

5.2. REQUEST TO CHANGE AND EXTEND MCU DEVELOPMENT APPROVAL 20-30 LANGLEY ROAD PORT DOUGLAS

REPORT AUTHOR(S)	Jenny Elphinstone, Senior Planning Officer
GENERAL MANAGER	Nick Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use (Impact) Holiday Accommodation & Multi-Unit Housing- Requests to Change Conditions of Approval and to Extend the Relevant Period
APPLICANT	Meryla Pty Ltd C/- Flanagan Consulting Group PO Box 891 TOWNSVILLE QLD 4810
LOCATION OF SITE	20-30 Langley Road, Port Douglas
PROPERTY	Lot 5 on RP804926
LOCALITY PLAN	



Figure 2 - Locality Plan

LOCALITY	Port Douglas and Environs
PLANNING AREA	Tourist and Residential
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	State Assessment Referral Agency (SARA)
NUMBER OF SUBMITTERS	None Applicable.
STATUTORY ASSESSMENT DEADLINE	8 August 2017.
APPLICATION DATE	16 February 2009 (Original Application) 26 June 2017 (Request to Change Conditions of Approval and to Extend the Relevant Period)

RECOMMENDATION

- A. That Council approves the request to change the conditions of the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, whereby:**
- 1. The following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:**
 - 54. Minimum Fill and Floor Levels For Climate Change**

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action;
- AND**
- 2. All other requirements of the Amended Negotiated Decision Notice dated 18 May 2013 and the originating Negotiated Decision Notice dated 2 October 2009 remain unchanged; and**
- B. That Council approves the request to extend the relevant period for the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, for four years up to and including 2 October 2021.**
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EXECUTIVE SUMMARY

Previous approvals have issued to the land to develop Multi Unit Housing and Holiday Accommodation. A redesign and new Development Permit issued in 2009 having regard to the Council's 2006 Planning Scheme. The relevant period of this approval was extended and the approval is due to expire in October 2017.

Since the issue of the extension the State has introduced a mandatory consideration of 0.8m sea level rise and for Port Douglas this calculates to a requirement for a minimum ground floor height of 3.87m AHD. The applicant has requested an additional condition be included in the approval to reflect the minimum height for sea level rise. Other considerations of the proposed Planning Scheme reiterate the benchmarks of the current Planning Scheme. The development approval with the inclusion of the additional condition satisfactorily meets the current planning instruments.

TOWN PLANNING CONSIDERATIONS

Background

The land is located on the northeast corner of Langley Road and Andrews Close and is currently vacant.

In April 2004 the former Douglas Shire Council granted the Development Permits (TPC 1106) for a material change of use for thirty-five Multiple Dwellings (Tourist) and SUB 12/04 for the subdivision of the future Multiple Dwellings. The development included ancillary uses of a recreation area, café, gym and health spa. The application was lodged under the 1996 Planning Scheme and was for impact assessable development. In December 2007 the former Council granted a four year extension of time for the approvals.

In September 2008 the applicant sought a further extension. This request was refused by Cairns Regional Council on the basis that insufficient details were provided to demonstrate the development complied with the 2006 Planning Scheme.

In August 2009 a new application (Cairns Regional Council reference 8/7/1545) was lodged for a material change of use for twenty-four Holiday Accommodation / Multi Unit Housing units. Twenty-one units have three bedrooms and three units have two bedrooms. The majority of the units are single storey design with five units, towards Solander Boulevard, having an upper floor master bedroom suite. Under the 2006 Planning Scheme the development was code assessable development. Cairns Regional Council had supported the application subject to conditions. The application was determined by the Douglas Iconic Panel and a Negotiated Decision Notice was issued on 2 October 2009. A copy of the Negotiated Decision Notice is included in Attachment 1.

In March 2013 the applicant requested an extension to the relevant period for the development permit and the request was approved in May 2013 and the approval was conditioned to include amended, updated developer contributions. The approval has a currency period due to expire on 2 October 2017. A copy of the Decision is included in Attachment 1.

Proposal

The applicant has requested an extension to the relevant period for a further four years.

The applicant has advised that development has not proceeded to date due to the general economic conditions not being favourable for the proposed high-end, luxury development. The applicant maintains an intention to construct the development. However the timing is reliant on market influences.

The assessment of a request to extend the relevant period is based purely on the Decision Notice as it currently stands and the assessment manager is unable to impose conditions through this assessment process. In light of considerations of State Planning Policy and to address climate change considerations of 0.8m sea level rise, the applicant has also sought a request to include the following additional condition.

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.

Planning Act 2016

The request was lodged prior to 3 July 2017. Under sections 288 and 289 of the *Planning Act 2016* the assessment of the request is as per the *Sustainable Planning Act 2009*.

Section 388 of the *Sustainable Planning Act 2009* provides the basis for the assessment of requests for extension of the relevant period.

In deciding a request, the assessment manager must have regard to:

- “(a) *the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and*
- (b) *the community’s current awareness of the development approval; and*
- (c) *whether, if the request were refused—*
 - (i) *further rights to make a submission may be available for a further development application; and*
 - (ii) *the likely extent to which those rights may be exercised; and*
- (d) *the views of any concurrence agency for the approval given under section 385.”*

a) Consistency of the approval with current requirements

State Planning Requirements

The State Planning Policy (SPP) is relevant to the assessment of the application where a State interest is not appropriately reflected in the Planning Scheme relevant to the site. At the time the request was lodged the April 2016 SPP was in effect.

A new SPP came into effect on 3 July 2017. The SPP requirements are considered achieved by the conditions of the existing approval, by inclusion of the additional condition regarding coastal processes and the ability to issue an updated Adopted Charges Notice.

Douglas Shire Planning Scheme

The development having been approved under the 2006 Planning Scheme satisfactorily complies with this Planning Scheme.

Assessment against the proposed 2016 Planning Scheme is tabled below.

Proposed 2017 Douglas Shire Planning Scheme		Code Applicability	Compliance
Zone	Tourist Accommodation Zone Code	✓	Complies through conditions of approval
Local Plan	Port Douglas / Craiglie	✓	Complies through conditions of approval.
Precinct / Sub Precinct	None Specified	✓	
State Codes	Community Residence Code	x	
	Forestry For Wood Production Code	x	
	Reconfiguring A Lot (Subdividing One Lot Into Two Lots) And Associated Operational Work Code	x	
Overlay Codes	Acid Sulfate Soils Code	✓	<ul style="list-style-type: none"> ASS <5m AHD Satisfactory through condition.
	Bushfire Hazard Code	✓	<ul style="list-style-type: none"> Part High Potential Bushfire Intensity Part Potential Impact Buffer Satisfactory as in an urban area and new development will be fire compliant for construction and accommodation purposes.
	Coastal Environment Overlay Code	✓	<ul style="list-style-type: none"> Part erosion prone area Satisfactory through additional condition and SARA advice.
	Flood And Storm Tide Hazard Overlay Code	✓	<ul style="list-style-type: none"> Medium Storm Tide Hazard Satisfactory through additional condition.
	Hillslopes Overlay Code	x	Not mapped
	Landscape Values Overlay Code	x	Not mapped
	Natural Areas Overlay Code	✓	<ul style="list-style-type: none"> Part MSES Regulated Vegetation Satisfactory through conditions of approval and development plan that retains certain trees on the land.
	Places Of Significance Overlay Code	x	Not mapped
	Potential Landslide Hazard Overlay Code	x	Not mapped

Proposed 2017 Douglas Shire Planning Scheme		Code Applicability	Compliance
	Transport Network Overlay Code: (Pedestrian and Cycle) Overlay	x	Not mapped
	Transport Network Overlay Code: (Road Hierarchy) Overlay	✓	<ul style="list-style-type: none"> Langley Rd – Collector Road Andrews Close – Access Road Complies through conditions.
	Transport Network Overlay Code: (Transport Noise Corridor) Overlay	x	Not mapped
	Land Use Code: Multiple Dwelling, Short Term Accommodation and Retirement Facility Code.	✓	Satisfactory with conditions.
Other Development Codes	Access, Parking And Servicing Code	✓	Complies.
	Advertising Devices Code	x	
	Environment Performance Code	✓	Complies through conditions of approval
	Filling And Excavation Code	✓	Complies through conditions of approval.
	Infrastructure Works Code	✓	Complies through conditions of approval.
	Landscaping Code	✓	Complies through conditions of approval.
	Reconfiguring A Lot Code	x	
	Ship-Sourced Pollutants Reception Facilities In Marina Code	x	
	Vegetation Management Code	✓	Protected through conditions of approval.

