

YOUR REF: R-EC1881
OUR REF: ROL 1961/2017 (D#827371) *SC*

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

19 September 2017

Port Pacific Estates Pty Limited
c/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

erin@flanaganconsulting.com.au

Attention: Ms Erin Campbell

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 2L OASIS DRIVE WONGA BEACH**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 19 September 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.

This notice also includes an Infrastructure Charges Notice issued in accordance with sections 119 and 120 of the *Planning Act 2016*.

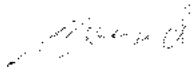
Council also resolved at the Ordinary Meeting that the following notation will be placed on Council's future rates record in respect of the new lots:

1. For each of the proposed Lots 1, 6 and 7:
 - a. There are conservation covenants registered over part of the land, as required under Development Approval ROL 1961/2017, being: a 6m setback from the eastern property boundary to the Esplanade as required by the Assessment Manager; and a further area of setback from the eastern boundary as required by the Concurrence Agency, the Department of Infrastructure, Local Government and Planning. No building, structure or infrastructure may be developed in this covenanted area.

- b. Vehicle access to the Esplanade from this lot is prohibited.
- 2. For all lots:
 - a. The area of fill on the proposed lots must be setback 6m from all roads and Esplanade, refer to Development Approval ROL 1961/2017.

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

Yours faithfully



Tracey Crouch
A/Manager Sustainable Communities

Att

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPLICANT DETAILS

Port Pacific Estates Pty Limited
c/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

ADDRESS

2L Oasis Drive, Wonga Beach

REAL PROPERTY DESCRIPTION

Lot 2 on SP259953

PROPOSAL

Reconfiguration of 1 lot into 7 lots and drainage reserve

DECISION

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

DECISION DATE

19 September 2017

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
SPA 200Schedule 7, Table 2, Item 14, SP Reg 2009, Development in a coastal management district	Department of Infrastructure, Local Government and Planning	Advice or 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
Proposal Plan	Flanagan Consulting Group Drawing 4839-SK01 dated 6 March 2017 and as amended by Condition 4 and the Concurrence agency Conditions	To be determined
Stormwater Drainage	Flanagan Consulting Group Drawing 4839-SK02	Undated and as submitted to Council on 16 March 2017
Proposed Drainage Channel	Flanagan Consulting Group Drawing 4839-SK02, Undated and as submitted to Council on 16 March 2017 and as amended by Condition 4.	To be determined
Water Reticulation	Flanagan Consulting Group Drawing 4839-SK04	Undated and as submitted to Council on 16 March 2017

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. No lot is to have vehicle access to or from the Esplanade.

Street Layout and Design

4. The street layout and design is to be generally in accordance with Flanagan Consulting Group Proposal Plan, Sketch 4839-SK01 subject to:
 - a. The south-east corner of Lot 1 is to be truncated to facilitate access from the drainage reserve to the esplanade. The boundary of Lot 1 must be set back 5m from the top of bank for the existing drain based on a detailed survey of the site.
 - b. Provision of a minimum fill area of 1000m² on each lot for building work and onsite waste water disposal whereby:
 - i. Fill areas must not include any covenant areas as required by a concurrence agency;
 - ii. Setback of fill areas a minimum of 6m from the property boundary from all roads and Esplanade;
 - iii. Setback of fill areas a minimum of 3.0 metres from the southern boundary of proposed Lot 7;
 - iv. The fill pad for proposed Lots 1 and 2 must be extended to the respective northern boundary and retained or setback a minimum of 3.0 metres from the northern boundary;
 - v. Fill areas for the lots are at a level to provide an immunity to a 1% storm tide event and a 1% flood event;
 - vi. Fill for proposed lots must be graded away from the east to the west and must not result in ponding of water between the fill pad and the existing road reserve to the west; and
 - vii. All fill is to drain to lawful point of discharge and must not detrimentally impact on upstream, downstream or surrounding land and/or proposed lots;

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- c. Appropriate protection is to be provided at the Marlin Drive cul-de-sac to prevent non authorised vehicles from accessing the pedestrian link including at a minimum, barrier kerbing and bollards. The applicant is to assess the need for additional barriers and or landscaping in these areas;
- d. The access to the drainage channel is to be designed to facilitate normal maintenance machinery and is to be fitted with suitable gates;
- e. Provision of estuarine crocodile warning signs to the new road and public pedestrian pathways;
- f. A 6m setback area from the eastern boundary (to the Esplanade) is to be included in a conservation covenant area and is to be vegetated in accordance with Condition 25;
- g. Provision of suitable vehicle access for Council from the pedestrian pathway to the Esplanade and foreshore for maintenance purposes. These purposes include the ability to access to maintain the open channel drainage flow path;
- h. Provide a suitable surface cover and finish to the 20m wide drainage easement area and provide a naturally, vegetated invert to provide a stabilised channel that is able to be traversed by Council's maintenance equipment;
- i. The access strip to proposed Lot 3 must have a minimum width of 4m and a sealed pavement of not less than 3m; and
- j. 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.

