

**OUR REF:** J000563:NAU:KLG  
**DATE:** 26 October 2017

Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

**Attn: Mr Neil Beck, Senior Planner**

Dear Mr Beck,

**RE: APPLICATION SEEKING DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (ENGINEERING WORKS NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE, SPECIFICALLY REPLACEMENT OF A RETAINING WALL ALONG A COMMON BOUNDARY WITH MURPHY STREET ROAD RESERVE, AND DAMAGE OR DESTRUCTION OF VEGETATION) ON LAND AT 17 MURPHY STREET, PORT DOUGLAS (LOTS 2 ON RP700567 AND LOTS 107/108 ON PTD2091)**

Gilvear Planning Pty Ltd is providing Town Planning advice to the owners and operators of the Nautilus Restaurant ('the Applicant'), located at 17 Murphy Street, Port Douglas, with access for pedestrians also available off Macrossan Street. On behalf of the Applicant, an Application for Operational Works (Engineering Works not associated with a Material Change of Use and Vegetation Management) is hereby submitted for Councils' consideration.

Please find **ATTACHED**:

1. DA Form 1;
2. Drawings Numbered 1.0, 1.1, 1.2, 2.0 and 3.0 (Revision H) prepared by Danny Vos, Architect and dated 23 October 2017;
3. Drawing No PR137606-3 prepared by RPS, providing detail survey analysis for the site.

In accordance with Council's Schedule of Fees and Charges FY17/18, "On-street municipal / engineering works 2.5% of the estimated costs of works" is the fee payable for the Application. It is estimated that works proposed will cost approximately \$40,000, therefore, the Application fee payable is \$1,000.

We would be grateful to receive Council's invoice for this fee as soon as possible, to enable payment of same by our client as required.

The following information is provided to assist Council in its assessment of this Application.

#### **BACKGROUND**

Nautilus Restaurant is arguably a Port Douglas icon, having been established and operational for over sixty years.

Initially established in the 1950s, the restaurant has been operated by a number of restaurateurs, most recently the Wearne family, who have operated from the site for over 27 years.

The Restaurant operates on the site within buildings including:

- (a) Main reception and kitchen area;
- (b) Toilets and amenities building;
- (c) Dining areas including a lounge area; and
- (d) Service and storage areas.

Access to the site is predominantly pedestrian, off Macrossan Street through an access over the long, narrow allotment (Lot 2 on RP700567) that stretches from Macrossan Street through to Murphy Street.

Additional pedestrian and vehicular access, predominantly for deliveries and the like, is available off Murphy Street.

Car parking is provided on Murphy Street.

#### APPROVALS HISTORY

Uses on the site were initially established in the 1950's, and given the use has operated on site continuously since that time, there are no known significant land use approvals or requirements to consider.

It is noted that by letter dated 6 May 2003, Council issued approval for "Restaurant Extensions including a Lounge Deck" for the site. A copy of that Approval is **attached**.

The Approval conditions were modified by Court Order dated 10 May 2005, a copy of which is also **attached**.

The extensions and lounge deck referenced in 2003 and 2005 Approval documents have been constructed, and are understood to have been completed generally in accordance with approved plans and requirements.

#### CURRENT SITUATION

The owner and operator of the Restaurant is considering renovations on site, to improve functionality in the kitchen operations, and provide an improved grease trap following recent Council inspection.

Renovations include:

- (a) Demolition and replacement of the kitchen building and entrance off Murphy Street;
- (b) Replace grease trap located near Murphy Street property boundary;
- (c) Associated roof and structural improvement works;
- (d) Levelling areas between dining and kitchen for improved safety and maneuverability by staff and patrons; and

- (e) Demolition and replacement and improvement of the existing retaining wall adjacent the Murphy Street property boundary, for an improved and contemporary engineering solution to the sites' characteristics.

No increase in patronage is proposed by these works.

The "use" of the site for a restaurant will remain unaltered.

Building and operational works only are proposed.

Completion of the required building works will necessitate a temporary closure to the Restaurant, currently anticipated as approximately 2months, and likely to take place in the 'off-season', later this year and / or early in 2018.

The Operational Works the subject of this Application consist of, specifically, the following elements of works proposed:

1. Removal of a Beech Almond and Native Olive located within 3m of both the retaining wall and existing structure;
2. Removal of Phyllanthus Cuscutiflorus hedge initially planted for landscaping purposes;
3. Remove existing retaining wall and new retaining wall to be constructed on the boundary line (within the property) with suitable structural engineering considerations;
4. Replacement of vegetation removed, if required, with appropriate species to permit screening whilst also ensuring maintenance of existing structures appropriately managed.

Management of the retaining wall replacement is confirmed on Drawing 3.0 attached; it is also noted that Cairns Cable Locators have been engaged to undertake underground services location identification, and on receipt of that information, it will be provided for Council assessment on request.

#### DOUGLAS SHIRE PLANNING SCHEME

Pursuant to the Douglas Shire Planning Scheme (as amended), the sites:

- Are in the main included within the Residential 1 Planning Area (although the south-western extent of Lot 2 is included within the Macrossan Street Commercial Planning Area);
- Are included (outside the Commercial Planning Area) within the Flagstaff Hill Special Management Area;
- Are within the "Low Scale" Plot Ratio area (excluding that part of Lot 2 included in the Commercial Planning Area);
- Are generally not impacted by Overlay mapping.

Pursuant to the Port Douglas and Environs Locality Table of Assessment, "Building Work other than Minor Building Work not associated with a Material Change of Use" is "Exempt" development.

On review of the Planning Scheme and relevant requirements, in circumstances whereby "Building Works" are proposed, with no "Material Change of Use", Council approval is not necessary, and work may proceed to Building Permit.

However, works related to the replacement of the existing retaining wall along Murphy Street, and removal of some vegetation (with appropriate replacement) will require “Operational Works” approval from Council, for:

- Engineering works not associated with a Material Change of Use; and
- Vegetation management.

Assessment against the following code requirements is necessary:

- Port Douglas and Environs Locality Code;
- Residential 1 Planning Area Code;
- Filling and Excavation Code;
- Vegetation Management Code.

A consideration of proposed Operational Works with reference to relevant code requirements is provided below:

#### **PORT DOUGLAS AND ENVIRONS LOCALITY CODE**

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

<b>Purpose Statement: to facilitate the achievement of the following outcomes for the Port Douglas and Environs Locality</b>	<b>Comment</b>
Consolidate Port Douglas as the major tourist accommodation and tourist service centre in the Shire	Proposed development is for Operational Works including engineering works (retaining wall), and vegetation management, including removal of trees in a road reserve for construction purposes. It is intended to replace these trees with similar species. It is submitted that proposed development is minor and unlikely to detrimentally impact or affect the achievement of the purpose of the Code.
Ensure that tourist development and associated Landscaping is of high quality which reflects and complements the image of Port Douglas	
Consolidate the area between Macrossan Street and Marina Mirage as the major tourist, retail, dining and entertainment centre of the Shire	
Ensure that all forms of development complement the tropical image of the town by incorporating attractive design and architectural features	
Encourage the expansion of residential areas that are pleasant, functional, distinctive and in visually well-defined areas	
Protect existing and future residential areas from the intrusion of tourist accommodation and activity	
Protect sensitive environments and natural features which give Port Douglas its distinctive character and identity, in particular Four Mile Beach, Dicksons Inlet and Flagstaff Hill	
Protect the surrounding rural and natural environments from intrusion by urban development	
Maintain the distinct rural hinterland, dominant natural environment of the western escarpment, and the existing vegetated hillside of Flagstaff Hill	
Protect primary functions of the port (marine and fishing activities) from incompatible land uses and	

Purpose Statement: to facilitate the achievement of the following outcomes for the Port Douglas and Environs Locality	Comment
acknowledge the industrial and commercial land uses associated with the maritime industry, while also providing secondary opportunities for recreational use by residents and tourists.	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
<b>General Requirements</b>		
<p>P1 Buildings and structures complement the Height of surrounding development,</p> <p>AND</p> <p>Buildings are limited to two Storeys;</p> <p>OR</p> <p>In the High Scale locations depicted on the Locality Plan, development of three Storeys is appropriate.</p>	<p>A1.1 In the Planning Areas (and parts thereof) listed below the maximum Height of Buildings/structures is 6.5 metres. In addition, the roof (including any ancillary roof features) does not exceed a maximum Height of 3.5 metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <ul style="list-style-type: none"> <li>• Residential 1;</li> <li>• Industry;</li> <li>• Conservation;</li> <li>• Community and recreational Facilities;</li> <li>• Residential 2;</li> <li>• Tourist and Residential (Medium Scale);</li> <li>• Commercial – (Medium Scale, outside the Tourist Centre);</li> <li>• Commercial – (High Scale, outside the Tourist Centre); and</li> <li>• Commercial – (High Scale, within the Tourist Centre and on the high side of Macrossan</li> </ul>	<p>Complies</p> <p>Operational works are proposed, structures remaining below 6.5m in height.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>Street) – in this instance there is no specified number of Storeys, however the maximum Height prevails.</p> <p>OR</p> <p>In the Planning Areas (parts thereof) listed below the maximum Height of Buildings/structures is 10 metres and 3 Storeys. In addition, the roof (including any ancillary roof features) does not exceed a maximum Height of 3.5 metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <ul style="list-style-type: none"> <li>• Tourist and Residential – (High Scale); and</li> <li>• Commercial – (High Scale, within the Tourist Centre and on the low side of Macrossan Street, through to Warner Street).</li> </ul>	
<p>P2 Development is connected to available urban services.</p>	<p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p>AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p>	<p>Complies</p> <p>Operational works are proposed with existing services improved, protected and / or maintained.</p>
<p>P3 Landscaping of development Sites complements the existing tropical seaside resort town character of Port Douglas and creates a dominant tropical vegetated streetscape.</p>	<p>A3.1 Landscaping of a development Site complies with Planning Scheme Policy No 7 – Landscaping, with particular emphasis on appropriate species for Port Douglas.</p>	<p>Complies</p> <p>Replacement of significant trees to be removed can be confirmed via condition.</p>

