

28 May 2019

Enquiries: Jenny Elphinstone
Our Ref: ROL 2966/2018 (Doc ID 903690)
Your Ref: Q184103

Administration Office
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Port Douglas Land Developments Pty Ltd
C/ Cardno (Qld) Pty Ltd
PO Box 1619
PARRAMATTA PARK QLD 4870

Attention Mr Daniel Favier

Dear Sir

**DEVELOPMENT APPLICATION ROL 2966/2018
STAGES 1A AND 1B
LOT 2 CAPTAIN COOK HIGHWAY CRAIGLIE
DEVELOPMENT ON LOT 2 SR 431
DECISION NOTICE**

Decision

Council refers to the above Development Application that was properly made on the 16 January 2019 pursuant to section 51(5) of the *Planning Act 2016*. Council determined the application at the ordinary meeting held on Tuesday 28 May 2019.

Please find attached the Decision Notice for the above-mentioned development application.

Future Development of Balance Lot

Council also provides the following separate advice regarding the future development of the balance area of the land, as depicted in the Master Plan Port Douglas Estate, Captain Cook Highway, Craiglie, prepared by Cardno Plan Q184103-MP01B dated 5 April 2019, as follows:

1. The Planning Scheme supports appropriate residential development of the remaining balance of the land;
2. Council anticipates further development of the balance of the land is complimented by: the upgrade of the intersection of the Captain Cook Highway and Andreassen Road; the construction of an internal, connecting road; and an appropriate sound mound and landscaping to ensure the visual amenity of the Highway and the entrance to Port Douglas and Craiglie is of a high standard; and
3. The future development of the balance lot must consider and have due regard to projected storm tide inundation and coastal erosion for the year 2100. To this extent the applicant is encourage to seek particular expertise in this matter.

Other

Please quote Council's application number: ROL 2966/2018 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on 07 4099 9482.

Yours faithfully



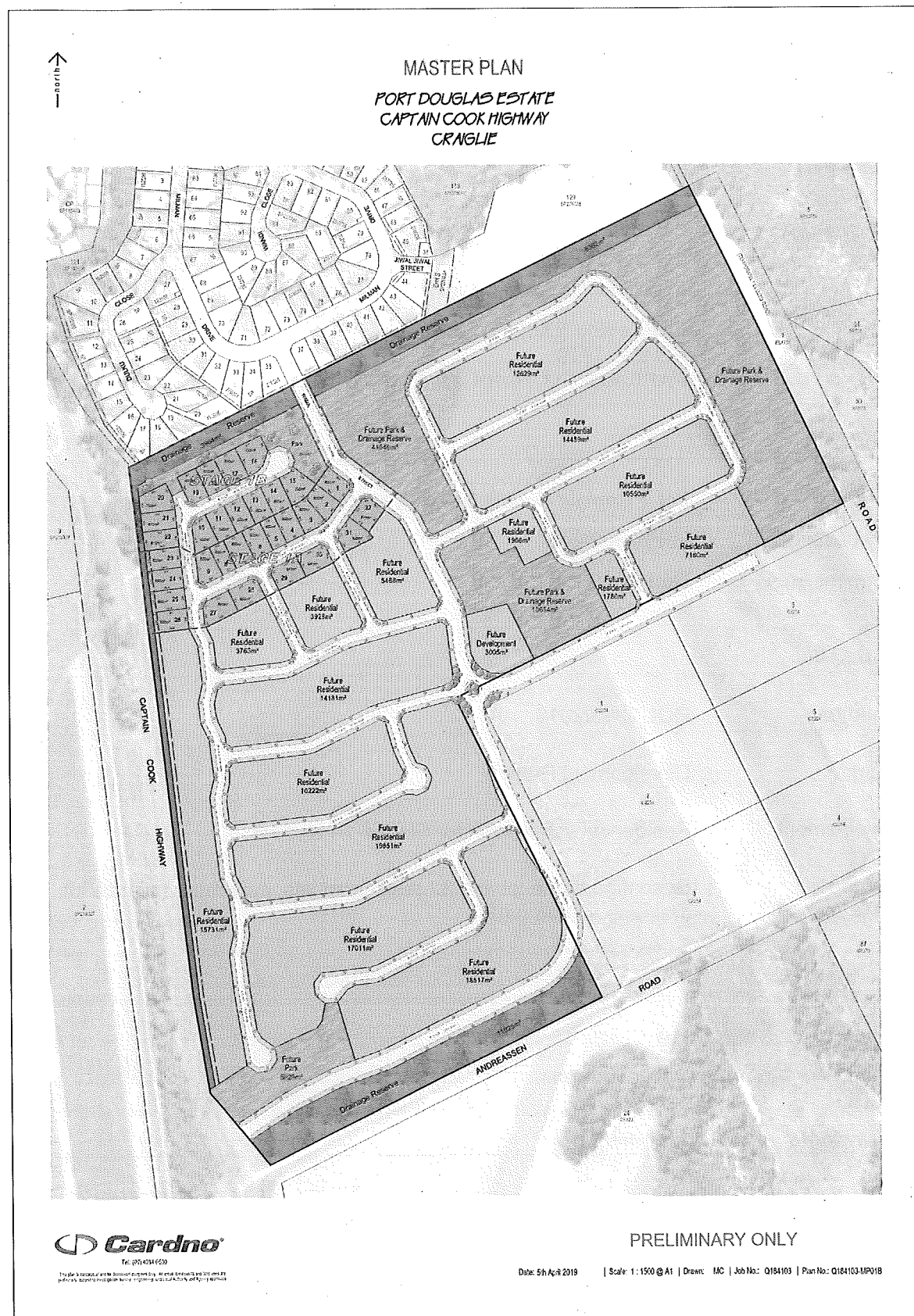
PAUL HOYE

Manager Environment and Planning

encl.

