



07.10.2021

Our Ref: 31122-042-03
Your Ref: ROL 2015_612/60

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attn: Environment & Planning – J. Elphinstone

Dear Jenny

**Change Application for a Minor Change - Development Permit: ROL 2015_612/60
12-36 Alchera Drive, Mossman – Lot 401 on SP317071**

We act on behalf of Maxholl Pty Ltd (the Applicant) in relation to the aforementioned matter. The Applicant proposes to alter the timing and stage boundaries of the approved development.

The current approval, dated 27 July 2021 (ROL 2015_612/60 (Doc ID 1025034) permits the development of 68 Residential Lots and Park, known as Stages 4-7 Daintree Horizons Estate.

In accordance with section 78 of the Planning Act 2016 (the Act) we hereby submit a Change Application for a minor change to the abovementioned development permit and seek Council's approval for amendment to staging boundaries and timing for the provision of the parkland.

Accordingly, the stage boundaries have been revised as depicted within our revised proposal plan 31122/121C, included within *Attachment C*.

The delivery of the development will now be undertaken in the following sequence.

1. Stage 6;
2. Stage 7;
3. Stage 4; and
4. Stage 5.

Lot numbering has been maintained as previously approved to ensure consistency with the existing conditions of approval. The provision of park will now be provided prior to Council endorsing the new plan of survey associated with revised Stage 4.

Condition 10 will have to be updated to reflect the revised staging. It is acknowledged that while the provisioning of the park will be delayed to the creation of the 49th lot compared the 25th lot currently approved, it is considered that the minor delay would not impact on the existing or future residents of the development.



The revised staging improves the efficiency with the rollout and provisioning of the new services for development.

In our view the abovementioned changes will only result in amendment to the previous decision notice to update the Approved Plan reference along with Condition 10 to reflect the revised staging.

Planning Act 2016 Considerations

The Change Application can only be assessed as a minor change if the change satisfies the definition of *minor change* provided in Schedule 2 of the *Planning Act 2016* as follows:-

“minor change means a change that—

.....

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.”

A response as to how the proposed Change Application satisfies the criteria of a *minor change*, as defined within the *Planning Act 2016*, is provided below:

(i) would not result in substantially different development; and

Response:

The Development Assessment Rules at Schedule 1 provides advice on determining what is considered substantially different development. On review, it is considered that the proposed changes do not result in a substantially different development as:



- The proposed changes do not involve a new use.
- The changes do not result in the application applying to a new parcel of land.
- The proposed changes do not substantially alter the built form of the development.
- The proposed changes do not result in the proposed development to operate as originally intended.
- The changes do not result in removing any components of the development.
- The proposed change will not result in significant impacts on traffic flow and the transport network.
- The proposed changes do not introduce or increase the severity of any known impacts.
- There is no incentive or offset component associated with the development approval.
- The proposed changes will not have any impacts on infrastructure provision as the changes do not result in a such an increase in yield which would require additional demand on infrastructure.

(ii) *if a development application for the development, including the change, were made when the change application is made would not cause –*

(A) *the inclusion of prohibited development in the application; or*

Response:

The proposed changes do not result in the inclusion of prohibited development in the application.

(B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

(C) *referral to extra referral agencies, other than to the chief executive; or*

(D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*

Response:

The initial application triggered referral to State for assessment by referral agencies. A review of the referral triggers confirms that if the application



were submitted today, referral to any additional referral agencies or for any other matters would not be triggered.

(E) *public notification if public notification was not required for the development application.*

Response:

The initial development application did not require public notification and the change does not cause a change to the level of assessment for the development.

Accordingly, based on the above, we advise that the proposed change is considered a minor change as it does not result in substantially different development, does not introduce development that would now be considered prohibited, has no effect on referral agency triggers should the application be remade now.

Affected Entities

No Affected Entities have been identified.

Land Owner's Consent

Land owners consent is included within *Attachment A*.

Supporting Documents

In accordance with the Act, the following documentation is attached to allow Council's consideration:

- Attachment A: Planning Act Form 5 – Change Application Form & Owners Consent;
- Attachment B: Decision Notice dated 27 July 2021 (ROL 2015_612/60 (Doc ID 1025034)
- Attachment C: Revised Proposal Plan – 31122/001C

Conclusion

Overall, it is considered that the above has clearly demonstrated that the proposed changes constitute a minor change and therefore the Change Application can be assessed and approved by Council as minor change.

In accordance with previous discussions Council planning staff, it was agreed that the application fee of \$988.00 would be appropriate for this request. It is requested that upon lodgement of this request, Council issue a tax invoice for the application fee allowing payment to be arranged.



