

ZONE	Tourist Accommodation
PLANNING SCHEME	Douglas Shire Planning Scheme 2018 version 1.0
REFERRAL AGENCIES	There are no referral agencies for this application
NUMBER OF SUBMITTERS	Two (2) to the original public notification in 2006
STATUTORY ASSESSMENT DEADLINE	10 July 2018
APPLICATION DATE	12 June 2018

RECOMMENDATION

That Council approves the application for minor change to approval for the combined application for a material change of use and reconfiguration of a lot (33 lots & common property) with a House on each lot and a display home over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, located at 4-10 and 9 Escape Street, PORT DOUGLAS, subject to the following:

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

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

Drawing or Document	Reference	Date
Staged Reconfiguration Development of Escape Street Land- Cancelling lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464 Escape Street, Port Douglas	Drawing 133458-4B prepared by RPS Australia East Pty Ltd.	11 June 2018

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 plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects dated September 2005 and the Staged Reconfiguration Development Plan, RPS Drawing PR133458-4B attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage and/or

prior to the issue of a Building Works Development Approval for the first House on the land:

- (b) The plans and specifications submitted with the application to Council attached to this approval

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

2. The Plans of Development must be amended as follows;

- (a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no building will be permitted within the following setbacks:

(i) Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.

(ii) St Crispins Avenue – six (6) metres

(iii) Side boundaries – half the height of the building element

- (b) The maximum height of any building is nine (9) metres ***excluding roof structures***. ~~The structures on the roof terraces of dwelling type C will need to be reduced in height to below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.~~

(c) House roof designs shall be re-designed to adopt pitch roof designs consistent with Council's current Planning Scheme Policy – Building Design and Architectural Elements.

- (d) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided *for* a deep planted landscaping at natural ground level. A suitable alternative may be negotiable in consultation with Council.

The amended plan of development is to be provided to Council for the confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey ***for the community titles lots***, whichever occurs first.

- 28. The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to reticulated water supply via the main contained within the Escape Street road**

reserve using an easement or the provision of a separate water supply connection.

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.

31. The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to Council's reticulated sewerage network using an easement or the provision of a separate sewer connection. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage works application stage of review.

Electrical & Telephone Services

33. Prior to the endorsement of the Plan of Survey for the Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the proposed community titles 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
 - (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath area.
36. Prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the community titles development, 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.

Service and Access Easements

49. Written confirmation of the location of exiting services (water, sewer, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either;
- (a) Relocation of the services to comply with this requirement; or
 - (b) Arrange registration of necessary easements over services and vehicle access located within another lot prior to, or in conjunction with, the lodgement of the plan sealing application for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.

Vehicle Parking and Access

- 50. The amount of vehicle parking to be provided on Proposed Lot 1 on RPS Drawing PR133458-4B must be as specified in Council's Planning Scheme which is a minimum of 9 car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed of a compacted granitic surface to be confirmed with Council prior to construction. In addition, all parking, driveway and vehicular manoeuvring areas must be drained, use pavers or the like to delineate car parking spaces, include concrete crossover/s and the vehicle parking area shall be provided with two-way access consistent with the design standards adopted in the existing community titles development. The vehicle parking area is to be established in accordance with this condition prior to prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.**

ADVICE

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
2. For information relating to the *Planning Act 2016* log on to www.dilgp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

EXECUTIVE SUMMARY

Council is in receipt of an application for a minor change to the development approval located at 4-10 and 9 Escape Street, Port Douglas. The approved development is for a combined application for a material change of use and reconfiguration of a lot (33 lots & common property) with a House on each lot and a Display Home.

The proposed changes are a minor change made under Section 78 of the Planning Act 2016, and primarily relate to the reconfiguration component of the approved development to allow the existing commercial activities on the land including the St Crispin's Station and Bally Hooley tramway, Choo Choos café/restaurant and proposed pontoon function deck and car parking to be provided in support of these uses. This is to be located on Proposed Lot 1 independent of the residential community titles development that has been constructed but has not proceeded to the issue of titles (refer to Drawing PR133458-4B in Attachment 1 for detail).

Council has the ability to impose conditions on the request for a minor change where necessary. Conditions have been imposed to minimise impacts, service the new lots adequately and increase the design principles of the tropical vernacular in the house designs. The application is recommended for approval subject to these conditions.

TOWN PLANNING CONSIDERATIONS

Background

The former Douglas Shire Council issued a development permit by way of a Negotiated Decision Notice on 13 October 2006. An amended Decision Notice was later issued on 12 December 2008. A related approval for Operational Works was submitted to Council within the two year period, which provides for the 'roll forward' of the life of the Negotiated Decision Notice by four years from the date of receipt of the Operation Works Approval. The Operational Works Development Permit was received by the applicant on 21 January 2008, and therefore, the Negotiated Decision Notice remained current up until 21 January 2012. In response to a request to extend the life of the approval, the development approval was extended until 21 January 2016. The development approval was last extended in 2017 up to and including 24 January 2019.

The site has been partially developed with roads, which are still visible. The site has been purchased after many years of being held by receivers and managers in liquidation. The steam train service and restaurant have recommenced operations (approvals that precede this development approval). That being said, the restaurant/ café land use approved by way of a rezoning under the 1981 Planning Scheme did not have a requirement imposed to provide on-site car parking spaces. The applicant has identified the need to provide adequate parking facilities on site to service the Choo Choo's development. Part of this minor change is to relinquish some of the land approved for small residential lots to provide a 15 space parking lot with two additional disabled spaces as part of proposed lot 1. This is considered an appropriate and necessary change to the approved layout.

Given the approval has had a number of changes to this point in time, changes to conditions have been underlined and noted in italics in the recommendation of this report. Further, parts of conditions which have been taken off the approval appear with a strike through.

Proposal

Proposed is a minor change to the development approval for a combined application for a material change of use and reconfiguration of a lot (33 lots & common property) with a House on each lot and a Display Home.

A number of Changes are proposed, these include;

Allowing the reconfiguration development to be undertaken in stages, the first stage being to allow the existing commercial activities on the land including the St Crispin's Station and Bally Hooley tramway, Choo Choos café/restaurant and proposed pontoon function deck and car parking provided in support of these uses to be located on Proposed Lot 1. This is proposed to be independent of the residential community titles development that has been constructed but has not proceeded to the issue of titles.

