

Administration Office

64 - 66 Front St Mossman

P 07 4099 9444

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25 August 2023

Enquiries: Jenny Elphinstone
Our Ref: CA 2023_5309/1 (Doc ID1178143)
Your Ref: 23-04/001230

NV & JS Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Email: evan@planningplusqld.com.au

Attention Mr Evan Yelavich

Dear Sir

**Development Application for MCUC (2 x Dual Occupancy and Short-term accommodation) and ROL (2 into 4 lots)
At 30 & 32 Warner Street Port Douglas
On Land Described as Lots 418 & 419 on PTD2091**

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

Please quote Council's application number: CA 2023_5309/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: NV & JS Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
Redlynch Qld 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 30 & 32 Warner Street Port Douglas
Real Property Description: Lots 418 & 419 on PTD2091
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for a Combined Application for Material Change of use for Two (2) Dual Occupancies and Short-term Accommodation and Reconfiguration of a Lot (2 lots into 4 lots).

Decision

Date of Decision: 25 August 2023
Decision Details: Approved (Subject to Conditions)

Approved Drawing(s) and/or Document(s)

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

A. For the Material Change of Use

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means the following plans subject to compliance with Condition 3:

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

| Drawing or Document | Reference | Date |
|-----------------------------------|--|---------------|
| Site Plan, General Notes & Legend | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheet 01, ISO Revision 4 August 2023. | 4 August 2023 |

| Drawing or Document | Reference | Date |
|---|--|----------------|
| FL1 Floor Plan | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheet 02, ISO Revision 4 August 2023. | 4 August 2023 |
| FL2 Floor Plan | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheet 03, ISO Revision 4 August 2023. | 4 August 2023 |
| Elevations | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheet 04, ISO Revision 4 August 2023. | 4 August 2023 |
| Perspectives | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheets 06 and 07, ISO Revision 4 August 2023. | 4 August 2023 |
| Landscape Concept Plan | Kate Hewitt Landscape Design, Job 30-32 Warner St, Port Douglas, Page 1 of 4, Issue C. | 4 July 2023 |
| Typical Level 1 Planting | Kate Hewitt Landscape Design, Job 30-32 Warner St, Port Douglas, Page 2 of 4, Issue C. | 4 July 2023 |
| Landscape Planting Plan | Kate Hewitt Landscape Design, Job 30-32 Warner St, Port Douglas, Page 3 of 4, Issue C. | 4 July 2023 |
| Details & Notes | Kate Hewitt Landscape Design, Job 30-32 Warner St, Port Douglas, Page 4 of 4, Issue C. | 4 July 2023 |
| FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access | | |
| Access Crossovers | Standard Drawing S1015 Issue E | 27 August 2020 |
| Concrete driveway for allotment access | Standard Drawing S1110 Issue F | 27 August 2020 |

B. For the Reconfiguration of a Lot

The term 'approved drawing(s) and/or document(s) or other similar expressions means the following plans.

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 |
|-----------------------------------|--|---------------|
| Site Plan, General Notes & Legend | Nathan Verri Masters of Design & Building, Project 30-32 WSPD, Sheet 01, ISO Revision. | 4 August 2023 |

Assessment Manager Conditions & Advices

A. For the Material Change of Use

Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. The street elevation (including landscaping and fencing) is to be designed to create individual premises to the street;
 - b. The garage door designs are to be discreet elements in the streetscape.
 - c. The pedestrian entry to the site must have a structural mass entry statement element that gives definition of this element to the streetscape and provide protected connecting element between the street entry point and the front door of the each dwelling;
 - d. Both the pedestrian gate and the security gate to the driveway must be sufficiently transparent to enable the appreciation of internal landscaping from the street;
 - e. The paved forecourt area to the garages must include a diversity of paving to reduce the visual mass of this area
 - f. A refuse bin area must be provided for each dwelling visually hidden from the street;
 - g. Specify the use of non-reflective glazing including the balcony areas for the dual occupancies;
 - h. Ensure access for disability persons is achieved from the street to the front door and from the parking area; and
 - i. The level 2 rear balcony roof line is to reflect the roof plan.

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

External Works

4. Undertake the following works external to the land at no cost to Council:
 - a. Provision of single width individual concrete crossover and aprons to each unit in accordance with FNQROC Development Manual Standard Drawing S1015 to each new dual occupancy / short-term accommodation premises;

- b. Remove existing crossovers that are redundant and replace with footpath, grass verge, kerb and channel to match the existing streetscape.
- c. Provide two additional street trees, species to match in the street;
- d. Construct protecting concrete verge islands and landscape beds around the remaining and new trees in the road reserve;
- e. Infill with road pavement areas between the verge islands and kerb and channel to the full width of the street frontage; and
- f. Line mark parking spaces in front of the subject land where available.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

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 Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with s.145 of the *Planning Act 2016*.

Removal of Existing Street Trees

- 5. The removal of two Rosewood Street trees must not occur prior to the approval of the Development Permit for Operational Work required under the Material Change of Use Condition 4 of this approval and the approval of the Landscape Plan as required under the Material Change of Use Condition 17 of this approval.

The applicant must hold a Development Permit for Building Work for the dual occupancies prior to the removal of the street trees.

Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

Water Supply and Sewerage Works External

- 6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the frontage to each new lot; and
 - b. Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development.

The external works outlined above constitute Operational Works. The plan of the works 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 Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first

Water Supply and Sewerage Works Internal

- 7. 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 to each new lot;

- b Provide a single internal water connection to each new lot; and
- c. Remove all un-utilised water and sewer connections.

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

The plan of the works must be endorsed by the Chief Executive Officer prior to the commencement of the works either through a Development Permit for Operational Work or a Development Permit for Building Work.

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.

Inspection of Sewers

- 8. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Minimum Floor to Ceiling Clearance

- 9. All units must have a minimum floor to ceiling clearance of 2.7 metres.

Air-Conditioning Screens

- 10. 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

- 11. 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, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Lighting

- 12. 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.

Above Ground Transformer Cubicles / Electrical Sub-Stations

- 13. Any required above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind suitable screening, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Drainage Study of Site

- 14. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts.

In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The report detail must consider and the drainage study design must provide for the event that the lawful point of discharge is blocked.

The study must also identify the location and parameters of any drainage easements to convey stormwater to the lawful point of discharge.

The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

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

Lawful point of discharge.

15. The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Acid Sulfate Soils – Basement / Pool Disturbance

16. The basement / pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Landscaping Plan

17. The landscape plan is to be amended to include the requirements of Conditions 3 and 4 above to the satisfaction of the Chief Executive Officer.

The site must be landscaped in accordance with details included on a Landscaping Plan. 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.

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.

All landscaped areas must be fully established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

18. All 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. All habitable room floor levels must be at least 3.493 m AHD.

Details of Development Signage

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

Construction Signage

20. 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; and
 - d. Builder;

Stockpiling and Transportation of Fill Material

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

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

- a. peak traffic times;
- 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.

