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

29 April 2019

Enquiries: Da

Daniel Lamond

Our Ref:

MCUC3038/2019 (898689)

Your Ref: 20190781

N D Verri

C/- Patrick Clifton, GMA Certification

PO Box 831

PORT DOUGLAS QLD 4877

Dear Sir/Madam

Development Application for Material Change of Use (Dual Occupancy) 58 Mudlo Street, Port Douglas Land Described as LOT: 11 on PTD: 20933

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

Please quote Council's application number: MCUC3038/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9456

Yours faithfully

PAUL HOYE Manager Environment and Planning

encl.

- Decision Notice
- Approved Plans
- Infrastructure Charges

DECISION NOTICE

APPROVAL (WITH CONDITIONS)

(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)

Thank your for your development application detailed below which was properly made on 19 March 2019. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Nathan Verri Pty Ltd

Postal Address: C/- Patrick Clifton, GMA Certification group Pty Ltd

PO Box 831

PORT DOUGLAS QLD 4877

2. Location details

Street Address: 58 Mudlo Street PORT DOUGLAS

Real Property Description: LOT: 11 TYP: PTD: 20933

Local Government Area: Douglas Shire Council

3. Details of proposed development

Material Change of Use (Dual Occupancy)

4. Decision

Date of decision: 18 April 2019

Decision details: Development Permit

5. Proposal plans

Copies of the following plans, specifications and/or drawings are enclosed.

| Drawing/report title | Prepared by | Date | Reference no. | Version/issue | |
|--|--------------|------------------|----------------------------------|----------------|--|
| Aspect of development: Material change of Use (Dual Occupancy) | | | | | |
| Site Plan, General Notes & Legend | Nathan Verri | 18 April 2019 | Fowler Residence, Sheet 01 | None nominated | |
| Floor Plans | Nathan Verri | 18 April | Fowler | None nominated | |

| | | 2019 | Residence, Sheet 02 | |
|---------------------------|--------------|------------------|----------------------------------|----------------|
| Elevations & Perspectives | Nathan Verri | 18 April 2019 | Fowler Residence, Sheet 03 | None nominated |

6. Conditions

This preliminary approval is subject to the conditions in Schedule 1.

7. Further development permits

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

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act* 2016.

10. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 - CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Air-conditioning Screens

3. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Damage to Council Infrastructure

4. In the event that any part of Council's existing sewer/water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.

Water Supply

5. Provide subsidiary water meters for the individual dwelling units.

Vehicle Parking

6. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

Demolish Structures and Services

7. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land. The sewer jump-up must be capped to ensure no egress of contaminants during the demolition and construction period.

Stockpiling and Transportation of Fill Material

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

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

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

Emissions

9. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

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

Lawful Point of Discharge

11. All stormwater from the property must be directed to a lawful point of discharge being Mudlo Street, such that it does not adversely affect surrounding properties or properties downstream from the development.

Ponding and/or Concentration of Stormwater

12. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Minimum Fill and Floor Levels

13. All habitable floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Construction Signage

- 14. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
 - a. Developer;
 - b Project Coordinator;
 - b. Architect/Building Designer;
 - c. Builder;

- d. Civil Engineer;
- e. Civil Contractor:
- g. Landscape Architect.

Landscaping Plan

- **15.** The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas;
 - b Species list in accordance with Planning scheme Policy SC6.7;
 - c. Planting at the side boundaries at the sites frontage and planting between the two access driveways;

One (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

External Works

16. Provide a two (2) metre wide footpath for the length of the properties frontage prior to commencement of use. The design must be in accordance with the FNQROC Development Manual.

PART 1B - ADVICE NOTES

- 1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
- 2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
- 3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

PART 1C - REASONS FOR DECISION

- 1. Sections 60 and 63 of the *Planning Act 2016*:
 - a. the proposed development satisfies the benchmarks and intent of the 2018 Douglas Shire Planning Scheme version 1.0
 - d. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:

- a. the development application was properly lodged to the Douglas Shire Council on 19 March 2019 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules:
- b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.
- c. Regard was given to the streetscape, amenity of the area and the context of the site.
- 3. Evidence or other material on which findings were based:
 - a. the development triggered code assessable development under the Assessment Table associated with the tourist accommodation zone code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. A development permit can be issued based on the revision of proposal plans received by Council on 18 April 2019.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to-
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note — See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The service period is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
- (ii) the Plumbing and Drainage Act, part 4 or 5; or
- (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
- (i) a decision to give an infrastructure charges notice; or
- (j) the refusal, or deemed refusal, of a conversion application; or
- (k) a matter that, under another Act, may be appealed to the tribunal; or
- a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - a development approval for which the development application required impact assessment;
 and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

An appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|-----------------------|------------------------|---|--|
| The applicant | The assessment manager | If the appeal is about a concurrence agency's | A concurrence agency that is not a co-respondent |
| | | referral response—the concurrence agency | 2 If a chosen assessment manager is the respondent—the prescribed assessment manager |
| | | | Any eligible advice agency for the application |
| | | | 4 Any eligible submitter for the application |

