

5.1. MINOR CHANGE APPLICATION FOR DEVELOPMENT APPROVAL AT LOTS 41 & 42 & 49-51 ESCAPE STREET, PORT DOUGLAS

REPORT AUTHOR	Daniel Lamond, Planning Officer
MANAGER	Paul Hoyer, Manager Environment and Planning
DEPARTMENT	Planning
PROPOSAL	Minor Change to Development Approval CA2639/2008
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

PLANNING AREA	Tourist Accommodation
PLANNING SCHEME	2018 Douglas Shire Planning Scheme version 1.0
REFERRAL AGENCIES	No referrals were triggered
NUMBER OF SUBMITTERS	There were no submissions received
STATUTORY ASSESSMENT DEADLINE	16 April 2019
APPLICATION DATE	12 March 2019

RECOMMENDATION

- A. That Council resolve to approve the application for minor change to approval for the 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 over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, located at 4-10 and 9 Escape Street, Port Douglas, subject to the following;

Approved Plan replacing approved plans:

Drawing	Reference	Date
PR133458-7a	Plan Prepared by RPS Australia East Pty Ltd, Sheet 1 of 3.	6 November 2018

- Condition 1 be deleted and replaced with conditions 1, 2 and 3:-

Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

- The specifications, facts and circumstances as set out in the application submitted to Council;
- The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

- The conditions of the Development Permit must be effected prior to endorsing the Plan of Survey, except where specified otherwise in these conditions of approval.

Amendment to Design

- The approved plan must be amended to accommodate the following requirements:-

- (a). Provide a staging plan illustrating each stage of the residential development. Each stage is to comprise of a stand alone group of allotments where the opportunity exists;
- (b) Provide a central waste storage facility accessed via Escape Street. In order to comply with this condition, it is required that Lot 15 be dedicated to contain the waste storage facility and that the surrounding allotment boundaries be reconfigured accordingly;
- (c) The nominated building footprints on the approved plan are no longer being pursued and therefore are not approved and do not apply.

An amended layout plan and staging plan detailing the above requirements must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for the first house on the land.

2. Condition 2 be deleted and replaced with the following:-

Boundary Setbacks

- #. (a). Side and rear boundary setbacks for each dwelling on each lot must be compliant with the Queensland Development Code MP1.1 unless otherwise approved by the Chief Executive Officer;
- (b). Setbacks to Escape Street may be no less than four (4) metres except for lots 16, 28 and 29 which may have a building setback of three (3) metres from Escape Street for a maximum of 30% of the building fronting Escape Street unless otherwise approved by the Chief Executive Officer;
- (c). Setbacks to St Crispins Avenue may be no less than four (4) metres; and
- (d). Setbacks to the internal CTS road must be determined in accordance with Conditions of this approval.

3. Condition 3 be deleted and replaced with the following:-

Currency Period

- #. This development approval is valid up to and including 21 January 2021.

4. Condition 7 be deleted and replaced with the following:-

Landscaping and Fencing

- #. Provide a Landscape Concept Plan for the development that provides for an attractive residential development and details how the development interacts with the external roads of Escape Street and St Crispins Avenue. The Landscape Concept Plan must include:-
 - (a) Street tree planting in accordance with the FNQROC Development Manual;
 - (b) Deep planting of setback areas fronting Escape Street and St Crispins Avenue;
 - (c) External fencing treatment details;

- (d) Internal plantings;
- (e) Opportunities for internal street tree planting;
- (f) A species list in accordance with Planning Scheme Policy SC6.7-Landscaping.

The Landscape Plan must be endorsed by the Chief executive Officer prior to the issue of a Development Permit for Building Work. All landscaping and fence treatments must be installed in accordance with the endorsed landscape plan prior to endorsing the Plan of Survey for the respective allotment or stage.

- 5. Condition 8 be deleted.
- 6. Condition 10 be deleted and replaced with the following:-

Waste Storage and Discharge

- #. A central waste storage facility must be included in the layout of the development. The facility must;
 - (a) Provide storage area for the storage of a minimum of 3 bulk bins (1100L capacity) and 15 (240L capacity) recycling bins.
 - (b) Contain an impervious surface for the storage of waste containers with a suitable hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device;
 - (c) Be roofed, bunded and connected to sewer with an approved collection device at the drainage point to sewer;
 - (d) Include a two (2) metre wide sealed path to the road frontage of Escape Street for practical bin display to the satisfaction of the Chief Executive Officer;
 - (e) The Community Management (CMS) Statement must state that this central facility is the waste storage facility for all of the development and must form part of the common property for the development. The CMS must state waste storage bins are not permitted to be housed within the private Community Title Scheme (CTS) allotments.
 - (f) Be screened from view via landscaping treatments to be detailed on a site specific landscaping plan and noted on the landscape concept plan.
 - (g) Be constructed prior to Council endorsing the first CTS allotment Plan of Survey including all landscaping treatments.