Water Supply

- 5. Undertake water supply works internal to the subject land in accordance with the FNQROC development manual within the internal road system such that each lot can be connected to Council's water supply network at the lot frontage. A plan of the water supply reticulation network is to be generally in accordance with Flanagan Consulting Group Sketch 4839-SK04 and must be supported by appropriate calculations including hydraulic network analysis demonstrating compliance with FNQROC. In particular, the plan must include:

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- a. A minimum 100mm diameter main on one side and a 50mm (63mm OD) main on the opposite side to provide a looped service at the northern end of Marlin Drive;
- b. Provide the conduit for water supply for the full length of the access leg for proposed Lot 3. The conduit does not need to be connected to Council's water supply. The conduit must be capped and staked at the road frontage of the lots and at the end of the access leg for easy identification when a future house is constructed on this lot.

The plan must also identify any infrastructure external to the subdivision that may require upgrading to accommodate the development and achieve the minimum pressures for maximum hour and fire fighting scenarios.

All 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 the issue of a Compliance Certificate for the Plan of Survey.

On-Site Effluent Disposal

6. The On-Site Sewage Disposal Assessment Report prepared by Gilbert and Sutherland (2010) must be reviewed and confirmation provided to Council that the report findings and recommendations remain consistent with current Codes and Standards.

Subject to the above confirmation of currency, 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 Gilbert and Sutherland or as otherwise approved by the Chief Executive Officer.

The review and advice on the Gilbert and Sutherland (2010) report is to be provided to Council with the Operational Works application for site works to verify that no additional works are required for effluent disposal.

General External Works

7. Undertake the following external works:-
 - a. Provide a new pedestrian and cycle connection across the realigned drain to reinstate the pathway connection from the northern end of Marlin Drive to the pathway running to the west from the development site;
 - b. The detail design in (a) above must include hydraulic assessment of the afflux through the new culverts and must maximise the waterway area to achieve minimum afflux through the culvert;

- c. The northern end of Marlin Drive currently has a levee/berm to prevent the stormwater flows within the drain entering Marlin Drive and creating flooding and trafficability issues. The construction of the Marlin Drive extension and cul-de-sac is to be graded and designed to achieve a similar barrier to protect Marlin Drive from external flows entering the street; and
- d. The applicant is to provide sufficient site level information to assess whether the bund in (c) above is required to extend west along the boundary with 102 Marlin Drive, Lot 92 on RP748442. Hydraulic information on the drainage path will be required per drainage conditions;

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.

Acid Sulfate Soil Investigation

- 8. 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 Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

- 9. The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by DHI International. 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.

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The pre and post-development stormwater levels in the "Existing Drainage Reserve," identified on Flanagan Consulting Group Sketch SK02, south from the new drainage reserve are required to be shown on plans submitted with the application for operational works.

Extent of Earthworks

10. The extent of earthworks as detailed on Flanagan Consulting Group Sketch 4839 SK02 together with the areas of fill for each lot required under Condition 4 above, compliance with the on-site disposal and drainage conditions and subject to the following amendments:
 - a. The earthworks fill zones are to avoid localised low points between properties;
 - b. The existing drainage channel in proposed Lots 6 and 7 and the proposed infill lake areas in proposed lots 1 and 3 and the Drainage Reserve are to be filled and compacted to the appropriate standard for residential use/ drainage reserve use at no cost to Council. The applicant must provide a lot classification report for these lots and drainage reserve.
 - c. A construction specification must be included for the decommissioning of the current drain and lake areas proposed to be filled. The construction specification must provide the requirements for clearing, ground preparation and testing prior to filling of these areas. The specification must be included in the operational works supporting information.
 - d. The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 4839-SK02 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.
 - e. The nominated fill level of 2.9m is to be increased to provide immunity to the 1% AEP stormtide event unless otherwise approved by Council. The Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council document reference D# 462510) identified the 1% AEP stormtide event as 4.04 metres AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.

The Applicant's submitted DHI Water and Environment Pty Ltd hydrodynamic analysis dated 9 June 2015 (Council document reference D#457391) utilised 0.3m AHD sea level rise and intensity of cyclonic action. The DHI hydrodynamic analysis is acceptable only where a 0.8m sea level rise is utilised and an amended study is required to be submitted to the satisfaction of the Chief Executive Officer.