Table 2 Appeals to the P&E Court only

2. Eligible submitter appeals

An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—

- (a) any part of the development application for the development approval that required impact assessment; or
- (b) a variation request.

| Column 1 | Column 2 | Column 3 | Column 4 Co-respondent by election (if any) |
|--|---|--|--|
| Appellant | Respondent | Co-respondent (if any) | |
| For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application | For a development application—the assessment manager For a change application—the responsible entity | The applicant If the appeal is about a concurrence agency's referral response—the concurrence agency | Another eligible submitter for the application |

3. Eligible submitter and eligible advice agency appeals

An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or the change application, for the development approval, that required impact assessment; or

(b) a variation request.

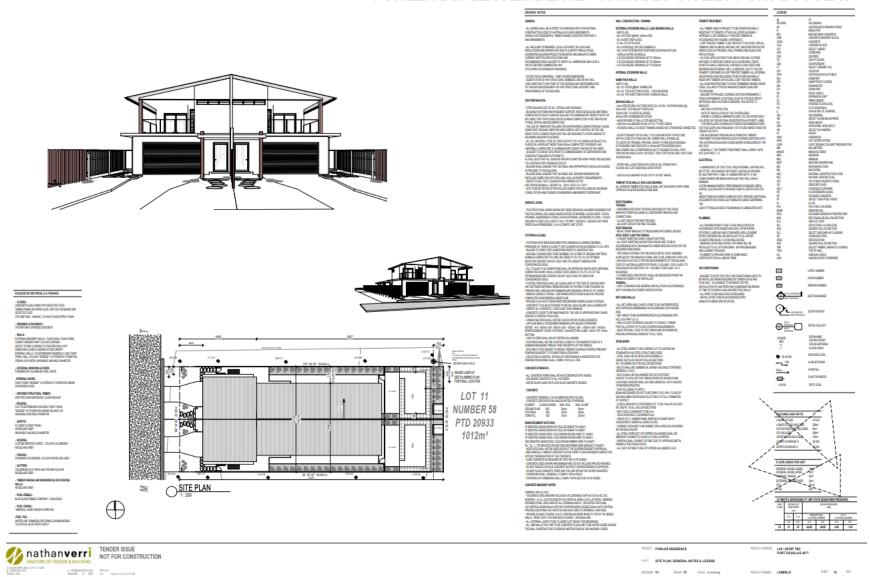
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|--|---|--|--|
| For a development application—an eligible submitter for the development application For a change application—an eligible submitter for the change application | 1 For a development application—the assessment manager 2 For a change application—the responsible entity | The applicant If the appeal is about a concurrence agency's referral response—the concurrence agency | Another eligible submitter for the application |
| 3 An eligible advice agency for the development application or change application | | | |

Note:

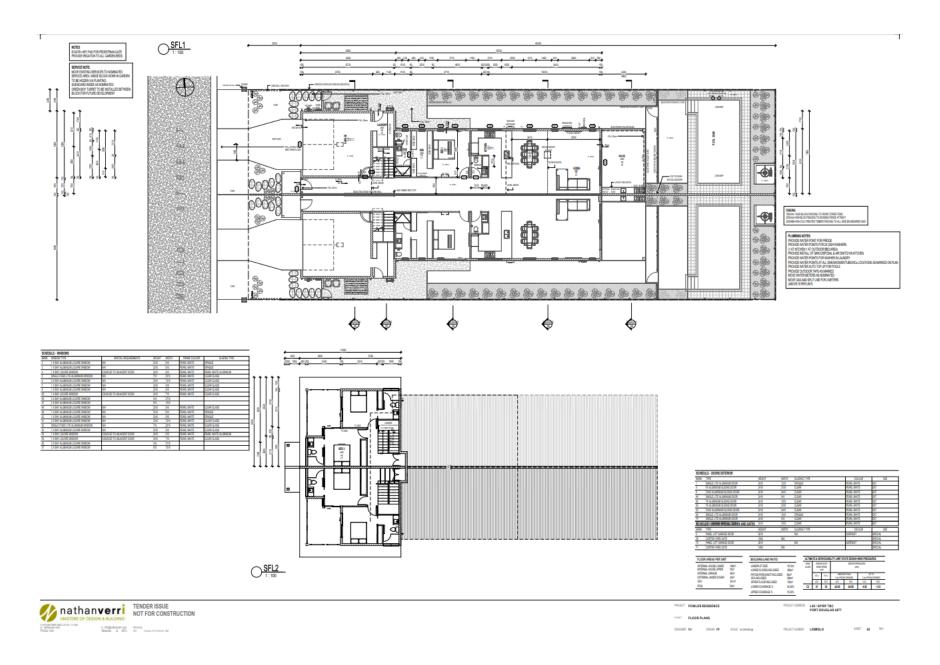
Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waiver the 20 day appeal period available under the *Planning Act 2016*

