

07 March 2022

Our ref: P92201

Your ref: CA2639/2008 original approval
CA2639/2019 current approvalChief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873via email: enquiries@douglas.qld.gov.au

Attention: Daniel Lamond

Dear Daniel,

Application for a Minor Change to a Development Approval - Council ref: CA2639/2008
9 St Crispins Avenue and 4-10 Escape Street, Port DouglasI am pleased to present this minor change application made pursuant to Section 78 of the *Planning Act 2016*.**1. Background****Original approval CA2639/2008**

The original approval CA2639/2008 was for

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)

The original approval referred to Lots 1 and 2 on SP311489

Current approval CA2639/2019

In 2019 the landowner and Council undertook a substantial review of the development and a new development permit was issued in April 2019. The approval was for:

Minor Change to Combined Application (Material Change of Use (30 lots & common property) with a house on each lot & a display home)..

The current approval was issued over Land Described as LOT: 41 RP: 747344, LOT: 42 RP: 747344, LOT: 51 SP: 161464, LOT: 49 SP: 161464.

Since the approval a number of lots have been created under a Community Title Scheme/s:

Lot Description	Current Area	Comment
Lot 8 SP321513	375m ²	Developed Photos 1 & 2
Lot 9 SP321513	352m ²	Developed Photos 1 & 2
Lot 10 SP321513	366m ²	Developed Photos 1 & 2
Lot 900 SP321513	7,729m ²	Parent Parcel – balance lot for development
Lot 0 SP321513	4,893m ²	Common Property – Body Corporate



Figure 1: current lots – shown as a cadastral plan and air photo



Photo 1 – Looking northwest towards lots 8, 9, and 10



Photo 2 – Looking north down Rachel Carson Lane



Photo 3 – Looking south along Rachel Carson Lane

2. Proposed Change

There are two components to the proposed change. Both changes are **minor changes** in relation to the arrangement of part of the remaining Lot 900 SP321513 (previously Lot 1 SP311489).

2.1 Creation of 4 new lots

The new lots 1 – 4 will have the following lot sizes:

Lot Description	Proposed Area	Comment
Lot 1	420m ²	<ul style="list-style-type: none"> Previously approved as 2 lots each This application seeks to create 1 larger lot of approx. 420m² (to increase Lot 1 by 35m²) The balance area will ultimately be included as part of the common property for landscaping.
Lot 2	403m ²	<ul style="list-style-type: none"> Previously approved as 5 lots (between 250m² – 255m²) This application seeks to create 3 larger lots of 403m² each The balance area will ultimately be included as part of the common property for landscaping.
Lot 3	403m ²	
Lot 3	403m ²	
Lot 0 SP321513	Increased	Minor increase in the area of Common Property – Body Corporate
Lot 900 SP321513	Decreased	The Parent Parcel – balance lot for development will be adjusted in size having regard to the new lots created.

In summary:

- The original approval was for 30 lots essentially split into 15 lots in the northern section and 15 lots in the southern section.
- To date all development has occurred on the northern section, and the minor change will result in 9 lots and increased landscaping.



Figure 2: approved lot layout and proposed lot layout

2.2 Boundary adjustment to lots 16, 17 and common property (Lot 0 SP321513)

Lot Description	Current area	Proposed
Lot 16	353m ²	<ul style="list-style-type: none"> This application seeks to increase the lot by 32m² to a total of 385m², with a corresponding reduction in the common property. The site is currently being developed (photos 3 and 4) As the building progressed, it has become apparent that the increased area was required to accommodate the pool and more particularly to allow for access around the pool (from within Lot 16 for maintenance.
Lot 17	367m ²	<ul style="list-style-type: none"> This application seeks to increase the lot by 16m² to a total of 367m², with a corresponding reduction in the common property. The site is currently being developed (photos 3 and 4) As the building progressed, it has become apparent that the increased area was required to accommodate the pool and more particularly to allow for access around the pool (from within Lot 16 for maintenance.
Lot 3	403m ²	
Lot 3	403m ²	
Lot 0 SP321513	Decrease	Minor decrease in the area of Common Property – Body Corporate
Lot 900 SP321513	No change	

Note the lots adjoin Common Property that includes the lake. The proposed increase in lots remains outside of the lake area and there is still the ability to access the lake from the common property (photo 4).



