

OUR REF: ROL1845/ 2016 (808551)

16 March 2017

V G Scomazzon
Lot 1 South Arm Dr
WONGA QLD 4873

Attention: Mr Vittorio Scomazzon

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 2-28 SOUTH ARM DRIVE WONGA
BEACH**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 16 March 2017, 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 Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456 .

Yours faithfully

Simon Clarke
Acting Manager Sustainable Communities

Att

APPLICANT DETAILS

V G Scomazzon
Lot 1 South Arm Dr
WONGA QLD 4873

ADDRESS

2-28 South Arm Drive WONGA BEACH

REAL PROPERTY DESCRIPTION

Lot 1 on RP188690

PROPOSAL

1 lot into 3 lot reconfiguration

DECISION

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

DECISION DATE

16 March 2017

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Tidal works or development in a coastal management district	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 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:

Drawing or Document	Reference	Date
General Layout Plan	Drawing No. 10-021-SK02, Prepared by Projex North Pty Ltd	Revision A. No date nominated.

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 Council issuing a Compliance Certificate of the Plan of Survey, except where specified otherwise in these conditions of approval.

On-site Effluent Disposal

3. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The wastewater treatment system to be installed in accordance with reports prepared by Zammataro Plumbing, dated 22 September 2010, requires an amendment. Provide an amended site layout indicating reserve area for on-site system.

General External Works

4. Undertake the following external works:-
 - a. Provide an access as per FNQROC Standard Drawing S1015 to each lot. The applicant is to provide supporting information to verify that the crossovers do not impact on storm water flows in the minor and major flow events.
 - b. Upgrade the Vixies Road drainage as nominated by Projex North with the upgrade to include reshaping of the roadside table drain. Details on the resulting profile, invert levels and discharge controls are to be provided in the Operational Works submission.

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

Earthworks and Drainage Plan

5. Provide revised earthworks and drainage plans to address the following requirements:
 - a. Provide a plan identifying a building pad having a minimum area of 1000m² with the finished pad level 300mm above the identified Q100 ARI flood interval level for each lot on site.
 - b. Where cutting and filling is proposed to achieve the building pad footprint, confirm extents of cut and fill and demonstrate the proposed work does not have a worsening impact on the drainage and flooding.

Written advice from an RPEQ certified engineer must be submitted to Council as part of the Operational Works Development Application, stating the finished envelope pad levels are 300mm above the Q100 ARI flood level.

All filling is to be completed in accordance with the approved plans during the Operational Works stage.

Potential Acid Sulphate Soils

6. An Acid Sulfate Soil investigation is to be undertaken as part of the Operational Works development application in the event that the fill levels required to complete the building pads exceed 500mm in depth.

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 the document produced by Department of Natural Resources and Mines (DNRM) – QASSIT Guidelines. The results of this investigation must be submitted to Council for approval prior to any earthworks being commenced on the site.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – 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 DNRM: ‘Queensland Acid Sulfate Soil Technical Manual’ (2002), including Soil Management Guidelines 2014, which must be prepared to the satisfaction of the Chief Executive Officer.

Building Envelope Plan

7. Provide a Plan nominating building envelopes for all habitable buildings on each lot. These envelopes are to be 1000m² building pads required by conditions of this Development Permit.

The Building Envelope Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

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

Lawful Point of Discharge

8. 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.

Damage to Infrastructure

9. In the event that any part of Council’s existing infrastructure is damaged as a result of construction activities occurring on the site, Council must be notified of the affected infrastructure and have it repaired or replaced at no cost to Council.

Stockpiling and Transportation of Fill Material

10. 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.

Dust Emissions

11. 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

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

Lawful Point of Discharge

13. 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

14. 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

15. 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

16. 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.

