

YOUR REF: J000085:WAKS:JLG (Stage 2 CBP Change)
OUR REF: CA 2876/2008 (454336)

6 May 2015

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention: Ms Kristy Gilvear

Dear Madam

**CHANGED DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR
15-41, 43 & 45 BEOR STREET, CRAIGLIE**

Your request for a permissible change to the Amended Decision Notice CA 61, issued by the former Douglas Shire Council on 13 August 2007, was determined by Council at the Ordinary Meeting held on 5 May 2015. Please find attached the Changed Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Changed Decision Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

ADDRESS

15-41, 43 & 45 Beor Street, Craiglie

REAL PROPERTY DESCRIPTION

Lots 37, 38 & 100 on SP248126

PROPOSAL

Reconfiguring a Lot (1 Lot into 19 Lots)

DECISION

1. Condition 20 is amended as follows:

20. Plan of Development

The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No	Date
Proposal Plan (stage 2)	8294- 40	21/9/06
<u>Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park</u>	<u>RPS Drawing No. PR108905-17</u>	<u>31 July 2014</u>

2. A new condition, 29A, is inserted after Condition 29 as follows:

29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

DECISION NOTICE DETAILS
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3. A new Condition 33A is inserted after Condition 33 as follows:

33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.

4. Condition 38 is amended as follows:

~~38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m² to the Paws and Claws organisation, together with \$200 000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.~~

~~With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated in the plan of development.~~

Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complimented with a financial deed of gift of \$200 000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

DECISION DATE

This Changed Decision Notice dated 5 May 2015 replaces the Amended Decision Notice dated 13 August 2007.

TYPE

Reconfiguration of a Lot (Development Permit)
Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

DECISION NOTICE DETAILS
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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)

