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 Our Ref:
 20-12/001304

 Your Ref:
 CA 2023_5316/2

 Date:
 14 May 2024

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

Via: Email - enquires@douglas.qld.gov.au

Dear Sir/Madam,

RE: CHANGE APPLICATION UNDER SECTION 78 OF THE PLANNING ACT 2016 IN RELATION TO A DEVELOPMENT PERMIT FOR COMBINED APPLICATION FOR MATERIAL CHANGE OF USE (3 X DWELLING HOUSES) & RECONFIGURING A LOT (2 LOTS INTO 3 LOTS & ACCESS EASEMENT) OVER LAND AT 69 – 73 MURPHY STREET, PORT DOUGLAS

Planning Plus (QLD) Pty Ltd has been engaged by Port Douglas By Gurner Pty Ltd (the 'applicant') to prepare and lodge the abovementioned 'change application' with Douglas Shire Council.

Completed DA Forms 1 & 5 are included as **Annexure 1**. It is requested that Council provide an invoice for the relevant application fee.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.

town planning, project management & development consultants

1.0. Background

The subject Development Permit (copy included as **Annexure 2**) was granted by Council in November 2023. This approval comprised a change to the original approval granted in June 2023 to reduce the development yield from four (4) dwellings/lots to three (3) dwellings/lots.

Since obtaining the above approval, the applicant has further refined the development proposal and hereby seeks further changes.

 $^{2 \}quad https://ppqld-my.sharepoint.com/personal/evan_planningplusqld_com_au/Documents/JOBS/20-12 \ Gurner \ Murphy \ St/2024 \ Revised \ Scheme \ DA/001304.docx$

2.0. Proposal

This application seeks an 'other change' to Development Permit CA 5316/2023 which comprises a Material Change of Use for three (3) Dwelling Houses and Reconfiguring a Lot for two (2) Lots into three (3) Lots and Access Easement. Revised architectural, landscaping, and civil/earthworks drawings are included as **Annexures 3, 4 & 5**, respectively.

The proposed changes can be summarised as follows:

- Change to Lot/Dwelling 3 access with new driveway extension adjacent to southern boundary leading to new undercroft garage; and
- Various floorplan revisions of all dwellings which are listed below.

Dwelling 1:

- LOO Significant area reduction. Reflection ponds, basketball court, 1 x car park deleted.
- LO1 Significant area reduction. Gym, cinema, bed 4, 5 and bunk deleted.
- LO2 Significant area reduction. Entire floor re-arranged.
- LO3 –Significant area reduction. Entire floor re-arranged.

Dwelling 2:

- L00 Significant area reduction. Gym, store and reflection pond deleted.
- LO1 Significant area reduction. Outdoor area, dining/living, bed 2, 3 and bunk deleted.
- LO2 Study introduced. Floor area similar, internal layout change.
- L03 Reduction in overall footprint and layout change.

Dwelling 3:

Reduction in overall footprint and internal layout change. Garage moved to undercroft.

The above dwelling changes are not considered to result in any new or increased impacts and only the changed Lot/Dwelling 3 access is considered to warrant further discussion. To this end, we acknowledge the potential for impacts on existing properties to the south of the site due to the loss of buffer area as a result of the proposed driveway extension and note the following in response:

- Dwelling 3 remains set back approximately 4.6m from the southern boundary of the subject site, plus a further 5m due to the presence of Lot 1 on RP724386, for a total of almost 10m from the rear boundaries of the existing properties to the south;
- Much of the proposed driveway extension maintains a 1.5m setback from the southern boundary which allows for onsite landscape screening; and

³ https://ppqld-my.sharepoint.com/personal/evan_planningplusqld_com_au/Documents/JOBS/20-12 Gurner Murphy St/2024 Revised Scheme DA/001304.docx

• Lot 1 on RP724386 which is owned by Council will accommodate an open drain and has the ability to continue to provide landscape buffering to the properties to the south.

Given the above factors, we submit that appropriate setbacks and buffering remain in place to sufficiently mitigate impacts on the existing properties to the south.

One final matter that the applicant seeks to change is that of the current staging/timing condition:

Staging of Development

3. The proposed staging of the development as detailed in the development application is not approved. All development to take place on the site must be undertaken at or around the same time. All construction and landscaping works associated with the development of all dwellings must be completed prior to the Commencement of Use.

The reconfiguration of the land is to take place following the Commencement of Use.

Noting that Council's primary concern relates to the visual dominance of Dwellings 1 and 2 if these dwellings are constructed without Dwelling 3, and the potential prolonged construction timeframes associated with staging, we propose to mitigate these concerns by suggesting a condition which provides Council the comfort to allow subdivision for the purpose of contractor engagement and funding but provides the security that the site will not be constructed in stages.

The Contracts of Sale will be an off the plan house and land contract that will require that the developer engage a builder to complete construction. Therefore, we propose a condition along the lines of the following:

"Subdivision is permitted prior to Dwelling House construction commencement, however prior to the commencement of use of any Dwelling House, all construction and landscape works associated with the development must be practically complete to all three (3) lots".

3.0. Legislative Considerations

3.1 Planning Act 2016

This section provides an overview of the legislative context of the application under the provisions of the Planning Act 2016.

3.1.1 Type of Change Application

The proposed changes are considered to be 'other' changes for the purpose of the Planning Act 2016. While they are not considered to result in substantially different development, consistency with the previous change application has been sought and no significant difference in the application process exists given the code-assessable nature and lack of referral agencies.

3.1.2 Responsible Entity

The 'responsible entity' for this application is Douglas Shire Council.

3.1.3 Referral Agencies

The original application did not trigger any referral agencies, nor does the proposed change application.

3.1.4 Public Notification

The original application did not require public notification, nor does the proposed change application.

4.0 Assessment Benchmarks

4.1 Overview

This section provides an assessment of the application against relevant assessment benchmarks.

4.2 State Planning Regulatory Provisions

No State Planning Regulatory Provisions are relevant to this application.

4.3 State Planning Policy

The State Planning Policy is relevant to the assessment of this application where a State interest is not appropriately reflected in the Planning Scheme relevant to the site. It is understood that recent updates to the State Planning Policy are not reflected in the current Douglas Shire Council Planning Scheme, however based on our review of the updates, it is considered unlikely that any the proposed changes to the development will cause any inconsistencies with the updated policy.

4.4 State Development Assessment Provisions (SDAP)

No State Development Assessment Provisions are identified as being applicable to the proposal.

4.5 Douglas Shire Council Planning Scheme

The proposed changes are not considered to result in any new or increased impacts which would cause conflicts with the Douglas Shire Planning Scheme which have not already been considered as part of the previous application or discussed above in section 2.0.

5.0 Conclusion

This submission supports an application by Port Douglas By Gurner Pty Ltd for an 'other change' to a Development Permit for Material Change of Use for three (3) Dwelling Houses and Reconfiguring a Lot for two (2) Lots into three (3) Lots and Access Easement over land at 69 - 73 Murphy Street, Port Douglas, described as Lot 2 on RP724386 and Lot 516 on PTD2094.

The submission has included an assessment of the proposal against the relevant statutory planning controls at both the local and state level and included supporting information intended to address the likely concerns of Council and assessing authorities.

In summary, we submit that the proposed development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours Faithfully

Evan Yelavich
Director / Planner

Planning Plus QLD Pty Ltd

Annexure 1: DA Forms 1 & 5
Annexure 2: Existing Approval

Annexure 3: Revised Architectural Plans
Annexure 4: Revised Landscape Plans
Annexure 5: Revised Civil Earthworks Plan

Annexure 1: DA Forms 1 & 5

 $^{8 \}quad https://ppqld-my.sharepoint.com/personal/evan_planningplusqld_com_au/Documents/JOBS/20-12 \ Gurner \ Murphy \ St/2024 \ Revised \ Scheme \ DA/001304.docx$

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development** (i.e. material change of use, operational work or reconfiguring a lot), use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 - APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Port Douglas By Gurner Pty Ltd C/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	Redlynch
State	QLD
Postcode	4870
Country	
Contact number	(07) 40393409
Email address (non-mandatory)	Evan@planningplusqld.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20-12

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
☐ Yes – the written consent of the owner(s) is attached to this development application☑ No – proceed to 3)



PART 2 - LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable) Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see <u>DA Forms Guide: Relevant plans.</u>									
3.1) Street address and lot on plan									
⊠ Street address AND lot on plan (all lots must be listed), or									
					an adjoining etty, pontoon. A				premises (appropriate for development in
	Unit No.	Stree	t No.	Stree	t Name and	Туре			Suburb
2)		69		Murp	hy Street				Port Douglas
a)	Postcode	Lot N	0.	Plan	Type and Nu	ımber ((e.g. RF	, SP)	Local Government Area(s)
	4877	516		PTD2	PTD2094			Douglas Shire	
	Unit No.	Stree	t No.	Stree	t Name and	Туре			Suburb
L		71 - 7	3	Murp	hy Street				Port Douglas
b)	Postcode	Lot N	0.	Plan	Type and Nu	ımber ((e.g. RF	, SP)	Local Government Area(s)
	4877	2		RP72	24386				Douglas Shire
e.(Note : P	g. channel dred lace each set c	dging in N of coordin	Moreton B nates in a	Bay) separat			note area	as, over part of a	lot or in water not adjoining or adjacent to land
Longit	ude(s)		Latitud	de(s)		Datu	m		Local Government Area(s) (if applicable)
			☐ WGS84 ☐ GDA94 ☐ Other:						
Co.	ordinates of	premis	es by e	asting	and northing	1			
			Local Government Area(s) (if applicable)						
			0()		□ 54	☐ WGS84			, , , , , ,
				ļ	☐ 55	☐ GDA94			
				ļ	□ 56		ther:		
3.3) A	dditional pre	mises							
atta					this developr opment appli		pplicati	on and the de	etails of these premises have been
4) Ider	ntify any of t	he follo	wing th	at app	ly to the pren	nises a	and pro	vide any rele	vant details
☐ In c	or adjacent t	o a wat	er body	or wa	itercourse or	in or a	bove a	n aquifer	
Name	of water boo	dy, wat	ercours	e or ac	quifer:				
☐ On	strategic po	rt land	under t	he <i>Tra</i>	nsport Infras	tructur	re Act 1	994	
Lot on	plan descrip	otion of	strateg	ic port	land:				
Name	of port auth	ority fo	the lot	:					
☐ In a	a tidal area								
Name	of local gov	ernmer	nt for the	e tidal	area (if applica	able):			
Name	of port auth	ority fo	r tidal ar	rea (if a	applicable):				
☐ On airport land under the Airport Assets (Restructuring and Disposal) Act 2008									
Name	of airport:								

☐ Listed on the Environmental Management Register (EM	IR) under the Environmental Protection Act 1994		
EMR site identification:			
Listed on the Contaminated Land Register (CLR) under	the Environmental Protection Act 1994		
CLR site identification:			
5) Are there any existing easements over the premises? Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see <u>DA Forms Guide</u> .			
	e included in plans submitted with this development		
☐ No			

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the	e first development aspect		
a) What is the type of develo	pment? (tick only one box)		
	Reconfiguring a lot	Operational work	Building work
b) What is the approval type	? (tick only one box)		
□ Development permit	☐ Preliminary approval	☐ Preliminary approval that	includes a variation approval
c) What is the level of asses	sment?		
	☐ Impact assessment (requir	res public notification)	
d) Provide a brief description lots):	n of the proposal (e.g. 6 unit aparti	ment building defined as multi-unit dw	velling, reconfiguration of 1 lot into 3
3 x Dwelling Houses			
e) Relevant plans Note: Relevant plans are required to Relevant plans.	to be submitted for all aspects of this o	development application. For further in	nformation, see <u>DA Forms guide:</u>
Relevant plans of the pro	posed development are attach	ned to the development applica	ation
6.2) Provide details about th	e second development aspect		
a) What is the type of develo	pment? (tick only one box)		
☐ Material change of use	⊠ Reconfiguring a lot	Operational work	Building work
b) What is the approval type	? (tick only one box)		
□ Development permit	☐ Preliminary approval	☐ Preliminary approval that	includes a variation approval
c) What is the level of asses	sment?		
	Impact assessment (require	es public notification)	
d) Provide a brief description lots):	n of the proposal (e.g. 6 unit apart	ment building defined as multi-unit dw	velling, reconfiguration of 1 lot into 3
Subdivision (2 lots into 3 lots	and access easement)		
e) Relevant plans Note: Relevant plans are required to Relevant plans.	o be submitted for all aspects of this d	evelopment application. For further in	formation, see <u>DA Forms Guide:</u>
Relevant plans of the pro	posed development are attach	ned to the development applica	ation
6.3) Additional aspects of de	velopment		
	relopment are relevant to this on nder Part 3 Section 1 of this for		

Section 2 – Further develo	pment de	etails					
7) Does the proposed develop	oment appli	ication invol	lve any of the follow	ving?			
Material change of use	🛚 Yes -	- complete	division 1 if assess	able agains	t a local	planning instru	ument
Reconfiguring a lot	⊠ Yes -	- complete	division 2				
Operational work	Yes -	- complete	division 3				
Building work	Yes -	- complete I	DA Form 2 – Buildi	ng work det	tails		
Division 1 – Material change							
Note : This division is only required to be local planning instrument.	e completed if	f any part of th	e development applicati	ion involves a	material cl	nange of use asse	essable against a
8.1) Describe the proposed m	aterial char	nge of use					
Provide a general description proposed use	of the		ne planning scheme			er of dwelling f applicable)	Gross floor area (m²)
proposed dec				,	dinto (/	(аррисаыс)	(if applicable)
Houses		Dwelling H	Houses		3		
8.2) Does the proposed use in	nvolve the ι	use of existi	ng buildings on the	premises?			
Yes							
 ⊠ No							
_							
Division 2 – Reconfiguring a	lot						
Note: This division is only required to be				on involves re	configuring	g a lot.	
9.1) What is the total number	of existing	lots making	up the premises?				
2							
9.2) What is the nature of the	lot reconfig	juration? <i>(tid</i>					
Subdivision (complete 10))			☐ Dividing land i				
Boundary realignment (con	nplete 12))		☐ Creating or changing an easement giving access to a lot from a constructed road (complete 13))				
			nom a constru	cied road (d	complete 1	3))	
10) Subdivision							
10.1) For this development, he	ow many la	te are being	a created and what	is the inten	dod uso	of those lete:	
					ueu use		:£
Intended use of lots created	Reside	ntiai	Commercial Industrial		Other, pleas		e specify:
Number of lots created	3						
10.2) Will the subdivision be s	taged?						
☐ Yes – provide additional de	etails below	I					
How many stages will the wor	ks include?	?					
What stage(s) will this develop							
apply to?							

11) Dividing land ir parts?	nto parts b	y agreement – hov	w many par	ts are being o	created and what	is the intended use of the		
Intended use of pa	use of parts created Residential		Com	mercial	Industrial	Other, please specify:		
Number of parts co	f parts created							
40) Downdom, wooli								
12) Boundary reali		nd proposed areas	s for each lo	nt comprising	the premises?			
12.1) What are the		ent lot	o for odom ic	zt domprioling	Proposed lot			
Lot on plan descrip	otion	Area (m²)		Lot on plan	description	Area (m²)		
12.2) What is the r	eason for	the boundary real	ianment?					
TELEY WHAT IS THE	oussii isi	are bearrany rean	igillione:					
13) What are the co (attach schedule if ther	limensions e are more t	s and nature of any han two easements)	y existing ea	asements be	ing changed and	or any proposed easement?		
Existing or proposed?	Width (m) Length (m)	Purpose of pedestrian a	of the easem	ent? (e.g.	Identify the land/lot(s) benefitted by the easement		
Proposed	5m	44m approx	Access	Access		Proposed Lot 2		
		- ''						
			II.					
Division 3 – Opera Note: This division is only			art of the devel	onment annlicat	ion involves operation	nal work		
14.1) What is the r				эртст аррпсан	on mvolves operation	idi work.		
☐ Road work			Stormwat	er	☐ Water in	frastructure		
☐ Drainage work			Earthwork	<u> </u>		infrastructure		
Landscaping			Signage		☐ Clearing	vegetation		
Other – please	•							
14.2) Is the operat	ional work	necessary to facil	litate the cre	eation of new	lots? (e.g. subdivis	ion)		
Yes – specify n	umber of	new lots:						
☐ No								
14.3) What is the r	monetary v	value of the propos	sed operatio	onal work? <i>(in</i>	oclude GST, materials	s and labour)		
\$								
PART 4 – ASS	E S S IVI	ENT MANAG	EK DE I	AILS				
15) Identify the ass		manager(s) who w	vill be asses	sing this dev	elopment applica	ation		
Douglas Shire Cou								
			· · · · · · · · · · · · · · · · · · ·			evelopment application?		
		sion notice is attach		•	• •	equest relevant decuments		
attached	TITIETILIS I	laken to nave agre	eu io ine si	iperseded pr	anning scrieme re	equest – relevant documents		
⊠ No								

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements? Note: A development application will require referral if prescribed by the Planning Regulation 2017.
No, there are no referral requirements relevant to any development aspects identified in this development application − proceed to Part 6
Matters requiring referral to the Chief Executive of the Planning Act 2016:
☐ Clearing native vegetation
Contaminated land (unexploded ordnance)
Environmentally relevant activities (ERA) (only if the ERA has not been devolved to a local government)
Fisheries – aquaculture
Fisheries – declared fish habitat area
Fisheries – marine plants
Fisheries – waterway barrier works
Hazardous chemical facilities
Heritage places – Queensland heritage place (on or near a Queensland heritage place)
☐ Infrastructure-related referrals – designated premises
☐ Infrastructure-related referrals – state transport infrastructure
☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
☐ Infrastructure-related referrals – near a state-controlled road intersection
☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
☐ Koala habitat in SEQ region – key resource areas
☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
☐ Ports – Brisbane core port land – hazardous chemical facility
☐ Ports – Brisbane core port land – taking or interfering with water
☐ Ports – Brisbane core port land – referable dams
☐ Ports – Brisbane core port land – fisheries
Ports – Land within Port of Brisbane's port limits (below high-water mark)
☐ SEQ development area
☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
☐ Tidal works or works in a coastal management district
Reconfiguring a lot in a coastal management district or for a canal
☐ Erosion prone area in a coastal management district
☐ Urban design
☐ Water-related development – taking or interfering with water
Water-related development – removing quarry material (from a watercourse or lake)
☐ Water-related development – referable dams
☐ Water-related development –levees (category 3 levees only)
☐ Wetland protection area
Matters requiring referral to the local government:
☐ Airport land
Environmentally relevant activities (ERA) (only if the ERA has been devolved to local government)

☐ Heritage places – Local heritage places						
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: Infrastructure-related referrals – Electricity infrastructure						
Matters requiring referral to:						
The Chief Executive of the holder of the licence, if not an individual The Chief Executive of the holder of the licence, if not an individual						
The holder of the licence, if the holder of						
☐ Infrastructure-related referrals – Oil and gas						
Matters requiring referral to the Brisbane City						
Ports – Brisbane core port land						
Matters requiring referral to the Minister respo ☐ Ports – Brisbane core port land (where inconst) ☐ Ports – Strategic port land		-				
Matters requiring referral to the relevant port of Ports – Land within Port of Brisbane's port I		ator:				
Matters requiring referral to the Chief Executiv ☐ Ports – Land within limits of another port (be	· · · · · · · · · · · · · · · · · · ·					
Matters requiring referral to the Gold Coast W ☐ Tidal works or work in a coastal manageme	-					
Matters requiring referral to the Queensland Fire and Emergency Service : Tidal works or work in a coastal management district (involving a marina (more than six vessel berths))						
18) Has any referral agency provided a referra						
☐ Yes – referral response(s) received and list☐ No	ed below are attached to this develop	ment application				
Referral requirement	Referral agency	Date of referral response				
Identify and describe any changes made to the referral response and this development applica (if applicable).						
PART 6 – INFORMATION REQUE	:QT					
ANT 0 - IN ONWATION NEQUE	.01					
10) Information request under Port 2 of the DA	Rules					
19) Information request under Part 3 of the DA		oment englisstics				
I agree to receive an information request if	·	оттепт аррисатіоп				
I do not agree to accept an information request I, to Note: By not agreeing to accept an information request I, to						
that this development application will be assessed an application and the assessment manager and any requires to accept any additional information provided in parties.	nd decided based on the information provided eferral agencies relevant to the development ap	oplication are not obligated under the DA				

Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the <u>DA Forms Guide</u>.

PART 7 – FURTHER DETAILS

20)					
· · · · · · · · · · · · · · · · · · ·	development applications or o				
	w or include details in a sched	lule to this d	evelopment application	n	
∐ No		1_		T	
List of approval/development	Reference number	Reference number Date As			
application references		manager			
Approval					
Development application					
Approval					
☐ Development application					
21) Has the portable long ser operational work)	vice leave levy been paid? (on	ly applicable to	development applications i	nvolving building work or	
☐ Yes – a copy of the receip	ted QLeave form is attached t	to this develo	pment application		
	rovide evidence that the porta				
	ides the development applicat				
	val only if I provide evidence t	•		e levy has been paid	
	ng and construction work is les	ss than \$150	<u> </u>		
Amount paid	Date paid (dd/mm/yy)		QLeave levy number	(A, B or E)	
\$					
	cation in response to a show o	ause notice	or required as a resul	t of an enforcement	
notice?					
☐ Yes – show cause or enfor	rcement notice is attached				
⊠ No					
23) Further legislative require	ements				
Environmentally relevant ac	<u>ctivities</u>				
	olication also taken to be an ap Activity (ERA) under section 1				
	ment (form ESR/2015/1791) fo				
	ment application, and details a			ital authority	
⊠ No	,,				
Note: Application for an environment	tal authority can be found by searchin	g "ESR/2015/1	791" as a search term at <u>wv</u>	vw.qld.gov.au. An ERA	
requires an environmental authority t	to operate. See <u>www.business.qld.go</u>	<u>v.au</u> for further	information.		
Proposed ERA number:		Proposed E	RA threshold:		
Proposed ERA name:					
Multiple ERAs are applica this development applicati	ble to this development applic	ation and the	e details have been at	tached in a schedule to	
Hazardous chemical facilities					
	<u>os</u> plication for a hazardous che r	nical facility	/ ?		
	n of a facility exceeding 10% o			ed to this development	
application					
⊠ No					
Note: See www.business.gld.gov.au	for further information about hazardo	us chemical no	tifications.		

Clearing native vegetation
23.3) Does this development application involve clearing native vegetation that requires written confirmation that the chief executive of the <i>Vegetation Management Act 1999</i> is satisfied the clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i> ?
Yes – this development application includes written confirmation from the chief executive of the <i>Vegetation Management Act 1999</i> (s22A determination)
Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development. 2. See https://www.gld.gov.au/environment/land/vegetation/applying for further information on how to obtain a s22A determination.
Environmental offsets
23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a prescribed environmental matter under the <i>Environmental Offsets Act 2014?</i>
Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
No Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.
Koala habitat in SEQ Region
23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?
Yes – the development application involves premises in the koala habitat area in the koala priority area
☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area☒ No
Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.
Water resources
23.6) Does this development application involve taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the <i>Water Act 2000</i> ?
Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development
No Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.
DA templates are available from https://planning.dsdmip.qld.gov.au/ . If the development application involves:
 Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1 Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2 Taking overland flow water: complete DA Form 1 Template 3.
Waterway barrier works
23.7) Does this application involve waterway barrier works?
☐ Yes – the relevant template is completed and attached to this development application☒ No
DA templates are available from https://planning.dsdmip.qld.gov.au/ . For a development application involving waterway barrier works, complete DA Form 1 Template 4.
Marine activities
23.8) Does this development application involve aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?
Yes – an associated <i>resource</i> allocation authority is attached to this development application, if required under the <i>Fisheries Act 1994</i>
⊠ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake
23.9) Does this development application involve the removal of quarry materials from a watercourse or lake under the <i>Water Act 2000?</i>
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No
Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.
Quarry materials from land under tidal waters
23.10) Does this development application involve the removal of quarry materials from land under tidal water under the <i>Coastal Protection and Management Act 1995?</i>
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No
Note: Contact the Department of Environment and Science at www.des.gld.gov.au for further information.
Referable dams
23.11) Does this development application involve a referable dam required to be failure impact assessed under section 343 of the <i>Water Supply (Safety and Reliability) Act 2008</i> (the Water Supply Act)?
Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
No Note: See guidance materials at www.dnrme.qld.gov.au for further information.
Tidal work or development within a coastal management district
23.12) Does this development application involve tidal work or development in a coastal management district?
Yes – the following is included with this development application:
Evidence the proposal meets the code for assessable development that is prescribed tidal work (only required if application involves prescribed tidal work)
A certificate of title
No Note: See guidance materials at www.des.gld.gov.au for further information.
Queensland and local heritage places
23.13) Does this development application propose development on or adjoining a place entered in the Queensland heritage register or on a place entered in a local government's Local Heritage Register ?
☐ Yes – details of the heritage place are provided in the table below ☐ No
Note: See guidance materials at www.des.gld.gov.au for information requirements regarding development of Queensland heritage places.
Name of the heritage place: Place ID:
<u>Brothels</u>
23.14) Does this development application involve a material change of use for a brothel?
Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i>
No No
Decision under section 62 of the Transport Infrastructure Act 1994
23.15) Does this development application involve new or changed access to a state-controlled road?
Yes – this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being
satisfied) No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation
23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?
☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
No N
Note : See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 - CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 Note: See the Planning Regulation 2017 for referral requirements	⊠ Yes
If building work is associated with the proposed development, Parts 4 to 6 of <u>DA Form 2 – Building work details</u> have been completed and attached to this development application	☐ Yes☒ Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DAForms Guide: Planning Report Template .	⊠ Yes
Relevant plans of the development are attached to this development application Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <u>DA Forms Guide: Relevant plans.</u>	⊠ Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	☐ Yes ☑ Not applicable
25) Applicant declaration	
By making this development application, I declare that all information in this development correct	application is true and
Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application was required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act</i> Note: It is unlawful to intentionally provide false or misleading information.	here written information
Privacy – Personal information collected in this form will be used by the assessment manager assessment manager, any relevant referral agency and/or building certifier (including any prowhich may be engaged by those entities) while processing, assessing and deciding the deveral information relating to this development application may be available for inspection and published on the assessment manager's and/or referral agency's website.	ofessional advisers elopment application.

