

21 March 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 73
MOSSMAN QLD 4873

Attention: Neil beck / Jenny Elphinstone

Dear Sir,

**SUBMISSION OF DEVELOPMENT APPLICATION
20-30 LANGLEY ROAD, PORT DOUGLAS
KS3 PTY LTD**

Please find attached one (1) copy of the Supporting Information Report for a Development Application for Reconfiguration of a Lot (one lot into thirteen lots) at 20-30 Langley Road, Port Douglas.

To assist Douglas Shire Council with their assessment of the Development Application, the following is also attached:

- DA Form 1 Development application details; and
- Owner's Consent.

Please note that the Applicant will pay the Application fees associated with the Development Application directly to Douglas Shire Council following lodgement.

Should you have any further questions you are encouraged to contact the undersigned on (07) 4724 5737 or erin@flanaganconsulting.com.au

Yours faithfully

FLANAGAN CONSULTING GROUP



ERIN CAMPBELL
Senior Planner

DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	KS3 Pty Ltd
Contact name <i>(only applicable for companies)</i>	C/- Flanagan Consulting Group (Erin Campbell)
Postal address <i>(P.O. Box or street address)</i>	PO Box 5820
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	Australia
Contact number	(07) 4724 5737
Email address <i>(non-mandatory)</i>	erin@flanaganconsulting.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

3.1) Street address and lot on plan

Street address **AND** lot on plan (all lots must be listed), **or**

Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		20-30	Langley Road	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877		Lot 5 on RP804926	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect			
a) What is the type of development? <i>(tick only one box)</i>			
<input type="checkbox"/> Material change of use	<input checked="" type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>			
<input checked="" type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input checked="" type="checkbox"/> Code assessment	<input type="checkbox"/> Impact assessment <i>(requires public notification)</i>		
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>			
Reconfiguration of a Lot – one lot into thirteen lots			
e) Relevant plans			
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>			
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application			
6.2) Provide details about the second development aspect			
a) What is the type of development? <i>(tick only one box)</i>			
<input type="checkbox"/> Material change of use	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>			
<input type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input type="checkbox"/> Code assessment	<input type="checkbox"/> Impact assessment <i>(requires public notification)</i>		
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>			
e) Relevant plans			
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>			
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application			

6.3) Additional aspects of development

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

- | | |
|------------------------|--|
| Material change of use | <input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | <input checked="" type="checkbox"/> Yes – complete division 2 |
| Operational work | <input type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i> |

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

- | | | |
|------------------------------|--|--|
| <input type="checkbox"/> Yes | | |
| <input type="checkbox"/> No | | |

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

One (1)

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13)) |

10) Subdivision**10.1) For this development, how many lots are being created and what is the intended use of those lots:**

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	Thirteen (13)			

10.2) Will the subdivision be staged?

- Yes – provide additional details below
- No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

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13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

- | | | |
|--|---|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: | <input style="width: 100%;" type="text"/> | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots:	<input style="width: 100%;" type="text"/>
<input type="checkbox"/> No	

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ <input style="width: 100%;" type="text"/>
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PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- Yes – a copy of the decision notice is attached to this development application
- Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – near a state-controlled road intersection
- On Brisbane core port land near a State transport corridor or future State transport corridor
- On Brisbane core port land – ERA
- On Brisbane core port land – tidal works or work in a coastal management district
- On Brisbane core port land – hazardous chemical facility
- On Brisbane core port land – taking or interfering with water
- On Brisbane core port land – referable dams
- On Brisbane core port land - fisheries
- Land within Port of Brisbane’s port limits
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- Local heritage places

Matters requiring referral to the chief executive of the distribution entity or transmission entity: <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator: <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works marina (<i>more than six vessel berths</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	CRC: 8/7/1545 DSC: MCUC 3000/2009	2 October 2009	Douglas Iconic Panel
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a hazardous chemical facility ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
 No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
 No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

- Yes
 No

Note: See guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

- Yes – the relevant template is completed and attached to this development application
 No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
 No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
 No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
 Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 A certificate of title
 No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
 No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
 No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
 No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct	
<input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website. Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> • such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	

Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date received form sighted by assessment manager	
Name of officer who sighted the form	

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, CYNTHIA MC COLLUM

[Insert name in full.]

Director of the company mentioned below.

and I, SIT LEE CHENG

[Insert name in full.]

[Insert position in full—i.e. another director, or a company secretary.]

Of MERYLA PTY LTD

[Insert name of company and ACN.]

the company being the owner of the premises identified as follows:

20-30 Langley Road, Port Douglas, described as Lot 5 on RP

consent to the making of a development application under the *Planning Act 2016* by:

KS3 Pty Ltd ACN 109 316 832

on the premises described above for:

Development Application for Reconfiguration of a Lot (one lot into thirteen lots)

Company Name and ACN: MERYLA PTY LTD ACN: 010 161 285


Signature of Director

7/3/19.
Date


Signature of Director/Secretary

7/3/19
Date

SUPPORTING INFORMATION REPORT

Development Application for Reconfiguration of a Lot (1 into 13)

KS3 Pty Ltd



Project No. 6038/01
Reference No. R-EC2111
Date: 21 March 2019

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Appendices

- APPENDIX A – Survey Plan – Lot 5 on RP804926
- APPENDIX B – DES' CLR & EMR Search – Lot 5 on RP804926
- APPENDIX C – Title Search – Lot 5 on RP804926
- APPENDIX D – Contour & Detail Plan (Drawing No. 18/189, Version 1, dated December 2018 – G.T Pozzi)
- APPENDIX E – Negotiated Decision Notice TPC 1106 – Douglas Shire Council April 2004
- APPENDIX F – Decision Notice – Extension to Currency Period – Douglas Shire Council December 2007
- APPENDIX G – Decision Notice – Refusal – Cairns Regional Council December 2008
- APPENDIX H – Decision Notice 8/7/1545 – Douglas Iconic Panel August 2009
- APPENDIX I – Decision Notice 8/7/1545 – Extension to Relevant Period – Cairns Regional Council May 2013
- APPENDIX J – Decision Notice – Extension to Relevant Period – Douglas Shire Council August 2017
- APPENDIX K – Proposal Plan 6038-SK01 A (Flanagan Consulting Group)
- APPENDIX L – Letters of Support
- APPENDIX M – Water Reticulation Concept 6038-SK03 A (Flanagan Consulting Group)
- APPENDIX N – Sewerage Reticulation Concept 6038-SK04 A (Flanagan Consulting Group)
- APPENDIX O – Roadworks & Drainage Concept 6038-SK02 A (Flanagan Consulting Group)
- APPENDIX P – Amended Wetland Mapping
- APPENDIX Q – Environmental Constraints Analysis (Biotropica, March 2019)
- APPENDIX R – State Code 9

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DEVELOPMENT PARTICULARS

Proposal	Development Application for Reconfiguration of a Lot (1 lot into 13 lots)
Applicant	KS3 Pty Ltd
Land Owner	Meryla Pty Ltd
Street Address	20-30 Langley Road, Port Douglas
Lot on Plan	Lot 5 on RP804926
Site Area	1.183 hectares
Street Frontage	Andrews Close and Langley Road
Zone	Tourist accommodation
Current Use	Vacant land
Easements	Easements do not encumber the land
Existing Infrastructure	The site is located in an urban area and is connected to all infrastructure services
Planning Instrument	Douglas Shire Council Planning Scheme 2018
Assessment Manager	Douglas Shire Council
Level of Assessment	Code Assessable
SARA	Reconfiguring a Lot in a wetland protection area

DEFINITIONS

'Applicant'	KS3 Pty Ltd
'CLR'	Contaminated Land Register
'Council'	Douglas Shire Council
'DA Rules'	Development Assessment Rules
'DES'	Department of Environment and Science
'EMR'	Environmental Management Register
'PA 2016'	<i>Planning Act 2016</i>
'Planning Scheme'	Douglas Shire Planning Scheme 2018
'RoL'	Reconfiguration of a Lot
'RP Regulations'	<i>Planning Regulations 2017</i>
'SARA'	State Assessment and Referral Agency
'SPP'	State Planning Policy

1.0 INTRODUCTION

This Report has been prepared as Supporting Information for a Development Application by KS3 Pty Ltd for a Reconfiguration of a Lot on land described as Lot 5 on RP804926.

The Applicant requests a Development Permit for Reconfiguration of a Lot for thirteen (13) residential lots.

The site is subject to an historic land use approval which remains in effect. However, due to community expectations about development of the land, this new Application is being lodged for due consideration by Douglas Shire Council and Referral Agencies.

This Report sets out in detail the following:

- The Site
- Existing Approvals
- The Proposal
- *Planning Act 2016* provisions
- Development assessment framework
- Recommendations and Conclusions

2.0 THE SITE

2.1 Site Description

The subject land is described as Lot 5 on RP804926 and is located at 20-30 Langley Road, Port Douglas. The site has an area of 1.183 hectares with frontages to Langley Road, Andrews Close and Solander Boulevard to the east. The location of the site is detailed on **Figure 1 – Locality Plan**.

There are no existing easements on the land. A copy of the registered Survey Plan for the site is attached at **Appendix A**.



Lot 5 on RP804926 is in a fully serviced area, is connected to all infrastructure services and has a total area of 1.183 hectares. The subject land is not listed on DES' CLR or EMR (refer to **Appendix B**). The site is currently vacant. Lot 5 on RP804926 is owned by Meryla Pty Ltd in fee simple. A copy of the relevant title search is attached at **Appendix C**.

2.2 Topography

The site has previously been used as a caravan park which has resulted in the degradation and clearing of any remnant vegetation. The topography of the site is relatively flat. A Contour and Detail Plan (Drawing No. 18/189, Version 1, dated December 2018), prepared by G.T Pozzi showing contours and spot levels is attached at **Appendix D**.

The State Government's DAMS identifies the eastern half of the site as containing 'Wetlands'. It is noted that this portion of the site is comprised of land located at or above RL2.5m AHD. The land does not contain wetlands and is not tidal.

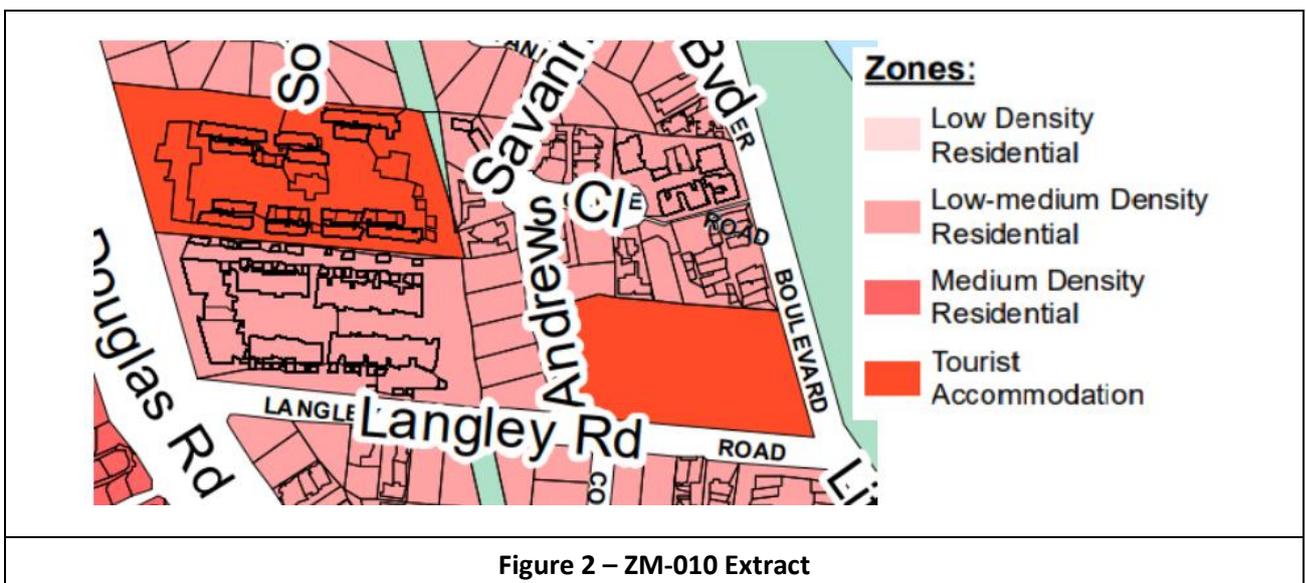
2.3 Vegetation

The State Government's DAMS identifies the eastern half of the site as containing Remnant Vegetation 'Of Concern'. It is noted that the site has been substantially cleared in the past and predominantly contains isolated melaleuca trees and coconut palms. The Detailed Survey Plan attached at **Appendix D**, identifies the extent of the melaleuca trees on the site.

2.4 Surrounding Land Use

The subject land has frontage to Langley Road, Andrews Close and Solander Boulevard. Land in the vicinity includes a mix of low and medium density residential development consisting largely of single detached dwellings, dual occupancies and multiple dwelling development. Solander Boulevard and the frontal dune are located to the east of the subject land. A park, including playground is accessible from Solander Boulevard and Langley Road, via the site's eastern boundary.

The Planning Scheme includes land in the immediate vicinity in the Low-medium density residential zone. **Figure 2 – ZM-010** extract refers.



2.5 Existing Infrastructure

The site is bounded by Langley Road to the south, Andrews Close to the west and Solander Boulevard to the east, with vehicular access to the site provided from Langley Road. Langley Road has a sealed pavement width of approx. 9.8m which extends approx. 40m beyond the intersection with Andrews Close until the sealed pavement narrows to approx. 5.7m width. Barrier kerb and channel is provided to both road frontages, however its discontinued on the northern side of Langley Rd from where the sealed pavement begins to narrow.

The site is currently vacant and is fully serviced by Council's water and sewerage networks as well as electrical and telecommunications networks.

Council's water mains are located as follows:

- 80mm diameter main located on the Langley Road frontage;
- 100mm diameter main located on the southern side of Langley Road; and
- 100mm diameter main located on Andrews Close.

An existing 150mm diameter sewer main, located at the northern edge of Langley Road, terminates at an access chamber approx. 35m east of Andrews Close. A house connection from this access chamber services the site.

The site generally drains towards the existing grated stormwater pit located in the formed grass swale on the north side of Langley Road and approx. 90m east of Andrews Close. This pit connects to an existing 375mm dia stormwater pipe which crosses Langley Road and connects to a 450mm dia drain which then falls back to the west.

3.0 PREVIOUS APPROVALS

In April 2004, Douglas Shire Council issued a Negotiated Decision Notice for Development Application TPC 1106 and a Decision Notice for Development Application Sub 012/04. The Approvals permitted the development of 35 Multiple Dwellings (tourist), Caretaker's Residence (including office), Porte Cochere, Recreation Area (including Café), bbq, terrace, health spa, pools and ancillary uses, and Reconfiguration of part of the site in 36 allotments via volumetric survey (the purpose of which was to separately title all units within the development). A copy of the Negotiated Decision Notice is attached at **Appendix E**.

On 13 November 2007, the land owner applied for an extension to the Currency Period for both approvals, to allow sufficient time to enact the approved development in in the transfer of land. On 11 December 2007, Council resolved to extend the Currency Period for the Material Change of Use and Reconfiguration of for a further 12 months for the date of Approval. A copy of the Currency Period Decision Notice is attached at **Appendix F**.

In September 2008, the land owner applied for a further extension to the Currency Period for both approvals, as the 12-month extension granted in December 2007 proved insufficient to allow works to commence and establish the approved uses on the site. This Application was Refused by Cairns Regional Council, noting that Douglas Shire Council and Cairns Regional Council had amalgamated at this time. The Refusal was given on the basis that insufficient details of the development were provided to demonstrate that the development complied with the Douglas Shire Planning Scheme 2008. A copy of Cairns Regional Council Decision Notice is attached at **Appendix G**.

In August 2009, an Application was lodged with the Douglas Iconic Panel (DIP) requesting a Development Permit for a Material Change of Use for 24 Holiday Accommodation / Multi-unit Housing at 20-30 Langley Road, Port Douglas.

On 2 October 2009, the DIP issued a Negotiated Decision Notice for Development Application 8/7/1545. A copy of the DIP's Negotiated Decision Notice is attached at **Appendix H**.

In March 2013, a request for an Extension to the Relevant Period for Development Application 8/7/1545 was lodged with Cairns Regional Council. The request to extend the Relevant Period was Approved by Cairns Regional Council on 18 May 2013. The end of the Relevant Period was 2 October 2017. A copy of the Decision Notice is attached at **Appendix I**.

On 23 June 2017, a Request to Extend the Relevant Period was lodged with Douglas Shire Council. The request was approved by Council on 1 August 2017. The Development Approval is valid up to and including 2 October 2021. A copy of the Douglas Shire Council Decision Notice is attached at **Appendix J**.

4.0 THE PROPOSAL

The proposal involves an RoL of one (1) lot into thirteen (13) residential lots. The proposed residential allotments generally vary in size from 778m² to 934m². A schedule of lot sizes is detailed in the following **Table 1**.

Table 1: Schedule of lot Sizes

LOT SCHEDULE	
LOT SIZE (M ²)	NO. OF LOTS
750m ² – 800m ²	5
800m ² – 850m ²	4
850m ² – 900m ²	2
>900m ²	2

An extract of the Proposal Plan for the Reconfiguration is detailed in the following **Figure 3 – Proposal Plan**.

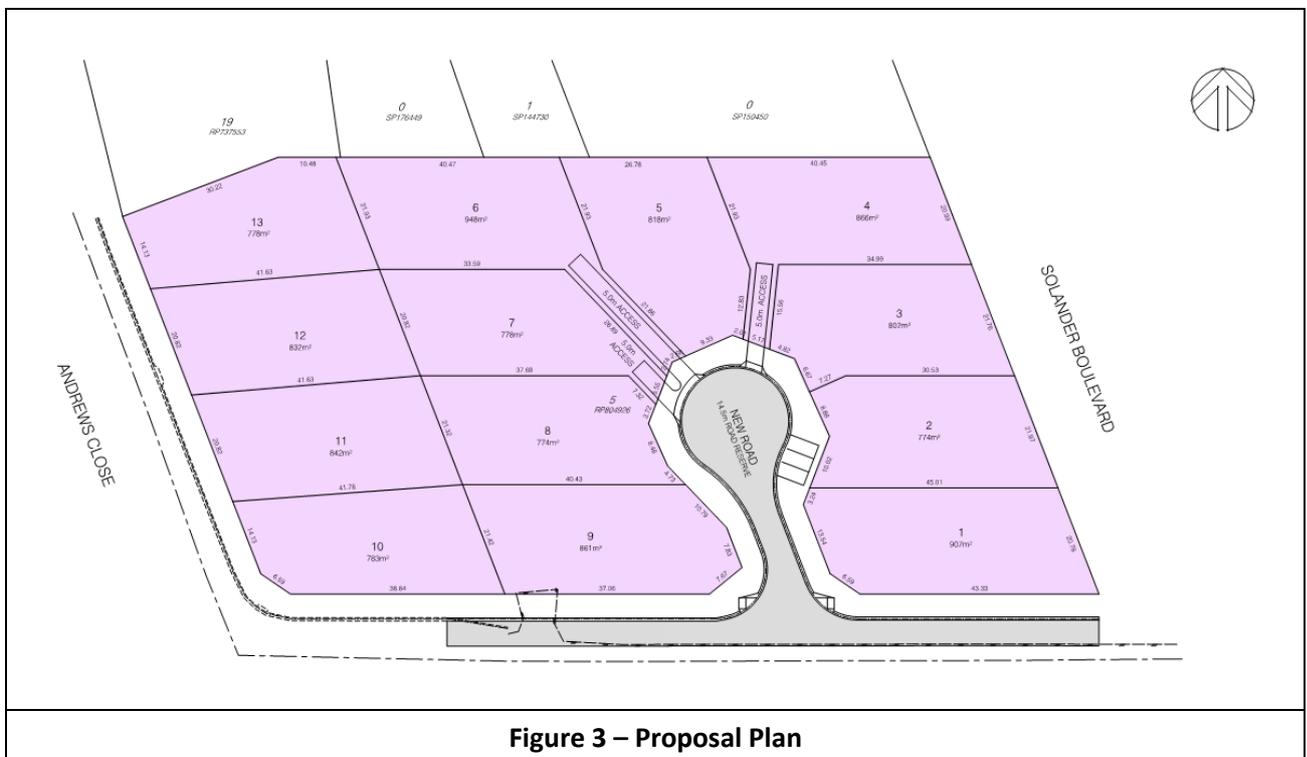


Figure 3 – Proposal Plan

A copy of the Proposal Plan for a Reconfiguration of a Lot prepared by Flanagan Consulting Group, Drawing No. 6038-SK01 A, detailing the layout of the proposed reconfiguration is attached at **Appendix K**.

4.1 Development Support

The subject land is located in the Tourist accommodation zone of the Douglas Shire Planning Scheme 2018. It is understood following discussions at a meeting with Douglas Shire Council on 26 February 2019, that the current zoning of the land reflects the historical use of the land as a caravan park and the current approval (8/7/1545) over the land for multiple dwellings (holiday accommodation/multiple dwellings).

Notwithstanding, land in the immediate locale is included in the Low-medium density residential zone of the Planning Scheme which accurately reflects the mix of large single detached dwellings, dual occupancies and multiple dwellings in the area. The inclusion of the subject land in the Tourist accommodation zone is not reflective of existing development in the locale and restricts development of the land to higher density residential development.

The Applicant has expended considerable time and effort liaising with adjoining land owners and residents to understand the level of support for the proposed development. Advice from adjoining neighbours and residents in locale indicates that they are supportive of the proposed development and are very keen for the land to be developed for residential purposes rather than high density residential living. A number of adjoining neighbours have provided their support for the development (included as **Appendix L**).

Despite the possible conflicts associated with the provisions of the Planning Scheme as it relates to development of the land for higher density residential land uses, community support and existing low-density residential development in the locale would suggest that a thirteen lot residential subdivision is appropriate development of the land.

4.2 Water

It is proposed to abandon the existing 80mm AC water main on Langley Road and provide a 100mm connection to the existing 100mm water main on the southern side of Langley Road reserve to service proposed Lots 1 – 9, while the 100mm main on Andrews Close will service proposed Lots 10 - 13. An extract of the Water Reticulation Concept Plan is detailed in the following **Figure 4 – Water Reticulation**.

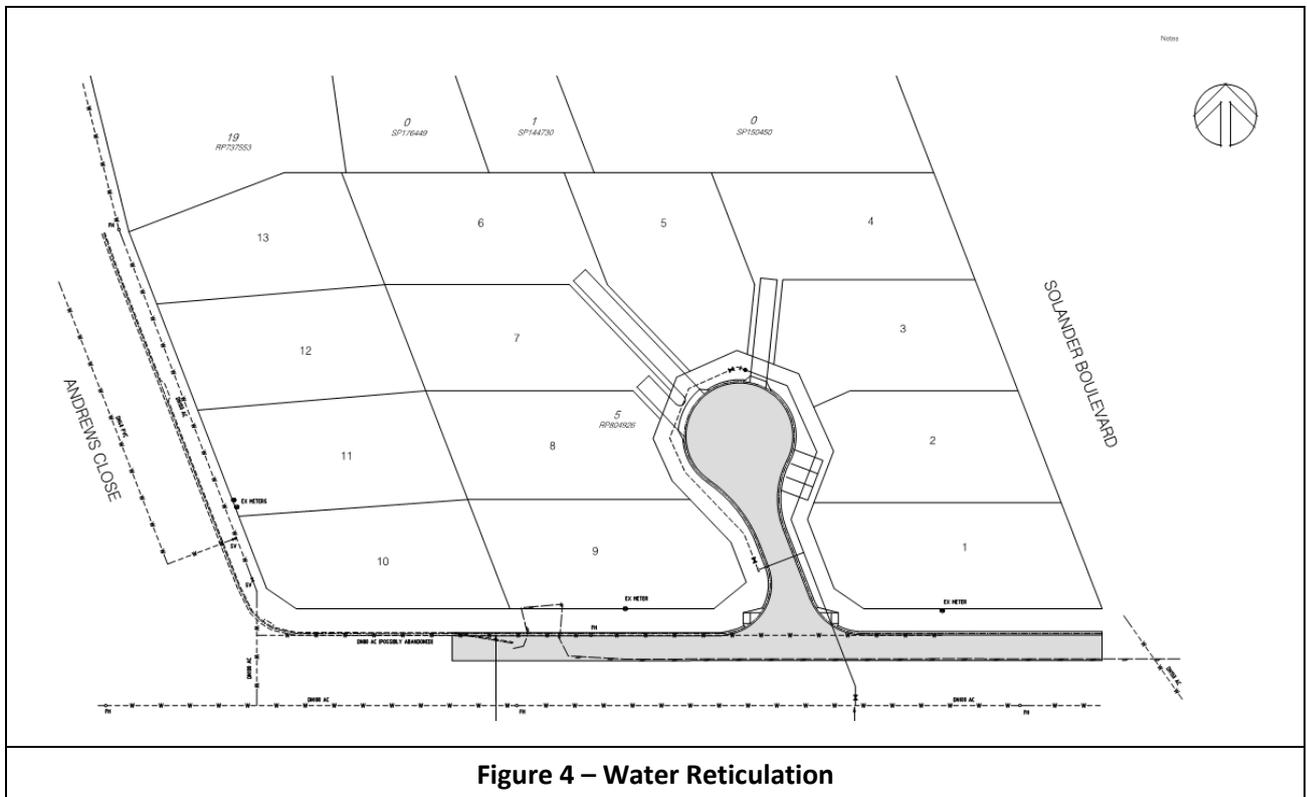


Figure 4 – Water Reticulation

A copy of the Water Reticulation Concept Plan 6038-SK03 A is attached at **Appendix M**.

An assessment of the proposed demands for the site has been undertaken in accordance with the FNQROC Development Manual and the Equivalent Demands for single family dwellings were calculated to be 37EP in accordance with Table 6.1. This equates to a peak instantaneous demand of 0.96 l/sec during the maximum hour.

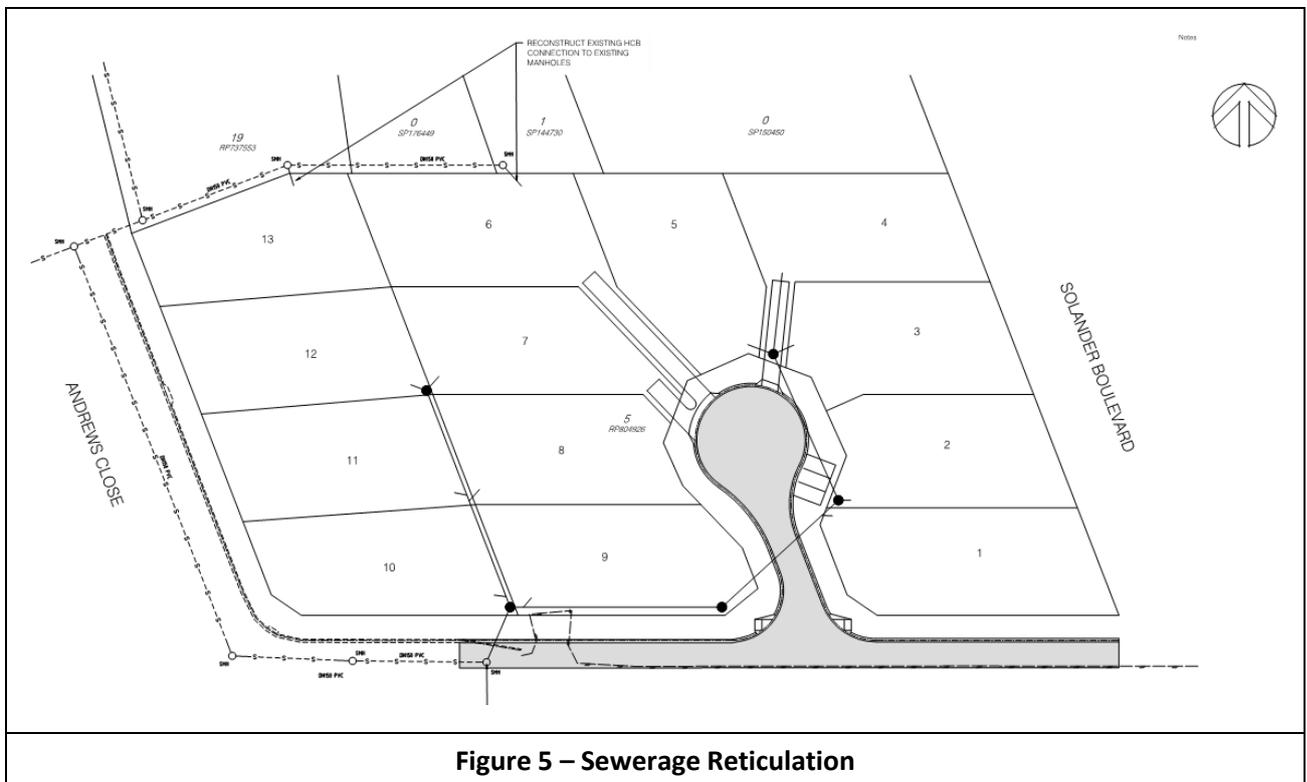
Based on the previous land use (caravan park), the existing network will have sufficient capacity to service the proposed development due to a decrease in demand from the previous land use.

Conservatively, if only 50% of the sites 11,800m² was used as camping sites and caravan parks, with an average of 80m²/site, the site previously yielded 74 sites or 88EP, which is more than double the proposed development's 37EP.

Therefore, the existing water network can accommodate the proposed development.

4.3 Sewerage

It is proposed to service the new lots by connecting to the existing stubbed sewer main in Langley Road. An extract of the Sewerage Reticulation Concept Plan is detailed in the following **Figure 5 – Sewerage Reticulation**.



A copy of the Sewerage Reticulation Concept Plan 6038-SK04 A is attached at **Appendix N**.

An assessment of the proposed demands for the site has been undertaken in accordance with the FNQROC Development Manual and the Equivalent Demands for single family dwellings were calculated to be 37EP in accordance with Table 7.1. This equates to a peak wet weather flow for the development of 0.98 l/sec.

Based on the previous land use (caravan park), the existing network will have sufficient capacity to service the proposed development due to a decrease in demand from the previous land use.

Conservatively, if only 50% of the sites 11,800m² was used as camping sites and caravan parks, with an average of 80m²/site, the site previously yielded 74 sites or 88EP, which is more than double the proposed developments 37EP.

Therefore, the existing sewer network can accommodate the proposed development.

4.4 Stormwater Drainage

It is proposed to utilise Council's existing drainage infrastructure to convey stormwater flows from within the development. It is noted that this site once operated as a caravan park with a relevant fraction impervious which would be equal to the proposed low-density residential allotments, therefore runoff from the proposed development will be unaltered compared to the previous use.

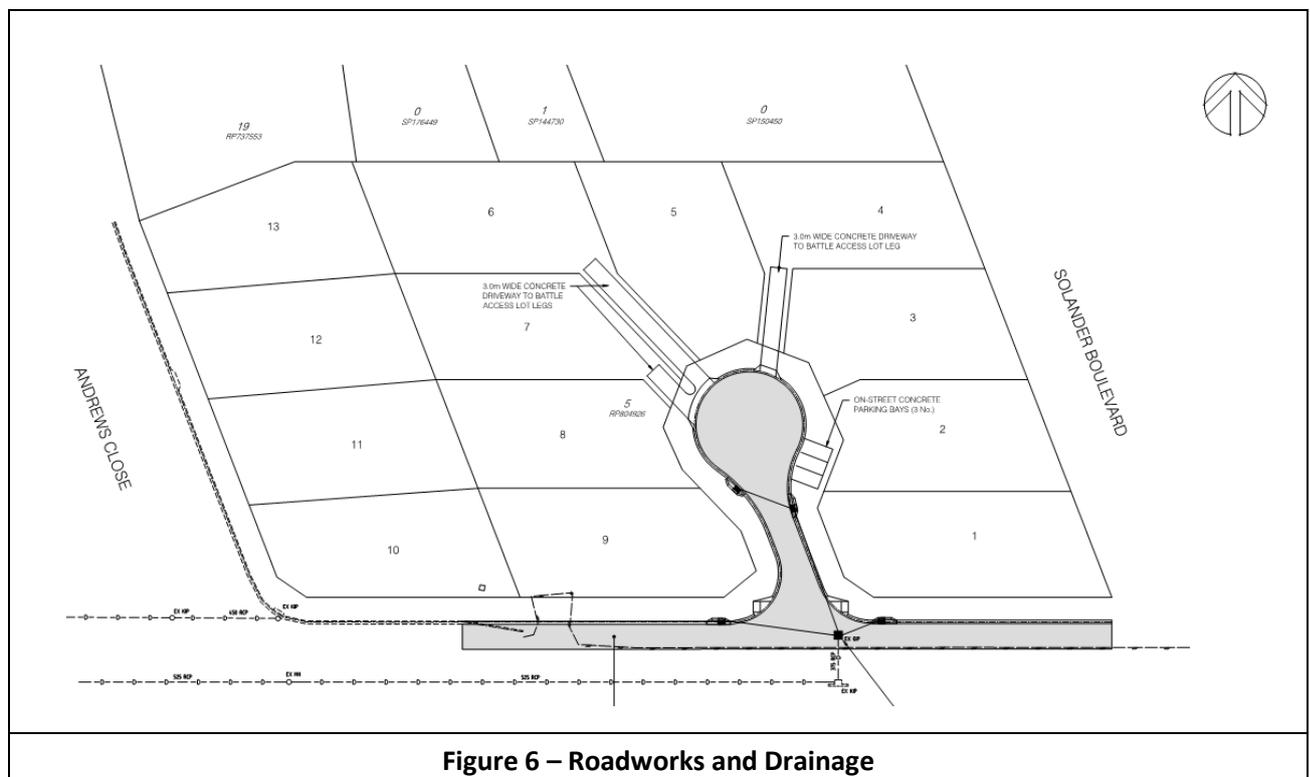
In accordance with BMT WBM's report "Cairns Regional Storm Tide Inundation Study – January 2013", the minimum lot level for earthworks filling is taken as RL 3.87m; resulting in an average fill depth of 900mm across the site.

Site grading will be developed such that all lots drain to their respective road frontages, with the exception of Lots 1, 9 and 10 (which have two frontages and will partially drain to each) and the western half of Lots 2-4 which will tip out to the existing drainage channel and headwall located adjacent to the property's north-eastern boundary.

Internal road drainage will connect to the existing grated stormwater pit in Langley Rd, which will be converted to a manhole and then connect to an existing 375mm dia stormwater pipe which crosses Langley Road, connecting to a 450mm dia drain which falls to the west.

Given no change in stormwater runoff from the proposed development, compared to the previous use, the local drainage network will be sufficient to receive the flows resulting from this development.

An extract of the Drainage Concept is detailed in the following **Figure 6 – Drainage**.



A copy of the Roadworks and Drainage Concept Plan 6038-SK02 A is attached at **Appendix O**.

4.5 Electrical and Telecommunications

With the exception of additional street lighting on Andrew St and Langley Road, it is anticipated that the existing electrical and telecommunications infrastructure will have sufficient capacity or will be able to be augmented to account for any increase demands placed on each type of infrastructure.

4.6 Traffic Generation and Distribution - Impacts

The *RTA Guide to Traffic Generating Developments* provides trip rates for single dwelling houses. Based on surveys conducted in areas where new residential subdivisions were being built with limited access to public transport; 9 daily vehicle trips per dwelling is nominated when calculating average daily traffic.

The 13 lots incorporated in the proposed development therefore results in a traffic generation rate of 117 trips/day (approx. 10 trips/hr). Given this minimal increase in traffic generation, and the low and medium density residential land uses in the immediate vicinity, it is expected that the proposed development will have a negligible impact on the daily traffic flow of the local network.

5.0 ENVIRONMENTAL CONSTRAINTS REPORT

The Applicant commissioned the preparation of an Environmental Constraints Analysis to assist with preparation of the RoL lot layout.

The Applicant also commissioned a wetland mapping amendment application in relation to the wetland feature on Lot 5 on RP804926 mapped on the map of referable wetlands under the *Environmental Protection Regulation 2008*.

DES conducted a technical review of extent of the mapped wetland and found that the extent of the High Ecological Significance Great Barrier Reef Protection area identified on Lot 5 on RP804926 was incorrectly mapped. The wetland mapping was corrected to better reflect on-ground conditions, with the resulting wetland no longer mapped on Lot 5 on RP804926.

A copy of the amended wetland map is attached at **Appendix P**.

The Environmental Constraints Analysis prepared by Biotropica dated March 2019 is attached at **Appendix Q**.

The Report informs the process, detailing legislative and regulatory features associated with the site's environment and its future development. Specifically, the report includes an analysis of:

- native vegetation;
- threatened species;
- essential habitat;
- wetland protection areas and associated buffers; and
- bushfire hazard.

The Report concludes the following about environmental constraints on the land:

'A permit will be required from DES to relocate ant plants whose host trees may be cleared. An Impact Management Plan will be required to appropriately locate ant plants that would/could be retained.

The proposed development is considered likely to be designated as in an 'urban area' and for an 'urban purpose', hence it would not be assessable development under the VM Act, and the constraints of remnant vegetation, essential habitat and VM wetlands are not relevant to the site.

An assessment of the wetland has been conducted by DNRME, resulting in the amendment and removal of the HES wetland on the Lot. The property still contains part of the WPA, comprising only the trigger area. If high impact earthworks are proposed within the WPA, the development will need to be considered against SDAP State Code 9.

The site presents no bushfire risk and such an amendment would be relatively routine.'

6.0 PLANNING ACT 2016

The PA 2016 is Queensland’s principal planning legislation that coordinates planning at a local, regional and State level. The PA 2016 came into effect on 3 July 2017.

The PA 2016 identifies the following hierarchy between statutory planning documents:

- State Planning Policy 2017
- Regional Plans
- Local planning instruments
- Other statutory instruments (e.g. DA Rules)

6.1 Development Application

In accordance with Schedule 8, Item 1 of the PR 2017, Douglas Shire Council is the Assessment Manager for the Development Application for Reconfiguration of a Lot – Code Assessable.

6.2 State Assessment and Referral Agency

The Application for Reconfiguration of a Lot (1 lot into 13) will be referable to SARA for matters of State interest. Referral to SARA means that where the State is the Assessment Manager or Referral Agency for a Development Application, the Chief Executive administering the PA 2016 will assess and decide the Application from a State perspective, resolving any conflicts between State agencies and ensuring Conditions are reasonable and relevant.

The following State interest has been identified:

State Interest	Trigger	Agency	Referral Type
Wetland Protection Area	Schedule 10, Part 20, Division 4, Table 2	DES	Concurrence

The proposed development has been assessed against State Code 9. A copy of the Applicant’s response to State Code 9 is attached at **Appendix R**.

7.0 DEVELOPMENT ASSESSMENT FRAMEWORK

7.1 Douglas Shire Planning Scheme 2018

A notice for the Douglas Shire Planning Scheme was published in the Government Gazette No. 82 on 24 November 2018 for the planning scheme for the Douglas Shire local government area.