Proposed Lot 2 is to comprise two parts and includes the balance of the community titles scheme development (refer to Drawing PR133458-4B in Attachment 1). This first stage of development will also include the provision of access easements to allow for vehicle access to Proposed Lot 1 and importantly, allow the car parking area existing on-site to be re-located to Proposed Lot 1 adjacent to the commercial facilities and away from the existing residential development that adjoins the land (Thornton Estate).

The first stage of development, Proposed Lots 1 and 2 and access easements is shown on Drawing PR133458-4B in Attachment 1. The second stage of development, the balance of the residential community titles scheme that is sought to be able to be formalised on Proposed Lot 2 is also shown on Drawing PR133458-4B in Attachment 1 as background detail.

Proposed staging of the residential development on Proposed Lot 2. Currently, the Development Approval requires a house to be established on each proposed lot prior to Council endorsement of the Plan of Survey. Condition 1 (a) of the Development Approval indicates that the development may be undertaken in stages to be determined at the Operational Works stage. Construction of the community titles scheme's 33 residential lots has been completed but has not proceeded to the issue of titles and confirmation is sought that the development and commencement of use of a House on each lot is able to be staged which appears to be consistent with the intent of the approval but not confirmed at the Operational Works stage.

During discussions at the pre-lodgement meeting on Tuesday 5 June 2018, it was suggested by Council officers that the current approved house designs did not reflect Council's current design intent for the locality. In response to this matter, the current approval is sought to be changed to allow a re-design of the current flat roof designs to adopt a pitch roof design that is consistent with Council's design intents for the locality and reflects Planning Scheme Policy SC6.2- Building design and architectural elements.

State Planning Requirements

The *Planning Act 2016* and The *Planning Act 2017* require particular criteria for a proposal to be considered a minor change.

It is considered that the change would not result in substantially different development considering the individual circumstances of the development in the context of the change proposed, and having regard to the matters indicated at Section 4 of Schedule 1 to the Development Assessment Rules.

(a) involves a new use

The Minor Change Application does not seek approval for any additional uses to be included in the development, the Application's principal intent is to allow the commercial activities that lawfully exist on the land and associated car parking, to be included in a lot that is independent of the of the residential community titles scheme.

(b) results in the application applying to a new parcel of land

No additional land is included in the land subject of the Minor Change Application.

(c) dramatically changes the built form in terms of scale, bulk and appearance

The design of the buildings remain the same as in the approved form apart from replacing the flat roof designs with pitch roof designs on each House in order to make the designs reflect tropical design elements consistent with Planning Scheme Policy SC6.2- Building design and architectural elements.

(d) changes the ability of the proposed development to operate as intended

The proposal does not change this. Proposed Lot 1 integrates with the community titles lot and access arrangement and while the existing commercial activities are to be located on a lot independent of the community titles scheme, access to these facilities will be maintained and will be secured by the fact that the residents of the community titles lots will support the on-going viability of the commercial uses.

(e) removes a component that is integral to the operation of the development

Four (4) of the residential community titles lots are to be used for car parking and uses associated with the existing commercial uses, they are not integral to the development.

(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site

No, the commercial activities located on Proposed Lot 1 are currently lawful existing activities on-site. The proposal to provide for car parking within Proposed Lot 1, in place of on-street parking for the existing commercial activities, will avoid potential traffic conflicts related to on-street parking.

(g) introduces new impacts or increase the severity of known impacts

The proposal to provide for car parking within Proposed Lot 1, in place of on-street parking for the existing commercial activities, will avoid potential traffic conflicts related to on-street parking. Further, the proposed parking area is conditioned to require a sealed treatment which will inhibit dust nuisances. Known impacts of the current parking area of Choo Choo's include noise from car doors slamming which affect the residential development adjacent to the site. The proposed parking area is sited further away and is expected to result in less of a nuisance.

(h) removes an incentive or offset component that would have balanced a negative impact of the development

The current Approval does not include any incentive or offset provisions.

(i) impacts on infrastructure provisions.

Given that the proposed change relates to existing commercial uses and the reduction of 4 community titles lots, it is expected that the proposed change would reduce the demand on existing infrastructure.

Additionally, the changes to the development, if a new application were lodged for the development, including the change, would not result in the inclusion of prohibited

development in the application, would not require any referrals and would not require public notification.

Assessment of Minor Change

The matters for consideration by the responsible entity are set out at Section 81 of the Planning Act 2016.

With regard to properly made submissions in respect of the proposed development, it is noted that the Minor Change Application's principal intent is to allow the commercial activities that lawfully exist on the land and associated car parking, to be included in a lot that is independent of the of the residential community titles scheme. The development of formalised parking area is considered ancillary and necessary to the operation of the commercial use (Choo Choo's). It is not considered an intensification of use and does not trigger further development approval. The submissions received at the time of original approval of the subject application have no grounds to raise issue with lawful existing uses. In the event that an increase in intensity is proposed for the commercial activity, then submissions could be considered as part of an impact assessment trigger.

Under Section 81(2)(da) and (3), the responsible entity is to assess against or have regard to both the matters which applied when the original development application was made and to the matters that apply at the time the change application is made.

In respect of these considerations, it is noted that the proposal to formally provide for car parking on-site for the existing commercial uses is a matter that could have been accommodated better in the original Development Approval other than requiring a public access easement between St Crispin's Station and Escape Street, presumably leaving the commercial uses approved on-site to rely on on-street parking. The proposed staged development allows for the commercial activities that lawfully exist on the land and associated car parking, to be included on Proposed Lot 1, that is independent of the residential community titles scheme but integrates with the existing community titles lot development in a manner that will permit the balance of the community titles scheme to be established on Proposed Lot 2. Given the nature of this proposal, a detailed assessment against the former or current Planning Scheme is not considered necessary except to note that the proposed 2 lot development on the subject land would be code assessable under the current Planning Scheme for reconfiguration components and it is likely that approval would be granted if the proposal was lodged as a development application independent of other development. If a new food and drink outlet land use was proposed, not in conjunction with on-site tourist accommodation, then impact assessment would be triggered and assessment against the planning scheme would be necessary to determine whether the use could be supported.

With regard to the car parking to be provided on Proposed Lot 1, it is noted that the dining areas where liquor is able to be served, including the pontoon deck, a minimum of nine (9) car parking spaces would be required for the Choo Choos café/restaurant use based on one (1) car parking space per 25m² of gross floor area. It is suggested that a condition be included that requires the provision of car parking on Proposed Lot 1 for a minimum of nine (9) car parking spaces and that adequate two-way access be provided from Escape Street to

the car parking area on Proposed Lot 1 prior to the endorsement of the survey plan for the first stage of development.

