

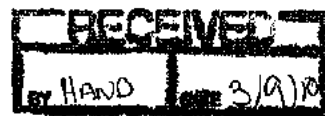


Our Ref: Meeting 51 Item 5.1 3 September 2010
Council Ref: 8/35/81

Douglas Iconic Panel

3 September 2010

Carron Properties Pty Ltd
C/- Victor G Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870



**RE: Development Application for a development permit for a Material Change of Use –
Multiple Dwellings (Residential) (Impact Assessable)**
36 Murphy Street, Port Douglas
Lot 131 on PTD2094

Dear Sir/Madam

I wish to advise that on 3 September 2010 a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 26 March 2010

The above development application was approved in full with conditions. The conditions of this approval are set out in **Attachment 1**.

1. Nature of the changes

The nature of the changes are:

- The previous Preliminary Approval and its associated conditions are changed to a Development Permit with new associated conditions as detailed within **Attachment 1**

2. Approval under s.331

This application has been deemed to be approved under section 331 of the *Sustainable Planning Act 2009* (SPA).

3. Details of the approval

The following approvals are given

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- Development Permit for Operational Works; and
- Development Permit for Building Works.

5. Approved plans

The approved plans and/or documents for this development approval are listed in the following table

Plan/document number	Plan/document name	Date
A.F. Colafella 4852 TP1 Rev B	Site Plan & Residence 1 Floor Plans	February 2010
A.F. Colafella 5773 TP3 Rev C	Residence 2 Floor Plans	February 2010
A.F. Colafella 4852 TP2	Residence 1 Elevations	February 2010
A.F. Colafella 5773 TP4 Rev D	Residence 2 Elevations	February 2010
A.F. Colafella 4852 C3 Rev A	Residence 1 Access Plans	February 2010
A.F. Colafella 4852 C1 Rev A	Residence 2 Access Plans	February 2010

6. When approval lapses if development not started (s.341)

4 years starting the day the approval takes effect.

7. Appeal rights

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of the SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see the SPA, chapter 7, part 2.

Attachment 2 is an extract from the SPA which details the applicant's appeal rights regarding this decision.

If you wish to discuss this matter further, please contact the undersigned on the above telephone number.

Yours sincerely



Ben Thrower

Project Manager on behalf of the Development Assessment Panel for the Iconic Queensland Place of Douglas

cc: Ms Lyn Russell
Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns QLD 4870

Mr Simon Clarke
Assessment Manager
Cairns Regional Council
PO Box 359
Cairns QLD 4870

Attachment 1— Assessment Manager Conditions of Approval

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 approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Operational Works

3. An Operational Works Approval is required for the development. Such works must be completed in accordance with the standards outlined in the FNQROC Development Manual, to the satisfaction of the Cairns Regional Council Chief Executive Officer prior to the issue of a Development Permit for Building Works. Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.

Water Supply and Sewerage Works External

4. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Extend the water main across Murphy Street with a 100DN road crossing and then provide a 50 DN rider main extending from the road crossing to the eastern side of the driveway. The applicant is responsible for the design of the water main from the property to Council's existing infrastructure. Council will advise the minimum pressure and flow at the point of connection based on a fire hydrant pressure and flow test carried out at the owner's expense;
 - b. Extend the sewer main from MH 5(p) to service the subject land.

Three (3) copies of a plan of the works must be endorsed by the Cairns Regional Council 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 plans, to the requirements and satisfaction of the Cairns Regional Council Chief Executive Officer, prior to the issue of a Development Permit for Building Works.

Water Supply and Sewerage Works Internal

5. Undertake the following sewerage works internal to the subject land:

- a. Provide a standard 20mm water service to each Dwelling unit in accordance with the FNQROC Development Manual;
- b. Provide a single internal sewer connection to each Dwelling unit in accordance with the FNQROC Development Manual;
- c. Provide a geotechnical report addressing the construction of the proposed sewer extension and connection;
- d. Provide easements having a nominal width of 3m over sewers which are on a non-standard alignment.

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

Three (3) copies of a plan of the works must be endorsed by the Cairns Regional Council 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 plans, to the requirements and satisfaction of the Cairns Regional Council Chief Executive Officer prior to issue of a Development Permit for Building Works.

Inspection of Sewers

6. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Cairns Regional Council Chief Executive Officer at no cost to Council.

Damage to Infrastructure

7. 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

8. 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.

Building Colours

9. 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.

Dark tinted glass is also required to be used for all finished glass surfaces of the buildings so to as ensure any reflection is minimised.

The applicant is to submit the proposed colours and finishes to Council to the satisfaction of the Cairns Regional Council Chief Executive Officer, prior to the issue of a Development Permit for Building Works. The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Geotechnical

10. The applicant must implement in full the recommendations made in:

- a. Douglas Partners Geotechnical Investigation Report (Project 38836.01 dated October 2009), specifically those recommendations outlined in Section 7, which have been summarised under 'Remedial Work' in Table 1 & 2; and
- b. Douglas Partners additional Stability Analysis Report (Project 38836.02 dated February 2010), specifically the recommendations outlined in Section 7 and Table 1, under the heading of 'Appropriate actions to be undertaken for development'.

The revised set of drawings are required to be submitted prior to any work commencing on the site. The drawings shall be certified by an RPEQ as being in accordance with the recommendations made in the aforementioned geotechnical reports.

Access to Dwelling Units

11. The applicant / owner must construct access to each of the proposed Dwelling Units from adjacent the carriageway to the lot boundary. The accesses must incorporate a crossover in accordance with FNQROC Development Manual Standard Drawing S1015 or S1105.

The driveway must be constructed in accordance with Standard Drawing S1110. The location of the driveway shall be generally in accordance with Drawing No. 4852_TP1 Rev B; No. 4852_C1 Rev A; and No. 4852_C2 Rev A, prepared by A.F. Colafella & Associates Pty Ltd dated 22 February 2010.

All works must be carried out to the requirements and satisfaction of the Cairns Regional Council Chief Executive Officer prior to the issue of a Development Permit for Building Works.

Stockpiling and Transportation of Fill Material

12. 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.

13. 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

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

Drainage Construction

15. The applicant / owner must construct all drainage works associated with the development and detailed in the Drainage Report and Plans. This includes but is not limited to: pits 1, 2, 3, 4, 8 & 9 as detailed on the Drainage Plan prepared by A.F. Colafella & Associated Pty Ltd, Drawing No. 4852_C3 & 4852_C5 dated 22 February 2010.

All associated earthworks and landscaping must be completed in accordance with the approved plans prior to the Commencement of Use or issue of a Compliance Certificate for the Building Format Plan.

Drainage Easements

16. A Drainage Easement having a minimum width of three (3) metres along the entire length of the south east boundary of proposed Lot 1 in the location(s) shown on the proposal Plan No 4852_C3, dated 28 October 2009 and prepared by A.F. Colafella & Associates Pty Ltd 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 submitted prior to the Commencement of Use or issue of a Compliance Certificate for the Building Format Plan.

All relevant documentation must be lodged and registered with the Department of Environment & Resource Management prior to the Commencement of Use.

Landscaping

17. The submitted Landscaping Plan, Landscape & Associates LA26-D10 must be revised to include the following:

- a. Provision of dense screening vegetation adjacent the side boundary opposite proposed Residence 2 (northernmost).

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Cairns Regional Council 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 Cairns Regional Council Chief Executive Officer.

18. Areas affected by building works must be landscaped in accordance with the FNQROC Development Manual. In particular, landscaping must include planting of all cut and fill batter areas. The disturbed areas of land for the creation of the driveway must also be revegetated with native species found in the locality.

Vegetation Clearing

19. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 of Local Law No 6 Vegetation Management.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Wildlife

20. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Notification of Vegetation Clearing

21. Council's Development Assessment Branch must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Existing Creek and Drainage Systems

22. 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 Cairns Regional Council Chief Executive Officer.

The applicant / owner must obtain any necessary approvals from the Department of Environment & Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

23. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Cairns Regional Council Chief Executive Officer.

Sediment and Erosion Control

24. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).

Ponding and/or Concentration of Stormwater

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

Structural Certification

26. All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work.

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

27. 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 issue of a Development Permit for Building Works.

Existing Services

28. 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:

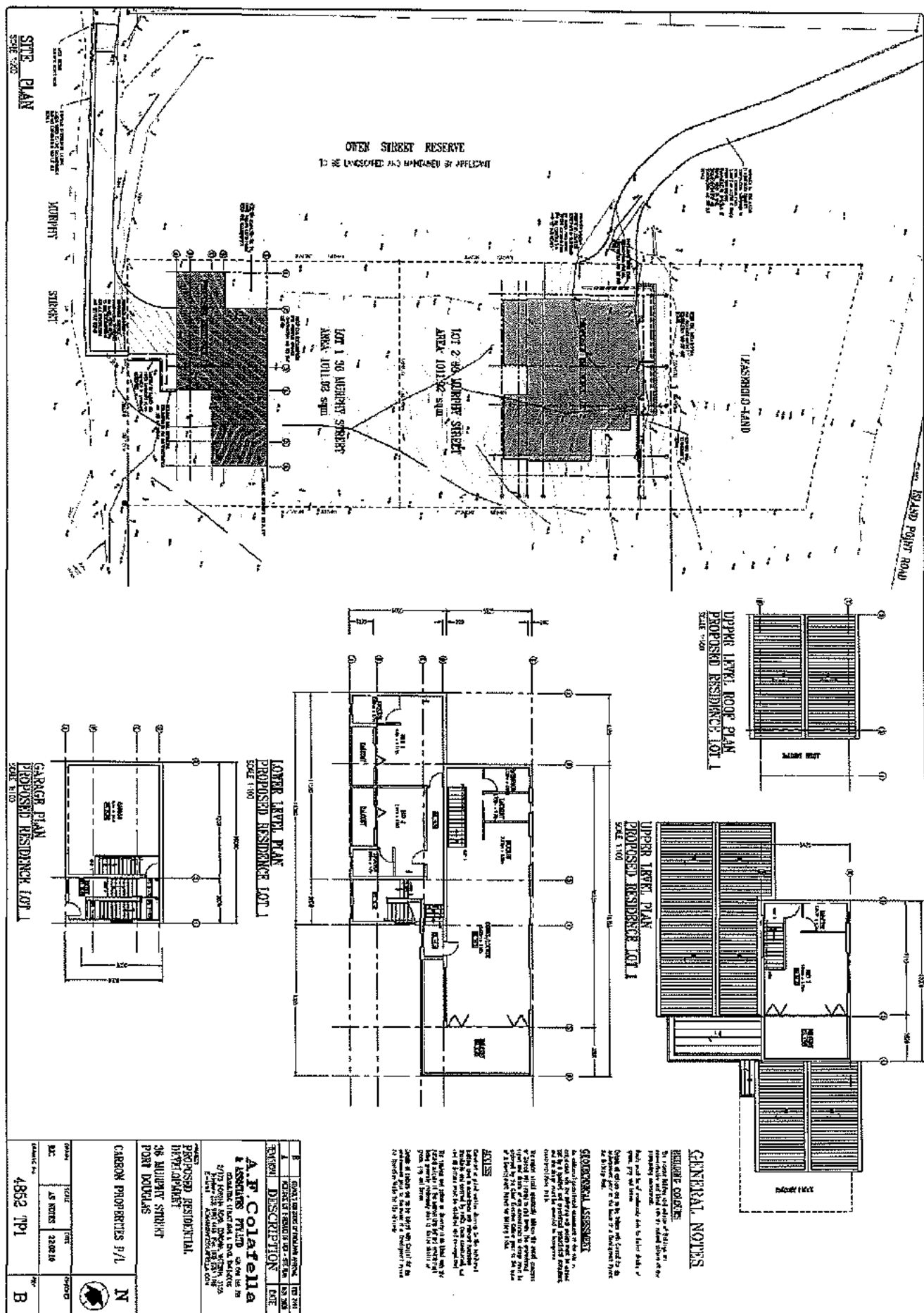
- b. a. Relocate the services to comply with this requirement; or
- c. b. Arrange registration of necessary easements over services located within another lot prior to the issue of Development Permit for Building Works.