Advices

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
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 potential cyclone warning 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 relevant Local Laws and statutory requirements.
4. For future use of the premises as a Centre Activities (Food and drink outlet) note that a Trade Waste Permit is usually required for a pre-treatment device (grease trap).
5. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

6. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

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

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

B. For the Reconfiguration of a Lot

Assessment Manager Conditions

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

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval. The Compliance Certificate for the Plan of Survey cannot be applied for prior to:
 - a. The under slab must be completed for all four dwellings with the relevant building inspection undertaken. The slab must be deemed satisfactory with the relevant documentation submitted to Council;
 - b. Construction of each of the four dwelling units must be commenced to the extent of three courses of blocks.; and
 - c. The construction and completion (or suitably bonded) of all external works.

Prior to the settlement and disposition of each lot, the Applicant must obtain a Final Certificate for the dwelling unit.

Drainage Easements

3. Where storm water and overland flow is taken and received from neighbouring land to be conveyed to the lawful point of discharge, the applicant must create drainage easements to the benefit of the neighbouring properties.

The extent of the drainage easements is to be determined by the consideration of the drainage plan required as under Material Change of Use Condition 14 of this approval and as accepted as satisfactory by the Chief Executive Officer.

A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.

- . The approved easement documents must be submitted at the same time as seeking approval for the endorsement of the Survey Plan and must be lodged and registered with the Department of Natural Resources in conjunction with the Plan of Survey.

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single sewer and water connection to each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual under a development permit for operational work.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Lawful Point of Discharge

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

Electricity and Telecommunications

6. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
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 potential cyclone warning 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 relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016*, log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Further Development Permits

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

- All Building Work
- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

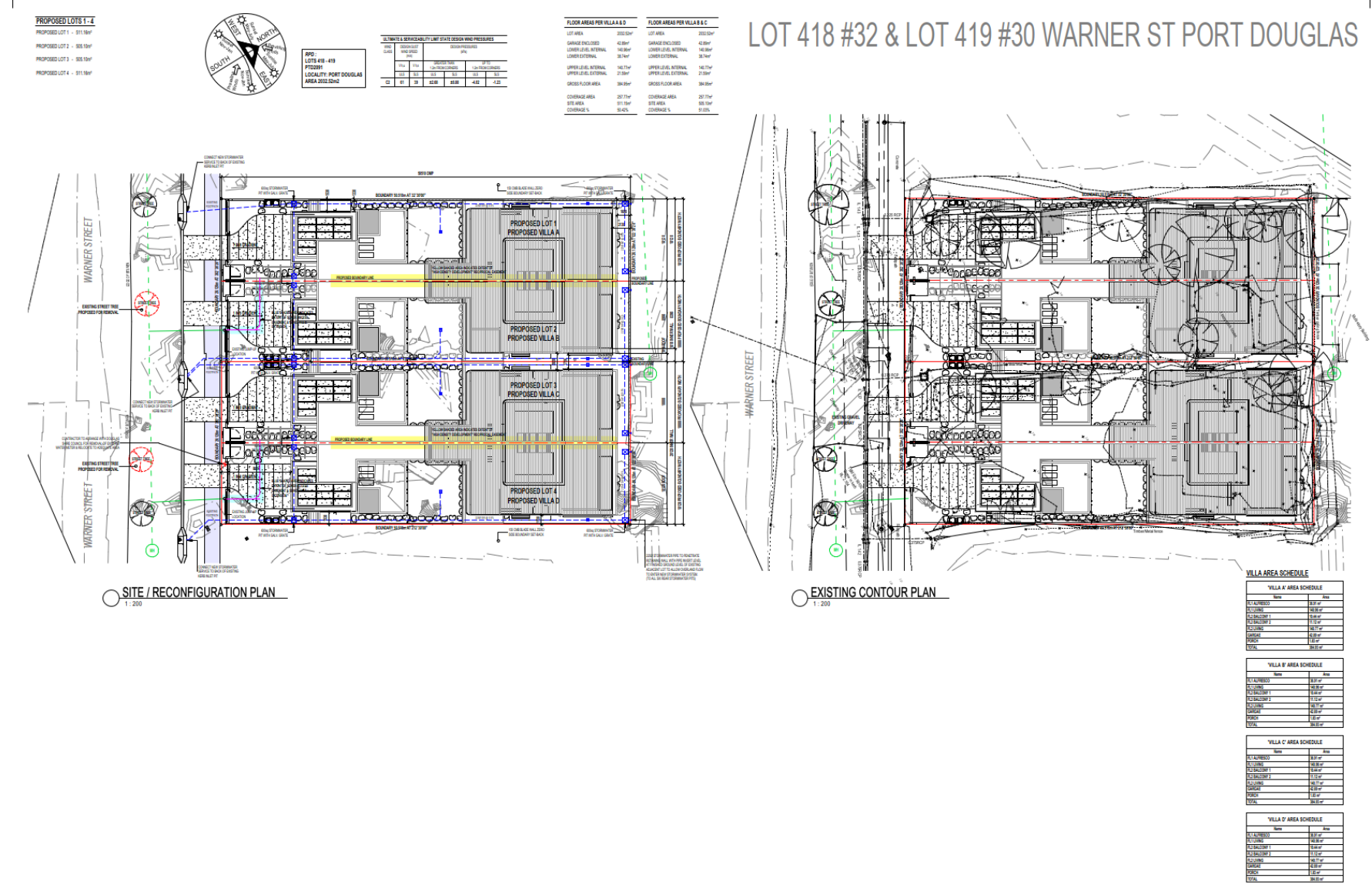
Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six years for the MCU component and four years for the ROL component from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

