

Your Ref: 8/30/126 (CRC Ref); CA69 (DSC Ref: May 2007)  
Our Ref: J000085:WAKS:KLG (Stage 2 CBP)  
Date: 11 August 2014

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

DOUGLAS SHIRE COUNCIL	
File Name: CA 2876/2008	
Date: 12 AUG 2014	
Attention:	CE
Information:	R/N 33078

Attention: Manager Development & Environment

**AND TO:**

Chief Executive  
Department of State Development, Infrastructure and Planning  
PO Box 2358  
CAIRNS QLD 4870  
Via MyDAS

Dear Sir / Madam,

**Re: Request to Extend the Relevant Period for an Existing Approval being a Development Permit for Reconfiguration of a Lot (1 Lot into 19 Lots) on land located at Beor Street, Craiglie, more particularly described as Lots 37, 38 and 100 on SP 248126**

I refer to the above-described matter, and confirm that Gilvear Planning Pty Ltd has been engaged by Waks Developments Pty Ltd ('the developer') to provide advice regarding approvals and related development matters associated with the Craiglie Business Park.

Pursuant to Section 383 of the *Sustainable Planning Act 2009*, the developer hereby makes request for extension to the relevant period of the Development Permit for Reconfiguration of a Lot for a further four (4) years.

As required this request is being provided to both the Assessment Manager and the Referral Agency (Department of Transport and Main Roads) concurrently. It is noted the request to the Referral Agency must be lodged via MyDAS.

Information to support this request is provided below.

Site

Stage 2 is being developed on land described as follows:

Lot 38 on SP248126 (4,002sq m in size)

Lot 37 on SP248126 (4,362sq m in size)

Lot 100 on SP248126 (4.88ha in size)

These lots were formerly described as Lot 100 on SP204464.

#### Background

In May 2007, Douglas Shire Council approved the following aspects of development via a combined Development Application associated with development of Stage 2 of the Craiglie Business Park:

- (a) Development Permit for Material Change of Use for Intensive Animal Husbandry and Caretakers Residence (Paws and Claws facility);
- (b) Development Permit for Reconfiguration of a Lot (One (1) Lot into nineteen (19) Lots); and
- (c) Preliminary Approval to over-ride the Douglas Shire Planning Scheme (Use Rights consistent with the Service Industry precinct in the Port Douglas and Environs Locality).

In late 2010 through 2011, we engaged with officers within Cairns Regional Council regarding a range of issues associated with the relevant periods for the subject development.

As a result of discussions:

- (a) The Development Permit for Material Change of Use for Intensive Animal Husbandry and Caretakers Residence (Paws and Claws Facility), with a relevant period of four (4) years, was modified and the relevant period extended to 15 May 2015 (refer Cairns Regional Council correspondence dated 13 January 2011, ref: 8/30/126 (3032822));
- (b) Council confirmed that the related approval provisions within the superseded *Integrated Planning Act 1997*, and the current *Sustainable Planning Act 2009* (Section 341(2), (4) and (7)) apply to the Development Permit for Reconfiguration of a Lot by virtue of the lodgement and approval of 'related' approvals being undertaken within two (2) years of the original approval being granted); and
- (c) Council noted that the relevant period for the Preliminary Approval to over-ride the Planning Scheme was ten (10) years.

The operation of related approval provisions within the *Sustainable Planning Act 2009* resulted in the relevant period for the Development Permit for Reconfiguration of a Lot extending as follows:

Original Development Permit issued	15 May 2007
Negotiated Decision Notice issued	13 August 2007
Advertising Signage for Stage 2 (application lodged)	5 November 2008
Advertising Signage for Stage 2 (approval issued)	Late 2008 / early 2009
Operational Works Permit for Stage 2 issued	25 August 2010

Following discussion with Cairns Regional Council in 2011, we received confirmation that the relevant period for the reconfiguration of a lot re-commenced on the date the Stage 2 Operational Works permit was issued (that is, 25 August 2010). In these circumstances, the Development Permit for Reconfiguration of a Lot is due to expire on or about 25 August 2014.

#### Request for Extension to Relevant Period

Unfortunately, market conditions have resulted in development on Stage 2 not proceeding as quickly as initially planned.

In these circumstances, the developer requests the relevant period for the Development Permit for Reconfiguration of a Lot (One (1) Lot into Nineteen (19) Lots) be extended for a further four (4) years, until 25 August 2018.

#### Supporting Information / Submissions

It is noted that Section 388 of the Sustainable Planning Act 2009 provides the following in regard Council's assessment of the request:

#### ***Deciding request***

*(1) In deciding a request under section 383, the assessment manager must only have regard to—*

*(a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, parts 2 and 3; and*

*(b) the community's current awareness of the development approval; and*

*(c) whether, if the request were refused—*

*(i) further rights to make a submission may be available for a further development application; and*

*(ii) the likely extent to which those rights may be exercised; and*

*(d) the views of any concurrence agency for the approval given under section 385.*

Detail in regard to each matter raised within Section 388(1) is provided below:

***Consistency of the Approval with current laws and policies***

As previously discussed, the Development Permit for Reconfiguration of a Lot was issued following assessment against the Douglas Shire Planning Scheme (2006). Review of the Officers Report for the project, dated 15 May 2007, confirms that at that stage, the development was 'fully compliant' with relevant development codes.

2008 amendments to the Planning Scheme are unlikely to have largely altered the assessment, were it to be undertaken today. A major component of those amendments was the introduction of Sustainable Development codes / requirements. These matters would be assessed on receipt of an Application for Material Change of Use for individual lots created, generally, and therefore are submitted as being unlikely to affect the reconfiguration to which this request relates.

In addition, it is noted that contemporaneous with the lodgement of this Request for extension to relevant period, the developer has caused a Request to Change the existing approval to be lodged with Council and the State. This Request to change seeks to alter the approved plan for the project, to provide greater consistency with current requirements insofar as road alignment / width is concerned.

***Community Awareness of the Project***

Craiglie Business Park has been under development for over seven (7) years. Estate signage is in fact located on Beor Street, within Stage 2. Whilst sales in Stage 1 have slowed in recent years, it is anticipated that development of Stage 2 will proceed in coming years, responsive to market demand. Importantly, it is also noted that bulk earthworks for Stage 2 have been complete for some years now. Approval for the Operational Works on the project was issued in 2010, and modified in 2011.

***Submissions and Impact***

In the event Council refuses this Request, the developer may re-apply for approval. Any new application for Reconfiguration is 'code assessable', with no rights for community submission / input.

Therefore, extension of this Approval is unlikely to detrimentally impact community rights and certainly will not remove any potential right for Submission under current policies and requirements.

***Concurrence Agency Views***

At this stage, we are not aware of concurrence agency views for the project. However, we do not anticipate negative views at this stage.

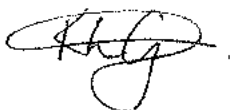
## Conclusion

To assist assessment of this Request, please find attached:

1. Cheque in the sum of \$3,511.11, payable to Douglas Shire Council being the relevant fee calculated in accordance with the Douglas Shire Council Schedule of Fees and Charges (current to 30 June 2015);
2. Copy Negotiated Decision Notice dated 13 August 2007 for Stage 2 Craiglie Business Park (DSC Ref: CA69);
3. Copy Decision Notice on Request to Change Conditions Issued by Cairns Regional Council on 13 January 2011 (CRC Ref: 8/30/126 (3032822)) confirming extension to the relevant period for the Intensive Animal Husbandry and Caretakers Residence Approval to 15 May 2015;
4. Screen shots taken from Cairns Regional Council's Development Application search portal, confirming lodgment of Operational Works Applications for this site on 5 November 2008 (signage), 13 January 2010 (bulk earthworks) and 5 February 2010 (earthworks including infrastructure);
5. Copy Amended Decision Notice for Operational Works in Stage 2 issued 17 January 2011 (incorrect date on notice) (CRC Ref: 8/10/46 (3034589)).