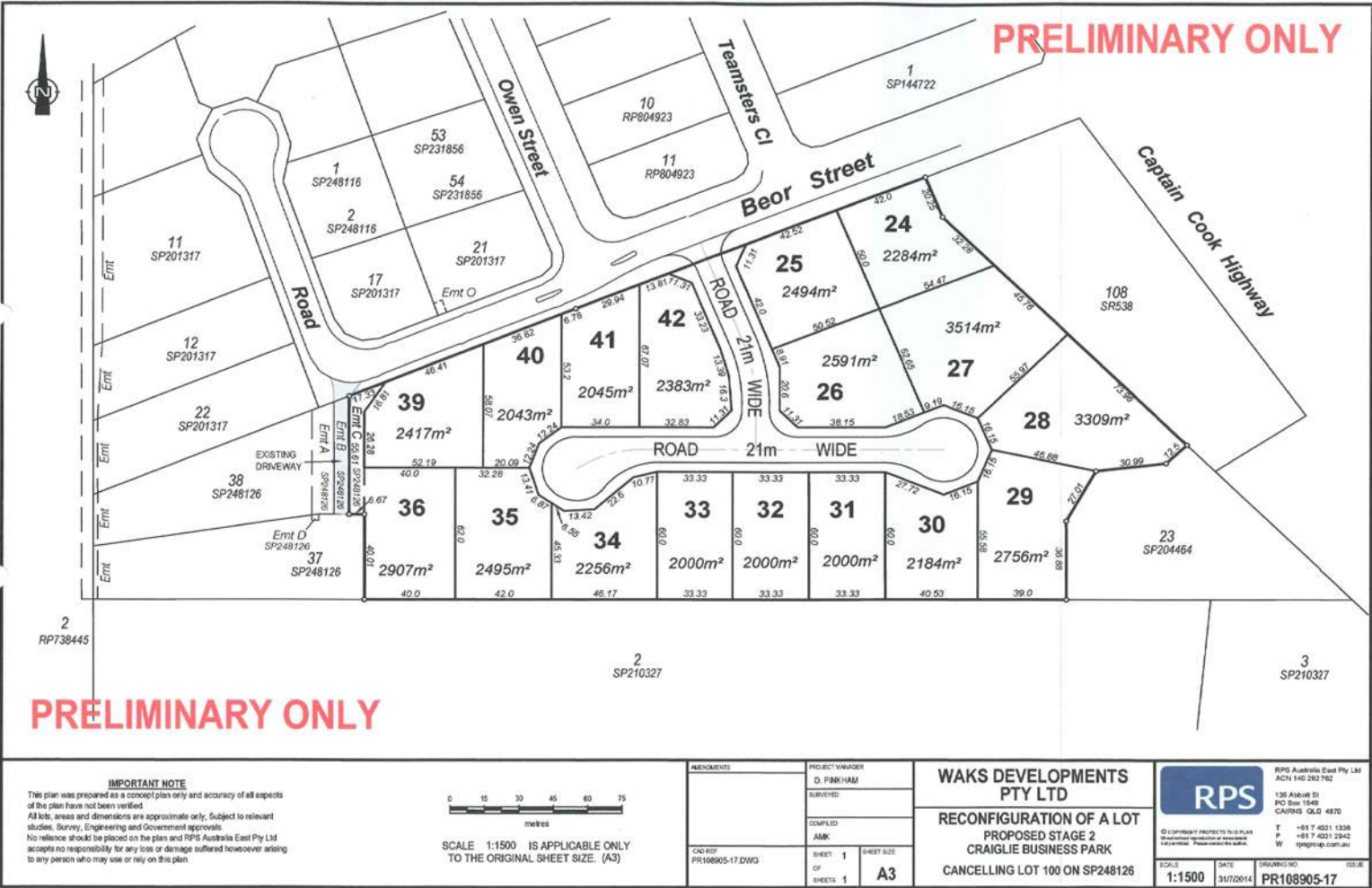
Not in conflict

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: APPROVED AMENDED PLAN(S) & DOCUMENT(S)



APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



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

Our reference: SPD-0814-010287
Your reference:

Date: 21 August 2014

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Ms Cardew

Notice about request for permissible change—relevant entity

43 Beor - Craiglie, Douglas Shire - QLD; 45 Beor - Craiglie, Douglas Shire - QLD;
(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 11 August 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- That Condition 20 of the Negotiated Decision Notice, issued 13 August 2007 change the referencing with respect to Plan No. 8294-10 dated 21/09/06 to Plan No. PR108905-17 dated 31/07/2014.
- In summary effectively: (a) altering access to lots 37 and 38; (b) modifying internal access for the balance of lots within Stage 2 to comply with FNQROC Development Manual

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

DECISION NOTICE DETAILS
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If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email angela.foster@dssip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc Waks Developments Pty Ltd
K/- Kristy Gilvear, Gilvear, Planning
kristy@gilvearplanning.com.au

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



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

Our reference : SPD-0814-010291
Your reference :

Date: 21 August 2014

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Ms Cardew

Notice about request to extend relevant period

43 Beor - Craiglie, Douglas Shire - QLD; 45 Beor - Craiglie, Douglas Shire - QLD;
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* on 11 August 2014 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is for a further four (4) years until 25 August 2018.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved. Please also note the requirements of 'condition 2' of the concurrence agency response dated 2 November 2006 requiring the development to undertake road works to upgrade the Captain Cook Highway and Boer Street intersection.

If you require any further information, please contact Angela Foster, Principal Planning Officer on 40373233 or via email angela.foster@dspdip.qld.gov.au who will be able to assist.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SPD-0814-010291

Yours sincerely



Robin Clark
Manager (Planning)

cc Waks Developments Pty Ltd
K/- Kristy Gilvear, Gilvear, Planning
kristy@gilvearplanning.com.au

APPENDIX 3: AMENDED DECISION NOTICE CA 61



ENQUIRIES: Ms Louise Staye – Planning Officer
DEPARTMENT: Planning Services Section - ☎ (07) 4099 9456
EMAIL: planning@dsc.qld.gov.au

OUR REF: CA 61
YOUR REF:

Waks Development Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870



13 August 2007

INTEGRATED PLANNING ACT
AMENDED DECISION NOTICE
DEVELOPMENT APPLICATION

Applicant's Name : Waks Development Pty Ltd
Owner's Name : John Richmond Connolly
June Florence Connolly
JR Connolly Pty Ltd

Proposal

- A. Reconfiguring a lot development permit to create proposed Lots 1 to 23;
- B. A material change of use development permit for Lots 2 to 21 to be used in accordance with the requirements of Special Management Area 3 (Service Industry Precinct – Craiglie) in the Port Douglas & Environs Locality Code of the Draft Planning Scheme subject to conditions;
- C. A material change of use preliminary approval for Intensive Animal Husbandry (Cattery & Kennel) and associated Caretaker's Residence on proposed Lot 1,

Application Number : CA 61
Site Address : Owen Street, Craiglie
Property Description : Lot 83 on SR724, Parish of Salisbury, County of Solander

ADMINISTRATION CENTRE
(ALL DEPARTMENTS)
54-58 FRONT STREET, MOSSMAN

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902
INTERNET www.dsc.qld.gov.au

PHONE (07) 4098 9498 FACSIMILE (07) 4098 3298

ALL COMMUNICATIONS TO BE
ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Parts A & B of CA 61

1. **Decision:**

Decision Date: 7 August 2007

This amended decision notice replaces the negotiated decision notice dated 15th September 2006. Condition 4.29 has been amended. All other conditions remain unchanged.

- A. Approved subject to Conditions
- B. Approved subject to Conditions
- C. Refused on the following grounds:
 - 1) The site is considered unsuitable
 - 2) The proximity of the site to the Captain Cook Highway
 - 3) The proximity to the site of nearby Residential development

2. **Type of Development Approval:**

Reconfiguring a Lot	Development Permit
Material Change of Use	Development Permit

3. **Referral Agency:**

Department of Main Roads	Conditions Attached
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4. **Conditions for A & B above**

Plan of Reconfiguration

4.1 The approved reconfiguration and the carrying out of any works on the premises associated with the development must be in accordance with Plan of Reconfiguration No. 1585-SK16 and attached to this approval, subject to:

- (a) Any modifications required by any condition of this approval and any minor alterations found necessary by Council at the time of examination of plans for Operational Works approval.

