

5.1. REQUEST TO EXTEND COMBINED DEVELOPMENT APPROVAL- 9 ST CRISPINS AVENUE AND 4-10 ESCAPE STREET PORT DOUGLAS

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Request to extend relevant period of approval - Combined Application (Material Change of Use and Reconfiguring a Lot)
APPLICANT	Port Douglas Steam Train Company Pty Ltd C/- RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870
LOCATION OF SITE	4-10 Escape Street & 9 St Crispins Avenue, Port Douglas
PROPERTY	Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464

LOCALITY PLAN



Figure 1 - Locality Plan

ZONE	Tourist Accommodation
PLANNING SCHEME	2018 Douglas Shire Planning Scheme Version 1.0
REFERRAL AGENCIES	Department of Natural Resources and Mines (An original Advice Agency)
NUMBER OF SUBMITTERS	Two (2) to the original public notification
STATUTORY ASSESSMENT DEADLINE	26 July 2018
APPLICATION DATE	28 June 2018

RECOMMENDATION

That Council approve the request to extend the relevant period of approval for the combined application for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on 28 lots and a display home over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, located at 4-10 Escape Street and 9 St Crispins Avenue, Port Douglas for 2 years (up to 24 January 2021), subject to the conditions of approval contained in the amended Decision Notice dated 26 June 2018.

EXECUTIVE SUMMARY

Council is receipt of an application to extend the currency period of approval of a development proposed to be located at 4-10 Escape Street and 9 St Crispins Avenue, Port Douglas. The approved development is for a combined application for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on each lot and a Display Home.

Section 87 of the *Planning Act 2016* allows for the assessment manager to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application, in deciding the extension application.

The planning circumstances that relate to the land and the development have not substantially changed since the most recent extension to the relevant period of approval was granted, and since the recent minor change to the approval was granted.

The zoning of the land has changed and the land is now within the Tourist Accommodation Zone under the 2018 Douglas Shire Planning Scheme Version 1.0. While the preferred form of development within this zone is tourist accommodation of a higher density, the Table of Assessment for the Tourist Accommodation Zone prescribes that Dwelling House development is Self-assessable (Accepted) Development and Multiple Dwelling development is Code Assessable development demonstrating that the Planning Scheme generally supports these land uses on this land. A two year extension is therefore recommended.

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 approval, the development approval was extended until 21 January 2016. Council approved a further extension to the approval until 24 January 2019 at the January 2016 Ordinary Council Meeting.

A minor change to the approval was granted at the 26 June 2018 Ordinary Council Meeting but application to extend the life of the approval was not submitted at the time. A final request to extend the currency period for the approval has been made to extend the life of the approval from 24 January 2019 for a further two (2) years to allow the approved use to commence on site.

The site has been partially developed with roads, water and sewer infrastructure. The Community Titles Scheme's original 33 residential lots have been constructed in accordance with the above-mentioned Development Approval but have not proceeded to the construction of a dwelling house on each lot and the issue of titles.

The applicant is now requesting a further two (2) years to extend the currency period of the approval. The request is recommended for approval.

Proposal

The approved layout plan and associated minor change approval to the amended Negotiated Decision Notice are included at Attachment 1. The plans show a development consisting of 29 small lots with house on each, to be developed as part of a Community Title lot reconfiguration. It is proposed to extend the currency period for a further two (2) years to 24 January 2021, to allow for the above-mentioned development to commence on the land.

The steam train and restaurant/cafe uses are continuing land uses which were lawfully established on site prior to the issue of the subject approval. Their continued operation is accommodated for in the approval.

State Planning Requirements

Section 87 of the *Planning Act 2016* allows for the assessment manager to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application, in deciding the extension application.

Assessment of the Request

Planning Scheme Considerations

Given the Planning Act allows for a relatively open ended assessment of a request to extend, the logical place to start is an assessment against the current planning scheme. The site is within the Tourist Accommodation Zone of the 2018 Douglas Shire Planning Scheme

version1.0. As noted above this zoning designates the establishment of the dwelling house land use as accepted development, and requires code assessment for the multiple dwelling land use. This demonstrates that the zoning designation can support the approved use, even though it is not considered the highest and best use for the site. Further, this use is within the designated urban footprint of the planning scheme and represents a logical extension of residential development supply.

