

**YOUR REF:** 17-06/L000771  
**OUR REF:** CA1594\_2016 (823042)

2 August 2017

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

Attention: Evan Yelavich

Dear Sir

**NOTICE OF DECISION UNDER S 369 SUSTAINABLE PLANNING ACT 2009:  
REQUEST FOR PERMISSIBLE CHANGE TO DEVELOPMENT PERMIT  
24 MUDLO STREET PORT DOUGLAS**

With reference to the abovementioned request for a permissible change to a development permit, which was determined by Council at the Ordinary Meeting held on 1 August 2017, 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.

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

Simon Clarke  
Acting Manager Sustainable Communities

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**

Request for Permissible Change

**DECISION**

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

**DECISION DATE**

1 August 2017

**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 Operational Work  
Development Permit for Building Work

**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 expressions means:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Site</b>	<b>Sheet 1, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Site Plan-Proposed</b>	<b>Revision ISOA3, Sheet 00. Prepared by Nathan Verri Masters of Design and Building.</b>	<b>29 June 2017</b>
<b>Floor Plans</b>	<b>Sheet 2, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Floor Plans- Typical Villa Layout</b>	<b>Revision ISOA3, Sheet 03. Prepared by Nathan Verri Masters of Design and Building.</b>	<b>29 June 2017</b>
<b>Elevations</b>	<b>Sheet 3, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Elevations</b>	<b>Revision ISOA3, Sheet 04. Prepared by Nathan Verri Masters of Design and Building.</b>	<b>29 June 2017</b>
<b>Area Plan General</b>	<b>Sheet 4, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Area Plan Site Cover</b>	<b>Sheet 5, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Area Plan Gross Floor Area</b>	<b>Sheet 6, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>3D Views NE &amp; NW</b>	<b>Sheet 7, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>3D Views SE &amp; SW</b>	<b>Sheet 8, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Pictorial NE &amp; NW</b>	<b>Sheet 9, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Pictorial SE &amp; SW</b>	<b>Sheet 10, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Tree Location Survey</b>	<b>Drawing No. 134551-2. Plan prepared by RPS Australia East Pty Ltd.</b>	<b>23 June 2017</b>

**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

**DECISION NOTICE DETAILS**  
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- 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;

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- 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 Level**

- 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;
- f. 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 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.

**Limitation of Approval**

25. This approval does not include the configuration of the footpath or on street landscaping works as detailed on *Site Plan- Proposed* dated 29 June 2017, prepared by Nathan Verri Masters of Design and Building.

**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**



**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

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.