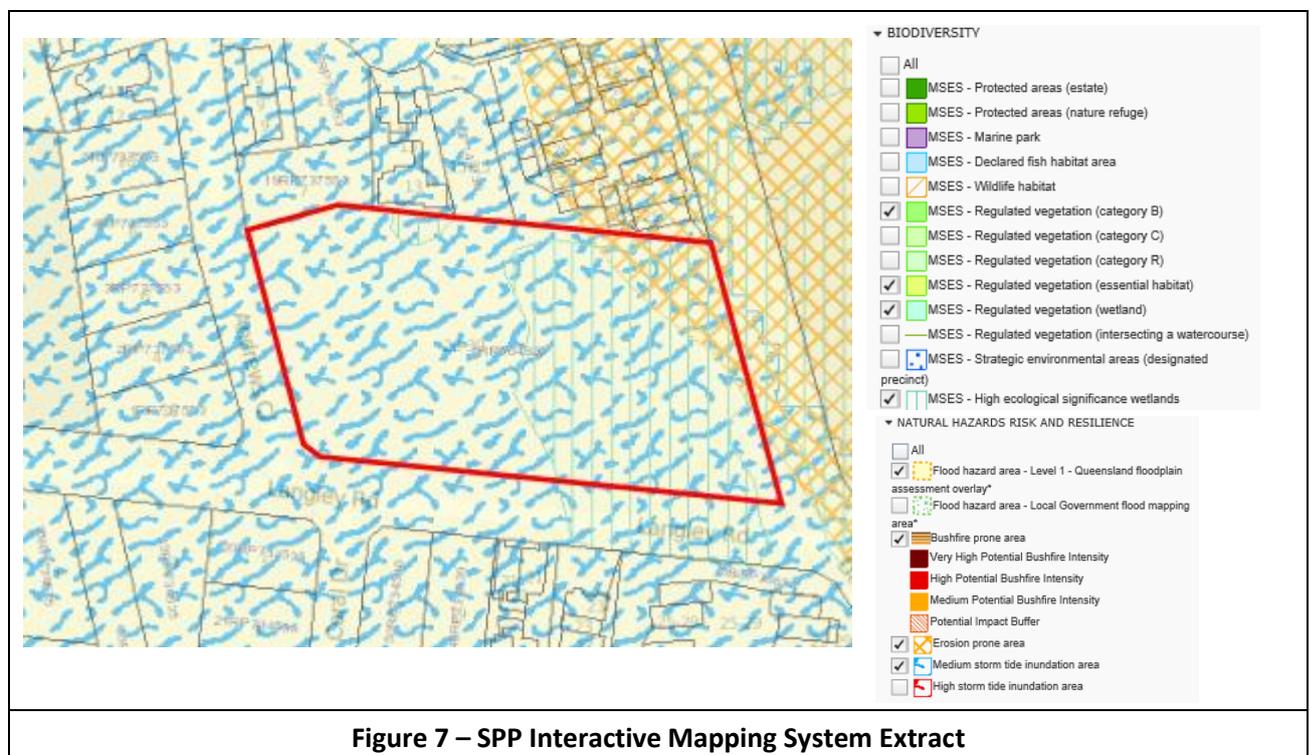
The Planning Scheme commenced on 2 January 2018.

7.2 State Planning Policy

The new State Planning Policy commenced on 3 July 2017.

The SPP applies to the subject land. Specifically, the following State interests apply to the site as detailed in **Figure 7 – SPP Interactive Mapping System** extract.

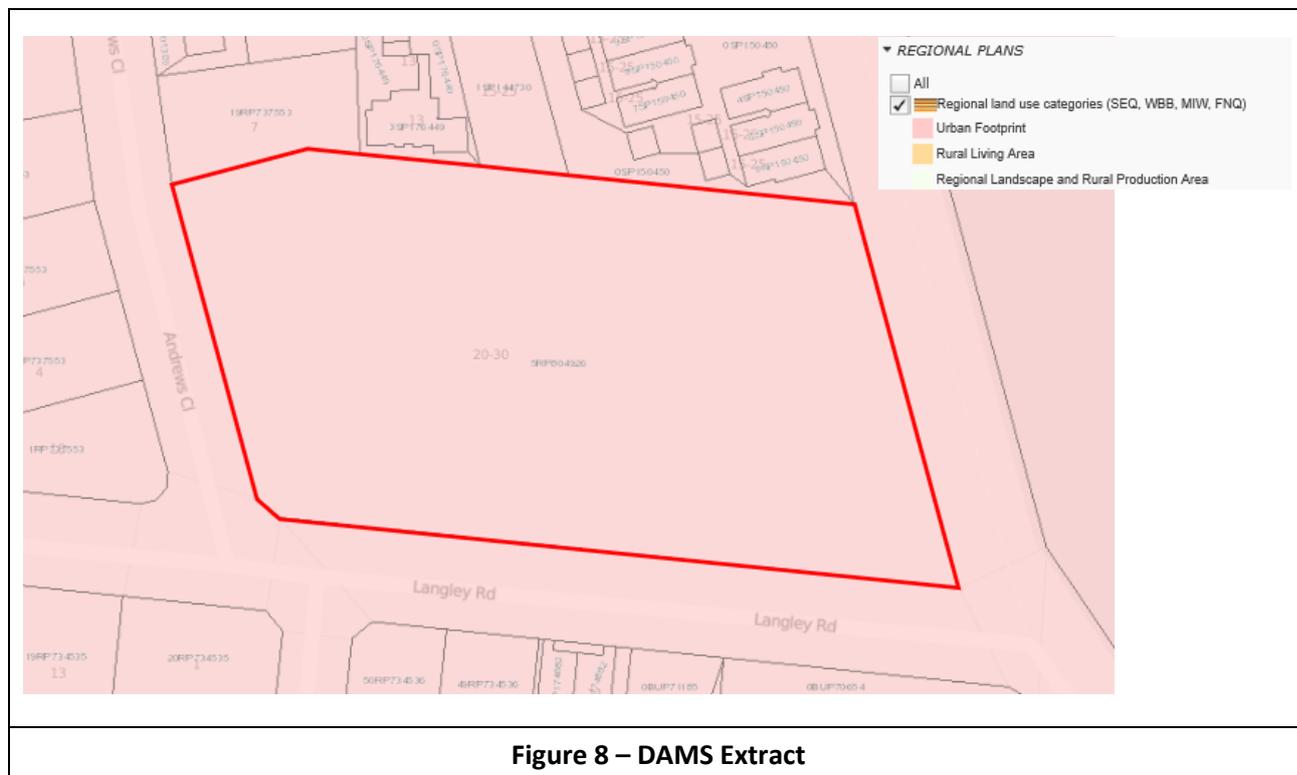
- Environment and heritage (MSES regulated vegetation category B, regulated vegetation essential habitat, regulated vegetation wetland). It is noted that the wetland mapping has been amended to better reflect on-ground conditions.
- Safety and resilience to hazards (flood hazard area – Level 1 Queensland floodplain assessment overlay, bushfire prone areas – potential impact buffer, erosion prone area & medium storm tide inundation area)



The Douglas Shire Planning Scheme 2018 has integrated the above State interests in the Planning Scheme. Therefore, an assessment against the provisions of the SPP for the proposed Reconfiguration of a Lot on the subject land is not required where the State interests have been included in the Planning Scheme.

7.3 Far North Queensland Regional Plan

The Far North Queensland Regional Plan applies to the development proposal. The subject land is identified as being located in the Urban Footprint area of the FNQ Regional Plan. **Figure 8 – DAMS** extract refers.



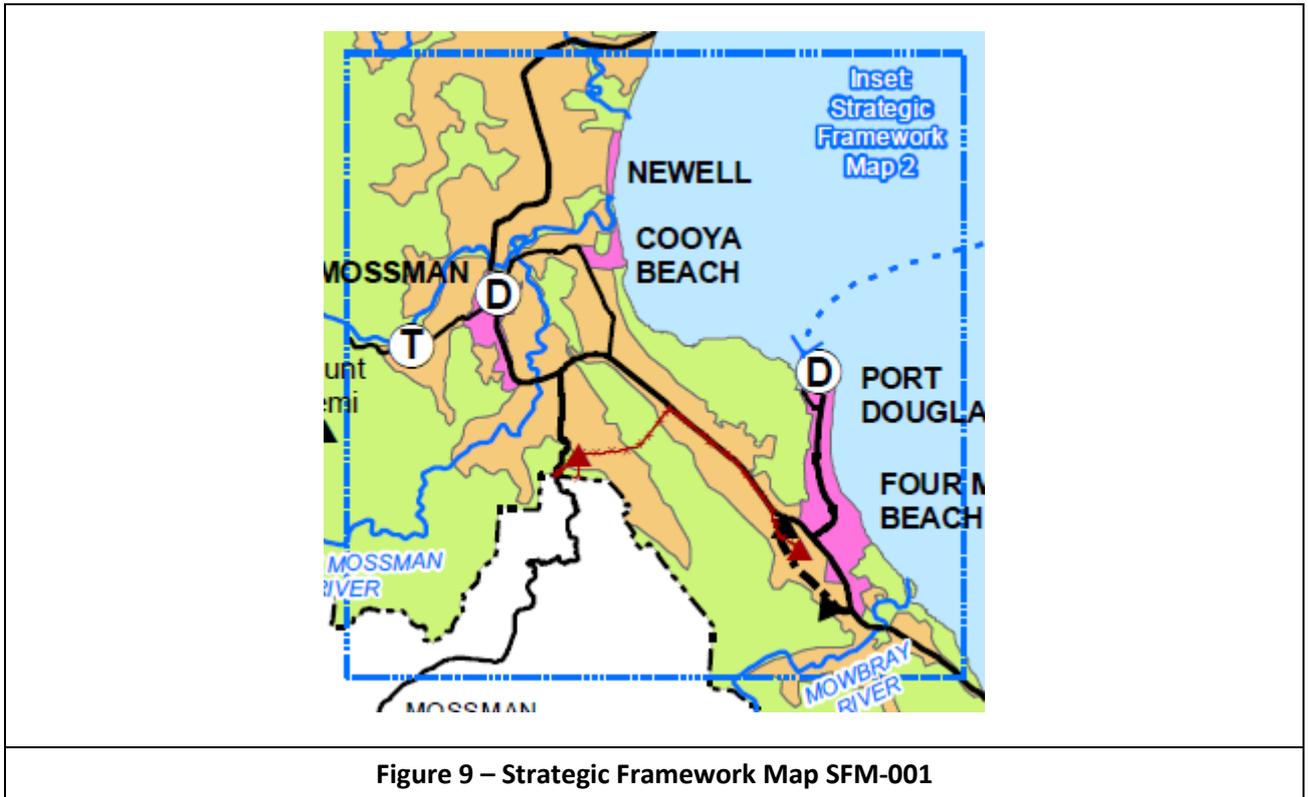
The intent of the Urban Footprint is to provide land to meet the region’s development needs to 2031. Having regard to the full range of State and local planning instruments considered as part of this Application, it is considered that the proposal satisfies the intent of the FNQ Regional Plan for the use of the land for urban purposes.

7.4 Strategic Framework

The Strategic Framework sets out the policy direction for the Planning Scheme and forms the basis for appropriate development within the Planning Scheme area for the life of the Planning Scheme. The Strategic Framework includes several themes including:

- Settlement pattern
- Environment and landscape values
- Natural resource management
- Strong communities and identity
- Economy
- Infrastructure and transport

The Strategic Framework Map – Map 1 includes the subject land in the Urban Area. The following **Figure 9 – SFM-001** refers.



The proposed Reconfiguration of a Lot at 20-30 Langley Road is considered consistent with the Strategic Framework and supporting themes.

7.5 Tourist Accommodation Zone Code

The Planning Scheme includes the subject land in the Tourist Accommodation zone. The purpose of the Tourist accommodation zone code is to provide for short-term accommodation supported by community uses.

To comply with the purpose of the code, the RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 1**.

Table 1 – Tourist accommodation zone code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
PO1 The height of all buildings and structures must be in keeping with the residential character of the area.	The residential character of the area includes a mix of building heights from single storey detached dwellings to 3-4 storey multiple dwellings. The reconfiguration of the land to support single detached dwellings of 1-2 storeys is considered consistent with the residential character of the area.
Setbacks (other than for a dwelling house)	
PO2 Building are setback to: (a) maintain the character and amenity of the area; (b) achieve separation from neighbouring buildings and from road frontages.	The final development will involve the construction of a dwelling house on each allotment. Relevant setbacks for the dwelling houses will apply as part of the Building Application submission.
Site Coverage (other than for a dwelling house)	
PO3 The site coverage of all buildings does not result in a built form that is bulky or visually obtrusive.	Not applicable. The final development will involve the construction of a dwelling house on each allotment.
Building proportions and scale (other than for a dwelling house)	
PO4 The proportions and scale of any development are in character with the area and local streetscape.	Not applicable. The final development will involve the construction of a dwelling house on each allotment.
Landscaping (other than for a dwelling house)	
PO5 Landscape planting is provided for the recreational amenity of residents/guests and incorporates dominant tropical vegetation which enhances the streetscape and the amenity of the area.	The development proposal is able to comply with the Performance Outcome. Details of landscaping will be submitted to Council for approval at Operational Works.
For assessable development	
PO6 The establishment of uses is consistent with the outcomes sought for the Tourist accommodation zone and protects the zone from intrusion of inconsistent uses.	The inclusion of the subject land in the Tourist accommodation zone code is reflective of the historical land use of the site as a caravan park, and the current approval over the land. Land in the immediate locale is located in the Low-medium density residential zone. The proposed reconfiguration reflects existing low and medium density development in the area. A 13 lot subdivision is considered appropriate development of the land.

Performance Outcomes	Development Compliance
<p>PO7 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and surrounds.</p>	<p>The Environmental Constraints Analysis attached at Appendix Q details the constraints on the land and mitigation measures where necessary. The Concept RoL has been designed to consider the features of the site and surrounds.</p> <p>It is noted that the land is required to be filled to RL3.87 + 300mm freeboard to address storm tide inundation. In this regard, DSC have advised that storm tide inundation takes precedence over retention of significant trees.</p>
<p>PO8 Development does not adversely affect the tropical, tourist and residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p>	<p>The proposed RoL is considered consistent with existing development in the locale. Additional impacts a they relate to traffic, noise, dust, odour and lighting will not adversely affect the tourist and residential character and amenity of the area.</p> <p>Council can reasonably Condition noise and dust control during construction.</p>
<p>PO9 Any loading/unloading areas, servicing areas and outdoor storage areas are screened from public view or adjacent sensitive uses.</p>	<p>Not applicable. The proposed development does not require loading/unloading areas, servicing areas and outdoor storage areas.</p>
<p>PO10 Tourist developments include recreational and ancillary services and facilities for the enjoyment of guests.</p>	<p>Not applicable. The proposed development does not involve a tourist development.</p>
<p>PO11 New lots contain a minimum area of 1000m².</p>	<p>The proposed reconfiguration includes lots which range in size from 778m² to 914m².The proposed lots sizes are considered appropriate and similar to existing single detached dwellings residential allotments in the area.</p>

The proposed development is considered to comply with the Performance Outcomes of the Tourist accommodation zone code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.6 Reconfiguring a Lot Code

To comply with the purpose of the RoL, the proposed reconfiguration is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 2**.

Table 2 – Reconfiguring a lot code

Performance Outcomes	Development Compliance
General lots design standards	
PO1 Lots comply with the lot reconfiguration outcomes of the applicable zone in Part 5.	The proposed reconfiguration includes lots which range in size from 778m ² to 914m ² . The proposed lots sizes are considered appropriate and similar to existing single detached dwellings residential allotments in the area.
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	The proposed lots are generally rectangular in shape and provide sufficient area to construct a detached dwelling and other ancillary features such as sheds and pools.
PO3 Lots have legal and practical access to a public road.	All lots have a legal and practical access to a public road including Andrews Close and the proposed new access road with Langley Road.
PO4 Development responds appropriately to its local context, natural systems and site features.	The development has been designed to respond appropriately to its local context including the requirement to fill the land to RL 3.87 to address storm tide inundation.
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	Further subdivision of any of the proposed allotments would require an RoL application to be submitted to Council.
PO6 Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular shape lots and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks.	Not applicable. The subject land is currently vacant.

Performance Outcomes	Development Compliance
<p>PO7 Where rear lots are proposed, development:</p> <p>(a) provides a high standard of amenity for residents and other users of the site and adjoining properties;</p> <p>(b) positively contributes to the character of adjoining properties and the area;</p> <p>(c) does not adversely affect the safety and efficiency of the road from which access is gained.</p>	<p>Proposed Lots 4 and 6 which are rear lots are of sufficient area to provide a high standard of amenity. The access handles can be appropriately landscaped to provide additional amenity to adjoining allotments.</p>
Structure plans	
<p>PO8 A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision of any open space recognises previous planning for the area and its surroundings and integrates appropriately into its surroundings.</p>	<p>Not applicable. The proposed 13 lot subdivision does not require the preparation of a structure plan.</p>
<p>PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.</p>	<p>The proposed subdivision provides easy connection to existing walkable streets and does not detract from the overall neighbourhood design of the locale.</p>
<p>PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than opposite sides of a street.</p>	<p>The proposed subdivision provides lot sizes which range in area from 778m² to 914m². A range of housing choices is supported by the proposed lot sizes.</p>
<p>PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.</p>	<p>The subject land is not located in a developing residential neighbourhood; rather is considered infill development in a locale that is characterised by low and medium density residential development.</p>
Urban parkland and environmental open space	
<p>PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams creeks and the foreshore.</p>	<p>The proposed development does not inhibit or restrict access to Solander Boulevard to the foreshore to the east of the site.</p>
<p>PO13 Development provides land to:</p> <p>(a) meet the recreation needs of the community;</p> <p>(b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas;</p> <p>(c) provide for green corridors and linkages.</p>	<p>The proposed subdivision provides easy access to existing walkable street. The foreshore and existing playground east of the site is accessible from Solander Boulevard.</p>
<p>PO14 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.</p>	<p>The lot size and dimensions is such that casual surveillance can be established to Andrews Close, Langley Road, the proposed new access road and Solander Boulevard.</p>

Performance Outcomes	Development Compliance
Private subdivisions (gated communities)	
PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	Not applicable. The proposed development does not involve a gated community.
Additional requirements for reconfiguration involving the creation of public streets or roads	
PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	The proposed new road will be an access road only to service Lots 1-9. The design and function of the road will be commensurate with an access road.
PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable user.	The design of the new road is appropriate to the function of the road as an access road and is able to meet the needs of the user.
Public transport network	
PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down facilities.	The proposed new road does is not required to cater for public transport as Langley Road is a serviceable public transport route.
Pest Plants	
PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.	Council can reasonably Condition the removal of all pest plants as part of the Approval.

The proposed development is considered to comply with the Performance Outcomes of the Reconfiguring a lot code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.7 Overlay Codes

The following Overlays affect the site:

- Acid sulfate soils
- Bushfire hazard overlay
- Coastal environment overlay
- Flood and storm tide inundation
- Natural areas

7.7.1 Acid Sulfate Soils Overlay Code

The purpose of the Acid sulfate soils overlay code is to implement the policy direction of the Strategic Framework as it relates to acid sulfate soils.

To comply with the purpose of the code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 3**.

Table 3 – Acid sulfate soils overlay code

Performance Outcomes	Development Compliance
For assessable development	
PO1 The extent and location of potential or actual acid sulfate soils is accurately defined.	Earthworks associated with the proposed development will consist of imported fill with only minor trenching of services below RL 5.0m AHD and no trenching is expected to occur below RL 2.0m AHD. Despite the risk of ASS being very low on the site, an acid sulfate soils investigation will be undertaken prior to submission of the Operational Works Application with Council.
PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils or is managed to avoid or minimise the release of acid and metal contaminants.	If required, following the acid sulfate soils investigation, an ASS/PASS management plan will be developed and submitted with the Operational Works Application to Council.
PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	Construction works will be contractually required to be undertaken in accordance with the requirements of any ASS/PASS management plan for the site.

Taking the above steps prior to construction, the proposed development is considered to comply with the Performance Outcomes of the Acid sulfate soils overlay code, having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.7.2 Bushfire Hazard Overlay Code

The purpose of the Bushfire hazard overlay code is to implement the policy direction of the Strategic Framework as it relates to bushfire hazard.

The Environmental Constraints Analysis prepared by Biotropica and dated 8 March 2019 states the following:

“ It is difficult to reconcile the high fire hazard rating ascribed by the DSC, given the absence of site vegetation that would support a fire, and the mesic nature of adjacent vegetation. As noted, mid-storey and ground level native vegetation has been entirely replaced by mown lawn which poses no fire risk. Residual canopy stems are widely spaced and any fire risk associated with these stems would be vanishingly small. The adjacent vegetation (east of Solander Boulevard) is dominated by rainforest species which if deliberately ignited may burn during dry periods, but at a very low intensity with concomitant low risk.

The site is bordered by roads and/or dwellings on all four sides. Any fire risk could only emanate from the east where such risks are low, due to the nature of the existing forest and the break afforded by Solander Boulevard.

The site presents no bushfire risk”.

The proposed development is considered to comply with the Performance Outcomes of the Bushfire hazard overlay code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.7.3 Coastal Environment Overlay Code

To comply with the purpose of the Coastal environment overlay code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following **Table 4**.

Table 4 – Coastal environment overlay code

Performance Outcomes	Development Compliance
General lots design standards	
PO1 No works other than coastal protection works extend seaward of the coastal building line.	Not applicable. The subject land does not contain a coastal building line.
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	Solander Boulevard is located between the subject land the coastal reserve. Development will be required to be set back appropriately from Solander Boulevard.
For assessable development	
Erosion prone areas	
PO3 Development identifies erosion prone areas (coastal hazards).	Lots 3 and 4 are the only allotments included in the erosion prone area. It is noted that this portion of the site is comprised of land located 2.5m AHD. The land is not tidal. Notwithstanding, Lots 3 and 4 are of sufficient area that development can be excluded from the erosion prone area.
PO4 Erosion prone areas are free from development to allow for natural coastal processes.	As above.

Performance Outcomes	Development Compliance
Coastal management district	
PO5 Natural processes and protective functions of landforms and vegetation are maintained.	The site has been substantially cleared of vegetation in the past. The wetland designation has been removed from the site.
PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	The development will not impact on coastal resources. The site is located in a fully developed urban area, suitable for urban development. Solander Boulevard is located between the subject site and the foreshore.
PO7 Development is to maintain access to and along the foreshore for general public use.	Solander Boulevard is located between the subject land and the foreshore. The proposed development does not impede access to the foreshore for general public use.
PO8 Public access to the coast is appropriately located, designed and operated.	The proposed development does not necessitate public access to the coast. Existing access to the foreshore is provided via Solander Boulevard.
PO9 Development adjacent to state coastal land or tidal water is located, designed and operated to: (a) maintain existing access to and along the foreshore; (b) minimise any loss of access to and along the foreshore, or (c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location.	Solander Boulevard is located between the subject land and adjacent State coastal land. Additional access to State coastal land is not necessitated by the development. The proposed development does not impede existing access to the foreshore.
PO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.	Solander Boulevard is located between the subject land and adjacent State coastal land. Additional access to State coastal land is not necessitated by the development.
PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.	The proposed development does not involve a private marine development.
PO12 Development in connection with an artificial waterway enhances public access to coastal waters.	The proposed development does not involve an artificial waterway.
Coastal landscapes, views and vistas	
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	Solander Boulevard is located between the subject land and the natural coastal landscape. The development will not impact existing views and vistas.

Performance Outcomes	Development Compliance
PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	The subject land is located within an existing urban area. The proposed development represents an urban development.

It is noted that PO15 to PO19 are not relevant to the RoL, and as such, have not been addressed in the above assessment. The proposed development is considered to comply with the Performance Outcomes of the Coastal environment overlay code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.7.4 Flood and Storm Tide Hazard Overlay Code

To comply with the purpose of the Flood and storm tide hazard overlay code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 5**.

Table 5 – Flood & storm tide hazard overlay code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
PO1 Development is located and designed to: (a) ensure the safety of all persons; (b) minimise damage to the development and contents of buildings; (c) provide suitable amenity; (d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.	Site filling shall be conducted such that each allotment is designed to have immunity to the 1% AEP event + 300mm freeboard, in accordance with BMT WBM's report "Cairns Regional Storm Tide Inundation Study – January 2013". The minimum lot level for earthworks filling is taken as RL 3.87m; resulting in an average fill depth of 900mm across the site.
For assessable development	
PO2 The development is compatible with the level of risk associated with the natural hazard.	The proposed development is considered compatible with the level of risk associated with the natural hazard. The requirement to fill the land to RL 3.87m AHD + 300mm address the risk associated with the natural hazard.
PO3 Development siting and layout responds to flooding potential and maintains personal safety.	The proposed Lots 1-13 will have immunity to the 1% AEP event + 300mm freeboard in accordance with BMT WBM's report "Cairns Regional Storm Tide Inundation Study – January 2013". Direct road access to the allotments is provided. Road geometry and grading shall be developed to convey stormwater in accordance with QUDM. Detailed design will be submitted with the Operational Works Application to Council.

Performance Outcomes	Development Compliance
<p>PO4 Development is resilient to flood events by ensuring design and built form account for the potential risk of flooding.</p>	<p>The site will be filled to RL 3.87m AHD to ensure that future dwellings on each of the proposed Lots 1-9 will have immunity to the 1% AEP event.</p> <p>Detailed design will be submitted with the Operational Works Application to Council.</p>
<p>PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity of flood level and does not increase the potential flood damage either on site or on other premises.</p>	<p>Drainage works shall be conducted in accordance with BMT WBM's report "Cairns Regional Storm Tide Inundation Study – January 2013". The site is located in an urban area and not adjacent to a watercourse and therefore will have no flooding impacts.</p>
<p>PO6 Development avoids the release of hazardous materials into floodwaters.</p>	<p>N/A</p> <p>No hazardous materials are applicable to a residential subdivision.</p>
<p>PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>The development shall not result in an increase of the number of people 'at risk' of flooding or likely to need evacuation given the elevated allotment levels.</p> <p>The proposed development represents a small infill development with direct connectivity to the existing road network. Therefore, the impact on evacuation routes will be negligible. No decrease in notification of flood warning will be observed as a result of this development.</p>
<p>PO8 Development involving community infrastructure:</p> <ul style="list-style-type: none"> (a) remains functional to serve the community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event. 	<p>Aside from the allotments themselves, community infrastructure to be constructed with this development is limited to roads and services required to service the newly created allotments.</p> <p>Allotments shall be elevated to provide immunity to the 1% AEP event + 300mm freeboard and road grading shall be developed such that essential access is retained during the defined flood event.</p> <p>Detailed design will be submitted with the Operational Works Application to Council.</p>

The proposed development is considered to comply with the Performance Outcomes of the Flood & storm tide hazard overlay code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.7.5 Natural Areas Overlay Code

To comply with the purpose of the Natural areas overlay code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 6**.

Table 6 – Natural areas overlay code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
Protection of matters of environmental significance	
PO1 Development protects matters of environmental significance.	Please refer to the Environmental Constraints Analysis attached at Appendix Q .
Management of impacts on matters of environmental significance	
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	The proposed development is located in an urban area and is for an urban purpose.
PO3 An adequate buffer to areas of State environmental significance is provided and maintained.	As above.
PO4 Wetland and wetland buffer areas are maintained, protected and restored.	Please refer to the Environmental Constraints Analysis attached at Appendix Q . The subject land is located in an urban area and represents a small infill development. The inclusion of the wetland protection buffer over the eastern portion of the site is considered incorrect and onerous. Solander Boulevard is located between the subject land and any existing "wetland". This is considered sufficient buffer to any "wetland". Further this Report has demonstrated that "wetlands" located outside the development boundaries will not be impacted by the proposed development.
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	The proposed development is located in an urban area and is for an urban purpose.
Ecological connectivity	
PO6 Development protects and enhances ecological connectivity and/or habitat.	Please refer to the Environmental Constraints Analysis attached at Appendix Q . Existing connectivity and/or habitats located outside the site boundary will not be impacted by the proposed development.
PO7 Development minimises disturbance to matters of State environmental significance (including ecological corridors).	The subject land does not include an ecological corridor nor does it connect to an ecological corridor outside the site boundaries.

Performance Outcomes	Development Compliance
Waterways in urban areas	
PO8 Development is setback from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	Not applicable. The subject land is not located adjacent to a waterway.

It is noted that PO9 is not relevant to the RoL and as such, has not been addressed in the above assessment. The proposed development is considered to comply with the Performance Outcomes of the Natural areas overlay code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.8 Environmental Performance Code

To comply with the purpose of the Environmental performance code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 7**.

Table 7 – Environmental performance code

Performance Outcomes	Development Compliance
Lighting	
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	Street lighting requirements (if any) will be in accordance with Planning Scheme Policy SC6.5-FNQROC Regional Development Manual.
Noise	
PO2 Potential noise generated by the development is avoided through design, location and operation of the activity.	The final development is a residential development in a residential area.
Airborne particles and other emissions	
PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.	The proposed RoL does not involve development which results in airborne particle being released or emissions being generated.
Odours	
PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.	The proposed RoL does not result in odour causing activities.
Waste and recyclable material storage	
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.	The proposed development will be serviced by a residential garbage collection in accordance with Council requirements.

Performance Outcomes	Development Compliance
Sensitive land use activities	
PO6 Sensitive land use activities are not established on areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	Existing land uses include low and medium density residential development. The proposed development is considered consistent with existing development in the area.
Stormwater quality	
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: (a) the amount of type of pollutants borne from the activity; (b) maintaining natural stream flows; (c) the amount and type of site disturbance; (d) site management and control measures.	Stormwater from the development shall be directed to a lawful point of discharge through the constructed drainage network; and end of line stormwater quality improvement devices (i.e. GPT) will be provisioned where required by the FNQROC Development Manual. An Erosion and Sediment Control Plan will be required during construction detailing methods/devices used to prevent erosion and the transportation of sediment from the site. The basis of the strategy is to control upstream water through the site until it can be replaced by permanent drainage works and protecting local watercourses from pollutants and sediment run-off.

It is noted that PO8 is not relevant to the Reconfiguration of a Lot, and as such, has not been addressed in the above assessment. The proposed development is considered to comply with the Performance Outcomes of the Environmental performance code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.9 Filling and Excavation Code

To comply with the purpose of the Filling and excavation code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 8**.

Table 8 – Filling and excavation code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
Filling and excavation - generally	
PO1 All filling and excavation work does not create a detrimental impact on slope stability, erosion potential or visual amenity of the site or the surrounding area.	Filling of the land is required to an average depth of 900mm. Details of the proposed filling will be submitted with the Operational Works Application to Council.
Visual impact and site stability	
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties are not compromised.	The proposal is able to comply with the Performance Outcomes. Details of the proposed filling will be submitted with the Operational Works Application.

Performance Outcomes	Development Compliance
Flooding and drainage	
PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	Filling of the land is required to an average depth of 900mm. The run-off characteristics of the site including the proposed stormwater drainage regime have been considered in section 4.4 of this Report.
Water quality	
PO4 Filling and excavation does not result in a reduction of water quality of receiving waters.	Appropriate erosion and sediment control measures will be in place during the construction of works to ensure no reduction in the quality of receiving waters. An Erosion and Sediment Control Plan will be submitted with the Operational Works Application.
Infrastructure	
PO5 Excavation and filling does not impact on Public Utilities.	Details of the proposed filling will be submitted with the Operational Works Application.

The proposed development is considered to comply with the Performance Outcomes of the Filling and excavation code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.10 Infrastructure Works Code

To comply with the purpose of the Infrastructure works code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 9**.

Table 9 – Infrastructure works code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
Works on local government road	
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	The design and connection of the new access road to Langley Road will be submitted as part of the Operational Works Application.
Accessibility structures	
PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.	The proposed development is located in an existing urban area. Details of the new road/footpaths will be submitted with the Operational Works Application to Council.
Water supply	
PO3 An adequate, safe and reliable supply of potable water, fire fighting and general use water is provided.	Please refer to section 4.2 of this report. An adequate, safe and reliable supply of potable water is able to be provided to the development.

Performance Outcomes	Development Compliance
Treatment and disposal of effluent	
PO4 Provision is made for the treatment and disposal of effluent to ensure that there is no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	The proposed development will be connected to Council's reticulated sewerage network.
Stormwater quality	
PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by: (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology.	Stormwater infrastructure for the infill development will be tied in with the existing network where possible. A stormwater quality management plan and erosion sediment control plan will be required to be adhered to during construction.
Wastewater discharge	
PO7 Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management; (b) is treated to: i. meet water quality objectives for its receiving waters; ii. avoid adverse impact on ecosystem health or waterway health; iii. maintain ecological processes, riparian vegetation and waterway integrity; iv. offset impacts on high ecological value waters.	Not applicable to this RoL application as wastewater will discharge to the existing Council sewerage network.
Electricity supply	
PO8 Development is provided with a source of power that will meet its energy needs.	Detailed Electrical and NBN designs will be lodged with the Operational Works Application to Council. It is anticipated that the existing electrical infrastructure in the area will be sufficient allow connection of the development.
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	Should pad-mount infrastructure be required to service the development; it shall be located in an area acceptable to Council which is easily accessible, screened by landscaping/fencing and not located in open space or recreational land. Detailed designs will be submitted to Council at Operational Works stage.
Telecommunications	
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	The development shall be connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	Conduits shall be provided in accordance with the Planning scheme policy SC5 (FNQROC).

Performance Outcomes	Development Compliance
Road construction	
<p>PO12 The road frontage of the premises is constructed to provide for the safe and efficient movement of:</p> <p>(a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles to and from the site; (d) emergency vehicles.</p>	<p>There is existing road, kerb and channel for the full road frontage of the site. Detailed design of the road and pedestrian network will be lodged at Operational Works stage. Access to the site will be improved for vehicles (and emergency vehicles) with the provision of the new road.</p> <p>Currently, there is no pedestrian footpath or bikeway adjacent to the development.</p>
Alterations and repairs to public utility services	
<p>PO13 Infrastructure is integrated with, and efficiently extends, existing networks.</p>	<p>Detailed design will be submitted with the Operational Works Application to Council.</p>
<p>PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p>Public utility mains, services and installations will be provided to the development such that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5. Detailed design (including capacity analysis) of the proposed service modifications will be submitted with the Operational Works Application to Council.</p>
Construction management	
<p>PO15 Work is undertaken in a manner which minimises adverse impact on vegetation that is to be retained.</p>	<p>Council have confirmed that storm tide inundation takes precedence of the retention of significant vegetation. Existing trees on the site will be retained where possible.</p>
<p>PO16 Existing infrastructure is not damaged by construction activities.</p>	<p>Construction shall be undertaken in accordance with the requirements of FNQROC and provisions for the protection of existing infrastructure will made during construction. The contractor shall be contractually bound to repair any existing infrastructure damaged by construction activities.</p>
For assessable development	
High speed telecommunication infrastructure	
<p>PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.</p>	<p>Detailed Electrical and NBN designs will be lodged with Council at Operational Works stage. It is anticipated that the existing telecommunication infrastructure in the area will be sufficient to service the development with minor augmentation.</p>

Performance Outcomes	Development Compliance
Trade waste	
<p>PO18 Where relevant, the development is capable of providing for storage, collection treatment and disposal of trade waste such that:</p> <ul style="list-style-type: none"> (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk. 	<p>Not applicable. The development does not involve a commercial land use.</p>

It is not that PO19 and PO20 are not relevant to the Reconfiguration of a Lot, and as such, have not been addressed in the above assessment. The proposed development is considered to comply with the Performance Outcomes of the Infrastructure works code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.11 Landscaping Code

To comply with the purpose of the Landscaping code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 10**.

Table 10 – Landscaping code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
Landscape design	
<p>PO1 Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:</p> <ul style="list-style-type: none"> (a) promoting the Shire's character as a tropical environment; (b) softening the built form of development; (c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; (d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development; (e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas; (f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings; (g) ensure private outdoor recreation space is useable; (h) providing a safe environment; (i) integrating existing vegetation and other natural features of the premise into the development; (j) not adversely affecting vehicular traffic and pedestrian sightlines and road safety. 	<p>Landscaping will be in accordance with a Landscape Plan to be submitted to Council as part of the Operational Works Application.</p>
For assessable development	
<p>PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.</p>	<p>Landscaping will be in accordance with a Landscape Plan to be submitted to Council as part of the Operational Works Application.</p>

Performance Outcomes	Development Compliance
PO3 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	Landscaping will be provided in accordance with a Landscape Plan and will be consistent with the character of the proposed development and of the surrounding area.
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	Plant species will be provided in accordance with Planning Scheme Policy SC6.7-Landscaping.
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	Landscaping will be provided along the proposed new road as necessary and in accordance with the Planning Scheme Policy SC6.7-Landscaping. Details of the proposed landscaping will be submitted as part of the Operational Works Application.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	Landscaping will be in accordance with a Landscape Plan to be submitted as part of the Operational Works Application.
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	Not applicable. The development does not include podium planting.
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	The Landscape Plan will also address the removal of weeds and invasive species as well as ongoing maintenance measures to be submitted to Council as part of the Operational Works Application.
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	Landscaping will be in accordance with a Landscape Plan to be submitted to Council as part of the Operational Works Application.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	Landscaping will be in accordance with a Landscape Plan to be submitted to Council as part of the Operational Works Application.

The proposed development is considered to comply with the Performance Outcomes of the Infrastructure works code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code.

7.12 Vegetation Management Code

To comply with the purpose of the Vegetation management code, the proposed RoL is required to comply with the Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following **Table 11**.

Table 11 – Vegetation management code

Performance Outcomes	Development Compliance
For self-assessable and assessable development	
<p>PO1 Vegetation is protected to ensure that:</p> <ul style="list-style-type: none"> (a) the character and amenity of the local area is maintained; (b) vegetation damage is undertaken in a sustainable manner; (c) the Shire's biodiversity and ecological values are maintained and protected; (d) vegetation of historical, cultural and / or visual significance is retained; (e) vegetation is retained for erosion prevention and slope stabilisation. 	<p>The State's DAMS mapping identifies that eastern half of the site has containing 'Of Concern' Remnant Vegetation. It is noted that the site has been substantially cleared in the past and predominantly contains isolated melaleuca trees and coconut palms.</p> <p>The Environmental Constraints Report prepared by Biotropica and attached at Appendix Q suggests that the proposed development is in a defined 'urban' area and for a 'defined 'urban purpose'. It is not considered assessable development under Schedule 21, Part 2, Section 2, Item 2(g) of the PR 2017.</p> <p>The relocation of Ant Plants will be undertaken in accordance with the relevant permit. Council can Condition this appropriately.</p>
<p>PO2 Vegetation damaged on a lot does not result in a nuisance.</p>	<p>Vegetation to be cleared from the site will be removed from the site.</p>
For assessable development	
<p>PO3 Vegetation damage identified on the Places of significance overlay does not result in a negative impact on the site's heritage values.</p>	<p>Not applicable. The site is not included on the Places of significance overlay.</p>

The proposed development is considered to comply with the Performance Outcomes of the Vegetation management code having regard to the Acceptable Outcomes. It is therefore considered that the development meets the purpose of the Code

8.0 RECOMMENDATIONS AND CONCLUSIONS

Having regard to the facts and circumstances outlined in this Report, it is hereby recommended that Douglas Shire Council approve the Development Application for a Reconfiguration of a Lot (1 lot into 13 lots) at 20-30 Langley Road, Port Douglas.

It is considered that Douglas Shire Council can reasonably approve the Development Application subject to reasonable and relevant conditions on the following grounds:

- the proposed Reconfiguration of a Lot is located in an urban area and is considered infill development. The proposed subdivision is consistent with the existing residential character of the area.
- all infrastructure services can be provided to the proposed development.
- the development is consistent with the provisions of the Douglas Shire Planning Scheme 2018.

In accordance with the above, the Development Application is hereby recommended to Douglas Shire Council for its favourable consideration.