- 7. Condition 46 be deleted and replaced with the following:-

Design Review, Construction & Survey Plan Endorsement

- #. All house designs for each allotment comprising a stage must be submitted for review and endorsement prior to the issue of a Development Permit for Building Work for the first house within the stage.

Allotments within a stage can have their individual Plans of Survey endorsed by the Chief Executive Officer once the building slab is completed and three courses of blocks have been laid for an individual house or construction work has substantially commenced to the satisfaction of the Chief Executive Officer where not a block house.

8. Additional conditions be added as follows:-

Design Guidelines

#. A set of design guidelines must be prepared and submitted for endorsement by the Chief Executive Officer prior to submission of house and stage designs for endorsement. The design guidelines must include but no limited to the following design outcomes:-

- (a) The internal CTS road is not dominated by garages with reduced setbacks with the elements of the house fronting the internal street to promote casual surveillance from the residence;**
- (b) Houses have staggered setbacks to the internal CTS road to create visual interest and opportunity for landscaping treatments internal to the site;**
- (c) House designs do not create a nuisance or detrimentally impact the safety of people upon entry and egress of vehicles to the CTS allotments;**
- (d) House designs provide adequate daylight and ventilation to habitable rooms;**
- (e) House designs provide adequate daylight and ventilation to habitable rooms of houses on adjoining lots within each stage;**
- (f) House designs do not impact of the amenity and privacy of residents or future residents on adjoining lots.**

9. All other conditions remain unchanged and conditions are renumbered to accommodate the above amendments.

EXECUTIVE SUMMARY

Council is in receipt of a proposed minor change to the combined development approval for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on 28 lots, a display home on a lot and a food and drink outlet on a lot. The existing development approval is included as Attachment 2. The land is 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.

The current approval requires the construction of each dwelling in the form of a multi-unit housing development prior to subdividing the land.

The proposed change seeks to amend the approval to allow for the subdivision of the land prior to the completion of each house on each lot, creating lots ranging in size from 250m²–350m².

The changes primarily seek to change the approval to permit the refinement of the house design permitted on each lot, on a stage by stage basis and the endorsement of a survey plan and issue of title once the house is partially constructed.

The proposed minor change application is supported at Officer level and conditions have been imposed to regulate points of concern. The opportunity to review the relevance of the existing conditions has been taken as part of the assessment and changes have been made to conditions to make them reflect contemporary planning considerations. The minor change application is recommended for approval.

TOWN PLANNING CONSIDERATIONS

Background

At present, the approval requires the construction of each house on the proposed allotments and then once complete, the land is reconfigured resulting in each dwelling being contained on a freehold allotment ready for market. The current approval details the design and footprint of each dwelling on each of the allotments. The allotments will be part of a Community Titles Scheme (CTS).

The approval was amended at the Ordinary Council Meeting of 26 June 2018, which allowed the construction of the dwellings to take place in stages and allowed titles to be issued in stages, but still required that titles would only be issued once house construction was complete.

All associated infrastructure has been constructed and is in place to support the development. Essentially, the land is ready for house construction.

Proposal

Application has been made for a minor change to the development approval which essentially seeks to amend the approval to allow the subdivision of the land to occur prior to the complete construction of each house, creating residential allotments ranging in size from approximately 250m² – 350m².

Instead of each dwelling being constructed by the developer to completion, as per the requirements of the current approval, the vacant lots would have house construction partially commence (slab and part of the walls) prior to the issue of titles. This allows for a more timely uptake of the development. The other change proposed is the re-design of the individual houses on a stage by stage basis.

The applicant has advised that they are in discussions with multiple architects and building designers regarding the future house designs for each lot.

Minor Change Status

The development as changed is consistent with the definition of a Minor Change under the Act.

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

(a) involves a new use;

The Minor Change Application does not seek approval for any additional uses to be included in the development.

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

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

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

The proposed changes will not dramatically change the built form in terms of scale, bulk and appearance as compared to that already approved.

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

Once construction of all houses is completed, the development will function generally as originally intended.

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

Once construction of all Houses is completed, the development will function generally as originally intended.

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

Once construction of all Houses is completed, the development will function generally as originally intended.

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

Once construction of all Houses is completed, the development will function generally as originally intended.

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

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

(i) impacts on infrastructure provisions;

Once construction of all Houses is completed, the development will function generally as originally intended.

