

YOUR REF: PR130172/OCK/AF/L755
OUR REF: ROL1357/2016 (770449)

22 March 2016

K M Reynolds
c/- RPS Australia East
PO Box 1949
CAIRNS QLD 4870

Attention: Owen Caddick King

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR MOSSMAN-DAINTREE ROAD LOWER
DAINTREE**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 22 March 2016, 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 Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9480.

Yours faithfully

Paul Hoye | General Manager Operations
Sustainable Communities | Douglas Shire Council
Att

-

APPLICANT DETAILS

K M Reynolds
PO Box 951
MOSSMAN QLD 4873

ADDRESS

Mossman-Daintree Road, Lower Daintree

REAL PROPERTY DESCRIPTION

Lot 357 on RP686

PROPOSAL

Boundary Realignment (2 into 2 lots)

DECISION

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

DECISION DATE

22 March 2016

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Compliance Assessment

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 expressions means:

Drawing or Document	Reference	Date
Proposed Boundary Realignment	PR130172-1	15 February 2016

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.

Encroachments

3. Any building and infrastructure encroachments must be removed and be fully contained within each respective lot.

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas except those affected by construction of roadworks / access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires an Operational Works Approval.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

FURTHER ADVICE

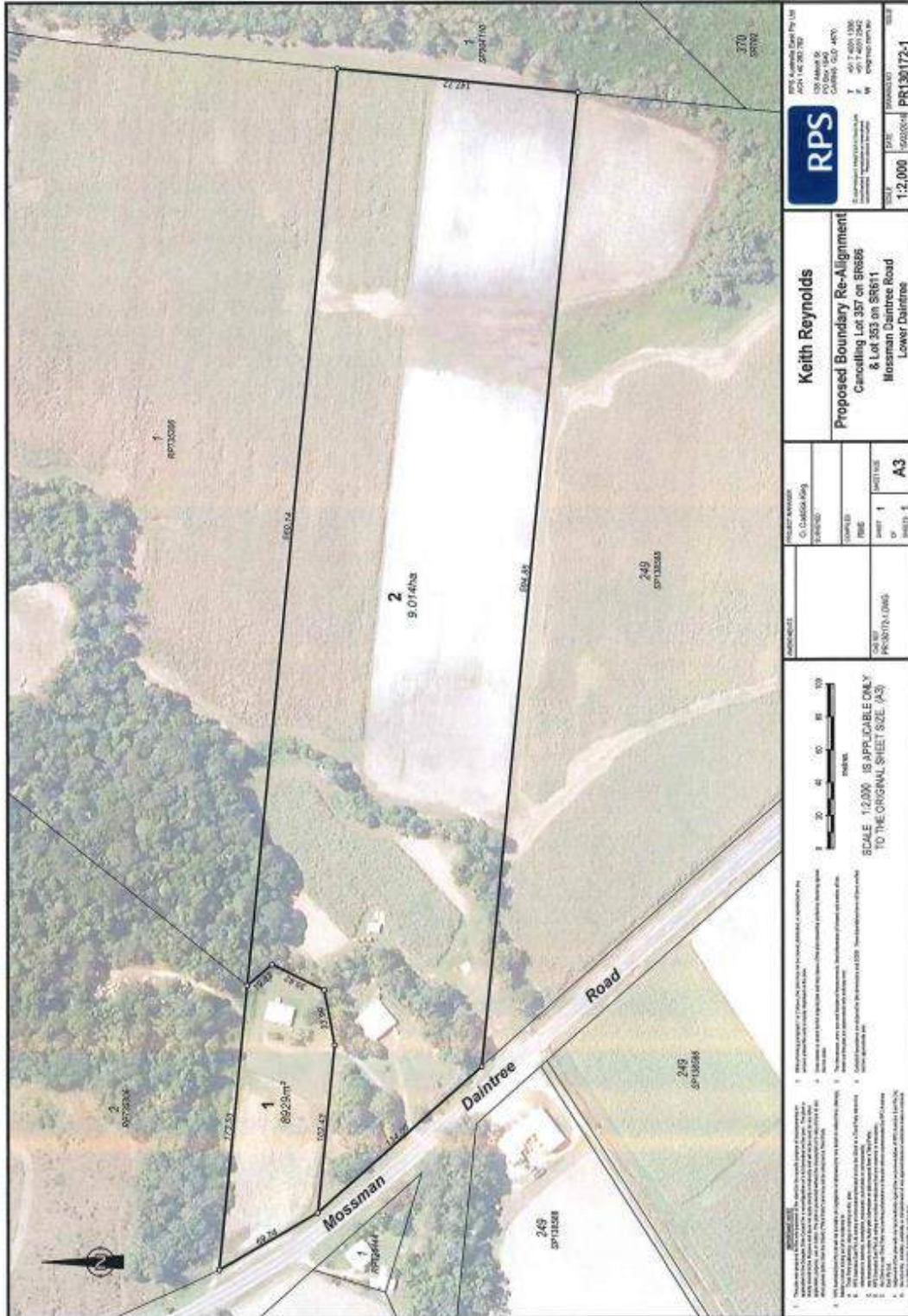
1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act* 2009.
2. All building site managers must take all action necessary to ensure building 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. Access to proposed Lot 1 is to be in accordance with Conditional Approval of Road Access Works from the Department of Transport and Main Roads (Ref- 275/655 (500-920) dated 22 December 2015 (Copy attached).