APPENDIX: A

Survey Plan - Lot 5 on RP804926

WARNING - FOLDING OR MUTILATING WILL LEAD TO REJECTION - PLAN MAY BE ROLLED

804926

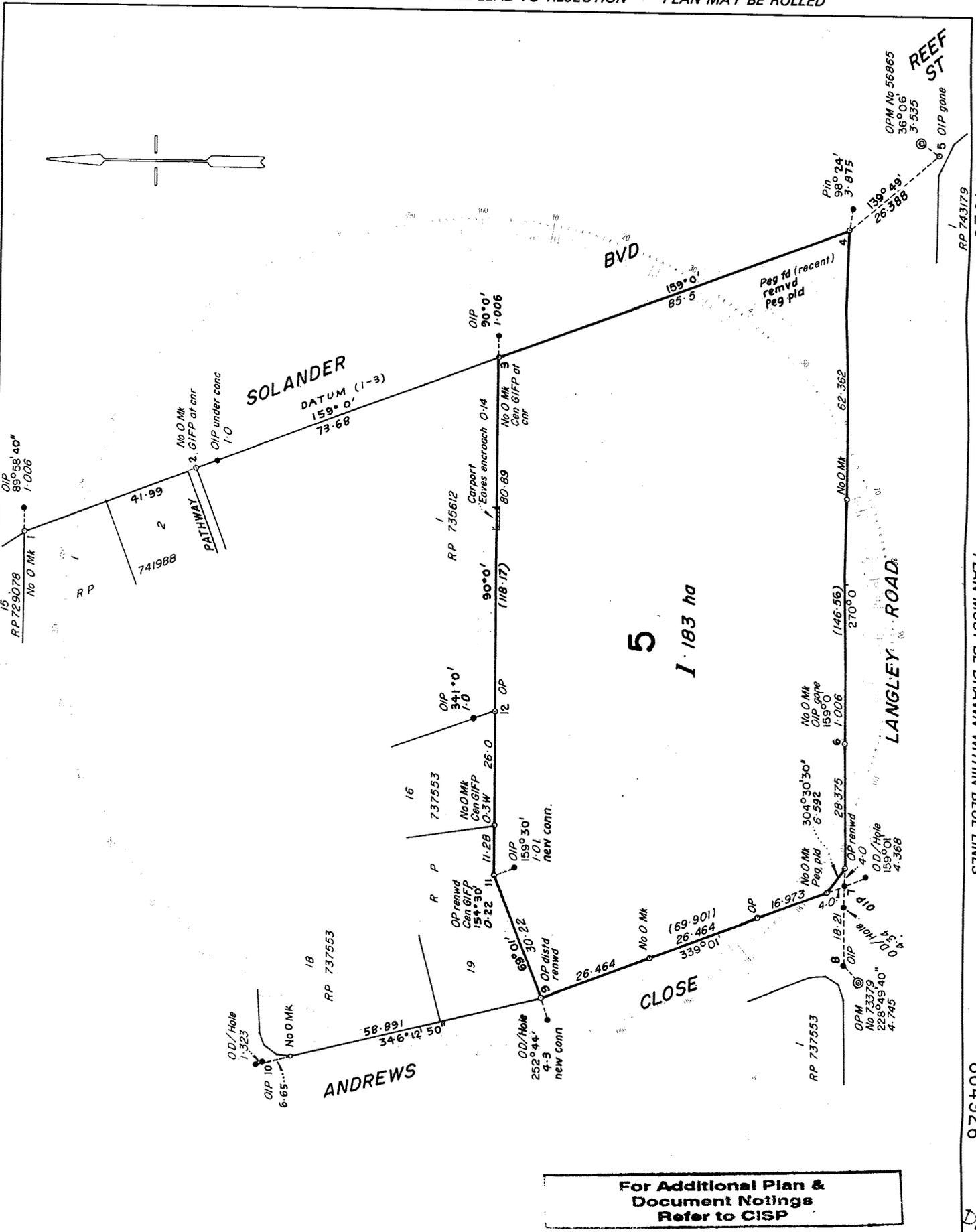
PLAN MUST BE DRAWN WITHIN BLUE LINES

804926

804926

PLAN MUST BE DRAWN WITHIN BLUE LINES

804926



I, **JEREMY MATTHEW SCRIVEN**
 hereby certify that I/the company have surveyed the land comprised in this plan (either personally or by personally for whose work I/the company accept responsibility), that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act and the Surveyors Regulations and that the said survey was completed on **12.10.92**
6.11.92
 Licensed Surveyor Date

PLAN OF Lot 5					
cancelling Lot 5 on RP 724383 & Lots 20 - 22 on RP 737553					
ORIG POR/SEG/LOT/MHL/MHPL 33					
MERIDIAN	MAP REF	SCALE	FILE REF	REGISTERED	REGISTERING AUTH
RP 724383	7964-11142	1:800	ST		DT (N)

PARISH	SALISBURY
COUNTY	Solander
TOWN/LOCALITY	Port Douglas
LOCAL AUTHORITY	Douglas S.C.
LAND AGENTS/MINING DISTRICT	Cairns
MINING FIELD	
REGISTERED	PLAN 804926

APPENDIX: B

DES' CLR & EMR Search - Lot 5 on RP804926



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50515695 EMR Site Id: 27 February 2019
This response relates to a search request received for the site:
Lot: 5 Plan: RP804926

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

APPENDIX: C

Title Search - Lot 5 on RP804926

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30686402

Search Date: 27/02/2019 14:48

Title Reference: 21576008

Date Created: 29/03/1994

Previous Title: 20810068
21159079
21159080
21159081

REGISTERED OWNER

MERYLA PTY LTD

ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 804926
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10392243 (POR 33)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - Yes 02/08/2005 708865362 Certificate No. 2

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2019]
Requested By: D-ENQ CITEC CONFIRM

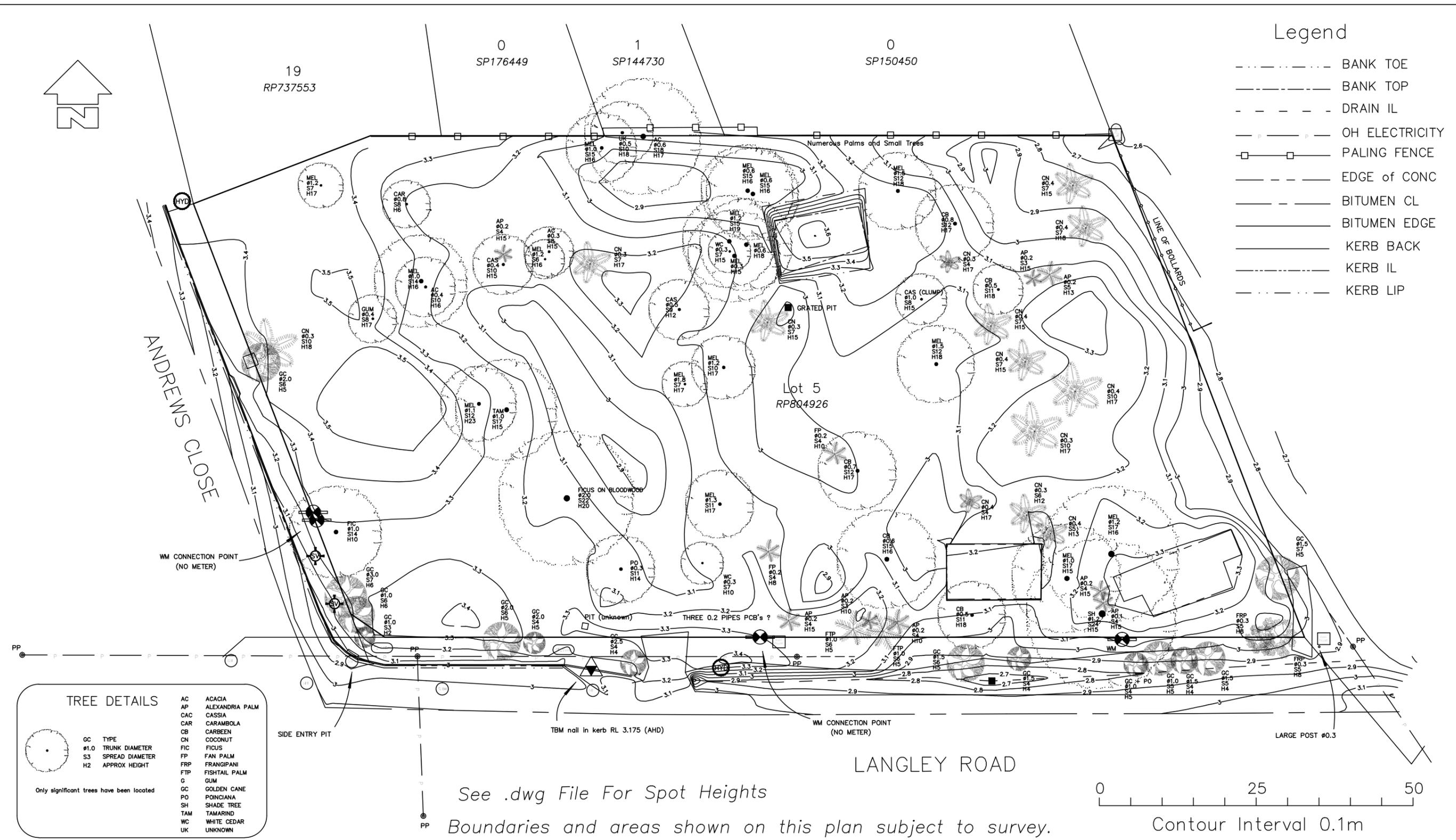
APPENDIX: D

Contour & Detail Plan (Drawing No. 18/189, Version 1, dated December 2018 - G.T Pozzi)



Legend

- BANK TOE
- BANK TOP
- - - - - DRAIN IL
- OH ELECTRICITY
- PALING FENCE
- EDGE of CONC
- BITUMEN CL
- BITUMEN EDGE
- KERB BACK
- KERB IL
- KERB LIP

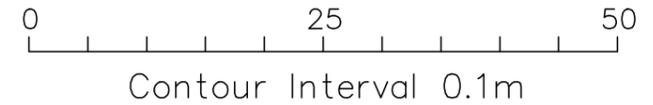


TREE DETAILS

GC	TYPE	AC	ACACIA
Ø1.0	TRUNK DIAMETER	AP	ALEXANDRIA PALM
S3	SPREAD DIAMETER	CAC	CASSIA
H2	APPROX HEIGHT	CAR	CARAMBOLA
		CB	CARBEN
		CN	COCONUT
		FIC	FICUS
		FP	FAN PALM
		FRP	FRANGIPANI
		FTP	FISHTAIL PALM
		G	GUM
		GC	GOLDEN CANE
		PO	POINCIANA
		SH	SHADE TREE
		TAM	TAMARIND
		WC	WHITE CEDAR
		UK	UNKNOWN

Only significant trees have been located

See .dwg File For Spot Heights
 Boundaries and areas shown on this plan subject to survey.



title:	DETAIL PLAN		LOCALITY	Port Douglas	CALCULATED	DATE		G.T.POZZI Bach.App.Sc.(Surv.) Cadastral Surveyor	SCALE	1:600 (A3)				
	Lot 5 RP804926		LOCAL AUTH.	Douglas Shire	SURVEYED	GSM	DATE		DEC 18	LEVEL DATUM	AHD			
client:	Flanagan Consulting				DRAWN	GSM	DATE	DEC 18	LEVEL ORIGIN	PSM 56865 RL 3.041				
					SURVEY EXAMINED		DATE		FILE	18/189	VERSION	1	SHEET	1/1
					PLAN EXAMINED	G HOPKINS	DATE	DEC 18	11 Kavieng Street, Trinity Beach 4879. P.O. Box 152 Trinity Beach.	Phone: 0740 577 177 Mob: 0408 772 213 Fax: 0740 577 089 Email: gpozzi@bigpond.net.au				

APPENDIX: E

Negotiated Decision Notice TPC 1106 - Douglas Shire Council April 2004

Mr Paul Gleeson
A/Manager Planning Services - ((07) 4099 9450

PTG:tap
SUB 012/04

Meryla Pty Ltd
C/- C & B Group
PO Box 1949
CAIRNS QLD 4870

19th April 2004

**INTEGRATED PLANNING ACT
DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name : Meryla Pty Ltd
Owner's Name : Meryla Pty Ltd
Proposal : Reconfiguration of a Lot for the purpose of 36 volumetric lots (including common property)
Application Number : SUB 012/04
Site Address : 20-30 Langley Road, Port Douglas
Property Description : Lot 5 on RP804926, Parish of Salisbury, County of Solander

1. Decision: **Decision Date:** 25th March 2004

Approved subject to Conditions

2. Type of Development Approval:

Reconfiguration a Lot

Development Permit

.../2.

3. Referral Agency:

Nil

4. Conditions

- 4.1 No increase in the amount of site cover, gross floor area, setbacks or height specified in Consent number TPC 1106, is permitted without prior consent from Council.
- 4.2 The provision of the Integrated Planning Act, the Building Act, the Fire Safety Act, the Health Act, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
- 4.3 Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Shire of Douglas Planning Scheme where applicable and generally in accordance with the approved Plans SK1020 – Rev.05, SK1021 Rev.4 and SK1022 – Rev.4, prepared by Carr Design Group Pty Ltd.
- 4.4 The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
- 4.5 The Volumetric Subdivision is to be in accordance with Plans numbered 6358FAL-07 and dated 2/3/04, attached to this Development Permit.
- 4.6 The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with.
- 4.7 The developer shall pay park contribution of \$36,000.00 to Council prior to the sealing of formal plan of survey in accordance with the requirements of Local Planning Policy No. 5 – *Developer Contributions - Parks*.
- 4.8 The developer shall provide a vehicle turnaround area at the end of Langley Road with plans submitted for Operational Works approval.

- 4.9 The developer shall provide a driveway and five (5) sealed car parks within the Solander Boulevard road reserve that is accessed directly off the vehicle turn around area to be constructed on Langley Road. The car park shall include construction techniques to prevent vehicles from accessing the park (ie rocks or fences). Plans for this car park are to be submitted for Operational Works approval by the Director of Engineering Services.

5. Further Development Approvals Required:

Operational Works	Development Permit
Building Works	Development Permit
Plumbing and Drainage Works	Development Permit

Terry Melchert
Chief Executive Officer

Mr Paul Gleeson
A/ Manager Planning Services - ((07) 4099 9450

PTG:tap
TPC 1106

Meryla Pty Ltd
C/- C & B Group
PO Box 1949
CAIRNS QLD 4870

19th April 2004

INTEGRATED PLANNING ACT NEGOTIATED DECISION NOTICE

MINOR AMENDMENT

Applicant's Name : Meryla Pty Ltd
Owner's Name : Meryla Pty Ltd
Proposal : 35 Multiple Dwellings (Tourist), consisting of 12 x 2 bed units, 20 x 3 bed units, 3 x 4 bed units, Caretakers Residence with attached Office, Porte Cochere, Recreation Area including Café, BBQ, Terrace, Gym, Health Spa, Pools and Ancillary Uses.
Application Number : TPC1106
Site Address : 20-30 Langley Road, Port Douglas
Property Description : Lot 5 on RP804926, Parish of Salisbury, County of Solander

This Decision Notice supersedes the Decision Notice dated 3rd March 2003 for this site. Conditions 4.3 and 4.11 were amended. All other conditions remain unchanged.

1. Decision: **Decision Date:** 25th March 2004

Approved subject to Conditions

.../2.

2. Type of Development Approval:

Material Change of Use

Negotiated Development Permit

3. Referral Agency:

Nil

4. Conditions

- 4.1 Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.
- 4.2 The provision of the *Integrated Planning Act 1997*, the Building Act, the Fire Safety Act, the Health Act, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
- 4.3 Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Shire of Douglas Planning Scheme where applicable and generally in accordance with the approved Plans SK1020 – Rev.05, SK1021 – Rev.4 prepared by Carr Design Group Pty Ltd.
- 4.4 The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
- 4.5 The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
- 4.6 The approval shall lapse four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with.

Car parking and Access Requirements

- 4.7 All car parking, driveway and vehicular manoeuvring areas shall be paved, drained, sealed, linemarked and maintained to the requirements and satisfaction of the Council prior to commencement of the use.
- 4.8 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 to the satisfaction of Council.

.../3.

- 4.9 The applicant shall provide bollard lighting at the property boundary to indicate access to the car parking area to the satisfaction of the Council at the time of applying for carrying out building works.

Landscaping and Screening Requirements

- 4.10 A detailed landscaping plan is to be provided prior to planting. The plan must include the increased screening to the Solander Boulevard frontage.
- 4.11 From the Northern Boundary, all building elements are to be setback 1.5metres or ½ the mean height of the building element, whichever is the greater.
- 4.12 All buildings are to be setback a minimum of 4metres from the property boundary to Solander Boulevard.
- 4.13 No building is to exceed 10m in height from the natural ground level.
- 4.14 The applicant shall landscape the site and street frontage. The applicant shall implement landscaping in accordance with the approved landscaped plan (project no 688 MPO1 Prepared by JNP Pawsey & Prowse). Existing natural vegetation shall be retained and only removed with the Council's written approval.
- 4.15 The applicant shall provide and maintain a 1.8 metre high screen fence to the side and rear boundaries to the satisfaction of the Council and details of the screen fence shall be submitted at the time of lodgement of a Building Application.
- 4.16 The storage of any machinery, material and vehicles shall be appropriately screened so as not to be directly visible from any road to which the site frontage, to the satisfaction of Council.
- 4.17 Areas to be landscaped shall be established and maintained at all times to the satisfaction of the Council.
- 4.18 An as constructed landscaping plan is to be submitted with regard to the landscaping of the site prior to the Cash Bond on Guarantee in respect to landscaping being released.
- 4.19 Air-conditioning plants and other structures shall not be added to the tops of buildings and such plant must be appropriately screened so as not to be seen from any road frontage or adjoining property.

Health Requirements

- 4.20 There is to be provided within the development an area for the storage and washing of all refuse containers in accordance with the *Environmental Protection (Interim Waste) Regulation* (No. 2) 1999. Such area is to be:
- a) imperviously paved and drained to a suitable silt trap; and

- b) discharged to sewer to the satisfaction of the Director Engineering Services; and
- c) provided with a suitable hose cock and hose; and
- d) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.
- e) be of a suitable size to store the number of bins required to service the site
- f) be situated so as to be readily accessible to refuse collection vehicles and to the satisfaction of the Manager Environmental Services.

Please Note: each 240 litre bin needs an area of 550mm wide by 750mm deep.

- 4.21 All proposed food premises (including bars) are to be constructed in accordance with the requirements of the “*Food Hygiene Regulations 1989*” and Councils adopted specification for Food Premises.
- 4.22 Two copies of plans drawn to scale not smaller than 1:100 are to be submitted to Council’s Environmental Services for approval **prior to the commencement of the work**. Such plans are to include but not be exclusive to:
 - a) details of ventilation (including mechanical exhaust ventilation systems complying to AS 1668);
 - b) finishes to walls, floors and ceilings; and
 - c) details of the proposed layout of all equipment, benches, fixtures and fittings.

These plans are to be submitted with a completed application for registration form, a completed application for licence form and the following fees:

- Licence fee;
- Annual registration fee; and
- Application fee

- 4.23 No noise from either air-conditioning units, swimming pool filters, service equipment or other mechanical equipment shall occur that would create a nuisance to adjoining residences and the noise levels shall be to the requirements and satisfaction of the Council.
- 4.24 The applicant shall ensure that all areas where fuels, oils and automotive products are used or may accumulate shall be drained to a gross pollutant trap to prevent material/pollutants entering the stormwater drainage system, to the requirement and satisfaction of Council.

- 4.25 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 and to the requirements and satisfaction of the Council.
- 4.26 All toilets shall be fitted with dual flush cisterns to the satisfaction of the Council.
- 4.27 Water flow regulators shall be fitted to all shower recesses, bathrooms and kitchen facilities where applicable and shall be submitted at the time of lodgement of a building application to the satisfaction of the Council.
- 4.28 All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:

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.

NOTE: Building work is not permitted on a Sunday or Public Holiday at any time.

Construction Stage/Site Management

- 4.29 The applicant is to have prepared with the submission for approval of the plan works, 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, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).

The EMP must also detail the location of potential or actual Acid Sulphate Soils and incorporate a detailed Acid Sulphate Soil management plan. The Acid Sulphate Management Plan (ASSMP) must supply contingency procedures if an Acid Sulphate Soils (ASS) or Potential Acid Sulphate Soils (PASS) are unexpectedly encountered during development.

All testing and management procedures utilised in the ASSMP must be in accordance with the Queensland Acid Sulphate Soil Technical Manual. This EMP is required to meet the approval of the Manager of Environmental Services.

- 4.30 If the proposed development is to contain a Hairdresser, Beauty Parlour or like use it must comply with the requirements of Part 5 the *Health Regulation 1996* and Council's adopted *Specification for Hairdresser's Shops* made there under. Such Premises require the following additional plans;

Two (2) copies of plans drawn to scale not smaller than 1:50 submitted to Councils Environmental Services for approval prior to the commencement of works. Such plans are to include;

- a) Finishes to walls, floors and ceilings; and
 - b) Details of the proposed type and layout of all equipment, benches, fixtures and fittings.
- 4.31 At all times, the applicant is to ensure dust suppression measures are undertaken for the site and adjoining road reserves to ensure that all materials are appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas to the satisfaction of the Council.
- 4.32 All vehicles associated with the development of the site shall be legally parked and in a manner so as to not adversely impact on the immediate locality.
- 4.33 No building materials associated with the development of the site shall be stored or stacked on Council owned land (including road pavement, road reserve and/or parklands) at any time.
- 4.34 That all refuse and packing materials or similar associated with the development of the site shall be stored on the subject site in a neat and tidy manner and screened from public view.
- 4.35 That silt control measures shall be put in place by the developer prior to construction commencing on the site and maintained in good working order during the construction.
- 4.36 The building site shall be maintained in good condition at all times to the reasonable satisfaction of the Council and the Site Management requirements of the Douglas Shire Development Guidelines.

General Works and Contributions

- 4.37 The applicant is to ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding or downstream properties from the development and to the requirements and satisfaction of the Council.
- 4.38 The applicant shall construct the following external works to the site frontage to the satisfaction of the Council: -
- Industrial apron and crossover at nominated site entry on Andrews Close and Langley Road frontage.

A copy of a plan of the works shall be submitted at the time of lodgement of a Building Application and shall be approved by the Director Engineering Services prior to the issue of a Building Approval. Such works shall be constructed in accordance with the Council's current specifications.

- 4.39 The applicant shall contribute towards the augmentation of water supply and sewerage services. The amount of contribution shall be determined by the Manager Planning Services prior to the issue of the Building Permit. On the present method of calculation, the augmentation costs shall be \$87,672.00 for water supply and \$54,847.50 for sewerage. Payment to Council shall be made prior to the issue of a Development Permit for Building Works.
- 4.40 A 2.0m wide concrete pathway on the footpath of Solander Boulevard, Andrews Close and Langley Road for the full length of the development is to be provided to the satisfaction of the Director of Engineering Services
- 4.41 The supply of electricity for the proposed development is required by Council to be underground in order to preserve amenity of the locality, with all road frontage and on site electricity supplies to be underground. The applicant shall submit evidence to indicate that suitable arrangements have been made with ERGON for the provision of electricity prior to the issue of the development permit.
- 4.42 Langley Road to be upgraded with kerb and channel for the full length the development and a bitumen sealing with asphalt between the kerb and channel and existing road. Alignment of the kerb and channel to be 4.5 from property boundary.
- 4.43 No building shall be constructed on the site with a habitable floor level less than 3.2m AHD.
- 4.44 The basement carpark is to have ample lighting. The drive must be a minimum of 6m width with clearly marked 2-way access.
- 4.45 The development is to meet the requirements of the Douglas Shire Council Development manual.

Signs

- 4.46. Details of any signage proposed in association with the development shall be submitted for approval of the Manager Planning Services at the time of applying for carrying out building works for the proposed development. Any proposed signage shall comply with the requirements of the Douglas Shire Planning Scheme and Council's signage requirements.

Miscellaneous

- 4.47 All external lighting installed upon the premises including car parking areas shall be certified by the ERGON Energy or such other suitably qualified person such that it shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5m outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level to the requirements and satisfaction of the Council.

- 4.48 All night lighting shall be designed and constructed to the satisfaction of the Manager Planning Services so as to ensure that light emitted from the subject land does not, in the opinion of the Council, cause nuisance or annoyance to residents in the immediate vicinity or to passing motorists.
- 4.49 No covered verandahs, balconies or carports shall be enclosed without the consent of Council.

Security

- 4.50 To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, and to ensure payment of headworks contribution, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$300,000.00, such Guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development Permit and the Council may call up the Guarantee to complete all or any part of the works mentioned herein to its satisfaction, should the applicant fail to do so.

5. Further Development Approvals Required:

Building Work
Plumbing & Drainage Permit

Terry Melchert
Chief Executive Officer

APPENDIX: F

Decision Notice - Extension to Currency Period - Douglas Shire Council December 2007



ENQUIRIES:
DEPARTMENT:
EMAIL:

Ms Michelle Henderson
Planning Services ☎ (07) 4099 9456
planning@dsc.qld.gov.au

OUR REF:
YOUR REF:

TPC 1106

Oakstand Fund No 7 Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Attn: Ms Katrina Shoobridge

Dear Ms Shoobridge

RE: LOT 5 ON RP804926 – TPC1106 – REQUEST FOR EXTENSION OF CURRENCY PERIOD

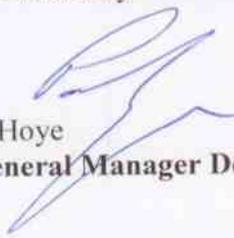
I write in response to your request for an extension of currency period for the abovementioned planning approval.

At Council's Ordinary meeting on the 11th December 2007, Council resolved to approve the request to extend the currency period for the abovementioned development for a Caretaker's Residence for a further twelve (12) months from the date of approval.

Please find attached a copy of the amended Decision Notice.

Should you require any further information in relation to this matter, please do not hesitate to contact Ms Michelle Henderson on telephone (07) 4099 9456.

Yours faithfully


Paul Hoyer
A/General Manager Development & Environment



ENQUIRIES:
DEPARTMENT:
EMAIL:

OUR REF:
YOUR REF:

Ms Michelle Henderson
Planning Services ☎ (07) 4099 9456
planning@dsc.qld.gov.au

SUB 012/04

Oakstand Fund No 7 Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Attn: Ms Katrina Shoobridge

Dear Ms Shoobridge

RE: LOT 5 ON RP804926 – SUB 012/04 – REQUEST FOR EXTENSION OF CURRENCY PERIOD

I write in response to your request for an extension of currency period for the abovementioned planning approval.

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Please find attached a copy of the amended Decision Notice.

Should you require any further information in relation to this matter, please do not hesitate to contact Ms Michelle Henderson on telephone (07) 4099 9456.

Yours faithfully


Paul Hoyer
A/General Manager Development & Environment

APPENDIX: G

Decision Notice - Refusal - Cairns Regional Council December 2008

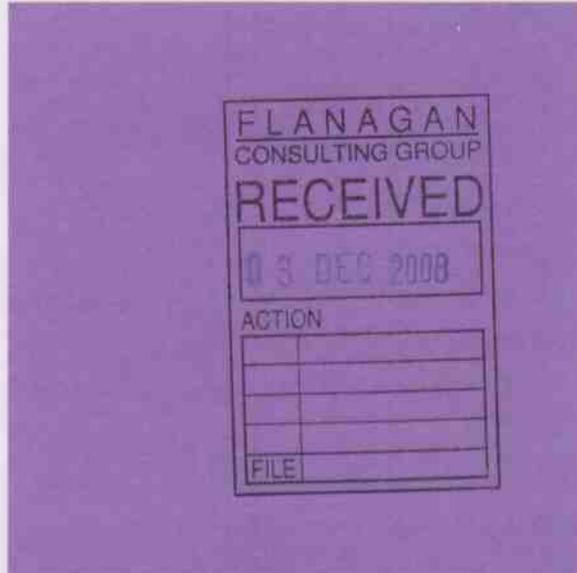
ENQUIRIES: Mrs Jenny Elphinstone
PHONE: (07) 4044 3365 (Cairns)
(07) 4099 9482 (Mossman)
FAX: (07) 4044 3836
YOUR REF: 1782/01 L-KON0249
OUR REF: 8/38/2-02 (1900464)

2 December 2008

Meryla Pty Ltd as Trustee
For the Meryla Unit Trust
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Attention Ms Kate O'Neill

Dear Madam,



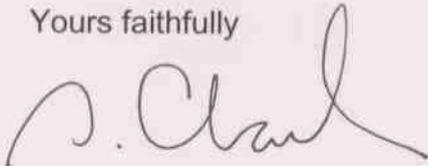
DECISION NOTICE UNDER S3.5.15 INTEGRATED PLANNING ACT 1997:
REQUEST FOR EXTENSION OF CURRENCY PERIOD
FOR DEVELOPMENT PERMIT TPC 1106 & SUB 102/04
FOR 20-30 LANGLEY STREET, PORT DOUGLAS

With reference to the abovementioned Development Application, which was determined by Council at its Ordinary Meeting held on 27 November 2008, please find attached the Decision Notice.

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

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

Yours faithfully



Simon Clarke
Manager Development Assessment

Att.

APPLICANT DETAILS

Meryla Pty Ltd as Trustee
For the Meryla Unit Trust
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

ADDRESS

20-30 Langley Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 5 on RP804926

PROPOSAL

Request for Extension of Currency Period for the Development Permits TPC 1106 and SUB 102/04 originally issued on 19 April 2004 and extended so as to expire if not effected by 19 April 2009 for the material change of use (impact) for Multiple Dwellings (Tourist), Caretaker's Residence with attached office, porte cochere, recreation area incorporating a café, BBQ, terrace, gym, health spa, pools and ancillary uses and volumetric reconfiguration of the land

DECISION

Refused

PLANNING GROUNDS FOR REFUSAL

1. Insufficient detail is provided to consider the development consistent with current planning controls and requirements to warrant an extension of currency of the existing approvals under the superseded planning schemes.
2. The development should demonstrate compliance with the 2008 Douglas Shire Planning Scheme by lodgement of a new development application.

DECISION DATE

27 November 2008

TYPE

Material Change of Use and Reconfiguring a Lot

REFERRAL AGENCIES

Department of Natural Resources and Water
PO Box 937
CAIRNS QLD 4870
Attn: Mr David McGill

(Advice Agency)

SUBMISSIONS

There was one (1) submission for the original application:

Mrs A Keene
7 Andrews Close
Port Douglas QLD 4877

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX: H

Negotiated Decision Notice 8/7/1545 - Douglas Iconic Panel August 2009



Decision Notice
NEGOTIATED DECISION NOTICE
Integrated Planning Act 1997 S 3.5.17

Our Ref: Meeting 31, Item 5.1
Council Ref: 8/7/1545

2 October 2009

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

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

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

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

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

Yours sincerely

Ben Thrower
Project Manager
c/- Douglas Iconic Panel



1. Details of the approval -

The following type of approval has been issued - [delete those not applicable]

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

2. The relevant period for the approval -

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

- ✓ material change of use – 4 years;

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

3. The approved plans -

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

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

4. Other necessary development permits -

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

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

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

5. Codes for self-assessable development -

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

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

6. Conditions of approval

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

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

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

Use of Bar

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

Air-conditioning Screens

5. Air conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Sustainable Development

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

Water Supply Contributions

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

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

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

Wastewater Contributions

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

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

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

Water Supply and Sewerage Works External

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

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

Water Supply and Sewerage Works Internal

10. Undertake the following water supply and sewerage works internal to the subject land:-
- a. The development must be service by a single internal water and sewerage connection made clear of any buildings or structures;

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

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

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

Damage to Infrastructure

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

Water Saving

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

Vehicle Parking

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

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

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

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

Car Parking Layout

15. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:
- a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

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

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

Protection of Landscaped Areas From Parking / Access

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

Details Of Development Signage

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

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

Construction Signage

19. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Bicycle Parking

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

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

Lighting

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

External Works

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

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

Under Grounding of Electricity Supply

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

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

All works must be completed prior to Commencement of Use.

Minimum Fill and Floor Levels

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

Acid Sulfate Soils – Basement/Pool Disturbance

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

Plan of Drainage Works

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

Basement Parking

27. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Cairns

Regional Council's Chief Executive Officer prior to commencement of any works on the site.

- a. The basement parking report must include, but is not limited to the following:
 - i. Construction techniques;
 - ii. Techniques to imperviously seal the basement; and
 - iii. Method of basement ventilation.
- b. The dewatering report must include, but is not limited to the following: i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines; ii. Water quality; iii. Lawful discharge of water; and iv How the results (being the form & frequency) will be reported to Council.
- c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

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

Stockpiling and Transportation of Fill Material

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

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

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

Storage of Machinery & Plant

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

Demolish Structures

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

Landscaping Plan

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

Vegetation Clearing

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

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

Vegetation Protection

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

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

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

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

Wildlife

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

Ant Plants

37. An Ecoaccess approval must be obtained from the Environmental Protection Agency for the relocation of all specimens of Ant Plant (*Myrmecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

Parkland Protection

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

Lawful Point of Discharge

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

Sediment and Erosion Control

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

Screen Fence

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

Street Fencing

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

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

Refuse Storage

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

Liquid Waste Disposal

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

Crime Prevention Through Environmental Design

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

Health Requirements

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

7. IDAS referral agencies -

The IDAS referral agencies applicable to this application are –

	For an application involving...	Name of referral agency	Status	Address
<input type="checkbox"/>	Item 28 of Table 2 of Schedule 2 of the Integrated Planning Regulation 1998	Environmental Protection Agency Ref:334352	Advice Agency	Environmental Protection Agency Attn: Michael Trenerry PO Box 2066 Cairns QLD 4870
<input type="checkbox"/>	Acid Sulphate Soils and Aboriginal Cultural Heritage	Department of Environment and Resource Management Ref: IA0309CNS0001 Recfind: CNS/022748	Advice Agency	DERM Attn: Cristina Froemmcke PO Box 937 Cairns QLD 4870

8. Submissions -

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

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

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

9. Appeal rights -

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

10. When the development approval takes effect -

This development approval takes effect -

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

OR

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

OR

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

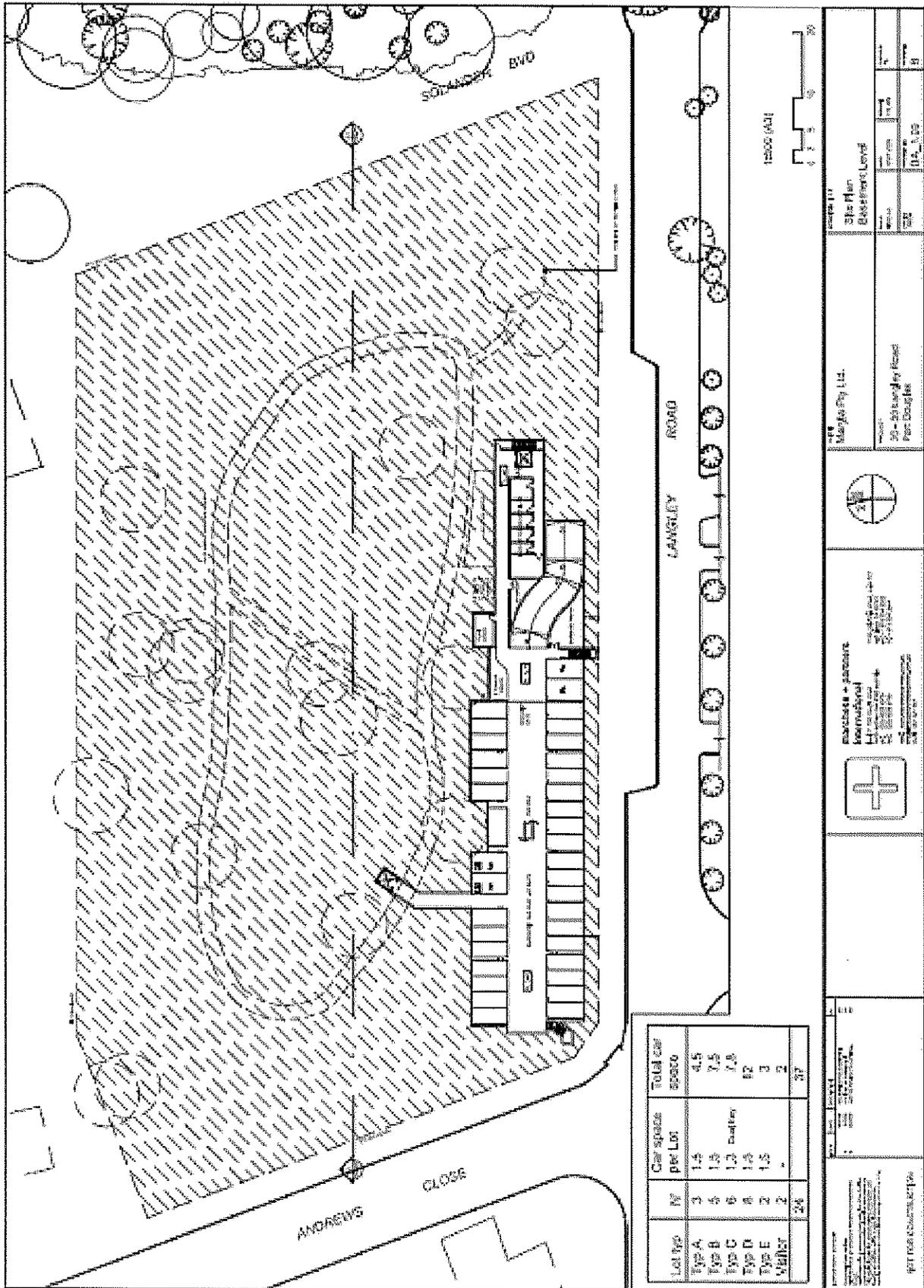
This approval will lapse if—

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

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

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

Appendix 1 Approved Drawings

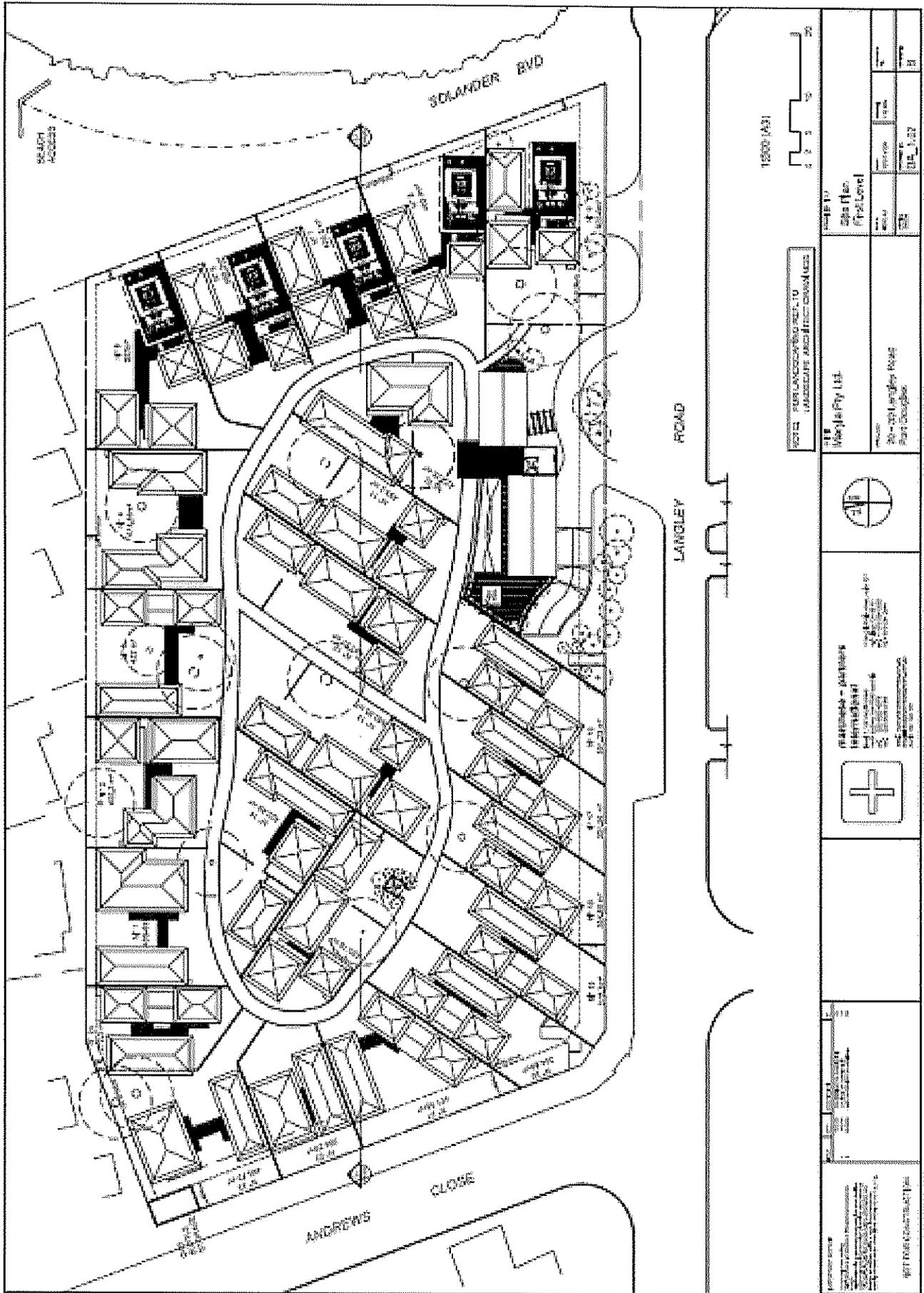


Negotiated Decision Notice – Approval for Material Changes Of Use
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 Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.