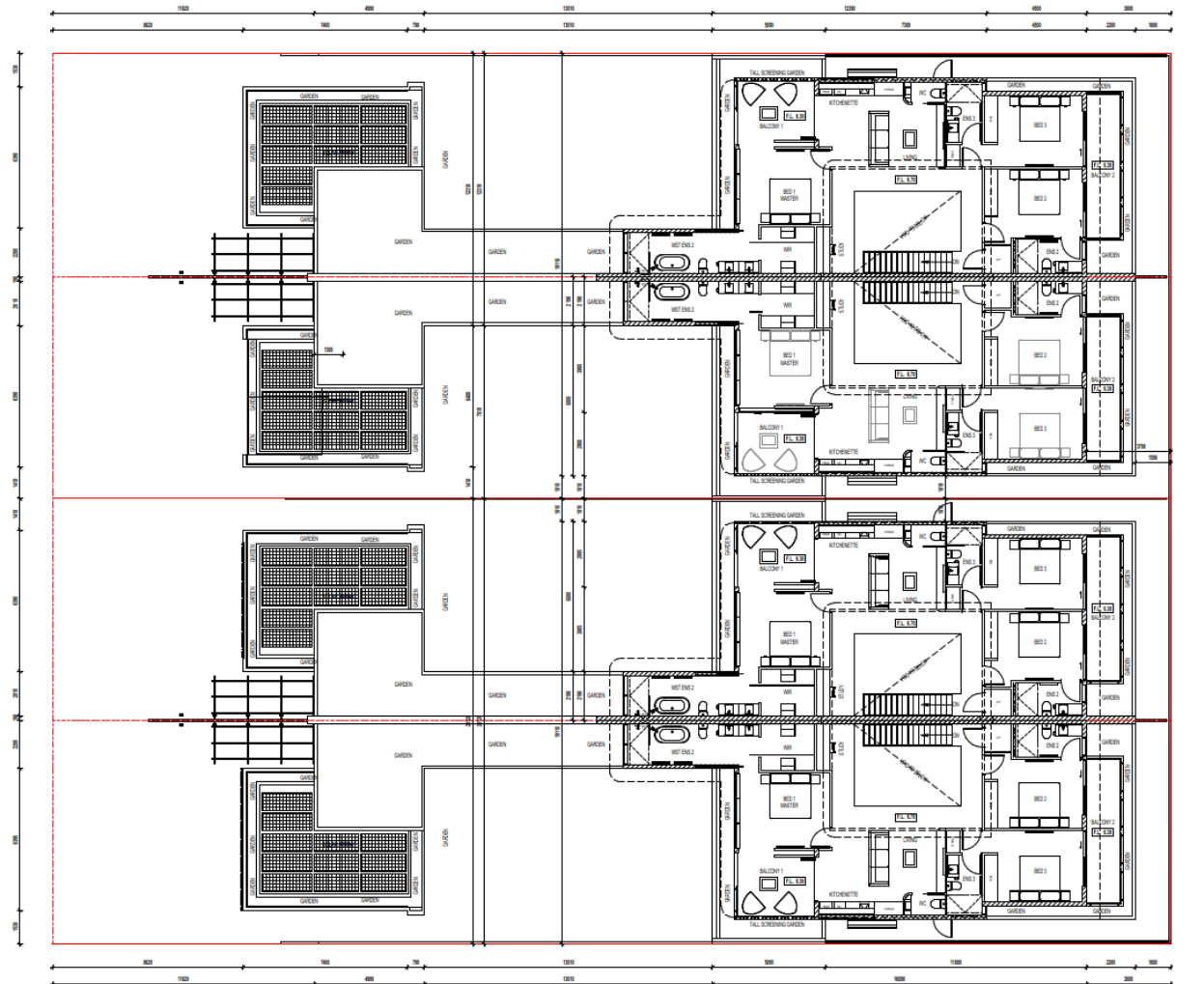
Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights 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*.

A copy of the relevant appeal provisions is attached.



LOT 418 #32 & LOT 419 #30 WARNER ST PORT DOUGLAS



VILLA AREA SCHEDULE

| VILLA A AREA SCHEDULE | | |
|-----------------------|----------------------|--|
| Item | Area | |
| PT. KITCHENETTE | 2.57 m ² | |
| PT. LIVING | 16.50 m ² | |
| PT. BALCONY 1 | 18.00 m ² | |
| PT. BALCONY 2 | 11.50 m ² | |
| PT. BATH | 4.00 m ² | |
| PT. BED 1 | 10.00 m ² | |
| PT. BED 2 | 10.00 m ² | |
| TOTAL | 82.57 m ² | |

| VILLA F AREA SCHEDULE | | |
|-----------------------|----------------------|--|
| Item | Area | |
| PT. KITCHENETTE | 2.57 m ² | |
| PT. LIVING | 16.50 m ² | |
| PT. BALCONY 1 | 18.00 m ² | |
| PT. BALCONY 2 | 11.50 m ² | |
| PT. BATH | 4.00 m ² | |
| PT. BED 1 | 10.00 m ² | |
| PT. BED 2 | 10.00 m ² | |
| TOTAL | 82.57 m ² | |

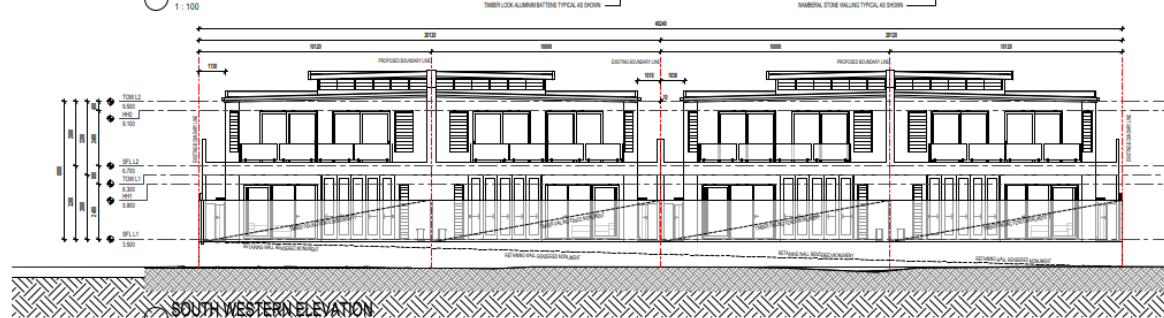
| VILLA C AREA SCHEDULE | | |
|-----------------------|----------------------|--|
| Item | Area | |
| PT. KITCHENETTE | 2.57 m ² | |
| PT. LIVING | 16.50 m ² | |
| PT. BALCONY 1 | 18.00 m ² | |
| PT. BALCONY 2 | 11.50 m ² | |
| PT. BATH | 4.00 m ² | |
| PT. BED 1 | 10.00 m ² | |
| PT. BED 2 | 10.00 m ² | |
| TOTAL | 82.57 m ² | |

| VILLA D AREA SCHEDULE | | |
|-----------------------|----------------------|--|
| Item | Area | |
| PT. KITCHENETTE | 2.57 m ² | |
| PT. LIVING | 16.50 m ² | |
| PT. BALCONY 1 | 18.00 m ² | |
| PT. BALCONY 2 | 11.50 m ² | |
| PT. BATH | 4.00 m ² | |
| PT. BED 1 | 10.00 m ² | |
| PT. BED 2 | 10.00 m ² | |
| TOTAL | 82.57 m ² | |