- Proposed Master Plan: Cardno Plan Q184103-MP01B dated 5 April 2019.
- Decision Notice
- Approved Plans
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals

Proposed Master Plan



**DOUGLAS SHIRE COUNCIL
DECISION NOTICE —
APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)**

Council refers to your development application detailed below which was properly made on the 16 January 2019. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

Application's details

Name: Port Douglas Land Developments Pty Ltd
Postal Address: C/o Cardno (Qld) Pty Ltd
PO Box 1619
PARRAMATTA PARK QLD 4870

Location details

Street address: Lot 2 Captain Cook Highway Craiglie
Real property description: Lot 2 on SR431
Local Government Area Douglas Shire Council

Application details

Application number: ROL 2966/2018
Approval sought: Development Permit
Nature of development proposed: Residential subdivision for Stages 1A and 1B.
Description of the development proposed: Reconfigure one lot into 32 residential lots, new road, balance lot, drainage lot and park.

Decision

Date of decision: 28 May 2019
Decision details: Approved with conditions.

Approved drawing(s) and /or document(s)

Approved Drawing(s) and / or Document(s) as to be amended by Condition 3 of the Assessment Manager's conditions. Copies of the following plans, specifications and/or drawings are enclosed in Schedule 2.

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

Drawing or Document	Reference	Date
Stages 1A & 1B, Port Douglas Estate, Captain Cook Highway Craiglie	Cardno Plan No. Q184103-MP02A, dated 18 December 2018 and as to be amended by Condition 3.	To be confirmed.
Concept Stormwater Culvert Details	Cardno Drawing Q184103-005-SK-01, Revision 2, dated 19 February 2019 and as to be amended by Conditions 14 and 15.	To be confirmed
General Culvert Construction Notes	Cardno Drawing Q184103-005-CI-001, Revision 1, dated 26 February 2019, and as to be amended by Conditions 14 and 15.	To be confirmed
Plan and Sections	Cardno Drawing Q184103-005-CI-002, Revision 1, dated 26 February 2019, and as to be amended by Conditions 14 and 15.	To be confirmed.

Conditions

This approval is subject to the conditions in Schedule 1.

Further development permits

The following Development Permits are required to be obtained before the development can be carried out:

- a. Development Permit for Operational Work.

Properly made submissions

Not applicable — No part of the application required public notification.

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. the approved plan(s) and document(s) as per A above;
 - b. the Conditions and Advices as per B above;
 - c. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme; and
 - d. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 16 January 2019 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;

- b. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2018 Douglas Shire Planning Scheme in making its assessment manager decision.
3. Evidence or other material on which findings were based:
- a. the development triggered assessable development under the Assessment Table associated with the Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions the development satisfactorily meets the Planning Scheme requirements.

Concurrence Agency Conditions & Requirements

Concurrence Agency	Concurrence Agency Reference	Date	Council Electronic Reference
State Department Manufacturing, Infrastructure and Planning	1901-9940 SRA	12 April 2019	898767

Refer to Schedule 3: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

Currency period for the approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 85 *Planning Act 2016*.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 5.

SCHEDULE 1 – ASSESSMENT CONDITIONS AND ADVICE

CONDITIONS & ADVICE IMPOSED BY THE ASSESSMENT MANAGER

The approval is subject to the following conditions and advices

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 approval of the Plan of Survey, except where specified otherwise in these conditions of approval.

Lot Layout

3. The lot layout plan must be revised and provided to the satisfaction of the Chief Executive Officer prior to the lodgement of the application for operational work, generally in accordance with the Cardno Plan No. Q184103-MP02A, dated 18 December 2018, and amended to detail:
 - a. All residential lots to have a minimum site area of 600m², a minimum road frontage of 15 metres and to be able to contain a rectangle of minimum dimensions 20 metres x 15 metres;
 - b. Replace the 'Park' at the rear of proposed Lots 16 to 20 with the description "Drainage Reserve";
 - c. Extend the road in Stage 1B, adjacent to proposed lots 19 and 20, to the new Drainage Reserve (as outlined under condition part b above) and include a ramped profile to enable suitable access by Council vehicles to service the drainage reserve; and
 - d. Provide a ramp access and vehicle access gate to the east of the new road for access to the existing drainage easement.

The lot yield may change as a result of the above requirements.

Filling Lots

4. Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity and storm tide inundation (having regard to sea level rise for the year 2100).

Developer Credits for the Construction of Trunk Infrastructure

5. The Infrastructure Agreement must detail the circumstances on which the monies will be reimbursed or alternatively the agreed costs of the infrastructure can be claimed against applicable adopted charges generated by the development. For any residual monies owed after the completion of the development, the Infrastructure Agreement must detail the circumstances on which the monies will be reimbursed and the timing of any such reimbursement.

The cost of constructing Trunk Infrastructure, as identified under Council's Local Government Infrastructure Plan (LGIP) must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the infrastructure.

Road Safety Assessment

6. Provide a Road Safety Assessment by an accredited Road Safety Auditor for the Milman Drive and Wabul Drive road link extending from the proposed new southern drain crossing through to, and including, the intersection with the Captain Cook Highway.

The intersection analysis for the Captain Cook Highway/Milman Drive intersection is to be undertaken in an approved modelling package (SIDRA or equivalent). All upgrades identified in the Road Safety Audit or the intersection analysis will need to be identified in engineering design plans and associated reports.

- a. Where the intersection analysis demonstrates that the additional Stage 1 lots create an unacceptable level of service for the intersection operation, the applicant must identify and provide the upgrades necessary to ensure the intersection operates with an acceptable level of service.

The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. The agreed traffic improvement works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the lodgement of the Survey Plan with Council for endorsement.

There is to be no cost to Council for these associated works.

And

- b. Where the intersection analysis demonstrates there is a component of existing use that contributes to an unacceptable standard of service, then the applicant must obtain an agreement in writing from the Department of Main Roads and Council regarding the timing, costs and responsibility for the necessary works. All works are to be at no cost to Council. The agreement must be to the satisfaction of the Chief Executive Officer and achieved prior to the lodgement of the application for operational work for the subdivision.

