

5.1. AMEND APPROVAL AND EXTEND CURRENCY, MCUC 100 MULTIPLE DWELLINGS (TOURIST), A CARETAKER'S RESIDENCE AND ANCILLARY FACILITIES, 97-107 DAVIDSON ST, PT DOUGLAS

REPORT AUTHOR(S)	Jenny Elphinstone, Senior Planning Officer
GENERAL MANAGER	Scott Hahne, A/General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Application for a minor change to the approval (conditions) and application to extend the currency period for the Material Change of Use for a Caretaker's Residence, Multiple Dwellings (Tourist) and Ancillary Facilities.
APPLICANT	Laidlaw Holdings Pty Ltd PO Box 2272 Ivanhoe East Vic 3079
LOCATION OF SITE	97-107 Davidson Street, Port Douglas.
PROPERTY	Lots 1 and 2 on RP723702

LOCALITY PLAN



Figure 1 - Locality Plan

CURRENT ZONING	Tourist Accommodation
LOCAL PLAN	Port Douglas and Craiglie Local Plan – not included in a precinct or sub-precinct.
PLANNING SCHEME	1996 Douglas Shire Planning Scheme
FORMER SCHEME ZONE	Resort Business Zone
REFERRAL AGENCIES	None applicable for the application to amend the Assessment manager's conditions of approval or the application to extend the currency period. Previous referral agencies: Department of Main Roads (Concurrence); and Department of Natural Resources and Mines (Advice).
NUMBER OF SUBMITTERS	Not Applicable.
STATUTORY ASSESSMENT DEADLINE	8 November 2018 as agreed with the applicant.
APPLICATION DATE	Application to extend currency period was properly made 25 September 2018. Application for a minor amendment for a change to the assessment manager's conditions was properly made 23 October 2018.

RECOMMENDATION

- A. That Council approve the application for a minor change (change to Assessment Manager conditions) of the Negotiated Decision Notice issued on 23 February 2005 for Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker's Residence and ancillary facilities whereby:**
- 1. Condition 6 of the approval is deleted as follows:**
Currency Period
6. ~~This development approval lapses 4 years after the day that the development approval takes effect, unless either works have substantially commenced on the land or this approval is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~
 - 2. Condition 7 is amended as follows:**
Air Conditioning & Service Equipment
7. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

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.

2. Condition 9 is amended as follows:

~~9. All conditions shall be complied with prior to the Certificate of Classification being issued for the proposed buildings on the land or as otherwise stated in any condition of this approval.~~

Timing of Effect

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

3. Condition 10 is amended as follows:

Waste Storage & Discharge

10. The applicant is to include a waste storage area that must be located outside of a three (3) metre wide landscape strip to the road frontage. The waste storage area must:

- (a) Be roofed and contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties, the private open space and amenity areas associated with the individual units on the land or the road reserve;
- (b) Include a stop cock and stormwater diversion valve at the drainage point; and
- (c) Contain sufficient storage space for the storage of a 240litre refuse bin for each unit in sufficient commercial bulk general waste and recyclable waste to cater for the whole the development.

4. Condition 13 is amended as follows:

Car Parking

13. A car parking area shall be constructed, sealed, drained and line marked for a minimum of 100 spaces internal to the site. All staff parking is to be provided on site. Parking for service vehicles must be provided for on site. Parking for 10 bicycle spaces must be provided on site.

A sufficient number of disabled driver car parking spaces must be provided and 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.

The car parking and bicycle parking areas, including associated accesses, must be constructed prior to Commencement of Use.

5. Condition 17 is amended as follows:

Minimum Floor Levels

17. The minimum floor level for all habitable rooms in any building

erected on the premises must be a minimum of ~~3.2m~~ 3.7m AHD.

6. Condition 18 is deleted as follows:

~~Water Supply & Sewerage Headworks~~

~~18. The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy").~~

~~The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.~~

~~For information purposes only:~~

~~(a) The current rates per EDC at the time of this approval are:~~

~~Water Supply — \$ 5,330.00~~

~~Sewerage — \$ 2,218.00~~

~~(b) The current number of EDCs for the approved use are:~~

~~Water Supply — 51~~

~~Sewerage — 71~~

7. The following additional conditions are included on the approval:

Basement Parking

42. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.

a. The basement parking report must include, but is not limited to the following:

- i. Construction techniques;
- ii. Techniques to imperviously seal the basement; and
- iii. Method of basement ventilation.

b. The dewatering report must include, but is not limited to the following:

- i. Method of water extraction pre- and post-development and the layout of the dewatering pumps and pipelines;
- ii. Water quality;
- iii. Lawful discharge of water; and
- iv. How the results (being the form and frequency) will be reported to Council.

c. The access to the basement parking area must be designed to prevent 100 year ARI flood and storm tide waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

43. **Damage to Council Infrastructure**

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, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Limitations on Balcony Screening

44. Street frontage balconies are not to be screened by shutters, glazing, louvres or similar permanent structures to a greater extent than twenty-five per cent of their horizontal dimension.

Vehicle Wash Bay

45. A vehicle wash bay must be provided. It must be roofed and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.

Above Ground Transformer Cubicles / Electrical Sub-Stations

46. Where an above ground transformer cubicles and/or electrical sub-stations are required, these are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Street Fencing

47. Any proposed fences and/or walls to any road frontage are to be limited to the following:
 - a. 1.2 metres in height if solid; or
 - b. 1.5 metres in height if at least 25% visually transparent; or
 - c. 1.8 metres in height if at least 50% visually transparent.

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Acid Sulfate Soils – Basement / Pool Disturbance

48. The basement / pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Construction Signage

49. 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.

Crime Prevention Through Environmental Design

50. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).
51. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.

Amalgamation Required

52. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 and 2 on RP723702 into one (1) lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's / owner's cost prior to Commencement of Use.

Minimum Ceiling Clearance

53. All units must have a minimum floor to ceiling clearance of 2.7 metres.

8. The following Advice is included on the approval:

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provision Section 85 of the *Planning Act 2016*.
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.
4. For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to

www.douglas.qld.gov.au.

5. 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 Planning Act 2016 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.

6. The subject site is located within a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and "high risk items" within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006 consult either the Department of Employment, Economic Development and Innovation (21-23 Redden Street, Cairns), Council's Land Protection Unit or the following website: www.deedi.qld.gov.au
7. An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.dehp.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of Queensland Parks and Wildlife Service on phone: 07 4046 6609.

LAND USE DEFINITIONS*

In accordance with the 1996 Douglas Shire Planning Scheme the approved land uses of land are defined as follows.

"Caretaker's Residence" – Any premises used or intended for use for self-contained accommodation for the exclusive use of a caretaker and his family in connection with a particular purpose on the same parcel of land.

"Multiple Dwelling (Tourist)" – Any premises comprising two or more dwelling units, where not dwelling-houses nor dwelling

house/attached flat, and any of the following:-

- (a) a reception area;
- (b) an administration office; and/or
- (c) Any signage visible from the road adjoining the subject premises indicating the presence of a reception area or administration office, whether in the subject premises or elsewhere, or in any other way indicating that the premises are available for holiday accommodation;

The term does not include a retirement community as defined herein.

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

- 9. All other conditions and advices of the Negotiated Decision Notice issued on the 23 February 2005 remain unchanged.
- B. That Council extends the currency period of the amended approval for the Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker's Residence and ancillary facilities for a further six (s) years up to and including the 23 February 2025.
- C. Reasons for Decisions

The reasons for these decisions are:

- 1. Sections 81 and 87 of the *Planning Act 2016*:
 - a. The original application, together with the Negotiated Decision Notice dated 25 February 2005 (including the concurrence agency conditions issued by the then Department of Main Roads) and the approved minor changes as per A above;
 - b. to ensure the development satisfies the benchmarks of the 1996 Douglas Planning Scheme;
 - c. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Council planning Scheme; and
 - d. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
 - a. the application for a minor change was properly lodged to the Douglas Shire Council on the 23 October 2018 under sections 78-80 of the *Planning Act 2016*;
 - b. the application for an extension to the currency period was properly lodged to the Douglas Shire Council on the 25 September 2018 under section 86 of the *Planning Act 2016*;
- 3. Evidence or other material on which findings were based:

- a. Council undertook an investigation of assessment of the development, including the proposed minor change, against the State Development Requirements, the 1996 Douglas Shire Planning Scheme and the 2018 Douglas Shire Council Planning Scheme in making its assessment manager decision;
- b. Council undertook an assessment in accordance with the provisions of sections 81 and 87 of the *Planning Act 2016*; and
- c. The following findings are made:
 - i. Subject to amended assessment manager's conditions the development satisfactorily meets the State Planning Policy considerations and the 2018 Douglas Shire Council Planning Scheme requirements sufficient for the assessment of the applications against sections 81 and 87 of the *Planning Act 2016*.

EXECUTIVE SUMMARY

The land is situated on the west side of Davidson Street, between Crimmins and Port Streets, and currently supports the Pandanus Caravan Park. The approval was originally issued by the former Douglas Shire Council on 23 February 2005 under the 1996 Planning Scheme for 100 Multiple Dwellings (Tourist), a Caretaker's Residence and ancillary facilities. The currency period has been extended twice and is due to expire on the 23 February 2019. The approval includes conditions imposed by the Assessment Manager (Council) and as directed by the then Department of Main Roads, in respect to the adjacent state-controlled road.

Under section 86 of the *Planning Act 2016* (the Act) the applicant has made an application for a six year extension to the currency period. A review of the approval against the 2018 Planning Scheme has found a general compliance with the current planning instrument. However, a number of conditions require minor adjustment and additional conditions and advices are required for the development approval to meet current standards and best practise. The applicant has agreed to seek the amended conditions as a minor change to the approval under section 78 of the Act. No referral to the State is required for these applications. The report recommends the Council agree to the request to change the conditions and extend the currency period. An updated Infrastructure Charges Notice will issue to accompany the amended and extended approval, reflecting Council's current Adopted Infrastructure Charges.

TOWN PLANNING CONSIDERATIONS

Background

On the 14 December 2005, the former Douglas Shire Council approved development application TPC1170 for Material Change of Use to permit the construction of 100 Multiple

Dwellings (tourist) including 92 x 2 bedroom and 8 x 1 bedroom Units, Caretaker's Residence and ancillary facilities. A Negotiated Decision Notice was subsequently issued on the 23 February 2005. The application was lodged and assessed against the 1996 Douglas Shire Planning Scheme. The approval has since been extended under Cairns Regional Council and the newly formed Douglas Shire Council. The approval is current up to and including the 23 February 2019. A copy of the current approval is included in Attachment 1.

The approval has issued for the development of 100 Multiple Dwelling Units (Tourist), a Caretaker's Residence and an ancillary central facilities complex. The units are further broken down into ninety-two (92) two bedroom, two storey units and eight (8) one bedroom, single storey units.

The key features of the development include:

- a. Vehicles access and egress the development via a single two lane driveway located central to the site off Davidson Street;
- b. All car parking to be provided at a sub-basement level;
- c. A large open reception building split over two levels, with a thatched roof theme, is intended to be constructed central to the site. This area is to include a portico with bus set-down areas;
- d. The general height of the development will be two storeys; and
- e. The development includes an onsite Caretaker's Residence together with ancillary facilities including a function room.

The subject site is described as Lot 1 & 2 on RP723702, and contains an area of 1.78 hectares. The site has a frontage to Davidson Street of approximately 135 metres and backs onto an un-constructed road reserve that is vegetated with a significant stand of remnant vegetation. The land gently slopes in a westerly direction towards the un-constructed road reserve to the rear.

The land is currently used as a caravan park and camping ground known as Pandanus Caravan Park and is registered for 98 camping/caravan sites and 5 cabins/rooms/tents sites. The majority of the vegetation on site has been introduced although there are some significant endemic specimens that are to be retained through the conditions of the approval.

The subject site is bounded by Dougies Backpackers to the south and the Lychee Tree Resort to the north. Further west of the un-constructed road reserve is the Port Douglas sewerage treatment plant. The area is dominated by tourist accommodation uses.

Proposal

Application has been made for a six year extension to the currency period up to and including the 23 February 2025.

Application has also been made to amend the approval, whereby the existing Assessment Manager's conditions are amended and additional conditions and advices are included. These changes reflect current best practise and enable the development to satisfactorily

meet the requirements of the 2018 Douglas Shire Planning Scheme and State Planning Policy.

Assessment Considerations

After the appeal period, a person may make application for minor changes to an approval. Section 81 sets out the assessment considerations for a minor change as follows.

“81 Assessing and deciding application for minor changes

- (1) This section applies to a change application for a minor change to a development approval.*
- (2) When assessing the change application, the responsible entity must consider—*
 - (a) the information the applicant included with the application; and*
 - (b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
 - (c) any pre-request response notice or response notice given in relation to the change application; and*
 - (d) if the responsible entity is, under section 78(3)(ba) or (bb), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
 - (da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
 - (e) another matter that the responsible entity considers relevant.*
- (3) For subsection (2)(d) and (da), the responsible entity—*
 - (a) must assess against, or have regard to, the matters that applied when the development application was made; and*
 - (b) may assess against, or have regard to, the matters that applied when the change application was made.”*

Under section 86 of the Act a person may make an application to extend a currency period of a development approval before the approval lapses. Section 87 sets out the assessment considerations for an extension application as follows.

“87 Assessing and deciding extension applications

- (1) When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.”*

The proposed amended conditions and additional conditions and advices reflect modern standards and continue to meet the 1996 Douglas Shire Planning Scheme where applicable.

In both applications consideration can be given to the current planning instrument, the 2018 Douglas Shire Planning Scheme and the State Planning Policy.

State Planning Requirements

The development is within the urban footprint and consideration has been given to State Infrastructure, being the adjacent state-controlled road, when initially developed and the when the approval was previously extended. The current Act does not require the applications to be referred.

