

OUR REF: 5555
YOUR REF: CA 1044/2015 (777079)

1 February 2021

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Via email: enquiries@douglas.qld.gov.au

Dear Sir/Madam,

RE: REQUEST TO MAKE A MINOR CHANGE APPLICATION TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (EXTENSION OF AQUACULTURE FACILITY AND CARETAKERS RESIDENCE), RECONFIGURING A LOT (BOUNDARY REALIGNMENT) AND OPERATIONAL WORK (BULK EARTHWORKS)
AT: CAPTAIN COOK HIGHWAY, KILLALOE QLD 4877 – LOT 204 ON SP264765 (HISTORICALLY LOT 8 ON NR153, LOT 201 ON SP222765 AND LOT 7 ON RP846941)

We act on behalf of the Applicant, Gold Coast Marine Aquaculture, requesting a Minor Change application under s78 of the *Planning Act 2016* (PA) for original development approval number CA 1044/2015 (777079). This minor change seeks alter two aspects of the approved development in regard to an alternative access driveway form the Captain Cook Highway and replacing part of an approved landscape strip with fencing and screening.

This minor change request is also in response to a recently received Enforcement Notice from Council (reference 986663).

In support of this request, we enclose the following:

- *Planning Act 2016* Form 5 Change Application, **Attachment A**;
- Council Enforcement Notice (986663), **Attachment B**;
- Existing Decision Notice – CA 1044/2015 (777079), **Attachment C**;
- Private Driveway Concept Design, **Attachment D**; and
- Detailed Landscape Plan, **Attachment E**.

As the application will be lodged electronically, the prescribed fee of **\$1,697.90** will be paid upon receiving Council's invoice. The fee has been calculated as follows:

Minor Change Fee	Current application fee	10%	Concessions	Total
10% of current application fee	MCU – Aquaculture – \$1,746.00 MCU – Caretakers Residence – \$333.00 ROL – Boundary Realignment – \$988.00 OPW – Change to Ground Level (max fee) - \$14,900.00	\$1,796.70	Nil	\$1,796.70

1.0 SITE DESCRIPTION

Table 1 - Site Summary	
Site Address	Captain Cook Highway, Killaloe QLD 4877
Real Property Description	Lot 204 on SP264765 (historically Lot 8 on NR153, Lot 201 on SP222765 and Lot 7 on RP846941)
Total Site Area	149,400m ² (14.9 hectares)
Current Site Use	Aquaculture (prawn farm) and Caretakers residence
Local Authority	Douglas Shire Council
Zoning	Rural zone

An aerial view of the subject site is shown below in **Figure 1**:



3.0 BACKGROUND

This development application for a Minor Change can be broken into to key changes, each of which are described in further detail below:

3.1 ALTERNATE ACCESS DRIVEWAY DESIGN

This part of the Minor Change is in direct response to Section 6. *Purpose of Notice*, Item 5 being:

Submit a formal request to Council to change conditions of the Development Permit dated 16 June 2016 regarding access road requirements. The Change Application must be lodged by 1 February 2021.

Since the original development application was approved, the Applicant has purchased Lot 204 on SP264765 – the lot adjoining the western boundary of Old Ferry Road. As our client owns lots on both sides of Old Ferry Road and this road terminates within their property, the Department of Natural Resources, Mines and Energy (the State) will contemplate an application for the closure of this part of the road reserve. Importantly, a new easement will be created to maintain access to the existing aircraft beacon to the north east, currently accessed via this road and existing easements.

In November 2020, the Applicant lodged a development application (ROL2020_3842/1) for Reconfiguring a Lot (ROL) to open a portion of new road that will enable construction of a cul-de-sac head approximately 50 metres from the Captain Cook Highway. The cul-de-sac will be constructed to Council road standards, enabling Articulated Vehicles to turn around if required, which is not currently possible on the existing road. Council have also been requested to provide preliminary advice prior to the formal road closure application being lodged to the State.

The approval of both the above applications will deliver a more functional road layout, providing various efficiency and safety benefits for all road users. With the future road closure complete and a Council standard cul-de-sac created, a private access driveway is a reasonable outcome to establish in lieu of that conditioned within the current approval.

3.2 AMENDED ACCESS DRIVEWAY LANDSCAPING

The second part of this Minor Change seeks to replace a portion of the approved landscaping with a more fit for purpose fencing and screening arrangement. Currently, landscaping is approved along the eastern side of Ferry Road. Its intent is to provide screening of prawn farm activities from neighbouring properties to the west.

As per the Enforcement Notice, this landscaping has not been installed to date, however, it is apparent that a far more effective screening solution can be installed to achieve the intended purpose above. Instead of landscaping, this change seeks to install a chain wire fence,

covered by a mesh screen that will reduce potential dust and light emissions generated by prawn farm activities on neighbouring properties. It will also aid in maintaining biosecurity for the farm, and general security of on site equipment and infrastructure.

Exact detail of the proposed fencing can be found within the Detailed Landscape Plan provided within **Attachment E**. For ease of reference, the landscaping in question is shown in red below in **Figure 3**:

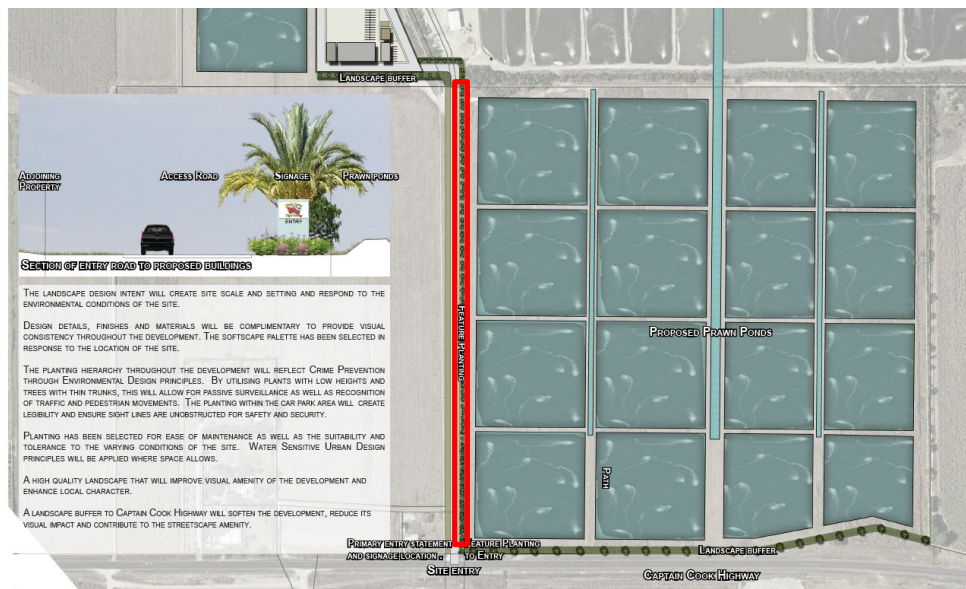


Figure 2: Proposed fence and screening location (GDP file, 2021)

It is also important to note that the Detailed Landscape Plan does not show the originally approved (Condition 20(b)) five metre landscape buffer adjacent to the site office. This buffer is no longer required, given the Applicant has since purchased the land immediately south (Lot 203 on SP264765). At this point in time, the rural cane farming use is being maintained on this lot.

4.0 CHANGES REQUESTED UNDER SECTION 78 OF THE *PLANNING ACT 2016*

Based on the proposed changes, the following conditions require amendment. The specific conditions requested to be change by this minor change application are summarised below in **Table 2**.

4.1 Amend Condition A. – Approved Drawings

This condition is requested to be amended to replace the approved Statement of Landscape Intent with the proposed Detail Landscape Plan, as required by Condition 20.

4.2 Delete Condition 10 – External Works

Currently, Condition 10 of the approved decision notice requires a six metre wide, imperviously sealed access road from the Captain Cook Highway into the subject site within Old Ferry Road. As discussed above, the broader development outcome sought for the subject site and adjoining access arrangements will not warrant such a road if this part of Old Ferry Road is closed and purchased by the Applicant. Rather, this Minor Change application seeks to remove the entirety of Condition 10 to be replaced by compliance with the proposal drawings provided within **Attachment D**.

In regard to timing, we anticipate the delivery of the private vehicle access will be delivered as soon as possible, pending support of this Minor Change application and subsequent Operational Work applications as required. To ensure financial and operational efficiencies, it is highly likely that construction of the proposed cul-de-sac and this road will be undertaken concurrently.

It is noted that Condition 10 also seeks various Aust Roads guideline assessment and RPEQ certification of the access road. The ultimate outcome will see a new cul-de-sac built to Council and Aust Roads standards for use by the public, appropriately conditioned within the ROL decision notice and subsequent Operational Work for the works. Therefore, these requirements are considered duplicative and not warranted to remain attached to this approval.

4.3 Delete Condition 20 – Landscape Plan

This Minor Change requests Council's approval of a Detailed Landscape Plan, provided within **Attachment E**, as required by Condition 20 of the current decision notice. This will be in lieu of the requirement for the Landscape Intent Plan to be attached to the approval. The Detailed Landscape Plan will provide compliance with all parts of Condition 20, other than the alterations proposed in section 3.2 above.

Table 2 – Summary of Requested Condition Changes

Approved Condition	Proposed Condition																																	
<p>A. APPROVED DRAWING(S) AND/OR DOCUMENT(S) – MATERIAL CHANGE OF USE COMPONENT (EXPANSION OF AQUACULTURE FACILITY & CARETAKERS RESIDENCE)</p> <p>The term 'approved drawings(s) and/or document(s)' or other similar expression means:</p> <table><tr><th>Drawing or Document</th><th>Reference</th><th>Date</th></tr><tr><td>Proposal Plan</td><td>Drawing No. 5555 P PP 100</td><td>19 August 2015</td></tr><tr><td>Concept Plan – Operational Area</td><td>Drawing No. 555-P CP01.C</td><td>4 September 2015</td></tr><tr><td>Statement of Landscape Intent</td><td>Drawing No. 555 L L/01 – Plans 01-03 inclusive</td><td>30 June 2015</td></tr></table>	Drawing or Document	Reference	Date	Proposal Plan	Drawing No. 5555 P PP 100	19 August 2015	Concept Plan – Operational Area	Drawing No. 555-P CP01.C	4 September 2015	Statement of Landscape Intent	Drawing No. 555 L L/01 – Plans 01-03 inclusive	30 June 2015	<p>A. APPROVED DRAWING(S) AND/OR DOCUMENT(S) – MATERIAL CHANGE OF USE COMPONENT (EXPANSION OF AQUACULTURE FACILITY & CARETAKERS RESIDENCE)</p> <p>The term 'approved drawings(s) and/or document(s)' or other similar expression means:</p> <table><tr><th>Drawing or Document</th><th>Reference</th><th>Date</th></tr><tr><td>Proposal Plan</td><td>Drawing No. 5555 P PP 100</td><td>19 August 2015</td></tr><tr><td>Concept Plan – Operational Area</td><td>Drawing No. 555-P CP01.C</td><td>4 September 2015</td></tr><tr><td>Statement of Landscape Intent</td><td>Drawing No. 555 L L/01 – Plans 01-03 inclusive</td><td>30 June 2015</td></tr><tr><td>Private Driveway Concept Design</td><td>5555 ENG CP 001</td><td>01-02-21</td></tr><tr><td>Landscape Plan</td><td>5555_LP_200-214 inclusive</td><td>28-01-21</td></tr><tr><td>Landscape Details</td><td>5555_DT_901-905 inclusive</td><td>29-01-21</td></tr></table>	Drawing or Document	Reference	Date	Proposal Plan	Drawing No. 5555 P PP 100	19 August 2015	Concept Plan – Operational Area	Drawing No. 555-P CP01.C	4 September 2015	Statement of Landscape Intent	Drawing No. 555 L L/01 – Plans 01-03 inclusive	30 June 2015	Private Driveway Concept Design	5555 ENG CP 001	01-02-21	Landscape Plan	5555_LP_200-214 inclusive	28-01-21	Landscape Details	5555_DT_901-905 inclusive	29-01-21
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<p>10. Undertaken the following works external to the land at no cost to Council:</p> <p>a. Upgrade the road to the site from the Captain Cook highway. The road is to be constructed generally in accordance with the typical section provided on Mortons Urban Solutions Drawing 307-01-091 subject to changes required to achieve compliance with these conditions.</p> <p>b. The pavement design is certified by an RPEQ and must be in accordance with the FNQROC guideline. Traffic assumptions and generation rates are to be provided to Council and are to be certified as appropriate by the RPEQ.</p> <p>c. The road design must have regard to the stormwater flood modelling outcomes and any inundation per the drainage conditions.</p> <p>d. The road is to be imperviously sealed to Council's satisfaction. Unless otherwise agreed, the seal width is to be 6.0m to facilitate vehicle passing noting the proximity to the drain and the power poles.</p> <p>e. Demonstrate how vehicles utilising the public road can turn around within the road reserve without entering private property. The presence of the drainage infrastructure within the reserve is noted in this regard.</p> <p>f. Confirm the clearance to existing power poles within the road reserve and demonstrate clearance is acceptable in accordance with FNQROC and AUSTROADS guidelines.</p> <p>g. The applicant is to engage an appropriately qualified and experienced RPEQ to undertake a risk assessment on road operation and traffic adjacent to the proposed open drain/major overland flow path in accordance with Safety in Design principles and the Workplace Health and Safety Act 2011. The assessment must include, but not be limited to:-</p>	<p>CONDITION DELETED</p> <p>10. Undertaken the following works external to the land at no cost to Council:</p> <p>a. Upgrade the road to the site from the Captain Cook highway. The road is to be constructed generally in accordance with the typical section provided on Mortons Urban Solutions Drawing 307-01-091 subject to changes required to achieve compliance with these conditions.</p> <p>b. The pavement design is certified by an RPEQ and must be in accordance with the FNQROC guideline. Traffic assumptions and generation rates are to be provided to Council and are to be certified as appropriate by the RPEQ.</p> <p>c. The road design must have regard to the stormwater flood modelling outcomes and any inundation per the drainage conditions.</p> <p>d. The road is to be imperviously sealed to Council's satisfaction. Unless otherwise agreed, the seal width is to be 6.0m to facilitate vehicle passing noting the proximity to the drain and the power poles.</p> <p>e. Demonstrate how vehicles utilising the public road can turn around within the road reserve without entering private property. The presence of the drainage infrastructure within the reserve is noted in this regard.</p> <p>f. Confirm the clearance to existing power poles within the road reserve and demonstrate clearance is acceptable in accordance with FNQROC and AUSTROADS guidelines.</p> <p>g. The applicant is to engage an appropriately qualified and experienced RPEQ to undertake a risk assessment on road operation and traffic adjacent to the proposed open drain/major overland flow path in accordance with Safety in Design principles and the Workplace Health and Safety Act 2011. The assessment must include, but not be limited to:-</p>																																	

