

YOUR REF: 14-4\L000076
OUR REF: CA 604/2014 (730368)

24 September 2015

Ms Paula N Newman
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

Attention: Mr Evan Yelavich

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 6 MUDLO STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 24 September 2015, 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 Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Paula N Newman
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

ADDRESS

6 Mudlo Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 915 on PTD2092

PROPOSAL

Multi-Unit Housing (2 units) & Reconfiguring a Lot (1 into 2)

DECISION

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

DECISION DATE

24 September 2015

TYPE

Material Change of Use (Multi-Unit Housing (2 units)) & Reconfiguring a Lot
(1 Lot into 2 Lots)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Compliance Certificate for Plan of Survey

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

ASSESSMENT MANAGER CONDITIONS:

A. MATERIAL CHANGE OF USE COMPONENT

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

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

Drawing or Document	Reference	Date
Site Plan	SK01	25 June 2015
Floor Plan	SK02	25 June 2015
Elevations	SK11	25 June 2015

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed building / development must be redesigned / amended to accommodate the following:
 - a. Take account of the power pole and stay located within the road reserve of Mudlo Street.
 - b. Changes necessary to accommodate the location of the sewer within the site.

An amended plan or detail addressing this constraint of the development must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

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 must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council prior to the Commencement of Use.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection to each dwelling unit which must be clear of any buildings or structures;
 - b. Provide a single internal water connection to each dwelling unit;
 - c. Relocate the existing sewer or site the proposed building and all associated works with footings (including fences) such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure.

A plan detailing the location of the sewer in relation to the proposed building and the course of action taken to address this condition must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

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

Inspection of Sewers

6. CCTV inspection of the existing sewer must be undertaken should works be undertaken to the sewer. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of three (3) spaces. 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.

Protection of Landscaped Areas from Vehicles

8. Landscaped areas adjoining the driveway area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

External Works

9. Undertake the following works external to the land at no cost to Council:
- a. Provision of concrete crossovers and aprons to each dwelling unit in accordance with *FNQROC Development Manual Standard Drawing 1015*;
 - c. Reinstate redundant crossovers;
 - 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.

The detail of the above external works must be provided to Council to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work. All works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Landscaping Plan

10. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Deep planting of setback areas;
 - b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.
 - c. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping.
 - d. 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.

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. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

11. All stormwater from the property including stormwater flowing onto the land must be directed to a lawful point of discharge 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.

Minimum Fill and Floor Levels

12. All floor levels in all buildings must be located 150 mm 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

13. 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).

Construction Signage

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

B. RECONFIGURING A LOT COMPONENT

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

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

Drawing or Document	Reference	Date
Site Plan	SK01	25 June 2015

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

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Dwelling Unit Construction Prior to Subdivision

3. The dwelling units on each proposed lot will be completed to lock-up stage prior to Council being required to issue a Compliance Certificate for the Plan of Survey.

External Works

4. All external works associated with the development of the land for Multi-Unit Housing must be completed prior to Council being required to issue a Compliance Certificate for the Plan of Survey.

Damage to Infrastructure

5. 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 must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council prior to the Commencement of Use.

Lawful Point of Discharge

6. The applicants/owners must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge 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.

Electricity and Telecommunications

7. The applicants/owners must provide written evidence of negotiations with electricity and telecommunications authorities stating that services are/will be provided to the development. Such evidence must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

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 and Section 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

5. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
6. 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 appeal 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 the Development Assessment team at Council for review of the charge amount prior to payment.