I look forward to receiving confirmation of Council and the State's extension to the relevant period as requested, and ask that if additional information is required to assist in your consideration of this request, please do not hesitate to contact me.

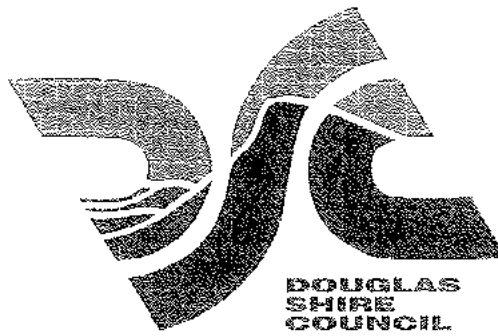
Kind regards,



**Kristy Gilvear**  
**Director**  
**Gilvear Planning Pty Ltd**

**Far North Queensland Office:**

**Email:** kristy@gilvearplanning.com.au  
**Telephone:** 0448 897 991  
**Postal:** PO Box 228  
BABINDA QLD 4861



ENQUIRIES:  
DEPARTMENT:  
EMAIL:

Mrs Natalie Clark – Planning Officer  
Planning Services Section - ☎ (07) 4099 9456  
planning@dsc.qld.gov.au

OUR REF:  
YOUR REF:  
**FLANAGAN**  
CONSULTING GROUP  
**RECEIVED**

CA 69

**14 AUG 2007**

ACTION

FILE	

13 August 2007

Flanagan Consulting Group  
PO Box 5820  
CAIRNS QLD 4870

## INTEGRATED PLANNING ACT DECISION NOTICE

### DEVELOPMENT APPLICATION

**Applicant's Name** : Waks Pty Ltd  
**Owner's Name** : Waks Pty Ltd  
**Proposal** : A. Reconfiguration of a Lot to create 19 Lots  
B. Preliminary Approval for a Material Change of Use to permit uses consistent with Industry (Service Industry)  
C. Development Permit for a Material Change of Use for the purpose of Intensive Animal Husbandry (Kennel/Cattery) and Caretaker's Residence  
**Application Number** : CA 69  
**Site Address** : Beor Street, Craiglie  
**Property Description** : Lot 83 on SR724, Parish of Salisbury, County of Solander

1. **Decision:** **Decision Date:** 7 August 2007

This negotiated decision notice replaces the decision notice dated 18 May 2007. Condition 38 has been amended. All other conditions remain unchanged.

Approved subject to Conditions

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

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902  
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

**2. Type of Development Approval:**

Material Change of Use  
Reconfiguration of a Lot  
Material Change of Use

Development Permit  
Development Permit  
Preliminary Approval

**3. Referral Agency:**

Department of Main Roads  
Peninsula District  
PO Box 6185  
CAIRNS QLD 4870

**4. Conditions**

**MATERIAL CHANGE OF USE (Intensive Animal Husbandry & Caretaker's Residence)**

**Plan of Development**

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Date
Overall Site Plan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout – Elevations, Sections, Images	SD 03	Sept 06

Except where such plans are modified by the terms of this approval.

**Currency Period**

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

**Landscaping**

3. The landscaping plan submitted with the proposed development referenced as:

Title	Plan No.	Date
Landscape Plan	SD 01	-

Has been approved, as part of this development, except where otherwise stated as a condition of this approval.

4. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

#### **Sewerage**

6. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
7. Animal faeces are to be collected on site and disposed of in the general refuse.
8. No animal faeces are to be placed into the sewer.

#### **Electricity and Telephone Services**

9. All electrical lines along the full frontages of the subject site (unnamed proposed cul-de-sac) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

#### **Stormwater**

10. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as unnamed road. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - b) Cause ponding of stormwater on adjoining properties.

#### **Carparking**

11. A carparking area with a minimum of sixteen (16) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

#### **Refuse**

12. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

#### **Compliance**

13. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer



security, associated with this approval will not be released until all conditions of approval are complied with.

### **Construction Requirements**

14. All construction works are to be carried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998.
15. Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.
16. All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a water tank.
17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.
18. All sites are to be provided with sediment control measures to prevent any run-off of mud, silt or sand to stormwater. (Further advice on sediment control can be obtained by contacting Council's Environmental Health Services Section for a free booklet).
19. The applicant is to provide an Acoustic Report prepared by an Acoustic Engineer that demonstrates that measures proposed to be installed on the kennel site will be adequate to mitigate potential noise nuisance as defined by the Environmental Protection Regulation 1998.

### **RECONFIGURING A LOT**

#### **Plan of Development**

20. The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No.	Date
Proposal Plan (Stage 2)	8294-10	21/9/06

Except where such plans are modified by the terms of this approval.

#### **Water Supply**

21. The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review.

This system must make provision for services to the boundaries of all lots, including main works, envelope pipes at cross street services and valve and hydrant markers and be

designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

22. The developer must provide a new water supply connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.
23. The developer is responsible for the external works to connect the site with Council's water supply at Beor Street.
24. The developer shall be required to provide a 20mm diameter water service to the boundary of each lot to be created, together with the lodgment with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the service at no cost to the said lot purchaser.

The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection

#### **Sewerage**

25. The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for approval.
26. The developer must provide a new sewerage connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.

#### **Electrical & Telephone Services**

27. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground electrical supply to each lot; and
  - (b) street lighting in accordance with Council's adopted standards.
  - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
28. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground telephone service to each lot; and
  - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

## **Stormwater Drainage**

29. The Developers are required to place pollution control devices in stormwater drains in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". The design and location of these devices must be submitted at Operational Works application stage.

## **Operational Works Development Permit**

30. The developer must submit as part of an application for a Development Permit for Operational Works information and plans in accordance with Section AP1 "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". Currency Period
31. 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**

32. The Plan of Survey with associated documents shall not be endorsed by Council until Conditions 20 to 38 have been complied with.

## **Road Works**

33. The developer must undertake the following works:

(a) Internal

Provision is to be made for the following works in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Access Roads.

i. Unnamed Roads

- Kerb and channelling along the full length of the frontage;
- Full width bitumen surface;
- Footpaths;
- Underground Drainage.

(b) External

Provision is to be made for the following works external to the site in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Collector Roads.

i. Beor Street

- Kerb and channelling along the full length of the frontage;
- Construction of road shoulders, to full width;
- Footpaths;
- Underground Drainage

The plans and specifications of the internal and external road works must be submitted to Council at Operational Works application stage for review.

34. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

#### **Environmental Management Plan**

35. The Developer is to submit with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 *"Reports and Information the Council may Request"*. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

#### **Water supply & Sewerage Headworks**

36. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions (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.

The current number of EDC's for the approved use are:

Water Supply	69
Sewerage	69

#### **Street Tree Planting**

37. The applicant is to undertake street tree planting in accordance with the requirements of the FNQ Development Manual.

#### **Contributions**

38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4 000m<sup>2</sup> to the Paws & Claws Organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.

