (v) of this condition.

*Advisory note 1: The purpose of this condition is to ensure that the safety and efficiency of the SCR will not be adversely affected by changes to storm water runoff as a result of the development.*

*Advisory note 2: Please refer to the DTMR Road Drainage Manual which can be accessed at <http://www.tmr.qld.gov.au/business-industry/technical-standards-publications.aspx>*

*Advisory note 3: This approval does not permit the applicant to carry out any works within the SCRR. In accordance with section 33 of the Transport Infrastructure Act 1994, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the DTMR to make an application for approval under section 33 of the Transport Infrastructure Act 1994 to carry out road works.*

## **6. Advertising**

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

## **Reasons**

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

- Department of Transport and Main Roads Access Policy;
- Department of Transport and Main Roads Involvement in Development Applications Referrals and Assessment Guide; and
- the Douglas Planning Scheme.

**SCHEDULE 3****Notice****Concurrence Agency Response**

*This notice is issued by the Department of Environment and Resource Management pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.*

Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

CC: Delfam Pty Ltd  
C/- Connicks (Cairns)  
PO Box 1949  
CAIRNS QLD 4870

Assessment Manager application number: 8/30/119

Our reference: 326965

Dear Sir/Madam

**Re: Referral for Concurrence Agency Response**

The Department of Environment and Resource Management (DERM) wishes to advise that the referral for a concurrence agency response received on 19-AUG-2008 has been assessed and on 28-OCT-2009 it was granted with conditions.

**1. Property/Location:**

Street address - Mowbray & Andreassen Road CRAIGLIE QLD 4871  
Lot/Plan - Lot 1 Plan RP725770, Lot 24 Plan SR423, Lot 3 Plan RP730522

**2. Details of the recommendation**

Aspect of Development

- Advice Agency Response
- MCU of land in or within 100m of a conservation estate
- MCU on land in or within 100m of a wetland
- Reconfiguration of a lot on land in or within 100m of a conservation estate
- Reconfiguration of a lot on land in or within 100m of a wetland

Recommendation - advice provided  
DERM Ref Number - IPAR01168508

Aspect of Development

- Concurrence Response for a MCU within a coastal management district
- MCU completely or partly within a coastal management district if the MCU involves certain operational work

Recommendation - granted with conditions  
DERM Ref Number - IPCC01168608

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Department of Environment and Resource Management  
www.derm.qld.gov.au ABN 87 221 183 786



Queensland Government

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**Aspect of Development**

- Concurrence Response for Reconfiguration
- Reconfiguration completely or partly within a coastal management district

Recommendation – granted with conditions  
DERM Ref Number – IPCC01168708

**3. Currency period**

This development approval takes effect -

- From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
- When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
- Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

[refer to sections 3.5.19 and 3.5.20 of the *Integrated Planning Act 1997* for further details]

This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* applying to each aspect of development in this approval.

**4. Codes for self-assessable development**

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.

**5. Assessment Manager Responsibilities**

*Please note that it is a requirement under Sections 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the DERM's concurrence response) for this application issued by the Cairns Regional Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the DERM's Ecoaccess Customer Service Unit, PO Box 15165 CITY EAST 4002 and an electronic copy to [eco.access@epa.qld.gov.au](mailto:eco.access@epa.qld.gov.au).*

*In addition, the State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, DERM has not provided a notification to native title parties.*

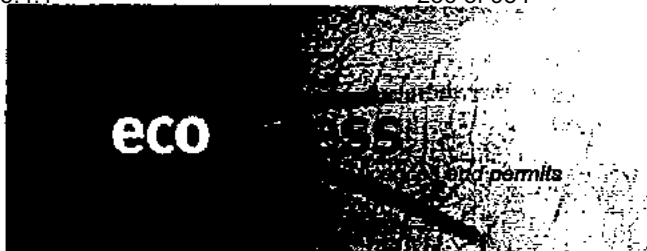
If you require more information, please contact Andrew Date, the Project Manager, on the telephone number listed below.

Yours sincerely



Mark Cavicchiolo  
Delegate  
Department of Environment and Resource Management  
28-OCT-2009

**Enquiries:**  
ES - Reg Serv - Cairns - William McCormack  
PO Box 2066  
CAIRNS QLD 4870  
Phone: (07) 4046 6602  
Fax: (07) 4046 6606



# Notice

## Advice Agency Response – Wetlands & Conservation

*This notice is issued by the Department of Environment and Resource Management (DERM) pursuant to sections 3.3.16 and 3.3.19 of the Integrated Planning Act 1997.*

Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

cc: Delfam Pty Ltd  
C/- Connics (Cairns)  
PO Box 1949  
CAIRNS QLD 4870

Your reference : 62273  
Our reference : 326985

Attention: Neil Beck

Dear Neil

**Re: Advice concerning application for development at Lot 1 Plan RP725770, Lot 24 Plan SR423 and Lot 3 Plan RP730522. Please treat this response as a properly made submission.**