Electricity Supply

29. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Cairns Regional Council Chief Executive Officer 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.

ADVICE

1. 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.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. For information relating to the *Sustainable Planning Act 2009*, log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.



GENERAL NOTES

REQUIRE COORDINATION

The owner shall coordinate with the relevant authorities and agencies to ensure that the proposed development complies with all applicable regulations and standards. The owner shall also coordinate with the relevant authorities and agencies to ensure that the proposed development complies with all applicable regulations and standards.

GENERAL ASSUMPTIONS

The proposed development is assumed to be a single-story residential building. The proposed development is assumed to be a single-story residential building. The proposed development is assumed to be a single-story residential building.

NOTES

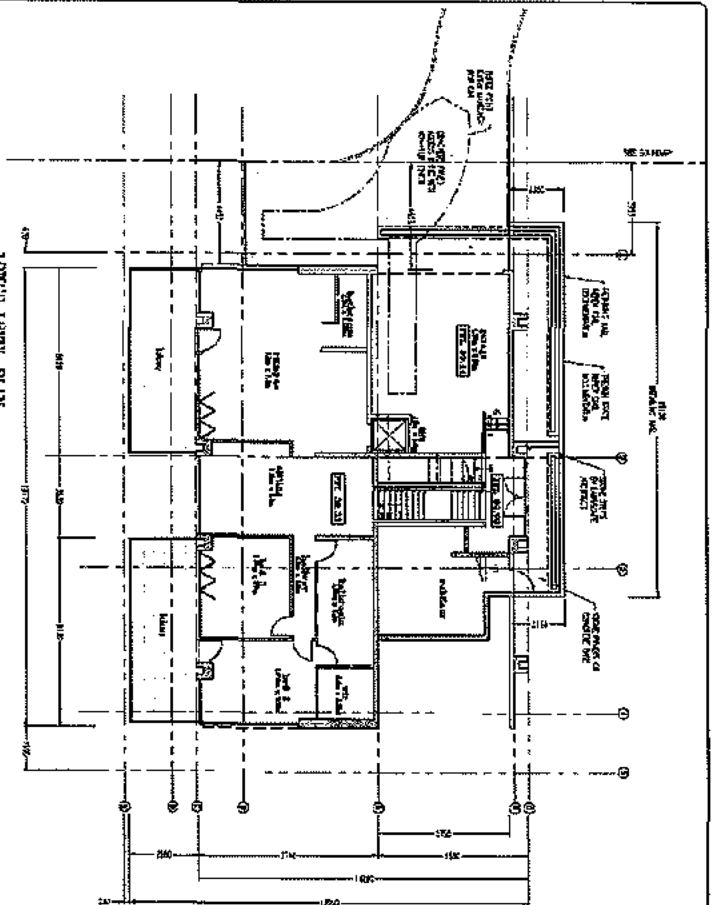
The proposed development is assumed to be a single-story residential building. The proposed development is assumed to be a single-story residential building. The proposed development is assumed to be a single-story residential building.

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2020
2	REVISED PERMIT	10/10/2020

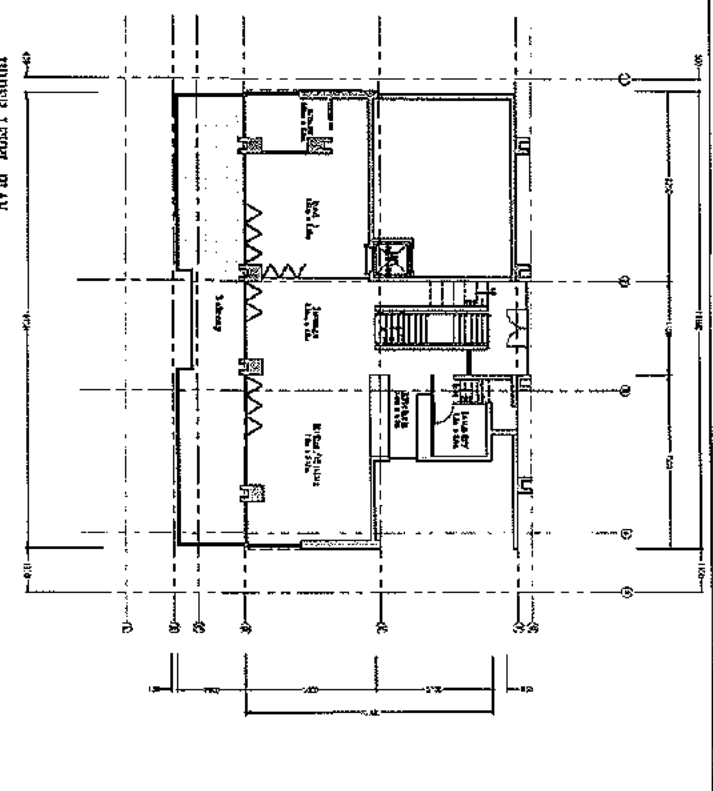
A.F. Colatella
 & ASSOCIATES P/L
 36 MOWAT STREET
 PORT DOUGLAS
 CARBON PROPERTIES P/L

Project No.	4852 TP1
Client	AS PROJECT
Scale	1:100
Drawn By	B

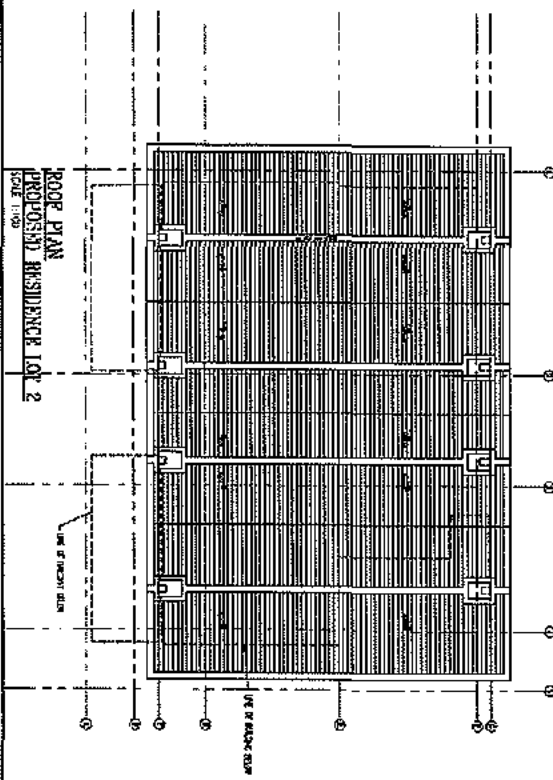
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UPPER LEVEL PLAN
PROPOSED RESIDENCE LOT 2
SCALE 1:100



LOWER LEVEL PLAN
PROPOSED RESIDENCE LOT 2
SCALE 1:100



ROOF PLAN
PROPOSED RESIDENCE LOT 2
SCALE 1:100

GENERAL NOTES

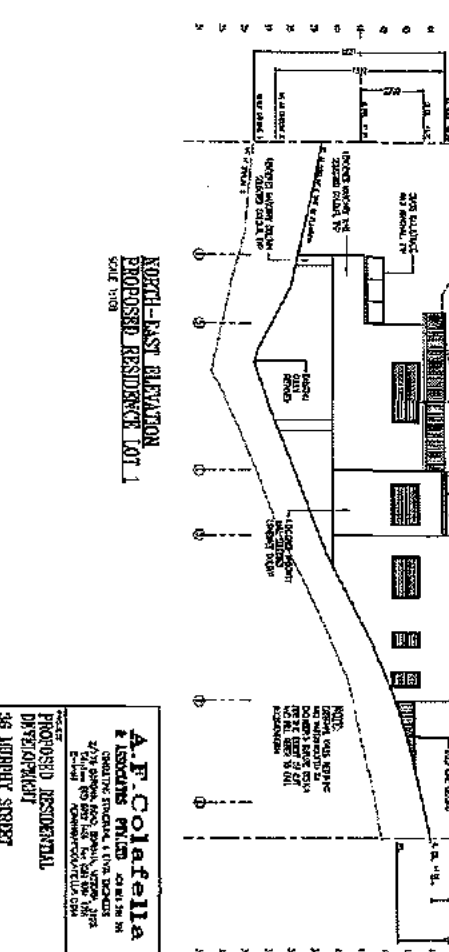
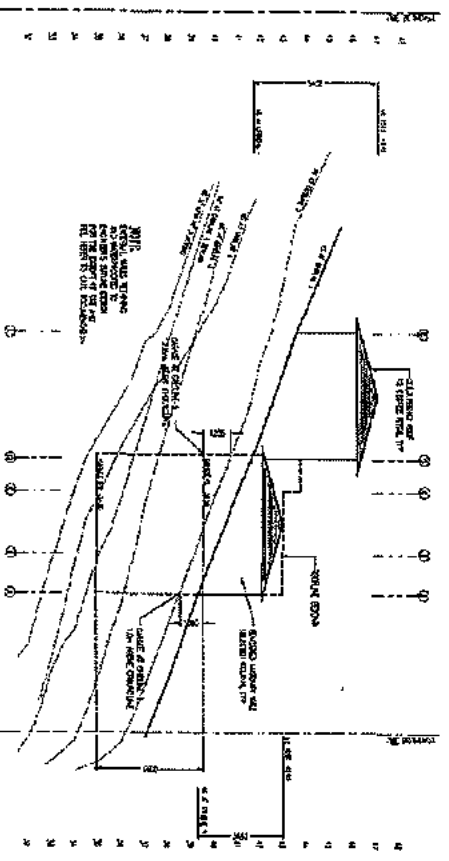
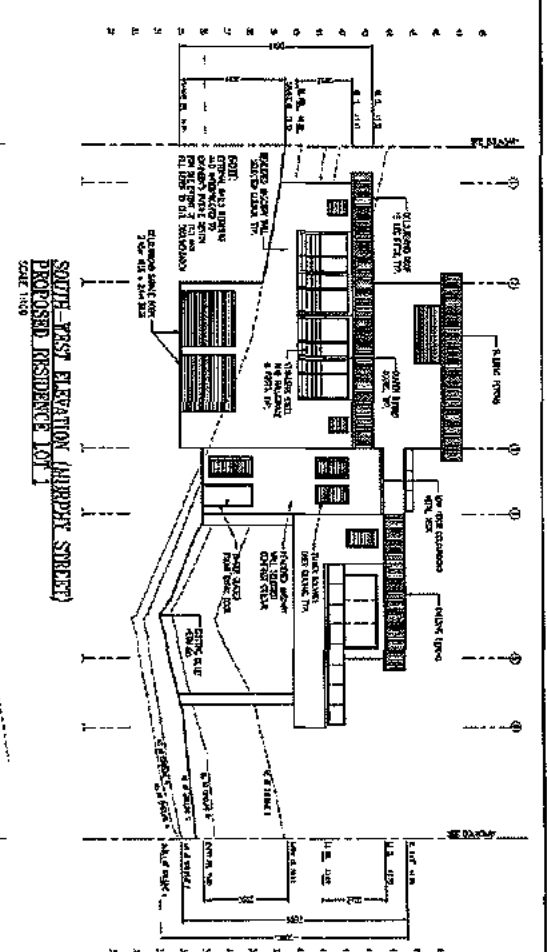
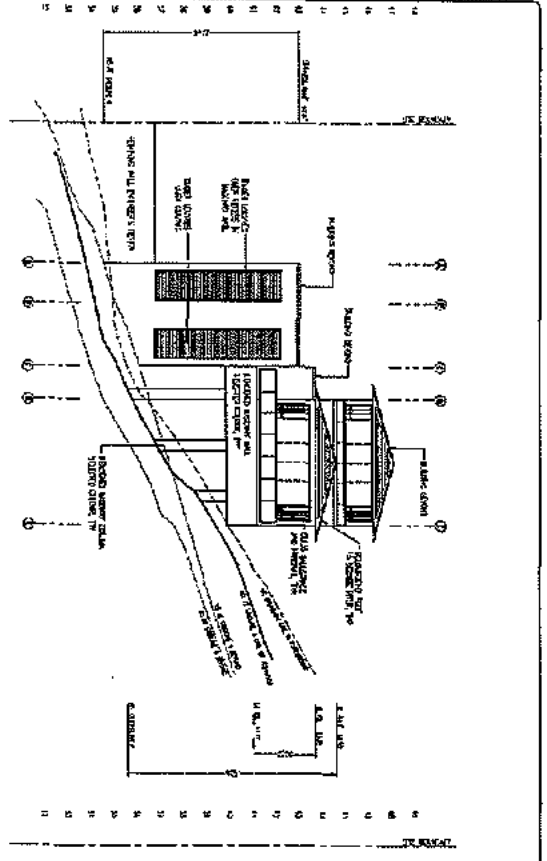
PLANNING CHANGES
The owner hereby certifies that the information contained herein is true and correct to the best of their knowledge and belief. The owner also certifies that the information contained herein is not intended to be used for any other purpose than the one for which it was prepared.