RIGHTS OF APPEAL

Attached

End of Decision Notice

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



APPENDIX 2: SUPPORTING INFORMATION

Our ref 275/855 (500-920)
DSDP ref
Enquiries Ron Kaden



Department of
Transport and Main Roads

22 December 2015

Keith & Michelle Reynolds
PO Box 951
MOSSMAN QLD 4873

Dear Mr & Ms Reynolds

Conditional Approval of Road Access Works

Local Authority: Douglas Shire
State Controlled Road: Mossman - Daintree Road
Application: Road Access Location & Road Access Works
Property Description: Lot 357 on SR686
Site Locality: Mossman - Daintree Road, Lower Daintree (TDist 22.70km)

I refer to your application for approval of a road access location and road access works between Lot 357 on SR686 and the Mossman - Daintree Road which was received by the Department of Transport and Main Roads (TMR) on 03 September 2015.

Pursuant to section 62(1) and 33 of the *Transport Infrastructure Act 1994 (QLD)* (TIA), I wish to advise that your application has been assessed and TMR advises that it has decided to approve the application, subject to the following conditions.

Construction / works may commence on compliance with these conditions and your receipt of a Traffic Disruptions Permit from this office.

1. Permitted Road Access Location (TIA s62)

- a. The permitted road access location is to be approximately 25m from the southern side boundary of Lot 357SR686
- b. Connection of the access driveway to Mossman - Daintree Road is to be located approximately 1.35km north of Norris Road.
- c. Additional direct vehicular access between the state-controlled road and Lot 357 is prohibited.
- d. Access arrangements shall comply with TMR Layout Plan (655 - 22.70km) dated 22/12/2015.
- e. The applicant shall construct and maintain the access to the standard specified, at no cost to TMR.
- f. Access Restrictions
 - Private use only
 - Vehicles must enter and exit the subject land in a forward direction only
 - Vehicles of maximum size equivalent to Single Unit Trucks (Rigid Body)

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Notice of Decision

This letter constitutes a notice under section 67 of the *Transport Infrastructure Act 1994 (QLD)* of a decision made under section 62(1).

In accordance with section 70 of the *Transport Infrastructure Act 1994 (QLD)*, you are bound by this decision. A copy of s70 is attached for your information.

Appeal Provision

Any person whose interests are affected by this decision may, within 28 days of this notice and in accordance with section 31 of the *Transport Planning and Coordination Act 1994*:

- Under section 584 of the *Transport Infrastructure Act* – ask for the decision to be reviewed and appeal against the reviewed decision; and
- Under the *Transport Planning and Coordination Act*, part 5, division 2 – ask for the decision or the reviewed decision to be stayed.

