

**ENQUIRIES:** Mrs Michelle Henderson  
**PHONE:** (07) 4099 9457  
**FAX:** (07) 4044 3836  
**YOUR REF:** 7082CRA-18  
**OUR REF:** 8/13/1467 (2518451)

22 March 2010

D J Craven  
C/- Charles O'Neill Pty Ltd  
PO Box 5246  
**CAIRNS QLD 4870**

Dear Sir/Madam

**NEGOTIATED DECISION UNDER S807 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 114-120 SOUTH ARM DRIVE, WONGA**

With reference to the abovementioned Development Application, please find attached the relevant Negotiated Decision Notice which was determined under Instrument of Delegation on 22 March 2010.

The notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquires in relation to this Negotiated Decision Notice, please contact Michelle Henderson of Council's Development Assessment team on telephone number (07) 4099 9457.

Yours faithfully

Simon Clarke  
**Manager Development Assessment**

**Att**

**APPLICANT DETAILS**

D J Craven  
C/- Charles O'Neill Pty Ltd  
PO Box 5246  
CAIRNS QLD 4870

**ADDRESS**

114-120 South Arm Drive, Wonga

**REAL PROPERTY DESCRIPTION**

Lot 11 on SP188690

**PROPOSAL**

Reconfiguration of a Lot (1 lot into 2 lots)

**DECISION**

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

**DECISION DATE**

This Negotiated Decision Notice dated 22 March 2010 replaces the Decision Notice dated 3 November 2009.

**TYPE**

Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

*(Heritage, Coastal & ERAs EPA)*  
Development Application Lodgement  
Department of Environment & Resource Management  
(Formerly EPA)  
PO Box 15155  
CITY EAST QLD 4002

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

There are no further Development Permits required.

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

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

The term 'approved drawing(s) and/or document(s)' or other similar expressions means:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Plan of Reconfiguration	Drawing 7082CRA-03B prepared by Charles O'Neill (Council Ref No 2471472)	8 February 2010

That the revised Plan of Reconfiguration, 7082CRA-03B, be endorsed by Council as the approved Plan of Reconfiguration.

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - a. The specifications, facts and circumstances as set out in the application submitted to Council;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

**Amendment to Design**

3. The proposed development must be amended to accommodate the following changes:
  - a. Revisit the design of Lot 20 to ensure that the allotment is provided with sufficient area to comply with the minimum area for lots in the Rural Settlement Planning Area, being 4000 m<sup>2</sup>.

Details of the above amendment must be endorsed by the Chief Executive Officer prior to signing and dating of the Plan of Survey.

### **Parkland Contribution**

4. Pay a monetary contribution equivalent to 10% of the Unimproved Capital Value of the created allotment 20 only, in accordance with the Planning Scheme Policy.

At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council. This security can take the form of a cash bond or bank guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.

The contribution payable must be made within three (3) months of the registration of the allotment/s.

### **On-Site Effluent Disposal**

5. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed on Lot 20 must be approved by the Chief Executive Officer prior to approval and dating of the Plan of Survey.
6. Separation distances from the existing on-site sewerage and effluent disposal facility on Lot 10 to proposed lot boundaries must comply with the Queensland Plumbing & Wastewater Code. An On Site Sewerage Disposal Report for each lot must be approved by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

### **Vegetation Clearing**

7. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under *Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management*.

### **Lawful Point of Discharge**

8. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

**Existing Services**

9. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
- a. Relocate the services to comply with this requirement; or
  - b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

**Access to Hatchet or Battleaxe Lots**

10. Construct a concrete driveway or other approved surface to battleaxe Lot 10 extending the full length of the access leg from adjacent edge of carriageway. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

**Electricity Supply**

11. 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**

12. 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 approval and dating of the Plan of Survey.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<b>Concurrence Agency</b>	<b>Concurrence Agency Reference</b>	<b>Date</b>	<b>Council Electronic Reference</b>
Department of Environment and Resource Management	338625	18 Aug 2009	2194037

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

**FURTHER ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Please note that the contributions must be paid at the rates applicable at the time of payment.
5. For information relating to the *Sustainable Planning Act 2009* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

**APPENDIX 1 APPROVED PLAN OF RECONFIGURATION**

