

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: L70211
OUR REF: 8/37/153 SUB 039/04 (3499902)

21 February 2012

N Romano
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE FOR REQUEST TO EXTEND RELEVANT PERIOD AND
REQUEST FOR PERMISSIBLE CHANGE TO CONDITIONS FOR 6889R CAPTAIN
COOK HIGHWAY KILLALOE**

With reference to the abovementioned request, the General Manager Planning & Environment, under Instrument of Delegation, approves the request to extend the relevant period of the approval for two (2) years up to and including 12 December 2013.

With regard to the Request for permissible change the General Manager Planning & Environment, under Instrument of Delegation partially approves and partially refuses the request to change the existing approval, Development Permit SUB 039/04 for Reconfiguring a Lot (1 lots into 4 lots) at Captain Cook Highway, Killaloe, being on Lot 4 on RP907338, whereby the development is to be undertaken in two (2) stages, with proposed Lots 1 and 2 to be created as Stage 1 and proposed Lots 3 and 4 to be created as Stage 2.

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.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

APPLICANT DETAILS

N Romano
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

ADDRESS

6889R Captain Cook Highway Killaloe

REAL PROPERTY DESCRIPTION

Lot 4 on RP907338

PROPOSAL

Reconfiguring a Lot (1 Lot into 4 Lots)

DECISION

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

DECISION DATE

21 February 2012

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

(State Controlled Roads, Public
Passenger Transport & Railway Matters)
Department of Transport and Main Roads
Far North Region (Cairns)
PO Box 6185
CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

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

ASSESSMENT MANAGER CONDITIONS:

4.4 The applicant is required to enter into an environmental covenant with Cairns Regional Council "the Council", over all of the existing remnant vegetation on the subject site (Lot 4 on RP907338). The following requirements will be included in this covenant:

- (a) No landscaping in the defined covenant areas is to be undertaken without the express permission of "the Council";
- (b) The clearing of vegetation from the defined covenant areas will not be permitted other than as approved by the Council;
- (c) The defined covenant area is to be properly surveyed and is to include all of Lots 1, 2, 3 & 4 covered by existing remnant vegetation, with the exception of the proposed access and building envelopes for Lots 2, 3 & 4 as shown on drawing number 62384-6 and all land below RL 50metres AHD on Lot 1. The maximum width of the driveway is to be 4.0m and the maximum area of the proposed building envelopes are 1200m².

The proposed access and building envelope identified for proposed Lot 1 will not be permitted until the existing dwelling/s have been removed or a Material Change of Use permits the construction of an additional dwelling on the land.

- (d) Any works, including drainage and vegetation clearing, undertaken outside the defined covenant area by the lot owner shall not prejudice the integrity of the existing vegetation nor the visual amenity of the ridgeline and hill slope;
- (e) No structures shall be constructed within the covenant areas other than as approved by the Council.

This covenant is to be drafted and approved by Council prior to endorsement of the Plan of Survey. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments.

- (f) The Covenant over proposed Lot 1 may have flexibility to accommodate some minor agricultural practices under the existing canopy. Any approval for these activities is to be granted by the Covenantor and Covenantee.
- (g) Nothing in this Covenant prevents the Covenantor from removing or damaging vegetation protected by this Covenant:
 - (i) Which poses an immediate and severe danger to persons or property; and/or
 - (ii) Which is authorised by a relevant authority for the provision or maintenance of a firebreak in accordance with the *Fire and Rescue Service Act 1990* or any other applicable Acts, Regulations, Local Laws and Subordinate Local Laws.

4.7 Water Supply Headworks

~~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 Policy.~~

~~For information purposes only:~~

~~(a) The Current rates per EDC at the time of this approval are:~~

~~Water Supply: \$10,504.00~~

~~(b) The current number of EDCs for the approved use are:~~

~~Water Supply: 1~~

Developer Contributions

Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply.