Duration of Decision

There is no guarantee of continuation of road access arrangements, as ongoing access is dependent upon ensuring the ongoing safety and efficiency of the state-controlled road network.

2. Road Access Works (TIAs33)

The permitted Road Access Works are for the purpose of:

- a. Construction of a new access to Lot 357RS686,
- b. Minor clearing of vegetation for visibility purposes

The permitted Road Access Works shall be carried out in accordance with:

- a. TMR Standard Drawing PD-RPA001 - Rural Property Access which conforms to Austroads Guide to Road Design Part 4, Figure 7.2 rural property access.
- b. TMR Standard Works Conditions – Road Access Works

The following documents are to be returned / submitted to this office prior to commencement of works:

- a. Acceptance of Road Corridor Permit Conditions (enclosed)
- b. Proof of public liability insurance of no less than \$10,000,000
- c. Traffic Disruptions Permit application (enclosed)
- d. A bond to the value of \$1,000 (refer bond requirements in *TMR Standard Works Conditions*)

This letter, as conditional approval to construct, must be made available to Transport and Main Roads inspectors at any time during construction.

Once your structure (access) is in place please contact this office so that an inspection can take place. Providing conditions are met, a Road Corridor Permit will be issued.

Sunset Clause – Approvals and conditions on road access works within the road reserve will lapse after a 12 month period from the date of this conditional approval letter and will require re-submission after that time.

Approval is in accordance with the provisions of:

- s62 and s33 of the *Transport Infrastructure Act 1994 (Qld)*
- TMR Manual of Uniform Traffic Control Devices (MUTCD)
- TMR Access Policy

If you need any further assistance please contact Ron Kaden of this office on 07 4045 7151.