Compliance Issues

The design requirements for Multi Unit Housing and Short term accommodation of the proposed Planning Scheme Codes are similar to those of the Locality, Planning Area and land use code under the current Planning Scheme. The development approval, being the design plans together with conditions of the approval meet the proposed scheme requirements and considerations for coastal processes are sufficiently addressed through the proposed additional condition.

(b) The community’s current awareness of the development approval

There is no signage on the land regarding the development proposal. The use is code assessable in the current scheme and no public notification would be required. Enquiries with Council or review of the Scheme would identify this level of assessment and that no public notification could be expected to occur.

(c) Further rights for submissions and extent rights are exercised.

As the level of assessment remains code assessable there are no further rights to make a submission. The inclusion of the land in the Tourist and Residential Planning Area under the current Planning Scheme and in the Tourist Accommodation Zone in

the proposed planning Scheme reflects an expectation for holiday accommodation to be developed.

(d) Concurrence agency consideration

The State Assessment Referral Agency (SARA) has advised of no concern with the request.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. The *Planning Act 2016* provides for updated Charges Notice to issue when an approval is amended to the relevant period is extended. Refer to Appendix 3 to view the 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 *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

1. Langley Road MCU Attachment 1 **[5.2.1]**
2. Langley Road MCU Attachment 2 **[5.2.2]**
3. Langley Road MCU Attachment 3 **[5.2.3]**

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: 1782/02
OUR REF: 8/7/1545 (3977547)

18 May 2013

Meryla Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE FOR CHANGE TO APPROVAL AND EXTENSION OF
RELEVANT PERIOD FOR 20-30 LANGLEY ROAD PORT DOUGLAS**

With reference to the abovementioned request which was determined under Instrument of Delegation on 17 May 2013. Please find that conditions are as amended below with the relevant Negotiated Decision Notice attached

That condition 7 is amended to read as follows:

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are ~~\$158,299.00~~ \$173,361.74.

Payment is required prior to issue of a Development Permit for Building Work.

That condition 8 is amended to read as follows:

8. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are ~~\$154,529.84~~ \$169,184.25.

Payment is required prior to issue of a Development Permit for Building Work.

All other conditions of the Negotiated Decision Notice for 8/7/1545 dated 2 October 2009 remain unchanged.

Please note that this Development Permit is now valid up to and including 2 October 2017.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with s648F of the *Sustainable Planning Act*.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Services Team on telephone number (07) 4099 9457.

Yours faithfully

Neil Beck
Acting Manager Development Services

Att.

APPENDIX 1 DEVELOPMENT PERMIT 8/7/1545

Douglas Iconic Panel

Decision Notice
NEGOTIATED DECISION NOTICE
Integrated Planning Act 1997 S 3.5. 17

Order Ref: Meeting 31, Item 3.1
 Council Ref: 8/7/1545



2 October 2009

Mr Simon Clarke
 Cairns Regional Council
 PO Box 359
 CAIRNS QLD 4870

Application for Negotiated Decision
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas

I wish to advise on 2 October 2009 the Douglas Iconic Panel resolved to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 24 August 2009.

The request for a negotiated decision was approved in full. The conditions relevant to this approval are attached, with the deleted conditions shown with a strike-through, and the new / amended conditions underlined. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Should you have any queries, please contact Ms Joanne Manson, Planner, Far North Queensland Division, Department of Infrastructure and Planning on (07) 4039 8859.

Yours sincerely

Ben Thrower
Project Manager
 c/- Douglas Iconic Panel

cc: Michael Trenerry, DERM
 Cristina Froemmcke, DERM

Douglas Iconic Panel
 PO Box 5194
 Cairns Qld 4870
 Telephone +61 7 4039 8859
 Facsimile +61 7 4039 8860
 Website www.dip.qld.gov.au
 E: douglas.iconic@ip.dip.qld.gov.au

Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP904926, 20-30 Langley Road, Port Douglas.

1. Details of the approval -

The following type of approval has been issued - *(delete those not applicable)*

	Development Permit	Preliminary Approval
<ul style="list-style-type: none"> Material change of use made assessable by the planning scheme 	✓	

2. The relevant period for the approval -

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997* (IPA) apply to each aspect of development in this approval, as outlined below—

- ✓ material change of use – 4 years;

If there is 1 or more subsequent related approvals¹ for a development approval for a material change of use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

3. The approved plans -

The approved plans and / or documents for this development approval are listed in the following table and attached as Appendix 1 –

DRAWING OR DOCUMENT	REFERENCE	DATE
SITE PLAN BASEMENT LEVEL	DA100 B	JANUARY 2009
SITE PLAN GROUND LEVEL	DA101 B	JANUARY 2009
SITE PLAN FIRST LEVEL	DA102 B	JANUARY 2009
LOCATION KEY PLAN	DA110 B	JANUARY 2009
WEST & EAST ELEVATION	DA200 B	JANUARY 2009
SOUTH ELEVATION	DA201 B	JANUARY 2009
NORTH ELEVATION	DA202 A	JANUARY 2009
SITE SECTION	DA300 B	JANUARY 2009
MELALEUCA TREE REMOVAL DIAGRAM	DA112 B	JANUARY 2009

4. Other necessary development permits -

Listed below are other development permits that are necessary to allow the development to be carried out –

- ✓ Development Permit for Building Works
- ✓ Development Permit for Operational Works

¹ For the meaning of 'related approval', refer to section 3.5.21(7) of IPA.

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

5. Codes for self-assessable development -

The following codes must be complied with for self-assessable development related to the development approved—

- ✓ Port Douglas and Environs Locality Code
- ✓ Tourist and Residential Planning Area Code
- ✓ Multi-Unit Housing / Holiday Code
- ✓ Filling and Excavation Code
- ✓ Landscaping Code
- ✓ Vehicle Parking and Access Code
- ✓ Sustainable Development Code

6. Conditions of approval

ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Provide a loading bay for service/delivery vehicles. Sufficient manoeuvring space shall be provide to allow for anticipated vehicles to leave in a forward gear; and
 - b. Provide a parking bay for loading and unloading buses
 - c. The gas bottle storage area must be relocated away from the property boundary and setback a minimum of four (4) metres from any road frontage and 1.5 metres from a side boundary; and
 - d. Provide covered internal pedestrian pathways between the parking / reception and units for the purposes of providing weather protection.

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

Details of the above amendments must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to issue of a Development Permit for Building Work.

Use of Bar

4. The bar may only be utilised by residents and guests residing within the development. The bar must not cater to patrons who are not residing onsite.

Air-conditioning Screens

5. 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.

Sustainable Development

6. The proposed buildings should comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the Douglas Shire Planning Scheme, 2006.

