

1 May 2024

Enquiries: Neil Beck
Our Ref: CA 2023_5420/1 (Doc ID 1224725)
Your Ref: KRDPS:GURNER

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Davidson Street Port Douglas Developments Pty Ltd
C/- Kelly Reaston Development & Property
44 McLeod Street
CAIRNS QLD 4870

Email: kelly@kellyreaston.com.au

Attention Ms Kelly Reaston

Dear Madam

**Development Application for Combined Application for Material Change of Use for Resort Complex, Short Term Accommodation, Food and Drink Outlets, Multiple Dwellings and Reconfiguring a Lot (4 Lots into 45 Lots and Common Property)
At 97-113 Davidson Street Port Douglas
On Land Described as Lots 1 and 2 on RP723702 and Lots 3 and 4 on RP909815**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2023_5420/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Davidson Street Port Douglas Developments Pty Ltd
Postal Address: C/- Kelly Reaston Development & Property
44 McLeod Street
Cairns QLD 4870
Email: kelly@kellyreaston.com.au

Property Details

Street Address: 97-113 Davidson Street Port Douglas.
Real Property Description: Lots 1 and 2 on RP723702 and Lots 3 and 4 on RP909815.
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Combined Application for Material Change of Use for Resort Complex, Short Term Accommodation, Food and Drink Outlets, Multiple Dwellings and Reconfiguring a Lot (4 Lots into 45 Lots and Common Property).

Decision

Date of Decision: 30 April 2024
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
SITE PLAN - GROUND	DA 3.2 Rev 02	23/01/2024
SITE AREA USAGE	DA 3.3 Rev 02	23/01/2024
SITE SETBACKS	DA 3.4 Rev 02	13/09/2023
ALLOTMENT PLAN	DA 3.5 Rev 02	23/01/2024
HOTEL BASEMENT	DA 3.6 Rev 02	23/01/2024
HOTEL LVL 00	DA 3.7 Rev 02	23/01/2024

Drawing or Document	Reference	Date
HOTEL LVL 01	DA 3.8 Rev 02	13/09/2023
HOTEL LVL 02	DA 3.9 Rev 02	13/09/2023
HOTEL ROOMS BASEMENT	DA 3.10 Rev 02	13/09/2023
HOTEL ROOMS LVL 01/02	DA 3.11 Rev 02	13/09/2023
ELEVATIONS	DA 4.1 REV 02	23/01/2024
STREETSCAPE ELEVATION	DA 4.2 REV 02	23/01/2024
SECTION	DA 5.1 REV 02	23/01/2024
RESIDENCE TYPE 00	DA 6.1 REV 01	13/09/2023
RESIDENCE TYPE 01	DA 6.2 REV 01	13/09/2023
RESIDENCE TYPE 02	DA 6.3 REV 01	13/09/2023
RESIDENCE TYPE 03	DA 6.4 REV 01	13/09/2023
RESIDENCE TYPE 04	DA 6.5 REV 01	13/09/2023
RESIDENCE TYPE 05	DA 6.6 REV 01	13/09/2023
RESIDENCE TYPE 06	DA 6.7 REV 01	13/09/2023
MATERIALS	DA 7.1 REV 01	13/09/2023
LANDSCAPE PLANS		
<u>COVER SHEET</u>	2220-L-CD-0.00	19/12/2023
LANDSCAPE PLAN 1 OF 7	2220-L-CD-1.00	19/12/2023
LANDSCAPE PLAN 2 OF 7	2220-L-CD-1.01	19/12/2023
LANDSCAPE PLAN 3 OF 7	2220-L-CD-1.02	Undated
LANDSCAPE PLAN 4 OF 7	2220-L-CD-1.03	19/12/2023
LANDSCAPE PLAN 5 OF 7	2220-L-CD-1.04	19/12/2023
LANDSCAPE PLAN 6 OF 7	2220-L-CD-1.05	19/12/2023
LANDSCAPE PLAN 7 OF 7	2220-L-CD-1.06	19/12/2023
LANDSCAPE DETAILS	2220-L-CD- <u>2.00</u>	19/12/2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue F	5/12/2023

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and

- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

3. Further details and amendments to the development are to be provided addressing the following:
 - a. Provide further details demonstrating the refuse area is of sufficient size to accommodate the entire development having regard to the total waste entitlements generated by the development in its entirety. Details are to include the type of bins to be used and the frequency of servicing by a waste collection contractor and associated swept path vehicle movements for the design vehicle servicing the facility;
 - b. Provide plans detailing the refuse enclosure which must be covered, provided with a water connection and tap and be connected to sewer;
 - c. Provide details of the screening treatments to the substation adjacent Crimmins Street;
 - d. Detail location of formalised on-street car parking spaces in accordance with Conditions of this Development Permit;
 - e. Detail the bus set down location as required by the concurrence agency response;
 - f. Confirm the 30m exclusion area of residential development from the existing pump station in Crimmins Street;
 - g. Amended landscape plans to comply with Conditions of this Development Permit;

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Operational Works

4. A Development Permit for Operational Works must be obtained for the following activities:
 - a. Vegetation removal and bulk earthworks associated with the construction of the basement carpark and site grading;
 - b. Construction of internal roads and drainage works. Street lighting design for the internal road network is required;
 - c. Water supply and sewer works including the realignment of the sewer main adjacent the western boundary;
 - d. All external works.

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site.

Access and Parking

5. The minimum amount of vehicle parking associated with the Resort Complex is 104 spaces in addition to 30 bicycle spaces and 14 motorcycle spaces as detailed on Drawing No. DA 3.6 Rev 02 dated 23 January 2023.

6. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.
7. Prepare a Road Upgrade Plan for the eastern verge of Davidson Street demonstrating the following:
 - a. Provision for 31 on street parking spaces;
 - b. Provision for barriers or physical separation to the footpath on the eastern side of Davidson Street;
 - c. Landscaped planter islands to soften hardstand area.

The applicant in conjunction with Council is to determine the most appropriate parking arrangement and orientation working with the existing site features, bicycle lane and the proposed site access points. The external works must formalise the eastern road carriageway and parking areas. These works form part of the external works required for the development

Advice Note: Officers note 104 car parking spaces are proposed internal to the development. Formalisation of additional car parking spaces on-street are required to comply with the planning scheme intent and development demand.

8. Prior to a Development Permit for Operational Works, provide turn path assessments to support the findings of GHD's Traffic Memorandum.

Earthworks

9. Prior to the Development Approval for Operational Works, updated design plans for the bulk earthworks are to be provided generally in accordance with the preliminary drawings by Applin Consulting, maintaining a free draining surface with no ponding of standing water resulting.
10. Prepare an Acid Sulfate Soils Management Plan (ASSMP) nominating how, if encountered, Acid Sulfate Soils will be identified, tested and managed during construction.

The ASSMP must be in accordance with the requirements and action levels nominated in the Queensland Acid Sulfate Soils Technical Manual (QASSTM) and must be submitted as part of the Operational Works Application.

Dewatering

11. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking construction process and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.
 - a. The basement parking report must include, but is not limited to the following:
 - i. Construction techniques;
 - ii. Techniques to imperviously seal the basement; and
 - iii. Method of basement ventilation.
 - b. The dewatering report must include, but is not limited to the following:
 - i. Method of water extraction pre- and post-development and the layout of the dewatering pumps and pipelines;
 - ii. Water quality;
 - iii. Lawful discharge of water; and
 - iv. How the results (being the form and frequency) will be reported to Council.

- c. The access to the basement parking area must be designed to prevent the 1%AEP flood event and must have a minimum vertical clearance of 2.1 metres.

