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1 June 2023

Enquiries: Neil Beck

Our Ref: CA 2023\_5316/1 (1160590)

Your Ref: 20-12/001232

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

Dear Evan

Development Application Combined Application for Material Change of Use - 4 x Dwelling Houses & Reconfiguring a Lot (2 Lots into 4 Lots & Access Easement) - 69 - 73 Murphy Street PORT DOUGLAS

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

Please quote Council's application number: CA 2023\_5316/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully

For

**Paul Hove** 

**Manager Environment & Planning** 

### encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - 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 - 4 x dwelling houses & Reconfiguring a Lot (2 Lots into 4 Lots & Access Easement)

### **Decision**

Date of Decision: 30 May 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     | 19.05.23 |

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

| Drawing or Document                           | Reference  | Date     |
|---|------------|----------|
| ELEVATIONS                                    | DA-18      | 19.05.23 |
| AREAS ANALYSIS                                | DA-19      | 19.05.23 |
| FINISHES<br>VISUALISATIONS                    | DA-20      | 19.05.23 |
| FINISHES<br>VISUALISATIONS                    | DA-21      | 19.05.23 |
| PARK PERSPECTIVE                              | DA-22      | 19.05.23 |
| CAR PARK PERSPECTIVE                          | DA-23      | 19.05.23 |
| 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<br>PLAN                   | 22031-C004 | 23.02.23 |
| BULK EARTHWORKS<br>PLAN                       | 22031-C005 | 23.02.23 |
| SITE SECTIONS                                 | 22031-C006 | 23.02.23 |
| DRIVEWAY & DRAINAGE<br>PLAN                   | 22031-C007 | 23.02.23 |
| DRIVEWAY SECTION & DETAILS                    | 22031-C008 | 23.02.23 |
| DRAINAGE<br>LONGSECTIONS                      | 22031-C009 | 23.02.23 |

| Drawing or Document                      | Reference  | Date     |
|--|------------|----------|
| DRAINAGE DETAILS                         | 22031-C010 | 23.02.23 |
| WATER & SEWER<br>SERVICE PLANS           | 22031-C011 | 23.02.23 |
| WATER & SEWER<br>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<br>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:
  - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the 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**

 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.
  - 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

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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 provided which shows:-

- a. 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 <a href="www.dsdip.qld.gov.au">www.dsdip.qld.gov.au</a>. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to <a href="www.douglas.qld.gov.au">www.douglas.qld.gov.au</a>.

### **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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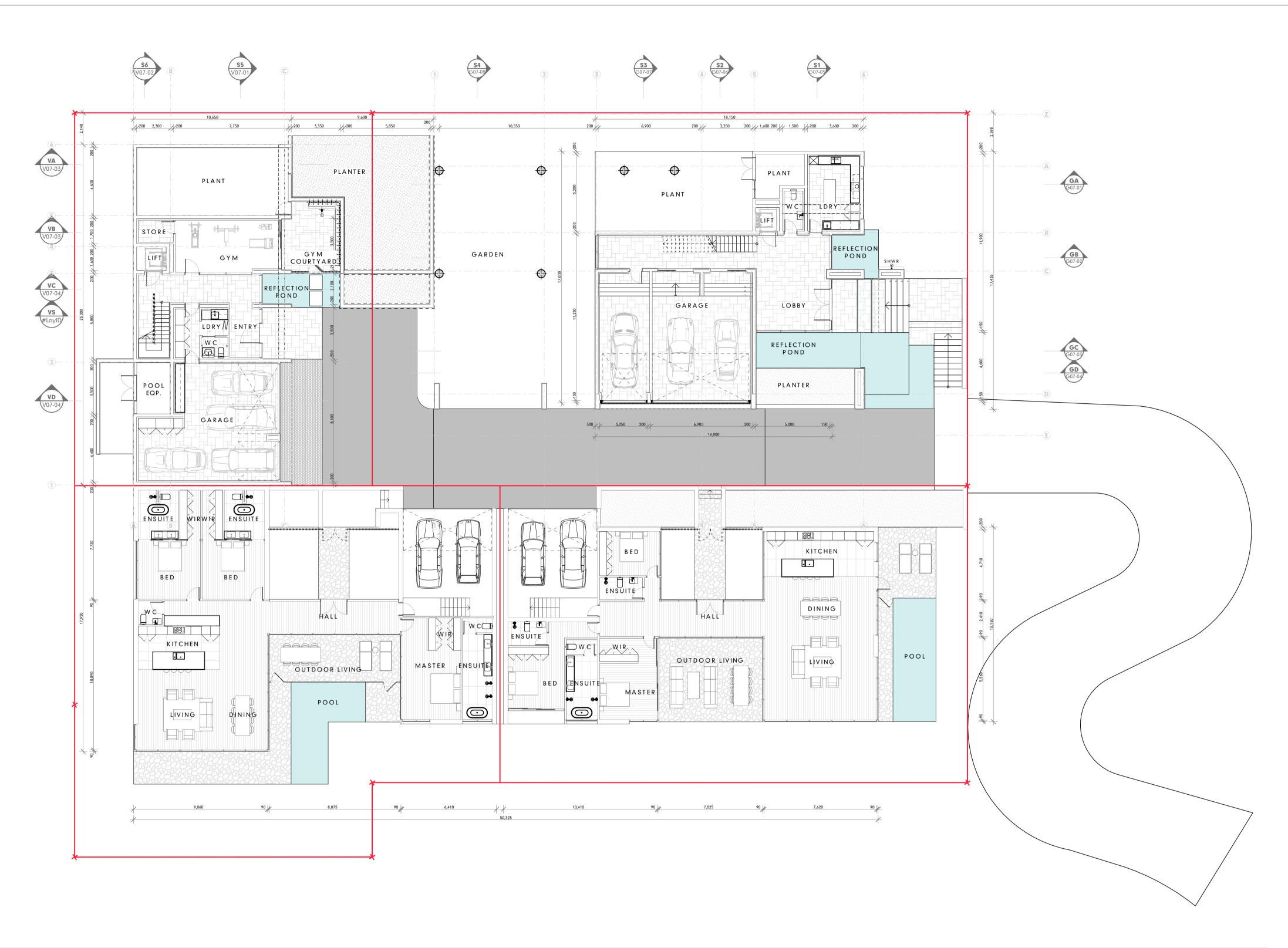
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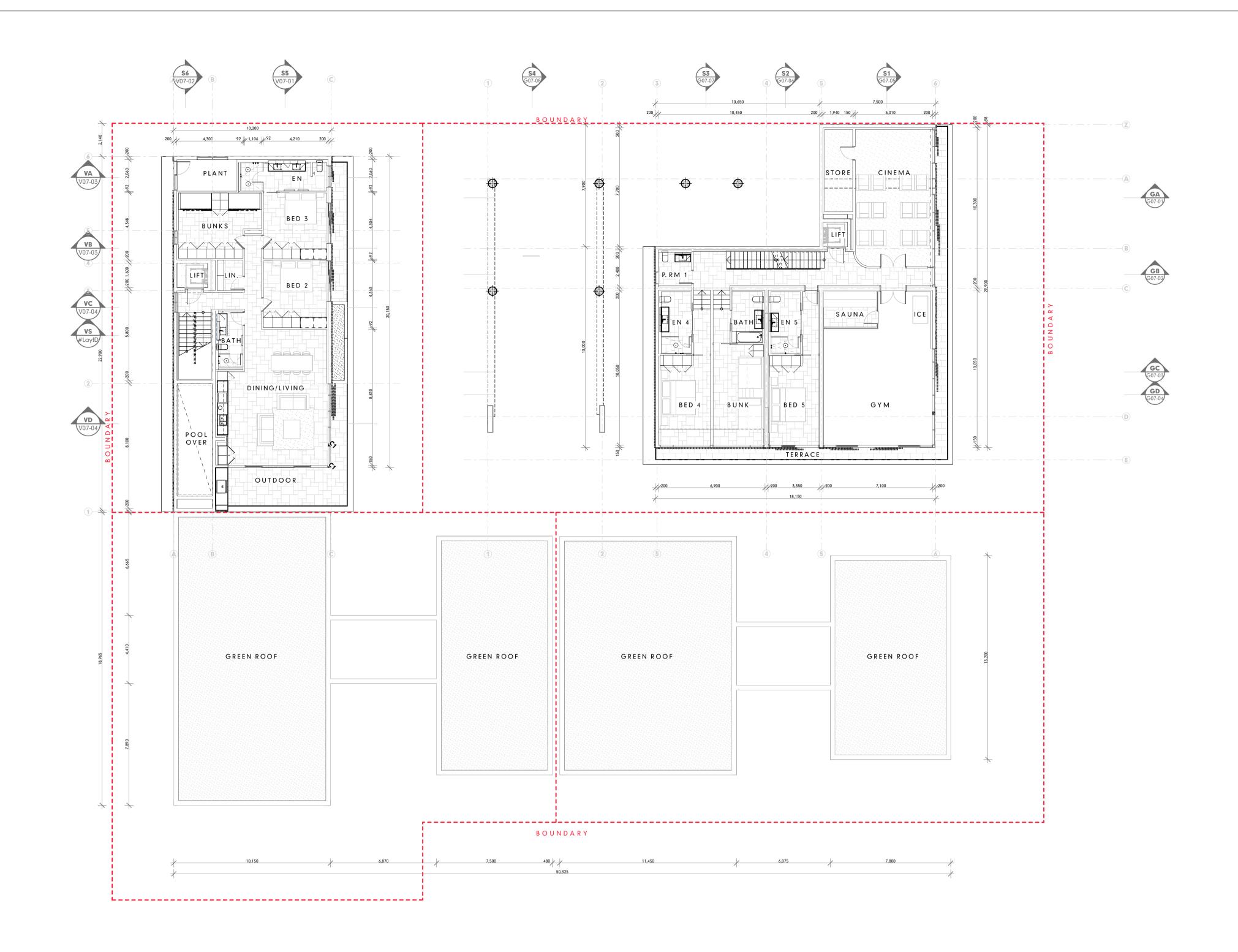
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|                                    | GURNER01 - GURNER RESIDENCE 69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386 |           |            |                 | 1:150 SHEET SIZE     | )          |      | JR; KS<br>G STATUS<br>DA REVIS |        | G.H.     |
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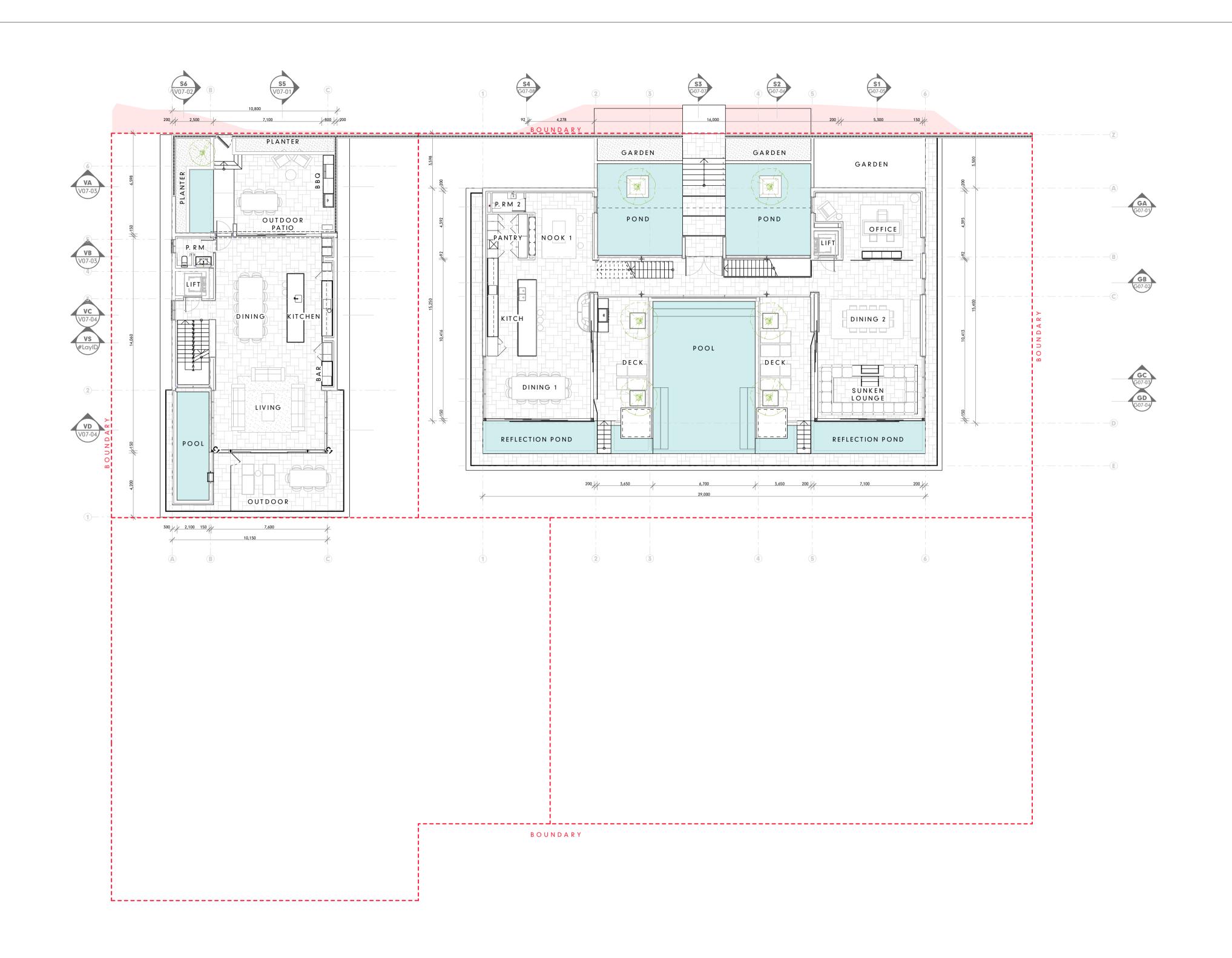
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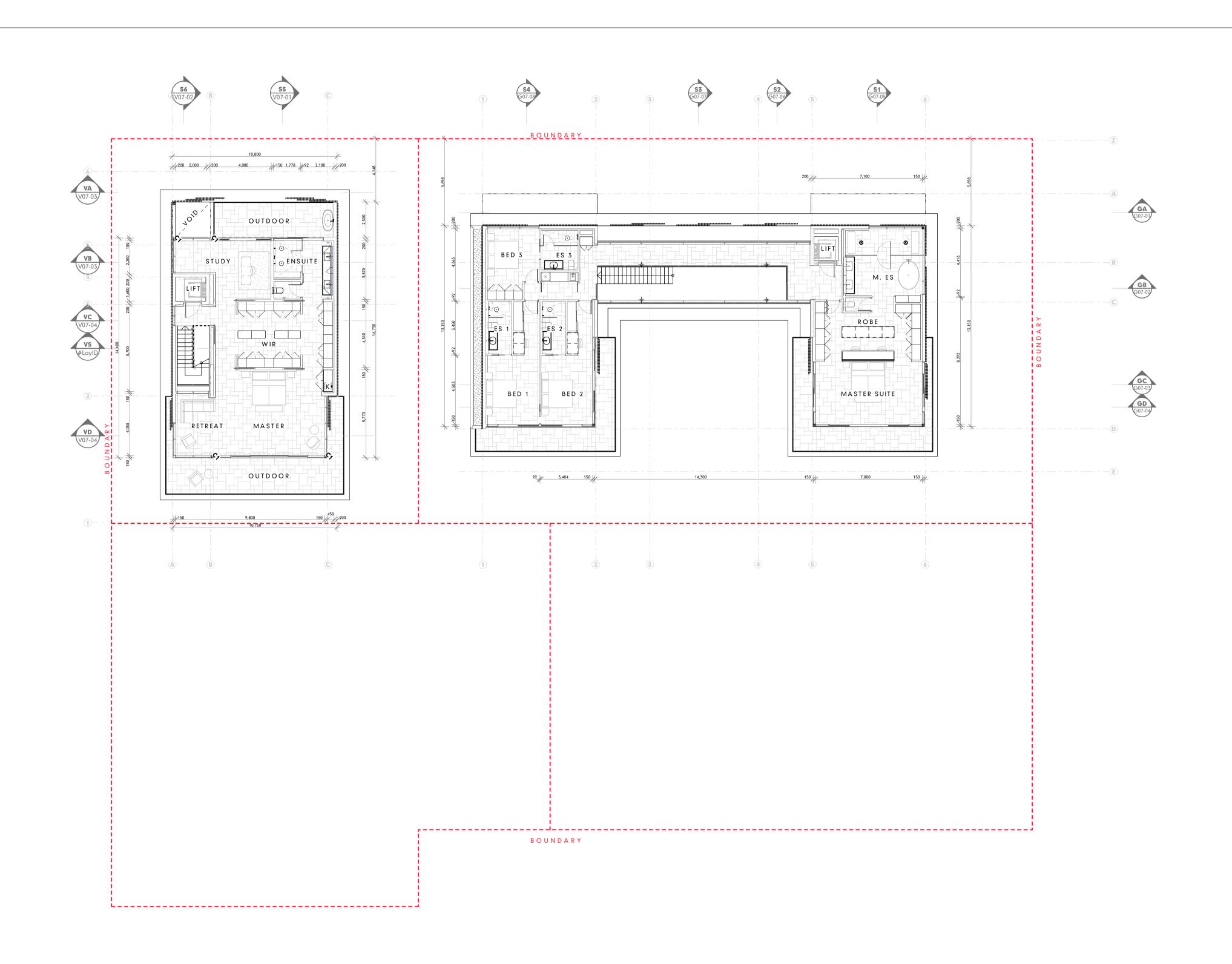
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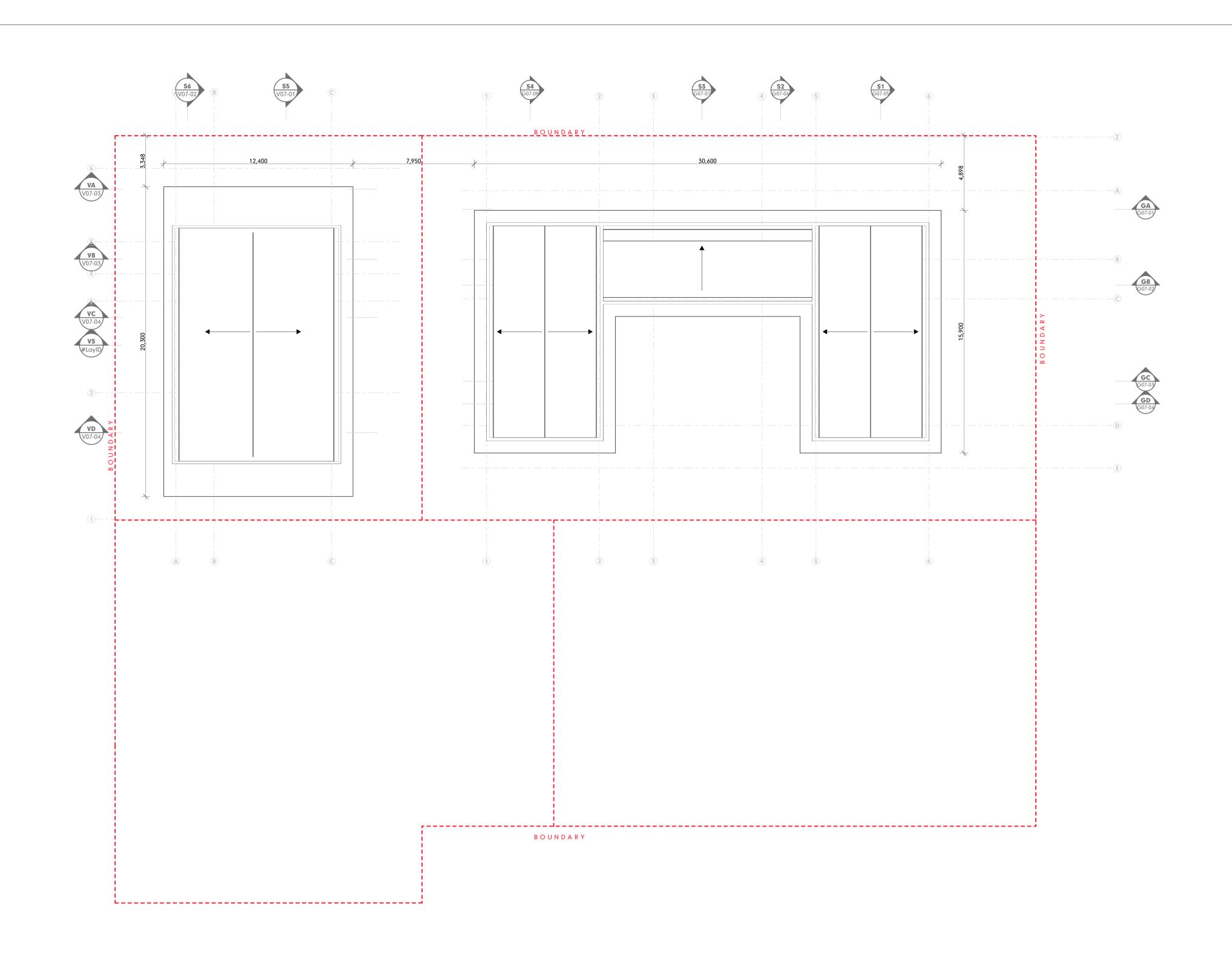
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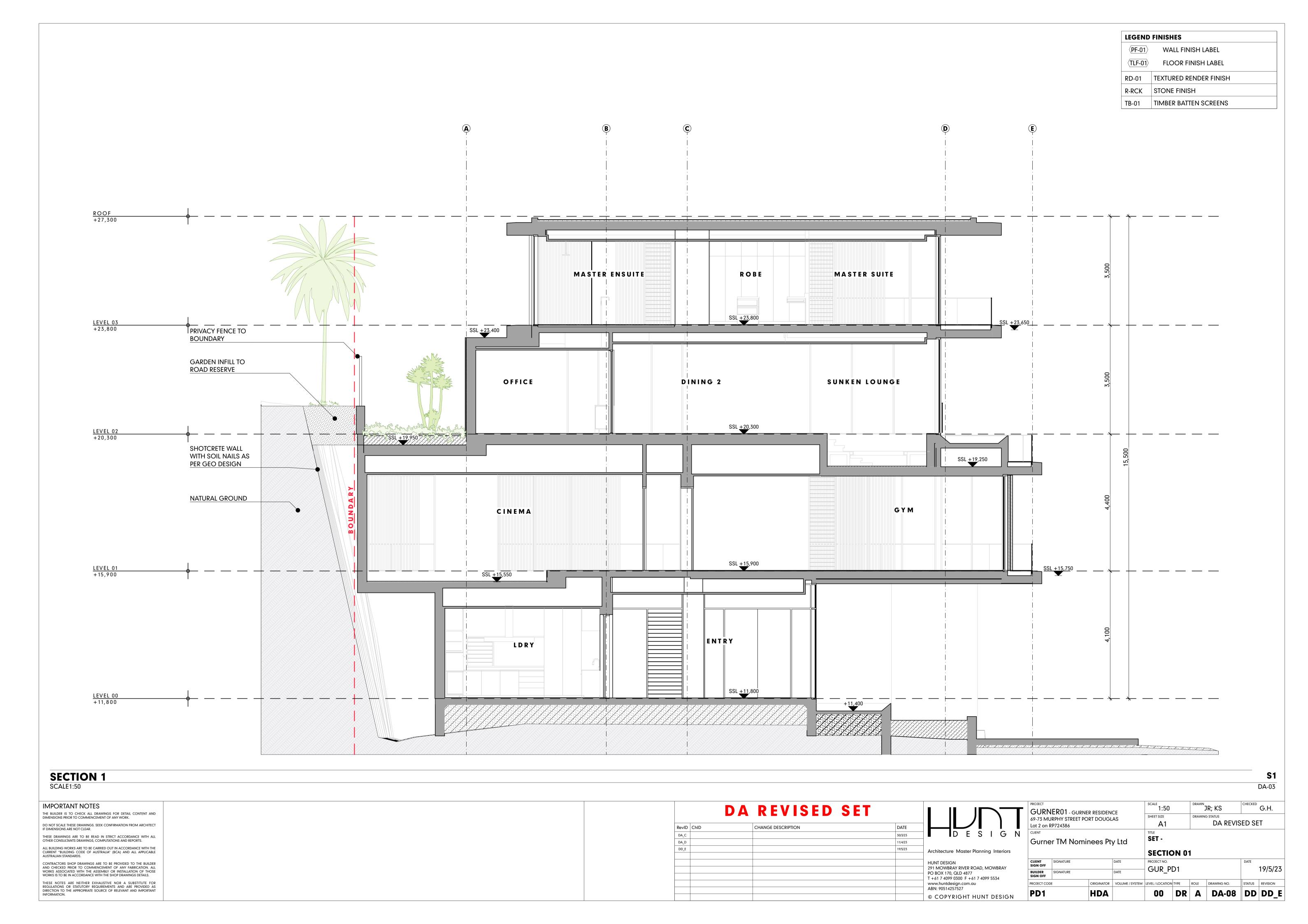
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Architecture Master Planning Interiors

