



# Planning Assessment Report

## Material Change of Use for Function Facility, Escape Street, Port Douglas

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Prepared for:

**PORT DOUGLAS STEAM TRAIN COMPANY  
PTY LTD**

1 Wharf Street, Port Douglas

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**Document Status**

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**Approval for Issue**

Name	Signature	Date
O Caddick-King		14/06/2018

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## Summary

Site Details				
<b>Site Address:</b>	4 – 6 and 9 Escape Street, Port Douglas			
<b>Real Property Description:</b>	Lots 49 and 51 on SP161464			
<b>Site Area:</b>	15,436 m <sup>2</sup>			
<b>Planning Scheme Zoning:</b>	Tourist Accommodation Zone			
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>▪ Acid Sulphate Soils Overlay – Land below 5m AHD relates to all of site</li> <li>▪ Coastal Processes Overlay – Erosion Prone Area relates to lagoon area</li> <li>▪ Flood and Storm Tide Inundation Overlay – 100 Year ARI and High Hazard Storm Tide relates to lagoon and Medium Hazard Storm Tide relates to part of site.</li> <li>▪ Transport Network Road Hierarchy Overlay identifies Escape Street as an Access Street and St Crispins Avenue as a Collector Road.</li> </ul>			
<b>Local Plans:</b>	▪ Land is not located in a Local Plan Precinct			
<b>Ownership:</b>	Port Douglas Steam Train Company Pty Ltd			
Type of Application				
<b>Aspect of Development</b>	<b>Preliminary Approval</b>	<b>Development Permit</b>		
Material Change of Use	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
State Interests				
<b>Identified Interest</b>	<b>Referral required</b>	<b>Concurrence Agency</b>	<b>Advice Agency</b>	<b>Pre-Lodgement Response</b>
Nil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposal				
<b>Brief Description / Purpose of Proposal:</b>				
Proposed use of existing Choo Choos café/restaurant facilities and pontoon deck as a Function Facility.				
<b>Development Staging:</b>	No			
Pre-Lodgement Consultation				
<b>Entity</b>	<b>Yes/No</b>	<b>Date</b>	<b>Contact Name</b>	
Cairns Regional Council	<input checked="" type="checkbox"/> <input type="checkbox"/>	5 June '18	Daniel Lomond and Paul Hoye	
Other				
<b>Level of Assessment:</b>	<input checked="" type="checkbox"/> Code <input type="checkbox"/> Impact			
<b>Public Notification</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (15 b.d.) <input type="checkbox"/> Yes (30 b.d.)			
<b>Superseded Planning Scheme:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Associated Development Approval:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	Development Approval CA2639/2008, dated 12 December 2008 and current until January 2019			
<b>Applicant Contact Person:</b>	Owen Caddick-King, RPS Australia East Pty Ltd			



## I.0 Introduction

This Planning Assessment Report has been prepared on behalf of Port Douglas Steam Train Company Pty Ltd and is in support of a Development Application to seek a Development Permit for a Material Change Use (MCU) for a proposal to use the existing Choo Choos café/restaurant facilities and pontoon deck located at Escape Street, Port Douglas as a Function Facility for wedding functions and similar group functions in addition to the existing Choo Choos café/restaurant use (refer to the completed DA Form 1 in **Appendix A** for further detail).

Except for the need to provide car parking and access on-site adequate for the proposed use, the proposed Function Facility use will use existing buildings, pontoon deck and outdoor dining areas and therefore, will not require additional building/construction works to facilitate the use as indicated in the Site Plan provided for reference in **Appendix B**.

The MCU Application is Code Assessable and no referrals are required. This Planning Assessment addresses the applicable Planning Scheme Codes to the extent necessary to address the additional Function Facility use and the proposal has been found to be compliant with the applicable assessment requirements and we commend the application for Council's consideration and subsequent approval subject to reasonable and relevant conditions.

All enquiries and correspondence should be directed to:

**Port Douglas Steam Train Company Pty Ltd**  
**C/- RPS Australia East Pty Ltd**  
**PO Box 1949**  
**Cairns QLD 4870**  
**Attention: Owen Caddick-King**

**Telephone:** 4031 1336  
**Email:** [owen.caddick-king@rpsgroup.com.au](mailto:owen.caddick-king@rpsgroup.com.au)

## 2.0 The Site

### 2.1 Site and Locality

The land subject of the MCU development application is currently described as Lots 49 and 51 on SP161464 and is located at 4 – 6 and 9 Escape Street, Port Douglas. The existing buildings, pontoon deck and outdoor dining/activity areas and associated car parking and access to be constructed/modified for the Function Facility use are indicated on the Site Plan provided for reference in **Appendix B**.

The land is also part of land subject of Development Approval CA2639/2008, dated 12 Dec 2008 which permits the reconfiguration of the land at 4-10 and 9 Escape Street into 33 lots and common property on a Community Titles Scheme, the development of a House on each lot and the use of one of the Houses as a Display Home. This Approval is currently subject of an Application for a Minor Change (refer to copy in **Appendix C**). In anticipation of a favorable response, the subject Function Facility is intended to and will integrate into the changed development. However, given that the Function Facility relates to the use of existing café/restaurant facility, the Function Facility will integrate into the existing approved development subject to the provision of car parking and access generally as is currently proposed.

The land immediately north of the subject land is vacant and is subject of the above described Development Approval. The land to the west comprises part of the Mirage Resort Golf Course, to the south (opposite the St Crispins Station) are residential apartments/villas and on the opposite side of Escape Street is a combination of residential and tourist unit accommodation.

### 2.2 State Interests

The MCU Application does not trigger any referrals and other relevant State Interests have been integrated into the Planning Scheme.

### 2.3 Zoning and Overlays

The site is included within the Planning Scheme's Tourist Accommodation Zone.

The Planning Scheme's Overlays that relate to the land include:

- Acid Sulphate Soils Overlay – Land below 5m AHD relates to all of site
- Coastal Processes Overlay – Erosion Prone Area relates to lagoon area
- Flood and Storm Tide Inundation Overlay – 100 Year ARI and High Hazard Storm Tide relates to lagoon and Medium Hazard Storm Tide relates to part of site.
- Transport Network Road Hierarchy Overlay identifies Escape Street as an Access Street and St Crispins Avenue as a Collector Road.

### 3.0 The Proposal

The proposal is use the existing Choo Choos café/restaurant facilities and pontoon deck located at Escape Street, Port Douglas as a Function Facility for wedding functions and similar group functions in addition to the existing Choo Choos café/restaurant use. Except for the need to provide car parking and access on-site adequate for the proposed use, the proposed Function Facility use will use existing buildings, pontoon deck and outdoor dining areas and therefore, will not require additional building/construction works to facilitate the use.

The part of the site and existing facilities to be used by the Function Facility use are generally indicated in the Site Plan provided for reference in **Appendix B** and include;

- The dining area located on the northern side of the St Crispins Station Platform, an area of 110.8m<sup>2</sup> (27.7m x 4m), the kitchen area and amenities;
- A paved outdoor dining area to the west of the Platform, an area of 30m<sup>2</sup> (4m x 7.5m);
- A covered dining area to the northeast of the Platform, an area of 62m<sup>2</sup>;
- The pontoon deck dining area, an area of 88m<sup>2</sup> and the lawn area located adjacent to the golf course; and
- The proposed car parking area and access to Escape Street.

On occasion, a function may occupy all of the available dining areas however it is anticipated that it will be more common for a function to comprise of smaller groups that use the pontoon deck dining area and the lawn area located adjacent to the golf course and use the kitchen facilities and amenities in association with the on-going café/restaurant activities.

## 4.0 Planning Assessment

Applicable assessment requirements are briefly addressed in the following sections.

### 4.1 Regional Plan

Section 2.2 of the Planning Scheme indicates that the Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the Planning Scheme area. Therefore, an assessment of the relevant applicable Planning Scheme Code provisions will adequately address any considerations related to the Regional Plan.

### 4.2 State Planning Policy

Section 2.1 of the Planning Scheme indicates that relevant State Interests have been integrated into the Planning Scheme. Therefore, an assessment of the relevant applicable Planning Scheme Code provisions will address the SPP provisions.

### 4.3 State Development Assessment Provisions

The MCU Application does not trigger any referrals, therefore there are no State Development Assessment Provisions applicable to the proposed development.

### 4.4 Planning Scheme Code Provisions

A review of the applicable codes that are considered most relevant to the change of use that is to use existing buildings/facilities and predominantly integrate with the existing café/restaurant use, is provided in the following:

#### Tourist Accommodation Zone Code

The Tourist Accommodation Zone Code predominantly relates to development where building works are proposed which is not relevant to the proposal.

With regard to Performance Outcomes PO6 and PO7 related to the location of the use and potential impacts on the character and amenity of the area, it is noted that the Function Facility use will be using the existing café/restaurant dining areas and kitchen and the operation of the Function Facility use will be similar in nature to the existing café/restaurant use.