Acid Sulfate Soils

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

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

Water Supply and Sewerage Master Plan

8. Individual Master Plans for the provision of Water Supply and Sewerage for the development must be prepared and accompanied by supporting calculations to demonstrate how the development can be serviced.

The Development Application for Operational Work must include these Master Plans with supporting information (including Hydraulic Network Analysis) to demonstrate how Stage 1 and the ultimate development will be connected to and serviced by Council's Infrastructure.

In particular:

- a. For sewerage the sizing, location and services corridor is to be identified for the new sewage pump station and the pressure main. The pressure main is to be connected to Council's system at a location where sufficient capacity exists. The applicant is to meet with Council's Sewerage Officers to confirm known capacity issues and determine a suitable point of connection. The Master Plan must document the considerations on the selection of the connection point, pressure main corridor and any relevant inputs from Council Officers, (this should include Minutes of Meetings and formal correspondence at a minimum);
- b. The location of the pump station is to be confirmed with detailed design to maximise the separation distance from existing and proposed residences. The FNQROC separation distances are to be achieved and may require the future drainage corridor to be considered to optimise the separation available to existing development, Stage 1 lots and future proposed lots. The supporting information must include plans showing the separation distances achieved to the nearest lots for the above development locations; and
- c. The Water Supply must include a new main along the Captain Cook Highway and not rely on water supply from the adjacent development to the north, (Wabul Drive). Suitable valving and connectivity is to be provided to the existing system to enable proper operation and management of the water network, however, the development must obtain water connection external to the adjoining estate at a point where sufficient capacity exists.

In addition, the Master Plans must identify how water supply and sewerage infrastructure capacity will be provided in an orderly and sequential manner having regard to the overall development size and demands. The Master Plans must set out the proposed infrastructure delivery matched to the timing and staging of the development.

In the event that the Master Plan identifies upgrades to the existing Council infrastructure to service the ultimate development, the Master Plan must detail any interim servicing arrangements for the development and identify thresholds (lot yield and timing) associated with those interim and ultimate servicing arrangements.

The Master Plans must also identify any external catchments that will be connected to and/or serviced by the internal water supply and sewer networks.

The 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 lodgement of the Survey Plan with Council for endorsement.

Water Supply and Sewerage Infrastructure Plan

9. Water supply and sewerage infrastructure plans for Stage 1 with 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; and
 - b. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development.

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

Water Supply and Sewerage Works

10. The extent of Water Supply and Sewerage Works external to the site to connect the site to existing water supply and sewerage infrastructure will be determined by the Master Plans to be prepared for consideration and approval by Council. The following minimum infrastructure elements are required:
 - a. Extend the water main from the existing services at the corner of Milman Drive and the Captain Cook Highway so that each allotment can be provided with a water service connection to the lot frontage and the trunk main extension is sufficient for the further development of the whole of the balance land (estimated as a total of 300 residential lots) for Lot 2 on SR 431;
 - b. Provide an appropriate pump station, generally in the indicative location on the balance lot as per the Applicant's submission to Council on the 12 April 2019 (Council document reference ID 898733, ensuring such location meets at least the minimum separating distance from residential lots (as required under FNQROC standard) and is sufficiently accompanied by a paved concrete access and pad area for inspection and servicing by Council vehicles, including a crane);
 - c. Provide district meters at locations nominated by Council; and
 - d. Provide a single internal water and sewer connection to each lot in accordance with the FNQROC Development Manual.

Construction of the sewerage pump station will require full design drawings and a commissioning plan in accordance with FNQROC Development Manual submitted with the plan of works and will be subject to compliance with the Council's Purchasing Policy for competitive tendering.

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 lodgement of the Survey Plan with Council for endorsement.

Inspection of Sewers and Stormwater

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

General External Works

12. Undertake the following external works:
 - a. Provide a full detail design and costing for the proposed culvert crossing, as detailed in Council's Local Government infrastructure plan (LGIP). The culvert size, alignment within the drainage corridor and height of the road surface above are to be confirmed with Council and supported by updated stormwater modelling prior to the lodgement of the application for Operational Works;
 - b. Construct the culvert crossing connecting to the existing road alignment in the neighbouring residential estate; and
 - c. For Milman Drive/Wabul Drive link, provide a full detail design complete with costing and undertake the upgrades identified for the road system and intersection in accordance with the findings of the Road Safety Audit and Intersection Analysis.

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 to the satisfaction of the Chief Executive Officer prior to the lodgement of the Survey Plan with Council for endorsement.

Further Drainage Study

13. The applicant is to update the stormwater modelling and reporting in accordance with the following requirements:
 - a. Provide further information on the model input parameters for review by its external stormwater reviewers;
 - b. Provide a further assessment of the check flow assessed using the rational method based on alternative time of concentration methods and provide commentary on any variance between the methods;
 - c. Undertake a sensitivity analysis for the peak flows in the model based on the upper bound assessment from the above check (or 15% increase in peak flows whichever is the greater). Note the assessment of peak flow rates is to enable assessment of the implications for the drain and culvert (and the flood level relative to existing housing);
 - d. It is unclear how the ground levels for the existing lots have been entered into the flood model and whether the current model set up excludes flow from entering existing lots. In order to properly understand the proposed drain and culverts operation and impacts, cross sections of the drain profile at regular intervals upstream and downstream from the culverts are required. The sections should show:
 - i. the proposed drain profile, including the need for a finish to stabilise the drain banks, such as rock lining;
 - ii. existing lot levels on the north side and proposed development levels on the south;
 - iii. the modelled peak flood level for the 5, 10- and 100-year ARI events, and
 - iv. the resulting freeboard;
 - e. In addition to the colour coding of the flood modelling outputs, flood levels are to be reported with 100mm contours or spot levels at maximum 50m intervals. This requirement is only for the 1% AEP model outputs but applies to both the existing and developed cases; and

- f. The proposed culvert design concept is not supported as there is no capacity for overtopping within the drainage corridor. The flood modelling is to be revised for a culvert concept that has a road surface level a minimum of 250mm below the existing road level on the northern side.