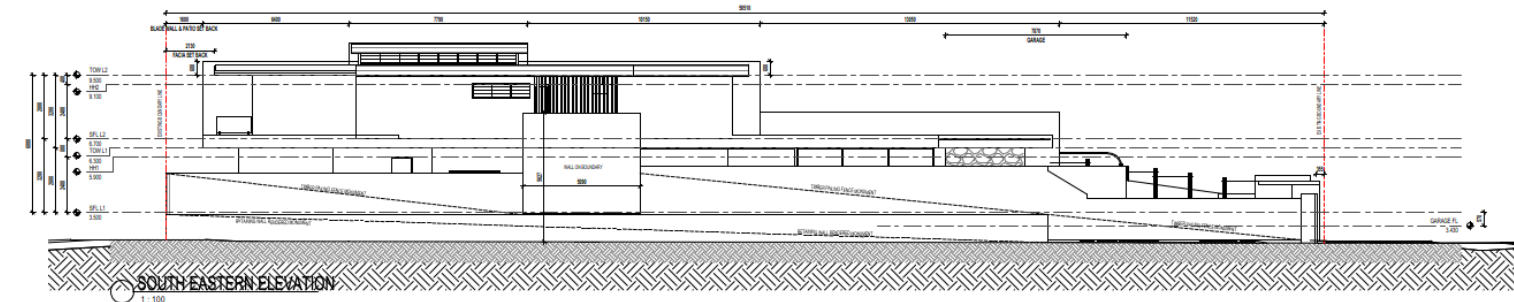
FLOOR PLAN - LEVEL 2
1:100

| ULTIMATE & SERVICEABILITY LIMIT STATE DESIGN WIND PRESSURES | | | |
|---|-------------------|------------------|---------------------|
| WIND CLASS | EXPOSURE CATEGORY | WIND SPEED (m/s) | WIND PRESSURE (kPa) |
| 1 | 1 | 35 | 0.5 |
| 2 | 2 | 40 | 0.7 |
| 3 | 3 | 45 | 1.0 |
| 4 | 4 | 50 | 1.5 |

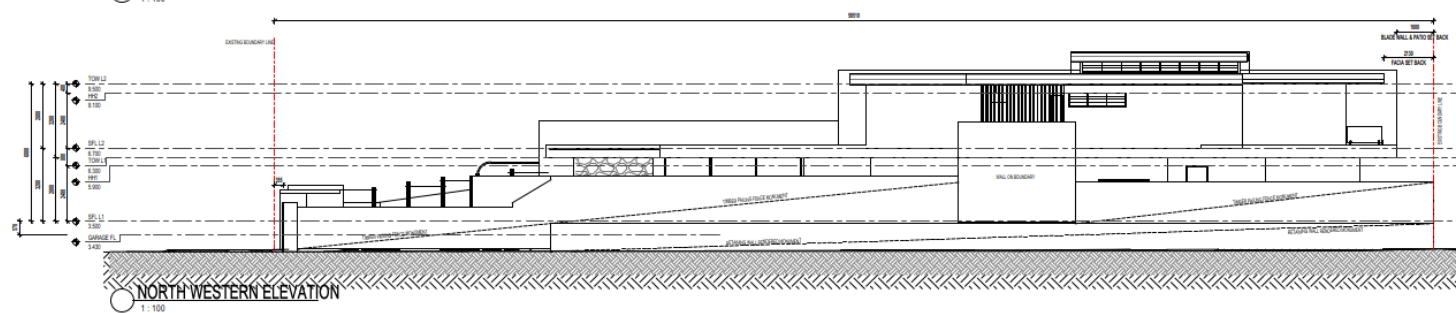
NORTH EASTERN ELEVATION



SOUTH WESTERN ELEVATION



SOUTH EASTERN ELEVATION



NORTH WESTERN ELEVATION

| ULTIMATE & SERVICEABILITY LIMIT STATE DESIGN WIND PRESSURES | | | | | | |
|---|------------------------------|-----------------|---------------------------------|--------|-------------------------|-------|
| WIND CLASS | DESIGN GUST WIND SPEED (m/s) | | DESIGN PRESSURES (Pa) | | | |
| | V ₁₀ | V ₁₅ | DOWNWIND FROM 1.2m FROM CORNERS | | UP TO 1.2m FROM CORNERS | |
| | | | U.S. | S.S. | U.S. | S.S. |
| C2 | 81 | 99 | -22.08 | -22.08 | -4.02 | -1.29 |

LOT 418 #32 & LOT 419 #30 WARNER ST PORT DOUGLAS



Landscape concept plan - Ground floor 1:100 @ A1

Legend

- Proposed tropical feature plants
- Shrubs
- Low planting
- Water
- Zoysia grass
- Groundcovers
- Pavers in pebble
- Lawn areas
- Mass planted grasses
- Concrete driveway

Scale: 1:100 @ A1

1 2 3 4 5 10

kate hewitt
LANDSCAPE DESIGN

Name: Landscape concept plan
Job: 30-32 Warner St, Port Douglas
Date: 4.7.23 **Issue no: C**
Scale: 1:100@A1 **Page: 1 of 4**

| |
|------------------------------------|
| Name: Landscape concept plan |
| Job: 30-32 Warner St, Port Douglas |
| Date: 4.7.23 Issue no: C |
| Scale: 1:100@A1 Page: 1 of 4 |



Legend



Proposed
tropical feature
plants



 Shrubs

 Zoysia grass



Low planting

Groundcovers



Water

Pavers in pebble



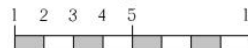
2 3 4



A horizontal number line is shown with vertical tick marks at every integer from 0 to 10. The number 10 is labeled at the right end. The segment of the line between the tick marks for 4 and 5 is shaded gray.