GENERAL NOTES
1. The owner hereby certifies that the information contained herein is true and correct to the best of their knowledge and belief. The owner also certifies that the information contained herein is not intended to be used for any other purpose than the one for which it was prepared.

ACCESS
The owner hereby certifies that the information contained herein is true and correct to the best of their knowledge and belief. The owner also certifies that the information contained herein is not intended to be used for any other purpose than the one for which it was prepared.

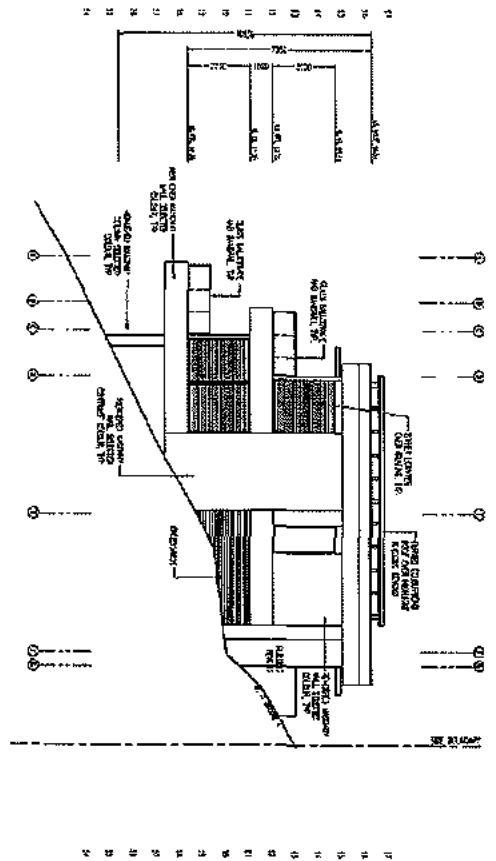
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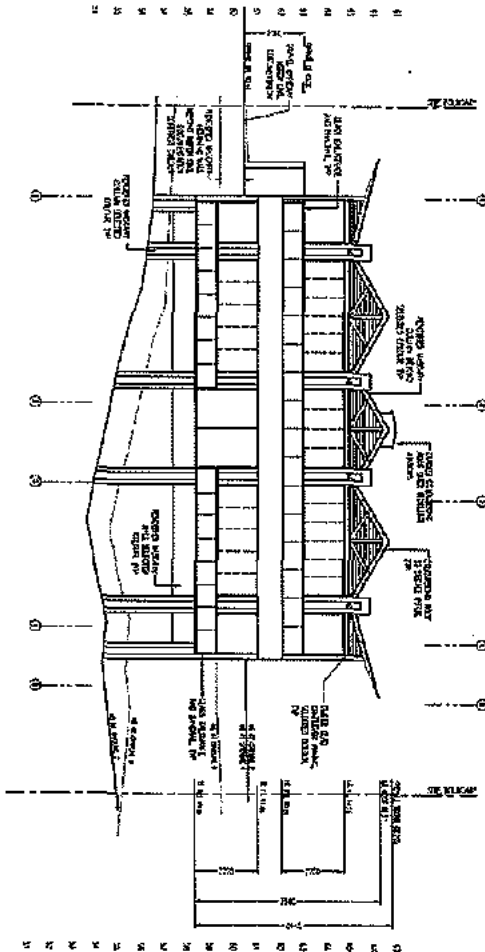


A.F. Colafella & Associates P/Ltd 36 JIMMY STREET PORT DOUGLAS QUEENSLAND 4852		PROJECT NO. 4852 712
CLIENT PROPOSED RESIDENTIAL DEVELOPMENT		SCALE AS SHOWN
DATE 22.02.19		SHEET NO. 1

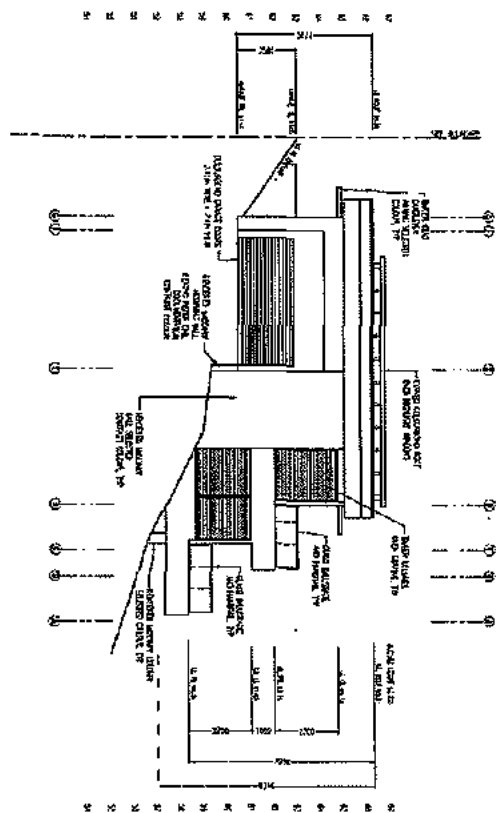
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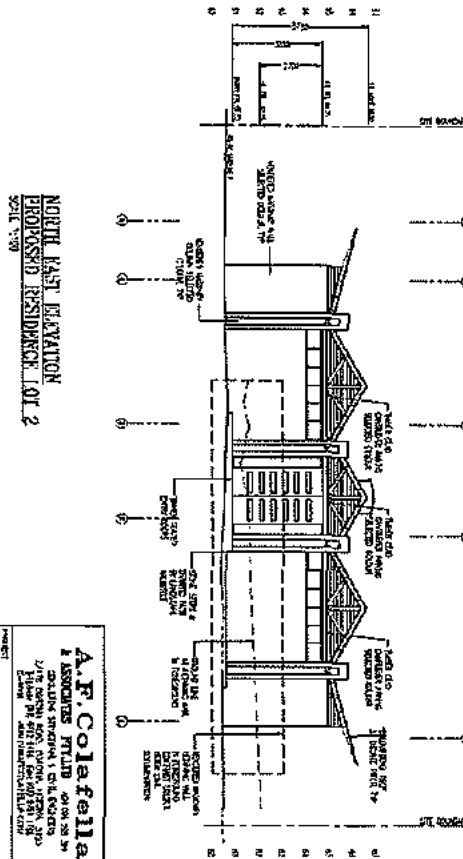
SOUTH EAST ELEVATION
PROPOSED RESIDENCE LOT 2
SCALE 1/8" = 1'-0"



SOUTH WEST ELEVATION
PROPOSED RESIDENCE LOT 2
SCALE 1/8" = 1'-0"



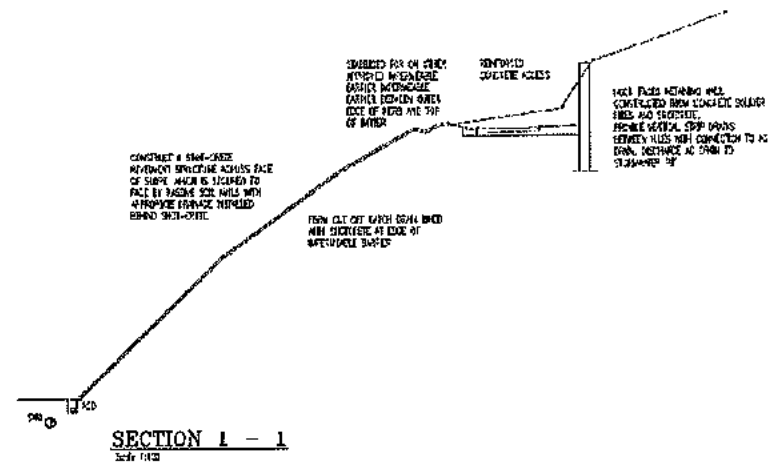
NORTH EAST ELEVATION
PROPOSED RESIDENCE LOT 2
SCALE 1/8" = 1'-0"



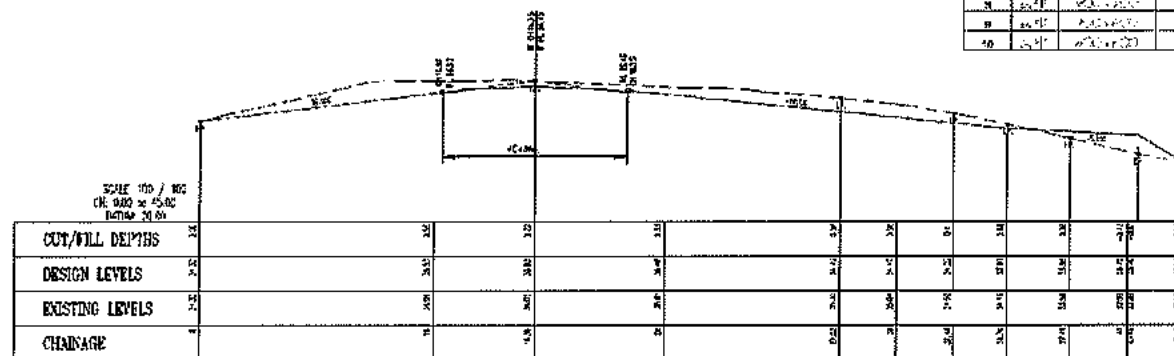
NORTH WEST ELEVATION
PROPOSED RESIDENCE LOT 2
SCALE 1/8" = 1'-0"

