

**ENQUIRIES:** Claire Garner  
**PHONE:** (07) 4044 3081  
**FAX:** (07) 4044 3836  
**YOUR REF:**  
**OUR REF:** 8/13/1688 SEDA (3796707)

20 November 2012

Town and Country Limited  
C/- RPS Australia East  
PO Box 1949  
**CAIRNS QLD 4870**

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 63 FRONT STREET MOSSMAN**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 20 November 2012, 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 s648F of the *Sustainable Planning Act*.

Should you have any enquires in relation to this Decision Notice, please contact Claire Garner of Council's Development Assessment Team on telephone number (07) 4044 3081.

Yours faithfully



Neil Beck  
**Acting Manager Development Assessment**

**Att.**

**APPLICANT DETAILS**

Town and Country Limited  
C/- RPS Australia East  
PO Box 1949  
CAIRNS QLD 4870

**ADDRESS**

63 Front Street, Mossman

**REAL PROPERTY DESCRIPTION**

Lot 101 on SP186233

**PROPOSAL**

Reconfiguring a Lot (1 Lot into 2 Lots)

**DECISION**

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

**DECISION DATE**

20 November 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

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

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Plan of Lots 1 & 2 & Proposed Easements X & Y	RPS Drawing number PR115098-1, Issue B	15 October 2012

**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;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

**Water Supply and Sewerage Works Internal**

3. Undertake the following water supply and sewerage works internal to the subject land:-
  - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
  - b. Existing water connections and internal plumbing must be contained within the lot it serves. If not then the connection and internal plumbing must be relocated to within the lot serviced.

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

### **Damage to Council Infrastructure**

4. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

### **Access Easements**

5. Create reciprocal Access Easements to allow vehicle access and on-site manoeuvring for both Lots 1 and 2 over the land shown as 'Easement X' and 'Easement Y' on RPS drawing no. PR115098-1 Issue B, to the requirements and satisfaction of the Chief Executive Officer.

A copy of the 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 submitted at the same time as the application for a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources & Mines in conjunction with the Plan of Survey.

### **Lawful Point of Discharge**

6. All stormwater from Lots 1 & 2 must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

### **Electricity and Telecommunications**

7. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to both lots in the development prior to the issue of a Compliance Certificate for the Plan of Survey.

## Existing Services

8. Written confirmation of the location of existing services for the land must be provided prior to the issue of a Compliance Certificate for the Plan of Survey. 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.

## CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Transport & Main Roads	TMR12-004443 (161.05)	1 November 2012	# 3776416

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

## FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. Council makes no assessment at this stage to the adequacy or otherwise of the easement widths and geometry for their future intended use. The applicant must assess the lane widths, carriageway configuration, horizontal and vertical geometry and any turning movements, to satisfy itself that the easements proposed will be fit for purpose. Particular reference is made to conflicts associated with delivery vehicle movements at loading bays and the need to separate these from the through traffic functions of any vehicle roadway links within the easements

## Infrastructure Charges Notice

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

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

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

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

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

5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access FNQROC Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

