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YOUR REF: J000049:NQL:KLG
OUR REF: 8/13/1757 SEDA (4204752)

2 December 2013

NQL Properties Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention: Ms Kristy Gilvear

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR ANDREASSEN ROAD, CRAIGLIE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 27 November 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 enquiries in relation to this Decision Notice, please contact Leon Doutre of Council's Development & Regulatory Services Branch on telephone number (07) 4044 3243.

Yours faithfully



Graham Boyd
Manager Development & Regulatory Services

Att

APPLICANT DETAILS

NQL Properties Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

ADDRESS

Andreassen Road, Craiglie

REAL PROPERTY DESCRIPTION

Lots 4 & 5 on SP2254 and Lot 90 on SR678

PROPOSAL

Access Easements

DECISION

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

DECISION DATE

27 November 2013

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

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

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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
Easement Plan	RECS 42-2013 CO1 Issue B	11 September 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, including recommendations and findings confirmed within technical reports; and
 - 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 satisfied prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Andreassen Road Upgrade

3. Any unformed part of Andreassen Road must be upgraded to Access Road Standard to the junction of the subject easement with Andreassen Road prior to the issue of a Compliance Certificate for the Plan of Survey.

Note the unformed parts of Andreassen Road may be either:

- a. The whole length of Andreassen Road if road upgrading has not proceeded under either of Development Approvals 8/13/1547 and 8/30/119, or
- b. The balance of Andreassen Road after road upgrading has been completed under either of Development Approvals 8/13/1547 and 8/30/119.

Proposed Access Street

4. Construct a road to sit within the proposed access easement that services the existing Lots 4 & 5 on C2254 and Lot 90 SR678 as detailed on drawing 42-2013 C01 Issue B, prepared by RECS Pty Ltd and dated 11 September 2013, unless otherwise amended by the Development Permit for Operational Works. This road must be constructed to the standard of an Access Place and in accordance with the requirements of the *FNQROC Development Manual*.

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

5. The unnamed internal access road, as shown on the Easement Plan 42-2013 C01 Issue B prepared by RECS Pty Ltd and dated 11 September 2013, must be constructed at a level that provides immunity from a Q10 ARI flood event. The construction of the driveway must not impede overland flows in a manner that creates a direct or cumulative impact on neighbouring or downstream properties. In this context, the Registered Professional Engineer of Queensland is required to provide a plan of any proposed culvert works associated with the easement that demonstrate the free movement of stormwater across the site.

Specific details of the driveway must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans and to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Operational Works

6. The proposed earthworks on the site require an application for Operational Works. The following information is required to be submitted to Council accompanying the application for Operational Works:
 - a. Details identifying the specific movement of fill material around the site. This is also to include detail on the total volume of material proposed to be brought onto the site and management of this;
 - b. Details on the stockpiling and transportation of fill material; and
 - c. Details identifying that all earthworks will be compliant with the requirements of relevant drainage conditions contained in Conditions 4 and 5 above.

Earthwork details must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans and to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Sediment and Erosion Control

7. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

Easement Registration

8. Create an Easement for Access and Common Services to allow vehicle access and essential services for Lots 4 & 5 on C2254 and Lot 90 SR678, to the requirements and satisfaction of the Chief Executive Officer. The width of the easement will need to accommodate the road, any services.

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 the Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

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 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 Development Approval relies on the completion of works associated with Development Approvals 8/13/1547 and 8/30/119 in order to gain formal and constructed access to the lots at an appropriate level of flood immunity, through the proposed extension and construction of Andreassen Road. If the construction of a dwelling or access road occurs prior to the upgrade of Andreassen Road it will be solely at the applicant's / landowner's risk. Council is not required to construct or contribute to the construction of Andreassen Road.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