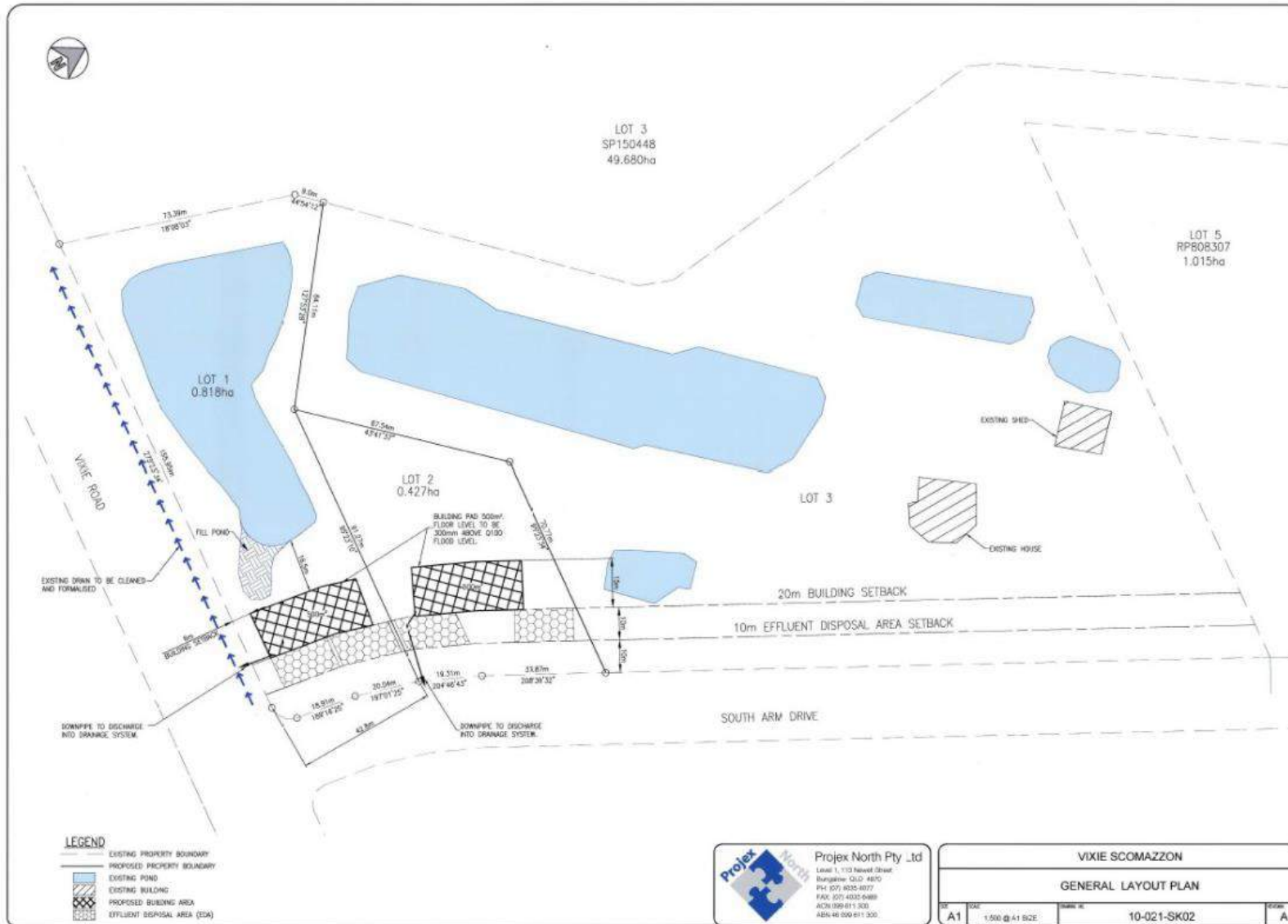
Electricity and Telecommunications

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

RIGHTS OF APPEAL
Attached

End of Decision Notice

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

SARA reference: SDA-1216-036011
Council reference: ROL1845/2016

15 February 2017

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attn: Daniel Lamond

Dear Sir / Madam

Concurrence agency response—with conditions

Application for reconfiguring a lot on land situated at 2-28 South Arm Drive, Wonga Beach and described as Lot 1 on SP188690

(Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 21 December 2016 and considered properly referred on 12 January 2017 following payment of the referral agency assessment fee.

Applicant details

Applicant name: Mr V G Scomazzon
Applicant contact details: Lot 1 South Arm Drive
Wonga Beach QLD 4873

Site details

Street address: 2-28 South Arm Drive, Wonga Beach
Lot on plan: Lot 1 on SP188690
Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for reconfiguring a lot (1 lot into 3 lots)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	3 lot rural subdivision	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 14 — Tidal works, or development in a coastal management district

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in **Attachment 1** must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in **Attachment 2**.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see **Attachment 3**.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in **Attachment 4** must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: reconfiguring a lot				
General Layout Plan	Projex North Pty Ltd	-	10-021-SK02	A

A copy of this response has been sent to the applicant for their information.

For further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or email bec.turner@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Mr V G Scmazzon, Lot 1 South Arm Drive, Wonga Beach QLD 4873
enc: **Attachment 1**—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SARA reference: SDA-1216-036011
 Council reference: ROL1845/2016

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguring a lot (1 lot into 3 lots)		
Schedule 7, Table 2, Item 14; Tidal works, or development in a coastal management district— Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • General Layout Plan, prepared by Projex North Pty Ltd, Drawing No. 10-021-SK02, Revision A. 	

SARA reference: SDA-1216-036011
Council reference: ROL1845/2016

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the development is carried out generally in accordance with the plans of development submitted with the application; and
- to ensure the development meets the relevant outcomes of Module 10 of the State Development Assessment Provisions (version 1.10).

SARA reference: SDA-1216-036011
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Attachment 3—Further advice

General advice	
Ref	State Planning Policy April 2016 interim development assessment provisions
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy April 2016, and in particular the interim development assessment provisions, such as Biodiversity, Coastal environment and Natural hazards, risk and resilience to the extent it is relevant to the proposed development.

SARA reference: SDA-1216-036011
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Attachment 4—Approved plans and specifications