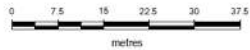
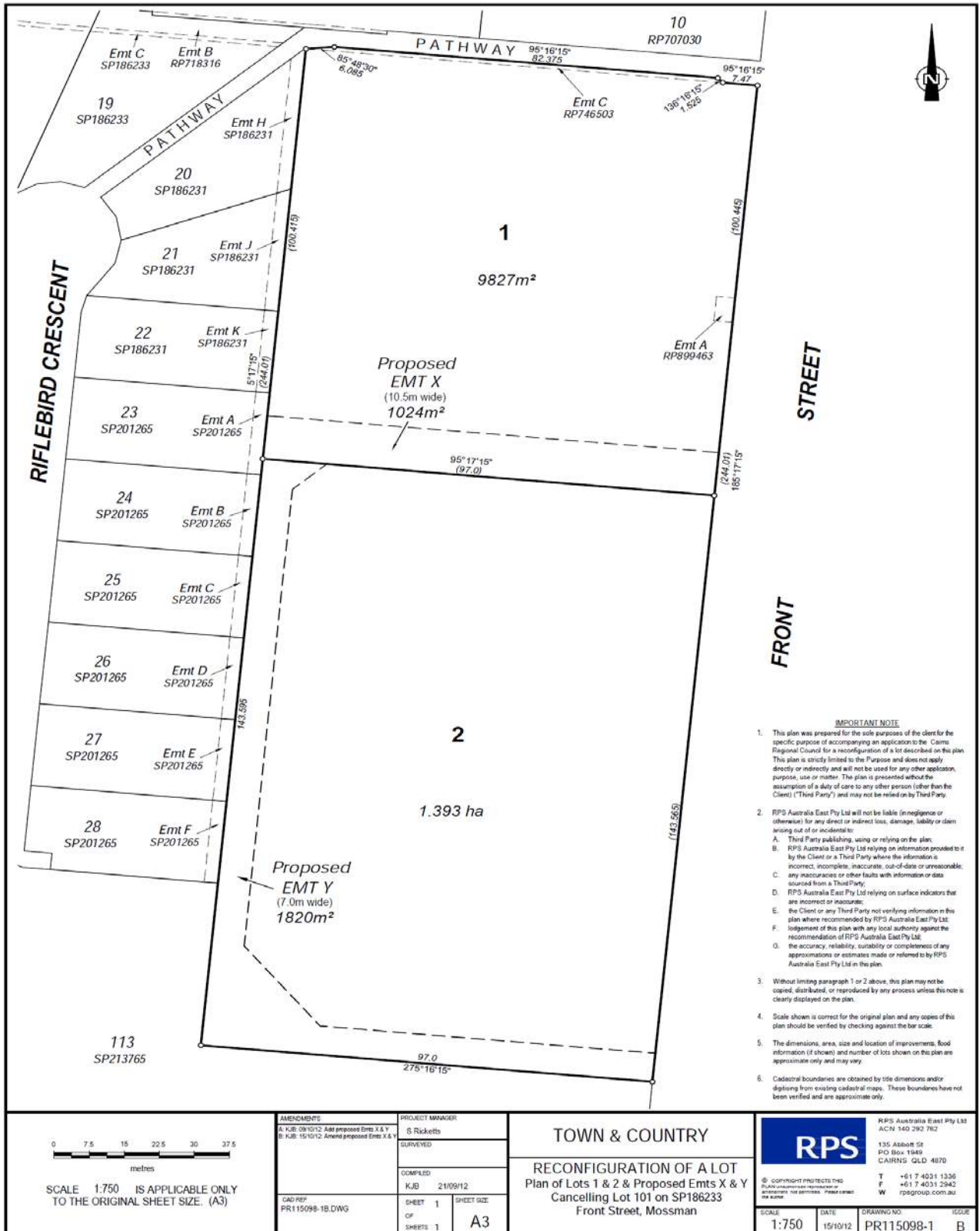
#### **RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

# APPENDIX 1: Approved Drawing(s) & Document(s)



SCALE 1:750 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS		PROJECT MANAGER	
A. KJB: 08/10/12. Add proposed Emts X & Y		S Ricketts	
B. KJB: 15/10/12. Amend proposed Emt. X & Y		SURVEYED	
COMPILED		SHEET 1	
KJB		SHEET SIZE	
21/09/12		A3	
CAD REF		OF	
PR115098-1B.DWG		SHEETS 1	

**TOWN & COUNTRY**

**RECONFIGURATION OF A LOT**  
Plan of Lots 1 & 2 & Proposed Emts X & Y  
Cancelling Lot 101 on SP186233  
Front Street, Mossman

**RPS** Australia East Pty Ltd  
ACN 140 292 782  
135 Abbott St  
PO Box 1949  
CAIRNS QLD 4870

T +61 7 4031 1336  
F +61 7 4031 2942  
W rpsgroup.com.au

SCALE: 1:750 DATE: 15/10/12 DRAWING NO: PR115098-1 ISSUE: B

## APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



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

A handwritten signature in black ink that reads "Malcolm Hardy".