In addition, the Function Facility use is expected to predominantly relate to smaller groups that would utilise the pontoon deck and lawn area located adjacent to the golf course which is further distant and separated from any existing residential accommodation by the existing Station Platform and café/restaurant use.

The Function Facility use will also provide the impetus to re-locate the existing informal car parking area, if not already arranged in response to the Minor Change Application, from a location opposite existing residential accommodation to a more suitable location adjacent to the existing commercial activities and buffered from the existing residential accommodation by the existing Station Platform. The proposed location of the car parking area will provide for an improved amenity on the immediate area.

#### Port Douglas / Craiglie Local Plan Code

The General provisions of the Code are not applicable to the proposed development and given that the land is not located in a Precinct, there are no Precinct specific provisions related to the development.

#### Acid Sulphate Soils Overlay Code

The proposed development will only require limited disturbance of surface soils to provide car parking and a wider access to provide two-way access to Escape Street and the contractor undertaking the works will be obligated to appropriately manage the potential disturbance of acid sulphate soils.

#### Coastal Environment Overlay Code and Flood and Storm Tide Hazard Overlay Code

Given that the proposed development relates to the use of existing buildings/facilities that have been established in a manner that adequately addresses these potential impacts and that the existing buildings/facilities would be evacuated well before any flood or storm tide event, the Code provisions have limited relevance to the proposed development.

#### Transport Network Overlay Code

The Function Facility use is expected to result in a minor increase in traffic as compared the existing traffic generated to access St Crispins Station and the Bally Hooley, Choo Choos café/restaurant, existing and proposed residential and tourist accommodation and Escape Street is considered to be of a suitable standard to accommodate the additional use, particularly given that the Function Facility use will also provide the impetus to formally establish a car parking area on-site in place of informal on-site parking or relying on on-street parking.

#### Access, Parking and Servicing Code

Based on the dining areas indicated in Section 3.0 of this Assessment, the Function Facility use would require the provision of 19 car parking spaces, on the basis of 1 car parking space per 15m<sup>2</sup> of gross floor area, which is able to be accommodated on-site in association with the parking area available in the adjacent access, as per the indicative car park layout shown on the Site Plan provided for reference in **Appendix B**.

Compliance with the Access, Parking and Servicing Code will be addressed through Council imposing reasonable and relevant conditions on a Development Approval.

#### Environmental Performance Code, Infrastructure Works Code and Landscaping Code

These Codes are identified as applicable Codes in the Table of Assessment and compliance with any relevant provisions will be addressed through Council imposing reasonable and relevant conditions on a Development Approval.

#### Other Codes

The Bushfire Hazard Overlay Code, Hillslopes Overlay Code, Natural Areas Overlay Code, Places of Significance Overlay Code and Potential Landslip Hazard Overlay Code are identified as applicable Codes in the Table of Assessment but have no relevance to the subject land.

## 5.0 Conclusion

This Planning Assessment Report has been prepared on behalf of Port Douglas Steam Train Company Pty Ltd and is in support of a Development Application to seek a Development Permit for a Material Change Use for a proposal to use the existing Choo Choos café/restaurant facilities and pontoon deck located at Escape Street, Port Douglas as a Function Facility for wedding functions and similar group functions in addition to the existing Choo Choos café/restaurant use.

The Function Facility use will be established with limited works and will integrate with the current approved development. The proposal is also likely to provide the impetus to provide formal car parking on-site, for the existing and proposed commercial uses, that is to be appropriately located away from existing residential development, thereby improving the existing residential amenity and avoiding potential on-street parking impacts.

This Planning Assessment addresses the applicable Codes in Council's Planning Scheme and the proposal has been found to be compliant with the applicable assessment requirements and we commend the application for Council's consideration and subsequent approval subject to reasonable and relevant conditions.

## Appendix A

### Completed DA form I

## 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>	Port Douglas Steam Train Company Pty Ltd c/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	PR133458

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
		4 - 6 and 9	Escape Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		Lot 49 and Lot 51	SP161464	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:

Part of site comprises part of non-tidal lagoon

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):*

Proposed use of existing Choo Choo's café/restaurant facilities and pontoon deck as a Function Facility.

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)*

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 checked="" 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 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)
Use of existing Choo Choos café/restaurant facilities and pontoon deck for wedding functions and other similar group functions.	Function Facility		Approximately 290m <sup>2</sup>

8.2) Does the proposed use involve the use of existing buildings on the premises?		
<input checked="" 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?	
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				
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 type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: <input style="width: 200px;" 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: 100px;" type="text"/>
<input type="checkbox"/> No

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

\$

**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)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
<b>Matters requiring referral to the chief executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Electricity infrastructure
<b>Matters requiring referral to:</b> <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
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Brisbane core port land
<b>Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
<b>Matters requiring referral to the relevant port operator:</b> <input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
<b>Matters requiring referral to the chief executive of the relevant port authority:</b> <input type="checkbox"/> Land within limits of another port
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
<b>Matters requiring referral to the Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works, or development in a coastal management district

**18) Has any referral agency provided a referral response for this development application?**

- Yes – referral response(s) received and listed below are attached to this development application  
 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 (if applicable).

**PART 6 – INFORMATION REQUEST****19) Information request under Part 3 of the DA Rules**

- I agree to receive an information request if determined necessary for this development application  
 I do not agree to accept an information request for this development application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- 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.

Further advice about information requests is contained in the [DA Forms Guide](#).

**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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	CA2639/2008	12 December 2008 – Currency of Approval has been extended until 24 January 2019	Douglas Shire Council
<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

No

**Note:** Contact the Department of Environment and Heritage Protection at [www.ehp.qld.gov.au](http://www.ehp.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.dews.qld.gov.au](http://www.dews.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.ehp.qld.gov.au](http://www.ehp.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.ehp.qld.gov.au](http://www.ehp.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

Yes

*Note: See the *Planning Regulation 2017* for referral requirements*

If building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

*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](#).*

Yes

Relevant plans of the development are attached to this development application

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

Yes

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	
<i>Note: For completion by assessment manager if applicable</i>	
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.

## Appendix B

### Site Plan





**DNRM DCDB, DNRM AERIAL PHOTOGRAPHY.**  
 Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2018]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.  
 The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.  
 © State of Queensland (Department of Natural Resource & Mines) [2017]

**IMPORTANT NOTE**  
 This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.  
 All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.  
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

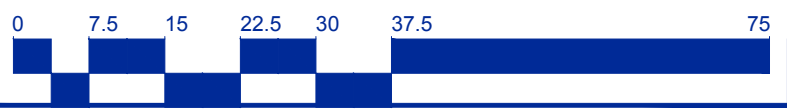


**Function Facility Site Plan**  
 Part of Lots 49 & 51 on SP161464  
 Escape Street, Port Douglas

**Legend**  
 Function Facility Site



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 ACN 140 292 762  
 135 Abbott St  
 PO Box 1949  
 CAIRNS QLD 4870



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## Appendix C

Application for Minor Change to Current Development Approval relating to subject land



**Cairns Office**  
135 Abbott Street, Cairns QLD 4870  
PO Box 1949, Cairns QLD 4870  
T +61 7 4031 1336

RPS Australia East Pty Ltd ABN 44 140 292 762  
A member of the RPS Group Plc

**Date:** 11/06/2018  
**Our Ref:** PR133458/OCK/IL/L77658  
**Via:** E-mail - Daniel.Lamond@douglas.qld.gov.au

Attn: Daniel Lamond  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman, Qld, 4873

Dear Daniel,

**Application for a Minor Change to a Development Approval (Section 78 of the Planning Act 2016)**  
**Port Douglas Steam Train Company Pty Ltd, Escape Street, Port Douglas**  
**Your Ref: CA2639/2008**

Further to our meeting on Tuesday 5 June 2018 where we discussed the above matter, it is noted that the Minor Change Application relates to the Development Approval, dated 12 December 2008 which permits the reconfiguration of the land at 4-10 and 9 Escape Street into 33 lots and common property on a Community Titles Scheme, the development of a House on each lot and the use of one of the Houses as a Display Home.

On behalf of Port Douglas Steam Train Company Pty Ltd, we lodge this application for a Minor Change to the development approval to you as the responsible entity.

In accordance with your fee advice, the accepted application fee of \$2,500.00 is to be paid by Port Douglas Steam Train Company Pty Ltd.

In short, the proposed changes are a minor change and primarily relate to the reconfiguration component of the approved development to be changed to allow the existing commercial activities on the land including the St Crispin's Station and Bally Hooley tramway, Choo Choos café/restaurant and proposed pontoon function deck and car parking to be provided in support of these uses to be located on Proposed Lot 1 independent of the residential community titles development that has been constructed but has not proceeded to the issue of titles (refer to Drawing PR133458-4B in **Attachment A** for detail).

