

ENQUIRIES: Steve Graham
PHONE: (07) 4044 3144
FAX: (07) 4044 3836
YOUR REF: SEDA
OUR REF: 8/13/1728 SEDA (4048072)

23 July 2013

G Vico & S Vico
C/- Charles O'Neill Pty Ltd
PO Box 5246
CAIRNS QLD 4877

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 48R SHANNONVALE ROAD
SHANNONVALE**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 22 July 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 Steve Graham of Council's Development Services Team on telephone number (07) 4044 3144.

Yours faithfully



Graham Boyd
Manager Development & Regulatory Services

Att.

APPLICANT DETAILS

G Vico & S Vico
C/- Charles O'Neill Pty Ltd
PO Box 5246
CAIRNS QLD 4877

ADDRESS

48R Shannonvale Road Shannonvale

REAL PROPERTY DESCRIPTION

Lot 1 on SP225679

PROPOSAL

Reconfiguring A Lot (1 Lot into 2 Lots)

DECISION

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

DECISION DATE

22 July 2013

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

*(State Controlled Roads, Public
Passenger Transport & Railway Matters)*
Department of Transport and Main Roads
Department of State Development, Infrastructure & Planning
Northern Regional (Cairns Office)
PO Box 2358
CAIRNS QLD 4870

Administration Officer
Permit & Licence Management
Implementation & Support Unit
Department of Natural Resources & Mines (DNRM)
GPO Box 2454
BRISBANE QLD 4001

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

None

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
Plan of Proposed Lots 10 and 20 Cancelling Lot 1 on SP225679 (Sheet 1 of 3 and Sheet 2 of 3)	Charles O'Neil Pty Ltd Plan No. 5438VIC-09	24/4/13

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.

Access

3. Access to the dwelling houses on each lot are to be upgraded in accordance with FNQROC Development Manual Standard Drawing S1105, a copy of which is attached, and as follows:

- a. Access to Lot 10 is to be in the location of the existing driveway servicing the dwelling house on the lot;
- b. Access to Lot 20 is to be in the location of the existing driveway servicing the dwelling house on the lot and upgraded for the first ten (10) metres from the edge of the existing road pavement.

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

Water Supply Works Internal

4. Undertake the following water supply works internal to the subject land:-
 - a. 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.

The above works must be designed and constructed 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 issue of a Compliance Certificate for the Plan of Survey.

Damage to Infrastructure

5. In the event that any part of Council's existing water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the commencement of use.

Lawful Point of Discharge

6. 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.

Existing Services

7. 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 and Telecommunications

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

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Transport & Main Roads	TMR13-006289 (500/463)	24 May 2013	3985335
Department of Natural Resources & Mines	531965_SPCC05617513	18 June 2013	4013323

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. 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

DISCLAIMER:

(1) This plan was prepared for the purpose and exclusive use of the Client and is not to be used for any other purpose. The Client is responsible for ensuring that the information provided in this plan is accurate and complete. The Client is not to be held responsible for any loss or damage suffered by any person or corporation who may use the information provided in this plan for any purpose other than that for which it was prepared.

(2) The dimensions, areas, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.

(3) Unless stated otherwise, no investigations have been carried out by Charles O'Neill Pty Ltd. into whether or not any of the land has been filled, and it is recommended that such investigation be undertaken by a suitably qualified person.

(4) State shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.

(5) This plan may not be photocopied unless this note is included.

Drawn: MAT	Checked: GHP	Original: 24/4/13
Code Ref: 54-3881-08 Aug	Original: 24/4/13	Original: 24/4/13
PASSED & ENDORSED:	By: G. Phillips	Date: 24/4/13
Signed: <i>Robert Phillips</i>		