Douglas Shire Planning Scheme Assessment

The 2018 Douglas Shire Council Planning Scheme categorises the use as a Short Term Accommodation, a Caretaker's Accommodation and ancillary facilities (including a Function Facility). A full assessment of the development against the Planning Scheme Codes is included in Attachment 2 and a summary is tabled below.

Table 1

2018 Douglas Shire Planning Scheme Codes		Code Applicability	Compliance
Zone	Tourist Accommodation	✓	Does not fully comply refer to below.
Local Plan	Port Douglas/Craiglie	✓	Complies
Overlays	Acid Sulfate Soils	✓	Does not fully comply refer to below
	Bushfire Hazard	✗	-
	Coastal Processes	✓	Does not fully comply refer to below
	Flood and Storm Tide Hazard	✓	Does not fully comply refer to below
	Hillslopes	✗	-
	Landscape Values	✗	-
	Natural Areas	✗	-
	Places of Significance	✗	-
	Potential Landslide Hazard	✗	-
	Transport Network	✓	Complies
Use	Multiple Dwelling, Short Term Accommodation and Retirement Facility	✓	Does not fully comply refer to below.
Other Codes	Access, Parking and Servicing	✓	Does not fully comply refer to below.
	Advertising Devices	✗	-

2018 Douglas Shire Planning Scheme Codes		Code Applicability	Compliance
	Environmental Performance	✓	Complies through current conditions
	Filling and Excavation	✓	Does not fully comply refer to below.
	Infrastructure	✓	Complies through current conditions
	Landscaping	✓	Complies through current conditions
	Reconfiguring a Lot	✗	-
	Vegetation Management	✓	Satisfactory through current conditions.

Non-Compliance with Benchmarks

The following table provides reasons for supporting the application, despite the non-compliance with benchmarks.

Table 2

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Tourist Accommodation Zone Code</p> <p>PO1 Buildings are setback to:</p> <p>a. Maintain the character and amenity of the area;</p> <p>b. Achieve separation from neighbouring buildings and from road frontages.</p>	<p><i>The buildings are to be setback 3.0 m from the rear, western boundary which is to a heavily vegetated, unconstructed road. There is a sewer running parallel to this boundary and a condition of the approval requires suitable setback from the sewer 3.5 m unless otherwise determined by Council's Manager. The development achieves the performance outcomes.</i></p>
<p>Acid Sulfate Soils Overlay Code</p> <p>PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.</p> <p>PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p> <p>PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>These matters can be suitably addressed through an additional standard condition that requires investigation and treatment of acid sulfate soils.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Coastal Processes Overlay Code Purpose:</p> <p>(1) <i>The purpose of the Coastal environment overlay code is to:</i></p> <p>(a) <i>implement the policy direction in the Strategic Framework, in particular:</i></p> <p>(i) <i>Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;</i></p> <p>(ii) <i>Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;</i></p> <p>(iii) <i>Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.</i></p> <p>(b) <i>enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.</i></p> <p>(2) <i>The purpose of the code will be achieved through the following overall outcomes:</i></p> <p>(a) <i>facilitate the protection of both coastal processes and coastal resources;</i></p> <p>(b) <i>facilitating coastal dependent development on the foreshore over other development;</i></p> <p>(c) <i>public access to the foreshore protects public safety;</i></p> <p>(d) <i>maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);</i></p> <p>(e) <i>require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;</i></p> <p>(f) <i>require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;</i></p> <p>(g) <i>locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.</i></p>	<p>When initially designed the sea level rise and coastal erosion were not determined nor considered.</p> <p>The land is identified as an area of expected higher density development and is on the fringe of the erosion prone area of the inlet, rather than the sea front area.</p> <p>Storm tide inundation and erosion processes are likely to be less forceful in this area than those of the sea front due to the mangroves established to the west. The development is considered satisfactory provided it is constructed at a suitable height, in this instance with a minimum finished floor level of 3.70 m AHD (3.4m plus a 300mm freeboard). This minimum level takes both flooding in coastal areas and storm tide inundation, without wave run-up, into account. The extension is supported on the basis that the Applicant has sought and is agreeable to amending Condition 17 to require a minimum floor level of 3.7m AHD.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Flood and Storm Tide Overlay Code Storm Tide Inundation Only</p> <p>PO1 Development is located and designed to:</p> <ul style="list-style-type: none"> ensure the safety of all persons; minimise damage to the property and content of buildings; provide suitable amenity; Minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 	<p>Council's storm tide inundation study nominates minimum levels of 2.70m AHD (areas without wave run-up) and 3.87m AHD for areas within 200m of wave run-up effect. A condition of approval, to consider coastal erosion and requiring a minimum floor level of 3.7m AHD is considered suitable to also address storm tide inundation. A new condition requires the access to basement parking areas to also have a suitable immunity.</p>
<p>Multiple Dwelling, Short-Term Accommodation and Retirement Facility Land Use Code.</p> <p>Purpose:</p> <ol style="list-style-type: none"> (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies. (2) The purpose of the code will be achieved through the following overall outcomes: <ol style="list-style-type: none"> (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns; (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood; (c) development does not adversely impact on the natural features on the site; (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region; (e) the impacts of development on adjoining premises are managed. 	<p>For AO2 and PO2:</p> <p>The site is constrained with essentially only one street frontage as the road at the rear is unconstructed. The development will focus internally to recreational areas and also have some aspects to side, rear and front boundaries. Due regard has been given with units fronting and overlooking Davidson Street.</p> <p>The development is for a private resort which has an integrated approach for central access driveway and a pedestrian scale of buildings and recreational areas. There is no need for public parks, spaces, roads or walkways within the development.</p> <p>Development is minimal height, being double storey and the design has given significant consideration to mature trees on the site.</p> <p>The development is considered to meet the Code purpose.</p>
<p>PO4 Development is sited so that the setback from boundaries:</p> <ol style="list-style-type: none"> (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping. 	<p>For rear boundary setback:</p> <p>The development provides sufficient setbacks to meet the Performance Outcomes given the rear boundary is to an unconstructed, heavily vegetated road.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>PO 13 Development must provide attractive and functional private open space for residents and guests.</p>	<p>For private open space the majority of the units area double storey with a private a private courtyard of some 20m², a separate balcony swim-out to the central swimming pools of approximately 18.55m² and balconies to each of the two, first floor bedrooms. The total area for these units is sufficient given:</p> <ol style="list-style-type: none"> a. the extensive privacy provided to the terrace areas; b. the terrace areas are immediately adjacent to the internal living area; c. the interface between the internal living area and the terrace can be opened with the bi-fold doors; and d. a small additional first floor balcony is provided to each bedroom. <p>The eight, single bedroom units have a ground floor area of 24m². These areas are considered sufficient in this instance as:</p> <ol style="list-style-type: none"> a. the units are small in size and have only a single bedroom; b. the open space is immediately adjacent to the internal living area and the interface can be opened with the bi-fold doors; c. the external area is provided with privacy screening/landscaping; and d. the majority of these units face the vegetated un-constructed road area and are afforded a landscaped outlook with higher privacy..
<p>Access, parking and servicing code</p>	<p>The provision of disabled person parking and bicycle parking can be addressed by an amended condition.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Filling and Excavation Code</p> <p>PO2 Filling and excavations are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties are not compromised.</p>	<p>The excavation is for the basement car park and swimming pools and these areas do not impact on amenity of the area or adjoining properties. The excavated areas are setback from the adjoining lots by extensive distances. The development meets the benchmark requirement.</p>

Summary of 2018 Planning Scheme Assessment

The above concerns can be satisfactorily addressed through the proposed amended conditions that the applicant has agreed to seek.

Other Considerations

There were no submissions to the original application. The level of assessment has not changed and remains as code assessable development.

Currency

Condition 6 makes reference to a four year currency for the approval as issued under the Integrated Planning Act 1997. The current legislation, the planning Act 2016, provides a standard six year currency. It is appropriate that a six year extension issue and the condition be appropriately reworded.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges and credit is given for the existing use. Refer to Attachment 3 to view calculations.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the applications.

ATTACHMENTS

1. Attachment 1 Existing Approval 97-107 Davidson St, Pt Douglas **[5.1.1]**
2. Attachment 2 Planning Scheme Assessment **[5.1.2]**
3. Attachment 3 Infrastructure Charges Notice **[5.1.3]**

YOUR REF: Pandanus Extension
OUR REF: MCUC 645/2015 (449181)

26 February 2015

Our Stuff Pty Ltd
C/- Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

cc Department of State Development,
Infrastructure and Planning
Far North Queensland Office
PO Box 2358
CAIRNS QLD 4870

Attention: Mr John Lordon

Dear Sir

**NOTICE OF DECISION UNDER S 376 SUSTAINABLE PLANNING
ACT 2009: EXTENSION OF PERIOD OF APPROVAL
MATERIAL CHANGE OF USE FOR
97-107 DAVIDSON STREET, PORT DOUGLAS**

A request to extend the period of approval for the abovementioned Development Permit was received by Council on the 10 February 2015.

Applicant details:

Our Stuff Pty Ltd
C/- Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

Attention: Mr John Lordon

Land details:

Street Address:
Real Property Description:

97-107 Davidson Street, Port Douglas
Lots 1 and 2 on RP741341

Date original application decided:

20 December 2004 (Douglas Shire Council). A copy of this original Decision Notice is attached.

Request

Date request lodged

10 February 2015

43.2015.645
1/34 (449181)

- Referral Agency:** Department of Transport and Main Roads
Now known as:
Department of State Development,
Infrastructure and Planning
Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
CAIRNS QLD 4870
- Decision:**
- A. That the General Manager Operations, under Instrument of Delegation, approves the extension of the relevant period for a further four (4) years, up to and including the 23 February 2019.
 - B. That an Amended Infrastructure Charges Notice be issued to the Applicant.
- Decision Date:** 25 February 2015
Douglas Shire Council
Determined by Delegate Authority

Please note that this Development Permit is now valid up to and including 23 February 2019.

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 Amended Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Notice of Decision, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att
Attachment 1 - Original Decision Notice
Attachment 2: Concurrence Agency Decision
Attachment 3: Amended Infrastructure Charges Notice
Appeal Rights

43.2015.645
2/34 (449181)

ATTACHMENT 1: ORIGINAL APPROVAL

RECEIVED
10 MAR 2005



ENQUIRIES: Mr Paul Gleeson – Acting Manager Planning Services
DEPARTMENT: Planning Services Section - ☎ (07) 4099 9450

OUR REF: PTG
YOUR REF: TPC1170

23 February 2005

John Lordon Developments Pty Ltd
C/-George Rollo
Frangipani
Andrews Close
PORT DOUGLAS QLD 4870

INTEGRATED PLANNING ACT NEGOTIATED DECISION NOTICE DEVELOPMENT APPLICATION

Applicant's Name: John Lordon Developments Pty Ltd

Owner's Name: Banks Pat & Delma & Jalacorp Pty Ltd Tte Salter Pr & Queensland Industry Development

Proposal: Material Change of Use to permit the construction of 100 Multiple Dwellings (tourist) including 92 x 2 bedroom and 8 x 1 bedroom Units, Caretaker's Residence and ancillary facilities

Application Number: TPC1170

Site Address: 97-107 Davidson Street, Port Douglas

Property Description: Lot 1 & 2 on RP723702

This Negotiated Decision Notice supersedes the Decision Notice dated 20 December 2004. Conditions 2(a)i, 2(a)ii, 3(b), 13 and 23 have been amended. All other conditions remain unchanged.

1. **Decision:**

Decision Date: 16/02/2005

Approved with Conditions

ADMINISTRATION CENTRE (ALL DEPARTMENTS) 64-66 FRONT STREET, MOSSMAN
 PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902
 EMAIL douglas@dsc.qld.gov.au

INTERNET www.dsc.qld.gov.au

ALL COMMUNICATIONS TO BE ADDRESSED TO:
 THE CHIEF EXECUTIVE OFFICER
 P.O. BOX 357
 MOSSMAN, QLD 4873

43.2015.645
3/34 (449181)

2. Type of Development Approval:

Material Change of Use

Development Permit

3. Referral Agencies:Queensland Department of Main Roads (Concurrence)

Conditions Attached

Department of Natural Resources & Mines (Advice)**4. Conditions:****Material Change of Use – Assessment Manager Conditions****Plan of Development**

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:
 - (a) The approved plan of development No's. D02, D03, D04, D09, D10 and D12 attached to this approval;
 - (b) The part of each two bedroom Multiple Dwelling Unit identified as "Rear Area Landscape BBQ" has been excluded from the calculation of gross floor area in accordance with clause(d) of the definition of gross floor area under the Transitional Planning Scheme 1996. These areas are not to be enclosed nor used for any other purpose.

Except where such plans and/or specifications are modified by the terms of this approval.

2. The approved plan of development shall be amended as follows:
 - (a) The buildings on the site are to be relocated to avoid the following:
 - i The nine (9) trees marked on the attached plan identified as "Vegetation Management Plan 1". A portion of the developer bond for this development will be held to ensure these trees are retained and managed appropriately; and
 - ii Construction over or within 3.5metres of the existing sewer main within and parallel to the western boundary of the subject site. Alternatively the applicant is to provide an engineering solution to the satisfaction of the Manager Engineering Services. Any alternative solution is to be prepared and certified by a registered structural engineer.

041220-Lordon-Pandanus Caravan Park - 100 Units.doc

Landscaping

3. The landscaping plan submitted with the proposed development and prepared by Pawsey & Prowse has been approved, as part of this development, subject to the following amendments:
 - (a) Davidson Street planting bed is not to include *Syzygium jambos*. Native *Syzygium* species are to be used in their place.
 - (b) The nine (9) trees marked on the attached plan identified as "Vegetation Management Plan 1"

The amended plan is to be submitted to Council for approval prior to lodgement of the detailed plans for Building Work approval.