Personal information will not be disclosed for a purpose unrelated to the Planning Act 2016, Planning

Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the Planning Act 2016 and the Planning Regulation 2017, and the access rules made under the Planning Act 2016 and Planning Regulation 2017; or
- required by other legislation (including the Right to Information Act 2009); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the Public Records Act 2002.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:	Reference num	ber(s):		
Notification of engagement of	of alternative assessment ma	nager		
Prescribed assessment mar	nager			
Name of chosen assessmer	ıt manager			
Date chosen assessment ma	anager engaged			
Contact number of chosen assessment manager				
Relevant licence number(s) of chosen assessment				
manager				
QLeave notification and payment				
Note: For completion by assessmen	nt manager if applicable			
Description of the work				
QLeave project number				
Amount paid (\$)		Date paid (dd/mm/yy)		
Date receipted form sighted	by assessment manager			

Name of officer who sighted the form

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Port Douglas By Gurner Pty Ltd c/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	REDLYNCH
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?
Note: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.
☐ Yes – the written consent of the owner(s) is attached to this change application ☐ No

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable) 3.1) Street address and lot on plan Street address **AND** lot on plan (all lots must be listed), **or** Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed). Unit No. Street Name and Type Suburb Street No. 69 Murphy Street Port Douglas a) Postcode Lot No. Plan Type and Number (e.g. RP, SP) Local Government Area(s) 4877 516 PTD2094 Douglas Shire Unit No. Street No. Suburb Street Name and Type 71 - 73 Murphy Street Port Douglas b) Postcode Lot No. Plan Type and Number (e.g. RP, SP) Local Government Area(s) 4877 2 RP724386 **Douglas Shire**



3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)								
Note: Place each set o				e				
Longitude(s)		Latitude(s)		Datum		Local Go	overnment Area(s) (if applicable)	
3 ()		()		☐ WGS84			() () ()	
				☐ GDA94				
				Other:				
☐ Coordinates of								
Easting(s)	North	ing(s)	Zone Ref.	Datum		Local Go	overnment Area(s) (if applicable)	
			☐ 54 □ 55	☐ WGS84				
			☐ 55 ☐ 56	☐ GDA94				
3.3) Additional pre	mises			U Other.				
		e relevant to	the original d	levelonment	approval and	the details	s of these premises have	
been attached i				ovelopment	approvar and	ino dotano	of these premises have	
PART 3 — RESPONSIBLE ENTITY DETAILS 4) Identify the responsible entity that will be assessing this change application Note: see section 78(3) of the Planning Act 2016 Douglas Shire Council								
PART 4 – CHA	ANGE	DETAILS	3					
5) Provide details	of the e	xisting develo	pment appro	oval subject t	o this change	applicatio	n	
Approval type		Referenc	e number	Date	issued		Assessment manager/approval entity	
☑ Development p☑ Preliminary app		CA 2023	_5316/2	3 No	vember 2023		DSC	
☐ Development p ☐ Preliminary app								
6) Type of change 6.1) Provide a brie approval for a five	f descr	iption of the c				pproval (e.	.g. changing a development	
Revised access and floor plans								
6.2) What type of change does this application propose?								
☐ Minor change application – proceed to Part 5☑ Other change application – proceed to Part 6								

PART 5 - MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any effected entities for	er this shangs application	
7) Are there any affected entities for	or this change application	
No – proceed to Part 7	leve and massed to Dort 7	
Yes – list all affected entities be	fow and proceed to Part / 6 states that the person making the change application must (give notice of the proposal and the
	o states that the person making the change application must t I entity as identified in section 80(2) of the Planning Act 2016.	give notice of the proposal and the
Affected entity	Pre-request response provided? (where a pre-	Date notice given (where no pre-
,	request response notice for the application has been	request response provided)
	given, a copy of the notice must accompany this change application)	
	□No	
	Yes – pre-request response is attached to	
	this change application	
	□ No	
	Yes – pre-request response is attached to	
	this change application	
	□ No	
	Yes – pre-request response is attached to	
	this change application	
PART 6 – OTHER CHANC	SE APPLICATION REQUIREMENT	S
	y for you to complete parts of DA Form 1 – Development appl	
of DA Form 2 – Building work details, as ment	ioned below. These forms are available at <u>https://planning.dsc</u>	<u>dmip.qld.gov.au</u> .
O) Location details Are there any	additional promises included in this shapes applic	pation that were not part of the
original development approval?	additional premises included in this change applic	fation that were not part of the
_		
⊠ No		
∐ Yes		
9) Development details		
9.1) Is there any change to the type application?	e of development, approval type, or level of asses	sment in this change
⊠ No	10 (D (0/D)	
	and 2 of Part 3 (Development details) of <i>DA Fort</i>	
	to the new or changed aspects of development a	e provided with this application.
9.2) Does the change application in	nvolve building work?	
No		
	ilding work details) of DA Form 2 – Building work	details as it relates to the
change application is provided v	vith this application.	
•	nge application require referral for any referral rec	
Note : The application must be referred to e development application including the	ach referral agency triggered by the change application as if the proposed change	he change application was the original
No	proposed enange.	
	formal datails) of DA Form 1 Development applic	cation details as it relates to the
	ferral details) of <i>DA Form 1 – Development applic</i> with this application. Where referral is required for	
work the Referral checklist for b		matters relating to ballaring
11) Information request under Part	3 of the DA Rules	
	n request if determined necessary for this change	application
	mation request for this change application	apphoanon
Note: By not agreeing to accept an informa		

- that this change application will be assessed and decided based on the information provided when making this change application and the
 assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any
 additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the DA Forms Guide: Forms 1 and 2.

12) Further details

□ Part 7 of DA Form 1 – Development application details is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist	
I have identified the:	
responsible entity in 4); and	
for a minor change, any affected entities; and	⊠ Yes
 for an other change all relevant referral requirement(s) in 10) Note: See the Planning Regulation 2017 for referral requirements 	
For an other change application, the relevant sections of <u>DA Form 1 – Development</u> <u>application details</u> have been completed and is attached to this application	
For an other change application, where building work is associated with the change application, the relevant sections of <u>DA Form 2 – Building work details</u> have been completed and is attached to this application	☐ Yes ☑ Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the	⊠ Yes
relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see <u>DA Forms Guide: Planning report template</u> .	
Relevant plans of the development are attached to this development application Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see <u>DA Forms Guide: Relevant plans.</u>	⊠ Yes

14) Applicant declaration

By making this change application, I declare that all information in this change application is true and correct.

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the Right to Information Act 2009); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:	Reference numb	per(s):	
Bate received.	Treference numb	Der(S).	
QLeave notification and p	ayment		
Note: For completion by assess	ment manager if applicable		
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sight	ed the form		

Annexure 2: Existing Approval

 $^{9 \}quad https://ppqld-my.sharepoint.com/personal/evan_planningplusqld_com_au/Documents/JOBS/20-12 \ Gurner \ Murphy \ St/2024 \ Revised \ Scheme \ DA/001304.docx$



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

3 November 2023

Enquiries: Neil Beck

Our Ref: CA 2023_5316/2 (1189828)

Your Ref: 20-12/001232

Port Douglas by Gurner Pty Ltd C/- Planning Plus PO Box 399 **REDLYNCH QLD 4870**

Dear Evan

Decision Notice for Change Application - Material Change of Use - 3 x Dwelling Houses & Reconfiguring a Lot (2 Lots into 3 Lots & Access Easement) - 69 - 73 Murphy Street PORT DOUGLAS

Please find attached the Decision Notice for the request to change the above-mentioned development approval.

Please quote Council's application number: CA 2023_5316/2 in all subsequent correspondence relating to this development approval.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

For

Paul Hoye

Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - o Concurrence Agency Response
 - o Reasons for Decision non-compliance with assessment benchmark.
- 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: Port Douglas by Gurner Pty Ltd

Postal Address: C/- Planning Plus

PO Box 399

REDLYNCH QLD 4870

Email: evan@planningplusqld.com.au

Property Details

Street Address: 69 73 Murphy Street PORT DOUGLAS

Real Property Description: LOT: 516 PTD PLN: 2094, LOT: 2 RP: 724386

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Combined Application for Material Change of Use - 3 x dwelling houses & Reconfiguring a Lot (2 Lots into 3 Lots & Access Easement)

Decision

Date of Decision: 3 November 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.

Drawing or Document	Reference	Date
Architectural Plans		
COVER SHEET	DA-01 (RevID DA-F)	19.05.23 23.08.23

Drawing or Document	Reference	Date
SITE PLAN	DA-02 (RevID DA-F)	19.05.23 23.08.23
GROUND FLOOR LEVEL	DA-03 (RevID DA-F)	19.05.23 23.08.23
FIRST FLOOR LEVEL	DA-04 (RevID DA-F)	19.05.23 23.08.23
SECOND FLOOR LEVEL	DA-05 (RevID DA-F)	19.05.23 23.08.23
THIRD FLOOR LEVEL	DA-06 (RevID DA-F)	19.05.23 23.08.23
ROOF LEVEL	DA-07 (RevID DA-F)	19.05.23 23.08.23
SECTION 01	DA-08 (RevID DA-F)	19.05.23 23.08.23
SECTION 02	DA-09 (RevID DA-F)	19.05.23 23.08.23
SECTION 03	DA-10 (RevID DA-F)	19.05.23 23.08.23
SECTION 04	DA-11 (RevID DA-F)	19.05.23 23.08.23
SECTION 05	DA-12 (RevID DA-F)	19.05.23 23.08.23
SECTION 06	DA-13 (RevID DA-F)	19.05.23 23.08.23
SECTION L1	DA-14 (RevID DA-F)	19.05.23 23.08.23
SECTION L2	DA-15 (RevID DA-F)	19.05.23 23.08.23
ELEVATIONS	DA-16 (RevID DA-F)	19.05.23 23.08.23
ELEVATIONS	DA-17 (RevID DA-F)	19.05.23 23.08.23

Drawing or Document	Reference	Date
ELEVATIONS	DA-18 (RevID DA-F)	19.05.23 23.08.23
AREAS ANALYSIS	DA-19 (RevID DA-F)	19.05.23 23.08.23
FINISHES VISUALISATIONS	DA-20 (RevID DA-F)	19.05.23 23.08.23
FINISHES VISUALISATIONS	DA-21 (RevID DA-F)	19.05.23 23.08.23
PARK PERSPECTIVE	DA-22 (RevID DA-F)	19.05.23 23.08.23
CAR PARK PERSPECTIVE	DA-23 (RevID DA-F)	19.05.23 23.08.23
Civil Plans		
COVER PAGE & LOCAILTY PLAN	22031-C001	23.02.23
PROJECT NOTES	22031-C002	23.02.23
DEMOLITION & VEGETATION CLEARING EXTENTS PLAN	22031-C003	23.02.23
GENERAL ARRANGEMENT PLAN	22031-C004	23.02.23
BULK EARTHWORKS PLAN	22031-C005	23.02.23
SITE SECTIONS	22031-C006	23.02.23
DRIVEWAY & DRAINAGE PLAN	22031-C007	23.02.23
DRIVEWAY SECTION & DETAILS	22031-C008	23.02.23
DRAINAGE LONGSECTIONS	22031-C009	23.02.23

Drawing or Document	Reference	Date
DRAINAGE DETAILS	22031-C010	23.02.23
WATER & SEWER SERVICE PLANS	22031-C011	23.02.23
WATER & SEWER LONGSECTIONS	22031-C012	23.02.23
WATER & SEWER DETAILS	22031-C013	23.02.23
EROSION & SEDIMENTATION CONTROL STRATEGY	22031-C014	23.02.23
EROSION & SEDIMENT CONTROL DETAILS	22031-C015	23.02.23

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

Assessment Manager Conditions & Advices

- 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.

Staging of Development

3. The proposed staging of the development as detailed in the development application is not approved. All development to take place on the site must be undertaken at or around the same time. All construction and landscaping works associated with the development of all dwellings must be completed prior to the Commencement of Use.

The reconfiguration of the land is to take place following the Commencement of Use.

Road Closure

4. The Applicant must make application to Department of Resources to permanently close that area of the Murphy Street road reserve that has been reprofiled and stabilised as

detailed in the civil design drawings prepared by Progression Design & Development.

The road closure application must be submitted to Department of Resources following the commencement of site works.

Amended Plan

- 5. The access driveway design is to be revised to comply with the FNQROC Development Manual and good engineering design. The following design parameters must be addressed:
 - a. The width of the driveway must be sufficient for one-way traffic movement, provided a Traffic Management Plan for managing right of way for the driveway is prepared and approved by the Chief Executive Officer;
 - b. The horizontal geometry must be designed based on the swept path turn templates for the B99 vehicle and must also demonstrate practical access for a medium rigid vehicle per the dimensions in AS2890.1;
 - c. The inside gradient of any bends must not exceed 20%; The driveway surface must include suitable roughening treatment determined by the certifying engineer for any sections of the driveway with a gradient above 16%. The surface roughening is to be to the satisfaction of the Chief Executive Officer:
 - d. The roadside safety barriers and retaining wall treatments are to be detailed and approved by Council with consideration to be given to visual impact. Council's approval may require additional visual amelioration treatments to address visual impact;
 - e. The southern most projection of the driveway must not extend further than the limit shown on the Progression Design and Documentation Drawing 22031-C007.

The revised plans must be certified by an RPEQ as part of Operational Works application for the driveway, earthworks and retaining walls in the road reserve.

The section of private access driveway and landscaping treatments within the unconstructed road reserve will not become a Council asset and will never be maintained by Council. The ongoing maintenance obligation of the driveway in the road reserve remains with the property owner/s.

Operational Works

- 6. An Operational Works Approval is required for the water, sewer, stormwater, earthworks and driveway associated with the development. The application for Operational Works must include, but not be limited to, the following:
 - a. Decommissioning of the existing services within the site including demolition and removal of redundant services;
 - b. Drainage works nominated as detailed in conditions of approval and any additional works confirmed by the local drainage study;
 - c. Earthworks internal and external to the site;
 - d. Required external works within the road reserve for the driveway and retaining walls and Murphy Street;

e. Water and sewerage works required to provide additional capacity (where required) to enable connectivity of the site to Council's system without impacting existing levels of service.

Such works must be completed in accordance with approved plans and to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Road Condition Survey

7. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road haulage route(s) from the site to the approved disposal site(s). The report is to identify relevant existing defects or problems with the roadway along the identified route. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

Building Colours & Finishes

8. A submission detailing the colours of all the external walls and structures is to be submitted for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The use of lighter colours and material finishes such as the nominated REN-1, REN-2 & RET-1 as detailed in the existing development approval are to be avoided for upper storeys of the development.

Water Supply and Sewerage Works External

- 9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - 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 lot frontage;
 - b. Augment existing sewers or construct new sewer to accommodate the development. If connection is proposed to the existing sewer on the north western boundary, detailed plans are to be provided showing levels, capacity and existing sewerage demands through to the pump station downstream of the site. Alternatively, a new sewer connection will need to be designed through to the pump station. The connection point is to be into the existing incoming sewer and not into the pump station. The design is to be in accordance with the FNQROC Development Manual and submitted for Operational Works approval;
 - c. Design and Construct the external water main within the Esplanade road reserve from Macrossan Street to Murphy Street, generally in accordance with the concept shown on the Progression Design and Documentation Drawing 22031-C011, except that the water main must be realigned to be outside the footprint of the driveway cut batter;

The external works outlined above require Operational Works approval from Council.

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.

Water Supply and Sewerage Works Internal

- 10. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection to each lot which must be clear of any buildings or structures. The sewer within Lot 2 must be contained within an easement in favour of Douglas Shire Council in accordance with the requirements of the FNQROC Development Manual or realigned to be within proposed Lot 3.
 - b. Provide a water connection and water meter to each lot with the water meters to be in a common area within the site near the top of the driveway with suitable access for Council. The applicant will need to provide to separate bypass main with capacity for firefighting. The bypass arrangements are to be nominated for approval by Council.

Note: Council does not guarantee the pressure in its external water network beyond the minimum pressures nominated under FNQROC Development Manual. Where the building classification or use require greater pressures, these must be addressed by on-site measures as required to suit the building approval requirements.

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 the Application for survey plan endorsement or Commencement of Use whichever is the sooner.

Sewerage Decommissioning

- 11. At the time of demolition, any redundant sewer connections must be capped. Council must be provided with written notice of the relevant affected connections within 20 business days of the capping of such connection(s) occurring.
- 12. Where altering existing sewer mains or construction of new sewer main, provide CCTV inspections of sewers 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.

Damage to Council Infrastructure

13. 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.

General External Works

- 14. Undertake the following external works:
 - a. Provide a full detail design for the driveway and reprofiling works in the verge including landscaping treatments and pedestrian access. No part of the driveway must be steeper than 20% grading. The current concept designs will need to be amended to comply with this requirement on the inside of the bends;

b. The detail design in a. above must include sufficient details on the local drainage, verge grading, concrete pathway grades and crossfall. The applicant is to ensure that the development complies with the requirements of AS2890.6, and other all-abilities access provisions to the extent applicable for this development.

The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Commencement of the Use.

Esplanade Impact

15. The applicant is to prepare a landscaping and rehabilitation plan to manage the significant impact on the safety, utility and condition of the Esplanade during construction and at completion of the works. At a minimum, the Esplanade Road and car park area must be resurfaced with an AC overlay and the verges are to be reinstated to a full grass cover. This will include levelling, topsoiling and turfing all disturbed areas outside the roadway. The applicant must also nominate new and replacement planting to ameliorate the impacts of the construction and the development in consultation with Open Spaces.

Landscape plans for the entire development are to be updated and resubmitted for approval at the time of seeking a Development Permit for Operational Works.

Drainage Study of Site

16. Undertake a local drainage study of the site to provide the drainage calculations to support the proposed pipe system included in the Progression Design and Documentation Drawing 22031-C007.

The study is to verify:

- a. The contributing catchment boundaries for the existing stormwater pipe system;
- b. The conveyance path and flow characteristics for the 100 year ARI flood event in relation to the site both pre- and post-development;
- c. Primary and secondary peak flow volumes for the 5, 10 and 100 year ARI rainfall events;
- d. Proposed pipe infrastructure sizes and capacity compared with the peak flows.
- e. Identify any requirement for amendments to the drainage easements;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
- g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Drainage Easements (General Drains)

17. A Drainage Easement having a minimum width of 3 metres along the entire length of north western boundary must be granted in favour of Council. 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 lodged and registered with the Department of Resources prior to the Commencement of Use.

Plan of Drainage Works

- 18. The subject land must be drained generally in accordance with Progression Design and Documentation Drawing 22031-C007 to the satisfaction of the Chief Executive Officer. In particular,
 - a. Provision of Stormwater line 1/EX1 to 2/3 along the western boundary;
 - b. Connection of existing western drainage pipe into new pit 2/3;
 - c. Provision of sufficient pipe and overland flow capacity to convey the 1%AEP event from the south-west corner of the site (Pit 2/3) through to Julan Park.
 - d. Overland swale drain along the south western boundary and connecting to the Esplanade road reserve.
 - e. Unless otherwise approved by Council, the drainage system from the development must incorporate a stormwater quality improvement devices (SQID) internal to the site. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system and be positioned to provide appropriate access for maintenance equipment.

Geotechnical Investigation / Design

- 19. An updated geotechnical assessment by a qualified and experienced geotechnical consultant must be submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to the Commencement of Use.
 - a. The updated geotechnical assessment must address the recommendations In the Geo Design letter dated 5 October 2021 and the Geo Design Report dated 29 October 2020 including but not limited to:
 - A revised and updated geotechnical report should be prepared based on the final architectural designs and consider footings, stability and construction recommendations;
 - The updated geotechnical report may require the completion of additional fieldwork;
 - A detailed slope stabilisation design should be adopted for the Murphy Street batter that decreases the risk to the proposed development and Murphy Street;
 - Retaining works or slope retention systems may be required on other batters or natural slopes subject to a review of the final design;
 - Drainage works are considered essential to the successful completion of the works to minimise potential sediment and erosion issues together with decreasing the risks of instability.
 - b. The updated geotechnical assessment must address the cut batter along the northern boundary, and provide specific details on the staging of work and control measures required on this batter to maintain the safety of the site to enable work activities to be undertaken within the site;
 - c. Geotechnical details to be submitted include, but are not limited to, the following:
 - Details of the specific means of supporting or retaining to be used. This must

include geotechnical specifications identifying the required treatments at specific times, heights on the batter and the location within the site;

- Drawings (plans, longitudinal and cross sections) clearly showing the extent of the proposed treatments at each location;
- Methods to be used to minimise the visual impact (where not included within the building); and
- Elevations showing the visual impact when viewed from vantage points and duration that the treatment is expected to be exposed to public view.

All works identified must be supervised by the geotechnical consultant to ensure that the site works are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines. The supervising geotechnical assessment must provide a final geotechnical report confirming that the constructed works comply with the approved designs. The final report must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

20. The geotechnical report must include designs and treatments for the site for temporary works and for the staging of construction. The temporary works are to be certified by a suitably qualified RPEQ and must be supervised by the geotechnical consultant to ensure that the siteworks are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines.

Where the proposed temporary or permanent geotechnical design solution requires soil nails, the extent of the nails must not extend beyond the property boundary without written consent from the adjacent landowner. The design must fully disclose the extent, depth and potential impact on future development of adjoining land so that the owner provides informed consent to any encroachment. As-constructed details of the geotechnical solution are to be provided to Council and records must be kept by the applicant/land owner and provided to future owners/body corporate. Certification from the RPEQ that the works have been undertaken in accordance with the approved plans and recommendations of the geotechnical investigation and compliance with the conditions is required prior to the Commencement of Use.

Construction Management Plan for Earthworks

21. The site development requires excavation and earthworks and will require material to be imported and exported from the site with access through the Esplanade road and car park area.

The applicant is to prepare a traffic management plan and detail the controls necessary to manage the impacts for movement of materials to and from the site. The plan must nominate the type and number of truck movements required including total truck movements, daily truck movements and management of movements throughout the day.

The construction management plan must also identify the access construction at the earthworks stage and confirm the pavement material and sealing requirements for a safe and serviceable access into the construction site without impacting neighbouring properties.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the Commencement of Use.

Traffic Management

22. Conduct a Risk Management Assessment of all safety risks likely to arise during undertaking works on the road including the setting up, operating, changing and dismantling of a traffic guidance scheme. This assessment is to consider the general behaviour of road users, cyclists and pedestrians. Where the Risk Management Assessment determines works will impact the normal operations of the Local Government Managed Areas and Roads, the applicant must implement a Traffic Guidance Scheme and a copy of the plans must be submitted to Council prior to implementation of the Traffic Guidance Scheme.

Note: Where the Local Government Road is required to be partially or fully closed, please note that additional permits and approvals may be required. Please see Further Advice notes attached to this Permit.

Sequencing Plan for Earthworks

23. The site work requires geotechnical stabilisation and heavy earthworks. The applicant is to provide a work sequencing plan including temporary access construction to demonstrate how the site will be accessed without creating an unacceptable safety and public nuisance issue in the Esplanade road reserve and Jalun Park area.

The sequencing plan must demonstrate the scope of works at each work stage and the type of equipment that will be required to access the site including the mobilistion and demobilization of that equipment.

The temporary access will need to be suitably designed and constructed including surfacing, to provide an acceptable controlled access point to the site.

The sequencing plan must be integrated with the construction management plan and the traffic impact assessment. A draft of the sequencing plan must be included with the operational works application and will be a requirement of any future approvals that the contractor finalises the plan based on the approved draft plan.

Stockpiling and Transportation of Fill Material

24. 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; or
- b. before 7:00 am or after 6:00 pm Monday to Friday; or
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.
- 25. 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

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

Landscape Plan

27. The site and external areas must be landscaped generally in accordance with the previously approved Landscape Plans prepared by Myles Baldwin Design dated 12 July 2022 subject to the following requirements. An amended landscape plan/s must be

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provided which shows:-

- The retention of the Calophyllum tree located in the unconstructed road reserve which is earmarked for removal unless otherwise approved at the time of assessing the Landscape Plans;
- b. The Landscape Plan is to detail protection measures to be installed for vegetation to be retained. Protection measures are to be in accordance with AS 4970-2009;
- c. Further detail on the proposed refuse facility located in the unconstructed road reserve in terms of building material, finishes and screening. The refuse facility is to be of a high quality and be appropriately screened;
- d. Landscaping and deep planting of cut and fill areas and other disturbed areas as a consequence of installing services and construction works external to site;
- e. Undertaking deep planting of building setback areas and areas adjacent the driveway to soften the appearance of the driveway and provide visual relief of the building when viewed from foreshore and park areas;
- f. Deep landscaping of the setback area adjacent Dwelling 3 & Dwelling 4 to screen the building piers overtime. Landscaping is also permitted within Lot 1 on RP724386 following the installation of the new stormwater pipe to create an effective buffer between the development and the existing buildings.
- g. Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
- h. Reinstatement works external to the site as required by conditions of this approval;
- i. Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping;
- j. 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.