With regard to the proposed staging of development, it is noted that Condition 1 (a) of the Development Approval indicates that the development may be undertaken in stages to be determined at the Operational Works stage. Construction of the community titles scheme's 33 residential lots has been completed but has not proceeded to the issue of titles. While the construction of the 33 lots has not been staged, confirmation is sought that the development and commencement of use of a House on each lot is able to be staged, which appears to be consistent with the intent of the Approval but not confirmed at the Operational Works stage. Amendments to conditions are sought to confirm that the development of a House on each lot may be staged and as the change is considered to reflect the intent of the Approval, a detailed assessment against the former or current Planning Scheme is not considered necessary.

As discussed, at the pre-lodgement meeting on Tuesday 5 June 2018, the current Approval is sought to be changed to allow current flat roof designs to be re-designed to adopt a pitch roof design that is consistent with Council's design intents for the locality. The proposed change will require consequential changes to the Approval which currently requires a maximum building height of nine (9) metres in response to the former Planning Scheme provisions. However, under the current Planning Scheme which permits building heights on the land of up to 13.5 metres, the amended roof designs will be consistent with Council's current Planning Scheme provisions.

Referral Agency Requirements

There are no referral agencies for this minor change application. The former Department of Natural Resources and Mines was a Referral Agency. This Department was only an advice agency, and not a concurrence agency, at the time of original approval in relation to Acid Sulfate Soil matters.

Public Notification / Submissions

Public notification is not required for the minor change application.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges as records indicate water and sewerage headworks charges credits were given up to 100 persons per hectare for this land at the time of special facilities rezoning. The proposal does not exceed this threshold.

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 application.

ATTACHMENTS

1. Attachment 1 - Approved Plan **[5.1.1]**
2. Attachment 2 - Development Approval for Minor Change **[5.1.2]**

Attachment 5.1.1
SP144705

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DNRM DCDB
DNRM AERIAL PHOTOGRAPHY
Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2018]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.
© State of Queensland (Department of Natural Resource & Mines) [2017]

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.
All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



**Staged Reconfiguration Development
of Escape Street Land
Cancelling Lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464
Escape Street, Port Douglas**



RPS Australia East Pty Ltd
ACN 140 292 762
135 Abbott St
PO Box 1949
CAIRNS QLD 4870



T +61 7 4031 1336 F +61 7 4031 2942 W rpsgroup.com.au

YOUR REF: PR106283/OCK/AF/L753
OUR REF: CA 2639/2008 (768156)

24 February 2016

Momentum Mortgages Ltd (Receivers & Managers Appointed)
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Attention: Owen Caddick-King

Dear Sir

**REQUEST TO EXTEND PERIOD OF APPROVAL
FOR DEVELOPMENT PERMIT
4-10 AND 9 ESCAPE STREET, PORT DOUGLAS**

In accordance with section 383 of the *Sustainable Planning Act 2009*, please be advised that Council has extended the Period of Approval for 12 months, up to and including 21 January 2017, subject to the conditions contained within the Amended Decision Notice dated 12 December 2008 (copy attached).

Should you require further information or assistance, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9480.

Yours faithfully

Paul Hoyer
General Manager Operations

Att

Attachment 1: Amended Decision Notice 12 December 2008

ENQUIRIES: Mrs Jenny Elphinstone
PHONE: (07) 4044 3365 (Cairns)
(07) 4099 9482 (Mossman)
FAX: (07) 4044 3836
OUR REF: 8/37/130 (1910916)

12 December 2008

Ezcape St Projects Pty Ltd
C/- Michael Kirkby
PO Box 6036
FRENCHS FOREST NSW 2086

Dear Sir

DECISION NOTICE UNDER S3.5.15 INTEGRATED PLANNING ACT 1997:
DEVELOPMENT APPLICATION FOR 4-10
& 9 ESCAPE STREET, PORT DOUGLAS

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 12 December 2008, please find attached the relevant Decision Notice.

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

Should you have any enquires in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment Team on telephone number (07) 4099 9482.

Yours faithfully

Simon Clarke
Manager Development Assessment

Att.

APPLICANT DETAILS

Ezcape St Projects Pty Ltd
C/- Michael Kirkby
PO Box 6036
FRENCHS FOREST NSW 2086

ADDRESS

4-10 & 9 Escape Street Port Douglas Qld 4877

REAL PROPERTY DESCRIPTION

Lots 41 & 42 on RP747344, Lots 49 & 51 on SP161464

PROPOSAL

Material Change of Use and Reconfiguration of a Lot (33 lots and common property on a Community Title Scheme, development of a House on each lot, and use of one House as a Display Home)

DECISION

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

DECISION DATE

This Decision Notice dated 12 December 2008 replaces the Negotiated Decision Notice dated 13 October 2006.

TYPE

Material Change of Use (Development Permit)
Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

(Vegetation Clearing, Remnant Vegetation & Acid Sulfate Soils)
Department of Natural Resources and Water
PO Box 937
CAIRNS QLD 4870

SUBMISSIONS

There were two (2) submissions for this application:

A & V Crowe, 14 Escape Street, Port Douglas

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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 plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects, dated September 2005 and attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage;
 - (b) The plans and specifications submitted with the application to Council attached to this approval

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

2. The Plan of Development must be amended as follows:
 - (a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no buildings will be permitted within the following setbacks:
 - (i) Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.
 - (ii) St Crispins Avenue – six (6) metres
 - (iii) Side boundaries – half the height of the building element
 - (b) The maximum height of any building is nine (9) metres. The structures on the roof terraces of dwelling type C will need to be reduced in height to

below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.

- (c) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided a deep planted landscaping at natural ground level. A suitable alternative may be negotiated in consultation with Council.

The amended plan of development is to be provided to Council for confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey, whichever occurs first.

Currency Period

3. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Amenity

4. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the use and so as not to adversely affect any other property.

Traffic Management

5. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.
6. The applicant shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for carrying out building works.