Any reduction below a 0.8m sea level rise must be supported by an appropriate study that deals with sea level rise and intensity of cyclonic action to be approved by Council.

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.

Access to Hatchet or Battleaxe Lots

11. Construct a concrete driveway or other approved surface to battleaxe Lot 3 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with FNQROC Development Manual Standard Drawing. Construction of the concrete driveway must be in accordance with FNQROC Development Manual Standard Drawing.

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.

Service Conduits

12. Provide service conduits to Lot 3 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

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.

Building Envelope Plan

13. 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. No building, structure, infrastructure or fill shall be sited or vehicle /pedestrian access provided through to the Esplanade within the conservation covenant area for proposed lots 1, 6 or 7.

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

Stockpiling and Transportation of Fill Material

14. 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.
15. 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

16. 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

17. The applicant / owner must undertake the development of the land generally in accordance with the findings of the Drainage Study dated 28 November 2013 prepared by DHI Water and Environment Pty Ltd, (or as updated in accordance with Condition 9). The drainage reserve profile is to be generally as detailed by Flanagan Consulting Group Sketch 4839-SK02 and SK03 except that a 3m base width concrete channel lining is to be provided to facilitate trafficability and maintenance to the satisfaction of the Chief Executive Officer. The geoweb cellular confinement lining nominated on FCG Sketch 4839-SK03 is not approved.

Provision for the proposed maintenance access must be made on the northern side of the drainage reserve.

Drainage works in the western drainage swale to regrade the swale and direct runoff to the new drainage path are to be nominated on plans included in the application for operational works. The plans must show pre and post development surface levels and contours and must identify any significant trees that will be removed to construct the works.

A landscaping plan is required to show revegetation works in both the western swale and the new drainage reserve through to the Esplanade.

Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

Lawful Point of Discharge

18. 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.

Plan of Drainage Works

19. The subject land must be drained to the satisfaction of the Chief Executive Officer generally in accordance with Flanagan Consulting Group Sketch 4839-SK02. In particular:
- a. Construction of proposed drainage channel within the drainage reserve per condition 17 above, at no cost to Council;
 - b. Drainage infrastructure in catch drains and roads in accordance with the FNQROC Development Manual;
 - c. All fill areas within the proposed building envelopes allotments shall have immunity from flooding associated with an ARI 100 year (1% AEP) rainfall event; and
 - d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system.

Sediment and Erosion Control

20. 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

21. Written confirmation of the location of existing services for the land must be provided. This includes the existing overhead power lines along the western boundary. 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

22. 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

23. 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

24. The following arrangements for the installation of street lighting within the proposed subdivision 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 element, Cul-de-sacs (at the northern end of Marlin Drive only)

- 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 – Conservation Covenant Areas

25. Undertake landscaping of the conservation covenant areas for Lots 1, 6 and 7 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 the conservation covenant area including ground, lower, middle and upper storey canopy vegetation using species in accordance with the Planning Scheme Landscaping Policy;
 - b. The revegetation of cut and fill batters;
 - c. provision of suitable street trees; and
 - d. 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.

Landscape Plan

26. Undertake landscaping of the site and street frontages of new roads 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. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;
 - b. The revegetation of cut and fill batters;
 - c. Species to have regard to the Planning Scheme Landscaping Policy;
 - d. Remediation and revegetation works to be undertaken within the both the major drainage line and the drainage reserve;
 - e. 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.

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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

27. 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/owners/builders cost, prior to the Commencement of any Use.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
Department of Infrastructure, Local Government & Planning	SDA-0317-038201	29 June 2017	D#820403

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) 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.

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.

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 appeals 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 Assessment and Coordination 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* and the *Planning Act 2016* log on to 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.
6. Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of the Environment's website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 *Significant Impact Guidelines Matters of National Environmental Significance* (Oct 2009).