4. The applicant shall prepare a detailed landscaping plan for the Davidson Street road reserve, western and eastern sides of the carriageway adjacent to the site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Local Planning Policy No.4 – Landscaping and is to include 100% native endemic species. The landscaping is to achieve a dense, tropical perspective as required under the Policy. This plan shall be submitted to Council for approval prior to lodgement of the detailed plans for Building Work approval.
5. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

Currency Period

6. This development approval lapses 4years after the day that the development approval takes effect, unless either works have substantially commenced on the land or this approval is extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Air Conditioning & Service Equipment

7. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

Compliance

8. All works required pursuant to the conditions of this Development Permit shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes.
9. All conditions shall be complied with prior to the Certificate of Classification being issued for the proposed buildings on the land or as otherwise stated in any condition of this approval.

041220-London-Pandanus Caravan Park - 100 Units.doc

Contributions for Water Supply and Sewerage Headworks and External Works (“the Policy”).

The contribution shall be calculated at the rate per Equivalent Domestic Connection (“EDC”) applicable at the time of payment in accordance with the Policy.

For information purposes only:

(a) The current rates per EDC at the time of this approval are:

Water Supply	\$ 5,330.00
Sewerage	\$ 2,218.00

(b) The current number of EDCs for the approved use are:

Water Supply	51
Sewerage	71

Water Supply

19. The applicant shall connect to reticulated water supply via the main contained within the Davidson Street road reserve. The proposed connection point including all works required to take the reticulated supply to the boundary of the site are to be shown on the plans for Plumbing and Drainage Works approval.
20. The applicant shall provide a 100mm diameter service to be contained within the common property to service the residential allotments and the common property.
21. The Council will make all connections to the existing main in Davidson Street. The applicant is to prepay to the Council the estimated cost of the connection of the new main to the existing system. The applicant will be responsible for meeting the actual cost of the work.

Sewerage

22. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
23. No buildings or other structures are permitted to be located within 3.5metres of the existing main within and parallel to the western boundary of the site unless otherwise determined by the Manager of Engineering Services in conjunction with necessary works.

Electrical & Telephone Services

24. Prior to the issue of a Certificate of Classification for the proposed development, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
 - (a) an underground electrical supply to the development; and

041220-Lordon-Pandanus Caravan Park - 100 Units.doc

- (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath areas.
25. All Electricity Lines along the full frontages of the subject site (Davidson Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the applicant's expense.
26. All external lighting installed upon the premises including car parking areas shall be certified by Ergon Energy or such other suitably qualified person such that it shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5 metres outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level.
27. Prior to the issuing of the Certificate of Classification, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
- (a) an underground telephone service to the development lot; and
 - (b) locating of all above ground switching station cubicles clear of footpath areas.

Bikeway/Pathway

28. A bikeway/pathway shall be constructed to a minimum width of 2metres on the western side of Davidson Street past the full frontage of the subject site.
29. *The bikeway/walkway(s) shall be suitably signed in accordance with the relevant Standards Association of Australia Code.*

Road Works

30. The applicant must undertake the following works:

Internal

- (a) Provision is to be made for the following works external to the subject site in accordance with Council's Requirements including:
 - i. All unused vehicle crossovers shall be reinstated with kerb and channel and landscaping;
 - ii. Construction of a 6.0m wide concrete vehicle crossover for the entry and exit point to the development.

Environmental Management Plans

31. The applicant is to have prepared with the submission for approval of the plans for Building Work, an Environmental Management Plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address

041220-Lordon-Pandanus Caravan Park - 100 Units.doc

such issues as dust suppression, waste disposal, noise management, vehicle management during construction, proposed hoarding and stormwater management (to minimise discharges of sediment, wastes and other substances). This plan is to be submitted to Council for approval prior to issuing of an Building Work Development Permit.

Maintenance Period

32. The Applicant shall maintain in accordance with the requirements of the Far North Queensland Regional Organisation of Councils Development Manual all road construction works of any nature whatsoever and any drainage works carried out under the provisions of this approval for the land for a period of twenty-four (24) months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such road construction and drainage works carried out as part of the works associated with the subdivision.

Security

33. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, to ensure payment of headworks contribution and to ensure the eleven (11) trees identified on the attached plan "Vegetation Management Plan 1" are preserved and managed for a period not less than two years after the commencement of the use, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$600,000, such Guarantee shall be lodged prior to the issue of a Development Permit for Building Work and to ensure the eleven (11) trees identified on the attached plan "Vegetation Management Plan 1" are preserved and managed for a period not less than two years after the commencement of the use Approval for Building Works on the land in relation to this Development Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the applicant fail to do so prior to issuing of a Development Permit for Building Work.

Health Requirements

34. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times.
35. All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:
- (a) 6.30 am to 6.30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7.00 am.
 - (b) Building work is not permitted on a Sunday or Public Holiday at any time.
36. All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Amendment Regulation (No. 2)*

Fencing

37. The applicant is to construct an acoustic screen fence along both the northern and southern boundaries of the subject site. The proposed method of construction is to be provided to Council at Building Works stage for approval. These fences are to be erected prior to construction commencing on site.
38. The applicant is to install temporary hoarding along the western boundary during construction to protect the vegetation within the road reserve. A sediment control device is to be installed along the base of the hoarding full the full length of the boundary to minimise sediment from the site entering the adjacent reserve to the west.

Acid Sulfate Soils

39. Any discharge waters during construction are to be monitored on a daily basis for pH, dissolved oxygen and Electro-conductivity.

Roadworks

40. The applicant is to construct the following works within the Davidson Street Road Reserve:
- (a) 400mm wide concrete edge restraint along the eastern side of the constructed carriageway for the full frontage of the subject site;

Footpath Damage Liability

41. All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

5. Further Development Approvals Required:

Operational Works	Development Permit
Building Work	Development Permit
Plumbing & Drainage Work	Development Permit

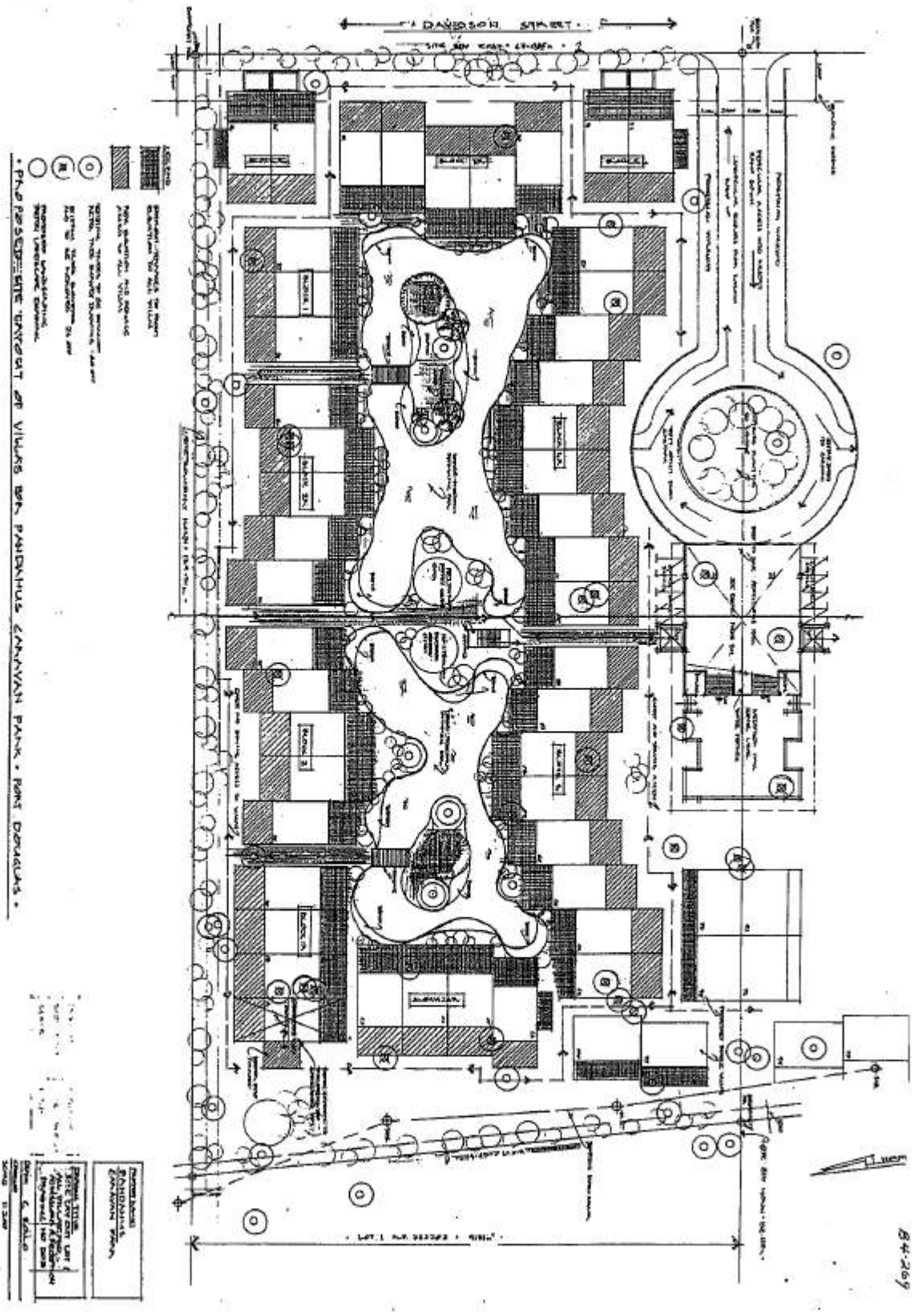
Should you require any further information in relation to this matter, please do not hesitate to contact Mr Paul Gleeson on telephone (07) 4099 9450.