The Landscape Plan must be endorsed by the Chief Executive Officer at the time of seeking a Development Permit for Operational Works. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Refuse Bin Enclosure

28. Any required refuse bin enclosure or bin hardstand is to be documented on the operational works plans. The bins must not be placed in front of the existing units on the Esplanade and must be positioned to not detract from the appearance of the streetscape. Details of the refuse storage must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Operational Works.

Vehicle Parking

29. In addition to the onsite vehicle parking in each lot, a minimum of two (2) car parking spaces must be provided within the common access. The car parking 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 and these attributes must be maintained for the life of the development.

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Sediment and Erosion Control

30. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Operational Work. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

Existing Services

- 31. 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 Commencement of Use.

Electricity Supply

32. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided and 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.

Above Ground Transformer Cubicles / Electrical Sub-Stations

33. 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 the road frontage and 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 Operational Work.

Electricity and Telecommunications

34. Written evidence of negotiations with the telecommunication authority must be submitted to Council stating that a telecommunications service will be provided to the development prior to approval and dating of the Survey Plan.

Street Lighting

- 35. The following arrangements for the installation of upgraded street lighting within the Esplanade Road Reserve must be provided prior to Commencement of the Use:
 - a. Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined for an Access Street per the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The lighting scheme must show a <u>new</u> light pole supplied by underground power and located to identify the driveway entry point onto the Esplanade roadway and

parking areas. The new "flag light" is to be located to avoid conflicts with the existing stormwater pipes and inlet pits and other services and the proposed refuse facility.

The existing light pole north east from the driveway connection point and the overhead power supply are to be decommissioned and removed.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the driveway entry/exit point assessed as an "intersection".

b. Prior to the Commencement of the Use provide evidence that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

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 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;
 - g. Landscape Architect

Easements

- 37. Create an access and services easement as detailed on the approved plans. 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 and dating of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.
- 38. Create a support easement over that area of the land comprising the stabilised cut batter adjacent the Murphy Street Road Reserve to reflect the reliance of the road reserve on land contained within the site. 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 and dating of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.

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 sections 85(1)(b) and 71 of the Planning Act 2016.

- 2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.
- 3. 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.
- 4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular, the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.
- 5. 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, a copy of which is attached for reference purposes only. 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 Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are standalone 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 Planning Team at Council for review of the charge amount prior to payment.

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

6. For information relating to the *Planning Act 2016* log on to www.dsdip.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.*

Concurrence Agency Response

Not Applicable

Currency Period for the Approval

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*.

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 are attached.

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

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THESE DRAWINGS ARE TO BE READ IN STRICT ACCORDANCE WITH ALL OTHER CONSULTANTS DRAWINGS, COMPUTATIONS AND REPORTS. ALL BUILDING WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT "BUILDING CODE OF AUSTRALIA" (BCA) AND ALL APPLICABLE AUSTRALIAN STANDARDS.

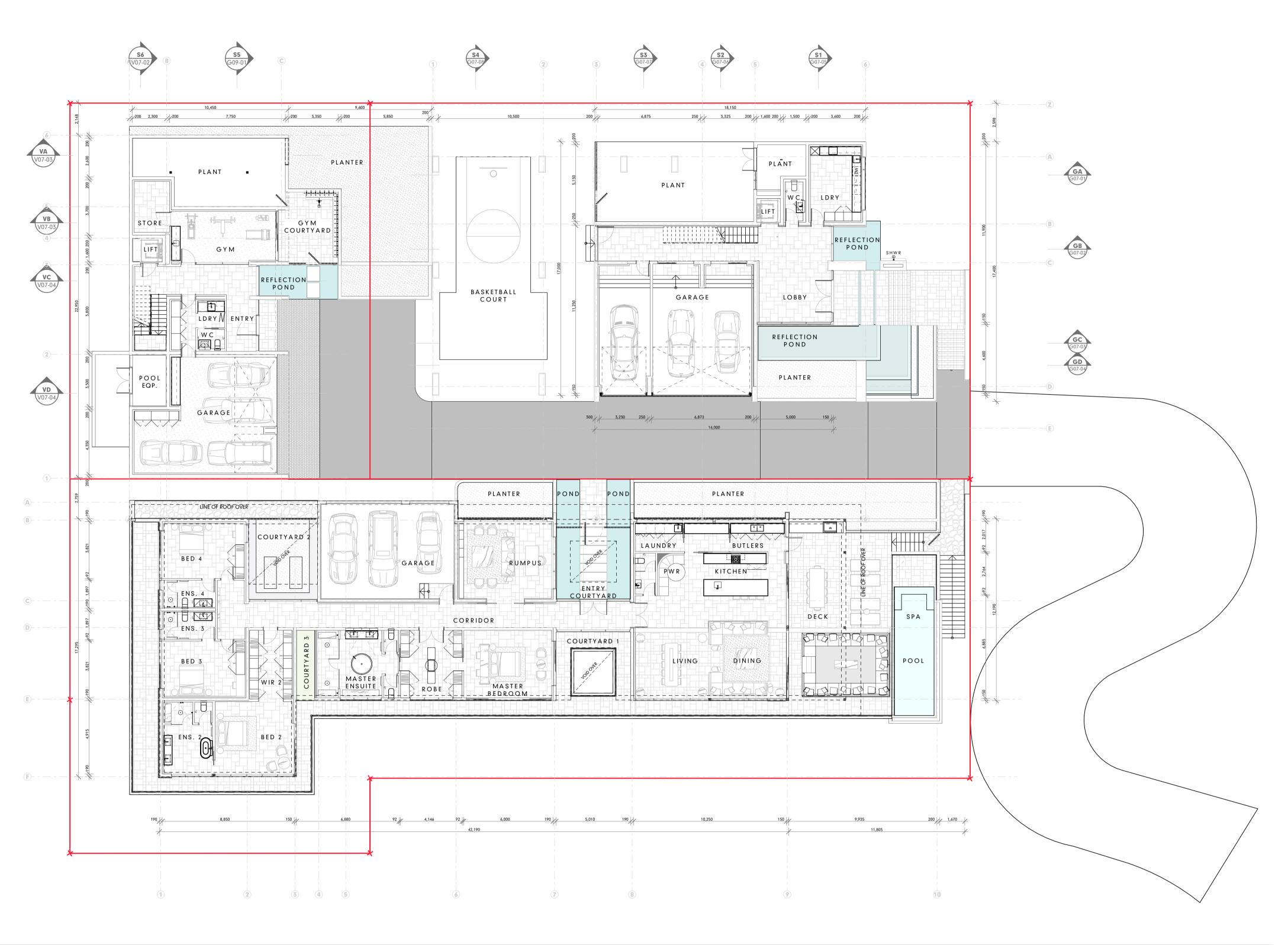
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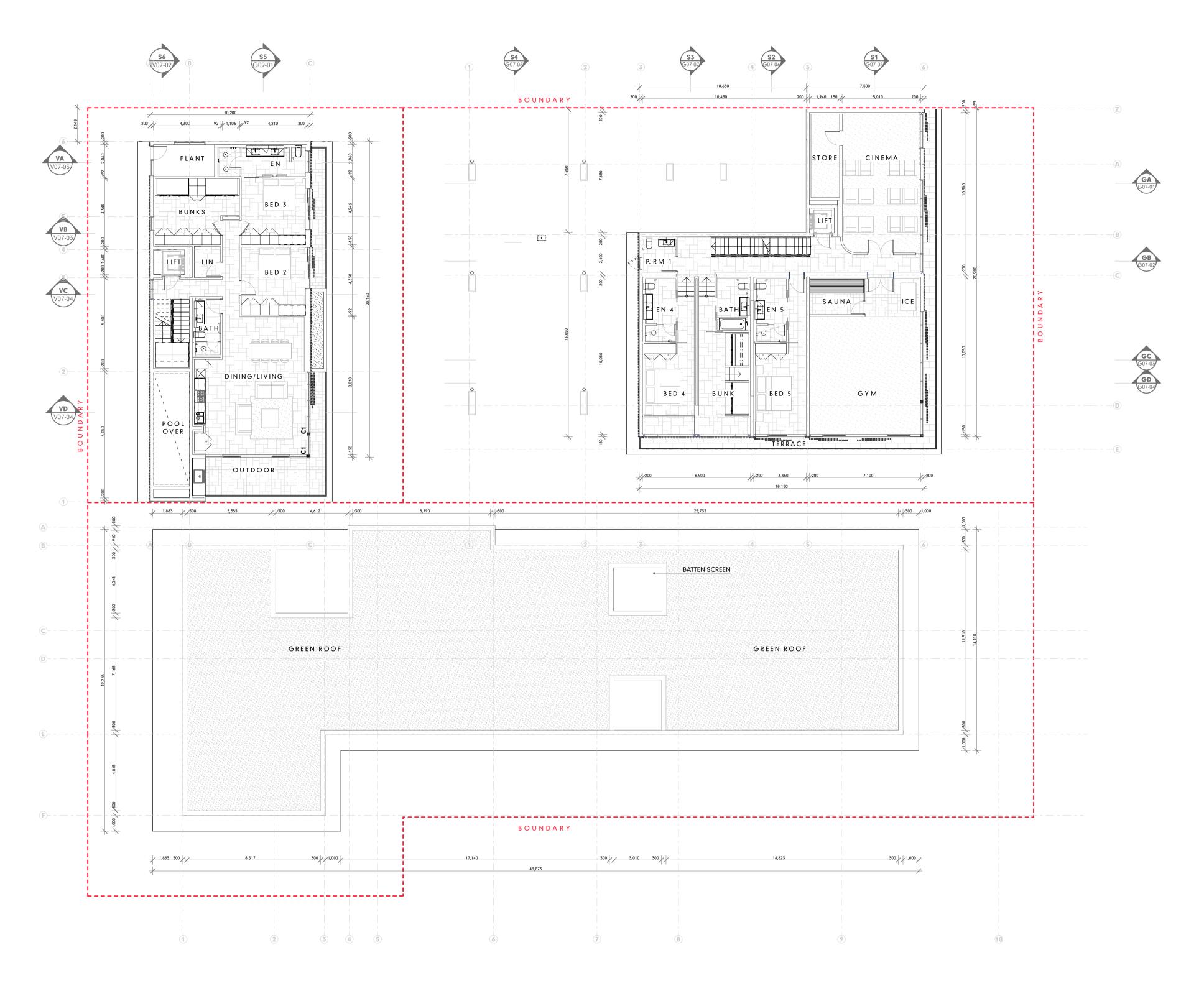
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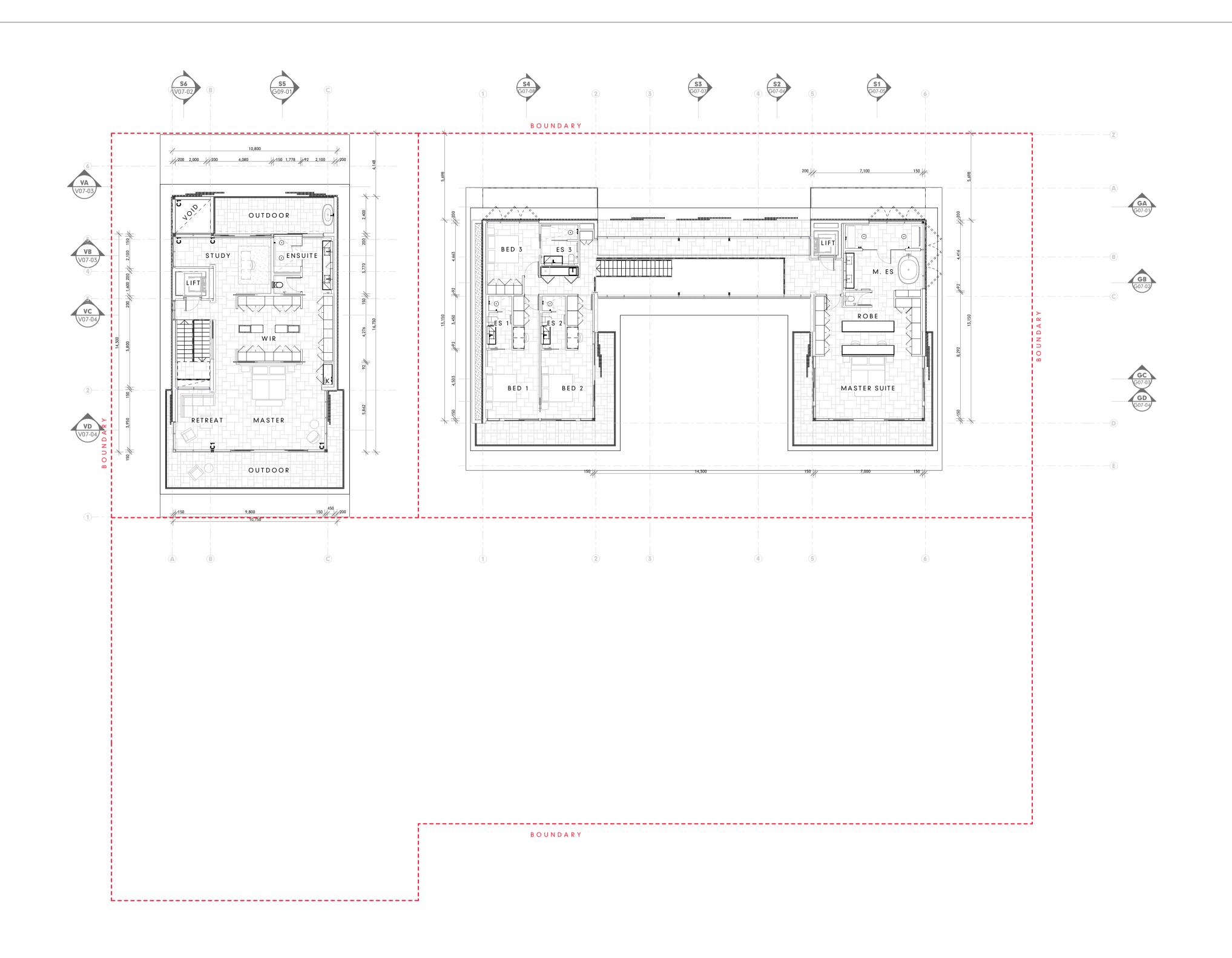
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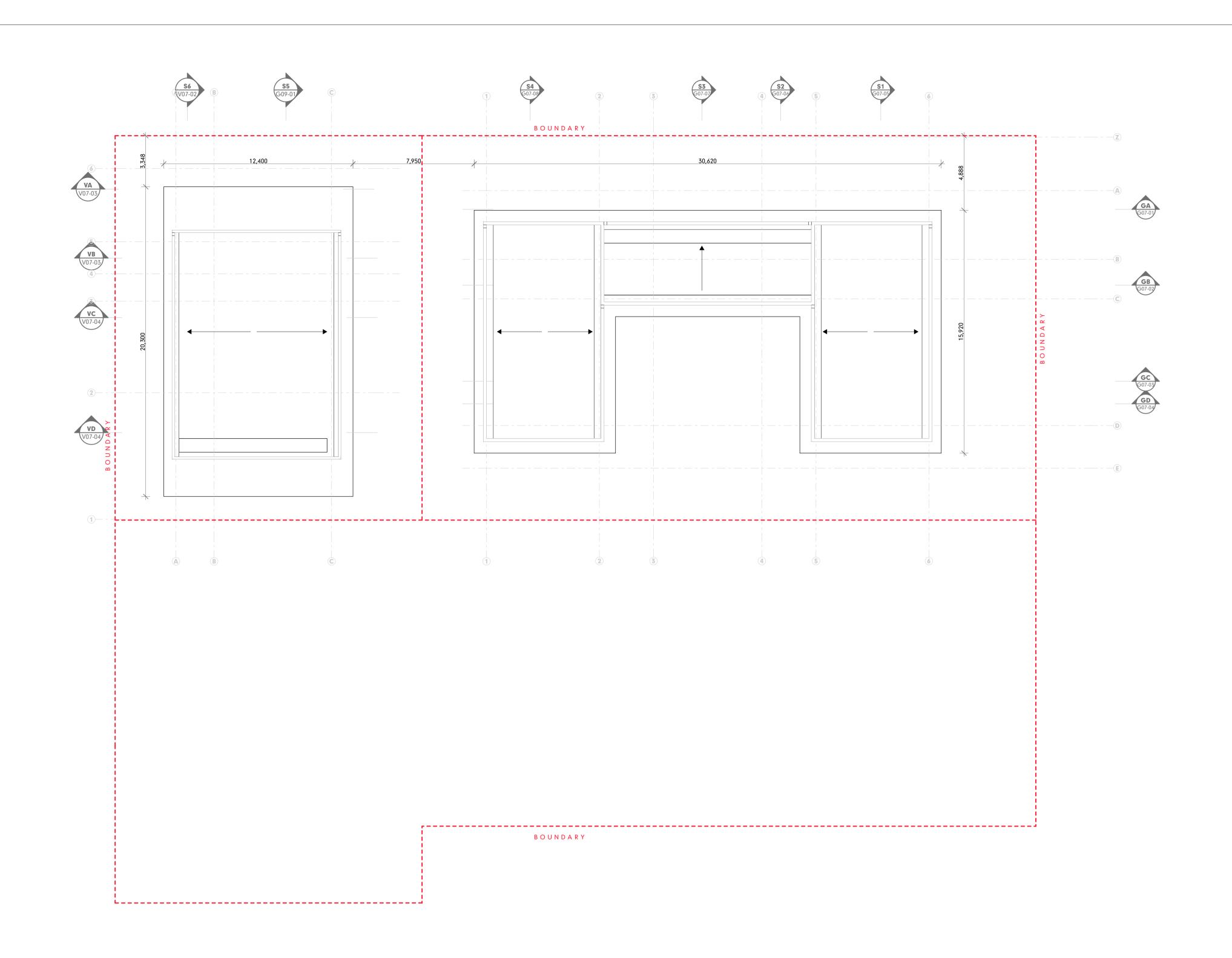
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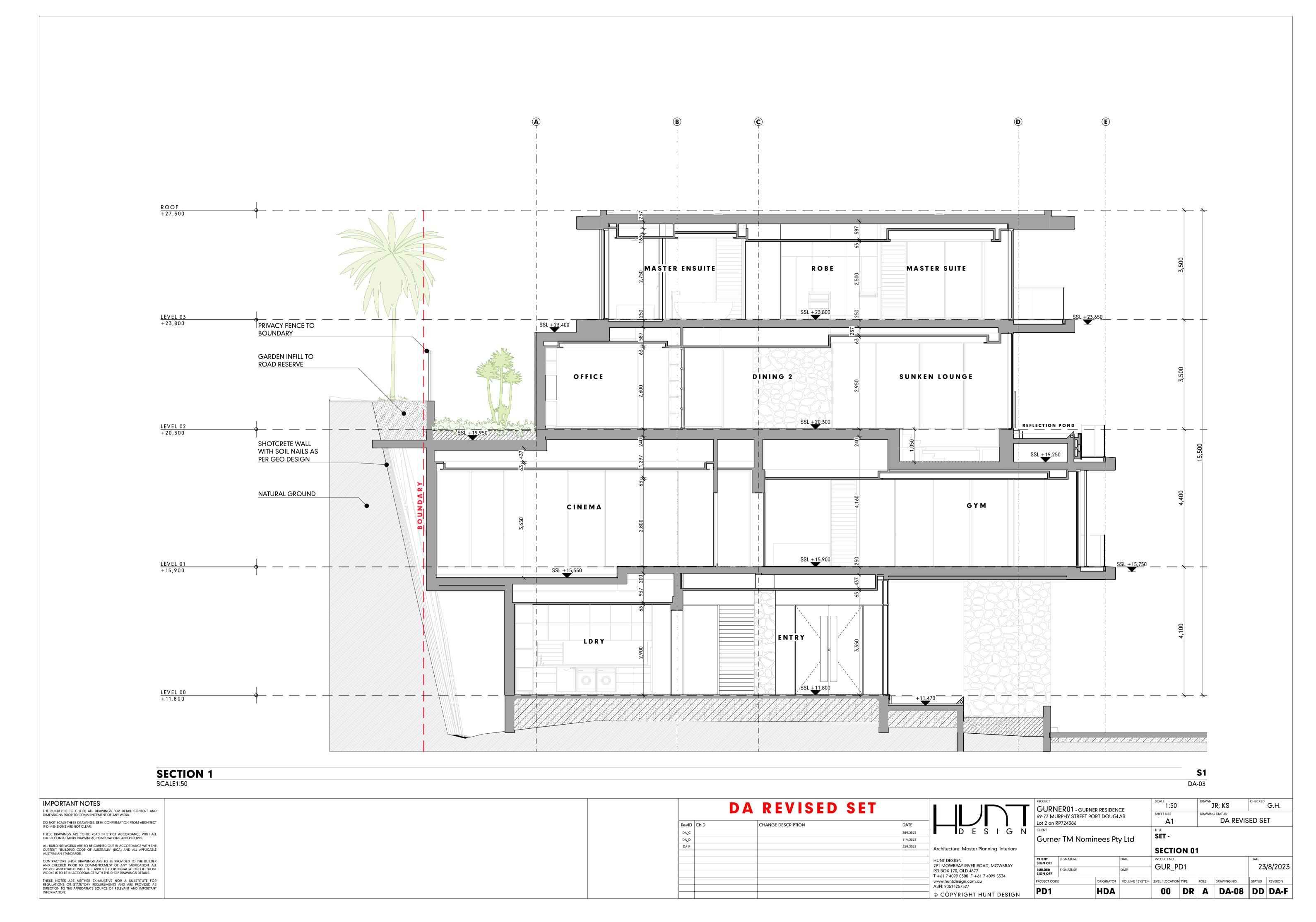
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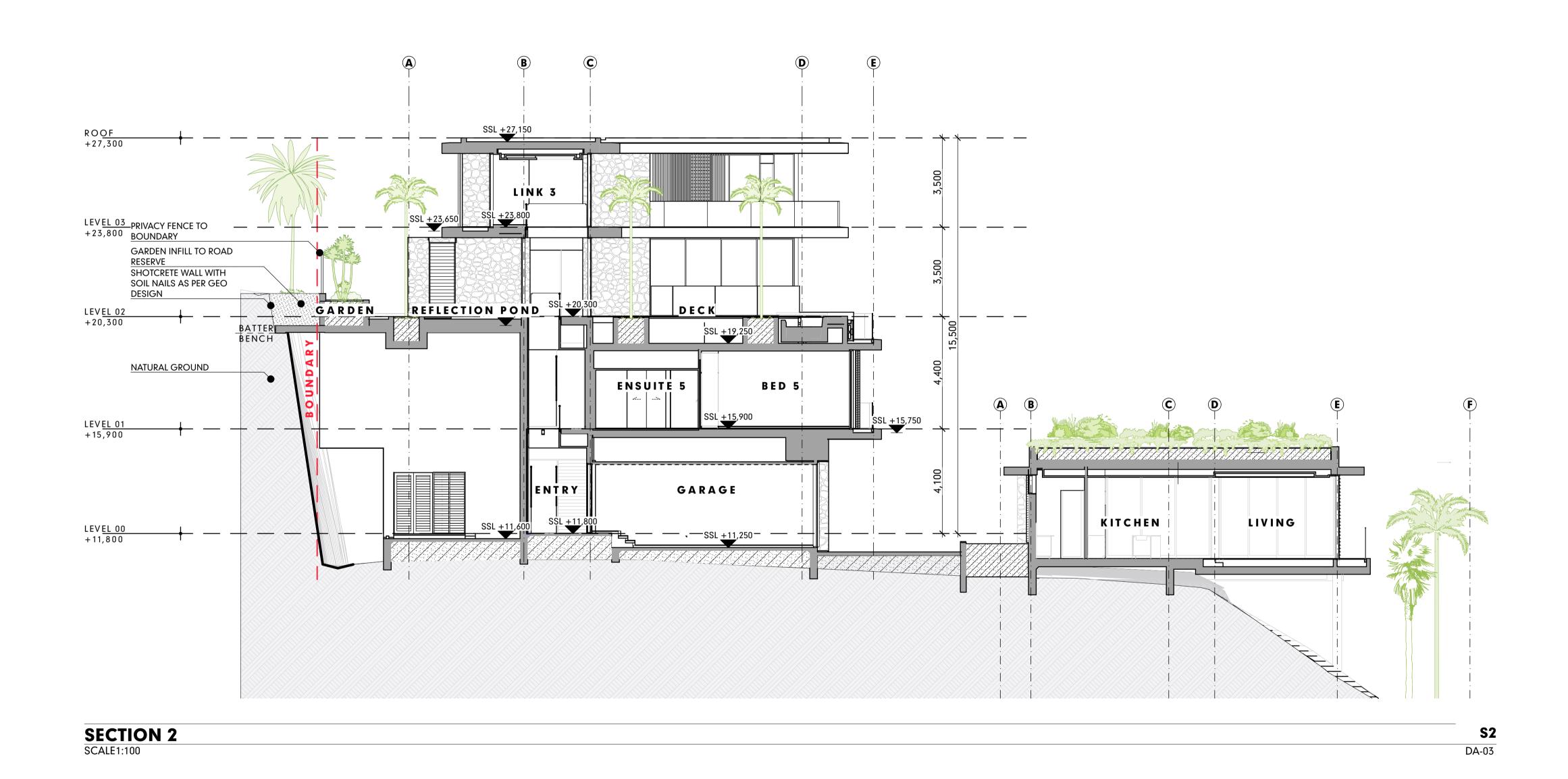
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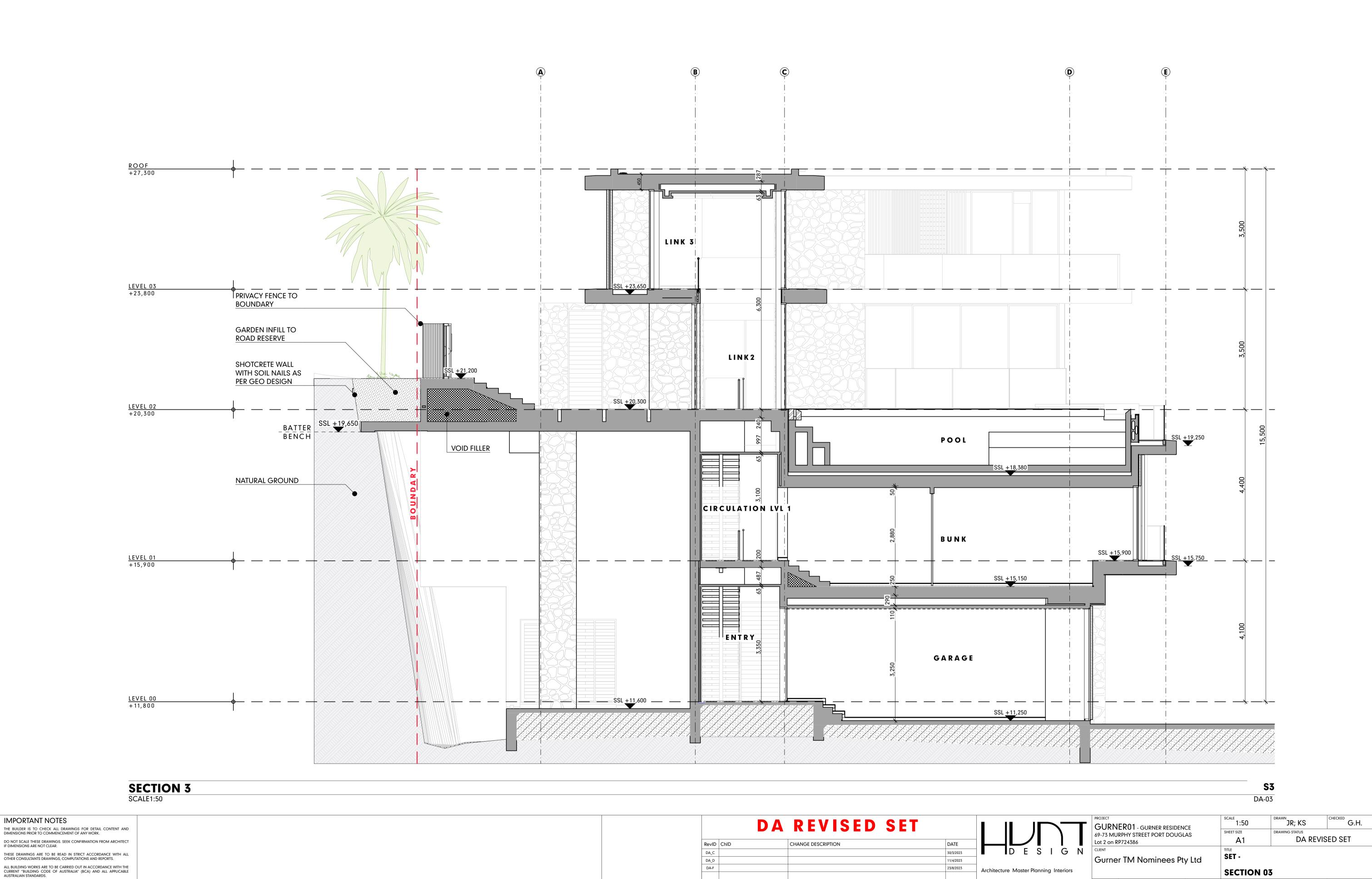
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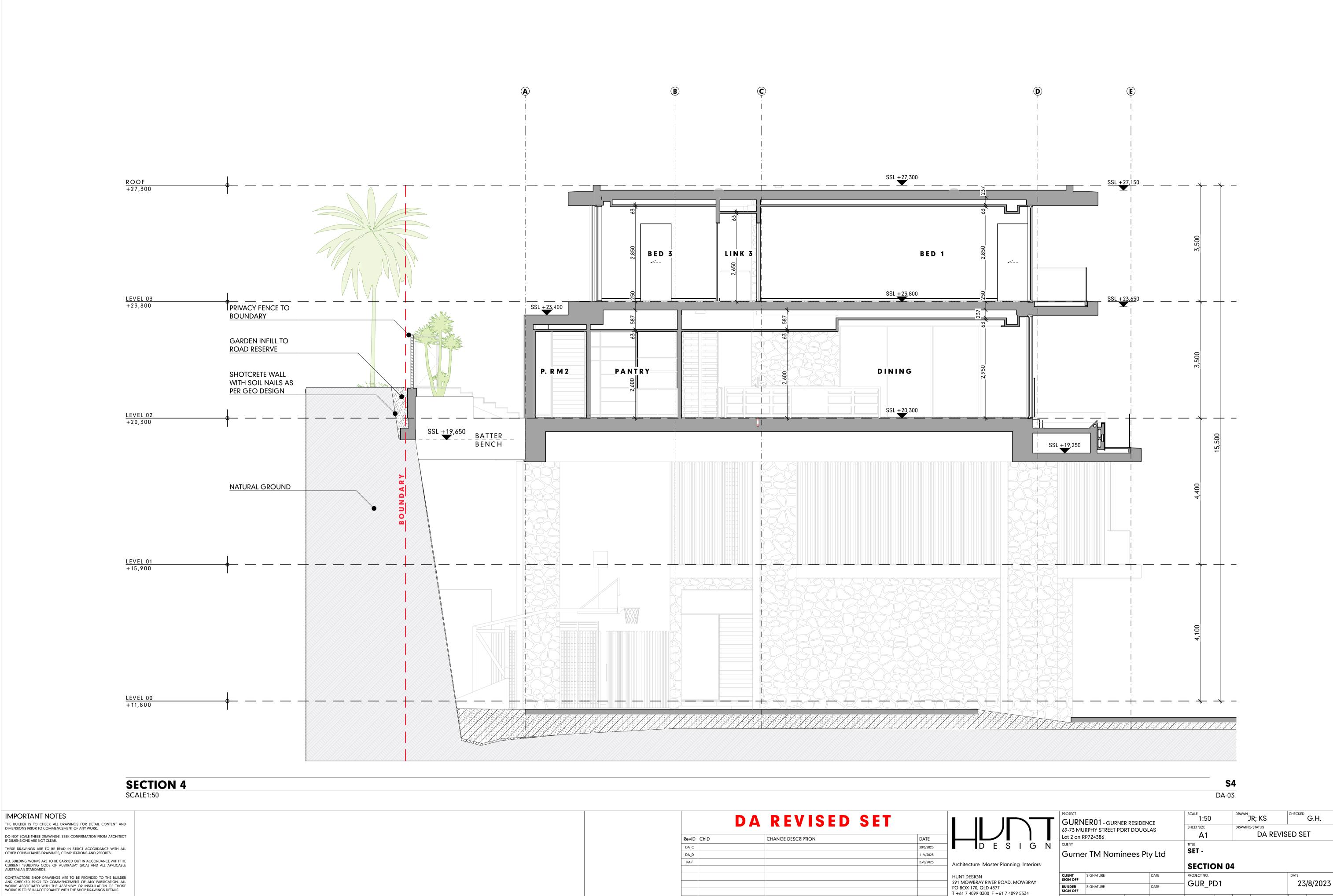
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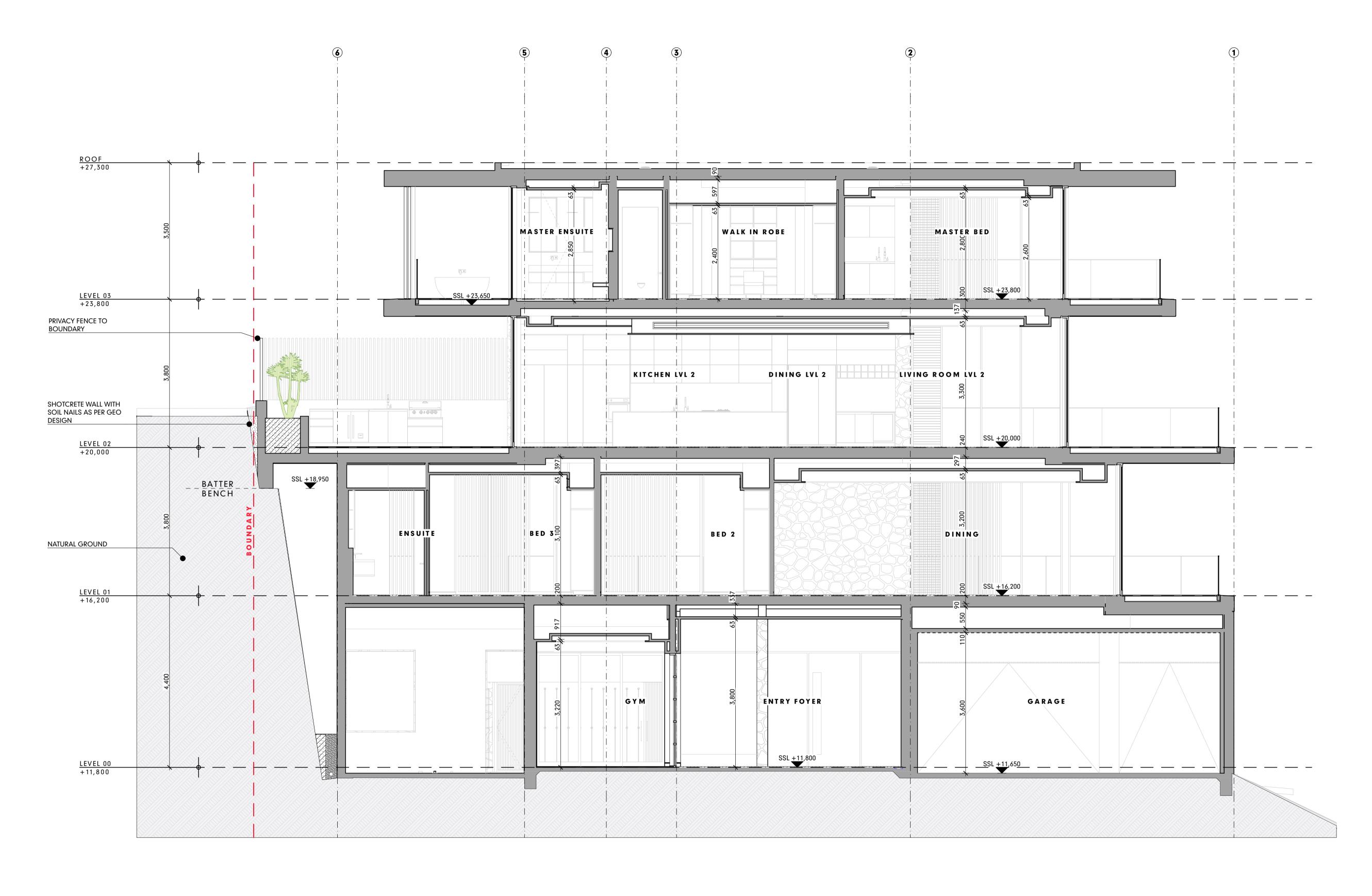
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SECTION 5
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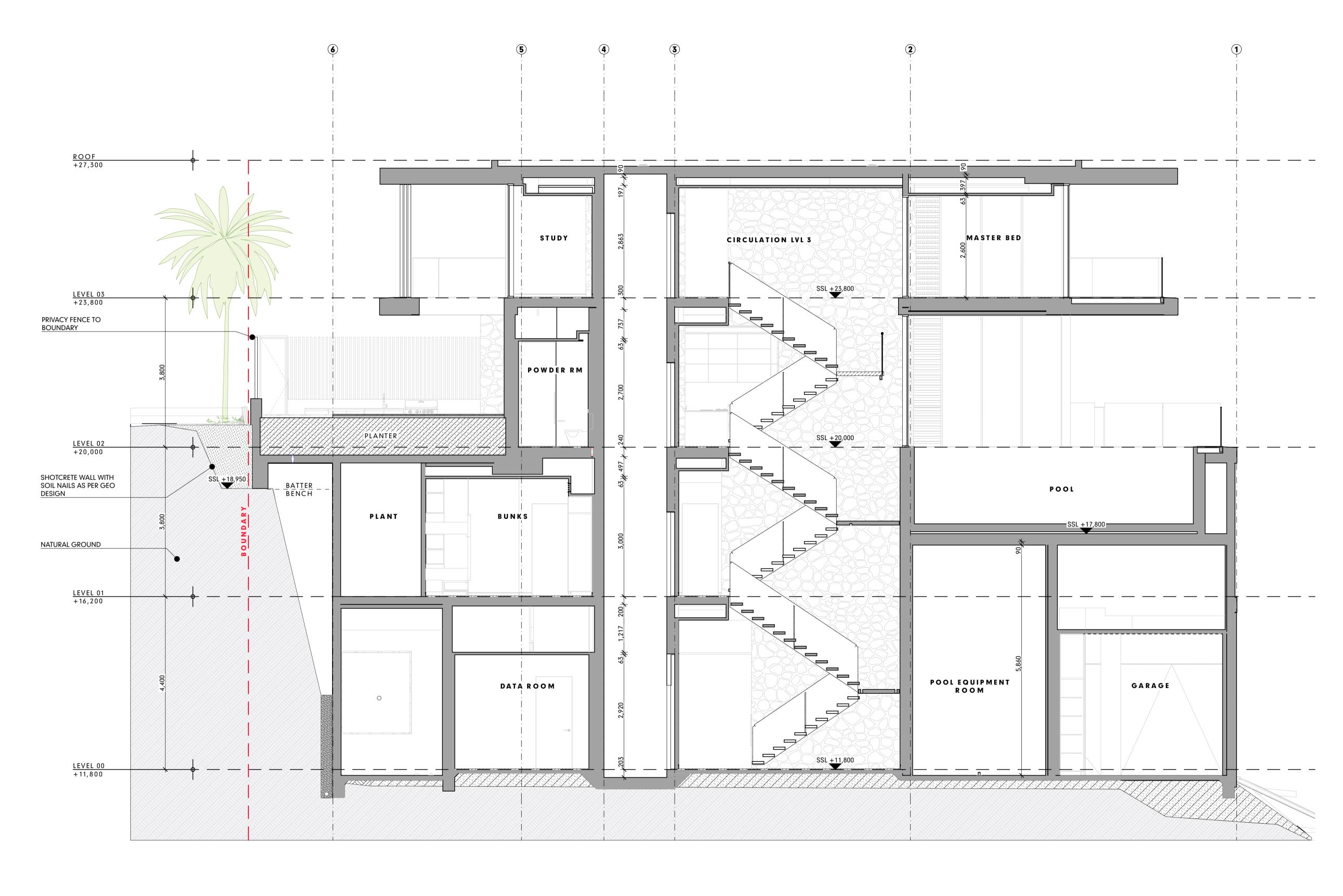
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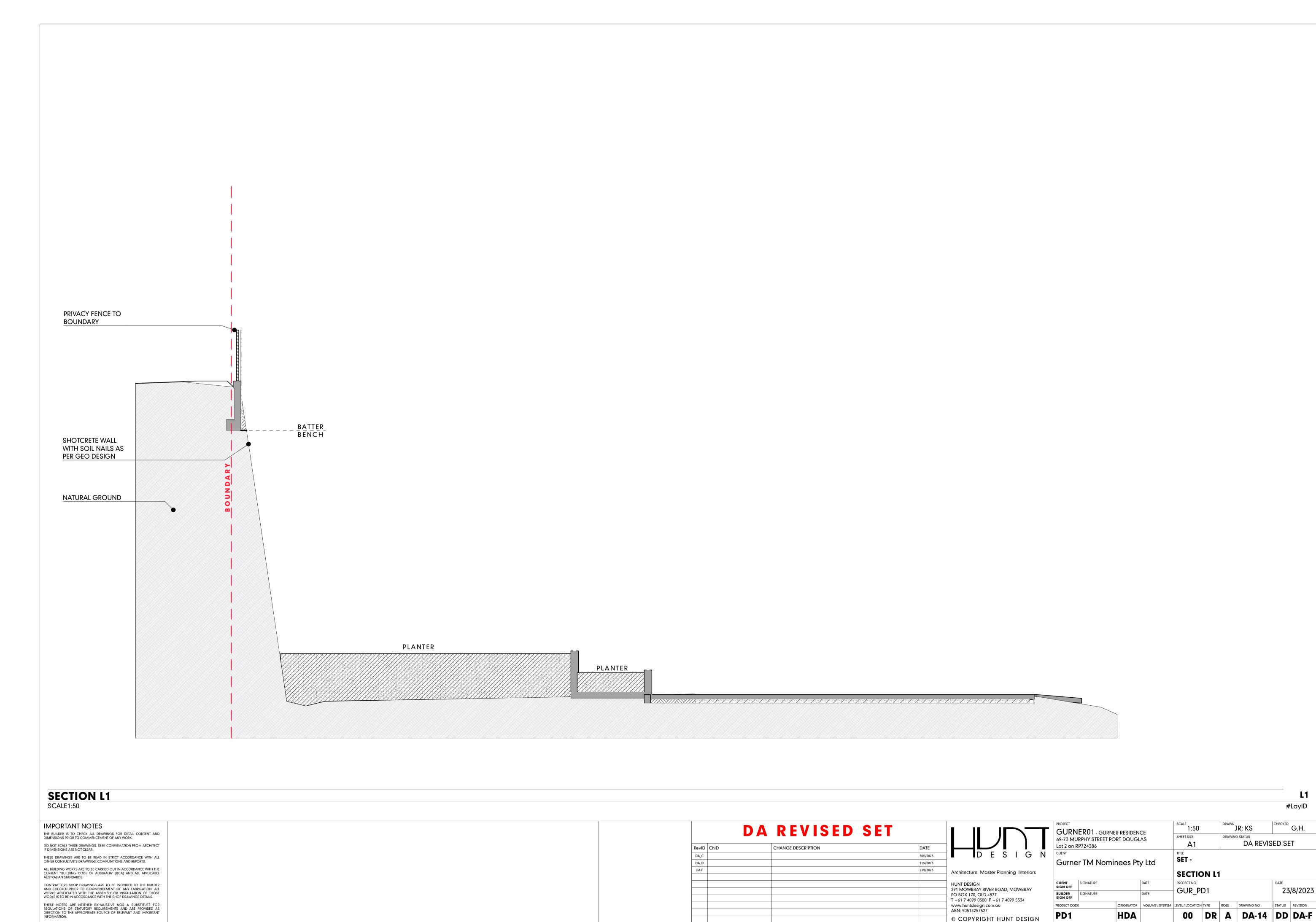
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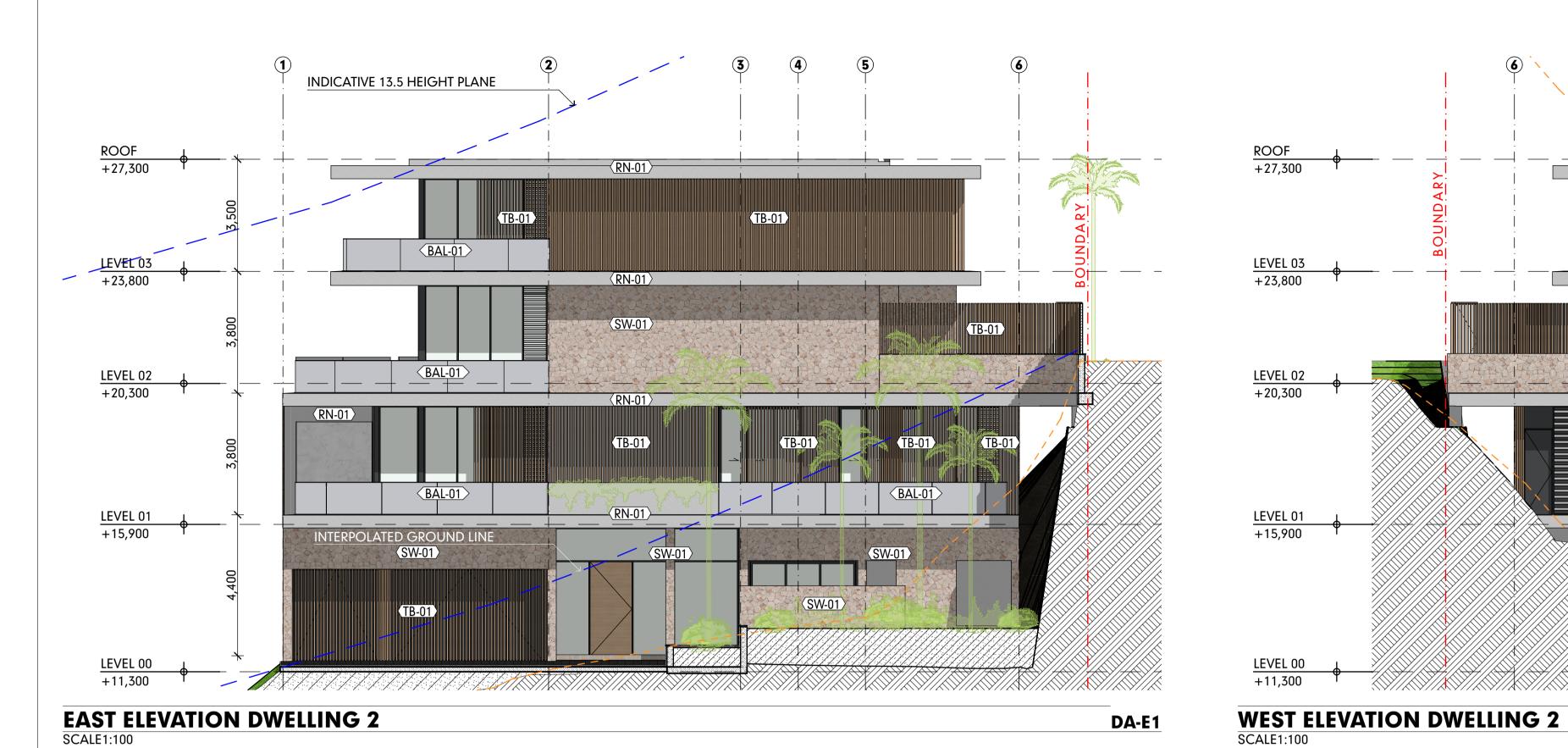