Crimmins Street

12. Provide road longitudinal and cross sections along the Crimmins Street Road Reserve from the intersection with Davidson Street to the existing sewerage pump station confirming the fill depths and interface levels proposed along Crimmins Street.

The Crimmins Street design plans must also include drainage upgrade works as identified by Applin Consulting to manage stormwater for the frontage of the site. The design must confirm operating velocities in the drain and controls at the outlet to manage erosion risks at the discharge point and downstream area.

Details are to be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Retaining Walls

13. All retaining walls or structures higher than 1.0m must be certified by a suitably experienced RPEQ Structural Engineer.

Where the profile or height of the wall is redesigned during structural certification, amended plan(s) must be approved by Council.

14. The design of all retaining wall structures must be wholly contained within the development site and must not encroach into adjacent lots or road reserve.

The design of all retaining structures proposed must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Stormwater

15. Prior to the issue of a Development Permit for Operational Works, provide an updated Engineering Report identifying the calculated post-development 10% AEP and 1% AEP peak flows for the revised catchments nominated on Applin Consulting drawing 23001-SK002 (Revision D).

16. All stormwater from the land must be directed to a lawful point of discharge as per the approved plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual and to the requirement and satisfaction of the Chief Executive Officer.

17. Further drainage investigations must be undertaken to demonstrate that the post development stormwater flows are able to be accommodated by the receiving drains and external catchment and without causing nuisance to downstream or upstream properties. In the event this cannot be adequately demonstrated to the satisfaction of the Chief Executive Officer, onsite detention will be required.

Revised civil plans and supporting calculations must be provided to the satisfaction of the Chief Executive Officer prior to the issue of the Development permit for Operational Work.

18. Provide detailed design drawings for the drainage lines along the western boundary of the development, showing the location of their respective outlets and identifying clearance achieved to existing trees. The updated Arborist report must reference the drainage plan and confirm any additional controls (including setbacks) required to enable construction of each drainage line.

Advice Note: Council's intent is to maximise the retention of existing trees within the adjoining land.

19. Ownership, operation and maintenance of all Gross Pollutant Traps (GPT) proposed within the development will remain as privately owned infrastructure. The design plans must demonstrate access to each GPT for a suitable maintenance vehicle, including but not limited to, providing vehicle turn paths.

At no time will Council be responsible for the upkeep of this private infrastructure.

General Works External

20. Undertake the following works external to the land at no cost to Council:

- a. Construct a 2.0m wide pedestrian footpath on Davidson Street for the full frontage of the site;
- b. Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing S1015;
- c. Make good the kerb and channel at the redundant crossovers, where not replaced by the new crossover;
- d. Formalise on-street parking spaces in accordance with Conditions of this Development Permit;
- e. Underground overhead power supply for the full frontage of the site in accordance with Conditions of this Development Permit;
- f. Provision of street lighting along Davidson Street, Crimmins Street inclusive of intersection. The street lighting must be designed in accordance with the relevant Road Lighting Standard ASINZS 1158 and the FNQROC Development Manual;
- g. Install street tree plantings along the road verge of Davidson Street and Crimmins Street in accordance with the FNQROC Development Manual;
- h. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded.

Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Plan of Survey, whichever occurs first.

Note: The above works are not creditable or trunk related works in accordance with Section 145 of the *Planning Act 2016*.

External Sewer

21. Engineering design drawings must be submitted to Council proposed for the new gravity sewer along the western boundary of the site. The engineering design drawings must demonstrate that the new gravity sewer complies with FNQROC Development Manual D7.16 which includes compliance with the Queensland Development Code (QDC) MP1.4 as referenced by D7.16. The design must demonstrate that:
 - a. The sewer is positioned outside of zone of influence of the retaining wall structure; and
 - b. The sewer can be excavated for repair and maintenance without comprising the integrity of the retaining wall structure.
 - c. The clearance between the sewer and the retaining wall accommodates the required construction equipment for maintenance and repairs to the sewer, including but not limited to operating clearance for excavator to swing during excavation.
22. The external sewer design plan must clearly define the Structural Root Zone and Tree protection Zones as defined in AS 4970-2009 - Protection of trees on development sites. The design must demonstrate that the proposed sewer along the western boundary of the site avoids encroachment into the SRZ of all trees nominated to be retained on the Tree Protection Plan by RPS. In particular, Tree numbers:

- T1 - 1.4m diam Melaleuca;
- T2 - 2.0m diam Melaleuca;
- T9 - 85cm diam Melaleuca;
- T11 - 80cm diam Melaleuca;
- T15 - 1.5m diam Melaleuca;
- T16 - 1.2m diam Melaleuca

Any amendments required to comply with tree clearances must be included in the detailed design plans for Operational Works.

The revised external sewer plan must comply with the clearance requirements of the Water Services Association of Australia (WSA) 02 – Sewerage Code of Australia, the FNQROC Development Manual, and be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

23. The detailed design for the Crimmins Street works must be supported with accurate services locations. The applicant must undertake potholing of services surrounding the existing sewer pump station at the western end of Crimmins Street. The extent of potholing is to generally be limited to the perimeter circle shown on Applin Consulting Drawing 23001-SK004 (Revision D).

Advice Note: Potholing is required to confirm the depth of the existing sewer main and comply with the clearance requirements of the Water Services Association of Australia (WSA) 02 – Sewerage Code of Australia.

Internal Sewer

24. The existing 150mm diameter gravity main and 100mm diameter pressure mains aligned along the western boundary of the development are to be removed from site or decommissioned based on an approved decommissioning plan to be provided by the applicant with Operational Works submission.

Decommissioning works must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

25. An exclusion radius of 30m from the existing sewer pump station located at the western end of Crimmins Street must be provided to all dwellings within the development, generally as shown on the approved civil plans by Applin Consulting.

The exclusion radius must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

Water Supply Works Internal

26. Undertake the following water supply works internal to the subject land:

- a. Provide a single internal water connection;
- b. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 and applies to developments which will be reconfigured by Standard Format Plan with common property.

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

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

Ecological Survey

27. Undertake an ecological survey for the purpose of identifying any plant species protected under the *Nature Conservation Act 1992* eg. Ant Plants. The Ecological survey is to also identify the presence of wildlife on the site which can be moved and relocated prior to works taking place.

Advice Note: *The removal and / or relocation of protected plant species requires approval from Department of Environment & Science.*

Landscaping

28. The development site must be landscaped generally in accordance with the Approved Landscape Plans prepared by AS Design dated 19 December 2023 except where amended to provide for the bus set down area and street tree plantings. Amended landscape plans are to be provided as part of the Operational Works application.

All landscaping works must be undertaken prior to the Commencement of Use or approval and dating of the Plan of Survey, whichever occurs first and maintained at all times to the satisfaction of the Chief Executive Officer.

29. Prior to the Commencement of Works, undertake protection of all trees nominated to be retained, as shown on the Tree Protection Plan (Drawing AU013495-1) by RPS dated 9 January 2024, to the satisfaction of RPS' arborist.

SRZ and TPZ measures are to be generally in accordance with Section 3.1.2 of RPS' Tree Survey Report dated 12 January 2024 (Document AU213013495.001).

These protection measures are to be maintained at all times to the satisfaction of the Chief Executive Officer.

30. Prior to the Commencement of Works on the sewer main along the western boundary of the development, RPS are to supervise and approve tree protection measures on-site.

Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing within the development site.

Stockpiling and Transportation of Fill Material

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

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

- a. Peak traffic times; or
- b. Before 7:00am or after 6:00pm Monday to Friday; or
- c. Before 7:00am or after 1:00pm Saturdays; or
- d. On Sundays or Public Holidays.