NO.	DESCRIPTION	DATE
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PLANNING - NOT FOR CONSTRUCTION



PIT				SCHEDULE				
PIT #	WT TYPE	WT SIZE (DWT)	R INLET	L OUTLET	FINISHED LVL TOP OF PIT	DEPTH TO INLET	COVER TYPE	REMARKS
1	6" CP	6" x 6" x 6"	37.46	20.93	21.80	0.70	HD CONCRETE COVER	
2	6" CP	6" x 6" x 6"	36.95 36.95 36.95 36.95 36.95	32.96	32.60	0.80	CATIC COVER	PROVIDE STEP FROM TO STREET DRAINAGE
3	6" CP	6" x 6" x 6"	-	33.00	33.67	0.70	HD CONCRETE COVER	PROVIDE STEP FROM TO STREET DRAINAGE
4	6" CP	6" x 6" x 6"	36.95 36.95 36.95 36.95 36.95	31.62	32.60	0.90	HD GALV. GRATE COVER	
5	6" CP	6" x 6" x 6"	36.17	18.39	37.50	0.10	HD GALV. GRATE COVER	
6	6" CP	6" x 6" x 6"	-	40.50	41.00	0.50	HD GALV. GRATE COVER	
7	6" CP	6" x 6" x 6"	37.17	17.74	37.66	0.10	HD GALV. GRATE COVER	
8	6" CP	6" x 6" x 6"	32.70	32.76	33.00	0.60	HD GALV. GRATE COVER	
9	6" CP	6" x 6" x 6"	47.60	47.70	48.25	0.50	HD GALV. GRATE COVER	
10	6" CP	6" x 6" x 6"	41.46	41.46	42.06	0.70	HD GALV. GRATE COVER	



SEE SHEET 4852 C4 FOR NOTES
AND SPECIFICATIONS

[illegible]

ISSUE: PLANNING - NOT FOR CONSTRUCTION



APPENDIX C





ENQUIRIES: Leon Doutre
PHONE: (07) 4044 3243
FAX: (07) 4044 3836
YOUR REF: Iconic
OUR REF: 8/35/81 (3229413)

7 July 2011



EMAIL 7/7/11

Carron Properties Pty Ltd (Tte)
C/- Victor Feros
PO Box 1256
CAIRNS QLD 4870

Dear Sir/Madam

DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
AMENDMENT TO EXISTING APPROVAL FOR 36 MURPHY STREET PORT
DOUGLAS

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined under Instrument of Delegation on 7 July 2011.

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 enquires in relation to this Decision Notice, please contact Leon Doutre of Council's Development Assessment Team on telephone number (07) 4044 3243.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

43.2008.2736
1/21



APPLICANT DETAILS

Carron Properties Pty Ltd (Tte)
C/- 2/178 Baronia Rd
BARONIA VIC 3155

ADDRESS

36 Murphy Street Port Douglas

REAL PROPERTY DESCRIPTION

Lot 131 on PTD2094

PROPOSAL

Amendment to Existing Approval – Multiple Dwellings (Residential) – 2 Units

DECISION

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

DECISION DATE

7 July 2011

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 Operational Work
Development Permit for Building Works
Development Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

43.2008.2736
2/21

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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 Plans Lot 2	CWA FH01 A310 RevC	May 2011
Site Plans Lot 1	CWA FH01 A311 RevC	May 2011
Elevations Lot 2	CWA FH01 A401 RevB	Sept 2010
Elevations Lot 1	CWA FH01 A402 RevB	Sept 2010
Schematic Elevations Lot 2	CWA FH01 A401 RevB	Sept 2010
Schematic Elevations Lot 1	CWA FH01 A402 RevB	Sept 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. 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.

Operational Works

3. An Operational Works Approval is required for the development. Such works must be completed in accordance with the standards outlined in the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.

Water Supply and Sewerage Works External

4. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
- a. Extend the water main across Murphy Street with a 100DN road crossing and then provide a 50 DN rider main extending from the road crossing to the eastern side of the driveway. The applicant is responsible for the design of the water main from the property to Council's existing infrastructure. Council will advise the minimum pressure and flow at the point of connection based on a fire hydrant pressure and flow test carried out at the owner's expense;
 - b. Extend the sewer main from MH 5(p) to service the subject land;

Three (3) copies of a 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 plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for Building Works.

Water Supply and Sewerage Works Internal

5. Undertake the following sewerage works internal to the subject land:
- a. Provide a standard 20mm water service to each Dwelling unit in accordance with the FNQROC Development Manual;
 - b. Provide a single internal sewer connection to each Dwelling unit in accordance with the FNQROC Development Manual;
 - c. Provide a geotechnical report addressing the construction of the proposed sewer extension and connection;
 - d. Provide easements having a nominal width of 3m over sewers which are on a non-standard alignment.

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

Three (3) copies of a 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 plans, to the requirements and satisfaction of the Chief Executive Officer prior to issue of a Development Permit for Building Works.

Inspection of Sewers

6. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Infrastructure

7. 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

8. 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.

Building Colours

9. 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.

Dark tinted glass is also required to be used for all finished glass surfaces of the buildings so to as ensure any reflection is minimised.

The applicant is to submit the proposed colours and finishes to Council to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for Building Works. The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Geotechnical

10. The applicant must implement in full the recommendations made in:
 - a. Douglas Partners Geotechnical Investigation Report (Project 38836.01 dated October 2009), specifically those recommendations outlined in Section 7, which have been summarised under 'Remedial Work' in Table 1 & 2; and

- b. Douglas Partners additional Stability Analysis Report (Project 38836.02 dated February 2010), specifically the recommendations outlined in Section 7 and Table 1, under the heading of 'Appropriate actions to be undertaken for development'.

The revised set of drawings are required to be submitted prior to any work commencing on the site. The drawings shall be certified by an RPEQ as being in accordance with the recommendations made in the aforementioned geotechnical reports.

Access to Dwelling Units

11. The applicant / owner must construct access to each of the proposed Dwelling Units from adjacent the carriageway to the lot boundary. The accesses must incorporate a crossover in accordance with FNQROC Development Manual Standard Drawing S1015 or S1105.

The driveway must be constructed in accordance with Standard Drawing S1110. The location of the driveway shall be generally in accordance with Drawing No. 4852_TP1 Rev B; No. 4852_C1 Rev A; and No. 4852_C2 Rev A, prepared by A.F. Colafella & Associates Pty Ltd dated 22 February 2010.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Works.

Stockpiling and Transportation of Fill Material

12. 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.
13. 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

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.

Drainage Construction

15. The applicant / owner must construct all drainage works associated with the development and detailed in the Drainage Report and Plans. This includes but is not limited to: pits 1, 2, 3, 4, 8 & 9 as detailed on the Drainage Plan prepared by A.F. Colafella & Associates Pty Ltd, Drawing No. 4852_C3 & 4852_C5 dated 22 February 2010.

All associated earthworks and landscaping must be completed in accordance with the approved plans prior to the Commencement of Use or issue of a Compliance Certificate for the Building Format Plan.

Drainage Easements

16. A Drainage Easement having a minimum width of three (3) metres along the entire length of the south east boundary of proposed Lot 1 in the location(s) shown on the proposal Plan No 4852_C3, dated 28 October 2009 and prepared by A.F. Colafella & Associates Pty Ltd 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 submitted prior to the Commencement of Use or issue of a Compliance Certificate for the Building Format Plan. All relevant documentation must be lodged and registered with the Department of Environment & Resource Management prior to the Commencement of Use.

Landscaping

17. The submitted Landscaping Plan, Landscape & Associates LA26-D10 must be revised to include the following:

- a. Provision of dense screening vegetation adjacent the side boundary opposite proposed Residence 2 (northernmost).

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.

18. Areas affected by building works must be landscaped in accordance with the FNQROC Development Manual. In particular, landscaping must include planting of all cut and fill batter areas. The disturbed areas of land for the creation of the driveway must also be revegetated with native species found in the locality.

Vegetation Clearing

19. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 of Local Law No 56 Vegetation Management.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Wildlife

20. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Notification of Vegetation Clearing

21. Council's Development Assessment Branch must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Existing Creek and Drainage Systems

22. 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.

The applicant / owner must obtain any necessary approvals from the Department of Environment & Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

23. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

24. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).

Ponding and/or Concentration of Stormwater

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

Structural Certification

26. All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work.

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.

27. 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 issue of a Development Permit for Building Works.

Existing Services

28. 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 the issue of Development Permit for Building Works.

Electricity Supply

29. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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 802 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. 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.