<ul style="list-style-type: none"> • The operation of the road in dry conditions noting the proximity to the open drain; • The operation of the road in typical rainfall conditions with the drain containing water; • The operation of the road in flood conditions noting the predicted inundation of the road and drain and the potential ambiguity of the carriageway delineation. <p>The development must be designed to be "low" or "very low" risk. In locations where the identified risk(s) lie outside of these acceptable risk ranges, mitigation measures must be adopted to reduce the risks to these tolerable levels. A copy of the risk assessment and drawings detailing the proposed works shall be certified by the RPEQ as being in accordance with the legislative and conditional requirements. The drawings and risk assessment shall be required to be approved by Council.</p> <p>The external works outlined above require approval from Council. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.</p>	<ul style="list-style-type: none"> • The operation of the road in dry conditions noting the proximity to the open drain; • The operation of the road in typical rainfall conditions with the drain containing water; • The operation of the road in flood conditions noting the predicted inundation of the road and drain and the potential ambiguity of the carriageway delineation. <p>The development must be designed to be "low" or "very low" risk. In locations where the identified risk(s) lie outside of these acceptable risk ranges, mitigation measures must be adopted to reduce the risks to these tolerable levels. A copy of the risk assessment and drawings detailing the proposed works shall be certified by the RPEQ as being in accordance with the legislative and conditional requirements. The drawings and risk assessment shall be required to be approved by Council.</p> <p>The external works outlined above require approval from Council. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.</p>
<p>20. The site must be landscaped generally in accordance with the Statement of Landscape Intent details and in accordance with a Landscaping Plan. All landscaping works must be contained on the site. The Landscaping Plan must show:</p> <ol style="list-style-type: none"> a. A landscape buffer adjacent the Captain Cook Highway to screen the development when viewed from the Highway. The landscape buffer must have a minimum width of 10 metres unless otherwise approved by the Chief Executive Officer at the time of the assessment of the Landscape Plan. b. A landscape buffer adjacent the northern boundary of Lot 8 on NR153 having a minimum width of 5 metres; c. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time; d. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth; e. Detail the interface between landscaping works and the ponds and / road and drainage infrastructure; f. Species to have regard to Council's Planning Scheme Policy No. 7 Landscaping; g. Details of any proposed fencing; h. Inclusion of any other relevant conditions included in the Development Permit. A copy of the Development Approval must be given to the applicant's Landscape Architect/Designer. <p>The Landscape Plan must be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plans prior to the Commencement of Use and maintained at all time to the satisfaction of the Chief Executive Officer.</p>	<p>CONDITION DELETED</p> <p>20. The site must be landscaped generally in accordance with the Statement of Landscape Intent details and in accordance with a Landscaping Plan. All landscaping works must be contained on the site. The Landscaping Plan must show:</p> <ol style="list-style-type: none"> a. A landscape buffer adjacent the Captain Cook Highway to screen the development when viewed from the Highway. The landscape buffer must have a minimum width of 10 metres unless otherwise approved by the Chief Executive Officer at the time of the assessment of the Landscape Plan. b. A landscape buffer adjacent the northern boundary of Lot 8 on NR153 having a minimum width of 5 metres; c. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time; d. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth; e. Detail the interface between landscaping works and the ponds and / road and drainage infrastructure; f. Species to have regard to Council's Planning Scheme Policy No. 7 Landscaping; g. Details of any proposed fencing; h. Inclusion of any other relevant conditions included in the Development Permit. A copy of the Development Approval must be given to the applicant's Landscape Architect/Designer. <p>The Landscape Plan must be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plans prior to the Commencement of Use and maintained at all time to the satisfaction of the Chief Executive Officer.</p>

5.0 PLANNING ACT 2016 LEGISLATIVE AND STATUTORY CONSIDERATIONS

5.1 PLANNING ACT 2016 – MINOR CHANGE ASSESSMENT PROVISIONS

To assist the determination of this Minor Change application, detailed assessment of the requested changes has been undertaken against the assessment provisions as outlined within section 81 of the *Planning Act 2016* (PA) in which the responsible entity must assess the application against.

The outcome of this assessment is as follows:

81(3)(a) ***must assess against, or have regard to, the matters that applied when the development application was made; and***

Comment: The original applicant was made under *Douglas Shire Planning Scheme 2006*, which envisaged rural uses within the 'Rural Planning Area'. The existing prawn farm was approved and developed under this scheme.

81(3)(b) ***may assess against, or have regard to, the matters that applied when the change application was made.***

Comment: The current planning scheme, *Douglas Shire Planning Scheme 2018*, identifies the subject site as rural, which maintains consistency with that which the original development application was assessed and approved.

5.2 PLANNING ACT 2016 SCHEDULE 2 (DICTIONARY)

Chapter 1 Section 6 of the PA provides the Definitions and meanings of particular words used throughout the Act, and refers specifically to the Dictionary in Schedule 2.

Schedule 2 provides the definition of 'minor change':

- (a) for a development application; and
- (b) for a development approval.

For this particular application request, a minor change 'for a development approval' is relevant.

The definition assists in providing a guideline to the compliance within meaning of minor change, and is presented in the below table.

Table 3 – Minor Change	
(b) for a development approval-	Comment/Compliance
(i) would not result in substantially different development; and	Complies The proposal does not result in substantially different development, as indicated in Table 4 below.

Table 3 – Minor Change

(b) for a development approval-	Comment/Compliance
	<p>The existing use will be maintained, with only minor augmentation of conditioned infrastructure and landscaping proposed.</p> <p>As such, the proposal is seen as generally consistent with the original approval.</p>
<p>(ii) if a development application for a development including the change, were made when the change application is made would not cause –</p> <p>(A) the inclusion of prohibited development in the development; or</p> <p>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</p> <p>(C) referral to extra referral agencies, other than to the chief executive officer; or</p> <p>(D) a referral agency to assess the application against, or have regard to, matters prescribed by a regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or</p> <p>(E) public notification if public notification was not required for the development application.</p>	<p>Complies The proposed change would not result in prohibited development.</p> <p>Not Applicable There were referral agencies triggered for the original development application.</p> <p>Complies No extra referral agencies will be triggered for referral.</p> <p>Complies The originally triggered referral matters remain applicable if a new application was lodged today.</p> <p>Not applicable Public notification was required for the original development application.</p>

Table 4 – DA Rules Schedule 1 – Substantially different development

A change may be considered to result in a substantially different development if the proposed change:

Test	Comment/Compliance
(a) involves a new use; or	Complies Proposal does not involve a new use or additional impacts above what was originally approved.
(b) results in the application applying to a new parcel of land; or	Complies The proposal is over the same parcel of land, albeit a new real property description.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Complies The proposal does not involve a dramatic change in built form in terms of scale, bulk and appearance.
(d) changes the ability of the proposed development to operate as intended; or	Complies The proposal does not change the ability of the land use to function or operate, but rather improves upon it.
(e) removes a component that is integral to the operation of the development; or	Complies The proposal does not remove any integral component to the proposed development or operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	Complies The proposal will assist in delivering a use specific transport outcome that improves the transport safety and functionality of the development.
(g) introduces new impacts or increase the severity of known impacts; or	Complies The extent of the change will not introduce any new impacts, nor increase the severity of any known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	Complies The proposal does not remove any incentive or offset component in relation to the proposed development.
(i) impacts on infrastructure provisions.	Complies The proposal does not involve a change that would impact on the provision of planned infrastructure.

6.0 CONCLUSION

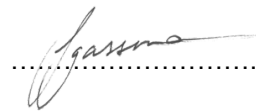
Having consideration to the above compliance statement and attached information, it is considered that the proposed Minor Change to the existing approval are relatively minor in nature and are consistent with those that are generally envisaged under s78 of the PA.

In this regard, we look forward to Council's timely and favourable determination of this request.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES PTY LTD

A handwritten signature in dark ink, appearing to read 'Fraser Gassman', is written over a horizontal dotted line.

FRASER GASSMAN

TOWN PLANNER

Enclosed: Attachment A: Planning Act 2016 Form 5 Change Application
Attachment B: Council Enforcement Notice (986663)
Attachment C: Existing Decision Notice – CA 1044/2015 (777079)
Attachment D: Private Driveway Concept Design
Attachment E: Detailed Landscape Plan

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Gold Coast Marine Aquaculture c/- Gassman Development Perspectives
Contact name (only applicable for companies)	Fraser Gassman
Postal address (P.O. Box or street address)	Po Box 392
Suburb	Beenleigh
State	QLD
Postcode	4207
Country	Australia
Email address (non-mandatory)	fraser@gassman.com.au
Mobile number (non-mandatory)	0427 474 317
Applicant's reference number(s) (if applicable)	5555 – Minor Change

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Captain Cook Highway	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	204	SP264765	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) Note: Place each set of coordinates in a separate row.				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
3.3) Additional premises				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application Note: see section 78(3) of the Planning Act 2016
Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	CA 1044/2015 (777079)	16 June 2016	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			
6) Type of change proposed			
6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):			
Change to landscaping and private access driveway.			
6.2) What type of change does this application propose?			
<input checked="" type="checkbox"/> Minor change application – proceed to Part 5 <input type="checkbox"/> Other change application – proceed to Part 6			

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Enforcement Notice

1. Authorising legislation	Planning Act 2016 Section 167
2. Recipient Name and address	Gold Coast Marine Aquaculture PO Box 392 BEENLEIGH QLD 4207
3. Date	18 December 2020
4. Premises	6458 Captain Cook Highway, Killaloe. Formally described as LOT:203 on SP264765 and LOT:204 on SP264765
5. Authorising power/ description of offence	<p>This Enforcement Notice is given to you pursuant to section 168 of the <i>Planning Act 2016 (Act)</i>.</p> <p>A Show Cause Notice was given to you under section 167 of the Act inviting you to show cause why an Enforcement Notice should not be given to you.</p> <p>Council received a written response to the Show Cause Notice on the 25 November 2020. The written response stated:</p> <p><i>"Subsequently, there have been discussions with Council resulting in a recent application lodged (2020/3842) for road widening to facilitate construction of a cul-de-sac approximately 17 metres along Old Ferry Road, in addition to preliminary advice sought regarding the closure of the balance of this road prior to formal lodgement with the Department of Natural Resources and Energy. Once Council's advice is received with respect to the afore mentioned, GCMA intend to lodge applications for Operational Work to comply with the original Department of Main Roads conditions (via State Assessment and Referral Agency referral response SDA-1015-024906) relating to intersection with the Captain Cook Highway; the construction of the cul-de-sac; and the construction of a private driveway over the balance road to be closed"; and</i></p> <p><i>"The sprinklers installed are not being used sporadically. As Council officers will be aware, they are on timers to ensure consistent dust suppression is achieved. The last email received from Council (13 July 2020 from Tim O'Brien) indicated that this system was considered effective"; and</i></p> <p><i>Council will be aware the GCMA have engaged a landscape contractor for the supply of the necessary plants to facilitate full overage of the batter. These plants were ordered October 2022 and a plan illustrating the planting layout will be submitted to Council within 10 business days. As Council are aware, this planting will be completed in January 2021".</i></p> <p>Based on the facts and circumstances, Council is of the view that an Enforcement Notice should be given to you because it reasonably believes that you have committed a development offence by contravening section 164 of the Act.</p> <p>Section 164 of the Act states as follows:</p> <p>"164 Compliance with development approval</p> <p>(1) A person must not contravene a development approval</p> <p>Maximum penalty – 4500 penalty units (\$600,525)."</p>
6. Purpose of Notice	<p>You are required to comply with the requirements of this Enforcement notice within the following time periods after the giving of this Enforcement Notice to you. The requirements are as follows:</p> <ol style="list-style-type: none"> 1. Submit a detailed Landscape Plan prepared by an appropriately qualified Landscape Architect / Designer that complies with Condition 20 of the Development Permit dated 16 June 2016. The Landscape Plan must be submitted to Council by 29 January 2021. 2. All landscaping works detailed in the approved Landscape Plan must be completed by 31 March 2021. 3. Develop a Management Plan and Record Log for watering of the access road, taking into consideration weather conditions during the wet season and adjusting

	<p>sprinkler timers accordingly. Regard must also be given to traversing the access road during the wet season. Provide a copy of the Management Plan to Council by 20 January 2021.</p> <ol style="list-style-type: none"> 4. Submit a copy of the watering log to Council on a fortnightly basis starting 3 February 2021. 5. Submit a formal request to Council to change conditions of the Development Permit dated 16 June 2016 regarding access road requirements. The Change Application must be lodged by 1 February 2021.
1. Facts and Circumstances	<p>The facts and circumstances that form the basis of the Council's belief that an Enforcement Notice should be given to you are set out below:</p> <ol style="list-style-type: none"> 1. You are the owner of 6458 Captain Cook Highway, Port Douglas, being described as Lot 203 on SP264765, and Lot 204 on SP264765, (Premises). 2. The Premises is located within the Rural zone of the <i>2018 Douglas Shire Planning Scheme</i> version 1.0 (Planning Scheme). 3. Council acknowledges the following development approval; <ol style="list-style-type: none"> (a) 16 June 2016 –Application number CA1044-2015 for Reconfiguring a Lot (Boundary Realignment), Material Change of Use (Extension of Aquaculture Facility and Caretakers Residence) and Operational Works (Bulk Earthworks). Decision Notice internal reference number (777434). (b) 26 November 2020 – Application number ROL2020_3842 for Reconfiguring a Lot (Boundary Realignment) for Lot 204 on SP 264765. 4. Condition 10 of development approval CA1044-2015 requires that Gold Coast Marine Aquaculture; <ol style="list-style-type: none"> (a) Upgrade the road to the site from the Captain Cook Highway; and (b) The road is imperviously sealed to Councils satisfaction. 5. To date, the access road (Old Ferry Road) remains an unsealed road. 6. Images captured on Council's camera positioned on the access road indicate that the sprinklers are operating sporadically. 7. On 8 December 2020, Brian Gassman informed Council Officer Neil Beck that the sprinklers along the access road were operated manually and had not been operating on timers as stated in previous communication. 8. Council continues to receive complaints regarding dust generated from the unsealed access road. 9. Condition 20 of the abovementioned development approval requires that the site must be landscaped generally in accordance with the Statement of Landscape Intent detail and in accordance with the Landscape Plan endorsed by the Chief Executive Officer; and <ol style="list-style-type: none"> (a) The landscape buffer along the Captain Cook Highway must have a minimum width of 10metres unless otherwise approved by the Chief Executive Officer at the time of the assessment of the Landscaping Plan. (b) The landscape buffer adjacent to the northern boundary of Lot 8 on NR153 (now formally recognised as Lot 204 on SP 264765) has a minimum width of 5 metres. 10. To date, planting of the landscape buffer adjacent to the Captain Cook Highway does not screen the development from the road or have a minimum width of 10m as required in Condition 20. 11. A Landscape Plan was submitted to Council on 11 December 2020. This Plan does not meet with the requirements of Condition 20, in that the Plan does not detail; <ol style="list-style-type: none"> (a) A landscape buffer with a minimum width of 10 metres; and