Environmental Protection Policy – Noise & Dust

32. All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.

Damage to Council Infrastructure

33. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

34. In the event that any part of Council's existing water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost.

Electricity Supply

35. Existing overhead electrical services are to be replaced with new underground electrical supply infrastructure.

Prior to the issue of a Development Permit for Operational Work, undertake detailed survey of all underground services within the corridor proposed to relocate overhead electrical services below ground, generally as nominated on Hopkinson Consulting Engineers drawing E10 dated February 2023.

36. Engage a suitably qualified specialist consultant registered to carry out Ergon undergrounding works for the purpose of relocating overhead electrical services in Davidson Street and Crimmins Street below ground.

The works must be designed in accordance with all Council and Ergon requirements, and to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.

The works must be constructed in accordance with all Council and Ergon clearance requirements prior to Works Acceptance.

37. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy.

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

38. Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer.

Electricity and Telecommunications

39. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.
40. Ownership, costs and maintenance associated with all electrical metering internal to the development will not be the responsibility of Council at any time before, during or post construction.

Demolish Structures

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

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Cultural Heritage

5. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Environmental

6. An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Science prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the *Nature Conservation Act 1992*. Information on Ecoaccess approvals may be obtained at www.des.qld.gov.au.

Food Premises

7. Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the *Food Act 2006* must be obtained from the Chief Executive Officer.
8. Prior to the operation of a licensable food business as defined in the *Food Act 2006*, a Food Licence must be obtained from the Chief Executive Officer.

Infrastructure Charges Notice

9. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The Infrastructure Charges Notice will be provided under separate cover.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment & Referral Agency Response (SARA)	2310-37356 SRA	25 March 2024	#1218783

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Properly Made Submissions

1. 33 Davidson Street Pty Ltd, C/ Mills Oakley, GPO Box 5247, Brisbane QLD 4001, melms@millsoakley.com.au
2. Paul Morgan, 1 Ti Tree Street, Port Douglas QLD 4877, morgs4646@gmail.com
3. Anne-Sophie Magis, Unit 7, 48 Mudlo Street, Port Douglas QLD 4877, choufieanne@gmail.com

Response to Submissions

Loss of Affordable Accommodation

Concerns are raised regarding the potential impact of this development on affordable accommodation and the housing shortage currently affecting our region.

It is acknowledged that the proposed development is in accordance with the Douglas Shire Planning Scheme 2018 and is correctly zoned for tourist accommodation.

The concern lies in the loss of the existing capacity of the equivalent of 399 affordable accommodation beds, which cater to both seasonal workers and long-term residents of the community provided by the backpackers and caravan park currently situated in the area earmarked for the "The Davidson".

By prioritizing tourists over workers, we are setting ourselves up for a situation where there is no one to maintain the very infrastructure we are so eager to expand. The question that arises is fundamental: Who will clean the toilets, tidy the rooms, and make the beds if we do not have the workforce?

Concern is raised that the current development application does not include provisions for worker accommodation, especially considering the severe affordable housing shortage currently being experienced in Port Douglas and the wider Douglas Shire.

Port Douglas has been grappling with a significant housing affordability crisis, and the addition of a development like The Davidson which includes 112 hotel rooms and 44 villas without adequate consideration for worker accommodation exacerbates this issue. Without sufficient affordable housing options for workers, there is a risk of further displacement of long-term locals, as seasonal workers and other staff associated with The Davidson compete for limited housing resources.

Request to prioritise the inclusion of affordable worker accommodation in The Davidson to mitigate the potential impact on already stretched housing resources. By ensuring that The Davidson incorporates housing options for the number of workers required to service and maintain the resort and villas, we can mitigate the impact on existing affordable accommodation in Port Douglas and safeguard the housing stability of our community members.

I urge the Council to consider the long-term implications on our community. We need sustainable development that caters to our needs and ensures that Port Douglas remains a vibrant and functioning town for tourists and residents alike.

Response

It is agreed that the closure of affordable accommodation options and in particular, housing options that cater for transient working tourists and travellers, is a significant concern that is shared by Council Officers.

The lack of not only affordable housing options, but housing in general is well known and is not just limited to Port Douglas but the wider region.

While the submitters concerns are shared, Council is obliged to consider and determine the development application in accordance with the planning instruments and overarching legislation. In this instance, the following is noted:

- The proposed development is an anticipated and expected form of development to take place in the Tourist Accommodation zone;
- The development demonstrates compliance with the Strategic Framework, assessment benchmarks and performance outcomes of the Planning Scheme to the extent relevant to the proposal;
- There is no provisions, and therefore no ability, within the planning instruments to insist that the development incorporate worker accommodation facilities. Putting aside the inability to require this, the development is not at a scale that would warrant such a measure. Any requirement of this nature would be considered unreasonable;
- For Council to refuse the proposed development due to concerns over the loss of affordable housing would not constitute, in the opinion of Council Officers, sufficient grounds to defend the refusal if challenged in the Planning & Environment Court.

While the development outcome is not ideal with respect to the loss of this accommodation option so close to town, there is anticipation that market forces will react to potential emerging opportunities. In this regard, land on the periphery of Port Douglas has previously been approved for short term accommodation uses and it is expected that the proposed development could act as a catalyst to encourage investment in bringing these projects forward.

Stormwater & Drainage

The Submitter has raised concerns regarding the amount of collected water that will now be disposed of in the creek that runs behind Ti Tree Street. The concern is that this will negatively impact the dwellings on Ti Tree Street.

Response

An updated drainage investigation was provided as part of the response to Council's request for further information.

The investigation established that there is an ability to adequately drain the site using existing drainage regimes albeit through undertaking improvements in the Crimmins Street drain to increase capacity. The construction of the internal drainage network and improvements to external drainage networks will be subject to further review and interrogation through the operational works application process.

Council Officers are confident that the development can be undertaken with having a detrimental impact on downstream properties and/or creating a nuisance with respect to stormwater flows.

Character & Built Form

- a) *the built form will present as one large bulky building from Davidson Street;*
- b) *the proposed development will not contribute to the visual dominance of tropical vegetation and the local streetscape;*
- c) *the proposed landscaping may not achieve heights or densities shown in the plans and renders which may result in the predominance of the built form rather than tropical vegetation which will adversely impact the character of the surrounding area;*
- d) *the proposed landscaping may not be achievable as it has not been demonstrated that it does not conflict with services or other constraints on the land;*
- e) *the proposed landscaping does not minimise the impacts on the setting;*
- f) *the proposed development may impact on the vegetation which appears to be located within the verge and along the boundaries.*
- g) *it has not been demonstrated that the landscaping can occur having regard to the location of services or other constraints over the land.*
- h) *The height of the building is out of character with the area*

Response

The above grounds of submission are not concurred with and are unsubstantiated. The proposed development will present as 9 separate buildings when viewed from Davidson Street with the resort complex component being setback over 20m from the road frontage. Although largely compliant with the building height requirements, views to the resort complex component will be obscured by the two storey villas addressing Davidson Street.

Buildings are adequately setback from front and side boundaries with building setback areas to be landscaped. Detailed landscape plans have been submitted when responding to Council's Information request. The submitted landscape plans form part of the suite of approved plans.