Performance Criteria		Acceptable Solutions		Comment / Compliance
P4	Development Sites are provided with efficient and safe vehicle Access and manoeuvring areas on Site and to the Site, to an acceptable standard for the Locality.	A4.1	All Roads, driveways and manoeuvring areas on Site and adjacent to the Site are designed and maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.	Alternative compliance  During construction, efficient and safe vehicular access will be protected via construction hoarding, retaining through-movement of vehicles on Murphy Street as required. Construction will be during the 'low' tourist season, and potential for impact arising from same may be managed via imposition of condition if required.
Tourist Centre				
Not applicable				
Local Centres				
Not Applicable				
Residential Development Outside the Tourist Centre				
Not applicable				
Other Development				
Not applicable				
Community Facilities				
Not applicable				
Protection of Scenic Amenity and Natural Values				
P21	The views and vistas of Four Mile Beach from the intersection of Davidson Street and Macrossan Street to the beach front are maintained.	A21.1	Any development in Macrossan Street between Davidson Street and the beach front, outside the Tourist Centre, is designed with Macrossan Street as the Main Street Frontage and the Buildings are Setback 6 metres from the Main Street Frontage.	Not applicable
P22	Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute the Scenic Amenity and natural values of the locality.	A22.1	No Acceptable Solution.  (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative compliance  Short term potential for impacts on the vegetation in Murphy Street may be mitigated and managed via replacement of vegetation with appropriate species, noting need to ensure longer term maintenance and protection for existing structures.
Special Management Areas				
Special Management Area 1: Flagstaff Hill				
P23	Flagstaff Hill is protected from inappropriate development to protect the	A23.1	Only Houses on large allotments are developed in Special	Alternative compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
Hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Tourist Centre.	Management Area 1 - Flagstaff Hill.	Operational works are proposed. Material Change of Use and / or Reconfiguration of a Lot is not proposed.
<p>P24 All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the Site, including through:</p> <p>a) building design which minimises excavation and filling; and</p> <p>b) buildings being designed to step down the Site and incorporate foundations and footings on piers or poles; and</p> <p>c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non reflective and complement the colours of the surrounding vegetation and viewshed;</p> <p>and</p> <p>d) protection of the views from public viewing points.</p>	No Acceptable Solution	<p>Alternative compliance</p> <p>Proposed development is for Operational Works to replace an existing retaining wall, including damage to vegetation on site and in the adjacent area. Excavation and fill will be minimized, and when complete, it is anticipated that the visual impact of the proposed works will be minimal in the context of existing development in the immediate locality.</p>
Special Management Area 2: Residential Growth Area		
Not applicable		
Special Management Area 3: Service Industry Precincts (Craiglie)		
Not applicable		
Special Management Area 4: Service Industry Precincts (Mahogany Street)		
Not applicable		
Special Management Area 5: Waterfront Investigation Precinct		
Not applicable		



## RESIDENTIAL 1 PLANNING AREA CODE

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: to facilitate the achievement of the following outcomes for the Residential 1 Planning Area:	Comment
Maintain and enhance the residential character and amenity of established residential neighbourhoods	Development is for Operational Works related to replacement of an existing retaining wall and damage to vegetation to facilitate that construction. Residential development is not proposed, nor is any material change of use or reconfiguration of a lot. The amenity of the streetscape is unlikely to be significantly altered following this work, given replacement of vegetation proposed.
Ensure that the configuration of new residential areas is compatible with established residential neighbourhoods which are characterised by conventional residential housing	
Identify new areas intended for residential living and provide for a high level of residential amenity within the opportunities and constraints imposed by the land	
Provide for the establishment of facilities to service the local community.	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
Consistent and Inconsistent Uses		
P1 The establishment of uses is consistent with the outcomes sought for the Residential 1 Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Residential 1 Planning Area.	Alternative compliance  A new use is not proposed; operational works is proposed.
Site Coverage (Other than a House)		
P2 The Site Coverage of all Buildings does not result in a built form that is bulky or visually obtrusive.	A2.1 Any form of development, other than a House, has a Site Coverage which does not exceed the Site Coverage specified for Multi-Unit Housing outlined below in this Code.	Alternative compliance  A new use is not proposed; operational works is proposed.  Site coverage remains unchanged.
Building Setbacks (Other than a House)		
P3 All Buildings are Setback to: <ul style="list-style-type: none"> <li>maintain the character of residential neighbourhoods; and</li> <li>achieve separation from neighbouring Buildings and from Road Frontages.</li> </ul>	A3.1 Any form of development, other than a House, satisfies the same Setback requirements as specified for Multi-Unit Housing outlined below in this Code.	Alternative compliance  A new use is not proposed; operational works is proposed.  Setbacks remain unchanged.
Fencing		
P4 Any perimeter fencing to the Frontage of a Site in the Residential 1 Planning Area is not visually obtrusive and	A4.1 Any fencing provided to the Main Street Frontage of the Site is a maximum of 1.2 metres in Height and does not	Alternative compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
does not detract from the residential character of the area.	<p>present a blank facade to the street.</p> <p>AND</p> <p>Fencing at the side and the rear boundaries of the Site is a maximum of 1.8 metres in Height.</p>	<p>A new use is not proposed; operational works is proposed.</p> <p>Fencing is to be retained at 1.8m (albeit replaced) given the nature of uses on site (existing and historic), and is considered unlikely to significantly impact streetscape given existing arrangements and replacement of vegetation for screening etc.</p>
Landscaping (Other than a House)		
<p>P5 A Site which is developed for any purpose, other than a House, has Landscaping which is functional, provides visual interest and form, incorporates native vegetation and provides privacy to adjacent residential uses.</p>	<p>A5.1 Within the Site Frontage Setback area a minimum width of 2 metres of Landscaping including 60% Dense Planting is provided.</p> <p>AND</p> <p>Within the side and rear Setback areas a minimum width of 1.5 metres of Landscaping including 60% Dense Planting is provided in accordance with the Landscaping Code.</p> <p>A5.2 Where the proposed use incorporates or requires the provision of a public open space recreation/landscape area, that area is connected and integrated with the development.</p>	<p>Alternative compliance</p> <p>A new use is not proposed; operational works is proposed.</p> <p>Appropriate landscaping is provided already, and will be retained / enhanced following completion of work proposed (replacement of trees removed with appropriate species).</p>
Multi Unit housing		
Not applicable.		
Buffering incompatible land uses		
<p>P8 A buffer is provided to separate agricultural activities that create odour, excessive noise or use agricultural chemicals, (including Aquaculture and Intensive Animal Husbandry), from residential development.</p>	<p>A8.1 Any reconfiguration of Residential 1 land which shares a boundary with land in the Rural Planning Area provides a buffer in accordance with the requirements of State Planning Policy 1/92 and Planning Guidelines – Separating Agricultural and</p>	<p>Not applicable</p> <p>The site is not adjacent agricultural areas.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>Residential Land Uses (DNR 1997).</p> <p>OR</p> <p>No Acceptable Solution. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>	
<b>Sloping Sites</b>		
<p>P9 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>P9.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes signoff that the Site can be stabilised.</p> <p>AND</p>	<p>Alternative compliance</p> <p>Operational works for replacement of a retaining wall (existing) and vegetation management are proposed. Significant new construction and / or new uses are not proposed. Site slope and characteristics largely remain unchanged.</p> <p>Replacement of the retaining wall is necessary for safety and engineering reasons.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by a an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>	
<p>P10 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.</p>	<p>A10.1 A split level building form is utilised.</p> <p>A10.2 A single plane concrete slab is not utilised.</p> <p>A10.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p>	<p>Alternative compliance</p> <p>Operational works for replacement of a retaining wall (existing) and vegetation management are proposed. Significant new construction and / or new uses are not proposed. Site slope and characteristics largely remain unchanged.</p> <p>Replacement of the retaining wall is necessary for safety and engineering reasons.</p>
<p>P11 Development on sloping land minimises any impact on the landscape character of the surrounding area.</p>	<p>P11.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.</p>	<p>Alternative compliance</p> <p>Operational works for replacement of a retaining wall (existing) and vegetation management are proposed. Significant new construction and / or new uses are not proposed. Site slope and characteristics largely remain unchanged.</p> <p>Replacement of the retaining wall is necessary for safety and engineering reasons.</p>
<p>P12 Development on sloping land ensures that the quality and quantity of stormwater traversing the Site does not</p>	<p>A12.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream,</p>	<p>Alternative compliance</p> <p>Operational works for replacement of a retaining wall</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
cause any detrimental impact to the natural environment or to any other Sites.	upstream, underground stream or adjacent properties.	(existing) and vegetation management are proposed. Significant new construction and / or new uses are not proposed. Stormwater management will be appropriately dealt with, seeking to ensure no alteration to current arrangements and / or improvement to current arrangements wherever possible.
<b>Sustainable Siting and Design of Houses on Sloping Sites</b>		
P13 A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing.	<p>A13.1 A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs.</p> <p>The Clearing is limited to a maximum area of 800 m<sup>2</sup> and is sited clear of the High Bank of any Watercourse.</p> <p>(The 800m<sup>2</sup> area of Clearing does not include an access driveway.)</p> <p>A13.2 The approved area for the Clearing of the House is not cleared until a Building Permit is issued.</p>	<p>Not applicable</p> <p>Residential development is not proposed.</p>
P14 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.	A14.1 A House is effectively screened from view by existing native trees in designated Setback area/s, or by the planting of additional native trees endemic to the local area.	<p>Not applicable</p> <p>Residential development is not proposed.</p>
P15 The exterior finishes of a House complements the surrounding natural environment.	P15.1 The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.	<p>Not applicable</p> <p>Residential development is not proposed.</p>
P16 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.	P16.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 –	<p>Not applicable</p> <p>Residential development is not proposed.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	Building Design and Architectural Elements.	

#### FILLING AND EXCAVATION CODE

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: to ensure that filling and excavation do not:	Comment
Affect visual/scenic amenity values of the Shire	Proposed development is for Operational Works involving replacement of an existing retaining wall along a boundary, and associated vegetation management including removal of trees and replacement of screen planting post-construction. The proposed development is considered likely to improve land stability, be managed to ensure no adverse impact upon utility services, and is unlikely to impact the visual or scenic amenity of the shire with replacement landscaping proposed.
Cause flooding and drainage problems	
Impact upon the environment of an area	
Cause land instability	
Adversely impact upon utility services	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
Filling and Excavation – General		
P1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the Site or the surrounding area.	A1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.  AND  Cuts in excess of those stated in A1.1 above are separated by benches/terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	Complies  The retaining wall being replaced will have a maximum height of 1.8m above finished floor / ground levels.
	A1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	Alternative compliance  Cuts are not proposed, although excavation to remove and replace the existing retaining wall are necessary, as illustrated on Drawing 3.0 attached.
	A1.3 Cuts are screened from view by the siting of the	Alternative compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
	Building/structure, wherever possible.	Cuts are not proposed, although excavation to remove and replace the existing retaining wall are necessary, as illustrated on Drawing 3.0 attached.
	A1.4 Topsoil from the Site is retained from cuttings and reused on benches/terraces.	Alternative compliance  Cuts are not proposed, although excavation to remove and replace the existing retaining wall are necessary, as illustrated on Drawing 3.0 attached.
	A1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure, is located closer than 600 mm to any boundary of the property, unless the prior written approval of the adjoining landowner and the Council, has been obtained.	Alternative compliance  The retaining wall is replacing an existing retaining wall located closer than 600mm to the property boundary. Council consent via this Operational Works application is being sought.
	A1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, Landscaping or other protective/aesthetic measures.	Not applicable  Retaining is proposed.
<b>Visual Impact and Site Stability</b>		
P2 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 is not compromised.	A2.1 The extent of filling or excavation does not exceed 40% of the Site area or 500 m2 whichever is the lesser.  EXCEPT THAT  A2.1 does not apply to reconfiguration of 5 lots or more.	Not applicable  Extensive filling or excavation is not proposed.
	A2.2 Filling and excavation does not occur within 2 metres of the Site boundary.	Alternative compliance  The retaining wall is replacing an existing retaining wall within 2m of the property boundary; extensive filling and excavation is not proposed, although excavation is necessary to