Contributions must be paid at the rates applicable at time of payment.

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

All other conditions of the Decision Notice dated 12 December 2005 (attached) remain unchanged.

RIGHTS OF APPEAL

Attached

End of Decision Notice

Appendix 1 APPROVED PLAN(S) & DOCUMENT(S)

ENQUIRIES: Mrs Jenny Elphinstone
PHONE: (07) 4099 9482
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/38/2 2149204

29 June 2009

Conics (Cairns) Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

EXTENSION OF CURRENCY PERIOD
FOR DEVELOPMENT APPLICATION -
8/38/2 CAPTAIN COOK HIGHWAY KILLALOE

In accordance with Section 3.5.7 of the *Integrated Planning Act 1997*, please be advised that Council has extended the decision period for two (2) years, up to and including 12 December 2011, subject to the conditions contained within the Decision Notice dated 12 December 2005 (copy attached).

Should you require any further information or assistance, please contact Mrs Jenny Elphinstone of Council's Development Assessment Team on telephone number (07) 4099 9482.

Yours faithfully

Simon Clarke
Manager Development Assessment

Att.

APPENDIX 1 DEVELOPMENT PERMIT DSC SUB 039/04



62384
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ENQUIRIES Mr Paul Gleeson
DEVELOPMENT Manager Planning Services - ☎ (07) 4099 9456

DATE SUB 039/04
YOUR ACT

Mr Leslie (Barry) Crookford
PO Box 355
MOSSMAN QLD 4873

12 December 2005

INTEGRATED PLANNING ACT
NEGOTIATED DECISION NOTICE
DEVELOPMENT APPLICATION

Applicant's Name : Mr Barry Crookford
Owner's Name : Mr LB Crookford
Proposal : Council approve the application for a Reconfiguring a Lot Development Permit by Leslie Crookford to create 4 allotments from an existing allotment described as Lot 4 on RP907338 and located at Captain Cook Highway and Francis Road, Killaloe
Application Number : SUB 039/04
Site Address : Captain Cook Highway, Killaloe
Property Description : Lot 4 on RP907338, Parish of Victory, County of Solander

This Negotiated Decision Notice supersedes the Decision Notice dated 11 April 2005. Conditions 4.1 and 4.4 have been amended all other conditions remain unchanged.

1. **Decision:** Decision Date: 6th December 2005
Approved subject to Conditions

2. **Type of Development Approval:**
Reconfiguration a Lot Development Permit

ADMINISTRATION CENTRE (ALL DEPARTMENTS) corner FRONTS STREET, MOSSMAN	PHONE (07) 4099 9444 FACSIMILE (07) 4095 2902 EMAIL douglas@doe.qld.gov.au INTERNET www.doe.qld.gov.au	ALL COMMUNICATIONS TO BE ADDRESSED TO: THE CHIEF EXECUTIVE OFFICER P.O. BOX 357 MOSSMAN, QLD 4873
LIBRARY 14 MILL ST, MOSSMAN	PHONE (07) 4099 9493 FACSIMILE (07) 4098 3293	

-2-

3. **Referral Agency:**

Department of Main Roads
PO Box 6185
CAIRNS QLD 4870

Attn: Mr Malcolm Hardy

4. **Conditions**

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. 62384-6 dated 01/12/04 with the following amendment:

(a) delete

Electrical & Telephone Services

- 4.2 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 electrical services have been made available to proposed Lots 1-4.
- 4.3 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Telstra stating that telephone services have been made available to proposed Lots 1-4.