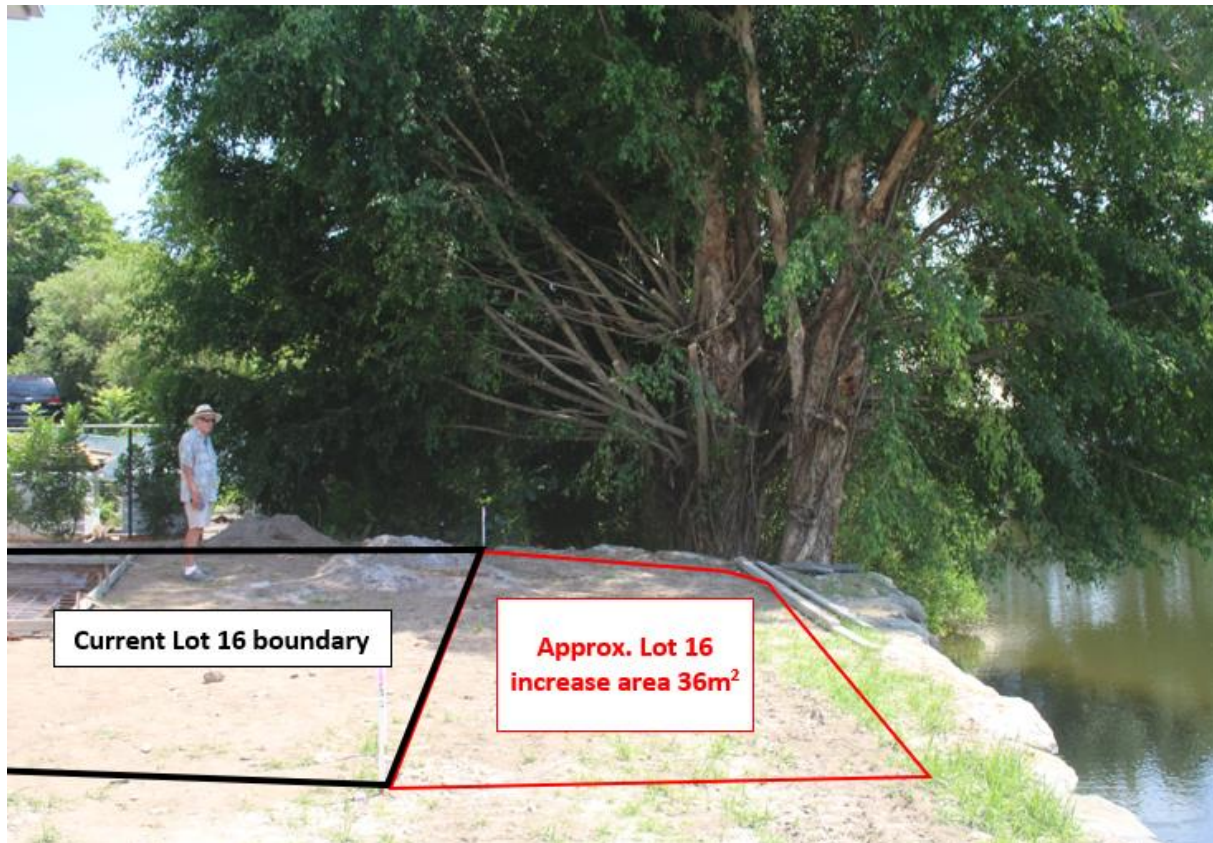


Photo 4 – Current Lot 16 boundary proposed and the proposed approximate increased area.

3. Assessment against Schedule 1 of the Development Assessment Rules

In determining the proposed change, the change has considered the circumstances of the development, in the context of the change proposed. Accordingly, the proposed change has been assessed against the following criteria to determine that the proposed change does not cause a 'substantially different' in relation to:

- 1. *Involve a new use***
The changes proposed will continue to facilitate the intended uses being residential
- 2. *Result in the application applying to a new parcel of land***
The proposed change does not occur on a new parcel of land.
- 3. *Dramatically change the built form in terms of scale, bulk and appearance***
The proposed changes are in relation to the lot layout, and does not 'dramatically change' the intended built for in terms of scale, bulk, and appearance.
- 4. *Change the ability of the proposed development to operate as intended***
The proposed changes do not change the ability of the proposed development to operate as intended, being for residential uses.
- 5. *Remove a component that is integral to the operation of the development***
The proposed changes do not remove a component that is integral to the operation of the development.

6. Significantly impact on traffic flow and the transport network, such as increasing traffic to the site

The proposed changes do not impact on traffic flow and the transport network.

7. Introduce new impacts or increase the severity of known impacts

The proposed changes will not introduce new impacts or increase the severity of known impacts.

8. Remove an incentive or offset component that would have balanced a negative impact of the development

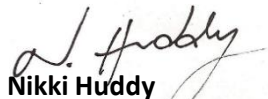
The proposed changes do not remove an incentive or offset component of the proposed development.