In summary, if a new application were lodged for the development, including the change proposed, this would not result in the inclusion of prohibited development in the application, would not require any referrals and would not require public notification.

Change Assessment Process

The matters for consideration by the responsible entity (Council) are set out in Section 81 of the Planning Act 2016. In respect of the minor change application, the following can be said;

With regard to properly made submissions in respect of the proposed development, it is noted that the Change Application's principal intent is to provide a process to facilitate the endorsement of a Survey Plan for a CTS Lot prior to the construction of the House being fully complete. Two submissions were received at the time of the original approval in 2008, however, they did not relate to the timing of survey plan endorsement, they related to the land use as a whole. It is unlikely that submissions would have raised issue with the timing of the house construction and the endorsement of a Survey Plan for a CTS Lot.

In respect of other change applications that have been approved, it is understood the only change to the Development Approval is in respect of the change approved to Condition 2 (c). The subject Minor Change Application does not cause any conflict with the earlier change.

No pre-request response notice has been issued in respect of the proposal. However, the applicant has consulted with Council's Planning Services unit over the proposed changes.

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

In respect of these considerations, it is noted that the changes sought primarily to seek to vary the timing of development to allow Council to endorse the Plan of Survey for a CTS Lot once the House is partially constructed and after Council has approved the house plans for all houses in a stage.

Once construction of all houses is completed, the development will function generally as originally intended. That being said, a detailed assessment against the former or current Planning Scheme is not necessary.

The existing development approval and associated conditions have been considered and reworked a number of times in order to arrive at an outcome that manages the risks associated with allowing small lots to have titles issued prior to house completion. The following is a summary of the new conditions imposed and the considerations that have informed them.

Amendment to Design

A condition has been imposed on the minor change approval recommendation to amend the design of the site layout and to provide a staging plan detailing the stages for the uptake.

The amended site plan requirement details the need to provide a central waste storage area for the bins servicing the residential allotments. The existing approval does not accommodate an adequate contemporary solution to waste storage and disposal so the opportunity to review the waste storage solution is considered necessary. The existing approval includes the requirement for provision of only one general waste bin per house to be sited in central waste storage areas, with no regard to recycling bins or requirement for area to accommodate them. The development has already been constructed with the

internal road and services developed to completion. The constructed internal road is too narrow making it prohibitive to access by a heavy rigid garbage truck. This prohibits internal bin servicing from occurring making the only viable solution to waste servicing being display and collection from Escape Street. Given the development will function as a community titles scheme on small lots, there is opportunity for a common property area to accommodate a number of bulk bins and recycling bins in the location of lot 15. This will allow Councils waste contractor to service the development via bulk bin storage so that the street is not lined with 29 general waste wheelie bins on collection day, resulting in an inappropriate impact on the streetscape.

The other significant change condition 3 requires for the amendment to design is that the house designs formerly approved are now made redundant to make way for new designs to be proposed with no footprint constraint. The previous designs included approved relaxed boundary setbacks, however, it is considered that these setbacks are not appropriate to maintain as the new designs need to consider boundary setbacks and relationships with neighbouring properties. For example, if two neighbouring houses are allowed to have relaxed setbacks at a common side boundary, it constrains the ability for a new house design to have an appropriate outlook on the neighbouring house as it is likely that rooms will look directly into one another, particularly as the houses are able to be two storeys.

Design Guidelines

The applicant proposes that new house designs will be prepared for each allotment, where Council will then have the opportunity to review and endorse the designs to ensure amenity and privacy issues are appropriately responded to. The single biggest consideration when allowing a small lot subdivision to occur is the risk of poor amenity and privacy for residents. In considering this, a condition has been imposed requiring the applicant to establish a set of design guidelines for the new houses, which are based off the performance criteria from the Queensland Development Code MP1.1 for single detached houses on lots under 450 square metres. These guidelines are intended to prevent neighbouring allotments affecting the privacy and amenity of each other while also providing for an attractive internal streetscape

Design Review, Construction and Survey Plan Endorsement

The ability for the development to be rolled out in stages has meant that conditions needed to be imposed to require that every house design in a stage is designed in relation to one another. For example, the conditions imposed on this approval require that Council endorses all of the house designs for a particular stage, after reviewing them with privacy and amenity considerations against the design guidelines also conditioned as part of this approval. This regulates the ability for prospective owners to change designs which have been assessed and are deemed to relate to the neighbouring allotments appropriately. Further, conditions have been imposed to allow the Plan of Survey to be issued for the individual allotments once the slab and part of the walls have been constructed. This approach ensures the approved design is delivered while accommodating the financial considerations of the applicants development rollout.

