



**Cairns Office**

135 Abbott Street, PO Box 1949, Cairns QLD Australia 4870

T +61 7 4031 1336 F +61 7 4031 2942 E [cairns@rpsgroup.com.au](mailto:cairns@rpsgroup.com.au) W [rpsgroup.com.au](http://rpsgroup.com.au)

**Our Ref:** PR100373/OCK/AF/L75341  
**Your Ref:** Former CRC Ref: 8/37/153 SUB 039/04  
**Date:** 7 December 2015

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

**Via:** Mail/E-mail

Dear Neil

**RE: REQUEST FOR AN EXTENSION OF CURRENCY OF THE 4 LOT RECONFIGURATION APPROVAL RELATING TO LOT 4 ON RP907338, CAPTAIN COOK HIGHWAY, KILLALOE.**

With regard to the above matter, we confirm that we act on behalf of Leo International Group Pty Ltd (the 'Applicant') regarding the abovementioned matter.

We refer to the former Douglas Shire Council Negotiated Decision Notice, dated 12 December 2005, relating to the abovementioned reconfiguration approval and the former Cairns Regional Council's confirmation of the extended currency of the approval, dated 15 November 2013 (refer to a copy of the Negotiated Decision Notice and copy of related extension of relevant period advices (including current changes to the Reconfiguration Approval) provided for reference in **Attachment A**) which confirms that the currency of the Approval has been extended to 12 December 2015.

As discussed at the Pre-lodgement Meeting on 4 December 2015, our client was working towards complying with the conditions of the Reconfiguration Approval and had engaged Lambert and Rehbein, Consulting Engineers and RPS's Surveyors and Planners to address the Approval's requirements. In summary, the works to date include the preparation and lodgement of the Operational Works Applications with Council and the Department of Transport and Main Roads (DTMR), determining and satisfying pre-conditions for the provision of electricity and communications, the receipt of the Operational Works Approval for the Francis Road and Captain Cook Highway intersection and the survey of the proposed lots and vegetation protection covenant area and preparation of a Preliminary Copy of the Survey Plan.

Leo International Group Pty Ltd has committed considerable funds to finalising the four lot rural subdivision within the relevant currency period. However, progress of the works was stalled due to a legal proceeding being lodged against our client and an agreement between the disputing parties that any development activity on the land be curtailed, therefore preventing the works from being completed. Due to its confidential nature, further detail on this matter shall be provided directly to Council by our client's Lawyer, M&K Lawyers Group Pty Ltd.

To permit the construction of the four lot rural subdivision, including the intersection with the Captain Cook Highway, it is necessary to request a further extension to the approval's relevant period to allow adequate time to resolve the current legal proceedings, finalise Operational Works Approval processes with Council and construct the subdivision works. Therefore, a further two years or at the least, an additional 12 months, to the approval's relevant period is requested pursuant to Section 383 of the *Sustainable Planning Act 2009*.

To facilitate Council's consideration of the request, please find attached;

- A cheque in the amount of **\$1,118.76**, being the relevant assessment fee for the request as required under Councils' 2015 - 2016 Schedule of Fees & Charges; and
- The owner's consent to the extension of time request (refer to **Attachment B**).

We provide the following grounds in support of the requested extension of time:

- 1) The subject Reconfiguration Approval resulted from pre-lodgement discussions with the former Douglas Shire Council's Manager Planning Services, Mr Paul Gleeson. At the time of approval, the subject proposal was considered to have significant merit, due to the intent to:
  - a) Retain the productive rural land and associated vegetated buffers in a single lot, in contrast to the alternate rural subdivision concepts which were more compliant with the Planning Scheme's rural lot dimension and area requirements but which resulted in a less desirable outcome where the existing productive rural land would be fragmented into four portions;
  - b) Use an existing rural access, which requires limited works to upgrade it to Council's required standards, to access the proposed house sites proposed to be located on the broad ridge area; and
  - c) Include the majority of the vegetated ridge within a Environmental (Vegetation Protection) Covenant which, apart from protecting the vegetation which exists on the forested ridge and hence protecting the associated environmental values, assists with regulating and maintaining the scenic values related to the forested ridge.

The merits of the proposal remain to have significant merit today. The fragmentation of the productive rural land into 40 hectare rural lots could still be sought today in accordance with the current Planning Scheme. The inclusion of the majority of the vegetated ridge within an Environmental (Vegetation Protection) Covenant, excluding building envelopes, vehicle access and the provision of a vegetated buffer to the productive rural land, is consistent with the current Planning Scheme's intent of providing Designated Development Areas and is considered a favourable outcome given the that;

- a) The productive rural land is retained in the one lot;
- b) The house sites to be established on the broad ridge area can be established without significant additional vegetation clearing works, particularly given the intent to use of the existing rural access as the proposed access, the use of existing cleared areas as the nominated building envelopes and the ability to service the house sites with reticulated electricity, through the use of a single line to be put in place by a helicopter, which avoids the need to clear vegetation to establish or maintain reticulated electricity supply; and
- c) The Environmental (Vegetation Protection) Covenant will regulate the clearing of vegetation outside of the building envelopes and driveway access which is not otherwise regulated by the State's vegetation clearing provisions where rural lots are greater than 25 hectares, such as is proposed.