Yours faithfully,

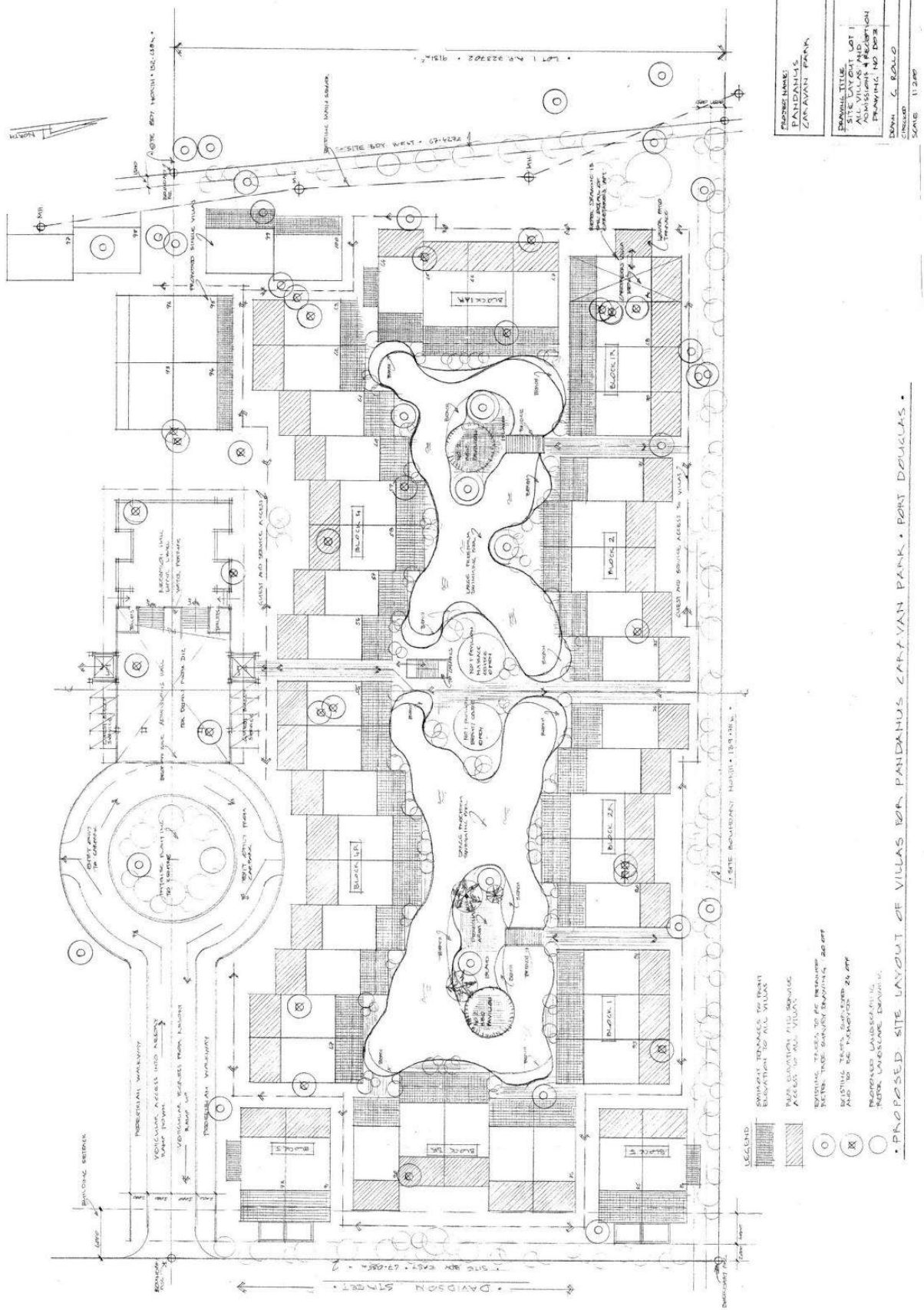


J R Neely
Acting Chief Executive Officer

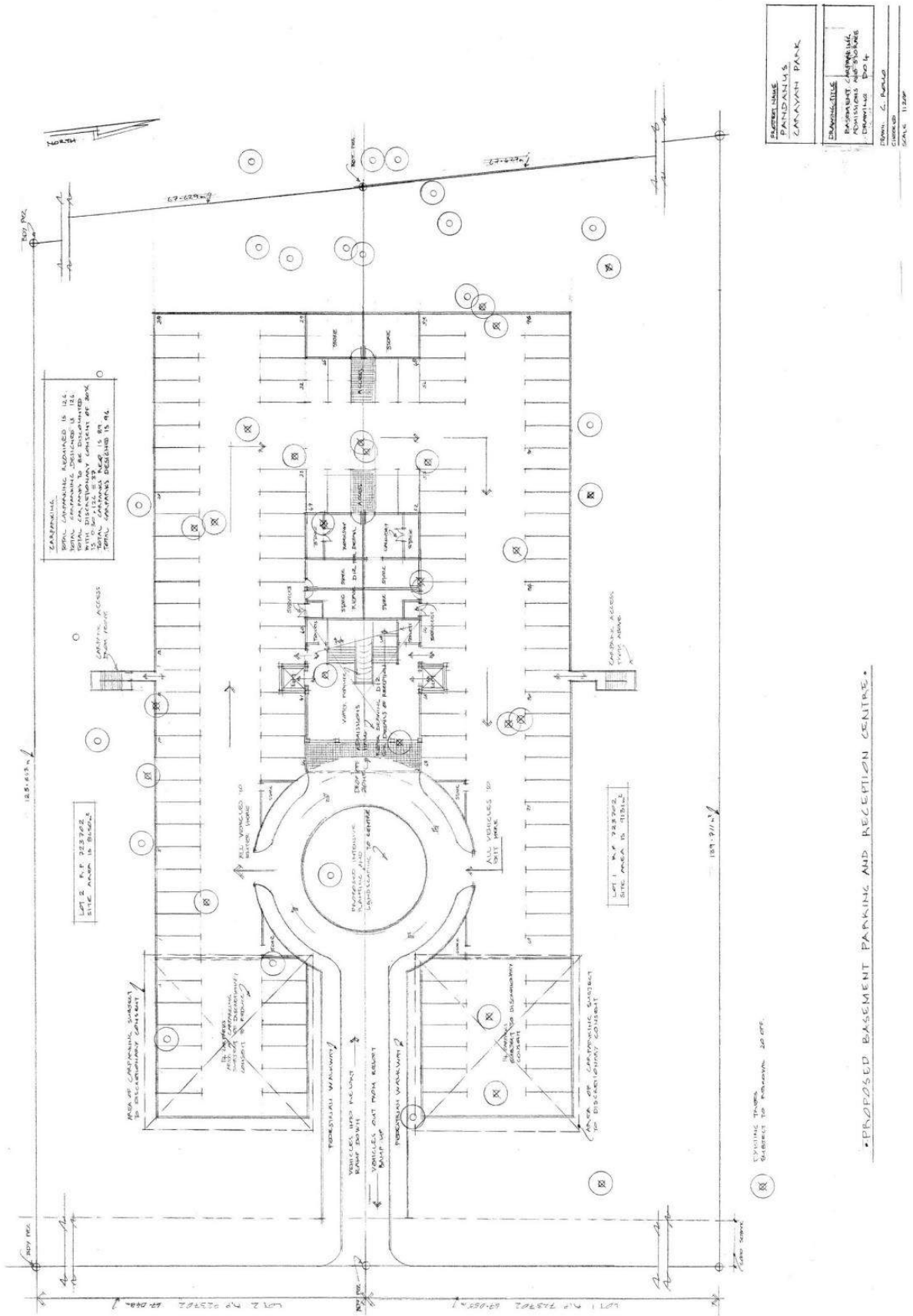
041220-Lordon-Pandanus Caravan Park - 100 Units.doc



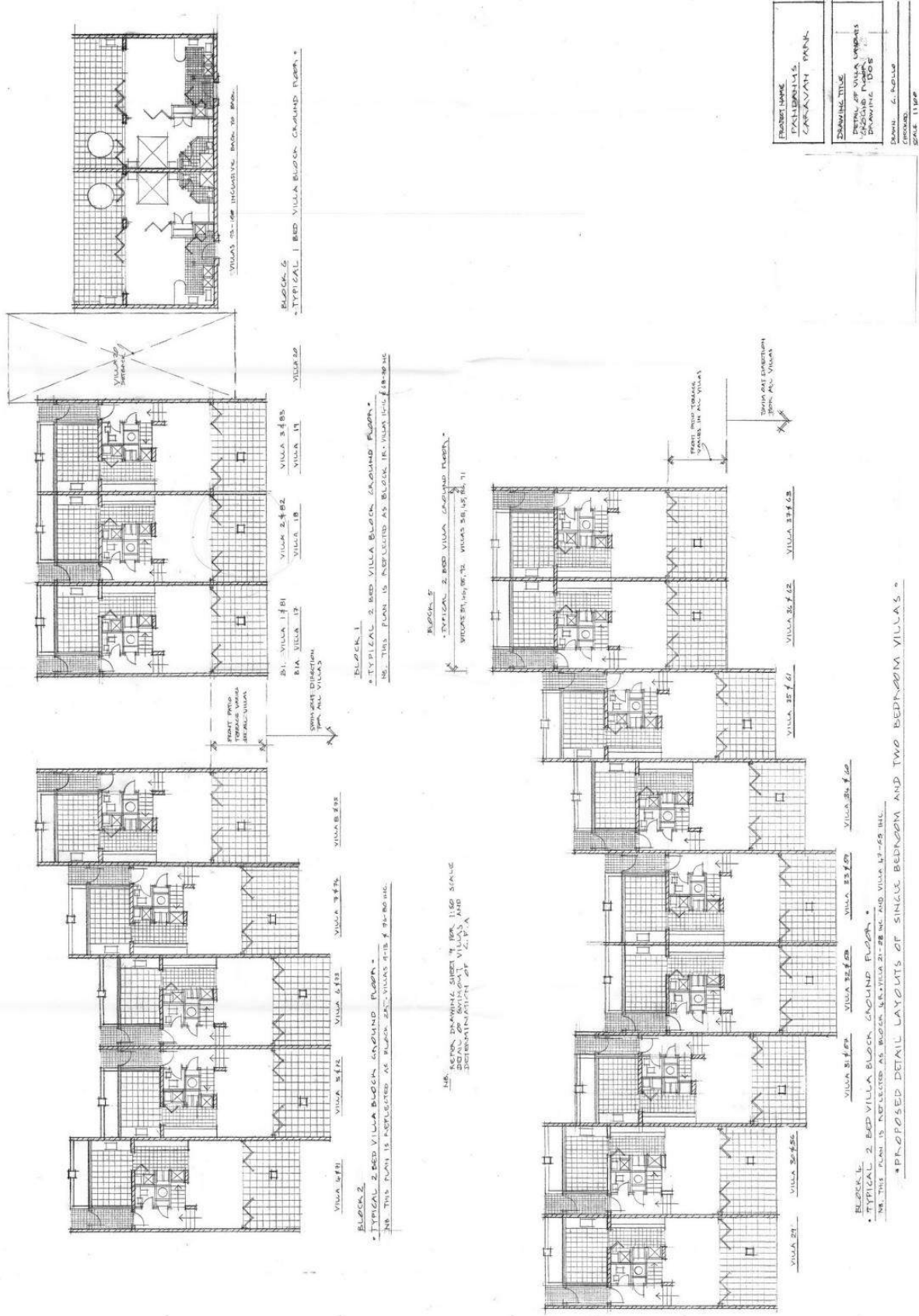
43.2015.645
10/34 (449181)



43.2015.645
11/34 (449181)

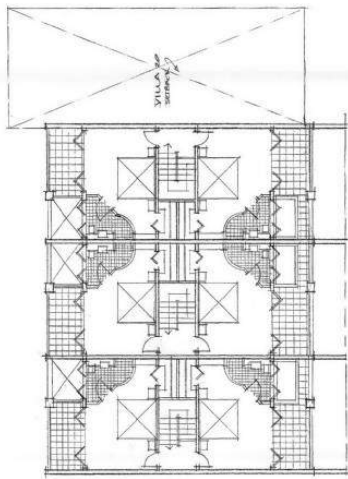


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 12/34 (449181)

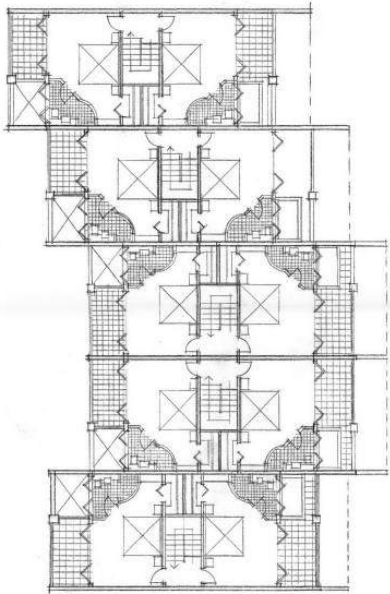


PROJECT NAME	PALLENHILLS
CLIENT	CAKAYAH PARK
DRAWING TITLE	DETAIL OF VILLA UNITS
DATE	2018
DRAWN	G. NGUYEN
CHECKED	
SCALE	1:100

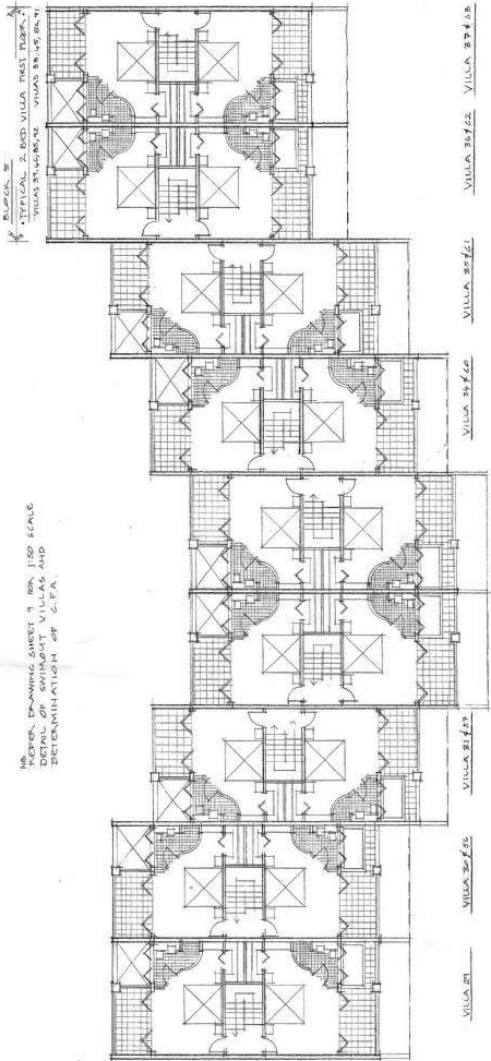
43.2015.645
13/34 (449181)



VILLA 2402 VILLA 2401 VILLA 2403 VILLA 2404
 BLOCK 2
 TYPICAL 2 BED VILLA BLOCK FIRST FLOOR
 NB: THIS PLAN IS REPRODUCED AS BLOCK 1P-VILLAS 1014-1030 NZ



VILLA 2405 VILLA 2406 VILLA 2407 VILLA 2408
 BLOCK 2
 TYPICAL 2 BED VILLA BLOCK FIRST FLOOR
 NB: THIS PLAN IS REPRODUCED AS BLOCK 2N-VILLAS 2104-2130 NZ



VILLA 2501 VILLA 2502 VILLA 2503 VILLA 2504
 BLOCK 3
 TYPICAL 2 BED VILLA FIRST FLOOR
 NB: THIS PLAN IS REPRODUCED AS BLOCK 3P-VILLAS 2104-2130 NZ

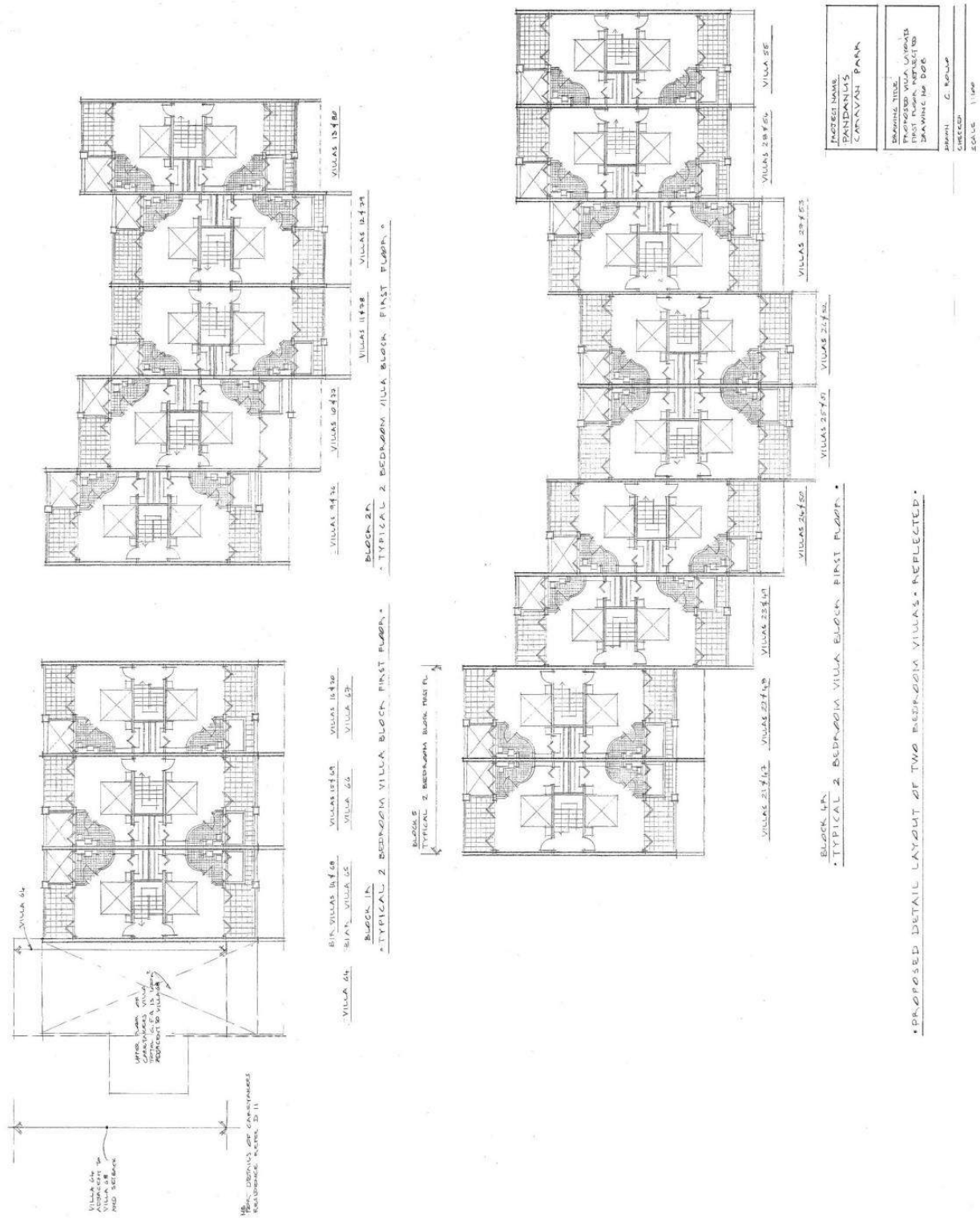
VILLA 2505 VILLA 2506 VILLA 2507 VILLA 2508
 BLOCK 3
 TYPICAL 2 BED VILLA BLOCK FIRST FLOOR
 NB: THIS PLAN IS REPRODUCED AS BLOCK 3N-VILLAS 2104-2130 NZ

