

Our ref: L79890/9339/OC
Your ref: MCU 2248/2006, RoL 8/13/1625 and OP 4332/2011

135 Abbott Street
Cairns QLD 4870
T +61 7 4031 1336

Date: 12 November 2020

Attn: Mr Neil Beck
Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Neil,

**Extension Application for MCU, RoL and Operational Works Development Approvals
(Section 86 of the Planning Act 2016) – Wonga Beach Village Pty Ltd, Vixies Road, Wonga
Beach**

On behalf of Wonga Beach Village Pty Ltd ACN 003 930 381 (formerly Wonga Beach Aquaculture Resort Pty Ltd ACN 003 930 381), the owner of the land subject of the Development Approvals and 'Applicant', we lodge this Extension Application to you as the Assessment Manager. This request seeks an extension to the Currency Period of the Material Change of Use, Reconfiguration of a Lot and Operational Works Development Approvals that relate to Lot 51 on SP155078, Vixies Road, Wonga.

To facilitate Council's consideration of the requested extension of time, the following is provided:

1. The attached completed Extension Application Form (refer to **Attachment A**);
2. Development Approval for Material Change of Use for Residential Purposes (refer to **Attachment B**);
3. Development Permit for Reconfiguration of a Lot (refer to **Attachment C**);
4. Development Permit for Operational Works – (refer to **Attachment D**);
5. Council Approval to Extend Currency Period of Operational Works Approval (refer to **Attachment E**); and
6. Council Approval to Extend Currency Period of Material Change of Use Approval (refer to **Attachment F**);

The applicable fee for the extension of currency for the Reconfiguration Approval has been determined as \$13,207.25 (calculated as (\$1,419.00 + 97 lots x \$530.00) x 25%) which is based on the scheduled fee for seeking an extension of time for the Reconfiguration Approval (as per your advice dated 6 November 2020).

Please forward an invoice for Council's fee to owen.caddick-king@rpsgroup.com.au so that we can arrange payment.

Background

The Applicant was granted a Development Approval for a Material Change of Use (MCU) for residential purposes including Dwelling House, Local Utility, Display Home, Dwelling House / Attached Flat and Estate Sales Office, as defined in the Superseded Transitional Planning Scheme for the Shire of Douglas, December 1996 (refer to **Attachment B** for detail). Subsequent to the granting of the MCU Approval, Council granted a Development Approval for the Reconfiguration of the Land (1 Lot into 99 Lots) on 16 December 2013 (refer to Negotiated Decision Notice in **Attachment C**) and to facilitate the first stage of development, Council granted a Development Permit for Operational Works on 21 November 2016 (refer to **Attachment D**).

In accordance with Section 299 of the Planning Act 2016, in relation to lapsing of approval at the end of currency period, Section 341 of the Sustainable Planning Act (SPA) applies to these approvals and the relevant period referred to in Section 341 of the former Act is taken to be the currency period.

On this basis, Section 341 of SPA is determined to apply to the Preliminary Approval for Material Change of Use for Residential Development on the subject site, the Development Permit for Reconfiguration of a Lot Approval and the Development Permit for Operational Works relating to Stage 1A of the Reconfiguration of a Lot Development.

On 22 September 2014 Council granted an extension to the relevant period for the Material Change of Use Approval (refer to **Attachment F** for detail). This extension of time enabled the Relevant Period of the MCU Approval to align with the Relevant Period of the Reconfiguring a Lot Approval. Therefore, it is noted that whilst the Development Approval for Reconfiguration of a Lot remains current, the Material Change of Use Approval for Residential Development on the land will remain current. However, to avoid any uncertainty, the extension application also relates to the MCU Approval.

In accordance with the 'related approval' provisions of SPA, the Reconfiguration of a Lot's Relevant Period is taken to have commenced on the 21 November 2016, the day that the Development Permit for Operational Works was granted. Therefore, as per Council's advice provided for reference in **Attachment E**, the Reconfiguration of a Lot Approval remains current until 21 November 2020 and the Operational Works Approval has been granted an extended currency period until 21 November 2020 and as indicated above, the currency of the MCU Approval aligns with the Reconfiguration Approval.

Since Council's granting of the Development Permit for Operational Works on 21 November 2016, the residential land market in the Wonga Beach area has not been strong and the Covid 19 Pandemic has significantly disrupted any recovery in the residential land market at Wonga Beach. As a result, property market conditions have discouraged further progress on the project at this stage.

At the time the Operational Works Approval was granted, the land was included in the Planning Scheme's (now Superseded Planning Scheme's) Rural Zone. Under Council's current Planning Scheme which commenced to have effect on 2 January 2018, the land has been included in the Rural Residential Zone. Hence, the current zoning of the land better reflects the current approved development that relates to the subject land.

Request for Extended Currency of Approval and Justification for Request

It is requested that the currency of the MCU Approval and the Development Permit for Reconfiguration of Lot and the Operational Works Approval be granted an additional 6 years to facilitate the development. The additional 6 years are sought on the basis that Section 85 (1) (a) of the Planning Act nominates a currency period of 6 years for Material Change of Use development approved pursuant to the Planning Act and the current Material Change of Use Approval is the underlying Approval permitting the use of the land. The additional 6 year currency period has been sought for the Reconfiguration Approval and Operational Works Approval, to align with the currency of these Approvals with the MCU Approval.

The Coronavirus has caused significant uncertainty in the local and wider economy and a 6 year currency period is considered reasonable given that there has and will be ongoing significant health and economic issues for the next 12 months or more. Post Coronavirus, there will be a period required for certainty to be re-established in the local area where funding for development related projects will become available and once funding is arranged, adequate time will be required to facilitate the staged development and the establishment of the residential uses on the land.

The Applicant has incurred considerable costs to facilitate the MCU Approval for residential development on the land and the subsequent Reconfiguration of a Lot and Operational Works Development Approvals. The Approved development is generally consistent with the Rural Residential Zoning of the land and the economic uncertainty associated with the Coronavirus necessitates the extended timeframe to facilitate the development of the land.

As requested, a concurrent Minor Change Application has been lodged with Council to allow the Reconfiguration Approval to be amended in response to Storm Surge Investigations currently being undertaken by Council in respect of the Wonga locality. Given that the Storm Surge Investigations are not likely to be completed within the statutory timeframe stated in Section 87 of the Planning Act, we agree to an extended timeframe in which Council must decide the Extension Application and ask that Council nominate a timeframe when it expects to be able to decide the Extension Application.

Our ref: L79890/9339/OC

It is anticipated that adequate detail has been provided to facilitate Council's consideration of the Extension Application. However, should you seek to discuss the matter and/or seek further information, do not hesitate to contact me.

Yours sincerely,
for RPS Australia East Pty Ltd



Owen Caddick-King

Principal - Planning

owen.caddick-king@rpsgroup.com.au

+61 7 42761027

Attachment A: Extension Application Form

Attachment B: Development Approval for a Material Change of Use for Residential Purposes

Attachment C: Development Permit for Reconfiguration of a Lot

Attachment D: Development Permit for Operational Works

Attachment E: Council Approval to Extend Currency Period of Operational Works Approval

Attachment F: Council Approval to Extend Currency Period of Material Change of Use Approval

Attachment A: **Extension Application Form**

Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

Note: All terms used within this template 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) <i>(individual or company full name)</i>	Wonga Beach Village Pty Ltd (formerly Wonga Beach Aquaculture Pty Ltd)
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Contact number	(07) 4276 1027
Applicant's reference number(s) <i>(if applicable)</i>	9339

2) Owner's consent – Is written consent of the owner required for this extension application?	
Note: section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application	
<input checked="" type="checkbox"/> No – proceed to question 3	

PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.	
Douglas Shire Council	

PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit	MCU 2248/2006 (8/37/10)	18 April 2011	Cairns Regional Council
<input checked="" type="checkbox"/> Preliminary approval for MCU	RoL 8/13/1625	16 December 2013	Cairns Regional Council
	OP 4332/2011 (Related Approval)	21 November 2016	Douglas Shire Council

5) Further details

5.1) Provide the currency period for this development approval.

Preliminary Approval for MCU – 21 November 2020 (as per Council advice, dated 22 September 2014)
Development Permit for Reconfiguration of a Lot – 21 November 2020 (as per Council advice, dated 2 November 2018)
Development Permit for Operational Works - 21 November 2020 (as per Council advice, dated 2 November 2018)

5.2) Identify how long this application seeks to extend the currency period of this development approval.

Note: reasoning to support the proposed extension should also be provided

6 years for all three Development Approvals

PART 4 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.

Attachment B:
**Development Approval for a Material Change
of Use for Residential Purposes**



ENQUIRIES: Mrs Lauren Payler
PHONE: (07) 4044 3551
FAX: (07) 4044 3836
YOUR REF: 9339/OCK/MLM/L67685
OUR REF: 8/37/10 (3137619)

18 April 2011

Wonga Beach Aquaculture Resort Pty Ltd
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

RECEIVED
20 APR 2011
BY: OLK

Dear Sir/Madam

**NEGOTIATED DECISION NOTICE UNDER S808 SUSTAINABLE PLANNING ACT
2009: DEVELOPMENT APPLICATION FOR VIXIES ROAD, WONGA**

With reference to the abovementioned Development Application, which was determined by Council at the Planning & Environment Committee Meeting held on 13 April 2011, please find attached the relevant Negotiated Decision Notice.

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

Should you have any enquiries in relation to this Negotiated Decision Notice, please contact Lauren Payler of Council's Development Assessment team on telephone number (07) 4044 3551.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att

40.2006.2248
1/24



APPLICANT DETAILS

Wonga Beach Aquaculture Resort Pty Ltd
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

ADDRESS

Vixies Road, Wonga

REAL PROPERTY DESCRIPTION

Lot 51 on SP155078

PROPOSAL

Preliminary Approval for a Staged Development & Development Permit for Stage 1 of the Staged Development for a Material Change of Use for Residential Purposes for Dwelling House, Local Utility, Display Home, Dwelling House/Attached Flat and Estate Sales Office (as defined in the Superseded Transitional Planning Scheme for the Shire of Douglas, December 1996)

DECISION

Approved in part & Refused in part (Preliminary Approval component and Development Permit component respectively)

DECISION DATE

This Negotiated Decision Notice dated 13 April 2011 replaces the Decision Notice dated 28 July 2010.

TYPE

Material Change of Use

REFERRAL AGENCIES

(MCU or ROL containing remnant vegetation as defined under the Vegetation Management Act 1999)

(Heritage, Coastal & ERAs EPA)

(Acid Sulphate Soils)

Development Application Lodgement

Department of Environment & Resource Management

PO Box 2454

BRISBANE QLD 4001

40.2006.2248
2/24

For all correspondence:

✉ **PO Box 359 Cairns Q 4870**

www.cairns.qld.gov.au

council@cairns.qld.gov.au

Council Chambers

119-145 Spence Street, Cairns Q 4870

P: 07 4044 3044 | F: 07 4044 3022

Mossman Administration Centre

64-66 Front Street, Mossman Q 4873

P: 07 4099 9444 | F: 07 4098 2902

(State Controlled Roads)

Department of Transport and Main Roads
Far North Region
PO Box 6185
CAIRNS QLD 4870
Attention: Senior Planner

(Declared fish habitat areas, marine plants, waterway barriers, aquaculture or requests for third party comment)

Department of Employment Economic Development & Innovation
Northern Fisheries Centre
PO Box 5396
CAIRNS QLD 4870

(For applications under s3.1.6 of the IPA)

(For Applications under Section 242 of SPA)

Department of Infrastructure and Planning
PO Box 5194
CAIRNS QLD 4870

Department of Emergency Services
GPO Box 1425
BRISBANE QLD 4001

Great Barrier Reef Marine Park Authority
PO Box 6091
CAIRNS QLD 4001

SUBMISSIONS

There were ~~nine (9)~~ eight (8) properly made submissions for this application.

Michael Wolveridge	PO Box 534	PORT DOUGLAS QLD 4877
Mrs J L Gray	PO Box 229	MOSSMAN QLD 4873
Michelle Lihou	1 Bowman Close	WONGA BEACH QLD 4873
Rod Miller	1 Bowman Close	WONGA BEACH QLD 4873
Nada Petrusevic	6-10 Bowman Close	WONGA BEACH QLD 4873
George Palmer	PO Box 332	MOSSMAN QLD 4873
Marlin Drive Residents Association Inc	PO Box 1357	MOSSMAN QLD 4873
Tonia McNamara and Rhonda Eastment	PO Box 712	MOSSMAN QLD 4873
CM Price	PO Box 821	MOSSMAN QLD 4873

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Lot Reconfiguration

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

- A. **Preliminary Approval for Material Change of Use for Dwelling House, Local Utility, Display Home, Dwelling House/Attached Flat and Estate Sales Office (as defined in the Superseded Transitional Planning Scheme for the Shire of Douglas, December 1996), on lot sizes to be determined in accordance with the approved Plan of Development over land described as Lot 51 on SP155078, located at Vixies Road, Wonga, is subject to the following:**

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

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

Drawing or Document	Reference	Date
Plan of Development (as amended by conditions of approval contained herein)	RPS Drawing 9339-9 Issue A prepared by RPS Australia East Pty Ltd	18/05/2010
Table of Assessment for 8/37/10	-	29/6/2010

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 Commencement of Use, except where specified otherwise in these conditions of approval.

Approved Uses

3. The Approved Uses are specified as Dwelling House, Local Utility, Display Home, Dwelling House/Attached Flat and Estate Sales Office as defined in the Transitional Planning Scheme for the Shire of Douglas, December 1996.

Subsequent Development Applications

4. All development applications for Material Change of Use or Reconfiguring a Lot, subsequent to the Preliminary Approval, must demonstrate compliance with the planning instruments applicable at the time of application.

Future Reconfiguration of a Lot Development

5. The extent of development is to be limited to that portion of the site that is above the 1 in 100 ARI storm tide level and the Q100 flood immunity level inclusive of any hydraulic grade effect in accordance with FNQROC Development Manual, Planning Scheme requirements and the State Coastal Management Plan, Coastal Hazards Policy unless a detailed assessment is prepared to the satisfaction of the Chief Executive Officer to support any further development outside these limits. Such assessment must include:

- Investigation of impacts on flooding upstream and downstream from the site;
- Identification of ongoing maintenance requirements for Council for the resulting drainage reserves;
- Identification of environmental values;
- Consideration of public safety matters; and
- A Staging Plan for the timing of the transfer to the crown of all land outside the approved development area proposed to be approved.

Such assessment must be submitted prior to or together with the first development application for a Development Permit for Reconfiguration of the Lot. No filling to accommodate future lots and no reconfiguration will be permitted to extend below this line. All land below this line outside an approved development area is to be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Environment and Resource Management for the relevant stage identified in the Staging Plan endorsed by Council. Any credit for land transferred to Crown as Park will be calculated in accordance with the Infrastructure Contributions Policy applicable at the time of the issue of the Development Permit for Reconfiguration of the Lot for the relevant stage.

6. Residential lots must be setback from the wetland(s) and waterway(s) on the site and on adjoining sites through the adoption of appropriate buffer zones, to maintain water quality and ecological functions and services of the wetland(s) and waterway(s). In the absence of a detailed local assessment to determine an appropriate wetland buffer Unless a detailed local assessment prepared generally in accordance with Policy 7.1 of the Far North Queensland Regional Plan 2009-2031 identifies a lesser wetland buffer, the minimum wetland buffer from a wetland is 200 metres from a wetland of high ecological significance.

~~In the absence of a detailed local assessment~~ Unless a detailed local assessment prepared generally in accordance with Policy 7.1 of the Far North Queensland Regional Plan 2009-2031 identifies a lesser waterway setback, the minimum setback from a waterway is 100 metres of each high bank of a waterway with high intact riparian biodiversity and a minimum of 50 metres of each high bank of a waterway of stream order five or greater. A Staging Plan which details the staging of the transfer of the waterway(s) and wetland(s) relative to individual stages of the development shall be lodged with and endorsed by Council concurrent with the initial Development Application for the Development Permit for Reconfiguration of the Lot. The waterway(s) and wetland(s) are to be rehabilitated to a natural maintenance-free watercourse and transferred to the Crown at the same time as registering the Plan of Survey with the Department of Environment and Resource Management for the relevant stage identified in the Staging Plan endorsed by Council. Credit for land transferred to Crown as Park will be calculated in accordance with the Infrastructure Contributions Policy applicable at the time of the issue of the Development Permit for Reconfiguration of the Lot for the relevant stage.