Landscaping & Fencing

7. The landscaping concept plans submitted with the proposed development, referenced as plan No LMP-01, Type A Indicative Landscape Setout, LMSDA03, EVVP01 Issue E prepared by 360° Landscape Architects has been generally approved, subject to the following amendments:
- (a) The following plants are to be replaced on the planting schedule:
- i. *Alphitonia excelsa* (Red Ash); and
 - ii. *Nauclea orientalis* (Leichhardt Pine)
 - iii. These species are considered unsuitable in an urban environment.

- (b) A detailed landscaping plan must be submitted for approval at Operational Works stage. This plan must indicate:
 - i. proposed numbers of each species;
 - ii. stem densities;
 - iii. species composition;
 - iv. details of planting bed size, preparation and related landscape, etc.
- (c) Landscaping must not interfere with the rail easement so that the easement may remain functional for future use.
- (d) A maintenance schedule for the development must stipulate the correct disposal of garden waste so as to mitigate the potential spread of environmental weeds.

The amended plan is to be submitted to Council for an Operational Works Development Permit.

- 8. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.
- 9. The applicant shall provide a 1.8 metre high acoustic screen fence to the side boundaries to ensure the privacy and amenity of adjoining properties is maintained. A minimum standard for a fence of this type is a timber paling fence that is lapped and has no gaps.

Waste Storage & Discharge

- 10. The waste storage area must be located outside of a three (3) metre wide landscape strip to the road frontage in the location shown on the approved plan for this development. The waste storage area must:
 - (a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
 - (b) Include a stop cock and stormwater diversion valve at the drainage point;
 - (c) Contain sufficient storage space for the storage of a 240 litre refuse bin for each unit in the development.

Refuse storage, removal and collection methods shall be in accordance with the "*Environment Protection (Interim Waste) Regulations 1996*".

Air Conditioning & Service Equipment

11. 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.

Stormwater Drainage

12. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Escape Street and/or the lagoon within the site.
13. The approved use must not:
 - (a) Interfere with the natural flow of stormwater;
 - (b) cause ponding of stormwater on adjoining properties.
14. The applicant is to install a pollution control device on stormwater pipes prior to the point of discharge into the road reserve to the west.
15. The applicant is to provide scour protection at the proposed discharge point/s. The location/s, size, velocity, proposed means of scour protection and bank stabilisation, where required, is to be designed and submitted for approval by Council prior to lodgement of an application for Building Work. Such stormwater drainage work shall be designed and constructed in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' Development Manual and shall not cause scouring, erosion, loss of vegetation, excess turbidity and landslip either within or external to the site.

Minimum Floor Levels

16. The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of 3.4 metres AHD.

Amalgamation

17. Lots 49 and 51 on SP 161464 and Lots 41 and 42 on RP 747344 must be amalgamated into one (1) allotment. The Plan of Survey must be registered with the Department of Natural Resources and Water (DNRW) prior to the issue of a development permit for building work or commencement of building work. Alternatively, a new Survey Plan in accordance with the approved plan is to be lodged for Council endorsement.

Compliance

18. 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.
19. All conditions shall be complied with prior to the final building inspection for the proposed buildings on the land or as otherwise stated in any condition of this approval.

External Works

20. The applicant shall construct a six (6) metre wide concrete vehicle crossover to the site in accordance with the requirements of the FNQ Development Manual.

Parkland

21. The applicant shall make contribution for parkland for thirty-three (33) allotments in accordance with Council's requirements for parkland contribution, as defined under Planning Policy No.5 or any other relevant Policy or Code applicable at time of payment.

Security

22. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000, such Guarantee shall be lodged prior to the issue of a Development Permit 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 Certificate of Classification for the propose development.

Acid Sulfate Soils

23. The applicant is to undertake a detailed acid sulfate soil investigation over the subject land in accordance with the requirements of the (DNRW) Guidelines for Managing Acid Sulfate Soils. This report and associated management plan are to be provided to DNRW for approval prior to the approval of the Operational Works approval.

Environmental Management Plan

24. The applicant is to have prepared with the submission for approval of the engineering plans, 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 such issues as dust suppression, waste disposal, acid sulfate soil management, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).

Stormwater Management and Erosion and Sediment Control

25. The management of stormwater and erosion and sediment control must be undertaken in accordance with the Preliminary Site Based Stormwater Management Plan and Erosion and Sediment Control Plan prepared by Arup and dated September 2004.

Health Requirements

26. 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.
27. 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.

All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Amendment Regulation (No. 2)*

Water Supply

28. The applicant shall connect to reticulated water supply via the main contained within the Escape 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.

29. The applicant shall provide a 100 mm diameter service to be contained within the common property to service the residential allotments and the common property.
30. The Council will make all connections to the existing main in Escape 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

31. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
32. No buildings or other structures are permitted to be located within 3.5 metres of any main located on the subject site..

Electrical & Telephone Services

33. Prior to the endorsement of the Plan of Survey 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
 - (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath areas.
34. All Electricity Lines along the full frontages of the subject site (Escape Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the applicant's expense.
35. 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.
36. Prior to the endorsement of the Plan of Survey, 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

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

Road Works

39. All unused vehicle crossovers shall be reinstated with kerb and channel and landscaping.

Maintenance Period

40. 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.

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.

Access to St Crispins Station

42. The applicant is to provide public pedestrian access to the St Crispins Rail/Tram Station from Escape Street within an easement for the purposes of public access. The minimum width of the easement is to be two (2) metres.

Display Home

43. After a period of two (2) years from the date of issue of the Development Permit for Building Work the use will cease and the display home will revert back to being used as a dwelling house.
44. This approval shall lapse four (4) years from the date of issue of this Development Permit, unless the use is substantially commenced and all conditions complied with.
45. The Display Home must be connected to Council's reticulated sewerage and water supply schemes. House connection branches are acceptable at this stage with full construction of the works to be undertaken prior to any additional works, beyond this approval, being undertaken on site. At time of further development the existing services to the Display House are to be disconnected and reconnected to the new system.

Plan of Survey

46. Conditions 1, 2, 3, 5, 7, 9, 12, 13, 14, 15, 20, 21, 23, 24, 25, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41 & 42 must be complied with prior to Council endorsement of the Plan of Survey for the proposed standard format subdivision.

Easement

47. The applicant is to create an easement for public access purposes benefiting Douglas Shire Council, over the complete area of land encumbered by Easement A on RP746139 and Easement J on SP161480. The details of this easement are to be dealt with as part of the formulation of the easement documentation in consultation with Council.