Water Supply

4.2 Mains shall be designed and constructed in accordance with Water Resources Guidelines for the Planning and Design of Urban Water Supply Schemes and the requirements of the FNQROC Development Manual.

- 4.3 The developer shall provide a 100mm diameter water main to service the proposed allotments as generally shown on plan 1585-SK16 prepared by Flanagan Consulting Group.
- 4.4 The developer is required to provide a 20mm diameter water service or other size as determined in consultation with the Manager Engineering Services, to the boundary of each lot to be created, together with the lodgement with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the service at no cost to the said lot purchaser.
- 4.5 The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the lot purchasers for a water service connection.
- 4.6 The plans and specifications of the internal water supply must be submitted to Council for review at Operational Works stage.

Sewerage

- 4.7 Provision is to be made for sewerage reticulation to plans approved by Council at Operational Works stage. Provision shall be made for connection branches for each lot. The system is to be designed in accordance with the requirements of the FNQROC Development Manual.
- 4.8 Upgrading of the sewerage pump station and associated rising mains may be required as a result of review of the detailed plans at Operational Works stage.

Headworks

- 4.9 The applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("The Policy").

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the relevant Policy.

For information purposes only:

(a) The current number of EDC's for the approved use are:

Water supply	67.5
Sewerage	67.5

Electrical & Telephone Services

- 4.10 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
- (a) an underground electrical supply to each lot; and
 - (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath areas by the developer.
- 4.11 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
- (a) an underground telephone service to each lot; and
 - (b) locating of all above ground switching station cubicles clear of footpath areas by the developer.

Landscaping

- 4.12 The applicant shall provide street landscaping, with the provision of tree species chosen from Council's list of suitable plants (Appendix A) at 20 metre intervals along all footpaths within and external to the site.
- 4.13 The street landscaping is to be provided with a Rainbird irrigation system and connected to an external water connection to be located within the road reserve. The system is to be designed in accordance with the requirements of Council's Parks and Recreation Section.
- 4.14 All landscaping is to be approved and installed prior to Council endorsement of the Plan of Survey.

Earthworks

- 4.15 The lots shall be suitably levelled and sloped to the Street kerb and channel or other approved drainage runoff facilities in accordance with the requirements of the FNQROC Development Manual and approved at Operational Works stage.

Stormwater Drainage

- 4.16 The legal and practical points of discharge are to be generally in accordance with the Drainage Study prepared by Flanagan Consulting Group and supplied as part of the Applicant's response to Council's Information Request. Easements are to be provided where stormwater drainage paths transect lots. All easements are to be transferred to Council as a drainage easement in fee simple at the applicant's cost and are to be a minimum width of 3metres unless otherwise approved at Operational Works stage.
- 4.17 Such stormwater drainage work shall be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and shall not cause scouring, erosion, loss of vegetation, excess turbidity and landslip either within or external to the site.
- 4.18 The applicant is to install pollution control devices at the discharge point into the two points of discharge being the Channel that transects the site and the channel to the south of the subject site.
- 4.19 Detailed design and calculations are to be provided at Operational Works stage for confirmation and approval.

Road Works

- 4.20 The applicant must undertake the following works:

External

- (a) Provision is to be made for the following works external to the subject site in accordance with Council's Requirements including;
- i. Owen Street:

- A. Construction of a 12metre wide bitumen sealed road with kerb and channelling and underground drainage on both sides for the full length of the proposed road.
- B. A vehicle turnaround area is to be constructed at the northern end of Owen Street in accordance with the requirements of Queensland Streets for heavy rigid vehicles (garbage trucks).
- C. A vehicle barrier is to be constructed at the northern end of Owen Street to prevent vehicular movement to and from the Highway at this point.

ii. Dickson Street

- A. A vehicle barrier is to be constructed at the western end of Dickson Street to prevent vehicular movement to and from the Highway at this point.

iii. Beor Street

- A. Construction of a 12metre wide bitumen sealed road with kerb and channelling and underground drainage on both sides from the existing constructed roadway in Beor Street to the intersection of Beor Street with Owen Street.

Internal

- (b) Provision is to be made for the following works internal to the subject site in accordance with Council's Requirements including:

i. Internal Street:

- A. Construction of a 12metre wide bitumen sealed road within a 20m wide road reserve with kerb and channelling and underground drainage on both sides for the full length of the proposed road.

The plans and specifications of the external road works must be submitted to Council at Operational Works application stage for approval.