Covenant

- 4.4 The applicant is required to enter into an environmental covenant with Douglas Shire Council "the Council", over all of the existing remnant vegetation on the subject site (Lot 4 on RP907338). The following requirements will be included in this covenant:
- (a) No landscaping in the defined covenant areas is to be undertaken without the express permission of "the Council";
 - (b) The clearing of vegetation from the defined covenant areas will not be permitted other than as approved by the Council;
 - (c) The defined covenant area is to be properly surveyed and is to include all of Lots 1, 2, 3 & 4 covered by existing remnant vegetation, with the exception of the proposed access and building envelopes for Lots 2, 3 & 4 as shown on drawing number 62384-6 and all land below RL 50metres AHD on Lot 1. The maximum width of the driveway is to be 4.0m and the maximum area of the proposed building envelopes are 1200m².

.../3.

-3-

The proposed access and building envelope identified for proposed Lot 1 will not be permitted until the existing dwelling/s have been removed or a Material Change of Use permits the construction of an additional dwelling on the land.

- (d) Any works, including drainage and vegetation clearing, undertaken outside the defined covenant area by the lot owner shall not prejudice the integrity of the existing vegetation nor the visual amenity of the ridgeline and hill slope;

- (e) No structures shall be constructed within the covenant areas other than as approved by the Council.

This covenant is to be drafted and approved by Council prior to endorsement of the Plan of Survey. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments.

- (f) The Covenant over proposed Lot 1 may have flexibility to accommodate some minor agricultural practices under the existing canopy. Any approval for these activities is to be granted by the Covenantor and Covenantee.

Amenity

- 4.5 Any development, including dwellings, sheds and ancillary buildings, undertaken outside the covenant area shall reduce the visual impact on the amenity of the area by:

- (i) minimising excavation and filling of the sites;
- (ii) limiting the colour of any structure to those identified on the attached, approved colour scheme; and
- (iii) including landscaping measures, including the retention of trees, to screen development from the Captain Cook Highway.
- (iv) The roof line of any dwelling on site should be kept below the visual line of the ridgeline.

Road Works

- 4.6 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. Francis Road

- (a) 8.0m wide formation with a 5.5m wide gravel pavement and 1.25m wide shoulders for the full length of the road.

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-4-

- (b) Upgrading the intersection of Francis Road with the Highway to AUSTROADS standards in accordance with Section D1.29 of the FNQ Development Manual.

(ii) **Internal Accesses**

- (a) The internal accesses contained within the proposed easement/s to have a maximum width of 4.0m, with provision of passing areas up to 5.0m wide.
- (b) Internal access to each site is required to be sealed (concrete/bitumen), in locations where the slope exceeds fifteen degrees (15°). The applicant will be required to install sediment control devices on this access to manage erosion and sediment loss off-site.

All works are to be shown on the engineering plans for Operational Works approval.

Water Supply Headworks

- 4.7 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 Policy.

For information purposes only:

- (a) The current rates per EDC at the time of this approval are:
Water Supply \$10,504.00
- (b) The current number of EDCs for the approved use are:
Water Supply 1

Maintenance Period

- 4.8 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.

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-5-

Sewerage

- 4.9 The minimum level of on-site treatment of waste for Lots 1, 2, 3 & 4 (if dwelling is to be located on the hillside) is Advanced Secondary in accordance with the requirements of the *On-site Sewerage Code - July 2002*.

Water Supply

- 4.10 The applicant is required to provide to each allotment an adequate supply of potable water in both quantity and quality in accordance with Australian Standards, prior to the endorsement of the plan of Survey. Alternatively, should each site have an individual bore source, the applicant is to demonstrate to the Council that an adequate supply of potable water in both quantity and quality in accordance with the Australian Standard, is available to each lot prior to endorsement of the Plan of Survey.

Contract of Sale

- 4.11 The applicant is to notify prospective purchasers of the requirements of conditions 1, 2, 3 and 4 on the contract of sale.

Currency Period

- 4.12 The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with.

