

ENQUIRIES: Lauren Stiles
PHONE: (07) 4044 3096
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/13/1690 (3893592)

1 March 2013

S Marano & J Marano
PO Box 47
MOSSMAN QLD 4873

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR MIALLO BAMBOO CREEK ROAD MIALLO**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 1 March 2013, 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.

Should you have any enquires in relation to this Decision Notice, please contact Lauren Stiles of Council's Development Assessment Team on telephone number (07) 4044 3096.

Yours faithfully

Neil Beck
Acting Manager Development Assessment

Att.

APPLICANT DETAILS

S Marano & J Marano
PO Box 47
MOSSMAN QLD 4873

ADDRESS

Miallo Bamboo Creek Road Miallo

REAL PROPERTY DESCRIPTION

Lot 2 on RP712539

PROPOSAL

1 Lot into 2 Lots

DECISION

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

DECISION DATE

1 March 2013

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

None Applicable

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:

Drawing or Document	Reference	Date
Site Plan (Aerial)	Plan of proposed subdivision of lots 10 and 11 cancelling Lot 2 on RP712359	4 February 2013

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 Regional 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.

Lawful Point of Discharge

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

On-Site Effluent Disposal

4. Provide a full On-Site Sewerage Disposal Report for both Lots prepared in accordance with FNQROC Regional Development Manual including, but not limited to, nominated clearances to boundaries and watercourses and the location of reserve area.

Existing Services

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

General External Works

6. Undertake the following external works:-
 - a. Construct a double rural allotment access off the sealed road to provide shared access to Lots 10 and 11 in accordance with the FNQROC Regional Development Manual Standard Drawing S1105. A copy is attached at Appendix 3.

Demolish Structures

7. All structures occupying the new common boundary between Lots 10 and 11 must be demolished and/or removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.

Access Easement/s

8. Provide separate internal driveway access in each lot;

OR
 - a. Create a reciprocal Access Easement to allow shared internal vehicle access for both properties, 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 seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey; and
 - b. That part of the shared driveway contained within the access easement must be formed and sealed to the requirements and satisfaction of the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Transport and Main Roads	TMR12-004915 (500/353)	11 December 2012	#3819065

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 four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

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



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



11 December 2012

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



Attention: Development Assessment

Dear Sir/ Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: DEVELOPMENT PERMIT for RECONFIGURATION OF LOT (ONE LOT INTO 2 LOTS)
Real Property Description: Lot 2RP712539
Street Address: Miallo Road, Miallo QLD 4873
Assessment Manager ref.:
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 10 December 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
Planning Report	J&S Marano	na	October 2012
Rendered aerial photo plan of reconfiguration	na	na	na

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 TMR12-004915 (500/353)
Your ref
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

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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 J & S Marano
PO Box 47
Mossman QLD 4873

**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 2RP712539
Street Address: Miallo Road, Miallo QLD 4873
Assessment Manager ref.:
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	Development must be carried out generally in accordance with the following plan and report, except as modified by these concurrence agency conditions: <ul style="list-style-type: none"> • Rendered aerial photo plan of reconfiguration with one lot approx 2250m² and one lot approx 3589m² with an existing house on each lot • J&S Marano Planning Report, dated October 2012 	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994. 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.
2	The permitted road access location for the development is between Lot 2 on RP712539 and the state-controlled road Mossman-Daintree Road generally in accordance with the rendered aerial photo plan of reconfiguration, that is via the existing access with Miallo Road.	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994 (TIA). Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.

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.

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.

APPENDIX 3: STANDARD DRAWING – ACCESS CROSSOVER

ALLOTMENT ACCESS OFF SEALED ROAD

Width 3.0m Single access
Width 5.0m Double access

• Denotes guide posts.

ALLOTMENT ACCESS OFF UNSEALED ROAD

Width 3.0m Single access
Width 5.0m Double access

NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipes is less than 260mm pipe shall have 100mm concrete surround.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :
 - a) the through road has a signposted speed of 80km/hr or greater.
 - b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic lane to the culvert is less than 4.5m.
8. Concrete shall be grade N23 in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.

DISCLAIMER

The authors and sponsoring organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the use of these drawings. Drawings are provided as a guide only and are not intended to be used as a basis for any project. The user shall be responsible for the design and construction of any project and shall be liable for any damage or injury resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of a suitably qualified professional design and assessment by an appropriately qualified professional.

REVISIONS	DATE
A ORIGINAL ISSUE	12/03/04
B NOTES AMENDED	18/01/05
C VARIOUS MINOR AMENDMENTS	13/01/06

RURAL ALLOTMENT ACCESSES

Standard Drawing
S1105

A	B	C
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