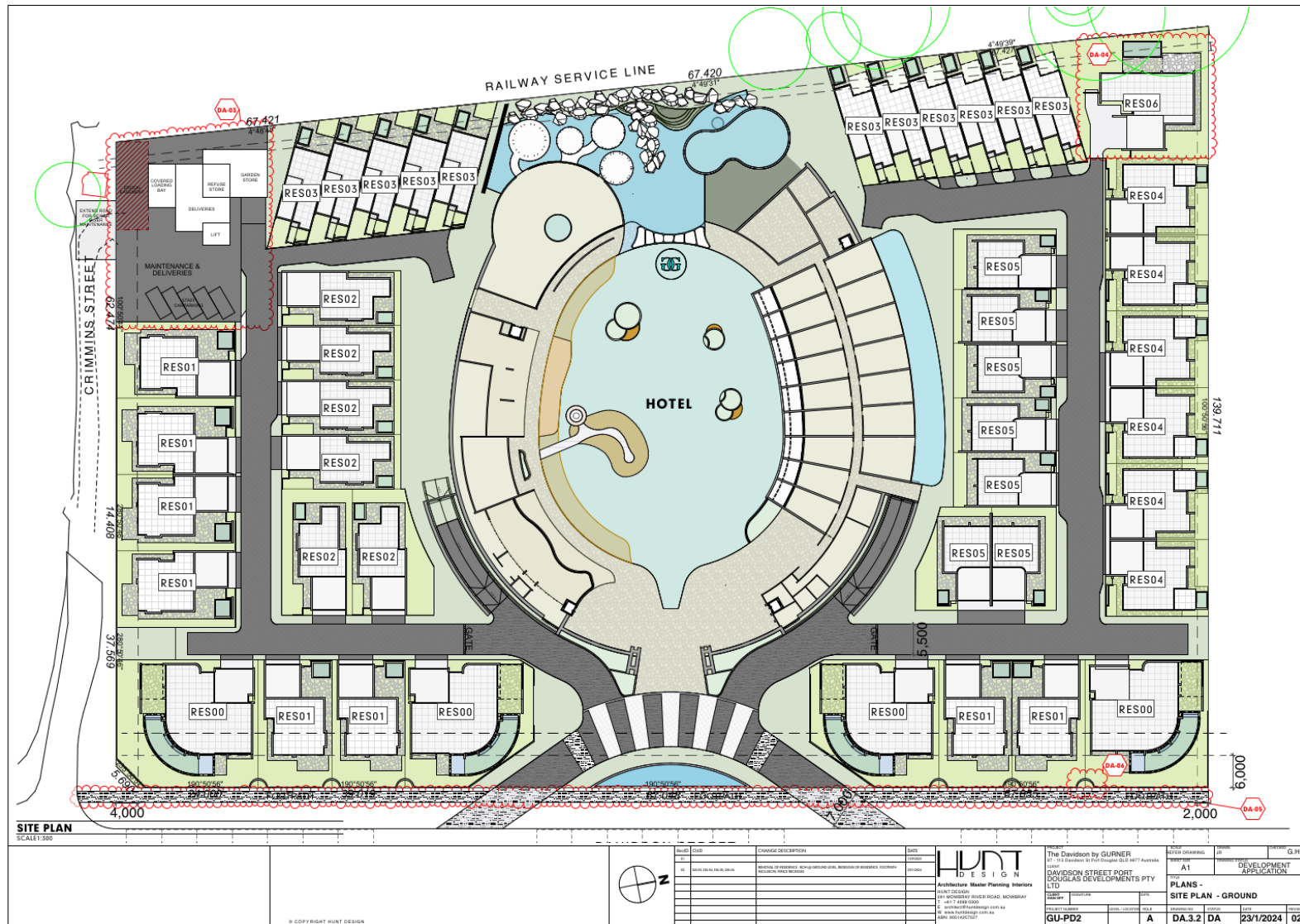
The proposed building height is 790mm above the building height nominated by the Planning Scheme. The additional building height relates to a portion of the resort building as it extends towards the western boundary and due to building height being measured from natural ground. The land naturally falls from east to west. The height of the building is not out of character with the surrounding area and is consistent with the development outcomes for the Tourist Accommodation zone.

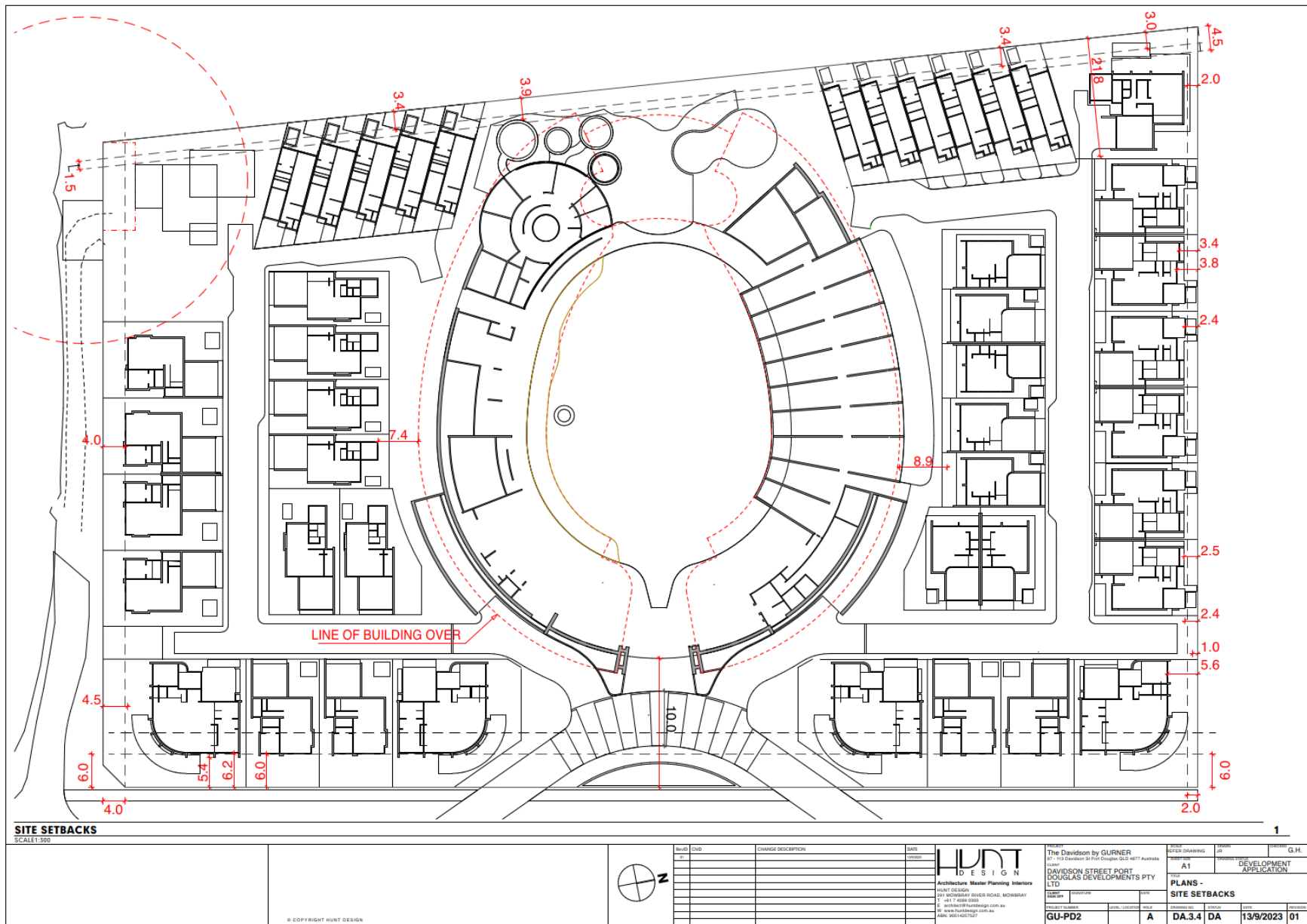
Rights to make Representations & Rights of Appeal