With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated on the plan of development.

## **ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS**

### ***SCHEDULE A – GENERAL CONDITIONS***

- A1. The environmentally relevant activity must be constructed, operated and maintained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A2. The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase.
- A3. Contaminant must not be released to the environment other than in accordance with the development approval.
- A4. The holder of the development approval must install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- A5. A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.
- A6. The holder of the development approval must ensure that those persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- A7. Any record required to be kept as a condition of the development approval must be kept at the approved place and be available for examination by an authorised person.
- A8. Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request.

### ***SCHEDULE B – AIR DISCHARGE***

- B1. Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- B2. No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place.
- B3. No incineration or open burning is to be carried out on the approved place

### ***SCHEDULE C – WATER DISCHARGE***

- C1. Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- C2. Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

#### ***SCHEDULE D – STORMWATER MANAGEMENT***

- D1. Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D2. Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.
- D3. Any spillage of wastes, contaminants or other material must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D4. All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to the sewer via an approved silt trap.

#### ***SCHEDULE E – LAND APPLICATION***

- E1. The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.

#### ***SCHEDULE F – NOISE CONTROL***

- F1. Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- F2. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.

#### ***SCHEDULE G – WASTE MANAGEMENT***

- G1. Waste must not be released to the environment or disposed contrary to the condition of this development approval.

- G2. Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.
- G3. Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

#### ***SCHEDULE H – SELF MONITORING***

- H1. All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- Time and date of complaint;
  - Contact details of the complainant;
  - Response and investigation undertaken as a result of the complainant;
  - Name of person responsible for investigating complaint; and
  - Action taken as a result of the investigation of the complaint.
- H2. The complaints recorded required by condition H1 shall be maintained for a period of not less than 3 years.
- H3. As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the condition of this development approval, the holder of this development approval, to their operator on site must notify the administering authority of the release by telephone or facsimile.
- H4. The notification of emergencies or incidents as required by condition H3 must include but not limited to the following:
- The name of the holder of this development approval
  - The location of the emergency of the incident
  - The name and telephone number of the designated contact person
  - The time of release
  - The time the holder of the development approval became aware of the release
  - The suspected cause of the release
  - The environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
  - Actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

#### ***SCHEDULE I – DEFINITIONS***

- I1. For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- I2. In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that

term, the meaning conferred in the definitions schedule of this development approval must apply.

13. For the purpose of this development approval the following definitions apply:

“Act” means the Environmental Protection Act 1994

“Administering Authority” means the Douglas Shire Council or its successor

**Advice**

- Water connection and electricity transformer cubicles are located on alternate lot boundaries to ensure safety when requiring maintenance.
- In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres of the pool fence.
- No Advertising Device has been approved with this application. Any Advertising Device proposed will require an operational works application in accordance with the 2006 Douglas Shire Planning Scheme.

**5. Further Development Approvals Required:**

Operational Work  
Building Permit

Development Permit  
Development Permit



Paul Trotman  
**General Manager – Development & Environment**



## Appendix A – Concurrence Agency Response

**Queensland  
Government**

2 November 2006

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

<b>DOUGLAS SHIRE COUNCIL RECEIVED</b>	
FILE NAME	MCC Combined Reconfig
DOCUMENT NO.	- 6 NOV 2006
ATTENTION	LS
INFORMATION	

Department of Main Roads

Dear Mr Melchert

Douglas Shire : Captain Cook Highway (Cairns-Mossman)  
Situated at Beor Street, Craiglie  
Lot 83 on SR 724, Parish of Salisbury  
Waks Pty Ltd  
Proposed Material Change of Use (Service Industry Zone & Proposed Lot 37 - Intensive Animal Husbandry & Caretaker's Residence) & Reconfiguration of Lot (19 Allotments & New Ronds)  
Application  
Notification of Changed Conditions of Development (DMR as Concurrence Agency)

I refer to:

- the above application received at the Department 23 October 2005 requesting consideration of the above development,
- the Department's letter of conditions of development dated 27 October 2006, and
- written representation from the applicant's consultants received at the Department 2 November 2006 clarifying reference to a proposed adjoining park in condition 1 and requesting an amended wording of the condition.

The Department has reviewed the request and is able to amend condition 1.

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

### A. AMENDED CONDITIONS OF DEVELOPMENT

#### 1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Beor Street only, to the satisfaction of Douglas Shire Council. A vehicle barrier shall be constructed along the boundary between the proposed Lots 24, 27 and 28 and Teamsters Park and the boundary between the proposed Lots 28 and 29 and the proposed Lot 23 (park) to prevent alternative traffic access.

North Queensland Region  
Peninsula District  
PO Box 6185  
CAIRNS Queensland 4870  
ABN 67 836 727 711

Our ref 45/20/V102(2829.02A)  
Your ref CA 69  
Enquiries MALCOLM HARDY  
Telephone +61 7 4050 5511  
Facsimile +61 7 4050 5436

- (ii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.

**2. Development Staging**

The landowner/ applicant shall not lodge a plan of survey creating the first industrial allotment in "Craiglie Business Park Stage 2" to Council for signing and dating until after the conditioned Captain Cook Highway/ Beor Street intersection works attached to Council's negotiated decision notice CA 61 dated 14 September 2006 for "Craiglie Business Park Stage 1" are completed to the satisfaction of the Director General of the Department of Main Roads.

**3. Advertising**

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

**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.

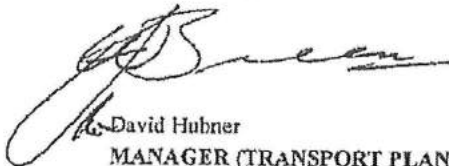
**B. GENERAL DISCUSSION**

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.