Any ramping of the road levels is to occur outside the alignment of the drainage corridor. Modelling of the blockage scenarios is to be confirmed.

Because the culvert will not be able to achieve significant overtopping capacity, the modelling and reporting needs to clearly address blockage scenarios, sensitivity analysis and assessments of the severe storm impact as set out in QUDM Sections 7.23, &.24 and &.25.

The updated flood model and report together with an amended culvert design must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the lodgement of the Survey Plan with Council for endorsement.

Drainage Construction

14. The applicant / owner must undertake the development of the land in accordance with the findings of the updated Drainage Study.

Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the lodgement of the Survey Plan with Council for endorsement.

Reserves Over Drain

15. A Drainage Reserve containing all land below the top of the high bank and the area of additional drainage reserve (as outlined in Condition 3 above) adjacent to the top of the bank or the limit of the Q100 ARI event, whichever is the greater must be transferred to the Crown for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey for any lot release under Stage 1B. The existing drainage easement, over the part of the stormwater drain that is to be within the new Drainage Reserve, is to be rescinded at no cost to Council.

Southern Diversion Drain

16. Where drainage channel improvements are identified in the flood study and or as a result of performance issues identified with the current drain, these works are to be identified on engineering drawings and included in the application for Operational Works.

Existing scouring/ring of the drain batters and banks is to be investigated and advice is to be provided on the soil type, lining and upgrades necessary to address the long-term stability of the channel. It is expected that a revised flatter batter profile will need to be considered. Information on the selected batter profile, lining type or vegetation stabilisation and soil types together with advice on the stream flow velocities will be required to support the proposed drain design.

Access ramps suitable for maintenance plant and equipment are to be provided on each side of the culvert structure to enable maintenance access the drain and culverts.

A plan of the drain improvement 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 lodgement of the Survey Plan with Council for endorsement.

Lawful Point of Discharge

17. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Plan of Drainage Works

18. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
- a. Drainage infrastructure in accordance with the FNQROC Development Manual
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID 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 SQID shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
 - c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and
 - d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Sediment and Erosion Control

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

Landscape Plan and Provision of Park

20. Undertake landscaping of the site, including the Park, and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
- a. Planting of the footpath with trees, using appropriate species with consideration to be given to creating an individual sense of place and character to the estate;
 - b. Provision of an earth mound, landscaping and appropriate fencing along the western boundary;
 - c. The provision of suitable shade trees, especially in parks;
 - d. Species to have regard to the Planning Scheme Policy No.SC6.7 Landscaping;
 - e. Park and road verges to be seeded and grassed; and
 - f. Bollards around the perimeter to prevent vehicle access with the exception of gates that enables Council vehicle access.

Permanent irrigation or any other embellishments are not permitted.

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.

The applicant is to provide park in accordance with the approved plan in Stage 1B. This area of park must be to the requirements and satisfaction of the Chief Executive Officer. The land and embellishments must be established at no cost to Council. The land must be transferred at the same time as registering the Plan of Survey for any lot for Stage 1B with the Department of Natural Resources and Mines.

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 the lodgement of the Survey Plan with Council for endorsement and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Electricity Supply

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

Electricity and Telecommunications

22. 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 lodgement of the Survey Plan with Council for endorsement.

Street Lighting

23. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the lodgement of the Plan of Survey for signing and dating:
 - a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

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

- i Intersections;
- ii Pedestrian Refuges;
- iii Cul-de-sacs; and
- iv LATM Devices (Including Roundabouts)

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

- b. Prior to the lodgement of the Survey Plan with Council for endorsement written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed;

- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category; and
- 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.

Stock Piling and Transportation of Fill Material

- 24. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than one (1) month.

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

- a. peak traffic times; or
 - b. before 7:00 am or after 6:00 pm Monday to Friday; or
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
- 25. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

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

Construction Access

- 27. Vehicular access to the site for construction purposes of the reconfiguration of a lot approval must only be provided from Andreassen Road unless authorised by the Chief Executive Officer.

Fencing

- 28. Lots backing the Drainage Reserve (as required under Condition 3 above) are to be fenced to the satisfaction of the Chief Executive Officer.

Fencing and continued agricultural use of balance land.

- 29.
 - a. Where the continued agricultural use of the balance land abuts new lots, the lots adjacent to this activity must be provided with a standard timber paling fence of 1.8 metres (approximate) height together with a grassed setback of a further 20 metres (minimum) beyond the fencing.
 - b. Where the continued agricultural use of the balance of the land occurs adjacent to the existing of Wabul Street a grassed buffer separation of 20 metres (minimum is to be provide on the balance land, beyond the road). Works occurring in this buffer area may include trunk infrastructure.

Damage to Council Infrastructure

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

Advices

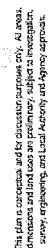
1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