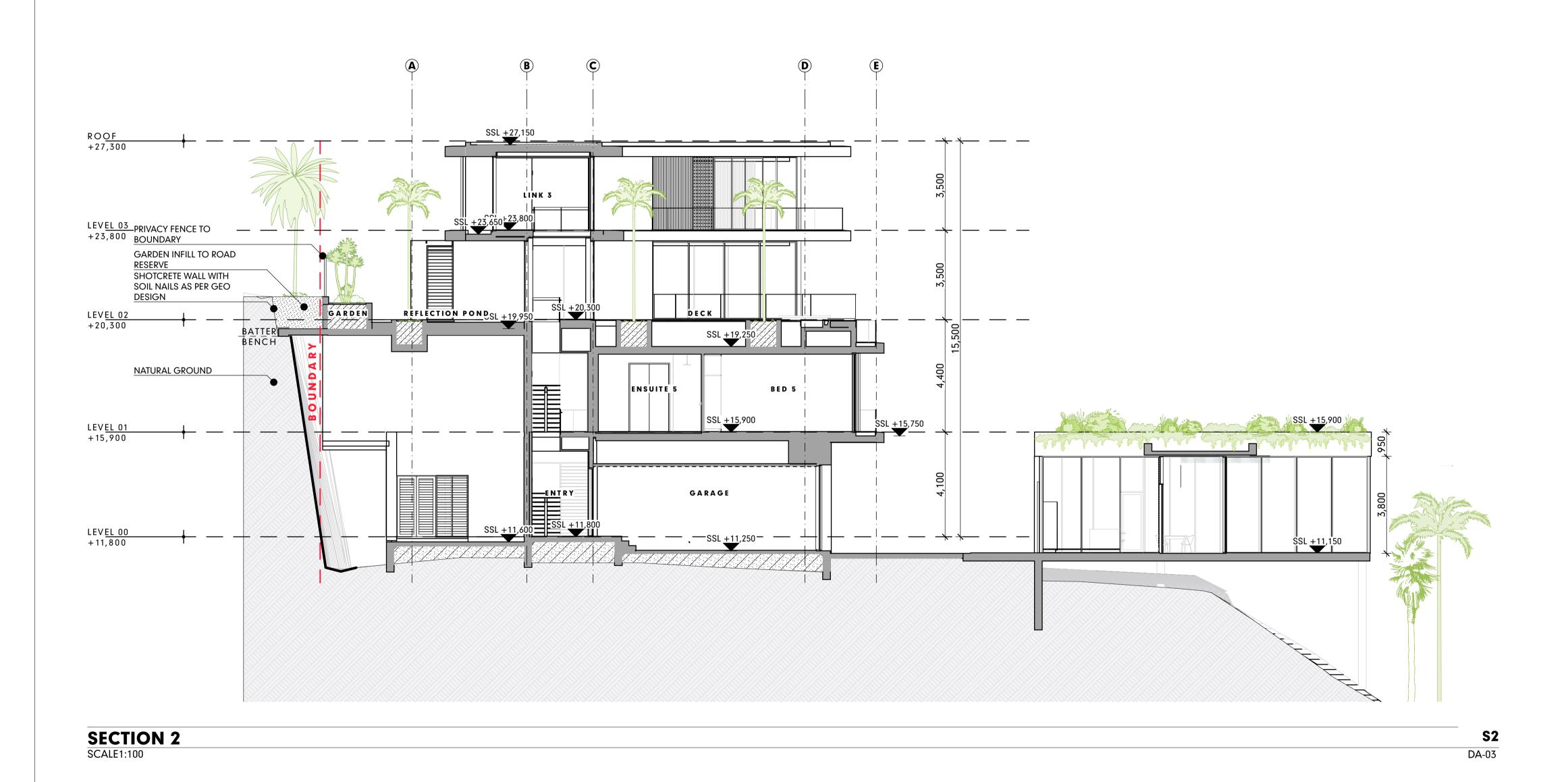
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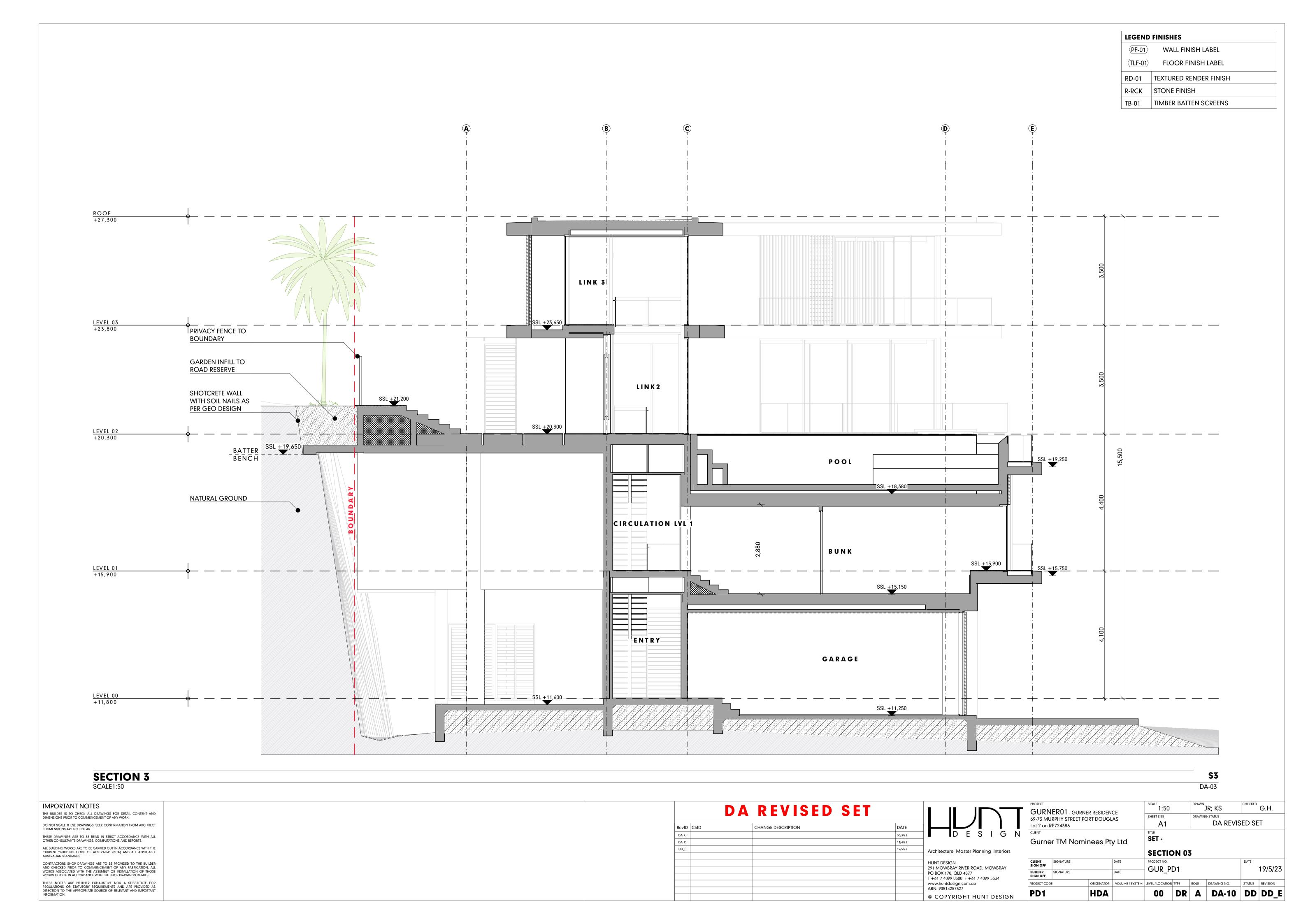
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| TB-01    | TIMBER BATTEN SCREENS  |