Performance Criteria	Acceptable Solutions	Comment / Compliance
		remove the existing wall and replace it with an appropriately engineered wall.
<b>Flooding and Drainage</b>		
P3 Filling and excavation does not result in a change to the run off characteristics of a Site which then have a detrimental impact upon the Site or nearby land or adjacent Road reserves.	A3.1 Filling and excavation does not result in the ponding of water on a Site or adjacent land or Road reserves.	Complies  Compliance may be confirmed via imposition of condition.
	A3.2 Filling and excavation does not result in an increase in the flow of water across a Site or any other land or Road reserves.	Complies  Compliance may be confirmed via imposition of condition.
	A3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a Watercourse and overland flow paths.	Complies  Compliance may be confirmed via imposition of condition.
	A3.4 Filling and excavation complies with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.	Complies  Compliance may be confirmed via imposition of condition.
<b>Water Quality</b>		
P4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	A4.1 Water quality is maintained to comply with the specifications set out in the Planning Scheme Policy No 6 –FNQROC Development Manual.	Complies  Compliance may be confirmed via imposition of condition.

#### VEGETATION MANAGEMENT CODE

Within the Flagstaff Hill Special Management Area, vegetation damage within three (3) metres (measured from the centre of the tree's trunk at ground level to the nearest edge of the structure) of an existing or approved structure, is permitted.

Both the Native Olive and Beech Almond are within 3m of both the existing structure and the retaining wall being removed and replaced.

In addition, removal of vegetation planted initially for landscaping purposes is also permitted. The Phyllanthus hedge was planted for landscaping and screening purposes.

Damaged vegetation must be removed or disposed of appropriately, and it is noted that Council may confirm this requirement by condition imposed on any approval granted.

It is therefore submitted that Council's vegetation management code has been appropriately considered.



**CONCLUSION**

I trust the above information assists in your assessment of the Application for Operational Works. Should further information be required, please call or email.

Kind regards,



**Kristy Gilvear**  
**DIRECTOR - FNQ**

## DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) 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**, 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>	Halhiti Pty Ltd (Mr Grahame Wearne, Nautilus Palms Pty Ltd)
Contact name <i>(only applicable for companies)</i>	C/- Kristy Gilvear, Gilvear Planning Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 228
Suburb	BABINDA
State	QLD
Postcode	4861
Country	AUSTRALIA
Contact number	0448 897 991
Email address <i>(non-mandatory)</i>	<a href="mailto:kristy@gilvearplanning.com.au">kristy@gilvearplanning.com.au</a>
Mobile number <i>(non-mandatory)</i>	0448 897 991
Fax number <i>(non-mandatory)</i>	N/A
Applicant's reference number(s) <i>(if applicable)</i>	J000563:NAU:KLG

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" 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
		17	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	2 107 and 108	RP700567 PTD2091	Douglas Shire Council
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? *(tick only one box)*

Material change of use       Reconfiguring a lot       Operational work       Building work

b) What is the approval type? *(tick only one box)*

Development permit       Preliminary approval       Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment       Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Operational Works involving works on a Road Reserve (Murphy Street), specifically replacement of an existing Retaining Wall

e) Relevant plans

*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

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? *(tick only one box)*

Material change of use       Reconfiguring a lot       Operational work       Building work

b) What is the approval type? *(tick only one box)*

Development permit       Preliminary approval       Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment       Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Operational Works involving damage or removal of vegetation in association with replacement of a Retaining Wall on the Murphy Street property boundary

e) Relevant plans

*Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

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 type="checkbox"/> Yes – complete division 2
Operational work	<input checked="" 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 <sup>2</sup> ) (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?

--

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

<input 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				

#### 10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> 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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

**12.2) What is the reason for the boundary realignment?**

**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 checked="" type="checkbox"/> Clearing vegetation
<input checked="" type="checkbox"/> Other – please specify:	Replacement of a Retaining Wall along a Road Reserve boundary involving works in the reserve, and including damage to or removal of vegetation	

**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 checked="" type="checkbox"/> No	

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

\$40,000

**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 – state-controlled roads
- Land within Port of Brisbane's port limits
- SEQ development area
- 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 – residential development
- SEQ regional landscape and rural production area or SEQ Rural living area – urban activity
- Tidal works or works 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 2 or 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:**

- Electricity infrastructure

<p>Matters requiring referral to:</p> <ul style="list-style-type: none"> <li>• The <b>chief executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Oil and gas infrastructure
<p>Matters requiring referral to <b>the Brisbane City Council</b>:</p> <input type="checkbox"/> Brisbane core port land
<p>Matters requiring referral to the <b>Minister under the Transport Infrastructure Act 1994</b>:</p> <input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
<p>Matters requiring referral to the <b>relevant port operator</b>:</p> <input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
<p>Matters requiring referral to the <b>chief executive of the relevant port authority</b>:</p> <input type="checkbox"/> Land within limits of another port
<p>Matters requiring referral to the <b>Gold Coast Waterways Authority</b>:</p> <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
<p>Matters requiring referral to the <b>Queensland Fire and Emergency Service</b>:</p> <input type="checkbox"/> Tidal works, or development in a coastal management district

<p><b>18) Has any referral agency provided a referral response for this development application?</b></p> <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
<p>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>.</p>		

## PART 6 – INFORMATION REQUEST

<p><b>19) Information request under Part 3 of the DA Rules</b></p> <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
<p><b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> <p>Further advice about information requests is contained in the <u>DA Forms Guide</u>.</p>



## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- Yes – provide details below or include details in a schedule to this development application  
 No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<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)

- Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application  
 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  
 Not applicable

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- Yes – show cause or enforcement notice is attached  
 No

23) Further legislative requirements

**Environmentally relevant activities**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 *Environmental Protection Act 1994*?

- Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
 No

**Note:** Application for an environmental authority can be found by searching "EM941" at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

**Hazardous chemical facilities**23.2) Is this development application for a **hazardous chemical facility**?

- Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
 No

**Note:** See [www.justice.qld.gov.au](http://www.justice.qld.gov.au) for further information.

**Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

**Note:** See [www.qld.gov.au](http://www.qld.gov.au) for further information.

#### **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](http://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.ehp.qld.gov.au](http://www.ehp.qld.gov.au) for further information.

#### **Water resources**

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works?**

Yes – the relevant template is completed and attached to this development application

No

**Note:** DA templates are available from [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to commencing development

No

**Note:** Contact the Department of Natural Resources and Mines at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au) for further information.

#### **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](http://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 and Mines at [www.dnrm.qld.gov.au](http://www.dnrm.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

<input checked="" type="checkbox"/> No <b>Note:</b> Contact the Department of Environment and Heritage Protection at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for further information.	
<b>Referable dams</b>	
23.11) Does this development application involve a <b>referable dam</b> required to be failure impact assessed under section 343 of the <i>Water Supply (Safety and Reliability) Act 2008</i> (the Water Supply Act)?	
<input type="checkbox"/> Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the Water Supply Act is attached to this development application <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.dews.qld.gov.au">www.dews.qld.gov.au</a> for further information.	
<b>Tidal work or development within a coastal management district</b>	
23.12) Does this development application involve <b>tidal work or development in a coastal management district</b> ?	
<input type="checkbox"/> Yes – the following is included with this development application: <ul style="list-style-type: none"> <li><input type="checkbox"/> Evidence the proposal meets the code for assessable development that is prescribed tidal work (<i>only required if application involves prescribed tidal work</i>)</li> <li><input type="checkbox"/> A certificate of title</li> </ul> <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for further information.	
<b>Queensland and local heritage places</b>	
23.13) Does this development application propose development on or adjoining a place entered in the <b>Queensland heritage register</b> or on a place entered in a local government’s <b>Local Heritage Register</b> ?	
<input type="checkbox"/> Yes – details of the heritage place are provided in the table below <input checked="" type="checkbox"/> No <b>Note:</b> See guidance materials at <a href="http://www.ehp.qld.gov.au">www.ehp.qld.gov.au</a> for information requirements regarding development of Queensland heritage places.	
Name of the heritage place:	Place ID:
<b>Brothels</b>	
23.14) Does this development application involve a <b>material change of use for a brothel</b> ?	
<input type="checkbox"/> Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the <i>Prostitution Regulation 2014</i> <input checked="" type="checkbox"/> No	
<b>Decision under section 62 of the Transport Infrastructure Act 1994</b>	
23.15) Does this development application involve new or changed access to a state-controlled road?	
<input type="checkbox"/> Yes - this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied) <input checked="" type="checkbox"/> No	

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

<b>24) Development application checklist</b>	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <b>Note:</b> See the <i>Planning Regulation 2017</i> for referral requirements	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>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 <b>Note:</b> 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 <a href="#">DA Forms Guide: Planning Report Template</a> .	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <b>Note:</b> Relevant plans are required to be submitted for all aspects of this development application. For further	<input checked="" type="checkbox"/> Yes

information, see *DA Forms Guide: Relevant plans*.