PROPOSED DETAIL LAYOUT OF TWO BEDROOM VILLAS

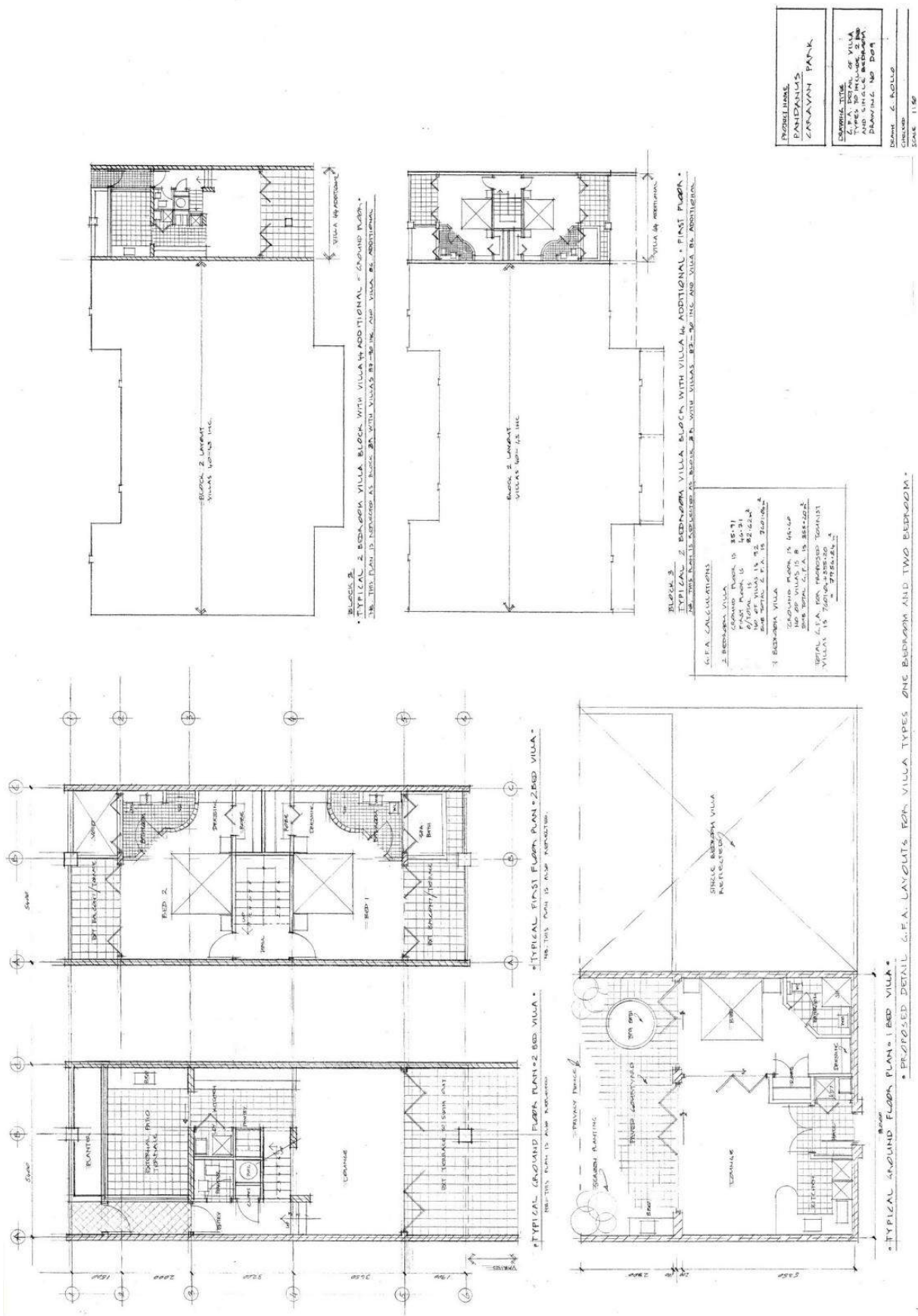
PROJECT NAME PANDANUS CARAVAN PARK
DESIGNED BY PANDANUS DESIGN FIRST FLOOR - 002
DATE 11/08/18



43.2015.645
15/34 (449181)



43.2015.645
16/34 (449181)

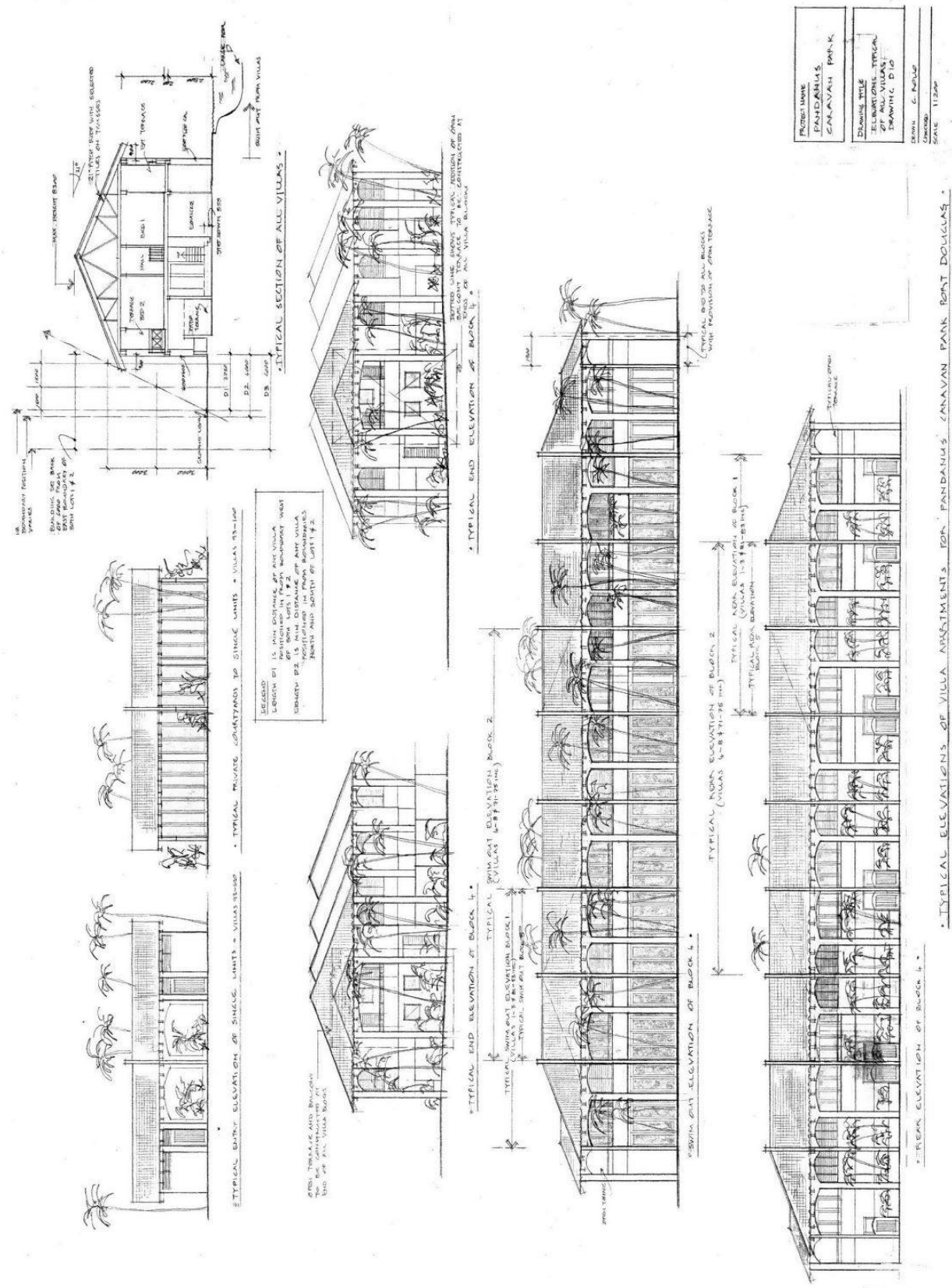


PROPOSED NAME
 PANDANUS
 KARAVAN PARK

GENERAL NOTES
 1. ALL VILLA TYPES TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLAN/NO. 100
 2. ALL VILLA TYPES TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLAN/NO. 100
 3. ALL VILLA TYPES TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLAN/NO. 100
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 9. ALL VILLA TYPES TO BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLAN/NO. 100
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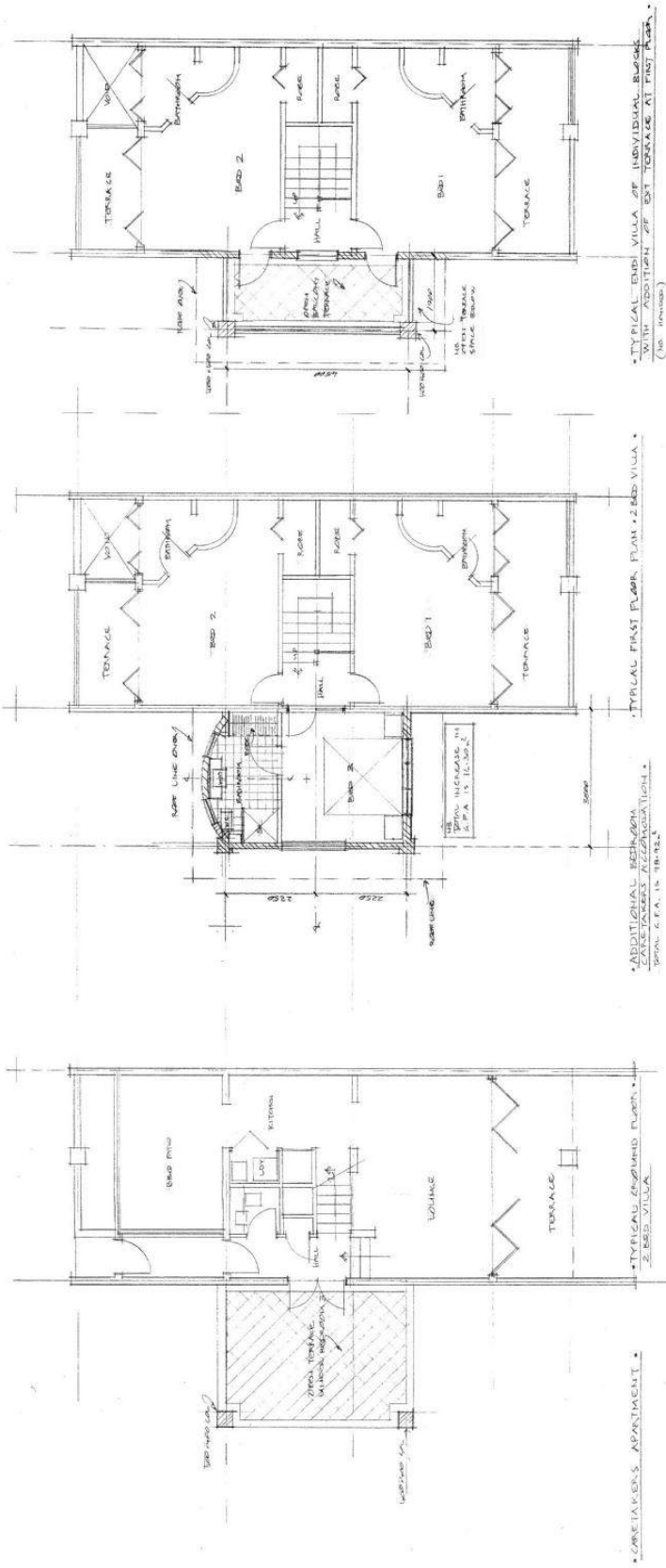
DATE: 2.10.18
 CHECKED:
 SCALE: 1:50

43.2015.645
 17/34 (449181)



PROJECT NAME	PANDANUS CANAVAH PARK
DRAWING TITLE	TYPICAL ELEVATIONS OF VILLA APARTMENTS FOR PANDANUS CANAVAH PARK
DRAWN BY	C. PULLAR
DATE	11/2018