Water Supply Contributions

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$158,289.00.

Payment is required prior issue of a Development Permit for Building Work.

Wastewater Contributions

8. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$154,529.84.

Payment is required prior issue of a Development Permit for Building Work.

Water Supply and Sewerage Works External

9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
 - a. Extend the existing 80mm diameter water main present along the Langley Road frontage to connect with the existing 150mm diameter water main at the intersection of Langley Road and Solander Boulevard;
 - b. Install valves to isolate the existing 80mm diameter water main.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Cairns Regional Council's Chief Executive Officer prior to Commencement of Use.

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Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

Water Supply and Sewerage Works Internal

10. Undertake the following water supply and sewerage works internal to the subject land:-

- a. The development must be service by a single internal water and sewerage connection made clear of any buildings or structures;

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Cairns Regional Council's Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Three (3) copies of a plan of the works must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Damage to Infrastructure

11. In the event that any part of Cairns Regional Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developer's cost, prior to the Commencement of Use.

Water Saving

12. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

Vehicle Parking

13. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 36 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design.

In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

A minimum of one (1) wheelchair accessible parking space must be provided.

14. 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.

Car Parking Layout

15. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:

- a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

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Lot 5 on RP004826, 20-30 Langley Road, Port Douglas.**

- b. The driveway serving the parking area must include a physical means of speed control at the exit point;
- c. Provision must be made for loading/unloading of vehicles;
- d. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles).

Amended plans must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas From Parking / Access

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

Details Of Development Signage

- 17. Erect one sign on the Langley Road frontage advising of the location of the off-street visitor parking area and access thereto. The sign must be erected prior to Commencement of Use.
- 18. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

All signage associated with the use must be approved by the Cairns Regional Council's Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Construction Signage

- 19. 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.

Bicycle Parking

- 20. Provide secured, on-site bicycle parking in accordance with the Douglas Shire Planning Scheme 2008. Based on the provisions in Schedule 1 the minimum number of parking

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Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 6 on RP804926, 20-30 Langley Road, Port Douglas.**

spaces required for this development is 10 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

21. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

External Works

22. Undertake the following works external to the land at no cost to Cairns Regional Council:
- a. Construct a 2.0 metre wide concrete footpath to Andrews Close & Langley Road frontage in accordance with FNQROC Development Manual Standard Drawing 1035;
 - b. Construct full width bitumen widening to Langley Road frontage;
 - c. Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015;
 - d. Make good the kerb(s) at redundant crossover(s);
 - e. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;
 - f. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.
 - g. Construct kerb and channel to Langley Road frontage where missing;

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Cairns Regional Council's Chief Executive Officer prior to Commencement of Use. All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

Under Grounding of Electricity Supply

23. All electricity lines along the full frontages of the subject site are to be placed underground. Such works are to be undertaken by Ergon Energy or an Ergon Energy approved contractor at the applicant's expense.

Street lighting along the full frontages is to be upgraded to the applicable Lighting Category and lighting columns are to be of steel construction. Ergon Energy must be notified of these requirements when making application for power supply.

All works must be completed prior to Commencement of Use.

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Minimum Fill and Floor Levels

24. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level of 3.4 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Acid Sulfate Soils – Basement/Pool Disturbance

25. 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 Environment and Resource Management (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*.

Plan of Drainage Works

26. The subject land must be drained to the satisfaction of the Cairns Regional Council's Chief Executive Officer. In particular:
- a. Drainage infrastructure in accordance with the FNQROC Development Manual
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of line SQIDs shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
 - c. Provide a plan of drainage which shows minor and major stormwater flow paths;
 - d. Provide calculations to demonstrate that any proposed infrastructure has adequate capacity to convey appropriate stormwater events.

Basement Parking

27. 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 Cairns

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

Regional Council's 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 & frequency) will be reported to Council.
- c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

28. Vehicular access to the site for construction and demolition purposes must be provided from Langley Road only, unless authorised by the Cairns Regional Council's Chief Executive Officer.

Stockpiling and Transportation of Fill Material

29. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
 - b. before 7am or after 6pm Monday to Friday; or
 - c. before 7 am or after 1pm Saturdays; or
 - d. on Sundays or Public Holidays.
30. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Demolish Structures

32. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

Landscaping Plan

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

33. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.
 - b. The retention of all Melaleuca Trees, as detailed within the Melaleuca Tree Removal / Retention Plan (Drawing Number DA112 Rev B);
 - c. A planting design which is in accordance with the FNQROC Development Manual;
 - d. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
 - e. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;
 - f. Provide deep landscaping, having a minimum of two (2) metres to the Langley Road and Andrews Close frontages of the site;
 - g. The mixture of species planted on site must include a minimum of 60% native species.
 - h. Details of any perimeter, private yard or street fencing;
 - i. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction;
 - j. Clothes drying areas screened from public view and have access to natural sunlight. Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Cairns Regional Council's Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Cairns Regional Council's Chief Executive Officer.

Vegetation Clearing

34. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks/access driveways, the installation of services or improvements as detailed on the approved plans. Any further clearing requires an Operational Works Approval.

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

Vegetation Protection

35. The Melaleuca trees marked for retention on the Tree Removal Plan (Melaleuca Tree Removal Diagram DA112 Rev B) must be retained.

A \$50,000 bond is required to be paid to guarantee the preservation of the Melaleuca trees, as a bond to ensure that no damage occurs to the identified trees as a result of the development and as security for the applicant to replace damaged or dead trees should this be required. The bond will be returned upon completion of building works if the trees are in sound condition and works have been carried out in accord with the Development Approval conditions relating to the subject trees, in addition:

Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.

- a. The subject trees must be protected from any damage to the roots, trunk and branches by machinery or other means. A temporary barrier fence must be installed and maintained during the entire construction period of the development. The fence must be at least 1.8 metres high and completely surround the tree at no less than two metres from the trunk of the tree. Soil or other materials must not be stored within the protection fence area.
- b. A suitably qualified Arborist must be engaged to prepare a management plan for the trees to be implemented during the entire duration of all the construction works. This plan must be submitted to Council for endorsement together with the landscaping plans for the development prior to issuing a Development Permit for Building works. The management plan should include plans to irrigate the trees during dry weather conditions, to compensate for tree root losses due to excavation. Only the Arborist shall carry out any work on the tree, such as pruning of roots and branches where necessary. Council Officers must be permitted to inspect the trees at any reasonable time during the construction period.

Note: The return of the bond will not be jeopardised by events beyond the Landowner/Developer's control which may affect the viability of the trees during or post construction (e.g. insect attack or cyclone damage).

Wildlife

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

Ant Plants

37. An Ecoaccess approval must be obtained from the Environmental Protection Agency for the relocation of all specimens of Ant Plant (*Mymecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4048 6809.

Parkland Protection

38. Any common boundaries with Council Esplanade parkland, general parkland or drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.

Lawful Point of Discharge

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

Sediment and Erosion Control

**Regulated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**

40. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNRROC Development Manual).

Screen Fence

41. A screen fence must be provided to the side and rear boundaries of the subject land, to the satisfaction of the Cairns Regional Council's Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the Commencement of Use.

Street Fencing

42. 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 Cairns Regional Council's Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Refuse Storage

43. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.
44. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Liquid Waste Disposal

45. Trade waste discharge to sewer must meet the requirements of CRC Water and Waste's Trade Waste Environmental Management Plan (TWEMP).

