

YOUR REF: 16-05/L000569
OUR REF: SEDA CA1594/2016 (796692)

23 November 2016

N D Verri
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

Attention: Mr Evan Yelavich

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 24 MUDLO STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 22 November 2016, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Nick Wellwood
General Manager Operations

Att

APPLICANT DETAILS

N D Verri
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

ADDRESS

24 Mudlo Street, PORT DOUGLAS

REAL PROPERTY DESCRIPTION

Lot 60 on PTD20911

PROPOSAL

Reconfiguration of a Lot & Material Change of Use for Multi-Unit Housing

DECISION

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

DECISION DATE

22 November 2016

TYPE

Combined Reconfiguration of a lot and Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Site	Sheet 1, Prepared by Nathan Verri.	19 July 2016
Floor Plans	Sheet 2, Prepared by Nathan Verri.	19 July 2016
Elevations	Sheet 3, Prepared by Nathan Verri.	19 July 2016
Area Plan General	Sheet 4, Prepared by Nathan Verri.	19 July 2016
Area Plan Site Cover	Sheet 5, Prepared by Nathan Verri.	19 July 2016
Area Plan Gross Floor Area	Sheet 6, Prepared by Nathan Verri.	19 July 2016
3D Views NE & NW	Sheet 7, Prepared by Nathan Verri.	19 July 2016
3D Views SE & SW	Sheet 8, Prepared by Nathan Verri.	19 July 2016
Pictorial NE & NW	Sheet 9, Prepared by Nathan Verri.	19 July 2016
Pictorial SE & SW	Sheet 10, Prepared by Nathan Verri.	19 July 2016

ASSESSMENT MANAGER CONDITIONS:

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

Except where modified by these conditions of approval

Timing of Effect

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

Air-conditioning Screens

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

Damage to Council Infrastructure

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

Water Supply and Sewerage Works External

5. 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 provide adequate water supply to the development. The extension of the water main must have regard to the ultimate configuration of the development;
 - b. Augment existing sewer main to ensure each proposed unit is adequately controlled by sewer;
 - c. Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;

The external works outlined above constitute Operational Works. Approval for Operational Works must be obtained prior to the issue of a Development Permit for Building Work. Such works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be completed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Vehicle Parking

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

Lighting

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

Protection of Significant Street Trees

8. Undertake a survey identifying the street trees at the Beryl Street verge. Indicate the diameter, canopy cover and root sprawl of the significant street trees. Detail how the proposed access to each dwelling relates to each of the significant street trees and how this may effect a consequent amendment to design.

An investigation to develop the most appropriate driveway access and to determine the least impact on the significant street trees within the road reserve of Beryl Street must be undertaken by an appropriately qualified arborist. Regard must be given to Australian Standard 4970-2009/Amdt 1-2010 (Protection of Trees on Development Sites). This investigation will be paramount in determining driveway access and footpath development. A plan detailing the above requirements must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of the development permit for building work.

External Works

9. Undertake the following works external to the land at no cost to Council:
- a. Provide three vehicle crossovers and aprons to Beryl Street. The location and design of the access must not detrimentally impact on the significant street trees on the road verge of Beryl Street. The location and the design of vehicle access to the site will be in accordance with advice and recommendations of an appropriately qualified arborist to ensure the health of the trees as detailed in other conditions of the Development Permit;
 - b. Undertake planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Mudlo and Beryl Street road reserve.
 - c. Construct a 1500mm wide concrete footpath across the Beryl Street frontage in accordance with the FNQROC Development Manual. The footpath must not detrimentally impact on the significant street trees on the road verge of the street.
 - d. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size of the above works must be endorsed by the Chief Executive Officer. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Timing of Lot Reconfiguration

10. The development of the multi-unit housing component of the application must be complete prior to Council endorsement of survey plans.

Demolish Structures

11. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

Stockpiling and Transportation of Fill Material

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

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

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

Emissions

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

Storage of Machinery and Plant

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

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:
 - a. Deep planting of setback areas and planter beds within the development;
 - b. Landscaping of areas and treatments external to the development as detailed in conditions of approval;
 - c. Include any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

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

Ponding and/or Concentration of Stormwater

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

Minimum Fill and Floor Levels

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

Sediment and Erosion Control

19. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Refuse Storage Area

20. The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.

Construction Signage

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

Sediment and Erosion Control

22. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Boundary Fence Height

23. Advice is to be sought by an RPEQ certified traffic engineer or equivalent pertaining to the perimeter fence height at the corner of Mudlo and Beryl Street. The advice is to determine whether the fence needs to be truncated or lowered.