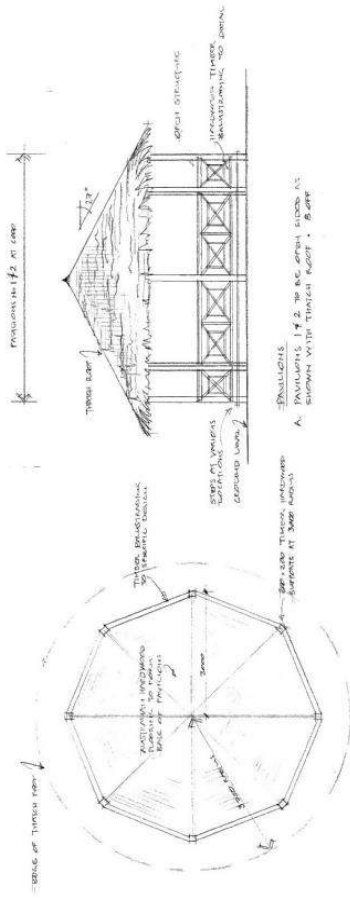
43.2015.645
 18/34 (449181)



TYPICAL 2-BED VILLA - 2 BED VILLA WITH ADDITIONAL SET TERRACE AT FIRST FLOOR (NO. 10/1000)

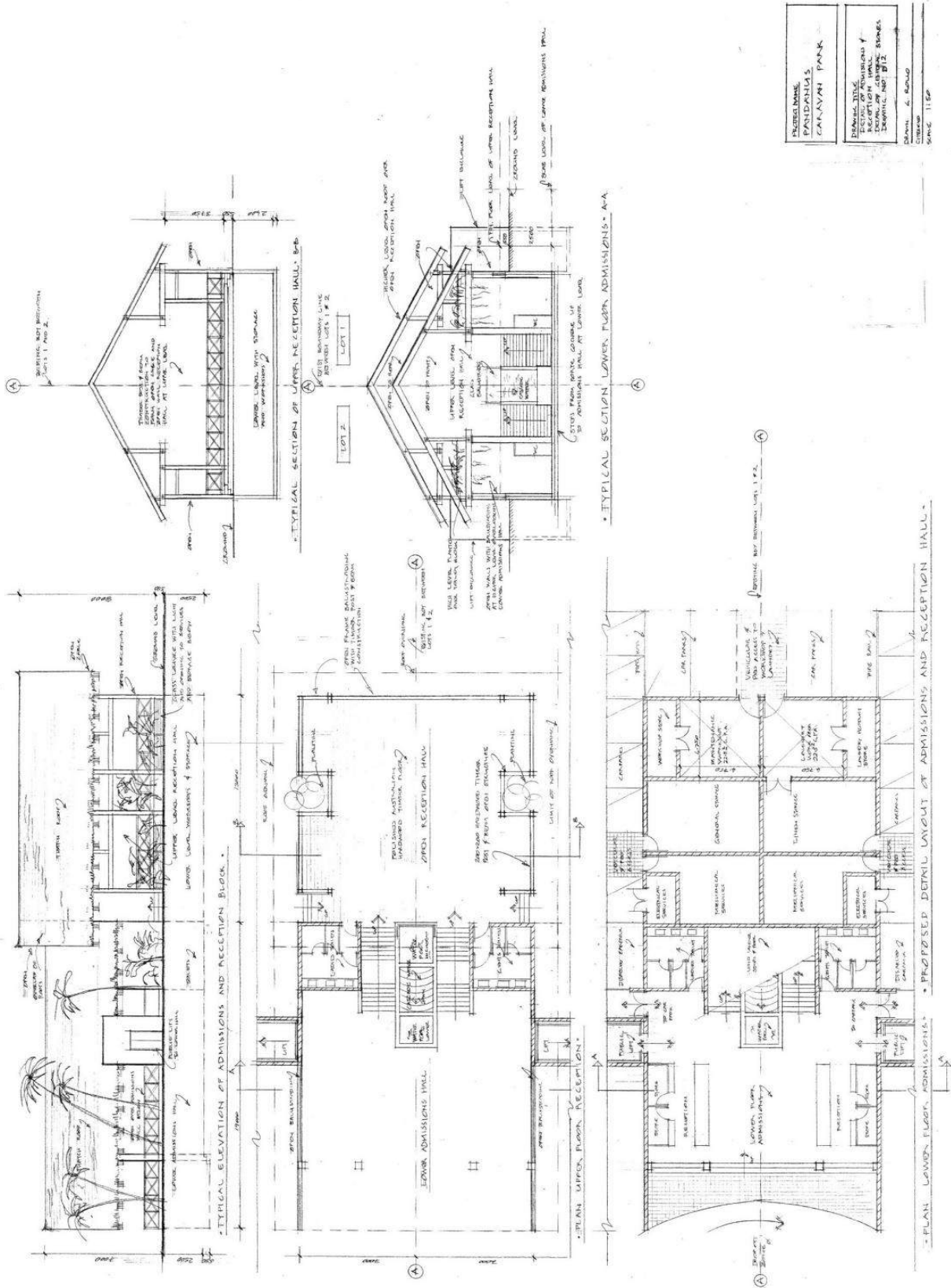
TYPICAL FIRST FLOOR PLAN - 2 BED VILLA

TYPICAL 2-BED VILLA - 2 BED VILLA



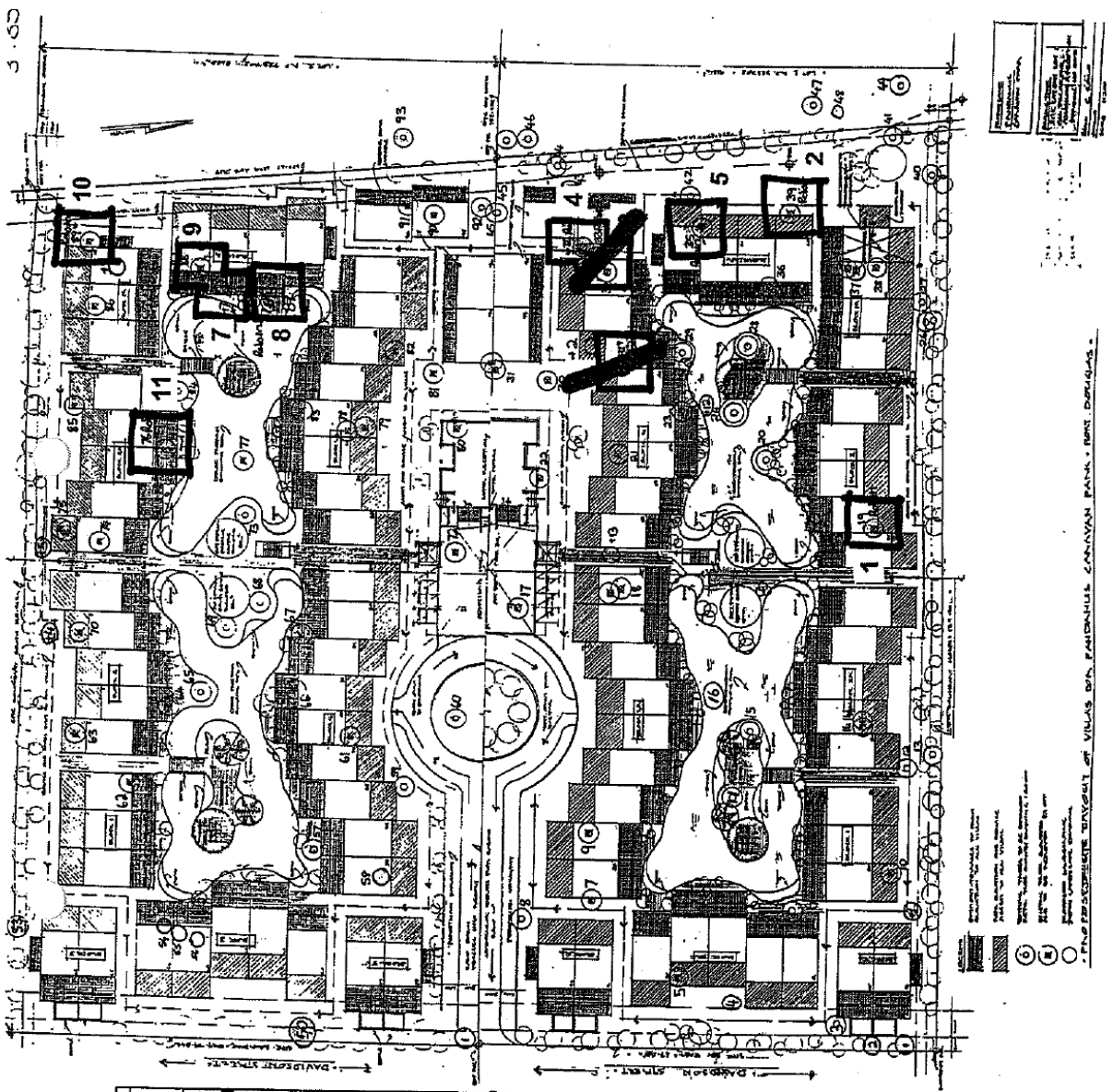
PROJECT NAME	PANDARUS CARAVAN PARK
CLIENT TITLE	PROVISIONS & CARPENTERS DRAWING D11
DATE	2. 2015
SCALE	1:150

43.2015.645
19/34 (449181)



PROJECT NAME	PANDANIS KARAYAH PARK
DESIGNED BY	ARCHITECTS & ENGINEERS
DATE	4. 2018
SCALE	1:50

43.2015.645
20/34 (449181)



Vegetation Management Plan 1

Trees to be retained:

- | No. | Specimen |
|-----|---|
| 1 | A specimen of Swamp Mahogany (<i>Leopoldium swartzianum</i>), approximately 20 metres with a stem diameter of 100 cm at breast height. This tree contains a specimen of 11 Trees Orchid (<i>Dendrobium parvifolium</i>), which is to be relocated. |
| 2 | A specimen of Red Beach (<i>Dillenia alata</i>), approximately 17 metres with twin stems with diameter of 100cm at breast height. |
| 3 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 14 metres at breast height. This tree is a native species and is in good health and contains at least four specimens of art plant (<i>Mylodon</i>). |
| 4 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 30 metres with a stem diameter of 190cm at breast height. This tree is a native species and is in good health and contains at least four specimens of art plant (<i>Mylodon</i>) which is listed as Vulnerable under the Nature Conservation Act 1992. |
| 5 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 30 metres with a stem diameter of 190cm at breast height. This tree is a native species and is in good health and contains specimens of art plant (<i>Mylodon</i>) which is listed as Vulnerable under the Nature Conservation Act 1992 and will require a permit from Environmental Protection Agency for removal, also contains 11 Trees Orchid (<i>Dendrobium parvifolium</i>). |
| 6 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 18 metres with a stem diameter of 100cm at breast height. This tree is a native species and is in good health and contains specimens of art plant (<i>Mylodon</i>) which is listed as Vulnerable under the Nature Conservation Act 1992. This tree was proposed for removal as it is in the building footprint. |
| 7 | A specimen of Beach Calophyllum (<i>Calophyllum inophyllum</i>), approximately 18 metres with a stem diameter of 100cm at breast height. This tree is a native species and is in good health but has been heavily pruned. This tree was not identified in the Application for Permit to Damage Protected Vegetation. This tree was proposed for removal as it is in the building footprint. |
| 8 | A specimen of Beach Calophyllum (<i>Calophyllum inophyllum</i>), approximately 15 metres with twin stems with diameters of 100/70cm at breast height. This tree is a native species and is in good health but has been heavily pruned. This tree was proposed for removal as it is in the building footprint. |
| 9 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 40 metres with a stem diameter of 200cm at breast height. This tree is a native species and is in good health and contains specimens of art plant (<i>Mylodon</i>). This tree was proposed for removal as it is in the building footprint. |
| 10 | A specimen of paper bark tea tree (<i>Melaleuca leucadendron</i>), approximately 40 metres with a stem diameter of 250cm at breast height. This tree is a native species and is in good health. This tree was proposed for removal as it is in the building footprint. |
| 11 | A specimen of Swamp Mahogany (<i>Leopoldium swartzianum</i>), approximately 20 metres with a stem diameter of 80 cm at breast height. This tree is a native species and is in good health. This tree was proposed for removal as it is in the building footprint. |

43.2015.645
21/34 (449181)


**Queensland
Government**

18 March 2004

Mr T Melchert
Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME	<i>Material Change of Use</i>
DOCUMENT NO.	<i>510 P 2004/219</i>
18 MAR 2004 <i>RZ219</i>	
ATTENTION	<i>PTG</i>
INFORMATION	<i>SAA</i>

Department of Main Roads

Dear Mr T Melchert

Douglas Shire : Captain Cook Highway
Situatd at Old Port Road, Port Douglas
Lots 304-306 on C 2251 & Lot 1 on RP 720006, Parish of Salsbury
John Lordan Developments Pty Ltd
Proposed Material Change of Use (Residential A) Application
Review of Referral Agency's Response (conditions apply)

I refer to:

- the above application received at the Department 12 and 16 February 2004, requesting consideration of the above development,
- the Department's letter of conditions of development of 4 March 2004, and
- written representations of 8 March 2004, faxed 16 March 2004, from the applicant's consultant, concerning conditions 1 and 2.

The Department has completed the investigation of the representations, noting no new information was submitted, and is not prepared to:

- alter the access location from the position as indicated, or
- compromise the road traffic noise and visual treatments standards.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads advises its response to the representations is to maintain the following conditions of development for the subject application:

A. CONDITIONS OF DEVELOPMENT**I. Permitted Road Access Location**

- (i) Vehicular access between the Captain Cook Highway and the subject site shall be via the Port Gardens estate link to Owen Street.
- (ii) No direct vehicular access (including motor bikes) between the Captain Cook Highway and the subject site and Owen Street is permitted.