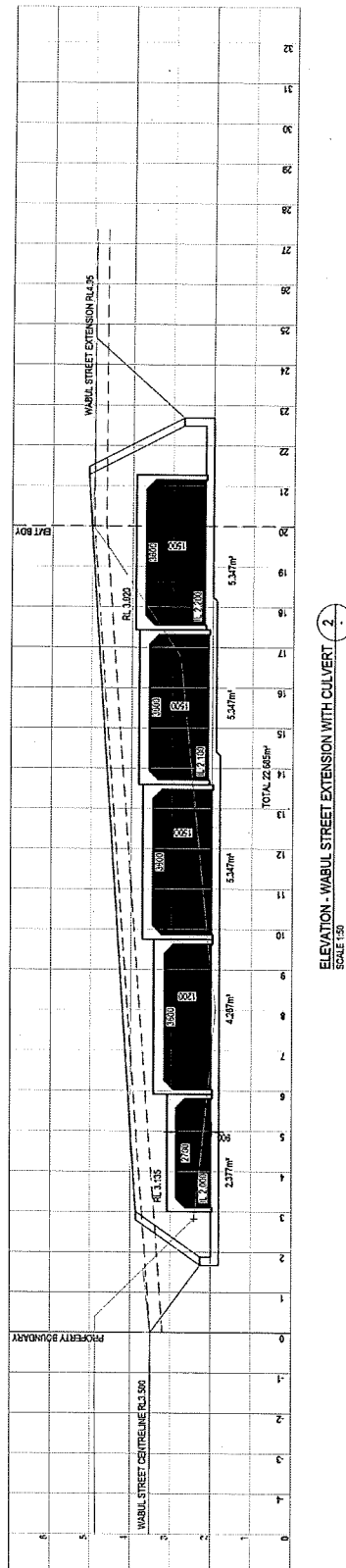
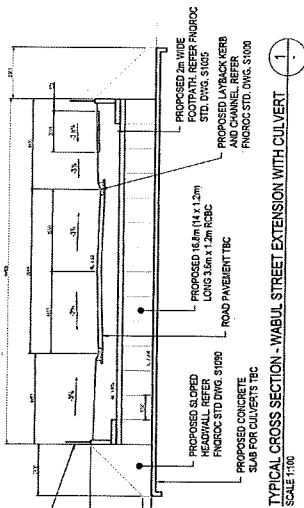
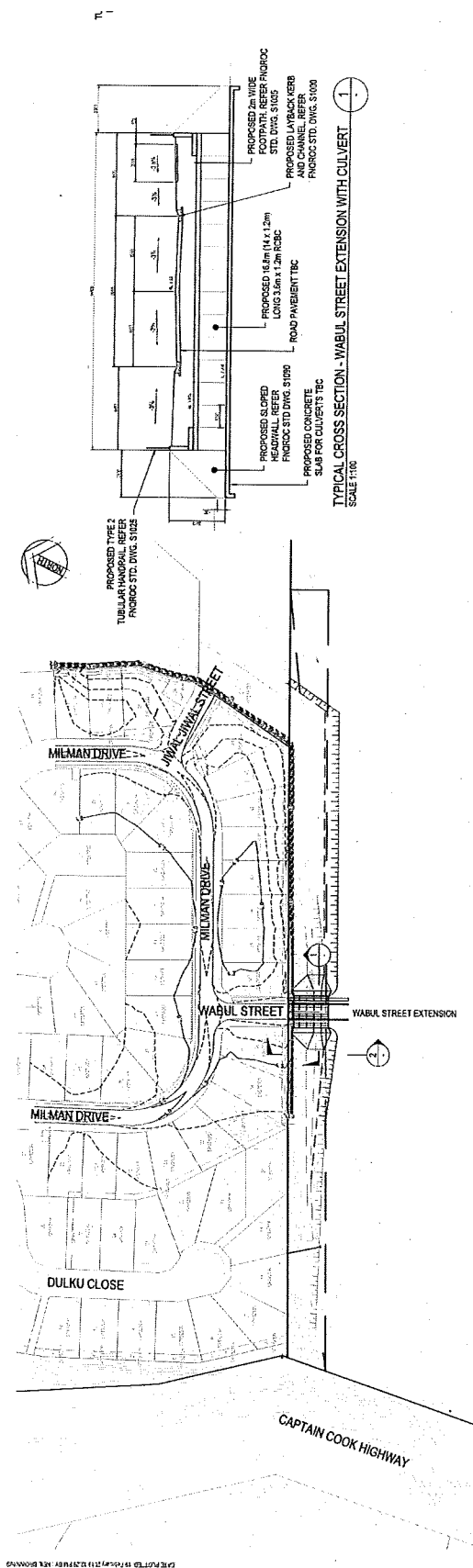
Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, refer to Schedule 5. The original Infrastructure Charges Notice will be provided under cover of a separate letter. The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.
5. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.

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

APPROVED DRAWING(S) AND / OR DOCUMENT(S) AS TO BE AMENDED BY CONDITION 3 OF THE ASSESSMENT MANAGER'S CONDITIONS.





Cardno

Claims Tel 07 4034 0500

This site is intended to be used for the purpose of the project. It is not intended to be used for any other purpose. The project is subject to the terms and conditions of the project. The project is subject to the terms and conditions of the project. The project is subject to the terms and conditions of the project.

PORT DOUGLAS LAND DEVELOPMENTS PTY LTD

PORT PACIFIC ESTATE

LOT 7 ON SASI

CONCEPT STORMWATER CULVERT DETAILS

Q1841103-005-SK-01

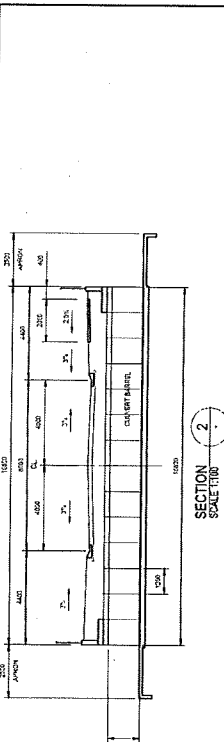
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18/02/2019