48. The applicant is required to tidy up the site and maintain the site to an acceptable standard.

5. Further Development Approvals Required:

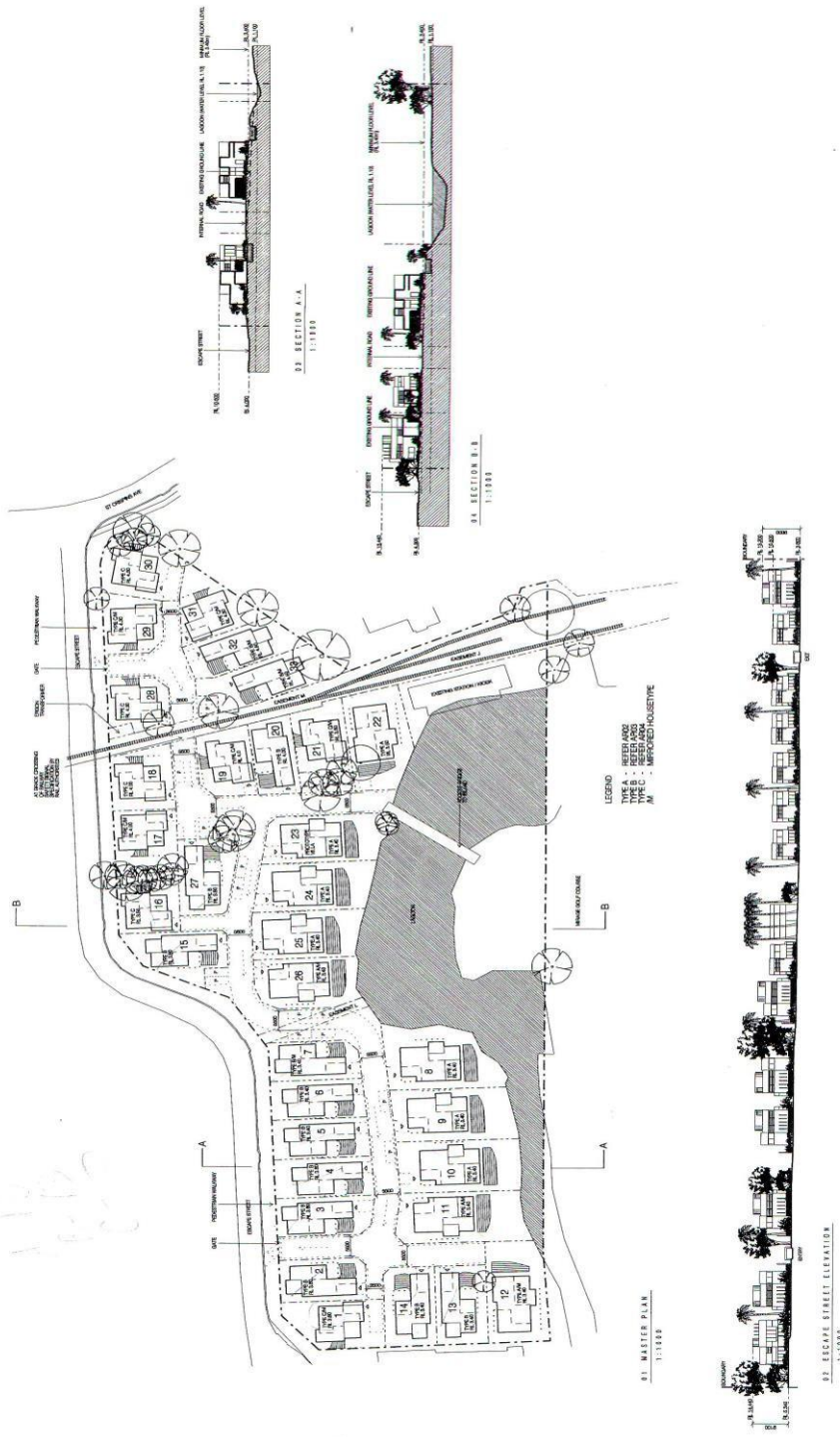
Operational Work	Development Permit
Building Work	Development Permit
Plumbing and Drainage Work	Development Permit

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: Approved Drawing(s) & Document(s)



ISSUE	DATE	REASON	BY	CHKD
A	17/10/05	PRELIMINARY	KV	AV
B	18/10/05	PRELIMINARY	KV	AV
C	24/10/05	ISSUE FOR REVIEW	KV	AV
D	26/10/05	ISSUE FOR REVIEW	KV	AV
E	28/10/05	ISSUE FOR REVIEW	KV	AV
F	02/11/05	ISSUE FOR REVIEW	KV	AV
G	03/11/05	FINAL ISSUE	KV	AV

PROJECT	BOTANICA PROJECT PORT DOUGLAS
TITLE	MASTERPLAN HOUSE TYPES
SCALE	1:100 (P/AS)
DATE	05/10
JOB NO.	6015
DWG NO.	A001
REV	G

anna vaughan architects
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 e anna@annaarchitects.com.au
 anna vaughan architects Pty Ltd - abn 61 61000605 - gdlng no 3732
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12/21