The conditions accommodate the ability to commence work on a number of stages at a time, where the developer will not be bound to complete a stage prior to commencing work on

another stage. There are no risks to amenity with this approach as the designs for each stage will be known.

Landscaping

Conditions regulating landscaping of the site have been changed as part of this minor change approval. It is considered that quality landscaping is required along the frontages of the allotments fronting Escape Street and St Crispins Avenue. However, the landscaping design must be considered in relation to the design of each individual house on the lots due to their particularly small size. Conditions imposed require that a concept landscaping plan is prepared for the entire development site and an individual landscaping plan is prepared for each house site that adjoins an external road to be submitted for Council endorsement at the time the house design is submitted for Council endorsement. The concept landscape plan is required to inform the landscape design for each lot that adjoins an external road. Landscaping treatments on individual lots internal to the site are of limited interest.

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 a subsequent development application which may be triggered by the pre-lodgement enquiry response.

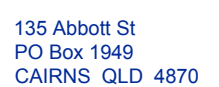
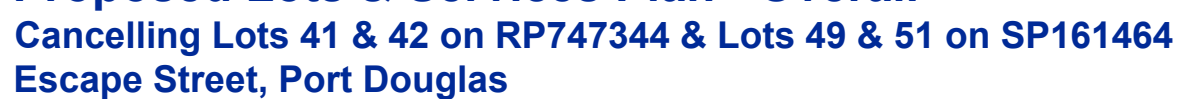
ATTACHMENTS

1. Attachment 1- Approved Plan **[5.1.1]**
2. Attachment 2- Existing Development Approval **[5.1.2]**

DNRM AERIAL PHOTOGRAPHY.

© State of Queensland (Department of Natural Resource & Mines) [2017]

No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

















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**Proposed Lot 2
(pt)**

Common Property

Proposed Lot 1
5187m²

Electrical Line U/G	
Electrical Manhole	
Cable Box	
Light Pole	
Sewer Line	
Sewer Manhole	
Sewer HCB	
Water Line	
Water Manhole	
Water Field Inlet Pit	
Water Valve	
Existing Services	
Building Setback	
Building Envelope	



**Cancelling Lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464
Escape Street, Port Douglas**



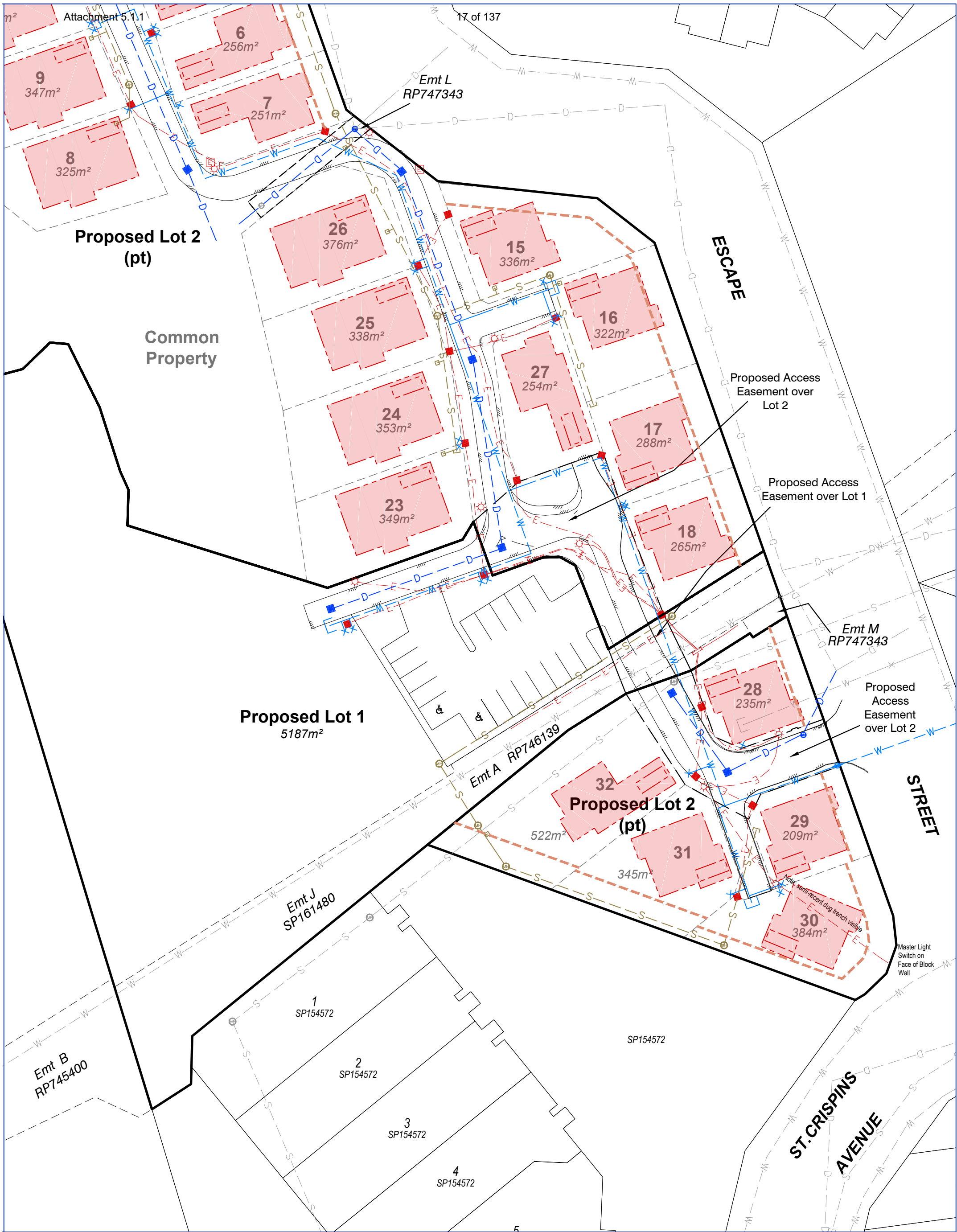
Ordinary Council Meeting - 16 April 2019 | **Sheet 2 of 3** | **Scale** 1:500 @ A3 | **Date** 6-11-2018 | **Drawing** PR133458-7a