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)

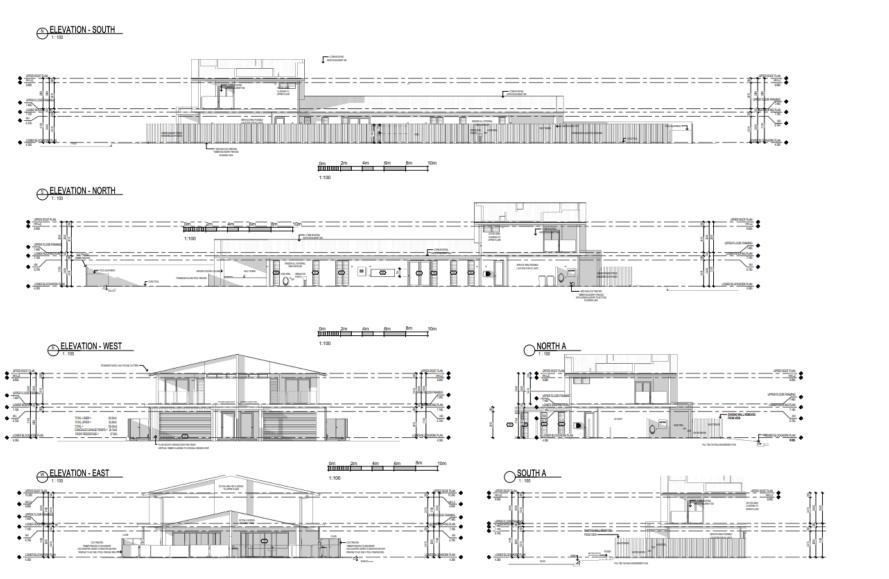
FOWLER DUPLEX RESIDENCE - 58 MUDLO STREET PORT DOUGLAS



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

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

29 April 2019

Enquiries: Our Ref: Daniel Lamond

MCUC3038/2019 (898689)

Nathan Verri Pty Ltd

C/- Patrick Clifton, GMA Certification Group Pty Ltd

PO Box 831

PORT DOUGLAS QLD 4877

Dear Sir/Madam

Infrastructure Charges Notice Material Change of Use (Dual Occupancy) 58 Mudlo Street, Port Douglas Land Described as Lot 11 on PTD20933

Please find attached the infrastructure charges applied under Council's Local Government Infrastructure Plan (LGIP) for the provision of trunk infrastructure, amounting to \$15,718.

Please quote Council's application number: MCUC3038/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully

PAUL HOYE Manager Environment and Planning

encl.

• Infrastructure Charges Notice

| DOUGLAS | 2008 Douglas Shire Planning Schemes Applications | | | | | |
|--|--|--------------------------|------------------------|--|--|--|
| ADOPTED INFRASTRUCTURE CHARGES NOTICE | | | | | | |
| Nathan Verri Pty Ltd C/- GMA Certification Pty Ltd | | 0 | 0 | | | |
| DEVELOPERS NAME 58 Mudio Street | Port Douglas | ESTATE NAME L11 PTD20933 | STAGE 1996 | | | |
| STREET No. & NAME | SUBURB | LOT & RP No.s | PARCEL No. | | | |
| Dual Occupancy | | MCUC 3038/2019 | 6 | | | |
| DEVELOPMENT TYPE | | COUNCIL FILE NO. | VALIDITY PERIOD (year) | | | |
| 900067 | 1 | | | | | |
| DSC Reference Doc . No. | VERSION No. | | | | | |

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

| | | Charge per Use | rate | Floor area/No. | Amount | Amount Paid | Receipt Code & GL Code |
|---------------------|----------------------------|-------------------|-----------|-------------------|-------------|-------------|--------------------------------|
| Locality Mossman | | | | | | | |
| Wosman | 1 | | | | | | |
| Proposed Demand | | | | | | | |
| Dual Occupancy | 1 | 1 | 15,718.00 | 0 | 15,718.00 | | |
| | Total Demand | | | | 15,718.00 | | |
| Existing Credit | | | | | | | |
| House | 1 | 1 | 19,491.00 | 0 | 19,491.00 | | |
| | | | | | | | |
| | | | | | | | Code 895 GL 07500.0135.0825 |
| | | | | | | | |
| | | | | | | | |
| | Required Payment or Credit | | TOTAL | | \$15,718.00 | | |
| | | | | | | | |
| Prepared by | D Lan | nond | | | 29-Apr-19 | Amount Paid | N/A |
| Checked by | N B | eck | | | 29-Apr-19 | Date Paid | N/A |
| Date Payable | | | | | | | |
| | | | | | | Receipt No. | N/A |
| Amendments | | | | | Date | | |
| | | | | | | Cashier | N/A |
| | | | | | | | |
| | | | | | | | |
| | | | | | 1 | | |

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Ordinary Meeting held on 5 June 2018.

Charge rates under the current Policy are not currently subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au