AS SHOWN

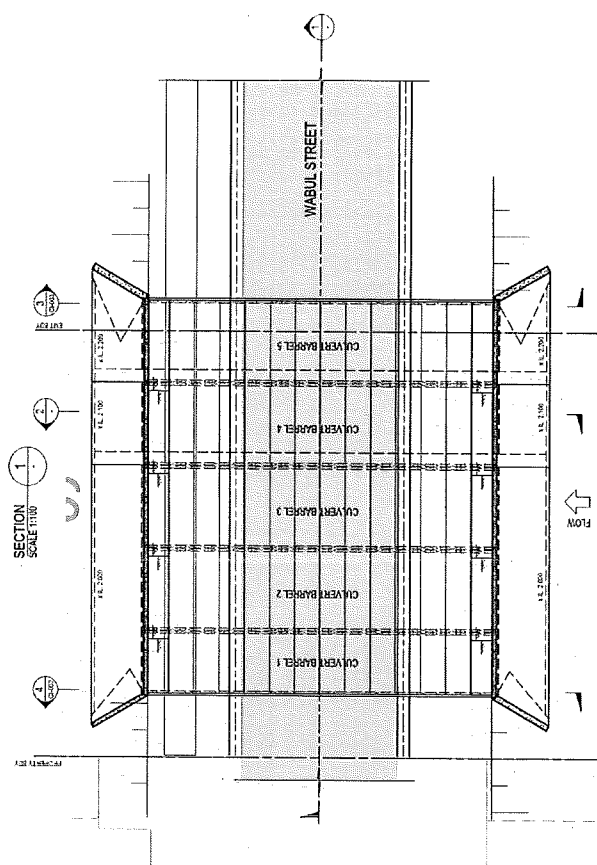
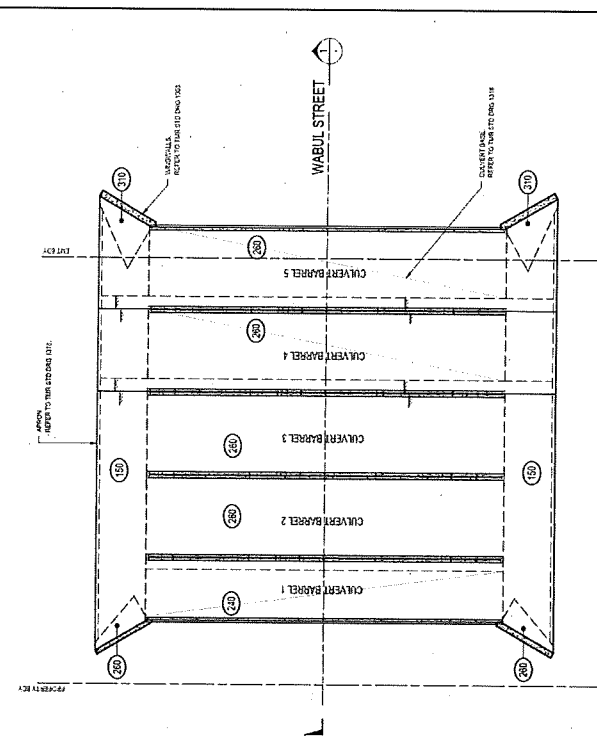
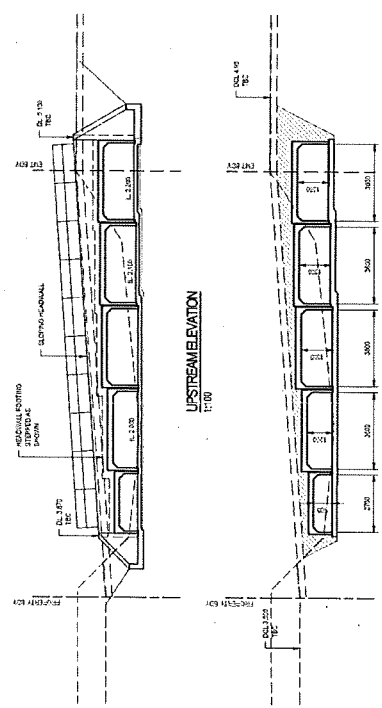
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PROJECT: PORT DOUGLAS LAND DEVELOPMENTS PTY LTD
DRAWING NO: C184103-005-01-002
DATE: 10/01/2018
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



SLAB LEGEND

200 REINFORCED CONCRETE SLAB (PROPOSED)
200 REINFORCED CONCRETE SLAB (EXISTING)



PORT DOUGLAS LAND DEVELOPMENTS PTY LTD

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION PURPOSES

LOT 2 ON SR41
WABUL STREET CULVERTS
PLAN AND SECTIONS

C184103-005-01-002

Cardno

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NO.	REV.	DESCRIPTION	DATE
1	1	ISSUED FOR PRELIMINARY REVIEW	10/01/2018

SCHEDULE 3

CONCURRENCE AGENCY REQUIREMENTS

RA6-N



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

Our reference: 1901-9440 SRA
Your reference: ROL2966/2018

12 April 2019

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning (the department) on 1 February 2019.

Applicant details

Applicant name:	Port Douglas Land Developments Pty Ltd
Applicant contact details:	C/- Cardno (QLD) Pty Ltd 15 Scott Street Parramatta Park QLD 4870 daniel.favier@cardno.com.au

Location details

Street address:	Captain Cook Highway, Craiglie QLD 4877
Real property description:	Lot 2 on SR431
Local government area:	Douglas Shire Council

Application details

Development permit	Reconfiguring a lot (1 lot into 32 lots plus new road, balance lot, drainage lot and park)
--------------------	--

Referral triggers

The development application was referred to the department under the following provisions of the

Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 - State transport corridors and future State transport corridors
- Schedule 10, Part 17, Division 3, Table 5, Item 1 - Tidal works or work in a coastal management district

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the applicant

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

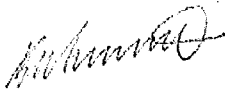
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Reconfiguring a lot				
Figure 6-2 Modelled Noise Barrier Location, Noise Impact Assessment Report	Cardno Pty Ltd	March 2019	I019_Q184013	-

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

For further information please contact Jenny Sapuppo, Senior Planning Officer, Program Improvement Office on (07) 5644 3220 or via email CalrnsSARA@dsdmlp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Port Douglas Land Developments Pty Ltd, C/- Cardno Pty Ltd, daniel.favier@cardno.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the applicant
Approved plans and specifications