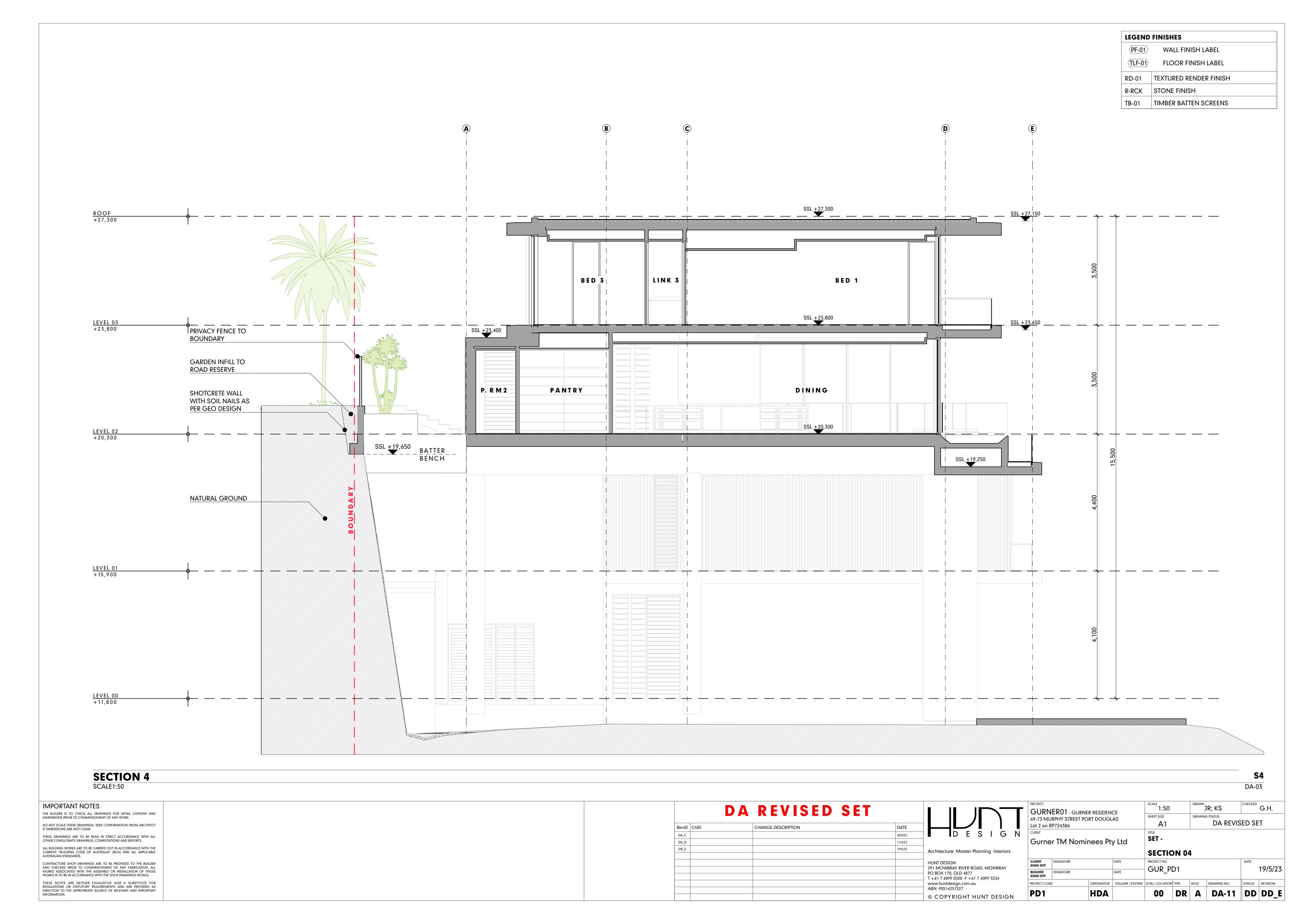


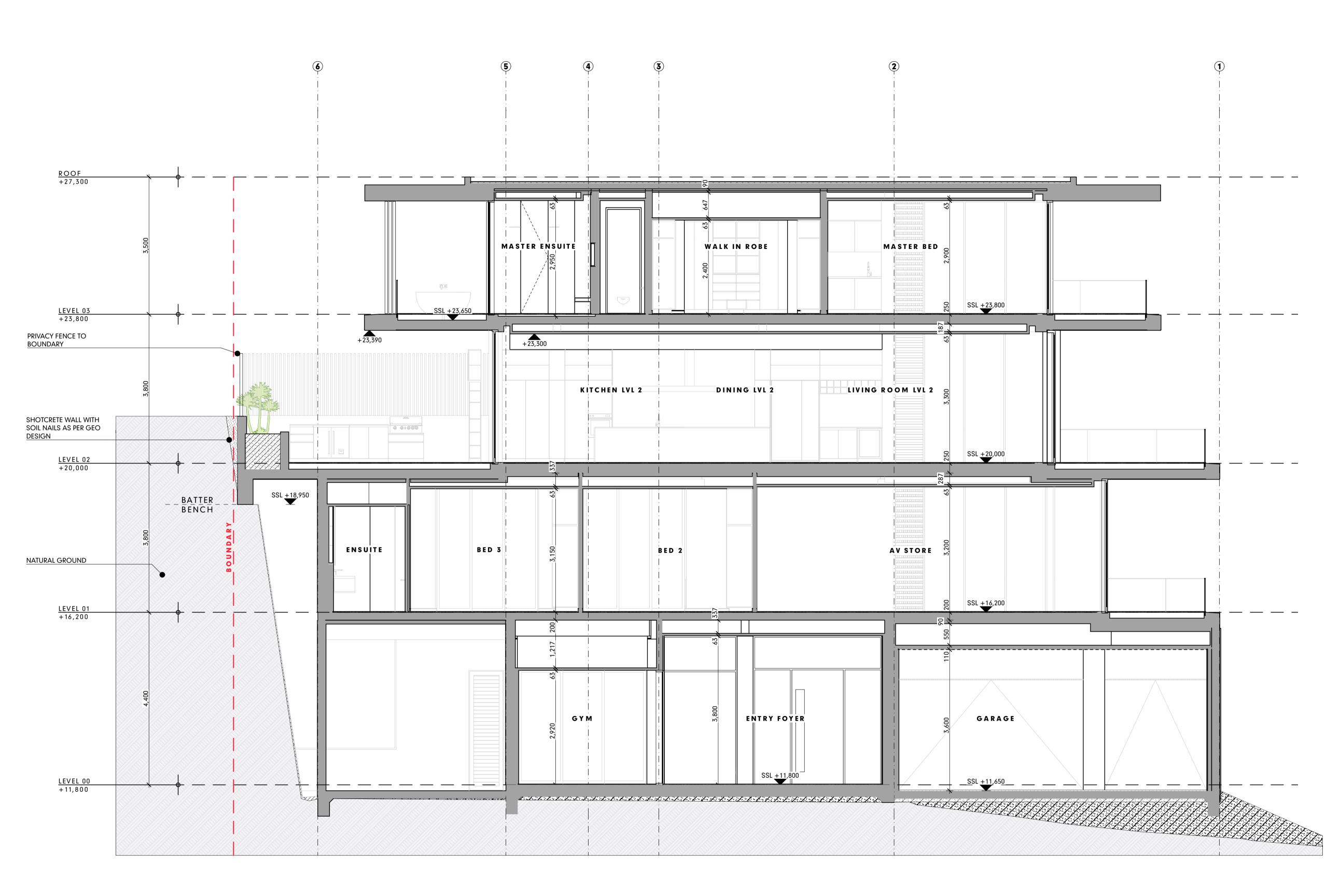
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| DA_D  |      |                    | 11/4/23   |
| DD_E  |      |                    | 19/5/23 Architecture Master Planning Interior   |
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| PROJECT GI IPN             | ER01 - GURNE  | 1:100 DRAWN JR; KS |                 |                  |         | G.H. |             |        |          |  |
|----------------------------|---------------|--------------------|-----------------|------------------|---------|------|-------------|--------|----------|--|
| 69-73 MU<br>Lot 2 on R     | SHEET SIZE A1 |                    | DA REVISED SET  |                  |         |      |             |        |          |  |
| CLIENT                     |               |                    |                 | TITLE            |         |      |             |        |          |  |
| Gurner TM Nominees Pty Ltd |               |                    | SET -           |                  |         |      |             |        |          |  |
|                            |               |                    |                 | SECTION 02       |         |      |             |        |          |  |
| CLIENT<br>SIGN OFF         | SIGNATURE     |                    | DATE            | PROJECT NO.      |         |      |             |        | 10/F/27  |  |
| BUILDER<br>SIGN OFF        | SIGNATURE     |                    | DATE            | GUR_PI           | 19/5/23 |      |             |        |          |  |
| PROJECT CODI               | E             | ORIGINATOR         | VOLUME / SYSTEM | LEVEL / LOCATION | TYPE    | ROLE | DRAWING NO. | STATUS | REVISION |  |
| PD1                        |               | HDA                |                 | 00               | DR      | Α    | DA-09       | DD     | DD_E     |  |







LEGEND FINISHES WALL FINISH LABEL FLOOR FINISH LABEL RD-01 TEXTURED RENDER FINISH R-RCK STONE FINISH TB-01 TIMBER BATTEN SCREENS

**SECTION 5** SCALE1:50

**S5** DA-03

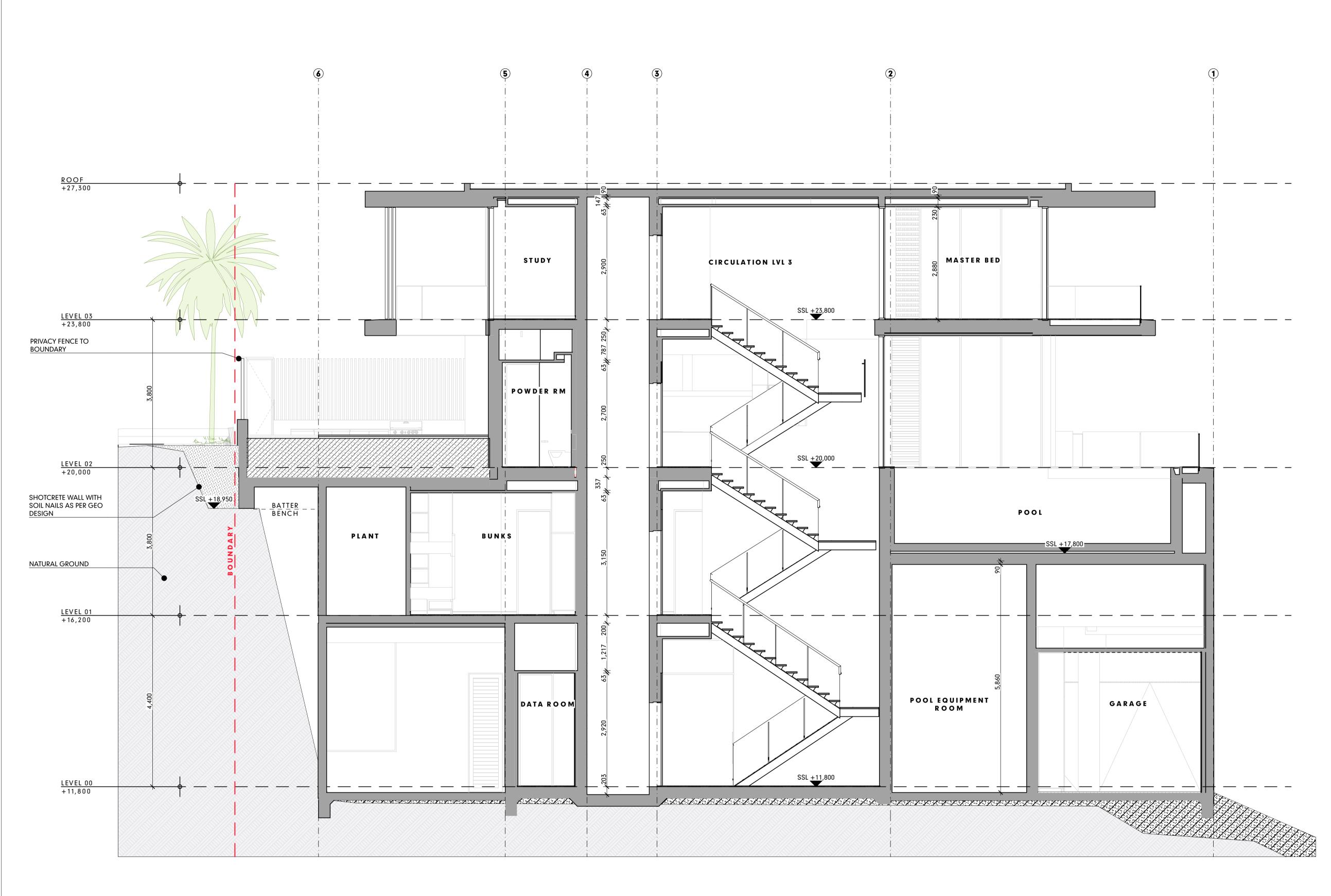
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1:50 JR; KS G.H. GURNER01 - GURNER RESIDENCE SHEET SIZE 69-73 MURPHY STREET PORT DOUGLAS DA REVISED SET **A**1 Lot 2 on RP724386 SET -Gurner TM Nominees Pty Ltd SECTION 05 PROJECT NO. 19/5/23 GUR\_PD1 BUILDER SIGN OFF PROJECT CODE ORIGINATOR VOLUME / SYSTEM LEVEL / LOCATION TYPE ROLE DRAWING NO. 00 DR A DA-12 DD DD\_E HDA PD1



PF-01 WALL FINISH LABEL

(TLF-01) FLOOR FINISH LABEL

RD-01 TEXTURED RENDER FINISH

R-RCK STONE FINISH

TB-01 TIMBER BATTEN SCREENS

SECTION 6
SCALE1:50
DA-03

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RevID ChID CHANGE DESCRIPTION

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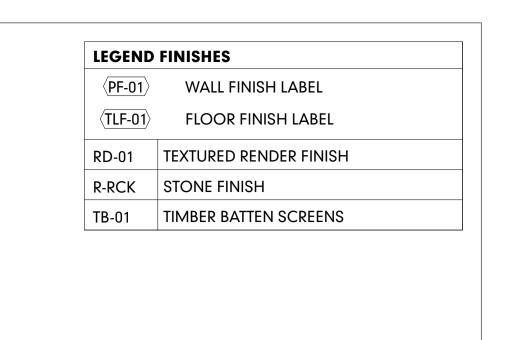
DD\_E

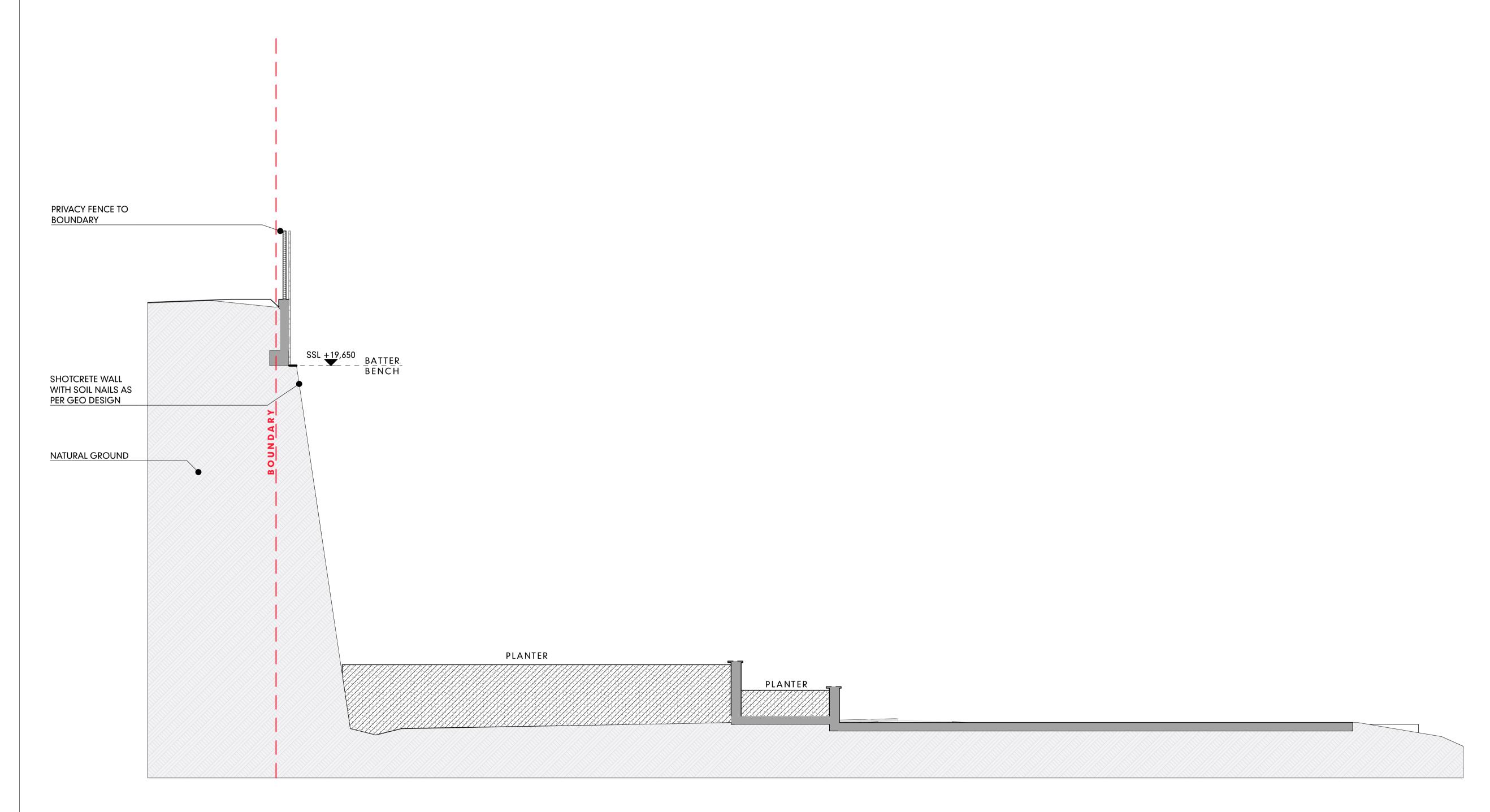
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| PD1                        |                             | HDA        |  | 00                  | DR     | Α       | DA-13       | DD     | DD_I     |  |  |
|----------------------------|-----------------------------|------------|--|---------------------|--------|---------|-------------|--------|----------|--|--|
| PROJECT COL                | DE                          | ORIGINATOR | VOLUME / SYSTEM                        | LEVEL / LOCATION    | TYPE   | ROLE    | DRAWING NO. | STATUS | REVISION |  |  |
| BUILDER SIGNATURE          |                             |            | DATE                                   | GUR_PI              | υ i    |         |             |        | 17/5/23  |  |  |
| CLIENT SIGNATURE SIGN OFF  |                             |            | DATE                                   | PROJECT NO.         |        | DATE    | 19/5/23     |        |          |  |  |
| Gurner TM Nominees Pty Ltd |                             |            |  | SET -<br>SECTION 06 |        |         |             |        |          |  |  |
| CLIENT                     |                             |            |  | TITLE               |        |         |             |        |          |  |  |
| 69-73 MU                   | JRPHY STREET PC<br>RP724386 |            | SHEET SIZE DRAWING STATUS  A1 DA REVIS |                     |        | SED SET |             |        |          |  |  |
| GURN                       | IER01 - GURNE               | 1:50       |  | DRAWN_              | JR; KS | G.H.    |             |        |          |  |  |