DERM referral number: IPAR01168508  
Response type: Advice Agency Response  
Date application received by DERM: 19-AUG-2008

ADVICE AGENCY JURISDICTION:	Item 38 of Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> .
ASSESSMENT MANAGER REFERENCE NUMBER:	8/30/119
APPLICANT:	Delfam Pty Ltd C/- Connics (Cairns)
ACTIVITY DESCRIPTION:	Development application for a MCU completely or partly within a coastal management district if the MCU involves certain operational work and Reconfiguration completely or partly within a coastal management district.
DESCRIPTION OF SUBJECT LAND:	Mowbray & Andreassen Road CRAIGLIE QLD 4871 Lot 1 Plan RP725770, Lot 24 Plan SR423 and Lot 3 Plan RP730522

### Response to Development Application

The application proposes a MCU of land in or within 100m of a conservation estate; MCU on land in or within 100m of a wetland; Reconfiguration of a lot on land in or within 100m of a conservation estate and Reconfiguration of a lot on land in or within 100m of a wetland within 100m of Conservation Estate. The Department of Environment and Resource Management, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice with respect to the application as detailed above.



**Department of Environment and Resource Management advice IPAR01168508****Mitigating the Impacts of Storm Tide Inundation**

The assessment manager is advised to ensure that the proposal is consistent with the DERM guideline "*Mitigating the Adverse Impacts of Storm Tide Inundation*".

**Buffer distances from Area of State Significance (Significant Wetlands)**

Areas of State Significance (Significant Wetlands) exist within and/or adjacent to Lot 1 RP725770, Lot 3 RP730522 and Lot 24 SR423 and are deemed as an Area of State Significance (Natural Resources) within the context of Policy 2.8.1 of the Wet Tropical Coastal Regional Coastal Management Plan. The associated DERM operation policy on this matter states:

"When considering whether a proposed development satisfies the policy "to be compatible with the maintenance of the area's values", within the meaning of Policy 2.8.1 of the SCMP and regional coastal management plans, DERM will have regard to the following matter –

- An approval to reconfigure a lot or for material change of use adjacent to areas of state significance (natural resources) will be conditioned to require development (including clearing of vegetation) be set back a minimum 50 metres.
- In relation to the mitigation of adverse impacts, DERM will not accept the substitution of artificially created coastal resources in exchange for the substantial loss of an area of state significance (natural resources)."

DERM's concurrence agency jurisdiction extends to the landward bounds of the coastal management district which, at this location, is defined as Highest Astronomical Tide (HAT). As a consequence, DERM cannot include a condition in its concurrence agency response requiring a specified setback distance for development activities from the wetlands. However, as local governments are required to take into account the State Coastal Plan and any applicable regional coastal management plan in assessing particular development applications, the assessment manager may include a condition on this matter.

DERM holds concerns for the longer-term stability of the bank of the Mowbray River and wetlands adjacent to the proposed development site should this application be approved. Any increase in access to and use of the riverbank and wetlands will likely result in the degradation of the ecological values and structural stability of the landform. The loss of this ecosystem service tends to result in the implementation of hard engineering works to stabilise such environments. The construction, maintenance and liability costs of such engineering works are generally borne by the local government in similar circumstances. DERM considers that it is in the longer term interests of the environment and the local government to consider alternative and less expensive strategies such as the implementation of adequate buffer widths to minimise this risk.

In the absence of any sound justification by the applicant for a buffer width of less than 50 metres, DERM advises the assessment manager to include the following conditions in any approval granted for this application:

1. *All aspects of the proposed development, excepting a proposed cycle/pedestrian path, must remain not less than 50 metres landward of the Area of State Significance (Significant Wetland). The cycle / pedestrian path proposed within a cleared corridor of a maximum width of 10 metres must be constructed within the most landward extent of the 50 metre buffer from the wetlands.*
2. *Where the riparian corridor has previously been disturbed or removed within a distance of 50 metres from the landward edge of the wetlands, less the maximum cleared width of 10 metres for the provision of a cycle path, the riparian community must be re-established by the approval holder using local provenance species.*

**Stormwater Management**

It is noted that part of the proposed parkland within the proposed development adjacent to lots 48, 69 and 70 is also intended to comprise part of the stormwater treatment system purported to remediate site stormwater discharge quality to accord with the Queensland Water Quality Guidelines Water Quality Objectives for the Mowbray River. Information provided to DERM by the applicant was insufficient to ascertain the validity of the modelling undertaken on the effectiveness of the proposed treatment system. DERM considers that the proposed parkland is unlikely to be able to effectively fulfil the role of parkland and stormwater bioretention basin and advises that the park and bioretention basin should be separately located at a suitable location


**Advice Agency Response**

elsewhere within the development site that does not interfere with any remnant vegetation or land to be rehabilitated in accordance with any condition of approval.