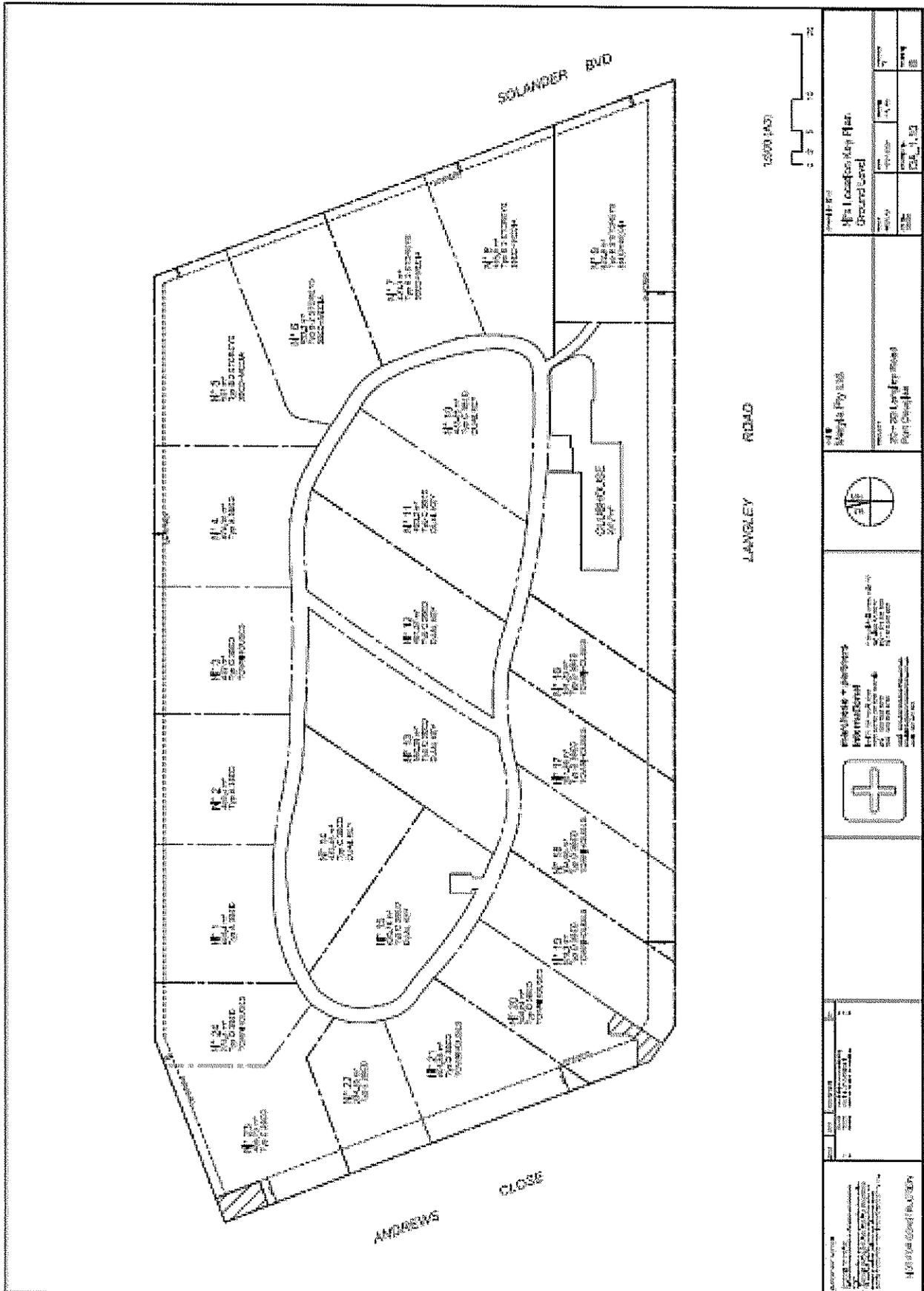


PROJECT NAME 20-30 Langley Road Port Douglas		PROJECT NO. 20-30 Langley Road Port Douglas	
CLIENT Shire of Port Douglas		ARCHITECT HARRISON ARCHITECTS	
DATE 20-10-2009		DRAWING NO. 101	
SCALE 1:5000 (A3)		SHEET NO. 101	
PROJECT TYPE Material Change of Use		DRAWING TYPE Site Plan	
PROJECT LOCATION 20-30 Langley Road Port Douglas		DRAWING DATE 20-10-2009	
PROJECT DESCRIPTION Holiday Accommodation & Multi-Unit Housing		DRAWING NO. 101	
PROJECT NO. 20-30 Langley Road Port Douglas		SHEET NO. 101	

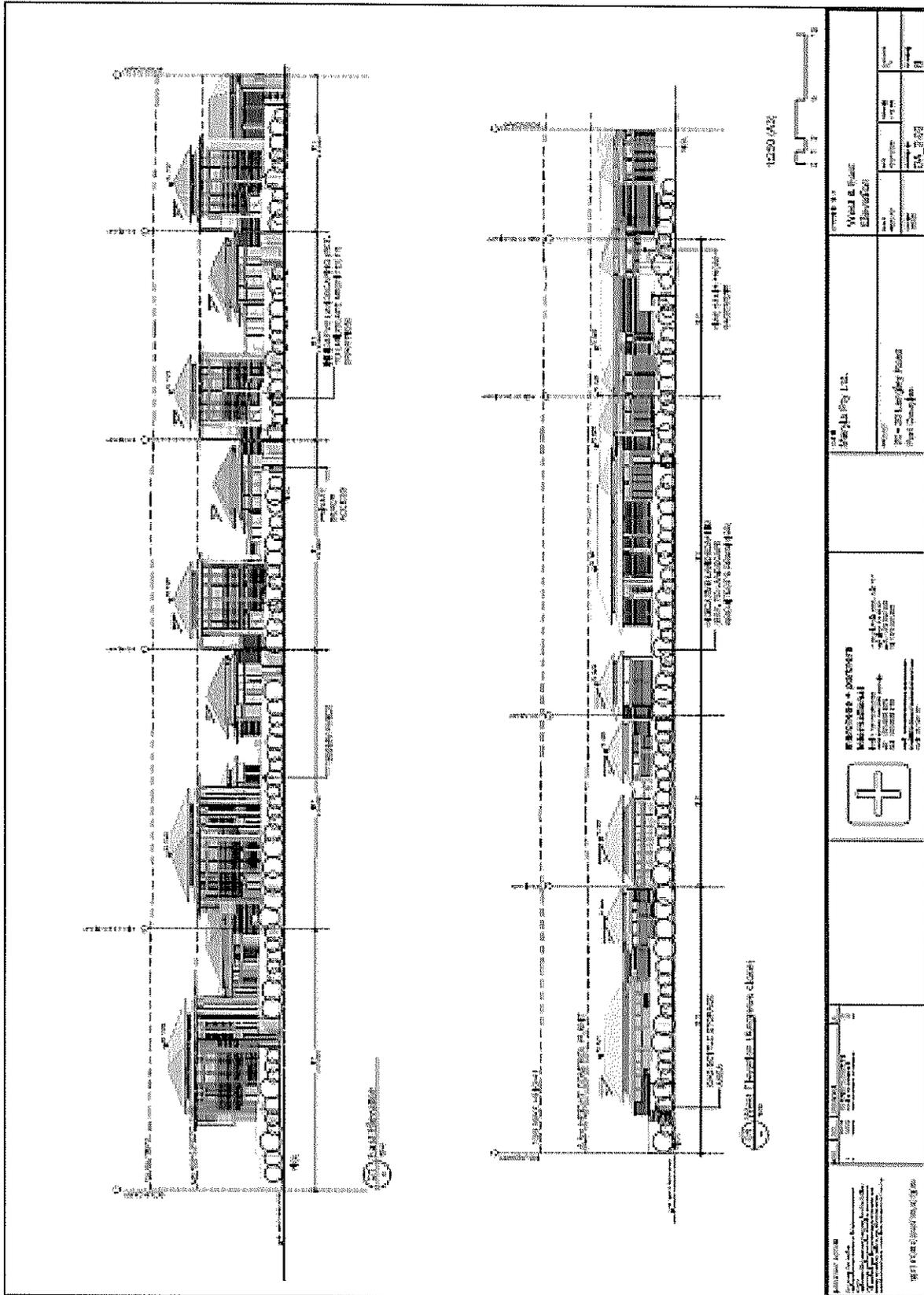
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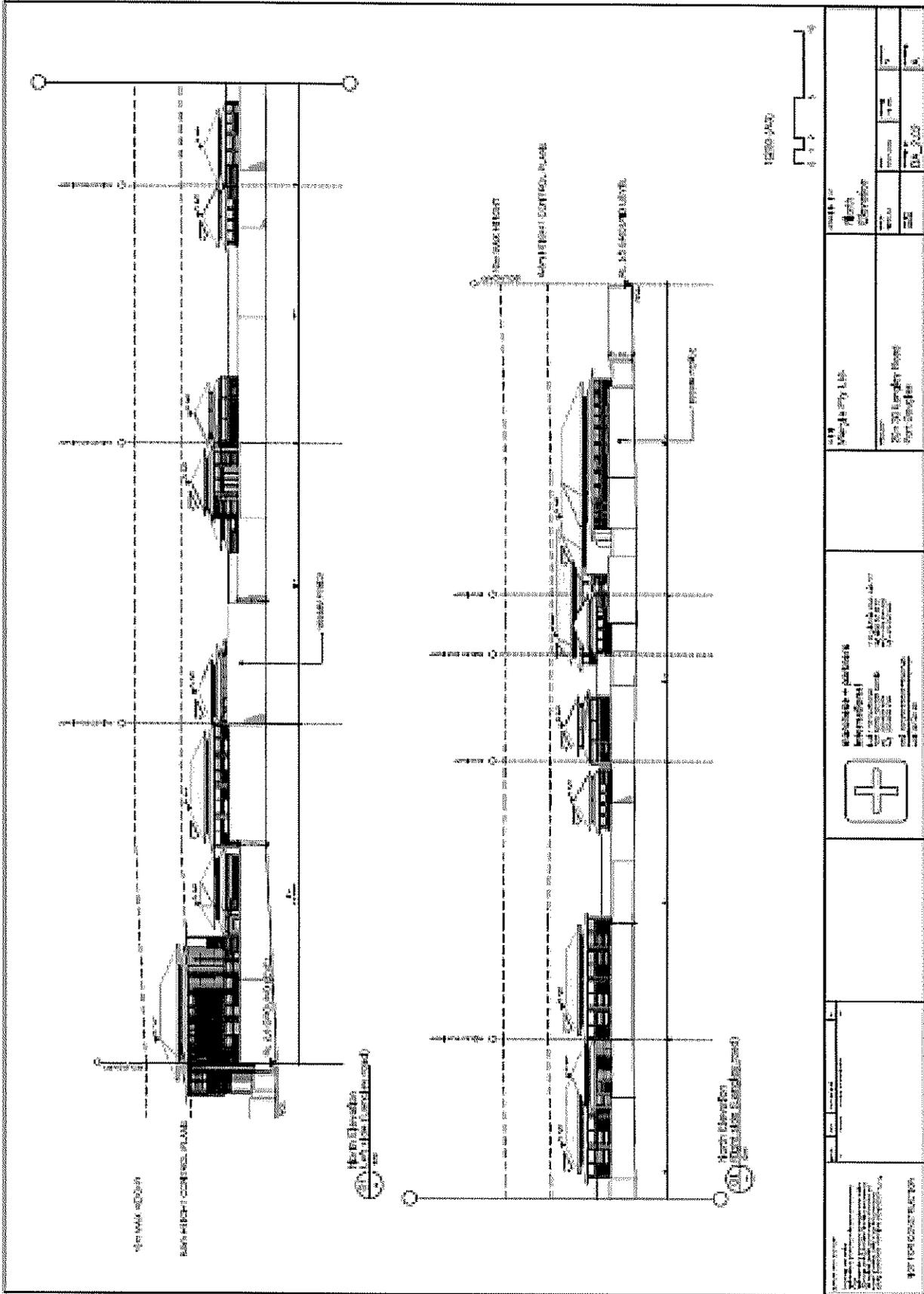
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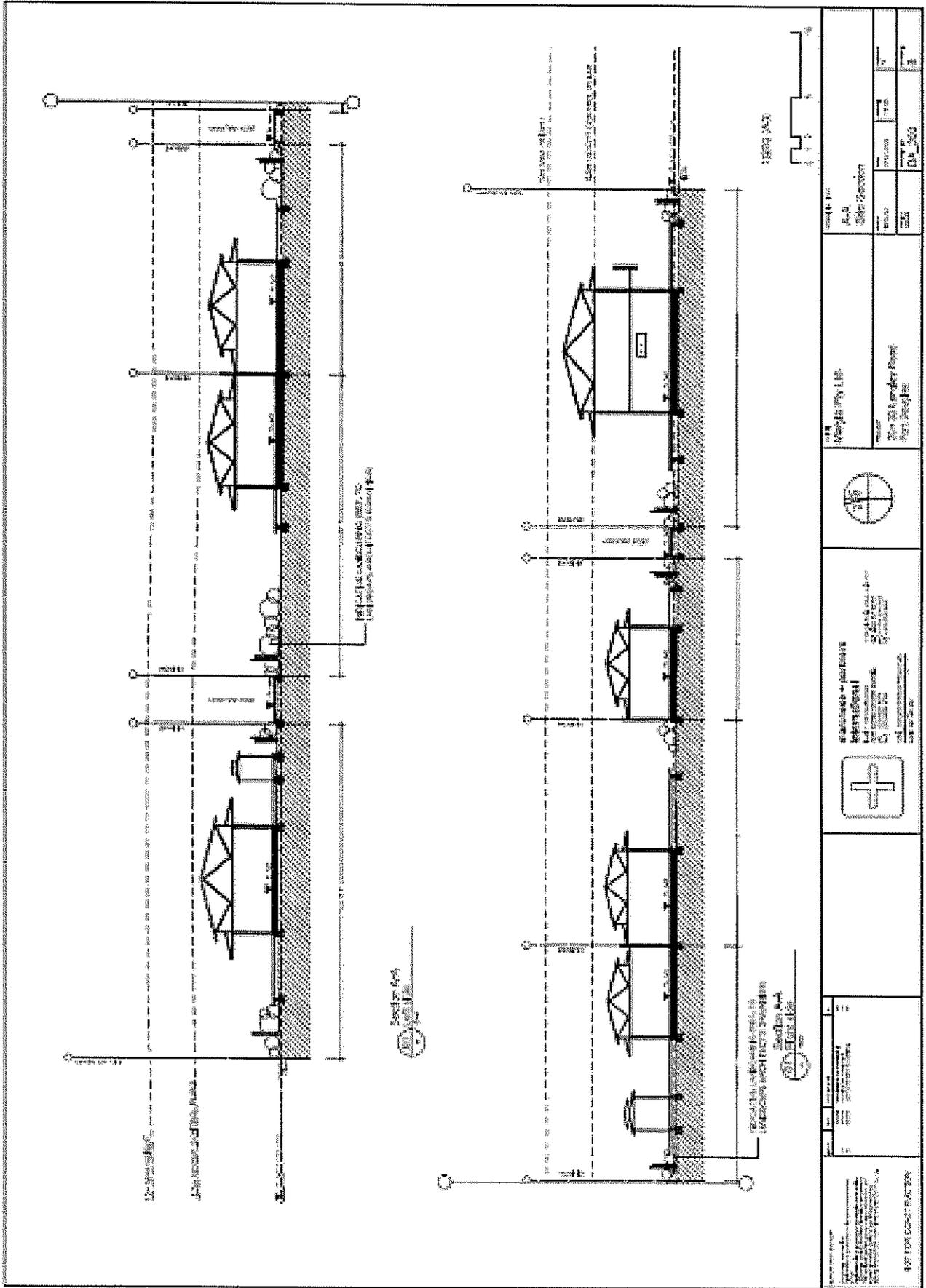


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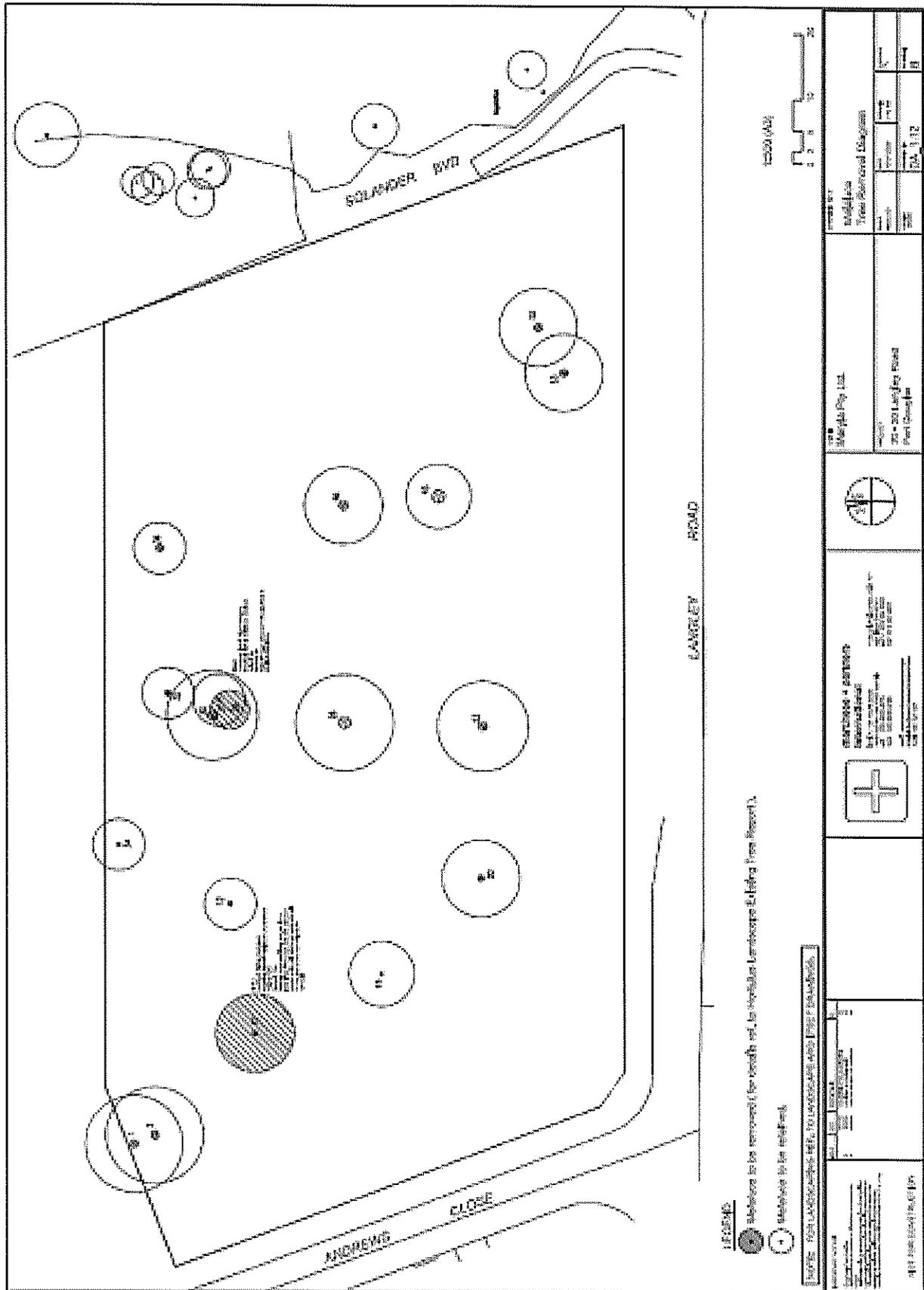


<p>Project Name: 20-30 Langley Road</p> <p>Project Address: 20-30 Langley Road, Port Douglas</p>		<p>Project No: DA 2009</p>	
<p>Project Description: Multi-Unit Housing</p>		<p>Project Status: DA 2009</p>	
<p>Project Location: 20-30 Langley Road, Port Douglas</p>		<p>Project Date: DA 2009</p>	
<p>Project Owner: 20-30 Langley Road, Port Douglas</p>		<p>Project Contact: DA 2009</p>	
<p>Project Manager: DA 2009</p>		<p>Project Engineer: DA 2009</p>	
<p>Project Architect: DA 2009</p>		<p>Project Surveyor: DA 2009</p>	
<p>Project Planner: DA 2009</p>		<p>Project Designer: DA 2009</p>	
<p>Project Developer: DA 2009</p>		<p>Project Consultant: DA 2009</p>	
<p>Project Contractor: DA 2009</p>		<p>Project Inspector: DA 2009</p>	
<p>Project Approver: DA 2009</p>		<p>Project Reviewer: DA 2009</p>	
<p>Project Sign-off: DA 2009</p>		<p>Project Seal: DA 2009</p>	

Negotiated Decision Notice – Approval for Material Changes Of Use
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Negotiated Decision Notice – Approval for Material Changes Of Use
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 Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.



APPENDIX: I

Decision Notice 8/7/1545 - Extension to Relevant Period - Cairns Regional Council May 2013



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

18 May 2013

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

FLANAGAN CONSULTING GROUP	
RECEIVED	
22 MAY 2013	
ACTION	
FILE	

Dear Sir/Madam

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

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

That condition 7 is amended to read as follows:

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

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

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

That condition 8 is amended to read as follows:

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

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

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

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

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



Douglas Iconic Panel

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

Our Ref: Meeting 31, Item 5.1
Council Ref: 8/7/1545



2 October 2009

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

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

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

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

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

Yours sincerely

Ben Thrower
Project Manager
c/- Douglas Iconic Panel

cc: Michael Trenerry, DERM
Cristina Froemmcke, DERM

Douglas Iconic Panel
PO Box 5194
Cairns QLD 4870
Telephone +61 7 4039 8859
Facsimile +61 7 4039 8866
Website www.dip.qld.gov.au
E: douglas.panel@dn.qld.gov.au

1. Details of the approval -

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

	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme	✓	

2. The relevant period for the approval -

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

- ✓ material change of use – 4 years;

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

3. The approved plans -

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

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

4. Other necessary development permits -

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

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

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

5. Codes for self-assessable development -

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

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

6. Conditions of approval

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

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

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

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

Use of Bar

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

Air-conditioning Screens

5. Air conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Sustainable Development

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

Water Supply Contributions

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

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

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

Wastewater Contributions

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

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

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

Water Supply and Sewerage Works External

9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-

- a. Extend the existing 80mm diameter water main present along the Langley Road frontage to connect with the existing 150mm diameter water main at the intersection of Langley Road and Solander Boulevard;
- b. Install valves to isolate the existing 80mm diameter water main.

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

Water Supply and Sewerage Works Internal

10. Undertake the following water supply and sewerage works internal to the subject land:-
- The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

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

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

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

Damage to Infrastructure

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

Water Saving

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

Vehicle Parking

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

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

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

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

Car Parking Layout

15. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:
- Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

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

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

Protection of Landscaped Areas From Parking / Access

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

Details Of Development Signage

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

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

Construction Signage

- 19. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Bicycle Parking

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

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

Lighting

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

External Works

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

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

Under Grounding of Electricity Supply

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

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

All works must be completed prior to Commencement of Use.

Minimum Fill and Floor Levels

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

Acid Sulfate Soils – Basement/Pool Disturbance

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

Plan of Drainage Works

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

Basement Parking

27. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Cairns

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

Regional Council's Chief Executive Officer prior to commencement of any works on the site.

- a. The basement parking report must include, but is not limited to the following:
 - i. Construction techniques;
 - ii. Techniques to imperviously seal the basement; and
 - iii. Method of basement ventilation.
- b. The dewatering report must include, but is not limited to the following: i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines; ii. Water quality; iii. Lawful discharge of water; and iv. How the results (being the form & frequency) will be reported to Council.
- c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

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

Stockpiling and Transportation of Fill Material

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

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

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

Storage of Machinery & Plant

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

Demolish Structures

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

Landscaping Plan

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

Vegetation Clearing

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

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

Vegetation Protection

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

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

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

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

Wildlife

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

Ant Plants

37. An Ecosuccess approval must be obtained from the Environmental Protection Agency for the relocation of all specimens of Ant Plant (*Myrmecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*. Information on Ecosuccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4048 6609.

Parkland Protection

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

Lawful Point of Discharge

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

Sediment and Erosion Control

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

Screen Fence

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

Street Fencing

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

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

Refuse Storage

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

Liquid Waste Disposal

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

Crime Prevention Through Environmental Design

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

Health Requirements

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

7. IDAS referral agencies -

The IDAS referral agencies applicable to this application are –

	For an application involving...	Name of referral agency	Status	Address
<input type="checkbox"/>	Item 28 of Table 2 of Schedule 2 of the Integrated Planning Regulation 1998	Environmental Protection Agency Ref:334352	Advice Agency	Environmental Protection Agency Attn: Michael Trenerry PO Box 2066 Cairns QLD 4870
<input type="checkbox"/>	Acid Sulphate Soils and Aboriginal Cultural Heritage	Department of Environment and Resource Management Ref: IA0309CNS0001 Reclind: CNSX022748	Advice Agency	DERM Attn: Cristina Froemmcke PO Box 937 Cairns QLD 4870

8. Submissions -

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

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

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

9. Appeal rights -

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

10. When the development approval takes effect -

This development approval takes effect -

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

OR

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

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

OR

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

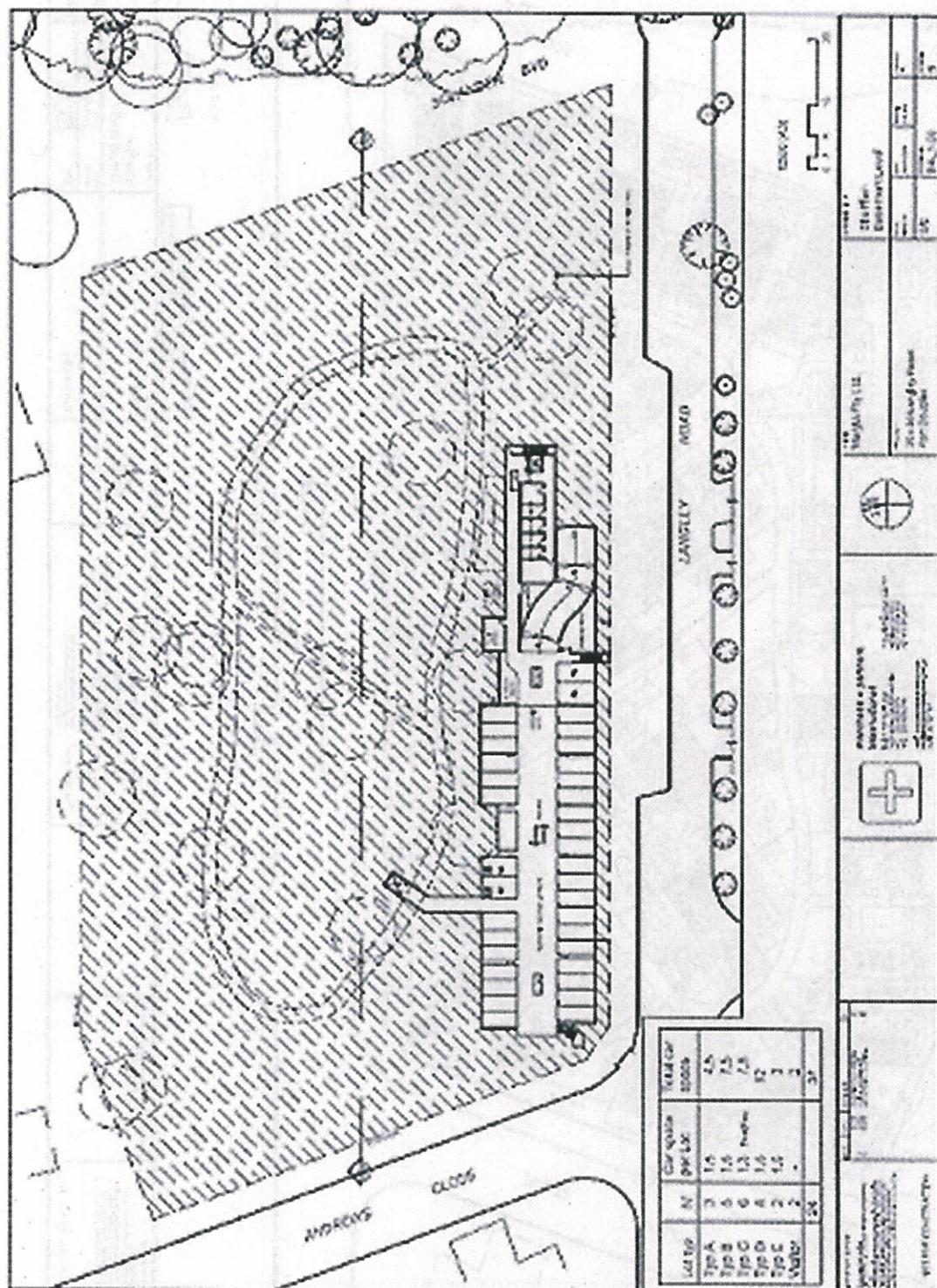
This approval will lapse if—

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

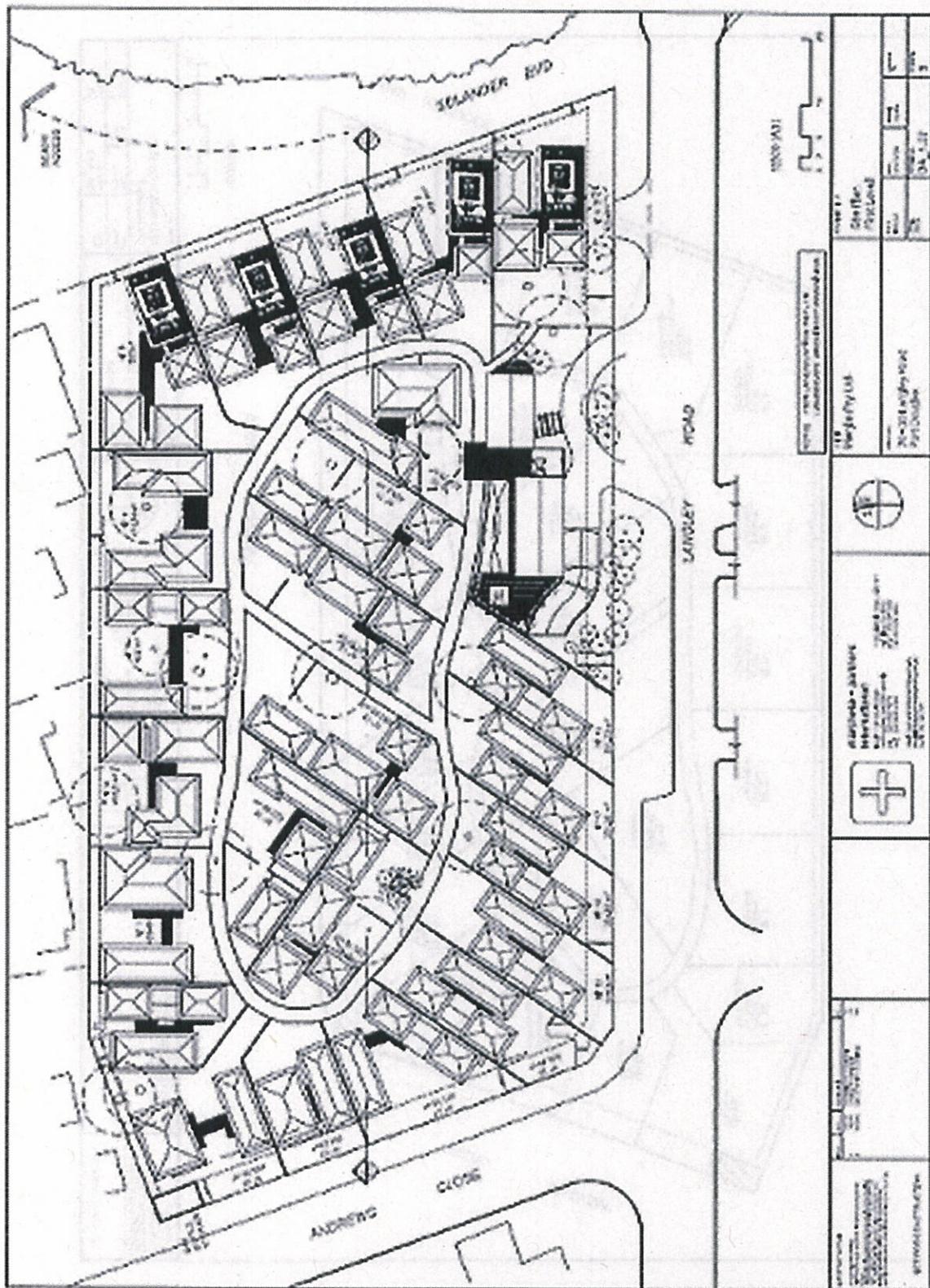
Note that in the case of a development approval for a material change of use or for reconfiguring a lot, if there is 1 or more subsequent related approvals the relevant period for the material change of use or reconfiguration will restart from the date of the related approval taking effect. Please refer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

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

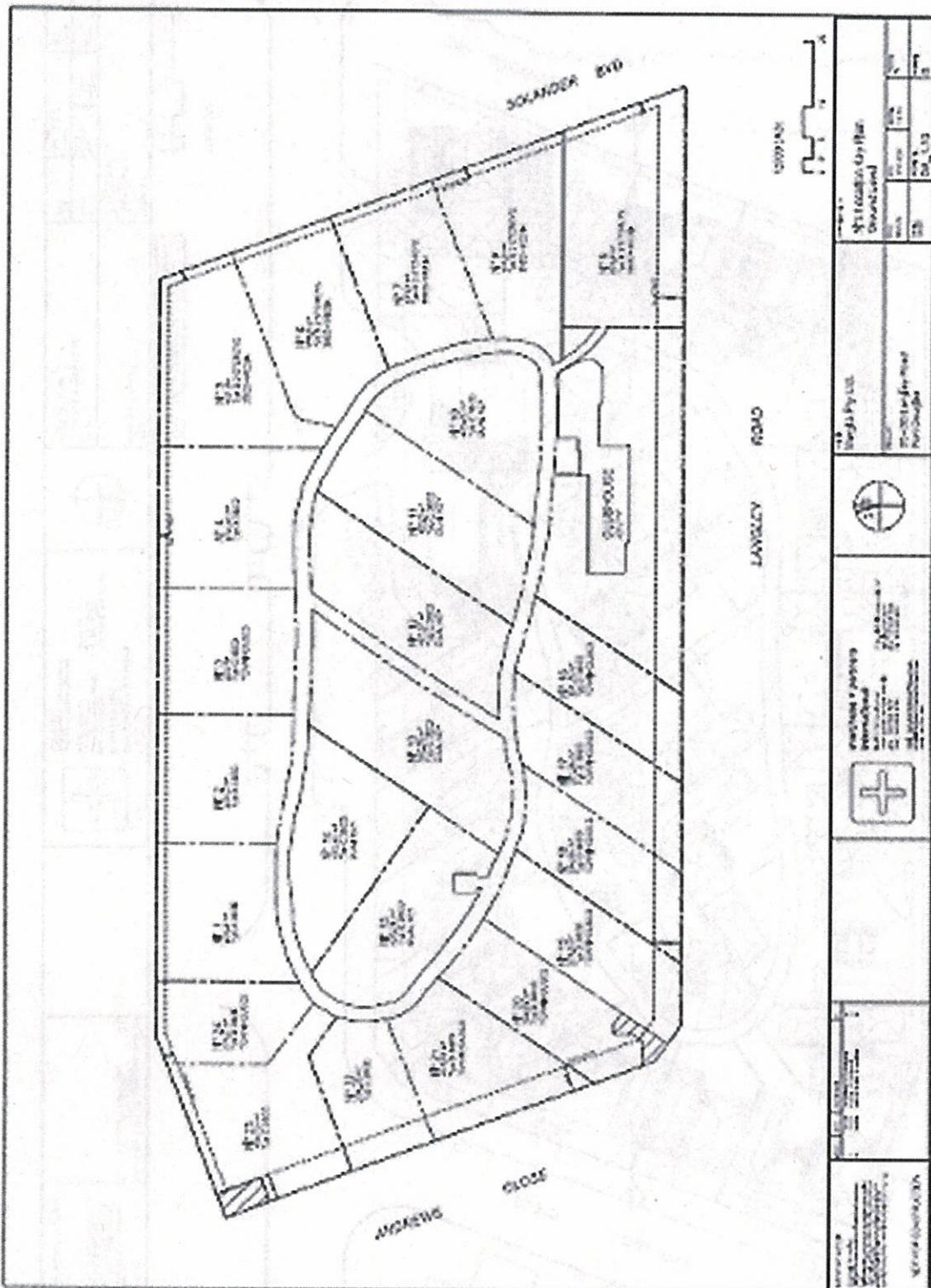
Appendix 1 Approved Drawings



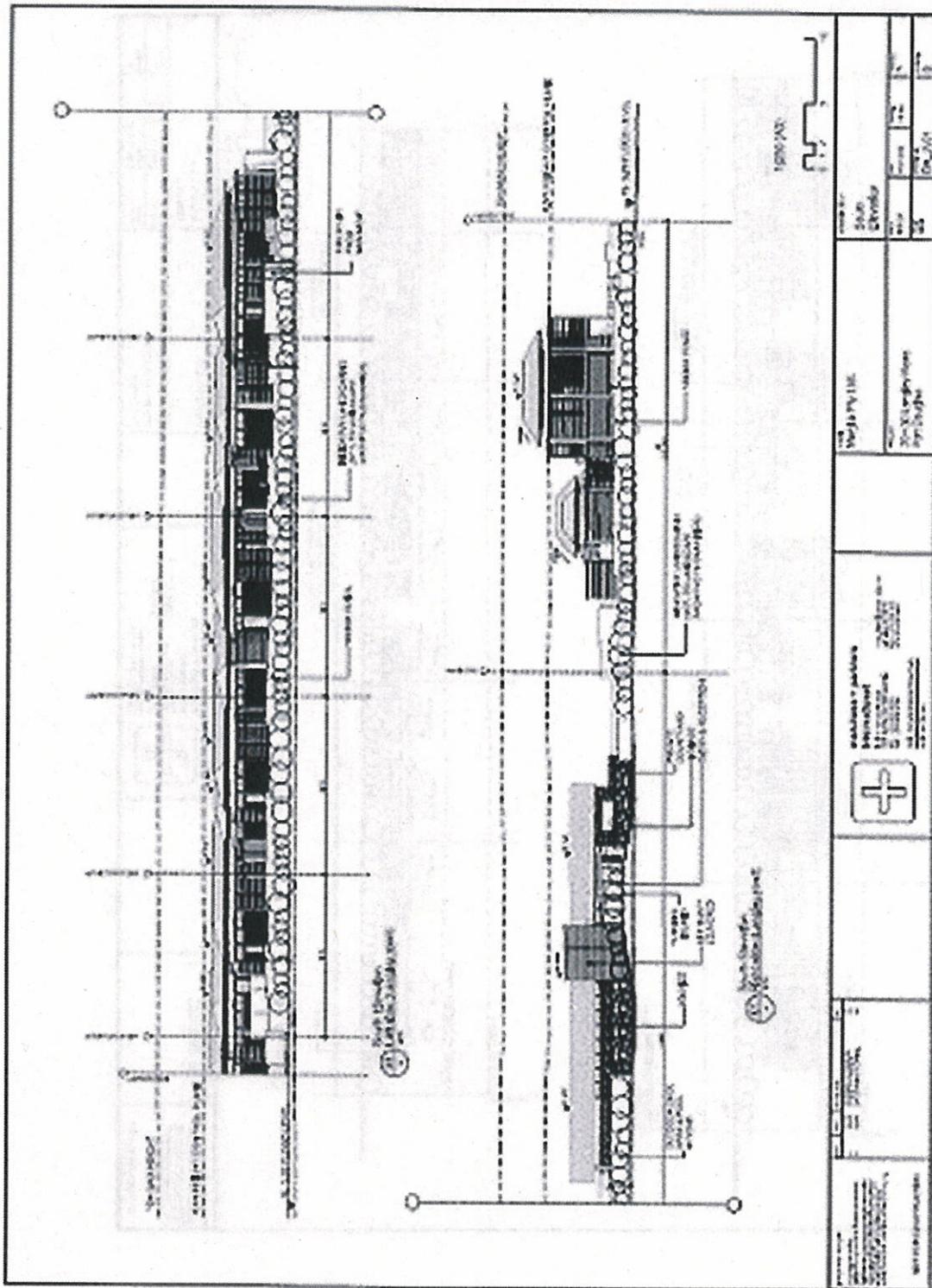
Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.