SECTION L1
SCALE1:50

#LayID

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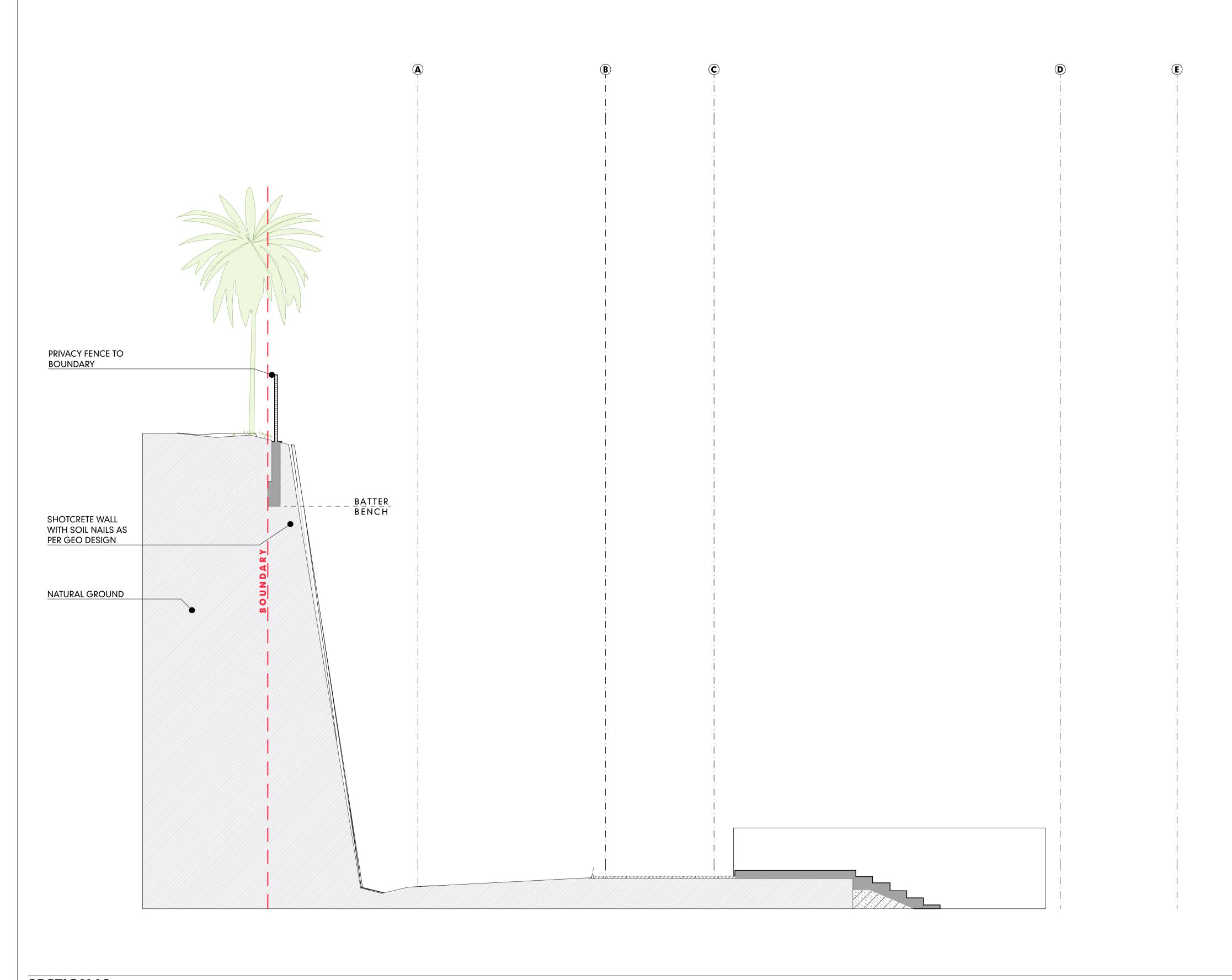
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| DA_D       |    |                    | 11/4/23 |  |
| DD_E       |    |                    | 19/5/23 | Architecture Master Planning Interiors   |
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|---|--|-----------|------------|----------------------|--|------|------|-------------|---------|----------|
|   | PROJECT GURNER01 - GURNER RESIDENCE                |           |            |                      | 1:50 DRAWN                               |      |      | IR; KS      | CHECKED | G.H.     |
|   | 69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386 |           |            |                      | SHEET SIZE DRAWING STATUS  A1 DA REVISED |      |      | SED SE      | D SET   |          |
| DESIGN  | Gurner TM Nominees Pty Ltd                         |           |            | SET -                |  |      |      |             |         |          |
| Architecture Master Planning Interiors                      |  |           |            |                      | SECTIO                                   | N L1 | 1    |             |         |          |
| HUNT DESIGN 291 MOWBRAY RIVER ROAD, MOWBRAY                 | CLIENT SIGNATURE DATE                              |           | DATE       | PROJECT NO.  GUR PD1 |  |      | DATE | 19/5/23     |         |          |
| PO BOX 170, QLD 4877<br>T +61 7 4099 0300 F +61 7 4099 5534 | BUILDER<br>SIGN OFF                                | SIGNATURE |            | DATE                 | GOK_PD1                                  |      |      | 17/3/23     |         |          |
| www.huntdesign.com.au                                       | PROJECT COD  | E         | ORIGINATOR | VOLUME / SYSTEM      | LEVEL / LOCATION                         | TYPE | ROLE | DRAWING NO. | STATUS  | REVISION |
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(TLF-01) FLOOR FINISH LABEL

RD-01 TEXTURED RENDER FINISH

R-RCK STONE FINISH

TB-01 TIMBER BATTEN SCREENS

SECTION L2
SCALE1:50

#LayID

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| PROJECT<br>GURN            | 1:50                            |            | DRAWN           | JR; KS           | G.H.      |      |             |        |          |  |  |
| 69-73 MU<br>Lot 2 on R     | SHEET SIZE DRAWING STATUS DA RE |            |                 |                  | VISED SET |      |             |        |          |  |  |
| Gurner TM Nominees Pty Ltd |                                 |            | SET -           |                  |           |      |             |        |          |  |  |
|                            |                                 |            |                 | SECTION L2       |           |      |             |        |          |  |  |
| CLIENT<br>SIGN OFF         | SIGNATURE                       |            | DATE            | PROJECT NO.      | 19/5/23   |      |             |        |          |  |  |
| BUILDER<br>SIGN OFF        | SIGNATURE                       |            | DATE            | GUR_PI           | וט        |      |             |        | 17/5/25  |  |  |
| PROJECT COD                | E                               | ORIGINATOR | VOLUME / SYSTEM | LEVEL / LOCATION | TYPE      | ROLE | DRAWING NO. | STATUS | REVISION |  |  |
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DA-E3



**WEST ELEVATION DWELLING 1** 

SCALE1:100

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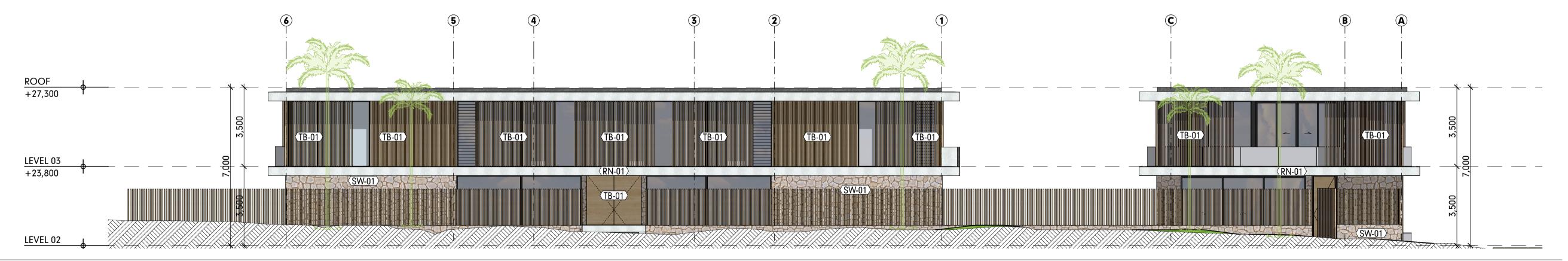
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1:100 JR; KS G.H. GURNER01 - GURNER RESIDENCE SHEET SIZE 69-73 MURPHY STREET PORT DOUGLAS DA REVISED SET **A**1 Lot 2 on RP724386 SET -Gurner TM Nominees Pty Ltd **ELEVATIONS** PROJECT NO. 19/5/23 GUR\_PD1 BUILDER SIGN OFF PROJECT CODE ORIGINATOR VOLUME / SYSTEM LEVEL / LOCATION TYPE ROLE DRAWING NO. 00 | DR | A | DA-17 | DD | DD\_E HDA PD1



LEGEND FINISHES WALL FINISH LABEL FLOOR FINISH LABEL RD-01 TEXTURED RENDER FINISH R-RCK STONE FINISH TB-01 TIMBER BATTEN SCREENS



NORTH ELEVATION (DWELLING 1 & 2)
SCALE1:100

DA-E6

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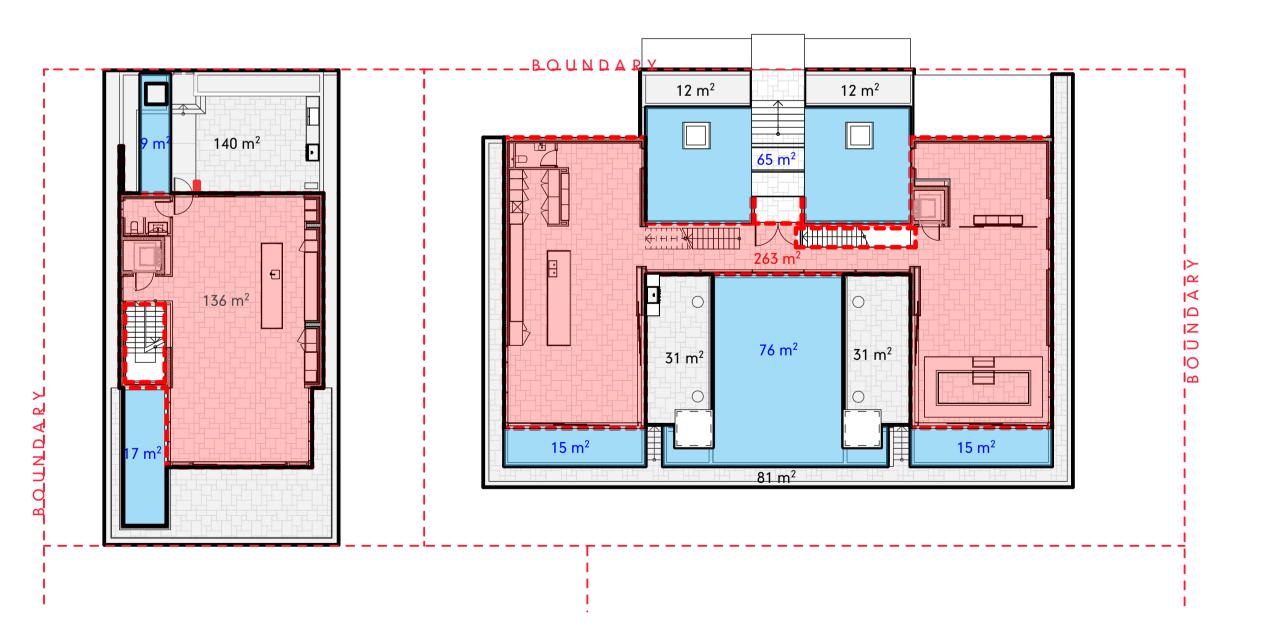
G.H. 1:100 JR; KS GURNER01 - GURNER RESIDENCE 69-73 MURPHY STREET PORT DOUGLAS SHEET SIZE DA REVISED SET **A**1 Lot 2 on RP724386 SET -Gurner TM Nominees Pty Ltd **ELEVATIONS** GUR\_PD1 19/5/23 BUILDER SIGN OFF PROJECT CODE 00 | DR | A | DA-18 | DD | DD\_E | PD1 HDA



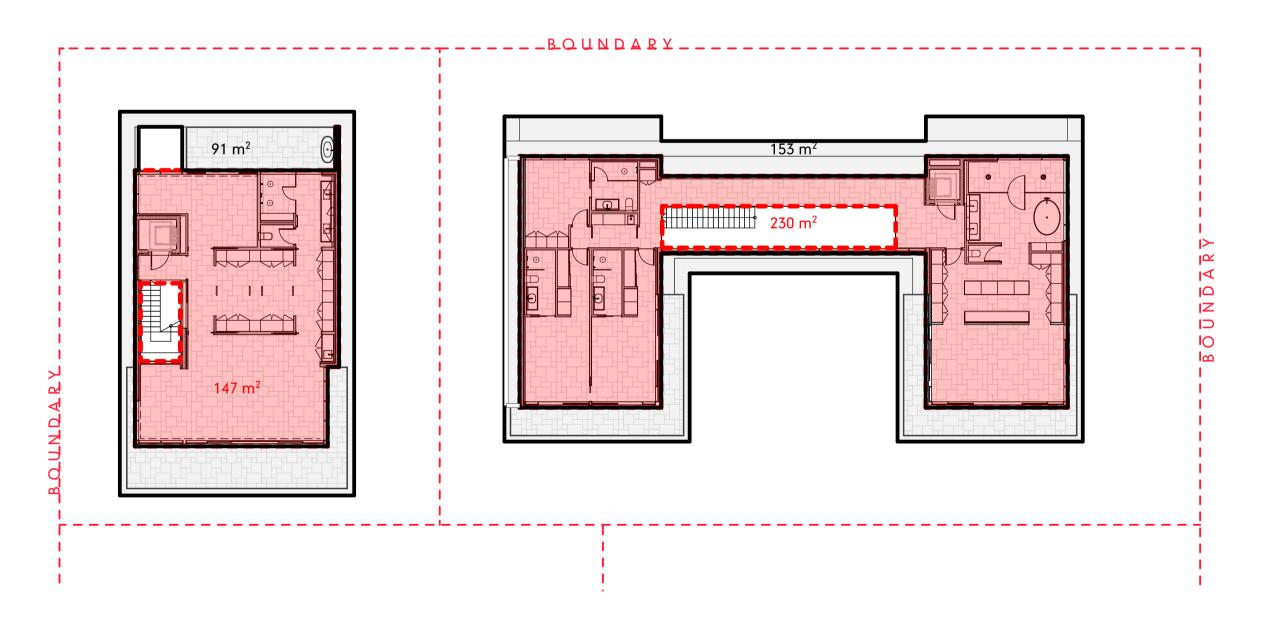


**LEVEL 00** 

SCALE1:200



LEVEL 01 SCALE1:200



LEVEL 02 SCALE1:200

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| RevID | ChID | CHANGE DESCRIPTION | DATE     |                                      |
| DA_B  |      |                    | 20/12/22 |                                      |
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|   | 69-73 MU            | GURNER01 - GURNER RESIDENCE<br>69-73 MURPHY STREET PORT DOUGLAS<br>Lot 2 on RP724386 |         |       |                  |  |
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| Architecture Master Planning Interiors                      |                     |  |         |       | AREA             |  |
| HUNT DESIGN<br>291 MOWBRAY RIVER ROAD, MOWBRAY              | CLIENT<br>SIGN OFF  | SIGNATURE  |         | DATE  | PROJECT NO.      |  |
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| PROJECT  | IEDO1 CURVE | <b>C</b> F | SCALE 1:200     | )                | DRAWN              | JR; KS  | CHECKED     | G.H.         |          |  |
|--|-------------|------------|-----------------|------------------|--------------------|---------|-------------|--------------|----------|--|
| GURNER01 - GURNER RESIDENCE 9-73 MURPHY STREET PORT DOUGLAS ot 2 on RP724386 |             |            | SHEET SIZE      |                  | G STATUS  DA REVIS | SED SET |             |              |          |  |
| Gurner TM Nominees Pty Ltd   |             |            |                 | SET -            |                    |         |             |              |          |  |
|  |             |            |                 | AREAS ANALYSIS   |                    |         |             |              |          |  |
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| UILDER<br>IGN OFF  | SIGNATURE   |            | DATE            | GUK_PI           | GUR_PD1            |         |             |              | 19/5/23  |  |
| ROJECT COD   | DE .        | ORIGINATOR | VOLUME / SYSTEM | LEVEL / LOCATION | TYPE               | ROLE    | DRAWING NO. | STATUS       | REVISION |  |
| PD1  |             | HDA        |                 | 00               | DR                 | A       | DA-19       | DD           | DD_E     |  |