**RIGHTS OF APPEAL**

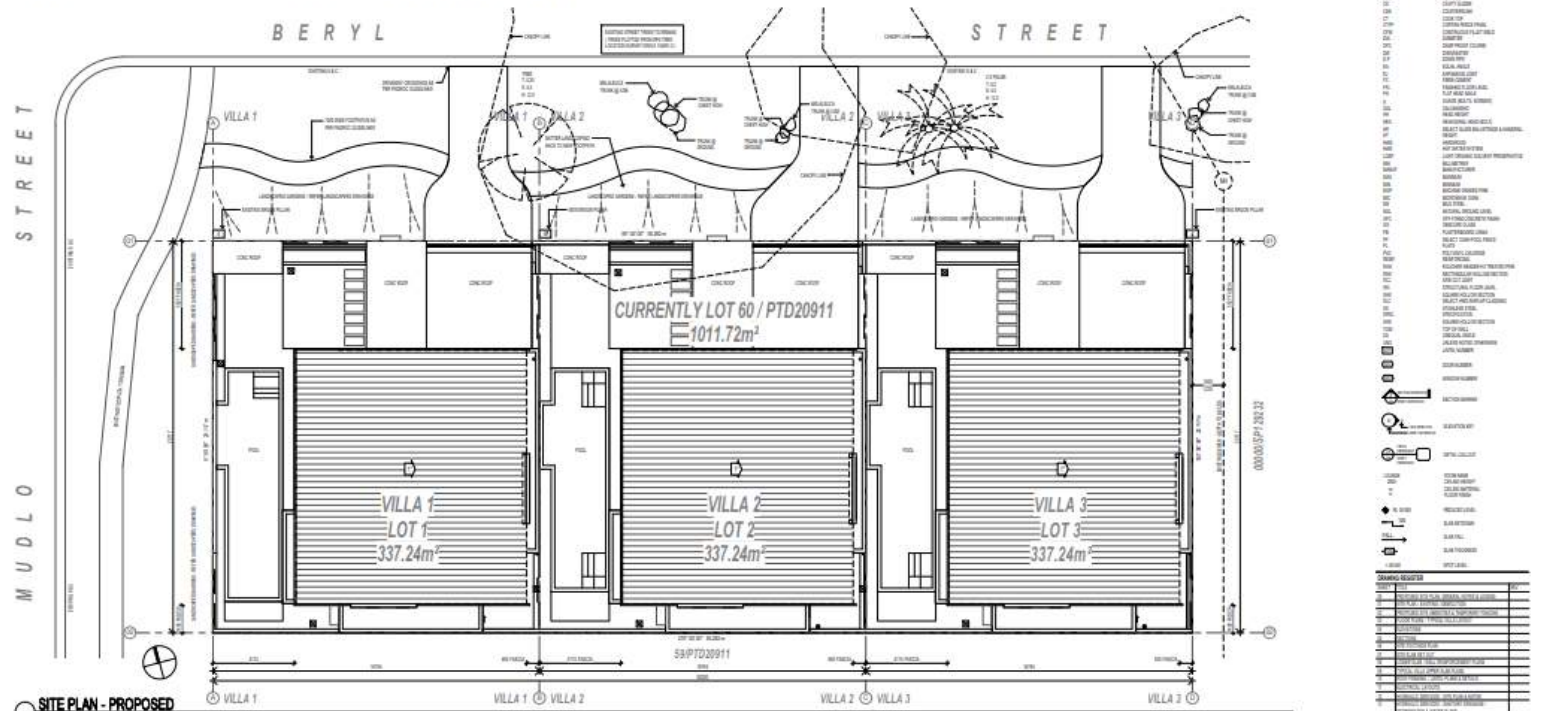
Attached

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**End of Decision Notice**

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

## MUDLO STREET VILLAS LOT 60 / PTD20911 - 24 MUDLO STREET PORT DOUGLAS Q 4877



BRANCH	AREA (m²)	PERCENTAGE (%)
1	337.24	33.33
2	337.24	33.33
3	337.24	33.33
4	1011.72	100.00

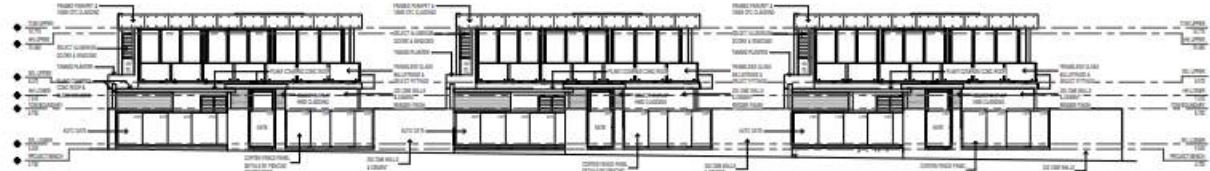
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100	SETBACK

**SITE PLAN - PROPOSED**

**NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA (AS/NZS 4576:2012) AND ALL APPLICABLE STANDARDS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AUTHORITIES.
3. THE SITE PLAN SHALL BE CONSIDERED AS A PRELIMINARY ISSUE AND NOT FOR CONSTRUCTION.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AUTHORITIES.
5. THE SITE PLAN SHALL BE CONSIDERED AS A PRELIMINARY ISSUE AND NOT FOR CONSTRUCTION.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AUTHORITIES.
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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AUTHORITIES.