kate hev

Scale: 1:100 @ A1

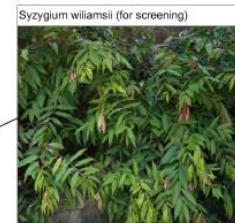
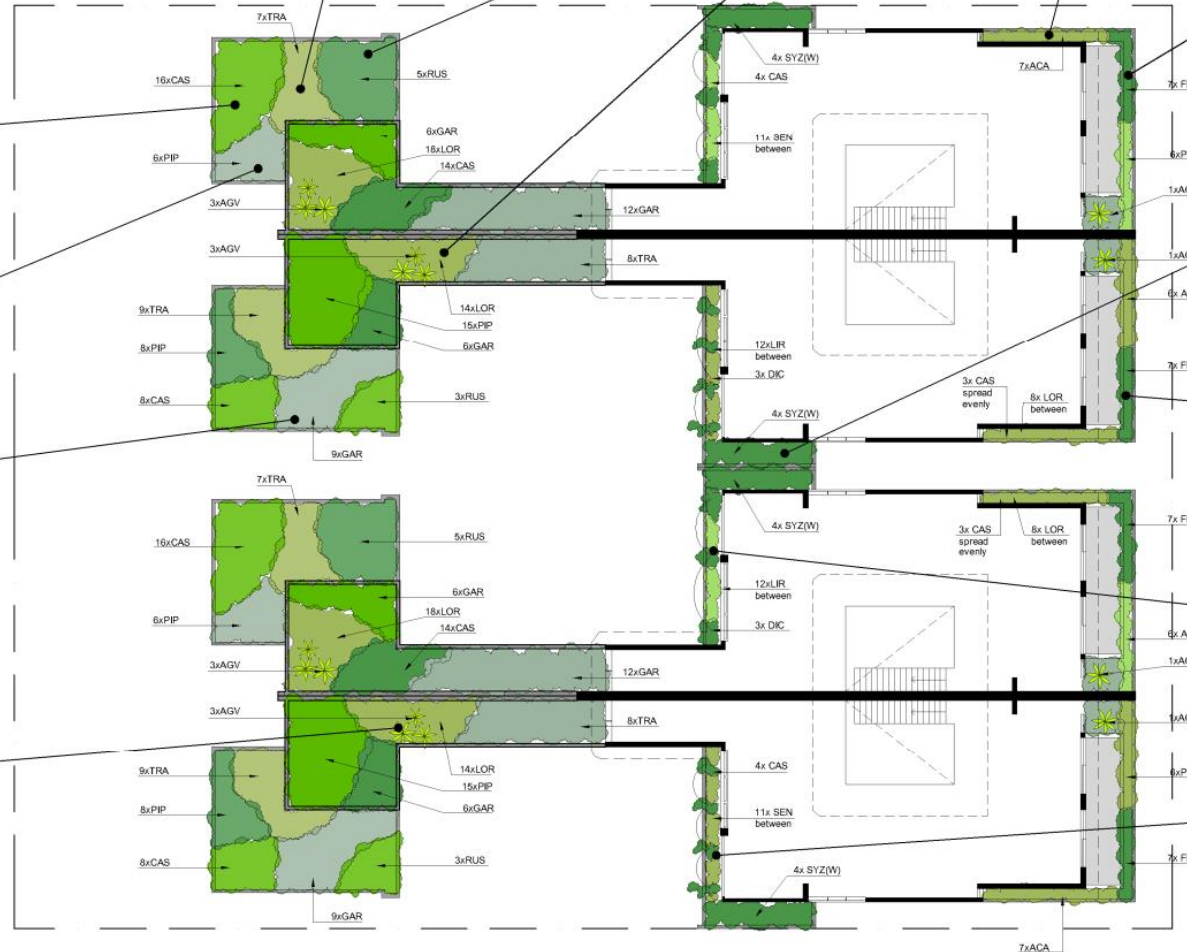
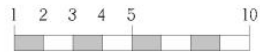


kate hewitt

LANDSCAPE DESIGN



Typical level 1 planting 1:100 @ A1



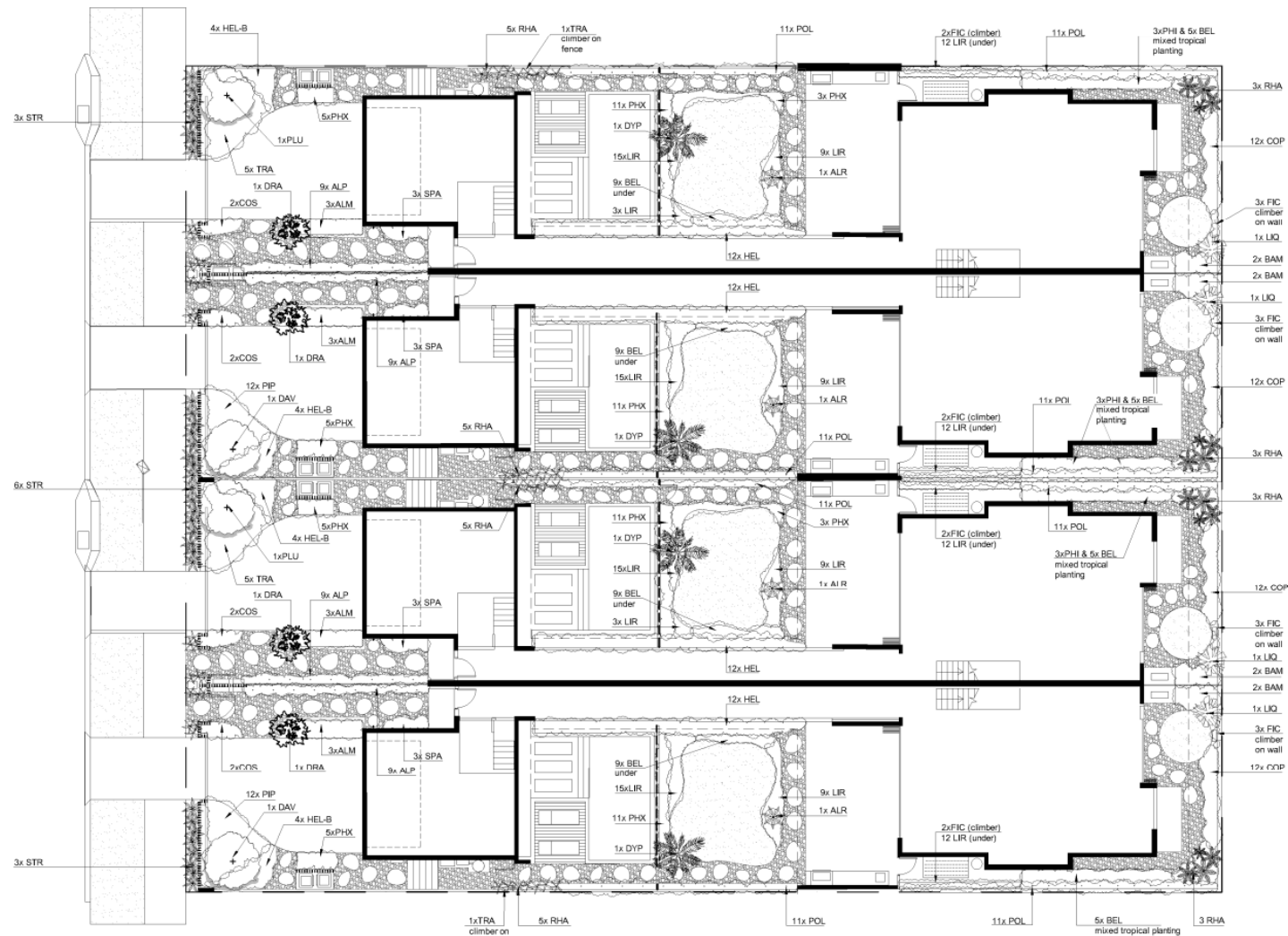
Name: Typical level 1 planting
 Job: 30-32 Warner St, Port Douglas
 Date: 4.7.23 Issue no: C
 Scale: 1:100@A1 Page: 2 of 4



kate hewitt
 LANDSCAPE DESIGN



Landscape planting plan - ground floor 1:100 @ A1



| |
|------------------------------------|
| Name: Landscape planting plan |
| Job: 30-32 Warner St, Port Douglas |
| Date: 4.7.23 Issue no: C |
| Scale: 1:100@A1 Page: 3 of 4 |