- 4.21 At the time of lodging the Survey Plan with Council for endorsement, the applicant must lodge a plan of the reconfiguration displaying the proposed street name for the reconfiguration.
- 4.22 The street name signs shall be supplied and erected by the Applicant. The signs shall be aluminium on steel posts with reflective green legend (on both sides) on a white background.

Environmental Management Plans

- 4.23 The applicant is to have prepared with the submission for approval of the engineering plans, an Environmental Management Plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances). Further details of EMP requirements are included in Appendix B.

Engineering Drawings

- 4.24 Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, water supply and sewerage works, stormwater drainage and lot improvement prior to endorsement of the Plan of Survey. Drawings should, in general, include the following:
- (a) locality plan;
 - (b) layout and staging plan, where applicable;
 - (c) earthworks plan;
 - (d) layout plan for each new road;
 - (e) longitudinal section of each road;
 - (f) cross sections for each road, including standard cross sections;
 - (g) detailed plan of each intersection and cul-de-sac head where longitudinal grades do not exceed 1%;
 - (h) layout plan for each stormwater drainage;
 - (i) longitudinal sections for each stormwater drain line;
 - (j) details for non-standard drainage structures;
 - (k) Sewerage Reticulation Plan;
 - (l) Water Reticulation Plan;
 - (m) Erosion and Sediment Control Strategy;

- (n) The location, extent and proposed treatment of acid sulphate soils on the site;
- (o) Service providers conduit plan, including street lighting; and
- (p) Such other details for the proper construction of the works i.e. retaining walls etc.

Maintenance

4.25 Prior to the Council taking the external operation works on maintenance, the applicant shall lodge a bond or bank guarantee to the value of 10% of the contract price for the works.

- i. During the on-maintenance period, the Council may require the rectification of defects or the undertaking of maintenance. In the event such work is not satisfactorily completed after reasonable notice being given, the Council shall be at liberty to call upon the bond or bank guarantee to complete the work.

4.26 The Applicant shall maintain in accordance with the requirements of the Operational Works Development Permit and the Far North Queensland Regional Organisation of Councils Development Manual all road construction works of any nature whatsoever and any drainage works carried out under the provisions of the subdivision of the land and any parkland works for a period of twenty-four (24) months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such road construction and drainage works carried out as part of the works associated with the subdivision.

Environmentally Relevant Activity

4.27 The proposed Boarding Kennels/Cattery for Lot 1 of the subdivision constitutes development approval for an Environmentally Relevant Activity No. 43 – Animal Housing.

4.28 A separate Material Change of Use development permit application is to be submitted outlining the plans and details of the Boarding Kennel/Cattery. This application must include details such as effective air discharge, stormwater management, effective noise control measures for the activity, as well as waste management details including effective animal waste disposal in order to condition the approval appropriately.

Open Space & Recreation Contribution

- 4.29 The applicant is to undertake works to the value of \$200,000.00 within Teamsters Park and on the adjacent wetland area generally in accordance with the plans submitted, and landscaping of the Captain Cook Highway. A detailed costing of all works together with detailed landscaping and works plans are to be submitted to Council for approval at Operational Works stage. At Operational Works stage details of where the money will be allocated within the parkland will be determined.

The applicant is to enter into an agreement with Douglas Shire Council requiring full payment of a monetary contribution equivalent to 9% of the total open space and recreation contribution for Stage 1 & 2 of the development in accordance with Planning Scheme Policy No 9. This equates to 0.9% of the total Unimproved Current Valuation (UCV) for the whole site as estimated on registration of the new allotments to be created within Stage 1.

This agreement is to be signed by both parties prior to sealing the Plan of Survey and payment of the relevant contribution is to be made within three (3) months of the registration of the title on the approved allotments.

As security for the payment of a monetary contribution, the applicant must, prior to the Council signing and sealing the plan of survey, provide to the Council a security deposit. The amount of the security deposit is to be a sum equal to 0.9 per cent of the Council's estimate of the total selling price of the allotments, in accordance with Planning Scheme Policy No 9. The security deposit for this application is \$108 500.

In addition, the Council acknowledges that the applicant intends to provide a land component of 4 000m² to the Paws & Claws Organisation as part payment towards parkland contribution.

Material Change of Use

- 4.30 This Decision Notice permits development on Lots 2 to 21, in accordance with the Port Douglas & Environs Code – Special Management Area 3 (Service Industry-Craiglie).

Currency Period

- 4.31 The currency period for the development permits expires four (4) years from the date of this permit unless the currency period is extended or the Plan of Survey has been lodged for Council's approval under seal, with all conditions of the development permit complied with.
- 4.32 The currency period for the preliminary approval for a material change of use expires four (4) years from the date of this permit unless a material change of use development permit is issued for the approved use.