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP004926, 20-30 Langley Road, Port Douglas.**

Crime Prevention Through Environmental Design

46. The applicant/owner must ensure that all lighting and landscaping requirements complies with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Health Requirements

47. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the *Food Standards Code*.
48. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.
49. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, *Food Safety Standards* and *AS 4674 – 2004 – Design, construction and fit-out of food premises*.
50. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
51. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Cairns Regional Council's Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1998*.
52. Swimming pool water quality must be maintained in accordance with the *Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004*.
53. The proprietor of proposed rental accommodation premises must make application for approval under *Local Law 6 (Rental Accommodation)* prior to the commencement of operation. Contact the Council's Public Health Unit for further information on the application process.

Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP004926, 20-30 Langley Road, Port Douglas.

7. IDAS referral agencies -

The IDAS referral agencies applicable to this application are –

	For an application involving...	Name of referral agency	Status	Address
<input type="checkbox"/>	Item 20 of Table 2 of Schedule 2 of the Integrated Planning Regulation 1998	Environmental Protection Agency Ref:334352	Advice Agency	Environmental Protection Agency Attn: Michael Trenery PO Box 2066 Cairns QLD 4870
<input type="checkbox"/>	Acid Sulphate Soils and Aboriginal Cultural Heritage	Department of Environment and Resource Management Ref: IA0309CNS0001 Reclind: CNS/022746	Advice Agency	DERM Attn: Cristina Froemmke PO Box 937 Cairns QLD 4870

8. Submissions -

There was one properly made submission about the application. In accordance with s 3.5.15(2)(c) of the IPA, the name and address of the principal submitter for each properly made submission are as follows—

Name of principal submitter	Address
Environmental Protection Agency Attn: Michael Trenery	PO Box 2066 Cairns QLD 4870

Section 54(3) of the Iconic Places Act provides that 'The local government may appeal to the court as if it had been a submitter for the application', accordingly any notice of appeal should also be served to Council.

9. Appeal rights -

Attached is an extract from the IPA which details your appeal rights and the appeal rights of any submitters regarding this decision.

10. When the development approval takes effect -

This development approval takes effect -

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - when the submitter's appeal period ends; or
 - the day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 6 on RP804926, 20-30 Langley Road, Port Douglas.**

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

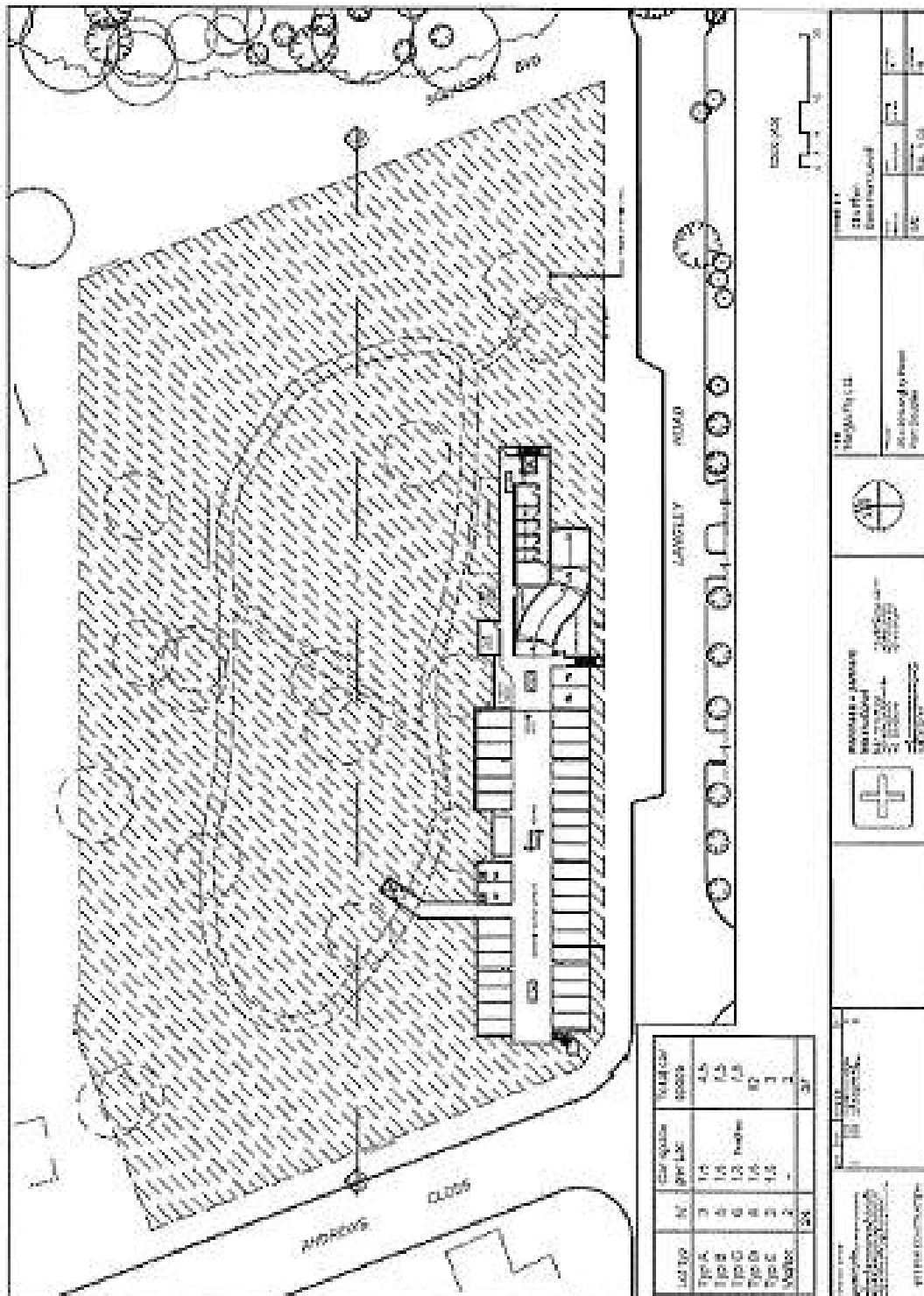
This approval will lapse if—

- o for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- o for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- o for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a material change of use or for reconfiguring a lot, if there is 1 or more subsequent related approvals the relevant period for the material change of use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 3.5.21 of IPA for further information.