North Queensland Region
Peninsula District
PO Box 6185
CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 45/20A/102(3148)
Your ref RZ 219
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

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- (iii) The existing direct vehicular access between Old Port Road and the subject land shall be maintained only for the existing dwelling. However, for any new development or redevelopment on the subject land, no direct vehicular access between Old Port Road and the subject land is permitted, and the existing access shall be permanently closed, unless with the written approval of Douglas Shire Council.

2. Road Traffic Noise & Visual Treatments

For the purposes of this condition:

- Parts (a), (b) and (c) below shall apply to noise-sensitive uses proposed to be located within 50m of the Captain Cook Highway frontage of the subject land,
- the Captain Cook Highway shall hereafter be referred to as 'SCR', and
- attached 'DMR Plan No. PD85C (dated 3/2001)' shall hereafter be referred to as the 'DMR Buffer Plan'.

(a) Buffer Strip

For the purposes of this condition the buffer strip shall include:

- a minimum of six metre wide freehold strip located within the subject site and adjacent the SCR frontage, and
- the four metre wide registered easement located adjacent to and east of the above freehold strip.

The registered covenant shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/ maintain/ upgrade/ remove noise attenuation treatments, landscaping and public utilities within the registered covenant,
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise ameliorative treatments, landscaping, or public utilities located within the registered covenant, and
- prohibit the construction of any structures within the registered covenant except where approved/ required otherwise by Council and the Department of Main Roads.

The registered covenant shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. These requirements shall be completed prior to the commencement of any noise-sensitive use.

The applicant/landowner shall create and transfer the freehold allotment/s to Department of Main Roads ownership prior to the commencement of any noise-sensitive use.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping covering the entire buffer strip along the frontage of the SCR. The landscaping shall be designed, installed and maintained such that existing and future SCR infrastructure, any noise ameliorative works if applicable, and on site buildings and facilities, are screened as much as practicable from each other.

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The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns or poisonous fruits or berries).

All landscaping of the buffer strip shall be completed prior to the commencement of any noise-sensitive use.

(e) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, including the buffer strip, and the applicant/landowner shall have regard to the design criteria specified within AS3671. Any noise barrier within the buffer shall be designed and constructed in accordance with the DMR Buffer Plan.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise levels are not to be exceeded before 10 years after the time of completion of the full development:

- External noise levels shall not exceed 63dB(A) 18h.
- Internal noise levels (ie, within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works:

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- Internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/ landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings, and

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- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/ landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the commencement of any noise-sensitive use.

(v) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the approved noise report and DMR Buffer Plan.

All noise ameliorative works required within the Buffer Strip shall be completed prior to the commencement of any noise-sensitive use.

All noise ameliorative works required within the relevant building(s) shall be:

- incorporated into the building design(s) prior to the applicant/ landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land; and
- incorporated into the building(s) prior to commencement of use of the building.

(vi) Building Covenant

When a covenant is required by the Road Traffic Noise (acoustical) Report then the following requirements shall be met:

- The covenants shall be included on the same Plan of Survey which creates the lots which are subjected to the covenant and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
 - the final layout plan with finished contour levels and highlighting lots effected by a covenant,
 - summary of noise amelioration works and covenant conditions, and
 - a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant,
 prior to execution of the Covenants Forms 31.
- Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as

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detailed in the new acoustical assessment must be completed within the above relevant timeframes.

- Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

3. Access to Adjoining Properties

The applicant/ landowner shall dedicate a 15m wide road reserve to link the future proposed internal road network on the subject land to the northern boundary of either Lot 303 on C 2251 or Lot 18 on C 2256.

4. Owen Street Barrier

The applicant/landowner shall erect a physical barrier on the alignment of property frontages to the Captain Cook Highway across the full width of Owen Street to prevent vehicles, but allow pedestrians and cyclists to access the Captain Cook Highway reserve. The barrier shall be designed and erected to the satisfaction of the Director-General of the Department of Main Roads prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the subject land.

An extension of the landscaped noise amelioration mound in condition 2 would satisfy this condition.

5. Provision of Pedestrian/ Bicycle Paths

- (i) The applicant/landowner shall provide a pedestrian/ bicycle path along the full Captain Cook Highway frontage, subject to the approval of the Department of Main Roads.
- (ii) The applicant/landowner shall provide pedestrian/ bicycle path(s) between the subject site and the proposed Captain Cook Highway pedestrian/ bicycle path via Owen Street.
- (iii) The applicant/landowner shall construct the pedestrian/ bicycle paths to the requirements of the Douglas Shire Council prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the subject land.

6. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

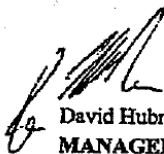
B. GENERAL DISCUSSION

Council is requested to reflect Conditions 1, 2 and 3 above on its Rates Record, to ensure that the planning intentions of Conditions 1, 2 and 3 are secured.

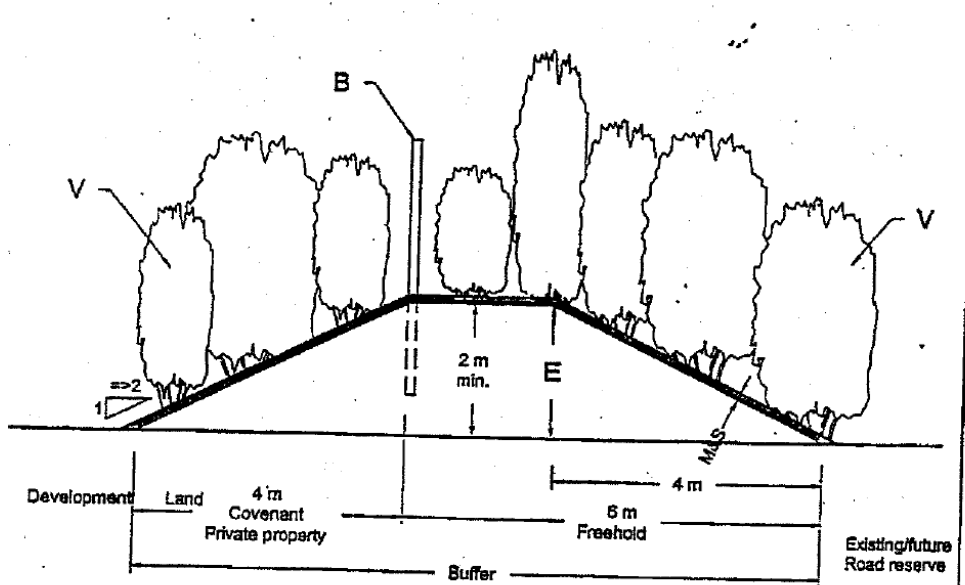
This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA
Enclosed (DMR Plan No. PD85C dated 03/2001)



- V = Landscaping to the requirements and satisfaction of the Chief Executive Officer of the Council.
- E = Embankment material constructed to Department of Main Roads Standard Specification.
- M&S = A minimum 100 mm layer of fertile topsoil with a minimum 200 mm layer of mulch on top.
- B = Noise Barrier designed in accordance with Main Roads Department Road Traffic Noise Management Code of Practice, January 2000.

Note :

All work shall be designed and approved in accordance with the above requirements unless altered in writing by the Director General, Department of Main Roads.

All work shall be installed and maintained in accordance with the approved plan to the satisfaction of the Director General, Department of Main Roads. The installed approved works shall be completed prior to the commencement of the use onsite, unless approved otherwise.

NOISE AMELIORATION AND VISUAL AMENITY WORKS FREEHOLD & COVENANT BUFFER STRIP

DMR Plan No. 0096 (01)

3/2001)



Council Ref: 8/38/2

11 February 2011

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870



Attention: Leon Doutre

Dear Mr Doutre

Sustainable Planning Act 2009 – Request to extend currency period

Applicant: John Lordan Developments Pty Ltd

Application: Material Change of Use (Multiple Dwellings (Tourist) & Caretaker's Residence)

Location: Lots 1 & 2 on RP723702, Parish of Salisbury
97-107 Davidson Street, Port Douglas

I refer to:

- the above application received at the former Department of Main Roads (DMR) on 26 August 2004 requesting consideration of the above development
- DMR referral agency response dated 22 September 2004 of conditions of development,
- Council's negotiated decision notice dated 23 February 2005,
- request for an extension to the currency period from Our Stuff Pty Ltd received at DMR on 9 August 2007,
- DMR letter dated 20 August 2007,
- further request for an extension to the currency period from Our Stuff Pty Ltd received at DMR on 16 June 2008,
- DMR letter dated 23 June 2008,
- Council's extension of currency period received at DMR 4 December 2004 with incorrect referral agency response attached, and
- further request for an extension to the currency period from Our Stuff Pty Ltd received at the Department of Transport & Main Roads on 11 February 2011..

This department has no objection to a further extension of the currency period, subject to Council's determination.

Assets & Operations
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 8185 CAIRNS Queensland 4870
ABN 39 407 690 291

Our ref 214/6504/102 (1590)

Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

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The Department would appreciate a copy of Council's decision regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



Malcolm Hardy
Senior Planner (Assets & Operations) Far North

ATTACHMENT 2: CONCURRENCE AGENCY DECISION FOR EXTENSION REQUEST



Department of
**State Development,
Infrastructure and Planning**

Our reference : SPD-0215-015278
Your reference : TPC1170

18 February 2015

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attention: Jenny Elphinstone

Dear Ms Elphinstone,

Notice about request to extend relevant period

Lot on plan	Street address
Lots 1 & 2 on RP723702	97 Davidson Street, Port Douglas

(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 11 February 2015 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is until 23 February 2019.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

If you require any further information, please contact Jenny Sapuppo, Senior Planning Officer, Regional Services – Far North Queensland on (07) 4037 3202, or via email jenny.sapuppo@dspdip.qld.gov.au who will be pleased to assist.

Yours sincerely

Robin Clark
Manager (Planning)

Page1	Far North Queensland Regional Office Ground Floor, Cairns Port Authority PO Box 2358 Cairns QLD 4870
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ATTACHMENT 3: AMENDED INFRASTRUCTURE CHARGES NOTICE**DOUGLAS**
SHIRE COUNCIL**2006 & 2008 Douglas Shire Planning Schemes Applications****INFRASTRUCTURE CHARGES NOTICE**

Our Stuff Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
97-107 Davidson Street		Port Douglas	L1 L2 RP741341
STREET No. & NAME		SUBURB	LOT & RP No.s
MCU Code (multiple dwellings)		43.2011.4125	31-Dec-14
DEVELOPMENT TYPE		COUNCIL FILE NO.	R&B INDEX QUARTER ENDING
448831		1	VALIDITY PERIOD
DSC Reference Doc . No.		VERSION No.	
		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	6,547.95	X	50.00	0.00	\$327,397.42		861GL 07470.0135.0823
Proposed	11	647.61	X	50.00	0.00	\$32,380.39		875 GL 07470.0135.0824
Port Douglas	Water sub - total					\$359,777.81		
SEWERAGE								
Existing	3	3,920.69	X	69.20	0.00	\$271,311.43		883 GL 07480.0135.0823
Proposed	3	525.04	X	69.20	0.00	\$36,332.78		889 GL 07480.0135.0824
Pt D Mirage & A	Sewerage sub - total					\$307,644.21		
OPEN SPACE	DSC Area					\$0.00		894 GL 07230.0135.0825
Off-Site Car Parking	0.00					\$0.00		
TOTAL						\$667,422.02		

Prepared by	J Elphinstone	on	19.2.2015	Amount Paid	
Checked by	Neil Beck	on	19-Feb-15	Date Paid	
Date Payable					
Amendments		Date		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 9444 or by email on enquiries@douglas.qld.gov.au

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2018 Douglas Shire Planning Scheme Assessment

Under the current Scheme the use is defined as short term accommodation which is code assessable development in the Tourist Accommodation Zone. An assessment of the development against the Planning Scheme benchmarks is tabled below.

Benchmark Description	Benchmark Reference	Compliance
Tourist Accommodation Zone Code	AO1 Buildings area a maximum of 13.5 metres and three storeys.	Complies, buildings are two storey with basement.
	AO1 Buildings are setback 6 m from the main street, 2m from the side boundary and 4m a secondary street.	Complies with front setback of 6m and side setbacks of 4m.
		In parts the buildings are within the 4m setback from the secondary road.
	AO2 Site coverage is limited to 50%.	Complies, site coverage at ground level is 45%.
	AO3.1-AO3.4 Building form, proportions and scale.	Complies with outcomes.
	AO4.1-4.3 Landscaping of site to be a minimum of 35% and deep planting to the front and side boundaries.	Complies, 35% of total site is landscaped with deep planting to boundaries.
	AO5 Inconsistent uses are not established.	Complies, use is code assessable development.
	PO6 Development responds to site characteristics.	Complies, a detailed plan accompanies the site for the retention of particular trees on the site.
	PO7 Development does not adversely affect the tropical, tourist and residential character and amenity of the area.	Complies, scale is a modest two storey development with tropical character and for tourist use.
PO8 Loading and unloading, servicing areas are screened.	Servicing is at basement level, central access can provide for loading. A condition of the approval requires a waste storage area be provided beyond the 3m wide landscape strip to the front of the site for storage of waste containers.	

Benchmark Description	Benchmark Reference	Compliance
	<p>AO91-9.3, Services to tourist accommodation.</p> <p>AO10-AO12 – new lot size</p>	<p>Complies, swimming pools are nominated and the central admissions reception includes reception halls that could be used for catering purposes. No specific detail has been provided for the additional “reception hall” areas.</p> <p>N/A.</p>
Port Douglas / Craiglie Local Plan Code	<p>AO1 A pedestrian / bicycle plan is delivered through development.</p> <p>AO2.1-2.2 Retention of mature trees and views</p> <p>AO3 Development at gateway nodes</p> <p>AO4 Landscaping is suitable.</p> <p>AO5 No direct access to state-controlled road where practical access from another road is available.</p>	<p>Pedestrian / bicycle path already provided between Davidson Street and Port Douglas Road. A condition of the existing approval requires a pedestrian / bicycle pathway to be constructed on Davidson Street, along the road frontage.</p> <p>Complies, the design of the development had specific regard to the retention of mature trees and this is supported by the conditions of the existing approval. The development is relatively low scale and does not impede views.</p> <p>N/A – not at a gateway node.</p> <p>Complies.</p> <p>Complies. Conditions of the approval include DTMR conditions for vehicle access.</p>
Acid Sulfate Soils Overlay Code	AO1.1-AO4 Development criteria.	A condition of the approval considers discharge of water. No condition addresses treatment and removal of soil for the basement excavation.