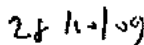
**Additional information for applicants**

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Department of Environment and Resource Management. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature



Date

**Enquiries:**

Mark Cavicchiolo  
Delegate  
Far Northern Region  
Department of Environment and Resource  
Management  
28-OCT-2009

Department of Environment and Resource  
Management  
PO Box 2066  
CAIRNS QLD 4870  
Telephone: (07) 4046 6728  
Facsimile: (07) 4046 6606

Section 3.3.16 and 3.3.18 *Integrated Planning Act 1997*DERM Permit<sup>1</sup> number: IPCC01168608

DERM Permit <sup>1</sup> number:	IPCC01168608
Assessment Manager reference:	Assessment Manager application number: 8/30/119
Date application received by DERM:	19-AUG-2008
Permit <sup>1</sup> Type:	Preliminary Approval Concurrence Response for a MCU within a coastal management district
Date of Decision:	28-OCT-2009
Decision:	granted
Relevant Laws and Policies:	<i>Coastal Protection and Management Act 1995</i> and any subordinate legislation
Jurisdiction:	Item 7 in Table 3 of the <i>Integrated Planning Regulation 1998</i>

## Development Description

Property	Lot/Plan	Aspect of Development
Mowbray & Andreassen Road CRAIGLIE QLD 4871	Lot 1 Plan RP725770 Lot 24 Plan SR423 Lot 3 Plan RP730522	MCU completely or partly within a coastal management district if the MCU involves certain operational work

## Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

The Department of Environment and Resource Management is a concurrence agency under the *Integrated Planning Regulation 1998* for coastal management under the *Coastal Protection and Management Act 1995*, excluding amenity or aesthetic significance or value.

## Additional comments or advice about the application

Refer DERM Advice Agency response IPARD1168508 (attached)

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service

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DERM Permit number: IPCC01168608

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**Contaminated Land**

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Department of Environment and Resource Management.



Mark Cavicchiolo  
Delegate  
Department of Environment and Resource Management  
28-OCT-2009

DERM Permit number: IPCC01168608

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## CONDITIONS

Nil conditions

DERM Permit number: IPCC01168608

**DEFINITIONS**

Words and phrases used throughout this permit<sup>1</sup> are defined below. Where a definition for a term used in this permit<sup>1</sup> is sought and the term is not defined within this permit<sup>1</sup> the definitions provided in the relevant legislation shall be used.

**"administering authority"** means the Environmental Protection Agency or its successor.

**"annual return"** means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval

**"approval"** means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

**"approved plans"** means the plans and documents listed in the approved plans section in the notice attached to this development approval.

**"artificial waterway"** means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

**"authorised place"** means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

**"canal"** means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

**"clinical waste"** means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste

**"coastal dune"** means a ridge or hillock of sand or other material on the coast and built up by the wind.

**"commercial place"** means a place used as an office or for business or commercial purposes.

**"dredge spoil"** means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

**"dwelling"** means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

**"Environmental Protection Agency"** means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

**"erosion prone area"** means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

**"high water mark"** means the ordinary high water mark at spring tides.

**"infectious waste"** means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

**"intrusive noise"** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
  - annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.



" **$L_{A10,adj,10mins}$** " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" **$L_{A1,adj,10mins}$** " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

" **$L_{A,max,adj,1}$** " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"**land**" in the "land schedule" of this document means land excluding waters and the atmosphere.

"**mg/L**" means milligrams per litre.

"**noxious**" means harmful or injurious to health or physical well being.

"**NTU**" means nephelometric turbidity units.

"**nuisance sensitive place**" includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

"**offensive**" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"**ponded pasture**" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

"**protected area**" means –

- a protected area under the *Nature Conservation Act 1992*, or
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

"**quarry material**" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"**regulated waste**" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes –

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"**site**" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"**tidal water**" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"**watercourse**" means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"**waters**" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"**works**" or "**operation**" means the development approved under this development approval.

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**DERM Permit number: IPCC01168608**

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**"you"** means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

**"50th percentile"** means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

**"80th percentile"** means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

## **END OF CONDITIONS**



### Section 3.3.16 and 3.3.18 response *Integrated Planning Act 1997*

**DERM Permit<sup>1</sup> number: IPCC01168708**

<b>DERM Permit<sup>1</sup> number:</b>	IPCC01168708
<b>Assessment Manager reference:</b>	Assessment Manager application number: 8/30/119
<b>Date application received by DERM:</b>	19-AUG-2008
<b>Permit<sup>1</sup> Type:</b>	Concurrence Response for Reconfiguration
<b>Date of Decision:</b>	28-OCT-2009
<b>Decision:</b>	Granted with conditions
<b>Relevant Laws and Policies:</b>	<i>Coastal Protection and Management Act 1995</i> and any subordinate legislation
<b>Jurisdiction:</b>	Item 10 in Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>

#### Development Description

Property	Lot/Plan	Aspect of Development
Mowbray & Andreassen Road CRAIGLIE QLD 4871	Lot 1 Plan RP725770 Lot 24 Plan SR423 Lot 3 Plan RP730522	Reconfiguration completely or partly within a coastal management district.

#### Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

The Department of Environment and Resource Management is a concurrence agency under the *Integrated Planning Regulation 1998* for coastal management under the *Coastal Protection and Management Act 1995*, excluding amenity or aesthetic significance or value.

#### Additional comments or advice to the Assessment Manager

Refer DERM Advice Agency response IPAR01168508 (attached)

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management and the Queensland Parks and Wildlife Service



**Additional information for the applicant****Land surrender**

It is noted that the applicant is voluntarily contributing land within the coastal management district to the State for inclusion in the adjacent reserve Lot 164 SR673. Cairns Regional Council have accepted trusteeship of the land to be dedicated to the State.

**Note**

The Coastal Management District for the relevant section of the Mowbray River is defined as Highest Astronomical Tide (HAT) and the erosion prone area is defined on the erosion prone area plan Douglas SC3396G as land adjacent to coastal waters with the landward boundary of the erosion prone area being a line measured 40 (forty) metres landward of the plan position of the Mean High Water Springs (MHWS) tide level; or the plan position of Highest Astronomical Tide (HAT); *whichever provides the greater erosion prone area width.*

**Contaminated Land**

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Department of Environment and Resource Management.



Mark Cavicchiolo  
Delegate  
Department of Environment and Resource Management  
28-OCT-2009

## CONDITIONS

### Condition 1

Prior to lodgement of the plan of the reconfigured lots or the undertaking of any development activity, the holder of this permit must:

- (a) undertake a detailed survey of the erosion prone area in accordance with plan Douglas SC3396G within Lot 1 RP725770, Lot 3 RP730522 and Lot 24 SR423; and
- (b) provide a copy of the final plan to the Regional Manager, Environmental Services section (Far Northern Region) of the Department of Environment and Resource Management. That plan must reflect any changes to the design of the development resulting from conditions imposed on any approval by DERM or the assessment manager

### Condition 2

The approval holder must submit for registration a survey plan that identifies all land within the erosion prone area that, on registration of the plan, is surrendered to the State for inclusion in the adjacent reserve Lot 164 SR673 under the trusteeship of Cairns Regional Council.

**DEFINITIONS**

Words and phrases used throughout this permit<sup>1</sup> are defined below. Where a definition for a term used in this permit<sup>1</sup> is sought and the term is not defined within this permit<sup>1</sup> the definitions provided in the relevant legislation shall be used.

**"administering authority"** means the Environmental Protection Agency or its successor.

**"annual return"** means the return required by the annual notice (under section 316 of the *Environment Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

**"approval"** means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

**"approved plans"** means the plans and documents listed in the approved plans section in the notice attached to this development approval.

**"artificial waterway"** means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

**"authorised place"** means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

**"canal"** means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

**"clinical waste"** means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

**"coastal dune"** means a ridge or hillock of sand or other material on the coast and built up by the wind.

**"commercial place"** means a place used as an office or for business or commercial purposes.

**"dredge spoil"** means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

**"dwelling"** means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

**"Environmental Protection Agency"** means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

**"erosion prone area"** means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

**"high water mark"** means the ordinary high water mark at spring tides.

**"infectious waste"** means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

**"intrusive noise"** means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

**" $L_{A, 10, \text{adj}, 10 \text{ mins}}$ "** means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

**" $L_{A, 1, \text{adj}, 10 \text{ mins}}$ "** means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

**" $L_{A, \text{max adj}, 1}$ "** means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

**"land"** in the "land schedule" of this document means land excluding waters and the atmosphere.

**"mg/L"** means milligrams per litre.

**"noxious"** means harmful or injurious to health or physical well being.



**"NTU"** means nephelometric turbidity units.

**"nuisance sensitive place"** includes –

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

**"offensive"** means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

**"ponded pasture"** means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

**"protected area"** means –

- a protected area under the *Nature Conservation Act 1992*; or
- a marine park under the *Marine Parks Act 1992*; or
- a World Heritage Area.