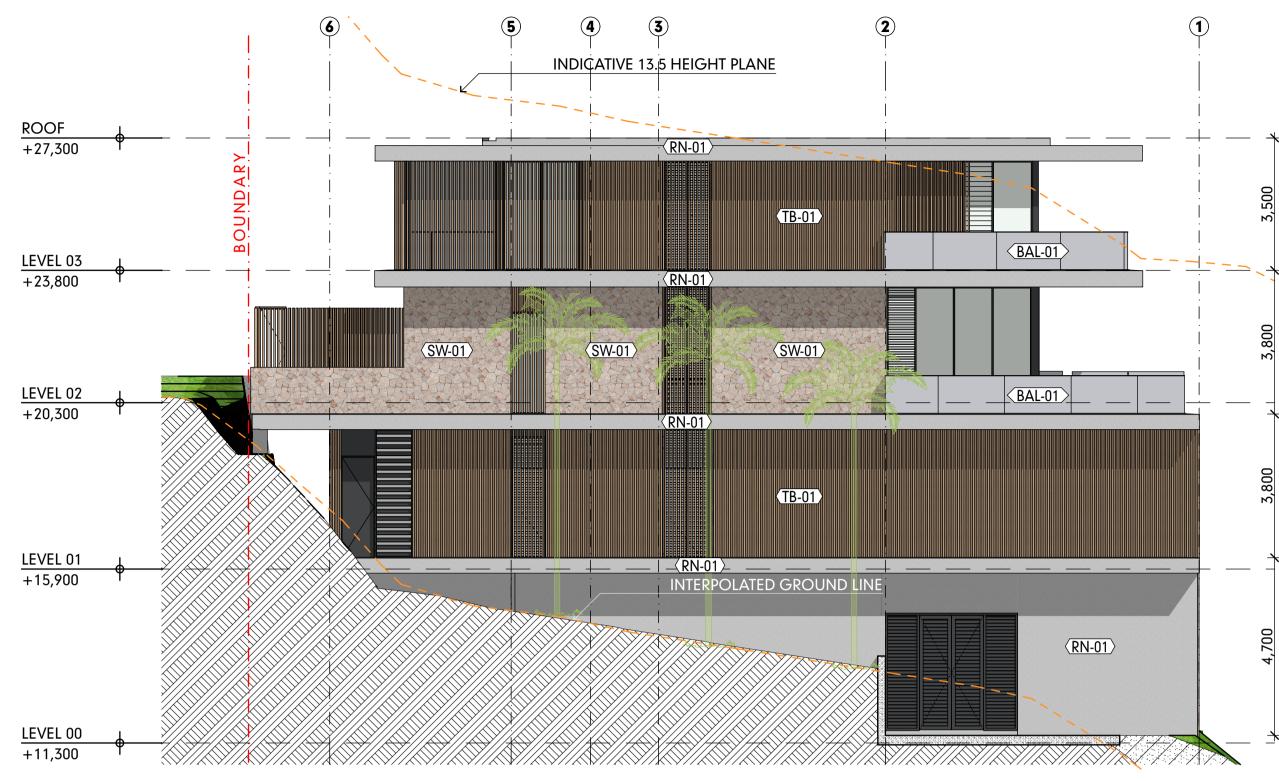
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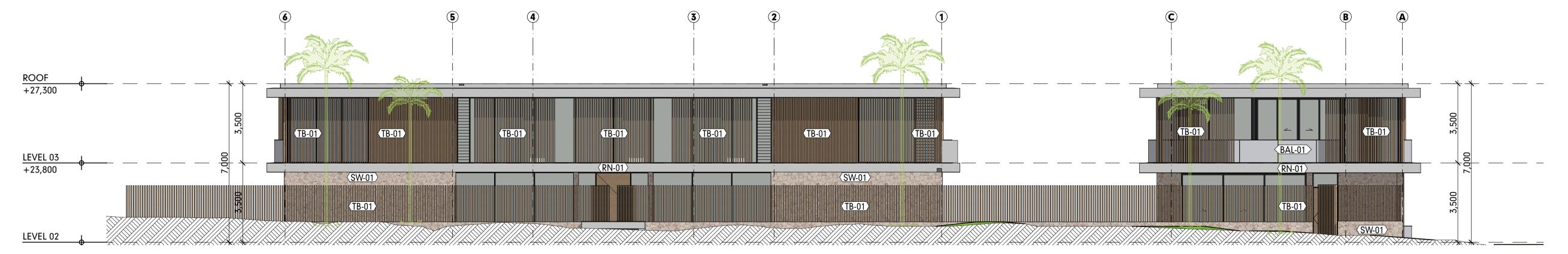
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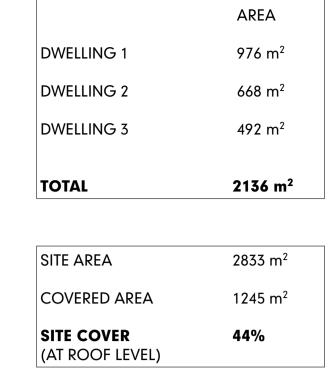
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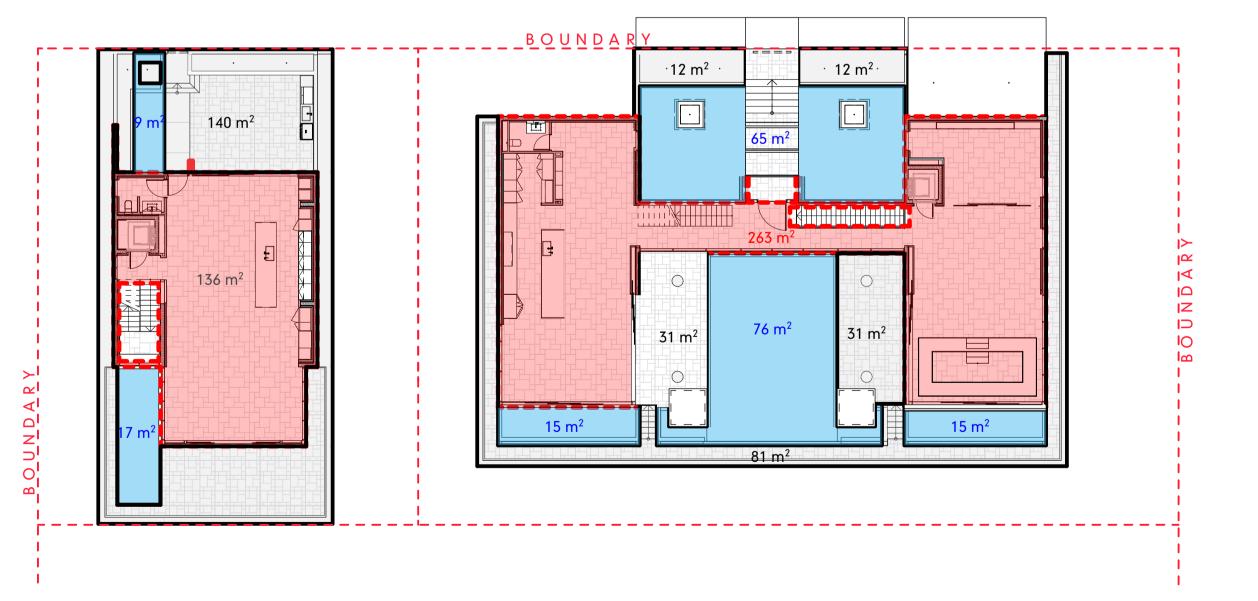