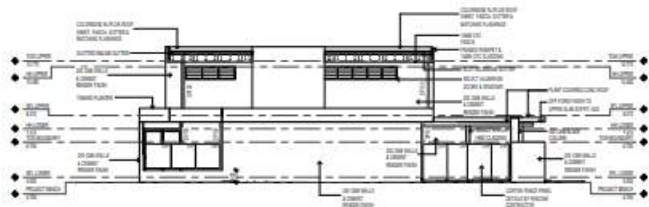


ELEVATION - NORTH  
1:200 @ A

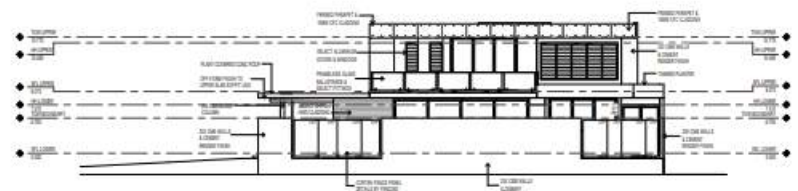
SCHEDULE OF MATERIALS	
NO.	DESCRIPTION
1	FRAMED ROOF
2	GLAZING SYSTEM
3	CONCRETE WALL
4	STEEL DECK



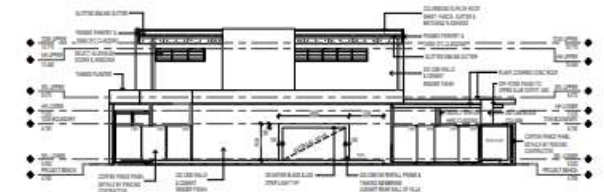
ELEVATION - SOUTH  
1:200 @ A



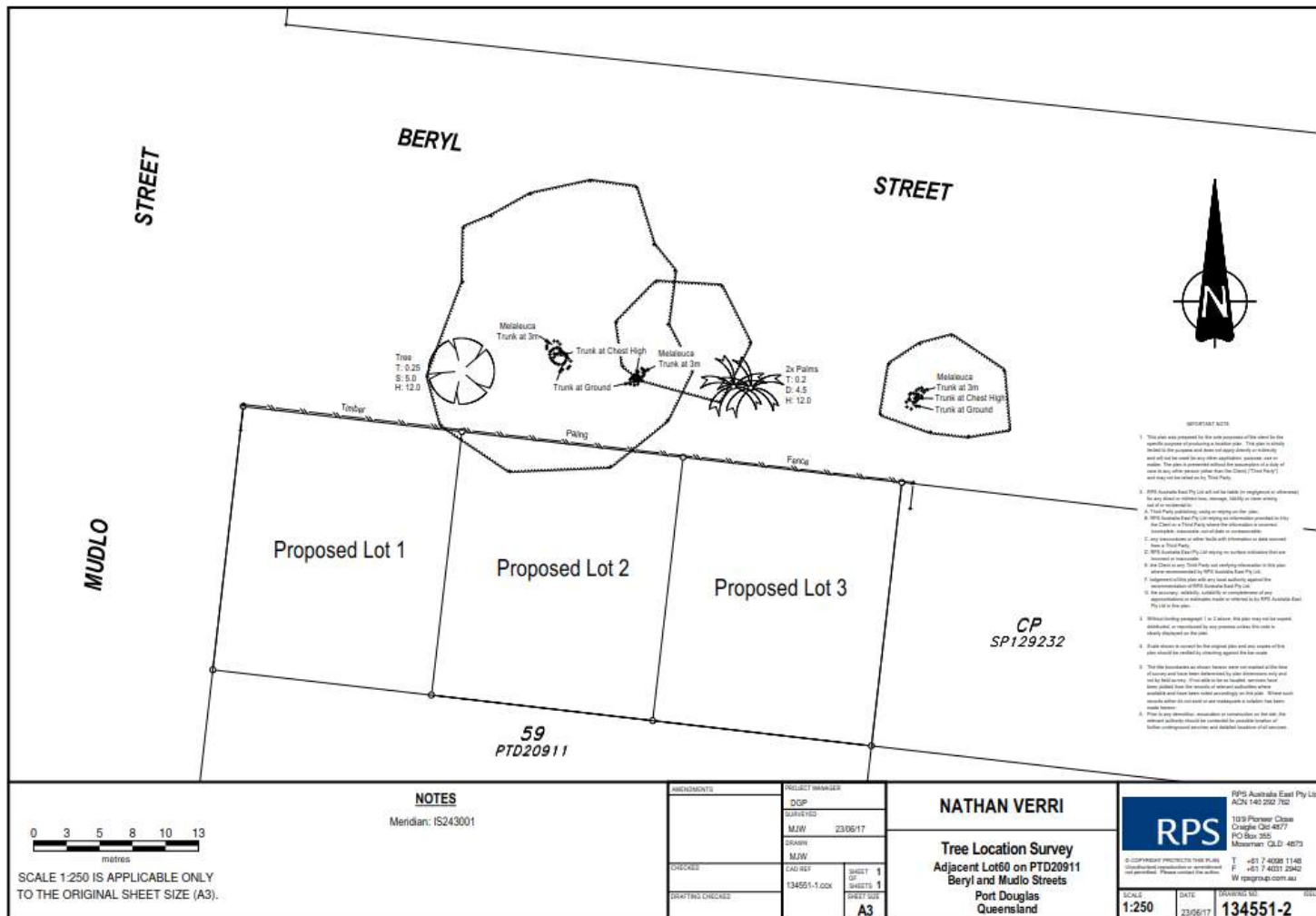
ELEVATION - EAST  
1:200 @ A



ELEVATION - WEST  
1:200 @ A



ELEVATION - TYPICAL VILLA 2 & 3 / POOL WATERFALL  
1:200 @ B



- IMPORTANT NOTES**
- This plan was prepared for the sole purpose of the client for the specific proposed development in a particular place. This plan is strictly for the purpose and does not apply directly or indirectly to any other site or project. The plan is prepared in accordance with the provisions of the Act and the Regulations and does not constitute a contract or any other legal document.
  - RPS Australia East Pty Ltd will not be held responsible or liable for any errors or omissions in this plan, whether or not they are caused by negligence or otherwise, for any direct or indirect loss, damage, liability or claim arising out of or in connection with this plan.
  - This plan is prepared in accordance with the provisions of the Act and the Regulations and does not constitute a contract or any other legal document.
  - Any information or other facts with information or data received from a third party.
  - RPS Australia East Pty Ltd will not be held responsible or liable for any errors or omissions in this plan, whether or not they are caused by negligence or otherwise, for any direct or indirect loss, damage, liability or claim arising out of or in connection with this plan.