The minimum lot sizes under the zoning require 1,000 square metres. The purpose of this is to have land of appropriate size for higher density development. The approved lot sizes are 300 square meters on average, however, due to the relatively uniform house design and siting of each house on each lot, the proposal demonstrates that adequate open spaces is provided, parking is accommodated on each site, vehicles can manoeuvre practically on site and adequate landscaping can be implemented on site. Where a proposal can demonstrate that it can affectively cater for a land use by providing enough space for the above requirements, it is considered that it can be supported if the minimum lot size is not achieved.

A condition was imposed in the minor change approval considered at the 26 June 2018 Ordinary Council Meeting to require the building design for the houses to be more consistent with the current planning scheme policy SC6.2- Building Design and Architectural Elements. Essentially this consisted of changing the roof design and profile from a square and flat design with no eaves to a pitched roof design with eaves. This is considered to respond to the tropical North Queensland environment more effectively, while contributing to the aesthetic appearance of the locality on a higher level.

Practicality and Market Considerations

The development to be completed on Lot 2, the construction of a House on each lot and the issue of titles, is effectively a shovel ready project that is readily able to supply new houses to the Port Douglas residential market. The applicant advises that over the last 18 months, the demand for new houses in the Port Douglas residential market has increased and is particularly evident in the growth in the prices of new houses in surrounding localities such as Craiglie and Cooya Beach. The applicant advises that the balance of this project is expected to contribute to supply in part, to the growing demand for housing in the shire.

The community's current awareness of the development approval

The application was originally publicly notified and received two submissions. The land has been partially developed on site and those works are still evident. In addition, the land was for sale and marketed for the proposed development for a considerable period of time. As such, it is likely that the community would remain reasonably aware of the proposed development.

Conclusion

Given the passage of time (more than ten years) it is likely that some community awareness of the application has dwindled.

Given that the planning circumstances that relate to the land and the proposed development have not significantly changed since the last extension to the relevant period of approval, it is recommended that a 2 year extension be granted to allow the new owner to commence the construction of houses in a reasonable amount of time.

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- Development Approval for Extension **[5.1.1]**

26 June 2018

Enquiries: Daniel Lamond
Our Ref: CA2639/2008 (861590)
Your Ref: PR133458

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Port Douglas Steam Train Co Pty Ltd
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

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.

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA2639/2008 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully

PAUL HOYE
Manager Sustainable Communities

encl.

- Decision Notice
- Approved Plans

DECISION NOTICE
MINOR CHANGE APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)

Thank you for your development application detailed below which was properly made on 12 June 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Port Douglas Steam Train Co Pty Ltd

Postal Address: C/- RPS Australia East Pty Ltd
 PO Box 1949
 CAIRNS QLD 4870

2. Location details

Street Address: 8 Escape Street PORT DOUGLAS, 10 Escape Street PORT DOUGLAS, 9 St Crispins Avenue PORT DOUGLAS, 4-6 Escape Street PORT DOUGLAS

Real Property Description: LOT: 41 RP: 747344, LOT: 42 RP: 747344, LOT: 49 SP: 161464, LOT: 51 SP: 161464.

Local Government Area: Douglas Shire Council

3. Details of proposed development

Minor Change Application 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.

4. Decision

Date of decision: 26 June 2018

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1.

5. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

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

6. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Plumbing and Drainage Work

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Currency period for the approval

This development approval will lapse after 24 January 2019.

9. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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 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.

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)*

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.
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.
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.

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 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.
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 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.

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.

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 the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.

PART 1B—ADVICE NOTES

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.

PART 1C- REASONS FOR DECISION

- The proposal is a minor change under the Planning Act 2016 and Planning Regulation 2017 and is considered inconsequential.
- The minor change includes compliant components with the 2018 Douglas Shire Planning Scheme version 1.0.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