**GROSS FLOOR AREA** 

DWELLING 1

DWELLING 2

DWELLING 3

DWELLING 4

**TOTAL** 

SITE AREA

COVERED AREA

(AT ROOF LEVEL)

SITE COVER

AREA

976 m²

662 m²

282 m<sup>2</sup>

266 m²

2015 m<sup>2</sup>

 $2833 \text{ m}^2$ 

 $1275 \text{ m}^2$ 

**45%** 



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# DA REVISED SET

RevID ChID CHANGE DESCRIPTION 20/12/22 DA\_C



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| 9-73 MURPHY STREET PORT DOUGLAS<br>ot 2 on RP724386 |           |            | SHEET SIZE  A1 |             | DRAWIN | DA REVIS     | SED SE      | T    |         |
|---|-----------|------------|----------------|-------------|--------|--------------|-------------|------|---------|
| Gurner TM Nominees Pty Ltd                          |           |            |                | SET -       |        |              |             |      |         |
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| LIENT<br>IGN OFF                                    | SIGNATURE |            | DATE           | PROJECT NO. |        | ISUA         | LISATION    | DATE | 10/5/27 |
|   |           |            |                | _           |        | ISUA         | LISATION    | DATE | 19/5/23 |
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 20/12/22

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 30/3/23

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 11/4/23

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 19/5/23



D E S I G N

CLIENT

Gurner TM N

Architecture Master Planning Interiors

HUNT DESIGN
291 MOWBRAY RIVER ROAD, MOWBRAY
PO BOX 170, QLD 4877
T +61 7 4099 0300 F +61 7 4099 5534
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ABN: 90514257527

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| PROJECT                                   | IER01 - GURNE                                       | D DEGIDEN  | CE    | 1:0.85                        | CHECKED                                      | G.H.         |             |      |         |  |
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| 59-73 ML                                  | 9-73 MURPHY STREET PORT DOUGLAS<br>ot 2 on RP724386 |            |       |                               | SHEET SIZE DRAWING STATUS  A1 DA REVISED SET |              |             |      |         |  |
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| 73 MURPHY STREET PORT DOUGLAS<br>2 on RP724386 | SHEET SIZE A1 | DA REVIS | SED SET |  |  |  |
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PD1

| PROJECT<br>GURN                        | ER01 - GURNE | D DESIDEN        | CF                        | 1:0.34 DRAWN JR; KS |             |        |          | G.H.    |        |  |  |
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| 69-73 MURPHY STREET PORT DOUGLAS       |              |                  | SHEET SIZE DRAWING STATUS |                     |             |        |          | ED CET  |        |  |  |
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# GURNER TM NOMINEES PTY. LTD. CIVIL WORKS PACKAGE

|                   | DRAWING SCHEDULE                              |
|-------------------|---|
| DRAWING<br>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

NOT TO SCALE

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**RPEQ ENGINEER:** 



| RAWN<br>TICKNER | CLIENT GURNER TM NOMINEES PTY. LTD. |                |          |        |
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| HONNER          | PROJECT                             | STATUS         |          | _      |
| SIGNED          | 69-73 MURPHY ST. PORT DOUGLAS       | s PREL!        | IMINARY  |        |
| TICKNER         |                                     |                |          |        |
| PROVED DATE     | TITLE                               | SCALE AS SHOWN | SIZE A1  |        |
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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

A 23.02.2023 PRELIMINARY ISSUE

REV. DATE

- 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.

DESCRIPTION

- 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. 5. THE CONTRACTOR SHALL ENSURE THAT A FLAT AREA OF 1.5M RADIUS FROM THE CENTRE OF THE MANHOLE IS
- PROVIDED AROUND ALL MANHOLES. 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
- 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

WITH COUNCIL.

**RPEQ ENGINEER:** 

MT | GA

DES. APP.

APPLIN — CONSULTING

M 0414 768 109 | E greg@applinconsulting.com.au



| DRAWN                   | CLIENT GURNER TM NOMINEES PTY. LTD. |                |         |          |
|-------------------------|-------------------------------------|----------------|---------|----------|
| M. TICKNER              | PROJECT                             | STATUS         |         |          |
| DESIGNED                | 69-73 MURPHY ST. PORT DOUGLAS       | PRELI          | IMINARY |          |
| M. TICKNER              |                                     | SCALE AS SHOWN | SIZE A1 |          |
| APPROVED DATE G. APPLIN | CIVIL WORKS PACKAGE                 | DRAWING NUMBER |         | REVISION |
| RPEQ 6073               | PROJECT NOTES                       | 22031-C0       |         | A        |

SURVEY ORIGIN

SURVEY CONTROL NOTES

LEVEL DATUM: AHD(D) ORIGIN OF LEVELS: PM 123510 RL 5.659

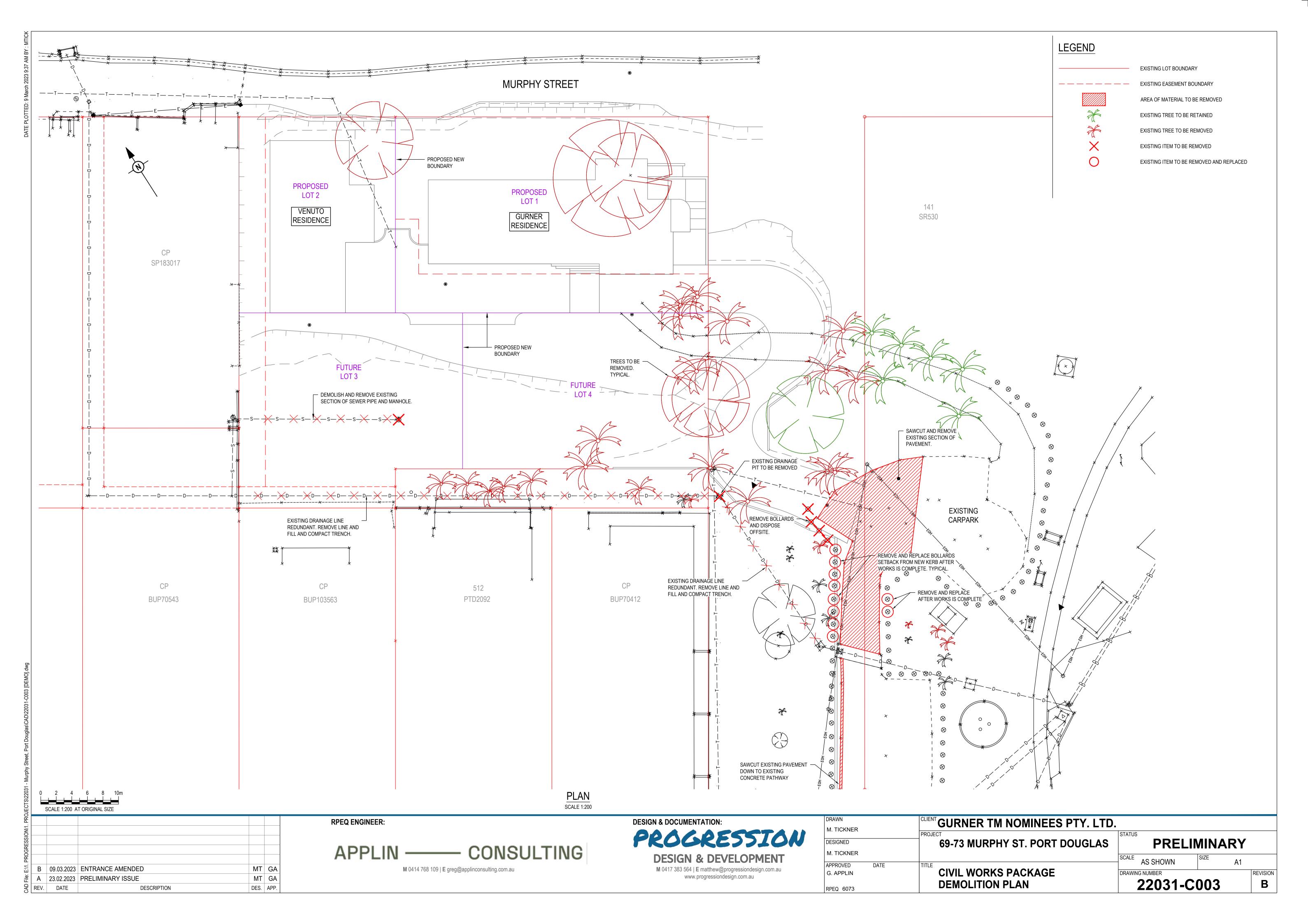
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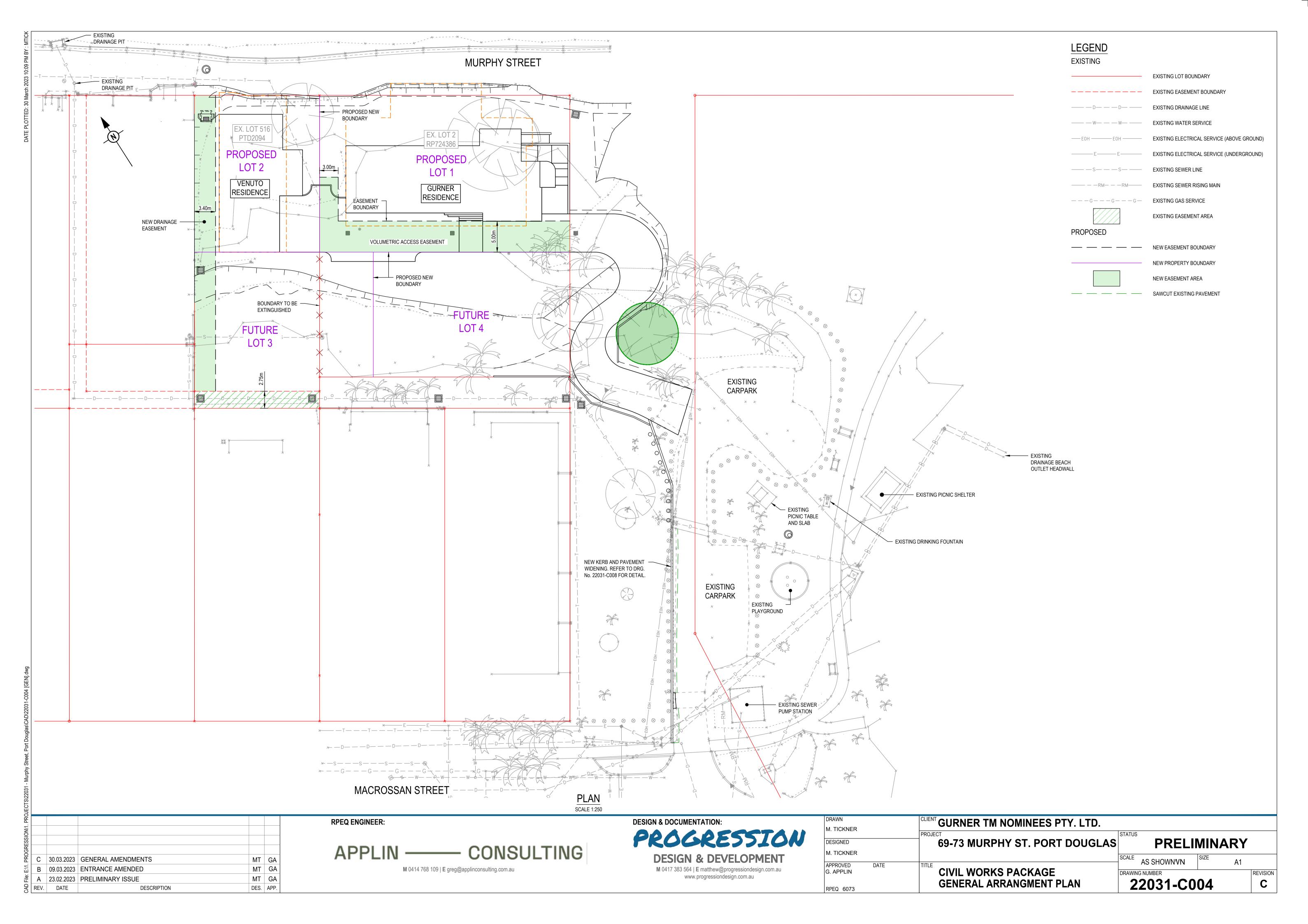
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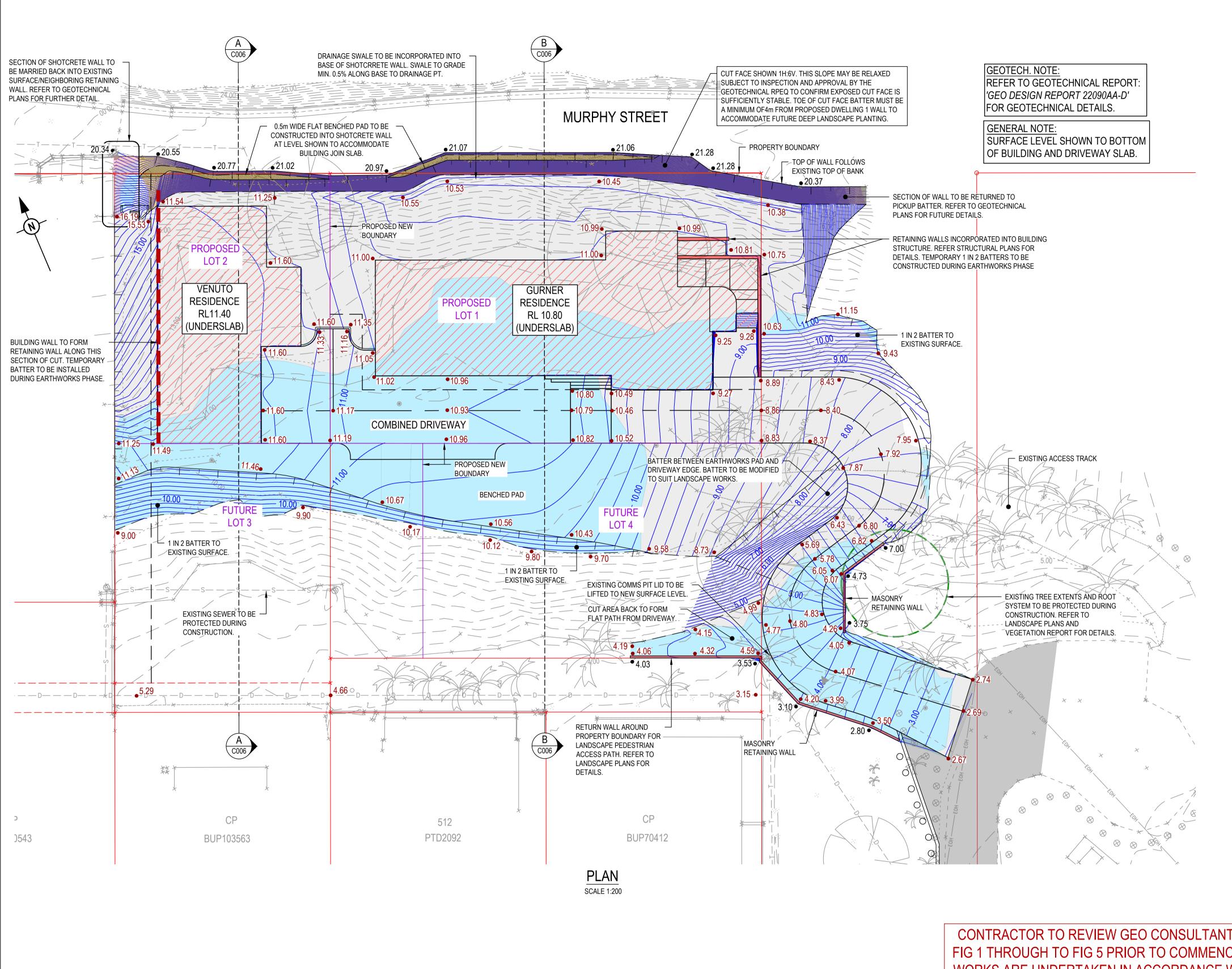
ORIGIN OF CO-ORDS: PM 123510

E: 2037.072

N: 4970.476 SURVEY PLAN: RPS DRG. No. 147352-2







CONTRACTOR TO REVIEW GEO CONSULTANTS DRAWINGS 22090AAD FIG 1 THROUGH TO FIG 5 PRIOR TO COMMENCING WORKS TO ENSURE WORKS ARE UNDERTAKEN IN ACCORDANCE WITH AND COORDINATED WITH THESE PLANS. ANY DISCREPANCIES BETWEEN PLANS ARE TO BE BROUGHT TO THE ATTENTION OF THE SUPERVISING GEOTECHINCAL AND CIVIL ENGINEERS BEFORE PROCEEDING.