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RPS



Proposed Lots & Services Plan - Sheet 3
Cancelling Lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464
Escape Street, Port Douglas



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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 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

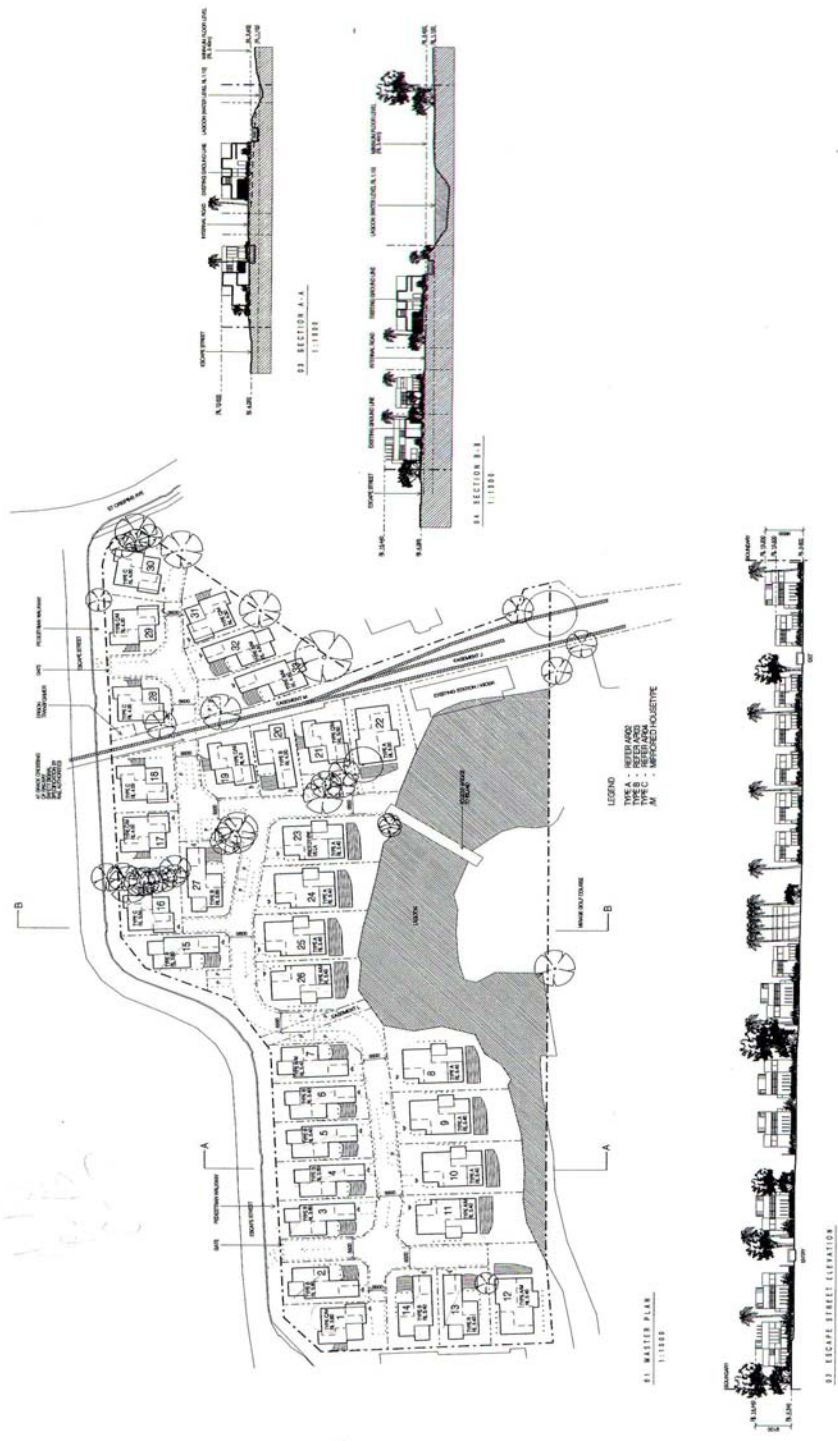
Table 2 Appeals to the P&E Court only			
2. Eligible submitter appeals An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to— (a) any part of the development application for the development approval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