Compliance with Conditions

- 4.33 The Plan of Survey with associated documents shall not be endorsed by Council until all of the conditions of approval have been complied with:

5. Further Development Approvals Required:

Operational Works	Development Permit
	Part C of CA 61

3. **Decision:** **Decision Date:** 20th June 2006

Refused

4. **Type of Development Application:**

Material Change of Use	Development Permit
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3. **Concurrence Agency:**

Department of Main Roads

4. **Grounds for Refusal**

The site is considered unsuitable for Intensive Animal Husbandry (Cattery & Kennel) due to the proximity of the Captain Cook Highway and the proximity of nearby residential development.



Paul Trotman
General Manager – Development & Environment

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

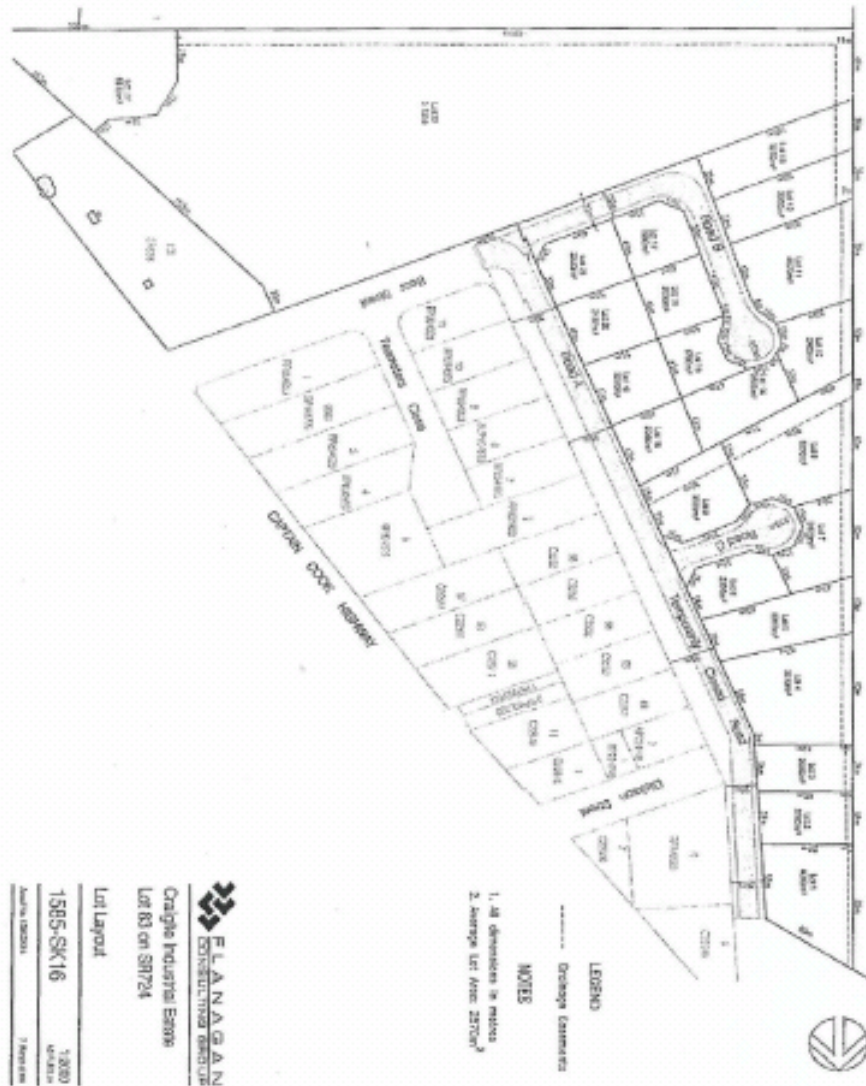


FIGURE 1 Proposed Reconfiguration of Lot 83 on SR724, Owen Street.



FIGURE 2 – Draft Landscape Plan for proposed Upgrade and extension of Teamsters

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



Department of Main Roads

30 March 2006

Mr T Melchert
Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME:	MCA
DOCUMENT:	Reconfiguration
31 MAR 2006	
ATTENTION:	Pro
INFORMATION	

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)
Sited at Bear Street, Croiglie
Lot 83 on SR 724, Parish of Salisbury
Waka Developments Pty Ltd
Proposed Material Change of Use (General Industry Zone) & Reconfiguration of Lot (19 Allotments & New Roads) Application
Review of Referral Agency's Response (conditions apply)

I refer to:

- the above application received at the Department 23 December 2005 requesting consideration of the above development,
- the Department's letter of conditions of development dated 3 February 2006, and
- written representation from the applicant's consultants requesting the deletion of condition 3 received at the Department 22 February 2006,
- the Department's letter of review of conditions of development dated 14 March 2006, and
- written representation from the applicant's consultants requesting the deletion of condition 3 received at the Department 23 March 2006.

The Department has reviewed the condition and has decided to delete condition 3, for the following reasons:

In accordance with section 3.5.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following retained conditions of development for the subject application.

A CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Bear Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed at the western end of Dickson Street to prevent traffic linking between Owen Street and Dickson Street.