Scale: 1:100 @ A1



kate hewitt

LANDSCAPE DESIGN



| Symbol | Botanical name | Common name | Cont. size | Mature height | Spacing | No req. |
|---|-----------------------------|--|------------|---------------|--------------------|---------|
| Shrubs / Palms / Accent Plants | | | | | | |
| ALR | Alcazaranea 'Rubra' | Giant Bromeliade | Medium | 1.0M | As shown | 4 |
| ALP | Alpinia purpurata | Red Ginger | Medium | 2.2-5M | 1000mm | 36 |
| ALM | Alpinia malaccensis | White Alpinia | Medium | 2.0-2M | 1000mm | 12 |
| BAM | Bambusa guangxiensis | Dwarf Chinese Bamboo | Medium | 3.0M | 1000mm | 8 |
| COO | Cordia stenophyllus | Cobra Cordia | Medium | 1.5-2M | 800mm | 8 |
| COO | Cordia productiva | Spiral cordia | Medium | 1M | 800mm | 48 |
| DAV | Davallia involucre | Handkerchief tree | Large | 8-10M | As shown | 2 |
| DRA | Drosera marginata | Drosera | Medium | 1.5M | As shown | 4 |
| DYP | Dysoxycabaceae | Cabada Palm | Large | 3-4M | As shown | 4 |
| HEL | Heliconia elatior | Heliconia 'Sexy Pink' | Medium | 1.5-2M | 800mm | 48 |
| HEL-B | Heliconia bihai | Heliconia 'Hot Rio Nights' | Medium | 2-3M | 800mm | 16 |
| LIG | Lycala glands | Pain Palm | Large | 2M | As shown | 4 |
| POI | Polytaenia longifolia | Indian Mast tree | Large | 10-12M | As shown | 78 |
| PLU | Plumeria acutifolia | 'Sunset Dreamer' Frangipani | Large | 3-4.0M | As shown | 2 |
| RHA | Raphis excelsior | Lady Finger Palm | Medium | 2-2.5M | As shown | 32 |
| STR | Strelitzia reginae | Bird of Paradise (Strappy leaved flowering accent plant) | Medium | 1.1-2M | As shown | 12 |
| Groundcovers / Climbers / Ferns | | | | | | |
| BEL | Baccharum 'Silver Lady' | Silver Lady Climber | Small | 1.0M | 600mm | 21 |
| FIC | Ficus pumila | Creeing Fig Ficus | Small | climber | As shown | 20 |
| PHI | Philodendron Imperial green | Imperial Green | Small | 0.5-0.8M | 800mm | 14 |
| PIP | Piper bette | Betal leaf | Small | 0.2-0.4M | 800mm | 24 |
| TRA | Trachelospermum jasminoides | Chinese Star Jasmine | Small | 0.5M | 800mm | 12 |
| Ornamental grasses/strappy leaved plants | | | | | | |
| LIR | Liriope muscari | Lily turf | Small | 0.6M | 800mm | 150 |
| SPA | Sparganium | Peach Lily | Small | 0.4M | 600mm | 70 |
| PHX | Philodendron 'Xanadu' | Xanadu (shade tolerant understory / border plant) | Medium | 0.5M | 800mm | 12 |
| Grass | | | | | | |
| Zoysa grass | No-mow grass | | per m2 | | 20.8m2 (5.2m x 4m) | |
| OR | Buffalu turf | Soft-leaved Buffalu | per m2 | | 20.8m2 (5.2m x 4m) | |

Planting schedule species to be sourced from local nurseries supplying plants of local provenance wherever possible. Numbers are exact. If unsure please contact Landscape Designer.

Container sizes may vary due to availability, in most cases please ensure a size that will work for this site.

[illegible]

- 1. Soil preparation**
All proposed plant beds to be stripped of 150mm of soil and topped with at least 200mm of soil (preferably local)
- 2. New plantings**
Newly planted trees and large shrubs should be secured to stakes to prevent any damage.
Planting holes for plant material should be large enough in size to take root ball with additional space to take root filling of good quality planting mix.

Mature heights of planting as shown on planting schedule show the greatest height possible in ideal conditions.
Those heights may vary and are subject to particular site conditions, possible container environments and intended hedging or pruning for functional requirements such as available planting width, intended access under branches and solar access.
- 3. Turf / lawn**
Lay turf on prepared leveled soil. Ensure drainage is correct.
Use locally available suitable turf mix.
Curved steel edging (or similar) to be confirmed and chosen by owner.
Test turf choices for shade (particularly the back circular lawn) are *Cyssia* and *Stuttato* varieties.
- 4. Stepping stones**
Step stones in (10-20mm river gravel) pebble. Laid to a depth of 150mm over a thin layer of geo-textile.
Refer to Architects details for stepping stones specifications and details
- 5. Mulching**
All planting areas to be mulched with a minimum 75mm thick cover of recycled hardwood mulch and then all plant areas to be thoroughly soaked with water. All mulch shall be free of all weed species
- 6. Fertiliser**
All planting areas to be fertilised with slow release fertiliser.
- 7. Engineering**
All turf when it is established at regular intervals to maintain an average height of 90mm.
- 8. Maintenance**
The Landscape Contractor shall maintain the contract area by accepted horticultural practices as well as rectifying any defects that become apparent in the works under normal use.
Mow the turf when it is established at regular intervals to maintain an average height of 90mm.

Put lower soil, thick layer or leaf-littering underneath.
 Fronts should remain for 3 months after planting.
 For container grown trees: These may be removed after establishment. This should be observed.
 Taking up:

- Staking up per Mature plants
- Stake on palm over 3m high
- Set back vertical, slant
- 2-12 times width of root ball or 300mm min. clearance around method
- "Desired" tubes or "Air stake", 75mm dia. post, 4mm gap. Disinfect with disinfectant
- Remove banded strip
- Backfill with soil to water washed area, 3m
- Backfill with water jetted for firm compaction.
- 300mm. prepared backfill deep (sands)
- 100mm aggregate drain cover
- 100-150mm dia. a 1200mm deep drainage; backfill with drainage rock or gravel. (Preparation drain pipe is optional.)
- Place backfilled soil inside.

Remove any dead branches below planting

75 mm depth of selected mulch

Form saucer with a continuous rim for the water collection and storage

Specified planting mix

Water in and tamp to remove air pockets

Mix 150mm depth of topsoil with 50mm of A.N.L. 'Greenleaf' compost or equivalent & rotary hoe in.

Remove top layer of soil to allow for removal of contaminants and provide correct finish level after importing new soil, if required.

Deep-rip soil to 200mm depth.

Figure 1: Typical cross-section of a road pavement structure. The diagram shows a vertical cross-section of a road pavement. From top to bottom, the layers are: a thin surface layer with plants (labeled 'Power set flush in garden or river stone'), a layer of plants (labeled 'Planting as specified'), a layer of mortar bedding (labeled 'Mortar bedding'), a layer of planting mix (labeled 'Planting mix as specified'), and a prepared subgrade (labeled 'Prepared subgrade. Deep rip soil to 300mm depth'). On the left, there are two vertical dimension lines: one for the top 2500 mm (labeled '2500 (max)') and one for the bottom 300 mm (labeled '300').