Yours sincerely

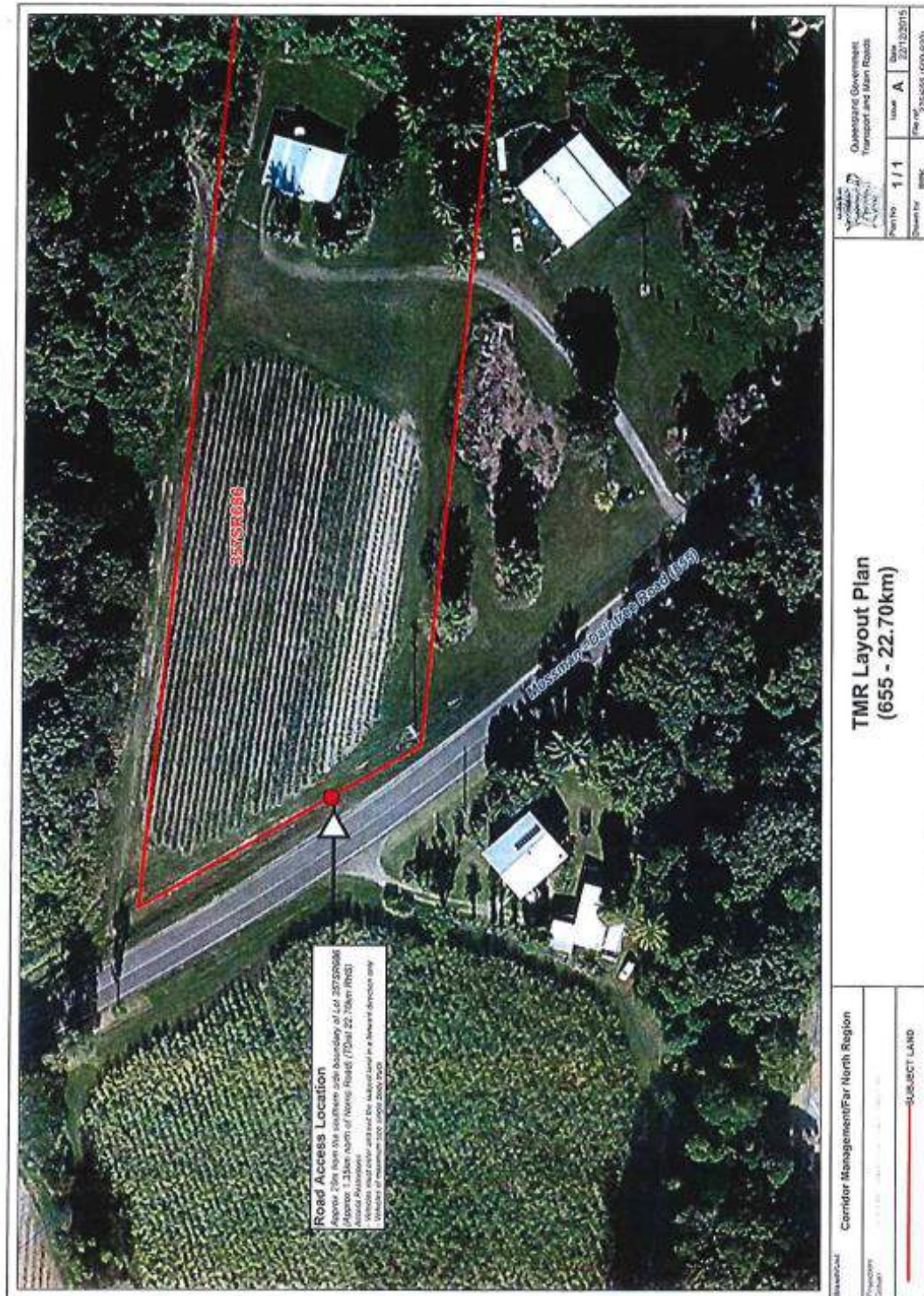


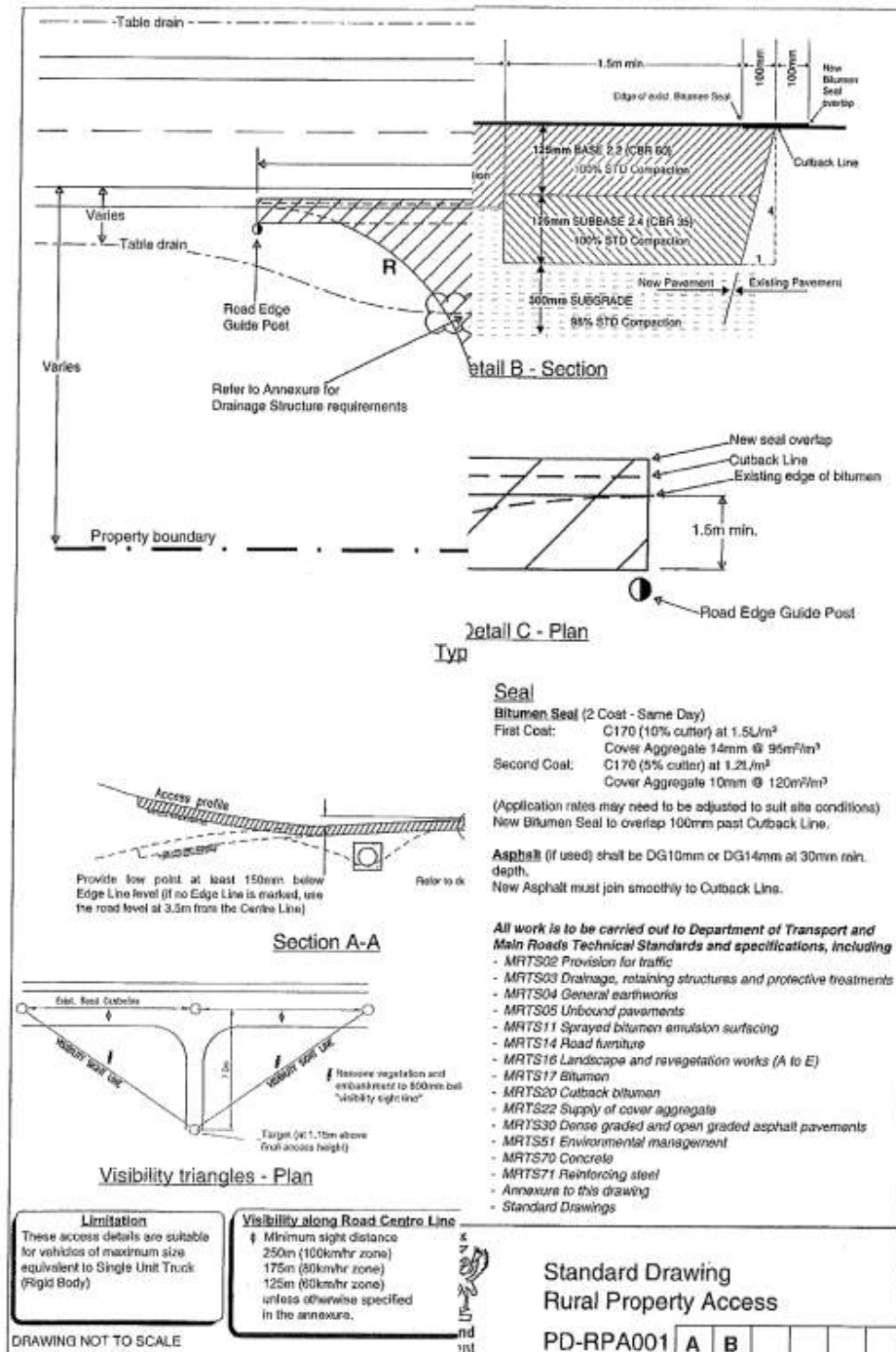
Brett Martin

Manager (Project Planning and Corridor Management)

As authorised delegate of the Director-General of the Department of Transport and Main Roads.

Enclosed TMR Layout Plan (655 - 22.70km) dated 22/12/2015
 TMR Standard Drawing PD-RPA001
 TMR Standard Works Conditions – Road Access Works
 Acceptance of Road Corridor Permit Conditions
 Traffic Disruptions Permit Application
 s.70 *Transport Infrastructure Act 1994 (Qld)*







TMR Standard Works Conditions
Road Access Works

Department of
Transport and Main Roads

Conditions of approval for works within state-controlled road boundaries by
owners / developers in accordance with the *Transport Infrastructure Act 1994* s33

For the purpose of this document, Department of Transport and Main Roads is abbreviated to TMR.

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1. Contractor

All works shall be carried out by a competent Contractor who is acceptable to TMR.
Advice of acceptability of the Contractor must be obtained from TMR prior to work commencing.

TMR, as the authority responsible for the worksite, advise that you (the owner) are appointed as Principal Contractor for the works.

As Principal Contractor, you are required to comply with all provisions of the Workplace Health and Safety Act.

2. Notice of Work to Commence

TMR is to be notified a minimum of 5 working days prior to commencement of work.

3. Traffic Disruptions

a) Traffic Disruptions Permit

A Traffic Disruptions Permit is to be obtained prior to any works being undertaken, whether Traffic Control is required or not.

Traffic Disruptions Permit applications are to be submitted;

- Where works are being carried out within the state-controlled road reserve, or
- Where the safety and efficiency of the state-controlled road is affected, and
- To avoid any possible works conflicts.

b) Interference with traffic flows

Where it is necessary to interfere with traffic flows, the following conditions apply.

In the interests of the general community, traffic delays are to be avoided during peak flow periods, which shall be:-

Monday to Friday	7.00 am to 9.00 am
	4.00 pm to 6.00 pm
	(3.00pm to 6.00pm between Gordonvale and Buchan's Point)
Saturday	8.00 am to 12.30 pm

These curfew hours only apply to the peak flow direction.