Plan of Subdivision

24. A Plan illustrating the future reconfiguration of the lot must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of a development permit for building work.

RECONFIGURATION OF A LOT

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

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

Drawing or Document	Reference	Date
Sub-division plan to be provided	TBA	TBA

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; 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.

Fire Separation

3. The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.

Timing of Lot Reconfiguration

4. The development of the Multi-Unit Housing component of the application must be complete prior to Council endorsement of survey plans.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse **four (4) years** from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

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

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

5. For information relating to the *Sustainable Planning Act 2009* log on to www.dilqp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved land use of Multi-Unit Housing is defined as:

Multi-Unit Housing

Means the use of premises comprising two or more dwelling units on one lot for residential purposes.

The use includes accommodation commonly described as:

- *duplexes;*
- *flats;*
- *home units;*
- *apartments;*
- *townhouses;*
- *villa houses; or*
- *a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.*

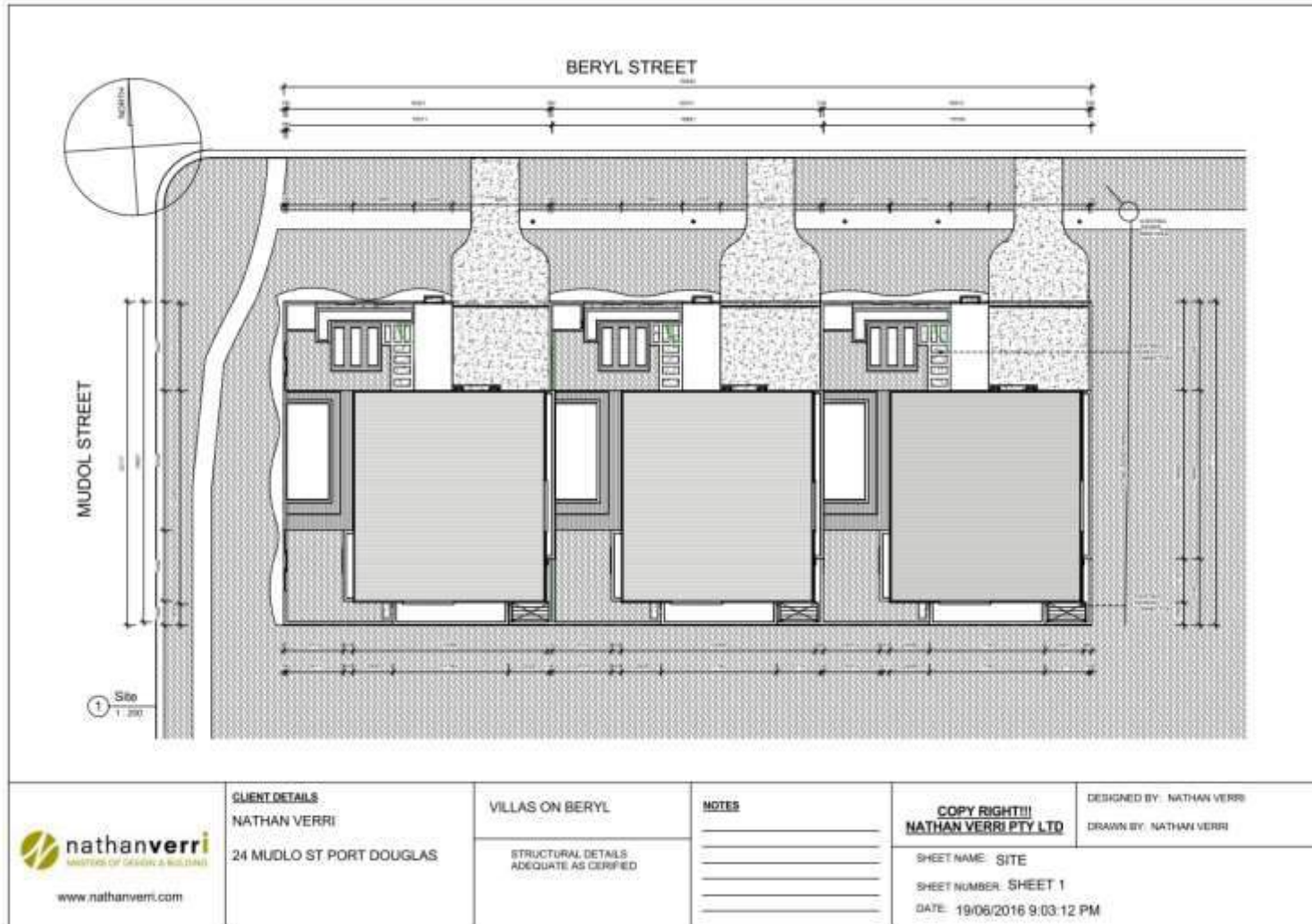
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

