

YOUR REF: 14-20/R000112
OUR REF: ROL 617/2015 SEDA (767082)

11 February 2016

NV & JS Pty Ltd
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

Attention: Ms Claire Simmons

Dear Madam

**AMENDED DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR
46-62 FRONT STREET (12 CRAWFORD STREET), MOSSMAN**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 16 December 2015, please find attached an Amended Decision Notice. The Decision Notice was amended to nominate the receipt of a properly made submission. Opportunity has also been taken to correct some formatting errors also contained in the document.

All other details of the Decision Notice dated 18 December remain the same.

Please be advised that it was considered not necessary to re-issue the Adopted Infrastructure Charges Notice.

Council notes your advice received 11 February waiving the balance of the Appeal Rights and a copy of the Amended Decision Notice will now be issued to the Principal Submitter.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Paul Hoyer
General Manager Operations

Att

APPLICANT DETAILS

NV & JS Pty Ltd
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

ADDRESS

46-62 Front Street (12 Crawford Street), Mossman

REAL PROPERTY DESCRIPTION

Lot 12 on SP252360

PROPOSAL

Preliminary Approval to Override the Planning Scheme and
Reconfiguring a Lot (1 Lot into 19 Lots)

DECISION

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

DECISION DATE

16 December 2015

TYPE

Preliminary Approval to Override the Planning Scheme

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

One

Maxholl Pty Ltd
C/- Brazier Motti
PO Box 1185
Cairns 4870

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Proposed Layout Plan	PR124232-4 Issue D	14 July 2015

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.

Street Layout and Design

3. The street layout and design is to be generally in accordance with RPS Drawing No PR124232-4 Issue D dated 14 July 2015 subject to any amendments to comply with the conditions and to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. The street name of 'Crawford Street' will apply to the proposed new road entering the development. The Applicant may propose a name for the section of road providing access to Lot 5 through to Lot 9;
 - b. The road reserve widths are to be generally in accordance with RPS drawing PR124232-4 Revision D dated 14 July 2015. The road carriageway within the reserve is to be a minimum width of 7.5 m for all sections of the road. The Eastern Road verge in front of Lots 5 to 9 is to be maintained at 4.5 m minimum with a minor reduction permitted to the verge on the Park Side;
 - c. Suitably constructed and sealed access to the sewer pump station to allow vehicles to access the wet well for maintenance purposes;

- d. Drainage calculations to demonstrate that the piped stormwater solution and overland flow paths are compliant with the Queensland Urban Drainage Manual for event flows up to and including the 100 year ARI rainfall event (1%AEP).

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

Water Supply & Sewer

4. 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. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development; and
 - c. The applicant is to provide a network model for the water supply system operation demonstrating acceptable minimum and maximum pressures are achieved under the conditions nominated in the FNQROC Development Manual. Council may accept alternative supporting information in lieu of a network model subject to such supporting information demonstrating acceptable system operation.

At a minimum this must include a hydrant flow and pressure test with pressures recorded at a minimum of two adjacent hydrants to demonstrate impact on the system for flows up to and including peak hour plus fire fighting flows. Suitable documentation and evidence of such tests must be endorsed by the Registered Professional Engineer of Queensland (RPEQ) design engineer prior to achieving operational works approval.

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 & Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
 - b. Provide ability for water connection to each lot in accordance with the FNQROC Development Manual;

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

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

Earthworks & Sewer Control Plan

6. Provide a plan of the proposed site earthworks and finished surface design contours which address the following requirements:
 - a. Filling of the lots to achieve flood immunity. The earthworks plan is to nominate fill levels, batter slopes and the interface to existing surface levels for lots proposed to be filled;
 - b. Detail the extent and location of proposed filling to take place on proposed Lots 1, 6, 7, 9, 11 & 12;
 - c. Filling must be contained to each allotment with the toe of fill batters within property boundaries;
 - d. The area of lots to be controlled by sewer must be clearly identified and be of sufficient area to accommodate a residence;
 - e. Consideration to be given to the relocation of the sewer to the front of Lots 1 to 3 subject to sewer lot controls being satisfactory.

The amended Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to submitting a Development Application for Operational Works. All filling is to be completed in accordance with the approved plans during the Operational Works stage.

Building Envelope Plan

7. Dependent upon the sewer design and extent of fill, provide a plan nominating building envelopes for buildings on those lots to which the siting of buildings may be restricted.

The Building Envelope Plan must be submitted to Council at the time of seeking a Development Permit for Operational Works.