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

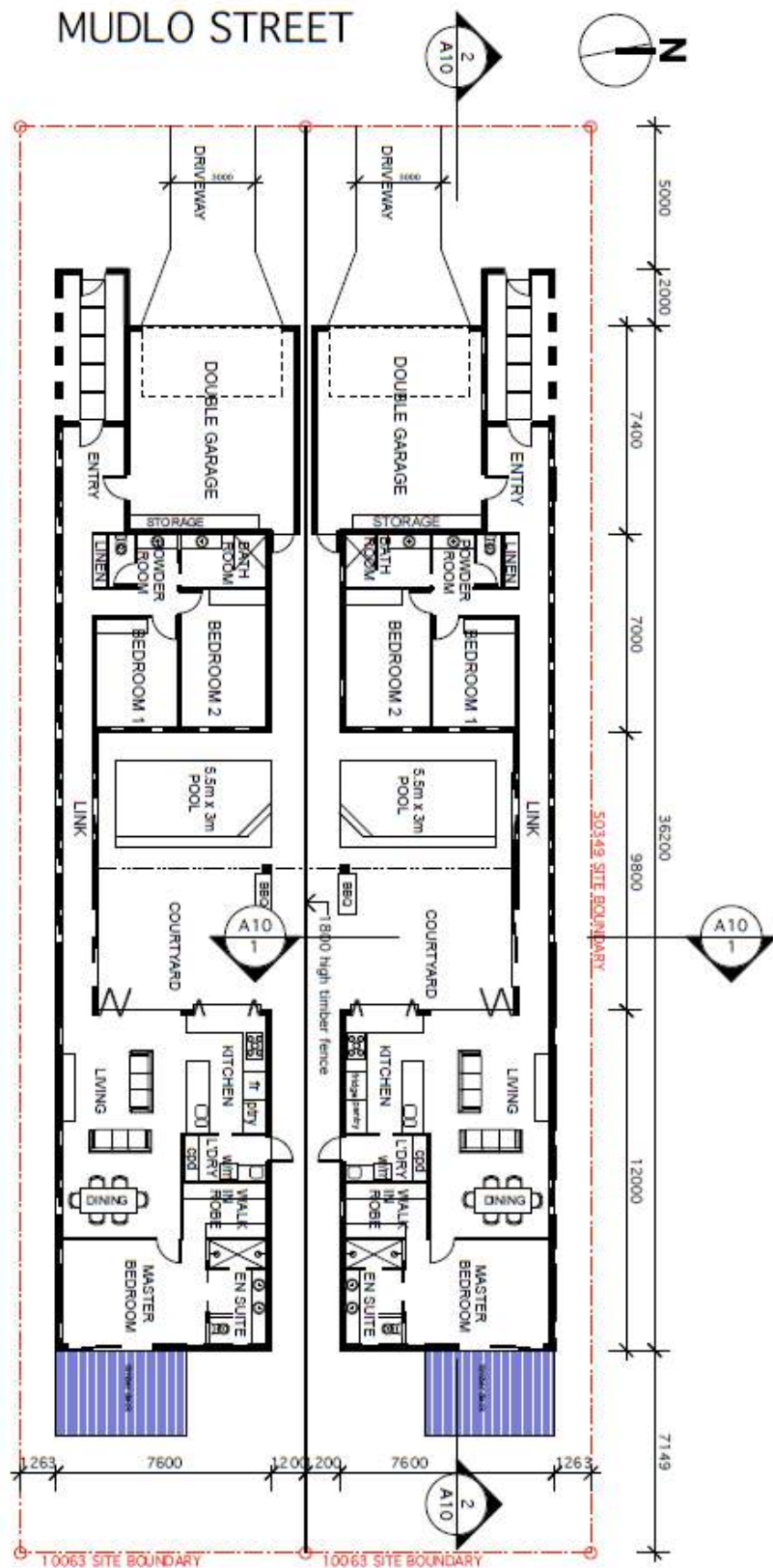
RIGHTS OF APPEAL

Attached

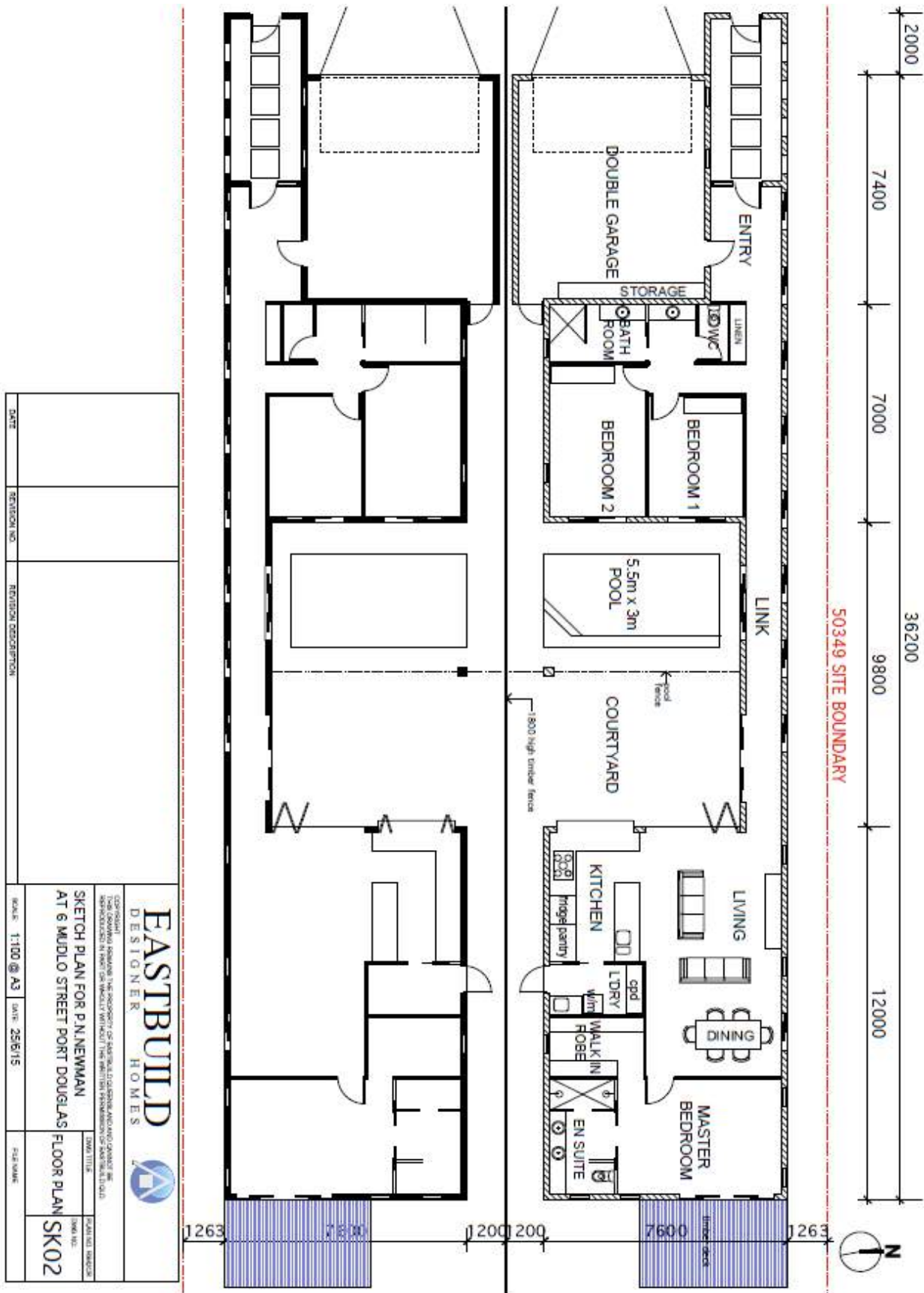
End of Decision Notice

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

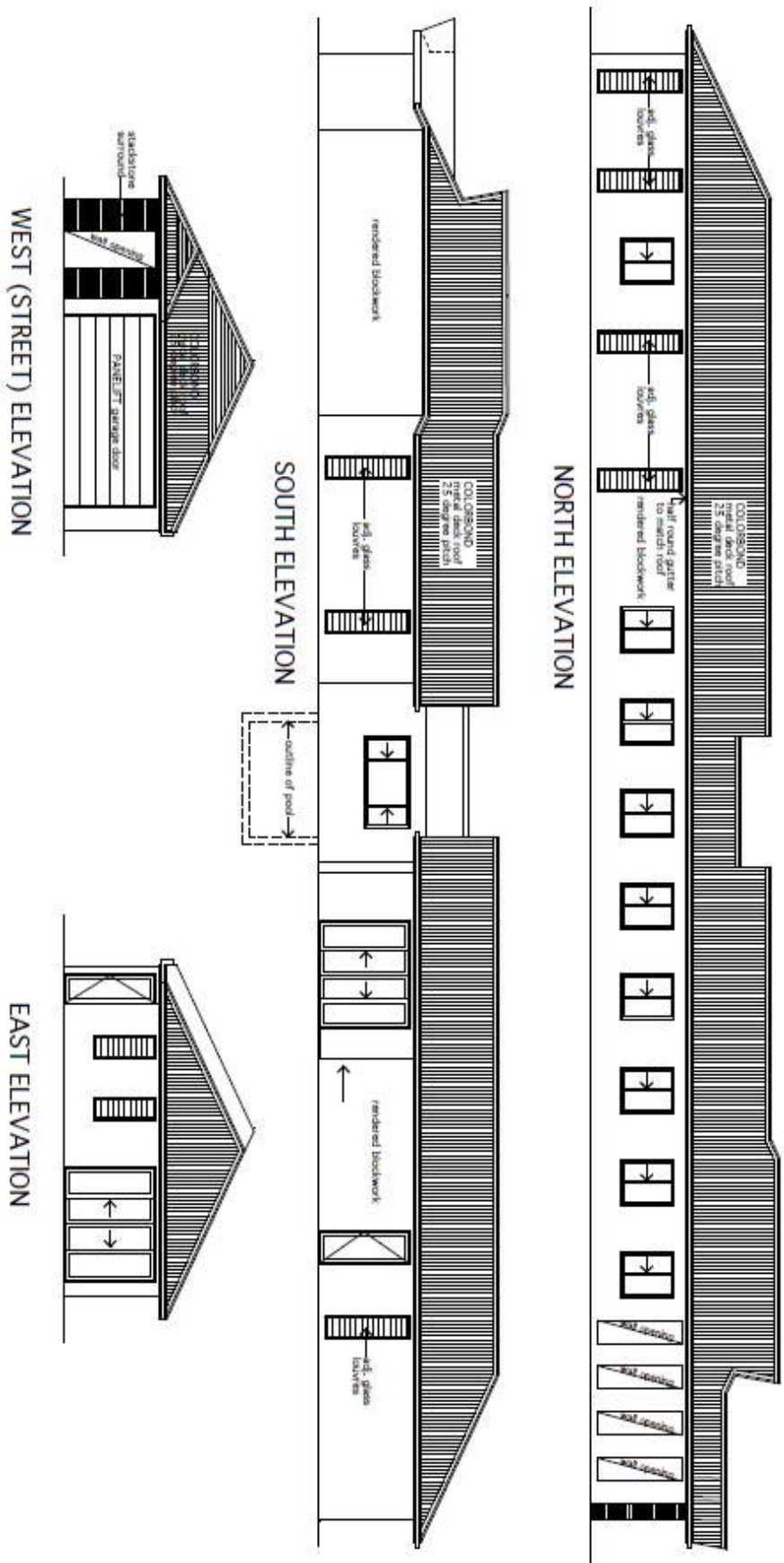
<p>AREAS:</p> <p>INDOOR 227 SQ.M.</p> <p>POOL AND COURTYARD 70 SQ.M.</p> <p>TIMBER DECK 14 SQ.M.</p>		<p>DATE</p> <p>REVISION NO.</p> <p>REVISION DESCRIPTION</p>	