Revisions

Original: 24/4/13

Scale: 1:4000

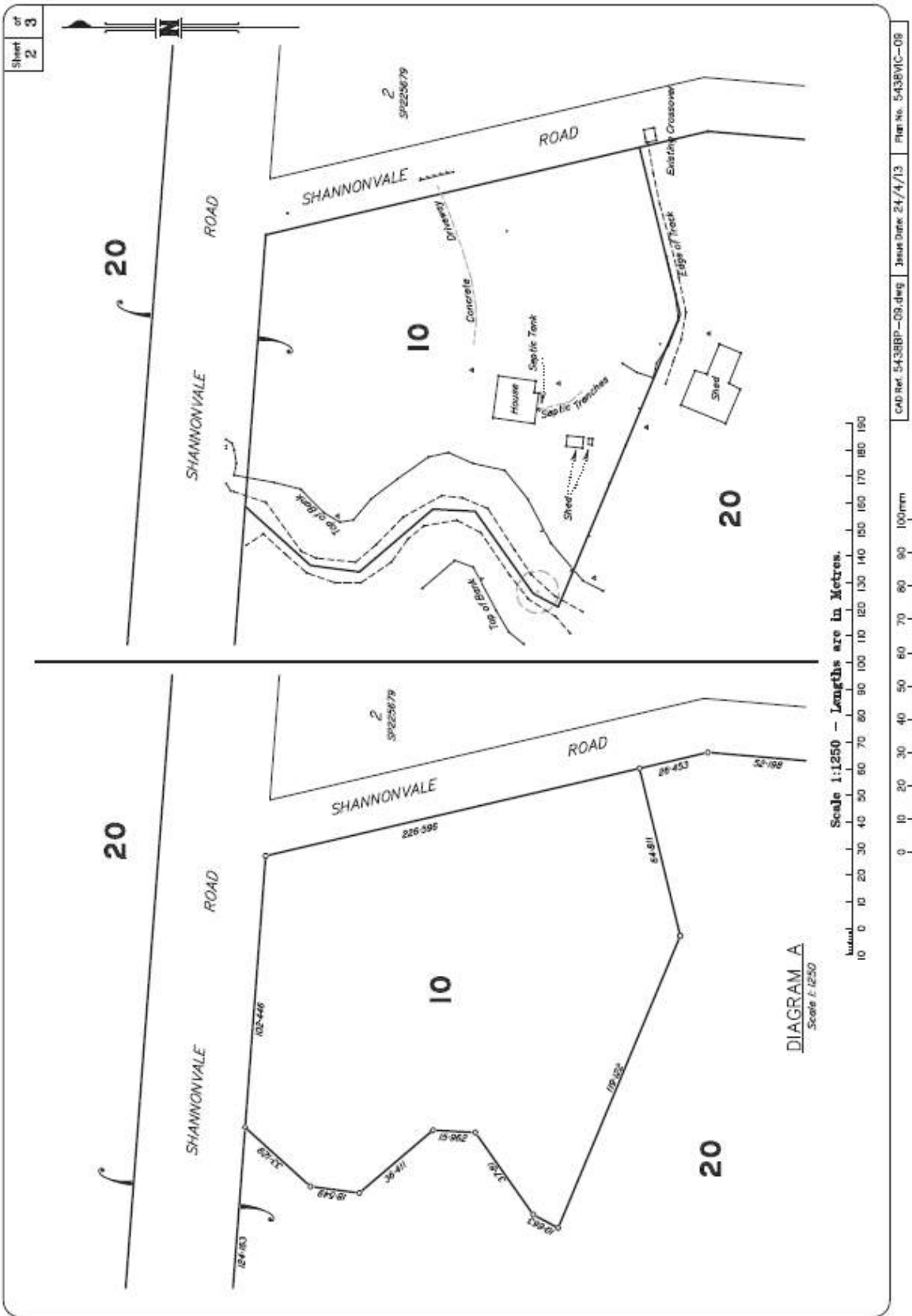
Plan No. 5438VIC-09

Rev. 1

Canceling Lot 1 on SP225679

County: Victoria

State: Victoria



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Our ref TMR13-006289 (500/463)
Your ref 8/13/1728 SEDA
Enquiries Malcolm Hardy

Department of
Transport and Main Roads

24 May 2013

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

Attention: Stephen Graham



Dear Sir

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: DEVELOPMENT PERMIT for RECONFIGURATION OF LOT
(ONE LOT INTO 2 LOTS)
Real Property Description: Lot 1SP225679
Street Address: 14R & 48R Shannonvale Road, Shannonvale QLD 4873
Assessment Manager ref.: 8/13/1728 SEDA
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 23 May 2013.

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.

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.

Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns Queensland 4870
PO Box 6185 Cairns Queensland 4870

Telephone +61 7 4050 5511
Facsimile +61 7 40505429
Website www.tmr.qld.gov.au
Email Malcolm.R.Hardy@tmr.qld.gov.au
ABN: 29139 407 690

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 G & S Vico
 C/- Charles O'Neill Pty Ltd
 PO Box 5246
 Cairns QLD 4870



Department of
Transport and Main Roads

Our ref TMR13-006289 (500/463)
Your ref 5438VIC

C/c G & S Vico
C/- Charles O'Neill Pty Ltd
PO Box 5246
Cairns QLD 4870

Attention: Michael Tessaro

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, appearing to read "Malcolm Hardy".

Malcolm Hardy
Senior Town Planner (Corridor Management)

24 May 2013

Enc. Department of Transport and Main Roads Agency Conditions and Statement of Reasons

Transport and Main Roads

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 1SP225679

Street Address:

14R & 48R Shannonvale Road, Shannonvale QLD 4873

Our ref.:

TMR13-006289 (500/463)

Assessment Manager ref.:

8/13/1728 SEDA

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: • Charles O'Neill Plan of Proposed Lots 10 & 20, 5438VIC-09, dated 24/4/13 • Charles O'Neill Planning Report, 5438VIC-36, dated April 2013	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 proposed Lots 10 and 20 and Captain Cook Highway via Shannonvale Road only. Existing direct accesses between the Captain Cook Highway and the proposed Lot 20 located about 40m	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.