## Proposed change

### Design changes

The changes to the development include:

The proposal to allow the reconfiguration development to be undertaken in stages, the first stage being to allow the existing commercial activities on the land including the St Crispin's Station and Bally Hooley tramway, Choo Choos café/restaurant and proposed pontoon function deck and car parking to be provided in support of these uses to be located on Proposed Lot 1 independent of the residential community titles development that has been constructed but has not proceeded to the issue of titles. Proposed Lot 2 is to comprise two parts and includes the balance of the community titles scheme development (refer to Drawing PR133458-4B in **Attachment A** for detail). This first stage of development will also include the provision access easements to allow for vehicle access to Proposed

Lot 1 and importantly, allow the car parking existing on-site to be re-located to Proposed Lot 1 adjacent to the commercial facilities and away from the existing residential development that adjoins the land.

The first stage of development, Proposed Lots 1 and 2 and access easements is shown on Drawing PR133458-4B in **Attachment A**. The second stage of development, the balance of the residential community titles scheme that is sought to be able to be formalised on Proposed Lot 2 is also shown on Drawing PR133458-4B in **Attachment A** as background detail.

- The proposed staging of the residential development on Proposed Lot 2. Currently, the Development Approval requires a house to be established on each proposed lot prior to Council endorsement of the Plan of Survey. Condition 1 (a) of the Development Approval indicates that the development may be undertaken in stages to be determined at the Operational Works stage. Construction of the community titles scheme's 33 residential lots has been completed but has not proceeded to the issue of titles and confirmation is sought that the development and commencement of use of a House on each lot is able to be staged which appears to be consistent with the intent of the Approval but not confirmed at the Operational Works stage.
- As discussed at the meeting on Tuesday 5 June 2018, it was suggested that the current approved House designs did not reflect Council's current design intent for the locality. In response to this matter, the current Approval is sought to be changed to allow a re-design of the current flat roof designs to adopt a pitch roof design that is consistent with Council's design intents for the locality.

## Supporting Information

In support of these changes, please find attached the following information required under Section 79 of the Act:

- **Attachment A:** The Staged Reconfiguration Development Proposal Plan, RPS Drawing PR133458-4B
- **Attachment B:** The completed Change Application Form; and
- **Attachment C:** A copy of the Development Approval subject of the Change Application.
- **Attachment D:** Suggested Changes to Conditions

## Amendments to conditions of approval

A summary of the amendments to the conditions of approval is indicated below and the amendments are detailed in **Attachment D**.

Condition	Amendments
Condition 1	Add reference to the Staged Reconfiguration Development Plan, RPS Drawing PR133458-4B and to allow staging of the development of Houses on the land to be determined prior to the issue of a Building Works Development Approval for the first house on the land.
Condition 2	To allow roof structures to exceed 9 metres in height and to require roof design of the Houses to be re-designed to be consistent with Council's current Planning Scheme Policy – Building Design and Architectural Elements.
Condition 28	To ensure Proposed Lots 1 and 2 on RPS Drawing PR133458-4B are connected to Council's water supply.
Condition 31	To ensure Proposed Lots 1 and 2 on RPS Drawing PR133458-4B are connected to Council's sewer.

Condition	Amendments
Condition 33	To ensure Proposed Lots 1 and 2 on RPS Drawing PR133458-4B are connected to electricity services.
Condition 36	To ensure Proposed Lots 1 and 2 on RPS Drawing PR133458-4B are connected to communication services.
Condition 49	Adding a condition to require the re-location of services or the provision of service easements prior to the endorsement of the survey plan for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.
Condition 50	Adding a condition in respect of car parking and vehicle access to be provided on/to Proposed Lot 1 RPS Drawing PR133458-4B.

## Minor Change Status

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

- (i) It is considered that the change would not result in substantially different development considering the individual circumstances of the development in the context of the change proposed, and having regard to the matters indicated at Section 4 of Schedule 1 to the Development Assessment Rules, we advise as follows:
  - (a) *involves a new use*  
 The Minor Change Application does not seek approval for any additional uses to be included in the development, the Application's principal intent is to allow the commercial activities that lawfully exist on the land and associated car parking, to be included in a lot that is independent of the of the residential community titles scheme.
  - (b) *results in the application applying to a new parcel of land*  
 No additional land is included in the land subject of the Minor Change Application.
  - (c) *dramatically changes the built form in terms of scale, bulk and appearance*  
 No, apart from replacing the flat roof designs with pitch roof designs on each House, as suggested by Council's representatives, the changes are not likely to be evident from Escape Street.
  - (d) *changes the ability of the proposed development to operate as intended*  
 No, Proposed Lot 1 integrates with the community titles lot and access arrangement and while the existing commercial activities are to be located on a lot independent of the community titles scheme, access to these facilities will be maintained and will be secured by the fact that the residents of the community titles lots will support the on-going viability of the commercial uses.
  - (e) *removes a component that is integral to the operation of the development*  
 No, while 4 of the residential community titles lots are to be used for car parking and uses associated with the existing commercial uses, they are not integral to the development.
  - (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site*  
 No, the commercial activities located on Proposed Lot 1 are currently lawful existing activities on-site. The proposal to provide for car parking within Proposed Lot 1, in place of on-street parking for the existing commercial activities, will avoid potential traffic conflicts related to on-street parking.
  - (g) *introduces new impacts or increase the severity of known impacts*



No, as indicated above, the proposal to provide for car parking within Proposed Lot 1, in place of on-street parking for the existing commercial activities, will avoid potential traffic conflicts related to on-street parking.

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

No, the current Approval does not include any incentive or offset provisions.

- (i) *impacts on infrastructure provisions.*

Given that the proposed change relates to existing commercial uses and the reduction of 4 community titles lots, it is expected that the proposed change would reduce the demand on existing infrastructure.

- (ii) Additionally, the changes to the development, if a new application were lodged for the development including the change, would not result in the inclusion of prohibited development in the application, would not require any referrals and would not require public notification.

## Change assessment process

The matters for consideration by the responsible entity are set out at Section 81 of the Act. To that end, in respect of the changed development we note the following:

- With regard to properly made submissions in respect of the proposed development, it is noted that the Change Application's principal intent is to allow the commercial activities that lawfully exist on the land and associated car parking, to be included in a lot that is independent of the of the residential community titles scheme. The basis of any submissions received is not known however they would have had no grounds to raise issue with lawful existing uses. Further, it is noted that under the current Planning Scheme, reconfiguration development and uses such as Food and Refreshment Premises are code assessable development which does not require public notification and allow for the formal lodgement of submissions in response to the proposed development.

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

- No pre-request response notice has been sought in respect of the proposal. However, at the pre-lodgement meeting attended on Tuesday 5 June 2018, Council's representatives supported the proposed change being dealt with as a Minor Change.
- Under Section 81(2)(da) and (3), the responsible entity is to assess against or have regard to both the matters which applied when the original development application was made and to the matters that apply at the time the change application is made.

In respect of these considerations, it is noted that the proposal to formally provide for car parking on-site for the existing commercial uses is a matter that could have been accommodated better in the original Development Approval other than requiring a public access easement between St Crispin's Station and Escape Street, presumably leaving the commercial uses approved on-site to rely on on-street parking.

The proposed staged development allows for the commercial activities that lawfully exist on the land and associated car parking, to be included on Proposed Lot 1, that is independent of the of the residential community titles scheme but integrates with the existing community titles lot development in a manner that will permit the balance of the community titles scheme to be established on Proposed Lot 2. Given the nature of this proposal, a detailed assessment against the former or current Planning Scheme is not considered warranted except to note that the proposed 2 lot development on the subject

land would be code assessable under the current Planning Scheme and it is expected that approval would be granted if the proposal was lodged as a development application independent of other development.

With regard to the car parking to be provided on Proposed Lot 1, it is noted that the dining areas where liquor is able to be served, including the pontoon deck, a minimum of 9 car parking spaces would be required for the Choo Choos café/restaurant use based on 1 car parking space per 25m<sup>2</sup> of gross floor area. It is suggested that a condition be included that requires the provision of car parking on Proposed Lot 1 for a minimum of 9 car parking spaces and that adequate two-way access be provided from Escape Street to the car parking area on Proposed Lot 1 prior to the endorsement of the survey plan for the first stage of development.

With regard to the proposed staging of development, it is noted that Condition 1 (a) of the Development Approval indicates that the development may be undertaken in stages to be determined at the Operational Works stage. Construction of the community titles scheme's 33 residential lots has been completed but has not proceeded to the issue of titles. While the construction of the 33 lots has not been staged, confirmation is sought that the development and commencement of use of a House on each lot is able to be staged which appears to be consistent with the intent of the Approval but not confirmed at the Operational Works stage. Amendments to conditions are sought to confirm that the development of a House on each lot may be staged and as the change is considered to reflect the intent of the Approval, a detailed assessment against the former of current Planning Scheme is not considered warranted.