Attachment 1—Conditions to be Imposed

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 - State transport corridors and future State transport corridors—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>(a) A 2.4 - 2.6 metre noise barrier must be constructed in the location shown in Figure 6-2 Modelled Noise Barrier Location of the Noise Impact Assessment Report, prepared by Cardno, dated 25 March 2019, reference I019_Q184013</p> <p>(b) The noise barrier must be designed in accordance with:</p> <ol style="list-style-type: none"> the Department of Transport and Main Roads' Road Traffic Noise Management Code of Practice, Volume 1, Chapter 6 and 7; Specification MRTS15 Noise Fences (March 2019); and Standard Drawing Road Manual, Part 13, Number 1606. <p>(c) RPEQ certification must be provided to Corridor Management Unit, Department of Transport and Main Roads, Far North Queensland Region at Far.North.Queensland.IDAS@tmr.qld.gov.au, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the state-controlled road; interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; surcharge any existing culvert or drain on the state-controlled road; reduce the quality of stormwater discharge onto the state-controlled road. 	(a) & (b) At all times.
3.	Direct access is not permitted between the Captain Cook Highway and the subject site.	At all times.
Schedule 10, Part 17, Division 3, Table 5, Item 1 – Tidal works or work in a coastal management district—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
4.	The residential allotments must be located outside erosion prone areas.	At the time of registration of the Plan of Survey

5.	Erosion and sediment control measures which are in accordance with the Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works associated with the reconfiguration of a lot
6.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained.</p> <p>(b) At the time the soils have been neutralised or contained.</p>

Attachment 2—Reasons for decision to impose conditions

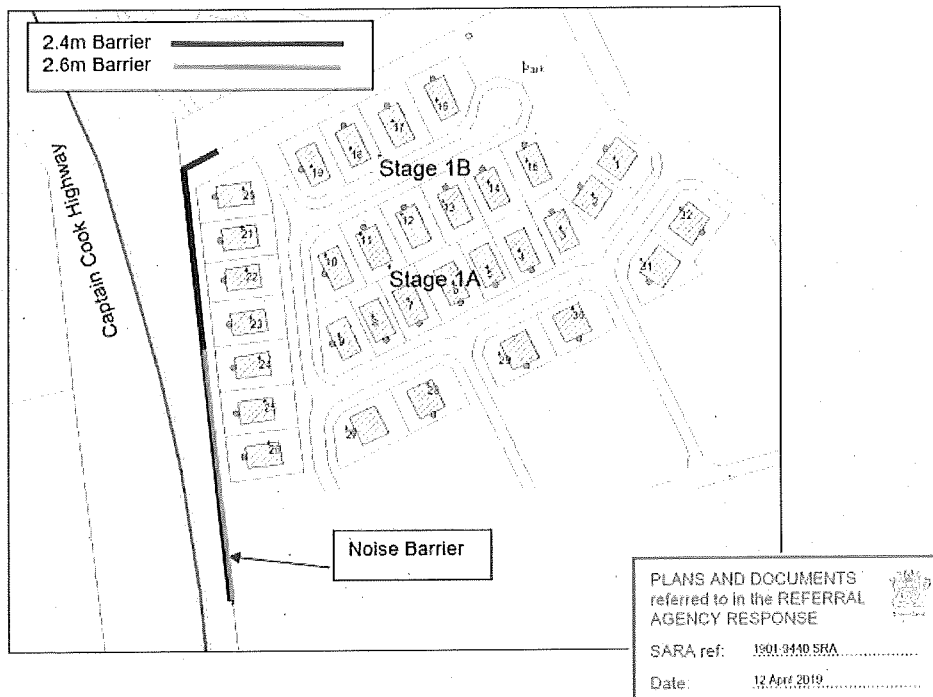
The reasons for this decision are:

- To minimise noise intrusions on a development from a state-controlled transport corridor.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the development is located to minimise impacts of natural hazards (erosion).
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To ensure any disturbance to acid sulfate soils is managed to prevent impacts to coastal environments.

Attachment 3—Advice to the applicant

General advice	
Advertising devices	
1.	<p>Advice should be obtained from the Department of Transport and Main Roads (DTMR) if you intend to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p> <p>DTMR can be contacted on 4045 7144 or via email calrns.office@tmr.qld.gov.au.</p>
Operational works (waterway barrier works)	
2.	<p>Any waterway barrier works that are required at the operational works stage of the development (such as culvert crossings) must be undertaken in accordance with the relevant <u>accepted development requirements</u> for waterway barrier works or under a development approval (assessable development).</p> <p>Once any waterway barriers have been designed, you may wish to seek pre-lodgement advice from the department prior to lodging a development application for operational work with the assessment manager.</p>

Figure 6-2 Modelled Noise Barrier Location



SCHEDULE 4

ADOPTED INFRASTRUCTURE CHARGES

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Port Douglas Land Developments Pty Ltd <small>DEVELOPERS NAME</small>		0 <small>ESTATE NAME</small>	1A & 1B <small>STAGE</small>
L2 Captain Cook Hwy <small>STREET No. & NAME</small>	Port Douglas <small>SUBURB</small>	L2 SR431 <small>LOT & RP No.s</small>	4913 <small>PARCEL No.</small>
ROL 32 lots plus balance <small>DEVELOPMENT TYPE</small>	Doc ID: 902976 <small>DSC Reference Doc. No.</small>	ROL 2966/2018 <small>COUNCIL FILE NO.</small>	4 <small>VALIDITY PERIOD (year)</small>
1 <small>VERSION No.</small>		Payment prior to lodgment of survey plan for endorsement	

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Port Douglas and Environs						
Proposed Demand						
Residential Lots Separate house	Per House lot	19,491.00	33	643,203.00		
Total Demand				643,203.00		
Existing Credit						
Residential Lot Vacant Lot	Per House lot	19,491.00	1	19,491.00		
Total Credit				19,491.00		Code 895 GL 07500.0135.0825
Required Payment or Credit		TOTAL		\$623,712.00		

Prepared by	J Elphinstone	21-May-19	Amount Paid	
Checked by	Neil Beck	21-May-19	Date Paid	
Date Payable	Prior to endorsement of survey plan		Receipt No.	
Amendments			Cashier	

Note:
 The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 5 June 2018.