We trust that the enclosed documentation is sufficient to allow for assessment, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Town Planner
Brazier Motti Pty Ltd

ATTACHMENT A

brazier motti



Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Maxholl Pty Ltd c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	Cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	31122-042-03

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		12-36	Alchera Drive	Mossman
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		401	SP317071	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	ROL 215_612/60	27 July 2021	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Revise stage boundaries and timing of developments

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☐ No

☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☐ No

☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☐ No

☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

☐ No

☐ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

☐ I agree to receive an information request if determined necessary for this change application

☐ I do not agree to accept an information request for this change application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Owner's consent for making a change application under the *Planning Act 2016*

Brie Brie Estate Pty Ltd
Hugh Crawford Pty Ltd
G Muntz Pty Ltd
D C Watson Pty Ltd

as owners of the premises identified as follows:


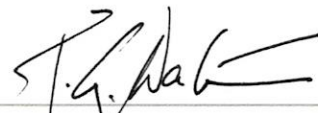


12-36 Alchera Drive, Mossman
Lot 401 on SP317071

consent to the making of a change application under the *Planning Act 2016* by:

Maxholl Pty Ltd
c/- Brazier Motti Pty Ltd

on the premises described above for:

- Reconfiguring a Lot, Council Ref: ROL 612/2015

<p>X</p> <p>—</p> <p></p> <p>Brie Brie Estate Pty Ltd</p> <p>Name: J.G. WATSON</p> <p>Position: DIRECTOR</p> <p>Date: 7/10/21</p>	<p>X</p> <p>—</p> <p></p> <p>Hugh Crawford Pty Ltd</p> <p>Name: J.G. WATSON</p> <p>Position: DIRECTOR</p> <p>Date: 7/10/21</p>
<p>X</p> <p>—</p> <p></p> <p>G Muntz Pty Ltd</p> <p>Name: J.G. WATSON</p> <p>Position: DIRECTOR</p> <p>Date: 7/10/21</p>	<p>X</p> <p>—</p> <p></p> <p>D C Watson Pty Ltd</p> <p>Name: J.G. WATSON</p> <p>Position: DIRECTOR</p> <p>Date: 7/10/21</p>

ATTACHMENT B

brazier motti



27 July 2021

Enquiries: Jenny Elphinstone
Our Ref: ROL 2015_612/60 (Doc ID 1025034)
Your Ref: 31122-042-02

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

Maxholl Pty Ltd
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870



Received 27/07/2021

Email cns.planning@braziermotti.com.au

Attention Mr Michael Tessaro

Dear Sir

**Development Application for Request for Extension the currency period
For Reconfiguration of a Lot (1 Lot into 68 Lots and Park)
At 12-36 Alchera Drive Mossman
On Land Described as Lot 113 on SP213765**

Please find attached the Decision Notice for the above-mentioned development application.

In addition to determining the above application Council also resolved to advise the developer that when designing the remainder of the balance land the future application is to include a Master Plan and consideration of the Mossman Local Plan, in particular the need for connectivity between residential estates and the provision of parkland in the southeast corner of the land.

Please quote Council's application number: ROL 2015_612/2 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully

For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval

Given under sections 86 and 87 of the Planning Act 2016

Applicant Details

Name: Maxholl Pty Ltd

Postal Address: C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Attention Mr Michael Tessaro

Email: cairns@braziermotti.com.au

Property Details

Street Address: 12-36 Alchera Drive Mossman (Now known as 91 Front Street Mossman)

Real Property Description: Lot 113 on SP213765 (Property now known as Lot 401 on SP317071)

Local Government Area: Douglas Shire Council

Details of Proposed Development

Extension application for the Development Permit (ROL 2015_612) for the Reconfiguring of a Lot for 1 Lot into 68 Lots and Park over land described as Lot 113 on SP213765 (now known as Lot 401 on SP317071), as per the Negotiated Decision Notice dated 28 March 2017, for a further six (6) years.

Decision

Date of Decision: 27 July 2021

Decision Details: Approved. The extension application for the Development Permit (ROL 2015_612) for the Reconfiguring of a Lot for 1 Lot into 68 Lots and Park over land described as Lot 113 on SP213765 (now known as Lot 401 on SP317071), as per the Negotiated Decision Notice dated 28 March 2017, has been approved for a further six (6) years, up to and including 28 September 2027.