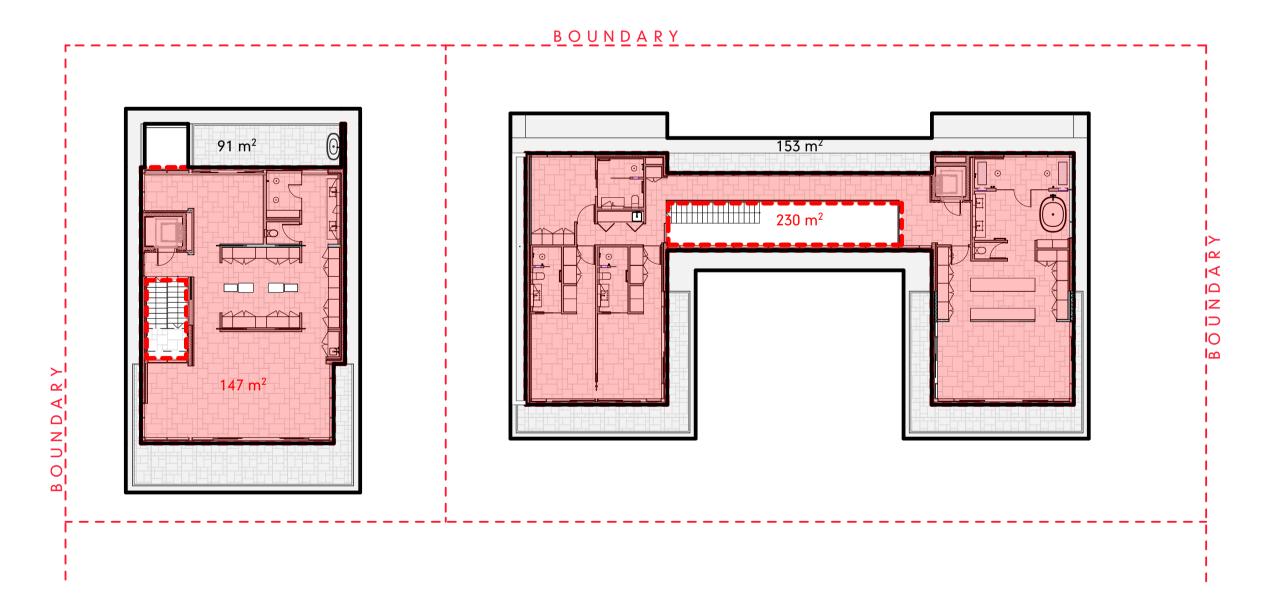


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RevID ChID CHANGE DESCRIPTION 20/12/2022 DA_C 23/8/2023



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PROJECT CODE PD1

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DER N OFF	SIGNATURE	DATE	GOK_PD1		23/0/2023

ORIGINATOR VOLUME / SYSTEM LEVEL / LOCATION TYPE ROLE DRAWING NO. STATUS REVISION

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 DATE

 DA_B
 20/12/2022

 DA_C
 30/3/2023

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 11/4/2023

 DA-F
 23/8/2023



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PROJECT GURNER01 - GURNER RESIDENCE 69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386			1:0.8	5, 1:2.	DRAWN 10, 1:	3R ;1KS	CHECKED	G.H.	
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GURNER TM NOMINEES PTY. LTD. CIVIL WORKS PACKAGE

DRAWING SCHEDULE					
DRAWING NUMBER	DESCRIPTION				
22031-C001	COVER PAGE & LOCALITY PLAN				
22031-C002	PROJECT NOTES				
22031-C003	DEMOLITION & VEGETATION CLEARING EXTENTS PLAN				
22031-C004	GENERAL ARRANGEMENT PLAN				
22031-C005	BULK EARTHWORKS PLAN				
22031-C006	SITE SECTIONS				
22031-C007	DRIVEWAY & DRAINAGE PLAN				
22031-C008	DRIVEWAY SECTIONS & DETAILS				
22031-C009	DRAINAGE LONGSECTIONS				
22031-C010	DRAINAGE DETAILS				
22031-C011	WATER & SEWER SERVICE PLAN				
22031-C012	WATER & SEWER LONGSECTIONS				
22031-C013	WATER & SEWER DETAILS				
22031-C014	EROSION & SEDIMENTATION CONTROL STRATEGY				
22031-C015	EROSION & SEDIMENTATION CONTROL DETAILS				



LOCALITY PLAN

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GENERAL:

IF IN DOUBT ASK.

SUPERINTENDENT.

- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND ALL INFORMATION ISSUED BY THE SUPERINTENDENT DURING THE COURSE OF THE CONTRACT.
- ALL LEVELS ARE AHD DERIVED.
- ALL DIMENSIONS AND RADII ARE EXPRESSED IN METRES (UNO).
- DRAWINGS SHALL NOT BE SCALED.
- EXISTING CONTOURS, LEVELS AND FEATURES SHOWN ON THE DRAWINGS ARE INDICATIVE ONLY AND ARE BASED ON SURVEY DRAWINGS AND DATA PROVIDED.
- ALL DIMENSIONS RELEVANT TO SETTING OUT, SURFACE LEVELS AND INVERT LEVELS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE
- THE CONTRACTOR SHALL ENSURE THAT ALL WORKS ARE MAINTAINED IN A SAFE AND STABLE CONDITION AND THAT ADEQUATE PROTECTION AGAINST EROSION AND SILTATION IS IN PLACE.
- GRADE EVENLY BETWEEN LEVELS SHOWN EXCEPT WHERE LEVELS INDICATE VERTICAL CURVES.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION PROTECTION AND SEDIMENT CONTROL FOR THE
- WORKS AS SPECIFIED AND TO THE SATISFACTION OF THE SUPERINTENDENT. 11. CONFIRM ALL EXISTING LEVELS WHERE APPROPRIATE. IF LEVELS ARE DIFFERENT TO INDICATED CONFIRM
- COURSE OF ACTION WITH ENGINEER.
- 12. ALL WORKS SHOULD COMPLY WITH AND BE UNDERTAKEN IN ACCORDANCE WITH FNQROC.
- 13. ALL EXISTING SERVICES SHALL BE LOCATED ON SITE AND PROTECTED FOR THE DURATION OF THE WORKS.

SITE PREPARATION AND EARTHWORKS:

- ALL EARTHWORKS MUST BE CARRIED OUT IN ACCORDANCE WITH AS3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS'. GEOTECHNICAL TESTING SERVICES SHALL BE AS DETERMINED BY LEVEL 1 IN ACCORDANCE WITH AS 3798. ALL CERTIFICATION AND TEST RESULTS ARE TO BE COMPILED AND PROVIDED TO THE SUPERINTENDENT PRIOR TO WORKS ACCEPTANCE.
- NO VEGETATION SHALL BE REMOVED WITHOUT PRIOR APPROVAL OF THE SUPERINTENDENT UNLESS NOTED ON THE DRAWINGS.
- FINISHED SURFACE LEVELS SHOWN ON PROJECT DRAWINGS ARE AFTER ALL EARTHWORKS ARE COMPLETE INCLUDING TOPSOILING. ALL AREAS ARE TO BE GRADED EVENLY BETWEEN FINISHED SURFACE LEVELS UNLESS
- DRY DENSITY RATIO AS REFERRED TO IN THESE NOTES IS THE RATIO DETERMINED IN ACCORDANCE WITH AS1289.5.4.1 OF COMPACTED DRY DENSITY IN ACCORDANCE WITH AS1289.5.3.1 OR AS1289.5.8.1 TO THE STANDARD MAXIMUM DRY DENSITY DETERMINED IN ACCORDANCE WITH AS1259.5.1.11 (STANDARD
- STRIP ALL VEGETAL MATTER, TOPSOIL AND OTHER UNSUITABLE MATERIAL FROM AREAS TO BE EXCAVATED OR FILLED AND DISPOSE OFF SITE UNLESS ADVISED OTHERWISE.
- EXCAVATE AS REQUIRED AND DEPOSIT EXCAVATED MATERIAL AS NECESSARY. COMPACT SURFACES EXPOSED BY STRIPPING OR EXCAVATION TO 98% DRY DENSITY RATIO TO A DEPTH OF AT LEAST 250mm, SHOULD ANY SOFT OR UNSUITABLE MATERIAL BE IDENTIFIED SEEK THE ADVICE OF THE SUPERINTENDENT OR GITA.
- COMPACT FILL TO 95% DRY DENSITY RATIO IN LAYERS OF THICKNESS APPROPRIATE TO THE COMPACTION PLANT EMPLOYED BUT NOT EXCEEDING 300mm.
- STOCKPILE SUITABLE TOPSOIL FOR RE-USE TO 1500 mm MAXIMUM HEIGHT.
- 9. DO NOT STOCKPILE MATERIAL AGAINST TREES. DO NOT OBSTRUCT THE FREE FLOW OF WATER. 10. NOTIFY DESIGN SUPERINTENDENT ENGINEER IF GROUND WATER ENCOUNTERED.
- 11. PROVIDE TEMPORARY SUPPORT TO FACES OF EXCAVATIONS AS REQUIRED.

EROSION AND SEDIMENT CONTROL NOTES:

- REFER TO DRG. No. 22031-C014 FOR EROSION & SEDIMENTATION CONTROL STRATEGY PLAN.
- PRIOR TO CONSTRUCTION COMMENCING. THE CONTRACTOR MUST PREPARE AN EROSION & SEDIMENT CONTROL PLAN (ESCP) TO MANAGE THE SITE DURING CONSTRUCTION. THE ESCP MUST BE CONSISTENT WITH THE APPROVED EROSION & SEDIMENT CONTROL STRATEGY (ESCS) AND
- SHALL TAKE INTO CONSIDERATION THE CONTRACTOR'S PROPOSED CONSTRUCTION METHODOLOGY AND PROGRAM. 4. NO EARTHWORKS SHALL COMMENCE ON ANY PART OF THE SITE PRIOR TO INSTALLING APPROPRIATE ESC
- MEASURES DOWNSTREAM OF THE SITE AND IN ACCORDANCE WITH THE APPROVED ESC. AT ALL TIMES THE CONTRACTOR SHALL MONITOR THE PREVAILING WEATHER CONDITIONS AND TAKE ALL NECESSARY PRECAUTIONS TO CONTROL EROSION AND DOWNSTREAM SEDIMENTATION DURING ALL STAGES
- THE IMPACT ON THE ENVIRONMENT SHALL BE MINIMISED BY OBSERVING THE FOLLOWING CONSTRUCTION
 - PRACTICES: AREAS DISTURBED BY CONSTRUCTION TRAFFIC AND PROCEDURES SHALL BE MINIMISED.
 - MINIMISE TRAFFIC MOVEMENTS AND SPEEDS ON EXPOSED SURFACES. • REVEGETATION OF DISTURBED AREAS SHALL BE CARRIED OUT SOON AFTER THE COMPLETION OF
 - TOPSOIL PLACEMENT. FLOW DIVERSION SHALL BE CARRIED OUT BY EARLY INSTALLATION OF DRAINS ALONG TOPS OF
 - BATTERS WITH APPROPRIATE SILTATION CONTROL DEVICES. SEDIMENT INTERCEPTION BY THE PLACEMENT OF SUITABLE RETENTION SYSTEMS ACROSS DRAINAGE LINES AND AT INTERCEPTION POINTS FOR BOTH THE CONSTRUCTION AND STOCKPILE
- ALL PERMANENT AND TEMPORARY UNLINED SWALES AND DRAINS TO HAVE APPROPRIATE TEMPORARY EROSION PROTECTION.
- 8. THE CONTRACTOR IS RESPONSIBLE FOR THE CONTROL OF DUST EMANATING FROM THE SITE AT ALL TIMES FOR THE DURATION OF CONSTRUCTION.
- 9. ALL EROSION AND SEDIMENT CONTROL MEASURES MUST BE CHECKED FOR DAMAGE. CLEANED OUT AND FULLY REINSTATED AFTER EACH RAINFALL EVENT RESULTING IN RUNOFF.
- 10. THE INSTALLATION, REMOVAL, RELOCATION OR MODIFICATION TO EROSION AND SEDIMENT CONTROL DEVICES
- MAY BE MADE BY COUNCIL IF DEEMED NECESSARY AND RELEVANT.
- 11. EROSION AND SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE UNTIL THE TREATMENT AREA IS SUITABLY STABILISED/VEGETATED.

ROADS & PATHWAYS NOTES:

- NEW ROADS PATHS AND KERBING SHALL JOIN SMOOTHLY TO EXISTING WORKS. WHERE NECESSARY, EXISTING
- WORKS SHALL BE CUT BACK TO FORM A NEAT JOIN.
- CONNECTIONS TO EXISTING PATHS SHALL BE SMOOTH AND NEAT. THE MAXIMUM STEP SHALL BE: +3mm ABOVE EXISTING &
- -0mm BELOW EXISTING
- ALL PATHWAYS SHALL BE 2.0M WIDE (UNLESS NOTED OTHERWISE) IN ACCORDANCE WITH FNQROC STD DRG S1035. PATHWAY CROSSFALL MUST NOT EXCEED 2.5%.
- ALL KERB PROFILES TO BE AS PER FNQROC STD DRAWING \$1000 UNLESS NOTED OTHERWISE.
- ALL KERB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH FNQROC STD DRG S1016. WIDTH OF RAMP SHALL MATCH PATHWAY WIDTH.
- ALL STREET SIGNS AND TRAFFIC SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH FNQROC STD DRGS S1040 AND S1041.
- PAVEMENT DESIGN STATED HEREIN IS FOR A RANGE OF SUBGRADE CBR VALUES. THE CONTRACTOR IS TO CONFIRM THE SUBGRADE CBR BY TESTING IN ACCORDANCE WITH THE SPECIFICATION. RESULTS ARE TO BE PROVIDE TO THE SUPERINTENDENT FOR FINAL PAVEMENT SELECTION.

DRAINAGE NOTES

- ALL REINFORCED CONCRETE PIPES SHALL BE CLASS 2 UNLESS NOTED OTHERWISE. ALTERNATIVE MATERIAL TYPES SUCH AS HDPE OR FRC MAYBE USED SUBJECT TO SUPERINTENDENTS APPROVAL.
- 2. EXCAVATION, BEDDING AND BACKFILL FOR CONCRETE PIPES SHALL BE CARRIED OUT IN ACCORDANCE WITH
- FNQROC STANDARD DRAWING S1046. 3. ALL KERB INLET PITS AND MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH FNQROC STD DRG'S
- S1050, S1055, S1060, S1065, S1066 AND S1070. 4. ALL CAST-IN-SITU HEADWALLS SHALL BE PROVIDED IN ACCORDANCE WITH FNQROC STD DRG'S S1075, S1080,
- S1085, AND S1090. 5. ALL PRECAST HEADWALLS SHALL BE PROVIDED WITH CONCRETE CUT-OFF WALL IN ACCORDANCE WITH
- FNQROC STD DRG S1075. WHERE HEADWALL ABUTS CONCRETE LINED CHANNEL, THE CUT-OFF WALL MAYBE OMITTED SUBJECT TO APPROVAL BY THE SUPERINTENDENT.
- 6. SUBSOIL DRAINAGE SHALL BE PROVIDED WHERE SHOWN ON THE PROJECT DRAWINGS. DRAINS SHALL ACHIEVE A MINIMUM 0.5% GRADE. FLUSHING POINTS AND OUTLETS TO BE PROVIDED IN ACCORDANCE WITH FNQROC STD DRAWING S1095.
- 7. ANY STORMWATER QUALITY INTERCEPTION DEVICE SHALL BE CLEANED BY THE CONTRACTOR AND DOCKETS PROVIDED AT TIME OF OFF MAINTENANCE. ALL COSTS TO BE BOURNE BY THE CONTRACTOR.

WATER RETICULATION NOTES

- 1. ALL PVC AND PE PIPES SHALL BE CLASS PN16. PVC PIPES SHALL BE RUBBER RING JOINTED AND DUCTILE IRON COMPATIBLE.
- 2. DICL PIPES SHALL BE CLASS PN35 "TYTON" TYPE RUBBER RING JOINTED.
- FOR MAIN TRENCHING. BEDDING & ANCHORAGE DETAILS REFER FNQROC STD DRGS S2015 & S2016. ENSURE COVER TO WATERMAINS IS 800MM MINIMUM UNDER ROADWAYS AND 600mm MINIMUM ELSEWHERE.
- FOR MAIN CONNECTION DETAILS, REFER FNQROC STD DRG S2020.
- 5. HYDRANTS OR VALVES CONSTRUCTED IN CONCRETE ARE TO HAVE A COMPRESSIBLE LAYER (ABLEFLEX)
- INSTALLED ON THE SURROUND. REFER FNQROC STD DRG 2000. ALL WATER MAINS SHALL BE INSTALLED ON A STANDARD 2.8M OFFSET FROM THE PROPERTY BOUNDARY
- UNLESS NOTED OTHERWISE ON PLANS. CAIRNS REGIONAL COUNCIL MUST BE CONTACTED TO PERFORM ANY DIRECT CONNECTION OR ALTERATION TO LIVE WATER MAINS. THE CONTRACTOR SHALL LODGE WITH COUNCIL THE APPROPRIATE APPLICATION FORMS
- AND FEES FOR THESE WORKS TO BE COMPLETED. IT MAY BE POSSIBLE FOR SOME WORKS TO BE PERFORMED BY THE CONTRACTOR UNDER SPECIAL CIRCUMSTANCES AND SUBJECT TO APPROPRIATE CONDITIONS AGREED TO WITH COUNCIL.
- 8. ALL HYDRANTS AND VALVES TO BE LOCATED OPPOSITE PROPERTY BOUNDARY TRUNCATIONS AND CORNERS, UNLESS NOTED OTHERWISE ON PLANS. FOR VALVES & HYDRANT BOXES INSTALLATION DETAILS REFER FNQROC STD DRGS S2000 & S2005 ADD TO CURRENT NOTE 5.
- KERB MARKER PLATES SHALL BE PROVIDED TO IDENTIFY THE POSITION OF ALL VALVES AND HYDRANTS IN ACCORDANCE WITH FNQROC STD DRG S2010 VERSION 4-2009. IN ADDITION TO KERB MARKER PLATES, HYDRANTS SHALL ALSO HAVE TEARDROP MARKERS AND BLUE RETRO-REFLECTIVE MARKERS PROVIDED ON THE ROAD PAVEMENT IN ACCORDANCE WITH FNQROC STD DRG 2010 VERSION 4-2009.

SEWER RETICULATION NOTES

- 1. ALL NEW SEWER MAINS SHALL BE UNPLASTICISED PVC (PVC-U) CLASS SN8 SUITABLE FOR RUBBER RING JOINTS, UNLESS NOTED OTHERWISE.
- 2. ALL NEW SEWER MAINS AND MANHOLES TO BE CONSTRUCTED IN ACCORDANCE WITH FNQROC STD DRG'S
- S3000 AND S3015. 3. ALL SEWER MANHOLE COVERS SHALL BE CIRCULAR UNLESS NOTED OTHERWISE ON SEWER LONG SECTIONS.
- COVERS SHALL BE TYPE B INSIDE PROPERTIES AND TYPE C ELSEWHERE.
- 4. ALL SEWER MANHOLE COVER LEVELS TO BE 50MM ABOVE FINISHED SURFACE LEVEL UNLESS NOTED OTHERWISE.
- PROVIDED AROUND ALL MANHOLES.

5. THE CONTRACTOR SHALL ENSURE THAT A FLAT AREA OF 1.5M RADIUS FROM THE CENTRE OF THE MANHOLE IS

- 6. ALL HOUSE CONNECTION BRANCHES TO NEW SEWER MAINS TO BE CONSTRUCTED IN ACCORDANCE WITH FNQROC STD DRG S3005. BRANCHES SHALL BE CLEARLY MARKED IN ACCORDANCE WITH THE SPECIFICATION.
- CAIRNS REGIONAL COUNCIL MUST BE CONTACTED TO PERFORM ANY DIRECT CONNECTION TO LIVE SEWER MAINS. THE CONTRACTOR SHALL LODGE WITH COUNCIL THE APPROPRIATE APPLICATION FORMS AND FEES FOR THESE WORKS TO BE COMPLETED. IT MAY BE POSSIBLE FOR SOME WORKS TO BE PERFORMED BY THE CONTRACTOR UNDER SPECIAL CIRCUMSTANCES AND SUBJECT TO APPROPRIATE CONDITIONS AGREED TO WITH COUNCIL.
- 8. THE CONTRACTOR SHALL CARRY OUT A CCTV INSPECTION THROUGH ALL SEWERS CONSTRUCTED AS PART OF THIS DEVELOPMENT AND PROVIDE THE FOOTAGE TO THE SUPERINTENDENT FOR ASSESSMENT. ANY SECTIONS OF SEWER CONSIDERED SUB-STANDARD SHALL BE RECTIFIED TO THE SATISFACTION OF COUNCIL.