Charge rates under the current Policy are not currently subject to indexing.
 The Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

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

2018 Douglas Shire Planning Scheme

Preliminaries		Port Douglas Land Developments Pty Ltd	ROL 32 lots plus balance
Developer			
Estate Name		0	
Stage		1A & 1B	
Street No. and Name		L2 Captain Cook Hwy	MagicQ Doc ID; 902976
Suburb		Port Douglas and Environs	Version No. 1
Parcel No.		4913	
Lot and RP No.		L2 SR431	
Development Permit No.		ROL 2966/2018	Validity Period 4 years

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality Port Douglas and Environs

<u>Proposed Demand</u>			
Residential Lots	Separate house	\$	643,203.00
Total demand		\$	643,203.00
<u>Existing land use</u>			
Residential Lot	Vacant Lot	\$	19,491.00
Nominal use credit			19,491.00
Historical amount			\$0.00
Date of payment			
Credit for previous payment			0.00
<u>Credit for Works External</u>			
Opening balance of works external			\$0.00
Opening balance of credits			\$0.00
Credit claimed		\$0.00	0.00
Contributions			\$623,712.00
Time of payment		Prior to the commencement of use	

Notes: The Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

<u>Amendments</u>	<u>Prepared</u>	J Elphinstone	21-May-19
0	<u>Checked</u>	Neil Beck	21-May-19
0	TOTAL		\$623,712.00

SCHEDULE 5

PLANNING ACT 2016 – DECISION NOTICE: EXTRACTS ON MAKING REPRESENTATIONS AND APPEAL RIGHTS

Planning Act 2016 Making Representations – Decision Notice

Planning Act 2016
Chapter 3 Development assessment
[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

must be considered when assessing a development application, to the extent those matters are relevant.

- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Planning Act 2016 Extract on Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
(b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—

- (a) matters that may be appealed to—
(i) either a tribunal or the P&E Court; or
(ii) only a tribunal; or
(iii) only the P&E Court; and
(b) the person—
(i) who may appeal a matter (the *appellant*); and
(ii) who is a respondent in an appeal of the matter; and

Page 212

Current as at 11 April 2019

Authorised by the Parliamentary Counsel

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a

- development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
 - decision* includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

28 May 2019

Enquiries: Jenny Elphinstone
Our Ref: ROL 2966/2018 (Doc ID 903690)
Your Ref: Q184103

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Port Douglas Land Developments Pty Ltd
C/ Cardno (Qld) Pty Ltd
PO Box 1619
PARRAMATTA PARK QLD 4870

Attention Mr Daniel Favier

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE
FOR DEVELOPMENT APPLICATION LOT 2 CAPTAIN COOK HIGHWAY CRAIGLIE
DEVELOPMENT ON LOT 2 SR 431**

Council refers to the Decision Notice issued for the above Development Application with Council on the 28 May 2019.

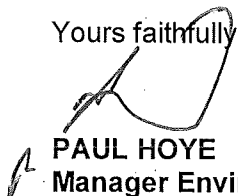
Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016* (the Act). The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution and is a credit that remains applicable to the land.

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

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

Please quote Council's application number: ROL 2966/2018 in all subsequent correspondence relating to this matter. Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Jenny Elphinstone of Development Assessment and Coordination, Sustainable Communities on telephone number (07) 4099 9482.


Yours faithfully


PAUL HOYE
Manager Environment and Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

ADOPTED INFRASTRUCTURE CHARGES NOTICE

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Port Douglas Land Developments Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	1A & 1B STAGE
L2 Captain Cook Hwy STREET No. & NAME	Port Douglas and SUBURB	L2 SR431 LOT & RP No.s	4913 PARCEL No.
ROL 32 lots plus balance DEVELOPMENT TYPE		ROL 2966/2018 COUNCIL FILE NO.	4 VALIDITY PERIOD (year)
Doc ID: 902976 DSC Reference Doc. No.	1 VERSION No.	Payment prior to lodgment of survey plan for endorsement	

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Port Douglas and Environs						
Proposed Demand						
Residential Lots Separate house	Per House lot	19,491.00	33	643,203.00		
Total Demand				643,203.00		
Existing Credit						
Residential Lot Vacant Lot	Per House lot	19,491.00	1	19,491.00		
Total Credit				19,491.00		
Required Payment or Credit				TOTAL	\$623,712.00	

Prepared by	J Elphinstone	21-May-19	Amount Paid	
Checked by	Noel Beck	21-May-19	Date Paid	
Date Payable	Prior to endorsement of survey plan			
Amendments		Date	Receipt No.	
			Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 5 June 2018.

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

The Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

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

2018 Douglas Shire Planning Scheme

Preliminaries

Developer	Port Douglas Land Developments Pty Ltd	ROL 32 lots plus balance
Estate Name	0	
Stage	1A & 1B	
Street No. and Name	L2 Captain Cook Hwy	MagicQ Doc ID; 902976
Suburb	Port Douglas and Environs	Version No. 1
Parcel No.	4913	
Lot and RP No.	L2 SR431	
Development Permit No.	ROL 2966/2018	Validity Period 4 years

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018,
Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and
from 2 July 2018)

Locality Port Douglas and Environs

Proposed Demand

Residential Lots	Separate house	\$	643,203.00
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Total demand	\$	643,203.00
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Existing land use

Residential Lot	Vacant Lot	\$	19,491.00
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Nominal use credit	19,491.00
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Historical amount	\$0.00
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Date of payment	
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Credit for previous payment	0.00
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Credit for Works External

Opening balance of works external	\$0.00
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Opening balance of credits	\$0.00
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Credit claimed	\$0.00
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	0.00
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Contributions

\$623,712.00

Time of payment:

Prior to the commencement of use

Notes:

The Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Amendments

0

0

Prepared

J Elphinstone

21-May-19

Checked

Neil Beck

21-May-19

TOTAL

\$623,712.00

**Subdivision 5 Changing charges during relevant
 appeal period**

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

**Division 3 Development approval conditions
about trunk infrastructure**

**Subdivision 1 Conditions for necessary trunk
infrastructure**

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
(b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—

- (a) matters that may be appealed to—
(i) either a tribunal or the P&E Court; or
(ii) only a tribunal; or
(iii) only the P&E Court; and
(b) the person—
(i) who may appeal a matter (the *appellant*); and
(ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a

- development application or change application the subject of the appeal; and
- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.

- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