9. Impact on infrastructure provisions.

The proposed changes do not impact on infrastructure provision.

Therefore, the proposed change is considered to not result in a 'substantially different' development.

Yours sincerely


Nikki Huddy
Planz Town Planning

Att:

- | | | |
|--|----------------------------|--------------|
| 1. Planning Act Form 5 - Change application form | | |
| 2. Landowners Consent | | |
| 3. Escape Street Proposed Lot Layout | RPS Drawing PR141541-302 A | Date 12/1/22 |
| 4. Escape Villas Lot Layout | RPS Drawing PR141541-302 A | Date 25/1/22 |

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change 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) (individual or company full name)	Port Douglas Steam Train Co Pty Ltd
Contact name (only applicable for companies)	C-/ Planz Town Planning Pty Ltd
Postal address (P.O. Box or street address)	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	info@planztp.com
Mobile number (non-mandatory)	0447 323 384
Applicant's reference number(s) (if applicable)	P92201

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

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1 or 3.2), and 3.3 as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> 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
		4-10	Escape Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	900	SP321513 (Parent Parcel)	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		4-10	Escape Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	0	SP321513 (Common Property)	Douglas Shire Council



**Queensland
Government**

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.

☐ 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 the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) 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	06 April 2021	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Boundary Realignment

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: 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 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does 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. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details 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.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> 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: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

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

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes
Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* 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](#).

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

14) 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 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – 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 (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

**Consent to the making of a development application
under the *Planning Act 2016***

I / we: WENDY DAY MORRIS

On behalf of: ESCAPE VILLAS PORT DOUGLAS

Of premises identified as: 4-10 Escape Street, Port Douglas.
Insert street address 9 Street Crispins Avenue, Port Douglas

Described as: Lot 900 SP321513
Insert Real Property Description Lot 0 SP321513

Consent to Planz Town Change Application
Planning making:

[Signature]

CHAIR: ESCAPE VILLAS PORT DOUGLAS

[Signature of Owner / Director** / Body Corporate**]

[Date]

7th March 2022

** If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

[Signature of Owner / Director / Body Corporate]

[Date]

** If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

****Guide – To determine who is the owner of the land**

Landowner: The Person, Company, or Body Corporate shown on the rates notice or lease documents.

When there are multiple owners: The consent of each owner must be obtained.

When there are multiple lots: The consent of each of those landowners is required.

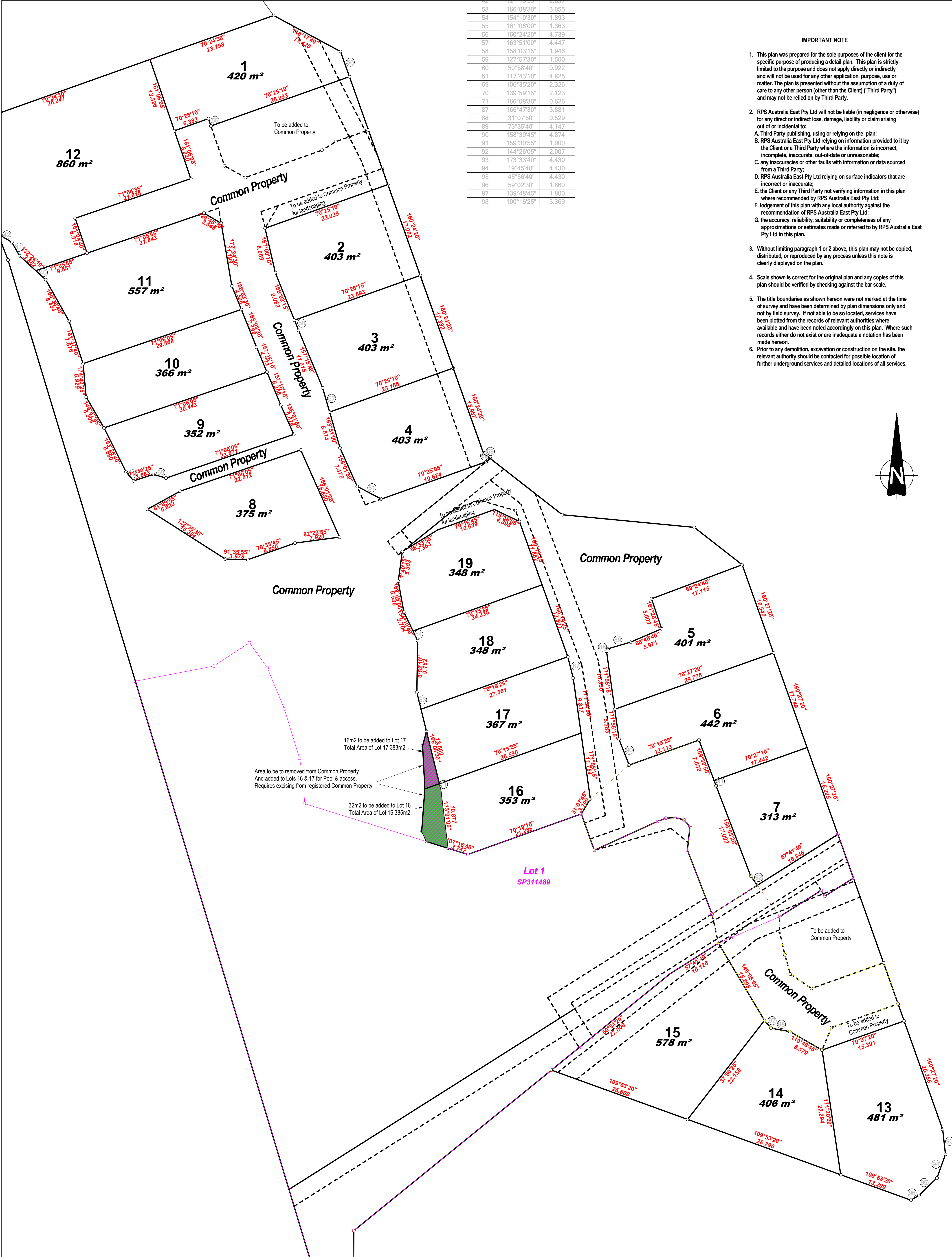
When the owner is a company: The company must consent to the application in accordance with Section 127 of The Corporations Act 2001