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*

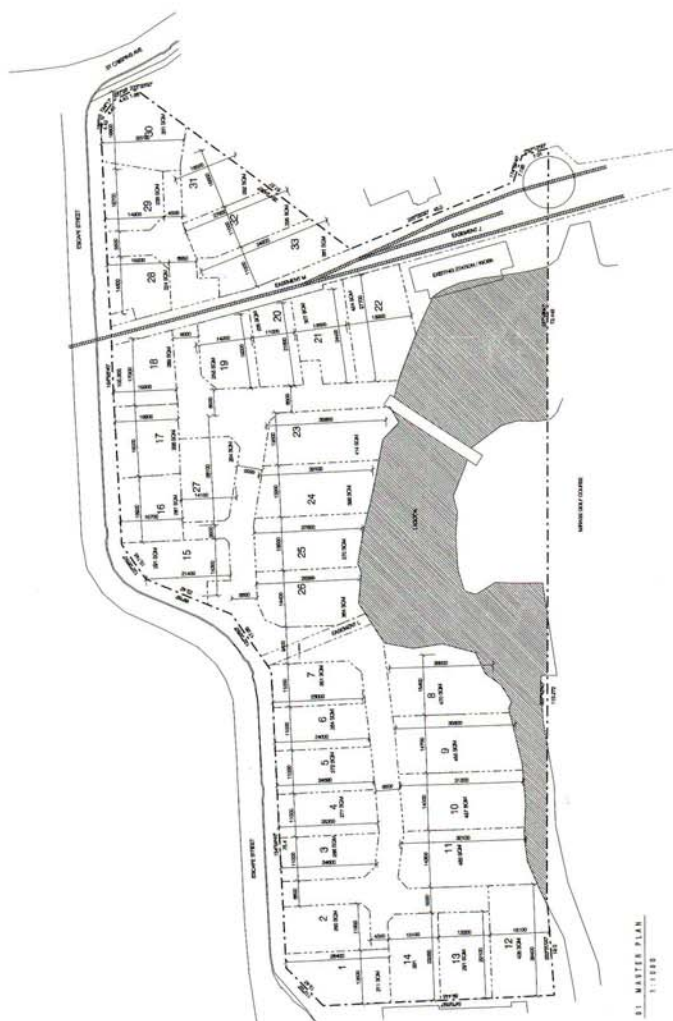
Approved Plans





PROJECT	BUTTNICK PROJECT, PORT DOUGLAS		
TITLE	WATERPLAN HOUSES		
SCALE	DATE	JOB NO.	REV
1:100 @ A3	SEPT 05	051	A01
			G

anna vaughan architects	BY	CHKD
PO BOX 715, SPRINGBANK VIC 3027	AV	AV
1 03 300 1000 02 300 0911	KV	AV
e annavaughanarchitects.com.au	KV	AV
anna vaughan architects Pty Ltd ABN 6711800645	KV	AV
ALL DOCUMENTS AND APPROPRIATIONS ARE BEING REVIEWED FOR COMPLIANCE WITH THE DRAFTING STANDARDS OF THE DRAFTING STANDARDS BOARD OF AUSTRALIA	KV	AV
AND DOCUMENTS ARE TO BE MADE AVAILABLE TO THE ARCHITECT FOR REVIEW AND COMMENT	KV	AV
PRELIMINARY COPY		