## **EARTHWORKS VOLUMES:**

CUT: 2700 m<sup>3</sup> FILL: 509m<sup>3</sup> BALANCE: 2191m<sup>3</sup>

**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--EXISTING GAS SERVICE

--- -- NEW EASEMENT BOUNDARY

**EXISTING** 

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 DES. APP. DESCRIPTION

SCALE 1:200 AT ORIGINAL SIZE

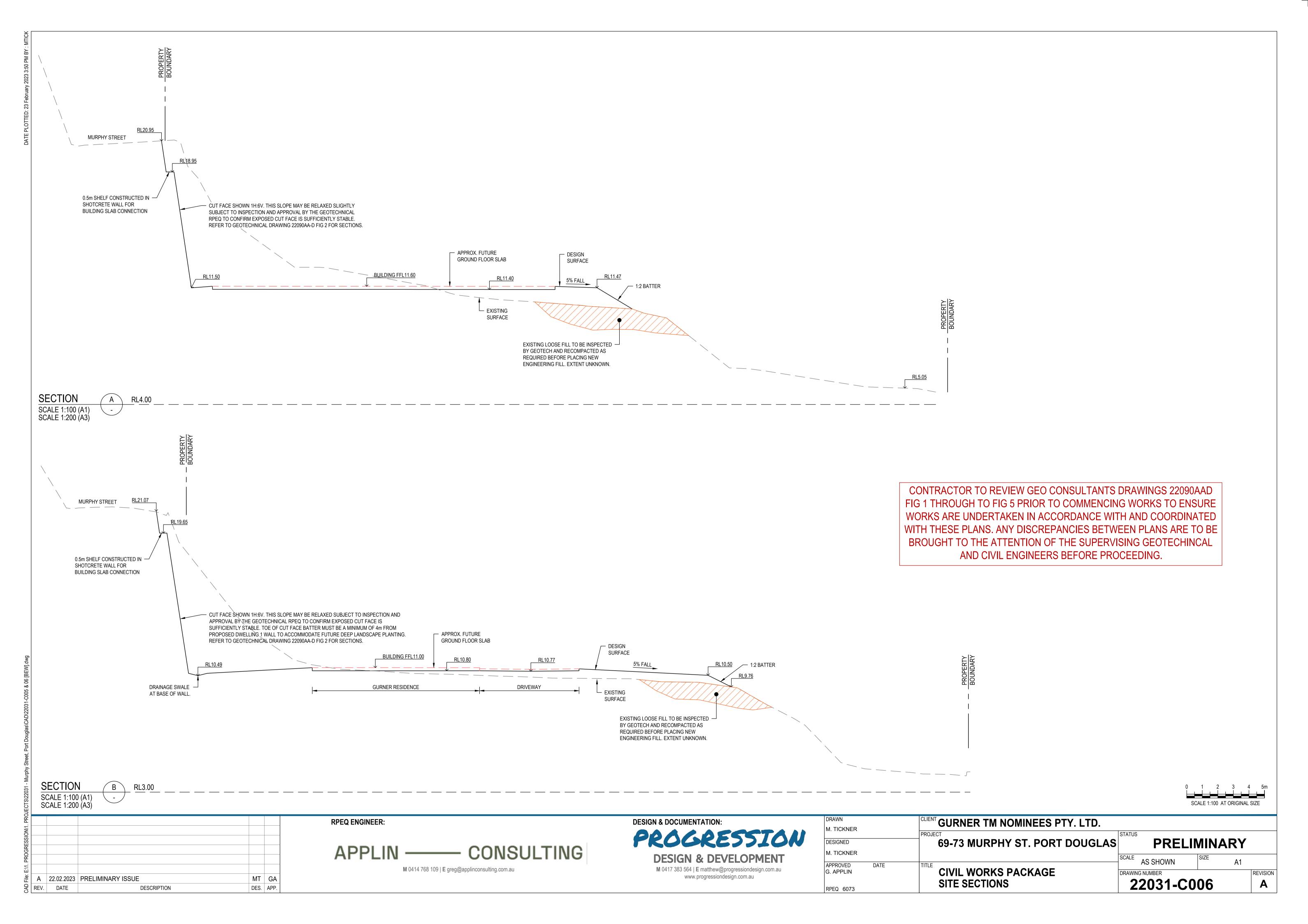
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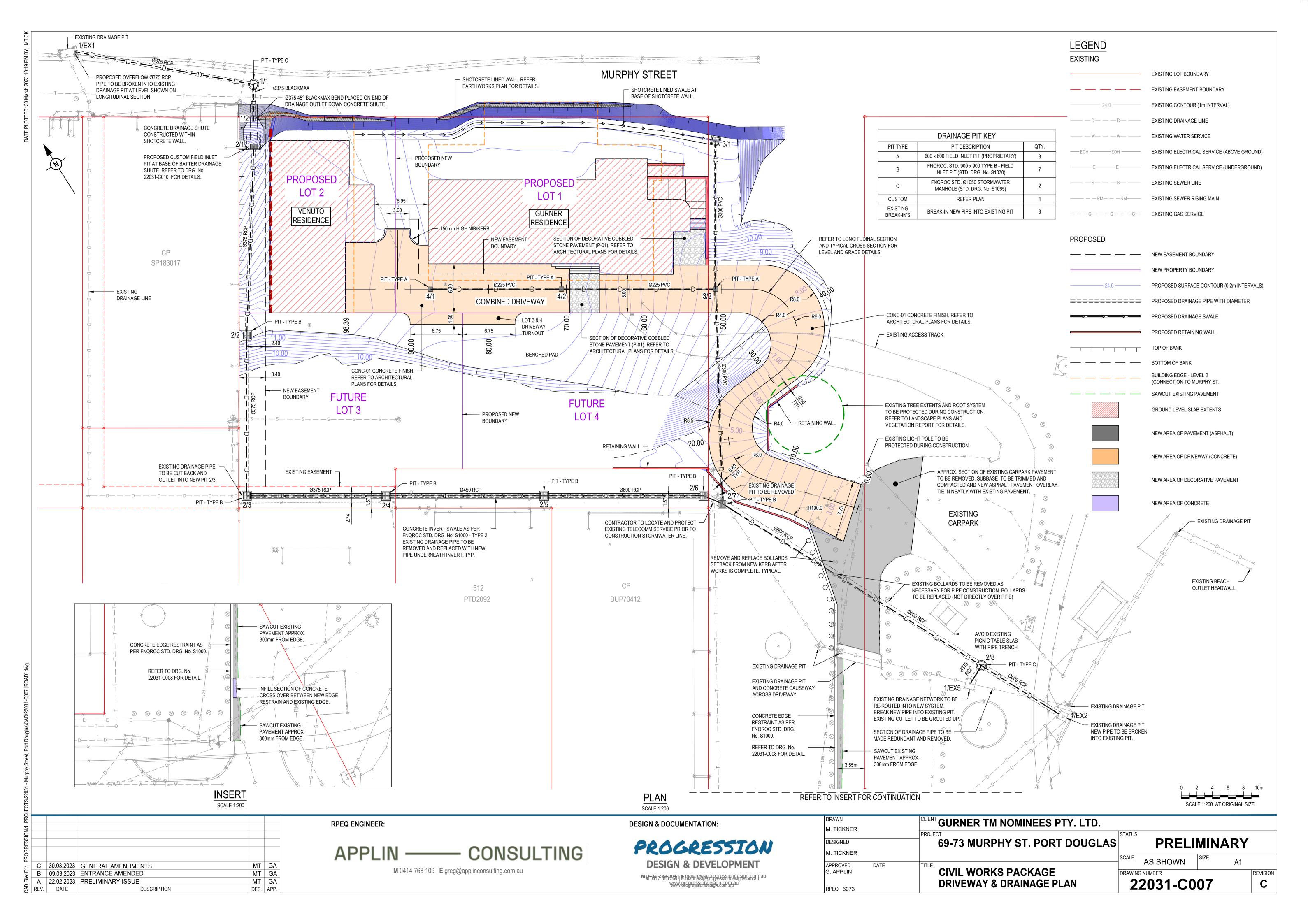
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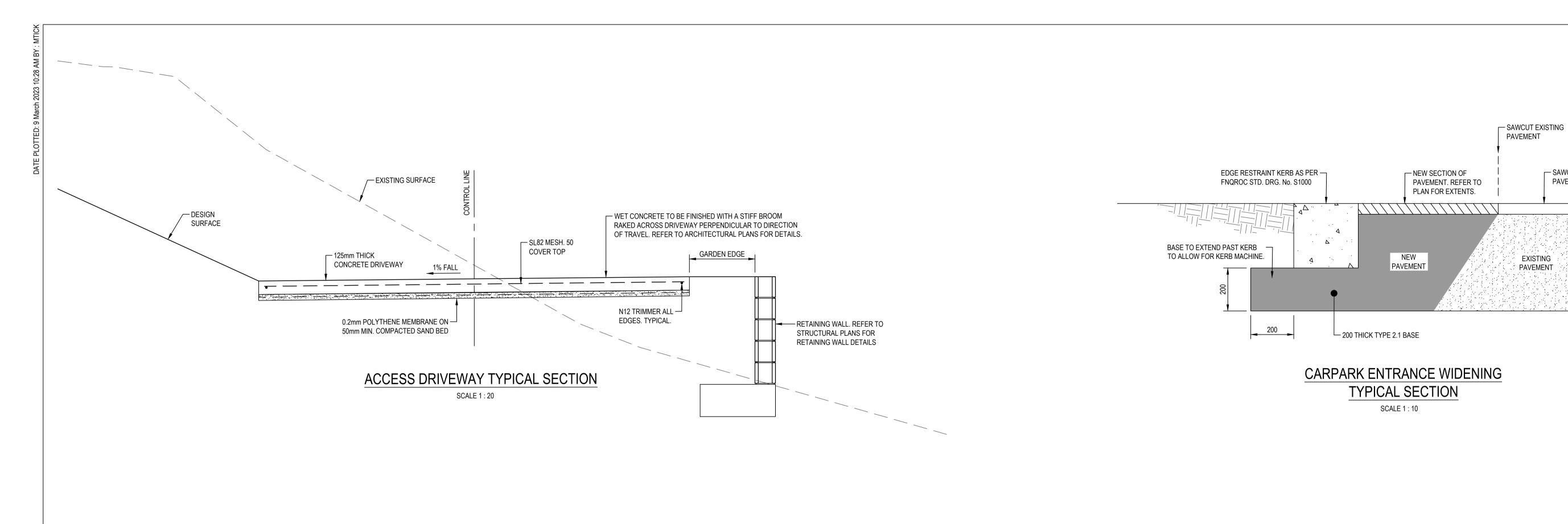
**DESIGN & DOCUMENTATION: DESIGN & DEVELOPMENT** M 0417 383 564 | E matthew@progressiondesign.com.au www.progressiondesign.com.au

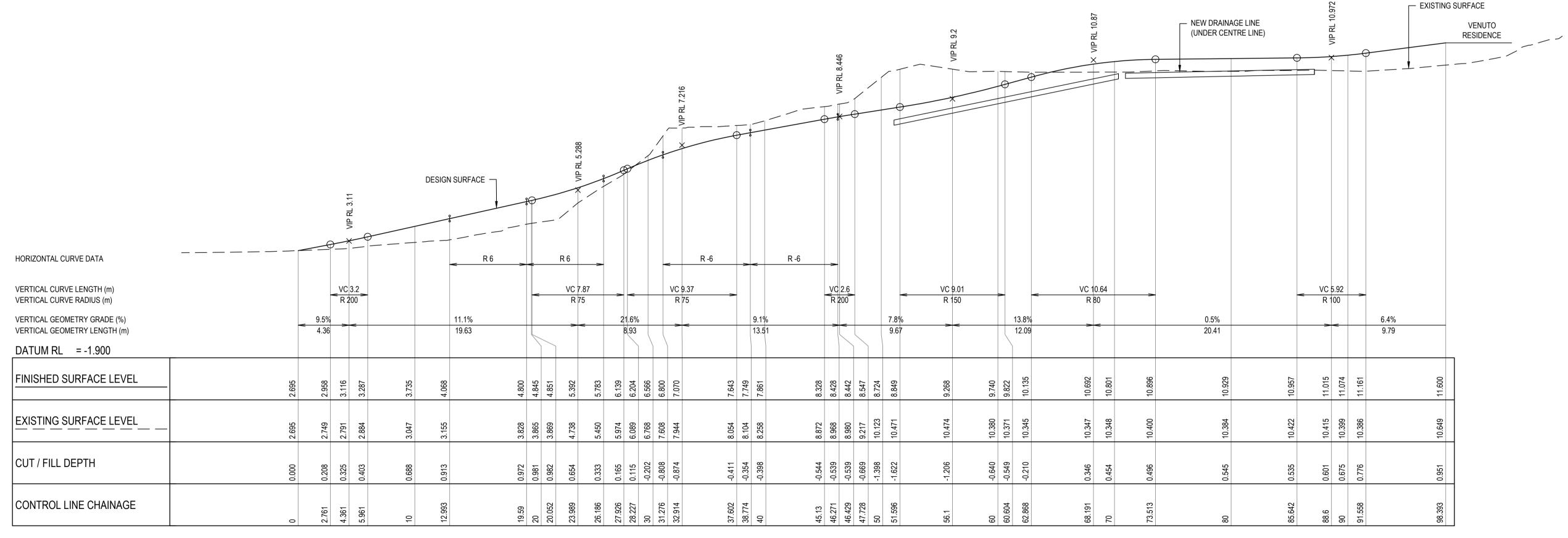
| AWN<br>TICKNER   |      | GURNER TM NOMINEES PTY. LTD.              |        |
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| BIGNED           |      | 69-73 MURPHY ST. PORT DOUGLAS             | STATUS |
| TICKNER          |      |   | SCALE  |
| PROVED<br>APPLIN | DATE | CIVIL WORKS PACKAGE BULK EARTHWORKS PLANS | DRAWIN |
| EQ 6073          |      |   |        |

