

1 November 2012

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

Attention: Gerard Rosse

Dear Sir

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: DEVELOPMENT PERMIT for RECONFIGURATION OF LOT (ONE LOT INTO 2 LOTS)
Real Property Description: Lot 101SP186233
Street Address: 63 Front Street, Mossman QLD 4873
Assessment Manager ref.: 8/13/1688
Local Government Area: Cairns Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 29 October 2012.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA in accordance with the following submitted material:

Name of Report/ Plan Title	Author/ Consultant	Report/ Plan Number & Version	Report/Plan Date
Letter to Council	RPS	PR115098/SDR/AF/L71324	16 October 2012
Reconfiguration of a Lot plan	RPS	PR115098-1 Issue B	15/10/12

Department of Transport and Main Roads
Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns Queensland 4870
PO Box 6185 Cairns Queensland 4870

Our ref TMR12-004443 (161.05)
 Your ref 8/13/1688
 Enquiries Malcolm Hardy
Telephone +61 7 4050 5511
Facsimile +61 7 40505429
Website www.tmr.qld.gov.au
Email Malcolm.R.Hardy@tmr.qld.gov.au

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.

Yours sincerely



Malcolm Hardy
Senior Town Planner (Corridor Management)

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons

C/c Town & Country Limited
C/- RPS (Cairns)
PO Box 1949
CAIRNS QLD 4870

Our ref.: TMR12-004443 (161.05)
Your ref.: PR115098

C/c Town & Country Limited
C/- RPS (Cairns)
PO Box 1949
CAIRNS QLD 4870

Attention: Stuart Ricketts

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.

Yours sincerely



Malcolm Hardy
Senior Town Planner (Corridor Management)

1 November 2012

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons

**Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons**

Proposed Development: DEVELOPMENT PERMIT for RECONFIGURATION OF LOT (ONE LOT INTO 2 LOTS)
Real Property Description: Lot 101SP186233
Street Address: 63 Front Street, Mossman QLD 4873
Assessment Manager ref.: 8/13/1688
Local Government Area: Cairns Regional Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
Development Permit - Reconfiguring a Lot (One Lot into 2 Lots)			
1	<p>Development must be carried out generally in accordance with the following plan and report, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> • RPS Reconfiguration of a Lot plan PR115098-1 Issue B, dated 21/09/12 • RPS letter to Council, PR115098/SDR/AF/L71324, dated 16 October 2012 	Prior to submitting the Plan of Survey to the local government for approval	<p>The purposes of the Transport Infrastructure Act 1994.</p> <p>The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan/s and/or report/s which depict how the proposed development will be carried out.</p>
2	<p>The permitted road access location for the development is between Lot 101 SP186233 and the state-controlled road Front Street, generally in accordance with:</p> <ul style="list-style-type: none"> • Proposed Easement X along the southern boundary of the proposed Lot 1 of the Reconfiguration of a Lot plan, the existing shopping centre access located opposite the Harper Street 	Prior to submitting the Plan of Survey to the local government for approval	<p>The purposes of the Transport Infrastructure Act 1994 (TIA).</p> <p>Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.</p>

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>intersection, and</p> <ul style="list-style-type: none"> Proposed Easement Y along the southern boundary of the proposed Lot 2 of the Reconfiguration of a Lot plan. 		
3	<p>Direct access is not permitted between the state-controlled road and the subject site at any location other than the permitted road access location.</p>	<p>Prior to submitting the Plan of Survey to the local government for approval</p>	<p>The purposes of the Transport Infrastructure Act 1994.</p> <p>Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.</p>
4	<p>(a) A shared vehicular access must be located for each permitted road access location on Front Street in accordance with the Reconfiguration of a Lot plan.</p> <p>(b) The applicant must register reciprocal access easements for the shared access on the titles of:</p> <ul style="list-style-type: none"> Proposed Lot 1 in favour of the proposed Lot 2, as provided by proposed Easement X, and Proposed Lot 2 in favour of the proposed Lot 1, as provided by proposed Easement Y. <p>(c) The applicant must provide the Department of Transport and Main Roads with the Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the</p>	<p>(a) Prior to submitting the Plan of Survey to the local government for approval</p> <p>(b) & (c) Within 20 business days of the local government approval of the Plan of Survey</p>	<p>The purposes of the Transport Infrastructure Act 1994 (TIA).</p> <p>The scale and location of access must be limited to minimise impacts on the safety and efficiency of the state-controlled road network. In particular, shared vehicular access is required to decrease conflict points on the state-controlled road.</p> <p>Comments or additional information: This is a decision under section 62(1) of the TIA in conjunction with a development approval for conditions and restrictions on the use of a permitted road access location.</p>

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	registration of the easement/s.		

Advice for state controlled roads

Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road; and beyond the boundaries of the state-controlled road; and reasonably likely to create a traffic hazard for the state-controlled road.

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works , including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 4050 5451 (Ron Kaden) to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads on 4050 5451 (Ron Kaden) to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.