**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP004926, 20-30 Langley Road, Port Douglas.**

Appendix 1 Approved Drawings



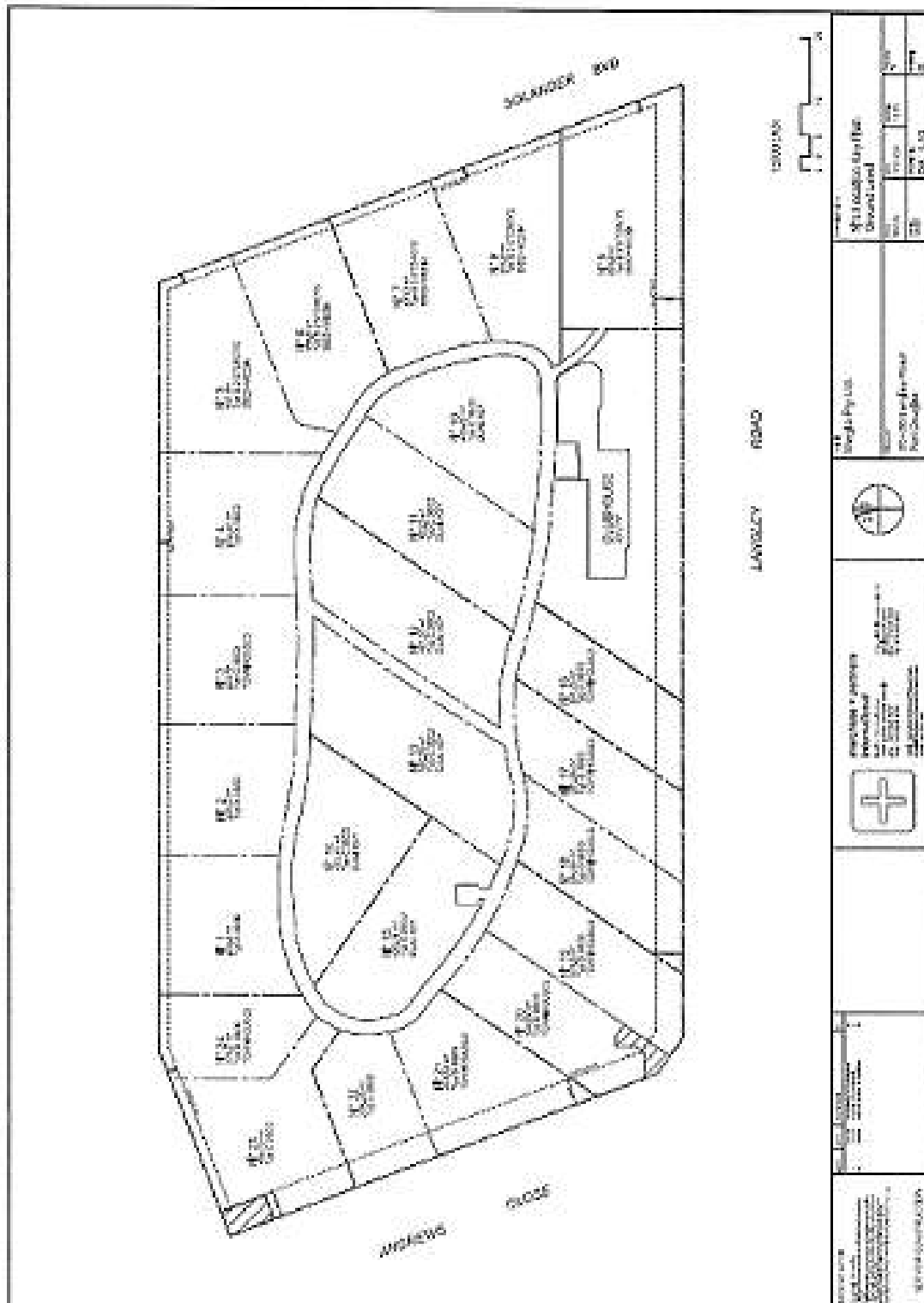
**Negotiated Decision Notice – Approval for Material Changes Of Use
 Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
 Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**



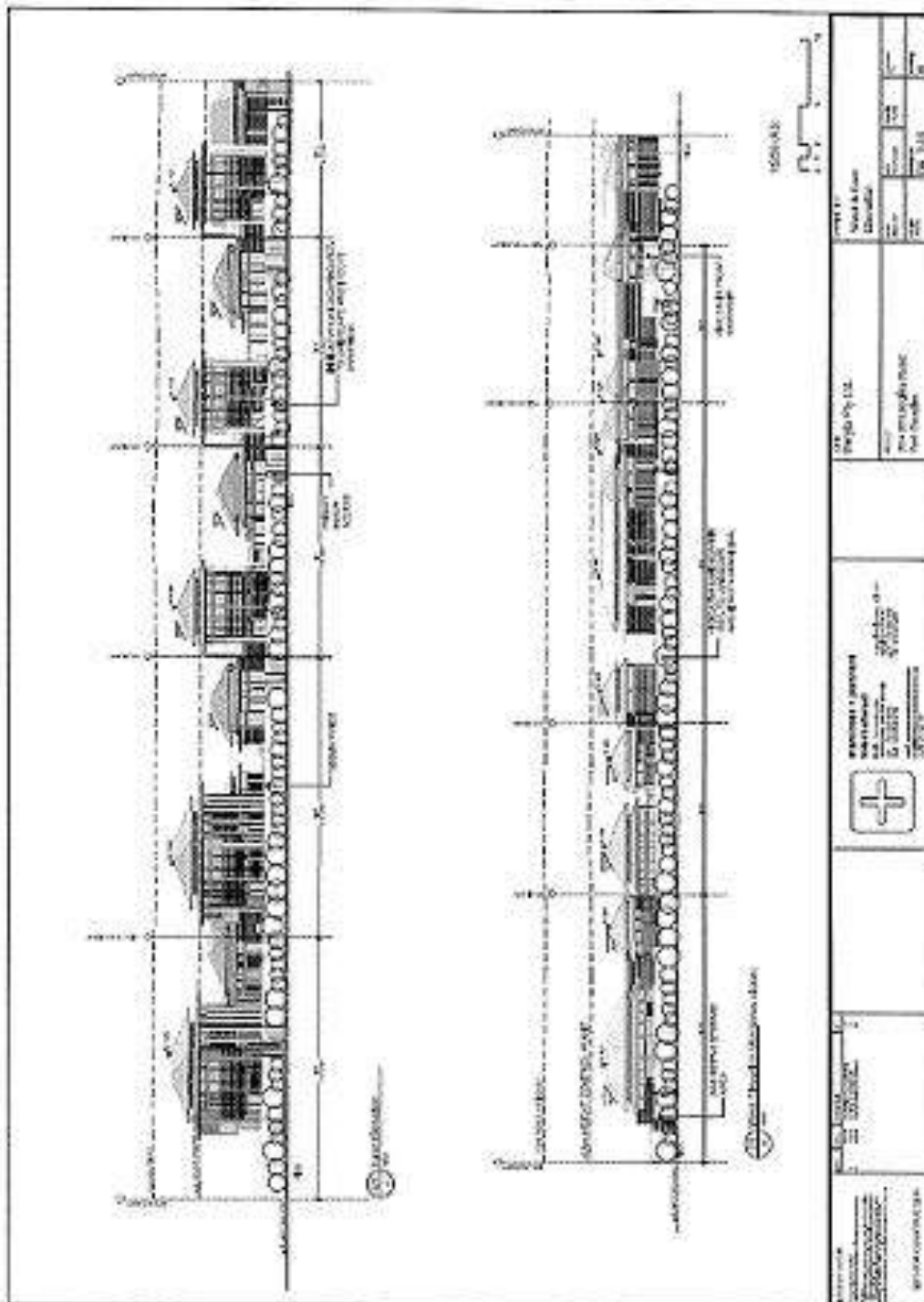
**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804826, 20-30 Langley Road, Port Douglas.**