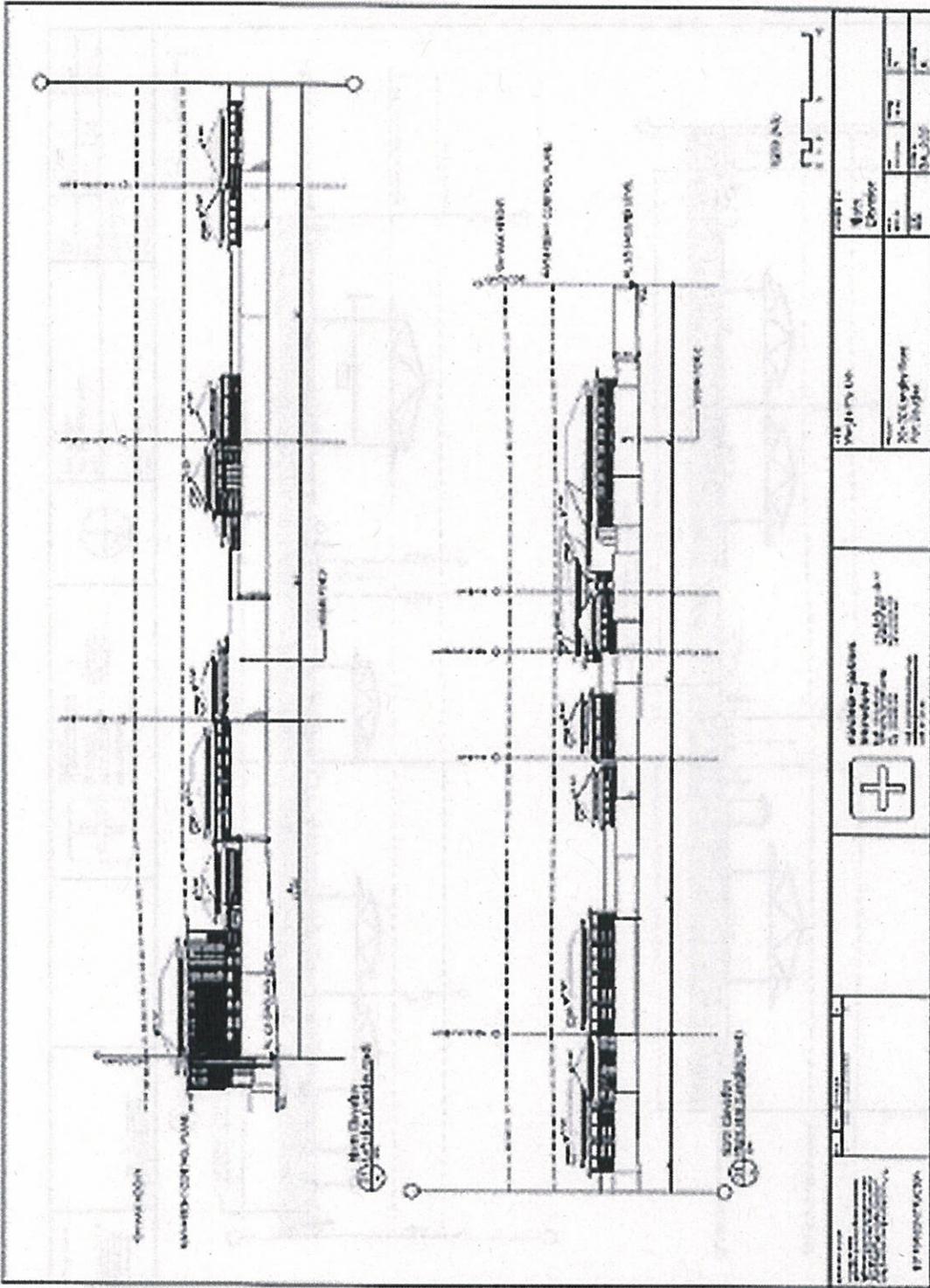
Negotiated Decision Notice – Approval for Material Changes Of Use
Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
Lot 5 on RP204926, 20-30 Langley Road, Port Douglas.



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



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



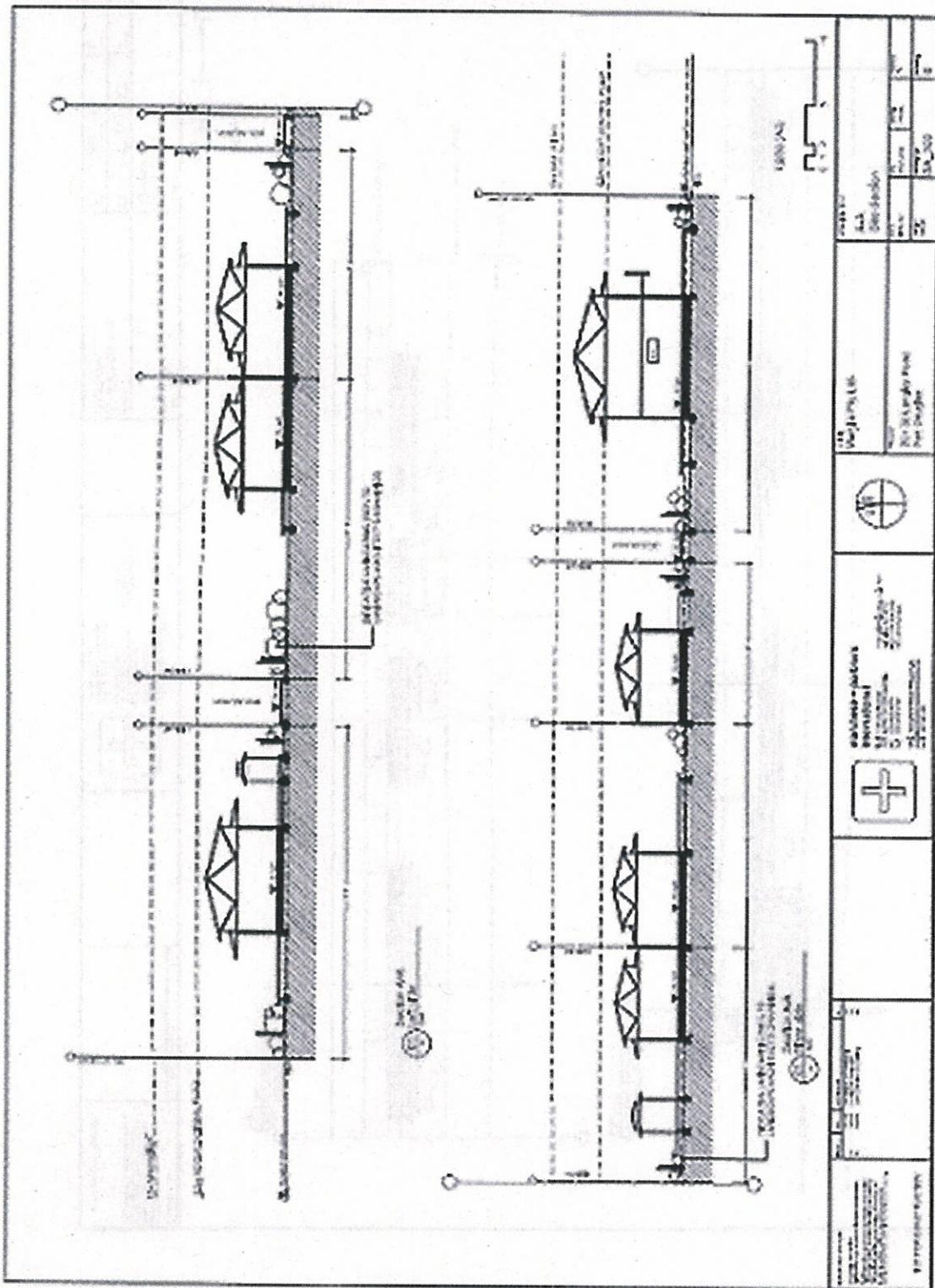
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**Negotiated Decision Notice – Approval for Material Changes Of Use
 Material Change of Use (Code) Holiday Accommodation & Multi-Unit Housing
 Lot 5 on RP804926, 20-30 Langley Road, Port Douglas.**



APPENDIX 2 REFERRAL AGENCY COMMENT



Notice

Assessment of request to change a development approval

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

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

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

Attention: responsible entity contact name

Fax: Fax Number or
Email: Email Address

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

Re: Request to change a development approval

1. The concurrence agency received a copy of a request to change a development approval on 03 April 2013.
2. **Details of the development approval for the original application**

Applicant: Meryla Pty Ltd

Assessment Manager Reference: 8/8/1545

Aspect(s) of development:

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

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

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

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



Notice

Assessment of request to change a development approval

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

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



05 April 2013

APPENDIX 3 UPDATED DEVELOPER CONTRIBUTION CALCULATIONS

		2006 Douglas Shire Planning Scheme Applications	
INFRASTRUCTURE CHARGES NOTICE			
Meryla Pty Ltd		N/A	
DEVELOPERS NAME		ESTATE NAME	
20-30 Langley Road		L5 RP804926	
STREET No. & NAME		LOT & RP No.s	
MCU (Holiday Accommodation)		31-Mar-13	
DEVELOPMENT TYPE		VALIDITY PERIOD	
3968140		4	
SKIDS No.		VERSION No.	
1		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
COUNCIL FILE NO.		QUARTER ENDING	

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
EX	11	6,439.14	X 24.50	0.00	\$157,758.99		T 615/ 05674
Pro	11	636.85	X 24.50	0.00	\$15,602.74		T 616/ 05660
Water sub - total					\$173,361.74		
SEWERAGE							
EX	4	4,317.58	X 35.00	0.00	\$151,115.38		T 617/ 05687
Pro	4	516.25	X 35.00	0.00	\$18,068.88		T 618/ 05681
Sewerage sub - total					\$169,184.25		
Road Network							
District No				0	\$0.00		000/ 0
DRAINAGE							
Stream Management				None	\$0.00		0
Stormwater Quality					\$0.00		0
OPEN SPACE							
Former DSC Area					\$0.00		T 614 / 546
BONDS							
None					\$0.00		
None					\$0.00		
OTHER							
Port Douglas General road upgrade					\$0.00		348 / 05427
None					\$0.00		
TOTAL					\$342,545.99		

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

Note:

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

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

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

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

APPENDIX: J

Decision Notice - Extension to Relevant Period - Douglas Shire Council August 2017

YOUR REF: 1782/06 L-EC1915
OUR REF: MCUC 3000/2009 (D#822470)

1 August 2017

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

Attention: Ms Erin Campbell erin@flanaganconsulting.com.au

Dear Madam

**NOTICE OF DECISION UNDER
S 376 SUSTAINABLE PLANNING ACT 2009
REQUEST TO CHANGE A DEVELOPMENT APPROVAL
20-30 LANGLEY ROAD PORT DOUGLAS**

Reference is made to your request to change a development approval.

Applicant details:

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

Land details:

Street Address: 20-30 Langley Road, Port Douglas
Real Property Description: Lot 5 on RP804926

Date original application decided:

2 October 2009 Negotiated Decision Notice (Douglas Iconic Panel, Queensland Government). A copy of this original Negotiated Decision Notice is attached.

18 May 2013 Amended Decision and Extension of relevant period (Cairns Regional Council). A copy of the Amended Decision and Extension is attached.

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009

Request To amend conditions of the approval and to extend the relevant period of approval for four (4) years.

Date request lodged: 26 June 2017

Referral Agency: Department of Infrastructure, Local Government & Planning

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

Decision Date: This Changed Decision Notice dated 1 August 2017 amends the Negotiated Decision Notice dates 2 October 2009 and the Amended Decision dated 18 May 2013.

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

This notice also includes an Amended Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Please note that this Development Approval is now valid up to and including 2 October 2021.

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

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

ATTACHMENT 1 – APPROVAL PACKAGE

A. The request to change the conditions of the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, is approved whereby:

1. the following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:

54. Minimum Fill and Floor Levels For Climate Change

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

AND

2. all other requirements of the Amended Negotiated Decision Notice dated 18 May 2013 and the originating Negotiated Decision Notice dated 2 October 2009 remain unchanged; and

B. The request to extend the relevant period for the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, is approved for four years up to and including 2 October 2021.

RIGHTS OF APPEAL

Attached

End of Decision Notice

**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

ATTACHMENT 2: ORIGINAL APPROVAL AND AMENDED DECISION NOTICE

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

18 May 2013

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

Dear Sir/Madam

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

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

That condition 7 is amended to read as follows:

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

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

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

That condition 8 is amended to read as follows:

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

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

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

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

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

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009

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

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

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

Yours faithfully

Neil Beck
Acting Manager Development Services

Att.

DECISION NOTICE DETAILS SECTION 376 SUSTAINABLE PLANNING ACT 2009

APPENDIX 3 UPDATED DEVELOPER CONTRIBUTION CALCULATIONS

2006 Douglas Shire Planning Scheme Applications							
INFRASTRUCTURE CHARGES NOTICE							
Meryla Pty Ltd	N/A						
<small>DEVELOPERS NAME</small>	<small>ESTATE NAME</small>						
20-30 Langley Road	Port Douglas						
<small>STREET No. & NAME</small>	<small>SUBURB</small>						
MCU (Holiday Accommodation)	8/7/1545						
<small>DEVELOPMENT TYPE</small>	<small>COUNCIL FILE NO.</small>						
3068140	1						
<small>VERSION No.</small>	<small>QUARTER FROM</small>						
3068140	31-Mar-13						
<small>VERSION No.</small>	<small>VALUITY PERIOD</small>						
3068140	4						
This logsheet is indexed appropriately only for payments made within the quarter noted above.							
<small>ISSUE No.</small>	<small>VERSION No.</small>						
3068140	4						
<small>DIST.</small>	<small>\$ / ERA</small>	<small>NET ERA</small>	<small>ADJUSTMENT</small>	<small>AMOUNT DUE</small>	<small>AMOUNT PAID</small>	<small>RECEIPT TYPE</small>	
WATER							
Ex	11	6,439.14	X	24.50	0.00	\$167,700.99	T 615/ 09674
Pro	11	636.85	X	24.50	0.00	\$15,602.74	T 616/ 05668
Water sub - total						\$173,361.74	
SEWERAGE							
Ex	4	6,317.58	X	35.00	0.00	\$161,115.38	T 617/ 05687
Pro	4	516.25	X	35.00	0.00	\$18,068.88	T 618/ 05681
Sewerage sub - total						\$169,184.25	
Road Retention	Not applicable in former DSC Area			0			
	District No. 0				\$0.00		000/ 0
DRAINAGE	Not applicable in former DSC Area			None			
	Stream Management				\$0.00		0
	Stormwater Quality				\$0.00		0
OPEN SPACE	Former DSC Area				\$0.00		T 614 / 546
BONDS	None				\$0.00		
	None				\$0.00		
OTHER	Port Douglas General road upgrade				\$0.00		348 / 85427
	None				\$0.00		
TOTAL						\$342,545.99	
Prepared by	M Henderson		on	5-May-13		Amount Paid	\$
Checked by			on			Date Paid	
Date Payable							
Amendments			Date			Cashier	

Note:

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

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

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

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4344 3844 or by email on townplanner@cairns.qld.gov.au

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009



Douglas Iconic Panel

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

Our Ref: Meeting 31, Item 5.1
Council Ref: 8/7/1545

2 October 2009

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



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

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

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

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

Yours sincerely

Ben Thrower
Project Manager
c/- Douglas Iconic Panel

cc: Michael Trenerry, DERM
Cristina Froemmcke, DERM

Douglas Iconic Panel
PO Box 5194
Cairns Qld 4870
Telephone +61 7 4039 8859
Facsimile +61 7 4039 8866
Website www.dip.qld.gov.au
E: douglas.panel@dip.qld.gov.au

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009



Douglas Iconic Panel

Decision Notice
NEGOTIATED DECISION NOTICE
Integrated Planning Act 1997 S 3.5.17

Our Ref: Meeting 31, Item 5.1
Council Ref: 8/7/1545

COPY

2 October 2009

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

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read "B. Thrower".

Ben Thrower
Project Manager
c/- Douglas Iconic Panel

Douglas Iconic Panel
PO Box 5194
Cairns Qld 4810
Telephone (07) 4039-8859
Email douglas.panel@dip.qld.gov.au

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009

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

1. Details of the approval -

The following type of approval has been issued - *[delete those not applicable]*

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

2. The relevant period for the approval -

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

- ✓ material change of use – 4 years;

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

3. The approved plans -

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

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

4. Other necessary development permits -

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

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

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

DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009

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

5. Codes for self-assessable development -

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

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

6. Conditions of approval

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

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

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

Use of Bar

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

Air-conditioning Screens

5. Air conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Sustainable Development

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

Water Supply Contributions

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

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

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

Wastewater Contributions

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

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

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

Water Supply and Sewerage Works External

9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-

- a. Extend the existing 80mm diameter water main present along the Langley Road frontage to connect with the existing 150mm diameter water main at the intersection of Langley Road and Solander Boulevard;

- b. Install valves to isolate the existing 80mm diameter water main.

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

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Water Supply and Sewerage Works Internal

10. Undertake the following water supply and sewerage works internal to the subject land:-
- a. The development must be service by a single internal water and sewerage connection made clear of any buildings or structures;

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

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

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

Damage to Infrastructure

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

Water Saving

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

Vehicle Parking

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

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

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

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

Car Parking Layout

15. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:
- a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

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

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

Protection of Landscaped Areas From Parking / Access

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

Details Of Development Signage

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

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

Construction Signage

- 19. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Bicycle Parking

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

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

Lighting

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

External Works

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

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

Under Grounding of Electricity Supply

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

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

All works must be completed prior to Commencement of Use.

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Minimum Fill and Floor Levels

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

Acid Sulfate Soils – Basement/Pool Disturbance

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

Plan of Drainage Works

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

Basement Parking

27. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Cairns

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Regional Council's Chief Executive Officer prior to commencement of any works on the site.

- a. The basement parking report must include, but is not limited to the following:
 - i. Construction techniques;
 - ii. Techniques to imperviously seal the basement; and
 - iii. Method of basement ventilation.
- b. The dewatering report must include, but is not limited to the following: i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines; ii. Water quality; iii. Lawful discharge of water; and iv How the results (being the form & frequency) will be reported to Council.
- c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

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

Stockpiling and Transportation of Fill Material

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

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

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

Storage of Machinery & Plant

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

Demolish Structures

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

Landscaping Plan

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

Vegetation Clearing

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

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

Vegetation Protection

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

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

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

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

Wildlife

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

Ant Plants

37. An Ecoaccess approval must be obtained from the Environmental Protection Agency for the relocation of all specimens of Ant Plant (*Myrmecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

Parkland Protection

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

Lawful Point of Discharge

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

Sediment and Erosion Control

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

Screen Fence

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

Street Fencing

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

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

Refuse Storage

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

Liquid Waste Disposal

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

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Crime Prevention Through Environmental Design

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

Health Requirements

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

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7. IDAS referral agencies -

The IDAS referral agencies applicable to this application are –

	For an application involving...	Name of referral agency	Status	Address
<input type="checkbox"/>	Item 28 of Table 2 of Schedule 2 of the Integrated Planning Regulation 1998	Environmental Protection Agency Ref:334352	Advice Agency	Environmental Protection Agency Attn: Michael Trenerry PO Box 2066 Cairns QLD 4870
<input type="checkbox"/>	Acid Sulphate Soils and Aboriginal Cultural Heritage	Department of Environment and Resource Management Ref: IA0309CNS0001 Recfind: CNS/022748	Advice Agency	DERM Attn: Cristina Froemmcke PO Box 937 Cairns QLD 4870

8. Submissions -

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

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

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

9. Appeal rights -

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

10. When the development approval takes effect -

This development approval takes effect -

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

OR

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

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OR

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

This approval will lapse if—

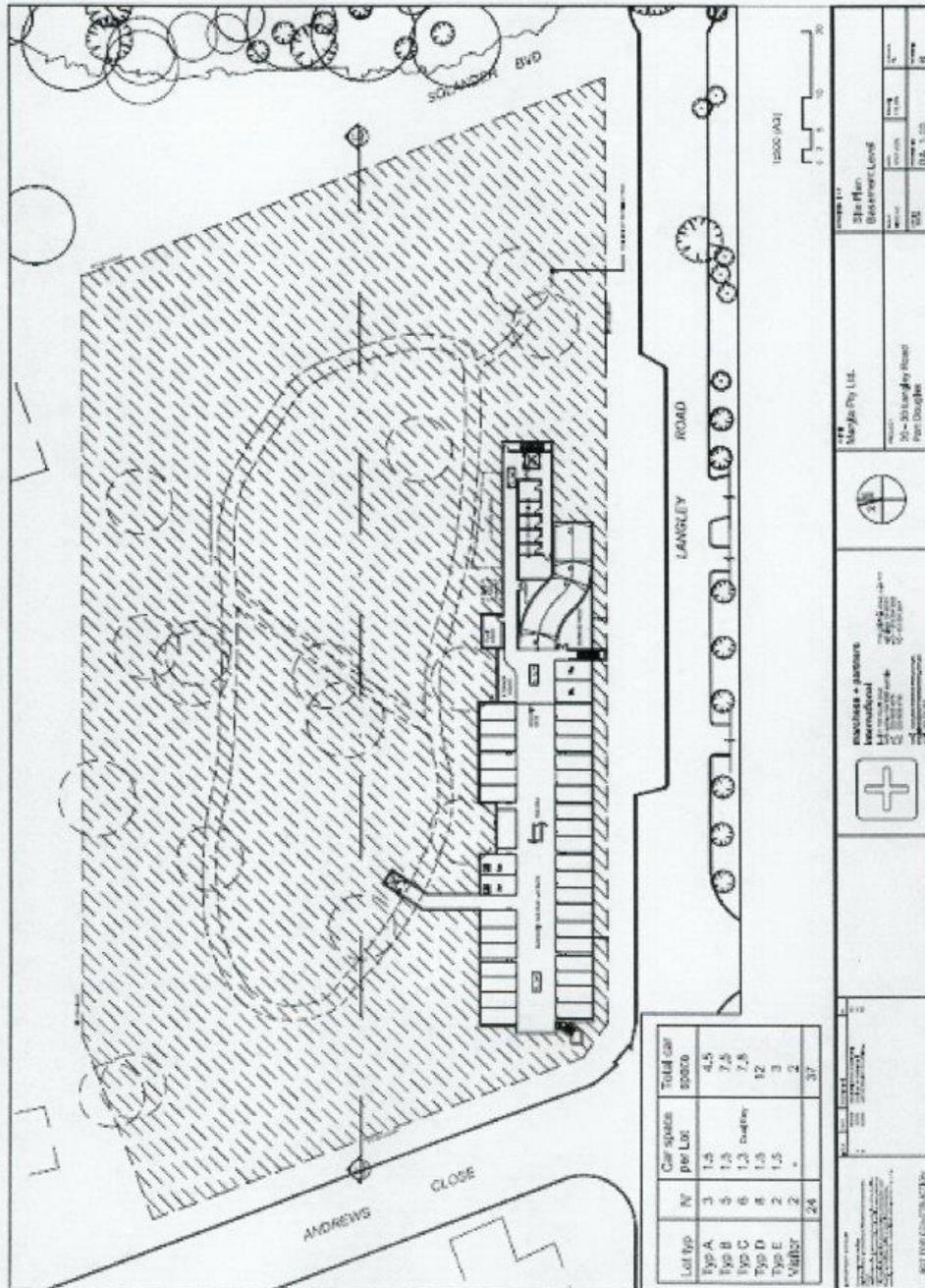
- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2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

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

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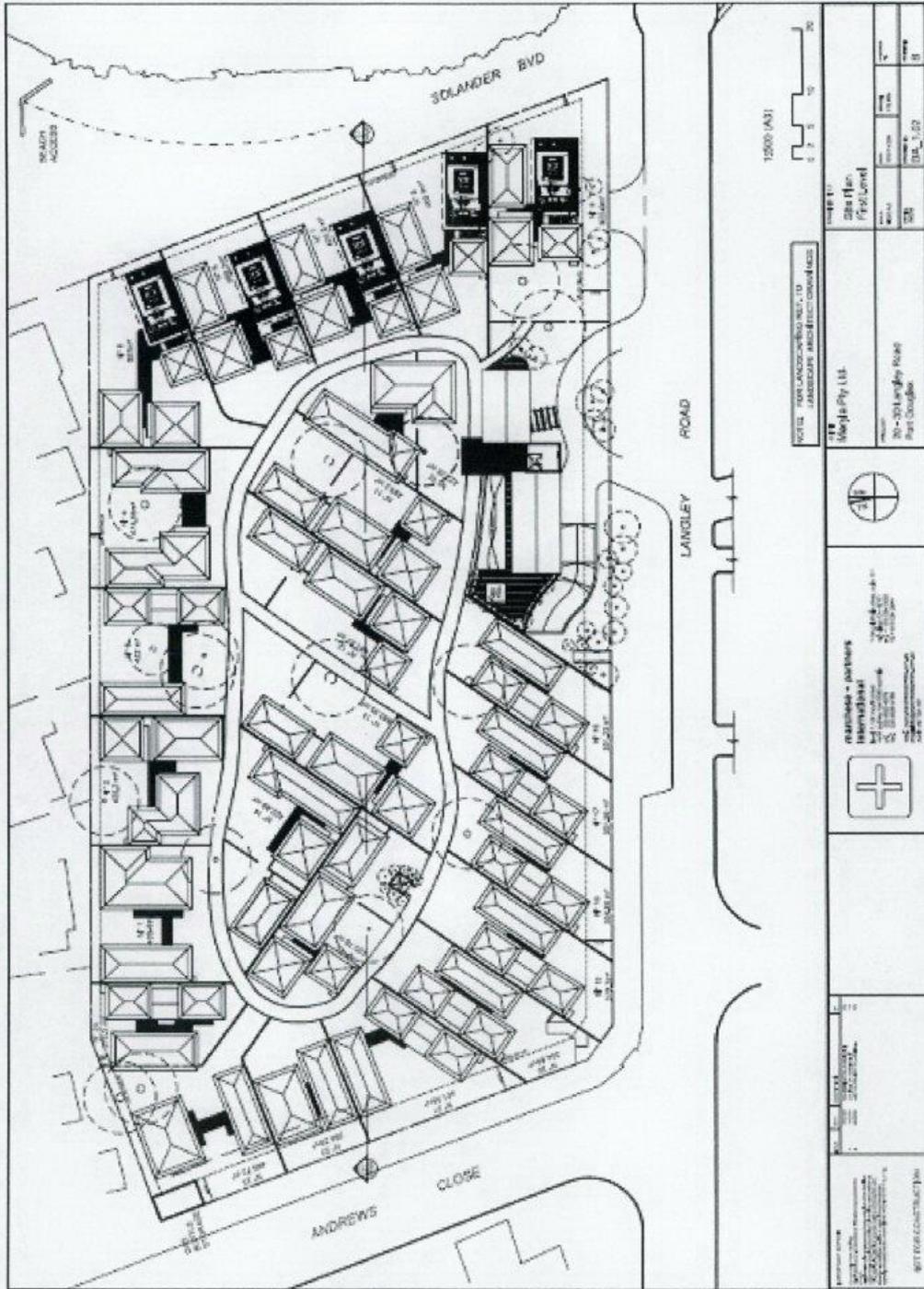
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Appendix 1 Approved Drawings



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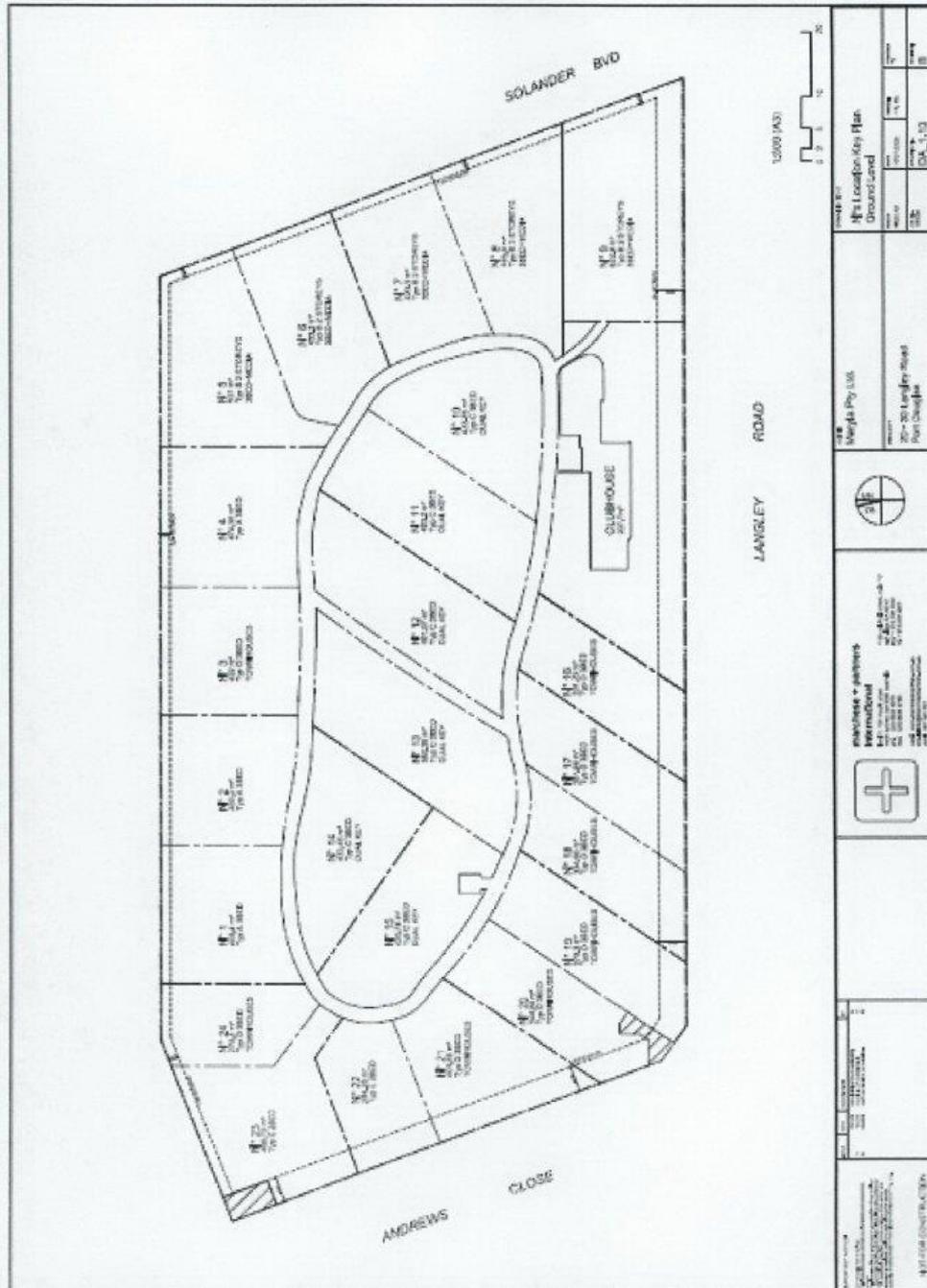
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HOTEL PORT DOUGLAS RESORT LANDSCAPE ARCHITECTURE		SCALE 1:2000 DATE 07/10/09 DRAWN BY CHECKED BY
111 Meryla Pty Ltd 20-30 Langley Road Port Douglas		PROJECT NO. DATE
prepared - architects designed - architects checked - architects drawn - architects title block - architects scale - architects date - architects 111 Meryla Pty Ltd 20-30 Langley Road Port Douglas		PROJECT NO. DATE
111 Meryla Pty Ltd 20-30 Langley Road Port Douglas		PROJECT NO. DATE

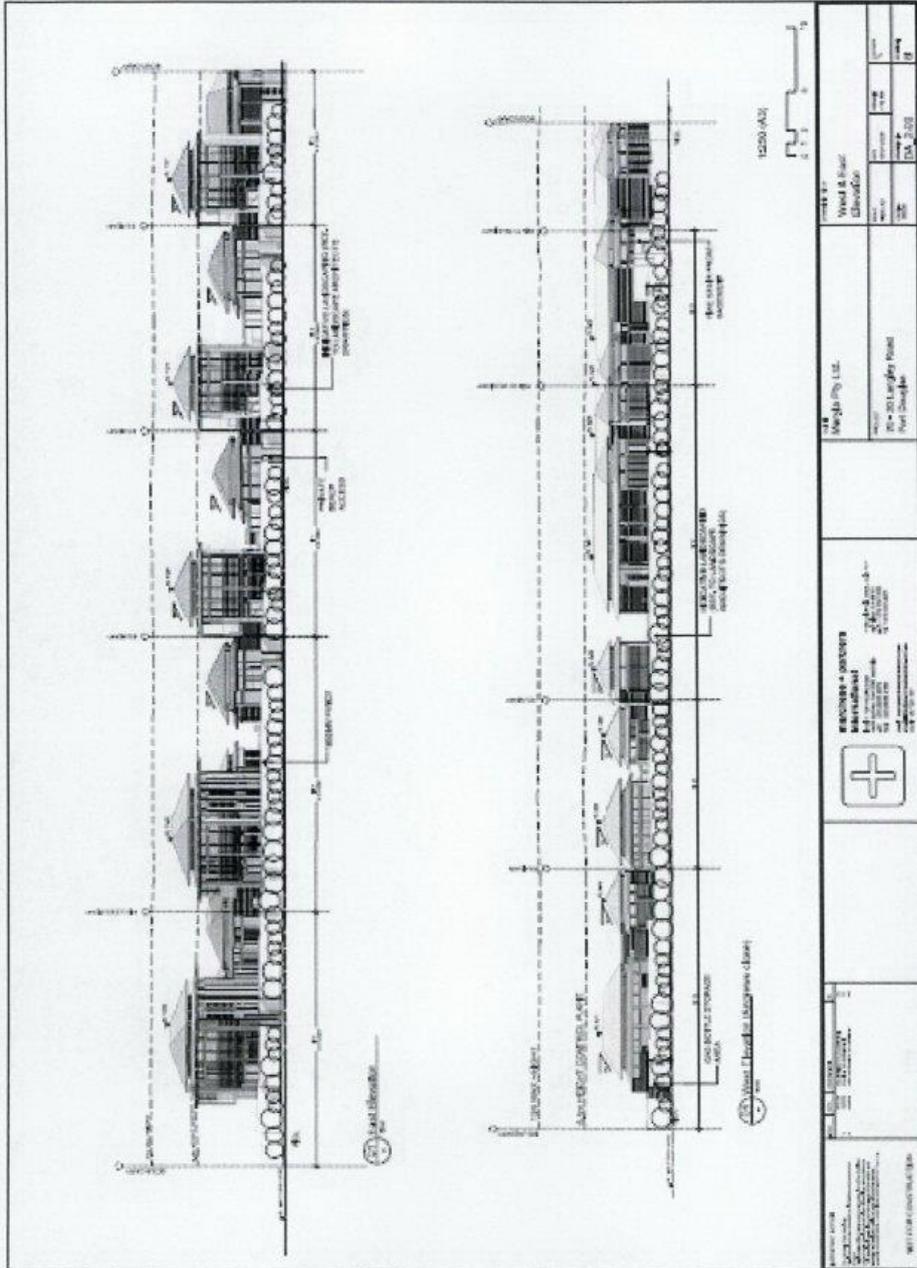
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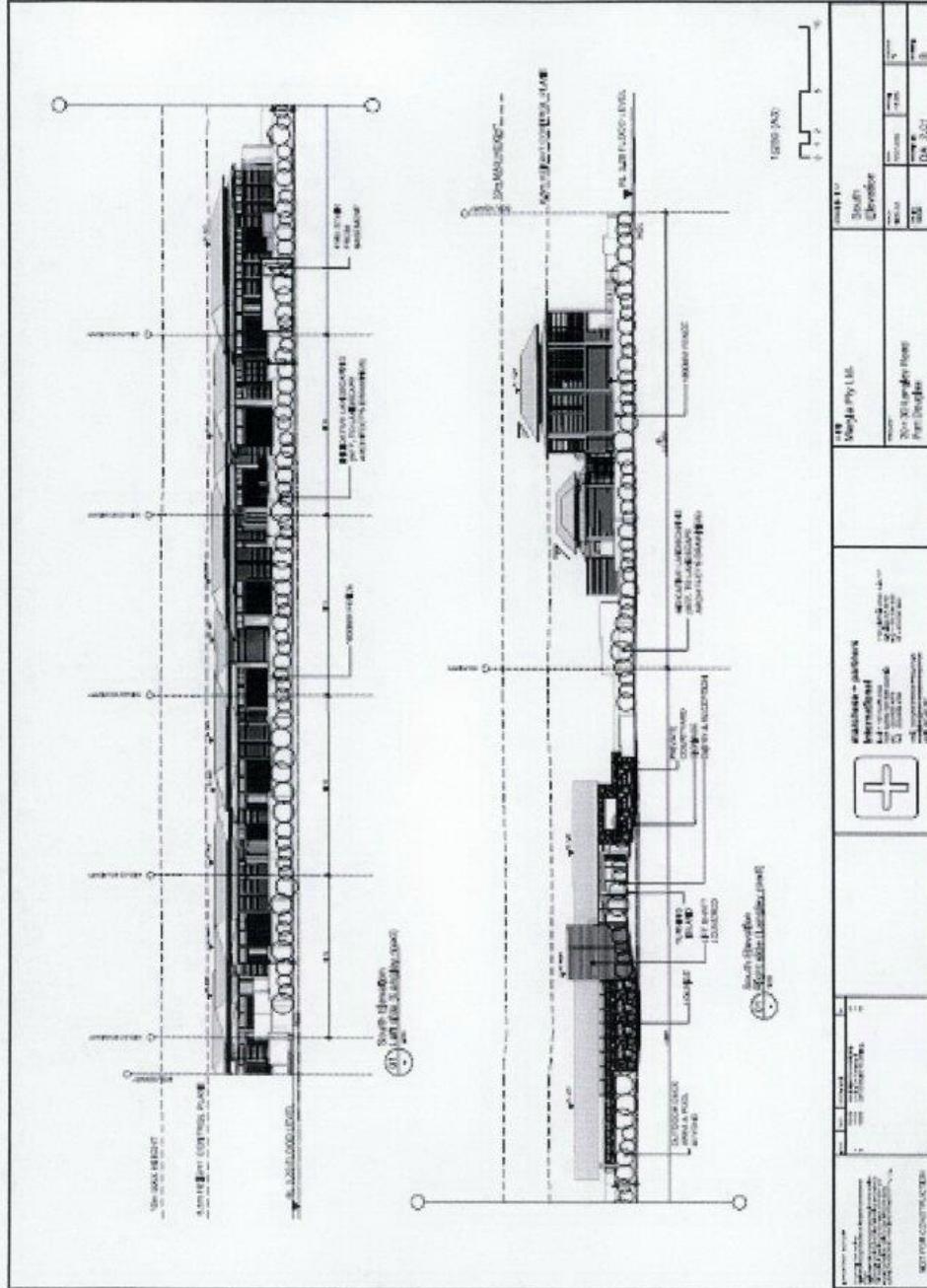
**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