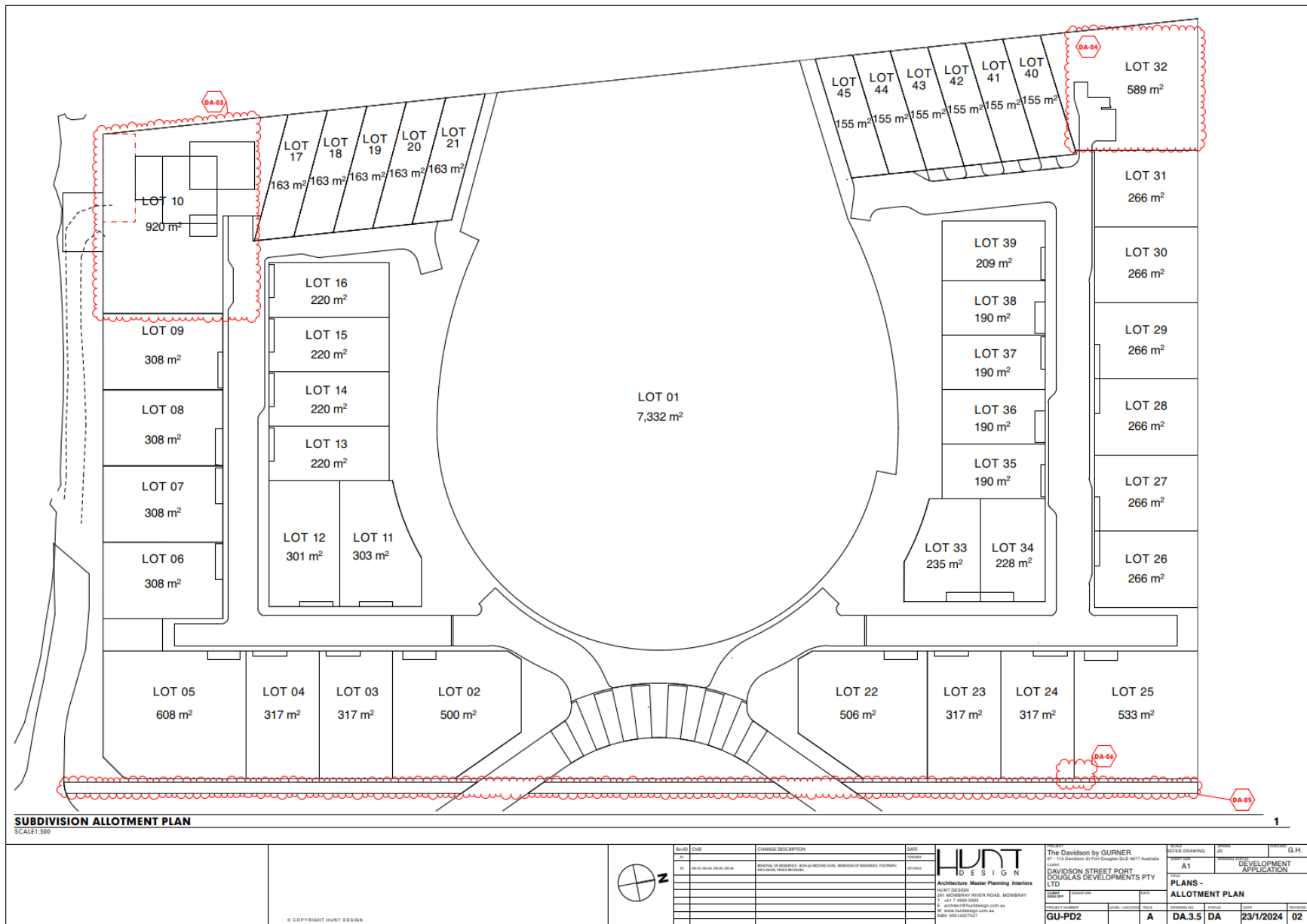
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

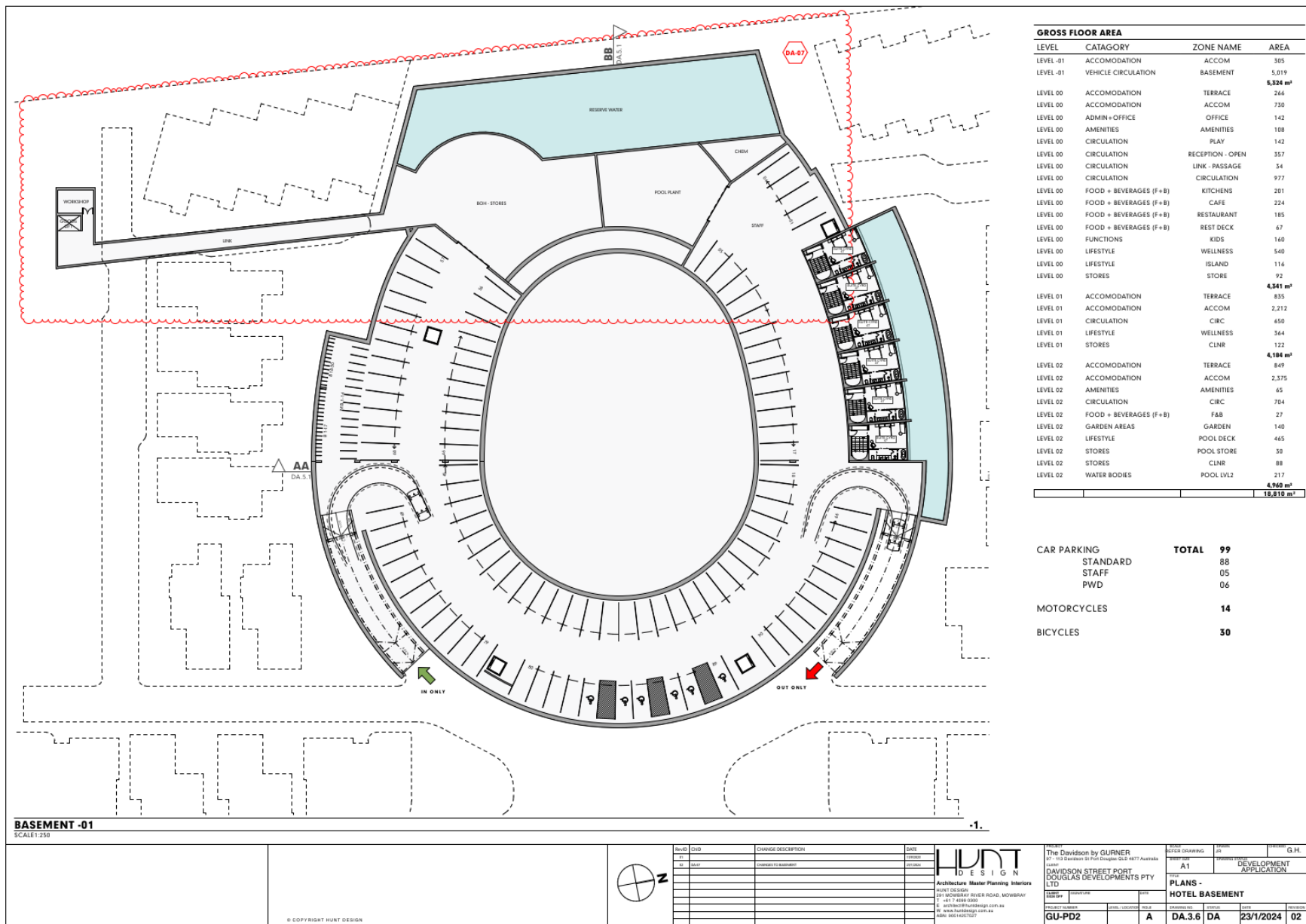
A copy of the relevant appeal provisions is attached.