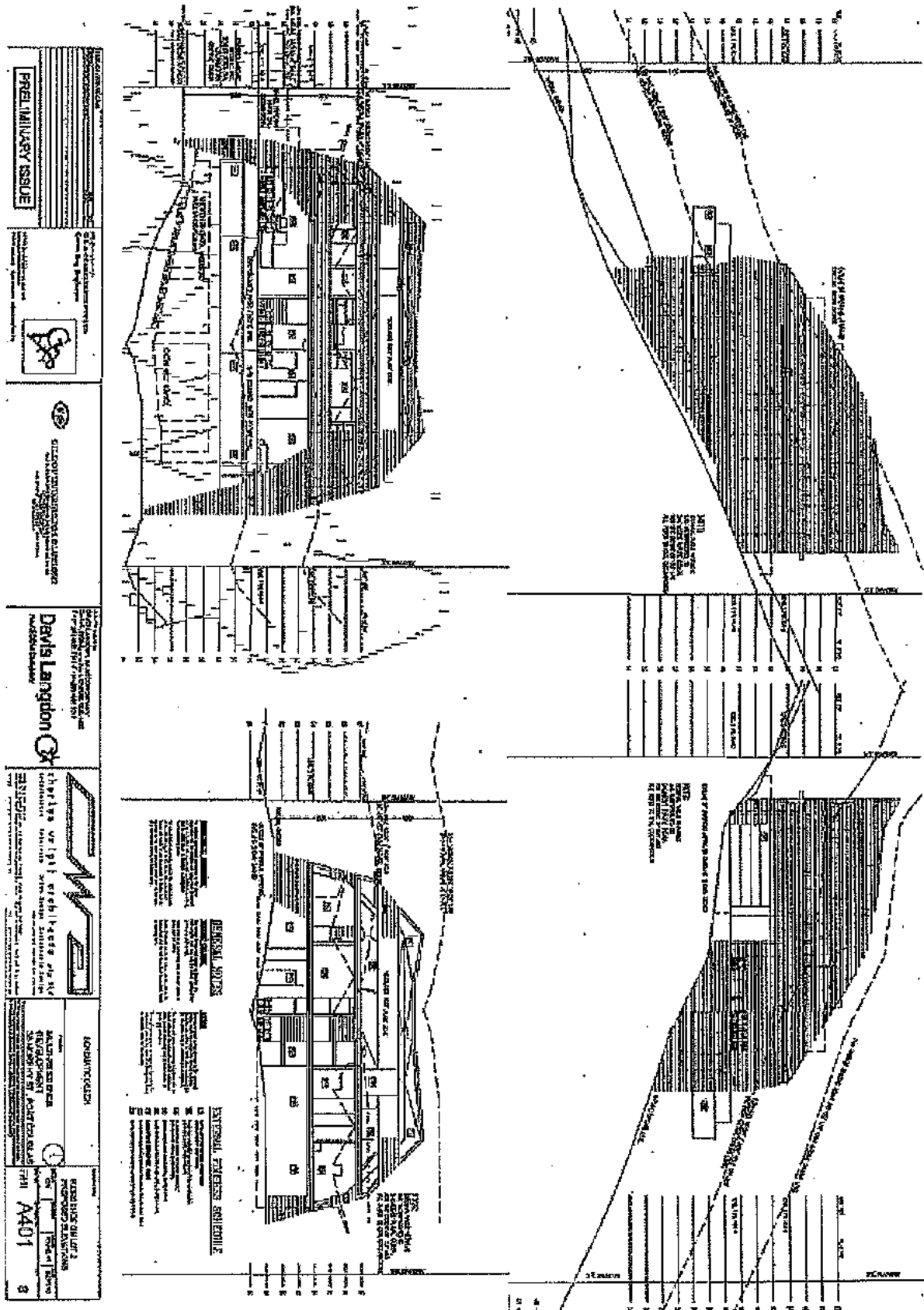
RIGHTS OF APPEAL

Attached

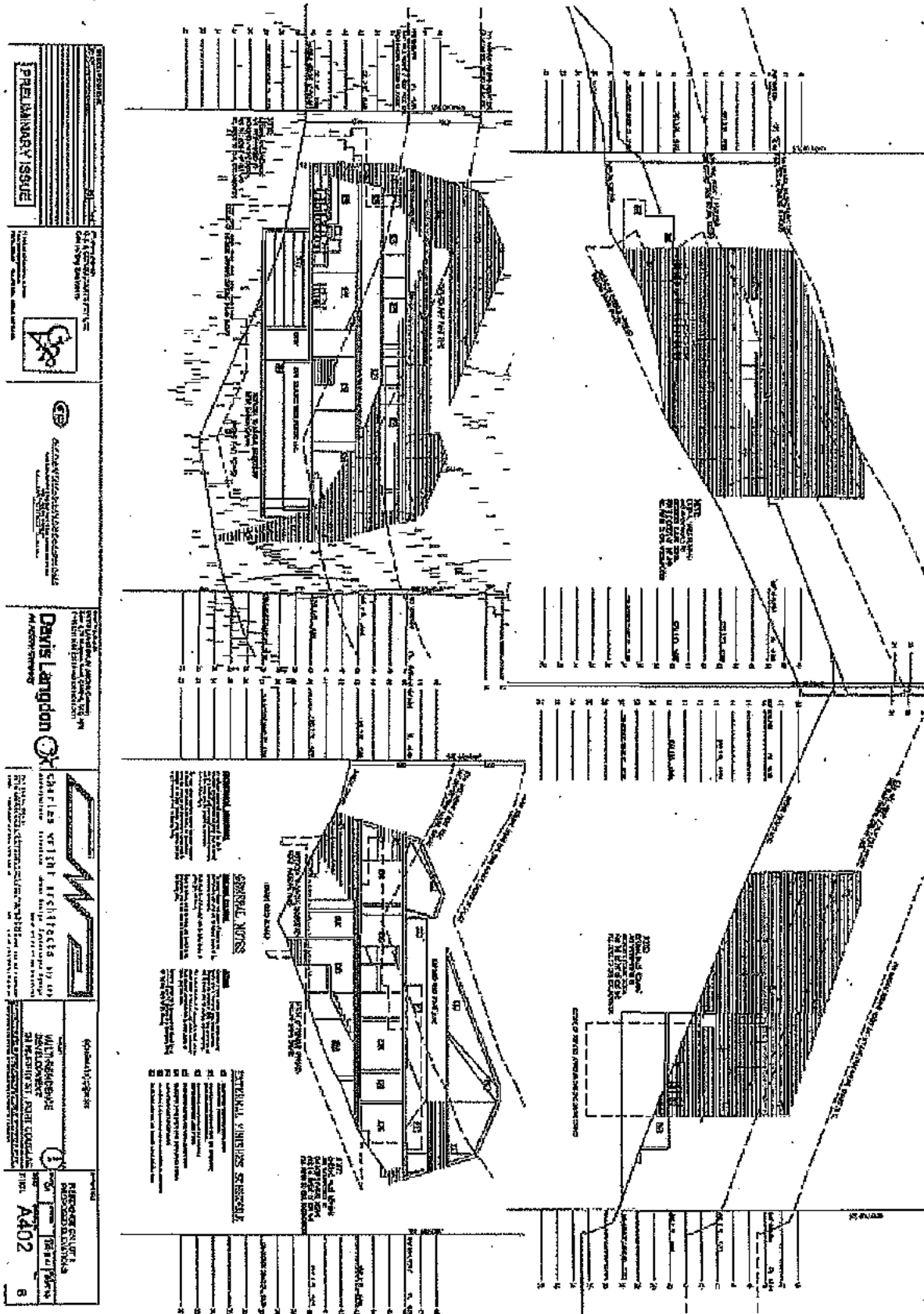
End of Decision Notice

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12/21

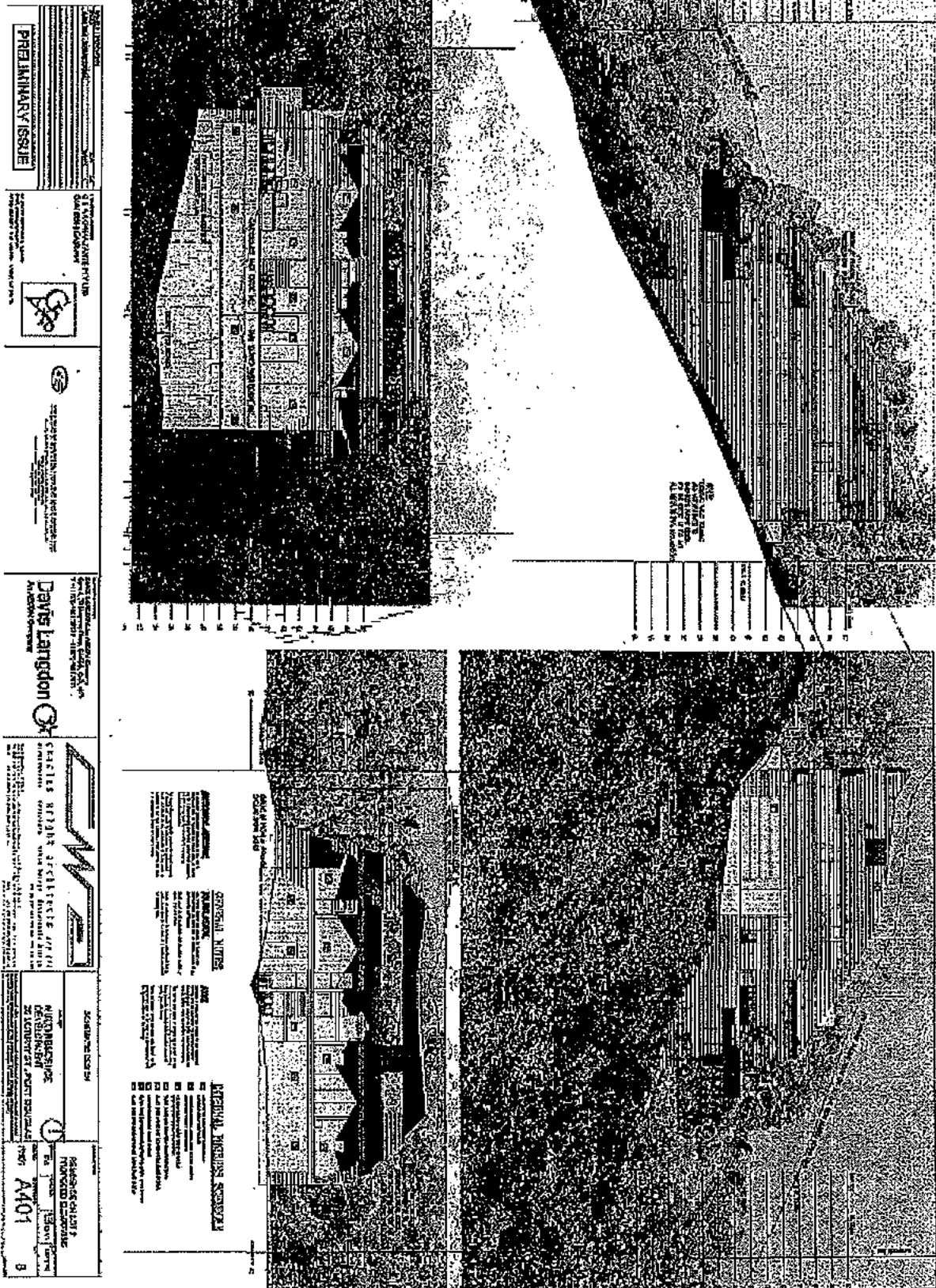
DECISION NOTICE DETAILS **SUSTAINABLE PLANNING ACT 2009**

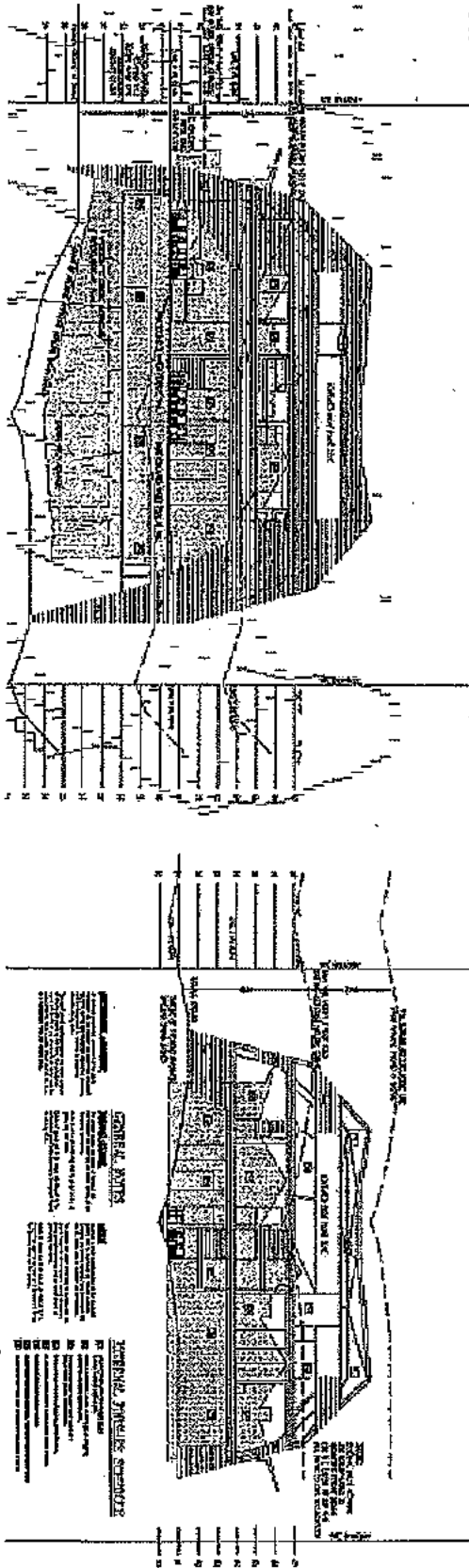