As discussed at the meeting on Tuesday 5 June 2018, the current Approval is sought to be changed to allow current flat roof designs to be re-designed to adopt a pitch roof design that is consistent with Council's design intents for the locality. The proposed change will require consequential changes to the Approval which currently requires a maximum building height of 9 metres in response to the former Planning Scheme provisions. However, under the current Planning Scheme which permits building heights on the land of up to 13.5 metres, the amended roof designs will be consistent with Council's current Planning Scheme provisions.

It is anticipated that adequate detail has been provided to facilitate Council's consideration of the Minor Change Application. However, should you seek to discuss the matter and/or seek further information, do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely

**RPS**



Owen Caddick-King  
Principal – Planning

cc: Attention: John Morris  
Port Douglas Steam Train Company Pty Ltd  
1 Wharf Street, Port Douglas

enc: **Attachment A:** Staged Reconfiguration Development Proposal Plan, RPS Drawing PR133458-4B  
**Attachment B:** Completed Change Application Form  
**Attachment C:** Copy of the Development Approval  
**Attachment D:** Suggested Changes to Conditions



## Attachment A

Staged Reconfiguration Development Proposal Plan, RPS Drawing  
PR133458-4B





DNRM DCDB.  
 DNRM AERIAL PHOTOGRAPHY.  
 Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2018]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.  
 The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.  
 © State of Queensland (Department of Natural Resource & Mines) [2017]

**IMPORTANT NOTE**  
 This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.  
 All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.  
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

**Staged Reconfiguration Development  
 of Escape Street Land  
 Cancelling Lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464  
 Escape Street, Port Douglas**



RPS Australia East Pty Ltd  
 ACN 140 292 762  
 135 Abbott St  
 PO Box 1949  
 CAIRNS QLD 4870



T +61 7 4031 1336 F +61 7 4031 2942 W rpsgroup.com.au





Attachment B  
Completed Change Application Form

## Change application form

**Planning Act Form 5 (version 1.0 effective 3 July 2017) made under Section 282 of the Planning Act 2016.**

This form is to be used for a change an application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an 'other' change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

**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>	Port Douglas Steam Train Company Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	C/- RPS Australia East Pty Ltd, PO Box 1949
Suburb	Cairns
State	Qld
Postcode	4870
Country	Aust..
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	PR133458

2) Owner's consent - Is written consent of the owner required for this change application?
<b>Note:</b> section 79(1)(b)(iii) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input checked="" type="checkbox"/> No – proceed to 3) in Part 2

### PART 2 – RESPONSIBLE ENTITY DETAILS

3) Identify the responsible entity that will be assessing this change application
<b>Note:</b> see section 78(3) of the <i>Planning Act 2016</i>
Douglas Shire Council

### PART 3 – CHANGE DETAILS

4) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	CA2639/2008	12 December 2008 – Currency of Approval has been extended until 24 January 2019	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			



<b>5) Type of change proposed</b>
5.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a 5 unit apartment building to provide for a 6 unit apartment building):
To allow the reconfiguration component of the approved development to be changed to allow the existing commercial activities on the land including the St Crispin's Station and Bally Hooley tramway, Choo Choo's café/restaurant and proposed pontoon function deck and car parking to be provided in support of these uses to be located on Proposed Lot 1 independent of the residential community titles development that has been constructed but has not proceed to the issue of titles (refer to Drawing PR133458-4A for detail).
5.2) What type of change does this application propose?
<input checked="" type="checkbox"/> Minor change application – proceed to Part 4 <input type="checkbox"/> Other change application – proceed to Part 5

## PART 4 – MINOR CHANGE APPLICATION REQUIREMENTS

<b>6) Are there any affected entities for this change application</b>		
<input checked="" type="checkbox"/> No – proceed to Part 6 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 6 <b>Note:</b> section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

## PART 5 – OTHER CHANGE APPLICATION REQUIREMENTS

**Note:** to complete this part it will be necessary for you to complete parts of DA Form 1 and in some instances parts of DA Form 2, as mentioned below. These forms are available at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

<b>7) Location details - Are there any additional premises included in this change application that were not part of the original development approval?</b>
<input type="checkbox"/> No <input type="checkbox"/> Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

<b>8) Development details</b>
<b>8.1) Are there any new or changed development aspects included in this change application that are not part of the original development approval?</b>
<input type="checkbox"/> No – proceed to 9) <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 as these sections relate to the new or changed aspects of development are provided with this application.
<b>8.2) Does the change application involve building work?</b>

No  
 Yes – the completed Part 5 (Building work details) of DA Form 2 as it relates to the change application is provided with this application.

**9) Referral details - Do any aspects of the change application require referral for any referral requirements?**  
**Note:** The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

No  
 Yes – the completed Sections 1 and 2 of Part 5 (Referral details) of DA Form 1 as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the referral checklist for building work is also completed.

**10) Information request under Part 3 of the DA Rules**

I agree to receive an information request if determined necessary for this change application  
 I do not agree to accept an information request for this change application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change 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.

Further advice about information requests is contained in the DA Forms Guide.

**11) Further details**

Part 7 of DA Form 1 is completed as if the change application was a development application and is provided with this application.

**PART 6 – CHECKLIST AND APPLICANT DECLARATION**

**12) change application checklist**

I have identified the:

- responsible entity in 3); and
- for a minor change, any affected entities; and  Yes
- for an 'other' change all relevant referral requirement(s) in 9)

**Note:** See the Planning Regulation 2017 for referral requirements

For an 'other' change application, the relevant sections of DA Form 1 – Development details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
For an 'other' change application, where building work is associated with the change application, the relevant sections of Form 2 – Building work details have been completed and is attached to this application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application <b>Note:</b> This includes any templates provided under 23.6) of DA Form 1 that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning report template.	<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 relevant aspects of this change application. For further information, see DA Forms Guide: Relevant plans.	<input checked="" type="checkbox"/> Yes

**24) Applicant declaration**

By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.  
 All information relating to this change 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 7 – FOR OFFICE USE ONLY**

Date received:  Reference number(s):

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 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 change application materials should be sent to the responsible entity.



Attachment C  
Copy of the Development Approval

**YOUR REF:** PR133458/OCK/AF/L76300  
**OUR REF:** CA 2639/2008 (802629)

27 January 2017

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

Attention: Owen Caddick-King

Dear Sir

**REQUEST TO EXTEND RELEVANT PERIOD OF APPROVAL  
FOR DEVELOPMENT PERMIT (CA2639/2008)  
4-10 ESCAPE STREET AND 9 ST CRISPINS AVENUE PORT DOUGLAS**

In accordance with section 383 of the *Sustainable Planning Act 2009*, please be advised that Council has extended the Period of Approval for 2 years, up to and including 24 January 2019, subject to the of approval contained in the amended Decision Notice dated 12 December 2008.

Should you require further information or assistance, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9444.

Yours faithfully



**Paul Hoyer | Manager**  
**Sustainable Communities | Douglas Shire Council**

**ENQUIRIES:** Mrs Jenny Elphinstone  
**PHONE:** (07) 4044 3365 (Cairns)  
(07) 4099 9482 (Mossman)  
**FAX:** (07) 4044 3836  
**OUR REF:** 8/37/130 (1910916)

12 December 2008

Ezcape St Projects Pty Ltd  
C/- Michael Kirkby  
PO Box 6036  
FRENCHS FOREST NSW 2086

Dear Sir

**DECISION NOTICE UNDER S3.5.15 INTEGRATED PLANNING ACT 1997:**  
**DEVELOPMENT APPLICATION FOR 4-10**  
**& 9 ESCAPE STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 12 December 2008, please find attached the relevant 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**

Ezcape St Projects Pty Ltd  
C/- Michael Kirkby  
PO Box 6036  
FRENCHS FOREST NSW 2086

**ADDRESS**

4-10 & 9 Escape Street Port Douglas Qld 4877

**REAL PROPERTY DESCRIPTION**

Lots 41 & 42 on RP747344, Lots 49 & 51 on SP161464

**PROPOSAL**

Material Change of Use and Reconfiguration of a Lot (33 lots and common property on a Community Title Scheme, development of a House on each lot, and use of one House as a Display Home)

**DECISION**

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

**DECISION DATE**

This Decision Notice dated 12 December 2008 replaces the Negotiated Decision Notice dated 13 October 2006.

**TYPE**

Material Change of Use (Development Permit)  
Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

*(Vegetation Clearing, Remnant Vegetation & Acid Sulfate Soils)*  
Department of Natural Resources and Water  
PO Box 937  
CAIRNS QLD 4870

**SUBMISSIONS**

There were two (2) submissions for this application:

A & V Crowe, 14 Escape Street, Port Douglas

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works  
Development Permit for Plumbing Works

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**CONDITIONS:****Plan of Development**

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:
  - (a) The approved plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects, dated September 2005 and attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage;
  - (b) The plans and specifications submitted with the application to Council attached to this approval

Except where such plans and/or specifications are modified by the terms of this approval.