01. MASTER PLAN
11.18.08

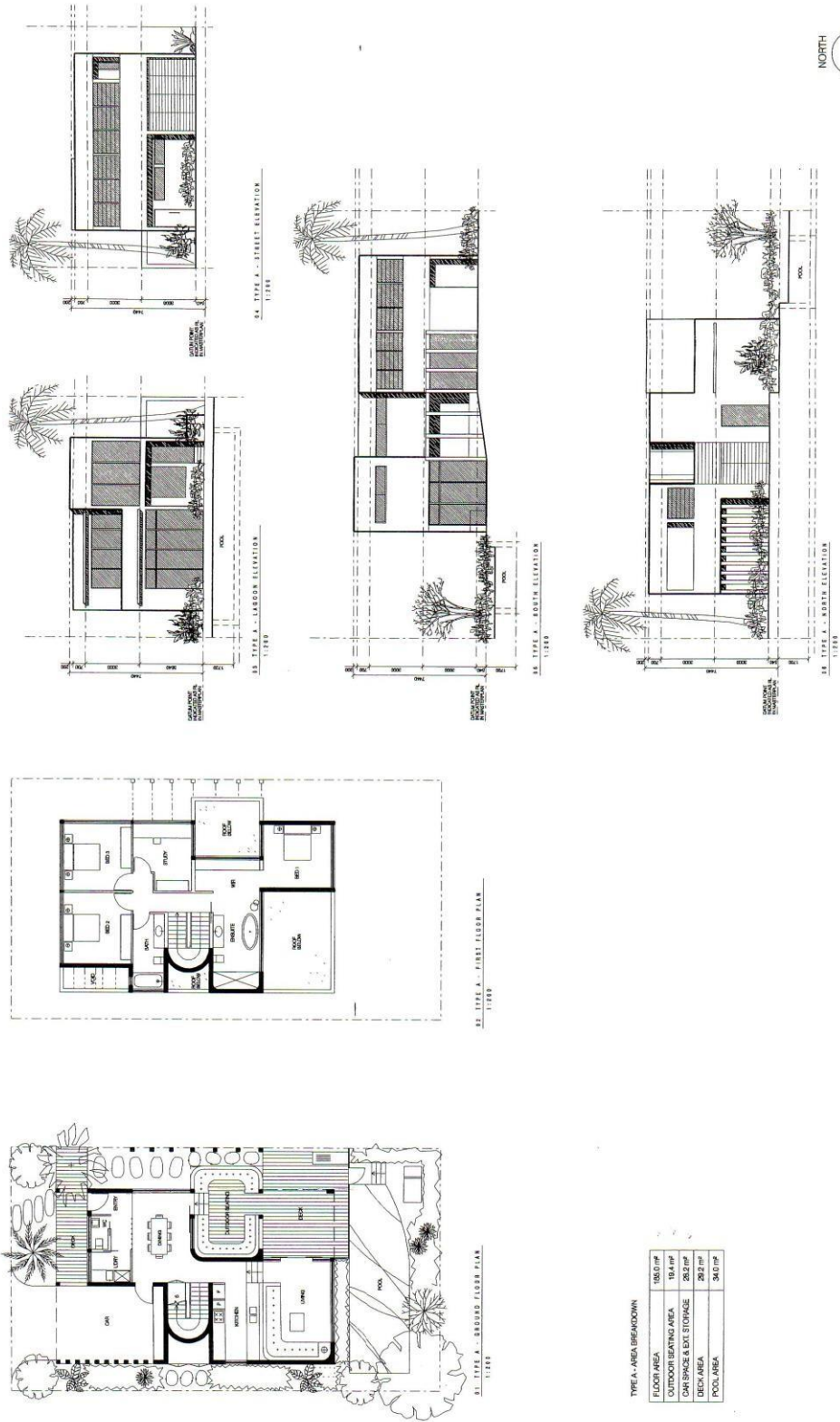


ISSUE	DATE	REASON	BY	CHKD
A	24.10.06	ISSUE FOR REVIEW	KV	AV
B	02.11.05	ISSUE FOR REVIEW	KV	AV
C	03.11.05	DATE ISSUE	KV	AV

PROJECT	BOTANICA PROJECT, FORT DOUGLAS
TITLE	MASTERPLAN LOTS
SCALE	1:100 @ A3
DATE	SEPT 05
JOB NO.	0515
DWG NO.	AR00
REV	C

anna vaughan architects
 po box 715 edgburton nsw 2027
 t 02 9561 0000 f 02 9561 0811
 e admin@annavaughanarchitects.com.au
 annavaughanarchitects Pty Ltd abn 6911870496 def no 003792
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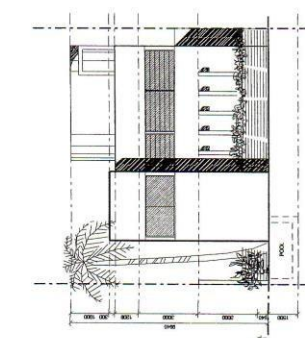
TYPE A - AREA BREAKDOWN

FLOOR AREA	180.0 m ²
OUTDOOR SEATING AREA	19.4 m ²
CAR SPACE & EXT. STORAGE	28.2 m ²
DECK AREA	28.2 m ²
POOL AREA	34.0 m ²

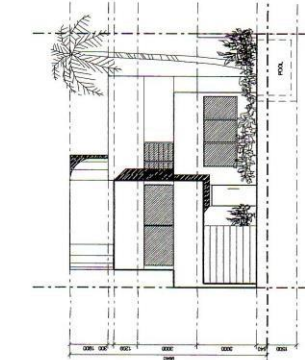
ISSUE	DATE	REASON	BY	CHKD
1	21/10/05	ISSUE FOR REVIEW	KV	AV
2	24/10/05	ISSUE FOR REVIEW	KV	AV
3	28/10/05	ISSUE FOR REVIEW	KV	AV
A	02/11/05	DA ISSUE	KV	AV

anna vaughan architects		PROJECT	BOTANICA PROJECT PORT DOUGLAS
p/box 715 edgehill rd 2027 1 02 0981 0900 1 02 0981 0911 e anna@annavaughanarchitects.com.au s anna@annavaughanarchitects.com.au		TITLE	TYPE A - PLANS & ELEVATIONS
anna vaughan architects Pty Ltd abn 6511000806 is a registered company with the Australian Taxation Office ANY DISCREPANCIES ARE TO BE MADE HAVING REGARD TO THE DRAWING LISTED FIRST		SCALE	1:200 @ A3
drawing no 3752		DATE	30/11/05
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		DWG NO.	AR02
		REV	A

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14/21



24. TYPE C - SECOND FLOOR ELEVATION
1:2000



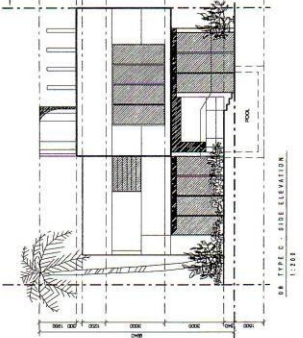
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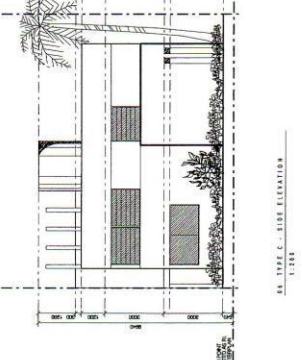
23. TYPE C - FIRST FLOOR PLAN
1:2000