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21))  Yes  Not applicable

**25) Applicant declaration**

By making this development application, I declare that all information in this development application is true and correct

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 *Electronic Transactions Act 2001*

*Note: It is unlawful to intentionally provide false or misleading information.*

**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 *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**PART 9 – FOR OFFICE USE ONLY**

Date received:  Reference number(s):

**Notification of engagement of alternative assessment manager**

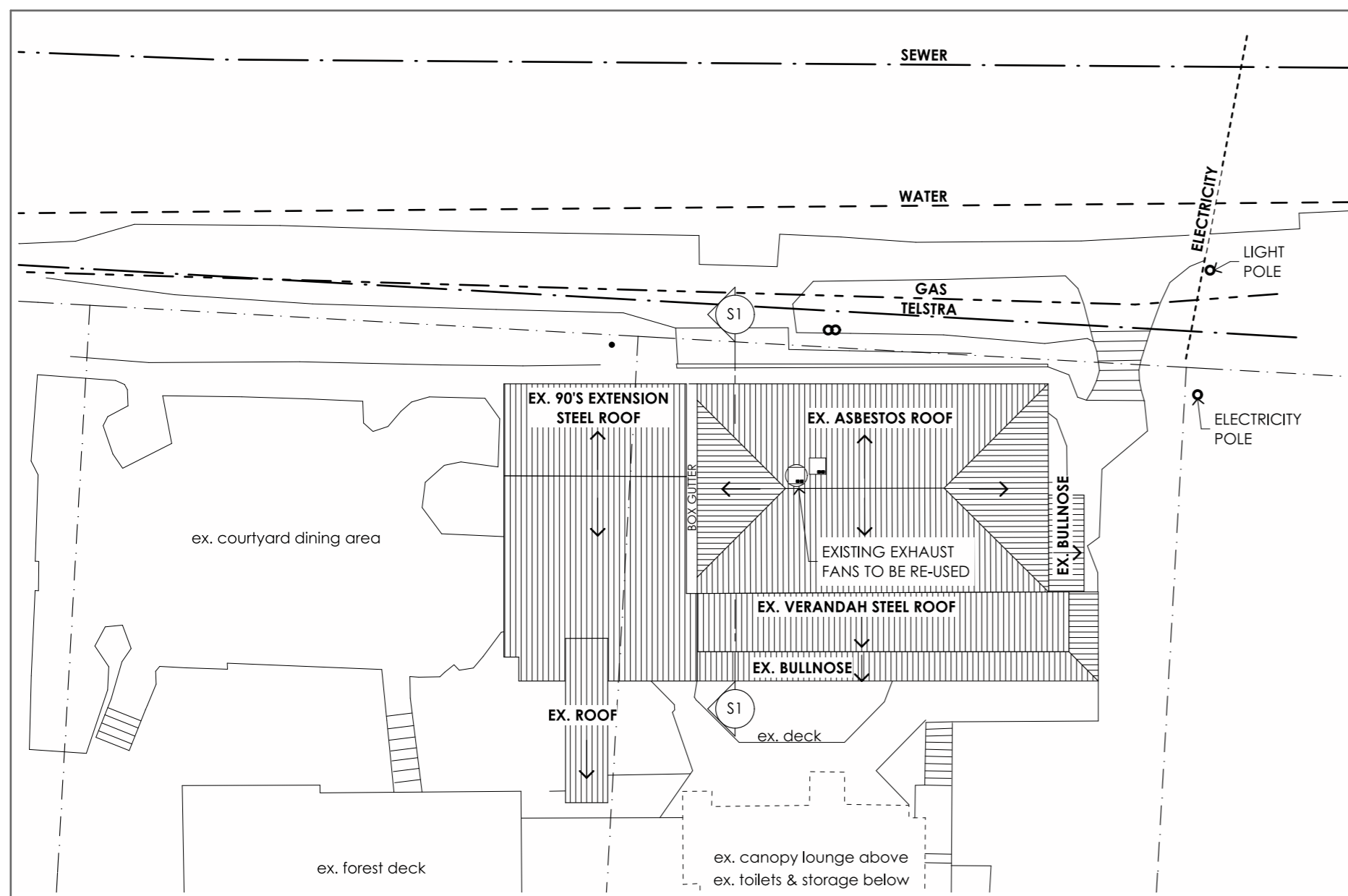
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

**QLeave notification and payment**

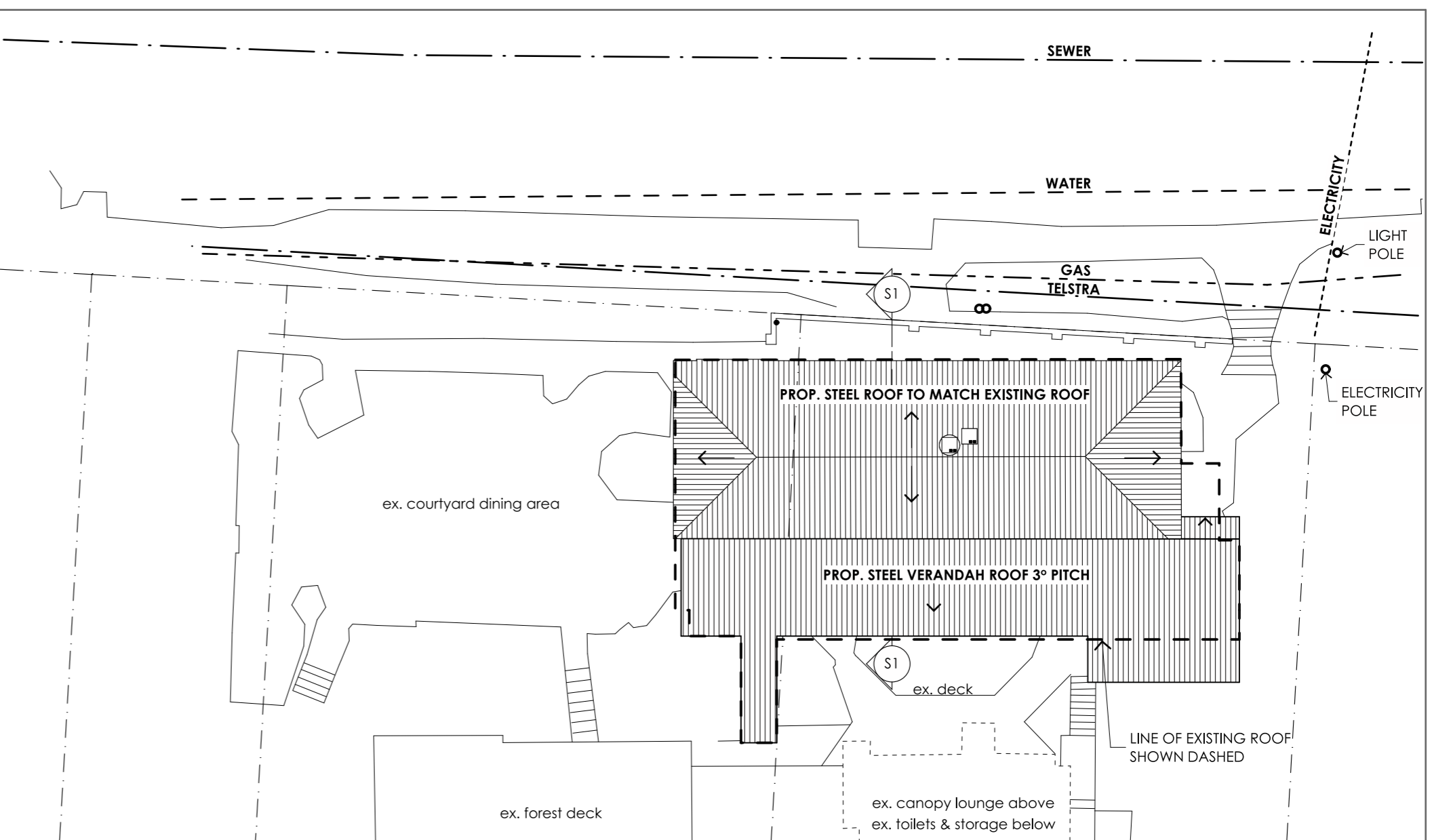
*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

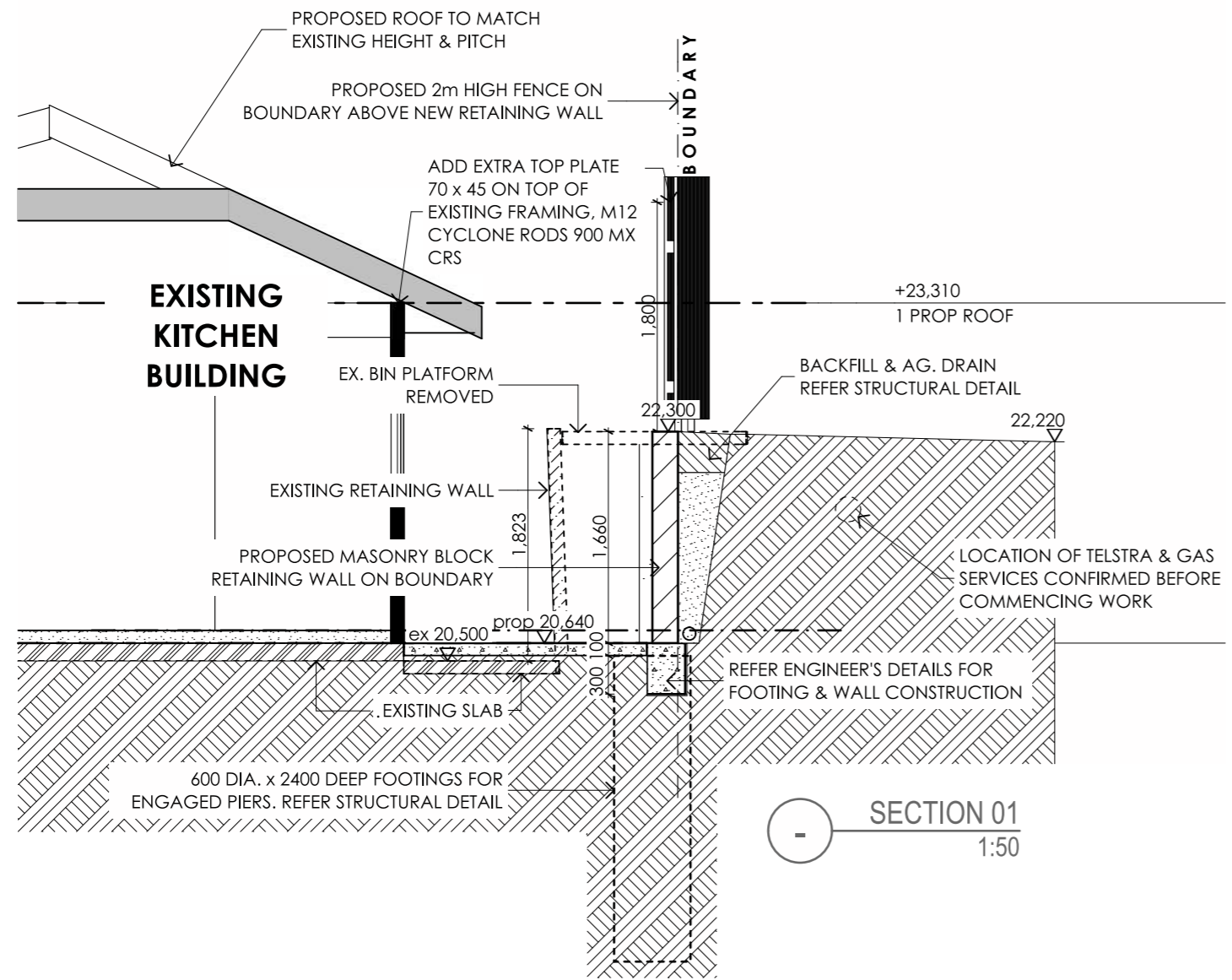
The *Planning Act 2016*, the *Planning Regulation 2017* and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.