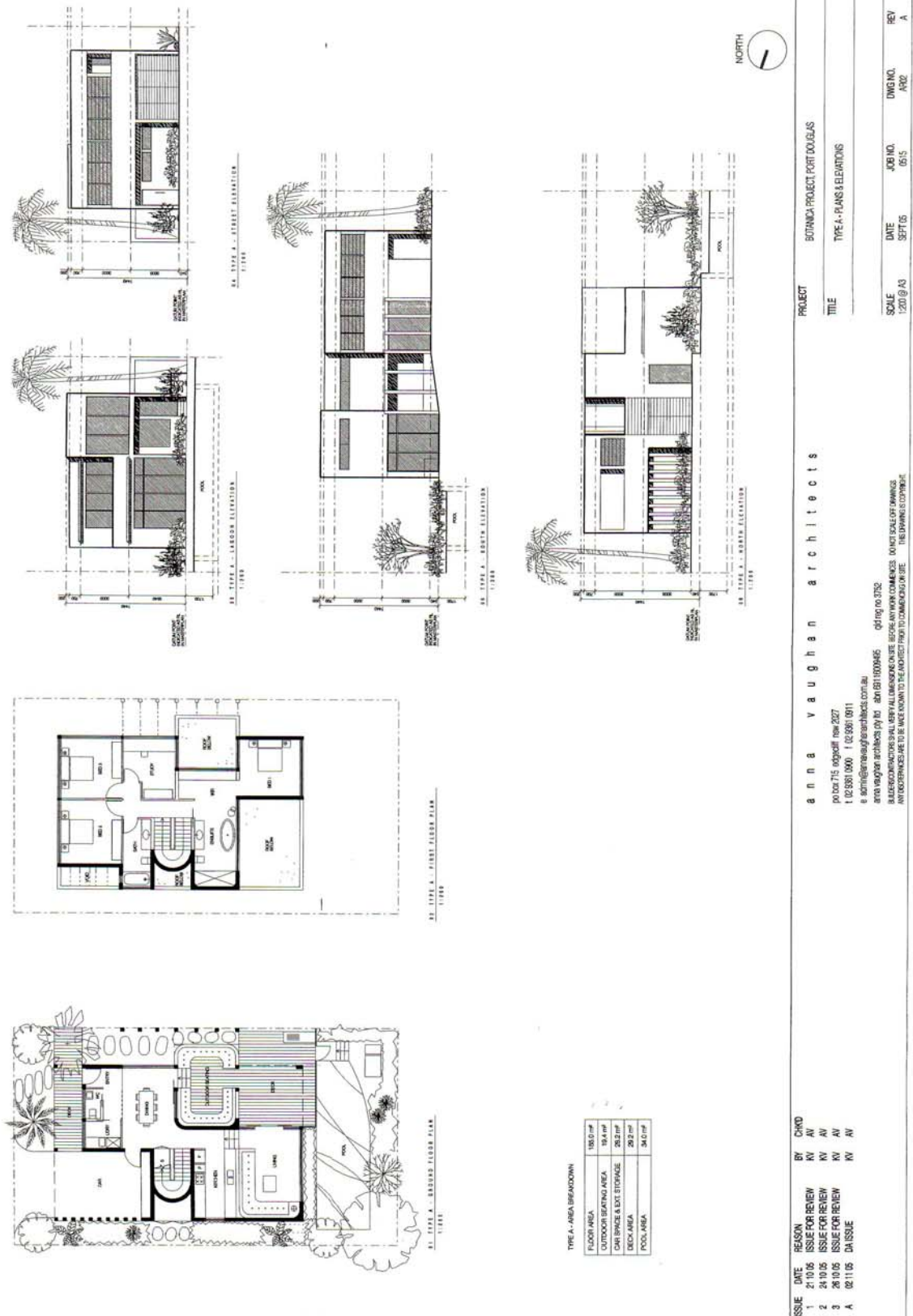


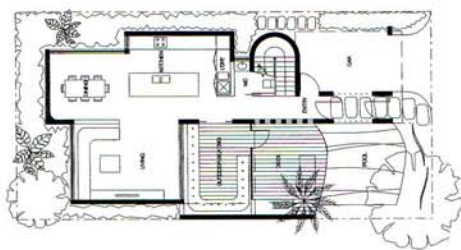
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B	03/11/06	ISSUE FOR REVIEW	KV	AV
C	03/11/06	DRAWING	KV	AV

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PROJECT BOTANICA PROJECT NORTH DOUGLAS
 TITLE MASTERPLAN LOTS

NORTH





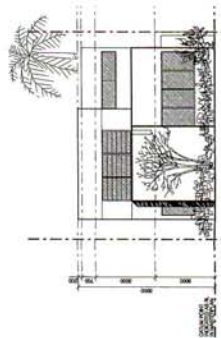
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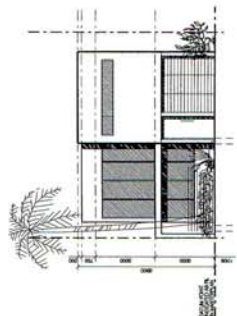
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TYPE B - AREA BREAKDOWN