Transport and Main Roads

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	and 300m south of the Highway/ Shannnonvale Road intersection shall be limited to farm vehicles only.		location minimises impacts on the safety and efficiency of the state-controlled road network.
3	Direct access is not permitted between the Captain Cook Highway and the subject site at any location other than the permitted road access location.	Prior to submitting the Plan of Survey to the local government for approval	<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>

Malcolm Hardy

Malcolm Hardy
Senior Town Planner (Corridor Management)

24 May 2013

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 applicant will need to give the assessment manager written notice under section 320(1) of the *Sustainable Planning Act 2009* (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 given to:

Chief Executive Officer
Department of Transport and Main Roads
C/- Planning Law Team
Planning Management Branch
GPO Box 213
Brisbane QLD 4001

This notice should be given within 2 business days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.



Notice

Referral Agency Response

This notice is issued by the Department of Natural Resources and Mines (DNRM) pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Cairns Regional Council
PO Box 359
CAIRNS QLD 4870
Attn: Neil Beck & Stephen Graham

cc. G & S Vico
c/- Charles O'Neill Pty Ltd
PO Box 5246
CAIRNS QLD 4870
Attn: Michael Tessaro

Our reference: 531965_SPCC05617513
Assessment Manager ref.: 8/13/1728 SEDA
(3973852)
Applicant ref.: 5438VIC-38

1. Application Details

Applicant: G & S Vico
Date application referred to DNRM: 31 May, 2013
Development approval applied for: Development permit
Development descriptions: Reconfiguration of a lot
DNRM Jurisdiction(s): *Strategic Cropping Land Act 2011*
Sustainable Planning Act 2009

Reconfiguring of a lot – Particular development on Strategic Cropping Land or potential Strategic Cropping Land	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 28</i>	DNRM Reference: 531965_SPCC05617513
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Property/Location description: Lot 1 on SP225679, Shannonvale Road, Shannonvale Q 4877.

Cairns Regional Council

2. The Chief Executive, Department of Natural Resources and Mines (DNRM), as a referral agency for the application, advises that a response for each of the referral agency jurisdictions has been made and is attached.

2.1 Concurrence Jurisdictions

Notice
Referral Agency Response

2.1.1 Strategic Cropping Land

(Sustainable Planning Regulation 2009 – Schedule 7, Table 3, Item 28)

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

3. General advice to assessment manager

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DNRM as a referral agency for the relevant application at PO Box 156, Mareeba, QLD 4880.

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DNRM as a referral agency for the relevant application has not provided notification to native title parties.

4. Additional comments or advice about the application for Assessment Manager

Nil

5. Additional information for applicants

Nil



Errol Sander
Project Manager
Delegate, Chief Executive Department of Natural
Resources and Mines
Administering the *Strategic Cropping Land Act, 2011*

Enquiries:

Neil Enderlin
Natural Resource Management Officer
Department of Natural Resources and Mines
PO Box 156, MAREEBA QLD 4880
Phone: 07 4048 4732
Email: SCLNorth@dnrm.qld.gov.au

18 June, 2013

Attachments - DNRM Concurrence Referral Agency Response (Strategic Cropping Land)



Sustainable Planning Act 2009

Strategic Cropping Land Concurrence Agency Response

Reference: 531965_SPCC05617513

Assessment manager reference:	8/13/1728 SEDA (3973852)
Date application received:	31 May, 2013
Response type:	For a concurrence agency response
Property/Location description:	Lot 1 on SP225679, Shannonvale Road, Shannonvale Q 4877 Cairns Regional Council
Date of decision:	18 June, 2013
Decision:	For a concurrence agency response The Chief Executive, Department of Natural Resources and Mines (DNRM) advises the Assessment Manager there are no objections to the proposed reconfiguration of land, subject to the inclusion of the conditions expressed herein.
Relevant laws and policies:	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Strategic Cropping Land Act 2011</i> <i>State Planning Policy 1/12 Protection of Queensland 's strategic cropping land</i>
Jurisdiction(s):	DNRM referral agency jurisdiction: Reconfiguring of a lot – particular development on Strategic Cropping Land or potential Strategic Cropping Land – <i>Sustainable Planning Regulation 2009</i> – Schedule 7, table 3, item 28

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this response required by the concurrence agency response for the application are as follows.

Any conditions are a result of development complying with State Planning Policy 1/12 protection of Queensland's strategic cropping land.

Strategic Cropping Land Concurrence Agency Response

Reference: 531965_SPCC05617513

CONDITIONS

1. The realignment of lot boundaries associated with the development application Cairns Regional Council reference 8/13/1728 SEDA (3973852), must be in accordance with the attached plans of development titled *Plan of proposed Lots 10 & 20 cancelling Lot 1 on SP225679, Plan No 5438VIC-09 Revision A, Sheets 1 & 2, prepared by Charles O'Neill Pty Ltd with revision A dated of 13/6/2013.*

END OF CONDITIONS



Errol Sander
Project Manager
Delegate, Chief Executive Department of Natural Resources and Mines
Administering the *Strategic Cropping Land Act 2011*

18 June, 2013

Attachments:

Plan of proposed Lots 10 & 20 cancelling Lot 1 on SP225679, Plan No 5438VIC-09 Revision A, Sheets 1 & 2, prepared by Charles O'Neill Pty Ltd with revision A dated of 13/6/2013.

45.2013.5105
22/22