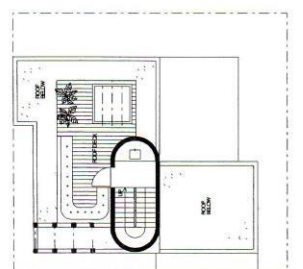
22. TYPE C - SECOND FLOOR PLAN
1:2000



28. TYPE C - WEST ELEVATION
1:2000



26. TYPE C - WEST ELEVATION
1:2000



21. TYPE C - SECOND FLOOR PLAN
1:2000

TYPE C - AREA BREAKDOWN	
FLOOR AREA	148.0 m ²
OUTDOOR SEATING AREA	9.0 m ²
CAR BRACE & EXT STORAGE	17.2 m ²
DECK AREA (INCL. ROOFTOP)	38.0 m ²
POOL AREA	9.8 m ²

PROJECT	BOTANICA PROJECT, PORT DOUGLAS
TITLE	TYPE C - PLANS & ELEVATIONS
SCALE	1:200 @ A3
DATE	SEPT 05
JOB NO.	0515
DWG NO.	ARCH
REV	A

a n n a v a u g h a n a r c h i t e c t s

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 e anna@annavaughanarchitects.com.au
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 ANNVAUGHAN ARCHITECTS PTY LTD ABN 60 160000005
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ISSUE	DATE	REASON	BY	CHKD
1	21/10/05	ISSUE FOR REVIEW	KV	AV
2	24/10/05	ISSUE FOR REVIEW	KV	AV
A	02/11/05	DATE ISSUE	KV	AV

Indicative Plant Schedule

Common Name	Botanical Name
Tree	
1. COCONUT PALM	COCOS PALM
2. TAMARIND	TAMARINDUS INDICA
3. BANGKAYAN	ALBIZIA LEUCODERMIS
4. BANGKAYAN	ALBIZIA LEUCODERMIS
5. BANGKAYAN	ALBIZIA LEUCODERMIS
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REVISIONS

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GENERAL NOTES

1. All dimensions are in millimeters unless otherwise stated.
2. All materials to be specified in the Bill of Materials.
3. All work to be in accordance with the relevant standards and specifications.
4. All work to be in accordance with the relevant standards and specifications.
5. All work to be in accordance with the relevant standards and specifications.
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360°