- 2) The density of the rural subdivision proposal is consistent with the density intended within Council's current Planning Scheme (i.e. 1 rural lot per 40 hectares) and the approved rural subdivision is consistent with the Purpose of the Reconfiguring a Lot Code given that;
  - a) The subject land has an area of 161.70 hectares and only four rural lots are proposed;
  - b) The lots are suitable for their intended purpose as Proposed Lot 1 retains the farm and buffer area in the one lot and Proposed Lots 2 – 4 are suitable for rural lifestyle purposes;
  - c) The environmental and scenic values of the locality are protected by the rural subdivision; and
  - d) The proposed rural subdivision does not result in the fragmentation or alienation of GQAL.
- 3) The approved proposal is considered consistent with the relevant Objective and Land Use Policy stated in the Far North Queensland Regional Plan 2009 - 2031 relating to Rural Subdivision, as follows:
  - a) The portion of the site suitable for rural production and associated buffers is to be contained within the one lot. Further, the forested ridge, whilst being intended to be subdivided into three 30+ hectare lots, intends to utilise a single 'existing' rural access to access each proposed house site and apart from the area required for the house and access thereto, is intended to be included within an Environmental (Vegetation Protection) Covenant. The approved development thereby protects the land's rural production and natural resources consistent with the Regional Plan's Objective relating to Rural Subdivision; and
  - b) In relation to the Regional Plan's Land Use Policy 2.6.1, the portion of the site suitable for rural production and associated buffers is to be contained within the one lot which is consistent with the intent to avoid further fragmentation of agricultural land to maintain economically viable farm lot sizes.
- 4) Bushfire hazard is clearly a constraint that relates to the proposed house sites that are proposed along the ridge line. Council's current Planning Scheme maps the ridgeline as being a Medium – Low Bushfire Risk Hazard while the State Planning Policy (SPP) Mapping maps the ridge area mainly as a Very High Potential Bushfire Intensity. This seems to be a significant variation in the bushfire hazard rating and given both sides of the ridge is mapped in the SPP Mapping as a Very High Potential Bushfire Intensity, it is considered reasonable to question the accuracy of the SPP Mapping.

However, in respect of the proposed rural subdivision, it is noted that the scale of the proposal is low, limited to only 3 house sites to be established along the ridge area and the provision of adequate safety in the event of a bushfire is considered to require a combination of suitable cleared bushfire hazard buffers for each house site and the access thereto, the provision of an adequate water supply and access thereto on site for fire fighting purposes and the adoption/implementation of a bushfire hazard plan either requiring early evacuation or staying in a suitable part of the house (bunker) that is designed to be protected from bushfire. Similar fire hazard measures are expected to be in place for other hillside residences established in the immediate locality and it is noted that the clearing of suitable fire hazard buffers for each house site and the access thereto is not expected to result in visually prominent house sites when viewed from the Captain Cook Highway.

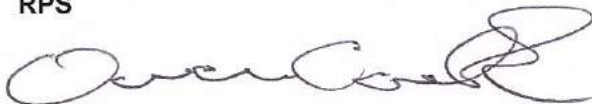
Further, in terms of bushfire management, it is expected that the upgraded access to be provided along the ridge line would be seen as a positive. The upgraded access will provide a maintained trafficable access for emergency fire fighting vehicles which will improve the opportunity to manage bushfires in the locality.

- 5) The Planning Scheme's provisions are considered to reflect the local community's expectations in relation to subdivision within the Rural Planning Area and it is noted that rural subdivisions, such as the current approved rural subdivision, remains code assessable within the current Planning Scheme. Hence, the proposed rural subdivision is considered to remain consistent with the community's expectations and as the rural subdivision remains to be code assessable, the opportunity for the community to make a submission in response to the proposed development has not changed.
- 6) Council's favourable consideration of the request will benefit the community by;
- a) Facilitating the construction of a safer access to Francis Road, improving an existing dangerous access to an arrangement that complies with DTMR's current standards. The existing access to Francis Road from the Captain Cook Highway is located on a bend within a 100km/hr traffic environment and does not provide a deceleration lane for vehicles turning left into the site or passing lane for vehicles turning right into the site. The upgraded access, currently approved by DTMR, includes the provision of a deceleration lane and passing lane which effectively addresses the existing safety issues faced by existing residents when accessing or departing Francis Road as well as providing safe access for the proposed rural lots;
  - b) Providing employment opportunities through the proposals subdivision and building works; and
  - c) Providing the opportunity to provide a number of prestige house sites which is one of the aspects the Port Douglas/Mossman locality is renowned for, whilst providing further protection of the site's environmental values through the use of an Environmental (Vegetation Protection) Covenant.

We welcome the opportunity to further discuss the extension of time request and/or to provide additional information prior to Council's formal consideration. If required, please do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely

RPS



Owen Caddick- King  
Principal- Planner

enc: **Attachment A:** Negotiated Decision Notice and copy of related extension of relevant period advices (including current changes to the Development Approval)  
**Attachment B:** Owners consent to the extension of time request.

cc: Attn: Mr Leo Lin  
Leo International Group Pty Ltd  
2679 Glen Huntly Road  
CAULFIELD VIC 3162



## Attachment A

Negotiated Decision Notice and Confirmation of the Extended  
Currency and Changes



**ENQUIRIES:**

**PHONE:**

**FAX:**

**YOUR REF:**

**OUR REF:**

Michelle Henderson

(07) 4099 9457

(07) 4044 3836

L70211

8/37/153 SUB 039/04 (4187678)

RECEIVED  
20 NOV 2013

BY: \_\_\_\_\_ OK

15 November 2013

Leo International Group Pty Ltd  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
**CAIRNS QLD 4870**

Dear Sir

**RE: REQUEST TO EXTEND PERIOD OF APPROVAL  
FOR DEVELOPMENT APPLICATION -  
6889R CAPTAIN COOK HIGHWAY KILLALOE**

In accordance with Section 809 of the *Sustainable Planning Act 2009*, please be advised that Council has extended the Period of Approval for two (2) years, up to and including 12 December 2015, subject to the conditions contained within the Decision Notice dated 12 December 2005.