7. The development must incorporate an adequate buffer area along the Western boundary of the lot to reduce the potential for conflict between existing and future farming activities on the adjoining rural property and the future residential development. The width and characteristics of the buffer area must be calculated in accordance with the State Planning Policy 1/92: Development and the Conservation of Agricultural Land and the Planning Guidelines: Separating Agricultural and Residential Land Uses.
8. An Esplanade in the form of a public road and carriageway is to form the eastern limit of the development and shall separate residential lots from the land to be dedicated to the Crown as required by condition 5 herein.
9. The road reserve for the A Connector Road shall to be provided between Snapper Island Drive and Vixies Road shall be dedicated to Council at Stage 1 of any future development application to reconfigure the land. The alignment of the Connector Road as shown in the Plan of Development is indicative only and shall be subject to further detailed design considerations. The Connector Road and Vixies Road must be upgraded to a Minor Collector Standard with provision for public transport.

A Staging Plan which details the staging of construction of the Road upgrades relative to individual stages of the development shall be lodged with and endorsed by Council concurrent with the initial Development Application for the Development Permit for Reconfiguration of the Lot.

A Concept Plan which adequately accommodates the above requirements to the satisfaction of the Chief Executive Officer shall be lodged with Council concurrent with the initial Development Application for the Reconfiguration of the Land. The Concept Plan shall identify the location for the Connector Road and other infrastructure required to service the whole development.

Street Layout and Design

10. The street layout and design must comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. All roads must have a minimum road reserve width of 14.5 metres;
 - b. Provision of a two (2) metre wide footpath within all Access Streets and higher order roads in accordance with Table D1.3;
 - c. Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;
 - d. Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;
11. Undertake a Local Drainage Study of the whole site to determine the drainage impacts development on the land will have 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;
 - 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, 20, 50 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements;
 - e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;
 - f. Detail the proposed works and any impacts proposed at the drainage outlet from the proposed development;

- g. Demonstrate how the proposed drainage will be directed toward a Lawful Point of Discharge; and
- h. Provide calculations to demonstrate that the proposed receiving infrastructure has sufficient capacity to convey stormwater flows.

The Local Drainage Study must be provided to the satisfaction of the Chief Executive Officer prior to the issue of the initial Development Permit for the Reconfiguration of a Lot.

- 12. Lots within Precinct A (as amended by conditions herein) shall have minimum area of 4000 m² and dimensions to accommodate a square with a minimum side of 50 metres.
- 13. Lots within Precinct B (as amended by conditions herein) shall have a minimum area of 2000 m² and dimensions to accommodate a square with a minimum side of 25 metres. Lots of a minimum area of 1000 m² will only be permitted where it is demonstrated that a community effluent disposal system or similar alternative means is to be installed in association with any development proposal.
- 14. Lots which have frontage to the Connector Road and Vixies Road shall have a minimum frontage of 35 metres.
- 15. Any future development application seeking a Development Permit for a Material Change of Use and/or Reconfiguration of a Lot on the land must be supported by an Assessment of Service Infrastructure Requirements and Proposed Provision for the whole development. The Assessment must be prepared by an appropriately qualified Professional Engineer to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit.
- 16. The following issues must be addressed to the satisfaction of the Chief Executive Officer prior to the issue of the initial Development Permit for the Reconfiguration of a Lot:
 - a. Demonstrate how sewage generated from the site will be conveyed to and serviced by Council's existing sewerage infrastructure, and identify any pump stations, rising mains, trunk mains and treatment facilities (Mossman Treatment Plant) are required to be constructed or upgraded to cater for the development. This development is out of sequence with Council's infrastructure planning and all costs associated with expanding Council's sewerage scheme to cater for the development is the responsibility of the developer.

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- b. Demonstrate how Council's existing water supply infrastructure can cater for the increased demand generated by the development and identify any upgrades that are required to be undertaken by the Developer. ~~This development is out of sequence with Council's infrastructure planning and~~ All costs associated with expanding Council's water supply scheme to cater for the development is the responsibility of the developer. Any credit applicable for external water supply infrastructure works will be determined in accordance with the Infrastructure Contributions Policy applicable at the time of making the application for a Development Permit for Reconfiguration of a Lot.

Infrastructure Contributions

17. A monetary contribution must be paid to Council in accordance with Council's Trunk Infrastructure Contributions Policy or Priority Infrastructure Plan, for any Development Permit for Material Change of Use or Reconfiguring a Lot, towards infrastructure charges applicable under the relevant charging policy at the time of making the subsequent development application.

Contributions must be paid at the rates applicable at time of payment in accordance with the method of calculation the charged under the relevant policy.

Payment is required prior to commencement of use or approval and dating of the Plan of Survey for each respective Development Permit granted as a result of this Preliminary Approval.

Any credit applicable for external infrastructure works will be determined in accordance with the Infrastructure Contributions Policy applicable at the time of making the application for a Development Permit for Reconfiguration of a Lot.

CONCURRENCE AGENCY CONDITIONS AND REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Environment and Resource Management	IC0908CNS0018	22 July 2009	#2609539

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

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B. Development Permit (Stage 1 of a staged residential development) for a Material Change of Use – Impact Assessment for the permitted and permissible uses in the Table of Zones for Residential “A” Zone in the Transitional Planning Scheme for the Shire of Douglas including Dwelling House, Local Utility, Park, Display Home, Dwelling House/Attached Flat, and Estate Sales Office, and residential lots with a minimum area of 800 m² over part of the site containing an area of 7.4 hectares (approx), is refused on the following grounds:

1. Insufficient information has been provided to demonstrate that the proposed layout for Stage 1 (Drawing No. 9339-3, dated 23/09/08, prepared by Conics) is consistent with the Plan of Development (as amended by conditions of preliminary approval) for Lot 51 on SP155078.

ADVICE

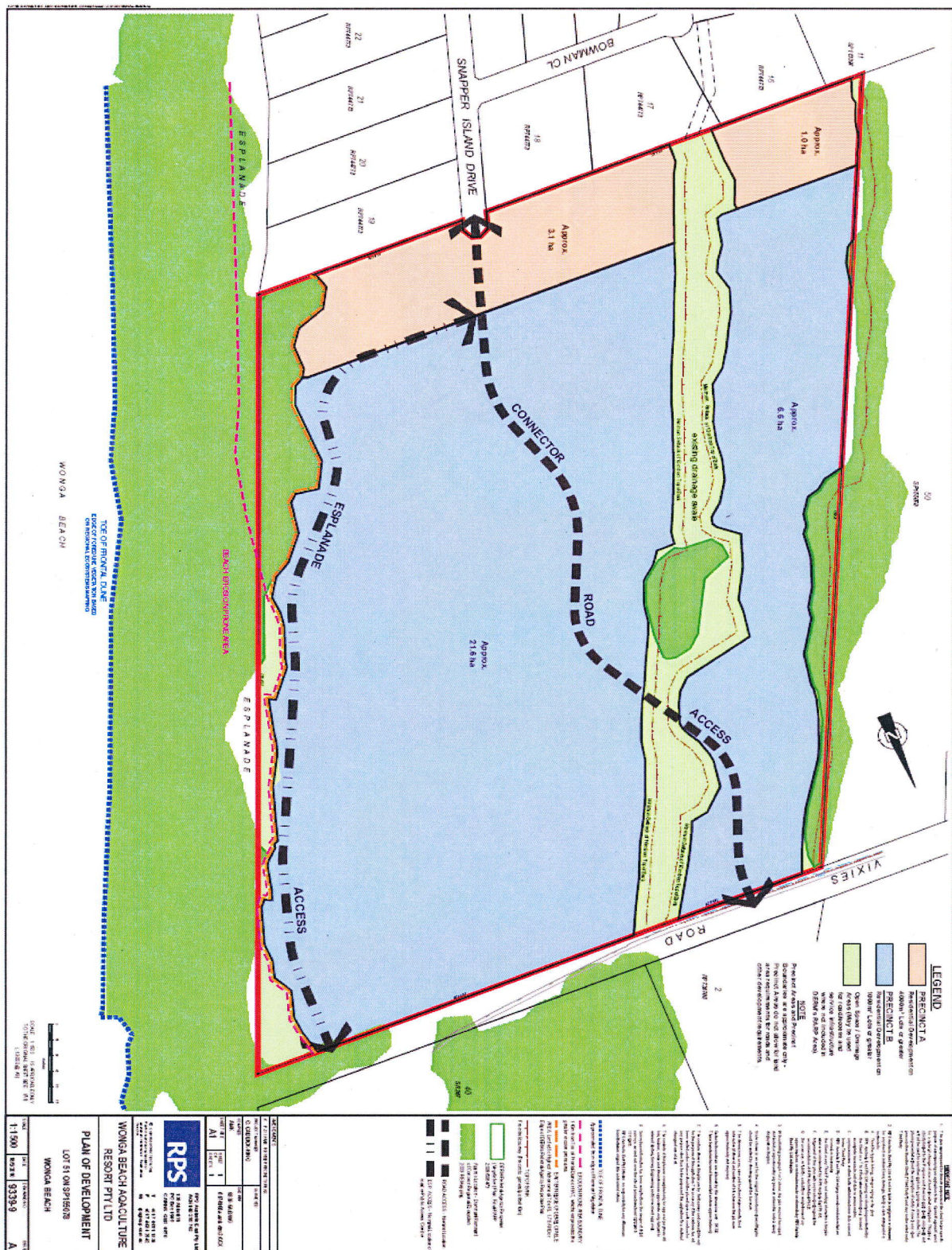
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1 PROPOSED PLAN(S) & DOCUMENT(S)



DECISION NOTICE DETAILS
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29/06/2010 Table of assessment for development in accordance with Preliminary Approval 8/37/10

The following is the approved modifications to the affect of the Planning Scheme as approved within Preliminary Approval 8/37/10

Defined Use	Assessment Level
Dwelling House	Self assessable
Local utility	Self assessable
Park	Self assessable
Display Home	Self assessable
Dwelling House/ attached flat	Self assessable
Estate Sales Office	Code assessable

APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



29 September 2008

Mr N Briggs
Chief Executive Officer
Cairns Regional Council
PO Box 357
Mossman Qld 4873

Department of Main Roads

Dear Mr Briggs

Cairns Regional Council : Mossman-Daintree Road
Situated at Snapper Island Drive & Vixies Road, Wonga Beach
Lot 51 on SP 155078, Parish of Whyanbeel
Wonga Beach Aquaculture Resort Pty Ltd
Proposed Material Change of Use (Residential Purposes & Stage 1 of Development) Application
Referral Agency's Response

I refer to:

- the above application received at the Department 18 August 2006 and 18 September 2006 requesting consideration of the above development,
- the Department's letter of 3 October 2006 of conditions of development, and
- Response to Information Request received at the Department 26 September 2008.

The additional information received at the Department 18 September 2006 was a letter from the applicant's engineering consultants, which specifically addressed the Department's information request, and which is contained in Annexure 1 to the full Response to Information Request received at the Department 26 September 2008.

Consequently, the Department's letter of 3 October 2006 of conditions of development remains this department's referral agency response and is included here, with the only update being the references to Douglas Shire Council being replaced by Cairns Regional Council.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as an Advice Agency, has assessed the impact of the proposed development on the State-controlled road network and requests that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Mossman-Daintree Road) and the subject land shall be via Snapper Island Drive and Vixies Road, to the satisfaction of Cairns Regional Council.

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 8185 CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref: 214/655/102/1459.04
Your ref: TPC 1265
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

- 2 -

- (ii) No direct access between the State-controlled road reserve (i.e. Mossman-Daintree Road) and the subject land is permitted.

2. Intersection Works

- (i) The Mossman-Daintree Road/ Wonga Beach Road and Mossman-Daintree Road/ Vixies Road intersections shall be upgraded 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 the provision at each intersection of:

- Channelised Right Turn Treatment with Short Length Slot [CHR(S)] including 1.5m wide sealed shoulders for the 100kph design speed, as generally indicated on attached DMR Figure D2,
- install street lighting to category V3, in accordance with *Road Planning and Design Manual* Chapter 17
- relocation of road edge guide posts, and
- linemarking and raised pavement markers.

- (ii) The landowner/ applicant shall submit design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval to the Cairns office of the Department of Main Roads prior to commencing any works within the State-controlled road reserve (i.e. Mossman-Daintree Road).

- (iii) All required intersection works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the landowner/ applicant seeking Council approval and dating of the first plan of survey of the subject land creating any residential allotments which connect to:
 - Snapper Island Drive, for the Mossman-Daintree Road/ Wonga Beach Road intersection works, and
 - Vixies Road, for the Mossman-Daintree Road/ Vixies Road intersection works.

3. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Mossman-Daintree Road).

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 Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

- 3 -

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions 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.

Yours sincerely



Malcolm Hardy
SENIOR PLANNER FAR NORTH

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



Your Reference: 9339/SR/MLW/62307
Our Reference: IC0908ATH0018
Contact: Graeme Masterman
Directorate / Unit: Planning and Environment
Phone: (07) 4039 8270

Department of
Environment and Resource
Management

4 August 2009

Wonga Beach Aquaculture Resort Pty Ltd
C/- Mr Owen Caddick-King
Conics (Cairns) Pty Ltd
PO Box 1949
Cairns Qld 4870

RECEIVED
- 6 AUG 2009
BY:

Dear Mr Caddick-King,

**Application for Material Change of Use to Residential Purposes on Lot 51 on
SP155078 – Amended Concurrence Agency Response**

I enclose, as requested today, a copy of the amended concurrence agency response of the chief executive, Department of Environment and Resource Management for the above application. This response is dated 22 July 2009.

I note that a copy of this response was forwarded to you as an attachment to a copy of the Department's letter to Council dated 28 July 2009 on this matter.

Should you have any questions about the above, please contact Graeme Masterman, Senior Project Officer, Landscape and Community Services, North Region, on telephone number (07) 4039 8270, quoting the above reference number.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "G. Masterman".

Graeme Masterman
Senior Project Officer
Landscape and Community Services, North Region

4/8/09

Department of Environment
and Resource Management
Level 3, 5b Sheridan Street,
PO Box 837, Cairns,
Queensland 4870 Australia

Telephone (07) 4039 8270

Facsimile (07) 4057 3365

Website www.derm.qld.gov

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Wonga Beach Aquaculture Resort Pty Ltd
C/- Mr Owen Caddick-King
Conics (Cairns) Pty Ltd
PO Box 1949
Cairns Qld 4870

Mr Graeme Masterman
Department of Environment and Resource Management
PO Box 937
Cairns Qld 4870


Dear Graeme,

Application for Material Change of Use to Residential Purposes on Lot 51 on
SP155078, Vixies Road, Wonga Beach – Agreement to change referral agency
response

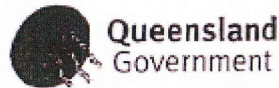
For the above application, I advise that I:

- ☒ Agree to the content of amended referral agency response dated 21 July 2009.
☐ Disagree to the original referral agency response dated 20 February 2009 being
altered by amended referral agency response dated 21 July 2009.

Signed


Signature
Owen Caddick-King
Print name
24 July 2009
Date

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



Your Reference: 9339/SRMLM/L62307
Our Reference: IC0939/CNS0018
Contact: Graeme Masterman
Directorate / Unit: Planning and Environment
Phone: (07) 4039 8270

Department of
Environment and Resource
Management

22 July 2009

Wonga Beach Aquaculture Resort Pty Ltd
C/- Mr Owen Caddick-King
Conics (Cairns) Pty Ltd
PO Box 1949
Cairns Qld 4870

Dear Sir,

**Application for Material Change of Use to Residential Purposes on Lot 51 on
SP155078, Vixies Road, Wonga Beach – Request for agreement to change
referral agency response**

I refer to the referral agency response prepared by the chief executive of the Department of Environment and Resource Management for the above application and dated 20 February 2009. As a result of our recent correspondence, an amended referral agency response has been prepared. A copy of the amended response is enclosed for your perusal.

