

OUR REF: MCUC 3940/2010 (766298)

2 February 2016

Mr Daryl & Mrs Lennee Croser
C/- Planz Town Planning Pty Ltd
17 Atherton Street
WHITFIELD QLD 4870

Attention: Ms Nikki Huddy

Dear Sir/Madam

**DECISION NOTICE UNDER S 383 SUSTAINABLE PLANNING ACT 2009 FOR
DEVELOPMENT APPLICATION 24 MURPHY STREET, PORT DOUGLAS**

Reference is made to the request for an extension of relevant period (Council document reference 426855) for the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 28 January 2016.

At the meeting Council resolved to extend the relevant period of the development approval and this Development Permit is now valid up to and including 1 February 2018.

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

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment on telephone number 07 4099 9480.

Yours faithfully

Paul Hoyer
General Manager Sustainable Communities

Att

APPENDIX 1: NEGOTIATED DECISION NOTICE 1 DECEMBER 2010

ATTACHMENT 1 : CURRENT APPROVAL

ENQUIRIES: Mrs Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3858
YOUR REF: SEDA 1281324931728
OUR REF: 8/7/2004 (2997130)

1 December 2010

Mr & Mrs M L & D K Croser
C/- Planz Town Planning
17 Atherton Street
WHITFIELD QLD 4870

Dear Sir/Madam

NEGOTIATED DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT
2009: DEVELOPMENT APPLICATION FOR 24 MURPHY STREET PORT
DOUGLAS

With reference to your request for Negotiated Decision, please find attached the relevant Negotiated Decision Notice which was determined under Instrument of Delegation on 1 December 2010

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.

Should you have any enquiries in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment team on telephone number (07) 4099 9457.

Yours faithfully



Kelly Reaston
Manager Development Assessment

Att

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DECISION NOTICE DETAILS
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APPLICANT DETAILS

M L Croser & D K Croser
C/- Planz Town Planning
17 Atherton St
WHITFIELD QLD 4870

ADDRESS

24 Murphy Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 1 on PTD2095

PROPOSAL

House

DECISION

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

DECISION DATE

This Negotiated Decision Notice dated 1 December 2010 replaces the Decision Notice dated 29 October 2010

TYPE

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 Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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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 Plan | Drawing TP.2 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Floor Plan – Ground Floor | Drawing TP.5 SKD05 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Floor Plan – First Floor | Drawing TP.6 SKD05 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Floor Plan – Second Floor | Drawing TP.7 SKD05 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Elevations 1 | Drawing TP.9 SKD05 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Elevations 2 | Drawing TP.10 Prepared by Hunt Design (Council Ref No 2708164) | 11 Aug 2010 |
| Landscape Plan | Drawing LP_01 Issue A Prepared by Hortulus Landscape Design and Management (Council Ref No 2708164) | 18 Aug 2010 |
| Landscape Plan | Drawing LP_02 Issue A Prepared by Hortulus Landscape Design and Management (Council Ref No 2708164) | 18 Aug 2010 |

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

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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.

Weed Management

3. The management of the Class 3 Pest Plant Singapore Daisy is to be in accordance with the recommendations contained in the Landscape Report by Hortulus dated 18 August 2010 (Council Ref No 2708164).

Building Colours

4. The exterior finishes and colours of Buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

The applicant/owner must provide appropriate colours to Council for approval prior to the issue of a development permit for building works. The applicant/owner must ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Sediment and Erosion Control

5. The 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).

Lawful Point of Discharge

6. All stormwater from the property must be directed to a lawful point of discharge (nominally Murphy and Grant Streets) such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

External Works

7. Undertake the following works external to the land at no cost to Council:
 - a. Construct full width bitumen widening to Murphy Street frontage;

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- ba. Construct a bitumen turnout in front of the proposed access in accordance with the FNQROC Development Manual Standard Drawing 1105;
- eb. Provision of an allotment access in accordance with FNQROC Development Manual Standard Drawing 1105;
- ec. The redundant portions of the existing driveway access must be deconstructed prior to Commencement of Use.

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

Existing Creek and Drainage Systems

- 8. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.
- 9. The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

Drainage

- 10. The applicant/owner must undertake the works recommended in the report by CMG Consulting Engineers.
- 11. As noted in the CMG Consulting Engineers report, stormwater is to be directed into a dual stage water storage tank prior to discharge from the site to allow appropriate detention of peak stormwater flow. Construction of the storage/detention tank is to occur prior to occupation.

Ponding and/or Concentration of Stormwater

- 12. The applicant/owner must ensure that the retaining wall does not result in the ponding or concentration of stormwater flows.