Easements: The consent of easement owners is not always required. This is considered on an application by application basis.

Leases: If the land leased to you from someone else, Council or State, the lessors (not you) of the land must give the owner's consent.

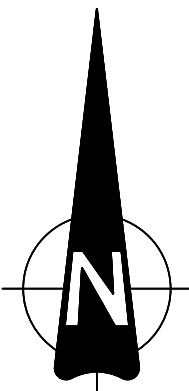
State owned land: If the land is state-owned land that is leased or subleased, The State as the lessor of the land must give owner's consent

Power of attorney: If power of attorney has been granted authorising another person to sign on the owner's behalf, a certified copy of the power of attorney is required to accompany the consent.



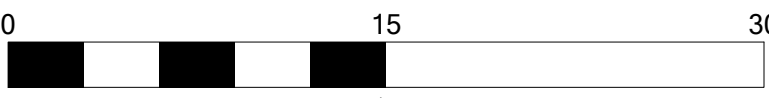
53	166°08'30"	3.055
54	154°10'30"	1.893
55	161°06'00"	1.363
56	160°24'20"	4.739
57	163°51'00"	4.447
58	158°03'15"	1.946
59	127°57'30"	1.500
60	50°58'40"	0.922
61	117°43'10"	4.825
69	106°35'20"	2.326
70	139°59'15"	2.123
71	166°08'30"	0.626
87	165°47'30"	3.881
88	31°07'50"	0.529
89	73°35'40"	4.147
90	158°30'45"	4.874
91	159°30'55"	1.000
92	144°26'05"	2.007
93	173°33'40"	4.430
94	19°45'40"	4.430
95	45°56'40"	4.430
96	59°02'30"	1.660
97	139°48'45"	1.800
98	100°16'25"	3.369

- IMPORTANT NOTE**
- This plan was prepared for the sole purposes of the client for the specific purpose of producing a detail plan. This plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
 - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
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B. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
C. any inaccuracies or other faults with information or data sourced from a Third Party;
D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
F. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
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 - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 - The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. If not able to be so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.
 - Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.



NOTES

Level Datum: Origin of Levels: Contour Interval: Index: Origin of Coordinates: MGA94 Meridian: MGA Z55 Vide SP311489 Field/Level Book:



SCALE 1:300 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A1). (1:600 @ A3)

AMENDMENTS	PROJECT MANAGER
TEXT	D Pinkham
	SURVEYED
	DRAWN
	D Pinkham 25/1/22
CHECKED	CAD REF
	141541-306.MJO
DRAFTING CHECKED	SHEET SIZE
	A1