RIGHTS OF REPRESENTATIONS ON CONDITIONS AND RIGHTS OF APPEAL

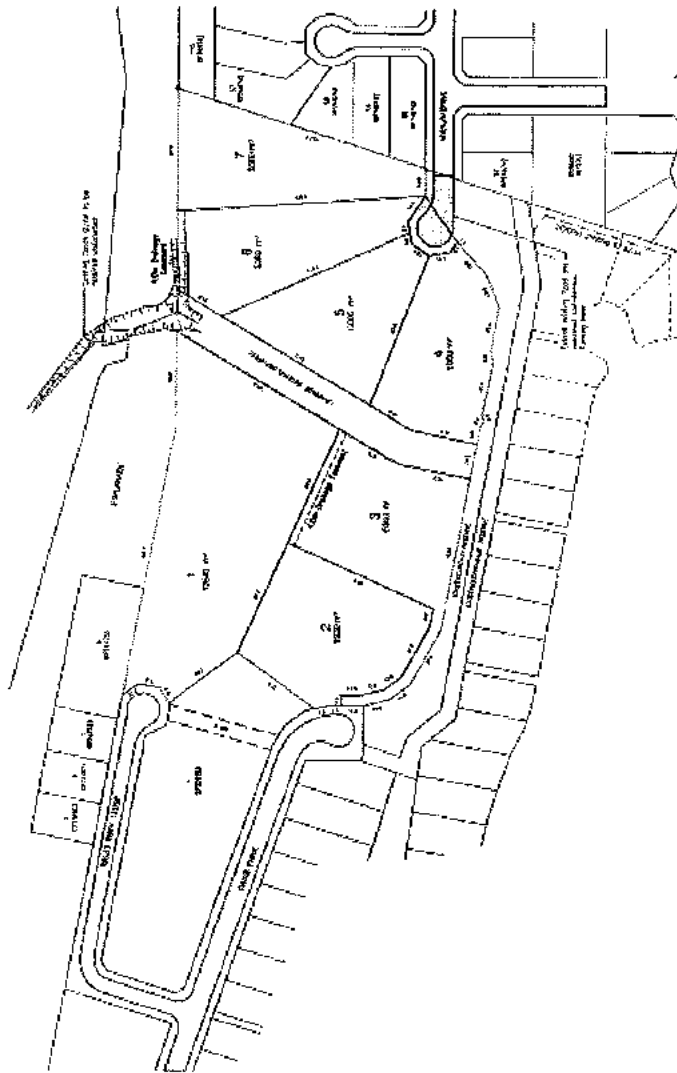
Attached

End of Decision Notice


DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009


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


Subject to Conditions of Approval.