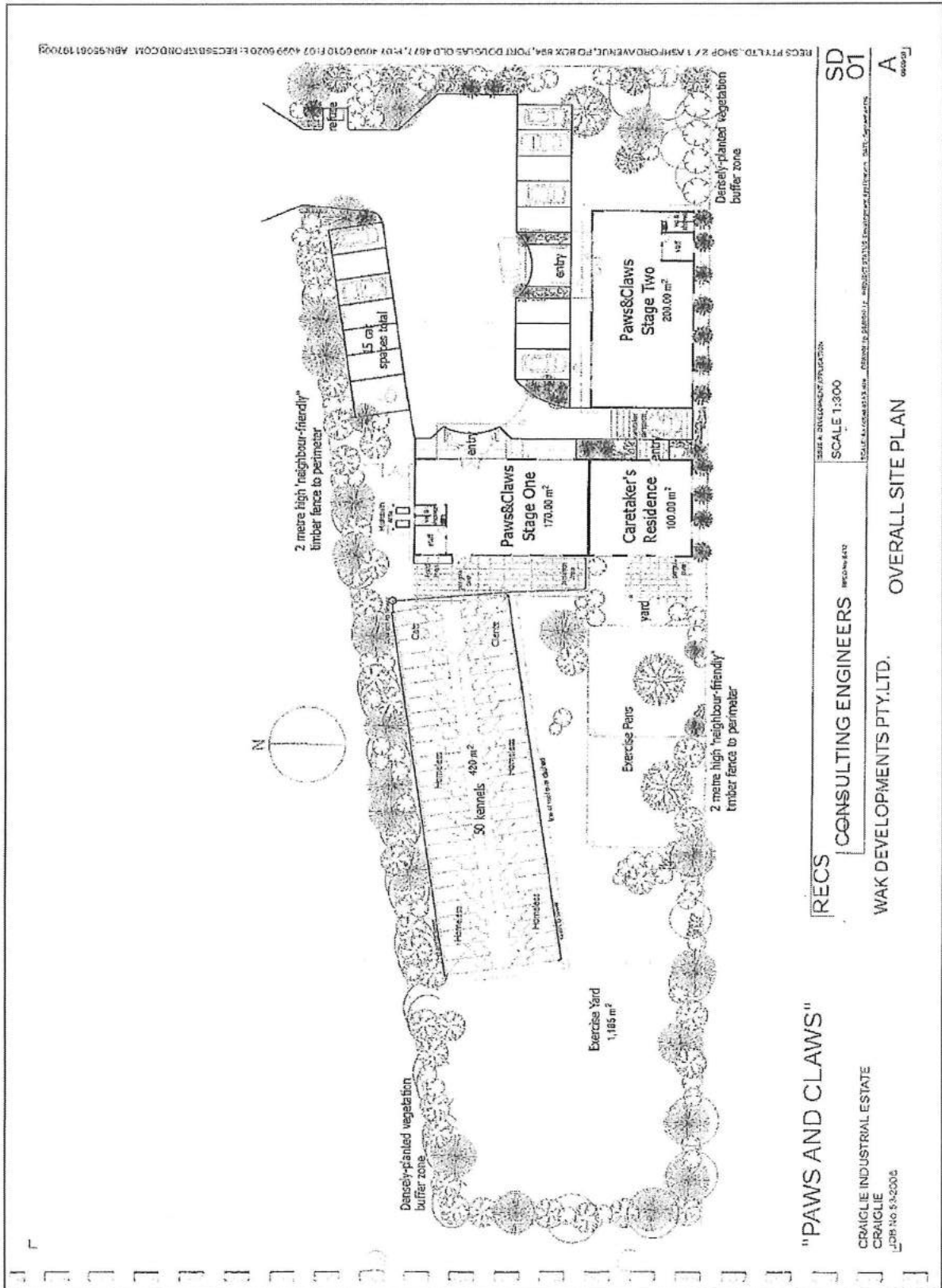
A copy of this letter has been sent to the applicant.

Yours sincerely

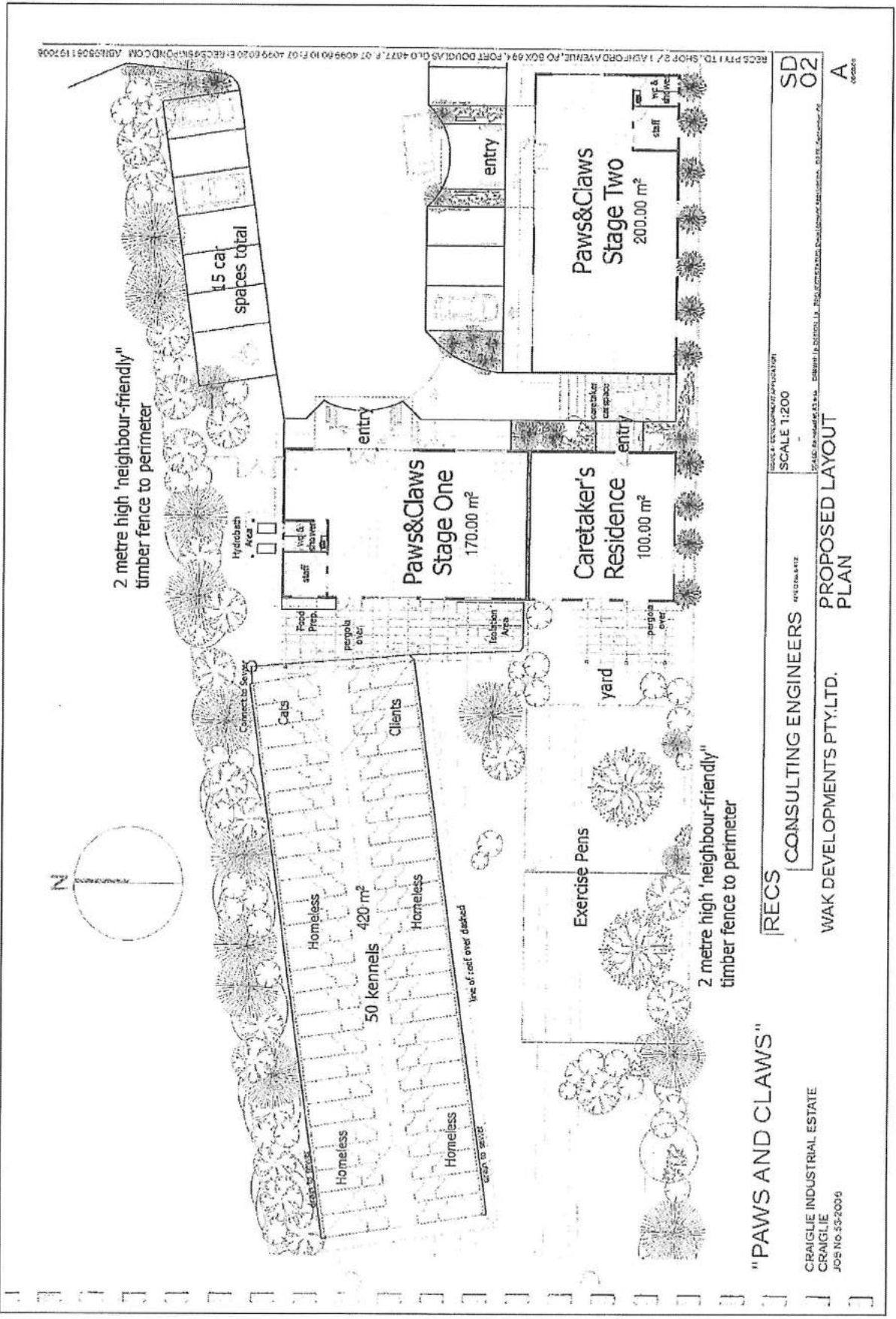


David Hubner  
MANAGER (TRANSPORT PLANNING) PENINSULA

# Appendix B – Plans of Development







REC'D PTY LTD, SHOP 2/1 ASHFORD AVENUE, PO BOX 89, PORT DOUGLAS QLD 4071, P 07 4099 60 10 F 07 4099 60 20 E REC'D PTY LTD, SHOP 2/1 ASHFORD AVENUE, PO BOX 89, PORT DOUGLAS QLD 4071, P 07 4099 60 10 F 07 4099 60 20 E REC'D PTY LTD, SHOP 2/1 ASHFORD AVENUE, PO BOX 89, PORT DOUGLAS QLD 4071, P 07 4099 60 10 F 07 4099 60 20 E

"PAWS AND CLAWS"

RECS CONSULTING ENGINEERS

CRAIGLIE INDUSTRIAL ESTATE  
CRAIGLIE  
JOB No. 33-2006

WAK DEVELOPMENTS PTY.LTD.