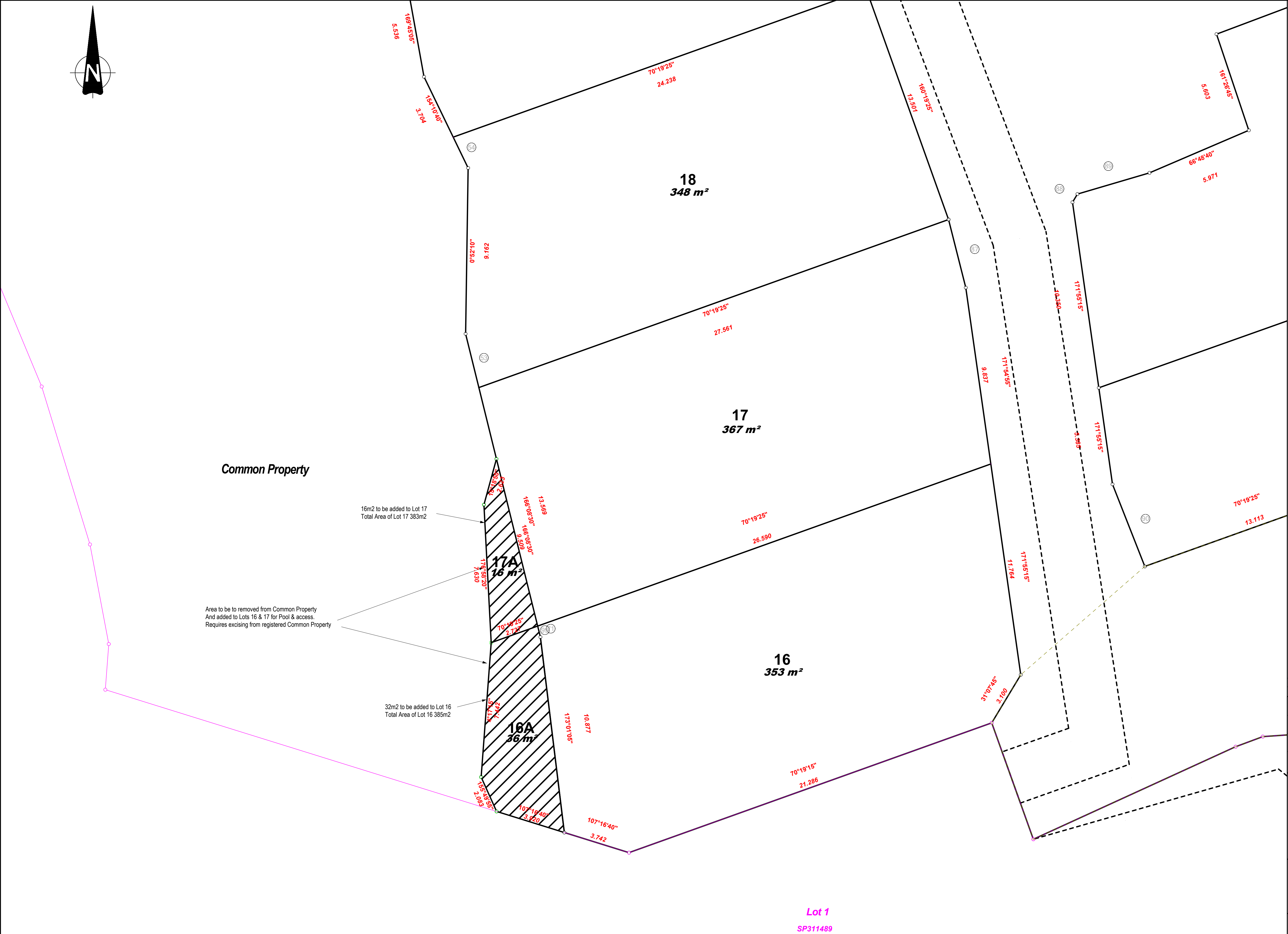
SHEET 1
OF SHEETS 1
TEXT
TEXT

Escape Street Proposed Lot Layout
Escape Street Lot Layout

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SCALE 1:300	DATE 12/1/22	DRAWING NO. PR141541-302 A	ISSUE
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IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a detail plan. This plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

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C. any inaccuracies or other faults with information or data sourced from a Third Party;

D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;

E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;

F. lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;

G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

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4. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.

5. The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey. If not able to be so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.

6. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

NOTES

Level Datum: AHD

Origin of Levels:

Meridian: MGA

Origin of Coordinates:

Contour Interval:
Index:

metres

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

AMENDMENTS

A: DGP: Change to -302 Lot Layout

PROJECT MANAGER DGP	CHECKED
SURVEYED MJW	DRAFTING CHECKED
DRAWN DGP	CAD REF 141541-306
SHEET SIZE A1	SHEET 2 OF SHEETS 2

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Escape Villas
Lot Layout

Escape Street
Port Douglas

SCALE 1:100	DATE 25/1/22	DRAWING NO. PR141541-302A	ISSUE
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