ROOF PLAN EXISTING  
1:200

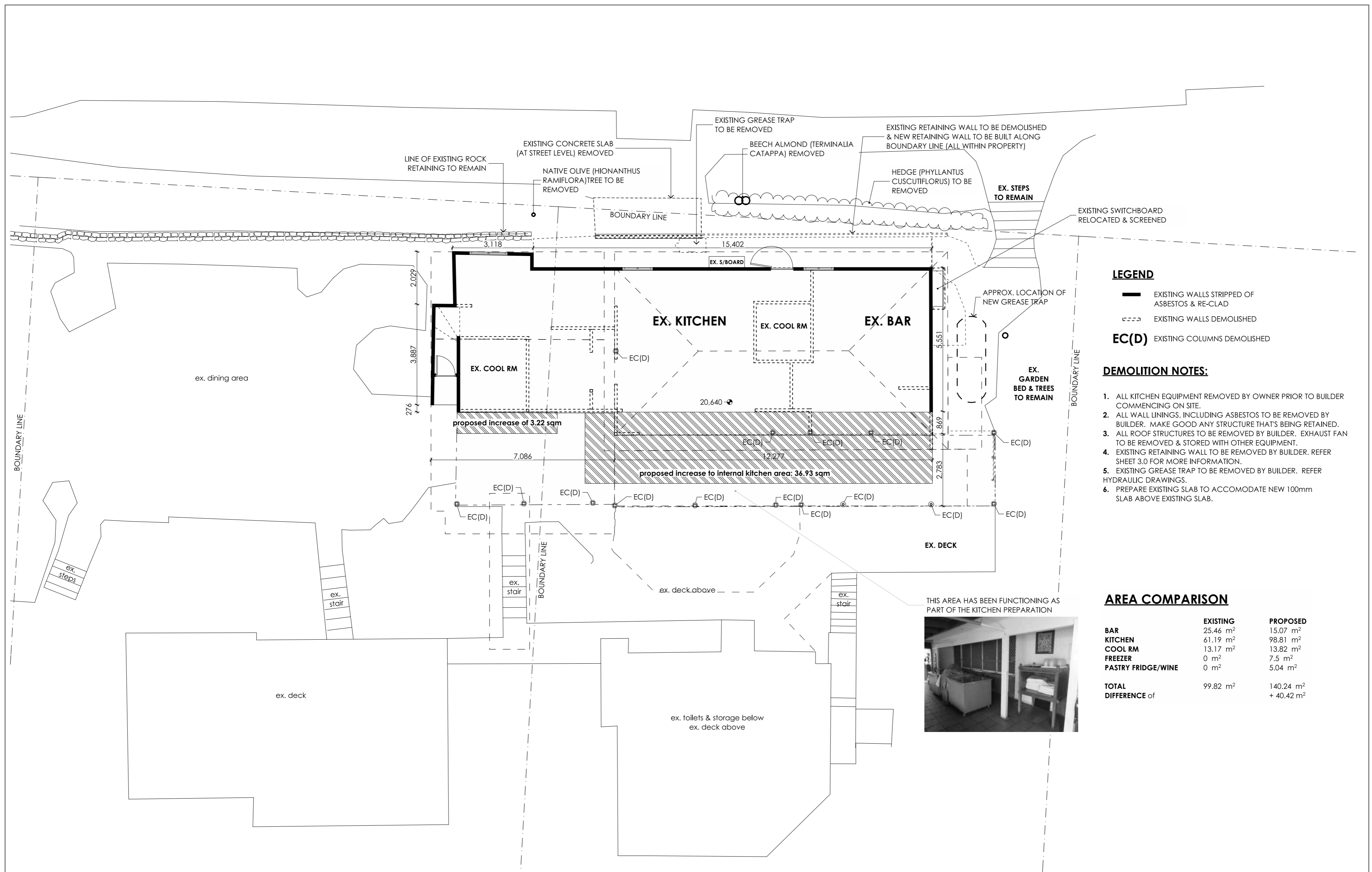


SITE PLAN  
1:200



SECTION 01  
1:50





**LEGEND**

- EXISTING WALLS STRIPPED OF ASBESTOS & RE-CLAD
- EXISTING WALLS DEMOLISHED
- EC(D)** EXISTING COLUMNS DEMOLISHED

**DEMOLITION NOTES:**

1. ALL KITCHEN EQUIPMENT REMOVED BY OWNER PRIOR TO BUILDER COMMENCING ON SITE.
2. ALL WALL LININGS, INCLUDING ASBESTOS TO BE REMOVED BY BUILDER. MAKE GOOD ANY STRUCTURE THAT'S BEING RETAINED.
3. ALL ROOF STRUCTURES TO BE REMOVED BY BUILDER. EXHAUST FAN TO BE REMOVED & STORED WITH OTHER EQUIPMENT.
4. EXISTING RETAINING WALL TO BE REMOVED BY BUILDER. REFER SHEET 3.0 FOR MORE INFORMATION.
5. EXISTING GREASE TRAP TO BE REMOVED BY BUILDER. REFER HYDRAULIC DRAWINGS.
6. PREPARE EXISTING SLAB TO ACCOMMODATE NEW 100mm SLAB ABOVE EXISTING SLAB.

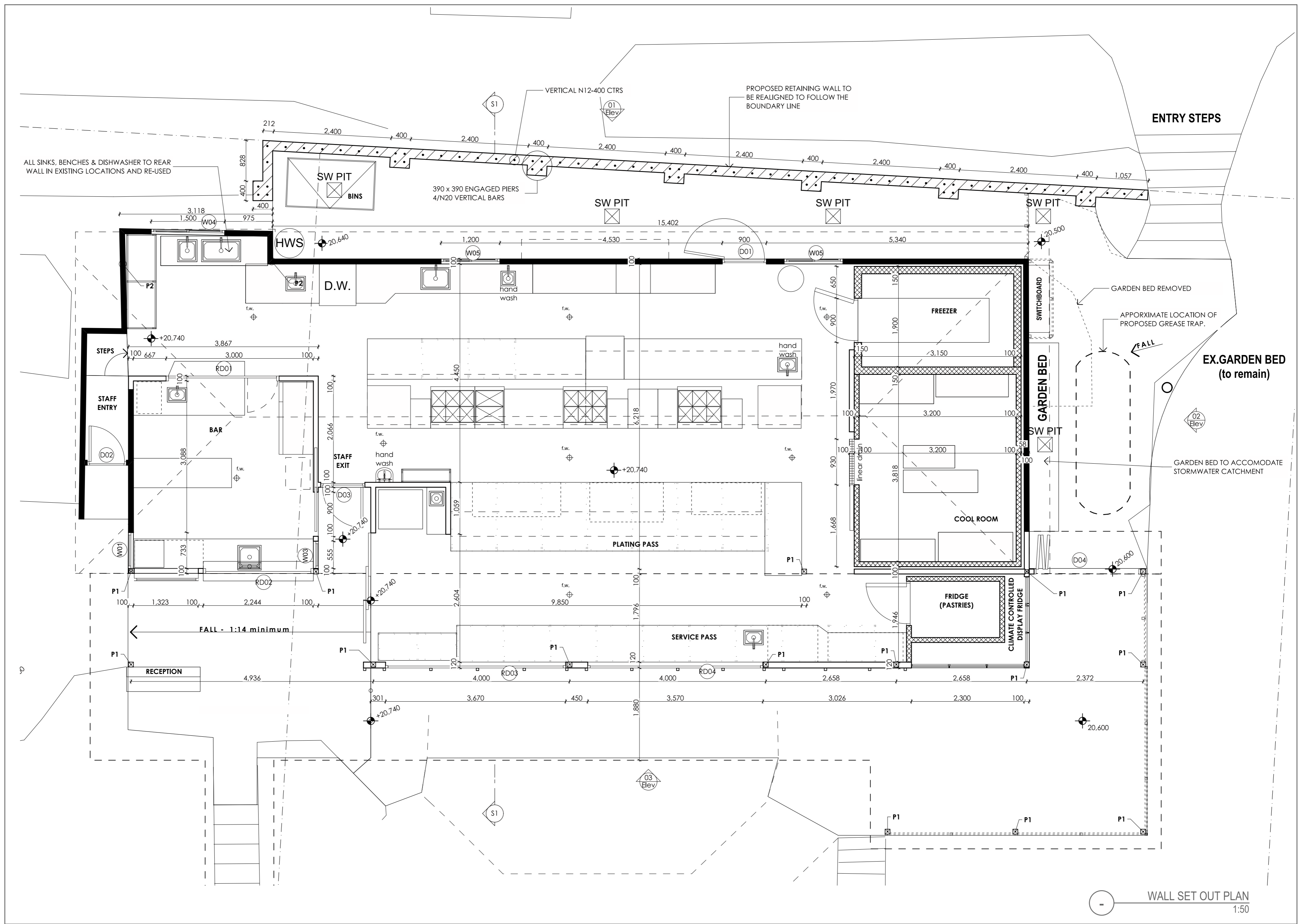
**AREA COMPARISON**

	EXISTING	PROPOSED
BAR	25.46 m <sup>2</sup>	15.07 m <sup>2</sup>
KITCHEN	61.19 m <sup>2</sup>	98.81 m <sup>2</sup>
COOL RM	13.17 m <sup>2</sup>	13.82 m <sup>2</sup>
FREEZER	0 m <sup>2</sup>	7.5 m <sup>2</sup>
PASTRY FRIDGE/WINE	0 m <sup>2</sup>	5.04 m <sup>2</sup>
<b>TOTAL</b>	<b>99.82 m<sup>2</sup></b>	<b>140.24 m<sup>2</sup></b>
<b>DIFFERENCE of</b>		<b>+ 40.42 m<sup>2</sup></b>

