



ENQUIRIES: **Mr Bruce Hedley – Planning Consultant**  
DEPARTMENT: **Planning Far North - ☎ (07) 4051 0811**

OUR REF: **BH:tap**  
YOUR REF: **CA 57**

**Namsson Pty Ltd ATF NM Development Trust**  
**C/- Brazier Motti**  
**PO Box 1185**  
**CAIRNS QLD 4870**

**15 February 2005**

## **INTEGRATED PLANNING ACT**

# **NEGOTIATED DECISION NOTICE**

## **DEVELOPMENT APPLICATION**

**Applicant's Name** : **Nammson Pty Ltd ATF NM Development Trust**  
**Owner's Name** : **Brie Brie Estate Pty Ltd D C Watson Pty Ltd & Others**  
**Proposal** : **Council approve the application for Material Change of Use – Preliminary Approval over land described as Lot 11 on RP891901 and situated at Front Street, Johnston Road and Coral Sea Drive, Mossman, specifically:**

- (1) **The Material Change of Use for the use rights consistent with those in the Residential A zone over the area depicted as “Residential A” on the Proposal Plan, Drawing No. 31122/003, Revision B, be approved.**
- (2) **The Material Change of Use for the use rights consistent with those in the Public Open Space zone over the area depicted as “Public Open Space” on the Proposal Plan be approved.**

That Council undertake a consequential amendment to rezone Lot 11 on RP891901 to the Residential A and Public Open Space zones to reflect the approval of the Material Change of Use as set out in Recommendation A above.

That Council approve the application for a Development Permit for Reconfiguring a Lot to create Residential A lots and Public Open Space on land described as Lot 11 on RP891901 and situated at Front Street, Johnston Road and Coral Sea Drive, Mossman,

**Application Number** : CA 57  
**Site Address** : 12-36 Alchera Drive, Mossman  
**Property Description** : Lot 11 on RP891901, Parish of Victory, County of Solander

**This Negotiated Decision Notice supersedes the Decision Notice dated 20 December 2004. Conditions 4.19, 4.31 and 4.43 have been amended and conditions 4.3, 4.48 and 4.49 deleted. All other conditions are recommended to remain unchanged.**

**1. Decision:** **Decision Date: 2 February 2005**

Approved subject to Conditions

**2. Type of Development Approval:**

Material Change of Use  
Reconfiguration of a Lot

Development Permit  
Development Permit

**3. Concurrence Agency:**

Department of Main Roads  
PO Box 6185  
CAIRNS QLD 4870

Attn: Mr Malcolm Hardy

**4. Conditions**

**Plan of Reconfiguration**

- 4.1 The approved reconfiguration and the carrying out of any works on the premises associated with the development must generally be in accordance with Plan of Reconfiguration No. 31122/003, Revision B, dated 30<sup>th</sup> June 2004, prepared by Brazier Motti attached to this approval, including the provision of the link road between Johnston Drive and the common boundary of the site with Lot 51 on RP910267, generally as shown on the Proposal Plan, subject to:

- (a) Modifications required by any condition of this approval and any minor alterations found necessary by Council at the time of examination of engineering plans; and
  - (b) Any development permit for operational works relating to the reconfiguration.
- 4.2 The reconfiguration may be carried out in stages, generally as depicted on the Proposal Plan.

4.3 deleted

### **Water Supply**

#### **Internal**

- 4.4 The applicant must provide a reticulated water supply to the development.
- 4.5 This system must make provision for services to the boundaries of all lots, including main works, envelope pipes at cross street services, valve and hydrant markers.
- 4.6 The subdivider shall be required to provide a 20mm diameter water service to the boundary of each lot to be created, together with the lodgement with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the service at no cost to the said lot purchaser.
- The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection
- 4.7 A water connection must be provided to the parkland in the south-eastern corner of the site.
- 4.8 The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review.

#### **External**

- 4.9 The applicant is responsible for the external works to connect the site with Council's water supply at Johnston Road.

### **Sewerage**

#### **Internal**

- 4.10 Provision of sewerage reticulation to plans approved by Council. Provision shall be made for house connection branches for each allotment.