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



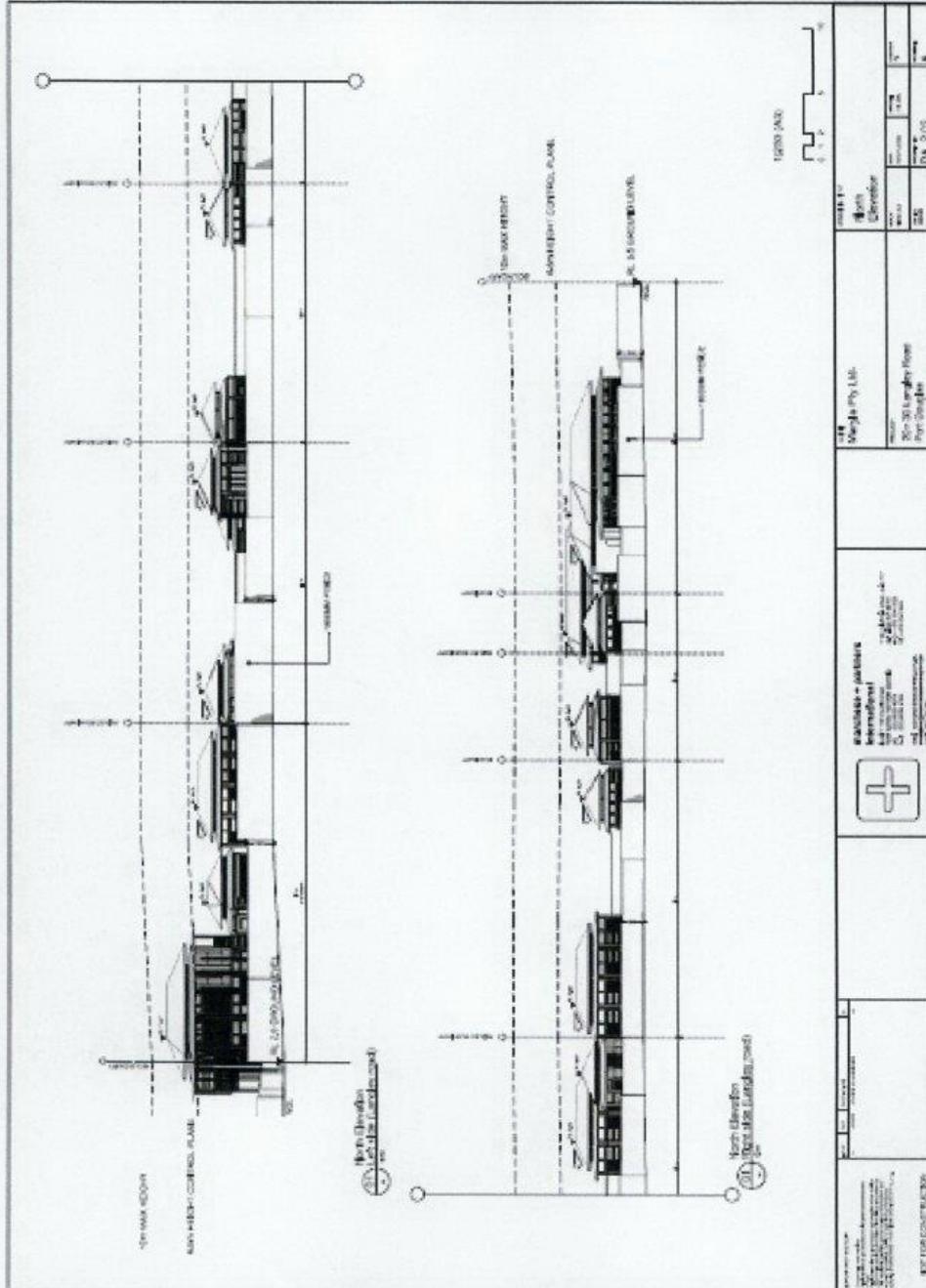
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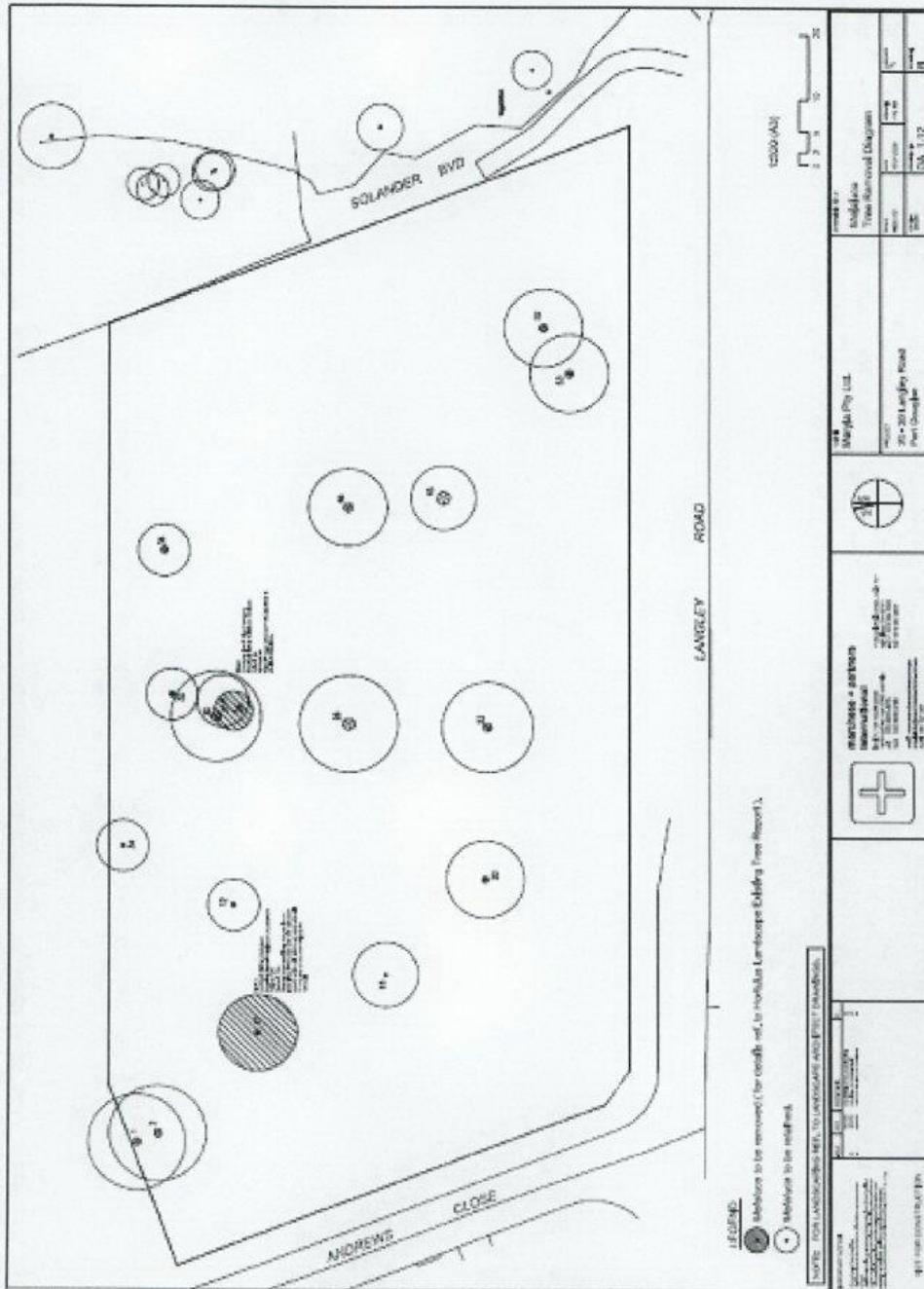
**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

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



**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

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



**DECISION NOTICE DETAILS
SECTION 376 SUSTAINABLE PLANNING ACT 2009**

ATTACHMENT 3: ADOPTED CHARGES NOTICE

DOUGLAS <small>SHIRE COUNCIL</small>	2008 Douglas Shire Planning Schemes Applications
ADOPTED INFRASTRUCTURE CHARGES NOTICE	

Meryla Pty Ltd	0	0
<small>DEVELOPERS NAME</small>	<small>ESTATE NAME</small>	<small>STAGE</small>
20-30 Langley Road	Port Douglas	L5RP804926
<small>STREET No. & NAME</small>	<small>SUBURB</small>	<small>LOT & RP No.s</small>
MCU Holiday Accommodation & Multi Unit Housing		1528
<small>DEVELOPMENT TYPE</small>	<small>COUNCIL FILE NO.</small>	<small>VALIDITY PERIOD (year)</small>
D#822176	1	
<small>DSC Reference Doc. No.</small>	<small>VERSION No.</small>	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
Two Bedroom Units (Short Term Accommodation)	3	9,000.00	27,000.00		
Three Bedroom Units (Short Term Accommodation)	21	12,600.00	264,600.00		
	0	0.00	0.00		
Existing vacant land (credit)	1	14,342.13	14,342.13		
Total			277,257.87		
TOTAL			\$277,257.87		Code 895 GL 07500.0135.0825

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

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

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

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

YOUR REF: 1782/06 L-EC1915
OUR REF: MCUC 3000/2009 (D#822470)

1 August 2017

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

Attention: Ms Erin Campbell erin@flanaganconsulting.com.au

Dear Madam

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

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with sections 119 and 120 of the *Planning Act 2016* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination at Council for review of the charge amount prior to payment.

These charges are payable prior to the change of use occurring, or prior to the issue of a Compliance Certificate for the Building Format Plan, or which ever occurs first, in accordance with section 122 of the Act.

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

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

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Jenny Elphinstone of Development Assessment and Coordination telephone number (07) 4099 9482.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

INFRASTRUCTURE CHARGES NOTICE

 DOUGLAS <small>SHIRE COUNCIL</small>	2008 Douglas Shire Planning Schemes Applications
ADOPTED INFRASTRUCTURE CHARGES NOTICE	

Meryla Pty Ltd	0	0
<small>DEVELOPERS NAME</small>	<small>ESTATE NAME</small>	<small>STAGE</small>
20-30 Langley Road	Port Douglas	L5RP804926
<small>STREET No. & NAME</small>	<small>SUBURB</small>	<small>LOT & RP No.s</small>
MCU Holiday Accommodation & Multi Unit Housing	MCUC 3000/2009	1528
<small>DEVELOPMENT TYPE</small>	<small>COUNCIL FILE NO.</small>	<small>PARCEL No.</small>
D#822176	1	4
<small>DSC Reference Doc. No.</small>	<small>VERSION No.</small>	<small>VALIDITY PERIOD (year)</small>

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
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Prepared by	J Elphinstone	20-Jul-17	Amount Paid	
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Date Payable			Receipt No.	
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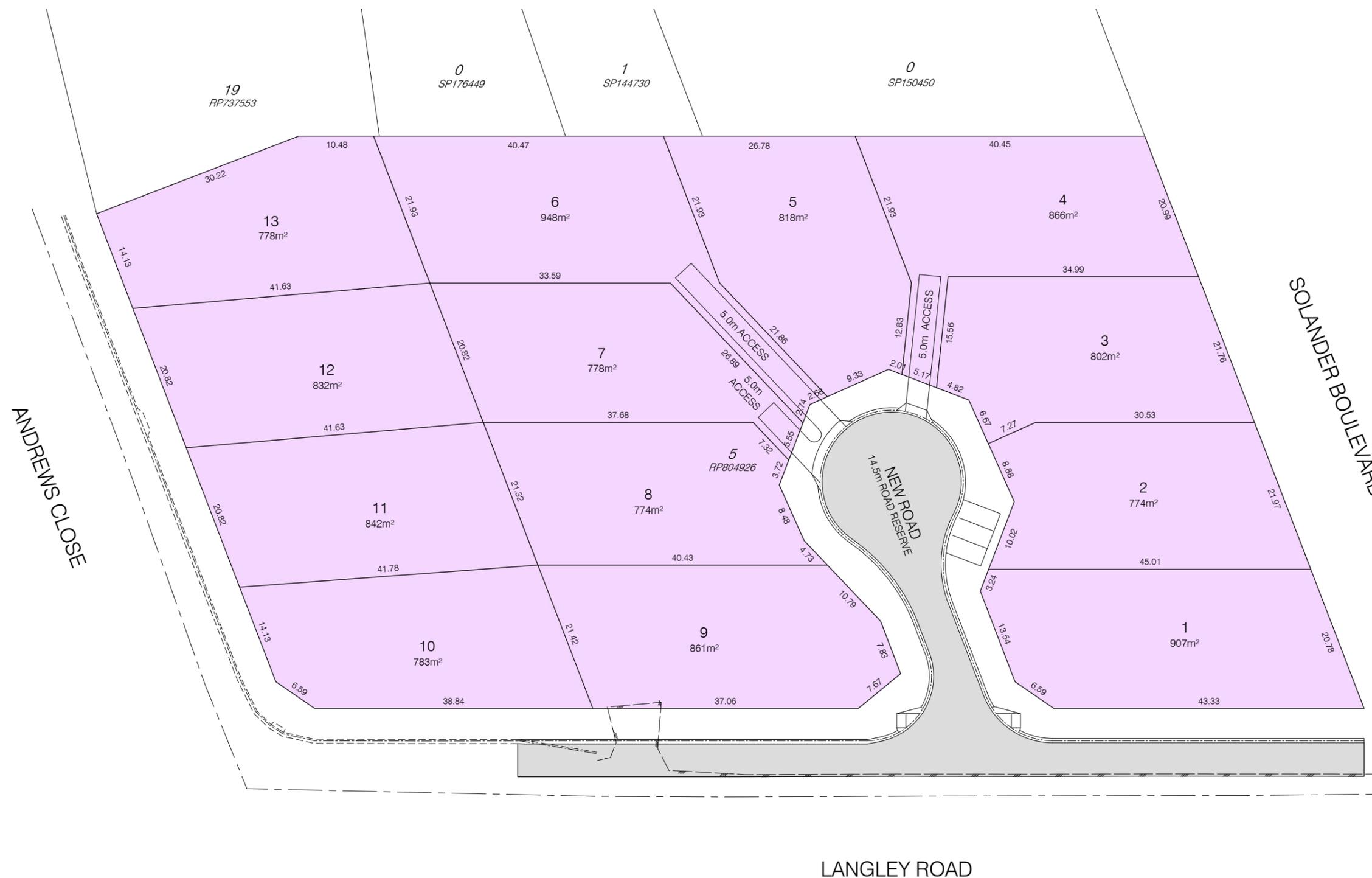
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APPENDIX: K

Proposal Plan - 6038-SK01 A (Flanagan Consulting Group)



FLANAGAN CONSULTING GROUP
 DEVELOPMENT CONSULTANTS • PROJECT MANAGERS • ENGINEERS • PLANNERS
 CAIRNS (07) 4031 3199 DARWIN (08) 8943 0620 MACKAY (07) 4944 1200 TOWNSVILLE (07) 4724 5737
www.flanaganconsulting.com.au

RECONFIGURATION OF LOT
 LOT 5 on RP 804926
 13 Lots Subdivision
PROPOSAL PLAN

APPENDIX: L

Letters of Support

Letters Of Support – Andrews Close Port Douglas

Grant Burnell	4 Andrews Close Port Douglas
Barry Rickeard and Linda Blampied	8 Andrews Close Port Douglas
Loftus Overend (Chairperson; Nirvana)	25-29 Langley Road, Port Douglas
Ronni Leigh	7 Andrews Close Port Douglas
Marix Torjussen	7 Andrews Close Port Douglas
Ray Butt	Unit 2, 12A Andrews Close Port Douglas
Bob Haut	1/9 Andrews Close Port Douglas
Wendy Raudino	2/7 Coral Drive, Port Douglas
Debra Todd	25-29 Langley Road, Port Douglas

15 March 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoye
Manager Sustainable Communities

Dear Sir,

**DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT
20-30 LANGLEY ROAD, PORT DOUGLAS
LETTER OF SUPPORT**

We write in connection to a proposed Development Application for Reconfiguring a Lot (RoL) to be lodged with Douglas Shire Council on land located at 20-30 Langley Road, Port Douglas.

As surrounding land owners and residents to the development site, we write to offer our support to the proposed subdivision.

It is our view that the proposed residential development of larger lots (approx. 800 sqm) is the best outcome for the site. The surrounding land parcels are all similar size and the lack of larger freehold lots in the area will make for a sought-after location. The proposed low-density residential application is in keeping with the character of the Area.

The approved development includes a basement car park. Given the recent issues other Port Douglas basement buildings are facing from flooding, I don't believe we should be allowing basements that put our residents at risk.

Furthermore, I'm aware that the current sewerage infrastructure at Port Douglas is nearing capacity. A development yielding less density (13 vs 24) would have less of an impact on our infrastructure.

We are aware of the existing approval and proposed development (as shown in **Appendix 1**)

Appendix 2 – list of residents in support for the proposed 13 lot subdivision We are sure that There are many more who will support the Proposal if need be.

Yours faithfully



Grant Burnell
4 Andrews Close Port Douglas

15 March 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoyer
Manager Sustainable Communities

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Yours faithfully

<insert name>

BARRY RUCKARD *B. Ruckard*
WINDA BLAMPAED *W. Blampaed*

18th March, 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoyer
Manager Sustainable Communities

Dear Sir

**DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT
20-30 LANGLEY ROAD, PORT DOUGLAS**

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Yours faithfully

Loftus Overend
Chairperson
Nirvana CTS 971
25-29 Langley Road, Port Douglas
Email: Nirvana@cyberworld.net.au

16 March 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoyer
Manager Sustainable Communities

Dear Sir,

**DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT
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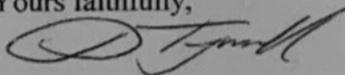
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Yours faithfully,



Diane Tyrrell
Unit 2, 9 Andrews Close
Port Douglas

APPENDIX 2 - List of residents in support of the proposed 13 Lot Subdivision

Name	Address	Signature
Diane Tyrrell	2/9 Andrews Close, Port Douglas.	<i>[Signature]</i>
Ronni Leigh	7 Andrews Close Port Douglas	<i>[Signature]</i>
MARK TOKJUSSEN.	7 ANDREWS CLOSE PORT DOUGLAS	<i>[Signature]</i>
RAY BYTH	Unit 2, 12A ANDREWS CLOSE PORT DOUGLAS.	<i>[Signature]</i>
Bob Gaud.	1/9 Andrews Close Port Douglas.	<i>[Signature]</i>
BARRY RICKARD	8 ANDREWS CLOSE PT DOUGLAS	<i>[Signature]</i>
LINDA BLAMPED	8 ANDREWS CLOSE PT DOUGLAS	<i>[Signature]</i>

Barry Rickard
Linda Blamped

15 March 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoye
Manager Sustainable Communities

Dear Sir,

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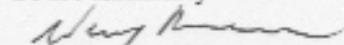
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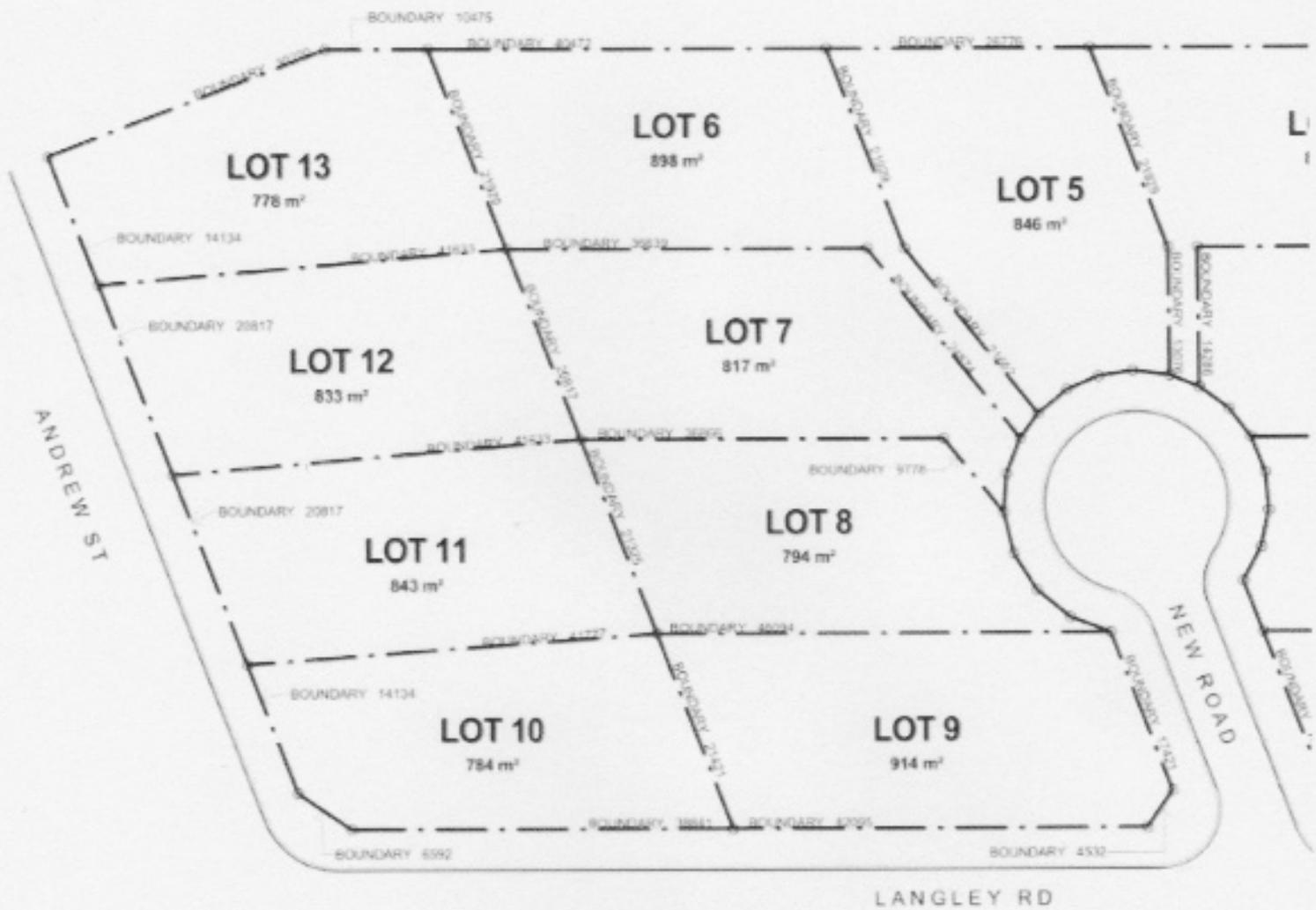
Wendy Raudino

2/7 Coral Drive, Port Douglas, QLD, 4877

APPENDIX 1

	Existing Approval	Proposed Development
Zoning	Tourist Accommodation	Low Density Residential
Proposal	24 Holiday Accommodation / Multi-unit Housing including basement carpark	13 Lot Subdivision Lots size range from 778m ² – 914m ²
Height	3 Storeys	Up to 2 storeys

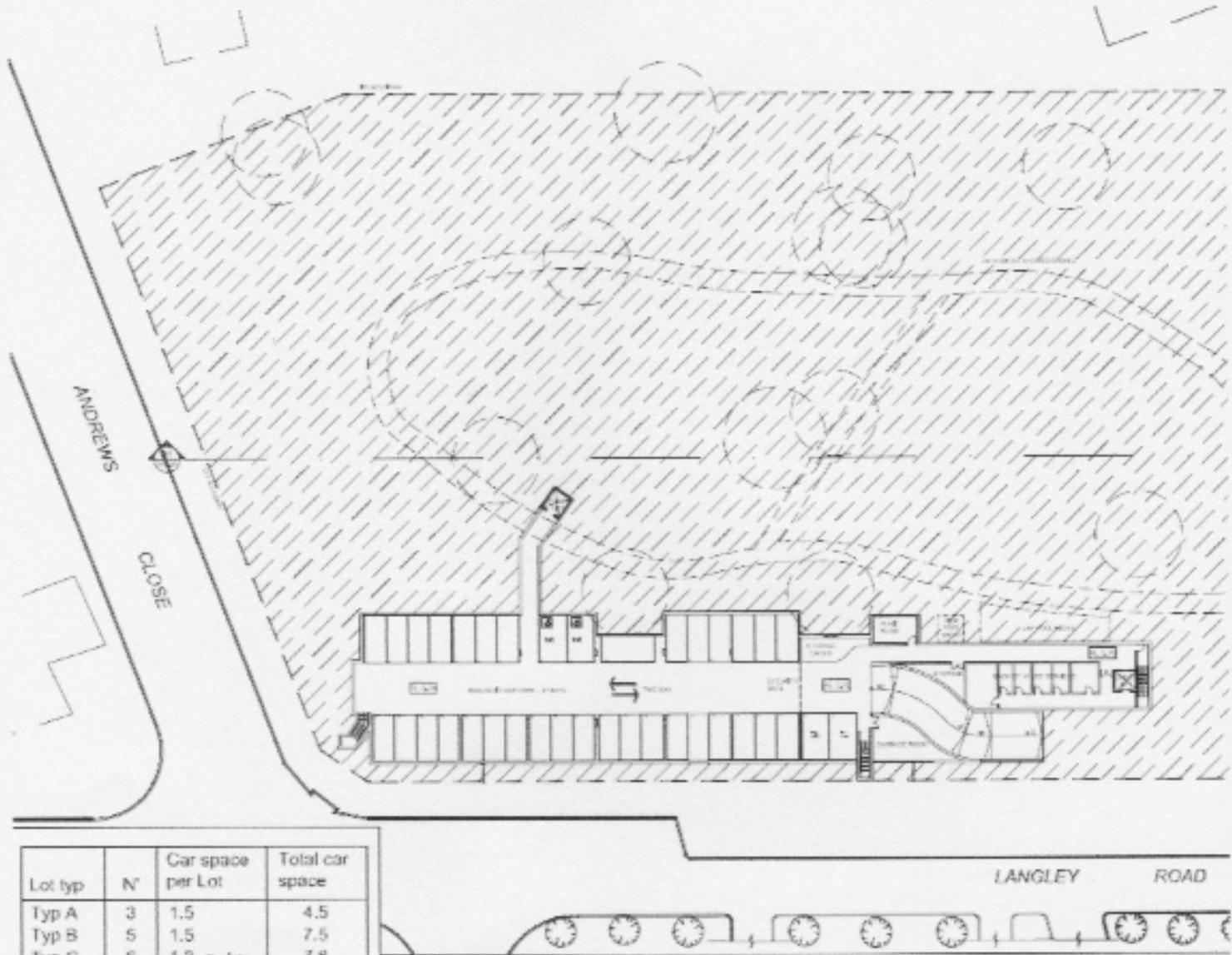
PROPOSED – Low density 13 Lot subdivision



APPROVED – Tourist Accommodation 24-unit development



BASEMENT



Lot typ	N'	Car space per Lot	Total car space
Typ A	3	1,5	4,5
Typ B	5	1,5	7,5
Typ C	6	1,3 dual row	7,8
Typ D	8	1,5	12
Typ E	2	1,5	3
Visitor	2	-	2
	24		37

18th March, 2019

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Paul Hoyer
Manager Sustainable Communities

Dear Sir

**DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT
20-30 LANGLEY ROAD, PORT DOUGLAS**

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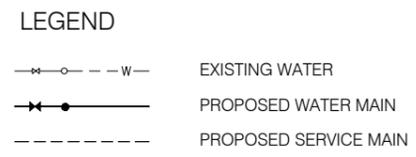
Yours faithfully



Debra Todd
Secretary/Treasurer
Nirvana CTS 971
25-29 Langley Road, Port Douglas
Email: debrat2@bigpond.com

APPENDIX: M

Water Reticulation Concept 6038-SK03 A (Flanagan Consulting Group)



ABANDON EXISTING DN80 AC MAIN LOCATED UNDER KERB (IF NOT ALREADY ABANDONED)

TRENCH ACROSS ROAD AND CONNECT TO EXISTING MAIN

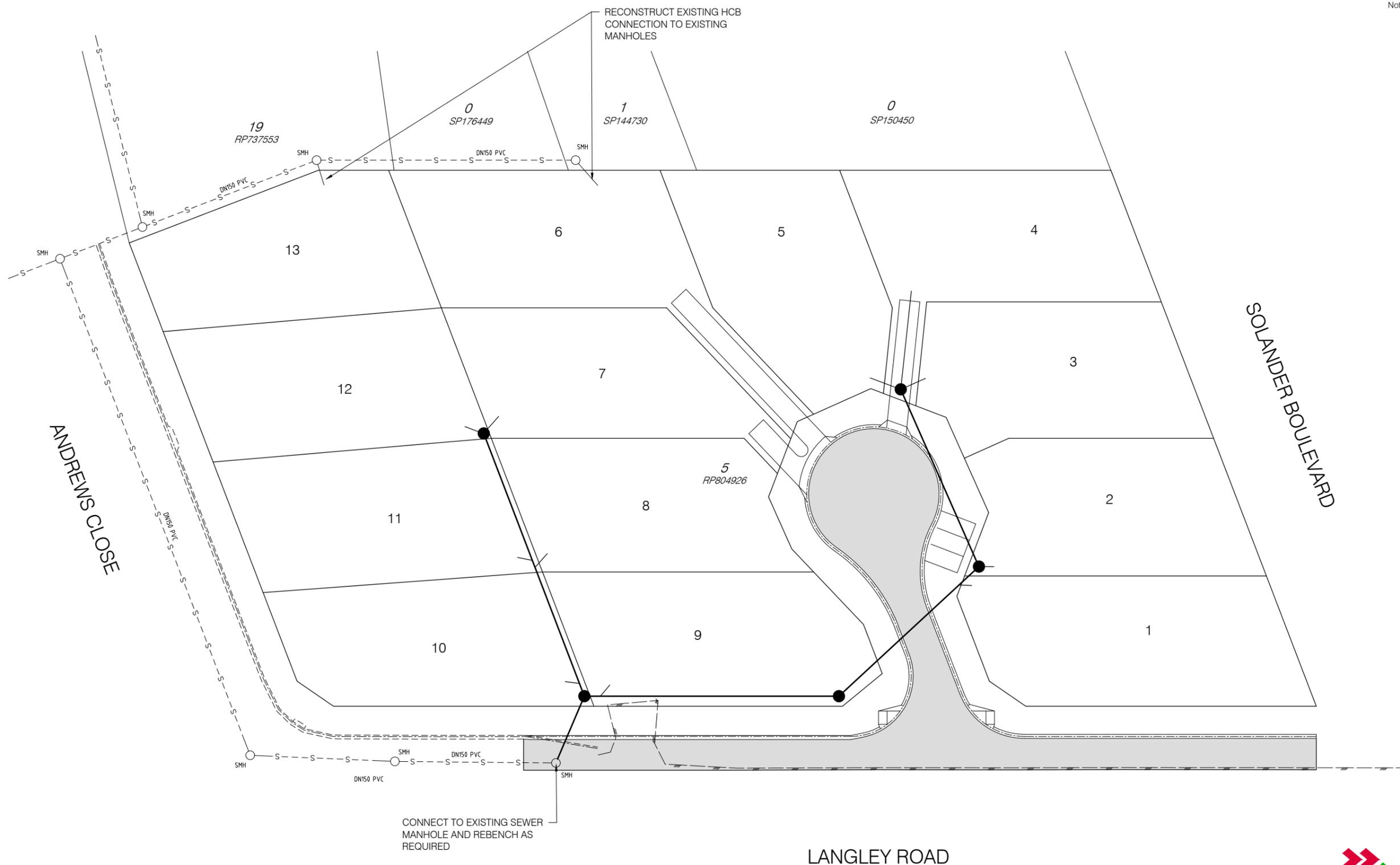
FLANAGAN CONSULTING GROUP
 DEVELOPMENT CONSULTANTS • PROJECT MANAGERS • ENGINEERS • PLANNERS
 CAIRNS (07) 4031 3199 DARWIN (08) 8943 0620 MACKAY (07) 4944 1200 TOWNSVILLE (07) 4724 5737
www.flanaganconsulting.com.au

RECONFIGURATION OF LOT
 LOT 5 on RP 804926
 13 Lots Subdivision
WATER RETICULATION

APPENDIX: N

Sewerage Reticulation Concept 6038-SK04 A (Flanagan Consulting Group)

Notes



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 DEVELOPMENT CONSULTANTS • PROJECT MANAGERS • ENGINEERS • PLANNERS
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 www.flanaganconsulting.com.au

RECONFIGURATION OF LOT
 LOT 5 on RP 804926
 13 Lots Subdivision

SEWERAGE RETICULATION

6038-SK04 A 1:300
A1 Full Size

Acad No. 6038-SK04A 14 March 2019

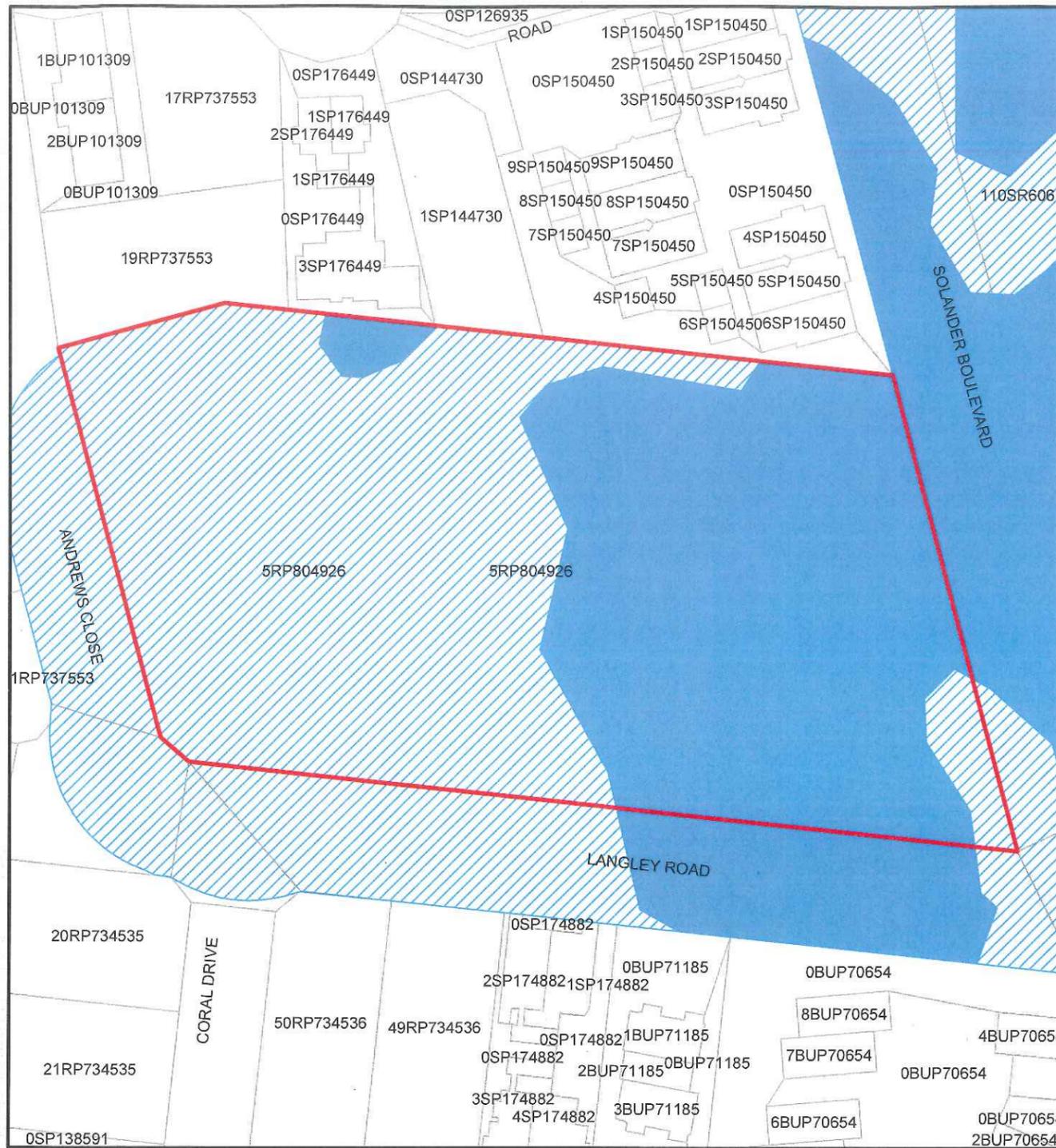
APPENDIX: O

Roadworks and Drainage Concept 6038-SK02 A (Flanagan Consulting Group)

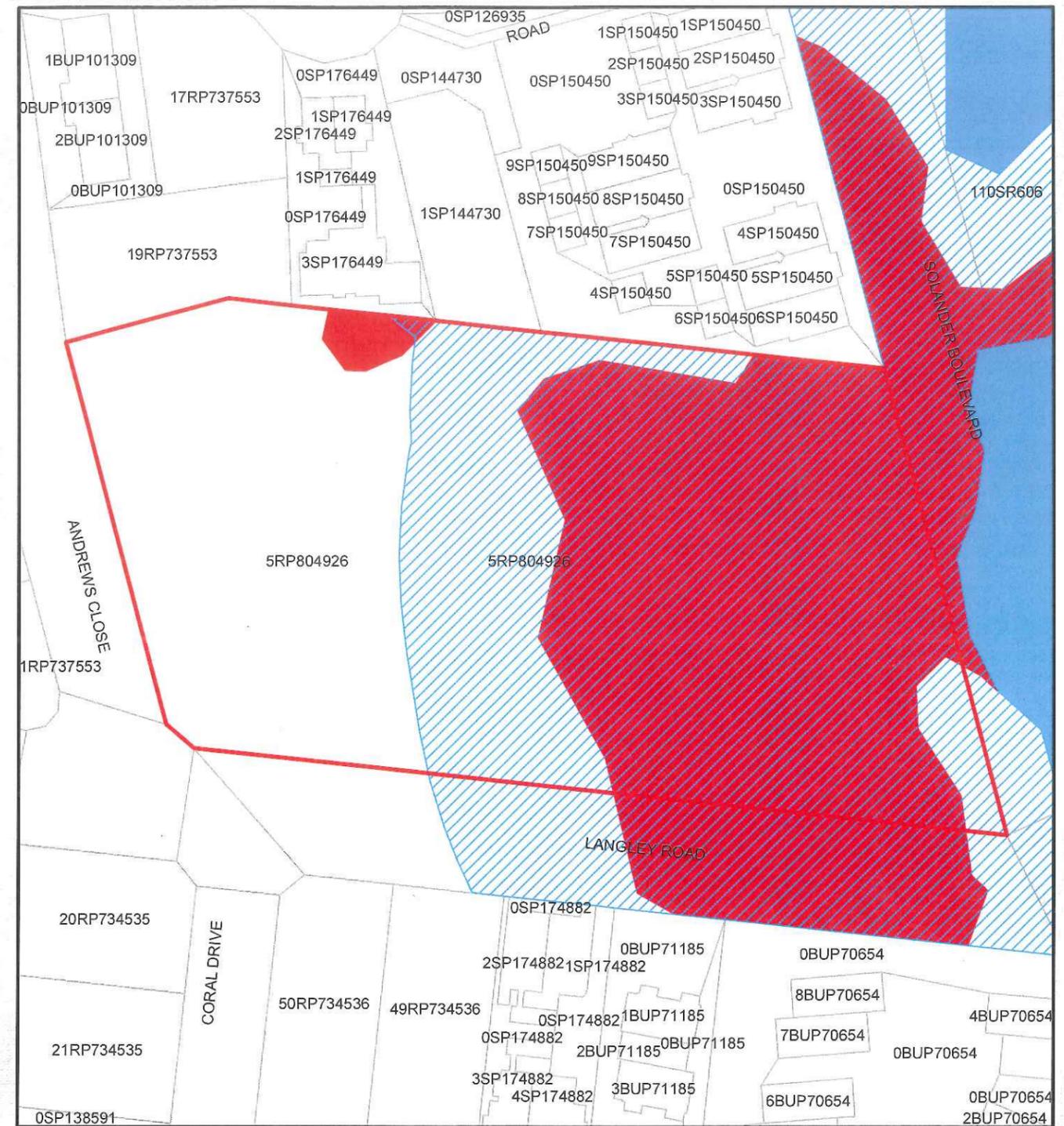
APPENDIX: P

Amended Wetland Mapping

Current as at 4 November 2011



Amendment



Amendment of the Map of Referable Wetlands on Lot 5 RP804926

Map Amendment Register Request No. 109
Map Amendment Register Amendment No. WPA00038

Legend

-  Property Boundary
-  Great Barrier Reef Wetlands of High Ecological Significance (HES)
-  Great Barrier Reef Wetland Protection Area
-  HES wetland extent to be removed



CERTIFICATION OF THE MAP OF REFERABLE WETLANDS AMENDMENT

1. I, Liz Young, Director, Sustainable Environment, Environment Policy and Programs and as a Delegate for the Chief Executive (Environment) under the Environmental Protection Act 1994, by this certification, notify that the all data described in this paper format map amends an area shown as a wetland protection area or HES wetland on the 'Map of referable wetlands' of November 2011, a document approved by the chief executive (environment).