In order for the amended response to be given effect, I require your written agreement to its content, pursuant to section 3.3.17(2) of the *Integrated Planning Act 1997*. If you agree to the content of the amended response, it will replace the original referral agency response dated 20 February 2009. Please indicate your agreement or otherwise to the content of the amended response by completing and returning the enclosed letter as a matter of urgency and prior to 29 July 2009.

Should you have any questions about the above, please contact Graeme Masterman, Senior Project Officer, Landscape and Community Services, North Region, on telephone number (07) 4039 8270, quoting the above reference number.

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Masterman".
Graeme Masterman
Senior Project Officer

Landscape and Community Services, North Region

22/7/09

Department of Environment
and Resource Management
Level 3, 50 Sheridan Street,
PO Box 937, Cairns,
Queensland 4870 Australia

Telephone (07) 4039 8270
Facsimile (07) 4057 3365
Website www.derm.qld.gov

Department of Environment and Resource Management (DERM)
Amended Referral Agency Response

section 3.3.16 Integrated Planning Act 1997

Application Information

Applicant's name:	Wonga Beach Aquaculture Resort Pty Ltd
Property description:	Lot 51 on SP155078
Development Type:	Material Change of Use (Residential Uses)
Assessment Manager & Reference:	Calms Regional Council, TPC 1255
Date application properly referred to NRW:	22 August 2006
Departmental Reference:	IC0908CNS0018

CONCURRENCE AGENCY MATTERS

Vegetation Management

Please see the attached and separate Referral Agency Response with respect to the *Vegetation Management Act 1999*.

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* a Statement of Reasons is enclosed as part of the above Referral Agency Response.

ADVICE AGENCY MATTERS

The Department of Environment and Resource Management provides the following advice.

Acid Sulfate Soils

State Planning Policy 2/02 – *Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02)

DERM reviewed the reports "Natural Solutions – Preliminary Acid Sulfate Investigation" and "Golder Associates – Preliminary Investigations Ref 05673041(A)" and provides the following comments:

- o Both investigations used test pitting techniques in very sandy soils which resulted in collapse of the shallow pits at the groundwater table.
- o Both investigations merely confirm that acid sulphate soils (ASS) are unlikely to occur in clean dry sand above the groundwater table below which ASS could be present. DERM notes that shallow excavations only are proposed for the site.
- o Both investigations, being preliminary in nature and, together, do not meet the requirements of SPP 2/02 Guidelines.
- o Section 3 of the Natural Solutions report states [on page 3] that the development will require the placement of about 102,000 m³ of fill between 1 to 2 metres in depth. The report states that some of this fill will be sourced from the proposed stormwater basins which will be excavated to 2.2m AHD. Given the predominantly sandy condition, DERM considers that the site could receive fill with limited displacement effects. However the source of the very large volume of fill needs to be

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

confirmed. The elevations of placement need confirmation and require reinforcement through conditions on any development approval.

The investigation reports provided with the application do not provide reasonable justification for deep excavations on the land.

DERM recommends that the following conditions be placed on any Development Permit:

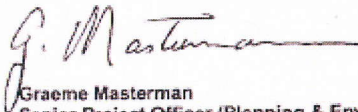
1. The applicant is to specify prior to operational works the location from which all fill materials will be sourced and provide reasonable evidence to the satisfaction of the Department of Environment and Resource Management that these materials do not contain acid sulphate soils.
2. The applicant must provide to the Department of Environment and Resource Management, engineering plans of cut and fill for the site prior to the commencement of operational works. These plans must show that the maximum invert depth for any bulk earthwork does not exceed +2.2 m AHD.

THIRD PARTY MATTERS

The Department of Environment and Resource Management provides the following advice to assist the Assessment Manager to fully consider the application:

Aboriginal Cultural Heritage Act 2003

See the requirements of this Act within the attached and separate Referral Agency Response with respect to the Vegetation Management Act below.



Graeme Masterman
Senior Project Officer (Planning & Environment)
North Region, Cairns

22 July 2009

22/7/09

**Department of Environment and Resource
Management –**

Amended Referral agency response

Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application details

- | | |
|-----------------------------------|--|
| 1.1. Applicant's name | Wonga Beach Aquaculture Resort Pty.
Ltd. C/O Conics (Cairns) Pty Ltd (Owen
Caddick-King) |
| 1.2. Property description | Lot 51 on SP155078 |
| 1.3. Development type | Material Change of Use (MCU) |
| 1.4. Assessment manager | Cairns City Council |
| 1.5. Assessment manager reference | Mr Neil Beck (TPC 1265) |
| 1.6. Referral date | 14 August 2006 |
| 1.7. Our references | eLNAS –2009/006473
RecFind –MBA/000118
TrackJob –IR0806ATH0002 |

2. Concurrence agency response

The chief executive of the Department of Environment and Resource Management (DERM) directs the assessment manager to include the following conditions in any development approval given for the above mentioned application—

- 2.1. No clearing of assessable vegetation on Lot 51 SP155078 is to occur as a result of the Material Change of Use, including the clearing of assessable vegetation for roads, road reserves, infrastructure, fences and fire breaks.
- 2.2. Any future clearing of native vegetation will require a development approval, unless the clearing of native vegetation is exempt under Schedule 8 of the *Integrated Planning Act 1997*.
- 2.3. All infrastructure and allotment boundaries must be located in Area A1 as depicted on Referral Agency Response Plan 2009/006473.

3. Reasons for the concurrence agency response

DERM has assessed the application against the *Concurrence Agency Policy for Material Change of Use (MCU) 23 August 2007* (MCU Policy) and has determined that the application meets the requirements of Criteria Table A, because clearing as a result of the MCU will not occur within assessable vegetation.

The chief executive of DERM has directed the assessment manager to include conditions in any development approval given for the above mentioned application to ensure that—

- Clearing as a result of the MCU does not occur within assessable vegetation; and
- The application remains consistent with the MCU Policy.

DERM - Referral agency response 2009/006473

4.0 Aboriginal cultural heritage advice

Under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the 'cultural heritage duty of care'). Maximum penalties for breaching the cultural heritage duty of care are \$750 000 for a corporation and \$75 000 for an individual.

Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3238 3838 or on the DERM website—www.DERM.qld.gov.au/cultural_heritage.

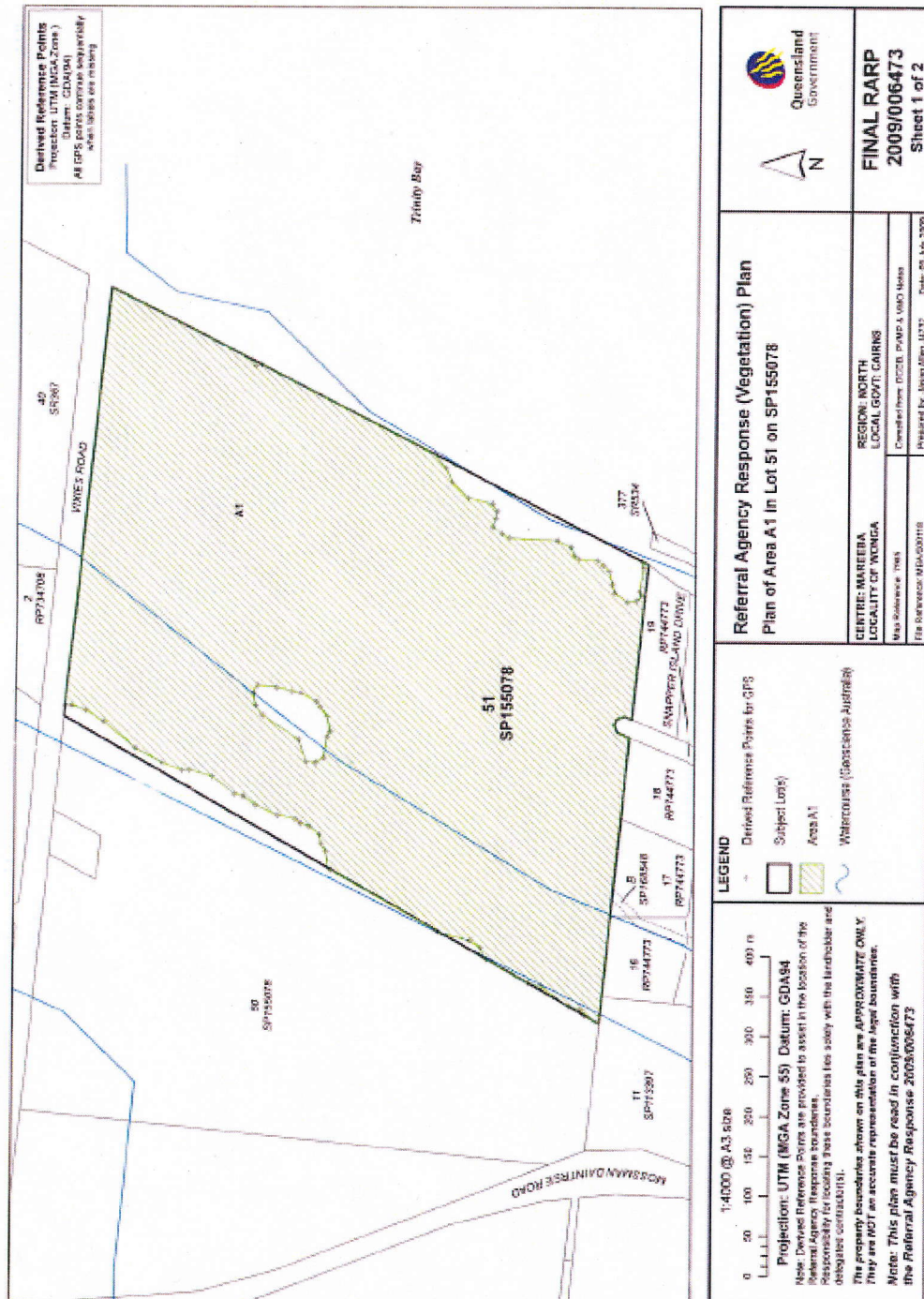
4. Delegated officer signature



Mr Daniel Gillinder
Senior Vegetation Management Officer
North Region, DERM



21/7/2009

DECISION NOTICE DETAILS **SUSTAINABLE PLANNING ACT 2009**




DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009

Parcel ID	Unique ID	Easting	Northing	Parcel ID	Unique ID	Easting	Northing	Parcel ID	Unique ID	Easting	Northing
A1	1	331236	8193607	A1	26	330947	8193125	A1	51	330721	8193688
A1	2	331227	8193602	A1	27	330977	8193120	A1	52	330730	8193712
A1	3	331229	8193595	A1	28	330985	8193123	A1	53	330748	8193745
A1	4	331119	8193381	A1	29	330416	8193189	A1	54	330781	8193784
A1	5	331100	8193366	A1	30	330424	8193194	A1	55	330796	8193806
A1	6	331083	8193358	A1	31	330428	8193208	A1	56	330802	8193824
A1	7	331063	8193338	A1	32	330453	8193243	A1	57	330801	8193832
A1	8	331056	8193309	A1	33	330457	8193259	A1	58	330764	8193510
A1	9	331047	8193302	A1	34	330487	8193311	A1	59	330771	8193506
A1	10	331037	8193304	A1	35	330501	8193319	A1	60	330789	8193510
A1	11	331027	8193307	A1	36	330509	8193332	A1	61	330802	8193518
A1	12	331019	8193296	A1	37	330521	8193372	A1	62	330808	8193523
A1	13	331014	8193286	A1	38	330598	8193505	A1	63	330818	8193543
A1	14	331011	8193227	A1	39	330621	8193510	A1	64	330821	8193553
A1	15	331002	8193210	A1	40	330631	8193516	A1	65	330825	8193572
A1	16	330992	8193206	A1	41	330642	8193519	A1	66	330828	8193595
A1	17	330987	8193200	A1	42	330652	8193531	A1	67	330818	8193600
A1	18	330985	8193177	A1	43	330655	8193541	A1	68	330803	8193589
A1	19	330979	8193170	A1	44	330661	8193547	A1	69	330790	8193589
A1	20	330972	8193162	A1	45	330665	8193570	A1	70	330761	8193545
A1	21	330955	8193158	A1	46	330678	8193597	A1	71	330732	8193535
A1	22	330944	8193155	A1	47	330689	8193612	A1	72	330732	8193524
A1	23	330933	8193140	A1	48	330692	8193623	A1	73	330737	8193514
A1	24	330935	8193128	A1	49	330714	8193650				
A1	25	330941	8193122	A1	50	330722	8193679				





Referral Agency Response (Vegetation) Plan
 Plan of Area A1 in Lot 51 on SP155078



Derived Reference Points
Project: (MCA Zone 58) [Diagram: GDA94]
[Diagram: GDA94]
At GPS points continue sequentially when above are missing

1:4000 @ A3 size



0 50 100 150 200 250 300 350 400 m

Projection: UTM (MCA Zone 58) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractors.

The property boundaries shown on this plan are APPROXIMATE ONLY.
They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with the Referral Agency Response 2009/006473

Centre: MAREEBA
Locality: WONGA

Map Reference: 7965

Prepared by: Jason Allen JAT32 Date: 09 July 2009

Region: NORTH
Local Govt: CAIRNS

Completed by: GCDL - PMP & MCD Notes

FINAL RARP
2009/006473
Sheet 2 of 2

Attachment C:
**Development Permit for Reconfiguration
of a Lot**



ENQUIRIES: Gary Warner
PHONE: (07) 4044 3576
FAX: (07) 4044 3836
YOUR REF: 0304/WD-00-001/2013
OUR REF: 8/13/1625 (4219891)

16 December 2013

M^cCloy Group
PO Box 2214
DANGAR NSW 2309

Attention: Mr James Goode

Dear Sir

**NEGOTIATED DECISION NOTICE UNDER S 363 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR VIXIES ROAD, WONGA**

With reference to the request for a Negotiated Decision in relation to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 11 December 2013, please find attached the relevant Negotiated Decision Notice.

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

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

Should you have any enquiries in relation to this Negotiated Decision Notice, please contact Gary Warner of Council's Development & Regulatory Services team on telephone number (07) 4044 3576.

Yours faithfully

Gary Warner
Acting Manager Development & Regulatory Services

Att

45.2011.4332
1/26

APPLICANT DETAILS

M^cCloy Group
PO Box 2214
DANGAR NSW 2309

ADDRESS

Vixies Road, Wonga

REAL PROPERTY DESCRIPTION

Lot 51 on SP155078

PROPOSAL

Reconfiguring a Lot (1 Lot into 99 Lots)

DECISION

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

DECISION DATE

This Negotiated Decision Notice dated 13 December 2013 replaces the Decision Notice created 25 September 2013.

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<input checked="" type="checkbox"/> Wetland – land in or near	Department of State Development, Infrastructure and Planning	Advice	Far North Queensland Regional Office PO Box 2358 Cairns QLD 4870
<input checked="" type="checkbox"/> Acid sulphate soils	Department of State Development, Infrastructure and Planning	Advice	Far North Queensland Regional Office PO Box 2358 Cairns QLD 4870

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<input checked="" type="checkbox"/> High impact earthworks in a Great Barrier Reef wetland protection area	Department of State Development, Infrastructure 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

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Reconfiguration Staging Plan	RPS 9339-20 Issue G	14 March 2013
<u>Reconfiguration Proposal Plan</u>	<u>RPS 9339-20 Issue I</u>	<u>23 October 2013</u>
Concept Filling & Drainage Plan	RPS 9339-37 (derived from PDR Engineers Drawing 10070-S01 Rev B)	7 May 2013

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 issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The existing alignment of Vixies Road and associated drainage features is not considered conducive to the direct access proposed to support Lots 74-78. Provide to Council an amended Plan showing:
 - a. ~~Lots 40, 85, 86 & 87 are identified as having limited utility. These lots are to be redesigned or amalgamated with adjoining lots so as to be capable of accommodating a regular 600m² area for a building pad that meets all setback requirements;~~
 - ba. A redesign of proposed Stage 7 where all lots are capable of internal access; or
 - eb. Provide a plan identifying how these lots are proposed to be accessed from Vixies Road. This Plan is to illustrate:
 - i. The alignment/treatment of Vixies Road to provide safe and serviceable access; and
 - ii. The treatment of drainage lines and the method of driveway construction (culverts etc).