RIGHTS OF APPEAL

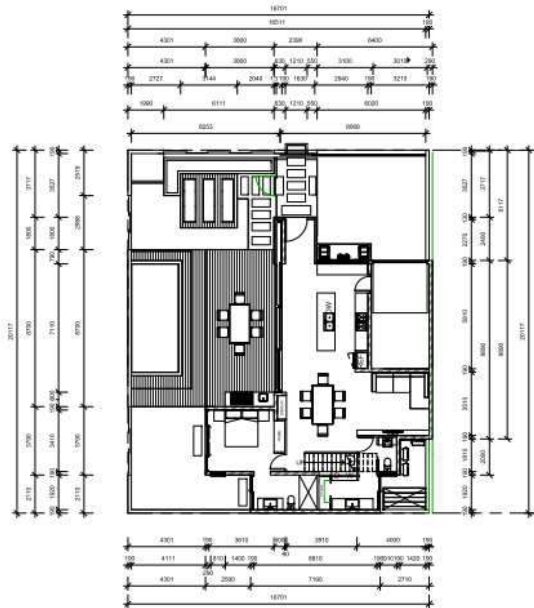
Attached

End of Decision Notice

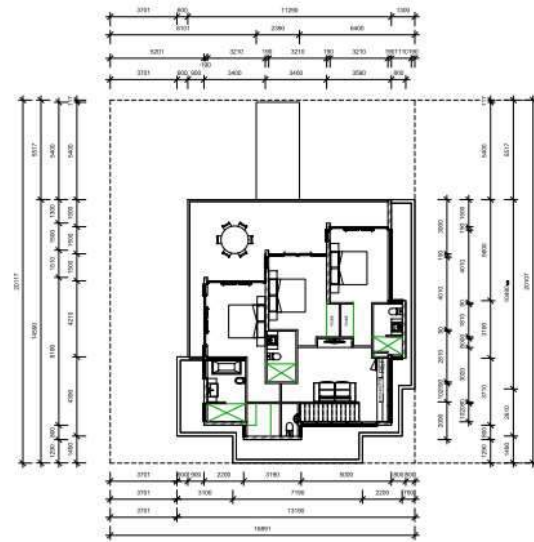
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)




DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



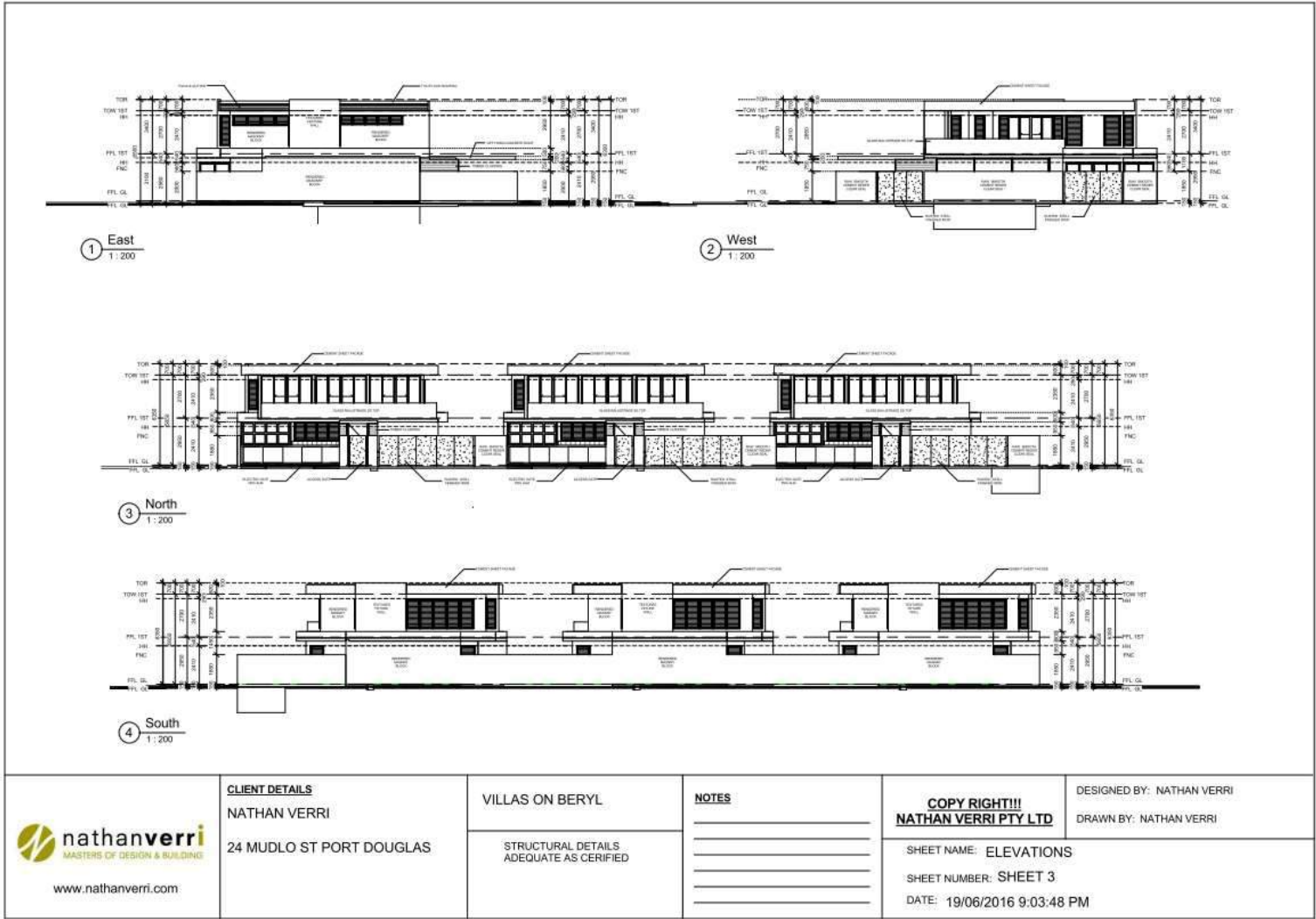
① GROUND FLOOR PLAN
1 : 200




② FIRST FLOOR PLAN
1 : 200

 <p>nathanverri MASTERS OF DESIGN & BUILDING www.nathanverri.com</p>	<p>CLIENT DETAILS NATHAN VERRI 24 MUDLO ST PORT DOUGLAS</p>	<p>VILLAS ON BERYL</p>	<p>NOTES</p> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>COPY RIGHT!!! NATHAN VERRI PTY LTD</p>	<p>DESIGNED BY: NATHAN VERRI DRAWN BY: NATHAN VERRI</p>
	<p>STRUCTURAL DETAILS ADEQUATE AS CERTIFIED</p>	<p>SHEET NAME: FLOOR PLANS SHEET NUMBER: SHEET 2 DATE: 19/06/2016 9:03:26 PM</p>			

**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**



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	<p>STRUCTURAL DETAILS ADEQUATE AS CERTIFIED</p>	<p>SHEET NAME: ELEVATIONS SHEET NUMBER: SHEET 3 DATE: 19/06/2016 9:03:48 PM</p>			

DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009



CLIENT DETAILS
NATHAN VERRI
24 MUDLO ST PORT DOUGLAS

VILLAS ON BERYL

STRUCTURAL DETAILS
ADEQUATE AS CERTIFIED

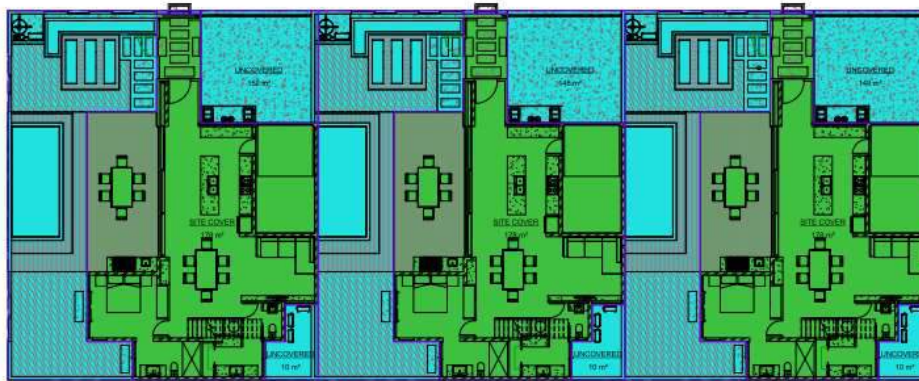
NOTES

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DESIGNED BY: NATHAN VERRI
DRAWN BY: NATHAN VERRI

SHEET NAME: AREA PLAN GENERAL
SHEET NUMBER: SHEET 4
DATE: 19/06/2016 9:04:18 PM

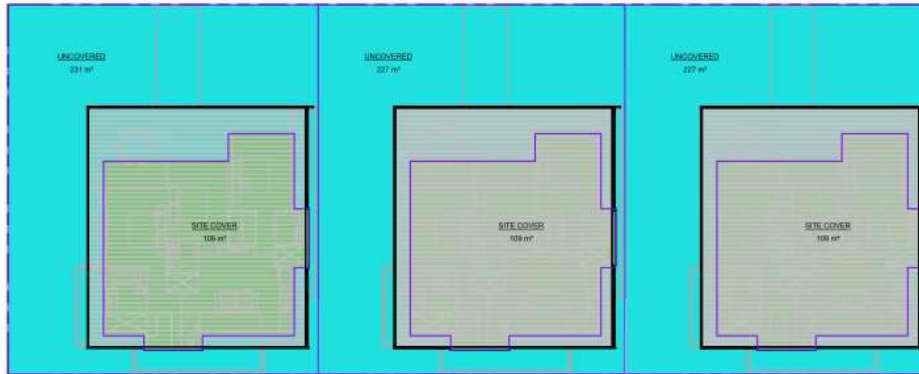
**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**

SITE COVER DRIVING	AV VILLA	ALL VILLAS	% AV VILLA	% ALL VILLAS
UNCOVERED	18.14	21.02	13.30%	13.30%
SITE COVER	108.23	108.23	72.20%	72.20%
TOTAL SITE AREA	126.37	129.25	100%	100%



2 SITE COVER GROUND
1:200

SITE COVER 1ST	AV VILLA	ALL VILLAS	% AV VILLA	% ALL VILLAS
UNCOVERED	231.00	231.00	100%	100%
SITE COVER	108.23	108.23	47%	47%
TOTAL SITE AREA	339.23	339.23	100%	100%



1 SITE COVER AREA 1ST
1:200



CLIENT DETAILS
NATHAN VERRI
24 MUDLO ST PORT DOUGLAS

VILLAS ON BERYL

STRUCTURAL DETAILS
ADEQUATE AS CERTIFIED

NOTES

COPY RIGHT!!!
NATHAN VERRI PTY LTD

DESIGNED BY: NATHAN VERRI
DRAWN BY: NATHAN VERRI

SHEET NAME: AREA PLAN SITE COVER

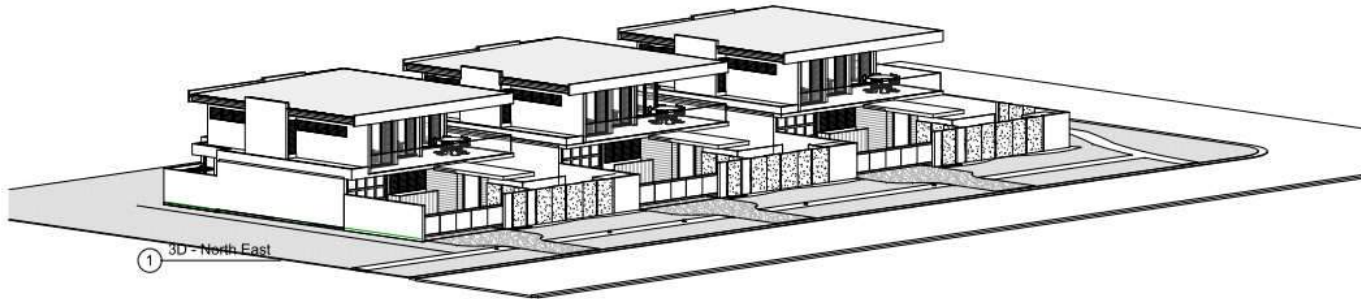
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DATE: 19/06/2016 9:04:38 PM