	<p>(b) A landscape buffer adjacent to the northern boundary of Lot 8 on NR153 having a minimum width of 5 metres.</p> <p>12. On this basis, Council reasonably believes you have committed a development offence contrary to the <i>Planning Act 2016</i> section 164, which states that a person must not contravene a development approval.</p> <p>13. The maximum penalty for contravening section 164 of the <i>Planning Act 2016</i> is 4,500 penalty units (\$600,525).</p> <p>14. A Show Cause notice was given to you on 18 November 2020 in which Council advised you of its belief that an Enforcement Notice should be given to you and inviting you to show cause by making written representations as to why an Enforcement Notice should not be given to you.</p> <p>15. Council received a written response to the Show Cause Notice on the 25 November 2020. The written response stated:</p> <p><i>"Subsequently, there have been discussions with Council resulting in a recent application lodged (2020/3842) for road widening to facilitate construction of a cul-de-sac approximately 17 metres along Old Ferry Road, in addition to preliminary advice sought regarding the closure of the balance of this road prior to formal lodgement with the Department of Natural Resources and Energy. Once Council's advice is received with respect to the afore mentioned, GCMA intend to lodge applications for Operational Work to comply with the original Department of Main Roads conditions (via State Assessment and Referral Agency referral response SDA-1015-024906) relating to intersection with the Captain Cook Highway; the construction of the cul-de-sac; and the construction of a private driveway over the balance road to be closed"; and</i></p> <p><i>The sprinklers installed are not being used sporadically. As Council officers will be aware, they are on timers to ensure consistent dust suppression is achieved. The last email received from Council (13 July 2020 from Tim O'Brien) indicated that this system was considered effective; and</i></p> <p><i>"Council will be aware the GCMA have engaged a landscape contractor for the supply of the necessary plants to facilitate full overage of the batter. These plants were ordered October 2022 and a plan illustrating the planting layout will be submitted to Council within 10 business days. As Council are aware, this planting will be completed in January 2021".</i></p>
	<p>Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units (\$600,525).</p> <p>Council may take action to commence a prosecution or other proceedings for an offence under the Act at any time.</p> <p>Council may also choose to issue you with a penalty infringement notice (PIN) under the <i>State Penalties Enforcement Act 1999</i> for contravening the Enforcement Notice.</p>
	<p>Pursuant to section 229 and Schedule 1 of the Act, you may appeal the giving of this Enforcement Notice to the Planning and Environment Court or a tribunal.</p> <p>The appeal must be started within 20 business days after this Enforcement Notice is given to you being 1st February 2021.</p> <p>Copies of section 229 and Schedule 1 of the Act are enclosed. Those sections deal with your right to appeal against this Enforcement Notice.</p> <p>Should you wish to lodge an appeal, it is recommended you seek independent legal advice.</p>



Paul Hoyer
Manager Environment and Planning

Contact Officer: *Rebecca Taranto, Development and Environmental Compliance Officer*

Phone No: 07 4099 9444

Ref: 986663

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

YOUR REF: 5555:BC
OUR REF: CA 1044/2015 (777079) **SC**

16 June 2016

Gold Coast Marine Aquaculture
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207

Attention: Mr Barry Craddock

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR CAPTAIN COOK HIGHWAY KILLALOE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 7 June 2016, please find attached the relevant Decision Notice.

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

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

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9457.

Yours faithfully



Paul Hoyer
General Manager Operations

Att

APPLICANT DETAILS

Gold Coast Marine Aquaculture
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207

ADDRESS

Captain Cook Highway KILLALOE

REAL PROPERTY DESCRIPTION

Lot 8 on NR153, Lot 201 on SP222765, Lot 7 on RP846941

PROPOSAL

Reconfiguring a Lot (Boundary Realignment)
Material Change of Use (Extension of Aquaculture Facility and Caretakers residence).
Operational Works (Bulk Earthworks)

DECISION

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

DECISION DATE

7 June 2016

TYPE

Material Change of Use (Development Permit)
Operational Work (Development Permit)
Operational Works (Development Permit)

REFERRAL AGENCIES

State Assessment Referral Agency
C-/ Department of Infrastructure, Local Government and Planning
Far North Queensland Regional Office
PO Box 2358
Cairns QLD 4870

For an application involving	Trigger (Schedule 7 Sustainable Planning Regulation 2009)	Name of technical agency	Advice or concurrence agency
Tidal works or development in a coastal management district	Table 2, Item 13 (OPW) Table 3, Item 5 (MCU)	Department of Environment & Heritage Protection	Concurrence

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For an application involving	Trigger (Schedule 7 Sustainable Planning Regulation 2009)	Name of technical agency	Advice or concurrence agency
Aquaculture	Table 2, Item 28	Department of Agriculture & Fisheries	Concurrence
State-controlled road	Table 3, Item 1 (MCU)	Department of Transport & Main Roads	Concurrence

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Works.

Development Permit for Building 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

A. APPROVED DRAWING(S) AND/OR DOCUMENT(S) –MATERIAL CHANGE OF USE COMPONENT (EXPANSION OF AQUACULTURE FACILITY & CARETAKER'S RESIDENCE)

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

Drawing or Document	Reference	Date
Proposal Plan	Drawing No. 5555 P PP 100	19 August 2015
Concept Plan - Operational Area	Drawing No. 555-P CP01.C	4 September 2015
Statement of Landscape Intent	Drawing No. 555 L L/01 – Plans 01 – 03 inclusive	30 June 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 commencement of use except where specified otherwise in these conditions of approval.

Limitation on Use

3. No direct retail sales to the general public are to be conducted from the site.

Building Details

4. Scaled drawings of proposed buildings are to be submitted to Council for its agreement prior to the issue of a development permit for building works. Such buildings will:
 - a. not exceed 10 metres in height;
 - b. not utilise white and / or shining metallic surfaces on external surfaces, unless otherwise agreed in writing by Council.

Operational Works

5. An Operational Works Approval is required for the earthworks, drainage and external road upgrade associated with the development.
Such works must be completed to the satisfaction of the Chief Executive Officer prior to commencement of use or issue of a compliance certificate for the plan of survey, whichever occurs first. Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.

Earthworks

6. The extent of the works is to be revised to ensure the limit of works is contained within the site. In particular, the limit of works and interface with the existing surface along the south east boundary is to be confirmed to be within the development site and not to encroach into the existing drainage path.

The filling of the site must not compromise the drainage of external areas through the site.

The minimum filling for the operations centre pad is to be 3.2m in accordance with the Mortons Urban Solutions drawings.

Water Supply Works

7. Undertake the following water supply works to the site to connect the site to existing Council water supply infrastructure:
 - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
 - b. Ensure the appropriate minimum water pressure and flows (including fire-fighting flow) requirements can be provided to the site in accordance with FNQROC and the appropriate building classification for the use. Identify any extensions or upgrades proposed including on-site storage if required to achieve compliance for the classification of building and the use. Certification from an appropriately qualified hydraulic designer is required to confirm compliance;
 - c. Provide a single metered internal water connection;

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

The works outlined above require approval from Council. A plan of the works at A1 must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

On-Site Effluent Disposal

8. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The sewage loading must include the various uses on the site and appropriate supporting information and justification of the sewage loads is to be submitted for Council's review. Location, size, levels and grading of the primary disposal area and reserve area are to be provided.

Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a development permit for building work.

Vehicle Parking

9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 10 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Turning templates for the design vehicle must be submitted to confirm the manoeuvring areas and to demonstrate the clearances to proposed parking areas.

The parking, manoeuvring and access plans (and construction details) must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building work.

External Works

10. Undertake the following works external to the land at no cost to Council:

- a. Upgrade the road to the site from the Captain Cook Highway. The road is to be constructed generally in accordance with the typical section provided on Mortons Urban Solutions Drawing 307-01-091 subject to changes required to achieve compliance with these conditions.
- b. The pavement design is certified by an RPEQ and must be in accordance with the FNQROC guideline. Traffic assumptions and generation rates are to be provided to Council and are to be certified as appropriate by the RPEQ.
- c. The road design must have regard to the stormwater flood modelling outcomes and any inundation per the drainage conditions.
- d. The road is to be imperviously sealed to Council's satisfaction. Unless otherwise agreed, the seal width is to be 6.0m to facilitate vehicles passing noting the proximity to the drain and the power poles.
- e. Demonstrate how vehicles utilising the public road can turn around within the road reserve without entering private property. The presence of the drainage infrastructure within the reserve is noted in this regard.
- f. Confirm the clearance to existing power poles within the road reserve and demonstrate clearance is acceptable in accordance with FNQROC and AUSTRROADS guidelines.
- e. The applicant is to engage an appropriately qualified and experienced RPEQ to undertake a risk assessment on road operation and traffic adjacent to the proposed open drain/major overland flow path in accordance with Safety in Design principles and the Workplace Health and Safety Act 2011. The assessment must include, but not be limited to:-
 - the operation of the road in dry conditions noting the proximity to the open drain;
 - the operation of the road in typical rainfall conditions with the drain containing water;
 - the operation of the road in flood conditions noting the predicted inundation of the road and drain and the potential ambiguity of the carriageway delineation.

The development must be designed to be "low" or "very low" risk. In locations where the identified risk(s) lie outside of these acceptable risk ranges, mitigation measures must be adopted to reduce the risks to these tolerable levels. A copy of the risk assessment and drawings detailing the proposed works shall be certified by the RPEQ as being in accordance with the legislative and conditional requirements. The drawings and risk assessment shall be required to be approved by Council.

The external works outlined above require approval from Council. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

Drainage Study of Site

11. The applicant is to review the existing local drainage study and update where necessary to ensure it addresses the following requirements.

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 1% AEP/100 year ARI flood event in relation to the site both pre and post development;
- c. Primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;
- d. The location of proposed drainage crossings of the flow paths for pedestrian and vehicle movements within the site and the hydraulic implication of these on the flood modelling;
- e. Confirm the extent of the distributor and inlet channels noting the differing extents shown on the Gassman Proposal Plan and the Morton's Urban Solutions Bulk Earthworks plans.
- f. Subject to the extents of the channels per e. above, confirm the impacts and interfacing arrangements/structures at the crossing of the existing corridors as follows:
 - vegetated drainage corridor along the common boundary of current Lot 7 on RP846941 and Lot 201 on SP222765; and
 - on the access easement A on SP222765.
- g. Identify any requirement for drainage easements. In particular, the formalised flow paths that convey external runoff through the site;

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- h. With reference to the typical sections on Mortons Urban Solutions drawing 307-01-091, assess the operation of the drainage swales adjacent the pond batters and confirm that the proposed pond batters are not compromised by the drainage conveyance. Advice on velocities, duration of inundation etc is required. An appropriately qualified engineer is to assess the operation of the drainage elements and satisfy themselves as to the long term stability of the common batters of the drain and pond. Any mitigation measures or stability works are to be nominated and included in the amended drawings;
- i. Confirm the flow depth in the roadside drain and confirm that the road immunity and depth parameters comply with the FNQROC requirements for the minor and major rainfall events;
- j. Confirm any additional measures required for pedestrian safety in the event that the drainage depths and flows do not comply with the pedestrian safety parameters set out in FNQROC/QUDM;
- k. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
- l. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;
- m. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building work with the necessary works being undertaken prior to commencement of use or issue of a compliance certificate for the plan of survey, whichever occurs first.

Acid Sulfate Soil Management Plan

- 12. 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 and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – 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 DNRW: '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.

Storage of Machinery and Plant

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

Demolish Structures

14. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

Access Easement/s

15. Demonstrate how the existing Access Easement will be maintained or provide advice on alternative access location and easement proposed to allow vehicle access and on-site manoeuvring for the adjacent property.

The access and easements are to be to the requirements and satisfaction of the Chief Executive Officer. A copy of any updated easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.

The approved easement documents must be lodged and registered with the Department of Natural Resources & Mines prior to the Commencement of Use.

Amalgamation of Lots

16. A Plan of Survey must be prepared amalgamating proposed Lot 202 having an area of 62.06 hectares with Lot 8 on NR153 into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.

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

Minimum Fill and Floor Levels

18. The site is to be filled generally in accordance with the Morton's Urban Solutions Bulk Earthworks plans (except where modified by the conditions). The fill level in the operations centre and caretakers is to be filled to 3.2m in accordance with the Bulk Fill drawings.

In addition, all habitable floor levels must be located 300 mm above the 1% AEP flood immunity level (Q100).

Sediment and Erosion Control

19. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Landscape Plan

20. The site must be landscaped generally in accordance with the Statement of Landscape Intent details and in accordance with a Landscaping Plan. All landscaping works must be contained on the site. The Landscaping Plan must show:
- a. A landscape buffer adjacent the Captain Cook Highway to screen the development when viewed from the Highway. The landscape buffer must have a minimum width of 10 metres unless otherwise approved by the Chief Executive Officer at the time of the assessment of the Landscape Plan.
 - b. A landscape buffer adjacent the northern boundary of Lot 8 on NR153 having a minimum width of 5 metres;
 - c. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time;
 - d. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
 - e. Detail the interface between landscaping works and the ponds and / road and drainage infrastructure;
 - f. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;
 - g. Details of any proposed fencing;
 - h. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

The Landscape Plan must be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Noise

21. The proposed activity must be conducted in a manner that -
- applies such reasonable and practicable means necessary to avoid, minimise or manage (in that order) the emission or likelihood of emission of noise that constitutes an intrusive or nuisance noise; and
 - achieves the acoustic quality objectives of the Environmental Protection (Noise) Policy 2008.

Air Quality

22. The activity must be conducted in a manner that –
- does not cause an environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of odour, fumes, smoke, vapour, steam, particulate matter or other emissions to the air; and
 - is consistent with achieving the air quality objectives of the Environmental Protection (Air) Policy 2008.

B. CONDITIONS APPLICABLE TO RECONFIGURING A LOT (BOUNDARY REALIGNMENT) APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
Proposed Reconfiguration	Drawing No. 5555 P ROL 02	15 February 2015
Proposal Plan	Drawing No. 5555 P PP 100 Issue A	19 August 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:
- The specifications, facts and circumstances as set out in the application submitted to Council; and
 - 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.

Existing Services

3. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
- a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

C. CONDITIONS APPLICABLE TO OPERATIONAL WORKS (BULK EARTHWORKS)

The standard conditions are shown in Appendix A and must be read in conjunction with any approved plans and project specific conditions identified below.

The information or amended drawings required in accordance with these conditions must be submitted and approved prior to the pre-start meeting unless otherwise noted.

The information or amended drawings required in accordance with these conditions must be submitted and approved prior to the pre-start meeting unless otherwise noted.

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

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

Drawing or Document	Reference	Date
General		
307-01-000	Cover Sheet	2/03/2016
307-01-001	General Notes and Legend	24/06/2015
307-01-003	Key Plan	24/06/2015
307-01-005	Existing Surface Plan- Sheet 01	24/06/2015
307-01-006	Existing Surface Plan- Sheet 02	24/06/2015

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307-01-007	Existing Surface Plan- Sheet 03	24/06/2015
Sediment and Erosion		
307-01-010	Control Plan Sheet 01	26/06/2015
307-01-011	Control Plan Sheet 02	26/06/2015
307-01-012	Control Plan Sheet 03	26/06/2015
307-01-013	Control Plan Sheet 04	26/06/2015
307-01-014	Control Plan Sheet 05	26/06/2015
307-01-015	Control Plan Sheet 06	26/06/2015
307-01-016	Control Plan Sheet 07	26/06/2015
307-01-017	Control Plan Sheet 08	26/06/2015
Bulk Earthworks		
307-01-030	Cut Fill Plan-Sheet 01	26/06/2015
307-01-031	Cut Fill Plan-Sheet 02	26/06/2015
307-01-032	Cut Fill Plan-Sheet 03	26/06/2015
307-01-033	Cut Fill Plan-Sheet 04	26/06/2015
307-01-034	Cut Fill Plan-Sheet 05	26/06/2015
307-01-035	Cut Fill Plan-Sheet 06	26/06/2015
307-01-036	Cut Fill Plan-Sheet 07	26/06/2015
307-01-037	Cut Fill Plan-Sheet 08	26/06/2015
307-01-050	Earthworks Sections Key Plan	24/06/2015
307-01-051	Bulk Earthworks Sections Sheet 01	24/06/2015
307-01-052	Bulk Earthworks Sections Sheet 02	24/06/2015
307-01-053	Bulk Earthworks Sections Sheet 03	24/06/2015

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Typical Sections and Details		
307-01-090	Sheet 01	24/06/2015
307-01-091	Sheet 02	24/06/2015

ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:

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 request for a Pre-Start Meeting unless except where specified otherwise in these conditions of approval.