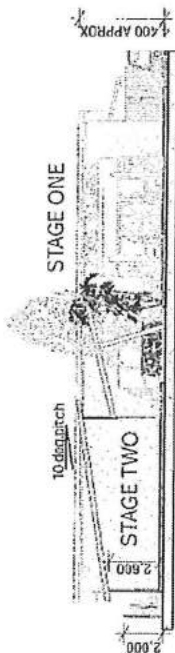
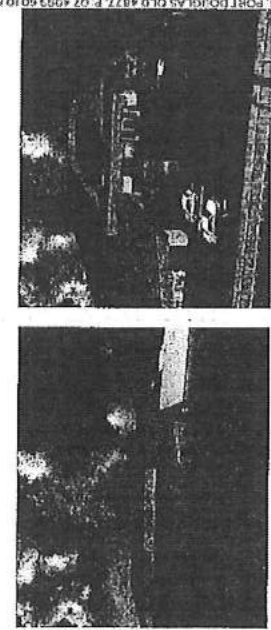
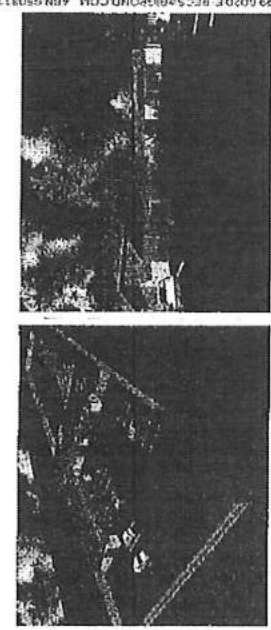
PROPOSED LAYOUT  
PLAN

SCALE 1:200

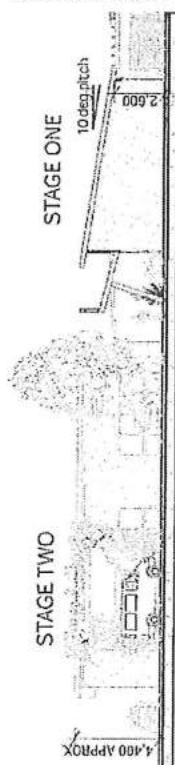
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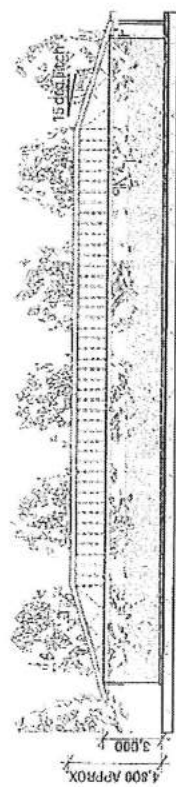
RECS PTY LTD, SHOP 2 / 1 ASHWOOD AVENUE, PO BOX 894, PORT DOUGLAS QLD 4871, P 07 4053 6010 F 07 4053 6020 E REC5466@POND.COM ABN5503119706



ELEVATION STAGE ONE  
SECTION STAGE TWO



ELEVATION STAGE TWO  
SECTION STAGE ONE



SECTION - KENNELS

"PAWS AND CLAWS"

CRAIGIE INDUSTRIAL ESTATE  
CRAIGIE  
JOB NO 33-40015

RECS

CONSULTING ENGINEERS

WAK DEVELOPMENTS PTY.LTD.

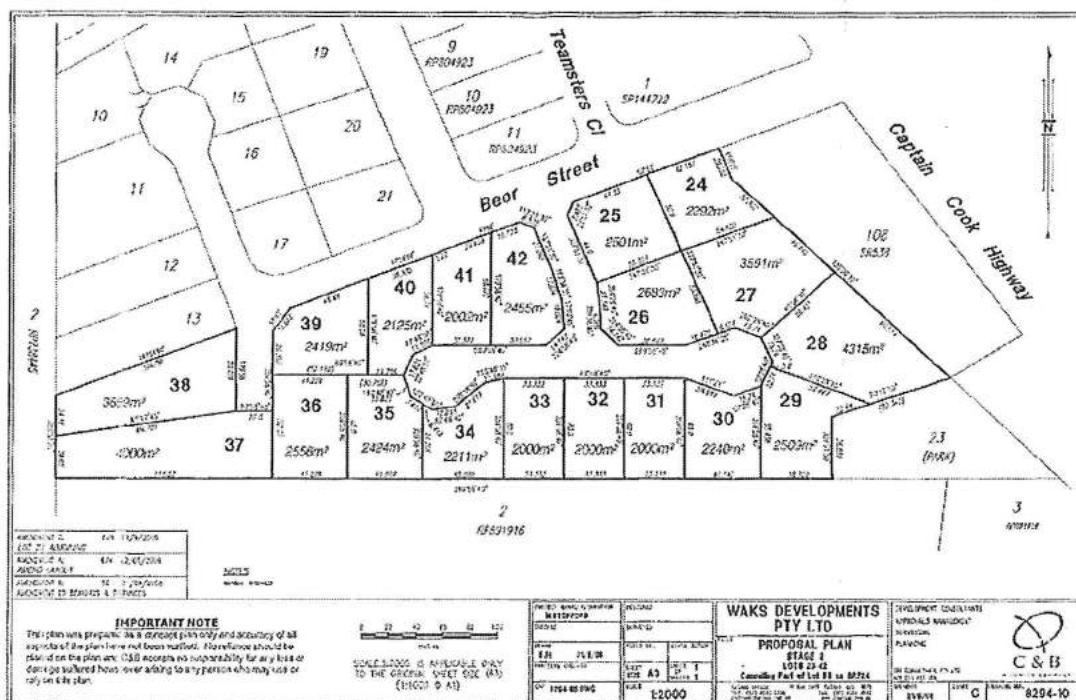
PROPOSED LAYOUT  
ELEVATIONS, SECTIONS, IMAGES

SCALE 1:200

SD  
03

A

### Plan of Reconfiguration



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*Division 8 – Appeals to court relating to development applications***Appeals by applicants**

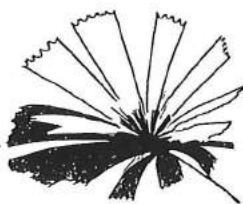
- 4.1.27. (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a currency period;
  - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.



***Division 10 – Making an appeal to court***

How appeals to the court are started

- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
  - (2) The notice of appeal must state the grounds of the appeal.
  - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
  - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).



**Cairns  
Regional  
COUNCIL**

**ENQUIRIES:** Claire Garner  
**PHONE:** (07) 4044 3081  
**FAX:** (07) 4044 3836  
**YOUR REF:** Beor  
**OUR REF:** 8/30/126 (3032822)

13 January 2011

WAKS Developments Pty Ltd  
C/-Gilvear Planning Pty Ltd  
PO Box 228  
**BABINDA QLD 4861**

Dear Sir/Madam.

**REQUEST TO CHANGE CONDITIONS OF EXISTING APPROVAL  
FOR DEVELOPMENT APPLICATION -  
BEOR STREET CRAIGLIE**

In accordance with Section 809 of the *Sustainable Planning Act 2009*, please be advised that the General Manager, Planning & Environment under Instrument of delegation has approved the request to change the existing approval subject to the following:

1. That Condition 2 be amended as follows:

**Currency Period**

This development approval lapses ~~four (4) years after the day that the development approval takes effect on 15 May 2015~~ unless extended under ~~Section 3.5.22 of the Integrated Planning Act 1997~~ 383 of the *Sustainable Planning Act 2009*.

2. That all other Conditions of Development Permit CA69 remain unchanged.

Should you have any enquires in relation to this Decision Notice, please contact Claire Garner of Council's Development Assessment Team on telephone number (07) 4044 3081.