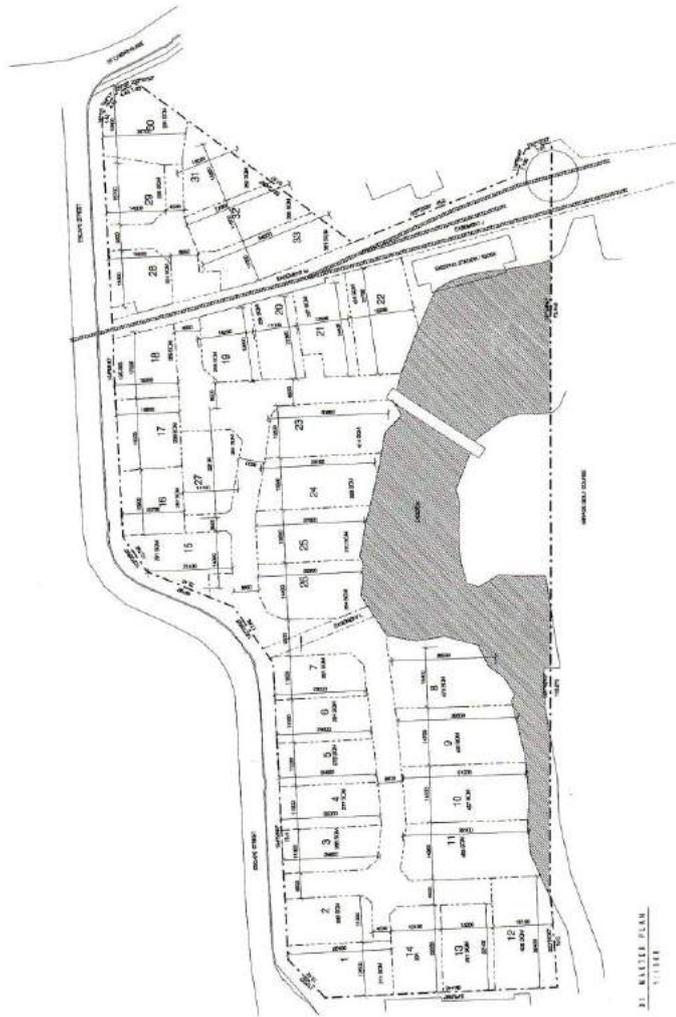
Table 2 Appeals to the P&E Court only			
<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

