

**YOUR REF:** 30728  
**OUR REF:** ROL 209/2014 SEDA (454308)

6 May 2015

Floro Pty Ltd  
C/- Charles O'Neill Surveyors & Planners  
PO Box 5246  
**CAIRNS QLD 4870**

Attention: Mr Michael Tessaro

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 1L OASIS DRIVE, WONGA BEACH**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 5 May 2015, 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 section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Paul Hoyer  
General Manager Operations

Att

**APPLICANT DETAILS**

Floro Pty Ltd  
C/- Charles O'Neill Surveyors & Planners  
PO Box 5246  
CAIRNS QLD 4870

**ADDRESS**

1L Oasis Drive, Wonga Beach

**REAL PROPERTY DESCRIPTION**

Lot 1 on SP259953

**PROPOSAL**

Reconfiguring a Lot (1 Lot into 5 Lots)

**DECISION**

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

**DECISION DATE**

5 May 2015

**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

**A. DEVELOPMENT CONDITIONS FOR RECONFIGURATING A LOT OVER LAND DESCRIBED AS LOT 1 ON SP259953, LOCATED AT 1L OASIS DRIVE, WONGA BEACH:**

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

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Plan of Proposed Lots	CNS Drawing 30728-PP01	As submitted to Council on 1 August 2014
Filling and Drainage Plan	PDR Engineers drawing 14810 – SK01 Revision A dated February 2015 and to be amended by the conditions of the approval	To be determined.

**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; 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 effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

**Access**

3. Access for Proposed Lot 1 must only be south of the proposed street trees to either Oasis Drive or Bells Reef Close as detailed on PDR Engineers drawing 14810 – SK01 Revision A dated February 2015.

### **Layout and Design**

4. The lot fill design is to be generally in accordance with PDR Filling and Drainage plan 14810 – SK01 Revision A dated February 2015 subject to:
- a. Setback of fill areas a minimum of six (6) metres from the property boundary from all roads.
  - b. A minimum fill pad of 1000 m<sup>2</sup> must be provided for each lot.
  - c. Fill lots in compliance with condition 9 below;
  - d. The fill pads for proposed Lots 3 and 5 are to be extended to the southern boundary of each lot and retained;
  - e. Appropriate protection is to be provided to prevent non authorised vehicles from entering the drainage easement including at a minimum, Barrier Kerbing. The applicant is to assess the need for additional barriers and or landscaping in these areas;
  - f. Delete the vehicle access from Bells Reef Close for proposed lot 5; and
  - g. Any amendments required to comply with the conditions and the requirements of *Queensland Streets* and the *FNQROC Development Manual*.

The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for 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 the issue of a Compliance Certificate for the Plan of Survey.

### **External Works**

5. Undertake the following works external to the site:
- a. Provide a single water connection to each lot to connect the site to the existing water supply infrastructure. The applicant is to verify that sufficient pressure is available in the existing system to meet the *FNQROC Development Manual* operating standard. Where not compliant the applicant must identify and provide the necessary upgrade to achieve the required pressure; and
  - b. Provide under ground power to all lots.

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. Works must be designed in accordance with the *FNQROC Development Manual*.

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

#### **On-Site Effluent Disposal**

6. The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report prepared by Zammataro Plumbing Pty Ltd as dated 24 February 2015 or as otherwise approved by the Chief Executive Officer.

#### **Acid Sulfate Soil Investigation**

7. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in *'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland'* (1998) or updated version of document produced by Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – *'Planning and Managing Development involving Acid Sulfate Soils'*. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: *'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland'* (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: *'Queensland Acid Sulfate Soil Technical Manual'* (2002), including Soil Management Guidelines (updated February 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

#### **Drainage Study of Site**

8. The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by PDR Engineers. The applicant must certify that there are no adverse drainage impacts on upstream and downstream properties and/or identify the mitigation measures required to minimise such impacts.

The study must be endorsed as remaining current for this development or must be updated and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

#### **Extent of Earthworks**

9. The concept for excavation and earthworks as detailed on PDR Engineers Fill and Drainage Plan Drawing 14810 – SK01 Revision A dated February 2015 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:
  - a. The earthworks fill zones are to be continuous to the southern boundaries of Lots 3 and 5;

- b. For lots 1, 2, 3 and 5 the nominated fill level of 3.4m is to be increased to 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **Future Redevelopment of Proposed Lot 4**

10. In the event that the proposed Lot 4 is redeveloped prior to any such redevelopment the lot must be land must be filled to a level of 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.

#### **Building Envelope Plan**

11. A building envelope plan for each of the lots must be lodged with Council prior to the issue of a Compliance Certificate for the Plan of Survey. The building envelope plan must comply with the following requirements:
  - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and
  - b. Identify the area of fill that meets the requirements of Condition 10 above.