Structural Certification

- 13. All retaining walls or structures higher than one (1) metre, including the proposed bridge structure, must be structurally certified prior to the issue of a Development Permit for Building Work.

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Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Legal Requirements

14. An appropriately qualified and experienced civil engineer must certify that the access complies in all respects with AS 2890.1 and FNQROC and is safe and serviceable. Certification must be achieved prior to the issue of a Development Permit for Building Works.

Geotechnical Assessment

15. All earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer prior to the Commencement of Use.

Batter Treatment

16. All earthworks are to be fully contained on site, unless the adjoining land owner has given written permission, or a resource entitlement approved.
17. The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

Water Supply and Sewerage Works Internal

18. Undertake the following water supply and sewerage works internal to the subject land:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Any disconnection/reconnection to the property connection branch must be subject to a plumbing permit.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

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Damage to Infrastructure

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

Water Saving

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

House

21. The lot must not contain more than one (1) House and such House is to be occupied by one (1) household.

Landscaping

22. Landscaping is to be in accordance with the requirements of the Landscape Report by Hortulus dated 18 August 2010 and Landscaping Plans Drawings LP-01 and LP-02, Issue A by Hortulus dated 18 August 2010. Any changes or substitution of plants is to be approved by Council prior to planting.

FURTHER 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 Section 339 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.
4. An Ecoaccess approval under the *Nature Conservation Act 1992* must be obtained from the Department of Environment and Resources Management prior to the clearing of vegetation and/or tree removal from the road reserve.

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Information on Ecoaccess approvals may be obtained at www.derm.qld.gov.au or by contacting the Ranger Flora at the Cairns office of QPWS on (07) 4046 6609.

5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

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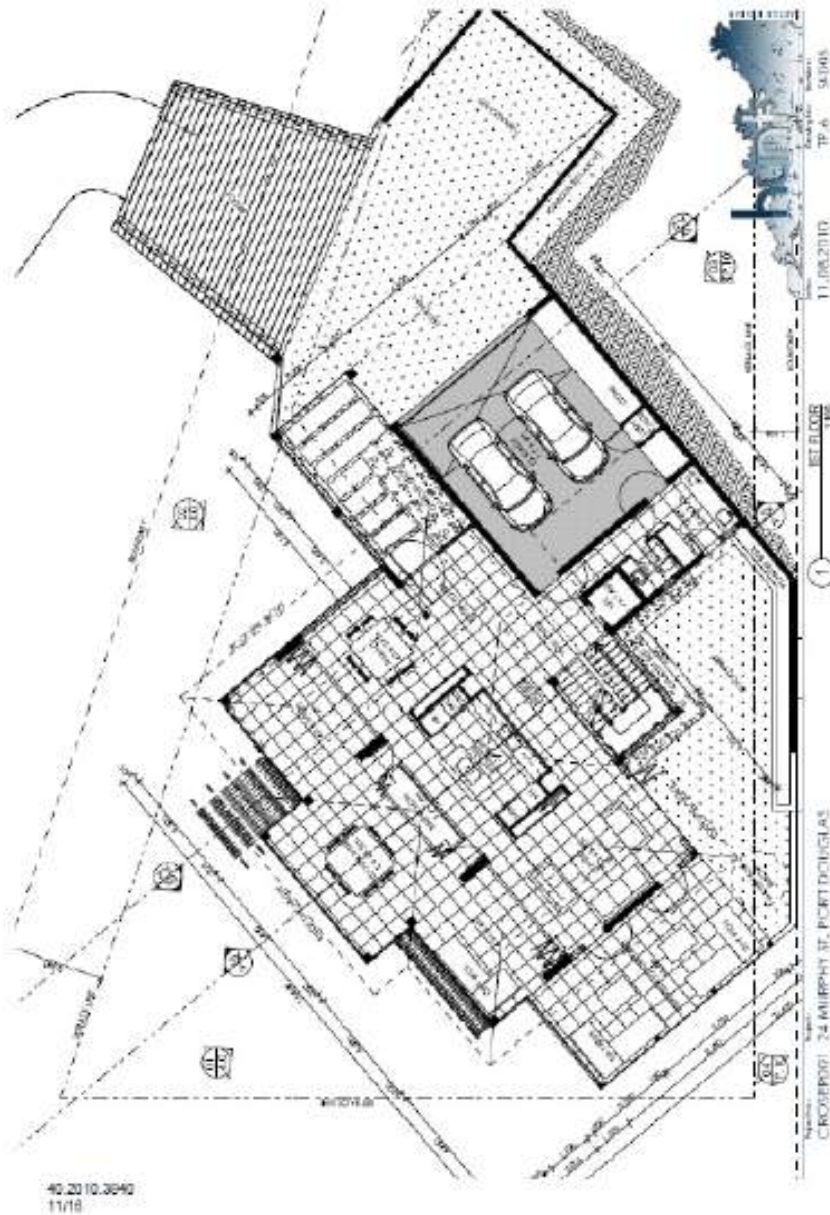
APPENDIX 1 APPROVED PLAN(S) AND DOCUMENT(S)