**"quarry material"** means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

**"regulated waste"** means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 1998* (whether or not it has been treated or immobilised), and includes –

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

**"site"** means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

**"tidal water"** means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

**"watercourse"** means a river, creek or stream in which water flows permanently or intermittently-

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

**"waters"** includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

**"works" or "operation"** means the development approved under this development approval.

**"you"** means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

**"60th percentile"** means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

**"80th percentile"** means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

## END OF CONDITIONS

**SCHEDULE 4**

Your Reference: 8/30/119 (1705956)  
 Our Reference: IC0708CNS0003  
 Contact: David McGill  
 Directorate / Unit: Planning and Environment  
 Phone: 07 4039 8284

Department of  
**Natural Resources and Water**

19 August 2008



The Chief Executive Officer  
 Cairns Regional Council  
 PO Box 359  
**CAIRNS QLD 4870**

**Attention: N Beck**

Dear Sir/Madam

**APPLICATION FOR MATERIAL CHANGE OF USE TO OVERRIDE THE  
 PLANNING SCHEME AND RECONFIGURING A LOT (3 LOTS INTO 124 LOTS +  
 PARK AREAS), ON LOTS 1 RP725770, 3 RP730522, 24 SR423, CAPTAIN COOK  
 HIGHWAY, MOWBRAY & ANDREASSEN ROADS, CRAIGLIE – REFERRAL  
 AGENCY RESPONSE**

The Department of Natural Resources and Water (concurrence and advice agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact David McGill on 07 4039 8284.

Yours sincerely

David McGill  
 Senior Natural Resource Officer  
 Landscapes and Community Services  
 North Region

CC  
 Delfam Pty Ltd  
 C/- Conics Pty Ltd  
 PO Box 1949  
**CAIRNS QLD 4870**  
**Attention: Owen Caddick-King**

**ENCL. Referral Agency Response, Schedule 1 – Statement of Reasons**

Department of Natural  
 Resources and Water  
 Level 3, 5b Sheridan Street  
 PO Box 937  
 Cairns Queensland 4 870  
 Australia  
 Telephone + 617 4039 8270  
 Facsimile + 61 7 4057 3365  
 Website [www.nrw.qld.gov.au](http://www.nrw.qld.gov.au)

## Department of Natural Resources and Water – Referral agency response

Given under Section 3.3.16 of the *Integrated Planning Act 1997*

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### 1. Application information

- 1.1. **Applicant's name:** Delfam Pty Ltd
- 1.2. **Property description:** 1 RP725770 & 3 RP730522 & 24 SR423 - Cairns Regional Council
- 1.3. **Assessment Manager/Reference:** Simon Clarke, Ref: 8/30/119
- 1.4. **Date application was referred to Department:** 15 May 2008
- 1.5. **Departmental Reference:** eLVAS Case No: 2008/006302, File Ref. No: TNS/026982, Trackjob No: IC0708CNS0003
- 1.6. **Type/s of development sought by the application:** Material Change of Use and Reconfiguring a Lot

### 2. Concurrence Agency Response – Remnant Vegetation

The Chief Executive of the Department of Natural Resources and Water directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- Clearing as a result of the material change of use and reconfiguring a lot must only occur where demonstrated on *Delfam Pty Ltd, Residential Subdivision Andreassen Road Port Douglas, Roadworks and Stormwater Drainage Schematic, Lambert & Rehebein, Drawing No, C07037-CSK05*.
- Any other clearing is only to occur where exempt by Schedule 8 of the Integrated Planning Act 1997, in the absence of an approval.

### 3. Reasons:

A Statement of Reasons is attached at Schedule 1.

### 4. Advice Agency Response - Acid Sulfate Soils

The Department of Natural Resources and Water (NRW) has reviewed the application material provided for this development and notes that the IDAS forms indicate both filling and excavation levels that trigger State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and referral to NRW as an advice agency per Schedule 2 of the *Integrated Planning Regulation 1998*.

The subject land is low-lying, in close proximity to tidal land, and is predominantly less than 5 metres AHD. It is highly likely that acid sulfate soils (ASS) will be present.

NRW – referral agency response

However, in the absence of an investigation or report with respect to acid sulfate soils, as required by SPP2/02, NRW cannot currently advise further on this issue. In accordance with SPP 2/02 all proposed disturbances should be investigated for the presence of ASS prior to any operational works. Should these studies identify that ASS will be excavated or disturbed by construction, then a suitable ASS management plan will need to be developed. Adequate management strategies should be determined and approved prior to construction commencing.

Recommendation

NRW recommend Council request that sufficient information is provided to demonstrate that the proposed development has regard to achieving Outcome 1 of SPP 2/02, particularly:

- Whether ASS will be disturbed through any proposed excavation or fill (identify the depth, amount and location of excavation or fill); and
- What management practices are to be adopted to minimise environmental harm as a result of disturbance of ASS, should the investigation show that ASS will be disturbed as a result of the proposal.

This evidence should include an ASS investigation of the subject land by a suitably qualified person and a report prepared according to sections 6, 8 and 9 of the Guideline that accompanies SPP 2/02.

NRW would be pleased to receive a copy of any investigation or proposed management practices for review.

## **5. Third Party Advice - Aboriginal cultural heritage**

Under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the cultural heritage duty of care are \$750 000 for a corporation and \$75 000 for an individual.

Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the NRW's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the

NKW – referral agency response

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Cultural Heritage Coordination Unit, NRW. Application forms to undertake a free search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the NRW's website—  
[www.nrm.qld.gov.au/cultural\\_heritage](http://www.nrm.qld.gov.au/cultural_heritage).