2. The Plan of Development must be amended as follows:
  - (a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no buildings will be permitted within the following setbacks:
    - (i) Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.
    - (ii) St Crispins Avenue – six (6) metres
    - (iii) Side boundaries – half the height of the building element
  - (b) The maximum height of any building is nine (9) metres. The structures on the roof terraces of dwelling type C will need to be reduced in height to

below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.

- (c) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided a deep planted landscaping at natural ground level. A suitable alternative may be negotiated in consultation with Council.

The amended plan of development is to be provided to Council for confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey, whichever occurs first.

### **Currency Period**

3. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

### **Amenity**

4. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the use and so as not to adversely affect any other property.

### **Traffic Management**

5. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.
6. The applicant shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for carrying out building works.

### **Landscaping & Fencing**

7. The landscaping concept plans submitted with the proposed development, referenced as plan No LMP-01, Type A Indicative Landscape Setout, LMSDA03, EVVP01 Issue E prepared by 360° Landscape Architects has been generally approved, subject to the following amendments:
- (a) The following plants are to be replaced on the planting schedule:
- i. *Alphitonia excelsa* (Red Ash); and
  - ii. *Nauclea orientalis* (Leichhardt Pine)
  - iii. These species are considered unsuitable in an urban environment.

- (b) A detailed landscaping plan must be submitted for approval at Operational Works stage. This plan must indicate:
  - i. proposed numbers of each species;
  - ii. stem densities;
  - iii. species composition;
  - iv. details of planting bed size, preparation and related landscape, etc.
- (c) Landscaping must not interfere with the rail easement so that the easement may remain functional for future use.
- (d) A maintenance schedule for the development must stipulate the correct disposal of garden waste so as to mitigate the potential spread of environmental weeds.

The amended plan is to be submitted to Council for an Operational Works Development Permit.

- 8. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.
- 9. The applicant shall provide a 1.8 metre high acoustic screen fence to the side boundaries to ensure the privacy and amenity of adjoining properties is maintained. A minimum standard for a fence of this type is a timber palling fence that is lapped and has no gaps.

### **Waste Storage & Discharge**

- 10. The waste storage area must be located outside of a three (3) metre wide landscape strip to the road frontage in the location shown on the approved plan for this development. The waste storage area must:
  - (a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
  - (b) Include a stop cock and stormwater diversion valve at the drainage point;
  - (c) Contain sufficient storage space for the storage of a 240 litre refuse bin for each unit in the development.

Refuse storage, removal and collection methods shall be in accordance with the “*Environment Protection (Interim Waste) Regulations 1996*”.



**Air Conditioning & Service Equipment**

11. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

**Stormwater Drainage**

12. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Escape Street and/or the lagoon within the site.
13. The approved use must not:
  - (a) Interfere with the natural flow of stormwater;
  - (b) cause ponding of stormwater on adjoining properties.
14. The applicant is to install a pollution control device on stormwater pipes prior to the point of discharge into the road reserve to the west.
15. The applicant is to provide scour protection at the proposed discharge point/s. The location/s, size, velocity, proposed means of scour protection and bank stabilisation, where required, is to be designed and submitted for approval by Council prior to lodgement of an application for Building Work. Such stormwater drainage work shall be designed and constructed in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' Development Manual and shall not cause scouring, erosion, loss of vegetation, excess turbidity and landslip either within or external to the site.

**Minimum Floor Levels**

16. The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of 3.4 metres AHD.

**Amalgamation**

17. Lots 49 and 51 on SP 161464 and Lots 41 and 42 on RP 747344 must be amalgamated into one (1) allotment. The Plan of Survey must be registered with the Department of Natural Resources and Water (DNRW) prior to the issue of a development permit for building work or commencement of building work. Alternatively, a new Survey Plan in accordance with the approved plan is to be lodged for Council endorsement.

**Compliance**

18. All works required pursuant to the conditions of this Development Permit shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes.
19. All conditions shall be complied with prior to the final building inspection for the proposed buildings on the land or as otherwise stated in any condition of this approval.

**External Works**

20. The applicant shall construct a six (6) metre wide concrete vehicle crossover to the site in accordance with the requirements of the FNQ Development Manual.

**Parkland**

21. The applicant shall make contribution for parkland for thirty-three (33) allotments in accordance with Council's requirements for parkland contribution, as defined under Planning Policy No.5 or any other relevant Policy or Code applicable at time of payment.

**Security**

22. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000, such Guarantee shall be lodged prior to the issue of a Development Permit for Building Works on the land in relation to this Development Permit.

The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the applicant fail to do so prior to issuing of a Certificate of Classification for the propose development.

**Acid Sulfate Soils**

23. The applicant is to undertake a detailed acid sulfate soil investigation over the subject land in accordance with the requirements of the (DNRW) Guidelines for Managing Acid Sulfate Soils. This report and associated management plan are to be provided to DNRW for approval prior to the approval of the Operational Works approval.

**Environmental Management Plan**

24. The applicant is to have prepared with the submission for approval of the engineering plans, an Environmental Management Plan (EMP) detailing the

controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, acid sulfate soil management, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).

### **Stormwater Management and Erosion and Sediment Control**

25. The management of stormwater and erosion and sediment control must be undertaken in accordance with the Preliminary Site Based Stormwater Management Plan and Erosion and Sediment Control Plan prepared by Arup and dated September 2004.

### **Health Requirements**

26. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times.
27. All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:
  - (a) 6:30 am to 6:30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7:00 am.
  - (b) Building work is not permitted on a Sunday or Public Holiday at any time.

All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Amendment Regulation (No. 2)*

### **Water Supply**

28. The applicant shall connect to reticulated water supply via the main contained within the Escape Street road reserve.

The proposed connection point including all works required to take the reticulated supply to the boundary of the site are to be shown on the plans for Plumbing and Drainage Works approval.
29. The applicant shall provide a 100 mm diameter service to be contained within the common property to service the residential allotments and the common property.
30. The Council will make all connections to the existing main in Escape Street. The applicant is to prepay to the Council the estimated cost of the connection of the new main to the existing system. The applicant will be responsible for meeting the actual cost of the work.

**Sewerage**

31. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
32. No buildings or other structures are permitted to be located within 3.5 metres of any main located on the subject site..

**Electrical & Telephone Services**

33. Prior to the endorsement of the Plan of Survey for the proposed development, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground electrical supply to the development; and
  - (b) street lighting in accordance with Council's adopted standards.
  - (c) locating of all above ground transformer cubicles clear of footpath areas.
34. All Electricity Lines along the full frontages of the subject site (Escape Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the applicant's expense.
35. All external lighting installed upon the premises including car parking areas shall be certified by Ergon Energy or such other suitably qualified person such that it shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5 metres outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level.
36. Prior to the endorsement of the Plan of Survey, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
  - (a) an underground telephone service to the development lot; and
  - (b) locating of all above ground switching station cubicles clear of footpath areas.

**Bikeway/Pathway**

37. A bikeway/pathway shall be constructed to a minimum width of two (2) metres on the western side of Escape Street past the full frontage of the subject site.
38. The bikeway/walkway(s) shall be suitably signed in accordance with the relevant Standards Association of Australia Code.

**Road Works**

39. All unused vehicle crossovers shall be reinstated with kerb and channel and landscaping.

**Maintenance Period**

40. The Applicant shall maintain in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' Development Manual all road construction works of any nature whatsoever and any drainage works carried out under the provisions of this approval for the land for a period of twenty-four (24) months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such road construction and drainage works carried out as part of the works associated with the subdivision.

**Footpath Damage Liability**

41. All damage occasioned to footpaths and roadways adjacent to the site as a result of, or in connection with, this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

**Access to St Crispins Station**

42. The applicant is to provide public pedestrian access to the St Crispins Rail/Tram Station from Escape Street within an easement for the purposes of public access. The minimum width of the easement is to be two (2) metres.

**Display Home**

43. After a period of two (2) years from the date of issue of the Development Permit for Building Work the use will cease and the display home will revert back to being used as a dwelling house.
44. This approval shall lapse four (4) years from the date of issue of this Development Permit, unless the use is substantially commenced and all conditions complied with.
45. The Display Home must be connected to Council's reticulated sewerage and water supply schemes. House connection branches are acceptable at this stage with full construction of the works to be undertaken prior to any additional works, beyond this approval, being undertaken on site. At time of further development the existing services to the Display House are to be disconnected and reconnected to the new system.

**Plan of Survey**

46. Conditions 1, 2, 3, 5, 7, 9, 12, 13, 14, 15, 20, 21, 23, 24, 25, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41 & 42 must be complied with prior to Council endorsement of the Plan of Survey for the proposed standard format subdivision.

**Easement**

47. The applicant is to create an easement for public access purposes benefiting Douglas Shire Council, over the complete area of land encumbered by Easement A on RP746139 and Easement J on SP161480. The details of this easement are to be dealt with as part of the formulation of the easement documentation in consultation with Council.
48. The applicant is required to tidy up the site and maintain the site to an acceptable standard.