Existing Approval

A copy of the existing approval is attached.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Rights of Appeal

The rights of applicants to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Existing Approval

YOUR REF: 31122-042-01
OUR REF: ROL 612/2015 (809730)

28 March 2017

Maxholl Pty Ltd
C/- Brazier Mottl Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Attention: Erin Berthelsen

Dear Madam

**REQUEST FOR A NEGOTIATED DECISION UNDER S 361 SUSTAINABLE
PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR 12-36 ALCHERA
DRIVE MOSSMAN**

The abovementioned request for a Negotiated Decision was determined by Council at the Ordinary Meeting held on 28 March 2017. Please find attached the relevant Negotiated Decision Notice.

This Negotiated Decision Notice replaces the Decision Notice dated 2 February 2016.

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9444.

Yours faithfully

Paul Hoye | Manager
Sustainable Communities | Douglas Shire Council

Att

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APPLICANT DETAILS

Maxholl Pty Ltd
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

ADDRESS

12-36 Alchera Drive MOSSMAN

REAL PROPERTY DESCRIPTION

Lot 113 on SP213765

PROPOSAL

Lot Reconfiguration (in Stages)

DECISION

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

DECISION DATE

28 March 2017

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State transport infrastructure (thresholds)	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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

ASSESSMENT MANAGER CONDITIONS:

APPROVED DRAWING(S) AND / OR DOCUMENT(S):

Drawing or Document	Reference	Date
Stage Plan	Brazier Motti Job 31122/42-1 Drawing No 31122/121A Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval	<u>1 March 2017</u> To be Determined

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.

Lot Yield

3. The allotment yield as detailed on the approved drawing ~~Drawing 31122/119 G dated 3 November 2015~~ prepared by Brazier Motti may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design have potential implications to the lot layout.

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Extension to Daintree Horizon Drive Amendment to Design

4. ~~The lot reconfiguration layout as shown on Drawing 31122/119 G must be amended to provide:~~
- ~~a. road access to balance Lot 1000 in minimum of two (2) locations (nominally opposite Lot 349 in Stage 4A and an extension to Daintree Horizons Drive nominally in the vicinity of Lot 368 in Stage 4B). The extension to Daintree Horizon Drive is to be designed to be suitable for buses in accordance with the FNQROC Development Manual;~~
 - ~~b. The location and configuration of the park as shown in Stage 4A is not approved. A centrally located area of park is to be provided within the estate to provide a centrepiece for the estate and to adequately cater for the existing stages (1, 2 and 3) and remaining stages of the estate. The park is to be provided with substantial road frontage. A minimum of 10 per cent of the entire estate area (ie all stages inclusive) is to be provided as park.~~

~~An amended plan showing the above amendments must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.~~

Traffic Impact Study

5. A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development ~~(components of Stage 4) and for the ultimate development on the road network~~ and compliance with Austroads, (in particular *Guide to Traffic Management Part 12: Traffic Impacts of Developments*), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:
- a. Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);
 - b. Impact on the operation of the intersections at:
 - i. Daintree Horizon drive with Johnson Road; and
 - ii. Johnson Road with Front Street,for current ~~and ultimate development~~ traffic generation rates from the development in addition to existing and expected external traffic growth;
 - c. Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersection per the analysis in a and b above;

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- d. Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;
- e. Consideration of the need for traffic calming to be installed at the internal intersections onto the major internal collector route Daintree Horizon Drive including in particular at its intersections with Riflebird Close and Springhill Close.

Three (3) copies of the Traffic Impact Study report must be submitted and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Road Safety Audit – Road Layout

- 6. Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual.

Three (3) copies of the road safety audit that is approved by a Registered Professional Engineer of Queensland (RPEQ) and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Where specific access locations are nominated for particular allotments, the crossover and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.

Drainage Study of Site

- 7. Undertake a local drainage study of the proposed development components of Stage 4 to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing contributing catchment boundaries;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
 - c. Primary and secondary flow paths for the 5 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have

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DECISION NOTICE DETAILS
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implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;

- e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and
- g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Filling Lots

- 8. Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto.

Street Layout and Design

- 9. The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;
 - b. All roads must have a minimum road reserve width of 16.5 metres;
 - c. Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;
 - d. Provide a convex viewing mirror at the bend in the pathway between lots 402/403 332/333 and 351/352;
 - f. Provide a four (4) metre wide grassed buffer strip between the farm land and the southern boundary of the approved residential lots and park.

~~Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;~~
 - g. The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;
 - h. Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;

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- i. Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;
- j. Nomination of location and provision of driveways for the proposed Lots 401, 508, 707, 708, 710, 711, 713, 714 and 715 ~~353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394~~ to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;
- k. A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and
- l. Provision of on-street car parking spaces as identified in the above parking Master Plan and as a minimum, within the cul-de-sac in the vicinity of lots 804 and 809 ~~403 to 408~~ to satisfy Queensland Streets.