The amended Plan is to be submitted to Council to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for Operational Works.

Concept Filling and Drainage Plan

4. The Concept Filling and Drainage Plan, referenced as RPS 9339-37 and dated 7 May 2013, must be amended as follows:
 - a. Provide a plan identifying a building pad of minimum 600m² above the identified Q100 ARI flood interval level for each lot on site;

- b. Finished levels for the pads on the easternmost sections of the site must be at 3.4m AHD so as to provide suitable immunity from storm tide inundation; and
- c. Location and finished levels for a dedicated on-site wastewater treatment, being the 90m² required to accommodate the Wisconsin Mounds.

The amended Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to submitting a Development Application for Operational Works. All filling is to be completed in accordance with the approved Plan during the Operational Works stage.

Building Envelope Plan

- 5. Provide a Plan nominating building envelopes for all habitable buildings on each lot. These envelopes are to correspond with the 600m² building pads required by Condition 3 of this Development Permit.

The Building Envelope Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

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

Updated Stormwater Management Plan

- 6. The Wonga Beach Integrated Stormwater Management Plan, prepared by BMT WBM and dated April 2013, must be updated so as to demonstrate that the additional fill required to achieve the higher finished design levels in Condition 3 of this Development Permit, will not have direct or cumulative impacts to neighbouring or downstream properties.

The amended Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to issue of a Development Permit for Operational Works.

Staging Plan

- 7. Provide further detail on the Reconfiguration Staging Plan, referenced as RPS 9339-20 G and dated 14 March 2013. This includes specific information on the sequencing of proposed infrastructure and common property/parkland to support subsequent stages of development. This plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for Operational Works.

Active Parkland

8. The existing ponds proposed to be included within the active parkland for the site are to be filled, graded and grassed. The active parkland must be cleared of all pest and weed species. All works must be completed, to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

The existing ponds located within Stages 3 and 7 are to be filled, and where they are not to form part of the residential lot development as detailed on the Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I, are to be graded and grassed. The active parkland must be cleared of all pest and weed species. All works must be completed, to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey for Stage 3 or 7, where applicable.

Parkland Contributions

9. Provide the open space as shown on the ~~Reconfiguration Staging Plan, referenced as RPS 9339-20 G and dated 14 March 2013~~ Reconfiguration Proposal Plan, referenced as RPS 9339-20 Issue I and dated 23 October 2013 and pay a monetary contribution equivalent to ~~4.3~~ 2.0 per cent of the Unimproved Capital Value (UCV) of the created allotment/s or embellish the site (in accordance with a plan approved by Council) to the value of the contribution (ie ~~4.3~~ 2.0 per cent of the UCV of the land) in accordance with the Douglas Shire 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 or if embellishments are proposed, the embellishments must be installed to the satisfaction of the Council in accordance with a plan approved by 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.

External Works

10. Undertake the following external works:-
 - a. Construct access for Lot 80 in accordance with FNQROC Drawing S1105;

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey for the relevant stage.

Plan of Drainage Works

11. The subject land must be drained to the satisfaction of the Chief Executive Officer. This includes provision of the following:
 - a. Drainage infrastructure in accordance with the *FNQROC Development Manual*;
 - b. A spoon drain is to be included on the southern boundary of proposed Lots 1, 2 & 3 between Snapper Island Drive and the existing drainage path. This drainage solution should mirror that proposed on Lots 4 & 5 and be incorporated into a ten (10) metre wide easement;
 - c. 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 (SQIDs), namely:
 - i. End-of-line stormwater quality improvement devices (SQIDs) 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 95 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 SQIDs 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 SQIDs 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.
 - d. ~~All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and~~

All drainage works should preserve and promote the immunity of the building pads as nominated under Condition 4, such that these areas maintain immunity from flooding associated with an ARI 100 year rainfall/storm tide event.

All drainage works must be completed to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Existing Creek and Drainage Systems

12. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant / owner must obtain any necessary approvals from the Department of Environment and Heritage Protection for carrying out works in a watercourse.

Lawful Point of Discharge

13. 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.

Water Supply Master Plan

14. A Water Supply Master Plan accompanied by supporting calculations must be provided which demonstrates how the development will be staged and serviced.

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

Water Supply Infrastructure Plan

15. An updated water supply infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:
 - a. Identify external catchments that will be connected to the internal water networks;
 - b. Identify any trunk infrastructure external to the subdivision that may require upgrading and/or extending to accommodate the development; and

- c. Connect the site from both Snapper Island Drive and Vixies Road to provide security of supply.

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

Water Supply Works External

- 16. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:
 - a. The applicant/owner must carry out water supply works in accordance with the approved Water Supply Infrastructure Plan;
 - b. Connect to, and augment existing water supply infrastructure to the extent necessary to accommodate the increased demand generated by the development;
 - c. Construct a new reservoir at Wonga Beach if the existing reservoir has inadequate storage volume to service the development; and
 - d. Construct 225dia trunk water mains along Mossman-Daintree Road and Vixies Road.

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 issue of a Compliance Certificate for the Plan of Survey.

Water Supply Works Internal

- 17. Undertake the following water supply works internal to the subject land:
 - a. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.

The above works must be designed and constructed in accordance with the *FNQROC Development Manual*.

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 issue of a Compliance Certificate for the Plan of Survey.

On-site Effluent Disposal

18. The development must be serviced by lot based on site sewerage treatment and effluent disposal using a Wisconsin mound in accordance with the methodology set out in the On-site Wastewater Management Assessment dated March 2013 prepared by Gilbert & Sutherland, Council reference # 3985743.

Earthworks for the pads intended for disposal areas must be constructed as part of the operational works in the locations specified and in accordance with section 4.8 of the On-site Wastewater Management Assessment. The level of the pad must be a minimum 300mm above the highest of either the seasonal high groundwater level or the Q400 Q50 ARI flood level.

The property owner will be responsible for supply, installation and maintenance of the on-site sewerage treatment and disposal system. In addition, the property owner would be responsible for preparing a site specific design report and obtaining the necessary plumbing approvals. A notation must be placed on the rates file to this effect at the time of plan sealing.

Infrastructure Agreement

19. External works conditions requiring the design and construction of water infrastructure may be eligible to be claimed against applicable water contributions in accordance with Council's Headworks Policy providing construction is in accordance with the *FNQROC Development Manual*.

The applicant/owner must obtain permission from the Chief Executive Officer for the construction of any headworks infrastructure. The extent of water infrastructure works for construction and value of developer's contribution credit for such works must be determined by the Chief Executive Officer prior to approval of a Development Permit for Operational Works.

If such works generate a credit, Council and the applicant/owner shall enter into an Infrastructure Agreement. The Agreement shall document, to the satisfaction of both parties, the terms and conditions under which the applicant is to be reimbursed.

Damage to Infrastructure

20. In the event that any part of Council's existing water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Cairns Water & Waste, at the developer's cost, prior to the commencement of use.

Electricity Supply

21. 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

22. 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.

Stockpiling and Transportation of Fill Material

23. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

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

- a. peak traffic times; or
 - b. before 7:00 am or after 6:00 pm Monday to Friday; or
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
24. 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

25. 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

26. Vehicular access to the site for construction and demolition purposes must be provided from Vixies Road only, unless authorised by the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Environment & Heritage Protection	DEHP 279643 – 120829 – EM700 – Version 2A (amended response)	18 July 2013	#4045953

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

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of 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. For information relating to the *Sustainable Planning Act* 2009 log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

Infrastructure Charges Notice

5. 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 appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Services Branch at Council for review of the charge amount prior to payment.

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

Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

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

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

B. The following notations will be placed on Council's rates record in respect of the property:

1. All future habitable dwellings must be sited within the building envelope as detailed on the Building Envelope Plan held by Council. A copy of the Building Envelope Plan is available from Council's Planning Department.
2. The method of on-site effluent disposal must be in accordance with the *Plumbing and Drainage Act 2002*. A report previously approved prior to compliance assessment of the Survey Plan is available from Council reference #3985743.

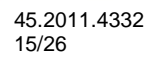
3. The property owner is responsible for supply, installation and maintenance of the on-site sewerage treatment and disposal system. The property owner is responsible for preparing a site-specific design report based on using a Wisconsin mound in accordance with the Gilbert and Sutherland report and obtaining the necessary plumbing approvals.

RIGHTS OF APPEAL

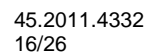
Attached

End of Decision Notice

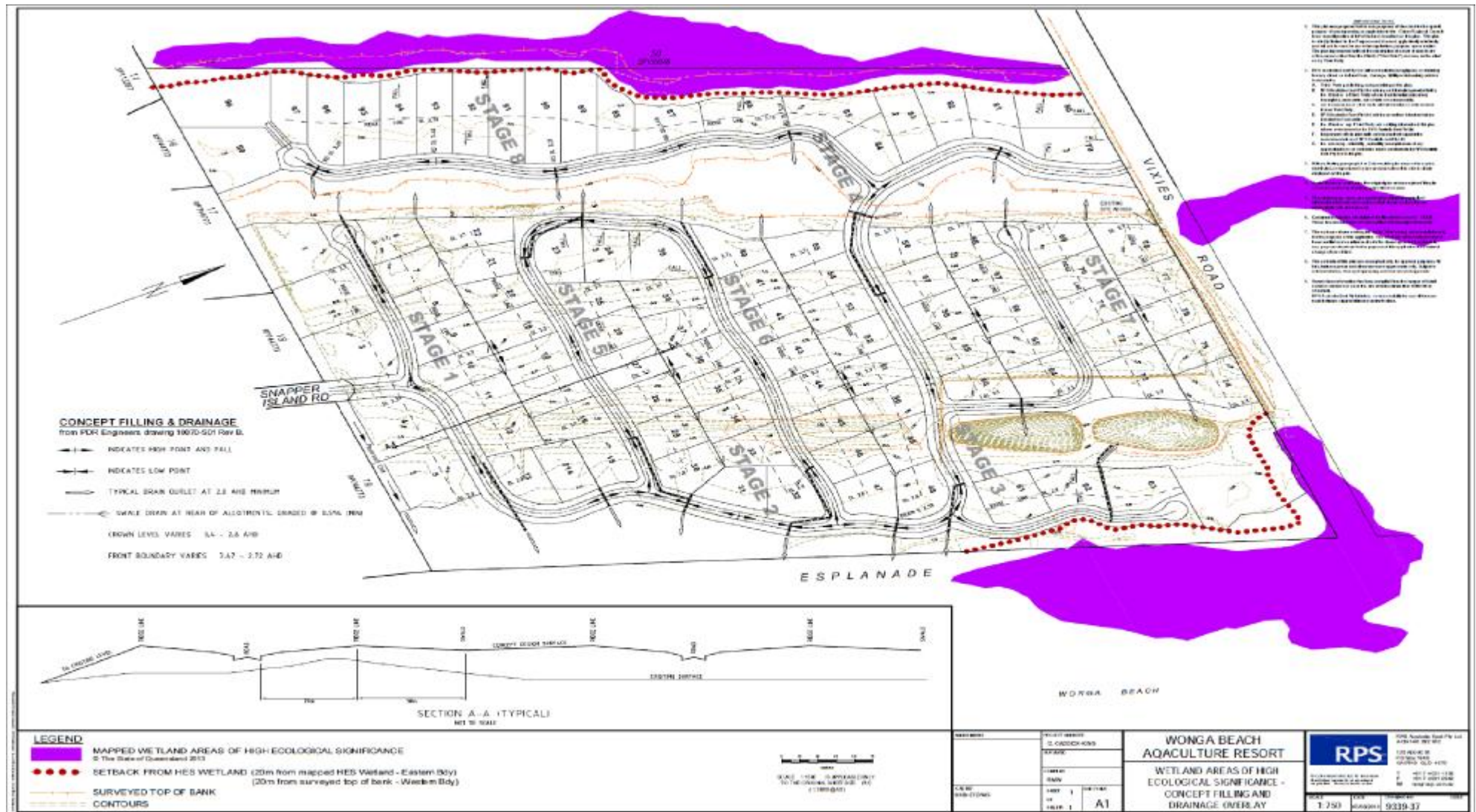
APPENDIX 1: UPDATED APPROVED PLAN



APPENDIX 2: ORIGINAL APPROVED PLANS



DECISION NOTICE DETAILS **SUSTAINABLE PLANNING ACT 2009**



45.2011.4332
 17/26

APPENDIX 3: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Notice

Amended Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009.

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns QLD 4870

cc. Wonga Beach Aquaculture Resort Pty Ltd
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Attn: Neil Beck
Assessment manager reference:
8/13/1625 (3255378)

Our reference: 279643

Re: Concurrence Agency Response

1. Application details

Applicant: Wonga Beach Aquaculture Resort Pty Ltd

Assessment Manager ref: 8/13/1625 (3255378)

Date application referred to the concurrence agency: 01/09/2011

Development approval applied for: Development permit

Aspect(s) of development:

Assessable development		Referral agency reference
Reconfiguring a lot - Land in or near a wetland	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 43A	EHP ref. no. – 279643

Development description(s): Reconfiguring a lot (1 lot into 99 lots)

Property/Location description(s): Lot 51 on SP155078, described as Vixies Road, Wonga Beach QLD 4873



2. Concurrence jurisdiction

The concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

- a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
 - i) Attachment 1 – EHP Permit number: SPCC02679411

Approved plans and specifications

Document no.	Document name	Date
9339-37	Wetland Areas of High Ecological Significance – Concept Filling and Drainage Overlay	07/05/2013
9339-20 G	Reconfiguration Proposal Plan	14/03/2013

3. General advice to assessment manager

Pursuant to section 334 and section 363 of the *Sustainable Planning Act 2009*, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to <INSERT EHP office name and postal address> and an electronic copy to palm@ehp.qld.gov.au.

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.

4. Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

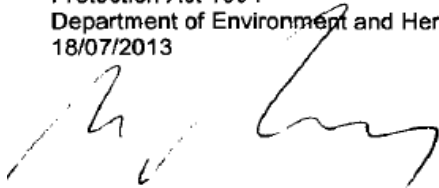
A person carrying out an ERA must also hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate for the ERA.

Contaminated land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

Delegate

Mike Trenerry
Delegate, Chief Executive administering the *Environmental Protection Act 1994*
Department of Environment and Heritage Protection
18/07/2013



Enquiries

Matt Bogart
Department of Environment and Heritage Protection
Level 3 William McCormack Place Building II
5b Sheridan Street, Cairns Q 4870
PO Box 937, Cairns Q 4870
Phone: 07 4222 5534
Fax: 07 4222 5595
Email: matt.bogart@ehp.qld.gov.au

Attachment(s)

Attachment 1 – EHP Permit number: SPCC02679411
Attachment 2 - 'Wetland Areas of High Ecological Significance – Concept Filing and Drainage Overlay' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-37
Attachment 3 - 'Reconfiguration Proposal Plan' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-20 G

EHP Permit ¹ number: SPCC02679411

Assessment manager reference (if any):	8/13/1625 (3255378)		
Date application received:	01/09/2011		
Permit type:	concurrence agency response		
Date of decision:	08/07/2013		
Decision:	For a concurrence agency response conditions that must attach to any development approval		
Relevant laws and policies:	<i>Environmental Protection Act 1994</i> and any related statutory instruments and subordinate legislation <i>State Planning Policy 4/11: Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments</i>		
Jurisdiction(s):	Reconfiguring a lot - Land in or near a wetland	Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 43	EHP ref. no. - 471359

Development Description(s)

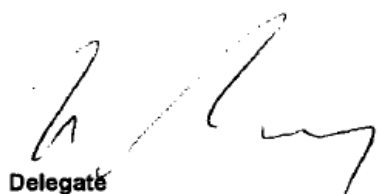
Property/Location		Development
Vixies Road and Snapper Island Drive, Wonga	Lot 51 SP155078	Reconfiguring a Lot (1 lot into 99 lots)

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the conditions stated in this permit are included pursuant to section 73B of the *Environmental Protection Act 1994*.