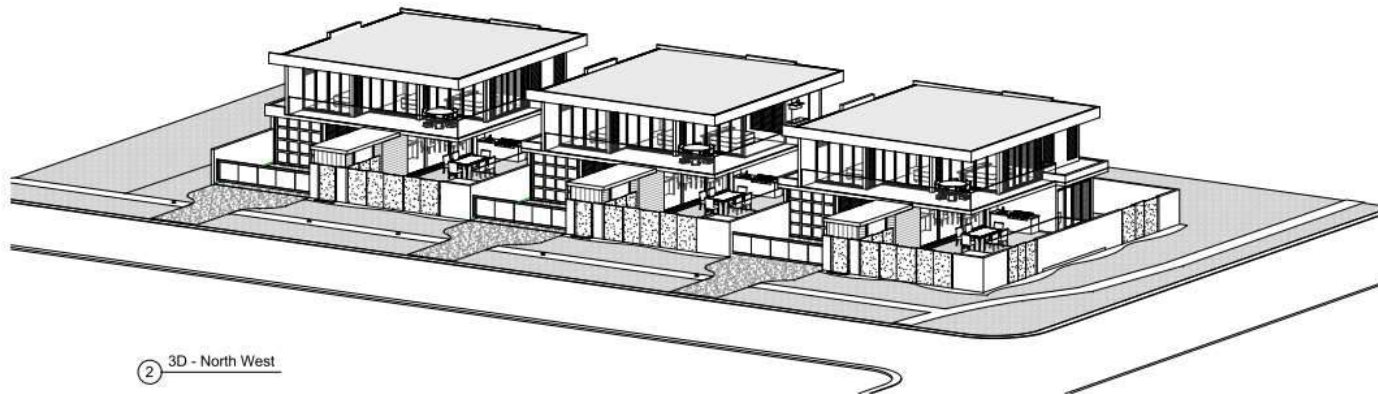
**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**




DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



① 3D - North East



② 3D - North West

 www.nathanverri.com	CLIENT DETAILS NATHAN VERRI 24 MUDLO ST PORT DOUGLAS	VILLAS ON BERYL STRUCTURAL DETAILS ADEQUATE AS CERTIFIED	NOTES _____ _____ _____ _____ _____	COPY RIGHT!!! NATHAN VERRI PTY LTD SHEET NAME: 3D VIEWS NE & NW SHEET NUMBER: SHEET 7 DATE: 19/06/2016 9:05:32 PM	DESIGNED BY: NATHAN VERRI DRAWN BY: NATHAN VERRI

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

 <small>www.nathanverri.com</small>	CLIENT DETAILS NATHAN VERRI 24 MUDLO ST PORT DOUGLAS	VILLAS ON BERYL STRUCTURAL DETAILS ADEQUATE AS CERTIFIED	NOTES _____ _____ _____ _____	COPY RIGHT!!! NATHAN VERRI PTY LTD DESIGNED BY: NATHAN VERRI DRAWN BY: NATHAN VERRI	SHEET NAME: 3D VIEWS SE & SW SHEET NUMBER: SHEET 8 DATE: 19/06/2016 9:05:56 PM


DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



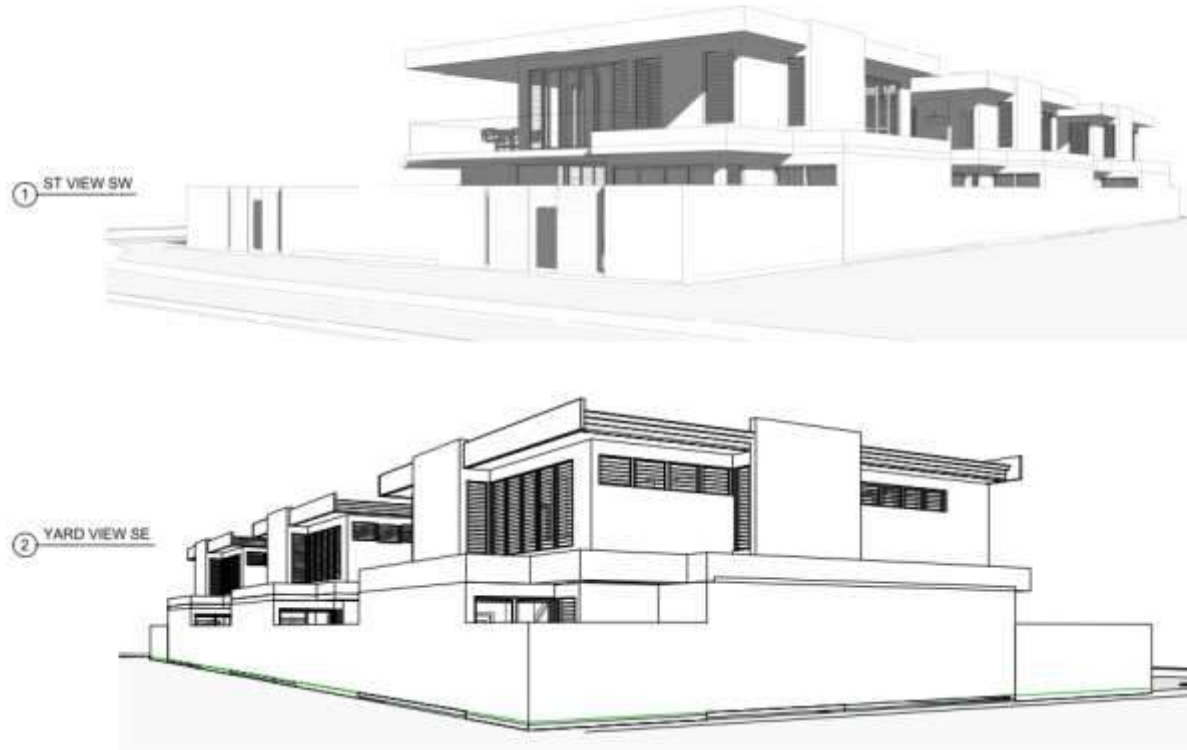
① ST VIEW NE




② ST VIEW NW

 www.nathanverri.com	CLIENT DETAILS NATHAN VERRI 24 MUDLO ST PORT DOUGLAS	VILLAS ON BERYL STRUCTURAL DETAILS ADEQUATE AS-CERTIFIED	NOTES _____ _____ _____ _____	COPY RIGHT!!! NATHAN VERRI PTY LTD SHEET NAME: PICTORIALS NE & NW SHEET NUMBER: SHEET 9 DATE: 19/06/2016 9:06:26 PM	DESIGNED BY: NATHAN VERRI DRAWN BY: NATHAN VERRI

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



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		STRUCTURAL DETAILS ADEQUATE AS CERTIFIED		SHEET NAME: PICTORIAL SE & SW SHEET NUMBER: SHEET 10 DATE: 19/06/2016 9:06:54 PM	

YOUR REF: 16-05/L000569
OUR REF: SEDA CA1594/2016 (796692)

23 November 2016

N D Verri
C/- Planning Plus Pty Ltd
PO Box 1334
MOSSMAN QLD 4873

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
24 MUDLO STREET, PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (the Act).

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

These charges are payable prior to the change of use occurring, or prior to the issue of a Compliance Certificate for the Building Format Plan, or which ever occurs first, in accordance with section 648H of the Act.

These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

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.


Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number no 4099 9456.

Yours faithfully

Nick Wellwood
General Manager Operations
Att

47.2016.1594
21/22

INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Application	
INFRASTRUCTURE CHARGES NOTICE			
Nathan Verril		0	
DEVELOPERS NAME		ESTATE NAME	
24 Mudlo Street		Port Douglas	
STREET No. & NAME		SUBURB	
Combined: ROL & MCU		Lot 60 on PTD20911	
DEVELOPMENT TYPE		LOT & RP No.s	
795293		1994/2914	
DSC Reference Doc. No.		COUNCIL FILE	
		1	
		VALIDITY PERIOD (years)	
		Four (4)	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
	proposed		0.00		
	existing	0	0.00		
	Total				
Urban Areas - Water only					
	proposed	0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer					
	proposed	Multiple Dwelling	11,473.71	34,421.13	
	existing	House	14,342.13	0.00	
	Total			20,079.00	
	TOTAL		20,079.00		

Prepared by	D Lamond	10-Nov-16	Amount Paid	
Checked by	N Beck	11-Nov-16	Date Paid	
Date Payable			Receipt No.	
Assessments		Date	Cashier	

Note:
 The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the Sustainable Planning Act 2009 (SPA).

Charges are payable to: Douglas Shire Council, PO Box 723, Massman Ct.D 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

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