Benchmark Description	Benchmark Reference	Compliance
Coastal Processes Overlay Code	<p>AO1-AO2 Setback from coastal line</p> <p>PO3 Development identifies erosion prone areas (coastal hazards).</p> <p>PO4 Erosion prone areas are free from development to allow for natural coastal processes.</p>	<p>Complies.</p> <p>Does not comply - no identification has been considered.</p> <p>Does not comply development is proposed in the erosion prone area.</p>
Flood and Storm Tide Hazard overlay Code	<p>AO1 Development is not sited within a storm tide inundation area.</p>	<p>Does not comply as the development is to be sited within the medium storm tide inundation area.</p>
Road Network Overlay Code	<p>AO1-AO2, A04, AO6: Provision of suitable access to the road hierarchy, provision of a suitable vegetation buffer, provision of pedestrian/ bicycle pathways</p> <p>PO3 Development of sensitive land uses are appropriately designed to avoid or mitigate adverse impacts.</p>	<p>Complies through conditions of the current approval.</p> <p>Complies through conditions of the current approval.</p>
Multiple Dwelling, Short-Term Accommodation and Retirement Facility Land Use Code.	<p>AO1 Minimum site dimensions</p> <p>AO2 Development of a site of greater than 5,000 m² requires a structure plan</p> <p>PO2 Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:</p> <p>(a) the establishment and extension of public streets and pathways;</p> <p>(b) the provision of parks and other public spaces as appropriate to the scale of the development;</p>	<p>Complies.</p> <p>Does not comply, no structure plan provided.</p> <p>Does not comply in part. A mix of single, two and three bedroom units are proposed and this is consistent with the benchmark. However, no public streets or pathways, parks, public spaces are provided, refer to further assessment below.</p>

Benchmark Description	Benchmark Reference	Compliance
Multiple Dwelling, Short-Term Accommodation and Retirement Facility Land Use Code.	<p>(c) inclusion of a mix of dwelling types and tenures and forms;</p> <p>(d) buildings that address the street;</p> <p>(e) building height and setback transitions to adjoining development of a lower density or scale.</p> <p>AO3.1 Maximum site coverage of 40%.</p> <p>AO3.2 Maximum GFA of 1.2 x site area.</p> <p>AO4.1- 4.3 Buildings are setback 6 m from the main street, 2.5m from the side boundary and 4m from the rear boundary.</p> <p>AO5.1 -5.2 Building form</p> <p>AO6.1-2 Variation in fenestration and design</p> <p>AO7.1-7.2 Buildings not setback further than 8m and have balconies facing the street.</p> <p>AO8.1-8.5 Shade, awnings and balconies to buildings</p> <p>AO9.1 -9.3 N/A, no adjoining dwellings houses.</p> <p>AO10-11 Minimum 35% of site is landscaped and deep planting buffers.</p> <p>AO12.1-12.5 Minimal communal open space of 5% of site area, with provision of shade and facilities.</p> <p>AO13.1-13.5 Minimal requirements for private open space of 35m² at ground level with minimum dimensions of 3m. Upper level units have a minimum balcony area of 12m² with a minimum dimension of 3m.</p>	<p>Complies, site coverage of 35%.</p> <p>Complies.</p> <p>Complies with front setback of 6m and side setbacks of 4m. In parts the buildings are within the 4m setback from the secondary road.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies</p> <p>N/A</p> <p>Complies 35% of site is landscaped and provision for deep planting buffers.</p> <p>Complies.</p> <p>Does not comply, refer to further assessment below.</p>

Benchmark Description	Benchmark Reference	Compliance
Multiple Dwelling, Short-Term Accommodation and Retirement Facility Land Use Code.	AO14.1-14.2 Front fencing to street.	No details are provided. Terrace units fronting the street are double storey and provide casual surveillance of the area and this is considered satisfactory to address the benchmark.
	<p>AO15 Control of outdoor lighting.</p> <p>AO16 Provision of suitable waste storage areas.</p> <p>AO17 Storage unit for each dwelling.</p>	<p>No details are provided. The communal recreational areas are internally located in the development. No concern is raised with the development in regards to the benchmark.</p> <p>Condition 10 of the approval requires a waste storage area.</p> <p>N/A as the development is for short term accommodation, not multiple dwellings.</p>
Access, Parking and Servicing Code	AO1.1 Parking spaces are provided as per Table 9.4.1.2b for the particular use.	<p>A total demand of 92 car parking spaces is required for the development that includes 100 units, 38m² of a ancillary function area and a caretaker's unit.</p> <p>The design plans include 96 spaces at basement level with discretion for a further 28 car parking spaces.</p> <p>None of the spaces are specifically allocated for disabled driver parking, visitor parking or for staff/servicing.</p>

Benchmark Description	Benchmark Reference	Compliance
Access, Parking and Servicing Code (continued).		No bicycle spaces are included in the design. The Acceptable outcome seeks 10 bicycle spaces to be provided on the site.
Filling and Excavation Code	<p>AO2.1 Excavation does not exceed 40% of the site area or 500m², whichever is the lesser.</p> <p>AO3.1-3.4 & AO4 Stormwater discharge and water quality.</p> <p>AO5 Excavation is clear of the zone of influence of public utilities.</p>	<p>Does not comply as a significant volume of earth is to be excavated to create the semi-basement car parking area. An expansive excavation will be needed for the swimming pool areas.</p> <p>Complies, a condition of the current approval addresses this satisfactorily.</p> <p>Complies. A condition of the current approval requires the design be amended to relocate away from the Council's sewer at the rear of the property, or provide a suitable alternative.</p>
Infrastructure Works Code	The Code requires specific work in the road area, connection to water supply, connection to Council's sewer system and appropriate storm water management.	These requirements are met through the conditions of the current approval.
Landscaping Code	The code require suitable landscaping be provided.	Complies. A condition of the current approval requires a more detailed landscape plan be provided and this plan is to retain identified mature trees.
Vegetation Management Code	Extensive consideration has previously been given to the retention of specific trees under the current approval and previously issued permit to damage vegetation of the former Council's By-laws.	The existing plans are consider satisfactory in meeting the relative code benchmarks.

Non-Compliance with Benchmarks

The following table provides reasons for supporting the application, despite the non-compliance with benchmarks.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Tourist Accommodation Zone Code</p> <p>PO1 Buildings are setback to:</p> <p>a. Maintain the character and amenity of the area;</p> <p>b. Achieve separation from neighbouring buildings and from road frontages.</p>	<p>The buildings are to be setback 3.0 m from the rear, western boundary which is to a heavily vegetated, unconstructed road. There is a sewer running parallel to this boundary and a condition of the approval requires suitable setback from the sewer 3.5 m unless otherwise determined by Council's Manager. The development achieves the performance outcomes.</p>
<p>Acid Sulfate Soils Overlay Code</p> <p>PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.</p> <p>PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p> <p>PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>These matters can be suitably addressed through an additional standard condition that requires investigation and treatment of acid sulfate soils.</p>
<p>Coastal Processes Overlay Code</p> <p><i>Purpose:</i></p> <p>(1) <i>The purpose of the Coastal environment overlay code is to:</i></p> <p>(a) <i>implement the policy direction in the Strategic Framework, in particular:</i></p> <p>(i) <i>Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;</i></p> <p>(ii) <i>Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;</i></p> <p>(iii) <i>Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.</i></p>	<p>When initially designed the sea level rise and coastal erosion were not determined nor considered.</p> <p>The land is identified as an area of expected higher density development and is on the fringe of the erosion prone area of the inlet, rather than the sea front area.</p> <p>Storm tide inundation and erosion processes are likely to be less forceful in this area than those of the sea front due to the mangroves established to the west. The development is considered satisfactory provided it is constructed at a suitable height, in this instance with a minimum finished floor level of 3.70 m AHD (3.4m plus a 300mm freeboard). This minimum level takes both flooding in coastal areas and storm tide inundation, without wave run-up, into account. The extension is supported on the basis that the Applicant has sought and is agreeable to amending Condition 17 to require a minimum floor level of 3.7m AHD.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p><i>(b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.</i></p> <p><i>(2) The purpose of the code will be achieved through the following overall outcomes:</i></p> <p><i>(a) facilitate the protection of both coastal processes and coastal resources;</i></p> <p><i>(b) facilitating coastal dependent development on the foreshore over other development;</i></p> <p><i>(c) public access to the foreshore protects public safety;</i></p> <p><i>(d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);</i></p> <p><i>(e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;</i></p> <p><i>(f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;</i></p> <p><i>(g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.</i></p>	

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>Flood and Storm Tide Overlay Code Storm Tide Inundation Only</p> <p>PO1 Development is located and designed to:</p> <ul style="list-style-type: none"> ensure the safety of all persons; minimise damage to the property and content of buildings; provide suitable amenity; Minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 	<p>Council's storm tide inundation study nominates minimum levels of 2.70m AHD (areas without wave run-up) and 3.87m AHD for areas within 200 of wave run-up effect. A condition of approval, to consider coastal erosion and requiring a minimum floor level of 3.7m AHD is considered suitable to also address storm tide inundation.</p> <p>A new condition requires the access to basement parking areas to also have a suitable immunity.</p>
<p>Multiple Dwelling, Short-Term Accommodation and Retirement Facility Land Use Code.</p> <p>Purpose:</p> <ol style="list-style-type: none"> (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies. (2) The purpose of the code will be achieved through the following overall outcomes: <ol style="list-style-type: none"> (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns; (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood; (c) development does not adversely impact on the natural features on the site; (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region; (e) the impacts of development on adjoining premises are managed. 	<p>For AO2 and PO2:</p> <p>The site is constrained with essentially only one street frontage as the road at the rear is unconstructed. The development will focus internally to recreational areas and also have some aspects to side, rear and front boundaries. Due regard has been given with units fronting and overlooking Davidson Street.</p> <p>The development is for a private resort which has an integrated approach for central access driveway and a pedestrian scale of buildings and recreational areas. There is no need for public parks, spaces, roads or walkways within the development.</p> <p>Development is minimal height, being double storey and the design has given significant consideration to mature trees on the site.</p> <p>The development is considered to meet the Code purpose.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
<p>PO4</p> <p>Development is sited so that the setback from boundaries:</p> <ul style="list-style-type: none"> (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping. 	<p>For rear boundary setback:</p> <p>The development provides sufficient setbacks to meet the Performance Outcomes given the rear boundary is to an unconstructed, heavily vegetated road.</p>
<p>PO 13</p> <p>Development must provide attractive and functional private open space for residents and guests.</p>	<p>For private open space the majority of the units are double storey with a private courtyard of some 20m², a separate balcony swim-out to the central swimming pools of approximately 18.55m² and balconies to each of the two, first floor bedrooms. The total area for these units is sufficient given:</p> <ul style="list-style-type: none"> a. the extensive privacy provided to the terrace areas; b. the terrace areas are immediately adjacent to the internal living area; c. the interface between the internal living area and the terrace can be opened with the bi-fold doors; and d. a small additional first floor balcony is provided to each bedroom. <p>The eight, single bedroom units have a ground floor area of 24m². These areas are considered sufficient in this instance as:</p> <ul style="list-style-type: none"> a. the units are small in size and have only a single bedroom; b. the open space is immediately adjacent to the internal living area and the interface can be opened with the bi-fold doors; c. the external area is provided with privacy screening/landscaping; and d. the majority of these units face the vegetated unconstructed road area and are afforded a landscaped outlook with higher privacy..
<p>Access, parking and servicing code</p>	<p>The provision of disabled person parking and bicycle parking can be addressed by an amended condition.</p>

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Filling and Excavation Code PO2 Filling and excavations are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties are not compromised.	The excavation is for the basement car park and swimming pools and these areas do not impact on amenity of the area or adjoining properties. The excavated areas are setback from the adjoining lots by extensive distances. The development meets the benchmark requirement.

DOUGLAS SHIRE COUNCIL 2008 Douglas Shire Planning Schemes Applications
ADOPTED INFRASTRUCTURE CHARGES NOTICE

Laidlaw Holdings Pty Ltd DEVELOPERS NAME	0	0
97-107 Davidson Street STREET No. & NAME	Port Douglas SUBURB	L1 & L2 RP723702 LOT & RP No.s
MCUC Multiple Dwellings (Tourist) & Caretaker's Residence DEVELOPMENT TYPE		1682, 1683 PARCEL No.
D#876694 DSC Reference Doc. No.	1 VERSION No.	MCUC 646/2016 COUNCIL FILE NO.
		6 VALIDITY PERIOD (year)

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Code 895 GL 07600.0136.0825					
Port Douglas Area					
Proposed Demand Multiple Dwellings (Tourist)	100	15,718.00	1,571,800.00		
Proposed Demand Caretaker's Residence	1	15,718.00	15,718.00		
	0	0.00	0.00		
Existing Use (Caravn sites - 98 and camping sites - 5) as registered with Council	103	10,479.00	1,079,337.00		
Total			608,181.00		
			TOTAL	\$608,181.00	

Prepared by	J Elphinstone	16-Oct-18	Amount Paid	
Checked by	D Lamond	24-Oct-18	Date Paid	
Date Payable			Receipt No.	
Amendments			Cashier	

Note:
 The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 5 June 2018.

Charge rates under the current Policy are not subject to indexing.

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 9444 or by email on enquiries@douglas.qld.gov.au