The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

#### **Vehicle Access to Proposed Lot 5**

12. Other than authorised Council access, no vehicle access from Bells Reef Close is permitted for proposed Lot 5.

#### **Stockpiling and Transportation of Fill Material**

13. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
- b. before 7:00 am or after 6:00 pm Monday to Friday; or
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

14. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**Storage of Machinery and Plant**

15. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

**Drainage Construction**

16. The applicant / owner must undertake the development of the land in accordance with the findings of the Concept, Filling and Drainage Plan prepared by PDR Engineers as detailed on drawing 154810 – SK01 Revision A dated February 2015.

**Lawful Point of Discharge**

17. 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.

**Sediment and Erosion Control**

18. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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*).

**Existing Services**

19. 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.

**Electricity Supply**

20. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

## **Electricity and Telecommunications**

21. 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 the development prior to the issue of a Compliance Certificate for the Plan of Survey.

## **Street Lighting**

22. The following arrangements for the installation of street lighting for the frontage of the proposed subdivision to Oasis Drive and Bells Reef Close must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:

- a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the *FNQROC Development Manual*. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the *FNQROC Development Manual*.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs (Including the new turnaround at the northern end of Marlin Drive)
- LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.
- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.



### **Landscape Plan**

23. Undertake landscaping of the conservation covenant areas for Lots 1 to 6 and 15 to 17 inclusive in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
- a. the revegetation of cut and fill batters;
  - b. provision of suitable street trees; and
  - c. inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

### **Damage to Council Infrastructure**

24. In the event that any part of Council's existing 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 Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the Commencement of any Use.

### **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 sections 339 and 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.

### **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.

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

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 Development and Environment 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.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

**B. THE FOLLOWING NOTATION WILL BE PLACED ON COUNCIL'S FUTURE RATES RECORD IN RESPECT OF THE NEW LOTS:**

1. For all lots:
  - a. The area of fill on the proposed lots must be setback six (6) metres from all roads. Development is limited to a building envelope plan for each lot.
2. For Proposed Lot 4:
  - a. In the event that the proposed Lot 4 is redeveloped prior to any such redevelopment the lot must be land must be filled to a level of 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.

3. For Proposed Lot 5

Other than authorised Council access, no vehicle access is permitted from Bells Reef Close.

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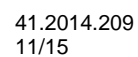
**RIGHTS OF APPEAL**

Attached

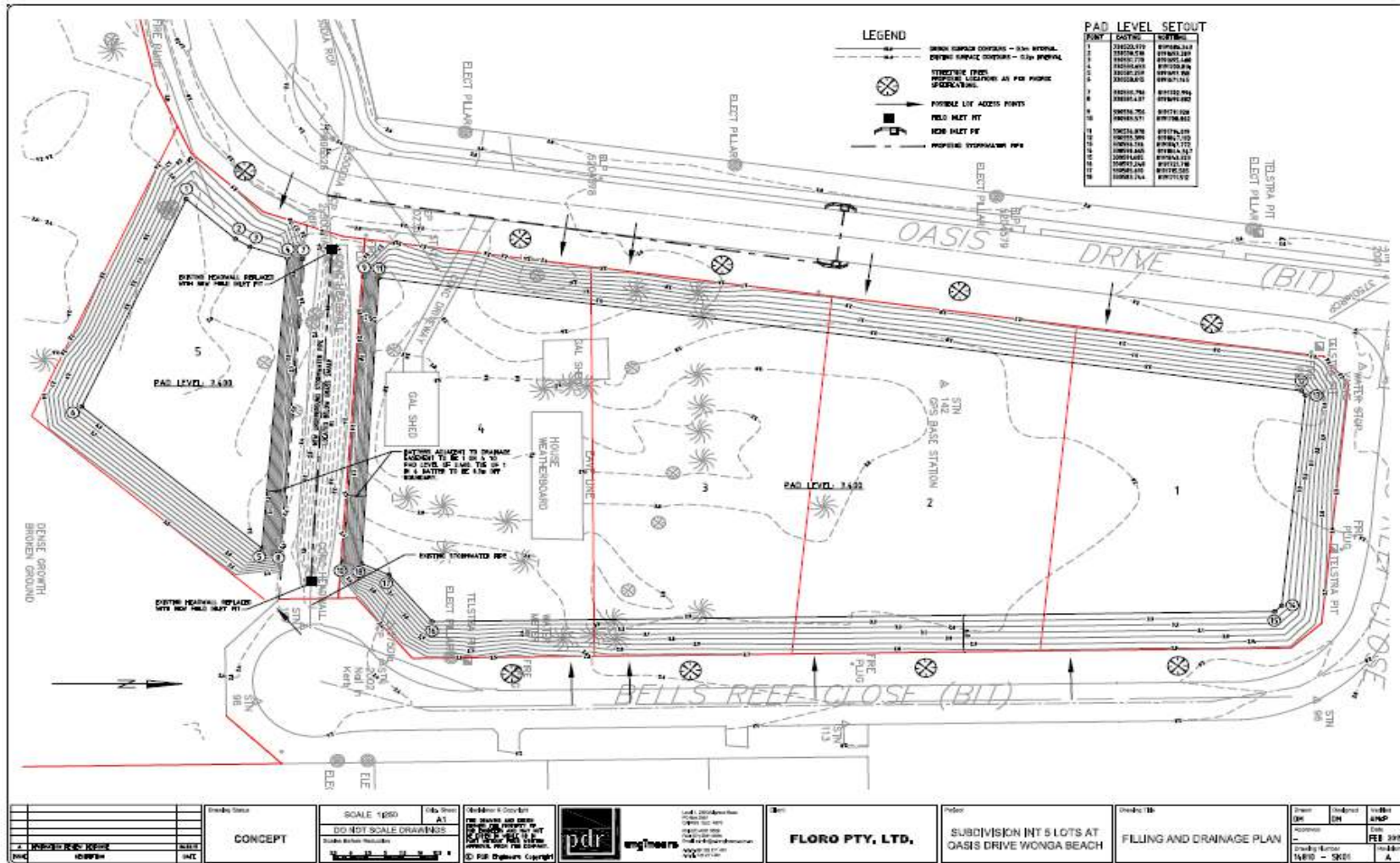
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**End of Decision Notice**

**APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S) – TO BE AMENDED BY CONDITIONS OF THE APPROVAL**




**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**



**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**APPENDIX 2: INFRASTRUCTURE CHARGES NOTICE**

		<b>2006 &amp; 2008 Douglas Shire Planning Schemes Applications</b>	
<b>INFRASTRUCTURE CHARGES NOTICE</b>			
Floror Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	
1L Oasis Drive		L1 SP259953	
STREET No. & NAME		STAGE	
ROL		157269	
SUBURB		LOT & RP No.s	
41.2014.209		31-Dec-14	
PARCEL No.		4	
DEVELOPMENT TYPE		COUNCIL FILE NO.	
451792		1	
DSC Reference Doc . No.		VERSION No.	
1		1	
<b>R&amp;B INDEX QUARTER ENDING</b> This logsheet is indexed appropriately only for payments made within the quarter noted above.			

	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
<b>WATER</b>							
Existing	6	14,140.17	X 4.00	0.00	\$56,560.66		856 GL 07470.0135.0823
Proposed	6	0.00	X 4.00	0.00	\$0.00		870 GL 07470.0135.0824
<b>Wonga Water sub - total</b>					<b>\$56,560.66</b>		
<b>SEWERAGE</b>							
Existing	8	0.00	X 0.00	0.00	\$0.00		0
Proposed	8	0.00	X 0.00	0.00	\$0.00		0
<b>None Sewerage sub - total</b>					<b>\$0.00</b>		
<b>OPEN SPACE</b>							
DSC Area					\$20,000.00		894 GL 07230.0135.0825
<b>Off-Site Car Parking</b>					\$0.00		
<b>TOTAL</b>					<b>\$76,560.66</b>		

Prepared by	J Elphinstone	on	2-Apr-15	Amount Paid	
Checked by	N Beck	on	2-Apr-15	Date Paid	
Date Payable					
Amendments	Date				
				Cashier	

**Note:**

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. **The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.**

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 74099 9444 or by email on [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

**YOUR REF:** 30728  
**OUR REF:** ROL 209/2014 SEDA (454308)

6 May 2015

Floro Pty Ltd  
C/- Charles O'Neill Surveyors & Planners  
PO Box 5246  
**CAIRNS QLD 4870**

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
1L OASIS DRIVE, WONGA**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 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 Development and Environment 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 enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.


Yours faithfully

Paul Hoyer  
General Manager Operations

Att



# INFRASTRUCTURE CHARGES NOTICE

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Proposed	6	0.00	X 4.00	0.00	\$0.00		870 GL 07470.0135.0824																																																																																																				
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<b>SEWERAGE</b>																																																																																																											
Existing	8	0.00	X 0.00	0.00	\$0.00		0																																																																																																				
Proposed	8	0.00	X 0.00	0.00	\$0.00		0																																																																																																				
<b>None Sewerage sub - total</b>					<b>\$0.00</b>																																																																																																						
<b>OPEN SPACE</b>																																																																																																											
<b>DSC Area</b>					<b>\$20,000.00</b>		894 GL 07230.0135.0825																																																																																																				
<b>Off-Site Car Parking</b>					<b>\$0.00</b>																																																																																																						
<b>TOTAL</b>					<b>\$76,560.66</b>																																																																																																						
Prepared by		J Elphinstone		on	2-Apr-15	Amount Paid																																																																																																					
Checked by		N Beck		on	2-Apr-15	Date Paid																																																																																																					
Date Payable																																																																																																											
Amendments		Date																																																																																																									
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## Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. **The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.**

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)