North Queensland Region
Parakeela District
PO Box 9102
CAIRNS Queensland 4870
ABN 57 836 727 711

Call ref 49204/102(2623 02)
Your MP CA 81
Enquiries Peter Richardson
Telephone +61 7 4380 0619
Facsimile +61 7 4350 5438

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- (ii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.

2. Intersection Works

- (i) The intersection of the Highway and Bear Street shall be upgraded in accordance with:
- the Department of Main Roads *Road Planning and Design Manual*, and
 - current Department of Main Roads standards.

A recent site inspection indicates the provision of the following works: channelised intersection with left and right turn lanes into Bear Street,

- high angle left turn from Bear Street,
 - street lighting, and
 - all works to be integrated with the proposed upgrade of the intersection conditioned with the residential development permit on Lot 2 on RP T34080 (Toma Development Group).
- (ii) The landowner/ applicant shall submit design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval to the Cairns office of the Department of Main Roads prior to commencing any works within the State-controlled road reserve (i.e. Captain Cook Highway).
- (iii) All required intersection works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the landowner/ applicant lodging a plan of survey of the subject land to Council for signing and dating.

3. Advertising

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

Reasons

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

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

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B GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hulmer
MANAGER (TRANSPORT PLANNING) PENINSULA

APPENDIX A

Recommended Plant for Craiglie Landscaping

GROUP	FAMILY	TAXON	COMMON NAME
FLOWERING PLANTS			
	<i>Amaryllidaceae</i>		
		<i>Crinum pedunculatum</i>	Swamp Lily
		<i>Proiphys amboinensis</i>	Cardwell Lily
	<i>Anacardiaceae</i>		
		<i>Buchanania arborescens</i>	Satinwood
		<i>Euroschinus falcata</i> var. <i>falcata</i>	Blush Cudgerie or Pink Poplar
		<i>Ptelegynium timorensis</i>	Bardakin Plum
		<i>Rhus taitensis</i>	Sumac
	<i>Annonaceae</i>		
		<i>Milnesia brabeii</i>	Raspberry Jelly Tree
		<i>Polyalthia nitidissima</i>	Canary Beech
		<i>Xylocopa macrose</i>	Orange Jacket
	<i>Apocynaceae</i>		
		<i>Cerbera manghas</i>	Dog Bane
		<i>Tabernaemontana orientalis</i>	Eastern Gondola Bush
	<i>Araceae</i>		
		<i>Epipremnum pinnatum</i>	Native Monstera
	<i>Arecaeae</i>		
		<i>Archostophoenix alexandriae</i>	Alexandra Palm
		<i>Hydriastele wendlandiana</i>	Water Palm
		<i>Livistona muelleri</i>	Mueller's Fan Palm
		<i>Psychosperma elegans</i>	Solitaire Palm
	<i>Asclepiadaceae</i>		
		<i>Hoya australis</i> subsp. <i>australis</i>	Native Hoya
		<i>Hoya pottii</i>	Native Hoya
	<i>Bignoniaceae</i>		
		<i>Deplanchea tetraphylla</i>	Golden Bouquet Tree
	<i>Boraginaceae</i>		
		<i>Cordia subcordata</i>	Sea Trumpet
	<i>Burseraceae</i>		
		<i>Canarium australianum</i> var. <i>australianum</i>	Scrub Turpentine
		<i>Canarium vitense</i>	
	<i>Caesalpiniaceae</i>		
		<i>Insea bijuga</i>	
	<i>Casuarinaceae</i>		
		<i>Allocasuarina littoralis</i>	Black She Oak
	<i>Celastraceae</i>		
		<i>Elaeodendron melanocarpum</i>	Black Olive Plum
	<i>Clusiaceae</i>		
		<i>Calophyllum sili</i>	Blush Touriga
	<i>Combretaceae</i>		
		<i>Terminalia sericocarpa</i>	Damsen
GROUP	FAMILY	TAXON	COMMON NAME
	<i>Commelinaceae</i>		
		<i>Commelina diffusa</i>	Wandering Jew
	<i>Dilleniaceae</i>		
		<i>Dillenia alata</i>	Red Beech