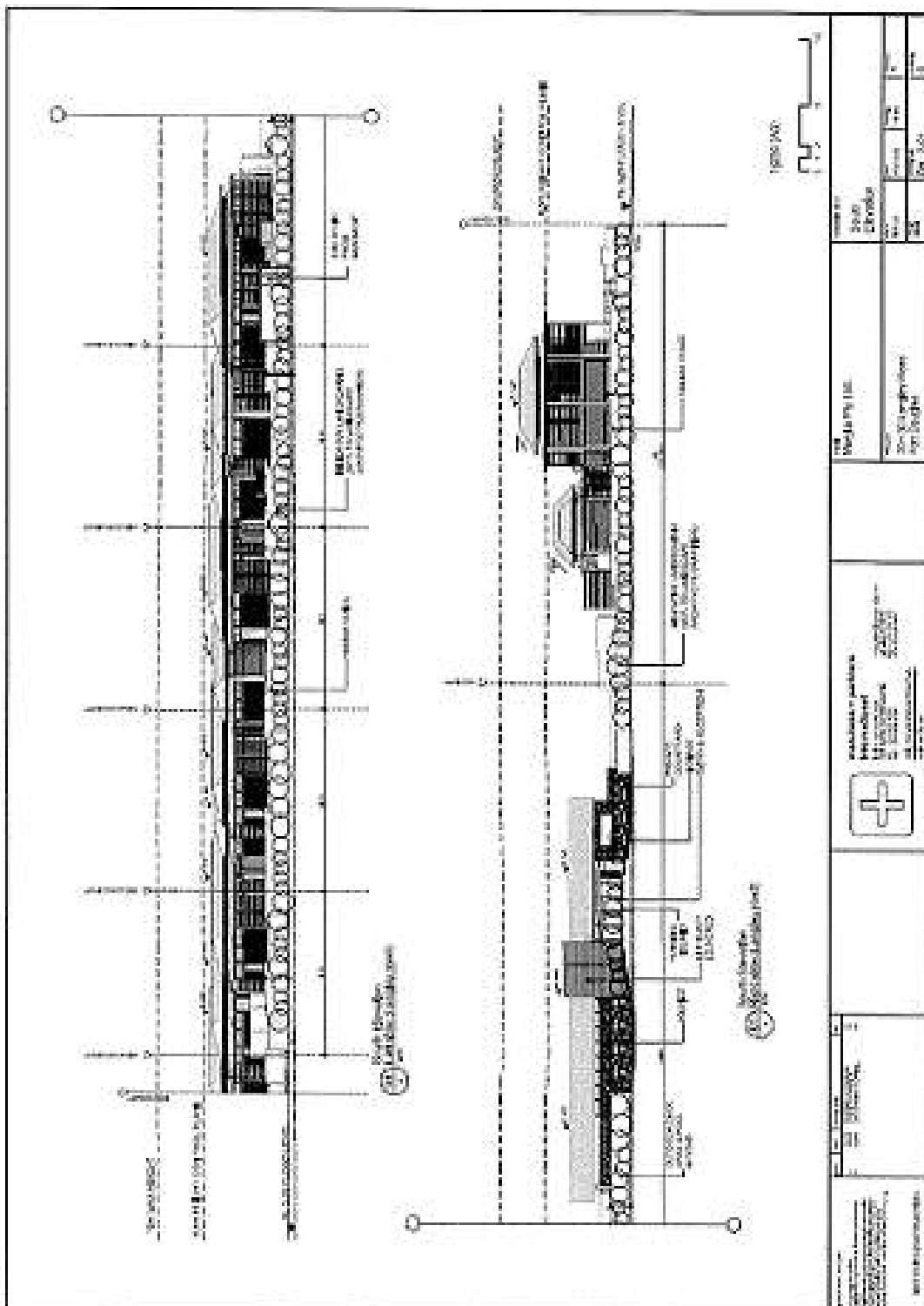
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Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**