SITE SPECIFIC NOTES

SURVEY CONTROL NOTES

SURVEY ORIGIN

LEVEL DATUM: AHD(D)

ORIGIN OF LEVELS: PM 123510 RL 5.659

MERIDIAN: MGA ZONE 55

HORIZ. MERIDIAN: SP183017

ORIGIN OF CO-ORDS: PM 123510

E: 2037.072 N: 4970.476

SURVEY PLAN: RPS DRG. No. 147352-2

MT | GA A 23.02.2023 PRELIMINARY ISSUE DES. APP. REV. DATE DESCRIPTION

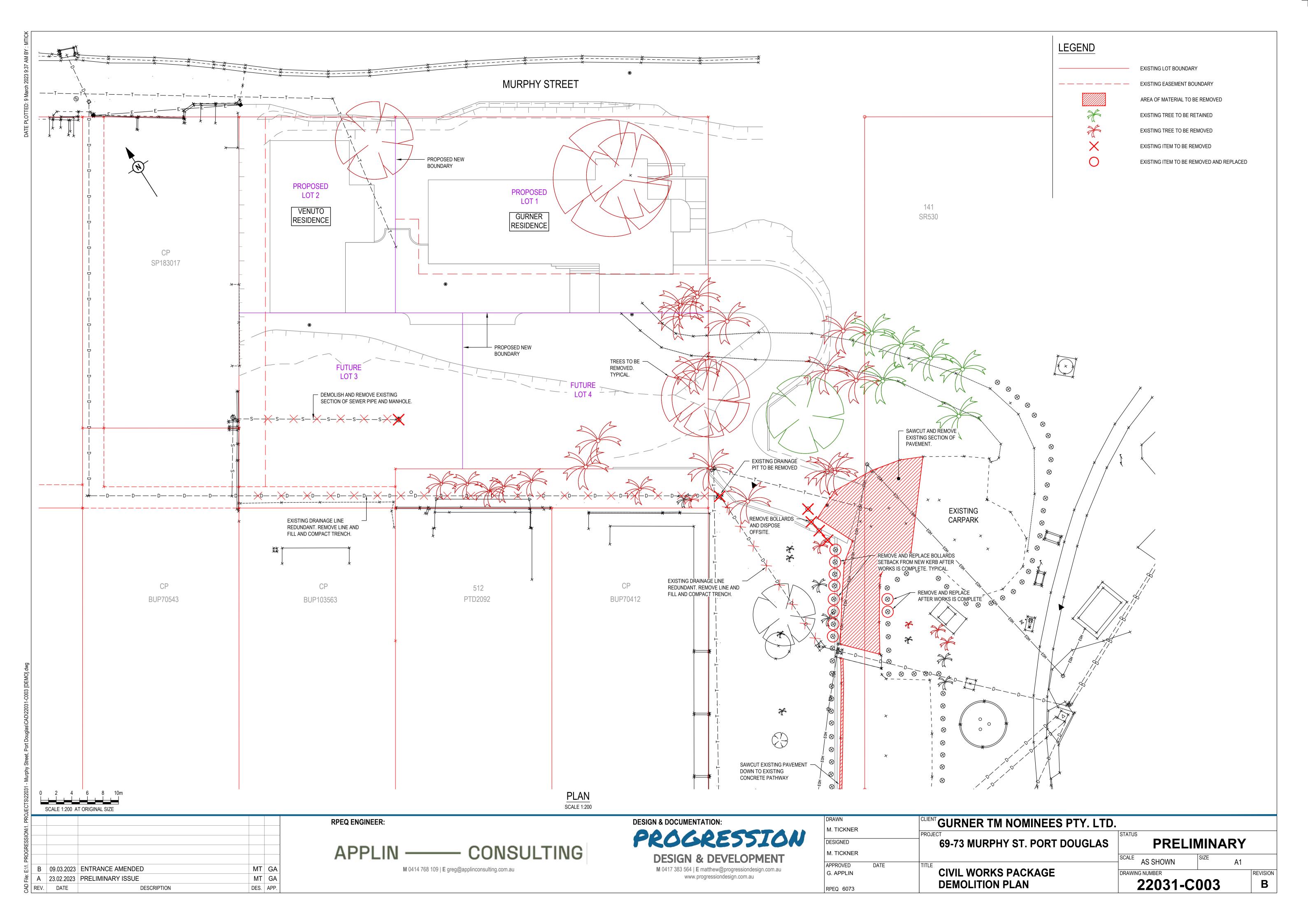
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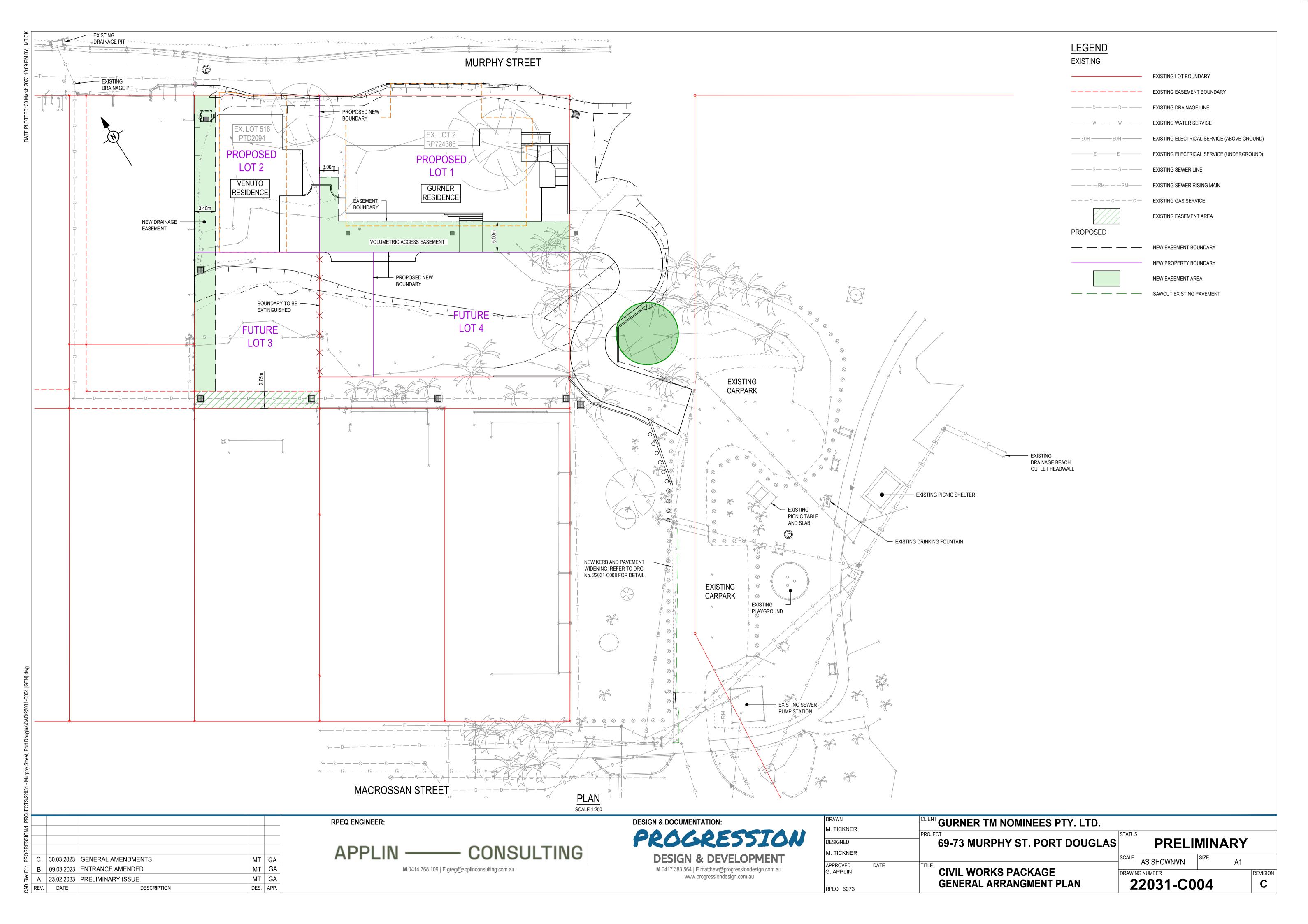
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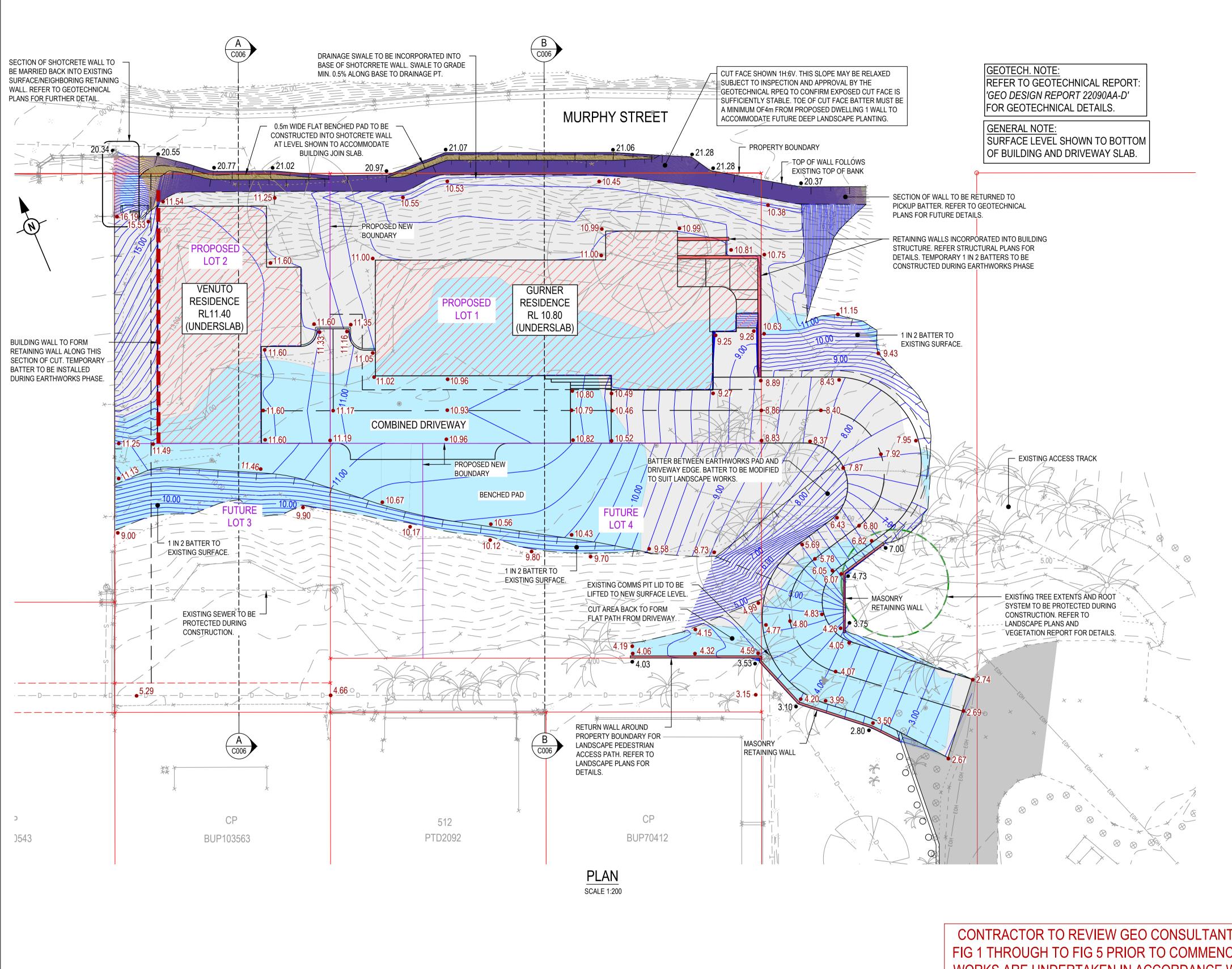
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M. TICKNER			SIZE	
APPROVED DATE	TITLE	AS SHOWN	A1	
G. APPLIN	CIVIL WORKS PACKAGE	DRAWING NUMBER		REVISION
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EARTHWORKS VOLUMES:

CUT: 2700 m³ FILL: 509m³ BALANCE: 2191m³

LEGEND

PROPOSED

EXISTING LOT BOUNDARY

— — — EXISTING EASEMENT BOUNDARY

EXISTING ELECTRICAL SERVICE (ABOVE GROUND)

EXISTING ELECTRICAL SERVICE (UNDERGROUND)

NEW PROPERTY BOUNDARY

PROPOSED SURFACE CONTOUR (0.2m INTERVALS)

PROPOSED RETAINING WALL

(CONSTRUCTED WITH BUILDING)

SAWCUT EXISTING PAVEMENT

EXISTING SURFACE LEVEL (ESL)

PROPOSED AREA OF CUT

PROPOSED AREA OF FILL

TOP OF BANK

— — BOTTOM OF BANK

FUTURE BUILDING WALL RETAINING -TEMPORARY BATTER NEEDED

PROPOSED EARTHWORKS SURFACE LEVEL (FSL)

—— — D— — — EXISTING DRAINAGE LINE

—— — W— — — EXISTING WATER SERVICE

---G--G--G--G- EXISTING GAS SERVICE

--- -- NEW EASEMENT BOUNDARY

EXISTING

NOTE:

- EARTHWORKS VOLUMES DO NOT CONSIDER BULKING FACTORS AND ARE TAKEN AS RAW VALUES.

VOLUMES TAKEN TO FINISHED EARTHWORKS SURFACE.

B 30.03.2023 GENERAL AMENDMENTS MT GA
A 22.02.2023 PRELIMINARY ISSUE MT GA
REV. DATE DESCRIPTION DES. APP.

SCALE 1:200 AT ORIGINAL SIZE

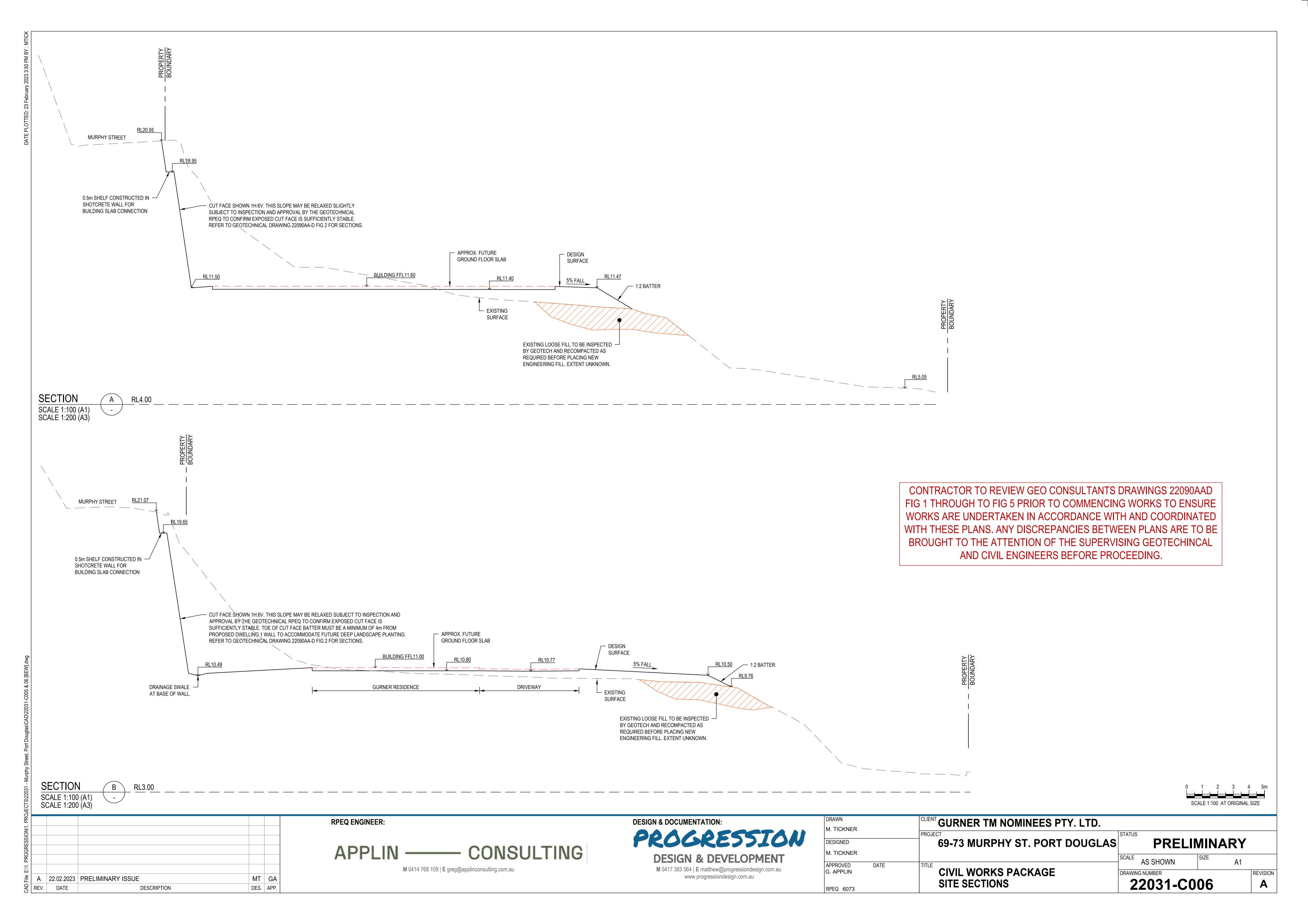
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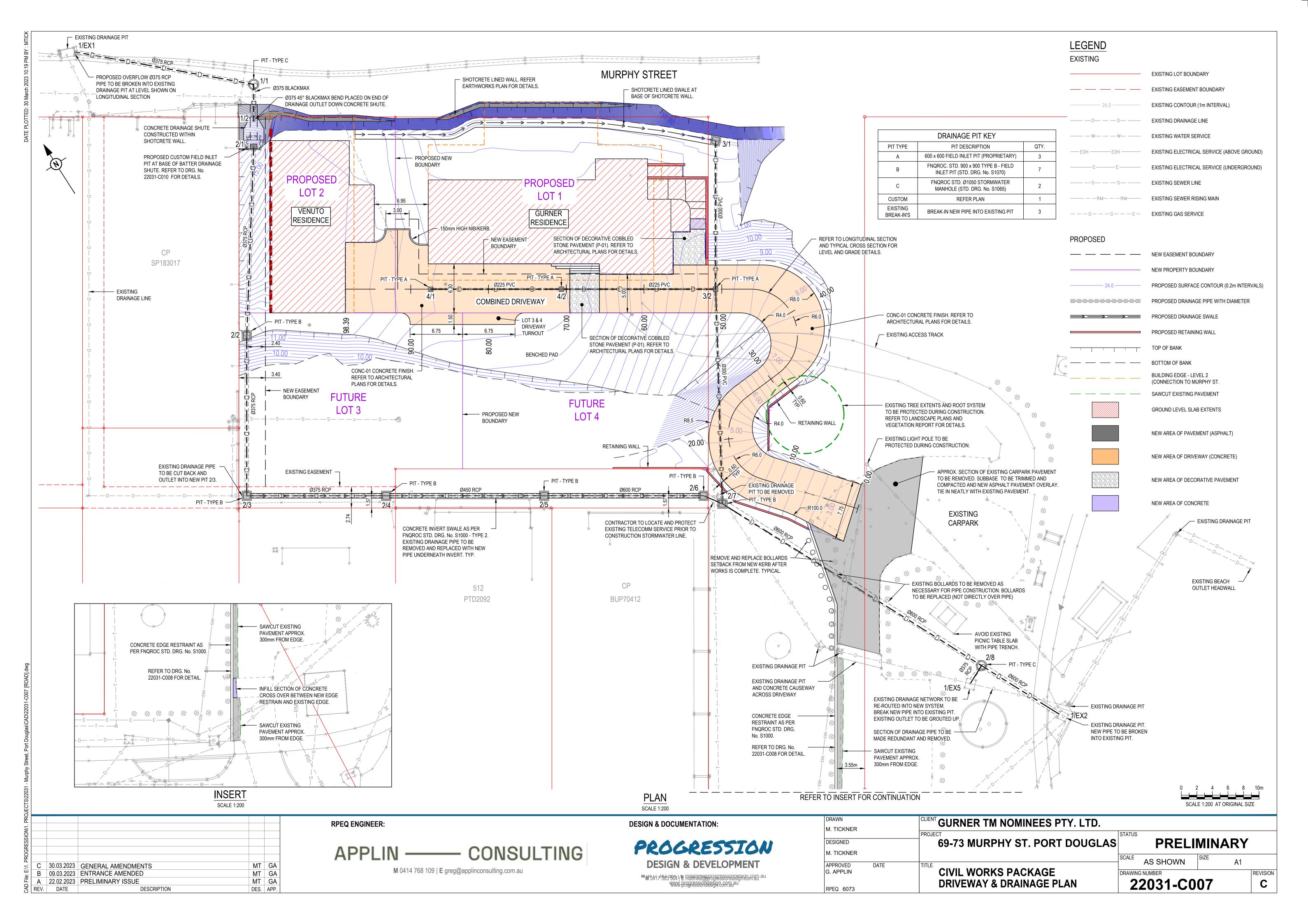
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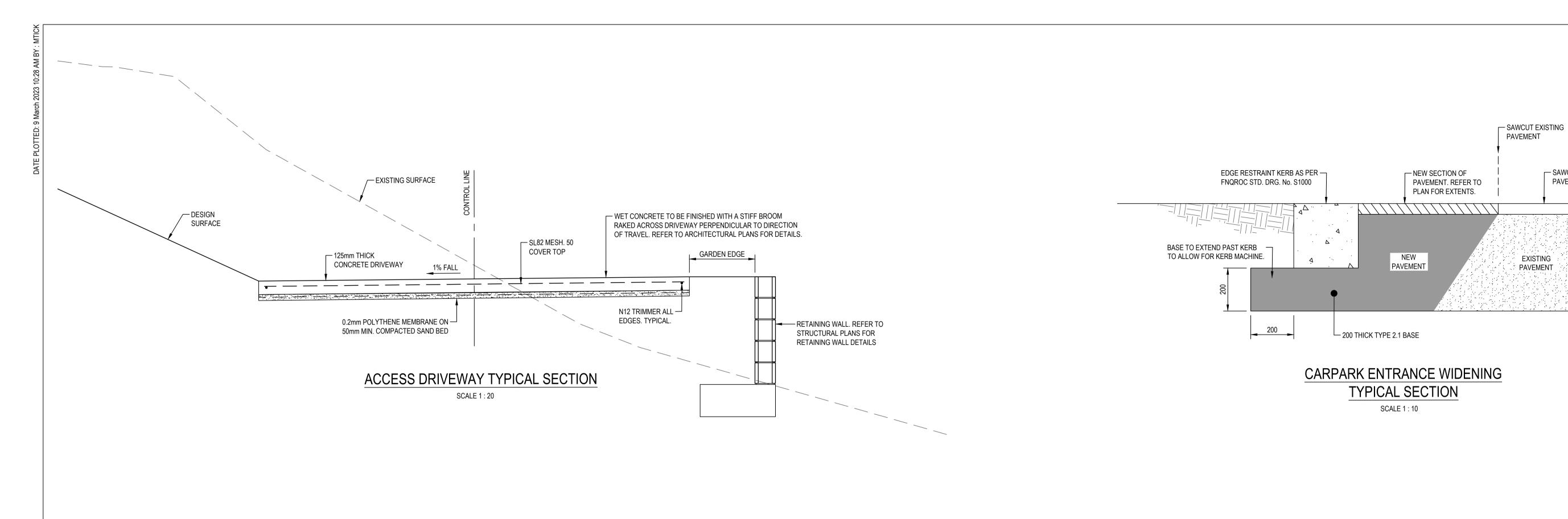
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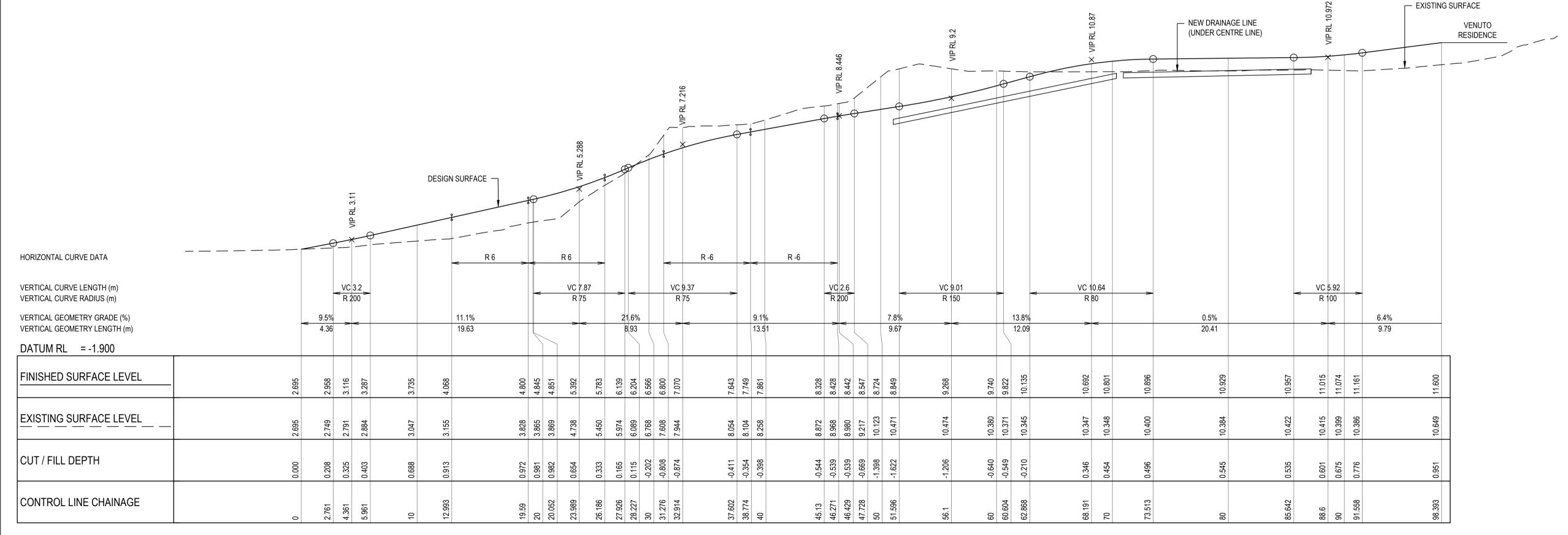