The Department of Environment and Heritage Protection is Concurrence Agency under the *Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 43A

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.



Delegate

Mike Trenergy

Delegate *Environmental Protection Act 1994*

Department of Environment and Heritage Protection

18 July 2013

CONDITIONS

C1. The reconfiguration of a lot and associated earthworks must be conducted generally in accordance with the following plans:

- 'Wetland Areas of High Ecological Significance – Concept Filling and Drainage Overlay' on Lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-37, dated 07-May-2013.

C2. A minimum buffer width is established and maintained between the development and mapped Great Barrier Reef HES Wetland boundary in accordance with the following plans:

- 'Reconfiguration Proposal Plan' on lot 51 SP155078, created by RPS Australia East Pty Ltd, drawing no. 9339-20 G, dated 14-March-2013

C3. Wetland surface water hydrological regimes must be maintained through the use of WSUD and streetscape bioretention systems in accordance with the Wonga Beach Integrated Stormwater Management Plan


C4. The quality and quantity of stormwater entering the HES wetlands must be maintained through the use of WSUD and streetscape bioretention systems in accordance with the Wonga Beach Integrated Stormwater Management Plan

C5. Detailed engineering works design and an erosion and sediment control strategy must be provided for approval by the Assessment Manager prior to the commencement of any operational works

C6. An operational management plan which addresses the management of potential impacts on hydrology, water quality and ecological processes in the HES wetlands during the construction and operational stages of the development should be provided to and approved by the assessment manager prior to the commencement of any operational works

END OF CONDITIONS

APPENDIX 4: ADOPTED INFRASTRUCTURE CHARGES NOTICE

		2006 Douglas Shire Planning Scheme Applications	
INFRASTRUCTURE CHARGES NOTICE			
McCloy Group		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
Vixies Road	Wonga	L51 on SP155078	10957
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL	8/13/1625	30-Jun-13	4
DEVELOPMENT TYPE	COUNCIL FILE NO.	QUARTER ENDING	VALIDITY PERIOD
4121145	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
SKIDS No.	VERSION No.		

	DIST.	S / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
EX	6	13,973.36	X	98.00	0.00	\$1,369,389.76	T 615/ 05669
Pro	6	0.00	X	98.00	0.00	\$0.00	T 616/ 05655
Water sub - total						\$1,369,389.76	
SEWERAGE							
Ex	6	2,469.44	X	0.00	0.00	\$0.00	T 617/ 05689
Pro	6	1,073.52	X	0.00	0.00	\$0.00	T 618/ 05683
Sewerage sub - total						\$0.00	
Road Network	Not Applicable in Former DSC Area				0		
	District No.				0	\$0.00	000/ 0
DRAINAGE	Not Applicable in Former DSC Area				None		
	Stream Management					\$0.00	0
	Stormwater Quality					\$0.00	0
OPEN SPACE	Former DSC Area					\$0.00	T 614 / 546
BONDS	None					\$0.00	
	None					\$0.00	
OTHER	Port Douglas General road upgrade					\$0.00	348 / 05427
	None					\$0.00	
TOTAL						\$1,369,389.76	

Prepared by	Leon Doutre	on	11-Sep-13	Amount Paid	
Checked by	Sean Lisle	on	12-Sep-13	Date Paid	
Date Payable					
Advice					

Open Space Contributions are also applicable to the application. In accordance with Condition 9 - this includes the payment of a monetary contribution equivalent to 4.3% of the Unimproved Capital Value (UCV) of the created allotments.

Note:

The infrastructure charges in this notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue. Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 358, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked "Not Negotiable." Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au

ENQUIRIES: Leon Doutre
PHONE: (07) 4044 3243
FAX: (07) 4044 3836
YOUR REF: 9339/OCK/KK/L69705
OUR REF: 8/13/1625 (4135704)

27 September 2013

Wonga Beach Aquaculture Resort Pty Ltd
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR VIXIES ROAD, WONGA

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act* 2009 (the Act).

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

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Services Branch at Council for review of the charge amount prior to payment.

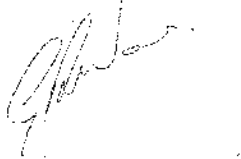
These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.


Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Leon Doutre of Council's Development Services Branch on telephone number (07) 4044 3243.

Yours faithfully



Gary Warner
Acting Manager Development & Regulatory Services

Adopted Infrastructure Charges Notice

		2006 Douglas Shire Planning Scheme Applications	
INFRASTRUCTURE CHARGES NOTICE			

McCloy Group	0	0
DEVELOPERS NAME	ESTATE NAME	STAGE
Vixies Road	Wonga	L51 on SP155078
STREET No. & NAME	SUBURB	LOT & RP No.s
ROL	8/13/1625	30-Jun-13
DEVELOPMENT TYPE	COUNCIL FILE NO.	QUARTER ENDING
4121145	1	<div style="border: 2px solid red; padding: 2px; font-size: x-small;"> This logsheet is indexed appropriately only for payments made within the quarter noted above. </div>
SKIDS No.	VERSION No.	

	DIST.	\$ / ERA		NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER								
EX	6	13,973.36	X	98.00	0.00	\$1,369,389.76		T 615/ 05669
Pro	6	0.00	X	98.00	0.00	\$0.00		T 616/ 05655
Water sub - total						\$1,369,389.76		
SEWERAGE								
Ex	6	2,469.44	X	0.00	0.00	\$0.00		T 617/ 05689
Pro	6	1,073.52	X	0.00	0.00	\$0.00		T 618/ 05683
Sewerage sub - total						\$0.00		
Road Network	Not Applicable in Former DSC Area					0		
	District No.					0		000/ 0
DRAINAGE	Not Applicable in Former DSC Area					None		
	Stream Management					\$0.00		0
	Stormwater Quality					\$0.00		0
OPEN SPACE	Former DSC Area					\$0.00		T 614 / 546
BONDS	None					\$0.00		
	None					\$0.00		
OTHER	Port Douglas General road upgrade					\$0.00		348 / 05427
	None					\$0.00		
TOTAL						\$1,369,389.76		

Prepared by	Leon Doutre	on	11-Sep-13	Amount Paid	
Checked by	Sean Lisle	on	12-Sep-13	Date Paid	
Date Payable					
Advice					
Open Space Contributions are also applicable to the application. In accordance with Condition 9 - this includes the payment of a monetary contribution equivalent to 4.3% of the Unimproved Capital Value (UCV) of the created allotments.				Cashier	

Note:

The infrastructure charges in this notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue. Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 358, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked "Not Negotiable." Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email: townplanner@calrns.qld.gov.au

Attachment D: **Development Permit for Operational Works**

YOUR REF: PDR 10070
OUR REF: OP 4332/2011 (763281)

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

21 November 2016

Wonga Beach Aquaculture Resort Pty Ltd
C/- PDR Engineers
PO Box 2551
CAIRNS QLD 4870

Attention: Mr Alan McPherson

Dear Sir

**DECISION NOTICE FOR OPERATIONAL WORKS
VIXIES ROAD, WONGA BEACH**

Please find attached the relevant Decision Notice for the above Operational Works. Also find attached a 'Pre-Start' meeting template, which identifies the information that must be provided for Council approval, prior to the commencement of works.

The template also provides the Consulting Engineer with a format for conducting the meeting. An invitation to attend the meeting must be sent to Council's representative Neil Beck on telephone number 07 4099 9451, giving at least five (5) working days notification if possible.

In addition to the Decision Notice, Council provides the following 'Advice Statement' which relates to issues that are relevant to the proposed works:

1. The design of landscape and lighting works are subject to separate agreement and must be submitted to Council, prior to the commencement of associated works; and
2. The Consulting Engineer is to present all contractors with a copy of this Decision Notice and the Council approved plans, prior to the commencement of works.

Should you require further information or assistance, please contact Neil Beck of Development and Environment on telephone 07 4099 9451.

Yours faithfully


Paul Hoyer
Manager Sustainable Communities

Att

Copy To: Manager Infrastructure – Michael Kreidemann
A/Manager Water & Waster – Peter White
Project Engineer – Michael Mathews
Coordinator Civil Works – Kim Armbrust
Coordinator Public Spaces – Peter Logan
GIS Support – Alistair Hart

YOUR REF: PDR 10070
OUR REF: OP 4332/2011 (763281)

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

21 November 2016

**DECISION NOTICE FOR OPERATIONAL WORKS
VIXIES ROAD, WONGA BEACH**

PROPOSAL:

Operational Works (Engineering) excluding Landscape and Lighting Works

TYPE OF DEVELOPMENT:

Operational Work

REAL PROPERTY DESCRIPTION:

Lot 51 on SP155078

REFERRAL AGENCY CONDITIONS:

None applicable

FURTHER DEVELOPMENT PERMITS OR APPROVALS REQUIRED:

None applicable

DECISION DATE:

21 November 2016

DECISION:

Approved subject to conditions

TYPE OF APPROVAL:

Development Permit

ASSESSMENT MANAGER CONDITIONS – STANDARD:

The standard conditions are shown in Appendix B and must be read in conjunction with any approved plans and project specific conditions identified below.

ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:

Earthworks

1. In the event that acid sulphate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulphate Technical Manual and State Planning Policy. In addition, an ASS/PASS Management Plan is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils.
2. All earthworks are to be constructed in accordance with Australian Standard 3798-2007, Guidelines on Earthworks for Commercial and Residential Developments; additionally, further certification is to occur when works are completed and test results are compiled. This information is to be provided to Council prior to Works Acceptance.
3. The works must not cause, or be likely to cause, environmental harm resulting from the release of contaminants, dust, noise or sediments from the site. Appropriate Erosion and Sediment Control (ESC) measures must be installed and maintained for the duration of the works or until all exposed areas have been fully re-vegetated or stabilized.
4. Allotment earthworks should be free draining and not cause any ponding on adjacent properties.
5. Haul routes are to be advised to and approved by Council prior to the commencement of work. The internal Haulage Route is to be from Vixies Road.
6. Prior to the commencement of filling, the applicant/contractor is to prepare a Road Condition Report of the proposed haulage route indicating all existing problems with the roadway along the identified haul route. On completion, the haul route shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. If any additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer. The report is to contain (but not limited to): location of existing deficiencies of the roadway and site photos of the route especially at areas where turning movements will occur.
7. The toe of the building pads is to be setback a minimum of 6 metres from the front boundary. The building pad for Lot 10 is to be amended or extended to provide a regular shaped pad. Such amendments are required prior to the commencement of works.

Water

8. Confirm the existing and proposed cover over Council owned existing water mains within the area of Snapper Island Drive Culvert works and confirm that the water mains will not be adversely impacted by the works. Details, including a long section, are to be submitted and approved prior to commencement of work. Provide details of any modifications to valves and hydrant. Modifications to the existing water infrastructure are to be undertaken by Council at the developer's cost.

9. Any entry and exit point over Council's existing water infrastructure under the proposed haulage route is to be provided with adequate protection measures to avoid damage.

On-site Wastewater Disposal

10. Locations and details of earthworks pads intended for disposal area submitted and approved prior to commencement of work. Submit an amended allotment grading and earthworks plan prior to the commencement of works.

Roads and Paths

11. A footpath in accordance with the requirements of FNQROC Development Manual must be provided on the eastern side of Snapper Island Drive. The drainage culvert in Snapper Island Drive must be extended to accommodate the footpath and associated handrails within the road verge. The footpath is to ultimately extend through the development to connect to Vixies Road. Amended plans detailing the requirements must be submitted prior to the commencement of works.

Erosion and Sediment Control

12. During construction the contractor must implement a suitable dust management strategy to minimise dust nuisance on adjacent properties. Details of the dust management strategy must be incorporated into the erosion & sediment control strategy and be noted on the contractors ESC plan.
13. Upon completion of earthworks and prior to Works Acceptance all exposed surfaces are to be treated. Temporary ESC measures must remain in place during construction and until the site is stabilised to prevent sediment entering the open drains or properties.

All reasonable and practicable measures must be taken to prevent pollution to the existing creek, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties.

Drainage and Vegetation

14. The alignment of the east / west drainage line adjacent the southern boundary of the site must be investigated and re-positioned to the extent necessary to protect and preserve the band of significant vegetation located adjacent the southern boundary.

Further investigations are to be reflected in amended drainage plans which detail the alignment of the re-positioned drain and the location of significant vegetation. The alignment of the drain must be pegged and ground-truthed by Council Officers prior to the commencement of works. The amended plans are to also consider access for future maintenance purposes.

APPROVED PLANS AND SPECIFICATIONS:

Generally in accordance with the following drawings submitted by PDR Engineers subject to any alterations made by conditions of Development Permit for Operational Work OP 4332/2011.

Drawing Description	No	Rev
Cover Sheet & Locality Plan	10070-C01	B
Typical Sections Notes	10070-C02	B
Allotment Grading & Earthworks Plan	10070-C03	B
Roads & Stormwater Drainage Plan	10070-C04	B
Snapper Island Drive – Longitudinal Section	10070-C05	B
Snapper Island Drive Cross Sections 1/2	10070-C06	B
Snapper Island Drive Cross Sections 2/2	10070-C07	B
Longitudinal Section – Road B	10070-C08	B
Cross Sections Road B 1/2	10070-C09	B
Cross Sections Road B 2/2	10070-C10	B
Intersection Details	10070-C11	B
Drain 1 – Longitudinal Section	10070-C12	B
Drain 1 Cross Section 1/2	10070-C13	B
Drain 1 Cross Section 2/2	10070-C14	B
Drain 2 Longitudinal Section	10070-C15	B
Drain 2 Cross Sections	10070-C16	B
Stormwater Catchments	10070-C17	B
Erosion Sediment Control Strategy	10070-C18	B
Water Reticulation Plan	10070-C19	B
Control Line & Earthworks Setout	10070-C20	B

EROSION AND SEDIMENT CONTROL DRAWINGS

The following drawings must form the basis of the contractor's Erosion and Sediment Control Plan in accordance with the *FNQROC Development Manual*, Clause CP1.06.

Drawing Description	No	Rev
Erosion Sediment Control Strategy	10070-C18	B

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

Att Appeal Rights
 Pre-Start Meeting Template
 Approved Drawings, Appendix A
 Standard Conditions, Appendix B
 Referral Agency conditions – Appendix C

**PROPOSED SUBDIVISION
STAGE 1A
SNAPPER ISLAND DRIVE
WONGA BEACH**

117 MAY 19 1961

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Owner's Name	Project	Drawn	Checked	Version
		GD	GDH	
		Approved		Date
				NOV/2015
				Project
				#10730-001
				COVER SHEET
				LOCALITY PLAN
				DRAWING LIST

WONGA BEACH VILLAGE PTY. LTD.