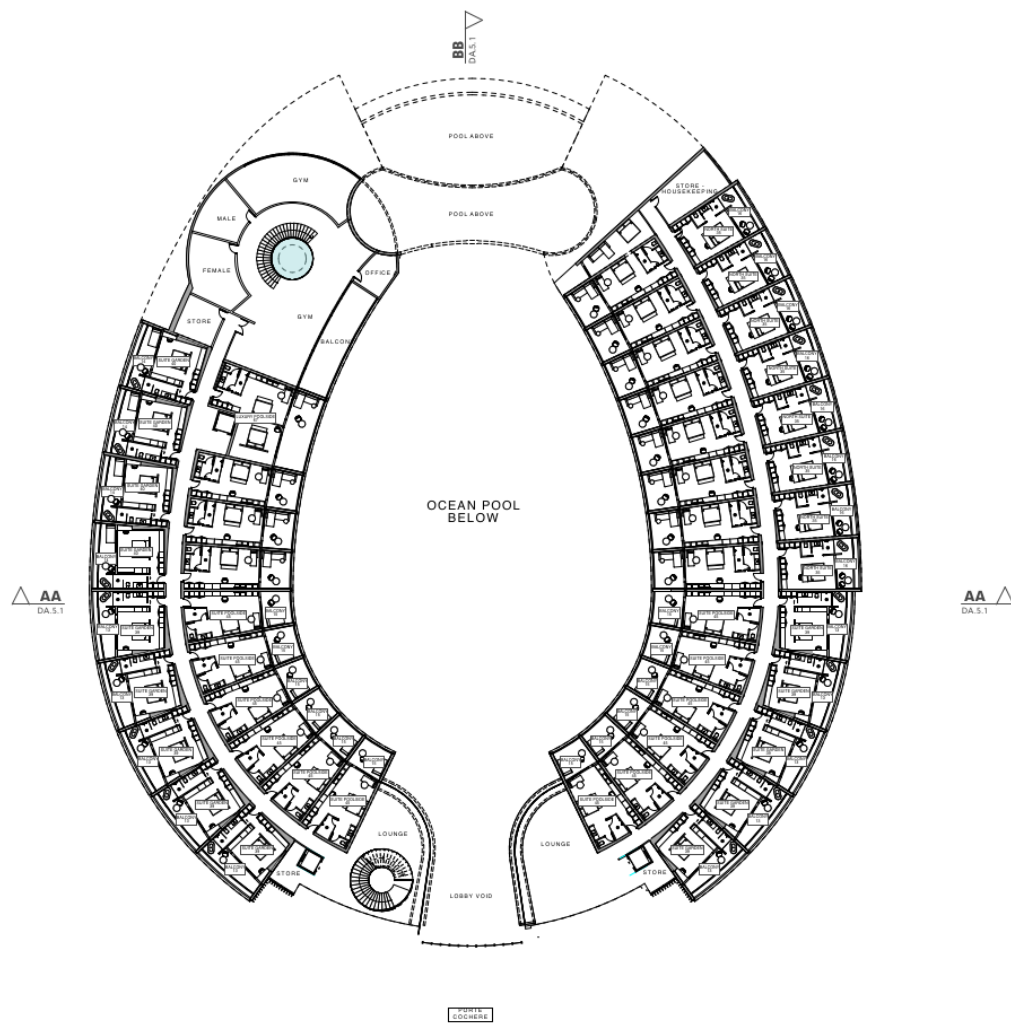
Approved Drawing(s) and/or Document(s)











100_AREAS 100_LVL01 INTERNAL AREA SCHEDULE				
AREA	LVL	ROOM TYPE	TOTAL AREA	QTY
ACCOMMODATION				
L01		BALCONY	672	46
L01		LUXURY POOLSIDE	67	1
L01		NORTH SUITE	282	8
L01		SUITE GARDEN	549	14
L01		SUITE POOLSIDE	995	23
			2,565 m ²	92
AMENITIES				
L01		WELLNESS	216	1
			216 m ²	1
LIFESTYLE				
L01		SPA	282	1
			282 m ²	1
			3,063 m²	94

FLOOR PLAN LVL 01
SCALE 1:200

1.

© COPYRIGHT HUNT DESIGN

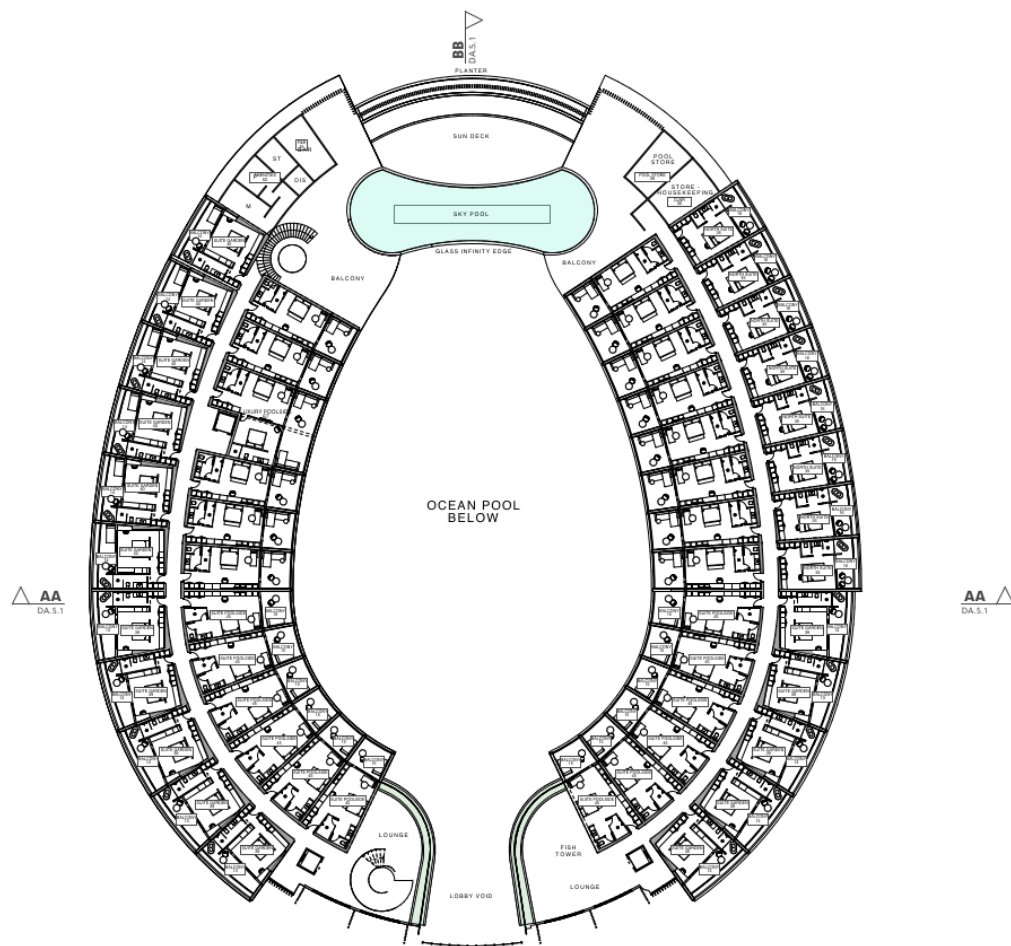


Rev	Desc	Change Description	Date
01			

HUNT DESIGN
Architecture Master Planning Interiors
HUNT DESIGN
20 MONROE AVENUE ROAD, MONROE
T +61 7 4588 0000
E info@hunt-design.com.au
W www.hunt-design.com.au
HUNT 100110000