<p>EASTBUILD DESIGNER HOMES</p> 			
<p><small>COPYRIGHT THIS DRAWING REMAINS THE PROPERTY OF EASTBUILD QUEENSLAND AND CANNOT BE REPRODUCED IN PART OR WHOLLY WITHOUT THE WRITTEN PERMISSION OF EASTBUILD QLD.</small></p>			
<p>SKETCH PLAN FOR P.N. NEWMAN AT 6 MUDLO STREET PORT DOUGLAS</p>		<p>DWG TITLE</p> <p>SITE PLAN</p>	<p>PLAN NO. B84208</p> <p>DWG NO.</p> <p>SK01</p>
<p>SCALE: 1:200 @ A3</p>	<p>DATE: 25/6/15</p>	<p>FILE NAME</p>	



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



<p>EASTBUILD DESIGNER HOMES</p> 		<p><small>CONTRACTOR'S RESPONSIBILITY: THIS DOCUMENT IS FOR THE ARCHITECT'S USE ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE THE ARCHITECTURAL INFORMATION AND TO PROVIDE THE ARCHITECTURAL INFORMATION TO THE ARCHITECT.</small></p>	
<p>SKETCH PLAN FOR P.N. NEWMAN AT 6 MUDDLO STREET PORT DOUGLAS</p>		<p>ELEVATIONS SK 1 1</p>	
DATE	1:100 @ A3	DATE	25/6/15
REVISION NO.		FILE NAME	
REVISION DESCRIPTION			