General

3. This Decision Notice should be read in conjunction with the following;
 - o Reconfiguring a Lot conditions;
 - o Material Change of Use conditions.
4. This Operational Work Permit Covers:
 - o Earthworks
 - o Drainage (overland flow)

All works not explicitly covered by this approval are required to be covered by a separate operational works approval. It should be noted that additional works approval will need to be sought for roadworks and public utility service works.

Earthworks - Amendment to design

5. The extent of works is to be revised to ensure that all earthworks for the ponds are wholly contained within the applicant's land. The extent of works on the north west boundary is to be revised to ensure that a 3.0m access and maintenance track is provided on the property side of the road boundary (between drainage channel and toe of the pond batter). The access and maintenance track is to be wholly contained within the applicant's land.

DECISION NOTICE DETAILS
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6. Confirm (with site survey) the presence of the existing drainage channel along the Lot 201/Lot 7 Property Boundary in relation to the proposed works. The survey is to identify trees of diameter 100mm or greater.
7. The earthworks on the Mortons Urban Solutions drawings are to be amended to comply with the footprint per the Gassman Development Perspectives Drawing 5555 PPP 100 dated 19 Dec 2014, unless otherwise approved by Council. In particular, the filled pad for the operations centre and the Northern ponds is to be clear of the vegetation and drainage along the existing boundary between lot 7 and Lot 201.

Three (3) copies of the amended plans of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. The work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

8. The applicant is to provide clarification on the earthworks volumes and to confirm if the proposed earthworks are surplus, balance or imported. Supporting information is to include the volume calculations with outputs from a 3 dimensional design package. Calculations are to confirm the volume of topsoil stripping material and/or material not suitable for bulk filling and to confirm how this material will be managed and stored on site or the approved disposal facility if exported from the site.

If the proposed earthworks are not in balance with either surplus material to be exported or additional material to be imported, the volumes are to be advised to Council. Prior to the commencement of filling, the applicant/contractor is to confirm the alternative borrow or fill site has appropriate approvals in place to remove or receive material.

9. Subject to the advice in Condition # above, if material is to be imported or exported, the applicant is to prepare a plan of the Haul route. Where the haul route utilises Council Roads, the applicant is to prepare a Road Condition Report of the proposed haulage route indicating all existing problems with the roadway along the identified haul route. On completion, the haul route shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. If any additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer. The report is to contain (but not limited to): location of existing deficiencies of the roadway and site photos of the route especially at areas where turning movements will occur.

Access Easement/s

10. The applicant is to demonstrate how the existing access easement A/SP22765 will be maintained during and after the completion of the proposed operational works. Reference is made to Condition 15 of the Material Change of Use.
11. In the event that the application seeks to amend the location of the access easement and/or nominates alternative access arrangements either temporarily or permanently, these details are to be provided to Council for review.

Roadworks

12. The applicant is to nominate the proposed timing for the upgrade to the external road between the site entry and the Captain Cook Highway.

If roadworks are not intended until completion of the bulk earthworks, demonstrate that construction vehicles can safely enter and exit the site.

Drainage

13. The Bulk Earthworks profiles and footprint is subject to the review of the drainage study as required in the conditions of the Material Change of Use Decision Notice.

The study must be endorsed by the Chief Executive Officer prior to the commencement of construction of the earthworks on site.

Any changes to the scope of works and the engineering plans that are required as a result of the approved drainage study must be detailed on amended plans to be approved prior to the commencement of the works.

Erosion and Sediment Control

14. An Erosion and Sediment Control (ESC) plan is to be prepared and certified by a suitability qualified person (Certified Professional in Erosion and Sediment Control or suitable equivalent person) and submitted to Council prior to commencement of any works. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress. In particular the ESC plan must define roles and responsibilities on site for the day to day management of the active work site including such items as monitoring weather forecasts, preparing the site for imminent weather events and post event assessment of effectiveness of measures with the plan updated and amended regularly to suit the work staging. The erosion and sediment control plan at a minimum must address the following;

- a. Construction traffic entry/exit points and control measures;
- b. Internal haul routes;
- c. Dividing the site into hydraulically manageable drainage areas;
- d. Proposed sequencing and staging (by footprint) of works to minimise soil disturbance at any one time;
- e. Define the extent of soil disturbance for each stage;
- f. Proposed installation sequence for ESC measures;
- g. Control of clean water upstream of the site;
- h. Control erosion on disturbed areas;
- i. Control of runoff within active worksite;
- j. Location of and types of sediment traps and basins within the site;

- k. Control sediment runoff at site boundary;
- l. Site revegetation and rehabilitation requirements, (including a staged revegetation plan);
- m. Assess the potential for inundation of the active work area during tidal events (Highest Astronomical Tide) and rainfall events and identification of management measures to address this;
- n. identification of roles and responsibilities on site;
- o. identification of end of day controls.

The Erosion and Sediment Control Plan must be prepared and submitted to Council for Council's records prior to commencement of works on site. Council may request advice on the suitability of measures, however, it will remain the responsibility of the Contractor's CPESC and/or RPEQ to ensure the measures are adequate for the works occurring on site.

The erosion and sediment control measures must be installed/implemented prior to discharge of water from the site, such that stormwater flow from the site does not adversely affect surrounding or downstream properties or waterway systems (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Acid Sulfate Soils Management Plan

15. An Acid Sulfate Soils Management Plan is to be prepared which, amongst other things, is to address:
- a. bunding and drainage of areas of disturbance;
 - b. control and monitoring of any run-off water that is collected by this bunding or drainage; and
 - c. regular inspections.

The findings of the Acid Sulfate Soil investigation with respect to the control and monitoring of ground water for de-watering extraction are to be addressed in the Management Plan.

The Acid Sulfate Soils Management plan is to be supplied to Council prior to the commencement of earthworks.

APPENDIX A – STANDARD CONDITIONS (WHERE DIRECTLY APPLICABLE)

1. The proposed works are permitted subject to any alterations:
- a. Found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements; and.

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- b. To ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and.
- c. To comply with project specific conditions and the following standard conditions of approval.

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

- 2. The conditions of any Reconfiguration of Lot or Material Change of Use permits applicable shall be complied with in conjunction with this development permit.
- 3. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- 4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.
- 5. If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.
- 6. Work and or Technical Documents identified within these Development Approval Conditions are nominated as requiring Compliance Assessment under section 398 of the Sustainable Planning Act 2009. In particular, As-Constructed Water, Stormwater & Sewerage Plans must be submitted to the Compliance Assessor (Douglas Shire Council) on the approved form (Form 32) and will be assessed against the provisions of Councils FNQROC Development Manual. Council must issue a Compliance Certificate for the assessable Documents prior to granting Early Plan Sealing or Plan Sealing of a Subdivision Plan or the issue of a Works Acceptance Certificate, whichever occurs first.

Timing of Effect

- 7. The conditions of this development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval, or at Council's discretion.

Easement Documentation

- 8. Easement documents are to be submitted to Council's Solicitors for checking in accordance with the conditions of the Development Permit. In this instance.

Portable Long Service Leave Notification

9. As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$80,000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.

Construction Security Bond

10. Lodgement of Construction Security Bond as per the FNQROC Development Manual, Section CP1.07, (i.e., 5% of the value of the works) is required, prior to commencement of work. The bond shall be in favour of Council and in the format of cash or an unconditional bank guarantee, which must cover all aspects of the construction and have no termination date.

Third Party Agreement

11. The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.

Commencement of Works

12. Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance with Section CP1.07, CP1.08 and Section CP1.09, of FNQROC Development Manual.

Construction Monitoring Fee

13. Payment of the Construction Monitoring Fee is required prior to work commencing. This figure is based on a \$1,604.00 base fee, plus \$143.00/lot.

Hours of Work

14. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - a. 7.00am to 6.00pm, Monday to Friday;
 - b. 7.00am to 1.00pm Saturdays;
 - c. No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Public Notification of the Works

15. The developer or the nominated representative must provide:
 - a. Public notification of the development in local newspapers in accordance with Section CP1.11 of the FNQROC Development Manual.

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- b. Signage identifying the location of the project, general allotment layout, contact numbers (including out of office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.

Site Inspections

- 16. Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of FNQROC Development Manual. These Witness and Hold points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.

Soil and Water Management

- 17. All works must be in accordance with Section CP1.13 and D5 of the FNQROC Development Manual, and must comply with the following:
 - a. A copy of the contractors Erosion and Sediment Control (ESC) Plan is to be submitted to Council and endorsed by the Consulting Engineer, prior to commencement of any works. In particular, the ESC Plan must address the Institution of Engineers Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress.
 - b. Any dewatering activities will require approval from Council, telephone 07 4099 4999, and a valid permit obtained prior to commencement.
 - c. During the construction period, the Consulting Engineer shall randomly audit and inspect ESC measures for compliance with the Engineer endorsed Contractors ESC Plan, derived from the Engineers ESC Strategy (As per FNQROC CP1 Appendix A).
 - d. It is the Contractors responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.
 - e. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.
 - f. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

Infrastructure Plans for Utility Services

18. Approved infrastructure plans for gas, electrical and telecommunications services must be endorsed by Council, prior to the commencement of associated works.

Landscaping General

19. Landscaping shall be provided in accordance with Part D9 and Part S8 of the FNQROC Development Manual, unless approved otherwise by Council.
20. The landscaping works must be constructed in accordance with the approved plans and conditions. The developer must seek approval in writing from the Council for any changes to the plan or the landscaping works on the site. This approval must be obtained prior to commencement of these works on site.
21. The landscape must be maintained in good order by the developer for at least three months during the Works Acceptance period, and generally timed to coincide with the Final Works Acceptance Inspection, when all landscaping works must be in a condition suitable for Council to commence regular maintenance.

Structures and Retaining Walls

22. Separate building certification and/or structural certification is required for any works to alter existing structures, provide new structures or construct retaining walls that are over 900mm high. Certification by a suitably qualified engineer must be provided, prior to opening the work site to the public.

The Location of Stormwater Quality Interception Devices (SQIDS)

23. Council must approve the location of any SQIDS prior to installation. They shall be positioned to allow for economic and efficient maintenance operations, and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access from the public road reserve to the SQID must remain unrestricted.

Sewer and Water

24. All water and sewerage works must be in accordance with Sections D6 and D7 of FNQROC Development Manual, and must comply with the following:
 - a. Council requires a minimum of five (5) working days notice of intention to commence water and sewerage related works. The notice shall be given to the Plumbing Inspector at Council either in writing, by telephone (07) 4099 9444 or email to enquiries@douglas.qld.gov.au prior to the commencement of works.
 - b. The developer shall be responsible for confirming the location of all existing sewer, water and utility service infrastructure prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.

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- c. Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice.

Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.

- d. All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of the FNQROC Development Manual. Works are to be certified as acceptable by Council, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.
- e. Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice. Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.
- f. All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of Council's FNQROC Development Manual. Works are to be certified as acceptable by Council, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.

Water

- 25. Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall be made to Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Council's "Application for a Water Service Connection".
 - a. Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.
 - b. The Inspection and Test Plan must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.
 - c. Minimum clearances between water mains and other services must be in accordance with the Water Supply Code of Australia in particular the

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minimum clearance between water mains and sewer mains must be 500mm with the sewer under the water main.

- d. As-constructed water drawings must be approved prior to Issue of a Works Acceptance Certificate. The as-constructed submission is to include the "Statement of Compliance – As-constructed Documentation" and must be the final issue.

Roads and Footpaths

26. All works are to be designed and constructed in accordance with AS 1428.1-2001: 'Design for access and mobility' - General requirements for access - New building work, and associated standard AS/NZS 1428.4 2002, 'Design for Access and Mobility' - Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSI's) where required.

Cultural Heritage

27. The Aboriginal Cultural Heritage Act 2003 seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from Department of Environment & Heritage Protection (DEHP) and can be downloaded from their website at www.dehp.qld.gov.au. The work identified in the project documentation is likely to require assessment of the site under the Act.

RIGHTS OF APPEAL

Attached

End of Decision Notice

ATTACHMENTS: Included Separately

YOUR REF: 5555:BC
OUR REF: CA 1044/2015 (777079)

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

16 June 2016

Gold Coast Marine Aquaculture
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
CAPTAIN COOK HIGHWAY KILLALOE**

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

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

These charges are payable prior to the change of use occurring in accordance with section 648H of the Act.

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

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

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9451.