LANDSCAPE MASTER PLAN

PROJECT

ESCAPE STREET

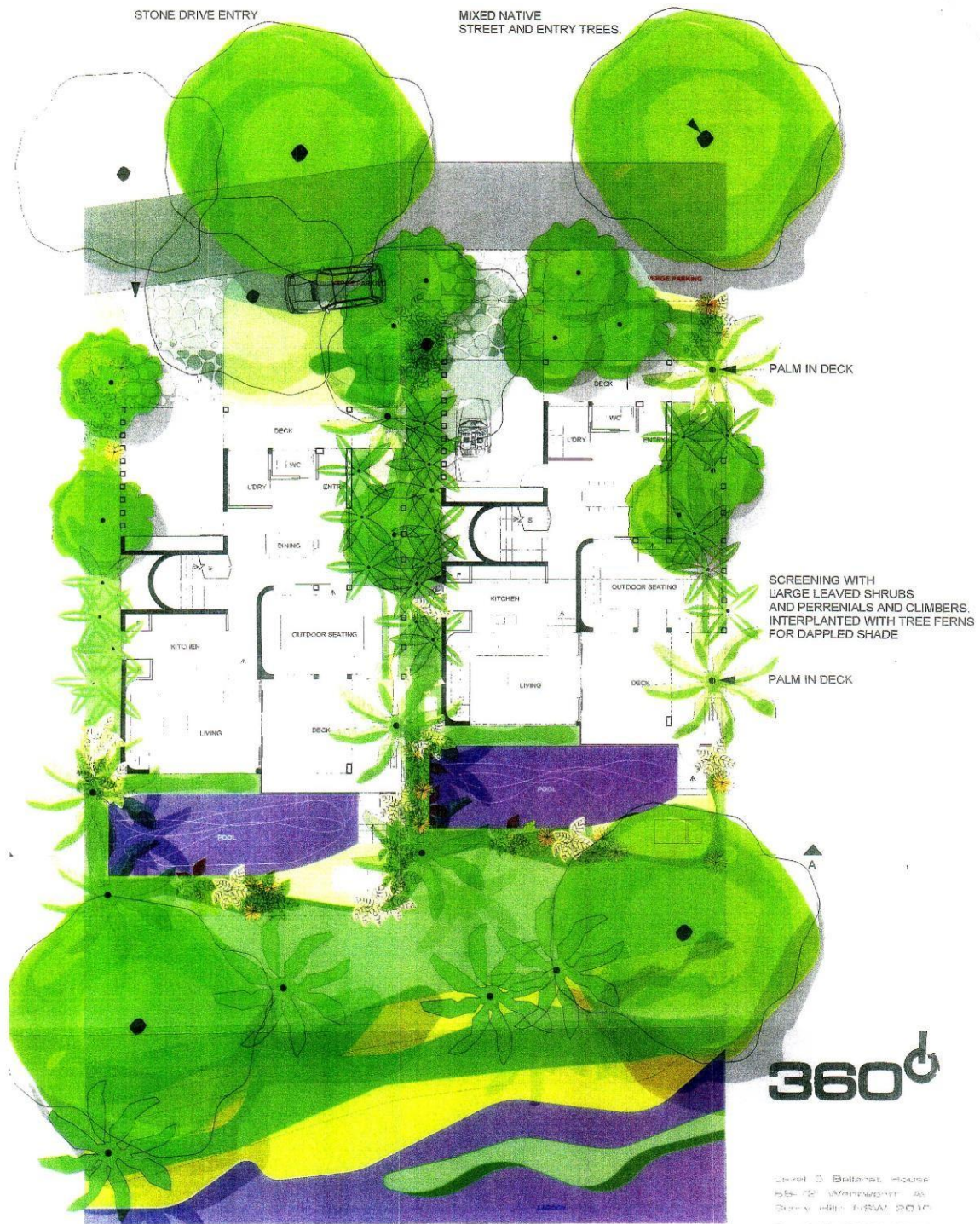
PORT DOUGLAS

DATE 22/09/2016 **EP/22/2** **REP 01**

DRAWN J. HARRIS **CHKD** J. HARRIS

SHEET 01 **OF** 01 **ISSUE** 01

40.2008.2639
17/21



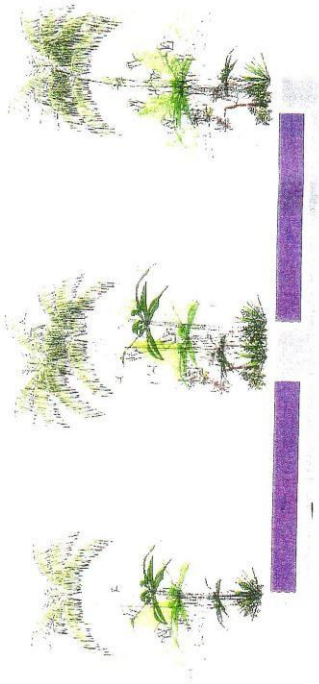
TYPE A INDICATIVE LANDSCAPE SETOUT
NTS

360°

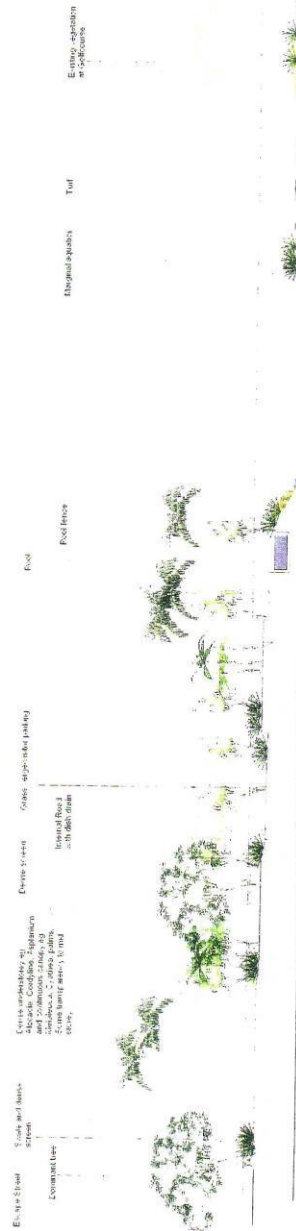
Level 0: Brisbane House
55/52 Warwick St
Brisbane QLD 4000
P: 08 3600 2200
F: 08 3600 2200
M: 08 3600 2200, 182
E: 360@360.com.au
APP: 08 360 2200

40.2008.2639
20/21

Carle's unshredded, up A-1000
Cordova - Agave and other plants
from the same area, in red soil.



INDICATIVE SECTIONAL ELEVATION AA
TYPE A HOUSING FROM POOL
Scale 1:200 @ A3



INDICATIVE SECTIONAL ELEVATION BB
SOUTH FACING
Scale 1:400 @ A3

DATE	11/1/2011	REVISION	01
SCALE	1:100	DATE	11/1/2011
PROJECT	10/1	FOUR	10/1

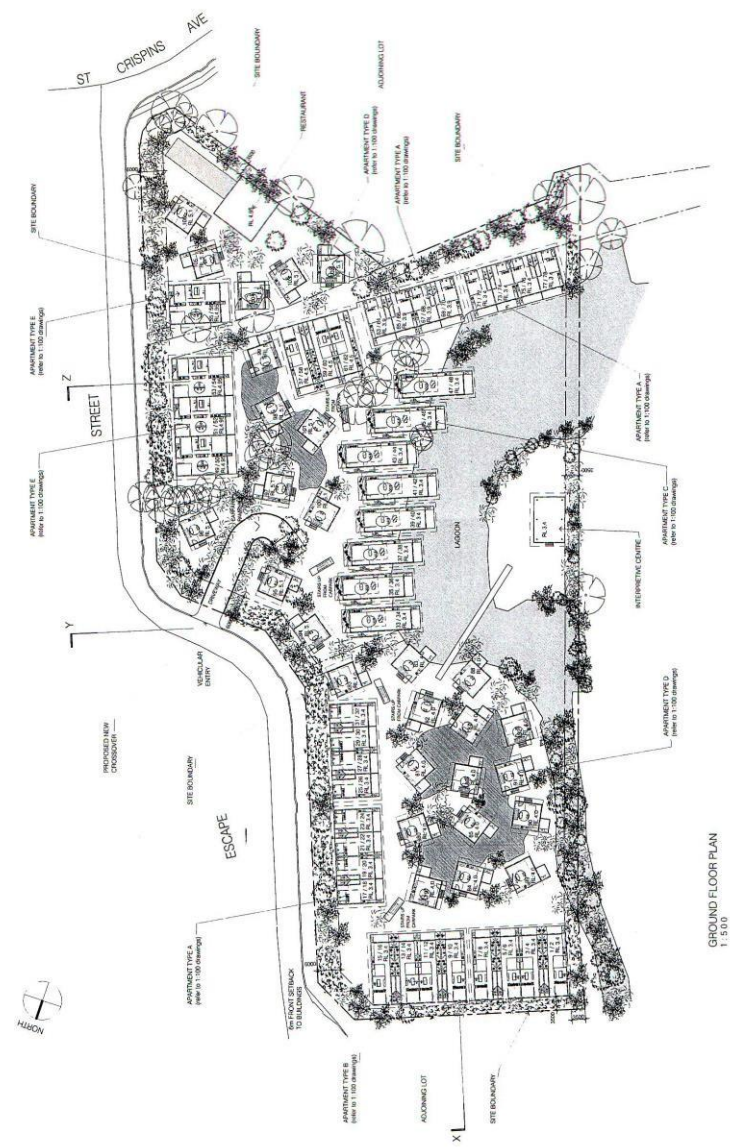
DATE TITLE

LANDSCAPE MASTER SECTIONS

PROJECT
ESCAPE STREET
PORT DOUGLAS



EXISTING SIGNIFICANT
LANDSCAPE FEATURES
TO BE MAINTAINED -
FOR DETAILS REFER TO
LANDSCAPING CONSULTANTS
REPORT
PROPOSED LANDSCAPING
INDICATIVE ONLY - REFER TO
LANDSCAPING CONSULTANTS
FOR DETAILS



APPROVED DEVELOPMENT 100 UNITS CARR

NO	DATE	BY	CHKD	REVISION	DESCRIPTION
01	22/04/18	...	...	...	...

NO	DATE	BY	CHKD	REVISION	DESCRIPTION
01	22/04/18	...	...	...	...

NO	DATE	BY	CHKD	REVISION	DESCRIPTION
01	22/04/18	...	...	...	...

40.2008.2639
48/22