Reference is made to ambiguities between condition 4.10 pertaining to water supply and report commentary made in the initial report circa 2005. Despite condition 4.10, please be advised that water for each of the proposed lots is able to be supplied at time of House construction in the form of tank water in accordance with the requirements of the 2008 Douglas Shire Planning Scheme. Particular reference is given to Acceptable Solution 2.1 of the Rural Areas and Rural Settlements Locality Code which states:

*"Water storage tank/s with a minimum capacity of not less than 30,000 litres to service the proposed use, including fire fighting capacity and access to the tank/s for fire trucks. Tank/s to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation and screened with dense planting."*

Please be advised that Council does not accept responsibility should the supply of water be insufficient for future owners/residents/users in terms of either water quality (potable water) or quantity (fire fighting purposes and other residential uses).

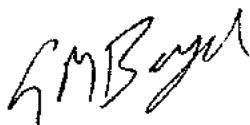
45.2005.4521

1/2

1/2

Should you require any further information or assistance, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

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

Graham Boyd  
Manager Development & Regulatory Services



ENQUIRIES: Michelle Henderson  
PHONE: (07) 4099 9457  
FAX: (07) 4044 3836  
YOUR REF: L70211  
OUR REF: 8/37/153 SUB 039/04 (3499902)

21 February 2012

RECEIVED  
23 FEB 2012

BY: OCK

N Romano  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE FOR REQUEST TO EXTEND RELEVANT PERIOD AND  
REQUEST FOR PERMISSIBLE CHANGE TO CONDITIONS FOR 6889R CAPTAIN  
COOK HIGHWAY KILLALOE**

With reference to the abovementioned request, the General Manager Planning & Environment, under Instrument of Delegation, approves the request to extend the relevant period of the approval for two (2) years up to and including 12 December 2013.

With regard to the Request for permissible change the General Manager Planning & Environment, under Instrument of Delegation partially approves and partially refuses the request to change the existing approval, Development Permit SUB 039/04 for Reconfiguring a Lot (1 lots into 4 lots) at Captain Cook Highway, Killaloe, being on Lot 4 on RP907338, whereby the development is to be undertaken in two (2) stages, with proposed Lots 1 and 2 to be created as Stage 1 and proposed Lots 3 and 4 to be created as Stage 2.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

45.2005.4521  
1/17

For all correspondence:  
✉ PO Box 359 Cairns Q 4870  
[www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)  
[council@cairns.qld.gov.au](mailto: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



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

Yours faithfully

A handwritten signature in black ink, appearing to be 'KR' with a stylized flourish.

Kelly Reaston  
**Manager Development Assessment**

Att.



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

**APPLICANT DETAILS**

N Romano  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

**ADDRESS**

6889R Captain Cook Highway Killaloe

**REAL PROPERTY DESCRIPTION**

Lot 4 on RP907338

**PROPOSAL**

Reconfiguring a Lot (1 Lot into 4 Lots)

**DECISION**

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

**DECISION DATE**

21 February 2012

**TYPE**

Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

(State Controlled Roads, Public  
Passenger Transport & Railway Matters)  
Department of Transport and Main Roads  
Far North Region (Cairns)  
PO Box 6185  
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

45.2005.4521  
3/17

For all correspondence:

✉ **PO Box 359 Cairns Q 4870**  
[www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)  
[council@cairns.qld.gov.au](mailto:council@cairns.qld.gov.au)

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P: 07 4099 9444 | F: 07 4098 2902

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

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

Not in conflict

**ASSESSMENT MANAGER CONDITIONS:**

4.4 The applicant is required to enter into an environmental covenant with Cairns Regional Council "the Council", over all of the existing remnant vegetation on the subject site (Lot 4 on RP907338). The following requirements will be included in this covenant:

- (a) No landscaping in the defined covenant areas is to be undertaken without the express permission of "the Council";
- (b) The clearing of vegetation from the defined covenant areas will not be permitted other than as approved by the Council;
- (c) The defined covenant area is to be properly surveyed and is to include all of Lots 1, 2, 3 & 4 covered by existing remnant vegetation, with the exception of the proposed access and building envelopes for Lots 2, 3 & 4 as shown on drawing number 62384-6 and all land below RL 50metres AHD on Lot 1. The maximum width of the driveway is to be 4.0m and the maximum area of the proposed building envelopes are 1200m<sup>2</sup>.

The proposed access and building envelope identified for proposed Lot 1 will not be permitted until the existing dwelling/s have been removed or a Material Change of Use permits the construction of an additional dwelling on the land.

- (d) Any works, including drainage and vegetation clearing, undertaken outside the defined covenant area by the lot owner shall not prejudice the integrity of the existing vegetation nor the visual amenity of the ridgeline and hill slope;
- (e) No structures shall be constructed within the covenant areas other than as approved by the Council.

This covenant is to be drafted and approved by Council prior to endorsement of the Plan of Survey. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments.