Yours faithfully

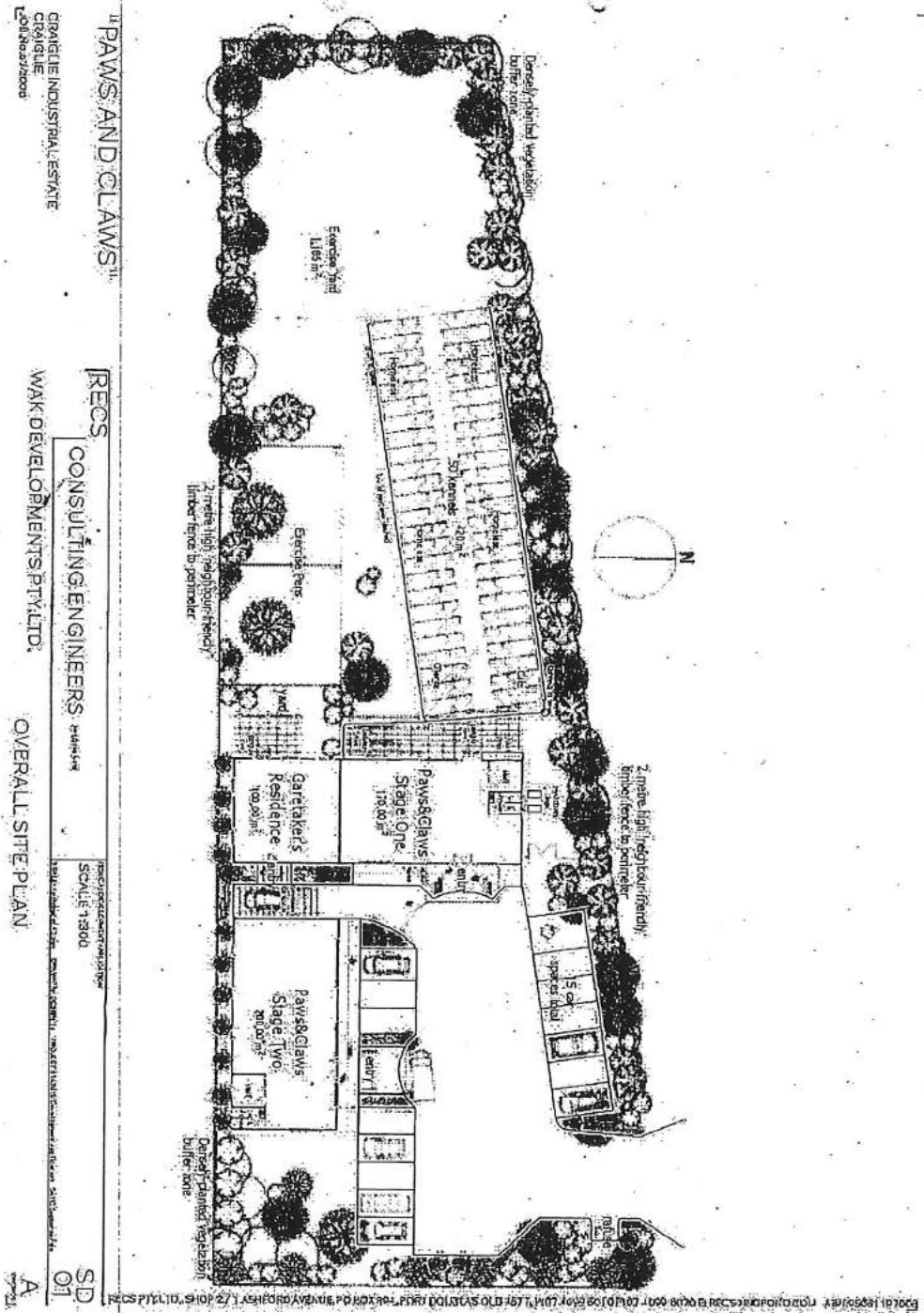
Kelly Reaston  
**Manager Development Assessment**

1/24

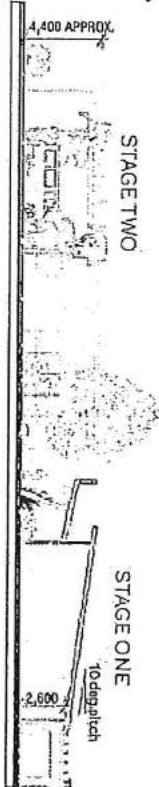
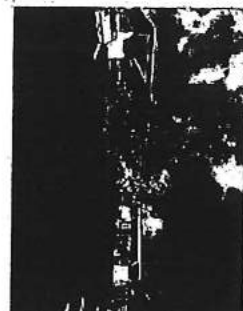
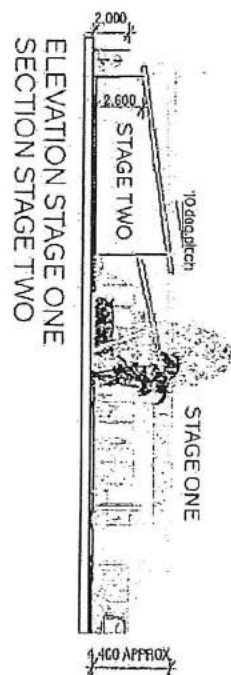
For all correspondence:  
✉ **PO Box 359 Cairns Q 4870**  
[www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)  
[council@cairns.qld.gov.au](mailto:council@cairns.qld.gov.au)

Council Chambers  
119-145 Spence Street, Cairns Q 4870  
P: 07 4044 3044 | F: 07 4044 3022

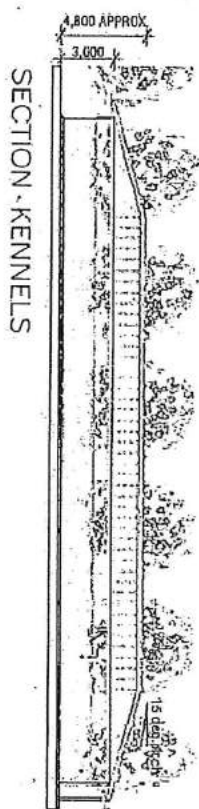
Mossman Administration Centre  
64-66 Front Street, Mossman Q 4873  
P: 07 4099 9444 | F: 07 4098 2902







ELEVATION STAGE TWO  
SECTION STAGE ONE



"PAWS AND CLAWS"

CRAIGIE INDUSTRIAL ESTATE  
CRAIGIE  
JOB NO. 53/2008

RECS

CONSULTING ENGINEERS

SCALE 1:200

PROPOSED LAYOUT  
ELEVATIONS, SECTIONS, IMAGES

WAK DEVELOPMENTS PTY.LTD.

SD  
03  
A  
DRAW

Acts and Subordinate Legislation - S

eservices.cairns.qld.gov.au/service/dal/enquiryDetails.do?index=2 - Cairns Regional Council

eservices: online payments

eservices: online payments

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Development Applications  
DA Enquiry  
Lodge Application via SmartEDA

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DA Enquiry

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Development Application Enquiry

Instructions

Below are the details of the DA.

15-45 Bear Street CRAIGGLE QLD 4877

Operational Works - Including Infrastructure Craigie Business Park Stage 2

Application No. 3939/2010

Date Lodged 05/02/2010

Cost of Work \$0.00

External References 811046

Liaison Officer Council Officer

Applicant WAKS Developments Pty Ltd

Applicant Address C/- RECS Pty Ltd PO Box 884 PORT DOUGLAS QLD 4877

Cairns Regional Council

Owner Waks Developments Pty Ltd

Application Information / Application Status And Status

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Current Page: dal-enquiry\_details



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DA Enquiry

Lodge Application via SmartEDA

Development Application Enquiry

Instructions

Below are the details of the DA.