**5. Further Development Approvals Required:**

Operational Work	Development Permit
Building Work	Development Permit
Plumbing and Drainage Work	Development Permit

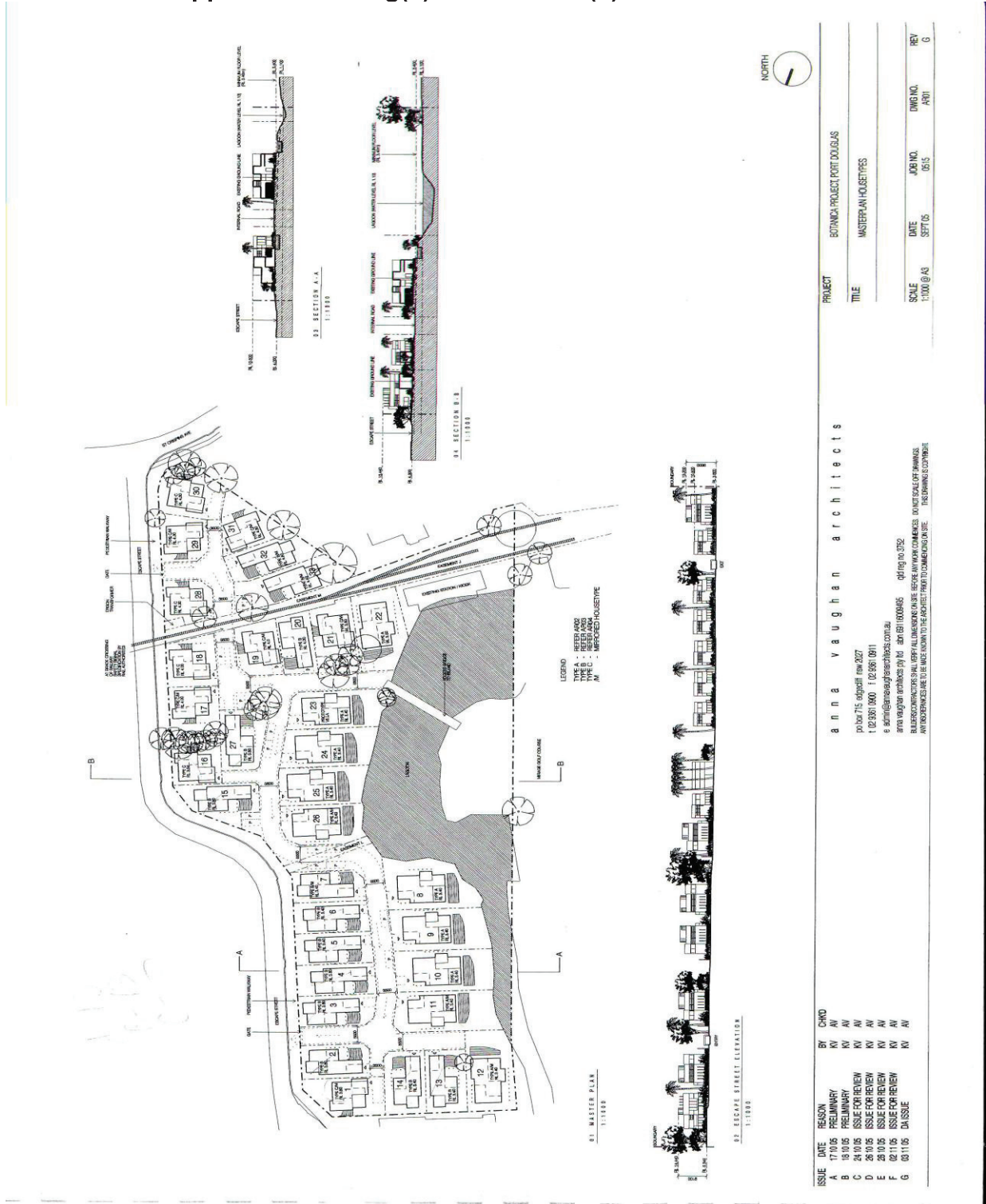
**RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

**APPENDIX 1: Approved Drawing(s) & Document(s)**



ISSUE	DATE	REASON	BY	CHKD
A	17/10/05	PRELIMINARY	KV	AV
B	18/10/05	PRELIMINARY	KV	AV
C	24/10/05	ISSUE FOR REVIEW	KV	AV
D	28/10/05	ISSUE FOR REVIEW	KV	AV
E	28/10/05	ISSUE FOR REVIEW	KV	AV
F	02/11/05	ISSUE FOR REVIEW	KV	AV
G	03/11/05	DN ISSUE	KV	AV

PROJECT	DATE	JOB NO.	DWG NO.	REV
BOTANICAL PROJECT FORT DOUGLAS	SEPT 05	1515	A01	G
TITLE		WATERPLAN HOUSE TYPES		

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 phone 715 849911 fax 2827  
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 e anna@annavaughanarchitects.com.au  
 annavaughanarchitects Pty Ltd ABN 61 000945 cding no 3752  
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40.2008.2639  
 12/21

40 of 250 **DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



11. MASTER PLAN  
 1/1/14



ISSUE	DATE	REASON	BY	CHKD
A	24/10/06	ISSUE FOR REVIEW	KV	AV
B	02/11/06	ISSUE FOR REVIEW	KV	AV
C	03/11/06	DAISSUE	KV	AV

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 annavaughanarchitectsptyltd abn 60118200046  
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PROJECT BOTANICA PROJECT, PORT DOUGLAS  
 TITLE MASTERPLAN LOTS

SCALE 1:100 @ A3  
 DATE SEPT 05  
 JOB NO. 0515  
 DWG NO. A300  
 REV C



41 of 250 **DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



ISSUE	DATE	REASON	BY	CHKD
1	21/10/05	ISSUE FOR REVIEW	KV	AV
2	24/10/05	ISSUE FOR REVIEW	KV	AV
3	28/10/05	ISSUE FOR REVIEW	KV	AV
A	02/11/05	DATE ISSUE	KV	AV

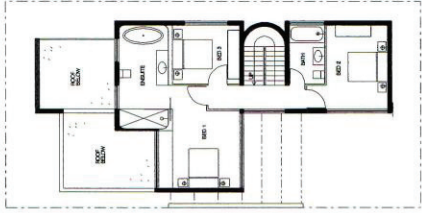
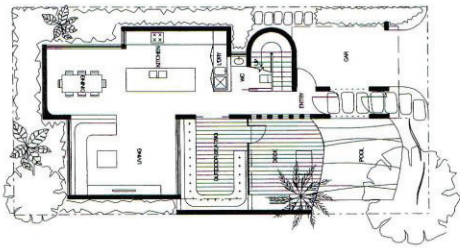
TYPE A - AREA BREAKDOWN	
FLOOR AREA	186.0 M <sup>2</sup>
OUTDOOR SEATING AREA	19.4 M <sup>2</sup>
CAR SPACE & EXT. STORAGE	26.2 M <sup>2</sup>
DECK AREA	26.2 M <sup>2</sup>
POOL AREA	34.0 M <sup>2</sup>

PROJECT	BOTANICA PROJECT PORT DOUGLAS
TITLE	TYPE A - PLANS & ELEVATIONS
SCALE	1:20 @ A3
DATE	30/1/05
JOB NO.	0515
DWG NO.	002
REV	A

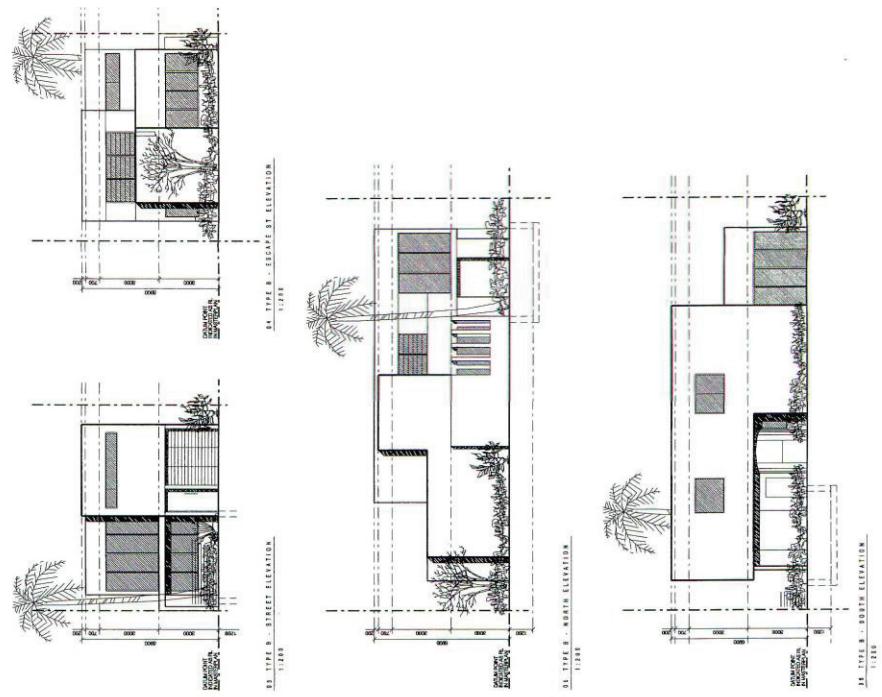
  

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TYPE B - AREA BREAKDOWN

FLOOR AREA	159.0 m <sup>2</sup>
OUTDOOR SITTING AREA	16.6 m <sup>2</sup>
CAR SPACE & BOX STORAGE	18.0 m <sup>2</sup>
DECK AREA	18.6 m <sup>2</sup>
POOL AREA	16.3 m <sup>2</sup>