Yours faithfully



Paul Hoyer
General Manager Operations

Att

INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL	2006 & 2008 Douglas Shire Planning Schemes Application
INFRASTRUCTURE CHARGES NOTICE	

Gold Coast Marine Aquaculture	0	0
DEVELOPERS NAME	ESTATE NAME	STAGE
Captain Cook Highway	Killisnoe	8NR153, 2015P22276S, 7RP846341
STREET No. & NAME	SUBURB	5000, 151233, 5004
Combined; ROL, MCU, Cps Works	1044/2015	25-May-16
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (years)
775426	1	
DSC Reference Doc. No.	VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed	600	42.50	34,030.00	
		200	55.74	11,148.00	
		1	11,411.05	11,411.05	
	existing	0	0.00	0.00	
	Total		56,559.05		
Urban Areas - Water only	proposed	0	0.00	0.00	
		0	0.00	0.00	
	existing	0	0.00	0.00	
	Total		0.00		
Urban Areas - Water & Sewer	proposed	0	0.00	0.00	
		0	0.00	0.00	
	existing	0	0.00	0.00	
	Total		0.00		
TOTAL			56,559.05		

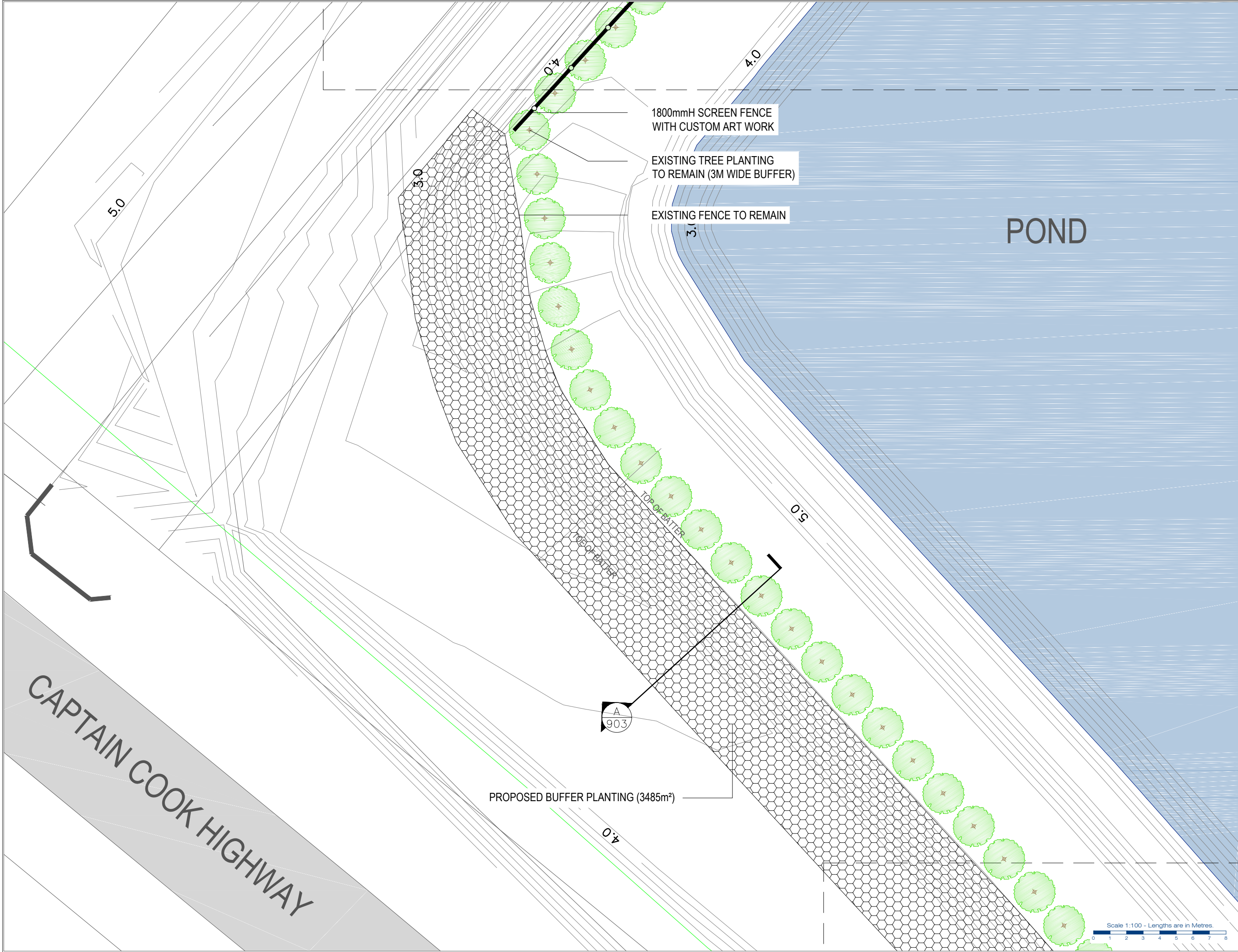
Prepared by	D Lamond	25-May-16	Amount Paid	
Checked by	N Beck	25-May-16	Date Paid	
Date Payable			Receipt No.	
Amendments	Use		Cashier	


Note:

The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the Sustainable Planning Act 2002 (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.

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





planning | environment | landscape | engineering | survey
T: 0807 5555 | F: 0807 5481 | www.gassman.com.au
Gold Coast & Logan | 75 Business Street, Yatala QLD 4207 Box 300, Queensland 4207

Client:

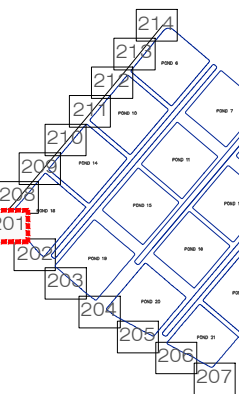
GOLD COAST MARINE
AQUACULTURE PTY LTD

Site Address:

CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765


Notes:

Key Plan:



Associated Consultants:

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Drawing Title:

LANDSCAPE PLAN

Rev	Date	Description	By	App
1	28-01-21	Final landscape plan	JS	BG
2	28-01-21	Final landscape plan	JS	BG

Scale at A1: 1:100 @ A1

Designed: JS

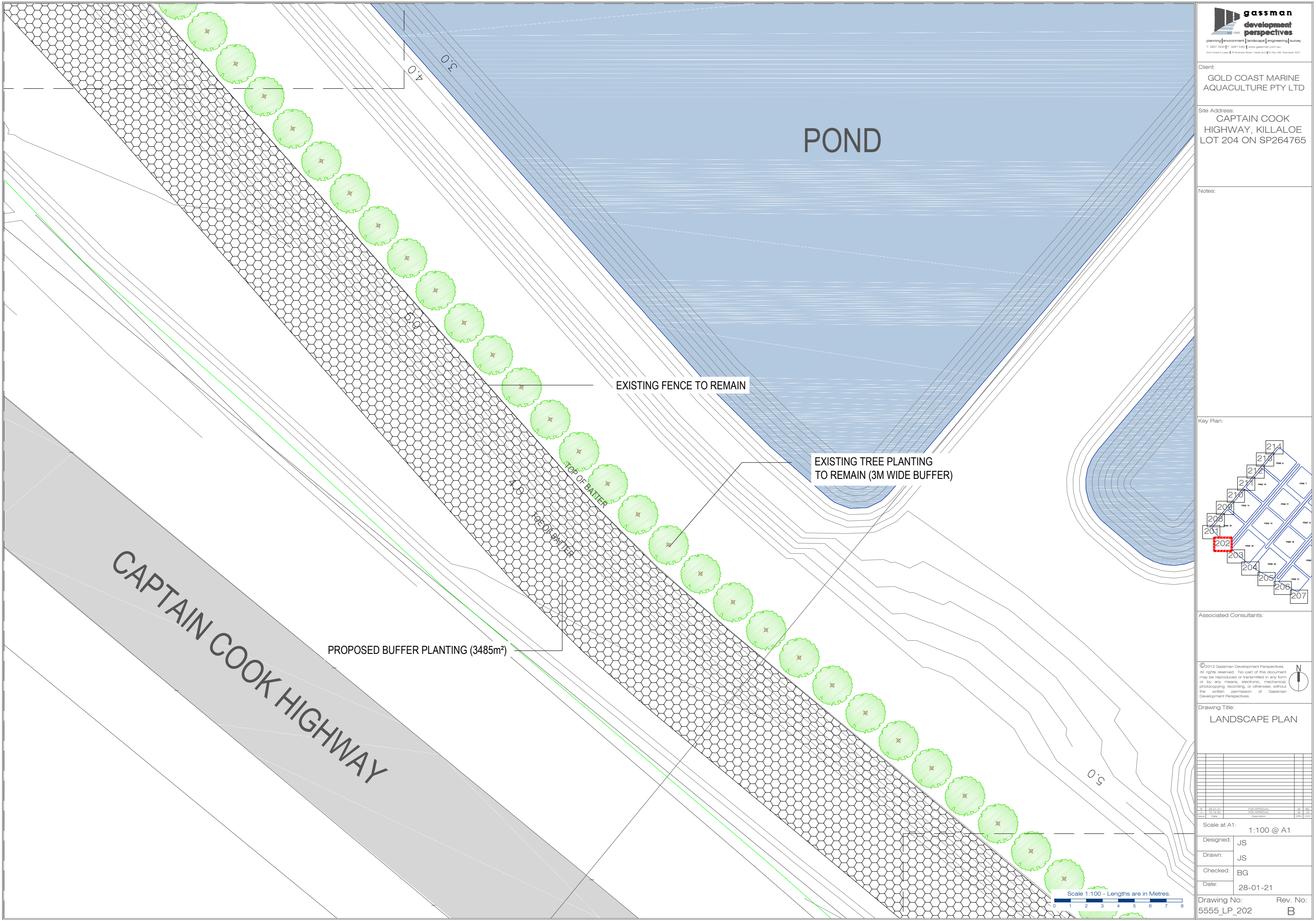
Drawn: JS

Checked: BG

Date: 28-01-21

Drawing No: 5555_LP_201

Rev. No: B

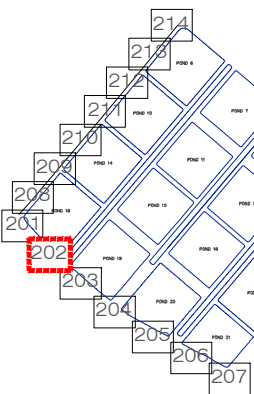


Client:
GOLD COAST MARINE
AQUACULTURE PTY LTD

Site Address:
CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:



Associated Consultants:

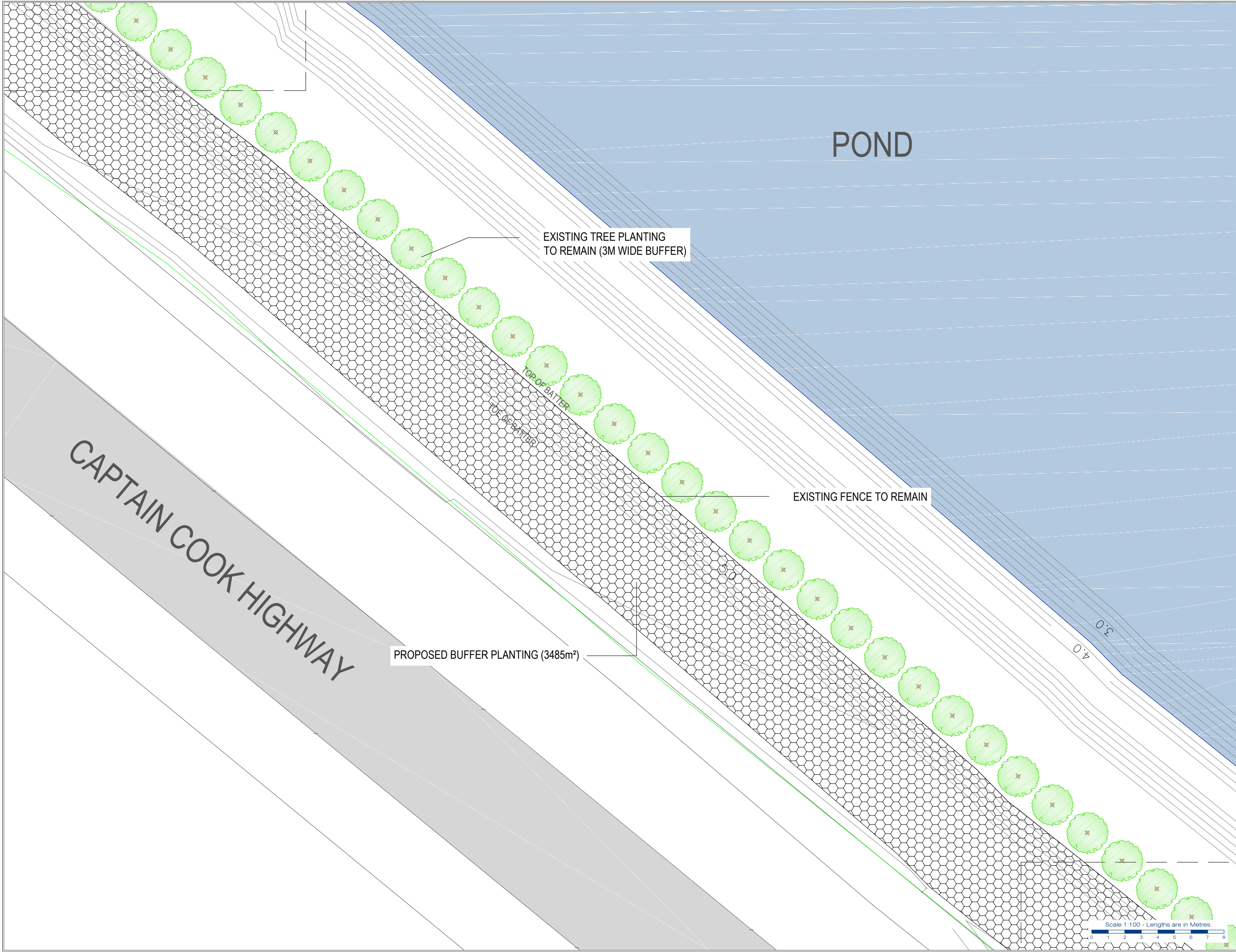
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Drawing Title:
LANDSCAPE PLAN

No.	Date	Description	By	Rev.
1	28-01-21	Final landscape plan	JS	1
2	28-01-21	Final landscape plan	JS	2

Scale at A1: 1:100 @ A1
Designed: JS
Drawn: JS
Checked: BG
Date: 28-01-21

Drawing No: 5555_LP_202
Rev. No: B



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Client:

GOLD COAST MARINE
AQUACULTURE PTY LTD

Site Address:

CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:

Associated Consultants:

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Drawing Title:

LANDSCAPE PLAN

Rev.	Date	Description	By	Check
1	28-01-21	Final landscape plan	JS	BG
2	28-01-21	Final landscape plan	JS	BG

Scale at A1:

1:100 @ A1

Designed: JS

Drawn: JS

Checked: BG

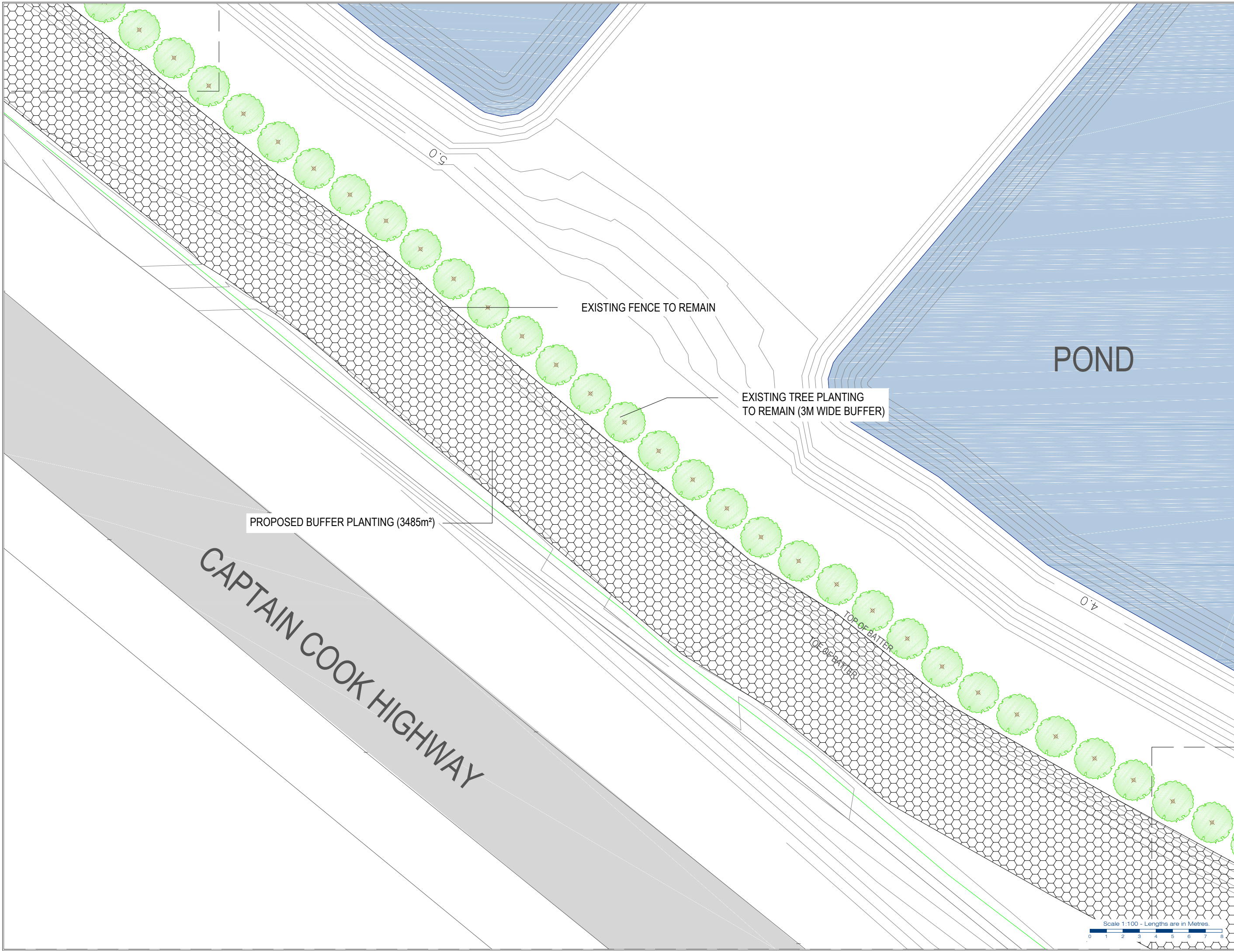
Date: 28-01-21

Drawing No:

5555_LP_203

Rev. No:

B



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Drawing Title:

LANDSCAPE PLAN

No.	Date	Description	By	Check
1	28-01-21	Final landscape plan	JS	BG
2	28-01-21	Final landscape plan	JS	BG

Scale at A1: 1:100 @ A1

Designed: JS

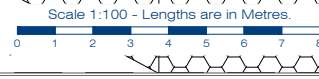
Drawn: JS

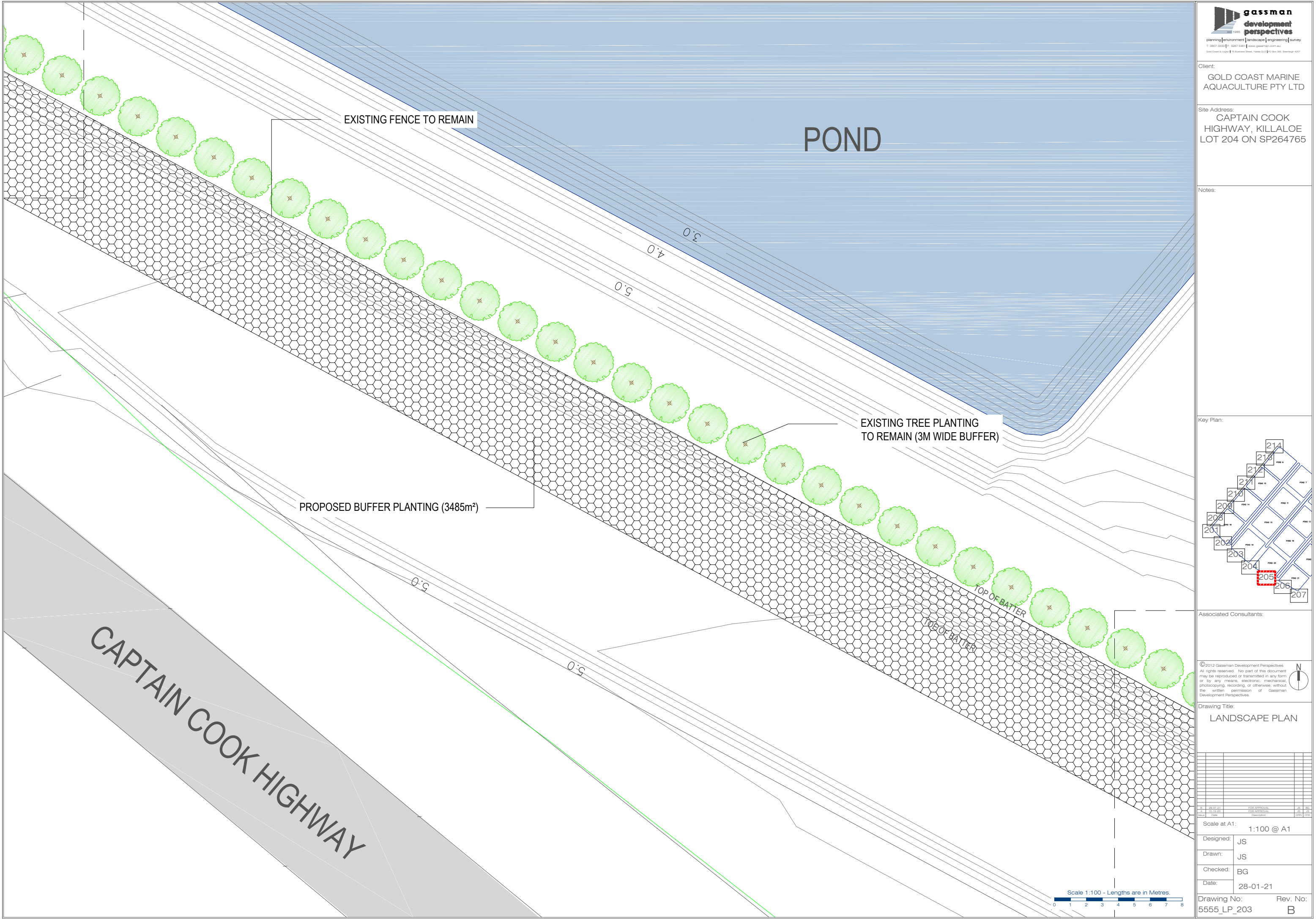
Checked: BG

Date: 28-01-21

Drawing No: 5555_LP_204

Rev. No: B



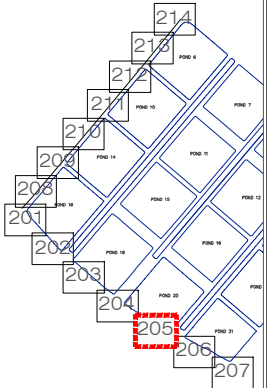


Client:
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Site Address:
CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:



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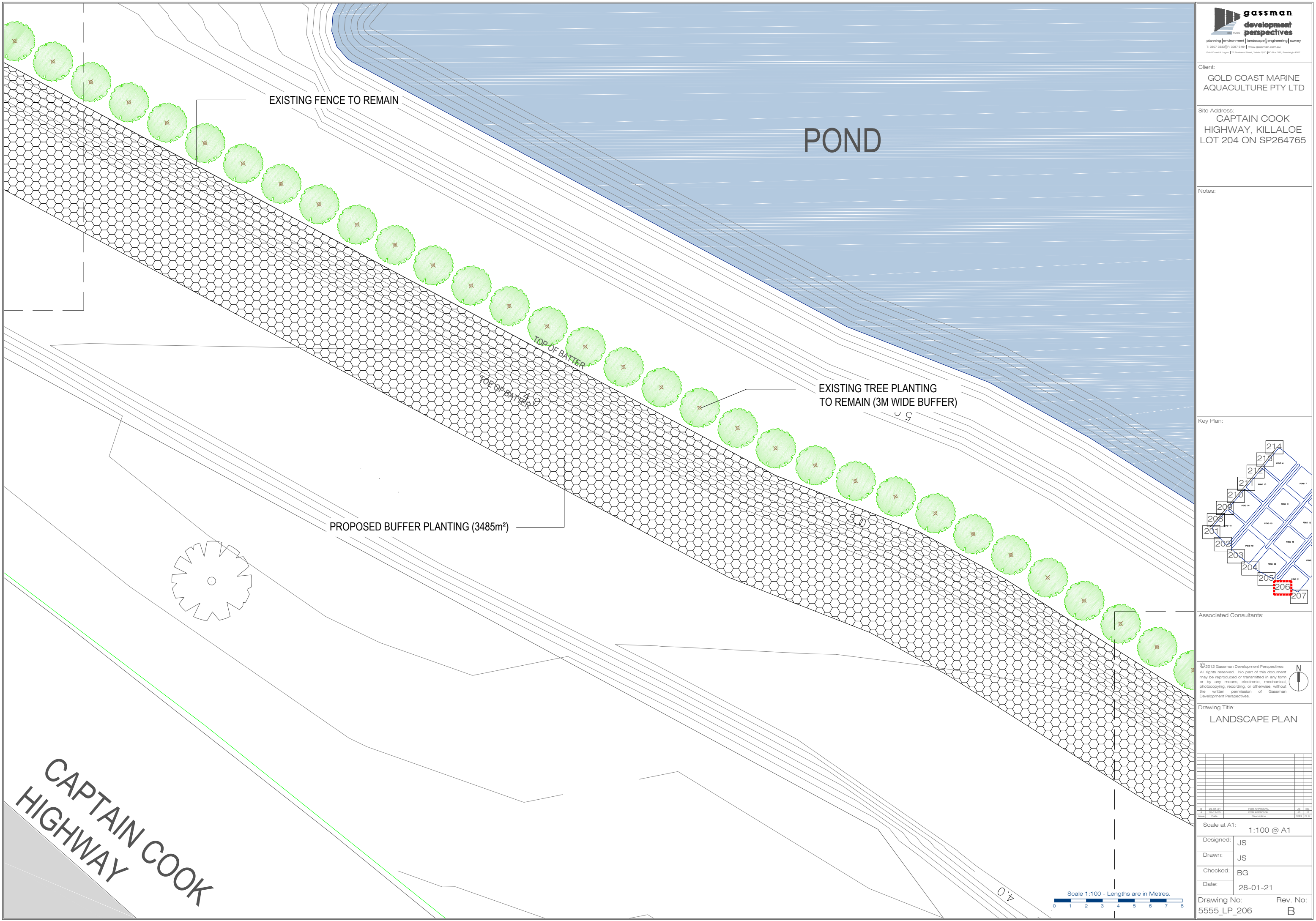
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Drawing Title:
LANDSCAPE PLAN

No.	Date	Description	By	Check
1	28-01-21	Final landscape plan	JS	BG
2	15-02-21	Final landscape plan	JS	BG

Scale at A1: 1:100 @ A1
Designed: JS
Drawn: JS
Checked: BG
Date: 28-01-21

Drawing No: 5555_LP_203
Rev. No: B



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Drawing Title:

LANDSCAPE PLAN

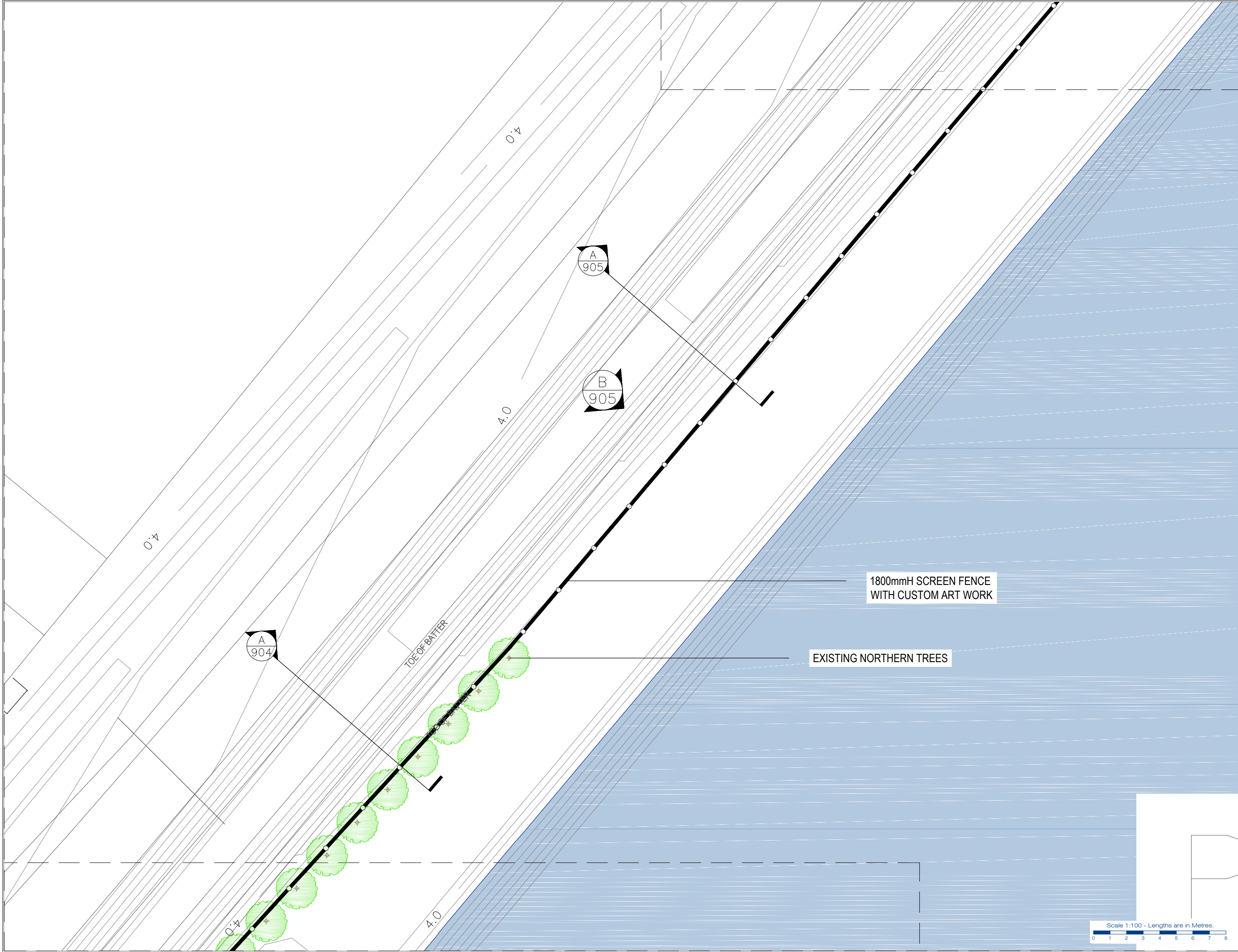
Rev	Date	Description	By	App
1	28-01-21	Final landscape plan	JS	BG
2	28-01-21	Final landscape plan	JS	BG


Scale at A1: 1:100 @ A1

Designed: JS
Drawn: JS
Checked: BG
Date: 28-01-21

Drawing No: 5555_LP_206
Rev. No: B







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Client:

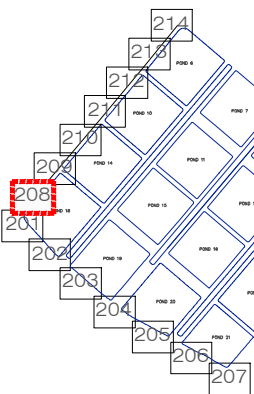
GOLD COAST MARINE
AQUACULTURE PTY LTD

Site Address:

CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765


Notes:

Key Plan:



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Drawing Title:

LANDSCAPE PLAN

Rev	Date	Description	By	Chk
1	28-01-21	FOR APPROVAL	JS	BG

Scale at A1:

1:100 @ A1

Designed: JS

Drawn: JS

Checked: BG

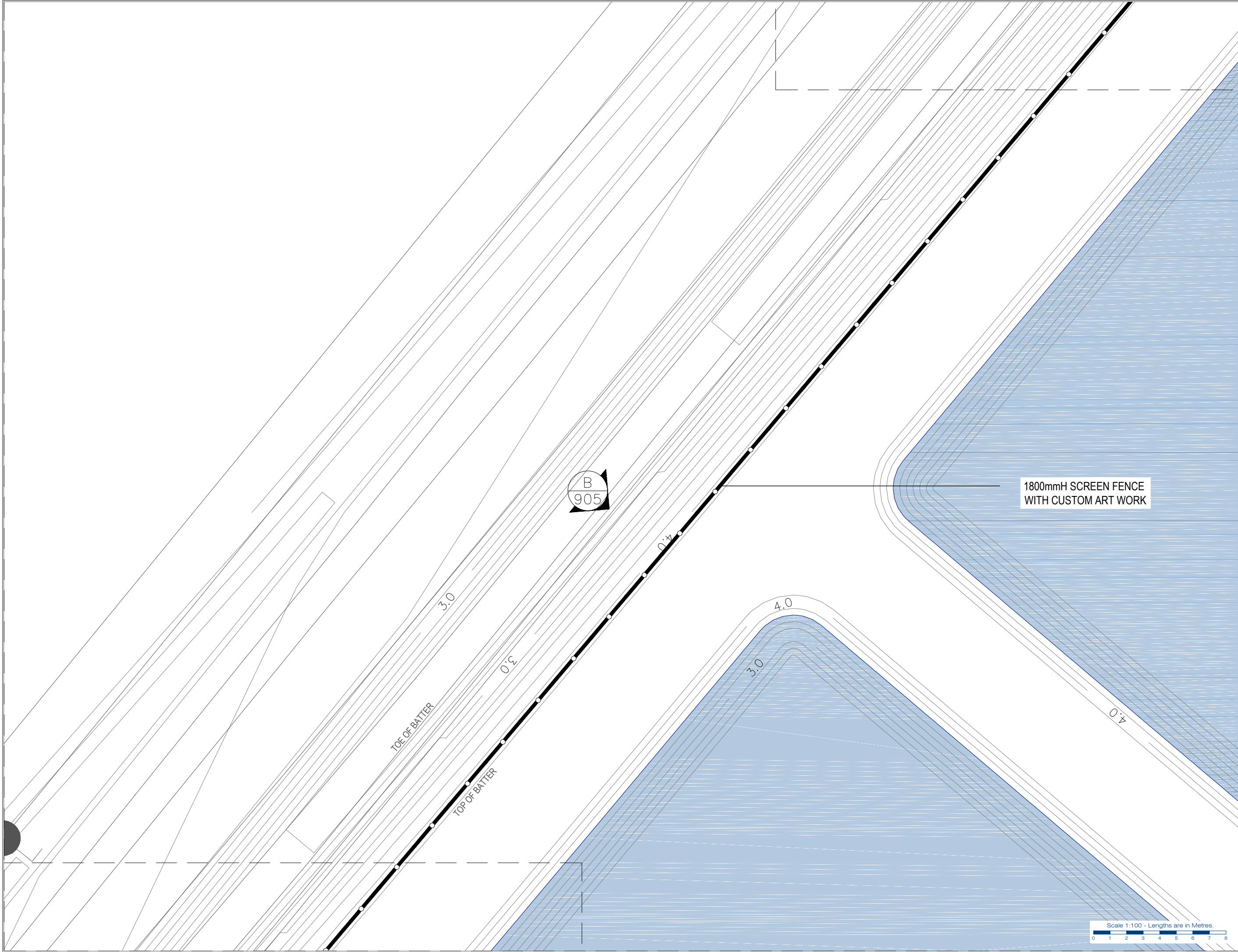
Date: 28-01-21


Drawing No:

5555_LP_208

Rev. No:

A





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Client:

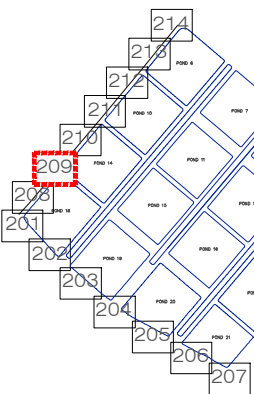
GOLD COAST MARINE
AQUACULTURE PTY LTD

Site Address:

CAPTAIN COOK
HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:



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Drawing Title:

LANDSCAPE PLAN

Rev.	Date	Description	By	Chk.
1	28-01-21	FOR APPROVAL	JS	BG

Scale at A1: 1:100 @ A1

Designed: JS

Drawn: JS

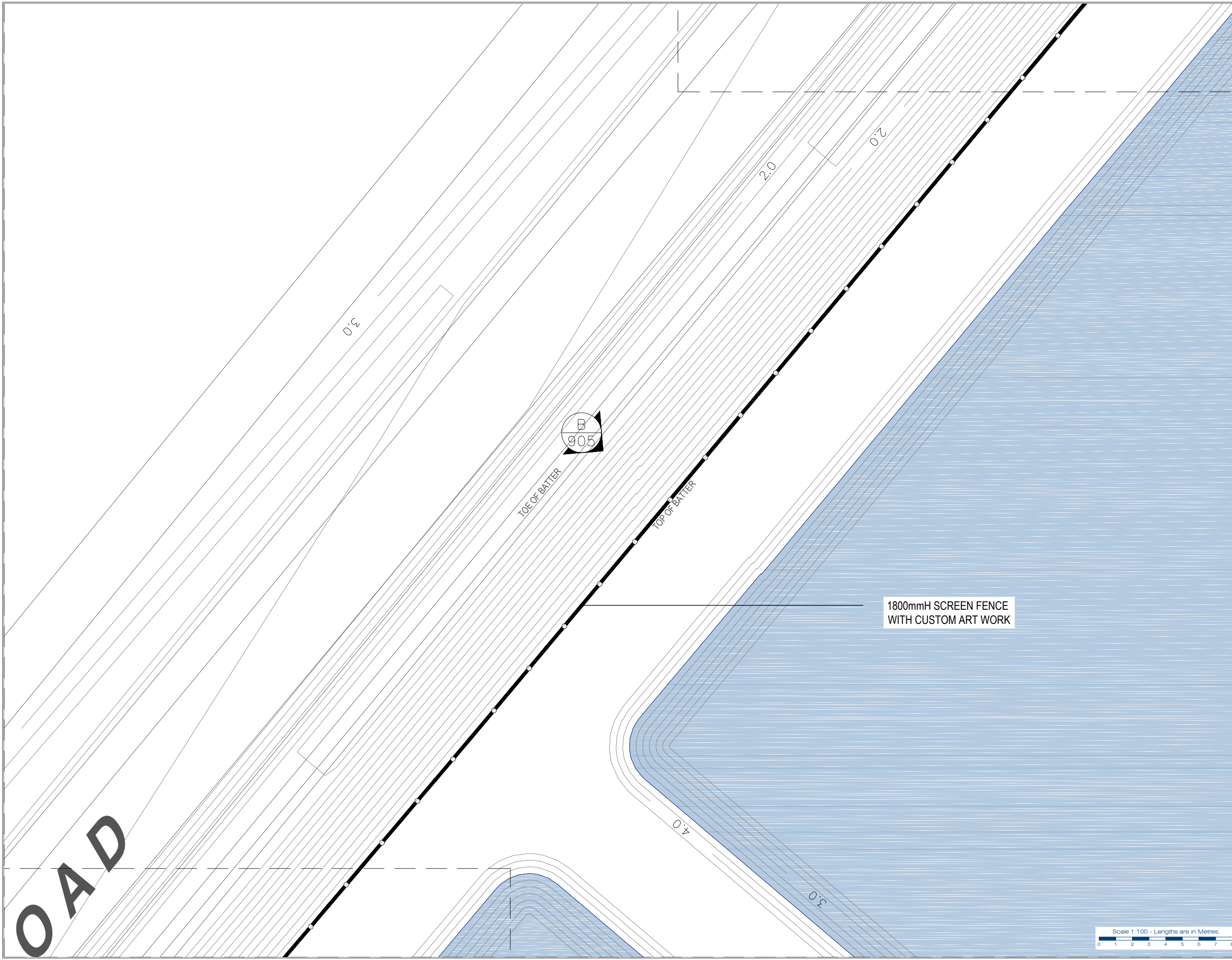
Checked: BG

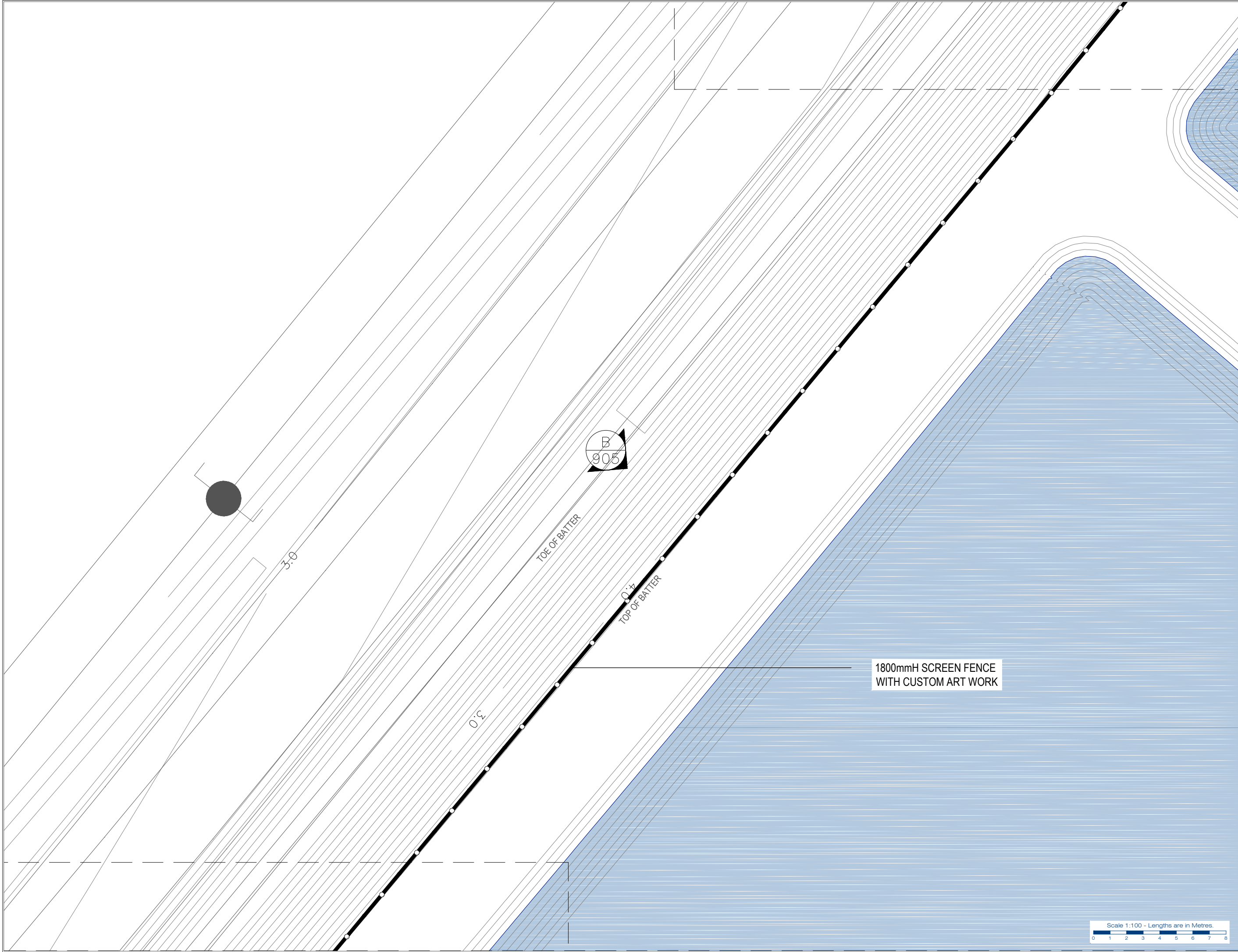
Date: 28-01-21


Drawing No: 5555_LP_209

Rev. No: A









planning [environment] [landscape] [engineering] [survey]
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Client:

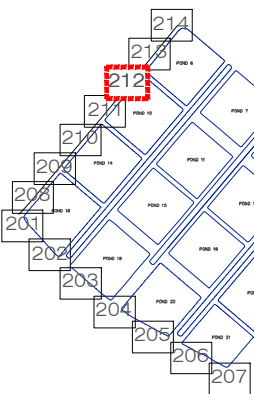
GOLD COAST MARINE
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Site Address:

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HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:



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Drawing Title:

LANDSCAPE PLAN

Rev.	Date	Description	By	App.
1	28-01-21	FOR APPROVAL	JS	BG

Scale at A1: 1:100 @ A1

Designed: JS

Drawn: JS

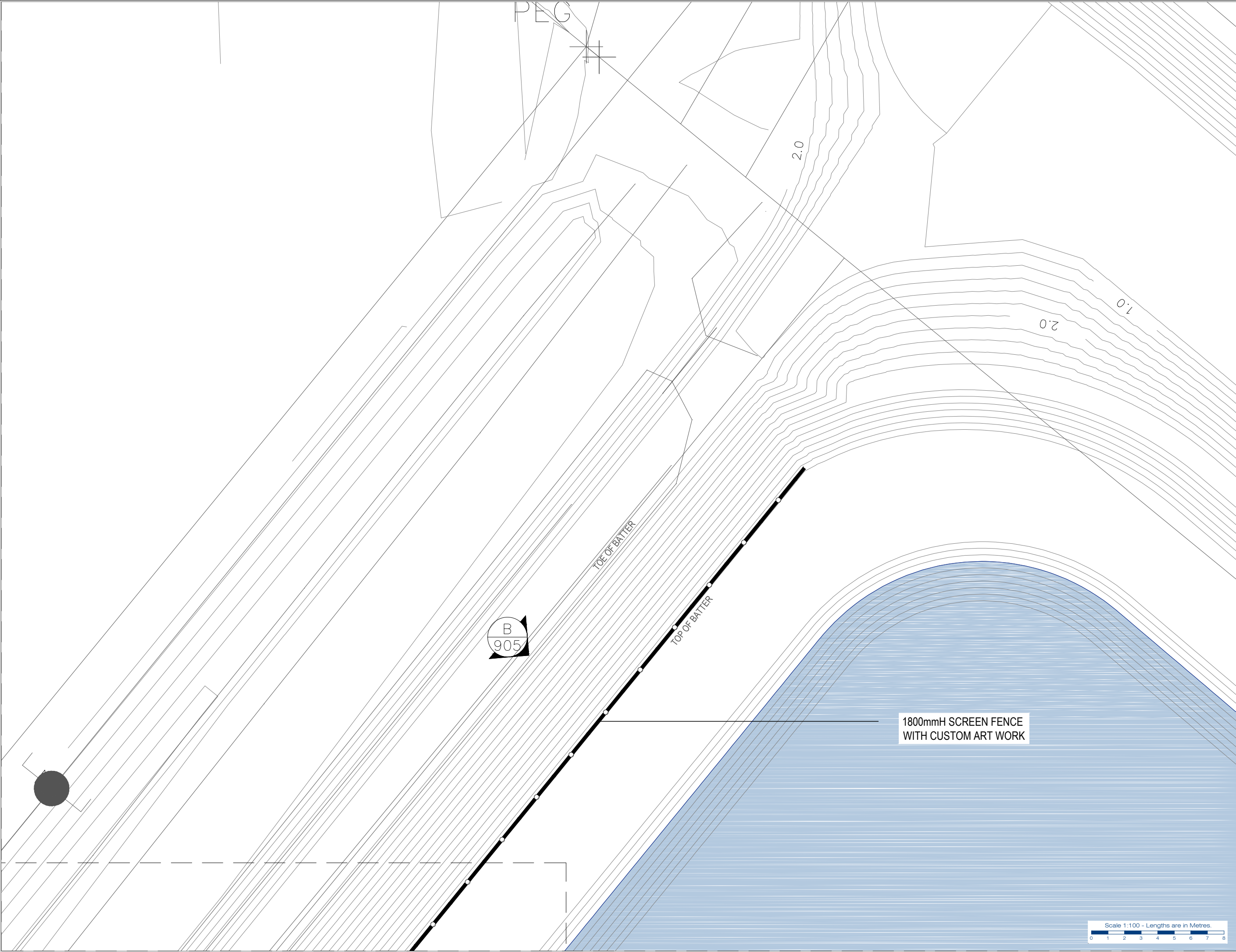
Checked: BG


Date: 28-01-21

Drawing No: 5555_LP_212

Rev. No: A







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planning | environment | landscape | engineering | survey