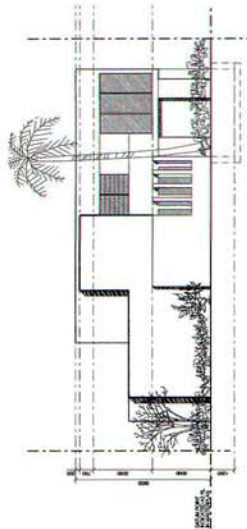
FLOOR AREA	188.0 m ²
OUTDOOR SITTING AREA	16.0 m ²
CAR PARKING & EXT STORAGE	18.0 m ²
DECK AREA	18.0 m ²
POOL AREA	18.0 m ²



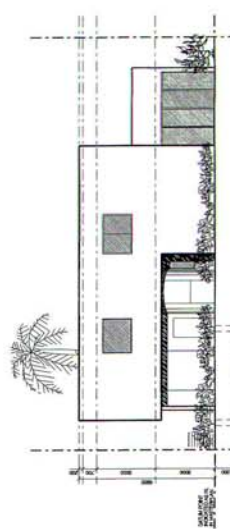
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15 TYPE B - STREET ELEVATION
1:1000



16 TYPE B - NORTH ELEVATION
1:1000



17 TYPE B - NORTH ELEVATION
1:1000



ISSUE	DATE	REASON	BY	CHKD
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2	24/10/05	ISSUE FOR REVIEW	KV	AV
A	02/11/05	ON ISSUE	KV	AV

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PROJECT BOTANICA PROJECT PORT DOUGLAS
TITLE TYPE B - PLANS & ELEVATIONS

project 715 supplied raw 2027
1 02 5881 0000 1 02 5881 0811

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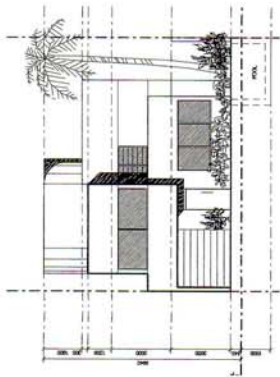
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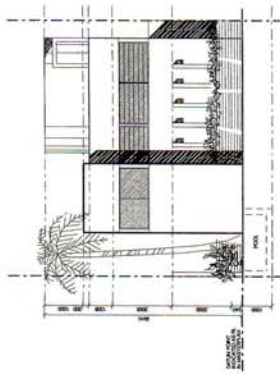
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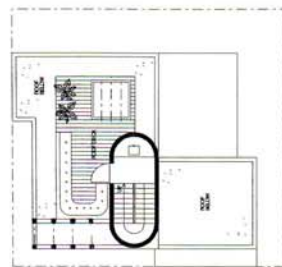
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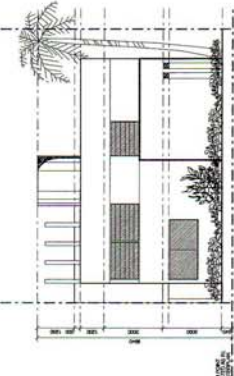
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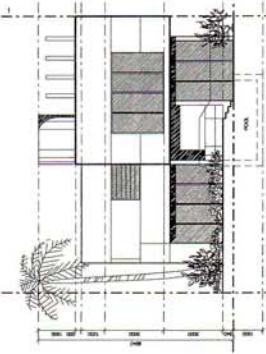
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25. TYPE C - SECOND FLOOR PLAN
1:100



26. TYPE C - SIDE ELEVATION
1:100



27. TYPE C - SIDE ELEVATION
1:100

TYPE C - AREA BREAKDOWN

FLOOR AREA	106.6 m ²
OUTDOOR SEATING AREA	9.0 m ²
DAY SPACE & EYE STORAGE	1.2 m ²
DECK AREA (INCL. ROOFTOP)	38.0 m ²
POOL AREA	5.8 m ²

ISSUE	DATE	REASON	BY	CHKD
1	21/10/16	ISSUE FOR REVIEW	RT	AT
2	24/10/16	ISSUE FOR REVIEW	RT	AT
A	02/11/16	UNISSUE		

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PROJECT BOTANICA PROJECT PORT DOUGLAS
TITLE TYPE C - PLANS & ELEVATIONS

SCALE	DATE	JOB NO.	DWG NO.	REV
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