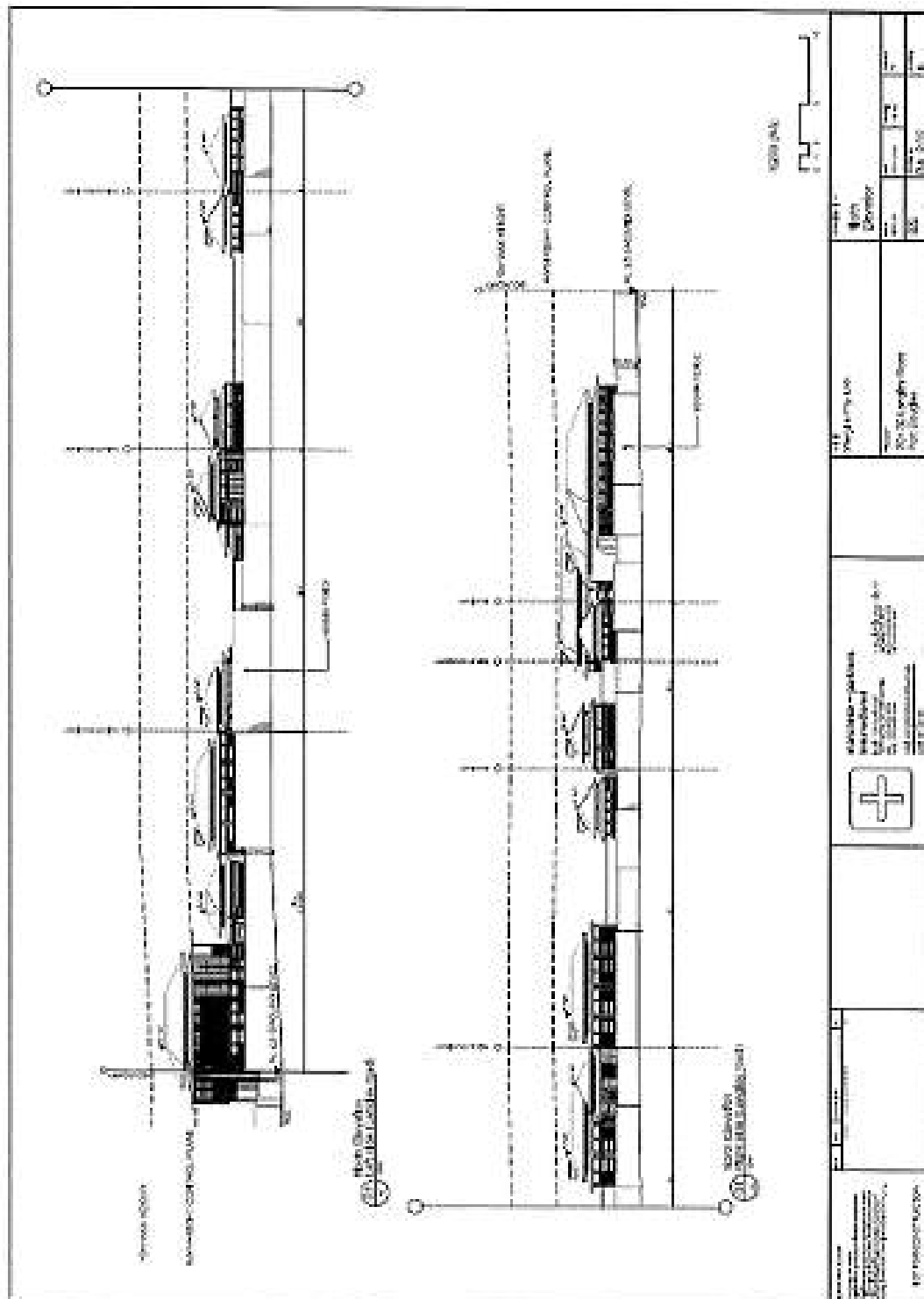
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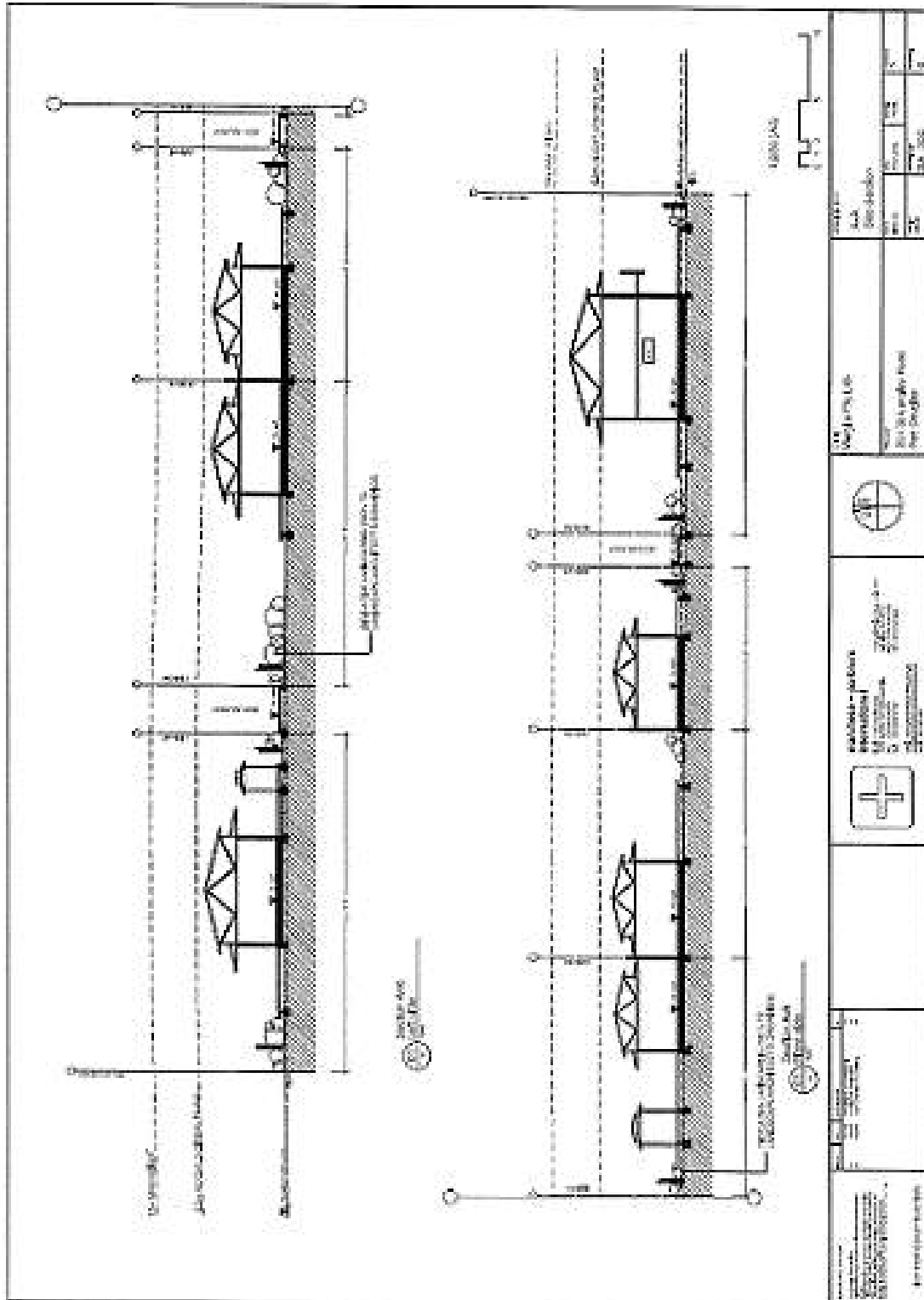
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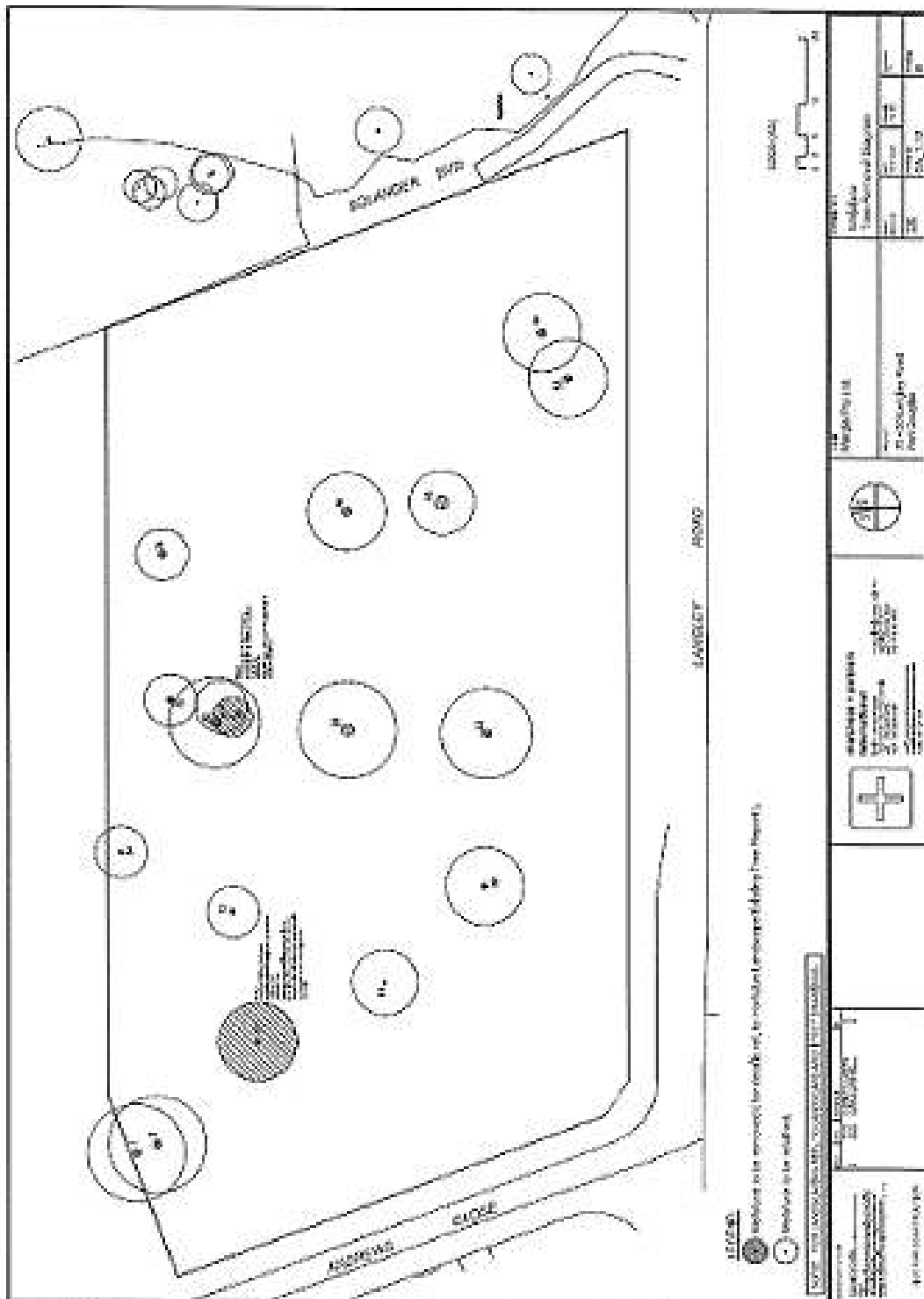
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**Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**



**Negotiated Decision Notice – Approval for Material Changes Of Use
 Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
 Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**



1:1000 Scale
 1000000
 100000
 10000
 1000
 100
 10
 1
 0.1
 0.01
 0.001

PROPOSED EXISTING EXISTING
 20-30 LANGLEY ROAD
 PORT DOUGLAS
 QUANTAS
 1000000
 100000
 10000
 1000
 100
 10
 1
 0.1
 0.01
 0.001

APPENDIX 2 REFERRAL AGENCY COMMENT**Notice****Assessment of request to change a development approval**

This notice is issued by the administering authority pursuant to section 373 of the Sustainable Planning Act 2009.