- 4.11 The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for review.
- 4.12 Pumping stations are to be located on land vested under Council's control.
- 4.13 The design information submitted for Operational Works approval shall include design flows, pipe sizes, grades, pump rates, catchments and pressure main hydraulics.
- 4.14 Pumping stations shall incorporate aluminium-fabricated covers to Council's standards. Switchboards are to be aluminium or stainless steel construction. Amp meters are required for each pump motor.

### **Headworks**

- 4.15 The applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: *"Determination of Contributions for Water Supply and Sewerage Headworks and External Works"* ("The Policy").

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.

For information purposes only:

- (a) The current rates per EDC at the time of this approval are:

Water Supply	\$3,869.00
Sewerage	\$2,665.00

- (b) The current number of EDC's for the approved use are:

#### Stage One

Water Supply	43
Sewerage	43

#### Stage Two

Water Supply	27
Sewerage	27

### Stage Three

Water Supply	32
Sewerage	32

Payment of the contributions must be made prior to Council signing and sealing the Plan/s of Survey for the respective stages.

#### **Electrical & Telephone Service**

- 4.16 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
- (a) an underground electrical supply to each lot; and
  - (b) street lighting in accordance with Council's adopted standards.
  - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
- 4.17 Existing overhead power lines along Johnston Road adjacent to the development are to be placed underground by Ergon Energy at the Applicant's expense.
- 4.18 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
- (a) an underground telephone service to each lot; and
  - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

#### **Parkland Contribution**

- 4.19 The applicant must transfer the reconfigured Lot 900 to Council in satisfaction of the applicant's obligation to provide parkland to Council in accordance with Local Planning Policy No.5 – Applicant Contributions – Parks. The applicant must bear all costs of the transfer.

The park area can be transferred in stages with the first dedication required in association with endorsement and registration of the Plan/s of Survey for the third stage of the proposed reconfiguration. At that time a park area of the 10 percent of the area of the first three stages will be required at location adjacent to the southern boundary of the site and adjoining Lot 35 on RP910268. The balance of the parkland, inclusive of road access, is to be provided prior to endorsement of the second stage after Stage 3.

It is acknowledged that the transfer of the parkland satisfies the requirement for dedication of public open space for the overall (current and future) reconfiguration of Lot 11 on RP891901.

## **Earthworks**

- 4.20 All proposed lots must be drained from the rear boundary to the frontage of the lot in accordance with the Far North Queensland Regional Organisation of Councils Development Manual, except as otherwise modified by these conditions or an Operational Works Development Permit.
- 4.21 All allotment and footpath slopes must be designed in accordance with the Far North Queensland Regional Organisation of Councils Development Manual.
- 4.22 Details of the proposed filling and excavation for the reconfiguration must be included in a plan and submitted at the time of lodgement of the application for Operational Works.

## **Stormwater Drainage**

- 4.23 The applicant is required to undertake a drainage study to be prepared by a registered hydraulic engineer. The purpose of the study is to determine the likely Q5 and Q50 stormwater flows concentrating along the northern portion of Stage Two (2). The Applicant is to install suitable sized infrastructure to cater for Q5 flows underground and a Q50 flow overland to the legal and practical point of discharge being the creek. The drainage report is to be submitted for approval with the Operational Works application.
- 4.24 The proposed drainage area must be designed in accordance with the Far North Queensland Regional Organisation of Councils Development Manual. All easements and/or reserves are to be transferred to Council as a drainage easement and/or reserve in fee simple at the applicant's cost.
- 4.25 At Operational Works stage the Applicant must submit to Council a plan:
  - (a) Detailing the drainage works to be undertaken on the land in connection with the reconfiguration;
  - (b) Detailing the ability of the proposed drainage works to meet with the requirements of the Far North Queensland Regional Organisation of Councils Development Manual.
- 4.26 Drainage (including underground), together with acceptable points of discharge are required in localities to be determined following submission of engineering drawings and designs at Operational Works stage.
- 4.27 The calculated design frequency for all storm water drainage shall be determined on a five (5) year recurrence interval and all relevant design data shall be submitted with the engineering drawings at Operational Works application stage.
- 4.28 Such storm water drainage work shall be designed and constructed in accordance with the requirements of the Far North Queensland Regional Organisation of Councils Development Manual and will not cause scouring, erosion, loss of vegetation, excess turbidity and landslip either within or external to the site.