Traffic delays are allowed during off-peak periods subject to;

- Traffic Disruptions Permit conditions.
- Press statements issued prior to any off peak traffic delays occurring. Press statements are to be reviewed and approved by TMR prior to release.

c) Traffic Management Registration Scheme

The scheme is applicable to organisations that provide 'traffic control services' on, or for, state-controlled roads. This includes;

- the provision of traffic management around roadwork sites including the setting up of road signage and devices on roads,
- operational traffic control (managing the flow of traffic around roadwork sites and other road sites),
- the design, auditing and provision of traffic management plans and traffic guidance schemes (this includes organisations that provide traffic management plans, designs or drawings to principal contractors; to third parties; or to traffic management companies).

Companies must be registered in the scheme if they provide traffic management services on state-controlled roads.

4. Works

All works within the state-controlled road reserve shall be carried out to, and comply with;

- Department of Transport and Main Roads Technical Specifications (MRTS), including;
 - Construction Procedures

- Testing Frequencies

- Workplace Health and Safety Act
- Manual of Uniform Traffic Control Devices (MUTCD)
- Environmental Protection Act, and
- Any other Act or Local Government requirements which may be relevant to these works.

5. Services

The owner, developer &/or contractor shall be responsible for liaison with all other Service Authorities, and shall repair any damage incurred as a result of the works.

For road maintenance and safety purposes, any pit or valve box within the state-controlled road reserve shall be constructed such that it is flush with existing surface levels and is clearly indicated with a marker.

All road crossings of sealed roads within the state-controlled road reserve shall be jacked or bored in accordance with Department Drawing No. QP3 (3/99).

The method of jacking or boring is to be such that no gaps greater than 5mm exist between the outer surface of the enveloper and the surrounding material (to avoid subsidence problems).

All water main crossings of two lane state-controlled roads shall be encased within an enveloper pipe which extends at least 8.0 metres either side of the road centreline. Water mains which cross roads with more than two lanes shall have envelopers which extend the full width of the reserve.

Enveloper pipes constructed of materials other than steel, e.g. Class 12 UPVC or concrete, may be used subject to TMR approval.

Where pavement markings are required for jacking/boring operations, they shall be made with chalk. Spray paint or other forms of permanent marking shall not be permitted.

Entry or exit trenches for boring operations shall be a minimum of 2m from the base of any roadway embankments.

To help reduce the possibility of future relocation works and/or damage during future road works, a minimum cover of 1200mm below existing natural or man made surface levels shall apply as shown on Department Drawing No. QP3 (3/99).

6. Line marking

Where pavement marking is required as part of the approval conditions, it shall be carried out in accordance with the;

- *Manual of Uniform Traffic control Devices (MUTCD)*, and

7. Lighting

Where lighting is required as part of the approval conditions, the lighting is to be erected and operating prior to the opening of the works.

Lighting shall comply with;

- a) The Electrical Safety Act and Regulations 2002
- b) Australian Standard AS1158.1.1 2005 (Lighting for roads & public spaces)
- c) AS3000 2000 (Australian wiring rules for electrical installations)
- d) TMR Road Planning and Design Manual Chapter 17
- e) TMR Technical Specifications;
 - MRTS11.91 Conduits and Pits
 - MRTS11.92 Traffic Signal and Road Lighting Footings
 - MRTS11.94 Road Lighting
 - MRTS11.95 Switchboard and Cables

- f) TMR Standard Drawings
- g) Region specific standards, notes and drawing details (made available on request)

8. Urgent Works

Emergent circumstances may arise in connection with the construction and / or maintenance of the works.

The owner / developer / contractor shall be advised if (in the opinion of TMR) any remedial, protective, repair or other like work is deemed to be urgently required for;

- safety reasons, or
- to prevent damage or loss to the works, or
- to the Contractor.

If, upon being advised of such urgency, the Contractor is unable or unwilling to carry out such work immediately, TMR may arrange for the work to be carried out by others.