PROJECT
The Davidson by GURNER
101-103 Davidson St Port Douglas QLD 4877 Australia
CLIENT
DAVIDSON STREET PORT
DOUGLAS DEVELOPMENTS PTY
LTD
DESIGN
ARCHITECTURE
INTERIORS
Landscape
PROJECT NUMBER
GU-PD2

DATE
13/9/2023
DRAWN
DA
CHECKED
DA
DATE
13/9/2023
REVISION
01
SCALE
A1
PROJECT TITLE
DEVELOPMENT
APPLICATION
PLAN
PLANS -
HOTEL LVL 01



100_AREAS 100_LVL02 INTERNAL AREA SCHEDULE				
AREA	STORY	ROOM TYPE	TOTAL AREA	QTY
ACCOMMODATION				
	L02	BALCONY	730	50
	L02	LUXURY POOLSIDE	67	1
	L02	NORTH SUITE	282	8
	L02	SUITE GARDEN	628	16
	L02	SUITE POOLSIDE	1,078	25
			2,785 m ²	100
AMENITIES				
	L02	AMENITIES	62	1
			62 m ²	1
FOOD + BEVERAGES (F+B)				
	L02	F&B	25	1
			25 m ²	1
STORES				
	L02	CLNR	30	1
	L02	POOL STORE	28	1
			58 m ²	2
			2,930 m ²	104

FLOOR PLAN LVL 02
SCALE:1:250

2.

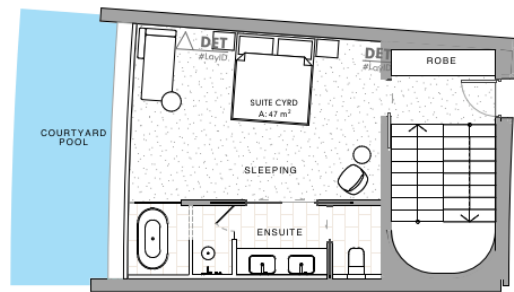
© COPYRIGHT HUNT DESIGN



Rev	Desc	Change Description	Date
01			

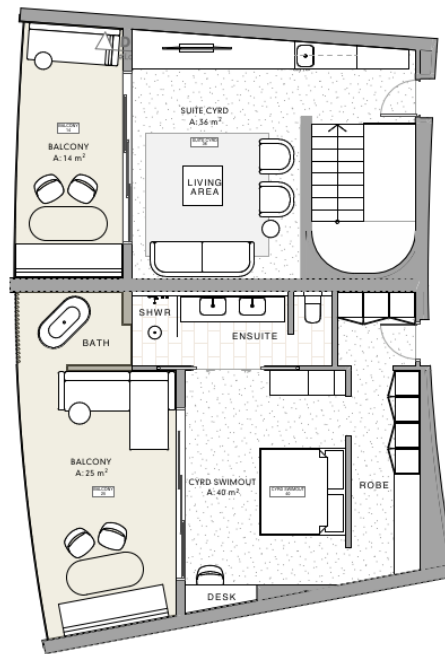
HUNT DESIGN
Architecture Master Planning Interiors
HUNT DESIGN
21 MONSIEUR FLANDR ROAD, MONSIEUR
T +61 7 4589 0300
E architecture@hunt-design.com.au
W www.hunt-design.com.au
HUN, VIC 3047

PROJECT The Davidson by GURNER 47-101 Esplanade St Port Douglas QLD 4877 Australia		DATE 13/9/2023	BY DA	CHKD G.H.
CLIENT DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD		SCALE A1	REVISION DEVELOPMENT APPLICATION	
DRAWING PLANS - HOTEL LVL 02		PROJECT NUMBER GU-PD2	SCALE A	DATE 13/9/2023
		REVISION DA.3.9	DATE DA	REVISION 01

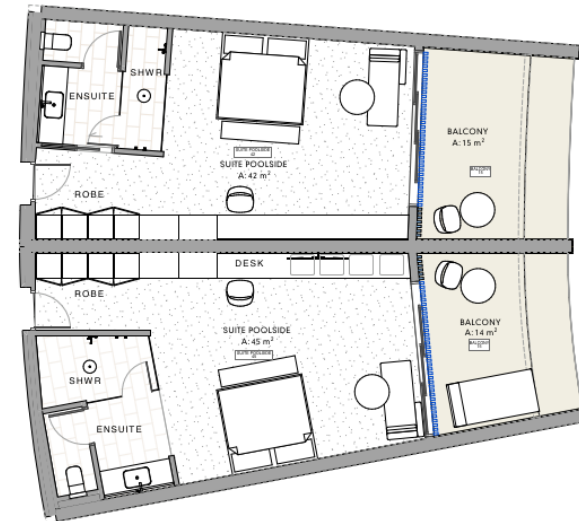


AQUARIUM ROOMS BASEMENT
SCALE 1:50

-6-



HOTEL ROOMS - GROUND
SCALE 1:50



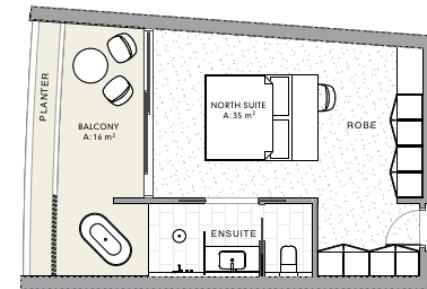
-5-

© COPYRIGHT HUNT DESIGN

Rev	Desc	Change Description	Date
01	ISSUED FOR PERMIT		13/09/2023

HUNT DESIGN
Architecture Master Planning Interiors
HUNT DESIGN
20 MONAGHAN AVENUE ROAD, MONAGHAN
T +61 7 4589 0300
E info@hunt-design.com.au
W www.hunt-design.com.au
HUNTSVILLE, TASMANIA

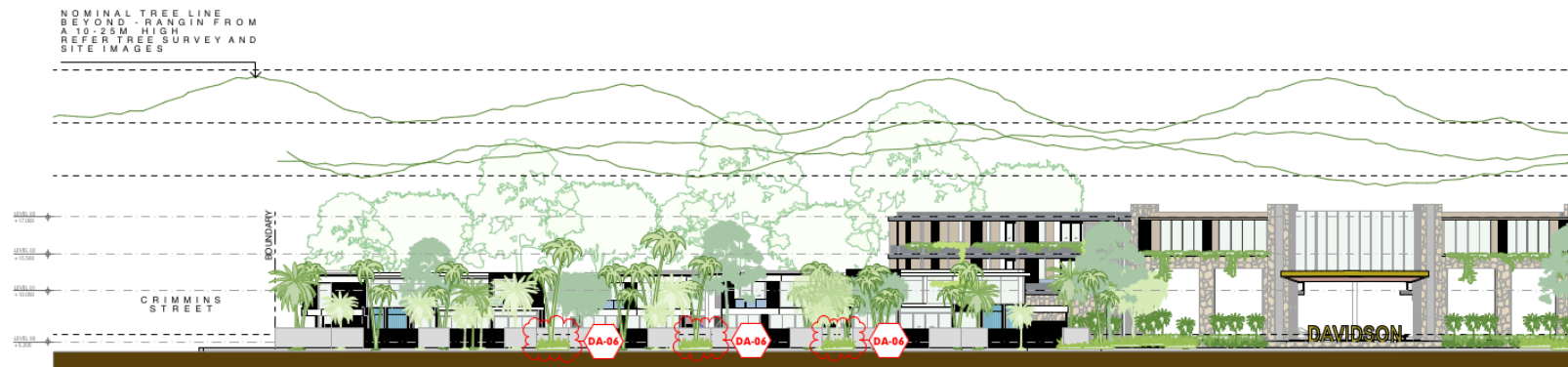
PROJECT	The Davidson by GURNER 47-51 Davidson St Port Douglas QLD 4877 Australia
CLIENT	DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD
DATE	13/09/2023
PROJECT NUMBER	GU-PD2
SHEET	A
DATE	13/9/2023
01	