24-25 WONGA ST.
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AUSTRALIA
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**PROPOSED SUBDIVISION
STAGE 1A
SNAPPER ISLAND DRIVE
WONGA BEACH**

engineers

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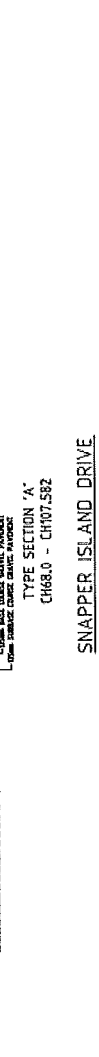
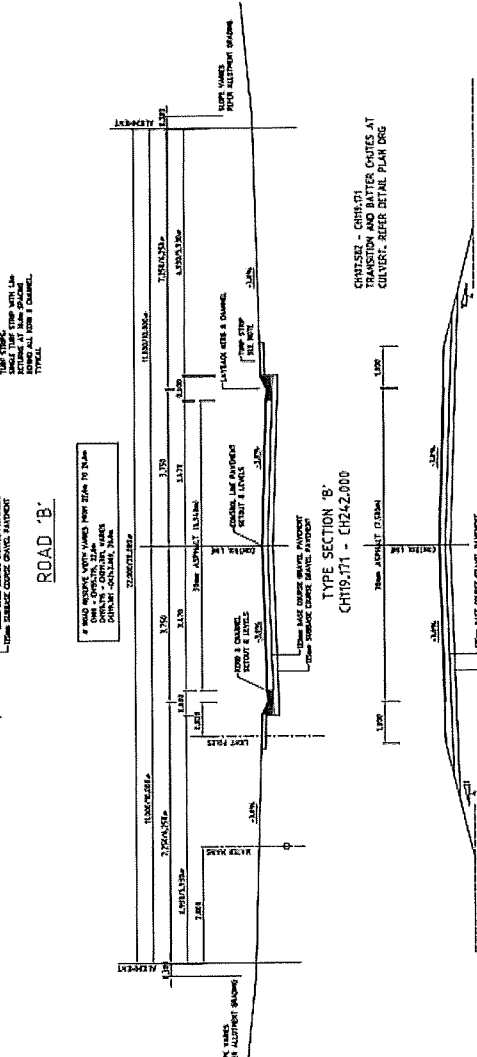
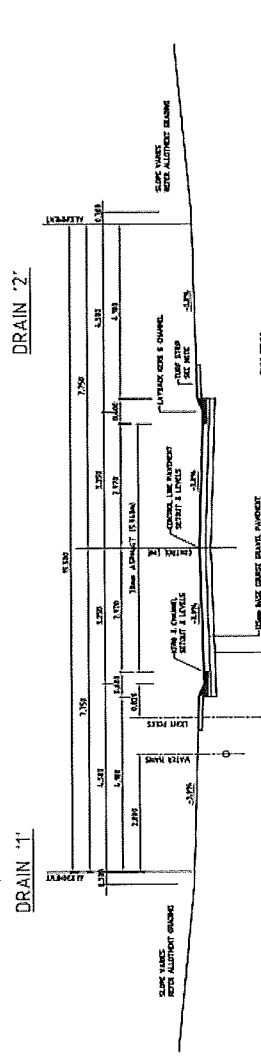
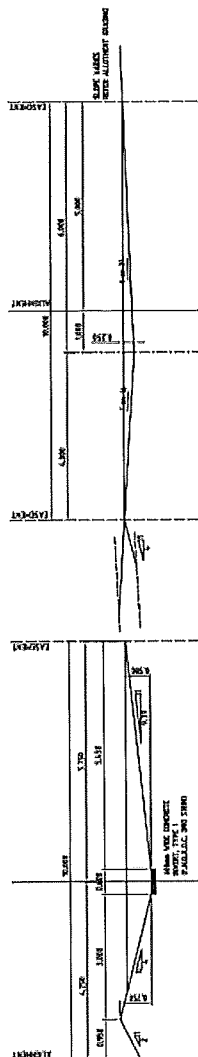
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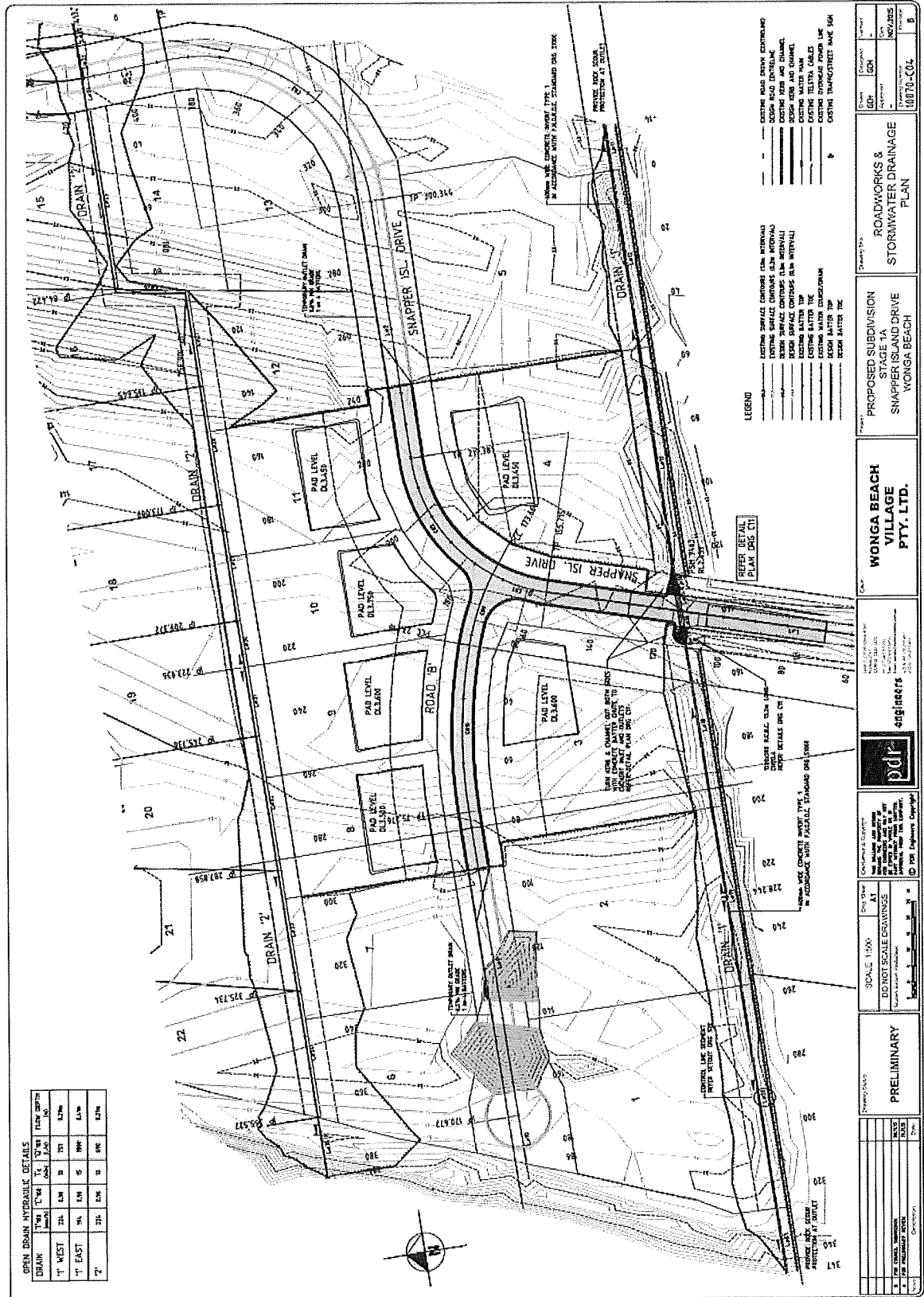
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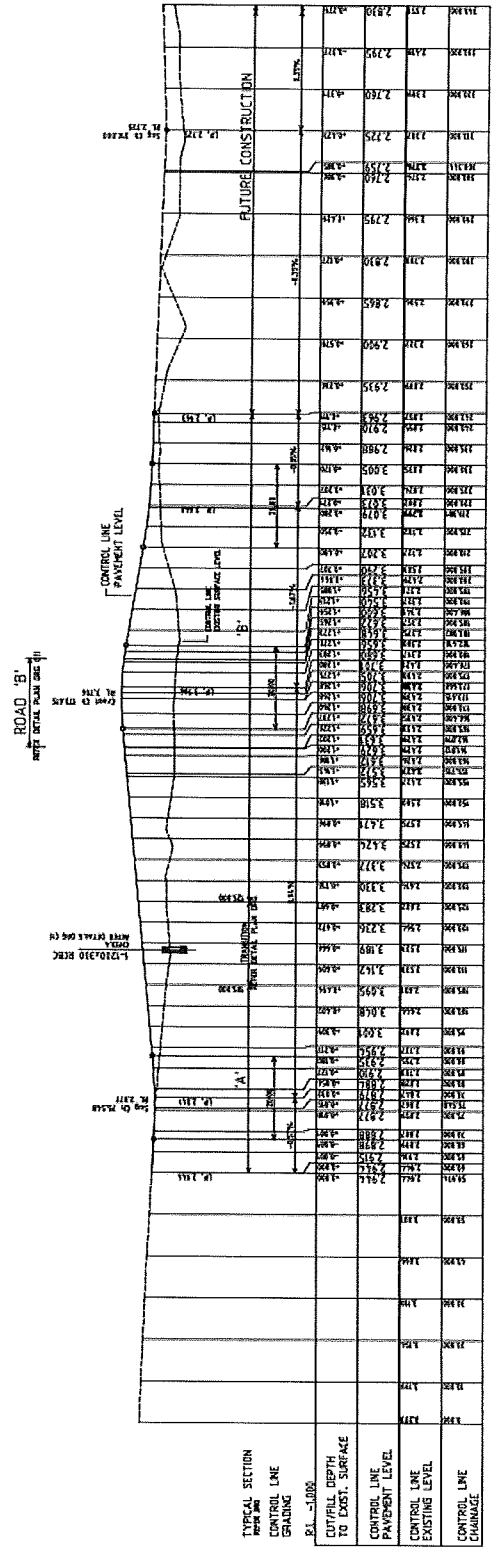
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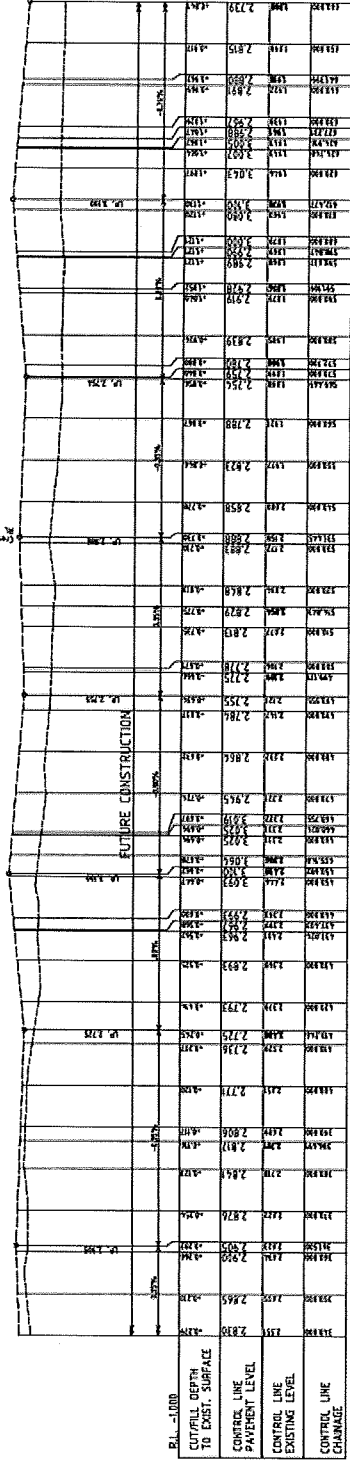
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SNAPPER ISLAND DRIVE