Approved Plans





31. MASTER PLAN
TITLE

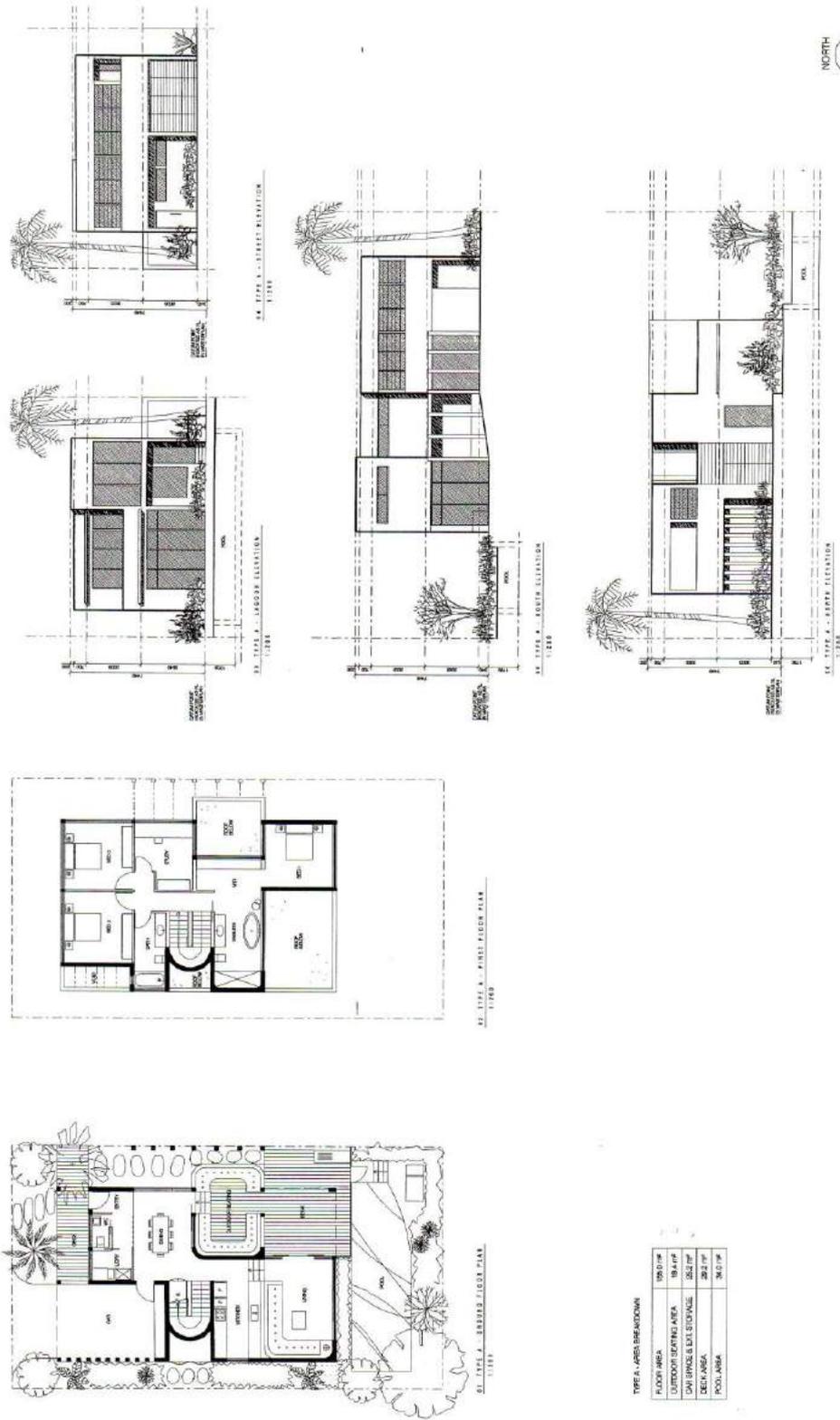


ISSUE	DATE	REASON	BY
A	24/11/05	ISSUE FOR REVIEW	RV AW
B	02/11/06	ISSUE FOR REVIEW	RV AW
C	02/11/05	ON ISSUE	RV AW

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 7/15 edgell ave 207
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 annavaughanarchitects@annavaughanarchitects.com.au
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 A BUSINESS OF THE ANNVAUGHAN ARCHITECTS GROUP
 THE ANNVAUGHAN GROUP

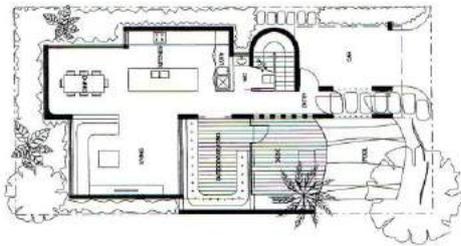
PROJECT BOTANICA PROJECT PORT DOUGLAS
 TITLE MASTERPLAN LOTS

SCALE 1:100 @ A3 DATE SEPT 05 JOB NO. 055 DWG NO. 4000 REV C



PROJECT		BUTRICK PROJECT PORTFOLIOS	
TITLE		TYPE A - PHS & ELEVATIONS	
SCALE	DATE	JOB NO.	DWG NO.
1:200 (A3)	SEPT 06	0515	ARP
REV	REV	REV	REV
A	A	A	A

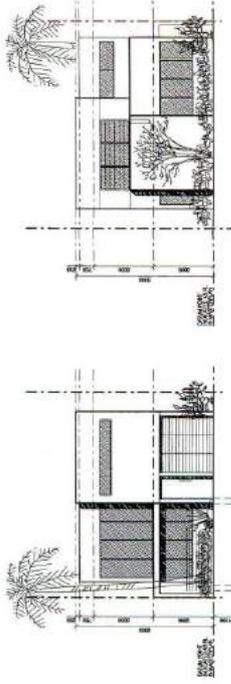
B n n e v a u g h a n a r c h i t e c t s
 1000 W. 7th Street, Suite 202
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 Tel: 817.331.2900 | Fax: 817.331.2901
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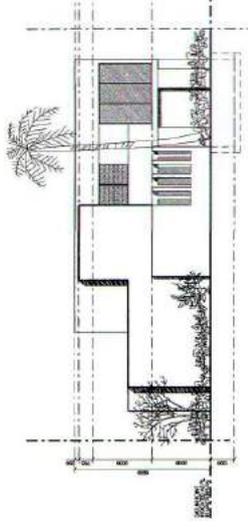
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1:200



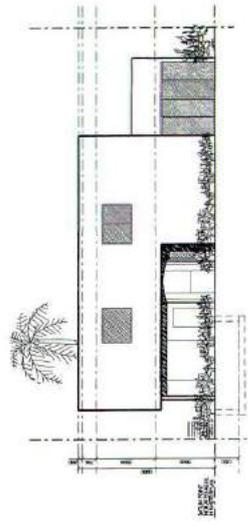
32. SITE A - NORTH ELEVATION
1:200



33. SITE A - STREET ELEVATION
1:200



34. SITE A - WEST ELEVATION
1:200



35. SITE A - SOUTH ELEVATION
1:200



THE B - AREA INFORMATION

FLOOR AREA	190.0 sqm
OUTDOOR SITTING AREA	100.0 sqm
COVERED TERRACE & DECK	18.0 sqm
DECK AREA	18.0 sqm
POOL AREA	18.0 sqm