**PRELIMINARY AS SHOWN** ING NUMBER REVISION 22031-C005 В









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- SAWCUT

**PAVEMENT** 

A1 SCALE: H 1:200, V 1:100

LONGITUDINAL SECTION - DRIVEWAY CONTROL LINE

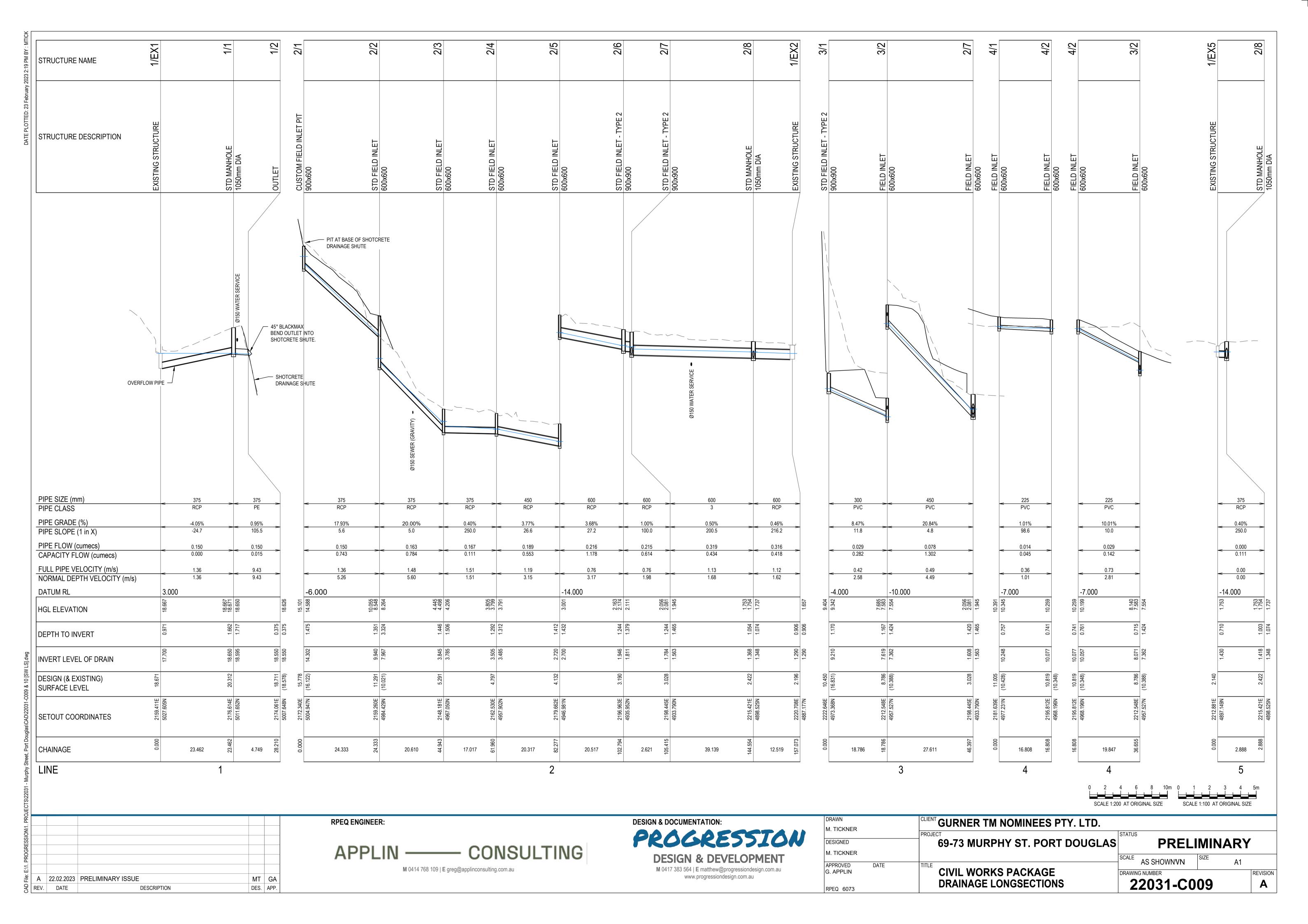
| В    | 09.03.2023 | ENTRANCE AMENEDED | MT   | GA   |
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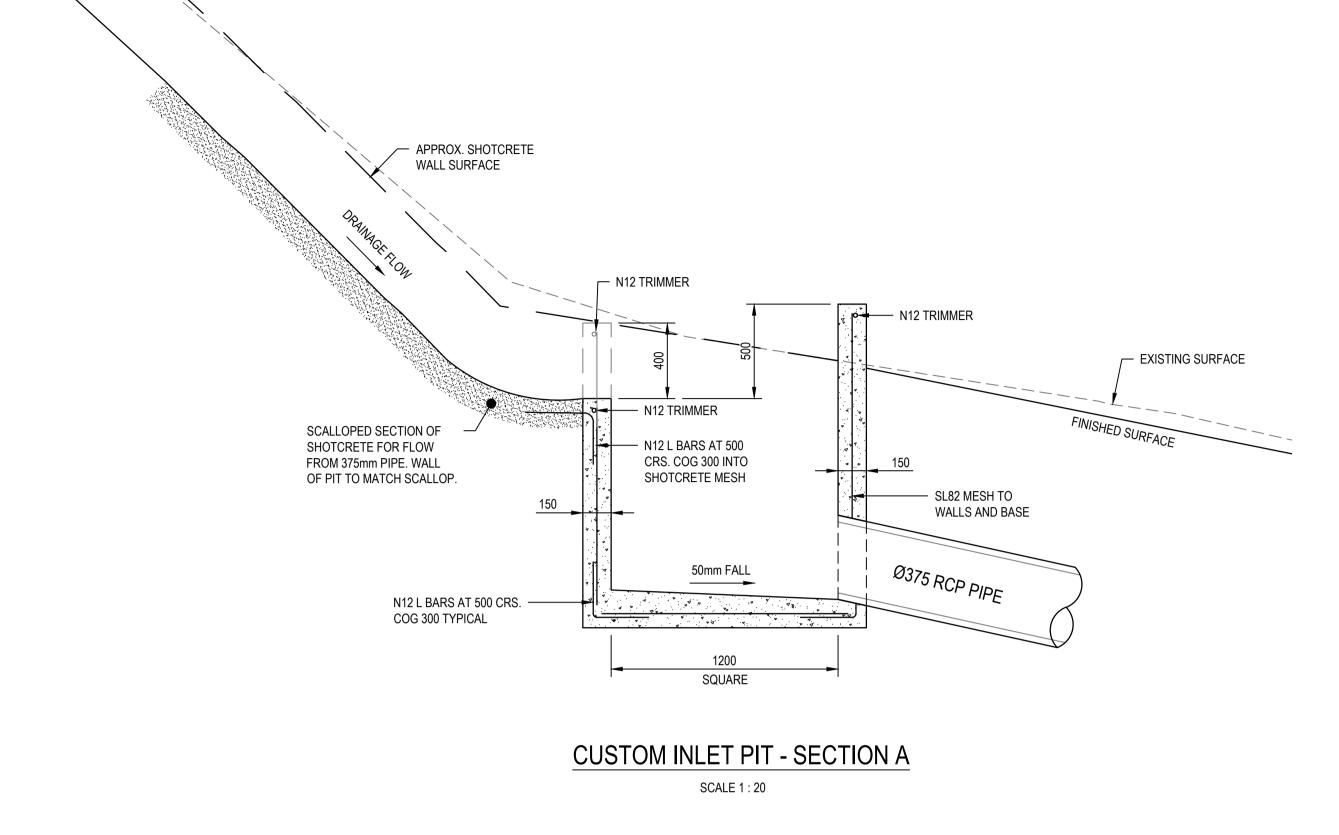
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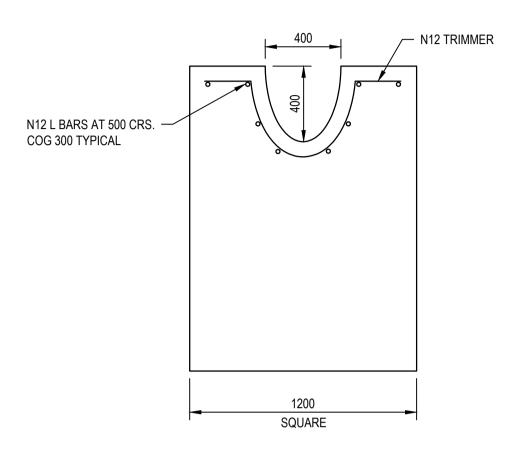
**RPEQ ENGINEER:** 

**DESIGN & DOCUMENTATION:** PROGRESSION **DESIGN & DEVELOPMENT** M 0417 383 564 | E matthew@progressiondesign.com.au www.progressiondesign.com.au

| DRAWN                      | CLIENT GURNER TM NOMINEES PTY. LTD. |                  |         |          |
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| M. TICKNER                 |                                     | STATUS           |         |          |
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| RPEQ 6073                  | DRIVEWAY SECTIONS & DETAILS         | 22031-C0         | 80      | В        |







CUSTOM INLET PIT - BACK VIEW OF WALL

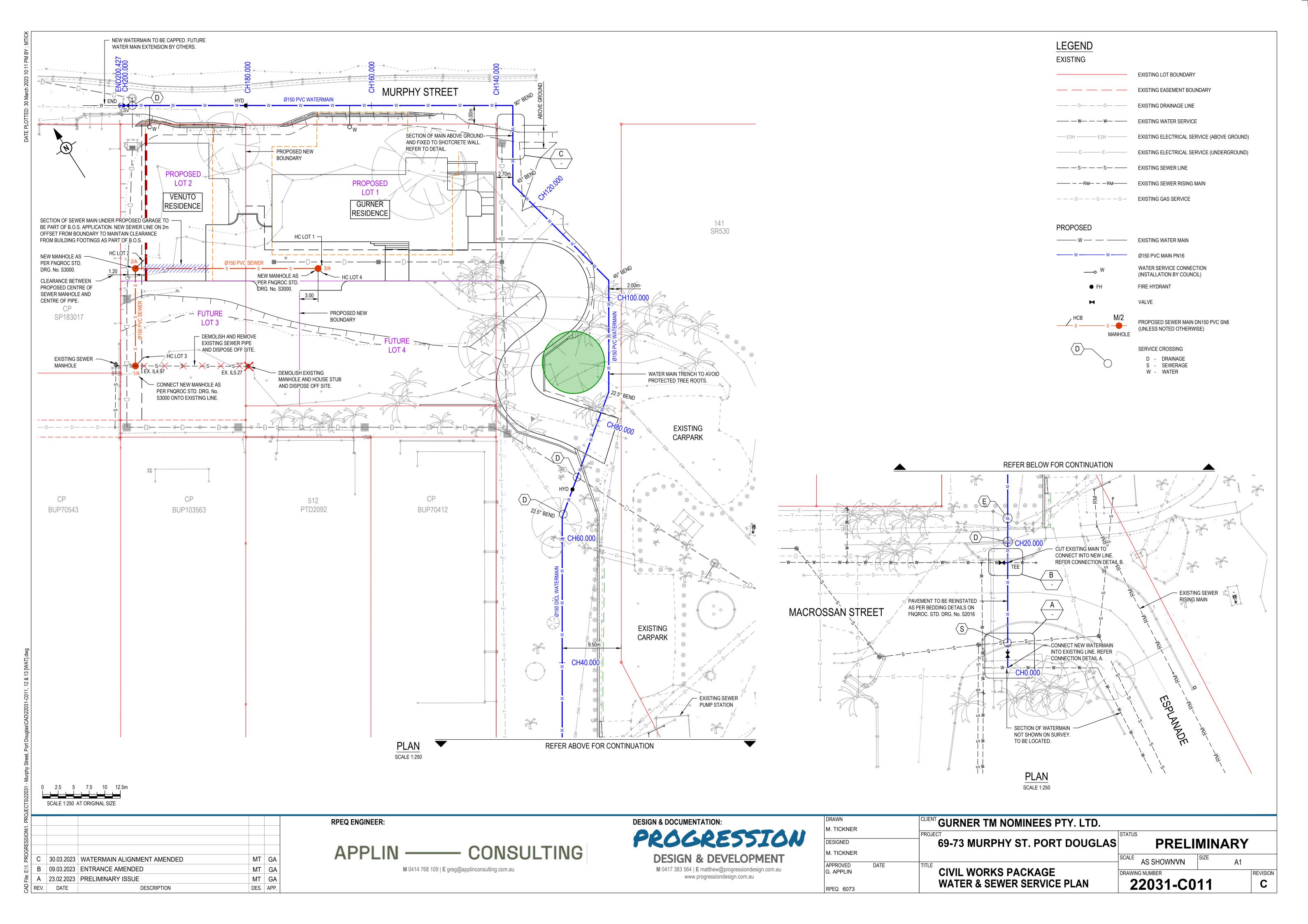
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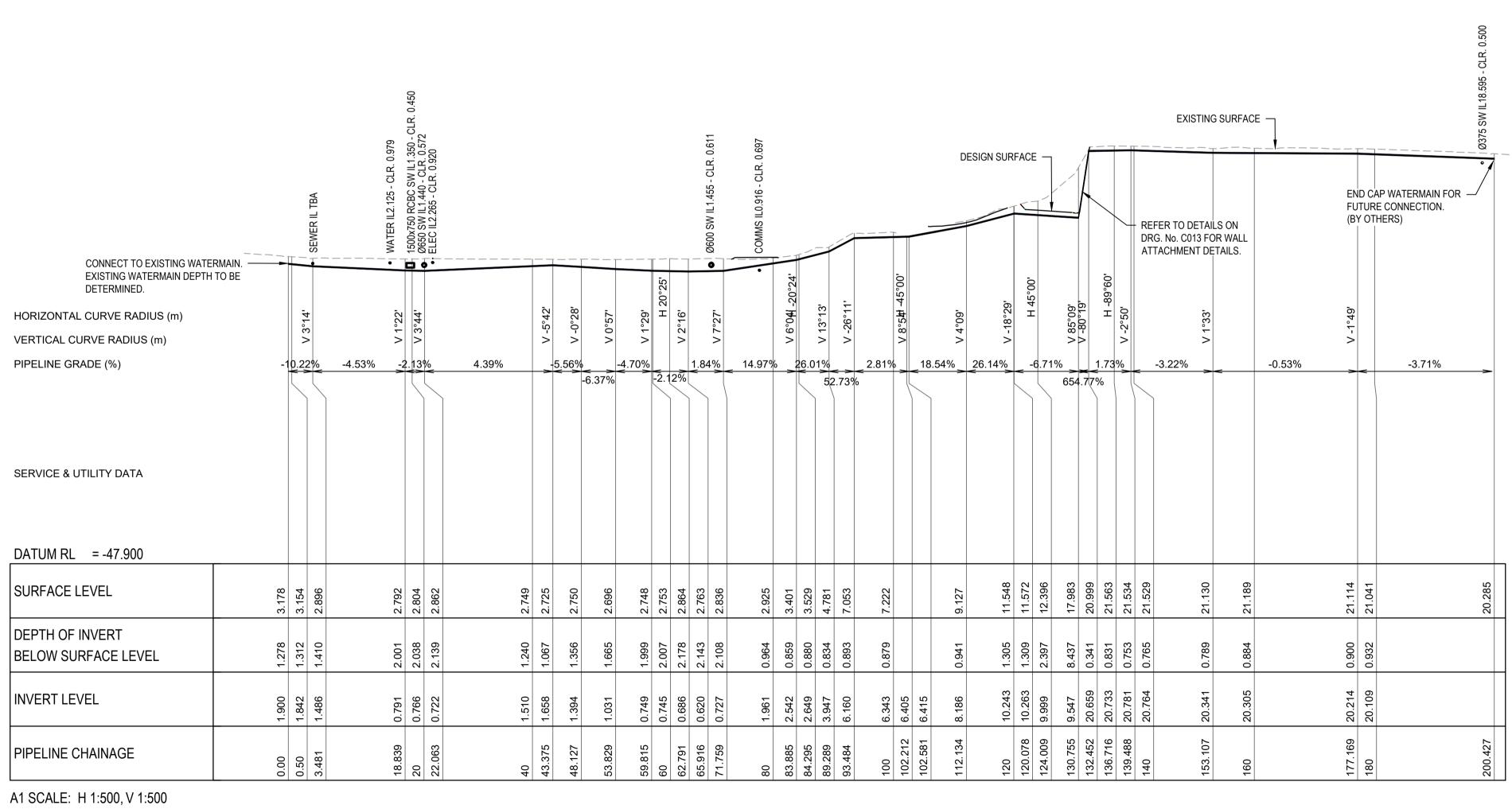


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MAINTENANCE HOLE / SHAFT NAME