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

**Coordinating Officer: David McGill**

**Address: PO Box 937, Cairns QLD 4870**

**Phone: 07 4039 8284**



David McGill  
**Senior Natural Resource Officer**  
**Landscapes and Community Services**  
**North Region**

19 August 2008

**Schedule 1**

eLVAS Case No: 2008/006302

File Ref. No: TNS/026982

Trackjob No: IC0708CNS0003

**Statement of Reasons  
Referral Agency Response  
Application for Material Change of Use / Reconfiguring a Lot  
Delfam Pty Ltd**

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

**Introduction**

1. The Department of Natural Resources and Water (NRW) received an application from Delfam Pty Ltd on 9 July 2008.
2. The application is for 9 July 2008 MCU (Concurrence-Multiple Issue) on 1 RP725770 & 3 RP730522 & 24 SR423 - Cairns Regional Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Daniel Gillinder, on 8 August 2008.
4. The Delegate determined the Referral Agency Response on 13 August 2008.

**Evidence**

1. Application dated 9 July 2008.
  - a) Completed IDAS Form 1 Part "J".
  - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Department of Natural Resources and Waters Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated [insert date of approval of policy]*
5. *State Planning Policy (SPP) 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. eLVAS interaction 468240
7. Assessment Report dated 8 August 2008.

**Findings of fact**

1. An application was received from Delfam Pty Ltd for the subject lots 1 RP725770 & 3 RP730522 & 24 SR423 - Cairns Regional Council
2. This was assessed by NRW as a Concurrence Agency against the objectives of the *Vegetation Management Act*, as provided for under the *Integrated Planning Act* and the *Regulations* attached to that act.



## NRW – referral agency response

3. The application was assessed against the Criteria Table A and Criteria Table B *Agency Policy for Material Change of Use/Reconfiguring a Lot 23 August 2007*.
4. The proposed application for a residential subdivision from 1 into 124 lots.
5. It was found that most of the proposed development was located within non-remnant vegetation and therefore no clearing of assessable vegetation will occur in these areas.
6. The only clearing to occur was identified as a storm water drainage feature for the residential subdivision and is located within remnant of *concern* vegetation.
7. This infrastructure is considered to be an *urban purpose*.
8. This area of remnant vegetation is also located within an area zoned as Urban by the local government.
9. Therefore there will be no clearing of assessable vegetation for part of the proposed development and the other part is for an *Urban Purpose* zoned as an *Urban Area*.
10. To ensure that this remains; clearing for the proposed development is limited to the area where it is demonstrated in the application where clearing as a result of the development will occur.
11. The application meets the performance requirement for Criteria Table A and Criteria Table B of the *Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot 23 August 2007*.

**Reasons**

The application is considered by the assessing officer to meet the performance requirement for Criteria Table A and Criteria Table B of the *Concurrence Agency Policy for Material Change of Use/ Reconfiguring a Lot 23 August 2007*, because there will be no clearing of assessable vegetation in part and the only clearing as a result of the proposed development will occur within an *urban purpose* in an *urban area* where there is no *endangered* regional ecosystem.



Daniel Gillinder  
Senior Vegetation Management Officer  
North Region

13 August 2008

**SCHEDULE 5**
**Queensland  
Government**

Queensland Transport

2 September 2008

 The Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
Cairns Qld 4870

*Attention: Simon Clarke*

Dear Mr Clarke

**Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16**

**Application for:** Preliminary Approval Overriding the Planning Scheme pursuant to Section 3.1.6 of the Integrated Planning Act to Adopt Development Rights associated with the for a Material Change of Use associated with the Residential 1 Planning Area over parts of the land deemed to be within the Conservation Planning Area and a Development Permit for Reconfiguring a Lot (3 Lots into 124 Lots)  
 Captain Cook Highway, Mowbray & Andreassen Road  
 Craiglie Qld  
 Lot 1 on RP725770, Lot 3 on RP730522 and Lot 24 on SR423  
 Cairns Regional Council  
 QT Reference-CRN-201

I refer to an amended acknowledgement notice received from Conics (Cairns) Pty Ltd by this department on 19 August 2008, and the original application and acknowledgement notice received by this department 9 July 2008, seeking approval for the above proposal, as indicated on the plans listed in the table below.

Plan Number	Plan Name	Plan Date	Plan Version
CO7023-CSK05 prepared by Lambert & Rehbein	Roadworks and Drainage Schematic	28/02/2008	1

An assessment of the proposed development within the limits of Queensland Transport's (QT) jurisdiction, namely land use and transport coordination under the (*Transport Planning and Coordination Act 1994*) has been completed.