- 4.29 The Applicants are required to place pollution control devices in stormwater drains in accordance with the requirements of the Far North Queensland Regional Organisation of Councils Development Manual. The design and location of these devices must be submitted at Operational Works application stage.
- 4.30 All drainage easements must be piped. The minimum culvert diameter must be 375mm. The calculated design frequency for all stormwater drainage must be determined on a five (5) year recurrence interval and all relevant design data must be submitted with the engineering design.
- 4.31 Drainage at the rear of proposed Lots 1 and 10-19 must be contained within a Drainage easement and fences and gates be constructed in accordance with Projex North Drawing 04-032 dated 14 January 2005 along the side boundaries of these lots for the full width of the required easement. The easement documentation for such easement must include a requirement for new lot owners to preserve and maintain the fences and gates in original condition.
- 4.32 As part of the Stage 1 works, the subdivider must construct suitable drainage along the rear of proposed Lots 20-30 to direct stormwater either to the Captain Cook Highway or to the balance area of the site.

#### **Truncations**

- 4.33 Truncations in accordance with the provisions of Council's subdivisional Local Laws are to be provided.

#### **Bikeway/Pathway**

- 4.34 The existing bikeway/pathway in Johnston Road must be maintained/reinstated for the full frontage of the site to Johnston Road in association with the proposed development.
- 4.35(a) Where a pathway is located between lots, the minimum width of the pathway to be dedicated is to be four (4) metres.
- (b) A 1.5 metre wide concrete footpath must be constructed for the full length of all pathways.
- 4.36 A 1.5 metre wide concrete footpath must be constructed to one side of the main internal link road and to one side of the section of the loop road within Stages 1 and 2 and the loop road within Stage 3.
- 4.37 The bikeway/path shall be suitably signed in accordance with the relevant Standards Association of Australia Code.

#### **Operational Works Development Permit**

- 4.38 The applicant must submit as part of an application for a Development Permit for Operational Works information and plans in accordance with the Far North Queensland Regional Organisation of Councils Development Manual.

- (a) Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, stormwater drainage and allotment improvement at Operational Works Application stage in accordance with the requirements of the Far North Queensland Development Manual.

#### **Street Names**

- 4.39 At the time of lodging the Survey Plan with Council for endorsement, the applicant must lodge a plan of the reconfiguration displaying the proposed street names for the reconfiguration.
- 4.40 The street name signs shall be supplied and erected by the Applicant. The signs shall be aluminium on steel posts with reflective white legend (on both sides) on a green background.

#### **Currency Period**

##### **Operational Works Required**

- 4.41 The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with.

#### **Compliance with Conditions**

- 4.42 The Plan of Survey with associated documents shall not be endorsed by Council until all of the conditions of approval relevant to each stage have been complied with.

#### **Road Works**

- 4.43 The applicant must undertake the following works:

##### **Internal**

- (a) Provision of kerb-to-kerb bitumen streets to widths required by the Far North Queensland Regional Organisation of Councils' Development Manual.

##### **External**

- (a) Provision is to be made for the following works external to the subject site in accordance with the Far North Queensland Regional Organisation of Councils' Development Manual.



### Johnston Road

- Construct kerb and channel and underground drainage on a suitable alignment taking account of the location of the existing trees within the verge.
- Construct sealed pavement between the edge of the existing carriageway and the lip of the channel for the full frontage of the site.
- Overlay Johnston Road for the full frontage of the site and for the full width of the carriageway with a 30mm thick 10mm asphalt complying with the Department of Main Roads Hot Mixed Asphalt specification.
  - As part of stage 1 civil works resurfacing of Johnston Road is required at the intersection of Johnston Road and the proposed new road for a distance of 40 metres either side of the centre line of the proposed new road at its intersection with Johnston Road.
  - As part of stage 2 civil works, resurfacing of Johnston Road is required from the north-eastern end of that resurfacing completed as part of stage 1 for the remaining north-eastern portion of Johnston Road that has frontage to the site.
  - As part of stage 3 civil works, resurfacing of Johnston Road is required from the south-western end of that resurfacing completed as part of stage 1 for the remaining south-western portion of Johnston Road that has frontage to the site.
- Submit a design for access to proposed lots 1-4, 299 and 300-304 fronting Johnston Road to Council for approval and construct the access in accordance with the approved design.