LEGEND


 Site Boundary

 Proposed Lots

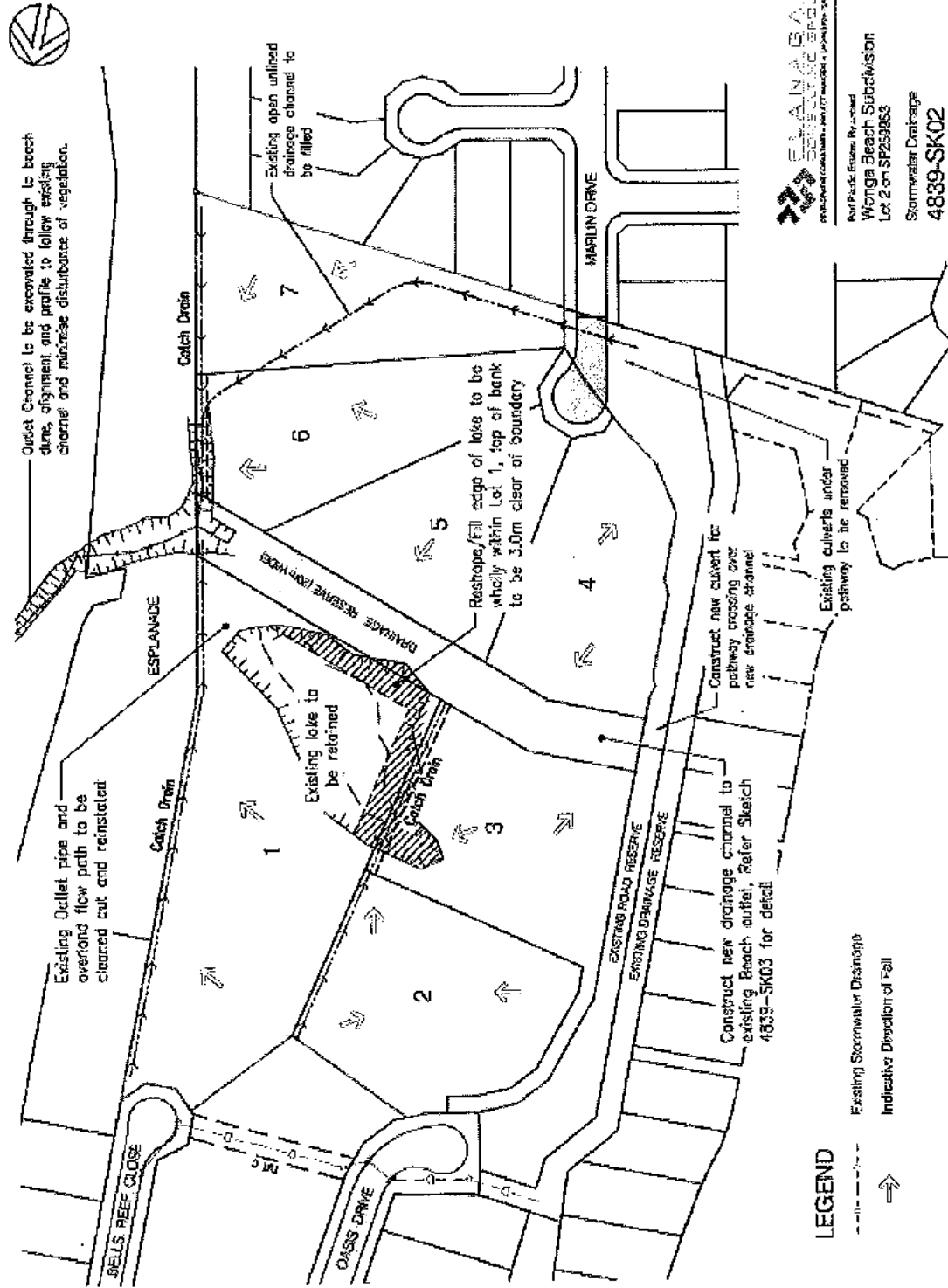
 Proposed Forest Reserve

 Proposed Drainage Features

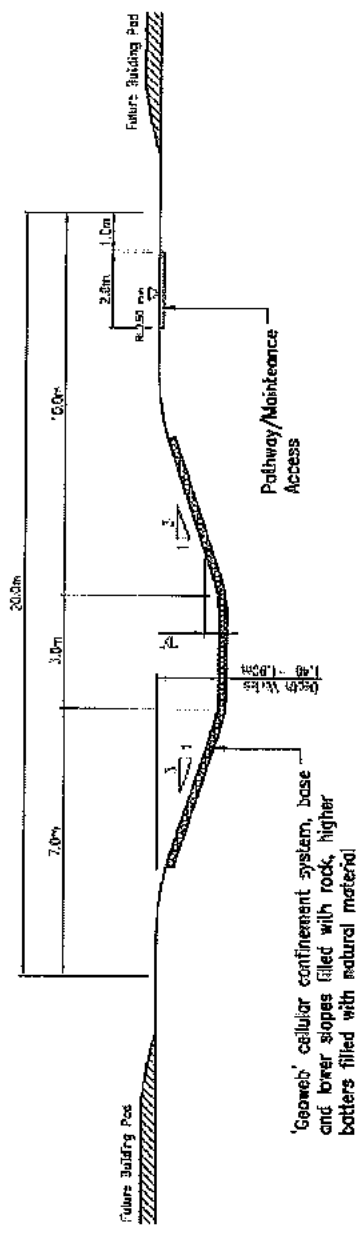
DISCLAIMER
NOT RECOMMENDED BY
DOCTOR ON PROBABLY ANY AVAILABLE
RECOMMENDATION & SHOULD BE USED BY
DOCTOR

 <p> THE NATIONAL ASSOCIATION OF BROADCASTERS 1100 15th St., N.W. Washington, D.C. 20004-4020 (202) 462-6781 FAX (202) 462-6782 E-MAIL: naab@nab.org </p>	<p> PROPOSED 11th Subdivision Worship Branch Unit 2 on Parkway Protestant Plan </p>	<p> 4-550-SK01 3/2/01 AT 11:40 11:40 AM 11:40 AM </p>
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DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009