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

- (f) The Covenant over proposed Lot 1 may have flexibility to accommodate some minor agricultural practices under the existing canopy. Any approval for these activities is to be granted by the Covenantor and Covenantee.
- (g) Nothing in this Covenant prevents the Covenantor from removing or damaging vegetation protected by this Covenant:
  - (i) Which poses an immediate and severe danger to persons or property; and/or
  - (ii) Which is authorised by a relevant authority for the provision or maintenance of a firebreak in accordance with the *Fire and Rescue Service Act 1990* or any other applicable Acts, Regulations, Local Laws and Subordinate Local Laws.

**4.7 Water Supply Headworks**

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

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

~~For information purposes only:~~

~~(a) The Current rates per EDC at the time of this approval are:~~

~~Water Supply: \$10,504.00~~

~~(b) The current number of EDCs for the approved use are:~~

~~Water Supply: 1~~

**Developer Contributions**

Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply.

Contributions must be paid at the rates applicable at time of payment.

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.



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

All other conditions of the Decision Notice dated 12 December 2005 (attached) remain unchanged.

**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**



62384

15 DEC 2005

ENQUIRIES: Mr Paul Gleeson

OUR REF: SUB 039/04

DEPARTMENT: Manager Planning Services - ☎ (07) 4099 9456

YOUR REF:

Mr Leslie (Barry) Crockford  
PO Box 355  
MOSSMAN QLD 4873

12 December 2005

## INTEGRATED PLANNING ACT NEGOTIATED DECISION NOTICE

### DEVELOPMENT APPLICATION

**Applicant's Name** : Mr Barry Crockford  
**Owner's Name** : Mr LB Crockford  
**Proposal** : Council approve the application for a Reconfiguring a Lot Development Permit by Leslie Crockford to create 4 allotments from an existing allotment described as Lot 4 on RP907338 and located at Captain Cook Highway and Francis Road, Killaloe  
**Application Number** : SUB 039/04  
**Site Address** : Captain Cook Highway, Killaloe  
**Property Description** : Lot 4 on RP907338, Parish of Victory, County of Solander

This Negotiated Decision Notice supersedes the Decision Notice dated 11 April 2005. Conditions 4.1 and 4.4 have been amended all other conditions remain unchanged.

1. **Decision:** **Decision Date:** 6<sup>th</sup> December 2005  
Approved subject to Conditions
2. **Type of Development Approval:**  
Reconfiguration a Lot **Development Permit**

ADMINISTRATION CENTRE  
(ALL DEPARTMENTS)  
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902  
EMAIL [douglas@dsc.qld.gov.au](mailto:douglas@dsc.qld.gov.au)  
INTERNET [www.dsc.qld.gov.au](http://www.dsc.qld.gov.au)

ALL COMMUNICATIONS TO BE  
ADDRESSED TO:  
THE CHIEF EXECUTIVE OFFICER  
P.O. BOX 357  
MOSSMAN, QLD 4873

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

3. **Referral Agency:**

Department of Main Roads  
PO Box 6185  
CAIRNS QLD 4870

Attn: Mr Malcolm Hardy

4. **Conditions**

**Plan of Reconfiguration**

- 4.1 The approved reconfiguration and the carrying out of any works on the premises associated with the development must be in accordance with Plan of Reconfiguration No. 62384-6 dated 01/12/04 with the following amendment:

- (a) delete

**Electrical & Telephone Services**

- 4.2 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that electrical services have been made available to proposed Lots 1-4.
- 4.3 Prior to the approval of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Telstra stating that telephone services have been made available to proposed Lots 1-4.

**Covenant**

- 4.4 The applicant is required to enter into an environmental covenant with Douglas Shire Council "the Council", over all of the existing remnant vegetation on the subject site (Lot 4 on RP907338). The following requirements will be included in this covenant:
- (a) No landscaping in the defined covenant areas is to be undertaken without the express permission of "the Council";
- (b) The clearing of vegetation from the defined covenant areas will not be permitted other than as approved by the Council;
- (c) The defined covenant area is to be properly surveyed and is to include all of Lots 1, 2, 3 & 4 covered by existing remnant vegetation, with the exception of the proposed access and building envelopes for Lots 2, 3 & 4 as shown on drawing number 62384-6 and all land below RL 50metres AHD on Lot 1. The maximum width of the driveway is to be 4.0m and the maximum area of the proposed building envelopes are 1200m<sup>2</sup>.

.../3.

The proposed access and building envelope identified for proposed Lot 1 will not be permitted until the existing dwelling/s have been removed or a Material Change of Use permits the construction of an additional dwelling on the land.

- (d) Any works, including drainage and vegetation clearing, undertaken outside the defined covenant area by the lot owner shall not prejudice the integrity of the existing vegetation nor the visual amenity of the ridgeline and hill slope;
- (e) No structures shall be constructed within the covenant areas other than as approved by the Council.

This covenant is to be drafted and approved by Council prior to endorsement of the Plan of Survey. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments.

- (f) The Covenant over proposed Lot 1 may have flexibility to accommodate some minor agricultural practices under the existing canopy. Any approval for these activities is to be granted by the Covenantor and Covenantee.

#### **Amenity**

4.5 Any development, including dwellings, sheds and ancillary buildings, undertaken outside the covenant area shall reduce the visual impact on the amenity of the area by:

- (i) minimising excavation and filling of the sites;
- (ii) limiting the colour of any structure to those identified on the attached, approved colour scheme; and
- (iii) including landscaping measures, including the retention of trees, to screen development from the Captain Cook Highway.
- (iv) The roof line of any dwelling on site should be kept below the visual line of the ridgeline.

#### **Road Works**

4.6 The applicant must undertake the following works:

##### External

- (a) Provision is to be made for the following works external to the subject site in accordance with Council's requirements including:

- i. Francis Road

- (a) 8.0m wide formation with a 5.5m wide gravel pavement and 1.25m wide shoulders for the full length of the road.