If the work arranged is that which TMR determines is work that was required to be carried out by the owner / developer, all costs incurred by TMR in respect of carrying out the work shall be recoverable from the owner / developer / contractor or be deducted from the bond as a debt due to TMR.

9. Variations to Approved Work

If, during the work, it is considered necessary that the approved work be varied, the owner / developer shall obtain TMR approval prior to proceeding.

10. Suspension of Work

The owner / developer shall suspend all or any part of the work on written order from TMR.

11. Sealing

Prior to bitumen sealing the owner / developer / contractor shall submit a Seal Spray Rate Sheet complying with the *Austroads Sprayed Seal Design Manual* to TMR.

TMR approval is required prior to sealing.

12. Revegetation

Any hole, pit, depression, hollow or such like shall be filled to the level of the surrounding ground surface with similar type material. Material shall be compacted relative to the surrounding material type.

All disturbed areas are to be stabilised and revegetated.

On slopes less than or equal to 1:4 (V to H) conventional revegetation techniques can be used.

On slopes greater than 1:4 (V to H)

- Wet areas (e.g. Cairns, Kuranda, Innisfail, Mossman) the use of a bonded fibre matrix hydro mulch and approved grass species is appropriate.
- Dry areas (e.g. Mareeba, Herberton, Cooktown) the use of straw mulch, tackifier and approved grass species is appropriate.

Advice should be obtained from TMR's Environmental Officer for large scale disturbance, work in sensitive areas, or erosion prone environments.

A list of approved species for planting can be obtained from the TMR Road Maintenance Code of Practice (available on request).

Particular attention is to be given to;

- Not allowing the site to erode or sediment to leave the site
- Flora and fauna both on and adjacent to the site be protected, with as little disturbance as possible
- Adherence to all relevant environmental legislation

13. Practical Completion

Works within the boundaries of the state-controlled road reserve are deemed to be completed on receipt of a letter of Practical Completion from this office.

This will not be issued until;

- Advice from the owner / developer that the works have been completed in accordance with the plans and specifications.
 - All surplus materials are removed from the state-controlled road reserve, and the site left in a clean and tidy condition to TMR satisfaction.
 - An inspection of the works is carried out by TMR and found to be compliant
- Should the works not be fully in accordance with the construction requirements (including pavement-marking, signing and street lighting), then no letter of Practical Completion will be issued until such deficiencies are corrected.

14. Maintenance Period

The owner / developer shall be responsible for the maintenance and repair of all works within the state-controlled road reserve carried out under this approval for a period of 12 months from the date of issue of the letter of Practical Completion.

If satisfactory maintenance is not carried out within this period, TMR may carry out any necessary works, and the whole of the cost of such works incurred will be recovered from the owner / developer.

If it has been necessary to maintain part or all of the works during the maintenance period, TMR may extend the maintenance period for that portion of the works requiring maintenance.

It remains the responsibility of the owner / developer to maintain the approved access works for the entire permit period.

15. Bond

a) Submission

Information required with the bond;

- Name
- Physical address
- ABN (if available)

The bond may be submitted in the form of cash, cheque or bank guarantee.

Bank guarantees are to be submitted in two separate forms, each to the value of 50% of the total bond, with no termination date, and must be made out to **"The State of Queensland acting through the Department of Transport and Main Roads (Beneficiary)"**

b) Return

The bond will be returned in two stages, 50% following Practical Completion, and the remaining 50% at the end of the maintenance period.

The entire bond may be retained until rectification works are carried out, or significant defects require extension of the maintenance period.

A copy of the registered plan of subdivision (where applicable) is to be submitted to TMR prior to release of any remaining bond at the end of the maintenance period.

16. Costs

TMR will not contribute to the cost of any works.

Any damage to the state-controlled road / road reserve during construction, operation, maintenance or removal of, or in relation to; these works shall be repaired to the satisfaction of TMR.

17. Sunset Clause

Approvals and conditions on works within the road reserve will lapse after a 12 month period from the date of this conditional approval letter and will require re-submission after that time.