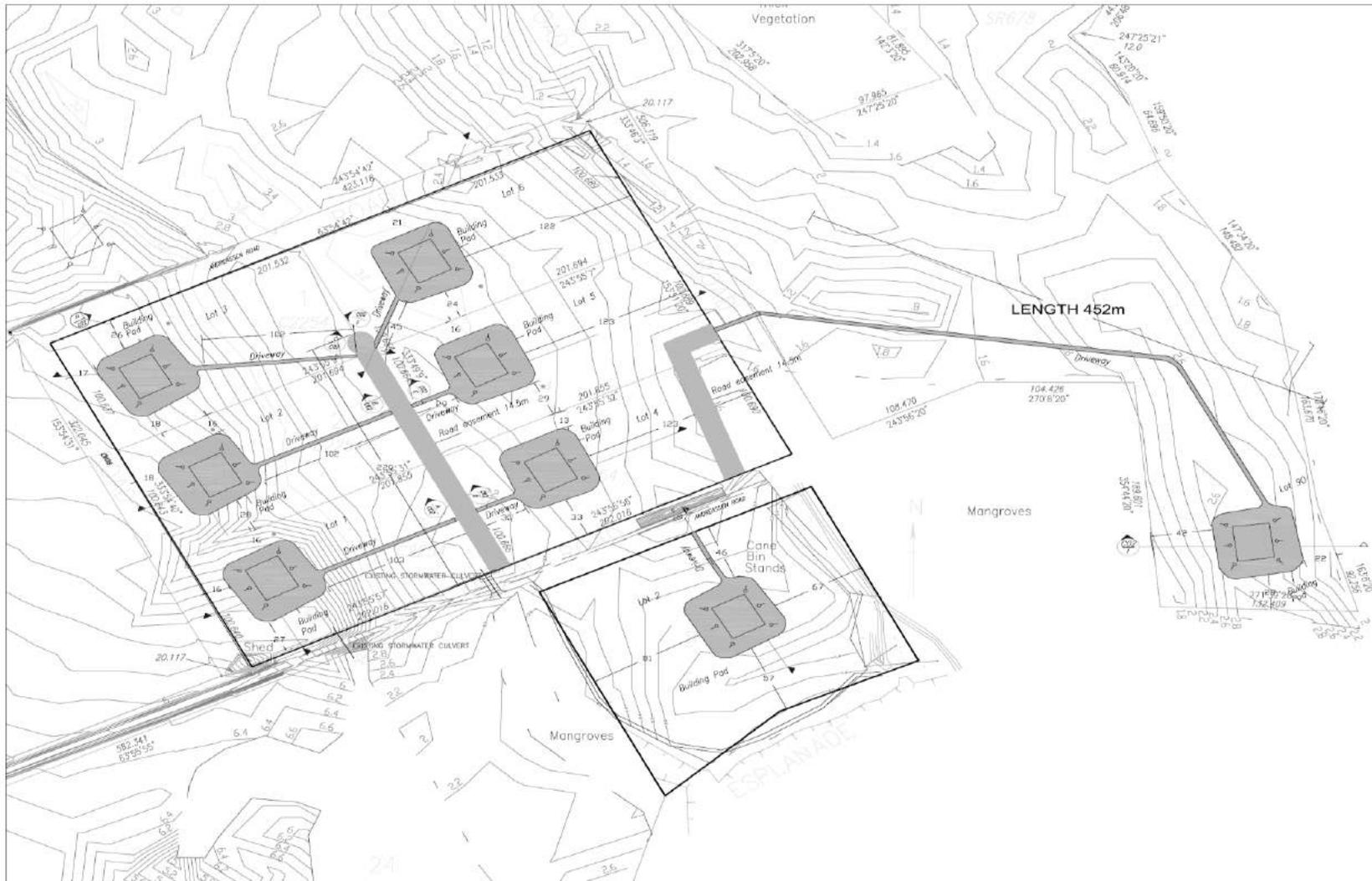
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: APPROVED PLAN



ALL BUILDING PADS ARE 50M W X 50M B IN SIZE

ALL THE BUILDING PADS ARE DRAWN MINIMUM OF 10M SET BACK FROM THE BOUNDARY

ACCESS ROADS ARE DESIGNED AS PER THE FNOROC REQUIREMENTS

MINIMUM BUILDING PAD LEVEL REQUIRED 3.4 AHD

5.5M ROAD WIDTH AND 14.5M ROAD EASEMENT PROVIDED

CONSULTING ENGINEERS BUILDING DESIGNERS

RECS Pty Ltd
 454 91 001 137 004
 • Post Douglas
 310 New Rd #877 QLD
 Phone 07 40996010
 Fax 07 40960050
 Email: admin@reco.com.au
 www.reco.com.au
 RECO 0412

MOWBRAY DEVELOPMENT, LOT B7 SR070

NQL PROPERTIES

PROPOSED BUILDING PADS PLAN

1:500

42-2013 C01 B