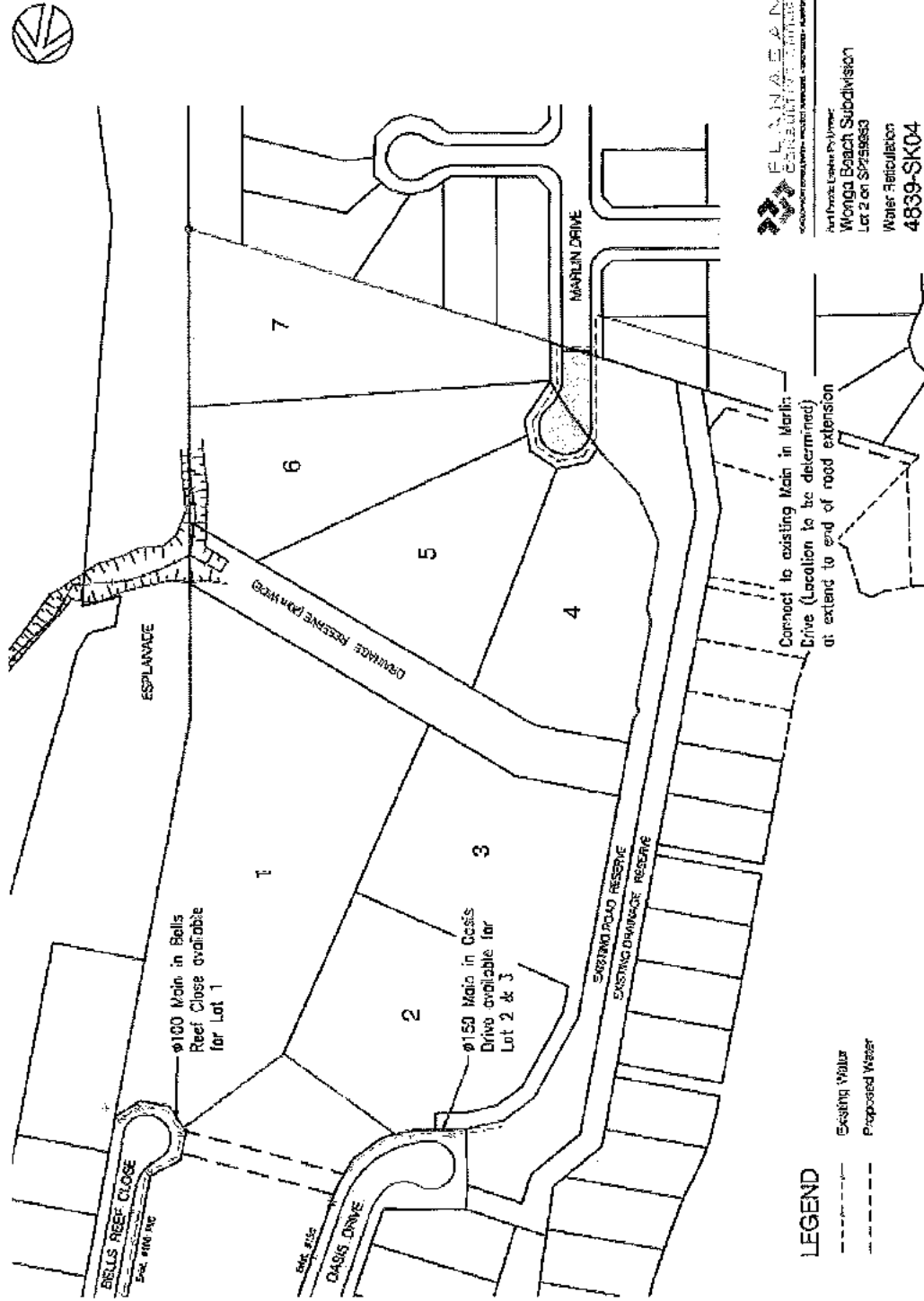
ELAINA BROWN
SUSTAINABLE SPACE
CONSULTANTS
4839-SK02
Wonga Beach Subdivision
Lot 2 on SP259853
Stormwater Drainage



PROPOSED DRAINAGE CHANNEL
1:100

ELANNA BAN
ENGINEERING GROUP
CONSULTANTS
100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



ELAN/ELAN
ENGINEERING
 4839-SK04
 Wonga Beach Subdivision
 Lot 2 on SP755983
 Water Retention
 4839-SK04

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0317-038201
Applicant reference: 4836/01 L-EC1882
Council reference: ROL 1961/2017

29 June 2017

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

enquiries@douglas.qld.gov.au

Dear Sir /Madam

Concurrence agency response—with conditions
2L Oasis Drive, Wonga Beach QLD – Lot 2 on SP259953
(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 30 March 2017.

Applicant details

Applicant name:	Port Pacific Estates Pty Limited
Applicant contact details:	PO Box 5620 CAIRNS QLD 4870 erin@flanaganconsulting.com.au

Site details

Street address:	2L Oasis Drive WONGA BEACH QLD 4873
Lot on plan:	Lot 2 on SP259953
Local government area:	DOUGLAS SHIRE

Page 1

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2368
Cairns QLD 4870

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA 2517-036201

Application details

Proposed development: Development Permit for Reconfiguring a Lot (1 lot into 7 lots and drainage reserve)

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	Seven (7) lot residential subdivision & drainage reserve	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 – 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.