.../4.



- (b) Upgrading the intersection of Francis Road with the Highway to AUSTROADS standards in accordance with Section D1.29 of the FNQ Development Manual.

(ii) Internal Accesses

- (a) The internal accesses contained within the proposed easement/s to have a maximum width of 4.0m, with provision of passing areas up to 5.0m wide.
- (b) Internal access to each site is required to be sealed (concrete/bitumen), in locations where the slope exceeds fifteen degrees (15°). The applicant will be required to install sediment control devices on this access to manage erosion and sediment loss off-site.

All works are to be shown on the engineering plans for Operational Works approval.

**Water Supply Headworks**

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

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

For information purposes only:

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

Water Supply            \$10,504.00

- (b) The current number of EDCs for the approved use are:

Water Supply            1

**Maintenance Period**

- 4.8 The Applicant shall maintain in accordance with the requirements of the Operational Works Development Permit and the Far North Queensland Regional Organisation of Councils Development Manual all road construction works of any nature whatsoever and any drainage works carried out under the provisions of the subdivision of the land and any parkland works for a period of twenty-four (24) months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such road construction and drainage works carried out as part of the works associated with the subdivision.

.../5.

### **Sewerage**

- 4.9 The minimum level of on-site treatment of waste for Lots 1, 2, 3 & 4 (if dwelling is to be located on the hillslope) is Advanced Secondary in accordance with the requirements of the *On-site Sewerage Code - July 2002*.

### **Water Supply**

- 4.10 The applicant is required to provide to each allotment an adequate supply of potable water in both quantity and quality in accordance with Australian Standards, prior to the endorsement of the plan of Survey. Alternatively, should each site have an individual bore source, the applicant is to demonstrate to the Council that an adequate supply of potable water in both quantity and quality in accordance with the Australian Standard, is available to each lot prior to endorsement of the Plan of Survey.

### **Contract of Sale**

- 4.11 The applicant is to notify prospective purchasers of the requirements of conditions 1, 2, 3 and 4 on the contract of sale.

### **Currency Period**

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

### **Compliance with Conditions**

- 4.13 The Plan of Survey with associated documents shall not be endorsed by Council until all of the conditions of approval have been complied with.

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

Operational Works

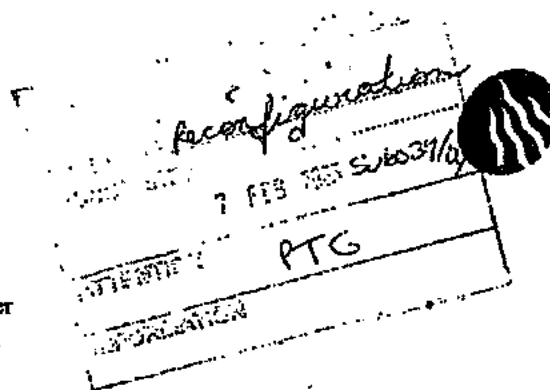
Development Permit



J R Neely  
Acting Chief Executive Officer

3 February 2005

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



**Queensland  
Government**

Department of Main Roads

Dear Mr Melchert

**Douglas Shire : Captain Cook Highway (Cairns-Mossman)**  
Located opposite Bonnie Doon Road intersection, Killaloe  
Lot 4 on RP 907338, Parish of Victory  
Barry Crockford  
**Proposed Reconfiguration of Lot (3 Additional Allotments) Application**  
**Referral Agency's Response (conditions apply)**

I refer to the above application received at the Department 31 January 2005 requesting consideration of the above development.

**A. CONDITIONS OF DEVELOPMENT**

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires 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. Captain Cook Highway) and the proposed Lot 1 shall be via a new single access located 38m north of the existing access to the existing dwelling house on the subject land, only. The existing accesses to the existing dwelling house and to the existing cane barracks shall be permanently closed.
- (ii) Access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lots 2, 3 and 4 shall be via Francis Road, to the satisfaction of Douglas Shire Council.
- (iii) No additional direct access between the Captain Cook Highway and the subject land is permitted.

**2. Road Access Works**

- (i) Road access works at the permitted road access location are required and shall be constructed in accordance with:

North Queensland Region  
Peninsula District  
PO Box 6185  
CAIRNS Queensland 4870  
ABN 57 838 727 711

Our ref 4520A/102(377A)  
Your ref SUB038/04  
Enquiries MALCOLM HARDY  
Telephone +61 7 4060 5811  
Facsimile +61 7 4050 5438

- the Department of Main Roads *Road Planning and Design Manual*, and
- current Department of Main Roads standards.

A recent site inspection indicates the road access works require the provision of the following:

- install an Access Type 2 as indicated on the attached DMR Plan with minimum width 6m (W) and minimum radius of turnout 10m (R),
- bitumen sealed from the edge of the existing bitumen of the Captain Cook Highway to the cane tramline,
- cane tramline crossing construction to the specifications and approval of Mossman Central Mill Co Ltd,
- pruning and clearing of vegetation on the northern side of the access to improve traffic sight visibility, and
- permanent closure of the existing accesses to the proposed Caretaker's Residence and existing cane barracks and re-instatement to match adjoining roadside conditions.

- (ii) The landowner/ applicant shall write to the Cairns office of the Department of Main Roads to obtain the necessary plans, forms and approvals for the road access works prior to works commencing within the State-controlled road reserve (i.e. Captain Cook Highway).
- (iii) All road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to Council signing and dating the plan of survey of the subject land.