**a n n a v a u g h a n a r c h i t e c t s**

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

SCALE: 1:200 @ A3 DATE: 05/15/05 JOB NO.: 0515 DWG NO.: REV: A  
 ARCH: A

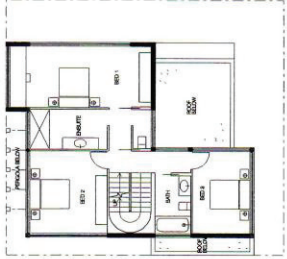
po box 715 adgeville nsw 2027  
 t: 02 9361 1000 f: 02 9361 0911  
 e: anna@annavaughanarchitects.com.au  
 anna vaughan architects Pty Ltd ABN 651 1600045 cell: 081 001 3752  
 BUILDING CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE BEFORE ANY WORK COMMENCES. DO NOT SCALE OFF DRAWINGS.  
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ISSUE	DATE	REASON	BY	CHKD
1	21/10/05	ISSUE FOR REVIEW	KV	AV
2	24/10/05	ISSUE FOR REVIEW	KV	AV
A	02/11/05	DA ISSUE	KV	AV

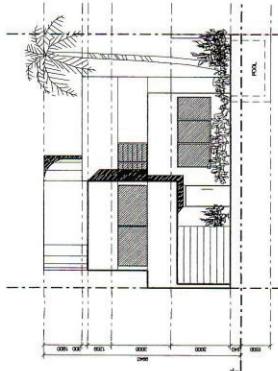
43 of 250 **DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



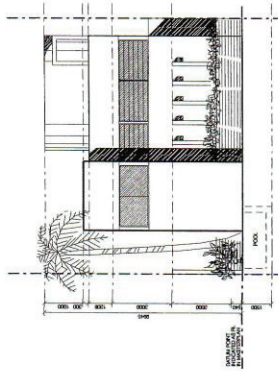
21. TYPE C - SECOND FLOOR PLAN  
1:1000



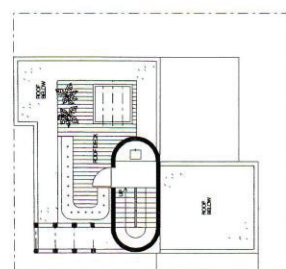
22. TYPE C - FIRST FLOOR PLAN  
1:1000



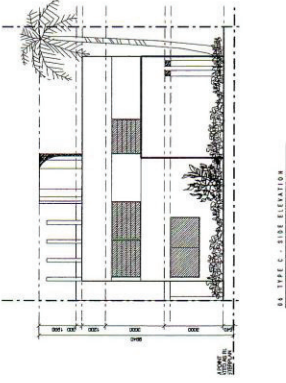
23. TYPE C - SOUTH ELEVATION  
1:1000



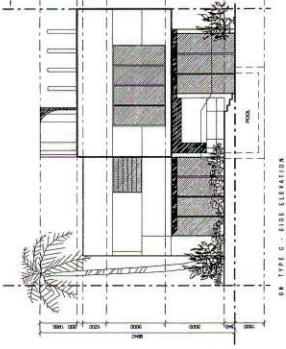
24. TYPE C - NORTH ELEVATION  
1:1000



27. TYPE C - SECOND FLOOR PLAN  
1:1000



25. TYPE C - SIDE ELEVATION  
1:1000



26. TYPE C - SIDE ELEVATION  
1:1000

TYPE C - AREA BREAKDOWN

FLOOR AREA	148.0 m <sup>2</sup>
OUTDOOR SEATING AREA	9.0 m <sup>2</sup>
CAR SPACE & EXT STORAGE	17.2 m <sup>2</sup>
DECK AREA (INCL. ROOFTOP)	36.0 m <sup>2</sup>
POOL AREA	9.8 m <sup>2</sup>

ISSUE	DATE	REASON	BY	CHWD
1	21/10/05	ISSUE FOR REVIEW	KW	AW
2	24/10/05	ISSUE FOR REVIEW	KW	AW
A	02/11/05	DASSUE	KW	AW

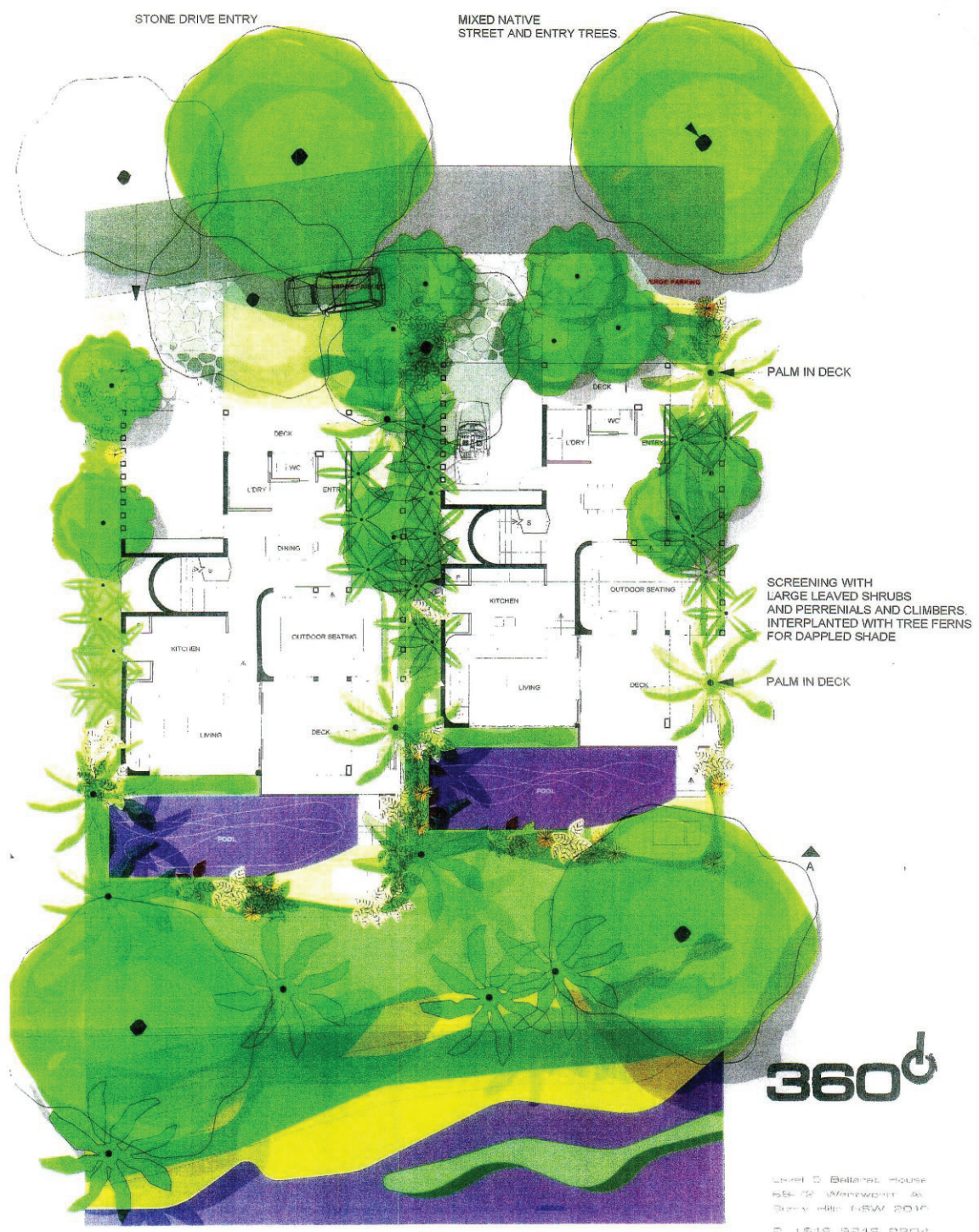
PROJECT: BOTANICA PROJECT PORT DOUGLAS  
 TITLE: TYPE C - PLANS & ELEVATIONS

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SCALE: 1:200 @ A3  
 DATE: SEPT 05  
 JOB NO.: 0515  
 DWG NO.: AREA  
 REV: A