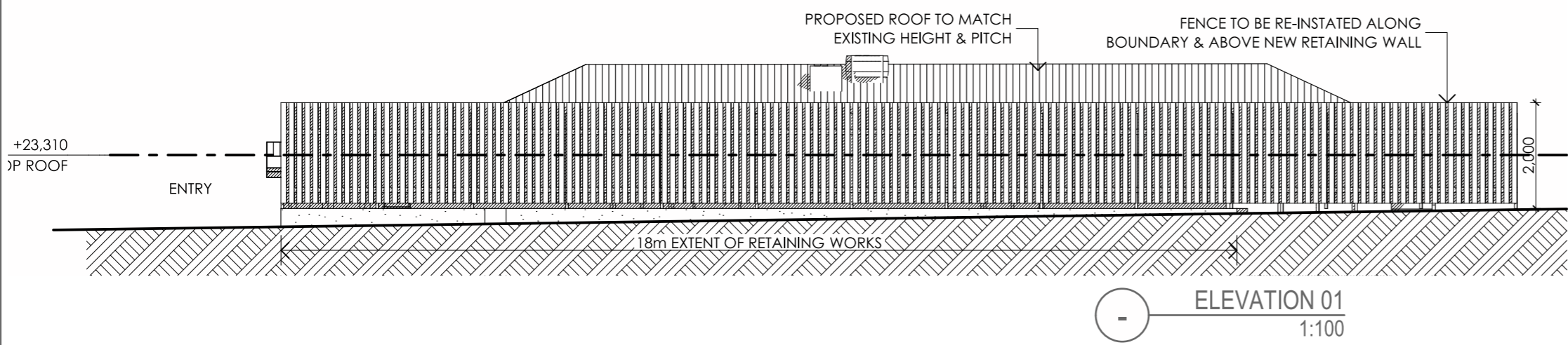


GRD FLOOR PLAN  
1:100

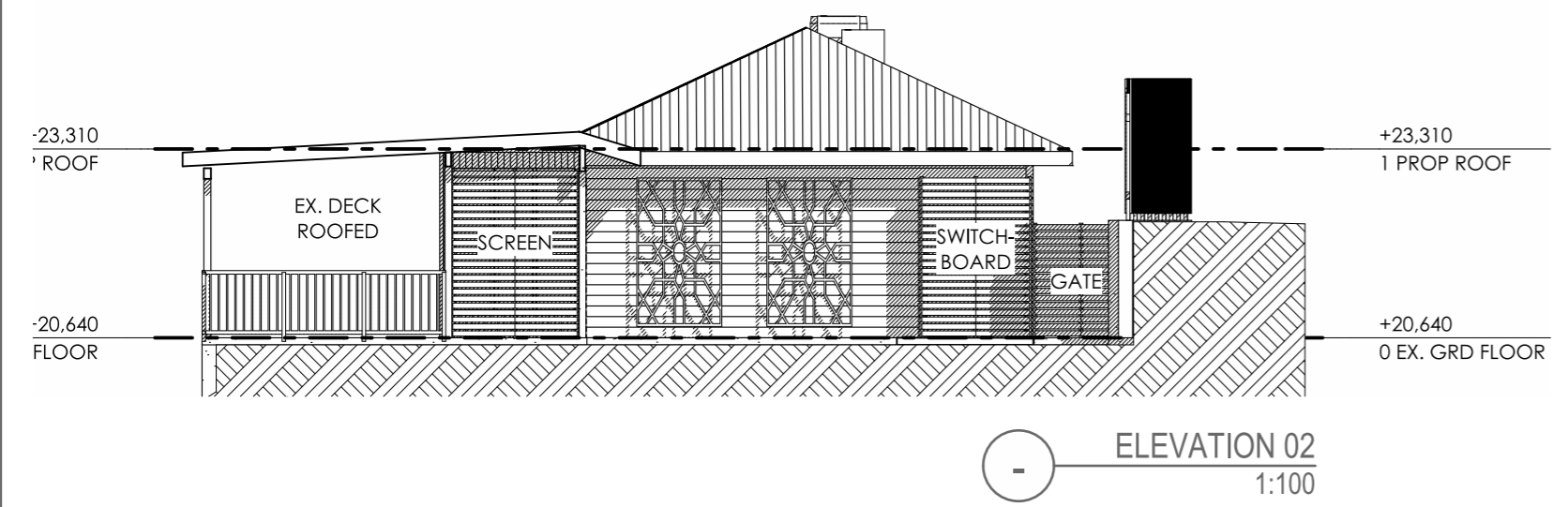
REV H  
A2 SHEET  
23/10/2017



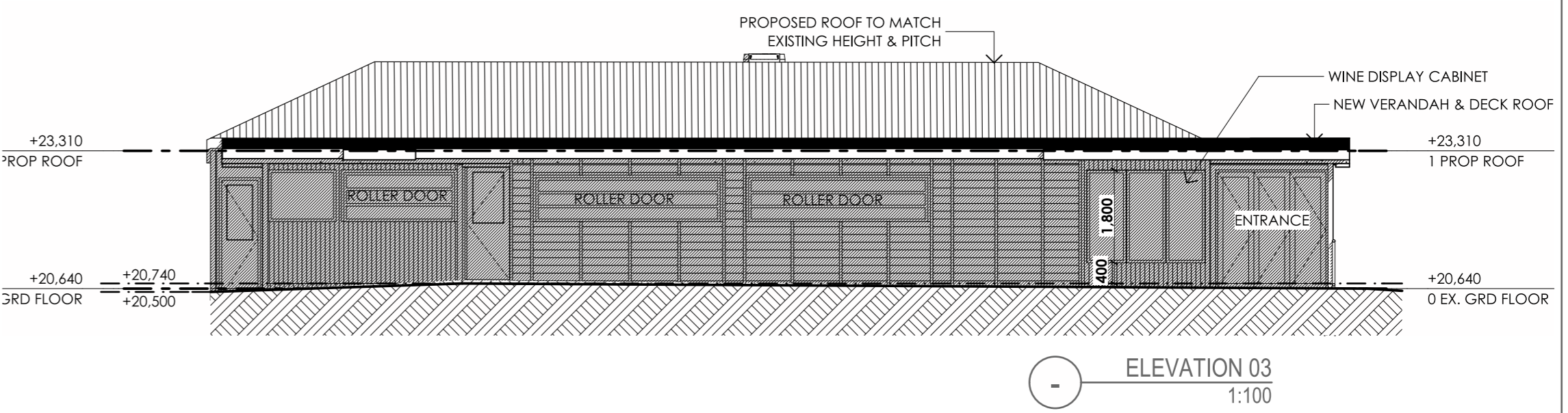
REV H  
A2 SHEET  
23/10/2017



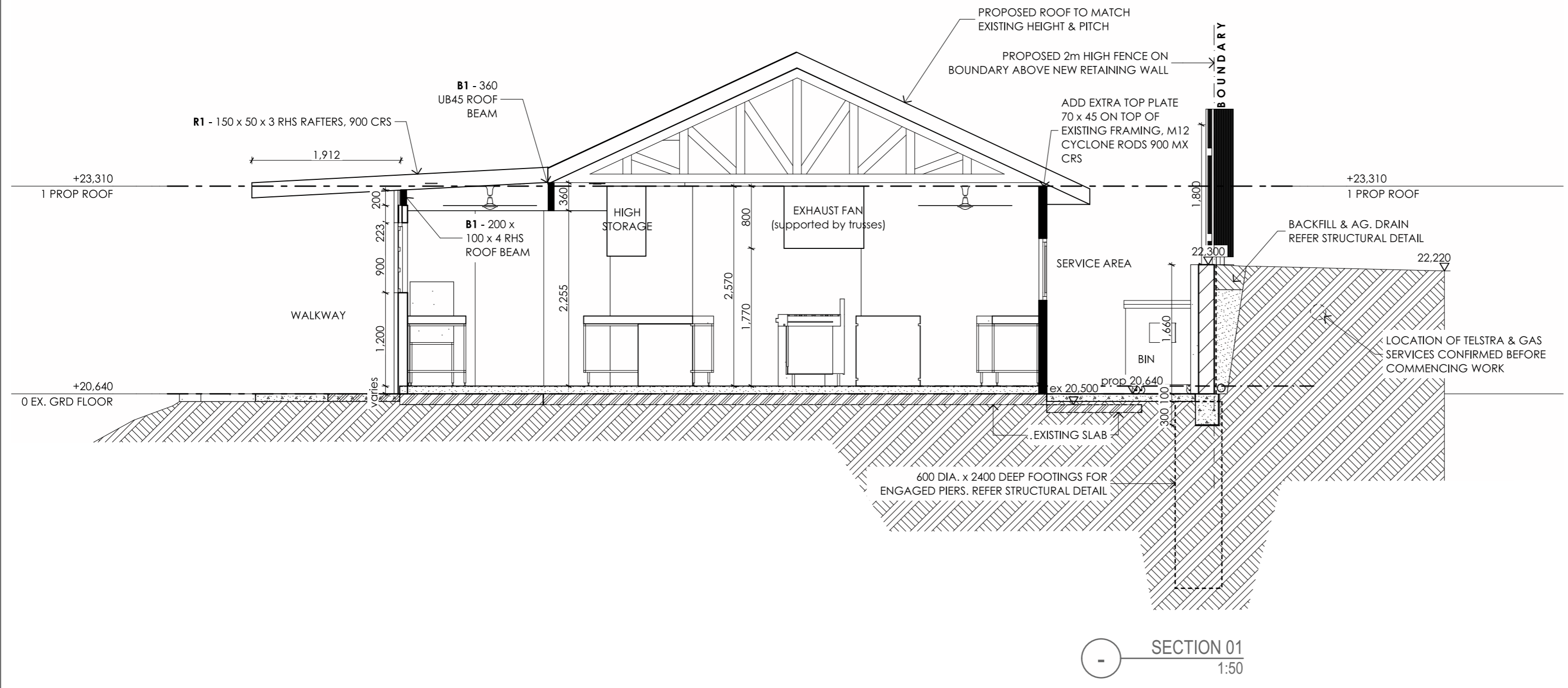
ELEVATION 01  
1:100



ELEVATION 02  
1:100



ELEVATION 03  
1:100



SECTION 01  
1:50



**GENERAL NOTES**

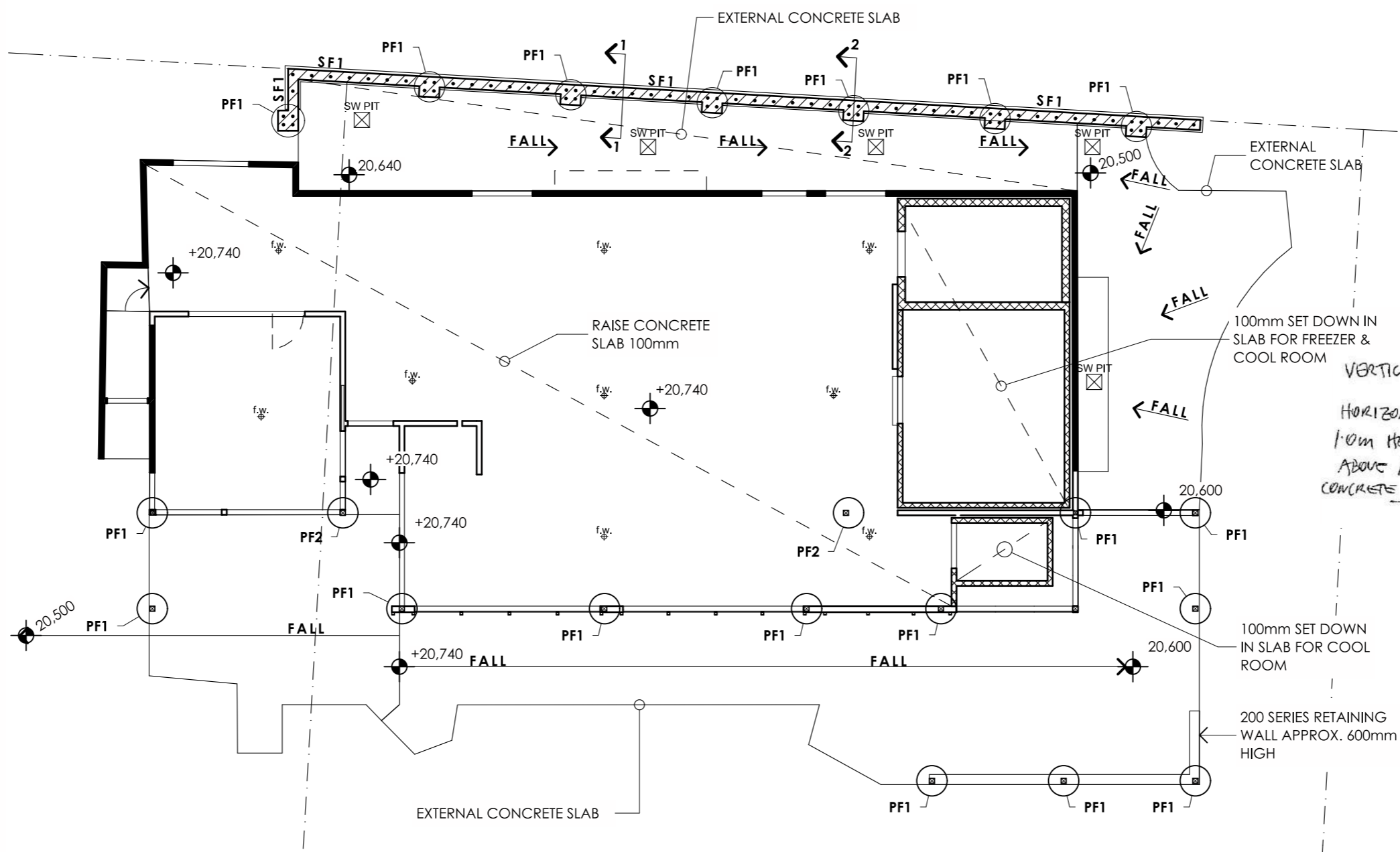
REGION C; WIND CLASSIFICATION **C2**; TERRAIN CAT 2.5; DESIGN GUST WIND SPEED 61 M/SEC (LIMIT STATE DESIGN); TIMBER FRAMING & CONNECTION DETAIL NOT SPECIFIED ON PLANS SHALL COMPLY WITH AS 1684.3; LIVE LOADS TO AS 1170.1:  
 ROOF 0.25 kPa  
 GROUND FLOOR SLAB 1.5 kPa

**FOOTINGS AND SLAB**

1. REMOVE GRASS & TOP SOIL (MIN 100mm) FROM SLAB SITE.
2. CLEAR SITE OF ALL TREE STUMPS AND ROOTS. FILL GRUB HOLES WITH APPROVED NON-PLASTIC FILL COMPACTED IN 200mm MAX LAYERS TO 95% SRDD.
3. COMPACT SUB-BASE TO MIN 95% SRDD.
4. REFER TO SITE PLANS FOR DETAILS OF THE SITE WORKS AND DESIGN LEVELS.
5. COMPACT APPROVED NON-PLASTIC FILL IN 150mm MAX LAYERS TO 95% SRDD.
6. TEST FOR COMPACTION EVERY SECOND LAYER AND AT 10m HORIZONTAL INTERNALS (MIN 2 TESTS PER LAYER).
7. ANY LOCALISED LOOSE OR SOFT SOIL ENCOUNTERED IN FOOTING TRENCHES SHALL BE EXCAVATED TO A DEPTH WHERE SOIL BECOMES STIFF.
8. PROVIDE ADEQUATE SITE DRAINAGE TO ENSURE NATURAL RUNOFF IS DIRECTED AWAY FROM THE BUILDING.
9. CONCRETE TO SLAB N25, 80mm SLUMP, 20mm MAX AGGREGATE.
10. CONCRETE TO PAD FOOTINGS N20, 80mm SLUMP, 20mm MAX AGGREGATE.
11. VIBRATE ALL CONCRETE. CURE SLAB 14 DAYS MINIMUM.
12. FOOTINGS HAVE BEEN DESIGNED FOR CLASS "S" SITE WITH MIN 100 KPA BEARING CAPACITY. BUILDER TO VERIFY SITE CLASSIFICATION PRIOR TO CONSTRUCTION OF FOOTINGS. REFER TO ENGINEER SHOULD CLASSIFICATIONS DIFFER.
13. MATERIALS AND CONSTRUCTION REQUIREMENTS TO AS 3600.
14. TEST CONCRETE ON SITE TO AS 3600 FOR SLUMP AND COMPRESSIVE STRENGTHS.

**STRUCTURAL STEEL NOTES**

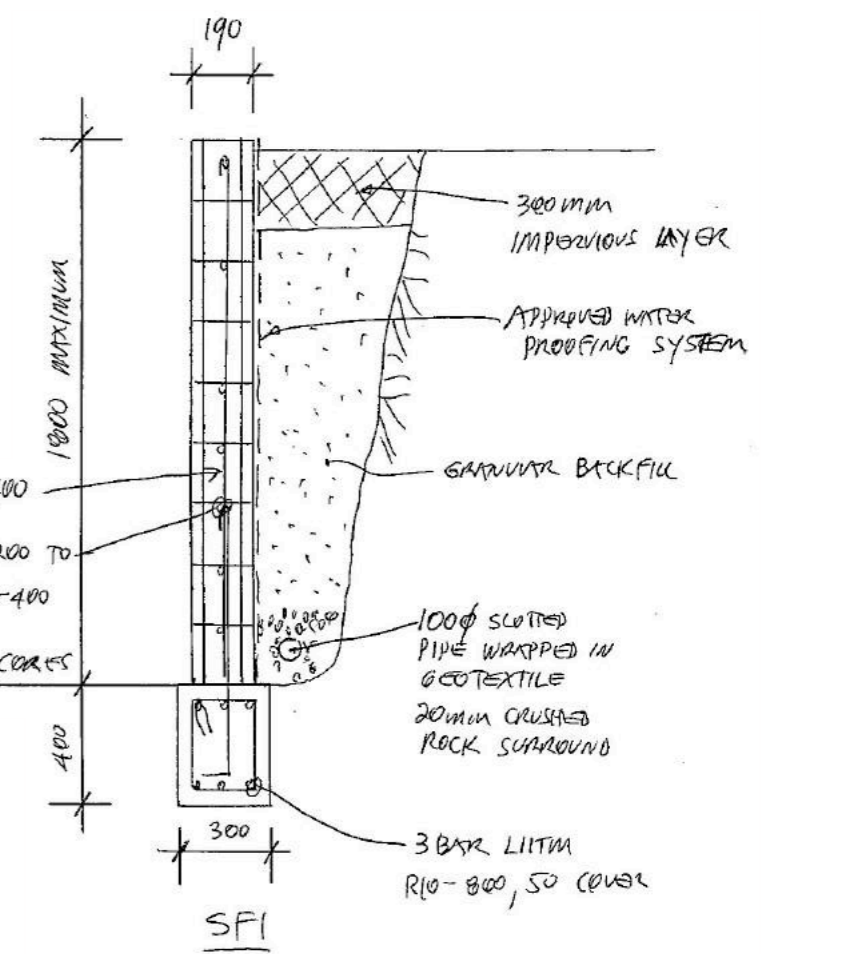
1. DESIGN CONFORMS TO AS 4100 - 1998 AND AS/NZS 4600-1996. FABRICATION AND ERECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROVISIONS OF AS 4100 AND SAA/SNZ HB62. AS APPROPRIATE, WHERE NO APPLICABLE PROVISIONS ARE CONTAINED IN AS 4100, THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS.