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<i>Dracaenaceae</i>			
<i>Cordyline manners-suttoniae</i>			Native Cordyline
<i>Pleomele angustifolia</i>			Native Duracaena
<i>Ebenaceae</i>			
<i>Diospyros compacta</i>			Australian Ebony
<i>Euphorbiaceae</i>			
<i>Aleurites rockinghamensis</i>			Candlenut
<i>Antidesma bunius</i>			Herbert river Cherry
<i>Cleistanthus apodus</i>			Weeping Cleistanthus
<i>Mallotus nesophilus</i>			Yellow Ball Fruit
<i>Fabaceae</i>			
<i>Erythrina variegata</i>			Coral Tree
<i>Millettia pinnata</i>			Pongamia
<i>Flacourtiaceae</i>			
<i>Scelopha braunii</i>			Flintwood
<i>Lamiaceae</i>			
<i>Clerodendrum longiflorum</i> var. <i>glabrum</i>			Witches Tongues
<i>Gmelina dalrympleana</i>			Geay Teak
<i>Vitex trifolia</i> var. <i>trifolia</i>			Common Blue Vitex
<i>Lauraceae</i>			
<i>Beilschmiedia obtusifolia</i>			Blush Walnut
<i>Cryptocarya cunninghamii</i>			Cocmat Laurel
<i>Cryptocarya hypospodia</i>			Northern Laurel
<i>Cryptocarya mackinnoniana</i>			Rusty Laurel
<i>Cryptocarya murayi</i>			Murray's Laurel
<i>Cryptocarya triplinervis</i>			Brown Laurel
<i>Endiandra hypoleuca</i>			Rose Walnut
<i>Litsea brevumbellata</i>			Bollywood
<i>Litsea fowcettiana</i>			Bollywood
<i>Litsea glutinosa</i>			Bollywood
<i>Litsea lefeana</i>			Bollywood
<i>Lecythidaceae</i>			
<i>Barringtonia calyptata</i>			Cassowary Pine
<i>Planchocia caraya</i>			Cocky Apple
<i>Malvaceae</i>			
<i>Thespesia populnea</i>			Pacific Rosewood
<i>Meliaceae</i>			
<i>Dysoxylum oppositifolium</i>			Pink Mahogany
<i>Melia azedarach</i>			White Cedar
<i>Vavaea anticorum</i>			Vavaea
<i>Mimosaceae</i>			
<i>Acacia leptocarpa</i>			Swamp Wattle
<i>Adonanthera pavonina</i>			False Red Sandalwood
GROUP	FAMILY	TAXON	COMMON NAME
<i>Archidendron grandiflorum</i>			Tulip Sris
<i>Moraceae</i>			
<i>Ficus congesta</i> var. <i>congesta</i>			Red Leaf Fig
<i>Myrtaceae</i>			
<i>Acmena hemilampra</i> subsp. <i>hemilampra</i>			Blush Satinash
<i>Corymbia clarksoniana</i>			Clarkson's Bloodwood
<i>Corymbia tessellaris</i>			Moreton Bay Ash
<i>Eucalyptus platyphylla</i>			Peplar Gum
<i>Eucalyptus tereticornis</i>			Forest Red Gum
<i>Eugenia reinwardtiana</i>			Cedar Bay Cherry
<i>Lophostemon succulentus</i>			Swamp Mahogany
<i>Melaleuca dealbata</i>			Red Tea Tree
<i>Melaleuca leucadendra</i>			Tea Tree

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<i>Melaleuca quinquenervia</i>		Swamp Tea Tree
<i>Melaleuca viridiflora</i>		Broad Leaf Tea Tree
<i>Syzygium angophoroides</i>		
Yarrabah Satinash		
<i>Syzygium comillosum</i>		Bumpy Satinash
Oleaceae		
<i>Chionochloa racemiflora</i>		Native Olive
<i>Jasminum didymum</i> subsp. <i>didymum</i>		Native Jasmin
<i>Jasminum elongatum</i>		Native Jasmin
<i>Jasminum simplicifolium</i> subsp. <i>australiense</i>		Native Jasmin
Pandanaceae		
<i>Pandanus cookii</i>		Cook's Pandan
<i>Pandanus stromboschii</i>		Swamp Pandan
<i>Pandanus tectorius</i>		Beach Pandan
Phormiaceae		
<i>Dianella bambusifolia</i>		Flax Lily
<i>Dianella caerulea</i> var. <i>vannata</i>		Blue Flax Lily
Poaceae		
<i>Cymbopogon bombycinus</i>		Silky Oil Grass
<i>Cymbopogon queenslandicus</i>		
<i>Themeda triandra</i>		Kangaroo Grass
Protaceae		
<i>Grevillea glauca</i>		
<i>Persoonia falcata</i>		Northern Goebung
Rhizophoraceae		
<i>Carallia brachiata</i>		Corky Bark
Rubiaceae		
<i>Aidia racemosa</i>		Archer Cherry
<i>Atractocarpus fitzalanii</i> subsp. <i>fitzalanii</i>		Brown Gardenia
<i>Cyclophyllum multiflorum</i>		Marlo
Genus nov. (AQ520454) sp. (Shute Harbour D.A. Halford Q811)		
<i>Isoca timorensis</i>		Native Isoca
<i>Morinda citrifolia</i>		Rotten Cheesefruit
<i>Pavetta australiana</i> var. <i>pubtgera</i>		Native Isoca
<i>Pyrdeaux banksii</i>		Canthium
<i>Tarerna dallachiana</i> subsp. <i>dallachiana</i>		Tree Isoca
GROUP	FAMILY	TAXON
		COMMON NAME
<i>Timonius timon</i> var. <i>timon</i>		
Rutaceae		
<i>Acronychia laevis</i>		Hard Aspen
<i>Glycosmis trifoliata</i>		Mock Orange
<i>Melicope elleryana</i>		Evodia
<i>Micromelum minutum</i>		Line Berry
Santalaceae		
<i>Isocarpus latifolius</i>		Native Cherry
Sapindaceae		
<i>Alectryon connatus</i>		Hairy Alectryon
<i>Alectryon tomentosus</i>		Red jacket
<i>Aryteya divaricata</i>		Rose Tamarind
<i>Cupaniopsis anacardioides</i>		Tuckeroo
<i>Elaeostachys microcarpa</i>		Scrub Tamarind
<i>Ganophyllum falcatum</i>		Daintree Hickory
<i>Jagera pseudorbis</i>		Foambark
<i>Mischocarpus exangulatus</i>		Rex Tokoonja
Sapotaceae		
<i>Mimosops elengi</i>		Red Coondoo
<i>Palaquium galactoxylum</i>		Cairns Pencil Cedar