An amended plan incorporating the above requirements must be submitted prior to the issue of 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.

Provision of Park

- 10. The applicant is to provide park ~~in accordance with the requirements of Condition 4b~~ in prior to Council being required to issue a certificate of compliance for Stage 5 ~~4B~~. The park area must include:
 - a. Water service and provision of a tap for the central park;
 - b. Bollards around the perimeter to prevent vehicle access with the exception of Council access;
 - c. Shelter and seating area in the central park;
 - d. Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;
 - e. Seeded and grassed.

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

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This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

Note: The provision of park in Stage 5 is only in partial compliance with park requirements for the the overall master plan approved for the estate.

Water Supply and Sewerage Master Plan

11. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the proposed stages and the ultimate development can be serviced. Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the master plan.

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 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 and Sewerage Works Internal

12. Undertake the following water supply and sewerage works internal to the subject land:
- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
 - b. Provide a water supply reticulation network to enable future connection of each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of 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.

Acid Sulfate Soil Investigation

13. 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*

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Lowland Acid Sulfate Soils in Queensland (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: *'Queensland Acid Sulfate Soil Technical Manual'* (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Access to Hatchet or Battleaxe Lots

14. Construct a concrete driveway or other approved surface to battleaxe Lot 806 405 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the FNQROC Development Manual Standard Drawings. Construction of the concrete driveway must be in accordance with the FNQROC Development Manual.

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

15. Provide service conduits to Lot 806 405 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.

Demolish Structures

16. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.

Temporary Vehicle Turnaround

17. A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds 60 metres (ie maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

Stockpiling and Transportation of Fill Material

18. 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 unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than one (1) month.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or

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- 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.

19. 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

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

Construction Access

21. Vehicular access to the site for construction and demolition purposes must be provided from Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.

~~Fence Requirement – Protection from ongoing cane usage~~

- ~~22. Construct an acoustic fence (that may be a standard 1.8m timber paling fence) to the common boundary of the residential lots to the proposed Lot 1000, authorised under this approval.~~

Vegetation Clearing

22. No vegetation clearing, other than regular agricultural activity is to occur on the Balance Lot 1000 unless further approval is gained as is necessary.

Weed Management

23. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
24. A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Lawful Point of Discharge

25. 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

26. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
- a. Drainage infrastructure in accordance with the FNQROC Development Manual

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- b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID must treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
 - v. In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.
- c. All new allotments shall have immunity from flooding associated with a one (1) per cent AEP (ARI 100 year) 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 via storm water quality device(s).

Sediment and Erosion Control

- 27. 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

- 28. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or

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- 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

29. 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

30. 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

31. 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 elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs
- LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- 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

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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.

Damage to Council Infrastructure

32. In the event that any part of Council's existing sewer / 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/owner's/builder's cost, prior to the Commencement of Use.

Landscape Plan

33. 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;
 - b. The provision of shade trees, especially in parks;
 - c. Species to have regard to the Planning Scheme Policy No 7 Landscaping;
 - 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.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency	SDA-0215-018102	24 November 2015	761664

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies. Note: The plan in SARA's response is not the approved plan).

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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 sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Road and Site Grading Master Plan

Any future development of Lot 1000 will require a Road and Site Grading Master plan to be undertaken for the entire site to a preliminary level. Stages contained in Stage 4 (A, B, C and D) and as amended by the conditions of the approval set the road alignments and geometry for future road connectivity within the estate. In order for any potential future development layouts of Lot 1000 to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site. ~~In order for Stage 4 layouts to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.~~

Council notes that the road layout appears to follow the contours indicating limited longitudinal fall along the road. Provision of preliminary road grading together with the drainage study will need to demonstrate that layout is responsive to the topography and does not impose excessive stormwater infrastructure requirements.

5. Drainage

Future development of Lot 1000 will require the submission of a Drainage Study and master plan.

6. Infrastructure Charges Notice

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.

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The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

7. For information relating to the *Sustainable Planning Act 2009* 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.