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

Sewage Pump Station

8. The applicant is to provide detailed design plans for the Pump Station. The plans are to nominate all operating levels for the pump station as per the FNQROC Development Manual.

Supporting information for the pump station is to be provided at the time of seeking operational works approval and must include at a minimum:

- a. Emergency storage capacity and duration;
- b. Emergency overflow operation;

- c. Freeboard achieved to each lot in the event of system overflow;
- d. RPEQ Certification.

The switchboard and pump station design including pump selection is to be provided to Council for approval prior to obtaining operational works approval. Council may nominate a preferred pump supplier and switchboard configuration to ensure consistency of infrastructure across Council's network.

The applicant is to provide a commissioning plan for the sewage pump station.

Local Drainage Study

- 9. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
 - c. Primary and secondary flow paths for the 5, 10 and 100 year ARI rainfall (1%AEP) events;
 - d. Identify any requirement for drainage easements;
 - e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the development;
 - f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development. Specific information on the pipe outlet and erosion protection in addition to the overland flow path outlet and its erosion protection measures is to be provided;
 - g. Supporting calculations must include specific advice on the western catchment run off and how this is conveyed through the site to the creek. The calculations must show how the minor rainfall event is conveyed underground and must include calculations on the overland flow for the major event. Information on the pit entry capacity, blockage factors, pit losses are to be included for the minor event. A severe impact assessment is required to demonstrate safe conveyance of flows in the event of complete inlet blockage;
 - h. Advice on storm water drainage and flooding is to be provided for lots 6, 7, 9, 11 and 12. Where lots are proposed to be filled to achieve the required immunity, and earthworks plan is to be provided demonstrating fill levels, batter slopes and the interface to existing surface levels;
 - i. Lawful point of discharge.

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

Plan of Drainage Works

10. The subject land must be drained to the satisfaction of the Chief Executive Officer. This includes provision of the following:
 - a. Drainage infrastructure generally in accordance with the concepts shown as Option 2 on RPS Drawing No PR124232-4 Issue D. Calculations of the sub-catchment discharge and the flow width and depth in roadside drains and easements must be provided prior to the issue of a Development Permit for Operational Works. The calculations must demonstrate that the flows are fully contained in the drainage paths and do not enter private property except where easements exist;
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQIDs), namely:
 - i. End-of-line stormwater quality improvement devices (SQIDs) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQIDs treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
 - iii. The design of the SQIDs shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
 - c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event;
 - 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); and
 - e. Detail the outlet into Parker Creek and erosion and scour protection measures to be installed to the satisfaction of the Chief Executive Officer.

All drainage works must be completed to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Existing Creek and Drainage Systems

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

Lawful Point of Discharge

12. 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.

Landscape Plan

13. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
 - a. Planting of the footpath with trees using appropriate species;
 - b. The provision of shade trees in the park;
 - c. Species to have regard to the Planning Scheme Policy No 7 Landscaping;
 - d. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

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

Open Space & Drainage Reserve

14. The area identified as park on RPS Drawing No PR124232-4 Issue D must be transferred to Council as freehold land tenure. The area of land adjacent the Parker Creek corridor must be transferred to the Crown for Public Use Land – Drainage Reserve. The park area central to the development must include:
 - a. Water service and provision of a tap for the central park;
 - b. Bollards around the perimeter to prevent vehicle access with the exception of Council access;
 - c. Shelter and seating area in the central park;

- d. Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;
- e. Seeded and grassed.

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

Damage to Infrastructure

- 15. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, Council must be notified of the affected infrastructure and have it repaired or replaced at no cost to Council.

Electricity Supply

- 16. 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 underground electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity & Telecommunications

- 17. 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.

Stockpiling & Transportation of Fill Material

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

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

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

Storage of Machinery & Plant

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.

Construction Access

21. Vehicular access to the site for construction and demolition purposes must be provided from Crawford Street only, unless authorized by the Chief Executive Officer.