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Pouteria castanocarpa
Pouteria chartacea
Pouteria obovata
Pouteria serocarpa
Sterculiaceae
Beachycton acerifolius
Commersonia bartamias
Sterculia quadrifida
Ulmaceae
Celtis paniculata
Xanthorrhoeaceae
Lomandra banksii
Lomandra hystrix
Lomandra multiflora

Saffron Boxwood
Dogulla
Yellow Boxwood
Blush Coonoo

Flame Tree
Brown Kurrajong
Peanut tree

Silky Celtis

Cocky's Bootlace
Creek Mat Bush
Mat Bush

APPENDIX B
ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

Includes but is not limited to objectives, potential sources, potential harm, performance indicators, management strategies and person(s) responsible for vermin, dust, waste, noise, complaints, emergency.

An Environmental Management Plan shall be prepared by an appropriately qualified person(s) and submitted to the Douglas Shire Council Environmental Health Department for **approval prior to work commencing**. It is required that the Management Plan be signed off by the author.

The Management Plan will include but is not limited to;

- Authors name, contact details, qualifications, and company name
- List the objectives including but not limited to:
 - Ensure all environmental safeguards are carried out correctly
 - Manage site activities effectively and coordinate with other trades
 - Minimise adverse impacts on the environment
 - Minimise disruption to existing residents
 - Meet the requirements of all relevant legislation
- A site risk assessment, identifying potential sources and potential harm of the proposed works as well as performance indicators, management strategies and incident reporting.
- Details of control measures to be implemented, construction details, dimensions, materials used and expected outcomes.
- Photographs of the site(s) and overlay of the site plans.
- Name, contact details, company name and position of the person(s) responsible for erosion & sediment control measures including but not limited to the installation, construction and maintenance, on site inductions and training to site workers and contractors.
- Details of the planned stages of erosion and sediment control measures in relation to the operational works.
- Site map(s) including but not limited to:
 - The entire Lot & North Point
 - Total area to be exposed

- Land contours, drainage patterns and watercourses (above, and around the site)
- Location of proposed control measures
- Stockpile & soil locations
- Internal roads, tracks & vehicle access points
- Proposed site buildings & compound areas
- Vegetation, buffer zones, protected areas and fenced areas

Stockpiles of topsoil, sand, soil or other material must be stored clear of any drainage line or easement, natural watercourse, footpath, kerbing or road surface and must have measures in place to prevent the movement of such materials onto areas mentioned.

If soil or other materials are spilled accidentally onto the road or gutter, they shall be removed prior to the completion of the days work.

Where practicable, runoff from upslope lands is to be intercepted and diverted around all lands likely to be disturbed. Diversion works are to be adequately stabilised with vegetation, land covering or matting.

Vehicular access must be controlled to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is mud-covered. Where any sediment is deposited on adjoining roadways, it must be removed by means other than washing. All material is to be removed, when possible, and the collected material is to be deposited or stockpiled in a way that prevents it from moving off site.

Vehicular access paths must be stabilised with coarse gravel, aggregate or other suitable material. It will be laid at least 200mm thick and underlain by needle punched geotextile.

The driveway and access shall be protected from erosion and laid with a surface material, which will not wash, or travel onto adjoining roads, drainage systems or watercourse.

Topsoil stripped from the construction site is to be stockpiled and protected from erosion until reuse during landscaping.

The written permission of the developer and landowner shall be provided to Council, to allow staff entry onto land at any time to carry out necessary erosion and sediment control works resulting from the unsatisfactory implementation or maintenance of an approved Environmental Management Plan.

Note: In the event of an emergency where urgent attention is required to the above facilities, Council reserves the right to undertake any works as deemed necessary, without notification to the applicant to rectify any problems. Costs incurred in these works will be deducted from the security deposit.

s 4.1.27

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s 4.1.28
No. 69, 1997

Division 8 – Appeals to court relating to development applications

Appeals by applicants

- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

s 4.1.36

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s 4.1.39

Division 10 – Making an appeal to court

How appeals to the court are started

- 4.1.39
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).