Application Information

Property Details	15-15 Beer Street CROGL E QLD 4877
Description of Work	Operational Works - Bulk Earthworks (Craigie Business Park Stage 2)
Application No.	3609/2010
Date Lodged	13/01/2010
Cost of Work	\$0.00
External Reference	911046
Liaison Officer	Council Officer
Applicant	Waka Developments Pty Ltd
Applicant Address	Waka Developments Pty Ltd PO Box 864 PORT DOUGLAS QLD 4877
Owner	Cairns Regional Council
Owner	Waka Developments Pty Ltd

Application Information | Application Shows And Status |

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**MEMO TO ADMIN**

## DECISION NOTICE FOR OPERATIONAL WORKS

**DOCUMENT NUMBER** 3034589

FILE NUMBER 8/10/46

DATE POSTED

**PLEASE PUT IN FOLDER WITH PLANNING DECISION NOTICES –  
THANK YOU**

**ENQUIRIES:** Lachlan Rankine  
**PHONE:** (07) 4044 3253  
**FAX:** (07) 4044 3836  
**YOUR REF:** 050210  
**OUR REF:** 8/10/46 (#3034589)

17 January 2010

WAKS Developments Pty Ltd  
C/- RECS Pty Ltd  
PO Box 894  
**PORT DOUGLAS QLD 4877**

Dear Sir/Madam

**AMENDED DECISION NOTICE FOR OPERATIONAL WORKS**  
**CRAIGLIE BUSINESS PARK – STAGE 2**  
**BEOR STREET CRAIGLIE**

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 L J Rankine on telephone number (07) 4044 3253, giving at least 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.
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 L J Rankine of Council's Development Engineering team on telephone (07) 4044 3253.

Yours faithfully

Kelly Reaston

**Manager Development Assessment**

**Att.**

Copy: Garry Campbell – Council Inspector (plans)  
Kayla Bury – Administration Officer (Water & Waste)  
Richard Bellerio – GIS Support Officer (City Assessment)  
District Maintenance Co-ordinator Far North – Peter Clarke

**ENQUIRIES:** L J Rankine  
**PHONE:** (07) 4044 3253  
**FAX:** (07) 4044 3836  
**YOUR REF:** 050210  
**OUR REF:** 8/10/46 (#3034589)

17 January 2010

**AMENDED DECISION NOTICE FOR OPERATIONAL WORKS**  
**CRAIGLIE BUSINESS PARK – STAGE 2**  
**BEOR STREET CRAIGLIE**

**PROPOSAL:**

Operational Works (Engineering) excluding Landscape and Lighting Works

**TYPE OF DEVELOPMENT:**

Operational Work

**REAL PROPERTY DESCRIPTION:**

Lot 100 on SP204464

**REFERRAL AGENCY CONDITIONS:**

None applicable

**FURTHER DEVELOPMENT PERMITS OR APPROVALS REQUIRED:**

None applicable

(List of Agencies)

**DECISION DATE:**

17 January 2010

**DECISION:**

Approved subject to conditions

**TYPE OF APPROVAL:**

Development Permit

## **ASSESSMENT MANAGER CONDITIONS – STANDARD:**

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

## **ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:**

### **1. General**

- a. ~~The acoustic report required by the Douglas Shire Council Decision Notice CA-69, is to be submitted prior to construction works commencing on site.~~

### **2. Stormwater**

- a. All stormwater flow augmentation must be done in accordance with the RECS Stormwater Study, submitted 1 September 2009 and submitted design plans. Any works undertaken must not cause any worsening effects to downstream property owners, both during construction and in ultimate form.

### **3. Sewer**

Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.

- a. Provide a copy of the Craiglie Business Park Sewerage Master Plan. Confirm that the pump in the sewerage lift station downstream of the development is sufficiently sized to take additional flow from Stage 2.
- b. Drops through manholes must comply with the FNQROC Development Manual. For example, drop on Sewer Line 9 through manhole 9/3 shall be 50mm. ***In addition, the downstream invert level of the existing manhole C1/1 must be provided to allow calculation of the manhole drop at the intersection of Line 9 and the existing line.***
- c. Replace manhole 10/2 with an end of line less than 1.5m deep.
- d. Amend Drawing C24 to show correct manhole numbers.
- e. Provide on Drawings the sewer pipe material type and class.
- f. For all sewers greater than 3m deep, the width of easement over the sewer must be calculated based on the angle of repose. Council will require additional inspection points in the Inspection and Test Plan for these sewers.
- g. Easements over all sewers within the site shall be provided in favour of Council and registered prior to the signing and sealing of the Survey Plan.
- h. All property connection branches must be extended at least 1m from the sewer easement boundary.

- i. The Inspection and Test Plan 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.
- j. 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 sewerage submission is to include the "Statement of Compliance – As-constructed Documentation" and must be the final issue.
- k. The applicant must carry out CCTV inspections of all existing sewers within the site prior to commencement of construction and after project completion and of all constructed sewers within the site after project completion. The Consultant is to assess the CCTV footage and prepare a report on the condition of all sewers within the site prior to and after construction. The report shall be submitted and approved by Water and Waste prior to issue of Works Acceptance. Rectification to sub-standard sewers or damaged sewers shall be carried out to the satisfaction of Council.

#### **4. Water**

Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.

- a. Where the water main crosses the stormwater line 8/B - 9/B it shall be laid above the stormwater pipe. The section of water main with reduced cover shall be DICL and encased in concrete for its full length. Consideration should be given to providing two smaller stormwater pipes or box culvert in lieu of the 1200mm dia stormwater pipe. Provide an amended detail of the water main where it crosses the stormwater.
- b. 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 500mm with the sewer under the water main. For all instances where services cross water mains the clearance must be shown on the long-section drawings.
- c. The submitted water hydraulics report has been based on the assumption that all of the augmentations identified for the year 2008 in the Division 10 Water Supply Planning Report have been implemented by Council. This is not the case. A revised water hydraulics report must be submitted and approved prior to the pre-start meeting which includes the following:
  - i. An additional scenario of "no augmentations" which determines the impact of the development on the existing system and identifies which of the 2008 augmentations may need to be implemented to adequately service the proposed development.

- ii. An assessment of the internal water supply network to service the development i.e. water model results which show internal network pipe sizing based on the current water reticulation layout.
- d. The Inspection and Test Plan 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.
- e. As-constructed water submissions are to include the "Statement of Compliance – As-constructed Documentation" and must be the final issue. The as-constructed drawing must be approved prior to Issue of a Works Acceptance Certificate.
- f. ***Provide a valve on the 100dia. line at the intersection of Road D and Beor Street in front of Lot 38 and Lot 13.***
- g. ***Clearances between water services and stormwater drainage must be specified on the stormwater long section drawings.***

## **6. Roads and Paths**

- ~~a. Reserve widths are to be amended to reflect current standards set forth in the FNQROC development Manual (Version 01/09).~~
- b. Details of the proposed timber walkway are to be submitted to council for approval prior to construction.

## **7. Lighting**

- a. Design to be submitted to Council for agreement.

## **9. Parks and Landscaping**

- a. Design to be submitted to Council for approval.