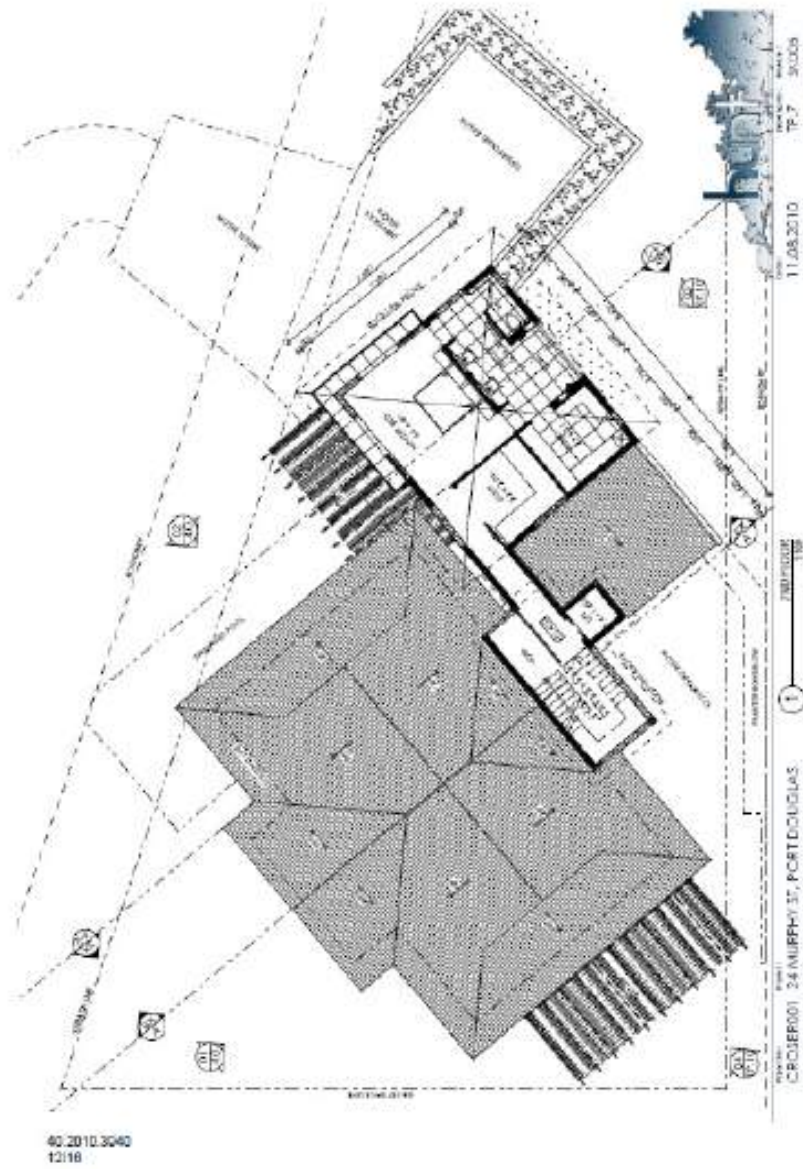
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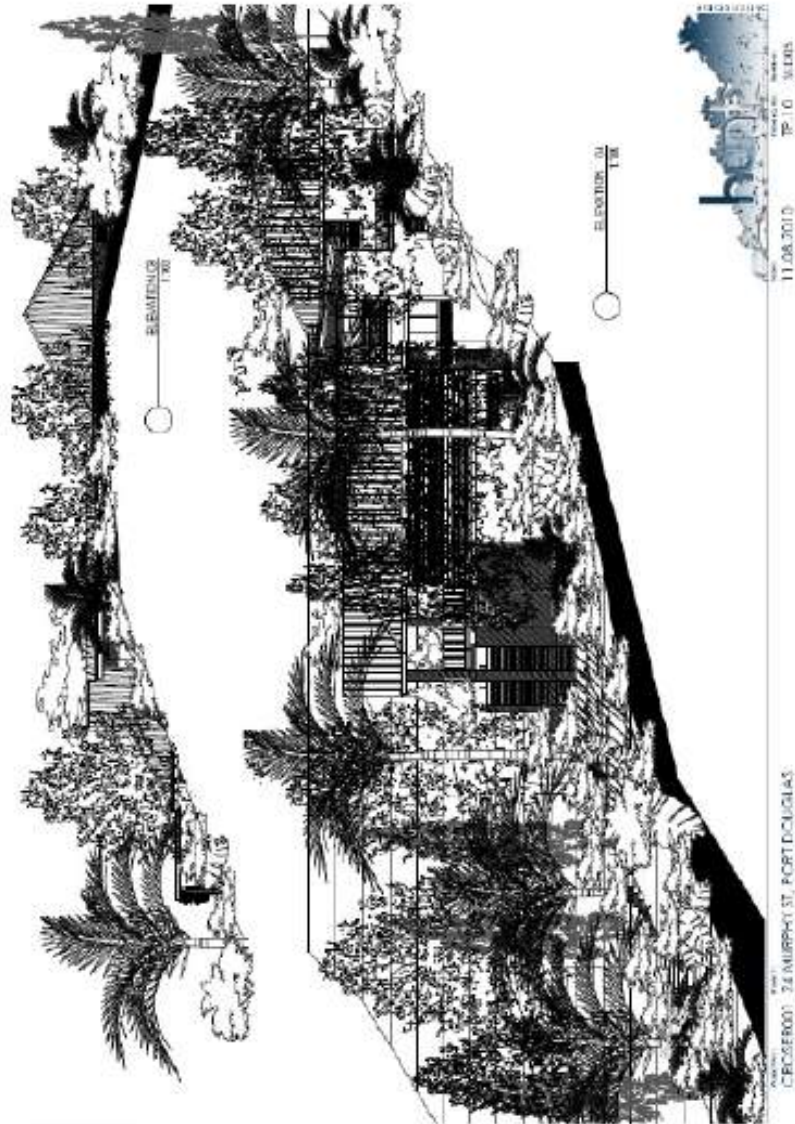