  - The accuracy, reliability, validity or completeness of any information or data received from a third party.
  - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any person unless the work is clearly identified as the plan.
  - Scale shown is correct for the original plan and any copies of this plan should be checked by comparing against the base map.
  - The site boundaries as shown herein have not marked on the base map and have been determined by site dimensions, any and all other information, including but not limited to, records, documents, maps, plans, and other information, and are not intended to be used as a substitute for a cadastral plan. The accuracy, reliability, validity or completeness of any information or data received from a third party.
  - Plan in any electronic, mechanical or computerized or other form, the content of which should be corrected for possible variation or other unauthorised services and detailed location shall remain.

**NOTES**  
 Meridian: IS243001

0 3 5 8 10 13  
 metres

SCALE 1:250 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3).

CHECKED		PROJECT MANAGER	
DRAWING CHECKED		DDP	
		SURVEYED	
		M/JW 23/06/17	
		DRAWN	
		M/JW	
CAD REF		SHEET 1	
134551-1.dwg		OF	
		SHEETS 1	
		SHEET 1	
		A3	

**NATHAN VERRI**

**Tree Location Survey**  
 Adjacent Lots on PTD20911  
 Beryl and Mudlo Streets  
 Port Douglas  
 Queensland

RPS Australia East Pty Ltd  
 ACN 140 292 762

10/9 Pioneer Close  
 Craigie QLD 4877  
 PO Box 262  
 Mourmian QLD 4873

T +61 7 4098 1140  
 F +61 7 4031 2942  
 W [www.rps.com.au](http://www.rps.com.au)

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SCALE 1:250 DATE 23/06/17 DRAWING NO. 134551-2