### Johnston Road/Internal Road Intersection

- (a) Construction of a channelised intersection in accordance with the Development Manual.

### **Water Main Easement**

- 4.44 A four (4) metre wide easement must be provided by the Applicant for the full length of the water main through the site. The costs associated with the granting of the easement must be borne by the Applicant.

### **Environmental Management Plan**

- 4.45 An Environmental Management Plan (EMP) must be submitted to the Environmental Health Department of Council at Operational Works Stage. The EMP is to detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction works. In particular, this plan is to address such issues as dust suppression, noise management and stormwater management (to minimise discharge of sediment, wastes and other substances).

## **Landscaping**

4.46 A street and parkland landscaping plan providing for irrigated tree planting:

- (a) within the proposed internal roads; and
- (b) on the south-eastern side of Johnston Road to the frontage of the site;
- (c) within the parkland, particularly around Parker Creek.

must be submitted for approval at Operational Works stage.

4.47 All topsoil removed from the site of the building pad and surrounds prior to construction is to be replaced over the cleared area after construction has been completed.

4.48 deleted

4.49 deleted

4.50 As part of future stages the applicant will be required to make provision for a bus stop on the link road.


## **Assessment Manager Advice**

The applicant will be requested to contribute to the future upgrade of the intersection of Johnson Road and Front Street. The final design of this intersection is to be prepared for approval at Operational Works stage and subject to the approval of Main Roads. This contribution is to be determined with Stage 4 of the subdivision.

## **5. Further Development Approvals Required:**

Operational Works

Development Permit

  
for: J R Neely  
A/Chief Executive Officer



11 November 2004

Mr T Melchert  
Chief Executive Officer  
Douglas Shire Council  
PO Box 357  
Mossman Qld 4873

<b>DOUGLAS SHIRE COUNCIL RECEIVED</b>	
FILE NAME <i>Combined Appeals</i>	DOCUMENT NO. <i>CA157</i>
17 NOV 2004	
ATTENTION <i>PTG</i>	
INFORMATION	

**Queensland  
Government**

Department of Main Roads

Dear Mr Melchert

**Douglas Shire : Captain Cook Highway**  
Situating north of Parker Creek bridge, Mossman  
Lot 11 on RP 891901, Parish of Victory  
Namsom Pty Ltd  
**Proposed Material Change of Use (Residential A Zone) & Reconfiguration of Lot (102**  
**residential allotments & new roads) Application**  
**Notification of Changed Conditions of Development (DMR as Referral Agency)**

I refer to:

- the above application received at this office on 28 July 2004, requesting consideration of the above development,
- the Department's letter of conditions of development dated 20 August 2004, and
- written representations from the applicant's consultant received 10 November 2002, concerning discussions about required intersection works.

The Department of Main Roads has investigated the representation and is prepared to include a new condition 9.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following amended conditions of development for the subject application.

**A. AMENDED CONDITIONS OF DEVELOPMENT**

**1. Permitted Road Access Location**

- (i) Vehicular access between the State-controlled road (i.e. Captain Cook Highway/ Front Street) and the subject land shall be via Johnston Road and Forest Glen Drive to the satisfaction of the Chief Executive Officer, Douglas Shire Council.
- (ii) No direct vehicular access between the State-controlled road (i.e. Captain Cook Highway/ Front Street) and the subject land is permitted.