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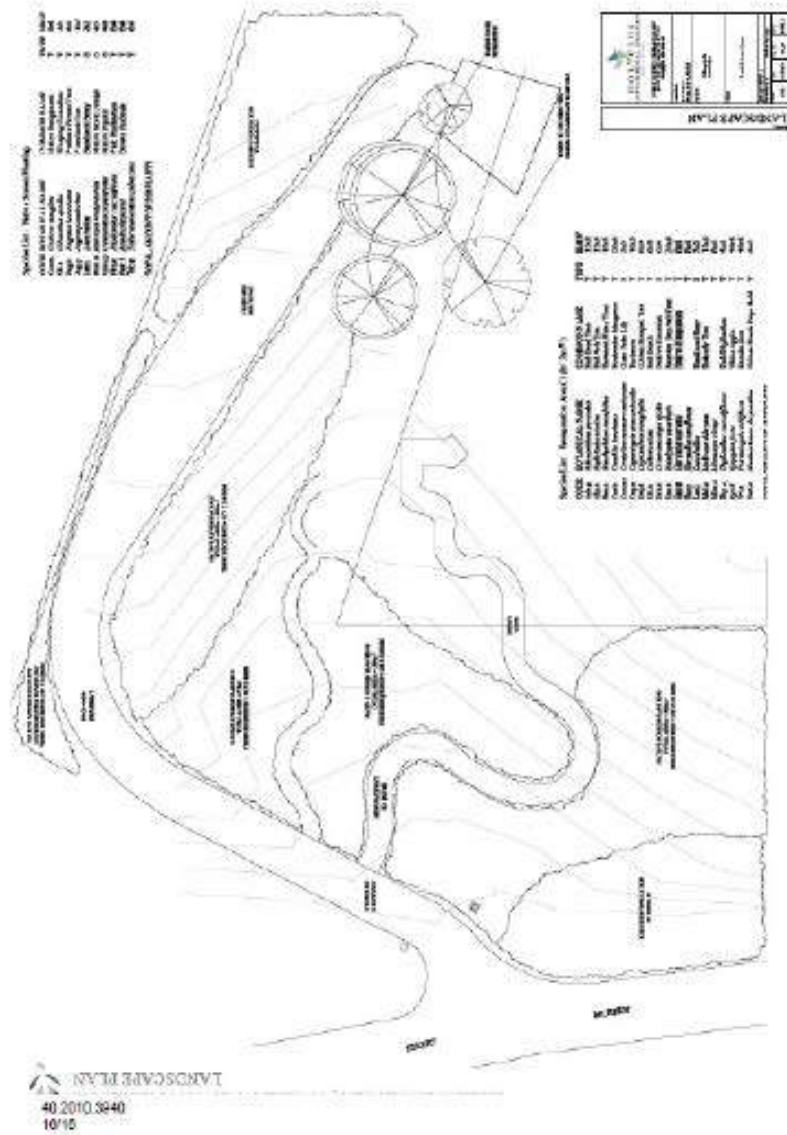
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