### 3. Access Easements

The applicant/ landowner shall register access easements:

- over the proposed Lot 2 from the permitted access location in condition 1 (ii) above, to the common boundary with the proposed Lot 3 in favour of the proposed Lots 3 and 4, and
- over the proposed Lot 3 from the common boundary with the proposed Lot 2, to the common boundary with the proposed Lot 4 in favour of the proposed Lot 4,

generally as indicated by the existing access track in C&B Group Plan No. 62384-6 Issue A dated 13/12/04, with the Titles Office of the Department of Natural Resources, to the satisfaction of the Director-General of the Department of Main Roads and Chief Executive Officer of Douglas Shire Council, prior to Council signing and dating the plan of survey of the subject land.

An all-weather access shall be constructed within the easements prior to Council signing and dating the plan of survey of the subject land, to the requirements and satisfaction of Douglas Shire Council.

### 4. Building Alignment Setback

A building alignment setback of 50 metres from the centreline of Captain Cook Highway shall apply to all new structures intended to be located on the subject land to the satisfaction of the Director-General of the Department of Main Roads.



**Reasons**

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

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

**B. GENERAL DISCUSSION**

Council is requested to reflect Conditions 1 and 4 above on its Rates Record, to ensure that the planning intentions of Conditions 1 and 4 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

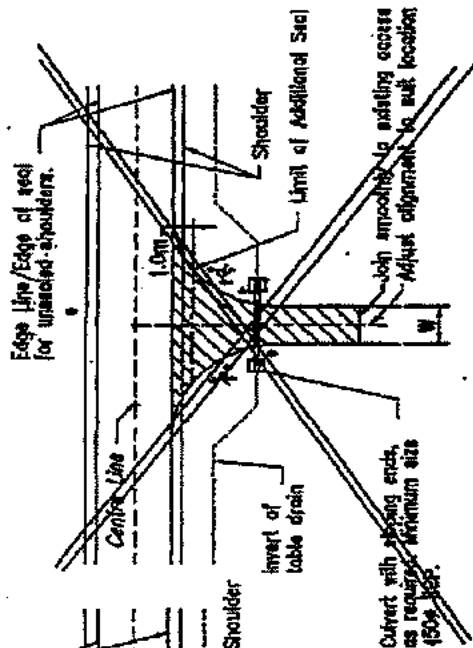
  
Brad Finegan  
A/MANAGER (TRANSPORT PLANNING) PENINSULA



ACCOUNT NO. _____ DATE OF ORDER _____ ORDER NO. _____ QUANTITY _____ UNIT PRICE _____ TOTAL _____ TAX _____ NET TOTAL _____ PAY TO THE ORDER OF _____ \$ _____ DOLLARS AND CENTS _____ (100)	
HARRY CROSBY & SONS RECONSTRUCTION CONTRACT PLAN OF LOTS 114 CROSBY & SONS 1000 10th Street, New York, N.Y.	
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____	NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____

## 1.4 ACCESSSES

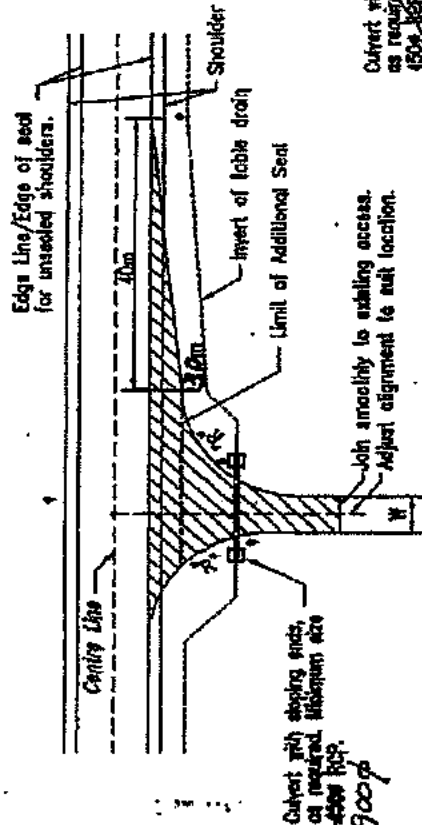
### 1.4.1 Level of Treatment



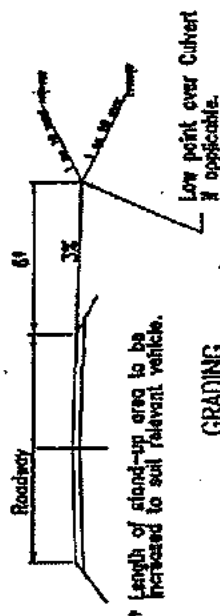
**ACCESS TYPE 1**  
N.T.S

#### NOTES

1. W = Minimum 4m single access, 6m dual access.
2. R = Radius of turnout to be determined from V-P-R program using vehicle relevant to kind use, minimum radius 10m.
- \* Road edge guide post, 150mm subbase (type 2.3) to edge of existing bituminous seal or shoulder on new construction.



**ACCESS TYPE 2**  
N.T.S



#### GRADING

\* Length of stand-up area to be increased to suit relevant vehicle.

8 January 2009

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

Dear Mr Briggs

**Cairns Regional Council : Captain Cook Highway (Cairns-Mossman)  
Located opposite Bonnie Doon Road intersection, Killaloe  
Lot 4 on RP 907338, Parish of Victory  
Barry Crockford  
Proposed Reconfiguration of Lot (3 Additional Allotments)  
Request to Change an Existing Approval (DMR as Referral Agency)**

I refer to:

- the above application received at the Department 31 January 2005 requesting consideration of the above development,
- the Department's letter 3 February 2005 of conditions of development,
- Council's negotiated decision notice dated 12 December 2005, and
- Request to Change an Existing Approval received at the Department 7 January 2009 to enable a staged development.