2. **MATERIAL**  
 UNO ALL MATERIAL TO BE:  
 - GRADE 250 HOT-ROLLED PLATES COMPLYING WITH AS 3678;  
 - GRADE 250 HOT-ROLLED FLATS, TFC, TFB, ANGLES 100 x 100 EACH OR 125 x 75 UA AND SMALLER COMPLYING WITH AS 3679.1;  
 - GRADE 300 PLUS UB, UC, PFC AND ANGLES 125 x 125 EACH OR 150 x 90 UA AND LARGER COMPLYING WITH AS 3679.1;  
 - GRADE 300 WB, WC COMPLYING WITH AS 3679.2;  
 - GRADE C350 RHS, CHS COMPLYING WITH AS 1163.
3. **WELDING**  
 WELDING TO BE CARRIED OUT IN ACCORDANCE WITH AS 1554.1. WELDING CONSUMABLES TO BE E48XX OR W50X U.N.O. ALL WELDS TO BE 6mm CFW SP CATEGORY U.N.O. CPBW TO BE SP CATEGORY U.N.O. INSPECTION TO BE CARRIED TO AS 1554.1. ALL GP/SP WELDS TO BE 100% VISUALLY SCANNED. SP WELDS ALLOW FOR 25% VISUAL EXAMINATION U.N.O.
4. **BOLTING**  
 COMMERCIAL BOLTS STRENGTH GRADE 4.5 CONFORMING TO AS 1111. HIGH STRENGTH STRUCTURAL BOLTS STRENGTH GRADE 8.8 CONFORMING TO AS 1252. ALL BOLTS ARE HOT-DIPPED GALVANISED IN ACCORDANCE WITH AS 1650. THREADS MAY BE INCLUDED IN SHEAR PLANES U.N.O.
5. **CONNECTIONS**  
 ALL DETAILS, GAUGE LINES ETC WHERE NOT SPECIFICALLY SHOWN ARE TO BE IN ACCORDANCE WITH AISC DESIGN CAPACITY TABLES FOR STRUCTURAL STEEL AND AISC STANDARDISED STRUCTURAL CONNECTIONS. PROVIDE WASHERS TO ALL CONNECTIONS WHERE HOLES IN STEEL ARE FLAME CUT OR 'OVERDRILLED' (HOLE DIAMETER EXCEEDS BOLT DIAMETER BY MORE THAN 2mm).
6. **PURLINS/GIRTS**  
 PURLINS AND GIRTS ARE TO BE BHP BUILDING PRODUCTS (BHP-BP), STRAMIT OR OTHER SECTIONS APPROVED IN WRITING BY THE ENGINEER, COMPLYING WITH AS 1397, AND A MINIMUM GALVANISED COATING OF Z350 (350G/SQM). CLEAT CONNECTIONS ARE TO BE IN ACCORDANCE WITH AISC STANDARDISED CONNECTIONS OR MANUFACTURER'S RECOMMENDATIONS U.N.O. BOLTING AND BRIDGING TO BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
7. **CORROSION PROTECTION**  
 PAINTING: STEELWORK IS TO BE CLEANED TO AN AS 1627 CLASS 2.5 PREPARATION AND PAINTED WITH AN APPROVED ZINC RICH METAL PRIMER BEFORE DISPATCH TO THE SITE, UNLESS THE STEEL IS TO BE ENCASED OR DETAILED OTHERWISE. ALL FABRICATED STEELWORK FOR EXPOSED LOCATIONS TO BE HOT-DIPPED GALVANISED.
8. **DIMENSION**  
 ALL DIMENSIONS IN MILLIMETRES U.N.O.