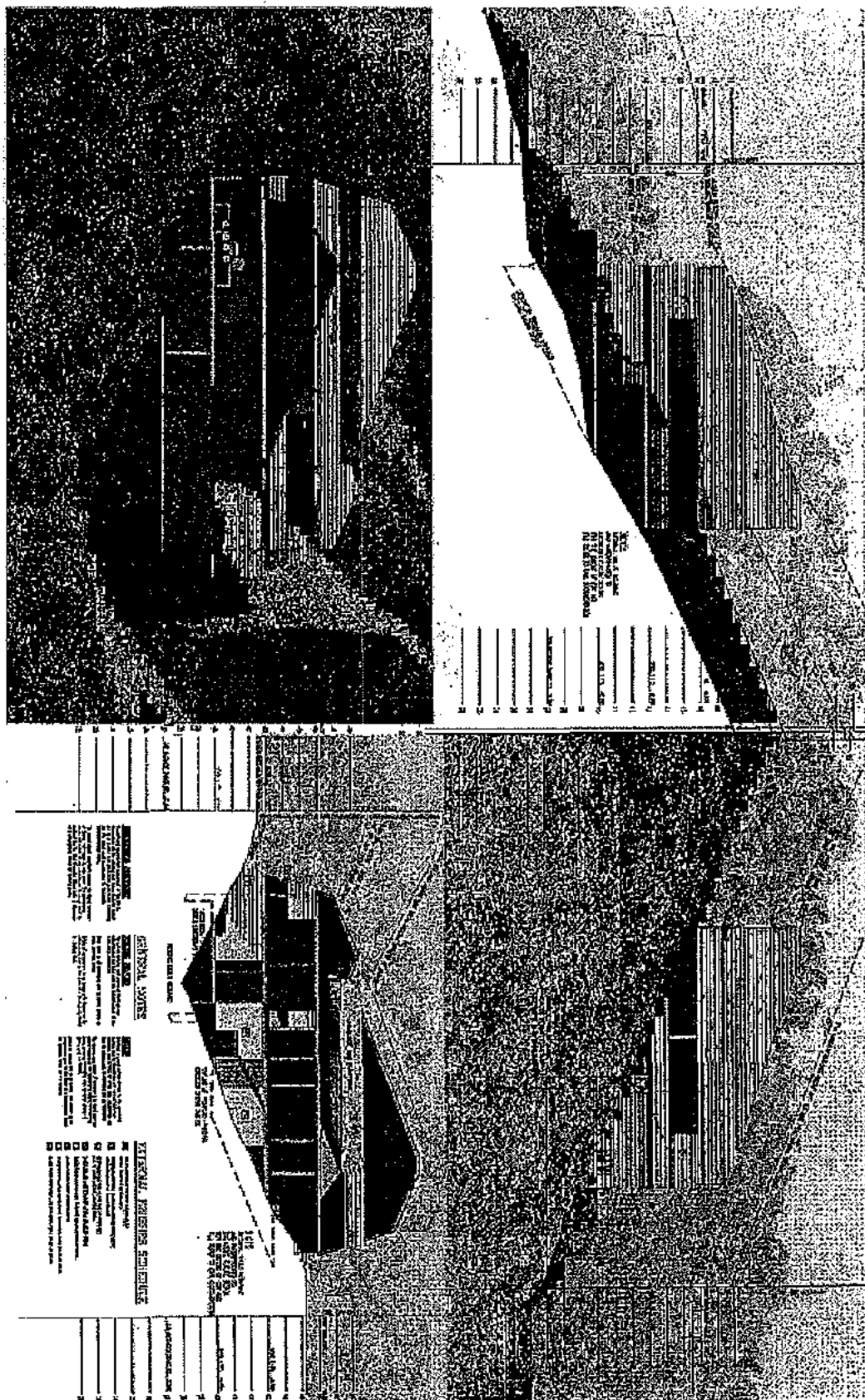
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



DECISION NOTICE DETAILS

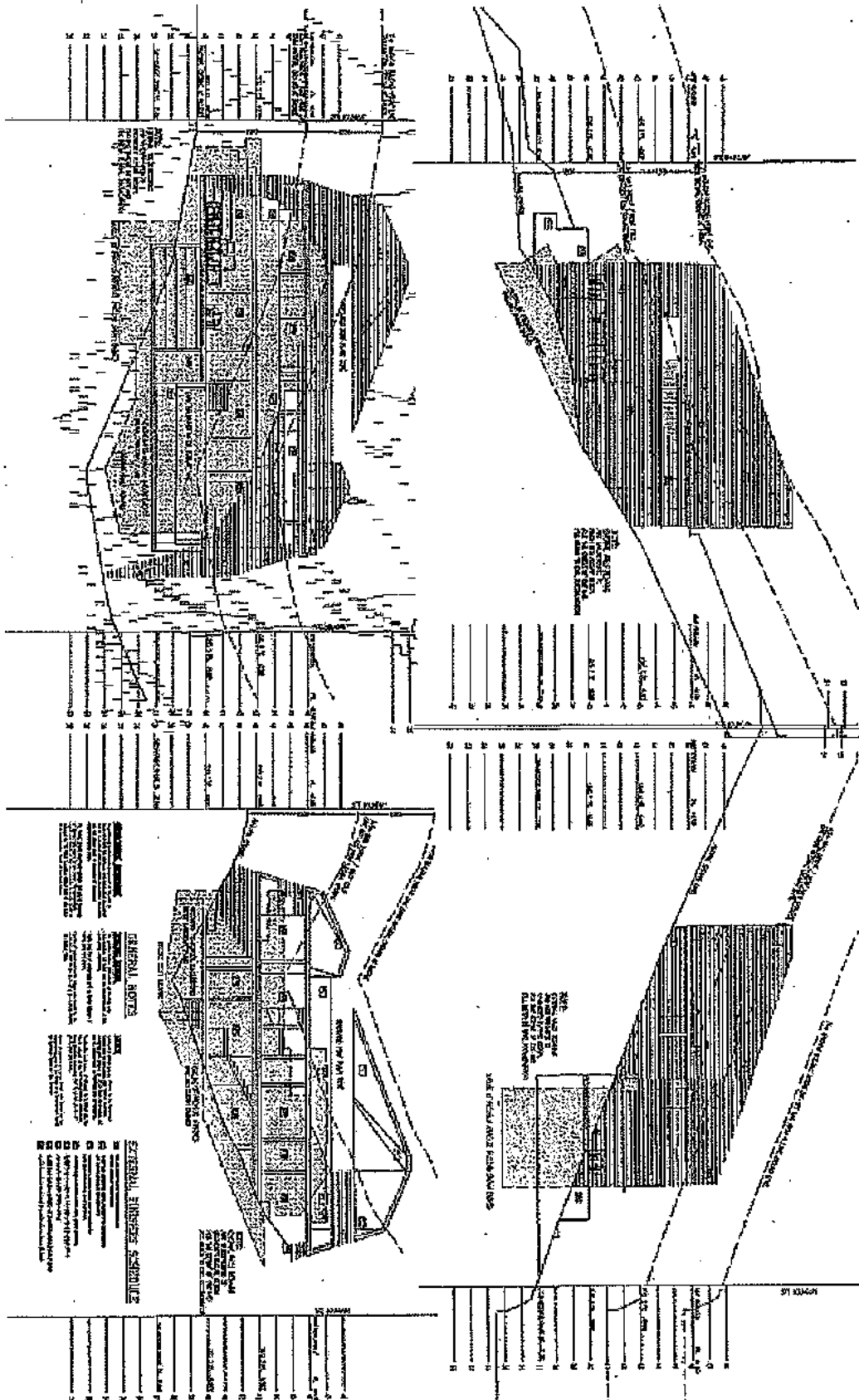




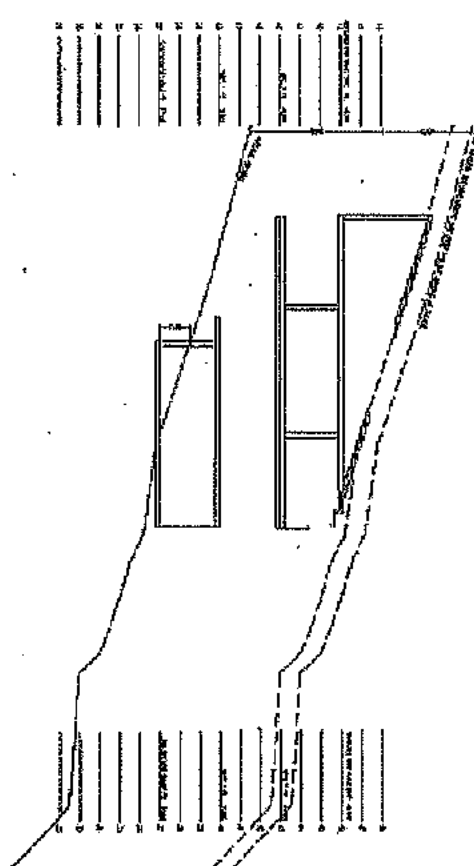
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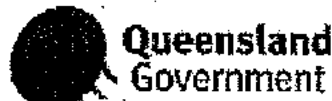
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