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
<b>Development Permit - Reconfiguring a Lot (One Lot into 2 Lots)</b>			
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"> <li>RPS Reconfiguration of a Lot plan PR115098-1 Issue B, dated 21/09/12</li> <li>RPS letter to Council, PR115098/SDR/AF/L71324, dated 16 October 2012</li> </ul>	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"> <li>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</li> </ul>	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
3	<p>intersection, and</p> <ul style="list-style-type: none"><li>Proposed Easement Y along the southern boundary of the proposed Lot 2 of the Reconfiguration of a Lot plan.</li></ul> <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"><li>Proposed Lot 1 in favour of the proposed Lot 2, as provided by proposed Easement X, and</li><li>Proposed Lot 2 in favour of the proposed Lot 1, as provided by proposed Easement Y.</li></ul> <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) &amp; (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.		

<p>Advice for state controlled roads</p>	<p>Under section 43 of the <i>Transport Infrastructure Act 1994</i>, 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.</p>
<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, 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).</p>	<p>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 <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. 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.</p>
<p>Pursuant to Section 580 of the <i>Sustainable Planning Act 2009</i> it is a development offence to contravene a development approval, including any condition in the approval.</p>	

**ENQUIRIES:** Claire Garner  
**PHONE:** (07) 4044 3081  
**FAX:** (07) 4044 3836  
**YOUR REF:**  
**OUR REF:** 8/13/1688 SEDA (3796707)

20 November 2012

Town and Country Limited  
C/- RPS Australia East  
PO Box 1949  
**CAIRNS QLD 4870**

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR 63 FRONT STREET  
MOSSMAN**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with 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.

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

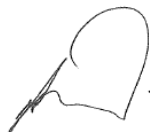
These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

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 enquires in relation to this Adopted Infrastructure Charges Notice, please contact Claire Garner of Council's Development Assessment Team on telephone number (07) 4044 3081.


Yours faithfully

A handwritten signature in black ink, appearing to be 'Neil Beck', written over a faint, illegible stamp or background.

Neil Beck  
**Acting Manager Development Assessment**



**Infrastructure Charges**

		<b>2006 Douglas Shire Planning Scheme Applications</b>	
INFRASTRUCTURE CHARGES NOTICE			
Town & Country C/- RPS		0	0
DEVELOPERS NAME		ESTATE NAME	
63 Front Street		Mossman	
STREET No. & NAME		SUBURB	
ROL (1 Lot into 2 Lots)		8/13/1688	
DEVELOPMENT TYPE		LOT & RP No.s	
3792729		30-Jun-12	
SKIDS No.		COUNCIL FILE NO.	
1		1	
VERSION No.		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
QUARTER ENDING		VALIDITY PERIOD	
DIST.		\$ / ERA	
NET ERA		ADJUSTMENT	
AMOUNT DUE		AMOUNT PAID	
RECEIPT TYPE			
<b>WATER</b>			
EX	9	4,062.68 X	1.00 0.00 \$4,062.68 T 615/ 05672
Pro	9	28.64 X	1.00 0.00 \$28.64 T 616/ 05658
Water sub - total			\$4,091.32
<b>SEWERAGE</b>			
EX	1	2,113.04 X	1.00 0.00 \$2,113.04 T 617/ 05684
Pro	1	6,334.35 X	1.00 0.00 \$6,334.35 T 618/ 05678
Sewerage sub - total			\$8,447.39
<b>Road Network</b>			
Not Applicable in Former DSC Area		0	
District No.		0	
\$0.00		000/ 0	
<b>DRAINAGE</b>			
Not Applicable in Former DSC Area		None	
Stream Management		\$0.00	
Stormwater Quality		\$0.00	
\$0.00		0	
<b>OPEN SPACE</b>			
Former DSC Area		\$0.00	
\$0.00		T 614 / 546	
<b>BONDS</b>			
None		\$0.00	
None		\$0.00	
\$0.00		0	
<b>OTHER</b>			
Port Douglas General road upgrade		\$0.00	
None		\$0.00	
\$0.00		348 / 05427	
<b>TOTAL</b>		<b>\$12,538.71</b>	
Prepared by	Claire Garner	on	16-Nov-12
Checked by	Gary Warner	on	19-Nov-12
Date Payable			Amount Paid
Amendments	Date		Date Paid
		Cashier	

**Note:**

The infrastructure charges in this notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on [townplanner@cairns.qld.gov.au](mailto:townplanner@cairns.qld.gov.au)