North Queensland Region  
Peninsula District  
PO Box 6188  
CAIRNS Queensland 4870  
ABN 57 836 727 711

Our ref: 45/20A/102(161.02)  
Your ref: CA57  
Enquiries MALCOLM HARDY  
Telephone +61 7 4050 5311  
Facsimile +61 7 4050 5438

**2. Provision of Link Road**

- (i) The applicant/landowner shall dedicate a road reserve between the 2 permitted road access locations (above), i.e. between the Johnston Road frontage to the common boundary with Lot 51 on RP 910267 immediately west of Lot 15 on RP 910268.

The above required road reserve shall be dedicated prior to:

- or in conjunction with, the first registration of plan of survey creating residential allotments within 100m of Lot 51 on RP 910267 on the subject land, or
- an application for a development permit for building works within 100m of Lot 51 on RP 910267 on the subject land, whichever comes first.

- (ii) The applicant/landowner shall provide infrastructure within the above road reserve in accordance with Douglas Shire Council's specifications.

**3. Road Traffic Noise & Visual Treatments**

For the purposes of this condition:

- "SCR" shall be defined as the Captain Cook Highway; and
- "SCR boundary" shall be defined as the proposed Captain Cook Highway boundary; and
- DMR Plan PD85 C (dated 03/2004) shall hereafter be referred to as the 'DMR Buffer Plan'.

**(a) Creation of Buffer Strip**

The applicant/landowner shall create a minimum of a ten metre wide buffer strip, located adjacent to the 'SCR boundary' and within the subject land. The buffer strip shall extend along the full SCR frontage of the subject land. This buffer shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created via:

- a six metre wide freehold strip located adjacent to the SCR boundary, and
- and a four metre wide registered covenant(buffer) located adjacent to and generally west of the above freehold strip generally in accordance with the 'DMR Buffer Plan'.

The registered covenant (buffer) shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/maintain/upgrade/remove noise attenuation treatments, landscaping and public utilities within the registered covenant,
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise ameliorative treatments, landscaping, or public utilities located within the registered covenant, and
- prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The freehold section of the buffer strip shall be created and transferred to Council ownership. The registered covenant section of the buffer strip shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources & Mines. All three aforementioned requirements shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100 metres of SCR boundary, or
  - lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating,
- whichever occurs first.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip such that existing and future SCR infrastructure, noise ameliorative works within the buffer, and on site buildings and facilities, are screened as much as practicable from each other.

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirement is that they are native, low maintenance species, which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns, heavy nuts, or poisonous fruits or berries). All works within the buffer strip are to comply with the requirements specified in the 'DMR Buffer Plan'.

All landscaping of the buffer shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
  - lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating,
- whichever occurs first.

(c) Road Traffic Noise Ameliorative (Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

(ii) Maximum Noise Levels and Time Horizons

The maximum noise intervention levels within 10 years of completion of the full development generated by traffic on the SCR are:

- External noise levels shall not exceed 60B(A) 18h (free field) where existing levels measured at the deemed-to-comply setback distance are greater than 40dB(A) L90 (8h) between 10pm and 6am (free field)
- External noise levels shall not exceed 57(A) 18h free field where existing levels measured at the deemed-to-comply setback distance are less than or equal to 40 dB(A) L90 (8h) between 10pm and 6am (free field), and

- Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works.

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- For residential/accommodation development, internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report which demonstrates how the development is to be designed to conform with the above requirements. The report shall:

- predict the road traffic noise levels and identify all lots that exceed the external noise levels in condition (c) (ii) prior to any noise amelioration works,
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and buildings (including stating building pad levels in AHD),
- identify proposed allotments where it has not been demonstrated that condition (c)(ii) above would be met for a low-set or 2 or more storied dwelling house on the allotments. These identified lots will require registered covenants (building) over the lots. The covenants (building) shall require that either no house or only a low-set house is permissible without Main Roads approval on the identified lots, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
  - seeking Council approval for a development permit for Operational Works - associated with this reconfiguration of a Lot application within 100 metres of the SCR boundary, or
  - lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating,
- whichever occurs first.

(v) **Incorporation of Works into the Development**

Noise ameliorative works within the buffer shall conform to the requirements of the 'DMR Buffer Plan' unless altered in writing by the Director-General of the Department of Main Roads.

All noise ameliorative works required in the buffer shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
  - lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating,
- whichever occurs first.