PRELIMINARY ISSUE	
PROJECT INFORMATION PROJECT NAME: DAVIS LINDGREN PROJECT ADDRESS: 1000 10th Avenue SW, Suite 100, Seattle, WA 98101 PROJECT CONTACT: DAVIS LINDGREN PROJECT PHONE: 206.461.1234 PROJECT FAX: 206.461.1235 PROJECT EMAIL: info@davislindgren.com PROJECT WEBSITE: www.davislindgren.com PROJECT DESCRIPTION: RENOVATION OF EXISTING BUILDING TO 100,000 SQ FT PROJECT START DATE: 01/01/2010 PROJECT END DATE: 12/31/2010 PROJECT STATUS: PRELIMINARY ISSUE	DESIGNER INFORMATION DESIGNER NAME: DAVIS LINDGREN DESIGNER ADDRESS: 1000 10th Avenue SW, Suite 100, Seattle, WA 98101 DESIGNER CONTACT: DAVIS LINDGREN DESIGNER PHONE: 206.461.1234 DESIGNER FAX: 206.461.1235 DESIGNER EMAIL: info@davislindgren.com DESIGNER WEBSITE: www.davislindgren.com DESIGNER DESCRIPTION: ARCHITECTURAL FIRM DESIGNER START DATE: 01/01/2010 DESIGNER END DATE: 12/31/2010 DESIGNER STATUS: PRELIMINARY ISSUE
GENERAL NOTES 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 SUSTAINABLE PLANNING ACT. 2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS. 3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE. 4. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS. 5. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. 6. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. 7. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. 8. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. 9. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. 10. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.	EXTERNAL FINISHES SCHEDULE 1. EXTERIOR WALLS: CLAY TILE 2. EXTERIOR ROOF: GREEN ROOF 3. EXTERIOR FLOOR: CONCRETE 4. EXTERIOR CEILING: WOOD 5. EXTERIOR DOORS: WOOD 6. EXTERIOR WINDOWS: WOOD 7. EXTERIOR STAIRS: WOOD 8. EXTERIOR RAMP: WOOD 9. EXTERIOR PORCH: WOOD 10. EXTERIOR PATIO: WOOD 11. EXTERIOR DRIVEWAY: CONCRETE 12. EXTERIOR PARKING: CONCRETE 13. EXTERIOR LANDSCAPE: GRASS 14. EXTERIOR FENCE: WOOD 15. EXTERIOR GATE: WOOD 16. EXTERIOR SIGNAGE: WOOD 17. EXTERIOR LIGHTING: LED 18. EXTERIOR SECURITY: ALUMINUM 19. EXTERIOR VENTILATION: WOOD 20. EXTERIOR STORAGE: WOOD 21. EXTERIOR TOOLSHED: WOOD 22. EXTERIOR WASHROOM: WOOD 23. EXTERIOR SHOWER: WOOD 24. EXTERIOR KITCHEN: WOOD 25. EXTERIOR BATHROOM: WOOD 26. EXTERIOR BEDROOM: WOOD 27. EXTERIOR LIVING ROOM: WOOD 28. EXTERIOR DINING ROOM: WOOD 29. EXTERIOR BREAKFAST ROOM: WOOD 30. EXTERIOR OFFICE: WOOD 31. EXTERIOR STORAGE ROOM: WOOD 32. EXTERIOR MECHANICAL ROOM: WOOD 33. EXTERIOR ELECTRICAL ROOM: WOOD 34. EXTERIOR TELEPHONE ROOM: WOOD 35. EXTERIOR JANUARY: WOOD 36. EXTERIOR RECEPTION AREA: WOOD 37. EXTERIOR LOBBY: WOOD 38. EXTERIOR CORRIDOR: WOOD 39. EXTERIOR STAIRWELL: WOOD 40. EXTERIOR ELEVATOR: WOOD 41. EXTERIOR ESCAPE ROUTE: WOOD 42. EXTERIOR FIRE EXIT: WOOD 43. EXTERIOR FIRE ALARM: WOOD 44. EXTERIOR FIRE EXTINGUISHER: WOOD 45. EXTERIOR FIRE SMOKE DETECTOR: WOOD 46. EXTERIOR FIRE SPRINKLER: WOOD 47. EXTERIOR FIRE HYDRANT: WOOD 48. EXTERIOR FIRE PUMP: WOOD 49. EXTERIOR FIRE TANK: WOOD 50. EXTERIOR FIRE WATER TOWER: WOOD 51. EXTERIOR FIRE WATER TOWER: WOOD 52. EXTERIOR FIRE WATER TOWER: WOOD 53. EXTERIOR FIRE WATER TOWER: WOOD 54. EXTERIOR FIRE WATER TOWER: WOOD 55. EXTERIOR FIRE WATER TOWER: WOOD 56. EXTERIOR FIRE WATER TOWER: WOOD 57. EXTERIOR FIRE WATER TOWER: WOOD 58. EXTERIOR FIRE WATER TOWER: WOOD 59. EXTERIOR FIRE WATER TOWER: WOOD 60. EXTERIOR FIRE WATER TOWER: WOOD 61. EXTERIOR FIRE WATER TOWER: WOOD 62. EXTERIOR FIRE WATER TOWER: WOOD 63. EXTERIOR FIRE WATER TOWER: WOOD 64. EXTERIOR FIRE WATER TOWER: WOOD 65. EXTERIOR FIRE WATER TOWER: WOOD 66. EXTERIOR FIRE WATER TOWER: WOOD 67. EXTERIOR FIRE WATER TOWER: WOOD 68. EXTERIOR FIRE WATER TOWER: WOOD 69. EXTERIOR FIRE WATER TOWER: WOOD 70. EXTERIOR FIRE WATER TOWER: WOOD 71. EXTERIOR FIRE WATER TOWER: WOOD 72. EXTERIOR FIRE WATER TOWER: WOOD 73. EXTERIOR FIRE WATER TOWER: WOOD 74. EXTERIOR FIRE WATER TOWER: WOOD 75. EXTERIOR FIRE WATER TOWER: WOOD 76. EXTERIOR FIRE WATER TOWER: WOOD 77. EXTERIOR FIRE WATER TOWER: WOOD 78. EXTERIOR FIRE WATER TOWER: WOOD 79. EXTERIOR FIRE WATER TOWER: WOOD 80. EXTERIOR FIRE WATER TOWER: WOOD 81. EXTERIOR FIRE WATER TOWER: WOOD 82. EXTERIOR FIRE WATER TOWER: WOOD 83. EXTERIOR FIRE WATER TOWER: WOOD 84. EXTERIOR FIRE WATER TOWER: WOOD 85. EXTERIOR FIRE WATER TOWER: WOOD 86. EXTERIOR FIRE WATER TOWER: WOOD 87. EXTERIOR FIRE WATER TOWER: WOOD 88. EXTERIOR FIRE WATER TOWER: WOOD 89. EXTERIOR FIRE WATER TOWER: WOOD 90. EXTERIOR FIRE WATER TOWER: WOOD 91. EXTERIOR FIRE WATER TOWER: WOOD 92. EXTERIOR FIRE WATER TOWER: WOOD 93. EXTERIOR FIRE WATER TOWER: WOOD 94. EXTERIOR FIRE WATER TOWER: WOOD 95. EXTERIOR FIRE WATER TOWER: WOOD 96. EXTERIOR FIRE WATER TOWER: WOOD 97. EXTERIOR FIRE WATER TOWER: WOOD 98. EXTERIOR FIRE WATER TOWER: WOOD 99. EXTERIOR FIRE WATER TOWER: WOOD 100. EXTERIOR FIRE WATER TOWER: WOOD



43.2008.2736
20/21





Our Ref: Meeting 51 Item 5.1 3 September 2010
Council Ref: 003581

3 September 2010

Mrs Lyn Russell
Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns QLD 4870



Douglas Iconic Panel

Dear Mrs Russell

Re Decision of the Development Assessment Panel for the Iconic Queensland Place of Douglas

Material Change of Use - Multiple Dwellings (Residential) (Impact Assessable) - Lot 131 on PTD2084, 36 Murphy Street, Port Douglas

With reference to the abovementioned development application, please find attached the decision notice which was determined by the Development Assessment Panel for the Iconic Queensland Place of Douglas at its meeting held on 13 August 2010.

Pursuant to section 53(3) of the *Iconic Queensland Places Act 2008* (IQPA), the decision notice given by the Panel is taken to have been given by the local government as the assessment manager for the application in accordance with the *Sustainable Planning Act 2009* (SPA).

Accordingly, pursuant to section 72B of the SPA, Council is required to keep a copy of the decision notice available for inspection and purchase by the public.

Council's appeal rights are pursuant to section 54(3) of the IQPA.

Should you have any queries, please contact the undersigned on (07) 4039 8041.

Yours sincerely

Ben Thrower
Project Manager on behalf of the Development Assessment Panel for the Iconic Queensland Place of Douglas

cc: Mr Simon Clarke
Assessment Manager
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Douglas Iconic Panel
PO Box 5104
Cairns QLD 4870
Telephone +61 7 4030 2250
Facsimile +61 7 4030 2255
Website www.cra.qld.gov.au
E: douglas.iconic@qld.gov.au



APPENDIX D





ENQUIRIES: Sarah Cook
PHONE: (07) 4044 3381
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/35/86 (2604383)

28 May 2010



Carron Properties Pty Ltd (Tte)
C/- Dennis Carron
2/178 Boronia Road
BORONIA VICTORIA 3155

Dear Sir/Madam

**NEGOTIATED DECISION UNDER S363 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 36 MURPHY STREET PORT DOUGLAS**

With reference to the abovementioned Development Application which was determined by Council at its Ordinary Meeting held on 26 May 2010 please find attached the relevant Negotiated 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 enquires in relation to this Negotiated Decision Notice, please contact Sarah Cook of Council's Development Assessment Team on telephone number (07) 4044 3381.

Yours faithfully

Simon Clarke
Manager Development Assessment

Att.

Cc Victor Feros

40.2008.2760
1/13



APPLICANT DETAILS

Carron Properties Pty Ltd (Tte)
C/- Dennis Carron
2/178 Boronia Road
BORONIA VICTORIA 3155

ADDRESS

36 Murphy Street Port Douglas

REAL PROPERTY DESCRIPTION

Lot 131 on PLN2094

PROPOSAL

1 lot into 2 Lots Request for a Negotiated Decision

DECISION

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

DECISION DATE

26 May 2010

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

40,2008.2760
2/14

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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
Proposal Plan	61482-4	April 2000
Proposal Plan	4852_TP1 Rev B	February 2010
Proposal Plan	4852_C3	February 2010
Proposal Plan	4852_C5	February 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. 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 approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Parkland Contribution

3. Pay a monetary contribution equivalent to ten (10) per cent of the Unimproved Capital Value of the created allotments in accordance with the Planning Scheme Policy.

At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council. This security can take the form of a cash bond or bank guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.

The contribution payable must be made within three (3) months of the registration of the allotment/s.

Water Supply and Sewerage Works External

4. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
- a. Extend the water main across Murphy Street with a 100DN road crossing and then provide a 50 DN rider main extending from the road crossing to the eastern side of the driveway;
 - b. Provide conduits for future water services in driveways for Lot 1 and Lot 2;
 - c. Extend the sewer main from MH 5(p) to service the subject land;

Three (3) copies of a 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 plans, to the requirements and satisfaction of the Chief Executive Officer, prior to approval and dating of the Plan of Survey.

Water Supply and Sewerage Works Internal

5. Undertake the following sewerage works internal to the subject land:
- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
 - b. Provide a geotechnical report addressing the construction of the proposed sewer extension and connection;
 - c. Provide easements having a nominal width of 3m over sewers which are on a non-standard alignment.

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

Three (3) copies of a 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 plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Inspection of Sewers

6. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Infrastructure

7. 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.

Geotechnical

8. The applicant must implement in full the recommendations made in:
 - a. Douglas Partners Geotechnical Investigation Report (Project 38836.01 dated October 2009), specifically those recommendations outlined in Section 7.1 & 7.2 and summarised in Table 1 & 2; and
 - b. Douglas Partners additional Stability Analysis Report (Project 38836.02 dated February 2010), specifically the recommendations outlined in Section 7 and Tables 1 & 2.

The recommendations must be implemented to the satisfaction of the Chief Executive Officer prior to signing and dating of the Plan of Survey.

Access to Lots

9. The applicant / owner must construct access to each of the proposed lots from adjacent the carriageway to the lot boundary. The accesses must incorporate a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015 and generally in accordance with Drawing No. 4852_TP1 Rev B prepared by A.F. Colafella & Associates Pty Ltd dated 22 February 2010.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Service Conduits

10. Provide service conduits to proposed Lot 1 and proposed Lot 2 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Stockpiling and Transportation of Fill Material

11. 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.
12. 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

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

Drainage Construction

14. The applicant / owner must construct all drainage works associated with Pits 1, 2, 3, 4, 8 & 9 as detailed on the Drainage Plan prepared by A.F. Colafella & Associates Pty Ltd, Drawing No. 4852_C3 & 4852_C5 dated 22 February 2010.