ADVICE

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

Infrastructure Charges Notice

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

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

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

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

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

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

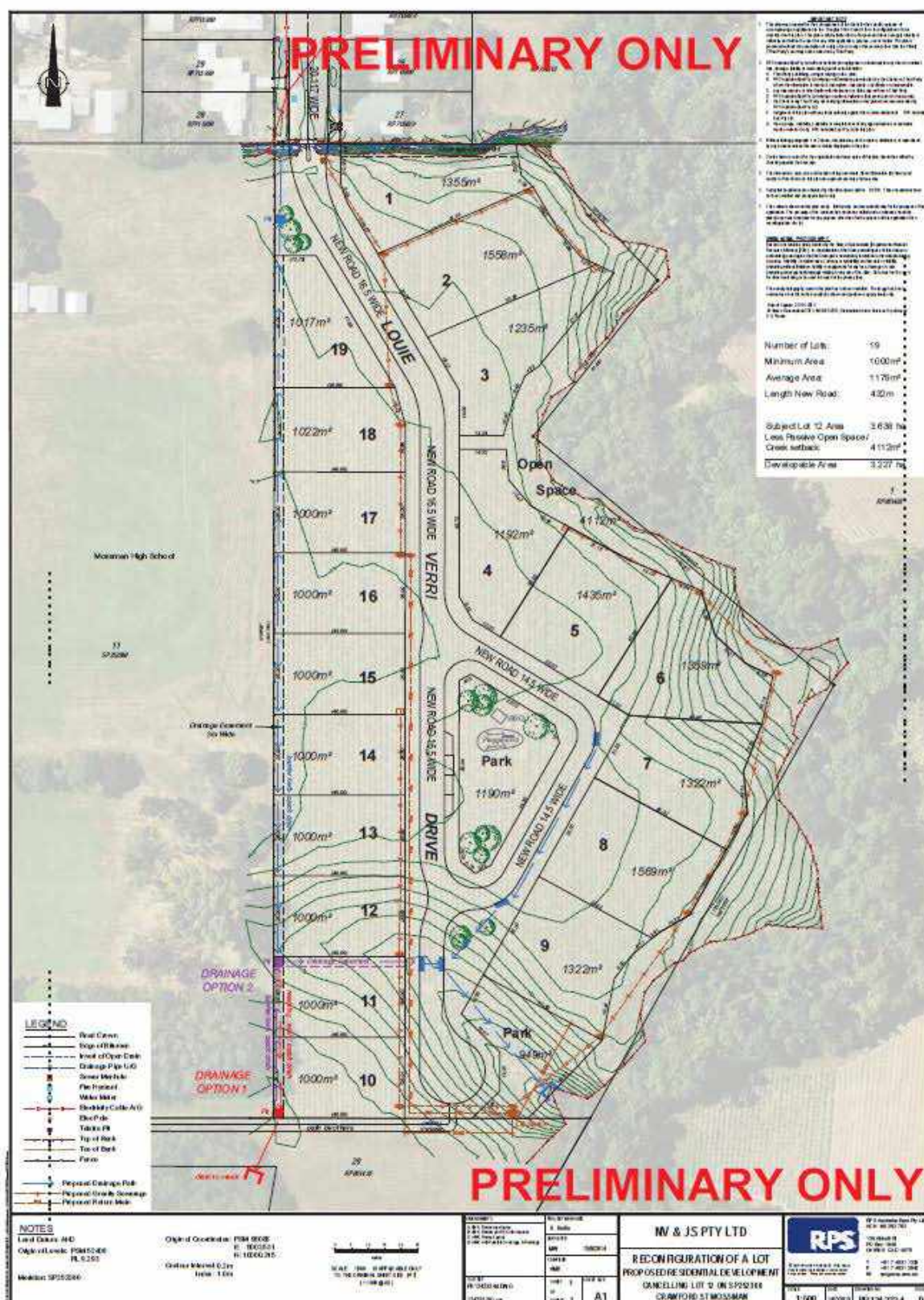
6. That the following notation be placed on Council's future rates records in respect of the 19 residential allotments:

'The allotment is located in close proximity to the Mossman Sugar Mill and may from time to time be impacted by operation of the Mill with respect to odour, air-borne omissions/material and heavy vehicle movements.'


RIGHTS OF APPEAL

Attached

End of Decision Notice



APPENDIX 2: INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Application	
INFRASTRUCTURE CHARGES NOTICE			

V Soomazzon	N/A	0	
DEVELOPER'S NAME	ESTATE NAME	STAGE	
Vixies Road	Wonga Beach	Lot 32 SP128826	10343
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL	3319/2009	31-Mar-15	4
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (years)	
732378	1		
DSC Reference Doc. No.	VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
proposed	19	14,342.13	272,500.47		
	0	0.00	0.00		
	0	0.00	0.00		
existing	1	14,342.13	14,342.13		
Total			268,168.34		
TOTAL			\$268,168.34		

Prepared by	R Beck	7-Dec-15	Amount Paid	
Checked by	S Clarke	7-Dec-15	Date Paid	
Date Payable				
Amendments	Date		Receipt No.	
			Cashier	

Notes:

The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the Sustainable Planning Act 2009 (SPA).

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