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LONGITUDINAL SECTION - DRIVEWAY CONTROL LINE

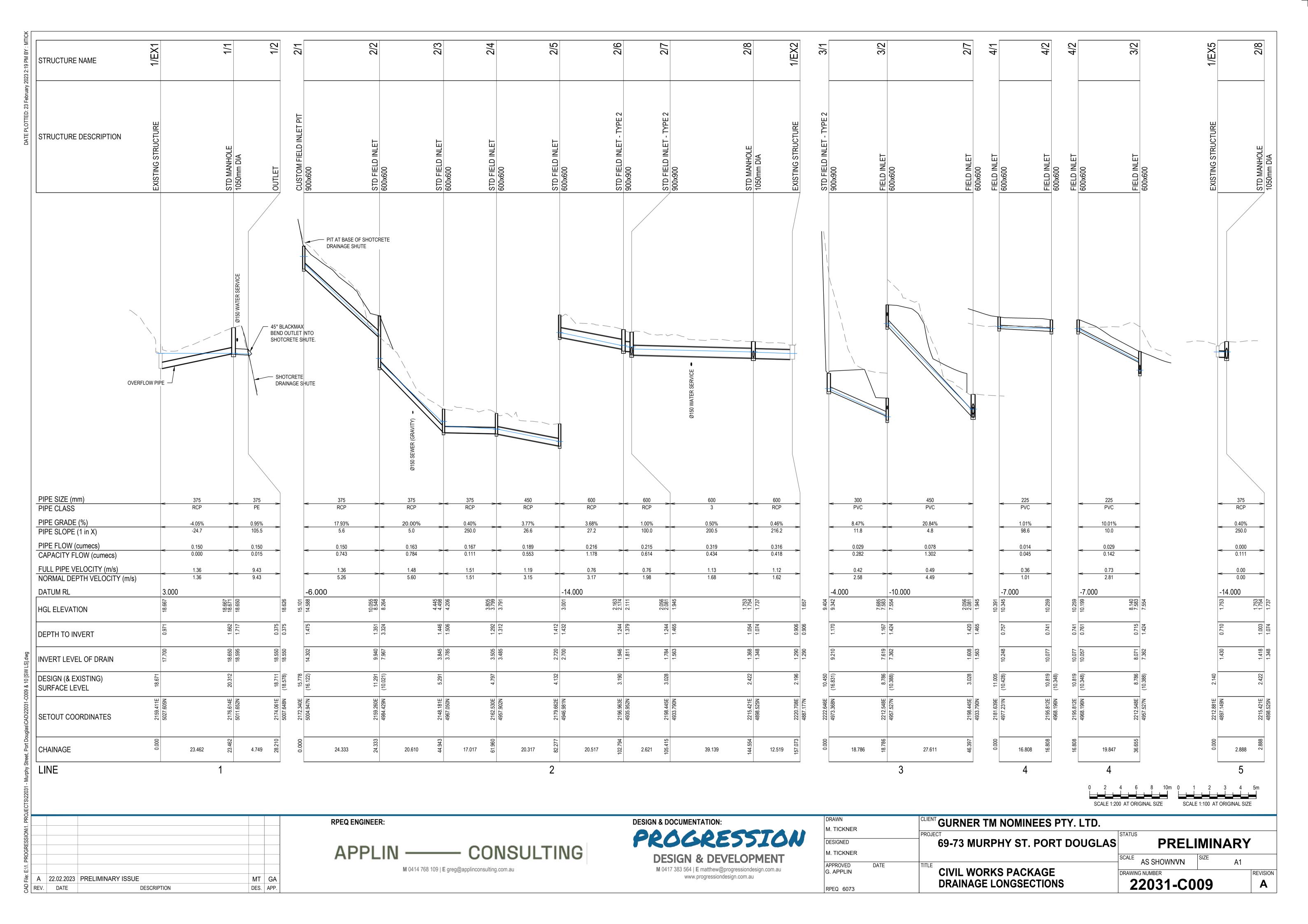
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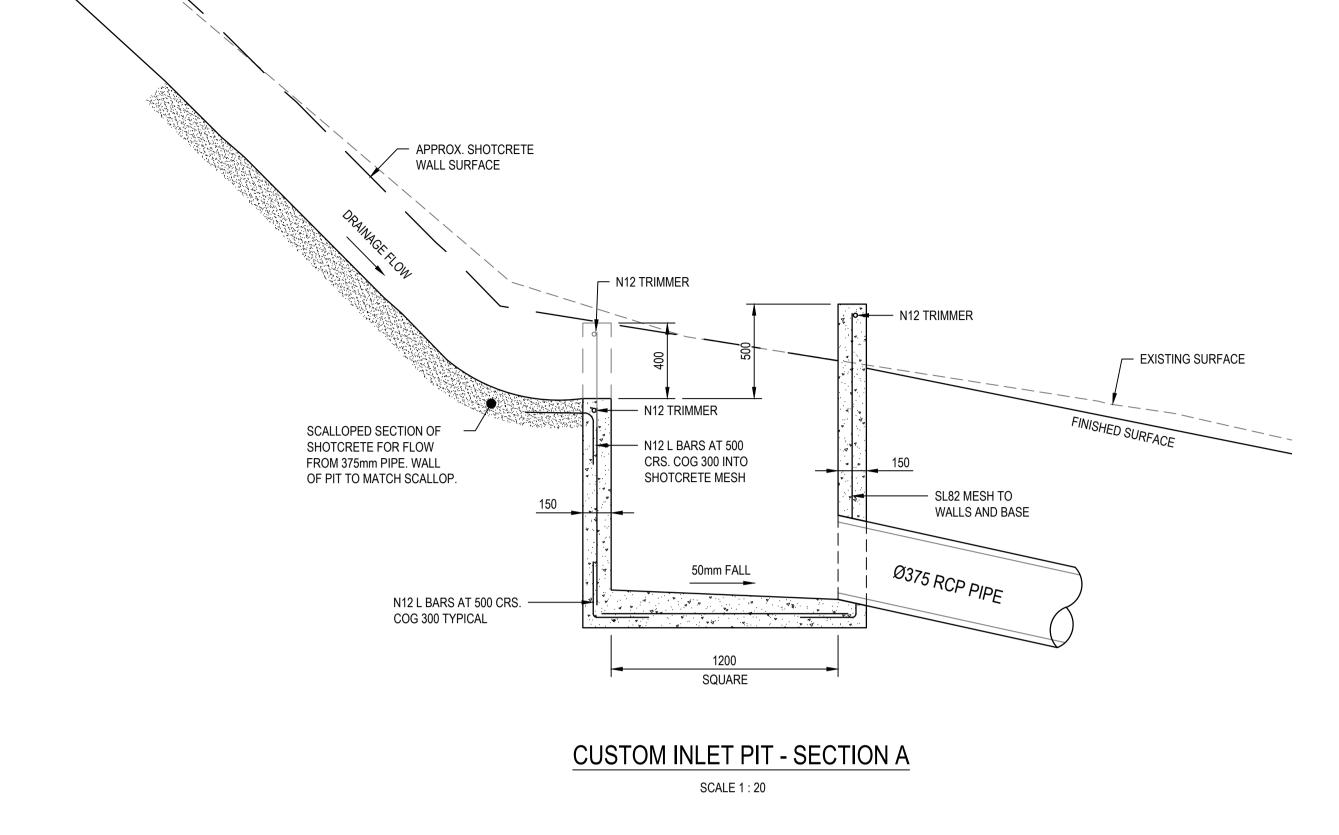
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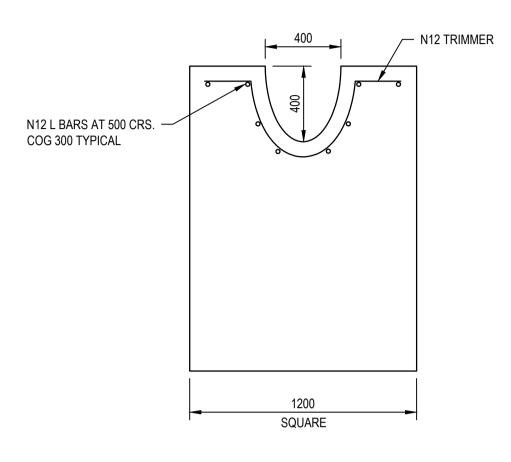
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CUSTOM INLET PIT - BACK VIEW OF WALL

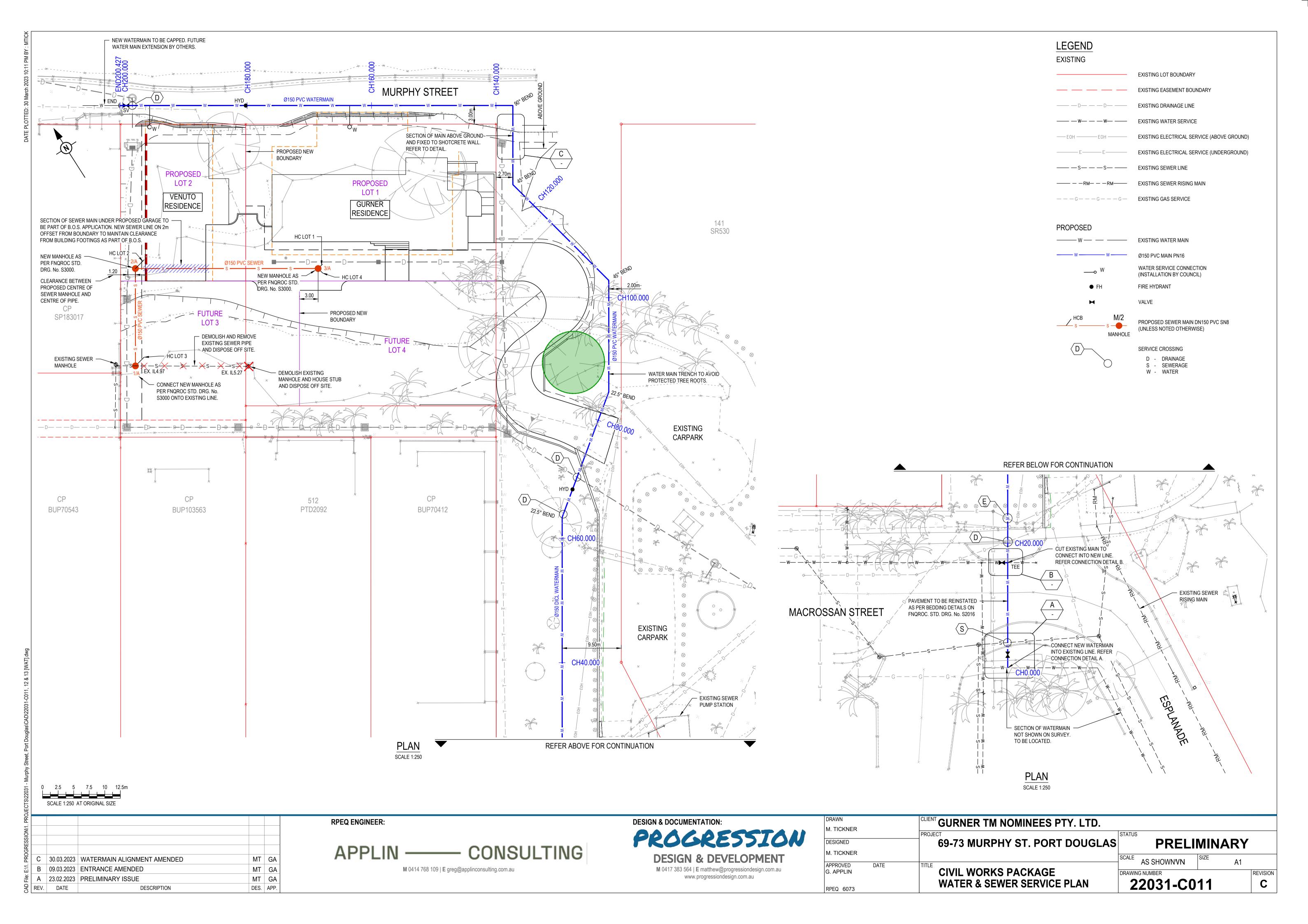
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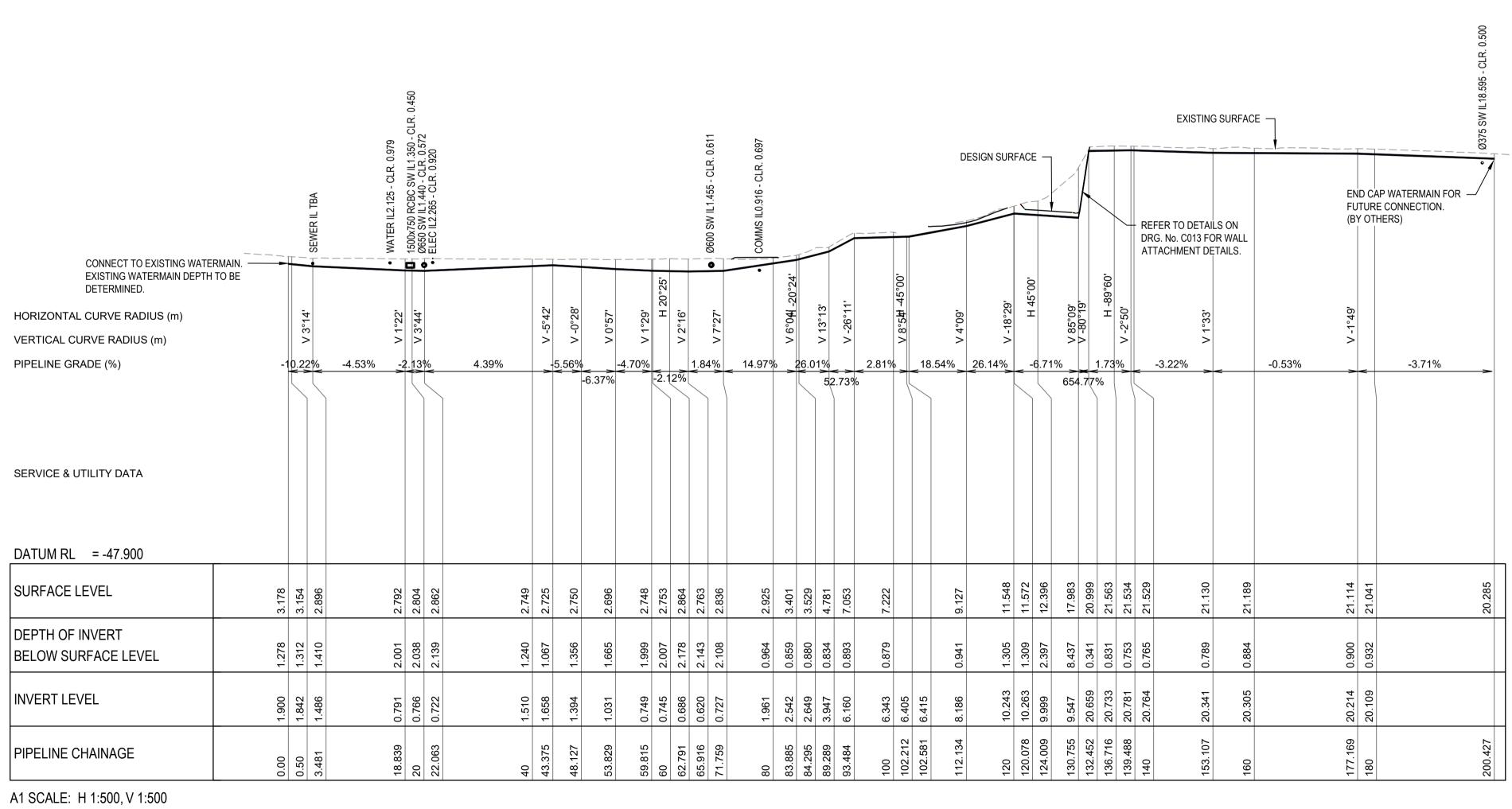


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LONGITUDINAL SECTION - WATERMAIN

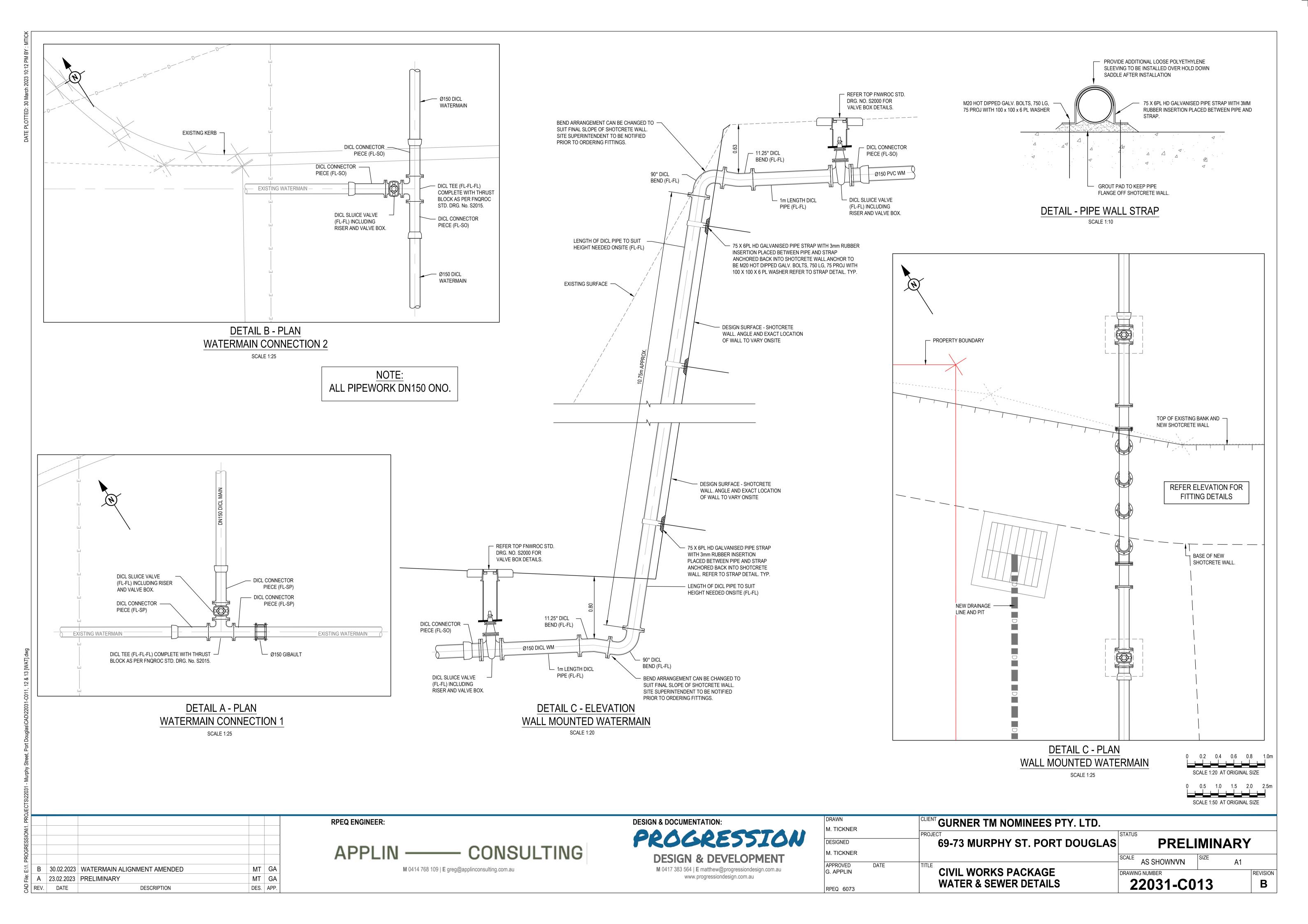
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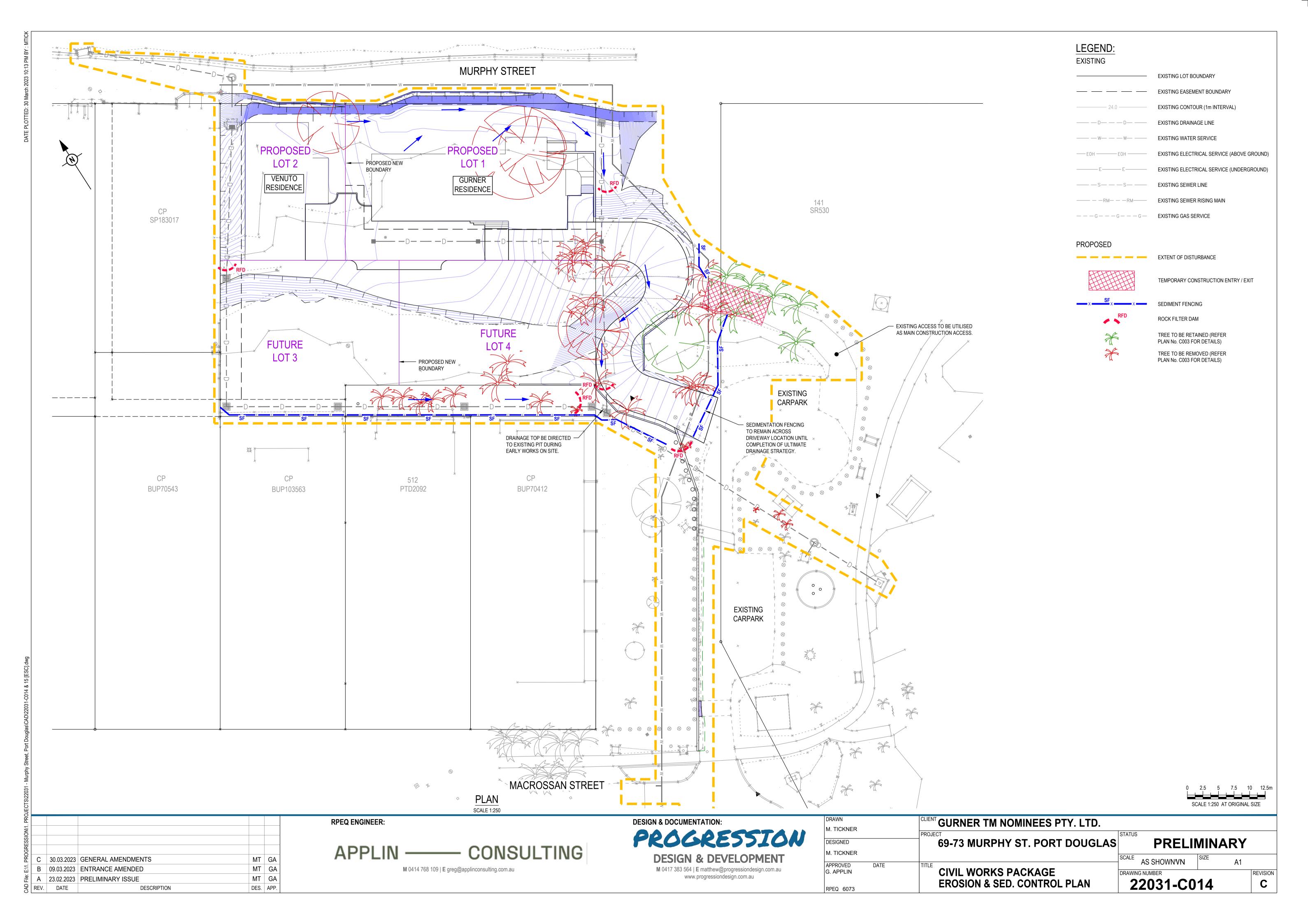
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SEDIMENT FENCE

MATERIAL

POLYPROPYLENE, POLYAMIDE, NYLON, POLYESTER, OR POLYETHYLENE WOVEN OR NON-WOVEN FABRIC, AT LEAST 700mm IN WIDTH AND A MINIMUM UNIT WEIGHT OF 140GSM. ALL FABRICS TO CONTAIN ULTRAVIOLET INHIBITORS AND STABILISERS TO PROVIDE A MINIMUM OF 6 MONTHS OF USEABLE CONSTRUCTION LIFE (ULTRAVIOLET STABILITY EXCEEDING 70%).

WIRE OR STEEL MESH MINIMUM 14-GAUGE WITH A MAXIMUM MESH SPACING OF 200mm.

1500mm² (MIN) HARDWOOD, 2500mm² (MIN) SOFTWOOD, OR 1.5kg/m (MIN) STEEL STAR PICKETS SUITABLE FOR ATTACHING FABRIC.