Associated earthworks and landscaping must be completed in accordance with the approved plans prior to approval and dating of the Survey Plan.

Drainage Easements

15. A Drainage Easement having a minimum width of three (3) metres along the entire length of the south east boundary of proposed Lot 1 in the location(s) shown on the proposal Plan No 4852_C3, dated 28 October 2009 and prepared by A.F. Colafella & Associates Pty Ltd 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 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 Environment & Resource Management in conjunction with the Plan of Survey.

Vegetation Clearing

16. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under *Amendment 1 of 2006 of Local Law No 56 Vegetation Management*.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Wildlife

17. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Notification of Vegetation Clearing

18. Council's Development Assessment Branch must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Parkland Protection

19. Any common boundaries with Owen Street road reserve must be temporarily delineated and fenced off to restrict building access for the duration of construction activity except for where works are approved in accordance with Condition 9 of this approval.

Existing Creek and Drainage Systems

20. 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.

The applicant / owner must obtain any necessary approvals from the Department of Environment & Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

21. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

22. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).

Ponding and/or Concentration of Stormwater

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

Structural Certification

24. All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work.

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.

25. 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 signing and dating of the Plan of Survey.

Existing Services

26. 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, or in conjunction with, submission of the Plan of Survey creating the lot.

Electricity Supply

27. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer 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.

Electricity and Telecommunications

28. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of 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 363 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 all relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009*, log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
5. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

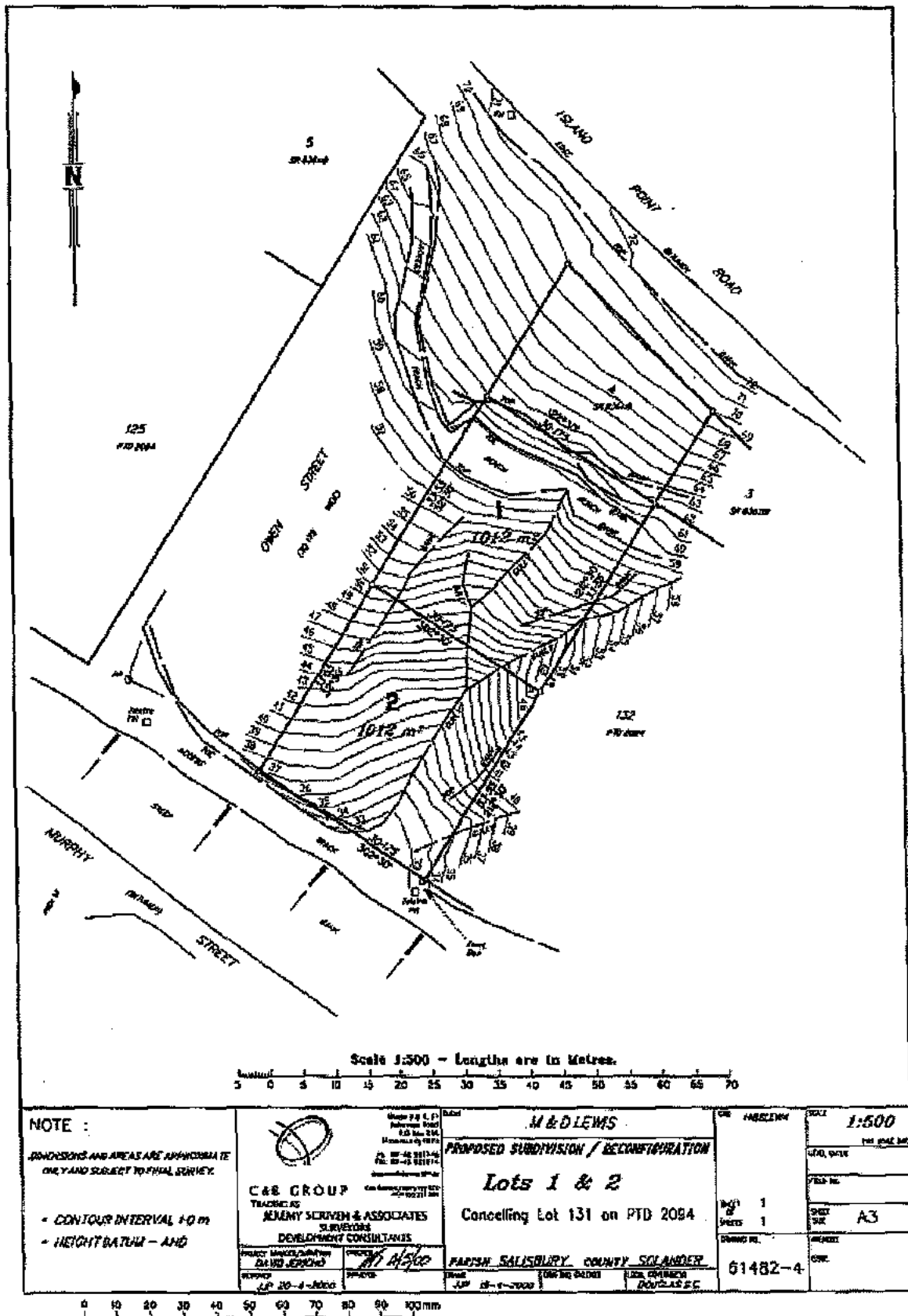
RIGHTS OF APPEAL

Attached

End of Decision Notice

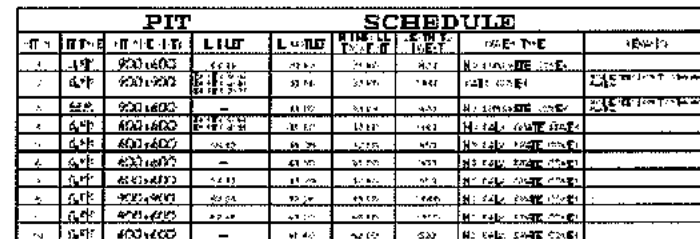
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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



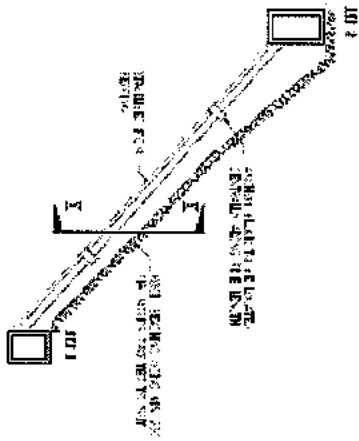
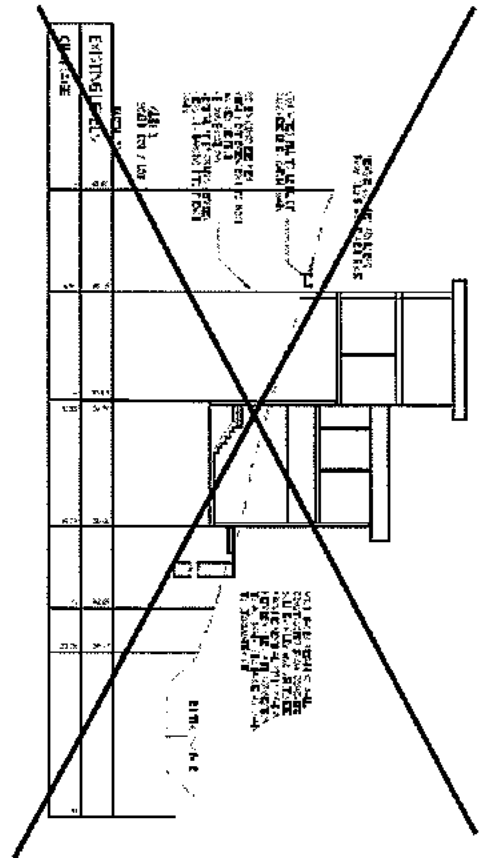
PLANNING - NOT FOR CONSTRUCTION

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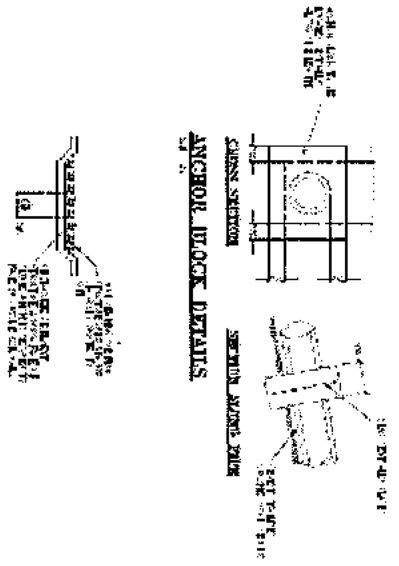
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ISSUE: PLANNING - NOT FOR CONSTRUCTION

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



SECTION PIT 2 TO PIT 1
57th Ave



SECTION I - I

SEE US AT THE NEW YORK JEWELRY SHOW

[illegible]

ISSUE: PLANNING - NOT FOR CONSTRUCTION



DEVELOPMENT ASSESSMENT – RECEIPT SHEET

APPLICATION NO: _____ DATE: 19/12/2013 RECEIPT NO: 7063419
 APPLICANT: Cannon Properties Pty Ltd CONTACT NAME: Nick Hardy
 ADDRESS OF APPLICANT: 36 Jct Cl-Victor G Feros Town Planning Consultancy PO Box 1256 CAIRNS Q487
 PHONE: 0740313663 EMAIL: nick@ferosplanning.com.au
 SITE LOCATION: 36 Murphy St Port Douglas
 LOT & PLAN: Lot 131 on PTD 2094

RECEIPT CODE	TYPE OF APPLICATION	AMOUNT PAID
1894	• Planning and Development Certificates	
1811	• Consideration of Alternative Acceptable Measure / Report to Council • Prelodgement Enquiry / Report to Council / Compliance Check for Self Assessable Development	
1852	• Application for Material Change of Use and Preliminary Approvals for Building Work – Code and Impact. • Extension of Currency Period / Reconsider Lapsed Approval for Material Change of Use • Request for Superseded Scheme application • Signage under DSC Scheme (Op Works)	831
1806	• Application for Reconfiguring a Lot • Extension of Currency Period / Reconsider Lapsed Approval for Reconfiguring a Lot	
1852/1806	Combined application (Split fee: Code: 1840 for MCU and Code: /1814 for ROL)	1840 MCU
		1814 ROL
1896	Modification or Cancellation of Application or Consent Order	
1898	Landscape Plan Assessments	
1801	• Vegetation Protection • Permit to Damage Protected Vegetation	
1816	Applications for Operational Works/Re-assessment (Excludes Signage – DSC Scheme)	
NA	Applications for Engineering Work on the Road Reserve - CAIRNS ONLY	
1816	Works/Final Works Inspections, Re-inspections	
1803	Bonds for Outstanding Works, Construction Security, Defects Liability, EPS	
1814	Endorsement of Survey Plans	
SALES		
1805	Public Notification Signs	
1807	Sale of Planning Documents (Including Hard Copies of CairnsPlan / Douglas Shire Planning Scheme)	
1809	• CDs of Cairns Plan / Douglas Shire Planning Scheme and superseded schemes • CDs - copy of application • C-Data Manipulation • CD supplied to customer <input type="checkbox"/>	
1852	Copies of Development Application,	
1811	Letter of Enquiry to determine land use history	

