

YOUR REF: 9325/DF/NAT/L65557
OUR REF: 412581

24 January 2014

Mr Paul Van Tilburg
PO Box 791
MOSSMAN QLD 4873

Dear Sir

**AMENDED NEGOTIATED DECISION NOTICE UNDER S 375 AND S376
SUSTAINABLE PLANNING ACT 2009: DEVELOPMENT APPROVAL
18 OWEN STREET, MOSSMAN**

With reference to the abovementioned request please find attached the relevant Amended Negotiated Decision Notice which was determined under Instrument of Delegation on 16 January 2014.

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

Should you have any enquiries in relation to this Amended Negotiated Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment team on telephone number (07) 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Paul W Van Tilburg
PO Box 791
MOSSMAN QLD 4873

ADDRESS

18 Owen Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 22 on RP706256

PROPOSAL

Request for an Amended Negotiated Decision

DECISION

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

DECISION DATE

This Amended Negotiated Decision Notice dated 24 January 2014 and determined under Instrument of Delegation on 16 January 2014 replaces the Negotiated Decision Notice dated 28 October 2011.

TYPE

Combined Application (Reconfiguration and Material Change of Use)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works
Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Reconfiguration of a Lot generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	CONICS Drawing 9325-1, Issue to be determined	To be determined
Plan View generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Proposed Units Broadacre Dev. P/L, Clarkeville Designs Drawing to be determined	To be determined
Plan View & Elevation generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Proposed Units Broadacre Dev. P/L, Clarkeville Designs to be determined	To be determined
Landscape Plan generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Hortulus Job BRO D6, Drawing LP_01, Issue to be determined	To be determined

ASSESSMENT MANAGER CONDITIONS

RECONFIGURING A LOT COMPONENT (Conditions 1 to 19 inclusive)

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 approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Amended Layout

3. The layout must be amended, to the satisfaction of the Chief Executive Officer, to include the following requirements:
 - a. Inclusion of an access easement over the driveway giving benefit to the front lot to enable vehicle access;

OR

Provision of a vehicle crossing, driveway and hard stand parking space to Proposed Lot 1 that does not interfere with the either the existing power pole or stormwater drain; and

- b. Include all dimension on the plans.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Infrastructure Charges

4. A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Water and Sewerage

5. The applicant/owner must undertake the following water supply and sewerage works internal and external to the subject land, in particular:
 - a. Each allotment must be serviced by a single internal water service and sewer Property Connection Branch (PCB);
 - b. Construct a sewer extension to service proposed Lot 1. The existing house drain must be decommissioned;
 - c. Extend water mains such that each allotment can be provided with a water service connection at the lot frontage;
 - d. Finished surface levels are to be such that each PCB is capable of controlling the whole of each allotment;
 - e. Where sewers are located on non-standard alignment easements must be provided in favour of Council in accordance with the *FNQROC Development Manual*.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Act 2000*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to approval and dating of the Plan of Survey.

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

External Works

7. Undertake the following works external to the subject land at no cost to Council:
 - a. Provision of a two (2) metre wide concrete footpath to the Owen Street frontage in accordance with *FNQROC Standard Drawing S1035A*;
 - b. Provision of a concrete crossover(s) and apron(s) for each lot where necessary as required by Condition 3 above;
 - c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines that may occur during and works carried out in association with the constructions of the approved development);
 - d. Replace damaged sections of existing kerb and channel.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to approval and dating of the Survey Plan.

Lawful Point of Discharge

8. The applicant/owner must ensure that the flow of all stormwater from the property is directed to a lawful point of discharge, being to Owen Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Habitable Floor Levels

9. All floor levels in all buildings must be located 150 mm 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.

Access to Hatchet or Battleaxe Lots

10. Construct a concrete driveway or other approved surface to battleaxe Lot 2 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with Council Standard Drawing S1015. Construction of the concrete driveway must be generally in accordance with Council Standard Drawing S1110 and submitted concept plan CONICS Drawing 9325-1 Issue A, dated 20 March 2008 and as amended by Condition 3 above.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Service Conduits

11. Provide service conduits to Lot 2 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

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

Storage of Machinery and Plant

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

Existing Services

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

Electricity Supply

15. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

16. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.

Construction Signage

17. 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;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor; and
 - g. Landscape Architect.

MATERIAL CHANGE OF USE COMPONENT (Conditions 18 to 38 inclusive)

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

19. The conditions of the Development Permit (including those conditions associated with the Reconfiguration of a Lot) must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

20. The proposed development must be redesigned to accommodate the following changes:
 - a. The amended Lot layout design as required under Condition 3 above;
 - b. Deletion of the car space adjacent to the southern boundary;

- c. Deletion of the visitor car space adjacent to the southern boundary and replacement with landscaping; and
- d. An additional landscape area in front of Unit 3, that is protected from vehicle movements on the driveway, to provide a buffer to the patio area of Unit 3. The additional area should be splayed at a 45 degree angle (approximately) while still allowing vehicle access to the carport for Unit 4; and
- e. Incorporation of a turning area into the landscape area adjacent to the southern fence, to give improved turning for vehicles reversing from the carports for Units 4 and 5; and
- f. Include all dimension on the plans; and
- g. Revised landscape plan that shows details as per the current 'mirrored' layout, gives protection and separation of the landscape area for the units from the driveway, including any fences that offer privacy to those landscaped areas.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Lockable Storage

- 21. Provide each unit with a minimum of 2.5 m² (minimum five (5) m³ volume) of lockable storage space conveniently located with respect to car accommodation.

Sustainable Development

- 22. The proposed building should comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the Douglas Shire Planning Scheme 2006.

Infrastructure Charges

- 23. A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required Commencement of Use.

Water Supply and Sewerage Works Internal

- 24. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures; and
 - b. Water supply sub-metering must be designed and installed in accordance with the *Plumbing and Drainage Act 2002* and the *Water Act 2000*.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Water Saving

25. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

Vehicle Parking

26. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of eight (8) spaces. 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, drained and line marked.

Protection of Landscaped Areas from Parking

27. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Bicycle Parking

28. Provide secured, on-site bicycle parking in accordance with the Planning Scheme requirements of four (4) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

29. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Landscaping Plan

30. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. The amended design layout as dated 31 May 2011, Drawing 9-07-1.A by Clarkeville Designs;
 - b. An amended layout reflecting the Amendments required under Conditions 3 and 22 above and Conditions 35 and 40 below; and

- c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and 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 issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

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

Screen Fence

32. A screen fence must be provided to the side and rear boundaries of the subject land and for the private yards of individual units. The fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Details of Development Signage

33. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Refuse Storage

34. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – *'Requirements for Refuse Storage'* – are available from Douglas Water and Waste.
35. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Construction Signage

36. 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;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor; and
 - g. Landscape Architect

Crime Prevention Through Environmental Design

37. The applicant/owner must ensure that all lighting and landscaping requirements (including that to the access driveway area) comply with Council's *General Policy Crime Prevention Through Environmental Design*.
38. Noise from airconditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1998*.

FURTHER ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 2. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
6. For information relating to the *Integrated Planning Act 1997* log on to www.dsdiq.qld.gov.au. To access Council's *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

7. Infrastructure Charges

Reconfiguring a Lot

A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this Decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Material Change of Use

A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this Decision. The contribution payable will be in accordance with the Planning Scheme Policy. Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the Commencement of Use.

RIGHTS OF APPEAL
Attached

End of Decision Notice

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