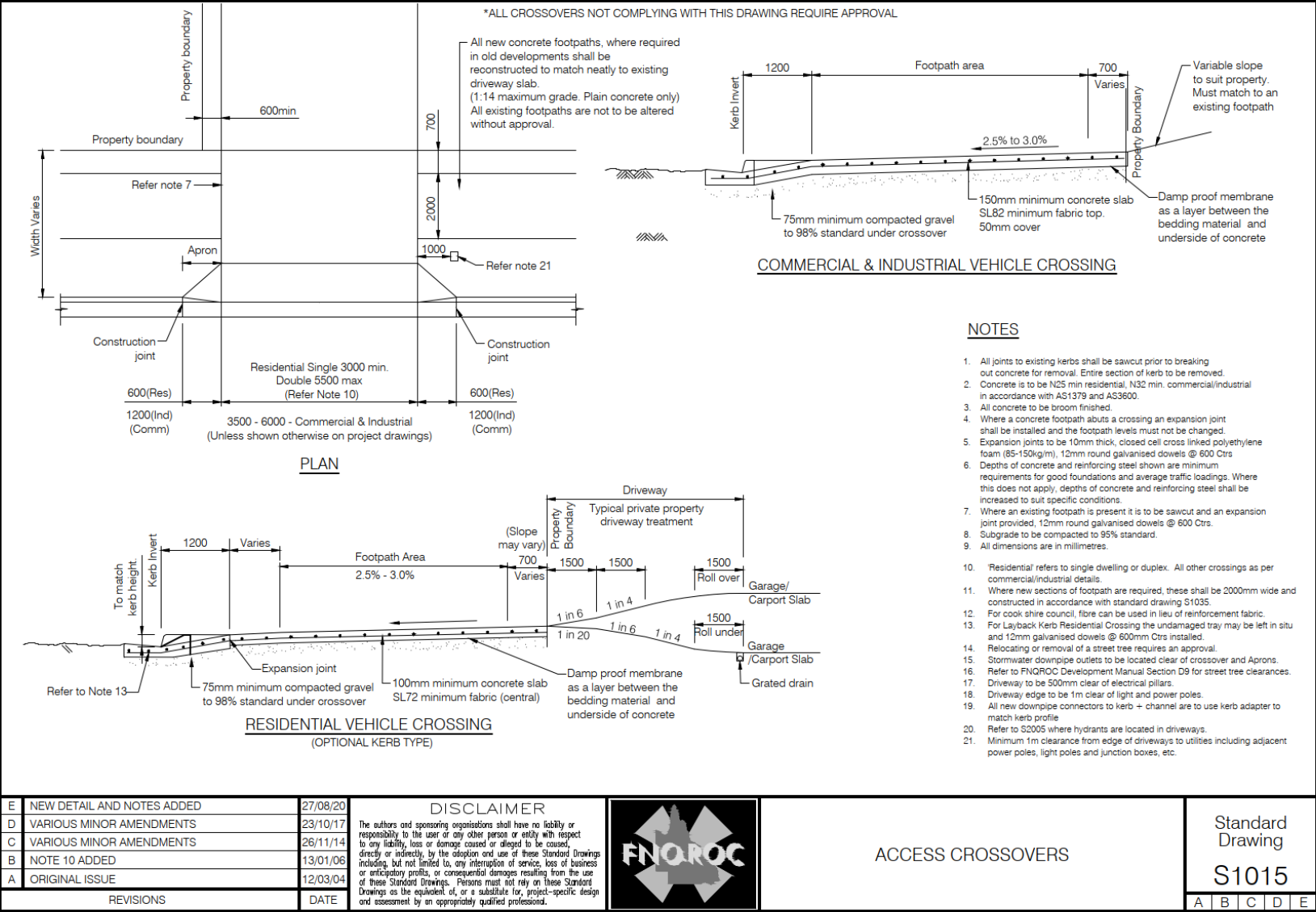
Diagram illustrating the mulching process for planting:

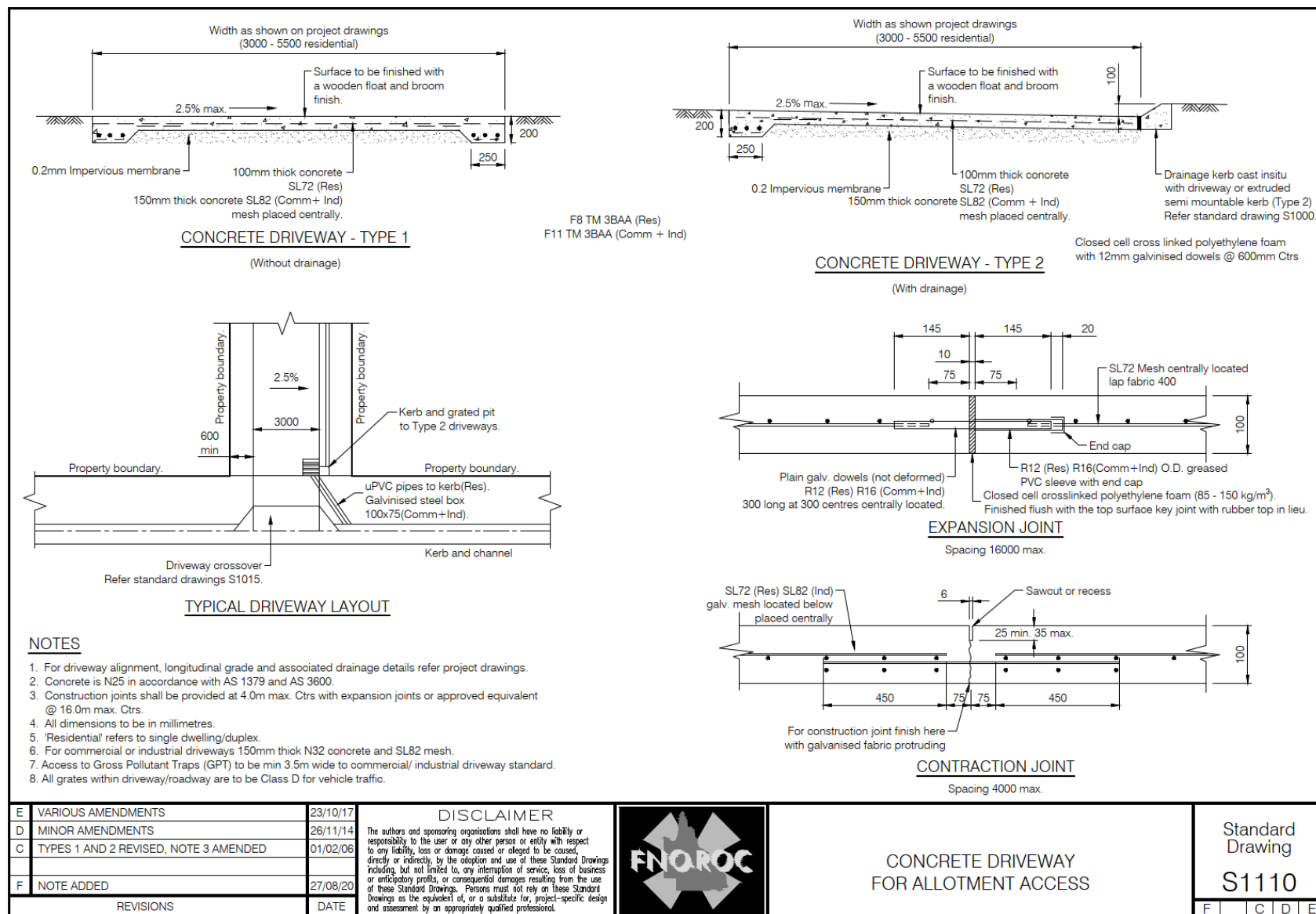
- Slope away from building 2% or greater
- Plant spacing as per plan
- 50-75 mm depth of selected mulch (Preferably before planting)
- Prepared planting soil