Chief Executive Officer
Cairns Regional Council
Attention: Gary Warner
PO Box 359
Cairns QLD 4870

Meryta Pty Ltd
C/- Flanagan Consulting Group
Attention: Erin Campbell
PO Box 5820
Cairns QLD 4870

Attention: responsible entity contact name
Fax: Fax Number or
Email: Email Address

Your reference: 8/7/1545
Our reference: 334352

Re: Request to change a development approval

1. The concurrence agency received a copy of a request to change a development approval on 03 April 2013.

2. Details of the development approval for the original application

Applicant: Meryta Pty Ltd

Assessment Manager Reference: 8/8/1545

Aspect(s) of development:

Assessable Development		Concurrence Agency Reference
Material change of use - Land in or near a wetland & Conservation Estate	Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21	EHP ref no: IPAR01410109
Various aspects of development - Acid sulfate soils	Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 3	DNRM Reference: IA0309CNS0001

Property/Location description: 20-30 Langley Road, Port Douglas (Lot 5 on RP804926)

Date of decision for the original application and development approval: 02 October 2009

3. The advice agency has no objection to the change being made (extension to the currency period).



Notice

Assessment of request to change a development approval

Delegate:

Ben Willey
Delegate, Chief Executive administering the Sustainable
Planning Act 2009
Department of Environment and Heritage Protection &
Department of Natural Resources & Mines


Enquiries:

Permit and Licence Management
Implementation and Support Unit
Department of Environment and
Heritage Protection
GPO Box 2454 BRISBANE QLD 4001
Phone: 1300 130 372
Fax: 07 3896 3342
Email: palm@ehp.qld.gov.au



05 April 2013

APPENDIX 3 UPDATED DEVELOPER CONTRIBUTION CALCULATIONS

		2006 Douglas Shire Planning Scheme Applications	
INFRASTRUCTURE CHARGES NOTICE			
Meryla Pty Ltd		N/A	
DEVELOPERS NAME		ESTATE NAME	
20-30 Langley Road		Port Douglas	
STREET No. & NAME		SUBURB	
MCU (Holiday Accommodation)		8/7/1545	
DEVELOPMENT TYPE		COUNCIL FILE NO.	
3968140		1	
SKIDS No.		VERSION No.	
		This logsheet is indexed appropriately only for payments made within the quarter noted above.	

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
EX	11	6,439.14	X 24.50	0.00	\$157,758.99		T 615/ 05674
Pro	11	636.85	X 24.50	0.00	\$15,602.74		T 616/ 05660
Water sub - total					\$173,361.74		
SEWERAGE							
Ex	4	4,317.58	X 35.00	0.00	\$151,115.38		T 617/ 05687
Pro	4	516.25	X 35.00	0.00	\$18,068.88		T 618/ 05681
Sewerage sub - total					\$169,184.25		
Road Network							
Not Applicable in Former DSC Area				0			
District No.				0	\$0.00		000/ 0
DRAINAGE							
Not Applicable in Former DSC Area				None			
Stream Management					\$0.00		0
Stormwater Quality					\$0.00		0
OPEN SPACE							
Former DSC Area					\$0.00		T 614 / 546
BONDS							
None					\$0.00		
None					\$0.00		
OTHER							
Port Douglas General road upgrade					\$0.00		348 / 05427
None					\$0.00		
TOTAL					\$342,545.99		

Prepared by	M Henderson	on	9-May-13	Amount Paid	
Checked by		on		Date Paid	
Date Payable					
Amendments					

Note:

The infrastructure charges in this notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: 1782/02
OUR REF: 8/7/1545 (3977547)

17 May 2013

Meryla Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Dear Sir/Madam

ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR 20-30 LANGLEY ROAD PORT DOUGLAS

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with 648F of the *Sustainable Planning Act 2009* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at Council for review of the charge amount prior to payment.

These charges are payable prior to the change of use occurring in accordance with Section 648H of the Act.

Please also find attached extracts from the Act regarding the following:


- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your appeal rights with respect to the Adopted Infrastructure Charges Notice.

Should you have any enquires in relation to this Adopted Infrastructure Charges Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Neil Beck
Acting Manager Development Services

Infrastructure Charges

		2006 Douglas Shire Planning Scheme Applications					
INFRASTRUCTURE CHARGES NOTICE							
Meryla Pty Ltd		N/A					
<small>DEVELOPERS NAME</small>		<small>ESTATE NAME</small>					
20-30 Langley Road		Port Douglas					
<small>STREET No. & NAME</small>		<small>SUBURB</small>					
MCU (Holiday Accommodation)		8/7/1545					
<small>DEVELOPMENT TYPE</small>		<small>COUNCIL FILE NO.</small>					
3968140		1					
<small>SKIDS No.</small>		<small>VERSION No.</small>					
		This logsheet is indexed appropriately only for payments made within the quarter noted above.					
	<small>DIST.</small>	<small>\$ / ERA</small>	<small>NET ERA</small>	<small>ADJUSTMENT</small>	<small>AMOUNT DUE</small>	<small>AMOUNT PAID</small>	<small>RECEIPT TYPE</small>
WATER	EX 11	6,439.14	X 24.50	0.00	\$157,758.99		T 615/ 05674
	Pro 11	636.85	X 24.50	0.00	\$15,602.74		T 616/ 05660
Water sub - total					\$173,361.74		
SEWERAGE	EX 4	4,317.58	X 35.00	0.00	\$151,115.38		T 617/ 05687
	Pro 4	516.25	X 35.00	0.00	\$18,068.88		T 618/ 05681
Sewerage sub - total					\$169,184.25		
Road Network	Not Applicable in Former DSC Area			0			
	District No.			0	\$0.00		000/ 0
DRAINAGE	Not Applicable in Former DSC Area			None			
	Stream Management				\$0.00		0
	Stormwater Quality				\$0.00		0
OPEN SPACE	Former DSC Area				\$0.00		T 614 / 546
BONDS	None				\$0.00		
	None				\$0.00		
OTHER	Port Douglas General road upgrade				\$0.00		348 / 05427
	None				\$0.00		
TOTAL					\$342,545.99		
Prepared by	M Henderson		on	9-May-13		Amount Paid	
Checked by			on			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

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, Development Assessment Team, Cairns Regional Council prior to payment for review

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Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au



Department of Infrastructure,
Local Government and Planning

Our reference : SPD-0617-037419
Your reference : 8/7/1545

14 July 2017

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

Attention: Jenny Elphinstone

Dear Sir/Madam,

Notice about request to extend relevant period

Development permit for a Material change of use (holiday accommodation and multi-unit housing) on land situated at 20-30 Langley Road, Port Douglas and described as Lot 5 on RP804926

(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 26 June 2017 advising the department, as an advice agency, of the request to extend the relevant period. The proposed extension to the relevant period is for a further four (4) years to 2 October, 2021.

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 Belinda Jones, Senior Planning Officer, on 4037 3239, or via email belinda.jones@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brett Nancarrow".

Brett Nancarrow
Manager (Planning)

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

Moryja Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
20-30 Langley Road STREET No. & NAME	Port Douglas SUBURB	L6RP804926 LOT & RP No.s	1628 PARCEL No.
MCU Holiday Accommodation & Multi Unit Housing DEVELOPMENT TYPE		MCUC 3000/2009 COUNCIL FILE NO.	4 VALIDITY PERIOD (year)
D#422176 DSC Reference Doc. No.	1 VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
Two Bedroom Units (Short Term Accommodation)	3	9,000.00	27,000.00		
Three Bedroom Units (Short Term Accommodation)	21	12,600.00	264,600.00		
	0	0.00	0.00		
Existing vacant land (credit)	1	14,342.13	14,342.13		
Total			277,267.87		
TOTAL			\$277,267.87		Code 895 GL 07500.0135.0825

Prepared by	J Elphinstone	20-Jul-17	Amount Paid	
Checked by	D Lamond	21-Jul-17	Date Paid	
Date Payable			Receipt No.	
Amendments	Date	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 24 June 2015.

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