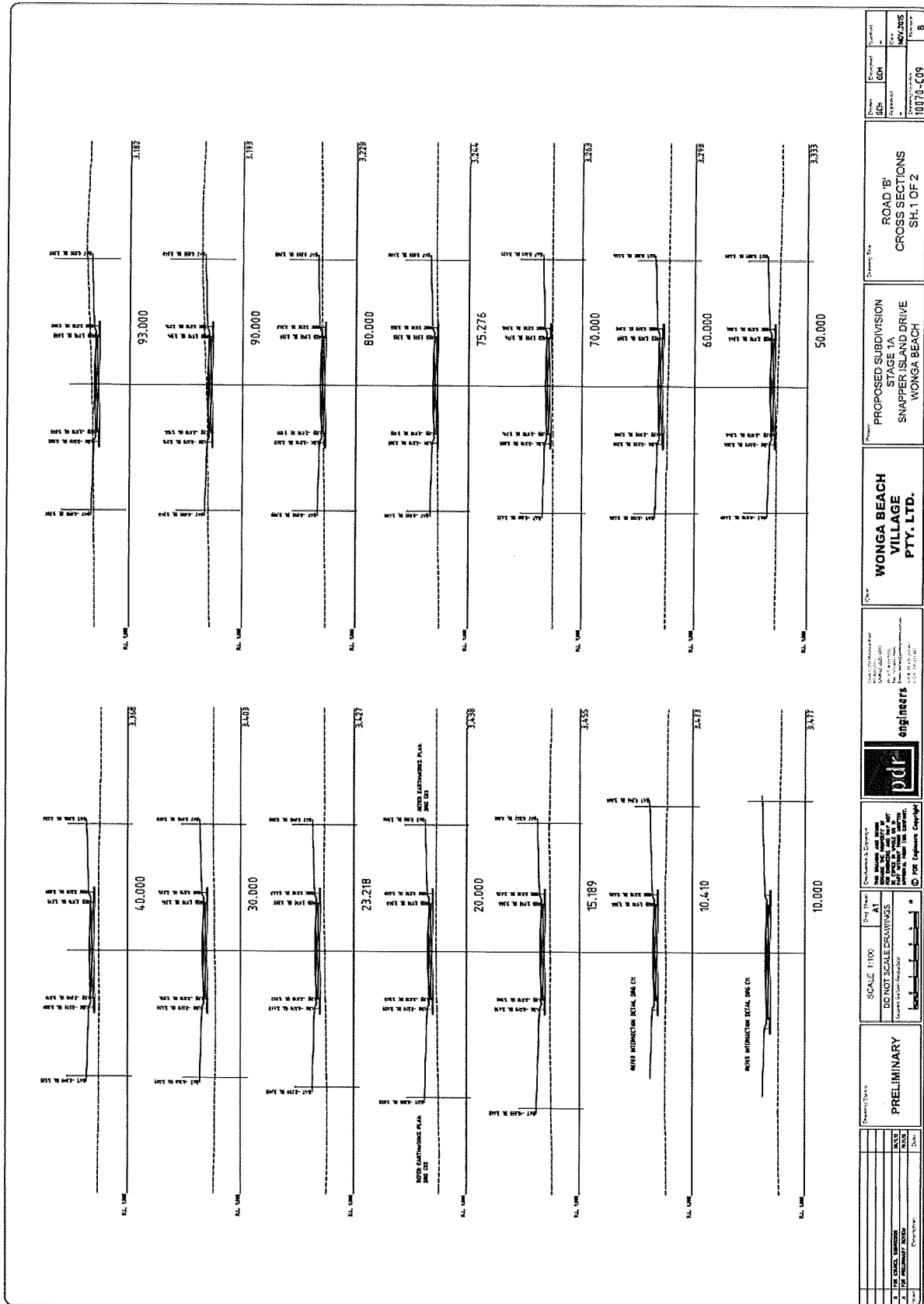


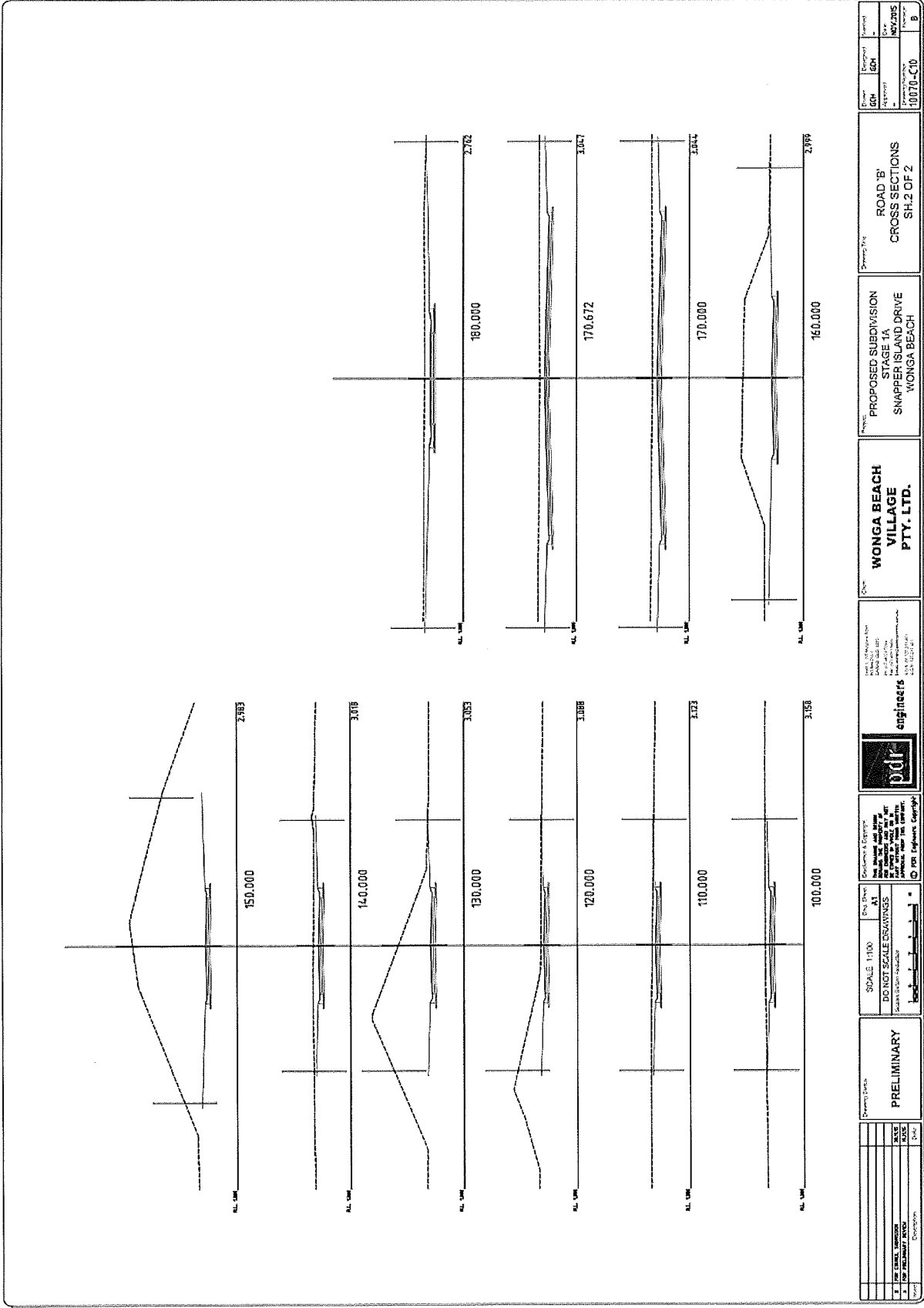
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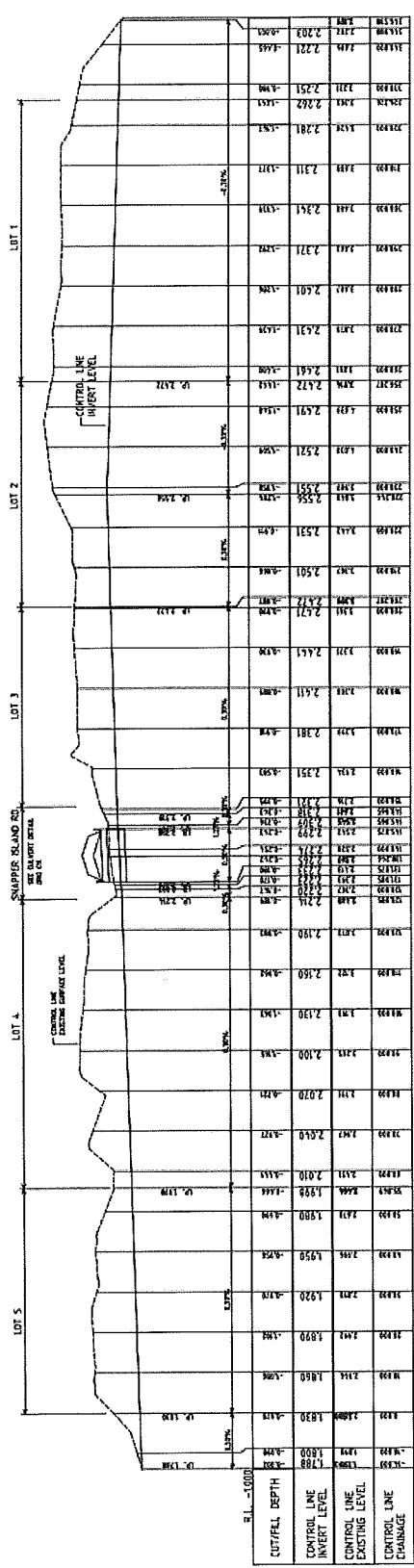
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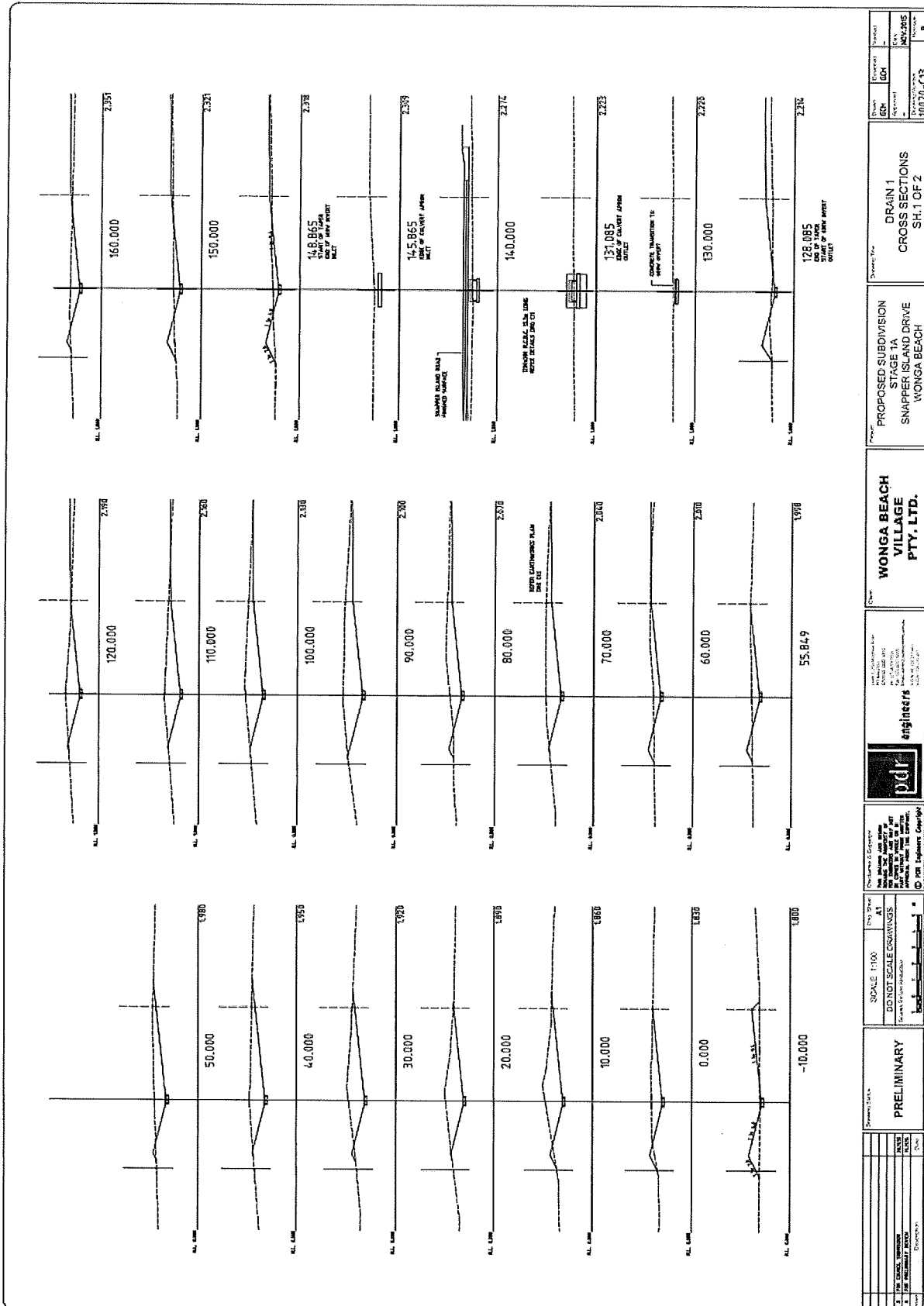




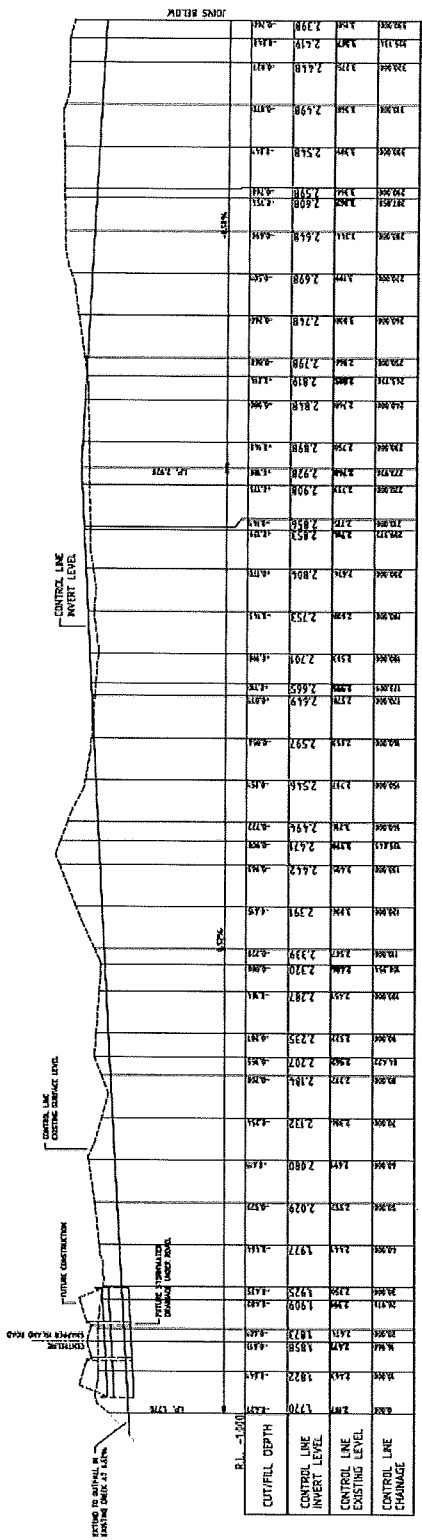


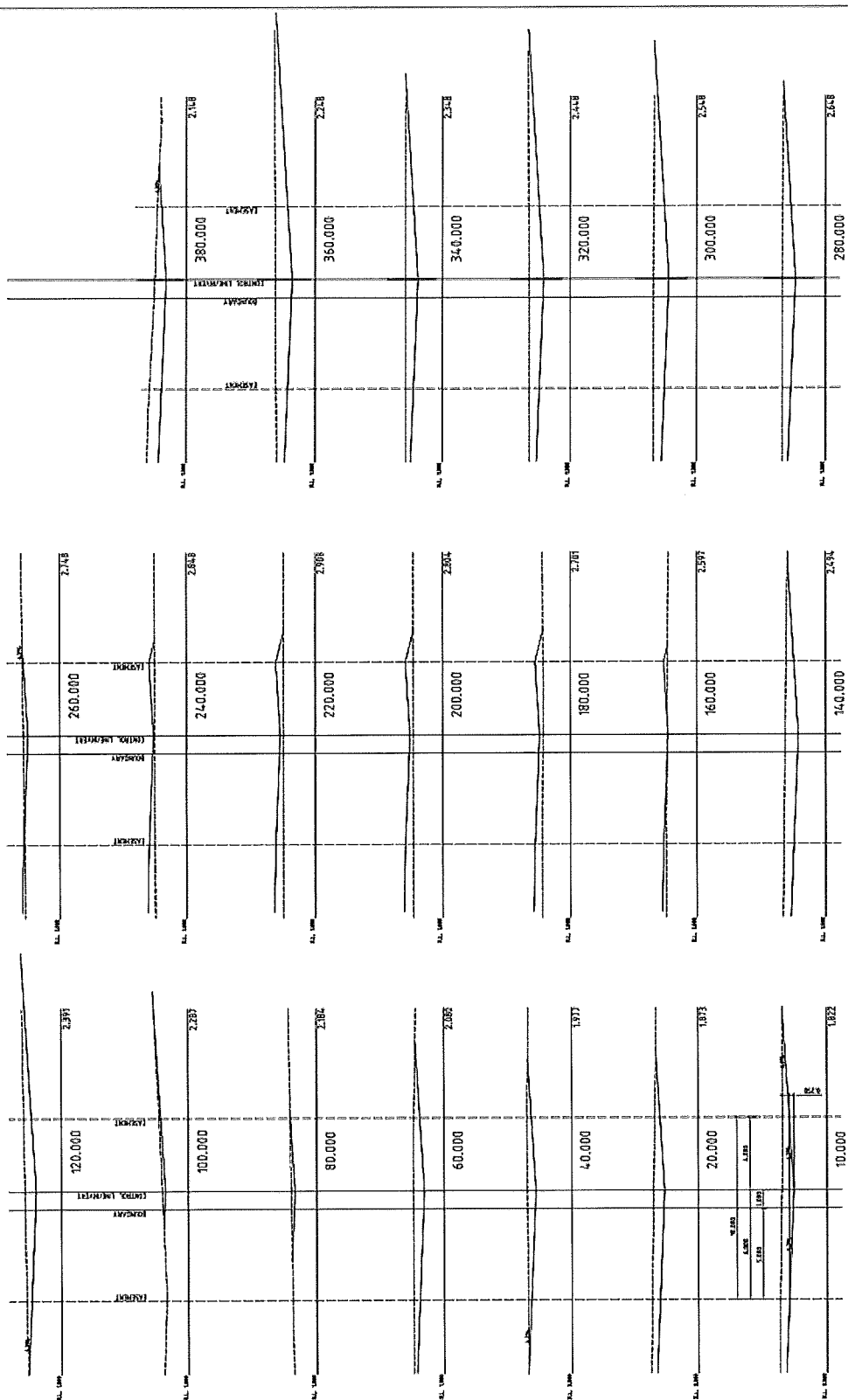
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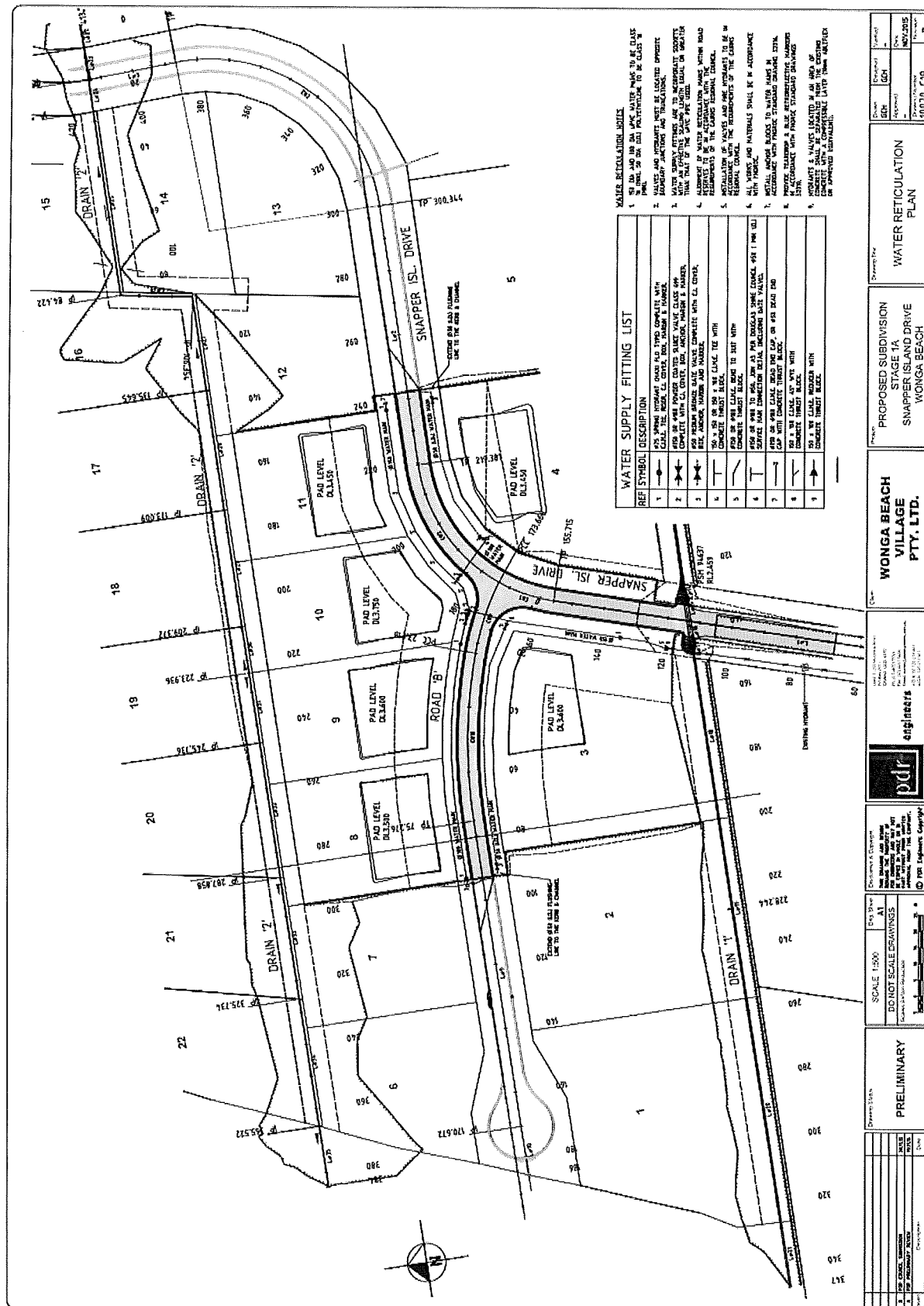
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CLIENT: WONGA BEACH VILLAGE PTY. LTD. ENGINEER: [Signature] CHECKED: [Signature] DATE: 12/34		PROJECT: PROPOSED SUBDIVISION STAGE 1A SNAPPER ISLAND DRIVE WONGA BEACH DRAWING: DRAIN 1 LONGITUDINAL SECTION SHEET: 10070-C12	



PRELIMINARY SCALE 1:100 DID NOT SCALE CRANINGS DRAWN BY: [Name] CHECKED BY: [Name] DATE: [Date]		PROJECT NO: 10070-C3 SHEET NO: B
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engineers 10070-C3 10070-C3		DRAIN 1 CROSS SECTIONS SH.1 OF 2



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APPENDIX B: STANDARD CONDITIONS

General

1. The proposed works are permitted subject to any alterations:
 - a. found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements and.
 - b. to ensure the works comply in all respects with the requirements of the *FNQROC Development Manual* and good engineering practice; and
 - c. to comply with project specific conditions and the following standard conditions of approval.