## **Vegetation**

### **Advice Statement**

"The regrowth vegetation code clearing notification form should be forwarded to DERM prior to the clearing of any vegetation mapped as important regrowth under the VMA." "Any clearing of important regrowth vegetation should be in accordance with the Regrowth Vegetation Code."

Copies of the regrowth maps can be found at [www.derm.qld.gov.au](http://www.derm.qld.gov.au) or you can contact Environmental Officers of the Development Assessment Team.

## APPROVED PLANS AND SPECIFICATIONS:

Generally in accordance with the following drawings submitted by RECS Pty Ltd subject to any alterations made by conditions of Development Permit for Operational Work 8/10/46.

Drawing Description	No.	Rev.
Bulk Earthworks Set out – Sheet 1 of 2	8-2007-C01	D
Bulk Earthworks Set out – Sheet 2 of 2	8-2007-C02	D
General Arrangement	8-2007-C05	A
Type Cross Section and Details	8-2007-C06	A
Roadworks and Drainage Set out Plan – Sheet 1 of 2	8-2007-C07	B
Roadworks and Drainage Set out Plan – Sheet 2 of 2	8-2007-C08	A
Road Set out & Miscellaneous Details	8-2007-C09	A
Road A Long Section & Intersection Details	8-2007-C10	A
Road B Long Section & Cul-de-Sac Details	8-2007-C11	A
Road C Long Section & Cul-de-Sac Details	8-2007-C12	A
Road D Long Section & Intersection Details	8-2007-C13	A
Road A Cross Sections – Sheet 1 of 2	8-2007-C14	A
Road A Cross Sections – Sheet 2 of 2	8-2007-C15	A
Road B Cross Sections	8-2007-C16	A
Road C Cross Sections	8-2007-C17	A
Road D Cross Sections	8-2007-C18	A
Stormwater Long Sections – Sheet 1 of 2	8-2007-C19	B
Stormwater Long Sections – Sheet 2 of 2	8-2007-C20	A
Overland Flow Path Details – Sheet 1 of 2	8-2007-C21	A
Overland Flow Path Details – Sheet 2 of 2	8-2007-C22	A
Drainage Details	8-2007-C23	A
Sewer Reticulation Plan – Sheet 1 of 2	8-2007-C24	A
Sewer Reticulation Plan – Sheet 2 of 2	8-2007-C25	B
Sewerage Long Sections	8-2007-C26	B
Water Reticulation Plan	8-2007-C27	B

## EROSION AND SEDIMENT CONTROL DRAWINGS

The following drawings must form the basis of the Contractors Erosion and Sediment Control Plan (ESCP) in accordance with FNQROC Development Manual, Clause CP1.06.

Drawing Description	No.	Rev.
Erosion & Sediment Control Strategy	8-2007-C03	B
Erosion & Sediment Control Details	8-2007-C04	A

For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://www.dip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)

## RIGHTS OF APPEAL

Attached



---

## **End of Decision Notice**

**Att.**    Appeal Rights  
          Pre-Start Meeting Template  
          Standard Conditions, Appendix A  
          Referral Agency conditions – Appendix B

## **APPENDIX A**

### **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 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.

#### **Timing of Effect**

6. 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**

7. Easement documents are to be submitted to Council's Solicitors for checking in accordance with the conditions of the Reconfiguration Development Permit. In this instance, Council's Solicitor will be MacDonnells Solicitors.

#### **Portable Long Service Leave Notification**

8. 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**

9. Lodgement of Construction Security Bond as per the FNQROC Development Manual, Section CP1.07, (i.e., 5% 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**

10. 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**

11. 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 CP1.08 and Section CP1.09, of FNQROC Development Manual.

### **Construction Monitoring Fee**

12. Payment of the Construction Monitoring Fee is required prior to work commencing. This figure is based on a \$1,195 base fee, plus \$131/lot.

### **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. 7.00am to 6.00pm, Monday to Friday;
  - b. 7.00am to 1.00pm Saturdays;
  - 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 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 contractors 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 No. (07) 4044 3509 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 Contractors ESC Plan, derived from the Engineers ESC Strategy (As per FNQROC CP1 Appendix A).
  - d. It is the Contractors 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. Street lighting must be in accordance with Section D8 of FNQROC Development Manual and the latest version 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 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 820mm 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 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 FNQROC 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 D9.07.6 'Alignment and placement of Street Trees'. Trees shall be positioned a minimum of:
  - a. 7.5m from streetlights;
  - b. 2.0m from the inlet or outlet of stormwater pipes;
  - c. 3.0m from any driveways;
  - d. 10.0m back from the apex of both boundaries of a corner Lot;
  - e. 0.8m – 1.0m 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 drawing S4210 and S8.14, at a radius of 0.5m 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 1.5m – 2.0m 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 6.0m 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 40mm, 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 Cairns Water Network. An Application for a Water Service Connection must be presented to Cairns 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 900mm 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 FNQROC Development Manual, and must comply with the following:
  - a. Cairns Regional 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 Cairns Regional Council either in writing, by telephone (07) 4044 8235, facsimile (07) 4044 8290 or email to [cairnswater@cairns.qld.gov.au](mailto:cairnswater@cairns.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 Cairns Regional 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 Cairns Water & Waste, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.

## **Sewer**

Cairns 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 Cairns 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 Cairns Regional 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 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 1000mm 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 1.5m 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 0.8m standard alignment then the flat area must be on at least three sides.
- f. Where an easement is required the property connection branch must be extended at least 1m from the easement boundary.
- g. House drains are to extend 1.0m past the end of the driveway on hatchet blocks and 1.5m beyond the top of batters. An I.O. is to be provided at the downstream end of the house drain within 1m 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**

Cairns Regional 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 Cairns Regional Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Cairns Regional 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 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 500mm 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**

- 34. 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**

- 35. The Aboriginal Cultural Heritage Act 2003 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 & Resource Management (DERM) and can be downloaded from their website at [www.derm.qld.gov.au](http://www.derm.qld.gov.au). The work identified in the project documentation is likely to require assessment of the site under the Act.



# Appendix B – Referral Agency conditions – DTMR

## Conditions of Development and Statement of Reasons

Council Ref: 8/10/46 Date: 2 March 2010  
 State-controlled road: Captain Cook Highway  
 Proposal: Operational Works (Craiglie Business Park Stage 2)  
 Real property description: Lot 100 on SP 204464, Parish of Salisbury  
 Site locality: Bear Street, Craiglie  
 Applicant: Waks Developments Pty Ltd

Conditions of Development	Reasons	Condition Basis
<b>Stormwater &amp; Drainage</b> 1. Any filling, paving, landscaping, construction or any other modification to the Subject Land must not: (i) Create any new discharge points for stormwater runoff from the Subject Land onto the state-controlled road; (ii) Create any new discharge points for stormwater runoff from the state-controlled road onto the Subject Land; (iii) Lead to an increase in the volume, duration or frequency of stormwater discharges into the state-controlled road; (iv) Interfere with the existing stormwater drainage on the state-controlled road; (v) Surcharge any existing culvert or drain on the state-controlled road.	Changing the location, level or flow of water runoff to, across or along the state-controlled road can adversely impact the road in terms of safety, efficiency and planning.	s. 33 of the <i>Transport Infrastructure Act 1994</i> (Qld)
<b>Advertising</b> 2. No advertising device for the proposed development is permitted within the state-controlled road reserve (Captain Cook Highway).	Advertising devices may obscure signage and distract motorists.	s. 50 <i>Transport Infrastructure Act 1994</i> (Qld)