MH / MS COVER TYPE



LONGITUDINAL SECTION - WATERMAIN

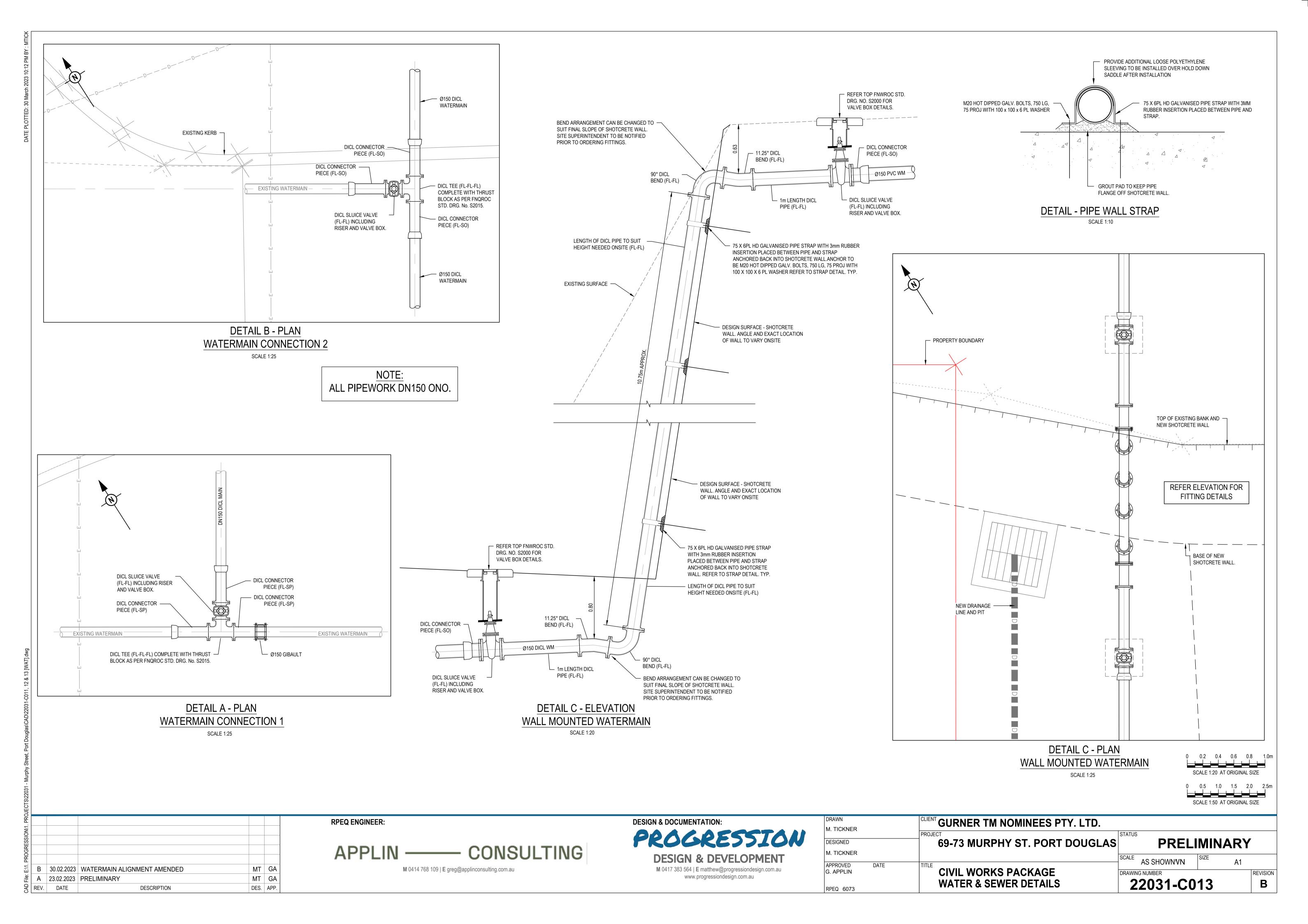
MT GA B | 30.03.2023 | WATERMAIN ALIGNMENT AMENDED MT GA A 23.02.2023 PRELIMINARY ISSUE ₹ REV. DATE DESCRIPTION DES. APP.

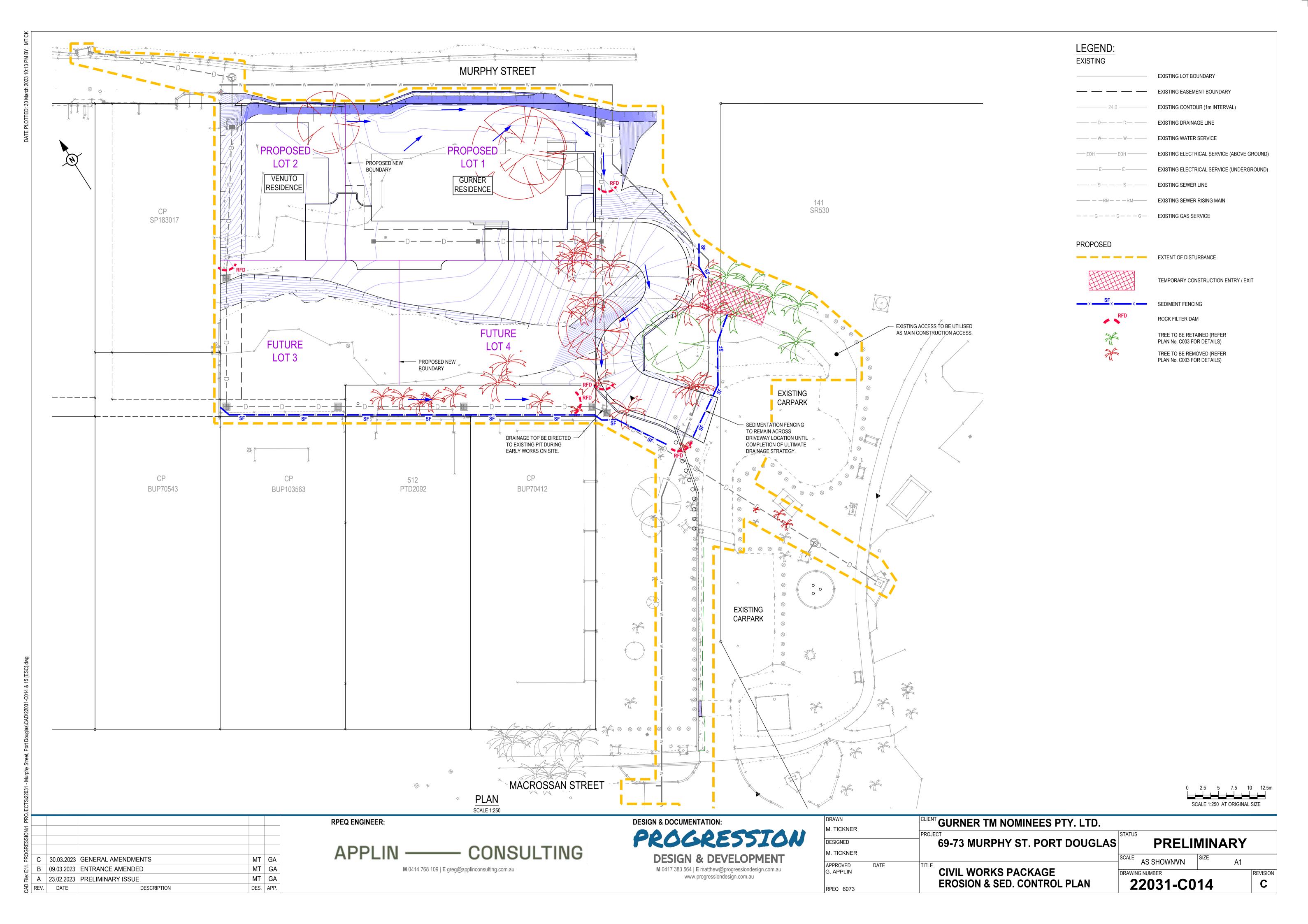
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**RPEQ ENGINEER:** 



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|               | WATER & SEWER LONGSECTIONS  | 2      | 2031-C            | 149                 | В       |
| RPEQ 6073     | WATER & SEWER CONGSECTIONS  |        | <u> </u>          | <i>)</i>   <b>Z</b> |         |





## 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.

1500mm<sup>2</sup> (MIN) HARDWOOD, 2500mm<sup>2</sup> (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

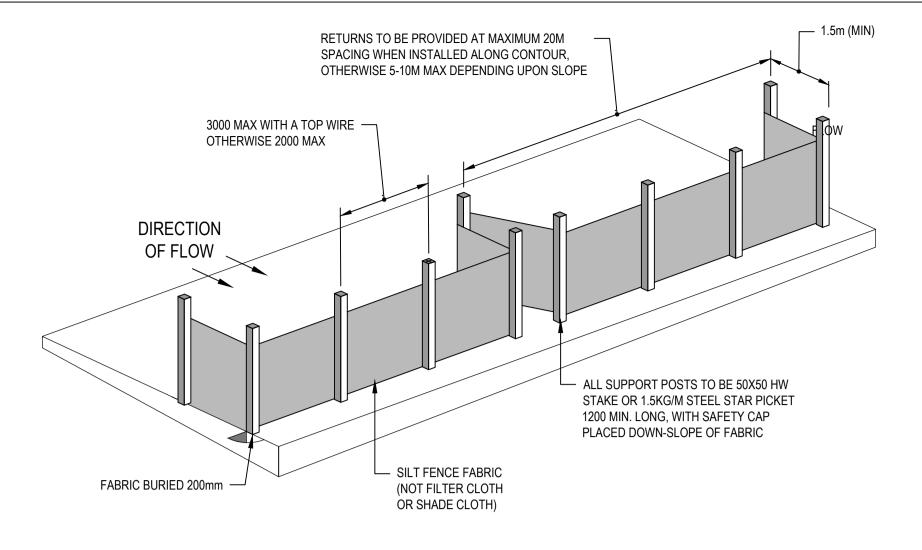
- 15. LOCATE THE SPILL -THROUGH WEIR SUCH THAT THE WEIR CREST WILL BE LOWER THAN THE GROUND LEVEL AT EACH END OF THE FENCE.
- 16. ENSURE THE CREST OF THE SPILL-THROUGH WEIR IS AT LEAST 300mm THE GROUND ELEVATION. SECURELY TIE A HORIZONTAL CROSS MEMBER (WEIR) TO THE SUPPORT POSTS/STAKES EACH SIDE OF THE 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.

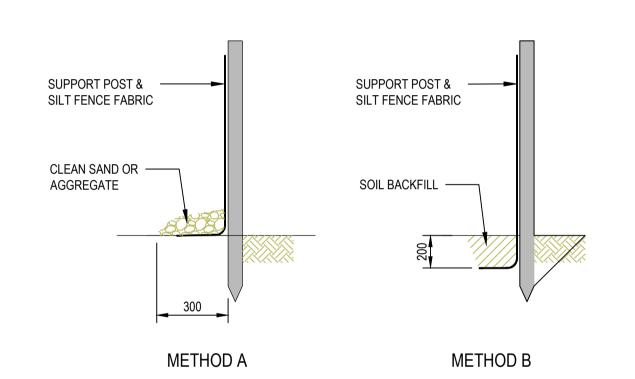
## REMOVAL

- 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.

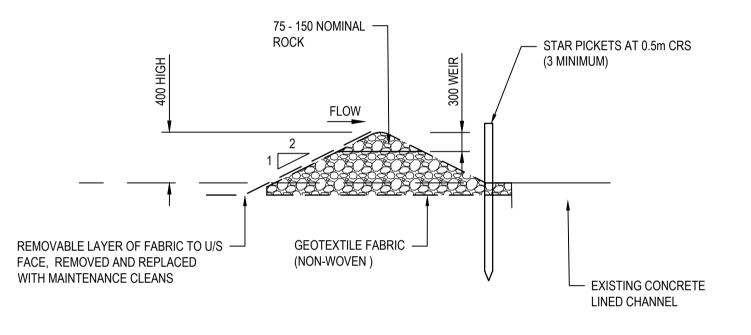


## SEDIMENT FENCE

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.

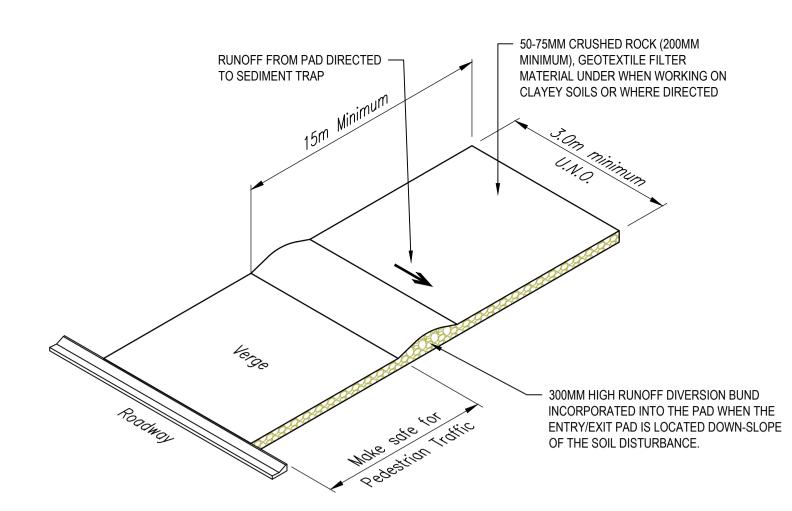
HEAVY-DUTY, NEEDLE-PUNCHES, NON-WOVEN FILTER CLOTH ('BIDIM' A24 OR EQUIVALENT).

- 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

APPLIN — CONSULTING

M 0414 768 109 | E greg@applinconsulting.com.au

**RPEQ ENGINEER:** 



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M. TICKNER DESIGNED M. TICKNER DATE APPROVED CIVIL WORKS PACKAGE G. APPLIN RPEQ 6073

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

## **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*:
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
- 3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of s60, s62 and s63 of the *Planning Act 2016*; 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.

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## 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

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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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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

 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.

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- (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

1 June 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 For Combined Application for Material Change of Use - 4 x dwelling houses & Reconfiguring a Lot (2 Lots into 4 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:1160590 CA 2023\_5316/1 Page 29 of 38



#### 2018 Douglas Shire Planning Scheme version 1.0 Applications

#### ADOPTED INFRASTRUCTURE CHARGES NOTICE

#### Port Douglas 69 Murphy Street and 71-73 Murphy Street STREET No. & NAME SUBURB Port **Combined Application** DEVELOPMENT TYPE

1158121 DSC Reference Doc. No.

ESTATE NAME Lot 516 on PTD2094 and Lot 2 on RP724836 2344 and 2343 PARCEL No. LOT & RP No.s CA 2023 5316 COUNCIL FILE NO. VALIDITY PERIOD (year) Payment before commencement of use for MCU; and

Prior to signing and sealing of survey form for ROL

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

|                   |  | Charge per Use                        | \$ Rate   | Floor<br>area/No. | Amount       | Amount Paid | Receipt Code & GL Code             |
|-------------------|--|---------------------------------------|-----------|-------------------|--------------|-------------|------------------------------------|
| Proposed Demand   |  |                                       |           | urcanto.          |              |             |                                    |
| Residential       | Dwelling_house                                 | \$_per_3_or_more_be<br>droom_dwelling | 25,314.98 | 4                 | \$101,259.92 |             |                                    |
|                   |  | droom_dwelling                        |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
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|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   | Total Demand                                   |                                       |           |                   | \$101,259.92 |             |                                    |
| Credit            | Total Belliana                                 |                                       |           |                   | \$101,239.92 |             |                                    |
|                   |  |                                       |           |                   |              |             | Prior arrangement for onlin        |
| Existing land use |  |                                       |           |                   |              |             | payment via invoicing - see below. |
| 3 or more bedroom | 1 lot  | \$_per_3_or_more_be<br>droom_dwelling | 25,314.98 | 2                 | \$50,629.96  |             |                                    |
| dwelling          |  | droom_aweiling                        |           |                   |              |             |                                    |
|                   | Total Credit                                   |                                       |           |                   | \$50,629.96  |             | Code 895<br>GL GL7500.135.825      |
|                   |  |                                       |           |                   |              |             | 02 02:000:100:020                  |
|                   | Required Payment or Credit                     |                                       | TOTAL     |                   | \$50,629.96  |             |                                    |
|                   | required Fayment of Credit                     |                                       | TOTAL     |                   | \$30,023.30  |             |                                    |
|                   |  |                                       |           | ı                 |              |             |                                    |
| Prepared by       | Rel  | becca Taranto                         |           |                   | 19-May-23    | Amount Paid |                                    |
| Checked by        |  | Neil Beck                             |           |                   | 19-May-23    | Date Paid   |                                    |
|                   |  |                                       | 1         | •                 |              | '           |                                    |
|                   | ROL - Before the Local                         |                                       |           |                   |              |             |                                    |
| Date Payable      | Government approves the<br>plan of subdivision |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   | MCU - prior to the commence                    | ement of use                          |           |                   |              | Receipt No. |                                    |
| Amendments        |  |                                       |           |                   | Date         |             |                                    |
|                   |  |                                       |           |                   |              |             |                                    |
|                   |  |                                       |           |                   |              | Cashier     |                                    |
|                   |  |                                       |           |                   |              |             |                                    |

#### Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

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

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

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

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

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-
  - (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

(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.

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- (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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