kate hewitt
LANDSCAPE DESIGN



FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access





Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the amended development application was properly lodged to the Douglas Shire Council 15 June 2023 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 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Through the conditions of the approval the development complies with the planning scheme, with the exception of the setback to the road frontage under the Local Plan, and no concerns are raised.

| Benchmark Reference | Alternative Measure/Comment |
|--|---|
| AO7.1, requires, "For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or (c) wrapped by the building façade, and not visible from the street." The associated PO states, Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape. PO11 states, "Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas." | The development must have regard to the minimum finished floor height for storm tide inundation. The development has been designed whereby the garages are at a lower level to the habitable rooms, thereby reducing the visual presence of the garage to the street. The development is in part of the street that does not require an active commercial use to the street front. The lower garage roof height enables good casual surveillance of the street from upper levels of the units. The development has had regard to achieving privacy from overlooking from the rear and cater for the collection of stormwater from surrounding lots. The conditions of the approval integrate the pedestrian entry directly to the street and create individual street presence with significant landscaping for each dwelling, taking away the focus of the forecourt area. |

ADOPTED INFRASTRUCTURE CHARGES NOTICE

| | | | |
|--|--|---------------------------------|-------------------------------------|
| NV & JS Pty Ltd DEVELOPERS NAME | | N/A ESTATE NAME | 0 STAGE |
| 30 & 32 Warner St STREET No. & NAME | | Port Douglas SUBURB | L418 L419 PTD 2091 LOT & RP No.s |
| CAMCU Dual Occupancy x 2 & Short-term accommodation, ROL (2 into 4 Lots) DEVELOPMENT TYPE | | CA2023_5309 COUNCIL FILE NO. | P2557 P2558 PARCEL No. |
| 1178139 DSC Reference Doc. No. | | 1 VERSION No. | 6 VALIDITY PERIOD (year) |

Payment before commencement of use for MCU; and
Prior to signing and sealing of survey form for ROL

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

| Proposed Demand | Charge per Use | \$ Rate | Floor area/No. | Amount | Amount Paid | Receipt Code & GL Code |
|----------------------------|--|-----------------------------------|----------------|--------|--------------|--|
| Residential | Dual occupancy (x2) (Also to be used as Short-term accommodation) | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 4 | \$101,259.92 | Prior arrangement for online payment via invoicing - see below. Code 895 GL GL7500.135.825 |
| | Total Demand | | | | \$101,259.92 | |
| Credit | | | | | | |
| Existing land use | | | | | | |
| 3 or more bedroom dwelling | 1 lot | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 2 | \$50,629.96 | |
| | Total Credit | | | | \$50,629.96 | |

Required Payment or Credit

TOTAL

\$50,629.96

| | | | |
|--------------|--|-----------|-------------|
| Prepared by | J Elphinstone | 22-Aug-23 | Amount Paid |
| Checked by | R Taranto | 22-Aug-23 | Date Paid |
| Date Payable | ROL - Before the Local Government approves the plan of subdivision | | |
| Amendments | | Date | Receipt No. |
| | | | Cashier |

Note:

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 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

-
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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
 - (ii) 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
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

25 August 2023

Enquiries: Jenny Elphinstone
Our Ref: CA 2023_5309 (Doc ID 1178143)
Your Ref: 23-04/001230

NV & JS Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Email: evan@planningplusqld.com.au

Attention Mr Evan Yelavich

Dear Sir

**Adopted Infrastructure Charge Notice
Development Application for MCUC (2 x Dual Occupancy) and ROL (2 into 4 lots)
At 30 & 32 Warner Street Port Douglas
On Land Described as Lots 418 & 419 on PTD2091**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

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

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

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

Please quote Council's application number: CA 2023_5309 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For

**Paul Hoyer
Manager Environment & Planning**

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

| | | | |
|--|------------------------|--|-----------------------------|
| NV & JS Pty Ltd DEVELOPERS NAME | | N/A ESTATE NAME | 0 STAGE |
| 30 & 32 Warner St STREET No. & NAME | Port Douglas SUBURB | L418 L419 PTD 2091 LOT & RP No.s | P2557 P2558 PARCEL No. |
| CAMCU Dual Occupancy x 2 & Short-term accommodation, ROL (2 into 4 Lots) DEVELOPMENT TYPE | | CA2023_5309 COUNCIL FILE NO. | 6 VALIDITY PERIOD (year) |
| 1178139 DSC Reference Doc. No. | 1 VERSION No. | Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL | |

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

| Proposed Demand | Charge per Use | \$ Rate | Floor area/No. | Amount | Amount Paid | Receipt Code & GL Code |
|----------------------------|--|-----------------------------------|----------------|--------|--------------|--|
| Residential | Dual occupancy (x2) (Also to be used as Short-term accommodation) | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 4 | \$101,259.92 | Prior arrangement for online payment via invoicing - see below. Code 895 GL GL7500.135.825 |
| | Total Demand | | | | \$101,259.92 | |
| Credit | | | | | | |
| Existing land use | | | | | | |
| 3 or more bedroom dwelling | 1 lot | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 2 | \$50,629.96 | |
| | Total Credit | | | | \$50,629.96 | |

Required Payment or Credit TOTAL \$50,629.96

| | | | |
|--------------|--|-----------|-------------|
| Prepared by | J Elphinstone | 22-Aug-23 | Amount Paid |
| Checked by | R Taranto | 22-Aug-23 | Date Paid |
| Date Payable | ROL - Before the Local Government approves the plan of subdivision | | Receipt No. |
| Amendments | | Date | Cashier |

Note:

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 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

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 an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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
 - (ii) 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
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.