2. The 'Map of referable wetlands' of November 2011 (version 1.1) will be revised electronically to incorporate the amended data contained in this paper format map and released as a new version at a future date.


Liz Young, Director, Sustainable Environment

Date 21-2-19



Queensland Government



APPENDIX: Q

Environmental Constraints Analysis (Biotropica, March 2019)

Environmental Constraints Analysis
on Lot 5 RP804926 – 3 Andrews Close

March 2019

Report No: FCG18.11.01 – Andrews Close

Prepared for: Seymour Group Pty Ltd

Prepared by: Biotropica Australia Pty Ltd



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DOCUMENT CONTROL SUMMARY

REPORT AND CLIENT DETAILS

Title:	Environmental Constraints Analysis on Lot 5 RP804926 – 3 Andrews Close
Client:	Seymour Group Pty Ltd
Client Contact:	Daniel Farquhar
Status:	Final
Project Manager:	Nigel Tucker
Author/s:	Nigel Tucker & Sarah Holt

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1	11/12/2018	NT	✓	NT	✓	1	0	1
2	08/03/2019	SH	✓	GH	✓	1	0	1
Final	13/03/2019	SH	✓	GH	✓	1	0	1



BIOTROPICA Australia Pty Ltd
 PO Box 866
 MALANDA QLD 4885
 Telephone: (07) 4095 1116
 Facsimile: (07) 4095 1296
 Email: info@biotropica.com.au
 Web: www.biotropica.com.au



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1.0 INTRODUCTION

Biotropica has been commissioned by the Seymour Group ('Company') to undertake an environmental constraints analysis on Lot 5 RP804926 described as 3 Andrews Close, and bordered by Langley Street and Solander Boulevard at Port Douglas (the site). Company intends completing a subdivision on the site, and this report is required to inform the process, detailing legislative and regulatory features associated with the site's environment and its future development.

Specifically, this includes an analysis of;

- Native vegetation;
- Threatened species;
- Essential Habitat;
- Wetland Protection Areas and associated buffers; and
- Bushfire hazard

2.0 METHODOLOGY

2.1 Desktop Review

A desktop analysis was conducted by Biotropica in December 2018 which assessed the legislative constraints within Lot 5 on RP804926. Part of this assessment was to conduct a desktop review of online databases and spatial datasets on relevant Commonwealth, State and Local Government resources. The results of these searches have been used as background for this report.

Table 1 below details the datasets reviewed as part of this report. To meet the desktop research requirements in the Flora Survey & Assessment in Northern Queensland (Wannan 2012), *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Search and *Nature Conservation Act 1992* (NC Act) Wildlife Online searches were performed with a 10km buffer (see APPENDIX 2).

To obtain a more accurate determination of the likely species to occur within Lot 5 on RP804926, a further search of both databases was undertaken based on the centre point plus a 2km buffer (refer Table 2).

The results of the searches were used to gain an insight into the endangered, vulnerable and near threatened (EVNT) species and Matters of National and State Environmental Significance (MNES / MSES) that may be present in the rest area and to allow targeted searches for these matters during future ground surveys.

Table 1: Datasets reviewed.

Database
NC Act - Wildlife Online
EPBC Act – Protected Matters Search Tool (PMST)
<i>Vegetation Management Act 1999</i> (VM Act) - Regional Ecosystem (RE) and Remnant Map – V10.1
VM Act - Regulated Vegetation Management Map V2.08
MSES – State Planning Policy (SPP) 2017
VM Act - Essential Habitat Map V7.08
VM Act - Wetlands Map V4.8
<i>Environmental Protection Regulation 2008</i> - Map of Referrable Wetlands (Wetland Protection Areas)
Bushfire Hazard Area (Bushfire Prone Area) – Douglas Shire Planning Scheme

2.2 Field Survey

An ecologist surveyed the site in early December, 2018 and all vascular plants were identified to species level. Nomenclature follows Bostock and Holland 2017.

GPS waypoints were taken for any significant native trees (i.e., >300mm dbh) using a Garmin 60 CSX GPS. Waypoints were transformed using the ArcGIS platform. A 3-5m error should be assumed.

A habitat assessment and identification of habitat features (e.g., nest hollows, termitaria, coarse woody debris) was performed during site survey.

3.0 RESULTS

3.1 Desktop

3.1.1 Endangered, Vulnerable and Near Threatened species

On-line searches revealed the following species (refer Table 2) on State (NC Act) and Commonwealth (EPBC Act) databases (excluding marine mammals and reptiles (other than crocodiles) but including migratory and marine species).

Table 2: Search results of on-line database searches (2km).

Scientific Name	Common Name	NCA 1992 (Qld) Status	EPBC Act 1999 (Federal) Status	Growth Form
Fauna				
<i>Actitis hypoleucos</i>	Common Sandpiper	SLC	MWS	Bird
<i>Anous stolidus</i>	Common Noddy	SLC	MMB	Bird

Scientific Name	Common Name	NCA 1992 (Qld) Status	EPBC Act 1999 (Federal) Status	Growth Form
<i>Apus pacificus</i>	Fork-tailed Swift	SLC	MMB	Bird
<i>Calidris acuminata</i>	Sharp-tailed sandpiper	SLC	MWS	Bird
<i>Calidris canutus</i>	Red knot, Knot	E	E MWS	Bird
<i>Calidris ferruginea</i>	Curlew sandpiper	E	CE MWS	Bird
<i>Calidris tenuirostris</i>	Great knot	E	CE MWS	Bird
<i>Casuarius casuarius johnsonii</i> (southern population)	Southern cassowary (southern population)	E	E	Bird
<i>Cecropis daurica</i> (syn. <i>Hirundo daurica</i>)	Red-rumped swallow	SLC	MTS	Bird
<i>Charadrius leschenaultii</i>	Greater sand plover, Large sand plover	V	V MWS	Bird
<i>Charadrius mongolus</i>	Lesser sand plover, Mongolian plover	E	E MMS	Bird
<i>Crocodylus porosus</i>	Estuarine crocodile	V	MMS	Reptile
<i>Cuculus optatus</i>	Oriental Cuckoo	SLC	MTS	Bird
<i>Dasyurus hallucatus</i>	Northern quoll	-	E	Mammal
<i>Egernia rugosa</i>	Yakka skink	V	V	Reptile
<i>Erythrotriorchis radiatus</i>	Red goshawk	E	V	Bird
<i>Esacus magnirostris</i>	Beach stone-curlew	V	-	Bird
<i>Fregata ariel</i>	Lesser Frigatebird	SLC	MMB	Bird
<i>Fregetta grallaria grallaria</i>	White-bellied Storm-Petrel	-	V	Bird
<i>Fregata minor</i>	Great Frigatebird	SLC	MMB	Bird
<i>Hipposideros semoni</i>	Semon's leaf-nosed bat	E	V	Mammal
<i>Hirundapus caudacutus</i>	White-throated Needletail	SLC	MTS	Bird
<i>Hirundo rustica</i>	Barn Swallow	SLC	MTS	Bird
<i>Limosa lapponica baueri</i>	Bar-tailed godwit (baueri), Western Alaskan Bar-tailed godwit	V	V MMS	Bird
<i>Limosa lapponica menzbieri</i>	Bar-tailed godwit (menzbieri), Northern Siberian bar-tailed godwit	V	E MMS	Bird
<i>Litoria dayi</i> (syn. <i>Nyctimystes dayi</i>)	Australian lacelid	E	E	Amphibian
<i>Litoria nannotis</i>	Waterfall frog	E	E	Amphibian
<i>Litoria nyakalensis</i>	Mountain mistfrog	E	CE	Amphibian
<i>Litoria rheocola</i>	Common mistfrog	E	E	Amphibian

Scientific Name	Common Name	NCA 1992 (Qld) Status	EPBC Act 1999 (Federal) Status	Growth Form
<i>Macroderma gigas</i>	Ghost bat	E	V	Mammal
<i>Mesembriomys gouldii rattoides</i>	Black-footed tree-rat (NQ subspecies)	-	V	Mammal
<i>Monarcha melanopsis</i>	Black-faced monarch	SLC	MTS	Bird
<i>Monarcha trivirgatus</i> (syn. <i>Symposiachrus trivirgatus</i>)	Spectacled monarch	SLC	MTS	Bird
<i>Motacilla flava</i>	Yellow wagtail	SLC	MTS	Bird
<i>Murina florium</i>	Flute-nosed bat	V	-	Mammal
<i>Myiagra cyanoleuca</i>	Satin flycatcher	SLC	MTS	Bird
<i>Numenius madagascariensis</i>	Eastern curlew	E	CE MWS	Bird
<i>Pandion cristatus</i> (syn. <i>Pandion haliaetus leucocephalus</i>)	Eastern osprey	SLC	MWS	Bird
<i>Petauroides volans minor</i>	Greater glider (NQ subspecies)	V	V	Mammal
<i>Phascolarctos cinereus</i>	Koala	V	V	Mammal
<i>Pteropus conspicillatus</i>	Spectacled flying-fox	V	V	Mammal
<i>Rhinolophus robertsi</i> (large form) (syn. <i>Rhinolophus philippinensis</i>)	Greater large-eared horseshoe bat	E	V	Mammal
<i>Rhipidura rufifrons</i>	Rufous fantail	SLC	MTS	Bird
<i>Rostratula australis</i> (syn. <i>Rostratula benghalensis</i> (sensu lato))	Australian painted snipe	V	E	Bird
<i>Saccolaimus saccolaimus nudicluniatus</i>	Bare-rumped sheath-tail bat	E	V	Mammal
<i>Sterna albifrons</i> (syn. <i>Sternula albifrons</i>)	Little tern	SLC	MMB	Bird
<i>Tringa nebularia</i>	Common greenshank	SLC	MWS	Bird
<i>Tyto novaehollandiae kimberli</i>	Masked owl (northern subspecies)	V	V	Bird
<i>Xeromys myoides</i>	Water mouse	V	V	Mammal
Flora				
<i>Acriopsis emarginata</i>	Pale Chandelier Orchid	V	V	Epiphytic or lithophytic orchid
<i>Canarium acutifolium</i> var. <i>acutifolium</i>	-	V	V	Tree
<i>Myrmecodia beccarii</i>	Ant plant	V	V	Epiphyte
<i>Phaius australis</i>	Lesser swamp-orchid	E	E	Ground orchid

Scientific Name	Common Name	NCA 1992 (Qld) Status	EPBC Act 1999 (Federal) Status	Growth Form
<i>Phalaenopsis amabilis</i> var. <i>rosenstromii</i> (syn. <i>Phalaenopsis rosenstromii</i>)	Native moth orchid	E	E	Epiphytic or lithophytic orchid
Ecological Community				
Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coastal north Qld RE equivalents: 7.3.8a, 7.3.8b, 7.3.8c, 7.3.8d, 7.5.4g, 8.3.2, 8.5.2a, 8.5.2c and 8.5.6	Broad Leaf Tea Tree Woodland	E: 8.3.2 8.5.2a & c OC: 7.5.4g 8.5.6 LC: 7.3.8a-d	E	Woodland

CE – Critically Endangered, E – Endangered, V – Vulnerable, NT – Near Threatened, MMB – Migratory Marine Birds, MMS – Migratory Marine Species, MTS – Migratory Terrestrial Species, MWS – Migratory Wetlands Species, S – Special Least Concern

Note: Only EPBC-listed marine species where species or species habitat are known or likely to occur were included.

3.1.2 Commonwealth values

The Great Barrier Reef (GBR) World Heritage Area and the GBR Commonwealth Marine Park boundaries are less than 200m to the east.

3.1.3 State values

The GBR Coast Marine Park boundary is just over 100m to the east.

Onsite, the eastern part of the site is mapped as the following MSES:

- High Ecological Significance (HES) wetlands
- Regulated Vegetation - Regulated Vegetation (Cat B)
- Regulated Vegetation (100m from wetland)
- Regulated Vegetation (Essential Habitat)

3.1.4 Native vegetation

The eastern part of the site (0.53ha) is mapped as having Category B Regulated Vegetation. RE mapping (Vers.10.1) indicates remnant vegetation comprises RE7.2.8 (*Melaleuca leucadendra* open forest to woodland on sands of beach origin) (see APPENDIX 1 Map 1). This RE is classified as 'Of Concern' under Queensland's VM Act and as 'Endangered' (non-statutory) for biodiversity planning purposes.

The remainder of the site (0.66ha) is mapped as Category X (non-remnant) vegetation.

3.1.5 Wetland

The eastern section of the site is mapped as a wetland. It is mapped as:

- Wetland Protection Area (WPA) – recently amended (refer Section 4.5 and APPENDIX 2)
- VM Act wetland including Regulated Vegetation 100m from wetland (MSES)
- HES wetland (MSES) – recently amended / removed (refer Section 4.5 and APPENDIX 2)

3.1.6 Essential Habitat

Essential Habitat is mapped across the mapped remnant vegetation on site. The Essential Habitat is mapped for:

- *Casuarius casuarius johnsonii* (southern cassowary)
- *Crocodylus porosus* (crocodile)
- *Charadrius mongolus* (lesser sand plover)
- *Charadrius leschenaultia* (greater sand plover)

3.1.7 Planning zones

3.1.7.1. Coastal Zone

The site is mapped outside of the Coastal Management District, but partially within the Erosion Prone District. The Douglas Shire planning scheme requires that development is not located within a mapped Erosion Prone area unless it is for community infrastructure, or reflects the preferred development outcome in accordance with the zoning of the site.

The site is located within the mapped Storm Tide Hazard area. The development should be designed to comply with the acceptable outcomes in the Douglas Shire planning scheme.

3.1.7.2. Bushfire hazard

Douglas Shire Council (DSC) mapping shows the eastern portion is within a High Potential Bushfire Intensity Zone, with the remainder within the Potential Impact Buffer.

3.1.7.3. Natural areas overlay

All areas shown as of environmental importance under State legislation (as discussed above) are mapped as 'Natural Areas' under the DSC planning scheme.

3.2 Ground Survey

3.2.1 Vegetation

A full list of vascular plants recorded on site is provided below in Table 2. Site vegetation contains a mixture of exotic and native species, consisting of 14 native trees with dbh >300mm (to 35m) (see Table 3) and mown grass, resembling an area of open urban parkland. Many of the taller stems support strangler figs (*Ficus benjamina*), and pencil orchids (*Dockrillia teretifolia*) were seen on two stems. Native species regeneration is restricted to recent regrowth of rainforest species along the northern (fenced) boundary. Exotic species are generally restricted to horticultural plantings (e.g., *Delonix regia*, *Phoenix roebelenii*, *Calliandra calothyrsus*) and small herbaceous weeds (e.g., *Praxelis clematidea*, *Triumfetta rhomboidea*).

Historically, the site has been completely cleared with evidence of two former dwellings in the eastern portion of the site (see Plate 1). A small number of mature paperbarks (*Melaleuca spp.*) appear to have been retained during the initial clearing event, and apart from three older Moreton Bay ash (*Corymbia tessellaris*) and coconut palms (*Cocos nucifera*), these are the only species representative of the original vegetation community.

No part of the site contains wildlife habitat or habitat connectivity. Taller stems offer a foraging resource to avian species, but the degree of site disturbance, the presence of cats and dogs and the close proximity of existing residential development significantly reduces any habitat value.



Plate 1: Typical site vegetation.

Table 3: Site Species List.

Species	Common Name
<i>Allophylus cobbe</i>	-
<i>Averrhoa carambola</i> *	Carambola
<i>Axonopus compressus</i> *	Broad-leaf carpet grass
<i>Calliandra calothyrsus</i> *	Chinese pom pom
<i>Calopogonium mucunoides</i> *	Calopo
<i>Canarium australianum</i> var. <i>australianum</i>	Scrub turpentine
<i>Carallia brachiata</i>	Corkwood
<i>Cassia fistula</i> *	Golden shower
<i>Chionanthus ramiflora</i>	Native olive
<i>Cocos nucifera</i>	Coconut palm
<i>Corymbia tessellaris</i>	Moreton Bay ash
<i>Delonix regia</i> *	Poinciana
<i>Dillenia alata</i>	Red beech
<i>Dischidia nummularia</i>	Button orchid
<i>Dockrillia teretifolium</i>	Pencil orchid
<i>Drynaria sparsisora</i>	Basket fern
<i>Dyopsis lutescens</i> *	Golden cane
<i>Epipremnum</i> cv. <i>aureum</i> *	Golden pothos
<i>Eucalyptus tereticornis</i>	Qld blue gum
<i>Euroschinus falcata</i>	Pink poplar
<i>Ficus benjamina</i>	Weeping fig
<i>Ficus microcarpa</i>	Indian laurel fig
<i>Litchi chinensis</i> *	Lychee
<i>Melaleuca leucadendra</i>	Narrow-leaf paperbark
<i>Melaleuca quinquenervia</i>	Paperbark
<i>Melia azedarach</i>	White cedar
<i>Myrmecodia beccarii</i> **	Ant plant
<i>Passiflora foetida</i> *	Stinking passionfruit
<i>Peltophorum pterocarpum</i> *	False poinciana
<i>Philodendron bipinnatifidum</i> *	Philodendron
<i>Phoenix roebelenii</i> *	Dwarf date palm
<i>Praxelis clematidea</i> *	Praxelis
<i>Ptychosperma elegans</i>	Solitaire palm
<i>Ptychosperma macarthurii</i>	Macarthur's palm
<i>Ravenala madagascariensis</i> *	Travellers palm
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Scolopia braunii</i>	Flint wood
<i>Sphagneticola trilobata</i> *	Singapore daisy
<i>Stylosanthes scabra</i> *	Stylo
<i>Tamarindus indica</i> *	Tamarind

Species	Common Name
<i>Tridax procumbens</i> *	Tridax daisy
<i>Triumfetta rhomboidea</i> *	Triumfetta
<i>Urochloa decumbens</i> *	Signal grass

*denotes exotic species

**denotes EVNT species

3.2.2 Habitat features

Nest hollows of various dimensions were observed in a number of taller stems (n=7) (see Table 4). Nest hollows are essential for a number of species, including Macleay's fig parrot (*Cyclopsitta diophthalma macleayana* – Vulnerable NC Act/EPBC Act) which may use habitat resources (fig fruits/hollows) present on the site. Other species of parrot, and other birds, also require access to nest hollows for successful reproduction.

A single termitarium belonging to the local termite *Coptotermes acinaciformis* was located in a mature *Melaleuca quinquenervia* (waypoint 148 on Maps (APPENDIX 1)). This is a widespread coastal species, commonly seen in disturbed areas at ground level and in arboreal settings. The stem hosting this feature is in severe decline and poses a risk to safety.

No coarse woody debris is present on the site, being removed as part of the site maintenance operations (mowing), and there are no other habitat features present.

Table 4: Significant trees on site

Waypoint	Species	Feature
139	<i>Melaleuca quinquenervia</i>	<i>Myrmecodia beccarii</i>
140	<i>Melaleuca leucadendra</i>	Hollows present
141	<i>Corymbia tessellaris</i>	Hollows present
142	<i>Melaleuca leucadendra</i>	<i>Myrmecodia beccarii</i>
143	<i>Melaleuca quinquenervia</i>	-
144	<i>Melaleuca leucadendra</i>	<i>Myrmecodia beccarii</i>
145	<i>Melaleuca quinquenervia</i>	Hollows present
146	<i>Melaleuca leucadendra</i>	-
147	<i>Melaleuca quinquenervia</i>	<i>Myrmecodia beccarii</i>
148	<i>Melaleuca quinquenervia</i>	Hollows/termitaria present
149	<i>Melaleuca leucadendra</i>	Hollows present
150	<i>Melaleuca leucadendra</i>	<i>Myrmecodia beccarii</i>
151	<i>Corymbia tessellaris</i>	Hollows present
152	<i>Corymbia tessellaris</i>	Hollows present
153	<i>Melaleuca leucadendra</i>	<i>Myrmecodia beccarii</i>

3.2.3 EVNT species

Individuals of the epiphytic ant plant (*Myrmecodia beccarii*) were located on six *Melaleuca* stems (see Table 4 and APPENDIX 1 Maps), with an average of two to three ant plants on each host tree. This species is listed as Vulnerable under Queensland's NCA and the Commonwealth's EPBC Act. No other EVNT species were found.

Previous development proposals for the site have drawn attention to the presence of this plant, and conservation of the species has been a condition of at least one previous development application.

No other EVNT species are expected to rely on the vegetation within the site.

3.2.4 Regional Ecosystems

RE7.2.8 is described as a mid-dense forest type associated with palustrine wetland communities. However as noted above, the site has been grossly modified over many years resulting in complete removal of the understorey and ground layer vegetation. Only a small number (n=14) of 'canopy' trees (i.e., stems >25m) remain. Map 1 (APPENDIX 1) shows the current state mapping of RE7.2.8 across the site. The area indicated as containing remnant vegetation is almost completely cleared, and two concrete slabs (remnants of previous residences) cover a significant proportion of that part of the site. On that basis, the site no longer supports any vegetation that could be classified as remnant vegetation under the VM Act. Plate 2 below shows the nature of the vegetation in that portion of the site that is mapped as remnant vegetation.



Plate 2 : Area of site mapped as remnant vegetation.

It should also be noted that remnant vegetation east of Solander Boulevard does not appear to conform to the mapped description (RE7.2.8). There is a dominance of closed forest and vine thicket species that indicate a more mesic (i.e., lowland rainforest) assemblage.

3.2.5 Wetlands

Site vegetation has been described above. With the possible exception of a small number of residual *Melaleuca* stems, which are present across the entire site (see APPENDIX 1 Maps), there is no on-site evidence of a wetland, or vegetation (e.g., sedges) that may be interpreted as being palustrine in nature. Moreover, the site is generally flat with no depressions that would allow formation of ephemeral or semi-permanent swamp environments. Much of the site is either above or level with surrounding developed areas, further suggesting it is not a wetland environment.

As noted above, the area mapped as wetland is completely cleared. Concrete slabs remain in part of the mapped area (see Plate 3 below) – remnants of previous dwellings now removed – and evidence that any wetland environment which may have existed is no longer present, and is unlikely to have been present for many decades. Moreover, Solander Boulevard effectively separates the site from the adjacent environment.



Plate 3: Concrete slab within the area mapped as Wetland Protection Area

On the basis of an absence of wetland vegetation and/or a landform that would support development of wetland vegetation, the site is incorrectly mapped as a wetland. Moreover, the remaining portion of the site is mapped as WPA trigger area (see APPENDIX 1 Map 2), and by implication this also appears erroneous.

3.2.6 Bushfire hazard

It is difficult to reconcile the high fire hazard rating ascribed by the DSC, given the absence of site vegetation that would support a fire, and the mesic nature of adjacent vegetation. As noted, mid-storey and ground level native vegetation has been entirely replaced by mown lawn which poses no fire risk. Residual canopy stems are widely spaced and any fire risk associated with these stems would be vanishingly small. The adjacent vegetation (east of Solander Boulevard) is dominated by rainforest species which if deliberately ignited may burn during dry periods, but at a very low intensity with concomitant low risk.

The site is bordered by roads and/or dwellings on all four sides. Any fire risk could only emanate from the east where such risks are very low, due to the nature of the existing forest and the break afforded by Solander Boulevard.

3.2.7 Essential Habitat

The site is mapped as Essential Habitat for four species. The species and their habitat requirements are shown in Table 5.

Table 5: Four fauna species that essential habitat is mapped for.

Species	Habitat requirements
<i>Casuarium casuarium johnsonii</i> (southern cassowary)	Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, cane fields and dry ridges between rainforest patches
<i>Crocodylus porosus</i> (estuarine crocodile)	Estuaries and major rivers, billabongs and swamps in dry season; freshwater swamps in wet season, occasionally found in open sea; also, in dune swale swamps and dams; mostly within 40-50km of coastline (some breeding populations up to 100km from sea). Nest sites vegetated areas (preference for Melaleuca swamp forest with Thoracostachyum or Scleria sedge/swamp &/or Stenochlaena fern) near permanent freshwater (<100-200m), often on north-west banks, prime areas associated with productive deep-water estuaries; will also use marginal sites, e.g. grassy areas (Imperata, Ischaemum, Themeda, Sorghum) near forest edge or with sparse eucalypt, riverbank/fringe forest (Melaleuca, Corypha, Acacia), mangrove fringe, salt meadow behind mangrove, and sparse short (<40cm) sedge land/swamp.
<i>Charadrius leschenaultii</i> (greater sand plover)	Foraging on intertidal mudflats, sandbank, sandy/shelly/muddy beaches, rock platforms, coral reefs and tidal lagoons. Roost on sandspit, beach, lagoons edge, rocky points, coastal saltmarsh and claypan.
<i>Charadrius mongolus</i> (lesser sand plover)	Foraging on sandy beach, intertidal mudflat/sandflat and mangrove mudflat of coastal bays and estuaries. Also, inland at lakes and soaks. Roost on beach, banks, sand/shell spits, rocky spits and exposed reef

(Source: Property vegetation management report, DNRME)

None of the habitats required by the species listed in Table 5 are available within the subject site.

4.0 Constraints Management

4.1 Vegetation

The tall *Melaleuca*'s on the site retain amenity value, in addition to supporting ant plants/nest hollows. The DSC (and possibly the Department of Environment and Science (DES) through the SARA process) will likely require retention of the maximum number of this species.

Site surveys revealed that the *Melaleuca quinquenervia* at waypoint 148 has been storm damaged and would require removal for safety purposes. It is likely that stems which could be retained would also require an inspection to ensure their retention does not pose a significant safety risk.

4.2 EVNT species

As a minimum, DES will require ant plants (Vulnerable NC Act/EPBC Act) on host trees that may be cleared to be relocated to an alternative safe site. This will require a permit from DES, and the request for a permit would need to include a relocation management plan (e.g., numbers to be removed, location of recipient host trees, relocation methodology and proposed monitoring).

At this site, the recommended strategy would be to avoid clearing of ant plant host trees to the greatest possible extent. Ant plants on host trees which cannot be retained would be immediately relocated onto on-site stems which can be retained. This will minimise the inevitable stress to plants that are relocated and enhance the likelihood of survival, and retention of any attendant ant colonies. An Impact Management Plan would also be required, to ensure that host trees which are retained are appropriately managed.

Ant plant relocation is a relatively specialised task but is often done in similar situations locally, where small numbers require movement on a single property. In this instance, the total cost of relocation would be ca.\$15,000 including plans, permits and approvals.

If ant plants cannot be relocated on-site, an alternative area will need to be identified. This is a lengthy, complex and more costly process, involving negotiation with a range of Crown agencies, and should be avoided.

A self-assessment will also be required under the EPBC Act, indicating that the relocation of ant plants will, in this instance, be actions of a minor and inconsequential nature. Despite this, a self-assessment will be required.

4.3 Remnant Vegetation

If the proposed development is in a defined 'urban' area and for a defined 'urban purpose' then it is not considered assessable development under Schedule 21, Part 2, Section 2, Item 2(g) of the *Planning Regulation 2017*, where vegetation is an Of Concern or Least Concern regional ecosystem shown on the regulated vegetation management map as a Category B area. If this exemption is confirmed, then the requirements of the VM Act in relation to clearing of remnant vegetation are not applicable to this site.

Further advice should be sought from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) before utilising this exemption.

4.4 Essential Habitat

As discussed above, the site is likely to have an exemption from the auspices of the VM Act, and hence the requirements of the VM Act in relation to clearing of essential habitat are not applicable to this site. As discussed above, the applicability of this exemption should be confirmed with DSDMIP before it is relied upon.

4.5 Wetlands

As discussed above, the site is likely to have an exemption from the auspices of the VM Act, and hence the requirements of the VM Act in relation to clearing of a mapped VM Act wetland are not applicable to this site. As discussed above, the applicability of this exemption should be confirmed with DSDMIP before it is relied upon.

Although exempt from constraints in relation to the VM Act mapped wetland, desktop studies show the eastern section of the site is also mapped as containing a HES wetland and located within a WPA under the *Environmental Protection Regulation 2008* (EP Regulation).

During site survey, no wetland values were identified and the wetland is concluded to be absent and erroneously mapped. An application was made to DES to re-assess the HES wetland designation under the EP Regulation within the Lot. DES ascertained that the mapping was incorrect and in January 2019 the wetland boundary was amended, with the new wetland boundary being moved east, outside the Lot. APPENDIX 2 provides the new amended mapping. Nevertheless, even after amendments to the location of the wetland, part of the WPA (the associated trigger area), is still present within the Lot (refer APPENDIX 2).

Within WPAs, certain types of development involving high impact earthworks are considered assessable development.

In this context, 'high impact earthworks' means operational work that:

- Changes the form of land, or involves placing a structure on land, in a way that diverts water to or from a wetland in a wetland protection area; and
- Involves excavating or filling of more than 100m³ when the work is carried out in the wetland or within 50 metres of the wetland (urban area) or within 200m of the wetland (non-urban area).

Due to the location and zoning of the area, it is assumed that the site is deemed to be within an urban area, and hence the buffer required should be 50m, however this should be confirmed with DSC.

Should work be proposed that meets the definition of high impact earthworks within the mapped WPA (including the trigger area), then the development will need to be considered against SDAP State Code 9.

4.6 Bushfire hazard

Within the Douglas Planning Scheme Bushfire Hazard Overlay Code it states that “Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan”.

The site presents no bushfire risk and such an amendment would be relatively routine.

5.0 SUMMARY

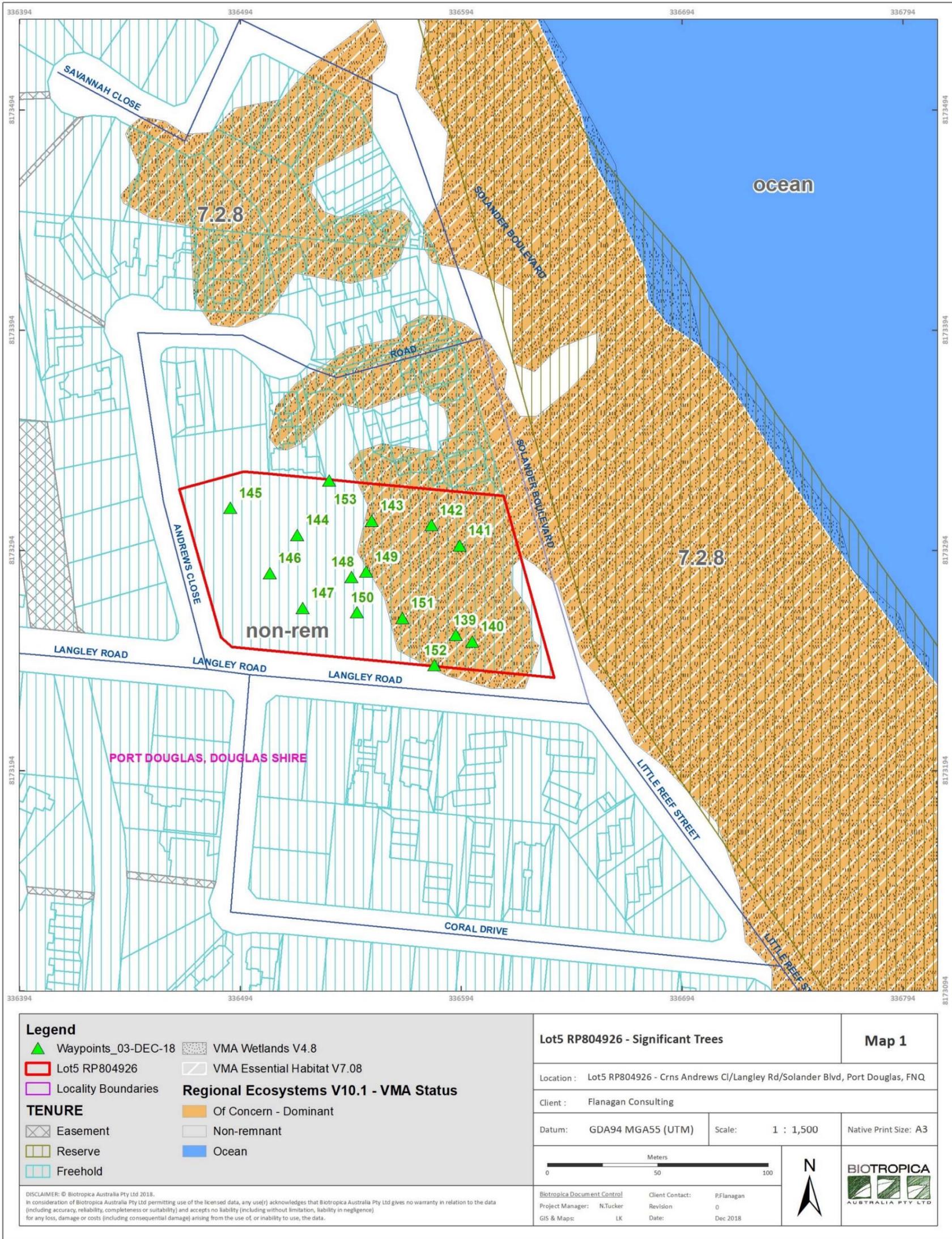
A permit will be required from DES to relocate ant plants whose host trees may be cleared. An Impact Management Plan will be required to appropriately protect ant plants that would/could be retained.

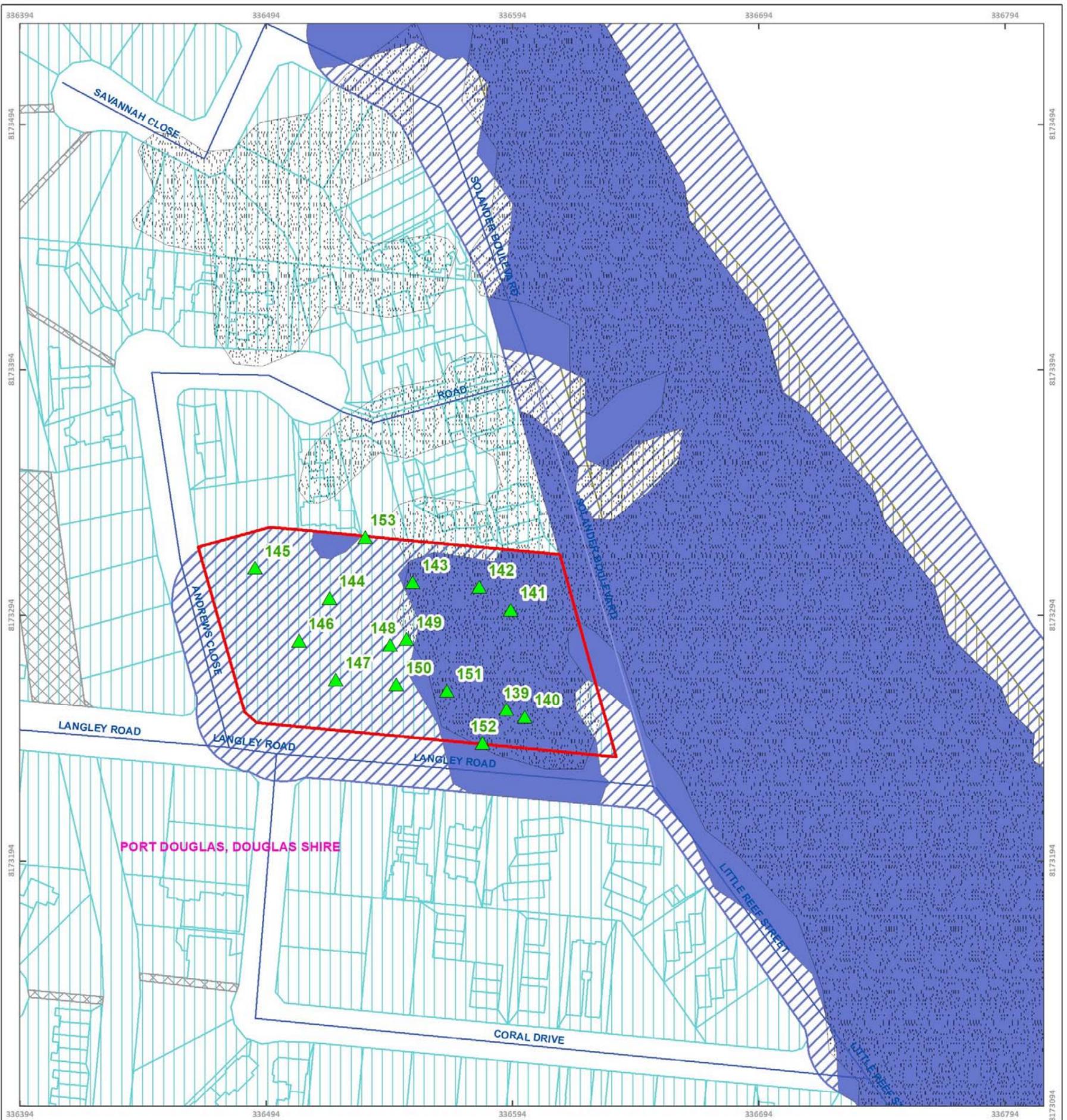
The proposed development is considered likely to be designated as in an ‘urban area’ and for an ‘urban purpose’, hence it would not be assessable development under the VM Act, and the constraints of remnant vegetation, essential habitat and VM Wetlands are not relevant to the site.

An assessment of the wetland has been conducted by DNRME, resulting in the amendment and removal of the HES wetland on the Lot. The property still contains part of the WPA, comprising only the trigger area. If high impact earthworks are proposed within the WPA, the development will need to be considered against SDAP State Code 9.

The site’s bushfire hazard status should be directly negotiated with the DSC. Given the very low existing risk, and the built-up nature of the surrounding area, this should not be onerous.