RIGHTS OF APPEAL
Attached

End of Decision Notice

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





Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0215-018102
Your reference: ROL 612/2015

24 November 2015

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

Dear Sir/Madam

Amended concurrence agency response - changed condition

Development permit for a reconfiguration of a lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4, on land located at 12-36 Aichera Drive, Mossman, QLD, described as Lot 113 on SP213765

(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 23 February 2015. On 3 November 2015 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

Applicant details

Applicant name:	Maxholt Pty Ltd
Applicant contact details:	CA- Brazier Mottl Pty Ltd PO Box 1185 Cairns QLD 4870 Cns.planning@braziermottl.com.au

Site details

Street address:	12-36 Aichera Drive, Mossman, QLD
Lot on plan:	Lot 113 on SP213765

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For North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2058
Cairns QLD 4870

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

SDA-2015-612/2

Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for a reconfiguration of a Lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4

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	Reconfiguration of a Lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4	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 2—State-controlled road
Schedule 7, Table 3, Item 2—State transport infrastructure (thresholds)

Conditions

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

Reasons for decision to impose conditions

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

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Development Permit for a reconfiguration of a Lot (1 Lot into 67 Residential Lots, Park, Road and Balance Lot (Daintree Horizons Estate Stage 4))				
Proposed Reconfiguration Plan - Stages 4A, 4B, 4C &	Brazier Moti	03 November 2015	Plan No 31122/119	Issue G

Department of Infrastructure, Local Government and Planning

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SDA-6215-016182

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The applicant has provided written agreement to this amended concurrence agency response, as attached.

For further information, please contact Sue Lockwood, Senior Planning Officer, SARA Far North QLD on (07) 4037 3215, or email sue.lockwood@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Maxhul Pty Ltd, ons.planning@maxhulmott.com.au
enc: Attachment 1—Amended conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved plans and specifications
Applicant written agreement to amended concurrence agency response

Our reference: SDA-0215-018102
 Your reference: ROL 612/2015

Attachment 1—Amended conditions to be imposed

No.	Conditions	Condition timing
Development Permit - Reconfiguring a Lot (1 Lot into 67 Residential Lots, Park, Road and Balance Lot (Daintree Horizons Estate Stage 4))		
Schedule 7, Table 2, Item 2-State-controlled road and Schedule 7, Table 3, Item 2-State transport infrastructure (thresholds) —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads 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.	AD01 - Model Condition The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Proposed Reconfiguration Plan - Stages 4A, 4B, 4C & 4D prepared by Brazier Mott, dated 03 November 2015, Plan No 31122/119, Issue G. 	At all times

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SDA-2015-018102

Our reference: SDA-2015-018102
Your reference: ROL 612/2015

Attachment 2—Amended reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

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Our reference: SDA-0215-018102
Your reference: ROL 612/2015

Attachment 3—Further advice

General advice – advertising device	
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or other device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely create a traffic hazard for the state-controlled road.
State Planning Policy July 2014 – interim development assessment provisions	
2.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014 and in particular the interim development assessment provisions, such as natural hazards and water quality, to the extent it is relevant to the proposed development.

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Our reference: SDA-0215-018102
 Your reference: ROL 612/2015

Attachment 4—Approved plans and specifications



Department of Infrastructure, Local Government and Planning

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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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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.
- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (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 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), 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—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

27 July 2021

Enquiries: Jenny Elphinstone
Our Ref: ROL 2015_612/60 (Doc ID 1025034)
Your Ref: 31122-042-02

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

Maxholl Pty Ltd
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Email cns.planning@braziermotti.com.au

Attention Mr Michael Tessaro

Dear Sir

**Adopted Infrastructure Charges for Request for Extension the currency period
For Reconfiguration of a Lot (1 Lot into 58 Lots and Park)
At 12-36 Alchera Drive Mossman
On Land Described as Lot 113 on SP213765**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

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.

Please quote Council's application number: ROL 2015_612 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Maxholt Pty Ltd DEVELOPERS NAME		Daintree Horizons ESTATE NAME	0 STAGE
12-36 Alchera Drive STREET No. & NAME	Mossman SUBURB	L401 SP317071 LOT & RP No.s	1022579 PARCEL No.
ROL (1 into 68 lots and park) DEVELOPMENT TYPE		ROL 2015_612/2 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1017635 DSC Reference Doc. No.	1 VERSION No.	Payment before the signing and dating of the Survey Plan	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0							
0							
Proposed Demand							
Residential lots	58	per 3 or more bedroom dwelling	24,143.38	58	1,400,315.75		
		Total Demand			1,400,315.75		
Existing Credit							
Residential Lot	1 lot	per 3 or more bedroom dwelling	24,143.38	1	24,143.38		
		Total Credit			24,143.38		
							Code 895 GL 7470.0135.0825

Required Payment or Credit

TOTAL

\$1,376,172.37

Prepared by	Jenny Elphinstone	9-Jul-21	Amount Paid	
Checked by	Daniel Lamond	12-Jul-21	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision		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 Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

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.

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) 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.
- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
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- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

ATTACHMENT C

brazier motti



Stages 4 to 7
Johnston Road
Mossman