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: reconfiguration of lot				
Proposed 7 Lot Subdivision Wonga Beach	Flanagan Consulting Group	6 March 2017	4839-SK01	amended by the Department of Local Government and Planning on 28 June 2017

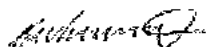
A copy of this response has been sent to the applicant for their information.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA-0317-036201

For further information, please contact Tony Croke, Principal Planning Officer, SARA Far North QLD on 4037 3205, or email tony.croke@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Port Pacific Estates Pty Limited, erin@nancarrowconsulting.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 4—Approved Plans and Specifications

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA-0317-038201

Our reference: SDA-0317-038201
 Applicant reference: 4839-SK01 L-EC1882
 Council reference: ROL 1961/2017

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Reconfiguring a Lot		
Schedule 7, Table 2, item 14 – Coastal management district —Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of 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.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Proposed 7 Lot Subdivision Wonga Beach prepared by Planagan Consulting Group dated 6 March 2017, reference 4839-SK01 (as amended by the Department of Local Government and Planning on 28 June 2017 to identify a development free buffer). 	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times
2.	<p>(a) Statutory Environmental Covenant</p> <p>Enter into an environmental covenant with the Department of Natural Resources and Mines pursuant to Section 97A of the Land Title Act 1994 to ensure the appropriate management of the land identified as Areas A1 and A2 on Proposed 7 Lot Subdivision Wonga Beach prepared by Planagan Consulting Group dated 6 March 2017, reference 4839-SK01 and as amended by the Department of Local Government and Planning on 28 June 2017 for the purpose of preserving vegetation / coastal protection.</p> <p>(b) Submit Covenant</p> <p>Submit to Department of Environment and Heritage Protection, Permit and License Management, Implementation and Support Unit, GPO Box 2454, Brisbane Qld 4001 the environmental covenant for endorsement. The covenant must detail the responsibilities, liabilities, measures, remedies and intents as necessary to ensure the management of the identified vegetation and ecological features on the land and must address the following:</p> <ul style="list-style-type: none"> Exclusion from the covenant area of all buildings and structures (including swimming pools, tennis courts, retaining walls), on-site stormwater infrastructure, on-site wastewater treatment, on-site parking for the lot. <p>(c) Lodge Covenant</p> <p>Lodge the endorsed Covenant Form 31 with the Registrar of Titles for the relevant Queensland State Government Authority.</p>	<p>a) Prior to sealing of the plan of subdivision with the local government</p> <p>b) Prior to an application for plan sealing with the local government</p> <p>c) Within 6 months of the local government's notation of the</p>

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA/CN/7-016201

No.	Conditions	Condition timing
	(d) Submit Copy of Registered Covenant Submit to Department of Environment and Heritage Protection, Permit and License Management, Implementation and Support Unit, GPO Box 2454, Brisbane Qld 4001, a copy of the registered Covenant Form 31.	plan of subdivision d) Within 2 weeks of the registration of the covenant

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA-0317-036201

Our reference: SDA-0317-036201
Applicant reference: 4539/01 L-EC1882
Council reference: ROL 1961/2017

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, as amended by the Department of Environment and Heritage Protection on 19 June 2017.
- To maintain the erosion prone area as a development free buffer zone that protects people and infrastructure from coastal hazards and increases the community's resilience to natural hazards.
- To ensure that adequate buffer zones are provided to minimise the potential for activity to impact on the identified environmental values.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

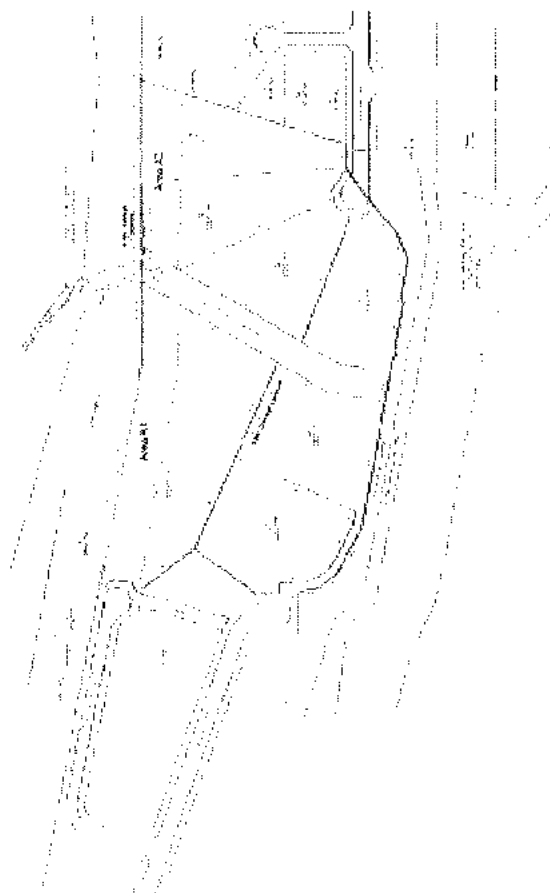
SDA/0317/036201

Our reference: SDA/0317/036201
Applicant reference: 4639/C1 L-EC1582
Council reference: RCL 1961/2017

Attachment 4—Approved plans and specifications

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

524-0317-03820:




Approved by the
Secretary of
State
March 2, 1900
March 2, 1900

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Appendix 2 Adopted Charges Notice

	2008 Douglas Shire Planning Schemes Applications	
	ADOPTED INFRASTRUCTURE CHARGES NOTICE	

Port Pacific Estates Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
2L Oasis Dve Wonga Beach	Port Douglas	L2 SP259953	167270
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL (1 Into 7 Lots)		ROL 1961/2017	4
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
D#822906	1		
DSC Reference Doc. No.		VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed 0	0.00	0.00		
	0	0.00	0.00		
	existing 0	0.00	0.00		
	Total		0.00		
Urban Areas - Water only	proposed 7	12,832.47	89,827.29		
	0	0.00	0.00		
	existing 1	12,832.47	12,832.47		
	Total		76,984.82		Code 895 GL 07500.0135.0825
Urban Areas - Water & Sewer	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
	Total		0.00		
TOTAL			\$76,984.82		

Prepared by	J Elphinstone	31-Jul-17	Amount Paid	
Checked by	D Lamond	31-Jul-17	Date Paid	
Date Payable				Receipt No.
Amendments	Date			
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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

- (a) on the day the referral agency's response for the missed referral agency is received by the assessment manager; or
- (b) if the missed referral agency does not give a referral agency's response—on the day the referral agency's assessment period of the missed referral agency ends.

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a levied charge.
- (2) The local government may give the applicant a new infrastructure charges notice to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or

- (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant’s appeal period starts again the day after the applicant receives the negotiated decision notice.

Division 2 Changing approvals—request for change after applicant’s appeal period ends

Subdivision 1 Preliminary

367 What is a *permissible change* for a development approval

- (1) A *permissible change*, for a development approval, is a change to the approval that would not, because of the change—
 - (a) result in a substantially different development; or
 - (b) if the application for the approval were remade including the change—
 - (i) require referral to additional concurrence agencies; or
 - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or
 - (c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity’s opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
 - (d) cause development to which the approval relates to include any prohibited development.
- (2) For deciding whether a change is a permissible change under subsection (1)(b) or (d), the planning instruments or law in force at the time the request for the change was made apply.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

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- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

YOUR REF: R-EC1881
OUR REF: ROL 1961/2017 (D#827371) *SC*

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

19 September 2017

Port Pacific Estates Pty Limited
c/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

erin@flanaganconsulting.com.au

Attention: Ms Erin Campbell

Dear Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
2L OASIS DRIVE WONGA BEACH**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with sections 119 and 120 of the *Planning Act 2016* (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.

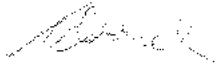
These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

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 Sustainable Communities on telephone number (07) 4099 9482.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tracey Crouch', written in a cursive style.

Tracey Crouch
A/Manager Sustainable Communities

Att

INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL	2008 Douglas Shire Planning Schemes Applications
ADOPTED INFRASTRUCTURE CHARGES NOTICE	

Port Pacific Estates Pty Ltd DEVELOPERS NAME	0 ESTATE NAME	0 STAGE
2L Oasis Dve Wonga Beach STREET No. & NAME	Port Douglas SUBURB	L2 SP269953 LOT & RP No.s
ROL (1 into 7 Lots) DEVELOPMENT TYPE	157270 PARCEL No.	ROL 1991/2017 COUNCIL FILE NO.
D#822906 DSC Reference Doc. No.	4 VALIDITY PERIOD (year)	1 VERSION No.

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed 0	0.00	0.00		
	0	0.00	0.00		
	existing 0	0.00	0.00		
	Total		0.00		
Urban Areas - Water only	proposed 7	12,832.47	89,827.29		
	0	0.00	0.00		
	existing 1	12,832.47	12,832.47		
	Total		76,994.82		
Urban Areas - Water & Sewer	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
TOTAL	Total		0.00		

Code 885
GL 07500.0135.0825

Prepared by	J Elphinstone	31-Jul-17	Amount Paid	
Checked by	D Lemond	31-Jul-17	Date Paid	
Date Payable				
Amendments	Date	Receipt No.		
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing

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

-
- required to be given to the local government for approval; or
- (b) if the charge applies for building work—when the final inspection certificate for the building work, or the certificate of classification for the building, is given under the Building Act; or
 - (c) if the charge applies for a material change of use—when the change happens; or
 - (d) if the charge applies for other development—on the day stated in the infrastructure charges notice under which the charge is levied.
- (2) This section is subject to section 123.

123 Agreements about payment or provision instead of payment

- (1) The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following—
 - (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.

- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (*the subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.
- (2) Section 128 provides for the local government to be able to impose particular development conditions (each a *necessary infrastructure condition*) on the development approval.