It is advised that the proposal is supported with conditions of development as identified on the

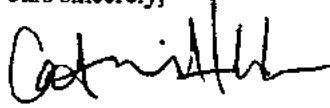
 Integrated Transport Planning  
 Strategy Implementation Branch  
 Level 9 Cairns Corporate Tower 15 Lake Street  
 PO Box 6542  
 Cairns Qld 4870  
 ABN 13200 330 520

 Our ref CRN-201 P26391  
 Your ref 8/30/119  
 Enquiries Suzanne Lindemann A/Planner  
 Telephone +61 7 4050 5447  
 Facsimile +617 4040 6380  
 Website [www.transport.qld.gov.au](http://www.transport.qld.gov.au)  
 Email [Suzanne.C.Lindemann@transport.qld.gov.au](mailto:Suzanne.C.Lindemann@transport.qld.gov.au)

attached Statement of Reasons. These conditions must be included in any decision notice issued for this proposal.

A copy of this letter and the Statement of Reasons has been sent to the applicant for their information and action as required.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Hobbs', written over a horizontal line.

Catherine Hobbs  
Principal Adviser (Planning)

## Attachment 1

## Queensland Transport Concurrence Agency Conditions and Statement of Reasons CRN-201

## Application for:

Preliminary Approval Overriding the Planning Scheme pursuant to Section 3.1.6 of the Integrated Planning Act to Adopt Development Rights associated with the for a Material Change of Use associated with the Residential 1 Planning Area over parts of the land deemed to be within the Conservation Planning Area and a Development Permit for Reconfiguring a Lot (3 Lots into 124 Lots)

Captain Cook Highway, Mowbray & Andreassen Road

Craigie Qld

Lot 1 on RP725770, Lot 3 on RP730522 and Lot 24 on SR423

Cairns Regional Council

QT Reference-CRN-201

Timing	Conditions for the subject application	Jurisdiction for the condition & Reasons
Prior to the Cairns Regional Council approval and dating (endorsing) of survey plans	<p>1. The applicant must construct pedestrian and cycle paths in the general location as indicated on the plans prepared by Lambert &amp; Rehbein, <i>Roadworks and Stormwater Drainage Schematic</i> (Drawing Number C07037-CSK05, version 1 dated 28 February 2008) and constructed in accordance with the relevant specifications of the <i>FNQROC Development Manual</i>. When designing the pedestrian/cycle paths and connections, the applicant must ensure that paths comply with Crime Prevention through Environmental Design (CPTED) principles.</p>	<p>Section 8A of the <i>Transport Planning and Coordination Act 1994</i>.</p> <p>The development's internal pedestrian &amp; cycle paths will link residents to public transport services and facilities. They must be constructed to meet projected demands and provide safety for users.</p>

**SCHEDULE 6**

**Queensland  
Government**  
Department of  
Primary Industries  
and Fisheries



Our reference: NFC/140/000(949)

Your reference: 8/30/119 (1705956)

19 September 2008

Noel Briggs  
Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
Cairns Qld 4870

Attention: Neil Beck

Dear Mr Briggs

**CONCURRENCE AGENCY RESPONSE**

(Issued pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*)

**Applicant:** Delfam Pty Ltd

**Address:** C/o Conics, PO Box 1949, Cairns Qld 4870

**Proposal:** Reconfiguration of a lot and Material change of use, including operational works involving the removal, damage or destruction of marine plants

**Location:** Mowbray and Andreassen Road, Craiglie

**Property Description:** Lot 1 on RP725770, Lot 3 on RP730522 and Lot 24 on SR423

The Department of Primary Industries and Fisheries (DPI&F), as a concurrence agency under the *Integrated Planning Act 1997*, has assessed the development application against the purposes of the *Fisheries Act 1994*.

Should the application be approved, the DPI&F requires that the following aspects of the development be subject to the requirements and conditions stated in or attached to this response.

Northern Fisheries Centre  
PO Box 5396  
Cairns Qld  
Queensland 4870 Australia  
Business Centre 13 25 23  
Website [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au)  
ABN 78 342 684 030

**Type of approval**

Aspect of development	Type of Approval	DPI&F Reference No.
Operational works involving the removal, damage or destruction of marine plants	Development Permit (subject to conditions)	2008CA0254

**Conditions**

Conditions imposed by the Department of Primary Industries and Fisheries on the aspects of development listed above are stated in the 'DPI&F conditions' attached.

**Approved plans**

The development must be consistent with the following approved plans:

Plan/Document Number	Plan/Document Name	Date
C&B Group Drawing No. 62273-5 Issue A	Concept plan Option 2	Amended 14/12/07

**Currency period**

The standard currency period stated in section 3.5.21 of IPA apply to the aspects of development stated above.

**Additional advice to applicant****Cultural Heritage**

Under the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). An assessment of your proposed activity against the duty of care guidelines will help you determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838. Further information on cultural heritage and a copy of the duty of care guidelines and cultural heritage search forms can be obtained from [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).