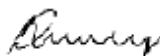
Compliance with Conditions

- 4.13 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

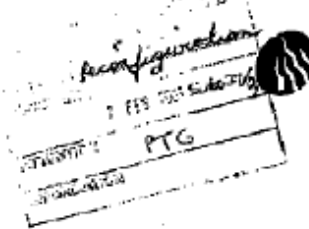


J R Neely
Acting Chief Executive Officer

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

3 February 2005

Mr T Malchert
Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman QH 4873



**Queensland
Government**

Department of Main Roads

Dear Mr Malchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)
Located opposite Benato Down Road intersection, Kilkis
Lot 4 on RP 907338, Parish of Victory
Barry Crookford
Proposed Reconfiguration of Lot 3 Additional Allotments) Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 31 January 2005 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrent Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lot 1 shall be via a new single access located 38m north of the existing access to the existing dwelling house on the subject land, only. The existing accesses to the existing dwelling house and to the existing cane barracks shall be permanently closed.
- (ii) Access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lots 2, 3 and 4 shall be via Faneis Road, to the satisfaction of Douglas Shire Council.
- (iii) No additional direct access between the Captain Cook Highway and the subject land is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access location are required and shall be constructed in accordance with:

North Queensland Region
Parrish District
PO Box 6146
CAIRNS Queensland 4850
ABN 47 838 727 711

CAIRNS 45254/02277A
Vernon BURGESS
CHRISTIE WALCULM HANLEY
Telephone +61 7 4488 8811
Facsimile +61 7 4488 8458

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- 2 -

- the Department of Main Roads *Road Planning and Design Manual*, and
- current Department of Main Roads standards.

A recent site inspection indicates the road access works require the provision of the following:

- install an Access Type 2 as indicated on the attached DMR Plan with minimum width 6m (W) and minimum radius of tangent 10m (R),
- bitumen sealed from the edge of the existing bitumen of the Captain Cook Highway to the centreline,
- centre tramline crossing construction to the specifications and approval of Mossman Central Mill Co Ltd,
- grading and clearing of vegetation on the northern side of the access to improve traffic sight visibility, and
- permanent closure of the existing accesses to the proposed Caretaker's Residence and existing case barracks and re-installment to match adjoining roadside conditions.

- (ii) The landowner/applicant shall write to the Cairns office of the Department of Main Roads to obtain the necessary plans, forms and approvals for the road access works prior to works commencing within the State-controlled road reserve (i.e. Captain Cook Highway).
- (iii) All road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to Council signing and dating the plan of survey of the subject land.

3. Access Easements

The applicant/landowner shall register access easements:

- over the proposed Lot 2 from the permitted access location in condition 4 (ii) above, to the common boundary with the proposed Lot 3 in favour of the proposed Lots 3 and 4; and
- over the proposed Lot 3 from the common boundary with the proposed Lot 2, to the common boundary with the proposed Lot 4 in favour of the proposed Lot 4,

generally as indicated by the existing access track in CSB Group Plan No. 62384-6 (Issue A dated 13/12/04), with the Titles Office of the Department of Natural Resources, to the satisfaction of the Director-General of the Department of Main Roads and Chief Executive Officer of Douglas Shire Council, prior to Council signing and dating the plan of survey of the subject land.

An all-weather access shall be constructed within the easements prior to Council signing and dating the plan of survey of the subject land, to the requirements and satisfaction of Douglas Shire Council.

4. Building Alignment Setback

A building alignment setback of 50 metres from the centreline of Captain Cook Highway shall apply to all new structures intended to be located on the subject land to the satisfaction of the Director-General of the Department of Main Roads.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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 Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect Conditions 1 and 4 above on its Rates Remit, to ensure that the planning situations of Conditions 1 and 4 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


Brad Flanagan
A/MANAGER (TRANSPORT PLANNING) PENINSULA

LEGEND

- County Boundary
- Proposed Access Road
- Existing Access Road
- Existing Building Footprint
- Existing Building Structure

COOK COUNTY HIGHWAY

SPECIAL PERMIT ONLY

32.47a

35.00a

21.67a

3.29a

2.13a

45.2005.4521
16/17