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

2. The conditions of any Reconfiguration of Lot or Material Change of Use permits applicable to the subject lot or lots shall be complied with in conjunction with this development permit.
3. Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
4. Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.
5. If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.
6. Work and or Technical Documents identified within these Development Approval Conditions are nominated as requiring Compliance Assessment under section 398 of the *Sustainable Planning Act 2009*. In particular As-Constructed Water, Stormwater and Sewerage Plans must be submitted to the Compliance Assessor (Douglas Shire Council) on the approved form (Form 32) and will be assessed against the provisions of Council's *FNQROC Development Manual*. Council must issue a Compliance Certificate for the assessable documents prior to granting Early Plan Sealing or Plan Sealing of a Subdivision Plan or the issue of a Works Acceptance Certificate, whichever occurs first.

Timing of Effect

7. The conditions of this development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval, or at Council's discretion.

Easement Documentation

8. Easement documents are to be submitted to Council's solicitors for checking in accordance with the conditions of the Reconfiguration Development Permit. Contact Council for current nominated solicitors details.

Portable Long Service Leave Notification

9. As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$80 000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.

Construction Security Bond

10. Lodgement of Construction Security Bond as per the *FNQROC Development Manual*, Section CP1.07, (ie, five (5) per cent of the value of the works) is required, prior to commencement of work. The bond shall be in favour of Council and in the format of cash or an unconditional bank guarantee, which must cover all aspects of the construction and have no termination date.

Third Party Agreement

11. The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.

Commencement of Works

12. Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance with Section CP1.07, CP1.08 and Section CP1.09, of the *FNQROC Development Manual*.

Hours of Work

13. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - a. 7:00 am to 6:00 pm, Monday to Friday;
 - b. 7:00 am to 1:00 pm, Saturdays; and
 - c. no work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Public Notification of the Works

14. The developer or the nominated representative must provide:
 - a. Public notification of the development in local newspapers in accordance with Section CP1.11 of the *FNQROC Development Manual*.

- b. Signage identifying the location of the project, general allotment layout, contact numbers (including out-of-office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.

Site Inspections

15. Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of the *FNQROC Development Manual*. These Witness and Hold points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.

Soil and Water Management

16. All works must be in accordance with Section CP1.13 and D5 of the *FNQROC Development Manual*, and must comply with the following:
 - a. A copy of the contractor's Erosion and Sediment Control (ESC) Plan is to be submitted to Council and endorsed by the Consulting Engineer, prior to commencement of any works. In particular, the ESC Plan must address the Institution of Engineers' Australia *Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy* and Clauses CP1.06, CP1.13 and D5.10 of Council's *FNQROC Development Manual*. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress.
 - b. Any dewatering activities will require approval from Council's Environmental Protection Unit, telephone number 07 4099 9475 and a valid permit obtained prior to commencement.
 - c. During the construction period, the Consulting Engineer shall randomly audit and inspect ESC measures for compliance with the Engineer endorsed contractor's ESC Plan, derived from the Engineer's ESC Strategy (As per *FNQROC Development Manual* CP1 Appendix A).
 - d. It is the contractor's responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.
 - e. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.
 - f. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

Street Lighting

17. The provision of street lighting is to be in accordance with the *FNQROC Development Manual* D8 and designed to comply with the Road Lighting Standard AS/NZS 1158, a compliance certificate that has been certified by an appropriate Registered Professional Engineer of Queensland (RPEQ) must be provided to demonstrate the lighting design

complies to the requirements of the Road Lighting Standard AS/NZS 1158. New street lighting is to be erected as a Rate 2 public lighting installation, Rate 1 will only be considered where an overhead electricity reticulation exists:

- a. Lighting columns, luminaires and lamps are to be of a type specified in Ergon Energy's *Lighting Construction Manual*, unless approved otherwise by Council.
- b. The applicable lighting category for roads associated with this project having a road hierarchy of residential access and above is identified in Table D8.1 of the *FNQROC Development Manual*.
- c. Local Area Traffic Management (LATM) devices including roundabouts, must be provided with an illumination of not less than 3.5 Lux as specified in the Road Lighting Standard AS/NZS 1158.
- d. Street lighting located adjacent to the development frontage must be located behind the kerb (usually a minimum of 820 mm from the invert of the kerb) and spaced to meet the required lighting category for the road.

Infrastructure Plans for Utility Services

18. Approved infrastructure plans for gas, electrical and telecommunications services must be endorsed by Council, prior to the commencement of associated works.

Landscaping General

19. Landscaping shall be provided in accordance with Part D9 and Part S8 of the *FNQROC Development Manual*, unless approved otherwise by Council.
20. The landscaping works must be constructed in accordance with the approved plans and conditions. The developer must seek approval in writing from the Council for any changes to the plan or the landscaping works on the site. This approval must be obtained prior to commencement of these works on site.
21. The landscape must be maintained in good order by the developer for at least three (3) months during the Works Acceptance period, and generally timed to coincide with the Final Works Acceptance Inspection, when all landscaping works must be in a condition suitable for Council to commence regular maintenance.

Trees

22. Any trees must be planted and staked in accordance with the *FNQROC Development Manual* drawing S4210, with root barriers installed such that they are just visible at the finished surface level. Note that where footpaths are to be provided, a root barrier must also be provided between the tree and the path. Root barriers must be installed and appropriate topsoil, level of compaction and drainage provided, as specified by the manufacturer.
23. Street tree planting locations must be in compliance with *FNQROC Development Manual* D9.07.6 'Alignment and placement of Street Trees'. Trees shall be positioned a minimum of:
 - a. 7.5 metres from streetlights;
 - b. two (2) metres from the inlet or outlet of stormwater pipes;

- c. three (3) metres from any driveways;
 - d. ten (10) metres back from the apex of both boundaries of a corner lot;
 - e. 0.8 metres – one (1) metres from the back of kerbs.
24. All trees must be watered directly after planting and prior to laying mulch. The mulch must be left clear of the trunk and be laid in accordance with *FNQROC Development Manual* drawing S4210 and S8.14, at a radius of 0.5 metre around the base of the tree and out to the back of kerb.
25. All trees must be of good vigour and health and must not be root-bound at the time of planting. They should be approximately 1.5 metres – two (2) metres tall with well-established root and branch formation. Trees should have a clear dominant central leader.
26. A joint site inspection is to be held with Council officers and developer's representative to assess the general condition of any existing trees and shrubs within six (6) metres of any property boundary abutting the road reserve, or other Council land. If any dead, dying or dangerous trees are identified during the meeting, with the landowner's consent, they are to be removed to the satisfaction of Council officers, prior to the sealing of plans for the associated lot.
27. Any trees identified on drawings to be retained, are to be protected in accordance with approved plans. This must include, but is not limited to, the erection and continued maintenance of suitable physical barrier(s) placed around the tree to protect the tree and the root system. Additional protection of tree trunks by the fixing of timber planks using wire loops is also required unless approved otherwise by Council. Any damage caused to nominated trees as a result of construction activity, will require inspection by Council and will require a specified number of suitable replacements trees of suitable maturity to be provided to replace the loss in amenity.

Verges

28. All verges are to be covered full-width with topsoil (AS 4419/Soils for Landscaping and Garden Use) to a depth of not less than 40 mm, lightly compacted and grassed in accordance with Council's Guidelines and Specifications.
29. Any island beds or any shrub beds must have a permanent irrigation system installed, which must be connected to the Douglas Water Network. An Application for a Water Service Connection must be presented to Douglas Water & Waste to facilitate the connection, and must include the installation of a flow meter and associated valves.
30. All water reticulation, including permanent irrigation systems, are to be identified in as-constructed plans which must be submitted to Council for approval prior to the Works Acceptance (On Maintenance) meeting for landscaping.

Structures and Retaining Walls

31. Separate building certification and/or structural certification is required for any works to alter existing structures, provide new structures or construct retaining walls that are over 900 mm high. Certification by a suitably qualified engineer must be provided, prior to opening the work site to the public.

The Location of Stormwater Quality Interception Devices (SQIDs)

32. Council must approve the location of any SQIDs prior to installation. They shall be positioned to allow for economic and efficient maintenance operations, and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access from the public road reserve to the SQID must remain unrestricted.

Sewer and Water

33. All water and sewerage works must be in accordance with Sections D6 and D7 of the *FNQROC Development Manual*, and must comply with the following:
 - a. Douglas Shire Council requires a minimum of five (5) working days notice of intention to commence water and sewerage related works. The notice shall be given to the Senior Plumbing Inspector at Douglas Shire Council either in writing, by telephone 07 4099 9479, fax 07 4098 2902 or email to enquiries@douglas.qld.gov.au prior to the commencement of works.
 - b. The developer shall be responsible for confirming the location of all existing sewer, water and utility service infrastructure prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.
 - c. Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Douglas Shire Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice.

Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.

- d. All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of the *FNQROC Development Manual*. Works are to be certified as acceptable by Douglas Water & Waste, and any operating manuals etc be provided to Council, prior to making an application for the acceptance of the works.

Sewer

34. Douglas Water & Waste must be contacted to perform any direct connection to live sewer mains. Unless otherwise approved in writing, separate applications for approval on the prescribed forms shall be made to Douglas Water & Waste for each connection together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Douglas Shire Council's 'Application for Plumbing Works'.
 - a. Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.
 - b. The Inspection and Test Plan (ITP) must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.

- c. Where retaining walls are located within the zone of influence of a sewer the footings must be 1000 mm clear of the sewer and designed in accordance with the *Queensland Development Code*. Full design details and structural certification must be approved prior to commencement of works.
- d. Minimum clearances between sewer mains and other services must be in accordance with the *Sewerage Code of Australia*. Clearances must be included on the long-section drawing.
- e. Where a manhole is located in a batter, a flat area of 1.5 metres radius from the centre of the manhole must be provided. Where the manhole is located along a side or rear boundary and is on the 0.8 metre standard alignment then the flat area must be on at least three (3) sides.
- f. Where an easement is required the property connection branch must be extended at least one (1) metre from the easement boundary.
- g. House drains are to extend one (1) metre past the end of the driveway on hatchet blocks and 1.5 metres beyond the top of batters. An I.O. is to be provided at the downstream end of the house drain within one (1) metre of the boundary to delineate the end of the property connection branch.
- h. As-constructed sewerage drawings must be approved prior to granting of Early Plan Sealing or Issue of a Works Acceptance Certificate whichever occurs first. The as-constructed submission is to include the 'Statement of Compliance – As-constructed Documentation' and must be the final issue.

Water

- 35. Douglas Shire Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall be made to Douglas Shire Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Douglas Shire Council's 'Application for a Water Service Connection'.
 - a. Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.
 - b. The Inspection and Test Plan (ITP) must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.
 - c. Minimum clearances between water mains and other services must be in accordance with the *Water Supply Code of Australia* in particular the minimum clearance between water mains and sewer mains must be 500 mm with the sewer under the water main.
 - d. As-constructed water drawings must be approved prior to Issue of a Works Acceptance Certificate. The as-constructed submission is to include the 'Statement of Compliance – As-constructed Documentation' and must be the final issue.

Roads and Footpaths

36. All works are to be designed and constructed in accordance with AS 1428.1-2001: *'Design for access and mobility'* – General requirements for access – New building work, and associated standard AS/NZS 1428.4 2002, *'Design for Access and Mobility'* – Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSIs) where required.

Cultural Heritage

37. The *Aboriginal Cultural Heritage Act* 2003 (the Act) seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from Department of Environment Heritage Protection and can be downloaded from their website at www.ehp.qld.gov.au. The work identified in the project documentation is likely to require assessment of the site under the Act.

Attachment E:
**Council Approval to Extend Currency Period
of Operational Works Approval**

YOUR REF: PDR 10070
OUR REF: OP 4332/2011 (878461)

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

2 November 2018

McCloy Group
PO Box 2214
DANGAR NSW 2309

Attention: James Goode

Dear Sir

**REQUEST TO EXTEND PERIOD OF APPROVAL
FOR DEVELOPMENT PERMIT FOR OPERATIONAL WORKS
OP4332/2011 VIXIES ROAD WONGA BEACH**

In accordance with section 86 of the Planning Act 2016, please be advised that Council has extended the Currency Period to align with the lapsing date of the over arching approval to reconfigure the land being 21 November 2020 subject to the conditions contained within the Decision Notice dated 21 November 2016.

Should you require further information or assistance, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9451.

Yours faithfully


Paul Hoyer
Manager Sustainable Communities
Att

Attachment F:
**Council Approval to Extend Currency Period
of Material Change of Use Approval**

25 SEP 2014

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

YOUR REF: 0529/WD-00-001/2014
OUR REF: MCUI 2248/2006 (429356)

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

22 September 2014

Wonga Beach Aquaculture Pty Ltd
PO Box 2214
DANGAR NSW 2309

Attention: Mr James Goode

Dear Sir

**REQUEST TO EXTEND RELEVANT PERIOD
MATERIAL CHANGE OF USE – PRELIMINARY APPROVAL
VIXIES ROAD, WONGA BEACH**

Reference is made to your request to extend the relevant period for a Preliminary Approval for a Staged Development and Development Permit for Stage 1 of the Staged Development for a Material Change of Use for Residential Purposes for Dwelling House, Local Utility, Display Home, Dwelling House / Attached Flat and Estate Sales Office as defined in the Superseded Transitional Planning Scheme for the Shire of Douglas, December 1996) on land located at Vixies Road, Wonga Beach, also described as Lot 51 on SP155078.

Your request was determined at the Ordinary Meeting held on 16 September 2014, where Council resolved to **approve** the request, so that the Relevant Period of the Preliminary Approval aligns with the Relevant Period of the Reconfiguring a Lot approval as detailed in the Negotiated Decision Notice dated 16 December 2013 (Council document reference 259470).

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully



Donna Graham
Acting General Manager Operations

SHIRE
COUNCIL

DOUGLAS