**Acid Sulfate Soil**

Any soil disturbance resulting from development works should be managed to prevent acid sulfate soil development as outlined in the current version of the Qld Acid Sulfate Soils Technical Manual Soil Management Guidelines. To obtain a copy of this document or for further information on acid sulfate soils, please contact Queensland Acid Sulfate Soils Investigation Team (QASSIT) on 3896 9819 or access the website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au).



If you require any further information regarding the above, please contact Louise Johns on telephone 4057 3706 or email [louise.johns@dpi.qld.gov.au](mailto:louise.johns@dpi.qld.gov.au).

Yours sincerely



Phil Hales  
**Manager (Planning and Assessment)**  
**Fisheries (North)**

**Cc:** Mr John Robertson  
General Manager (Fisheries and Aquaculture Industry Development)  
Department of Primary Industries and Fisheries  
GPO Box 46  
**Brisbane Qld 4001**  
**Attention: John Beumer**

Mr Steve Pollard  
District Officer  
QB&FP  
PO Box 412  
**Port Douglas Qld 4877**



**Queensland  
Government**

Department of  
Primary Industries and Fisheries

## DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES CONDITIONS

**Applicant(s)/Address:** Delfam Pty Ltd of c/- Conics (Cairns) Pty Ltd, PO Box 1949, CAIRNS, QLD 4870

**Location:** Mowbray and Andreassen Road, Craiglie

**Property Description:** Lot 1 on RP725770, Lot 3 on RP730522 and Lot 24 on SR423

**Development:** Operational works involving the removal, damage or destruction of marine plants

**DPI&F Reference:** 2008CA0254

**File Number:** NFC/140/000(949)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the *Fisheries Act 1994*.

It has been determined that the following conditions apply to the development:

- 1 Marine plants can be removed, damaged or destroyed only within the subdividable area shown in C&B Group Drawing No. 62273-5, Issue A, Amended 14/12/07.
- 2 Written notice of the date of commencement of fisheries development works must be provided to the District Officer, Queensland Boating and Fisheries Patrol [Fax. No. 40995172] and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries [Fax. No. 40573810] at least five (5) business days but no greater than twenty (20) business days prior to the commencement of fisheries development works.
- 3 A written report which details the completed fisheries development works must be provided within fifteen (15) days of the completion of the works, to the District Officer, Queensland Boating and Fisheries Patrol, PO Box 412, Port Douglas QLD 4877, and the Manager, Fisheries and Aquaculture Development, Department of Primary Industries and Fisheries, PO Box 5396, Cairns QLD 4870.
- 4 At least three (3) signs must be displayed around the development works site, including one at the main entrance to the property, in positions where the signs are clearly visible to the public, for at least five (5) business days prior to the commencement, during and for 5 business days after all fisheries development works. Signs are to be removed 5 business days after the completion of the works. Each sign must state: "Marine plant disturbance authorised under development approval conditions. DPI&F Reference: 2008CA0254; DPI&F tel: 40573700".
- 5 The boundaries of the approved fisheries development works area must be adequately marked (e.g. with corner pegs) to allow for ease of identification prior to the commencement of works.

**Mission Vision**  
Profitable primary  
industries for Queensland

Maximise the economic  
potential of Queensland  
primary industries on a  
sustainable basis

Department of Primary Industries and Fisheries

  
Delegate of the  
Chief Executive

Date 19/9/08


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- 6 For the purposes of section 145 (c) (ii) of the Fisheries Act 1994 the place where works will take place is a place required to be open for inspection.

**Basis for inclusion of conditions:**

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the *Fisheries Act 1994*. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

Department of Primary Industries and Fisheries

  
Delegate of the  
Chief Executive  
Date 12/9/08  
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## Attachment B

### Signed Owners Consent



**Cairns Office**

135 Abbott Street, PO Box 1949, Cairns QLD Australia 4870

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Our Ref: 62273/OCK/MD/L76845

Date: 31 August 2017

Chief Executive Officer  
Douglas Shire Council  
PO Box 357  
MOSSMAN QLD 4873

**Via: Mail**

Dear Sir / Madam,

**RE: EXTENSION APPLICATION TO EXTEND THE CURRENCY OF THE DEVELOPMENT APPROVAL FOR RESIDENTIAL DEVELOPMENT ON LAND SITUATED AT ANDREASSON ROAD, CRAIGLIE, AND DESCRIBED AS LOT 1 ON RP725770, LOT 3 ON RP730522 AND LOT 24 ON SR423**

The following persons are the owners of the abovementioned properties and pursuant to Section 86 (2) (b) of the Planning Act hereby give consent to the making of the extension application.

Name	Signature	Date
Christopher Delios		1/9/2017
Barbara Anne Delios		1/9/2017
Kylee Maree Delios		1/9/2017
Dianne Hazel Platania		1/9/2017

Should you require any further details or clarification, please do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely  
RPS

Owen Caddick-King  
Senior Planner - Cairns