INSTALLATION

- 1. REFER TO APPROVED PLANS FOR LOCATION, EXTENT AND REQUIRED TYPE OF FABRIC (IF SPECIFIED). IF THERE ARE QUESTIONS OR PROBLEMS WITH THE LOCATION, EXTENT, FABRIC TYPE, OR METHOD OF INSTALLATION CONTACT THE ENGINEER OR RESPONSIBLE ON-SITE OFFICER FOR ASSISTANCE.
- 2. TO THE MAXIMUM DEGREE PRACTICAL, AND WHERE THE PLANS ALLOW, ENSURE THE FENCE IS LOCATED: TOTALLY WITHIN THE PROPERTY BOUNDARIES;
 - ALONG A LINE OF CONSTANT ELEVATION WHEREVER PRACTICAL;
- iii. AT LEAST 2m FROM THE TOE OF ANY FILLING OPERATIONS THAT MAY RESULT IN SHIFTING SOIL/FILL DAMAGING THE FENCE.
- INSTALL RETURNS WITHIN THE FENCE AT MAXIMUM 20m INTERVALS IF THE FENCE IS INSTALLED ALONG THE CONTOUR, OR 5 TO 10m MAXIMUM SPACING (DEPENDING ON SLOPE) IF THE FENCE IS INSTALLED AT AN ANGLE TO THE CONTOUR. THE 'RETURNS' SHALL CONSIST OF EITHER:
 - V-SHAPED SECTION EXTENDING AT LEAST 1.5m UP THE SLOPE; OR SANDBAG OR ROCK/AGGREGATE CHECK DAM A MINIMUM 1/3 AND MAXIMUM 1/2 FENCE HEIGHT, AND
- EXTENDING AT LEAST 1.5m UP THE SLOPE. 4. ENSURE THE EXTREME ENDS OF THE FENCE ARE TURNED UP THE SLOPE AT LEAST 1.5m, OR AS NECESSARY, TO
- MINIMISE WATER BYPASSING AROUND THE FENCE. ENSURE THE SEDIMENT FENCE IS INSTALLED IN A MANNER THAT AVOIDS THE CONCENTRATION OF FLOW ALONG
- THE FENCE, AND THE UNDESIRABLE DISCHARGE OF WATER AROUND THE ENDS OF THE FENCE. IF THE SEDIMENT FENCE IS TO BE INSTALLED ALONG THE EDGE OF EXISTING TREES, ENSURE CARE IS TAKEN TO PROTECT THE TREES AND THEIR ROOT SYSTEMS DURING INSTALLATION OF THE FENCE. DO NOT ATTACH THE
- UNLESS DIRECTED BY THE SITE SUPERVISOR OR THE APPROVED PLANS, EXCAVATE A 200mm WIDE BY 200mm DEEP TRENCH ALONG THE PROPOSED FENCE LINE, PLACING THE EXCAVATED MATERIAL ON THE UP-SLOPE SIDE
- ALONG THE LOWER SIDE OF THE TRENCH, APPROPRIATELY SECURE THE STAKES INTO THE GROUND SPACED NO GREATER THAN 3m IF SUPPORTED BY A TOP SUPPORT WIRE OR WEIR MESH BACKING, OTHERWISE NO GREATER
- 9. IF SPECIFIED, SECURELY ATTACH THE SUPPORT WIRE OR MESH TO THE UP-SLOPE SIDE OF THE STAKES WITH THE MESH EXTENDING AT LEAST 200mm INTO THE EXCAVATED TRENCH, ENSURE THE MESH AND FABRIC IS ATTACHED TO THE UP-SLOPE SIDE OF THE STAKES EVEN WHEN DIRECTING A FENCE AROUND A CORNER OR
- SHARP CHANGE OF DIRECTION. 10. WHEREVER POSSIBLE, CONSTRUCT THE SEDIMENT FENCE FROM A CONTINUOUS ROLL OF FABRIC. TO JOIN
- ATTACH EACH END TO TWO OVERLAPPING STAKES WITH THE FABRIC FOLDING AROUND THE ASSOCIATED STAKE ONE TURN, AND WITH THE TWO STAKES TIED TOGETHER WITH WIRE; OR OVERLAP THE FABRIC TO THE NEXT ADJACENT SUPPORT POST
- 11. SECURELY ATTACH THE FABRIC TO THE SUPPORT POSTS USING 25 X 12.5mm STAPLES, OR TIE WIRE AT MAXIMUM
- SECURELY ATTACH THE FABRIC TO THE SUPPORT WIRE/MESH (IF ANY) AT A MAXIMUM SPACING OF 1m. 13. ENSURE THE COMPLETED SEDIMENT FENCE IS AT 450mm, BUT NOT MORE THAN 700mm HIGH. IF A SPILL-THOUGH
- WEIR IS INSTALLED, ENSURE THE CREST OF THE WEIR IS AT LEAST 300mm ABOVE GROUND LEVEL. 14. BACKFILL THE TRENCH AND TAMP THE FILL TO FIRMLY ANCHOR THE BOTTOM OF THE FABRIC AND MESH TO PREVENT WATER FROM FLOWING UNDER THE FENCE.

ADDITIONAL REQUIREMENTS FOR THE INSTALLATION OF SPILL-THROUGH WEIR

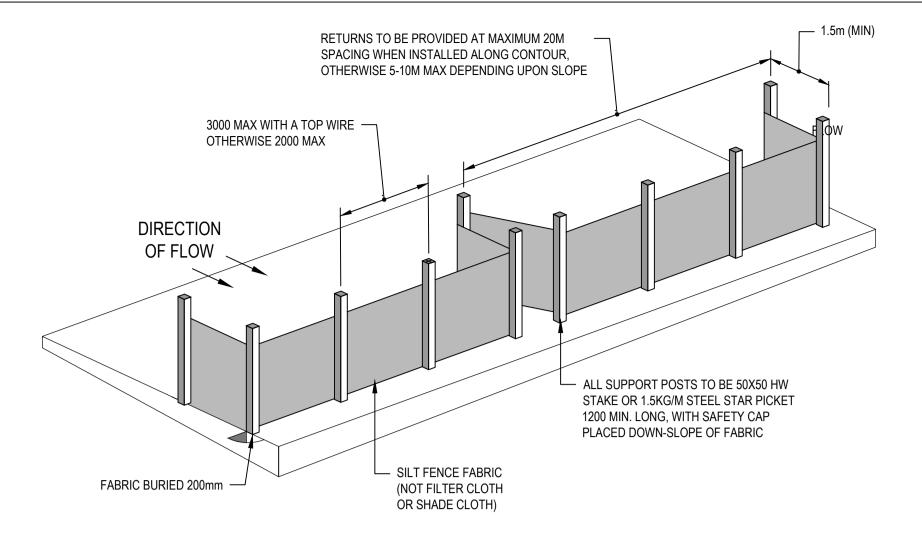
- 15. LOCATE THE SPILL -THROUGH WEIR SUCH THAT THE WEIR CREST WILL BE LOWER THAN THE GROUND LEVEL AT EACH END OF THE FENCE.
- 16. ENSURE THE CREST OF THE SPILL-THROUGH WEIR IS AT LEAST 300mm THE GROUND ELEVATION. SECURELY TIE A HORIZONTAL CROSS MEMBER (WEIR) TO THE SUPPORT POSTS/STAKES EACH SIDE OF THE WEIR.
- CUT THE FABRIC DOWN THE SIDE OF EACH POST AND FOLD THE FABRIC OVER THE CROSS MEMBER AND APPROPRIATELY SECURE THE FABRIC.
- INSTALL A SUITABLE SPLASH PAD AND/OR CHUTE IMMEDIATELY DOWN-SLOPE OF THE SPILL-THROUGH WEIR TO CONTROL SOIL EROSION AND APPROPRIATELY DISCHARGE THE CONCENTRATED FLOW PASSING OVER THE WEIR.

MAINTENANCE

- 19. INSPECT THE SEDIMENT FENCE AT LEAST WEEKLY AND AFTER ANY SIGNIFICANT RAIN. MAKE NECESSARY
- REPAIRS IMMEDIATELY. 20. REPAIR ANY TORN SECTIONS WITH A CONTINUOUS PIECE OF FABRIC FROM POST TO POST.
- 21. WHEN MAKING REPAIRS, ALWAYS RESTORE THE SYSTEM TO ITS ORIGINAL CONFIGURATION UNLESS AN AMENDED LAYOUT IS REQUIRED OR SPECIFIED.
- 22. IF THE FENCE IS SAGGING BETWEEN STAKES, INSTALL ADDITIONAL SUPPORT POSTS.
- 23. REMOVE ACCUMULATED SEDIMENT IF THE SEDIMENT DEPOSIT EXCEEDS A DEPTH OF 1/3 THE HEIGHT OF THE
- 24. DISPOSE OF SEDIMENT IN A SUITABLE MANNER THAT WILL NOT CAUSE AN EROSION OR POLLUTION HAZARD. 25. REPLACE THE FABRIC IS THE SERVICE LIFE OF THE EXISTING FABRIC EXCEEDS 6 MONTHS.

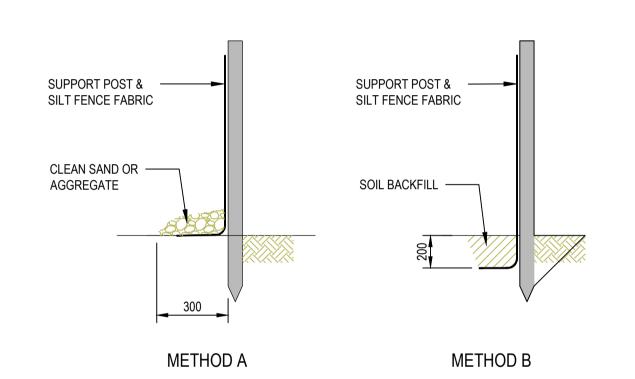
REMOVAL

- 26. WHEN DISTURBED AREAS UP-SLOPE OF THE SEDIMENT FENCE ARE SUFFICIENTLY STABILISED TO RESTRAIN EROSION, THE FENCE MUST BE REMOVED.
- 27. REMOVE MATERIALS AND COLLECTED SEDIMENT AND DISPOSE OF IN A SUITABLE MANNER THAT WILL NOT CAUSE AN EROSION OR POLLUTION HAZARD.
- 28. REHABILITATE/REVEGETATE THE DISTURBED GROUND AS NECESSARY TO MINIMISE THE EROSION HAZARD.

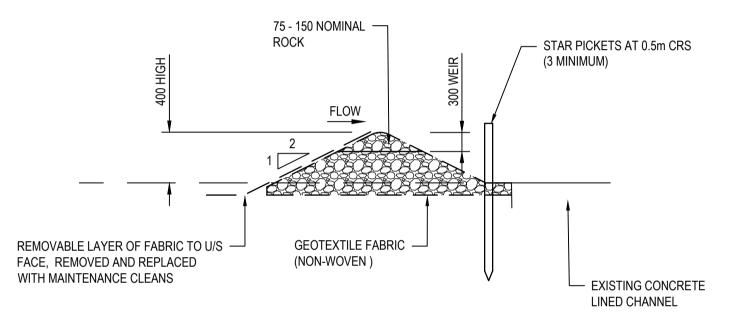


SEDIMENT FENCE

NOT TO SCALE



ANCHORING BASE OF FABRIC NOT TO SCALE



ROCK FILTER DAM NOT TO SCALE

ROCK FILTER DAM

MATERIALS

75 TO 100mm NOMINAL DIAMETER, HARD, EROSION RESISTANT ROCK.

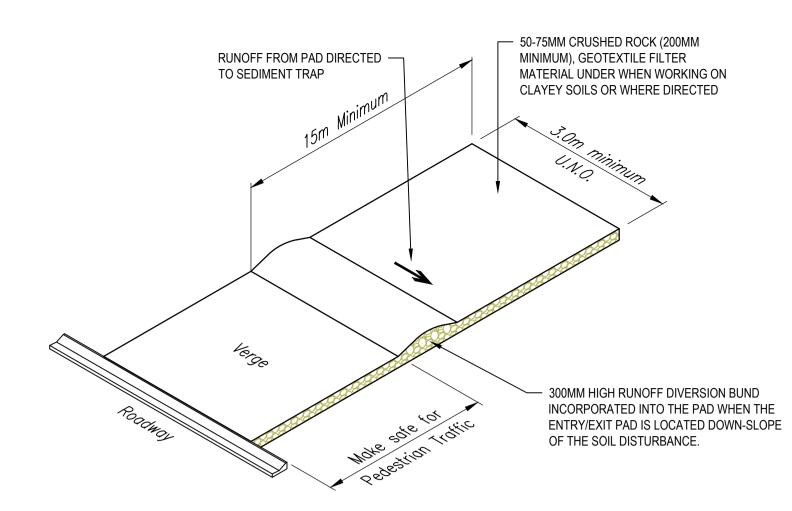
HEAVY-DUTY, NEEDLE-PUNCHES, NON-WOVEN FILTER CLOTH ('BIDIM' A24 OR EQUIVALENT).

- 1. REFER TO APPROVED PLANS FOR LOCATION AND INSTALLATION DETAILS. IF THERE ARE QUESTIONS OR PROBLEMS WITH THE LOCATION OR METHOD OF INSTALLATION, CONTACT THE ENGINEER OR RESPONSIBLE ON-SITE OFFICER FOR ASSISTANCE.
- 2. PRIOR TO PLACEMENT OF THE FILTER DAM, ENSURE THE TYPE AND SIZE OF EACH CHECK DAMS WILL NOT CAUSE A SAFETY HAZARD OR CAUSE WATER TO SPILL OUT OF THE DRAIN.
- CONSTRUCT THE FILTER DAM TO THE DIMENSIONS AND PROFILE SHOWN WITHIN THE APPROVED PLAN. 4. WHERE SPECIFIED, THE FILTER DAM SHALL BE CONSTRUCTED ON A SHEET OF GEOTEXTILE FABRIC USED AS A DOWNSTREAM SPLASH PAD.

MAINTENANCE

- 1. INSPECT EACH FILTER DAM AND THE DRAINAGE CHANNEL AT LEAST WEEKLY AND AFTER
- RUNOFF-PRODUCING RAINFALL. 2. CHECK FOR DISPLACEMENT OF THE FILTER DAM
- 3. CHECK FOR SOIL SCOUR AROUND THE ENDS OF THE FILTER DAM. IF SUCH EROSION IS OCCURRING,
- CONSIDER EXTENDING THE WIDTH OF THE FILTER DAM TO AVOID SUCH PROBLEMS. 4. IF SEVERE SOIL EROSION OCCURS EITHER UNDER OR AROUND THE FILTER DAM, THEN SEEK EXPERT ADVICE ON AN ALTERNATIVE TREATMENT MEASURE.
- 5. REMOVE AND SEDIMENT ACCUMULATED BY THE FILTER DAM, UNLESS IT IS INTENDED THAT THIS SEDIMENT WILL REMAIN WITHIN THE CHANNEL.
- 6. DISPOSE OF COLLECTED SEDIMENT IN A SUITABLE MANNER THAT WILL NOT CAUSE AN EROSION OR POLLUTION HAZARD.
- 7. REPLACE GEOFABRIC LAYER ON UPSTREAM FACE WITH A CLEAN LAYER AS REQUIRED.

- 1. WHEN CONSTRUCTION WORK WITHIN THE DRAINAGE AREA ABOVE THE FILTER DAM HAS BEEN COMPLETED, AND THE DISTURBED AREAS AND THE DRAINAGE CHANNEL ARE SUFFICIENTLY STABILISED TO RESTRAIN EROSION, ALL TEMPORARY CHECK DAMS MUST BE REMOVED.
- 2. REMOVE THE FILTER DAM AND ASSOCIATED SEDIMENT AND DISPOSE OF IN A SUITABLE MANNER THAT WILL NOT CAUSE AN EROSION OR POLLUTION HAZARD.



TEMPORARY CONSTRUCTION ENTRY / EXIT

NOT TO SCALE

TEMPORARY CONSTRUCTION ENTRY / EXIT

MATERIAL

WELL GRADED, HARD, ANGULAR, EROSION RESISTANT ROCK, NOMINAL DIAMETER OF 50 TO 75mm (SMALL DISTURBANCES) OR 100 TO 150mm (LARGE DISTURBANCES). ALL REASONABLE MEASURES MUST BE TAKEN TO OBTAIN ROCK OF NEAR UNIFORM SIZE.

FOOTPATH STABILISING AGGREGATE

25 TO 50mm GRAVEL OR AGGREGATE

HEAVY-DUTY, NEEDLE-PUNCHES, NON-WOVEN FILTER CLOTH ('BIDIM' A24 OR EQUIVALENT).

- 1. REFER TO APPROVED PLANS FOR LOCATION AND DIMENSIONAL DETAILS. IF THERE ARE QUESTIONS OR PROBLEMS WITH THE LOCATION, DIMENSIONS, OR METHOD OF INSTALLATION, CONTACT THE ENGINEER OR RESPONSIBLE ON-SITE OFFICER FOR ASSISTANCE.
- 2. CLEAR THE LOCATION OF THE ROCK PAD, REMOVING STUMPS, ROOTS AND OTHER VEGETATION TO PROVIDE A FIRM FOUNDATION SO THAT THE ROCK IS NOT PRESSED INTO SOFT GROUND. CLEAR SUFFICIENT WIDTH TO ALLOW PASSAGE OF LARGE VEHICLES, BUT CLEAR ONLY THAT NECESSARY FOR THE EXIT. DO NOT CLEAR ADJACENT AREAS UNTIL THE REQUIRED EROSION AND SEDIMENT CONTROL DEVICES ARE IN PLACE.
- 3. IF THE EXPOSED SOIL IS SOFT, PLASTIC OR CLAYEY, PLACE A SUB-BASE OF CRUSHED ROCK OR A LAYER OF HEAVY-DUTY FILTER CLOTH TO PROVIDE A FIRM FOUNDATION.
- 4. PLACE THE ROCK PAD FORMING A MINIMUM 200mm THICK LAYER OF CLEAN, OPEN-VOID ROCK.
- 5. IF THE ASSOCIATED CONSTRUCTION SITE IS UP-SLOPE OF THE ROCK PAD, THUS CAUSING STORMWATER RUNOFF TO FLOW TOWARDS THE ROCK PAD, THEN FORM A MINIMUM 300mm HIGH FLOW CONTROL BERM ACROSS THE ROCK PAD TO DIVERT SUCH RUNOFF TO A SUITABLE SEDIMENT TRAP.
- 6. THE LENGTH OF THE ROCK PAD SHOULD BE AT LEAST 15M WHERE PRACTICABLE, AND AS WISE AS THE FULL WIDTH OF THE ENTRY OR EXIT AND AT LEAST 3m. THE ROCK PAD SHOULD COMMENCE AT THE EDGE OF THE OFF-SITE SEALED ROAD OR PAVEMENT.
- 7. FLARE THE END OF THE ROCK PAD WHERE IT MEETS THE PAVEMENT SO THAT THE WHEELS OF TURNING VEHICLES DO NOT TRAVEL OVER UNPROTECTED SOIL.
- 8. IF THE FOOTPATH IS OPEN TO PEDESTRIAN MOVEMENT, THE COVER THE COARSE ROCK WITH FINE AGGREGATE OR GRAVEL, OR OTHERWISE TAKE WHATEVER MEASURES ARE NEEDED TO MAKE THE AREA SAFE.

MAINTENANCE

- 9. INSPECT ALL SITE ENTRY AND EXIT POINTS PRIOR TO FORECAST RAIN, DAILY DURING EXTENDED PERIODS OF RAINFALL, AFTER RUNNOFF-PRODUCING RAINFALL, OR OTHERWISE AT FORTNIGHTLY INTERVALS.
- 10. IF SAND, SOIL, SEDIMENT OR MUD IS TRACKED OR WASHED ONTO THE ADJACENT SEALED ROADWAY, THEN SUCH MATERIAL MUST BE PHYSICALLY REMOVED, FIRST USING A SQUARE-EDGED SHOVEL, AND THEN A STIFF-BRISTLED BROOM, AND THEN BY A MECHANICAL VACUUM UNIT, IF AVAILABLE.
- 11. IF NECESSARY FOR SAFETY REASONS, THE ROADWAY SHALL ONLY BE WASHED CLEAN AFTER ALL REASONABLE EFFORTS HAVE BEEN TAKEN TO SHOVEL AND SWEEP THE MATERIAL FROM THE ROADWAY.
- 12. WHEN THE VOIDS BETWEEN THE ROCK BECOMES FILLED WITH MATERIAL AND THE EFFECTIVENESS OF THE ROCK PAD IS REDUCED TO A POINT WHERE SEDIMENT IS BEING TRACKED OFF THE SITE. A NEW 100MM LAYER OF ROCK MUST BE ADDED AND/OR THE ROCK PAD MUST BE EXTENDED.
- 13. ENSURE ANY ASSOCIATED DRAINAGE CONTROL MEASURES (e.g. FLOW CONTROL BERM) ARE MAINTAINED IN ACCORDANCE WITH THEIR DESIRED OPERATIONAL CONDITIONS.
- 14. DISPOSE OF SEDIMENT AND DEBRIS IN A MANNER THAT WILL NOT CREATE AN EROSION OR POLLUTION HAZARD.

- 1. THE ROCK PAD SHOULD BE REMOVED ONLY AFTER IT IS NO LONGER NEEDED AS A SEDIMENT TRAP. 2. REMOVE MATERIALS AND COLLECTED SEDIMENT AND DISPOSE OF IN A SUITABLE MANNER THAT WILL NOT CAUSE
- AN EROSION OR POLLUTION HAZARD.

3. RE-GRADE AND STABILISE THE DISTURBED GROUND AS NECESSARY TO MINIMISE THE EROSION HAZARD.

A | 23.02.2023 | PRELIMINARY ISSUE MT GA DES. APP. REV. DATE DESCRIPTION

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RPEQ ENGINEER:

DESIGN & DOCUMENTATION: DESIGN & DEVELOPMENT

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M. TICKNER DESIGNED M. TICKNER DATE APPROVED G. APPLIN

 $^{\shortparallel}$ GURNER TM NOMINEES PTY. LTD. **PRELIMINARY** 69-73 MURPHY ST. PORT DOUGLAS AS SHOWN CIVIL WORKS PACKAGE DRAWING NUMBER REVISION 22031-C015 **EROSION & SED. CONTROL DETAILS** RPEQ 6073

Reasons for Decision

The reasons for this decision are:

- 1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 27 March 2023 under s51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*. A request to change the approval was properly made to Council on 31 October 2023.
 - b. the development application and request to change 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 Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of s60, s62 s63 and S82 of the *Planning Act 2016* with respect to the request to change; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. The proposed use and built form is an acceptable outcome for the site which in in keeping with similar building heights and building setbacks of adjoining development. Plans of development have been modified during the assessment process to adequately address concerns raised over building height and vehicle access to the site; and
 - ii. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Benchmark Reference	Alternative Measure/Comment
Tourist Accommodation Zone	The development does not meet the assessment benchmarks of AO1 and AO2 of the code as it relates to building height, setbacks, and site cover. However, the development is considered to meet the corresponding Performance Outcomes, as the development: (a) is of a similar height to the adjoining development to west being 67 Murphy Street; (b) is located on an existing benched site established as a result of previous quarry activities; (c) Flag staff hill forms the back drop of the development with building heights and building setbacks remaining consistent with existing building heights and established building setbacks
	along Murphy Street;

(d) provides acceptable building setbacks from the unconstructed road reserve. The presence of the driveway and landscaping treatments will achieve visual relief of the building when viewed from areas external to the site.

The development does not meet the assessment benchmarks of AO3.1 which limits the length of building to 30m. The development meets the corresponding Performance Outcome as the site is at the end of Murphy Street with the building façade of Dwelling 1 facing the vegetated bank of Flagstaff Hill.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

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

- 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

- 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—
 - a matter stated because of a referral agency's response; or

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Current as at 10 June 2022

- (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—
 - 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

 The assessment manager must assess the change representations against and having regard to the matters that

Current as at 10 June 2022

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- 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
 - 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.

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Current as at 10 June 2022

Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

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.
- An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - 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

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- (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.

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- (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—
 - 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

- 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

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- (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.

Page 216 Current as at 10 June 2022

- (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

- 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.

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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

3 November 2023

Enquiries: Neil Beck

Our Ref: CA 2023_5316 (1160590)

Your Ref: 20-12/001232

Port Douglas by Gurner Pty Ltd C/- Planning Plus PO Box 399 **REDLYNCH QLD 4870**

Dear Evan

Adopted Infrastructure Charge Notice – Change Application

Material Change of Use - 3 x dwelling houses & Reconfiguring a Lot (2 Lots into 3 Lots & Access Easement) 69 – 73 Murphy Street PORT DOUGLAS

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_5316 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

Paul Hoye Manager Environment & Planning

encl.

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

Doc ID: 1189828 CA 2023_5316/2 Page 29 of 38

Adopted Infrastructure Charges Notice

			INFRASIR	00101	RE CHARGES NOT			
Port Douglas By Gurner Pty Ltd					0 ESTATE N	ΔME	0 STAGE	
DEVELOPERS NAME 69 Murphy Street and 71-73 Murphy Street			Port Douglas		Lot 516 on PTD2094	and Lot 2 on	2344 and 2343	
STREET No. & NAME			SUBURB		RP72483 LOT & RP	-	PARCEL No.	
Combined Application			Port		CA 2023_5316		6	
DEVELOPMENT TYPE			Douglas		COUNCIL FIL	E NO.	VALIDITY PERIOD (year)	
1158121			1		Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL			
	DSC Reference Doc . No.		VERSION No.		1 Hor to signif	ng and seaming or	survey form for NOL	
nfrastructure Charge	es as resolved by Council at t	the Ordinary Meeting h	held on 23 Febi	uary 2021	(Came into effect on 1 N	larch 2021)		
		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code	
Proposed Demand								
Residential	Dwelling_house	\$_per_3_or_more_be droom_dwelling	25,314.98	3	\$75,944.94			
	Total Demand				\$75,944.94			
Credit								
Existing land use							Prior arrangement for online payment via	
							invoicing - see below.	
3 or more bedroom dwelling	1 lot	\$_per_3_or_more_be droom_dwelling	25,314.98	2	\$50,629.96			
	Total Credit				\$50,629.96		Code 895 GL GL7500.135.825	
	Required Payment or Credit		TOTAL		\$25,314.98			
Prepared by		Neil Beck			25-Oct-23	Amount Paid		
Checked by	Ret	pecca Taranto			25-Oct-23	Date Paid		
Date Payable	ROL - Before the Local Government approves the plan of subdivision							
						Receipt No.		
Amendments					Date	Ī		
						Cashier		

Extracts from the Planning Act 2016 – Making Representations during Applicant's Appeal Period

Planning Act 2016 Chapter 4 Infrastructure

[s 124]

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

- 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.

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126 Suspending relevant appeal period

- 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.

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Current as at 10 June 2022

Planning Act 2016 Chapter 6 Dispute resolution

[s 229]

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
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 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
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 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- An appellant may start an appeal within the appeal period.
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- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
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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.

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Current as at 10 June 2022

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- (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
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decision includes-

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- (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.

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- (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.

Current as at 10 June 2022

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Annexure 3: Revised Architectural Plans