(vi) **Covenant (Building)**

When a covenant is required by the Road Traffic Noise (acoustical) Report then the following requirements shall be met:

- The covenants shall be included on the same Plan of Survey which creates the lots which are the subjected to the covenant and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
  - the final layout plan with finished contour levels and highlighting lots effected by a covenant,
  - summary of noise amelioration works and covenant conditions, and
  - a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant,prior to execution of the Covenants Forms 31.
- Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as detailed in the new acoustical assessment must be completed within the above relevant timeframes.
- Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.



**4. Hydraulic Considerations**

To protect the existing flood immunity of the State-controlled road (i.e. Captain Cook Highway), the landowner/ applicant shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may result in changes to the existing water flows, afflux levels and/ or hydraulic structures along, under or over the Captain Cook Highway.

**5. Advertising**

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

**6. Provisions for Buses**

The internal layout shall be designed to allow full size buses to:

- dropoff and pickup passengers (bus stops),
- drive through the site from Johnston Road to Forest Glen Drive, and
- drive through the site on pavement of minimum kerb to kerb width of 10m.

**7. Physical Barrier**

A physical barrier shall be constructed to prevent vehicles but allow pedestrians and bicycles along the Captain Cook Highway frontage of the proposed internal road in front of the proposed Lot 346, to the satisfaction of the Director-General of the Department of Main Roads.

**8. Provision of Pedestrian/ Bicycle Path**

- (i) The applicant/landowner shall provide a 2m wide concrete pedestrian/ bicycle path along the full Captain Cook Highway frontage, subject to the approval of the Department of Main Roads.
- (ii) The applicant/landowner shall construct the pedestrian/ bicycle path to the requirements of the Douglas Shire Council prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the subject land.

**9. Intersection Works**

- (i) Intersection works at the intersection of Captain Cook Highway/ Front Street and Johnston Road are required and shall be constructed in accordance with:
  - the Department of Main Roads *Road Planning and Design Manual* and
  - current Department of Main Roads standards.

A recent site inspection indicates that the following works are required:

- the duplication of the northern lane of Johnston Road for a distance of 55m from the centre of Front Street to enable for dedicated left and right turning lanes, and
- the re-arrangement of carparking provisions, kerbs, medians and landscaping to accommodate the additional lane.

- (ii) The landowner/ applicant shall submit intersection design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval of the Cairns office of the Department of Main Roads prior to commencing any onsite works within the State-controlled road reserve (i.e. Captain Cook Highway/ Front Street).
- (iii) All required intersection works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the Council approval of the plan of survey creating the 75<sup>th</sup> residential allotment on the subject land.

**Reasons**

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

**B. GENERAL DISCUSSION**

Council is requested to reflect Conditions 1, 2, 4, 6, 7 and 8 above on its Rates Record, to ensure that the planning intentions of Conditions 1, 2, 4, 6, 7 and 8 are secured.

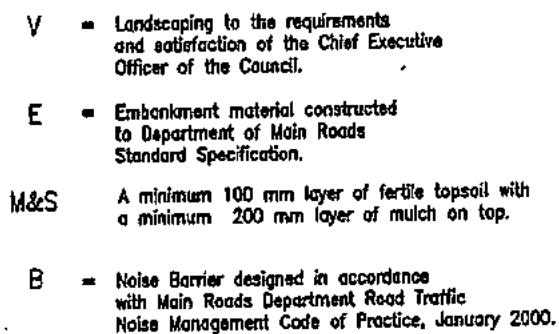
This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant's consultant.

Yours sincerely



Brad Finegan  
A/MANAGER (TRANSPORT PLANNING), PENINSULA



All work shall be designed and approved in accordance with the above requirements unless altered in writing by the Director General, Department of Main Roads.

All work shall be installed and maintained in accordance with the approved plan to the satisfaction of the Director General, Department of Main Roads. The installed approved works shall be completed prior to the commencement of the use onsite, unless approved otherwise.

1-800-577-6644 (toll-free) • 1-800-577-6644 (toll-free)

DMR: Plan No. PD85 (C)