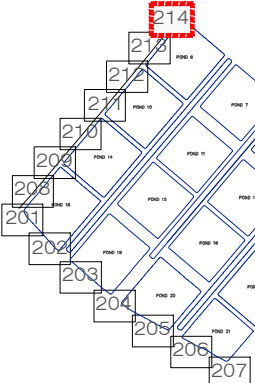
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Client:
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AQUACULTURE PTY LTD


Site Address:
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HIGHWAY, KILLALOE
LOT 204 ON SP264765

Notes:

Key Plan:

Associated Consultants:

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Drawing Title:
LANDSCAPE PLAN

Rev.	Date	Description	By	Chk.
1	28-01-21	FOR APPROVAL	JS	BG
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Scale at A1:
1:100 @ A1

Designed: JS
Drawn: JS
Checked: BG
Date: 28-01-21

Drawing No: 5555_LP_214
Rev. No: A

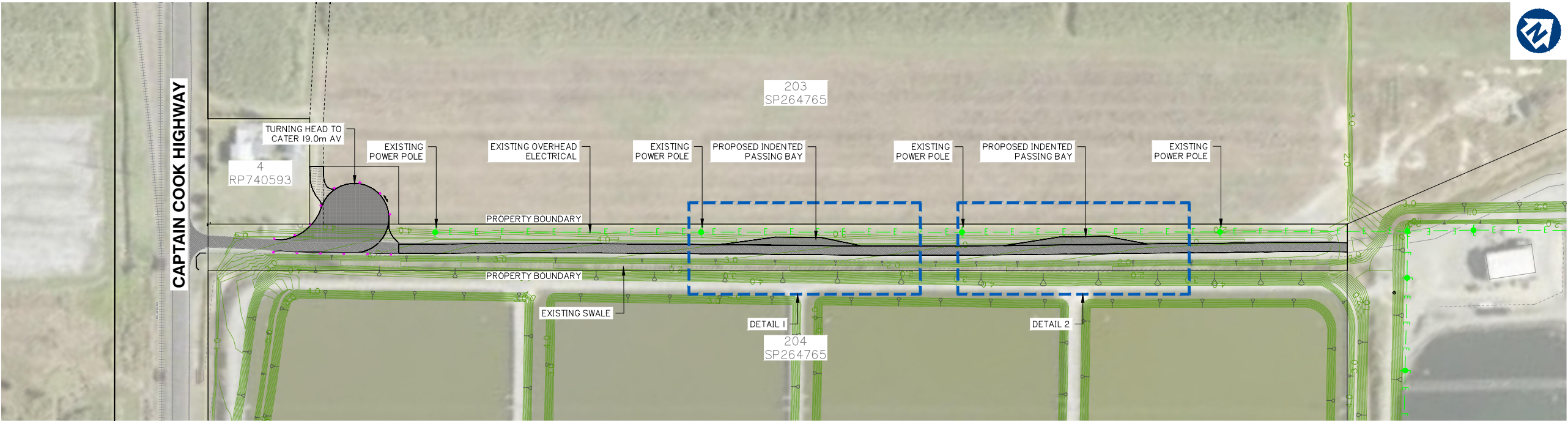
B BATTER PLANTING DETAILED GROUND PREPARATION
901 SCALE: 1:5 @ A3

Designed:	JS
Drawn:	JS
Checked:	BG
Date:	29-01-21

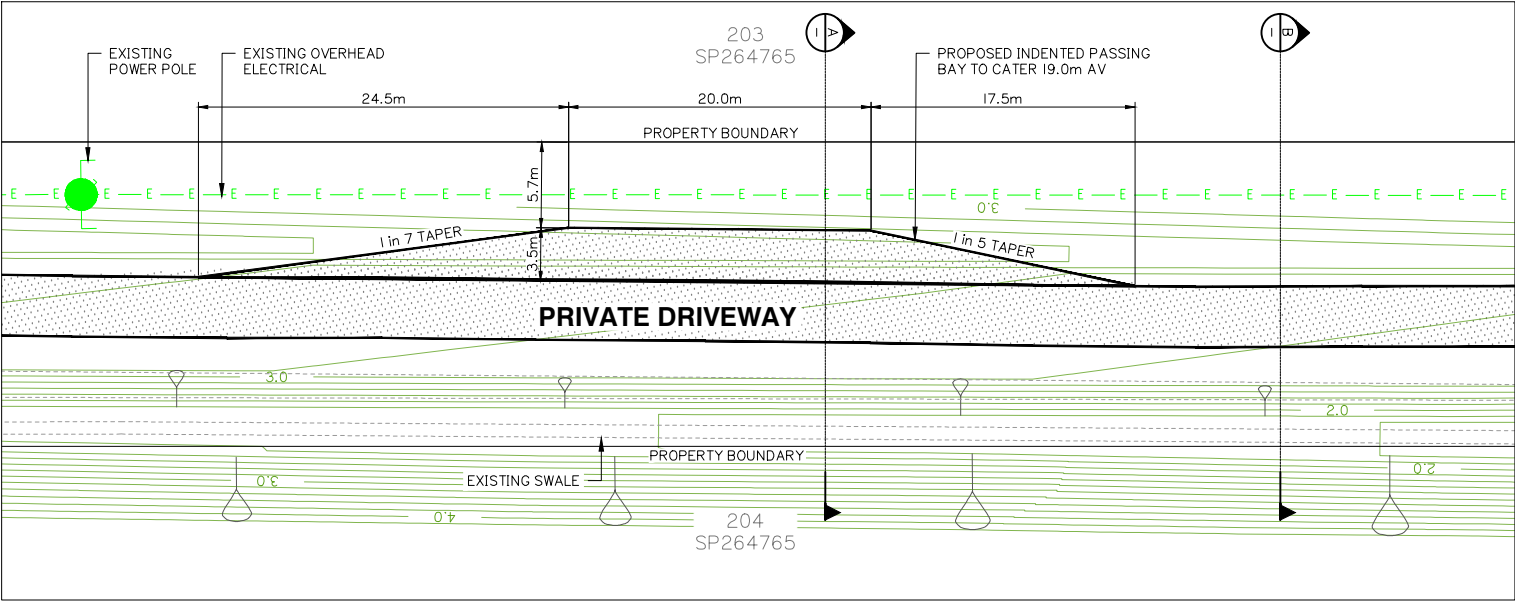
Drawing No: 555_DT_903 Rev. No: A

Drawing No:	Rev. No:
5555 DT 904	A

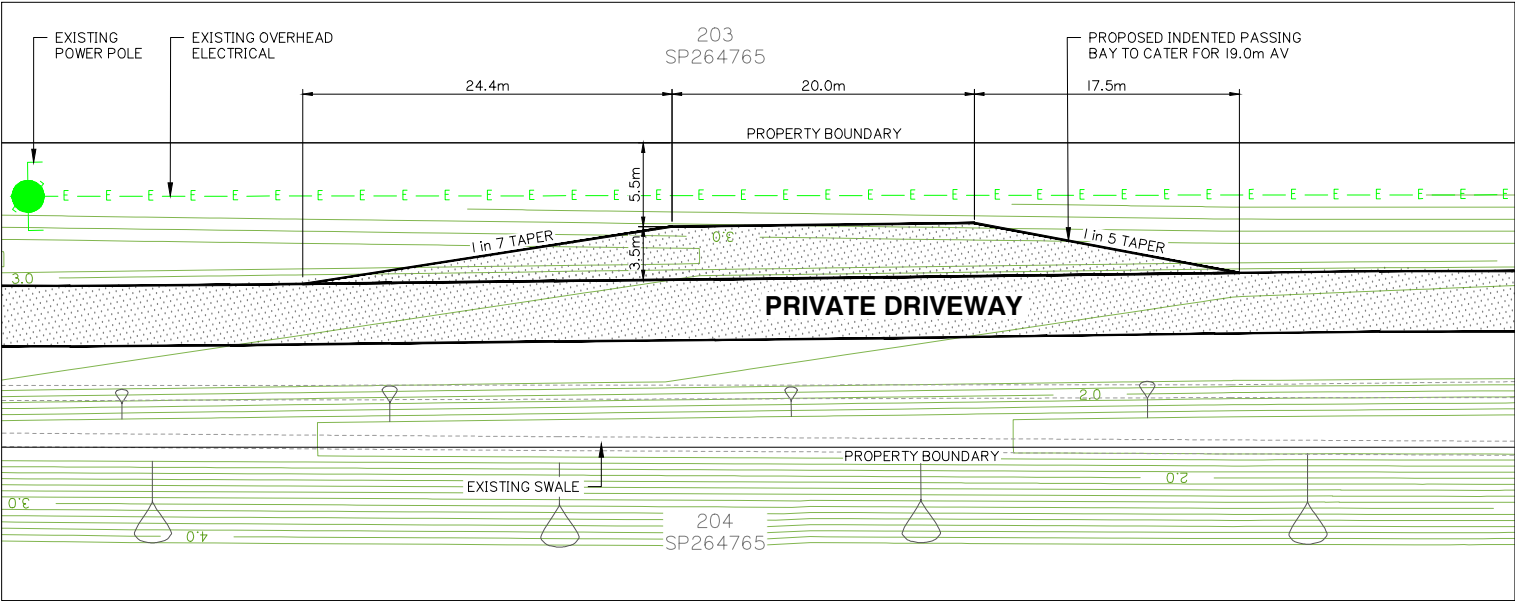
B	FENCE ELEVATION
905	1:20 @ A3



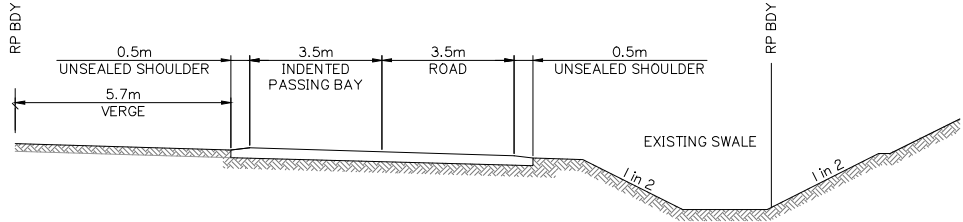
PRIVATE DRIVEWAY LAYOUT PLAN
SCALE 1:1000



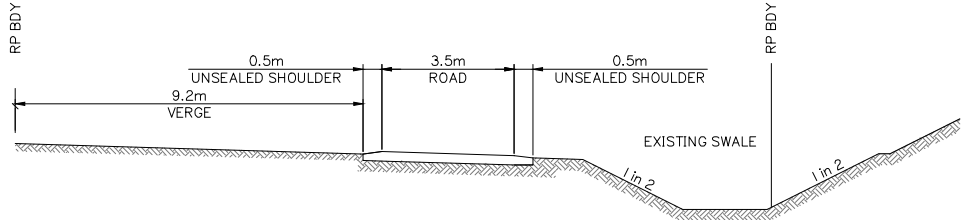
DETAIL 1
SCALE 1:250



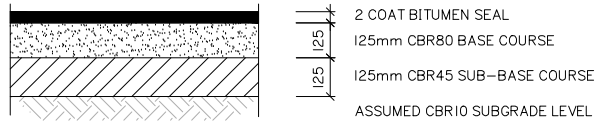
DETAIL 2
SCALE 1:250



TYPICAL SECTION A
NTS

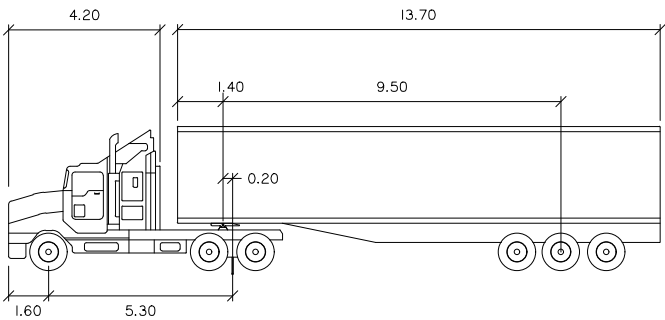


TYPICAL SECTION B
NTS



TYPICAL PAVEMENT PROFILE

N.T.S.
INDICATIVE ONLY. SUBJECT TO DETAIL DESIGN
AND INSITU SUBGRADE TESTING



PM S 19M

DESIGN VEHICLE
N.T.S.

Client:

GOLD COAST MARINE
AQUACULTURE PTY LTD

Project:

PRIVATE DRIVEWAY
CONCEPT DESIGN

Site Address:

CAPTAIN COOK HIGHWAY,
KILLALOE

THIS DRAWING IS INTENDED TO
BE PRINTED IN COLOUR

RPD:

Lot: 8
Plan: NR153
Local Authority: DOUGLAS SHIRE COUNCIL
Level Datum: AHD
Meridian: SP263592
Contour Interval: -
PSM: -
RL: -

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NOT FOR CONSTRUCTION

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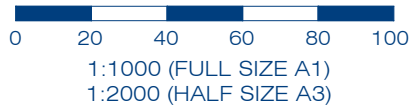
ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH GENERAL NOTES

DRAWING TITLE

PRIVATE DRIVEWAY
CONCEPT DESIGN

Issue	Date	Description	XX	MG	DRN	CHK
A	01-02-2021	ORIGINAL ISSUE				

SCALE IN METRES



Scale at A1:	1:1000
Designed:	
Drafted:	BA
Approved:	MG
RPEQ:	16939
Signed:	<i>Michael</i>
Date:	01-02-2021

Drawing No: 5555 ENG CP 001
Rev. No: A