ISSUE	DATE	REASON	BY
1	21/10/05	ISSUE FOR REVIEW	AV
2	24/10/05	ISSUE FOR REVIEW	AV
A	02/11/05	DATE ISSUE	AV

anna vaughan architects

project: 715 - 10/05/05
 1/2/05/05 1/02/05/05
 annavaughanarchitects.com.au
 0911 00 3752
 ALL DRAWINGS ARE TO BE MADE IN ACCORDANCE WITH THE DRAWING CONVENTIONS AND STANDARDS SET OUT IN THE ARCHITECTURAL CONVENTIONS OF THE ARCHITECTS ACT 1993.

PROJECT: BOTANICA PROJECT PORT DOUGLAS
 TITLE: THE B - PLANS & ELEVATIONS

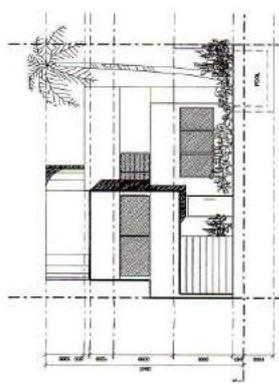
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1:200 @ A3	SEPT 05	0515	0515	A



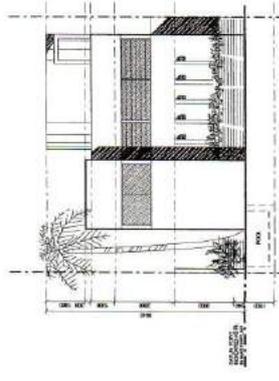
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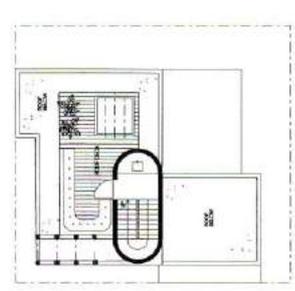
12. TYPE C - THIRD FLOOR PLAN
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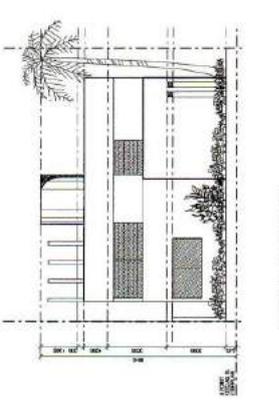
13. TYPE C - WEST ELEVATION
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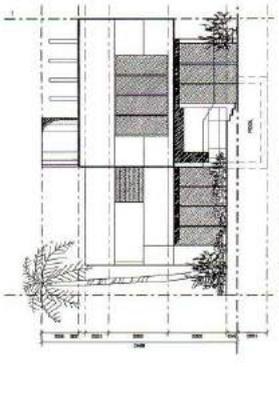
14. TYPE C - NORTH ELEVATION
1:100



15. TYPE C - SECOND FLOOR PLAN
1:100



16. TYPE C - WEST ELEVATION
1:100



17. TYPE C - NORTH ELEVATION
1:100

TYPE C - AREA BREAKDOWN	
FLOOR AREA	1093.77 SF
OUTDOOR SEATING AREA	83.87 SF
CAR SPACE & ELEC STORAGE	177.77 SF
DECK AREA (ENCL. TO POOL DECK)	281.77 SF
POOL AREA	59.37 SF

ISSUE	DATE	REASON	BY	CHKD
1	2/10/06	ISSUE FOR REVIEW	RY	AM
2	2/10/06	ISSUE FOR REVIEW	RY	AM
3	02/11/06	ISSUE	RY	AM

anna vaughan architects
 project: BOTANICA PROJECT PORT DOUGLAS
 title: TYPE C - PLANS & ELEVATIONS
 phone: 716.593.6111
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 drawing no: 2006-00496
 date: 08/10/06
 drawing title: TYPE C - PLANS & ELEVATIONS
 author: anna vaughan
 checker: anna vaughan
 title block: anna vaughan architects

SCALE	DATE	JOB NO.	DWG. NO.	REV
1:200 @ A3	SEPT 06	05-07	0004	A