The Department has reviewed the proposed development and is able to amend conditions

In accordance with section 3.5.33 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following amended conditions of development for the subject application:

**A. AMENDED CONDITIONS OF DEVELOPMENT**

**1. Permitted Road Access Location**

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lot 1 shall be via a new single access located 38m north of the existing access to the existing dwelling house on the subject land, only. The existing accesses to the existing dwelling house and to the existing cane barracks shall be permanently closed.
- (ii) Access between the State-controlled road (i.e. Captain Cook Highway) and the proposed Lots 2, 3 and 4 shall be via Francis 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 6185 CAIRNS Queensland 4870  
ABN 57 836 727 711

Our ref 214/20A/102(377A)  
Your ref SUB039/04  
Enquiries MALCOLM HARDY  
Telephone +61 7 4050 5511  
Facsimile +61 7 4050 5438



- (iii) No additional direct access between the Captain Cook Highway and the subject land is permitted.

## **2. Road Access Works**

- (i) Road access works at the permitted road access location in condition 1 (i) are required and shall be constructed in accordance with:
- the Department of Main Roads *Road Planning and Design Manual*, and
  - current Department of Main Roads standards.

A recent site inspection indicates the road access works require the provision of the following:

- install an Access Type 2 as indicated on the attached DMR Plan with minimum width 6m (W) and minimum radius of turnout 10m (R),
  - bitumen sealed from the edge of the existing bitumen of the Captain Cook Highway to the cane tramline,
  - cane tramline crossing construction to the specifications and approval of Mossman Central Mill Co Ltd,
  - pruning and clearing of vegetation on the northern side of the access to improve traffic sight visibility, and
  - permanent closure of the existing accesses to the proposed Caretaker's Residence and existing cane barracks and re-instatement to match adjoining roadside conditions.
- (ii) The landowner/ applicant shall write to the Cairns office of the Department of Main Roads to obtain the necessary plans, forms and approvals for the road access works prior to works commencing within the State-controlled road reserve (i.e. Captain Cook Highway).
- (iii) All road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to Council signing and dating the plan of survey of the subject land.

## **3. Road Intersection Works**

- (i) The landowner/ applicant shall upgrade the exiting Captain Cook Highway/ Francis Road intersection 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 requirement for the provision of intersection works indicated on DMR notations dated 18 January 2008 on Lambert & Rehbein Drawing No. C05021-C01.

- (ii) The landowner/ applicant shall submit intersection drawings prepared by a suitably qualified Registered Professional Engineer Queensland for approval of the Cairns office of Main Roads prior to works commencing within the State-controlled road reserve (i.e. Captain Cook Highway).

- (iii) All required intersection works shall be completed to the satisfaction of Main Roads prior to Council approval and dating the plan of survey of the subject land creating the proposed Lot 4. "As Constructed" plans are required by the Cairns office of Main Roads at the completion of construction.

#### **4. Access Easements**

The applicant/ landowner shall register access easements:

- over the proposed Lot 2 from the permitted access location in condition 1 (ii) above, to the common boundary with the proposed Lot 3 in favour of the proposed Lots 3 and 4, and
- over the proposed Lot 3 from the common boundary with the proposed Lot 2, to the common boundary with the proposed Lot 4 in favour of the proposed Lot 4,

generally as indicated by the existing access track in C&B Group Plan No. 62384-6 Issue A dated 13/12/04, with the Titles Office of the Department of Natural Resources, to the satisfaction of the Director-General of the Department of Main Roads and Chief Executive Officer of Cairns Regional Council, prior to Council signing and dating the plan of survey of the subject land.

An all-weather access shall be constructed within the easements prior to Council signing and dating the plan of survey of the subject land, to the requirements and satisfaction of Cairns Regional Council.

#### **5. Building Alignment Setback**

A building alignment setback of 50 metres from the centreline of Captain Cook Highway shall apply to all new structures intended to be located on the subject land to the satisfaction of the Director-General of the Department of Main Roads.

#### **Reasons**

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

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

#### **B. GENERAL DISCUSSION**

Council is requested to reflect 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**