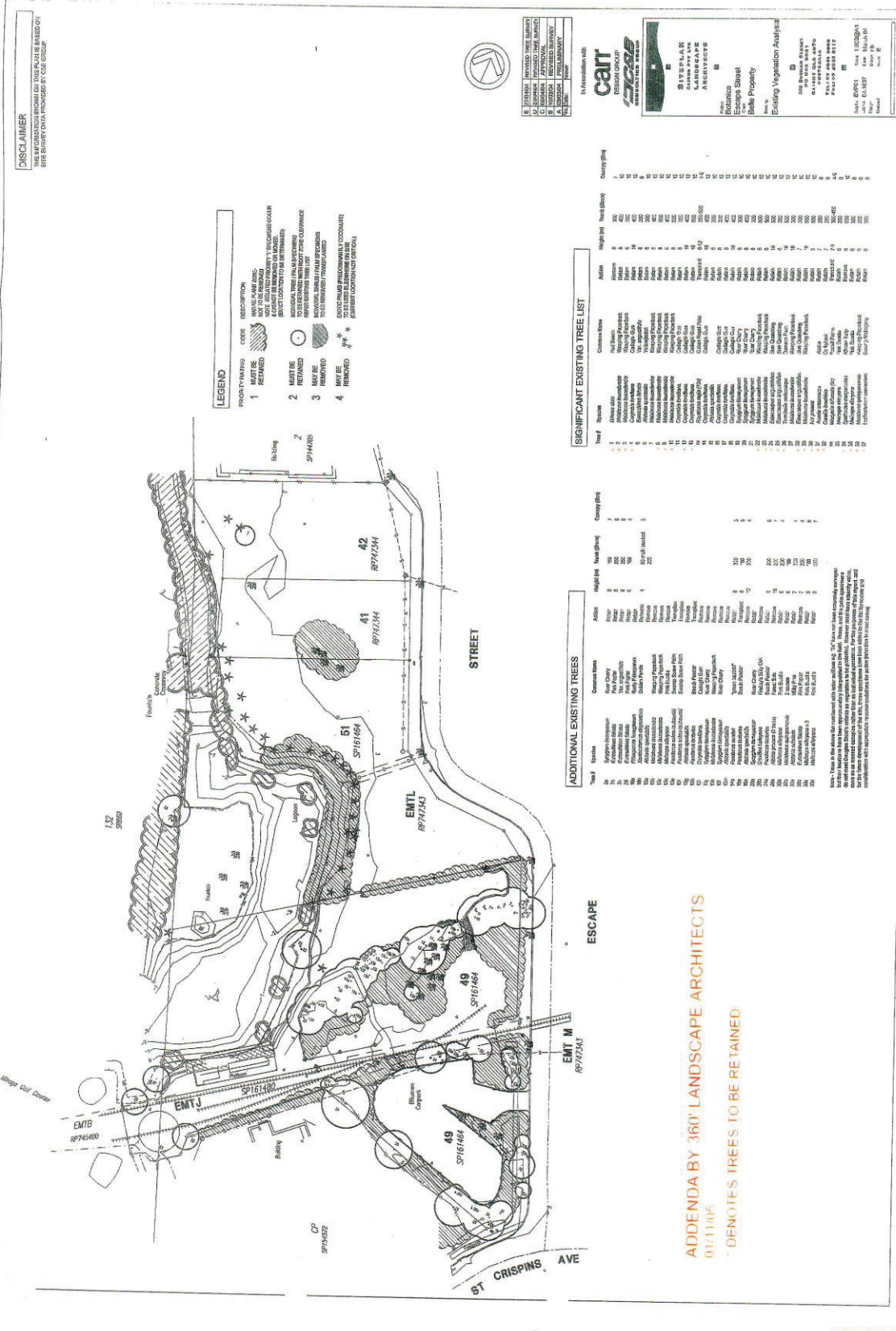


**TYPE A INDICATIVE LANDSCAPE SETOUT**  
NTS

**360°**

Level 0, Brilhart House  
554 St. Marys Rd.  
Burry Hill NSW 2010  
P 1512 5212 2204  
F 1512 5212 2205  
M 0403 245 182  
E 360degrees.net.au  
ABN 50 618 201 215

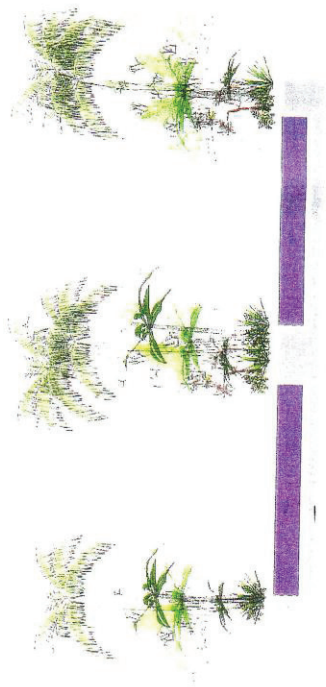




40.2008.2639  
19/21



Carex umbroscus sp. flower  
 Codium - specimens and coverages  
 Equisetum - specimens and coverages  
 Ferns - specimens and coverages



**INDICATIVE SECTIONAL ELEVATION AA**  
**TYPE A HOUSING FROM POOL**  
 Scale 1:200 @ A3



**INDICATIVE SECTIONAL ELEVATION BB**  
**SOUTH FACING**  
 Scale 1:400 @ A3

DATE	10/20/2016	PROJECT	ESCAPE STREET
SCALE	1:200	DATE	10/20/2016
PROJECT	TYPE	FOUR	ES
PROJECT TITLE			

**LANDSCAPE MASTER SECTIONS**

PROJECT  
 ESCAPE STREET  
 PORT DOUGLAS

**GENERAL NOTES**

1. ALL PLANTING TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE MASTER SECTIONS AND THE LANDSCAPE PLAN.

2. ALL PLANTING TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE MASTER SECTIONS AND THE LANDSCAPE PLAN.

3. ALL PLANTING TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE MASTER SECTIONS AND THE LANDSCAPE PLAN.



Attachment D  
Suggested Changes to Conditions

## Suggested Changes to Conditions

We anticipate that amendments to the conditions of approval will need to include the following (insertions/changes shown in bold text):

### Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:

- (a) The approved plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects dated September 2005 and **the Staged Reconfiguration Development Plan, RPS Drawing PR133458-4B** attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage **and/or prior to the issue of a Building Works Development Approval for the first House on the land;**
- (b) The plans and specifications submitted with the application to Council attached to this approval

Except where such plans and/or specifications are modified by the terms of this approval.

2. The Plans of Development must be amended as follows;

(a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no building will be permitted within the following setbacks:

(i) Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.

(ii) St Crispins Avenue – six (6) metres

(iii) Side boundaries – half the height of the building element

(b) The maximum height of any building is nine (9) metres **excluding roof structures. The structures on the roof terraces of dwelling type C will need to be reduced in height to below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.**

(c) **House roof designs shall be re-designed to adopt pitch roof designs consistent with Council's current Planning Scheme Policy – Building Design and Architectural Elements.**

(d) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and

recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided a deep planted landscaping at natural ground level. A suitable alternative may be negotiable in consultation with Council.

The amended plan of development is to be provided to Council for the confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey **for the community titles lots**, whichever occurs first.

28. The applicant shall connect **Proposed Lots 1 and 2 on RPS Drawing PR133458-4B** to reticulated water supply via the main contained within the Escape Street road reserve **using an easement or the provision of a separate water supply connection.**

The proposed connection point including all works required to take the reticulated supply to the boundary of the site are to be shown on the plans for Plumbing and Drainage Works approval.

**31. The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to Council's reticulated sewerage network using an easement or the provision of a separate sewer connection.**

The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage works application stage of review.

#### **Electrical & Telephone Services**

33. Prior to the endorsement of the Plan of Survey for ~~the~~ **Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the proposed community titles development**, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:

- (a) an underground electrical supply to the development; and
- (b) street lighting in accordance with Council's adopted standards.
- (c) locating of all above ground transformer cubicles clear of footpath area.

36. Prior to the endorsement of the Plan of Survey **for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the community titles development**, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:

- (a) an underground telephone service to the development lot; and
- (b) locating of all above ground switching station cubicles clear of footpath areas.

#### **Service and Access Easements**

**49. Written confirmation of the location of exiting services (water, sewer, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either;**

**a. Relocation of the services to comply with this requirement; or**

**b. Arrange registration of necessary easements over services and vehicle access located within another lot prior to, or in conjunction with, the lodgement of the plan sealing application for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.**

#### **Car Parking Provision and Access**

**50. The amount of vehicle parking to be provided on Proposed Lot 1 on RPS Drawing PR133458-4B must be as specified in Council's Planning Scheme which is a minimum of 9 car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed of a compacted granitic surface to be confirmed with Council prior to construction. In addition, all parking, driveway and vehicular manoeuvring areas must be drained, use pavers or the like to delineate car parking spaces, include concrete crossover/s and the vehicle parking area shall be provided with two-way access consistent with the design standards adopted in the existing community titles development. The vehicle parking area is to be established in accordance with this condition prior to prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.**