APPENDIX 1: MAPS





Legend

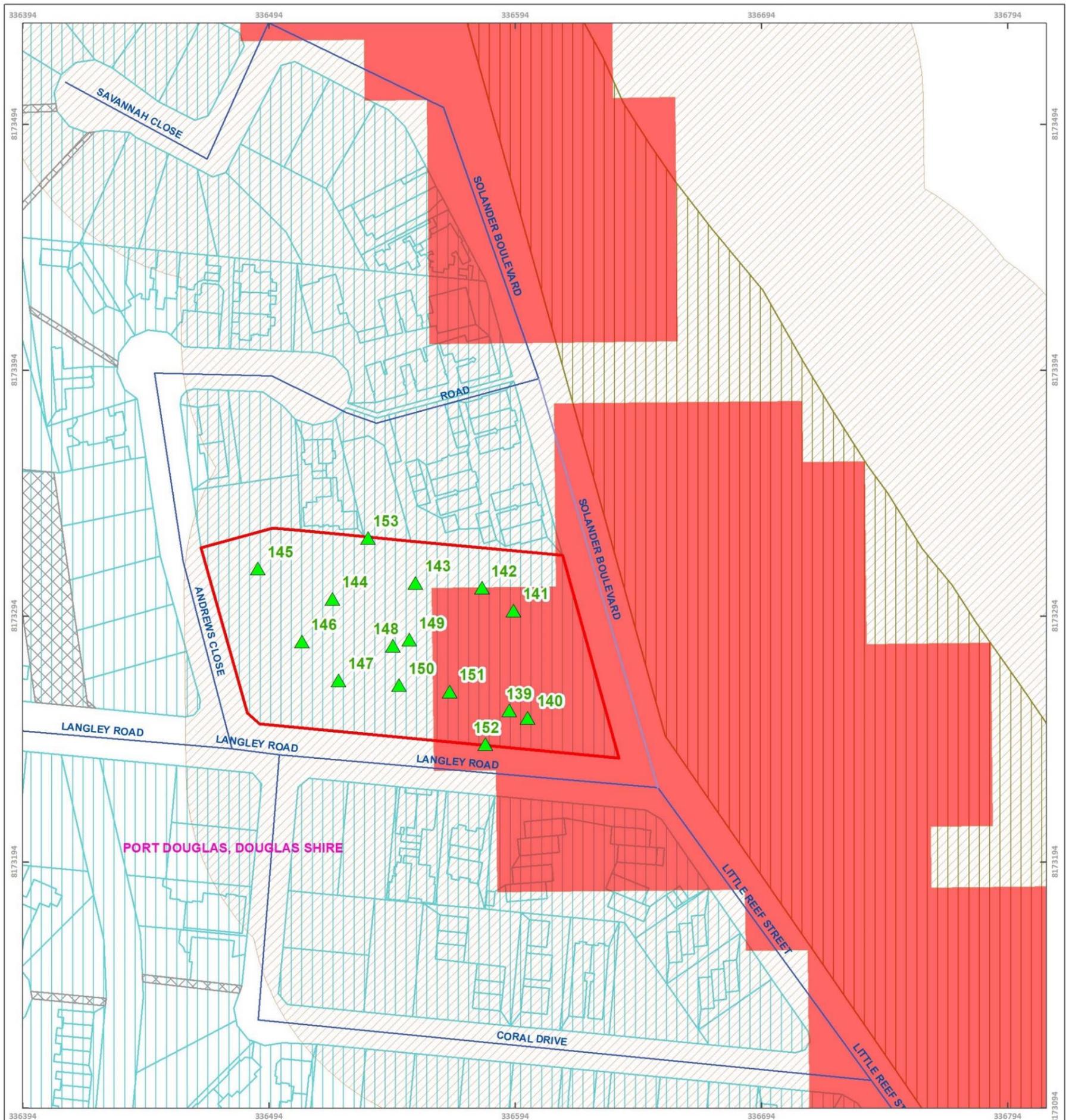
- ▲ Waypoints_03-DEC-18
 - Lot5 RP804926
 - Locality Boundaries
 - VMA Wetlands V4.8
 - Wetland Protection Area - Wetlands
 - Wetland Protection Area - Trigger
- TENURE**
- Easement
 - Reserve
 - Freehold

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Lot5 RP804926 - Significant Trees

Map 2

Location: Lot5 RP804926 - Crns Andrews Cl/Langley Rd/Solander Blvd, Port Douglas, FNQ	
Client: Flanagan Consulting	
Datum: GDA94 MGA55 (UTM)	Scale: 1 : 1,500
Biotropica Document Control Project Manager: N.Tucker GIS & Maps: LK	Client Contact: P.Flanagan Revision: 0 Date: Dec 2018



Legend

- ▲ Waypoints_03-DEC-18
- Lot5 RP804926
- Locality Boundaries
- TENURE**
- Easement
- Reserve
- Freehold
- High Potential Bushfire Intensity
- Potential Impact Buffer
- BushfireProneArea (Douglas Shire Planning Scheme)**

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Lot5 RP804926 - Significant Trees

Map 3

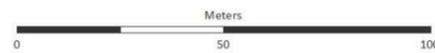
Location : Lot 5 RP804926 - Crns Andrews Cl/Langley Rd/Solander Blvd, Port Douglas, FNQ

Client : Flanagan Consulting

Datum: GDA94 MGA55 (UTM)

Scale: 1 : 1,500

Native Print Size: A3

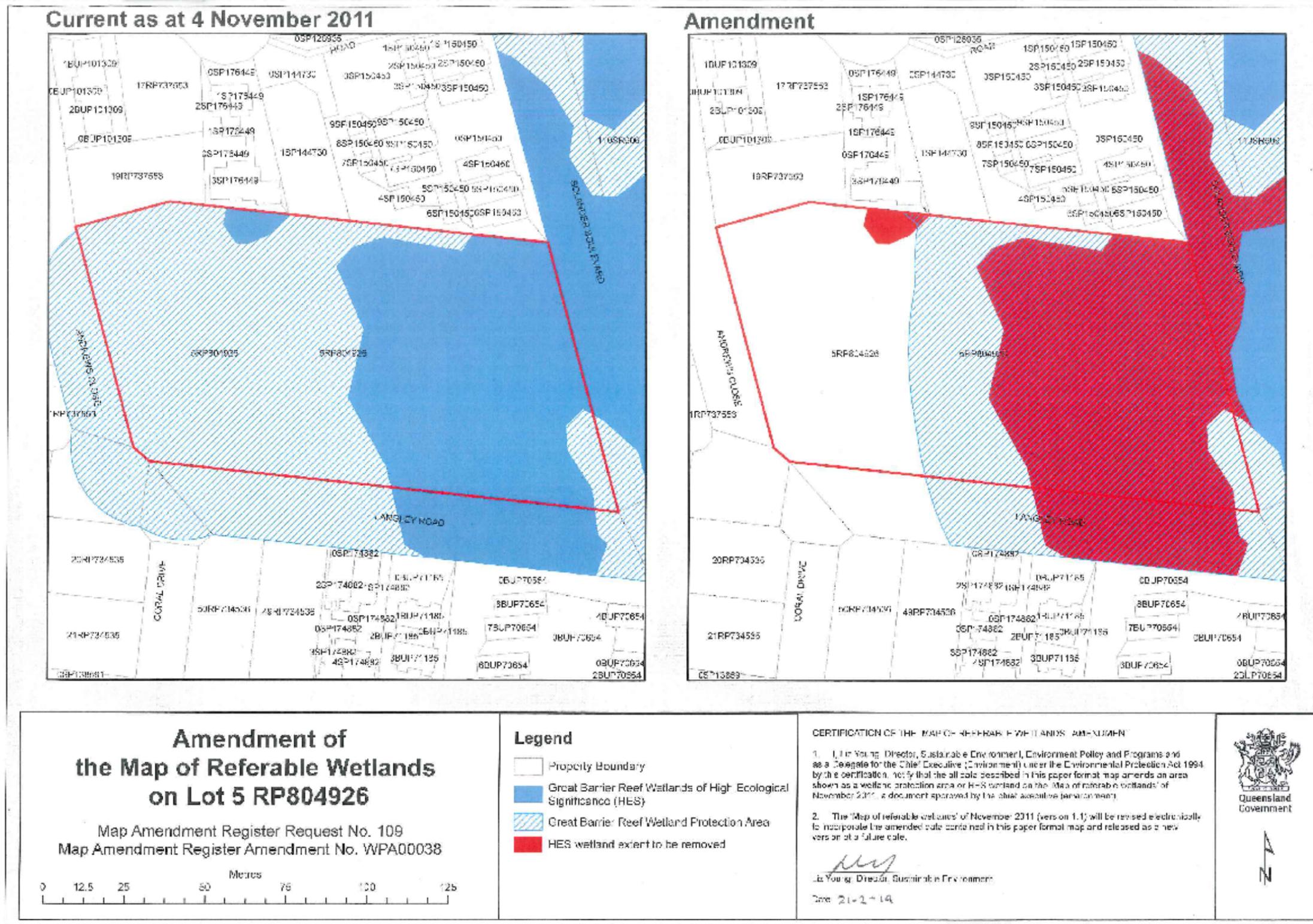


Biotropica Document Control
 Project Manager: N.Tucker
 GIS & Maps: LK

Client Contact: P.Flanagan
 Revision: 0
 Date: Dec 2018



APPENDIX 2: WETLAND AMENDMENT MAP



**Amendment of
the Map of Referable Wetlands
on Lot 5 RP804926**

Map Amendment Register Request No. 109
Map Amendment Register Amendment No. WPA00038



Legend

- Property Boundary
- Great Barrier Reef Wetlands of High Ecological Significance (HES)
- Great Barrier Reef Wetland Protection Area
- HES wetland extent to be removed

CERTIFICATION OF THE MAP OF REFERABLE WETLANDS AMENDMENT

1. I, Ian Young, Director, Sustainable Environment, Environment Policy and Programs and as a Delegate for the Chief Executive (Environment) under the Environmental Protection Act 1994 by this certification, certify that the all data described in this paper format map amends an area shown as a wetland protection area or HES wetland on the 'Map of referable wetlands' of November 2011, a document approved by the chief executive (environment).

2. The 'Map of referable wetlands' of November 2011 (version 1.1) will be revised electronically to incorporate the amended data contained in this paper format map and released as a new version at a future date.

Ian Young, Director, Sustainable Environment
Date: 21-2-14



APPENDIX 3: ONLINE SEARCH RESULTS



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 29/11/18 10:51:28

[Summary](#)

[Details](#)

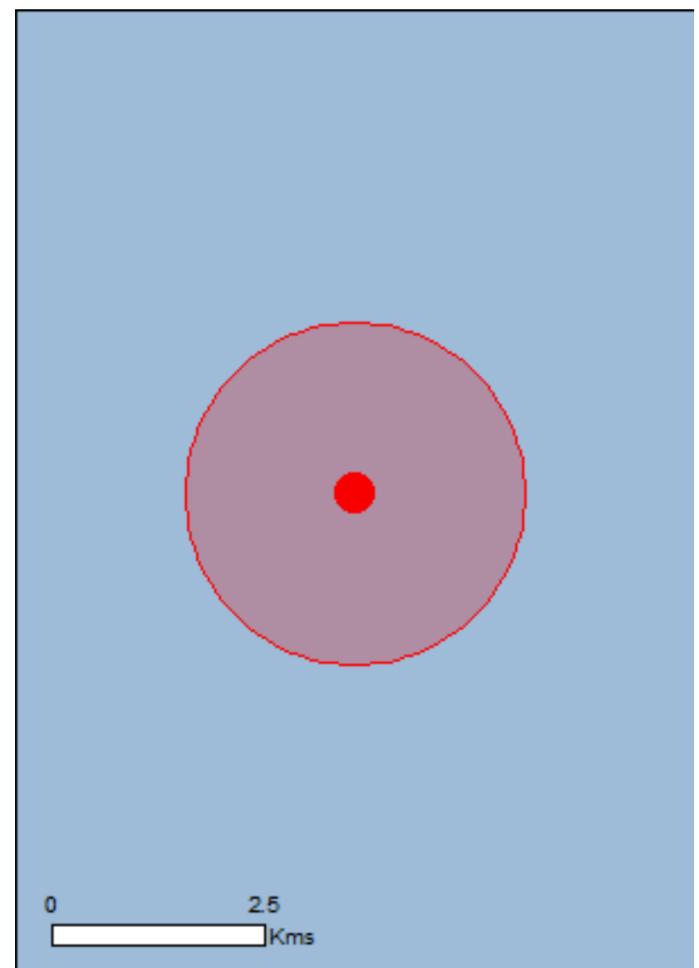
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

Buffer: 2.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	1
National Heritage Places:	1
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	1
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	1
Listed Threatened Species:	41
Listed Migratory Species:	46

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	98
Whales and Other Cetaceans:	12
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	None
Invasive Species:	26
Nationally Important Wetlands:	1
Key Ecological Features (Marine)	None

Details

Matters of National Environmental Significance

World Heritage Properties		[Resource Information]
Name	State	Status
Great Barrier Reef	QLD	Declared property

National Heritage Properties		[Resource Information]
Name	State	Status
Natural		
Great Barrier Reef	QLD	Listed place

Great Barrier Reef Marine Park		[Resource Information]
Type	Zone	IUCN
Conservation Park	CP-16-4032	IV

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coastal north Queensland	Endangered	Community may occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area
Casuarius casuarius johnsonii Southern Cassowary, Australian Cassowary, Double-wattled Cassowary [25986]	Endangered	Species or species habitat known to occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
Fregetta grallaria grallaria White-bellied Storm-Petrel (Tasman Sea), White-bellied Storm-Petrel (Australasian) [64438]	Vulnerable	Species or species habitat likely to occur within area
Limosa lapponica baueri Bar-tailed Godwit (<i>baueri</i>), Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat known to occur within area
Limosa lapponica menzbieri Northern Siberian Bar-tailed Godwit, Bar-tailed Godwit (<i>menzbieri</i>) [86432]	Critically Endangered	Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
Rostratula australis Australian Painted-snipe, Australian Painted Snipe	Endangered	Species or species

Name	Status	Type of Presence
[77037]		habitat may occur within area
Tyto novaehollandiae kimberli		
Masked Owl (northern) [26048]	Vulnerable	Species or species habitat likely to occur within area
Frogs		
Litoria dayi		
Australian Lace-lid, Lace-eyed Tree Frog, Day's Big-eyed Treefrog [86707]	Endangered	Species or species habitat likely to occur within area
Litoria nannotis		
Waterfall Frog, Torrent Tree Frog [1817]	Endangered	Species or species habitat may occur within area
Litoria rheocola		
Common Mistfrog [1802]	Endangered	Species or species habitat likely to occur within area
Mammals		
Balaenoptera musculus		
Blue Whale [36]	Endangered	Species or species habitat may occur within area
Dasyurus hallucatus		
Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat likely to occur within area
Hipposideros semoni		
Semon's Leaf-nosed Bat, Greater Wart-nosed Horseshoe-bat [180]	Vulnerable	Species or species habitat may occur within area
Macroderma gigas		
Ghost Bat [174]	Vulnerable	Species or species habitat likely to occur within area
Megaptera novaeangliae		
Humpback Whale [38]	Vulnerable	Species or species habitat known to occur within area
Mesembriomys gouldii rattoides		
Black-footed Tree-rat (north Queensland), Shaggy Rabbit-rat [87620]	Vulnerable	Species or species habitat may occur within area
Petauroides volans		
Greater Glider [254]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)		
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat may occur within area
Pteropus conspicillatus		
Spectacled Flying-fox [185]	Vulnerable	Species or species habitat likely to occur within area
Rhinolophus robertsi		
Large-eared Horseshoe Bat, Greater Large-eared Horseshoe Bat [87639]	Vulnerable	Species or species habitat likely to occur within area
Saccolaimus saccolaimus nudicluniatus		
Bare-rumped Sheath-tailed Bat, Bare-rumped Sheath-tail Bat [66889]	Vulnerable	Species or species habitat likely to occur within area
Xeromys myoides		
Water Mouse, False Water Rat, Yirrkoo [66]	Vulnerable	Species or species habitat may occur within area
Plants		
Acriopsis emarginata		
Pale Chandelier Orchid [83928]	Vulnerable	Species or species habitat may occur within area

Name	Status	Type of Presence
Canarium acutifolium [23956]	Vulnerable	Species or species habitat may occur within area
Myrmecodia beccarii Ant Plant [11852]	Vulnerable	Species or species habitat likely to occur within area
Phaius australis Lesser Swamp-orchid [5872]	Endangered	Species or species habitat may occur within area
Phalaenopsis amabilis subsp. rosenstromii Native Moth Orchid [87535]	Endangered	Species or species habitat likely to occur within area
Reptiles		
Caretta caretta Loggerhead Turtle [1763]	Endangered	Breeding likely to occur within area
Chelonia mydas Green Turtle [1765]	Vulnerable	Breeding known to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Egernia rugosa Yakka Skink [1420]	Vulnerable	Species or species habitat may occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Lepidochelys olivacea Olive Ridley Turtle, Pacific Ridley Turtle [1767]	Endangered	Breeding likely to occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Foraging, feeding or related behaviour known to occur within area
Sharks		
Carcharodon carcharias White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat may occur within area
Pristis pristis Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat known to occur within area
Pristis zijsron Green Sawfish, Dindagubba, Narrowsnout Sawfish [68442]	Vulnerable	Breeding likely to occur within area
Rhincodon typus Whale Shark [66680]	Vulnerable	Species or species habitat may occur within area
Listed Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Anous stolidus Common Noddy [825]		Species or species habitat known to occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species

Name	Threatened	Type of Presence
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		habitat known to occur within area Species or species habitat known to occur within area
Sternula albifrons Little Tern [82849]		Species or species habitat may occur within area
Migratory Marine Species		
Anoxypristis cuspidata Narrow Sawfish, Knifetooth Sawfish [68448]		Species or species habitat likely to occur within area
Balaenoptera edeni Bryde's Whale [35]		Species or species habitat may occur within area
Balaenoptera musculus Blue Whale [36]	Endangered	Species or species habitat may occur within area
Carcharodon carcharias White Shark, Great White Shark [64470]	Vulnerable	Species or species habitat may occur within area
Caretta caretta Loggerhead Turtle [1763]	Endangered	Breeding likely to occur within area
Chelonia mydas Green Turtle [1765]	Vulnerable	Breeding known to occur within area
Crocodylus porosus Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Dugong dugon Dugong [28]		Species or species habitat known to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Lepidochelys olivacea Olive Ridley Turtle, Pacific Ridley Turtle [1767]	Endangered	Breeding likely to occur within area
Manta alfredi Reef Manta Ray, Coastal Manta Ray, Inshore Manta Ray, Prince Alfred's Ray, Resident Manta Ray [84994]		Species or species habitat likely to occur within area
Manta birostris Giant Manta Ray, Chevron Manta Ray, Pacific Manta Ray, Pelagic Manta Ray, Oceanic Manta Ray [84995]		Species or species habitat likely to occur within area
Megaptera novaeangliae Humpback Whale [38]	Vulnerable	Species or species habitat known to occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Foraging, feeding or related behaviour known to occur within area
Orcaella brevirostris Irrawaddy Dolphin [45]		Species or species habitat may occur within area
Orcinus orca Killer Whale, Orca [46]		Species or species

Name	Threatened	Type of Presence
		habitat may occur within area
Pristis pristis Freshwater Sawfish, Largetooth Sawfish, River Sawfish, Leichhardt's Sawfish, Northern Sawfish [60756]	Vulnerable	Species or species habitat known to occur within area
Pristis zijsron Green Sawfish, Dindagubba, Narrowsnout Sawfish [68442]	Vulnerable	Breeding likely to occur within area
Rhincodon typus Whale Shark [66680]	Vulnerable	Species or species habitat may occur within area
Sousa chinensis Indo-Pacific Humpback Dolphin [50]		Foraging, feeding or related behaviour known to occur within area
Migratory Terrestrial Species		
Cecropis daurica Red-rumped Swallow [80610]		Species or species habitat known to occur within area
Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Hirundo rustica Barn Swallow [662]		Species or species habitat known to occur within area
Monarcha frater Black-winged Monarch [607]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Monarcha trivirgatus Spectacled Monarch [610]		Species or species habitat known to occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat likely to occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species

Name	Threatened	Type of Presence
Calidris melanotos Pectoral Sandpiper [858]		habitat known to occur within area Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Breeding known to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Birds		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area
Anous stolidus Common Noddy [825]		Species or species habitat known to occur within area
Anseranas semipalmata Magpie Goose [978]		Species or species habitat may occur within area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Species or species habitat known to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area

Name	Threatened	Type of Presence
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Chrysococcyx osculans Black-eared Cuckoo [705]		Species or species habitat may occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat known to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat known to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Hirundo daurica Red-rumped Swallow [59480]		Species or species habitat known to occur within area
Hirundo rustica Barn Swallow [662]		Species or species habitat known to occur within area
Limosa lapponica Bar-tailed Godwit [844]		Species or species habitat known to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha frater Black-winged Monarch [607]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Monarcha trivirgatus Spectacled Monarch [610]		Species or species habitat known to occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Breeding known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species

Name	Threatened	Type of Presence
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	habitat likely to occur within area
Sterna albifrons Little Tern [813]		Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area
Fish		
Acentronura tentaculata Shortpouch Pygmy Pipehorse [66187]		Species or species habitat may occur within area
Bulbonaricus davaoensis Davao Pughead Pipefish [66190]		Species or species habitat may occur within area
Choeroichthys brachysoma Pacific Short-bodied Pipefish, Short-bodied Pipefish [66194]		Species or species habitat may occur within area
Choeroichthys sculptus Sculptured Pipefish [66197]		Species or species habitat may occur within area
Choeroichthys suillus Pig-snouted Pipefish [66198]		Species or species habitat may occur within area
Corythoichthys amplexus Fijian Banded Pipefish, Brown-banded Pipefish [66199]		Species or species habitat may occur within area
Corythoichthys flavofasciatus Reticulate Pipefish, Yellow-banded Pipefish, Network Pipefish [66200]		Species or species habitat may occur within area
Corythoichthys intestinalis Australian Messmate Pipefish, Banded Pipefish [66202]		Species or species habitat may occur within area
Corythoichthys ocellatus Orange-spotted Pipefish, Ocellated Pipefish [66203]		Species or species habitat may occur within area
Corythoichthys paxtoni Paxton's Pipefish [66204]		Species or species habitat may occur within area
Corythoichthys schultzi Schultz's Pipefish [66205]		Species or species habitat may occur within area
Cosmocampus maxweberi Maxweber's Pipefish [66209]		Species or species habitat may occur within area
Doryrhamphus dactyliophorus Banded Pipefish, Ringed Pipefish [66210]		Species or species habitat may occur within area
Doryrhamphus excisus Bluestripe Pipefish, Indian Blue-stripe Pipefish, Pacific Blue-stripe Pipefish [66211]		Species or species habitat may occur within area
Doryrhamphus janssi Cleaner Pipefish, Janss' Pipefish [66212]		Species or species

Name	Threatened	Type of Presence
Festucalex cinctus Girdled Pipefish [66214]		habitat may occur within area Species or species habitat may occur within area
Festucalex gibbsi Gibbs' Pipefish [66215]		Species or species habitat may occur within area
Halicampus dunckeri Red-hair Pipefish, Duncker's Pipefish [66220]		Species or species habitat may occur within area
Halicampus grayi Mud Pipefish, Gray's Pipefish [66221]		Species or species habitat may occur within area
Halicampus macrorhynchus Whiskered Pipefish, Ornate Pipefish [66222]		Species or species habitat may occur within area
Halicampus mataafae Samoan Pipefish [66223]		Species or species habitat may occur within area
Halicampus nitidus Glittering Pipefish [66224]		Species or species habitat may occur within area
Halicampus spinirostris Spiny-snout Pipefish [66225]		Species or species habitat may occur within area
Hippichthys cyanospilos Blue-speckled Pipefish, Blue-spotted Pipefish [66228]		Species or species habitat may occur within area
Hippichthys heptagonus Madura Pipefish, Reticulated Freshwater Pipefish [66229]		Species or species habitat may occur within area
Hippichthys penicillus Beady Pipefish, Steep-nosed Pipefish [66231]		Species or species habitat may occur within area
Hippichthys spicifer Belly-barred Pipefish, Banded Freshwater Pipefish [66232]		Species or species habitat may occur within area
Hippocampus bargibanti Pygmy Seahorse [66721]		Species or species habitat may occur within area
Hippocampus histrix Spiny Seahorse, Thorny Seahorse [66236]		Species or species habitat may occur within area
Hippocampus kuda Spotted Seahorse, Yellow Seahorse [66237]		Species or species habitat may occur within area
Hippocampus planifrons Flat-face Seahorse [66238]		Species or species habitat may occur within area
Hippocampus zebra Zebra Seahorse [66241]		Species or species habitat may occur within area
Micrognathus andersonii Anderson's Pipefish, Shortnose Pipefish [66253]		Species or species habitat may occur within

Name	Threatened	Type of Presence area
Micrognathus brevirostris thorntail Pipefish, Thorn-tailed Pipefish [66254]		Species or species habitat may occur within area
Microphis brachyurus Short-tail Pipefish, Short-tailed River Pipefish [66257]		Species or species habitat may occur within area
Nannocampus pictus Painted Pipefish, Reef Pipefish [66263]		Species or species habitat may occur within area
Phoxocampus diacanthus Pale-blotched Pipefish, Spined Pipefish [66266]		Species or species habitat may occur within area
Siokunichthys breviceps Softcoral Pipefish, Soft-coral Pipefish [66270]		Species or species habitat may occur within area
Solegnathus hardwickii Pallid Pipehorse, Hardwick's Pipehorse [66272]		Species or species habitat may occur within area
Solenostomus cyanopterus Robust Ghostpipefish, Blue-finned Ghost Pipefish, [66183]		Species or species habitat may occur within area
Solenostomus paradoxus Ornate Ghostpipefish, Harlequin Ghost Pipefish, Ornate Ghost Pipefish [66184]		Species or species habitat may occur within area
Syngnathoides biaculeatus Double-end Pipehorse, Double-ended Pipehorse, Alligator Pipefish [66279]		Species or species habitat may occur within area
Trachyrhamphus bicoarctatus Bentstick Pipefish, Bend Stick Pipefish, Short-tailed Pipefish [66280]		Species or species habitat may occur within area
Trachyrhamphus longirostris Straightstick Pipefish, Long-nosed Pipefish, Straight Stick Pipefish [66281]		Species or species habitat may occur within area
Mammals		
Dugong dugon Dugong [28]		Species or species habitat known to occur within area
Reptiles		
Acalyptophis peronii Horned Seasnake [1114]		Species or species habitat may occur within area
Aipysurus duboisii Dubois' Seasnake [1116]		Species or species habitat may occur within area
Aipysurus eydouxii Spine-tailed Seasnake [1117]		Species or species habitat may occur within area
Aipysurus laevis Olive Seasnake [1120]		Species or species habitat may occur within area
Astrotia stokesii Stokes' Seasnake [1122]		Species or species habitat may occur within area
Caretta caretta Loggerhead Turtle [1763]	Endangered	Breeding likely to occur

Name	Threatened	Type of Presence
Chelonia mydas Green Turtle [1765]	Vulnerable	within area Breeding known to occur within area
Crocodylus porosus Salt-water Crocodile, Estuarine Crocodile [1774]		Species or species habitat likely to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Breeding likely to occur within area
Disteira kingii Spectacled Seasnake [1123]		Species or species habitat may occur within area
Disteira major Olive-headed Seasnake [1124]		Species or species habitat may occur within area
Enhydrina schistosa Beaked Seasnake [1126]		Species or species habitat may occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Hydrophis elegans Elegant Seasnake [1104]		Species or species habitat may occur within area
Hydrophis mcdowelli null [25926]		Species or species habitat may occur within area
Hydrophis ornatus Spotted Seasnake, Ornate Reef Seasnake [1111]		Species or species habitat may occur within area
Lapemis hardwickii Spine-bellied Seasnake [1113]		Species or species habitat may occur within area
Laticauda colubrina a sea krait [1092]		Species or species habitat may occur within area
Laticauda laticaudata a sea krait [1093]		Species or species habitat may occur within area
Lepidochelys olivacea Olive Ridley Turtle, Pacific Ridley Turtle [1767]	Endangered	Breeding likely to occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Foraging, feeding or related behaviour known to occur within area
Pelamis platurus Yellow-bellied Seasnake [1091]		Species or species habitat may occur within area

Whales and other Cetaceans

[[Resource Information](#)]

Name	Status	Type of Presence
Mammals		
Balaenoptera acutorostrata Minke Whale [33]		Species or species habitat may occur within area
Balaenoptera edeni Bryde's Whale [35]		Species or species

Name	Status	Type of Presence
Balaenoptera musculus Blue Whale [36]	Endangered	habitat may occur within area Species or species habitat may occur within area
Delphinus delphis Common Dolphin, Short-beaked Common Dolphin [60]		Species or species habitat may occur within area
Grampus griseus Risso's Dolphin, Grampus [64]		Species or species habitat may occur within area
Megaptera novaeangliae Humpback Whale [38]	Vulnerable	Species or species habitat known to occur within area
Orcaella brevirostris Irrawaddy Dolphin [45]		Species or species habitat may occur within area
Orcinus orca Killer Whale, Orca [46]		Species or species habitat may occur within area
Sousa chinensis Indo-Pacific Humpback Dolphin [50]		Foraging, feeding or related behaviour known to occur within area
Stenella attenuata Spotted Dolphin, Pantropical Spotted Dolphin [51]		Species or species habitat may occur within area
Tursiops aduncus Indian Ocean Bottlenose Dolphin, Spotted Bottlenose Dolphin [68418]		Species or species habitat likely to occur within area
Tursiops truncatus s. str. Bottlenose Dolphin [68417]		Species or species habitat may occur within area

Extra Information

Invasive Species

[\[Resource Information \]](#)

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
Lonchura punctulata Nutmeg Mannikin [399]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Frogs		
Rhinella marina Cane Toad [83218]		Species or species habitat known to occur within area
Mammals		
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Sus scrofa Pig [6]		Species or species habitat likely to occur within area
Plants		
Andropogon gayanus Gamba Grass [66895]		Species or species habitat likely to occur within area
Annona glabra Pond Apple, Pond-apple Tree, Alligator Apple, Bullock's Heart, Cherimoya, Monkey Apple, Bobwood, Corkwood [6311]		Species or species habitat likely to occur within area
Cenchrus ciliaris Buffel-grass, Black Buffel-grass [20213]		Species or species habitat may occur within area
Cryptostegia grandiflora Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]		Species or species habitat likely to occur within area
Dolichandra unguis-cati Cat's Claw Vine, Yellow Trumpet Vine, Cat's Claw Creeper, Funnel Creeper [85119]		Species or species habitat likely to occur within area
Hymenachne amplexicaulis Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]		Species or species habitat likely to occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana,		Species or species

Name	Status	Type of Presence
Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892] Opuntia spp. Prickly Pears [82753]		habitat likely to occur within area Species or species habitat likely to occur within area
Parthenium hysterophorus Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]		Species or species habitat likely to occur within area
Sagittaria platyphylla Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]		Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]		Species or species habitat likely to occur within area

Reptiles

Hemidactylus frenatus Asian House Gecko [1708]		Species or species habitat likely to occur within area
Ramphotyphlops braminus Flowerpot Blind Snake, Brahminy Blind Snake, Cacing Besi [1258]		Species or species habitat likely to occur within area

Nationally Important Wetlands

[Resource Information]

Name	State
Great Barrier Reef Marine Park	QLD

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-16.5166 145.4684

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.



Queensland Government

Wildlife Online Extract

Search Criteria: Species List for a Specified Point
Species: All
Type: All
Status: Rare and threatened species
Records: All
Date: All
Latitude: -16.5166
Longitude: 145.4684
Distance: 2
Email: amandajames@biotropica.com.au
Date submitted: Thursday 29 Nov 2018 16:06:17
Date extracted: Thursday 29 Nov 2018 16:10:10

The number of records retrieved = 6

Disclaimer

As the DSITIA is still in a process of collating and vetting data, it is possible the information given is not complete. The information provided should only be used for the project for which it was requested and it should be appropriately acknowledged as being derived from Wildlife Online when it is used.

The State of Queensland does not invite reliance upon, nor accept responsibility for this information. Persons should satisfy themselves through independent means as to the accuracy and completeness of this information.

No statements, representations or warranties are made about the accuracy or completeness of this information. The State of Queensland disclaims all responsibility for this information and all liability (including without limitation, liability in negligence) for all expenses, losses, damages and costs you may incur as a result of the information being inaccurate or incomplete in any way for any reason.

Kingdom	Class	Family	Scientific Name	Common Name	I	Q	A	Records
animals	birds	Burhinidae	<i>Esacus magnirostris</i>	beach stone-curlew		V		3
animals	birds	Charadriidae	<i>Charadrius mongolus</i>	lesser sand plover		E	E	6
animals	birds	Charadriidae	<i>Charadrius leschenaultii</i>	greater sand plover		V	V	3
animals	birds	Scolopacidae	<i>Limosa lapponica baueri</i>	Western Alaskan bar-tailed godwit		V	V	3
animals	birds	Scolopacidae	<i>Numenius madagascariensis</i>	eastern curlew		E	CE	2
animals	reptiles	Crocodylidae	<i>Crocodylus porosus</i>	estuarine crocodile		V		4

CODES

I - Y indicates that the taxon is introduced to Queensland and has naturalised.

Q - Indicates the Queensland conservation status of each taxon under the *Nature Conservation Act 1992*. The codes are Extinct in the Wild (PE), Endangered (E), Vulnerable (V), Near Threatened (NT), Least Concern (C) or Not Protected ().

A - Indicates the Australian conservation status of each taxon under the *Environment Protection and Biodiversity Conservation Act 1999*. The values of EPBC are Conservation Dependent (CD), Critically Endangered (CE), Endangered (E), Extinct (EX), Extinct in the Wild (XW) and Vulnerable (V).

Records – The first number indicates the total number of records of the taxon for the record option selected (i.e. All, Confirmed or Specimens).

This number is output as 99999 if it equals or exceeds this value. The second number located after the / indicates the number of specimen records for the taxon.

This number is output as 999 if it equals or exceeds this value.

APPENDIX: R

State Code 9

State code 9: Great Barrier Reef wetland protection areas

Table 9.2.1: All development

General		
PO1 Development is not carried out in a wetland in a wetland protection area.	No acceptable outcome is prescribed.	Complies with PO1. The wetland is located outside of the proposed development boundaries (the site).
<p>PO2 Development provides an adequate buffer surrounding a wetland to:</p> <ol style="list-style-type: none"> 1. maintain and protect wetland environmental values; and 2. avoid adverse impacts on native vegetation within the wetland and the buffer. 	<p>AO2.1 The buffer surrounding a wetland has a minimum width of:</p> <ol style="list-style-type: none"> 1. 200 metres, where the wetland is located outside a prescribed urban area; or 2. 50 metres, where the wetland is located within a prescribed urban area. 	<p>Lot 5 RP804926 is zoned as medium-density residential under the Douglas Shire Planning scheme.</p> <p>Urban zone definition under the <i>Planning Regulation 2017</i> includes medium-density residential zones.</p> <p>As a result, the required buffer is 50m from the wetland.</p> <p>The wetland buffer area partially overlays Lots 1-4 of the proposed development.</p> <p>However, any impacts on the adjacent wetland area likely to be limited due to:</p> <ul style="list-style-type: none"> • the history of development of the site (previous use as a caravan park), • the surface hydrology of the proposed development (see below), • the degraded ecological environment within site, • the location of Solander Boulevard between the site and the wetland, and • the historical impacts of the surrounding encroaching urbanisation. <p>The (former) EPA Advice Agency Response dated 25 March 2019 (Ref: 334352) included the following with respect to the lot being within a wetland buffer area:</p> <p><i>“The application is for a material change of use of use of Lot 5 on RP804926 (1.18ha), Langley Road, Port Douglas to allow development of a resort style complex incorporating 24 accommodation units, reception, pool, bar and recreation area.</i></p>

		<p><i>Around 40% of the property is mapped as referrable wetland. This area is situated on the eastern side of the lot. The documentation provided shows this area has been extensively cleared and now consists of 'lawned parkland' with scattered native and exotic trees. It appears that relatively little or the original wetland and ecological values remain. Other matters of potential concern to this agency have been satisfactorily addressed in the supporting information provided".</i></p> <p><i>Based on the above, and the information provided in the Environmental Constraints Analysis, it is considered that there will be no impacts on wetlands located outside the site boundaries.</i></p>
Hydrology		
<p>PO3 Development enhances or avoids adverse impacts on the existing surface and groundwater hydrology in a wetland protection area, and, where adverse impacts cannot be reasonably avoided, impacts are mitigated.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Due to the previous use of the site as a caravan park, it has been assumed that the relevant fraction impervious would be equal to the proposed low-density residential allotments (Flanagan Consulting, pers. comm., 2019). The site will be graded such that all stormwater runoff will drain to the existing drainage channel. Hence no change to stormwater / surface drainage is expected (Flanagan Consulting, pers. comm., 2019).</p> <p>The site will require fill to an average depth of 900mm across the site.</p> <p>The (former) EPA Advice Agency Response dated 25 March 2019 (Ref: 334352) included the following with respect to the lot being within a wetland buffer area:</p> <p><i>The application is for a material change of use of use of Lot 5 on RP804926 (1.18ha), Langley Road, Port Douglas to allow development of a resort style complex incorporating 24 accommodation units, reception, pool, bar and recreation area.</i></p> <p><i>Around 40% of the property is mapped as referrable wetland. This area is situated on the eastern side of the lot. The documentation provided shows this area has been extensively cleared and now consists of 'lawned parkland' with scattered native and exotic trees. It appears that relatively little or the original wetland and ecological values remain. Other matters of potential concern to this agency have been satisfactorily addressed in the supporting information provided".</i></p>

		<i>Based on the above, and the information provided in the Environmental Constraints Analysis, it is considered that there will be no impacts on wetlands located outside the site boundaries or groundwater associated with wetlands.</i>
Water quality		
PO4 Development avoids adverse impacts to the water quality of the wetland in the wetland protection area and in the wetland buffer and where adverse impacts cannot be reasonably avoided, impacts are mitigated.	No acceptable outcome is prescribed.	Complies with PO4 As discussed above, all stormwater will be directed to the existing drainage channel and stormwater pits. No water from the development is expected to reach the wetland. Hence no change in water quality is expected as a result of the Project.
PO5 Development does not use the wetland in the wetland protection area for stormwater treatment.	No acceptable outcome is prescribed.	Complies with PO5. As discussed above, all stormwater will be directed to the existing drainage channel and stormwater pits. The wetland will not be used for stormwater treatment.
Land degradation		
PO6 Development avoids land degradation in the wetland protection area and, where land degradation cannot be reasonably avoided, it is mitigated.	No acceptable outcome is prescribed.	Complies with PO6 As discussed above, all stormwater will be directed to existing drainage channel and stormwater pits. There will be no increase in surface runoff due to the previous use of the site as a caravan park consisting of similar impervious areas as the proposed development (Flanagan Consulting, pers. comm., 2019). Solander Boulevard provides a barrier between the proposed development and the wetland. This will prevent any unexpected incidents such as spills from affecting the wetland.

Vegetation		
PO7 Development outside the wetland and its buffer: <ol style="list-style-type: none"> 1. avoids impacts on category C areas of vegetation and category R areas of vegetation; or 2. minimises and mitigates impacts on category C areas of vegetation and category R areas of vegetation after demonstrating avoidance is not reasonably possible. 	No acceptable outcome is prescribed.	Complies with PO7 There are no Category C or R areas within the site and hence there will be no impacts on these categories of vegetation.
Fauna management		
PO8 Development: <ol style="list-style-type: none"> 1. protects wetland fauna from any impacts associated with noise, light or visual disturbance 2. protects the movement of wetland fauna within and through a wetland protection area; and 3. does not introduce pest plants, pest animals or exotic species into a wetland and its buffer. 	No acceptable outcome is prescribed.	Complies with PO8 No features characteristic of a wetland were identified during site survey. No wetland fauna are anticipated to utilise the site. The c. 10m wide Solander boulevard track adjacent to the site provides a buffer between the wetland and the development site. Development will comply with statutory noise, light and visual requirements. A Weed Management Plan shall be developed if required for construction and post construction to ensure that the wetland is not subject to invasion by novel weed species.

Matters of state environmental significance		
<p>PO9 Development outside the wetland:</p> <ol style="list-style-type: none"> 1. avoids impacts on matters of state environmental significance; or 2. minimises and mitigates impacts on matters of state environmental significance after demonstrating avoidance is not reasonably possible; and 3. provides an offset if, after demonstrating all reasonable avoidance minimisation and mitigation measures are undertaken, the development results in an acceptable significant residual impact on a matter of state environmental significance. <p>Note: Guidance for determining if the development will have a significant residual impact on the matter of state environmental significance is provided in the Significant Residual Impact Guideline, Department of State Development, Infrastructure and Planning, 2014. Where the significant residual impact is considered an acceptable impact on the matter of state environmental significance and an offset is considered appropriate, the offset should be delivered in accordance with the <i>Environmental Offsets Act 2004</i>.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Complies with PO9 - no offsets are required.</p> <p>MSES H: Threatened wildlife habitat for the ant plant (<i>Myrmecodia beccarii</i>) (Vulnerable under the Nature Conservation Act 1992).</p> <p>Significant trees will be retained where possible, however where trees cannot be retained, the necessary clearing permits would be obtained from the Department of Environment and Science (DES). Assessment against SRI criteria indicate impacts would not be classified as significant after mitigation.</p>