APPENDIX 2: ADOPTED INFRASTRUCTURE CHARGES

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications	
INFRASTRUCTURE CHARGES NOTICE			
P Newman		N/A	0
DEVELOPERS NAME		ESTATE NAME	STAGE
6 Muldo Street	Port Douglas	Lot 915 PTD2092	1911
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
Combined Application	CA604/2014	31-Mar-15	4
DEVELOPMENT TYPE	COUNCIL FILE NO.	R&B INDEX QUARTER ENDING VALIDITY PERIOD	
730318	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
DSC Reference Doc. No.	VERSION No.		
	DIST.	\$ / EDC	NET EDC ADJUSTMENT AMOUNT DUE AMOUNT PAID Receipt Code & GL Code
WATER			
Existing	11	6,572.92 X	1.00 0.00 \$6,572.92 861GL 07470.0135.0823
Proposed	11	650.08 X	1.00 0.00 \$650.08 875 GL 07470.0135.0824
Port Douglas	Water sub - total		\$7,222.99
SEWERAGE			
Existing	2	3,520.39 X	1.00 0.00 \$3,520.39 882 GL 07480.0135.0823
Proposed	2	526.97 X	1.00 0.00 \$526.97 888 GL 07480.0135.0824
Pt D Town Area	Sewerage sub - total		\$4,047.35
OPEN SPACE			
DSC Area			\$5,000.00 894 GL 07230.0135.0825
Off-Site Car Parking	0.00		\$0.00
TOTAL			\$16,270.35
Prepared by	Neil Beek		on 24-Sep-15
Checked by	S Clarke		on 24-Sep-15
Date Payable			
Amendments	Date		
			Amount Paid
			Date Paid
			Cashier

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).

Charge rates are subject to index adjustments (QLD Road & Bridge index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 0444 or by email on enquiries@douglas.qld.gov.au

YOUR REF: 14-4\L000076
OUR REF: CA 604/2014 (730368)

24 September 2015

Ms Paula N Newman
C/- Planning Plus Pty Ltd
PO Box 8046
CAIRNS QLD 4870

Dear Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
6 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.

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 and Environment at Council for review of the charge amount prior to payment.

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

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 Neil Beck of Development and Environment on telephone number (07) 4099 9451.


Yours faithfully

Donna Graham
Manager Development & Environment

Att

47.2014.604
13/14

ADOPTED INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Applications						
INFRASTRUCTURE CHARGES NOTICE								
P Newman		N/A						
DEVELOPER'S NAME		ESTATE NAME						
6 Mudlo Street		Lot 915 PTD2092						
STREET No. & NAME		SUBURB						
Combined Application		CA604/2014						
DEVELOPMENT TYPE		COUNCIL FILE NO.						
730318		1						
DSC Reference Doc. No.		VERSION No.						
		R&B INDEX QUARTER ENDING This logsheet is indexed appropriately only for payments made within the quarter noted above.						
	DIST.	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code	
WATER	Existing	11	6,572.92	X	1.00	0.00	\$6,572.92	861GL 07470.0135.0823
	Proposed	11	650.08	X	1.00	0.00	\$650.08	875 GL 07470.0135.0824
Port Douglas		Water sub - total					\$7,222.99	
SEWERAGE	Existing	2	3,520.39	X	1.00	0.00	\$3,520.39	882 GL 07480.0135.0823
	Proposed	2	526.97	X	1.00	0.00	\$526.97	888 GL 07480.0135.0824
Pt D Town Area		Sewerage sub - total					\$4,047.35	
OPEN SPACE	DSC Area						\$5,000.00	894 GL 07230.0135.0825
Off-Site Car Parking	0.00						\$0.00	
TOTAL							\$16,270.35	
Prepared by	Neil Beck		on	24-Sep-16		Amount Paid		
Checked by	S Clarke		on	24-Sep-16		Date Paid		
Date Payable								
Amendments	Date							
							Cashier	

Note:

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Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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