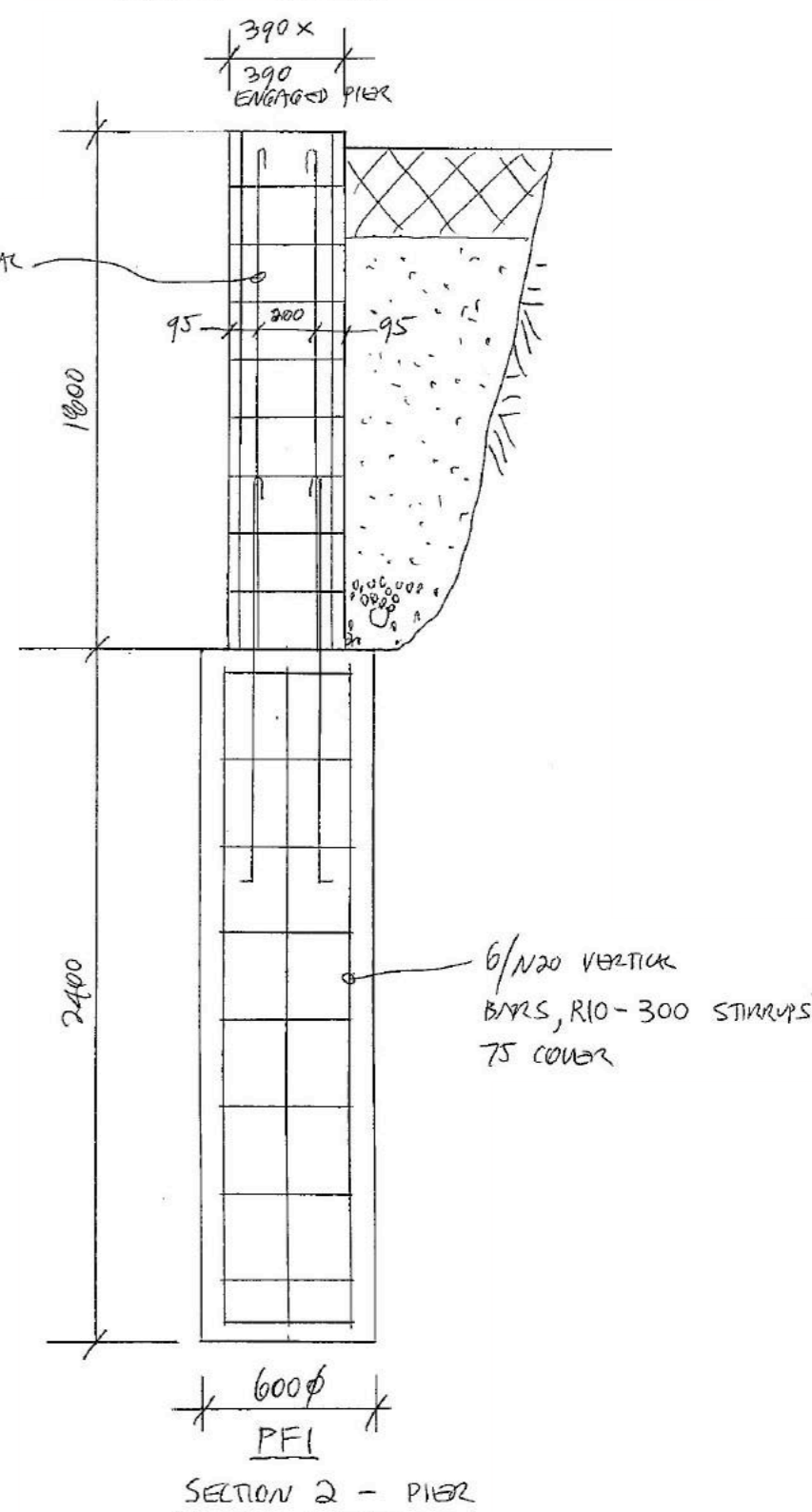
FOOTING & SLAB PLAN 1:100

**RETAINING WALL CONSTRUCTION NOTES**

- Review detailed survey drawings.
- Engage Cairns Cable Locators and Vac truck contractor to locate exact position of all services. (under way)
- Set up site fencing and signage.
- Decommission all relevant services.
- Remove existing boundary fence and store for re-use.
- Remove trees.
- Commence excavation works and remove spoil.
- Bore piers and excavate footings.
- Steel fixing and concrete works.
- Block laying and Core filling.
- Agg drains and waterproofing.
- Core flute, and backfilling.
- Reinstate all relevant services
- Reinstate boundary fence on top of new retaining wall.
- Make good road verge and demobilize.

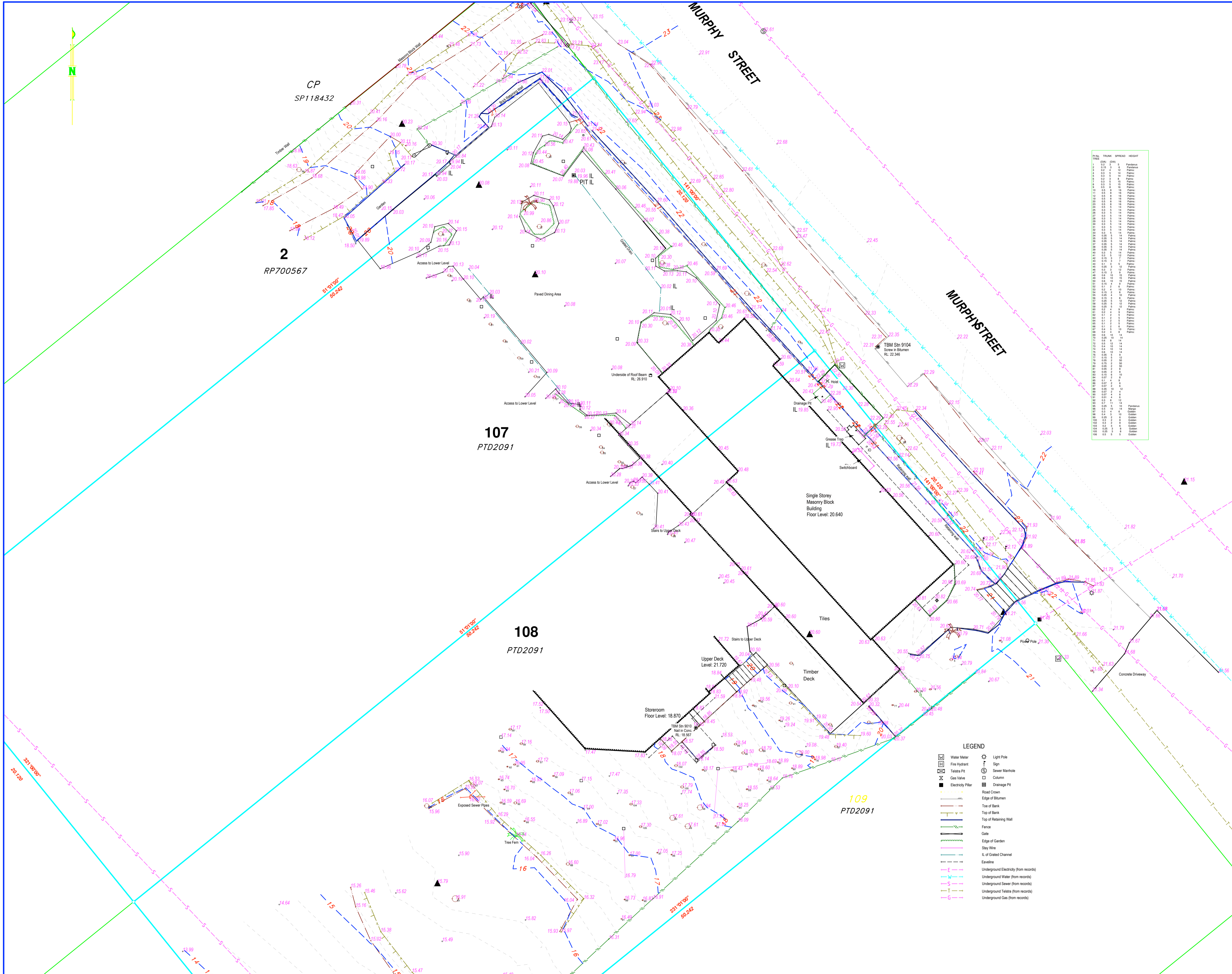


SECTION 1 - WALL



SECTION 2 - PIER





PIPE	TRUNK	SPREAD	HEIGHT	PERMANENCE
1	0.2	5	14	Permanent
2	0.2	5	14	Permanent
3	0.2	5	14	Permanent
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120	0.2	5	14	Permanent

**IMPORTANT NOTE**

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- The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. If not able to be so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.
- Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

**NOTES**

Level Datum: AHD  
 Origin of Levels: PM77814 RL23.175  
 Meridian: IS136569  
 Origin of Coordinates: STN 9129 D/H headwall  
 Contour Interval: 0.2m  
 Index: 1.0

SCALE 1:100 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A1).  
 (1:200 @ A3)

**AMENDMENTS**

PROJECT MANAGER	CHECKED
D Pinkham	
SURVEYED	DRAFTING CHECKED
MW 25/8/17	
DRAWN	CAD REF
DGP	PR137606-3
SHEET SIZE	SHEET 1 OF SHEETS 1
A1	137606-103 100scale.CCX

RPS Australia East Pty Ltd  
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 F +61 7 4031 2942  
 W rpsgroup.com.au

**Nautilus Joint Ventures**  
**C/- Vos Architect**

**Detail and Contour Survey**  
**Part of Lot 2 on RP700567 &**  
**Lots 107 & 108 on PTD2091**  
**Nautilus Restaurant**  
**Port Douglas**

SCALE	DATE	DRAWING NO.	ISSUE
1:100	22-9-17	PR137606-3	

**LEGEND**

	Water Meter		Light Pole
	Fire Hydrant		Sign
	Trench Pit		Sewer Manhole
	Gas Valve		Column
	Electricity Pylon		Drainage Pit
	Road Crown		Edge of Blument
	Toe of Bank		Top of Retaining Wall
	Top of Retaining Wall		Fence
	Gate		Edge of Garden
	Stay Wire		IL of Grated Channel
	Easement		Underground Electricity (from records)
	Underground Electricity (from records)		Underground Water (from records)
	Underground Water (from records)		Underground Sewer (from records)
	Underground Sewer (from records)		Underground Trench (from records)
	Underground Trench (from records)		Underground Gas (from records)
	Underground Gas (from records)		