**B/c**

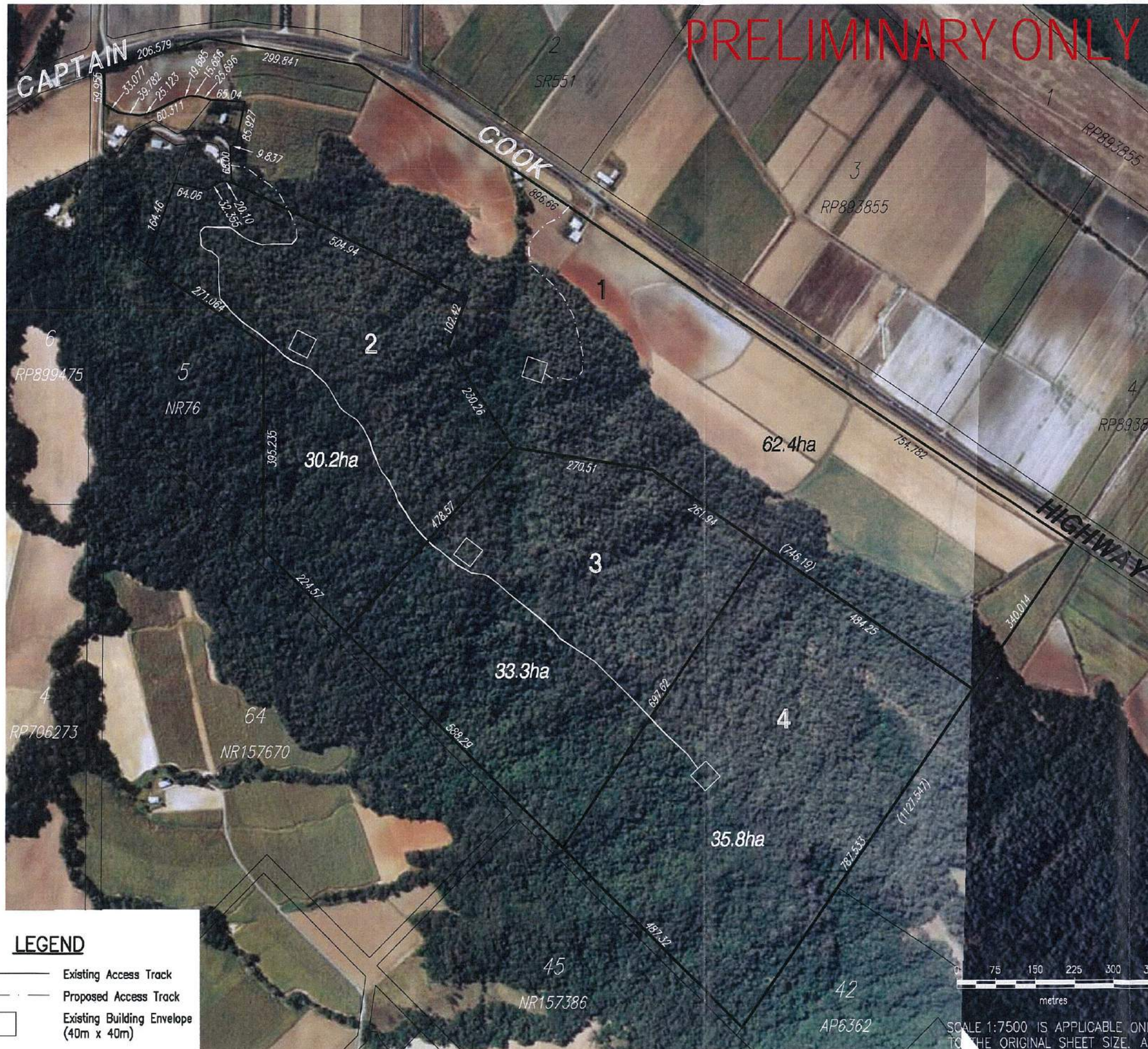
Barry Crockford  
21 Seabrook Avenue  
Port Douglas Qld 4877

For your information.

Malcolm Hardy  
**SENIOR PLANNER FAR NORTH**



# PRELIMINARY ONLY



## LEGEND

- Existing Access Track
- - - Proposed Access Track
- Existing Building Envelope (40m x 40m)

## IMPORTANT NOTE

- (i) This plan was prepared for the purpose and exclusive use of BARRY CROCKFORD to accompany an application to the DOUGLAS SHIRE COUNCIL for approval for a material change of use of land/reconfiguration of a lot described in this plan and is not to be used for any other purpose or by any other person or corporation. C&B Consultants Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses 2 of 6 hereof.
- (ii) The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- (iii) Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
- (iv) This plan may not be photocopied unless this note is included.
- (v) Boundary Information - DCDB  
Based on or contains data provided by the Department of Natural Resources, Mines and Energy, Queensland 2004 which gives no warranty in relation to the data (including accuracy, reliability, completeness or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data.
- (vi) Aerial Photography  
Aerial Photography has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only. Date of Photography: 27/08/2000

PROJECT MANAGEMENT  
PLANNING  
ENVIRONMENTAL SERVICES  
SURVEYING



C&B CONSULTANTS PTY LTD  
ACH 055 931 096

C&B GROUP

CAIRNS OFFICE  
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cairns@cgroup.com.au

PO BOX 1949 CAIRNS QLD 4870  
Fax: (07) 4031 2942  
www.cgroup.com.au

**BARRY CROCKFORD**

## RECONFIGURATION CONCEPT PLAN OF LOTS 1-4

Cancelling Lot 4 on RP907338  
Parish of Victory County of Solander

PROJECT MANAGER/SURVEYOR O.Caddick-King	DESIGNED
CHECKED	SURVEYED
DRAWN KJP 01/12/04	FIELD BK.
DRAFTING CHECKED	SHEET 1 SIZE A3 OF SHEETS 1
CAD 62384-6.DWG	SCALE 1:7500
AMENDED	ISSUE
	DRAWING NO. 62384-6

SCALE 1:7500 IS APPLICABLE ONLY  
TO THE ORIGINAL SHEET SIZE, A3





## Attachment B

Owners consent to the extension of time request



To whom it may concern,

This letter is to acknowledge that Tigerchina Pty Ltd, as the land owner of the property described as **Lot 4 on RP907338**, consents to the request lodged with the Douglas Shire Council seeking an extension of time for the currency of the four (4) lot reconfiguration approval relating to the land (former Cairns Regional Council Ref: 8/37/153 SUB 039/04).

08/12/2015

Date

Tiger LIN (Leo)

Name

Director

Position Description



Tigerchina Pty Ltd