-4-

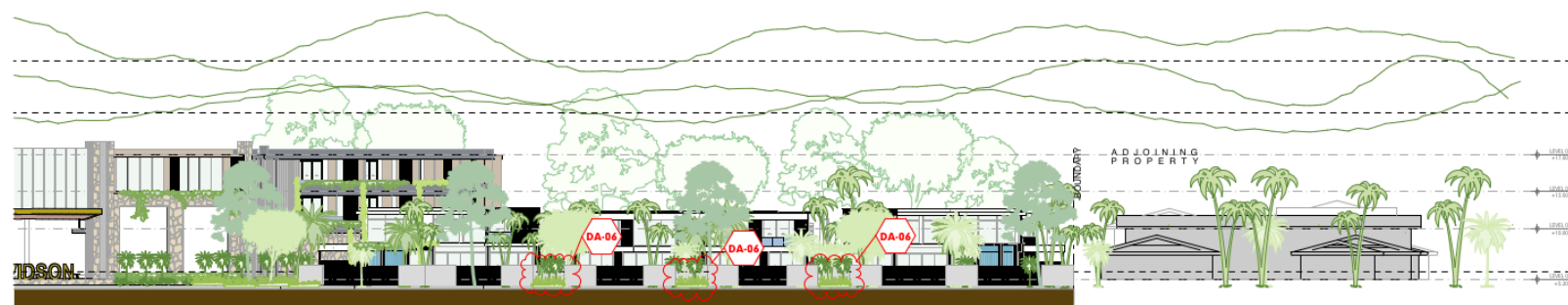
2

The Davidson by GURNER 87 - 13 Davidson Street Douglas QLD 4817 Australia DAVIDSON STREET COURT DOUGLAS DEVELOPMENTS PTY LTD		OFFICE DESIGN DRAWING	JERIN JERIN	PROJECT G.H.
CLIENT BUILDUP		ROOM NO A1	PROJECT PURPOSE DEVELOPMENT APPLICATION	
CATEGORY RESIDUAL		TITLE PLANS - HOTEL ROOMS LVL 01 / 02		
PROJECT NUMBER	DATE - CATEGORY	PROJECT NO	DATE	REVISION
GU-PD2	A	DA.3.11	DA	13/9/2023 01



STREETSCAPE ELEVATION (EAST)
SCALE 1:200

PART 1



STREETSCAPE ELEVATION (EAST)
SCALE 1:200

PART 2

© COPYRIGHT HUNT DESIGN

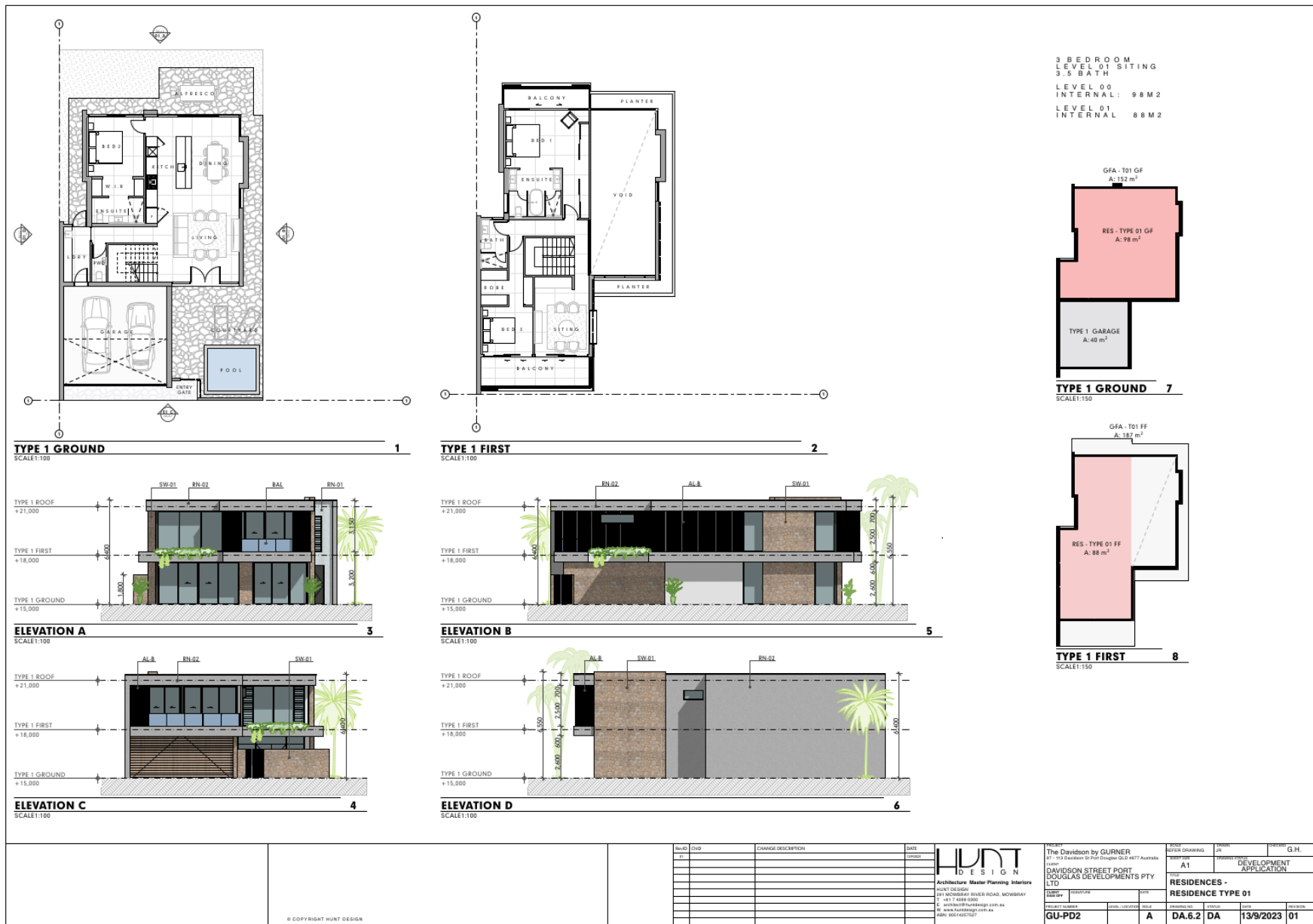


Rev	Desc	Change Description	Date
01	01.00	ISSUED FOR PERMIT	20/03/24
02	02.00	REVISED FOR PERMIT	20/03/24
03	03.00	REVISED FOR PERMIT	20/03/24
04	04.00	REVISED FOR PERMIT	20/03/24
05	05.00	REVISED FOR PERMIT	20/03/24
06	06.00	REVISED FOR PERMIT	20/03/24
07	07.00	REVISED FOR PERMIT	20/03/24
08	08.00	REVISED FOR PERMIT	20/03/24
09	09.00	REVISED FOR PERMIT	20/03/24
10	10.00	REVISED FOR PERMIT	20/03/24

HUNT DESIGN
Architecture Master Planning Interiors
HUNT DESIGN
20 MCOWEN ROAD, MOWBRAY
T +61 7 4584 0300
E info@hunt-design.com.au
W www.hunt-design.com.au
HUNT DESIGN

PROJECT	The Davidson by GURNER	DATE	20/03/24
CLIENT	DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD	DATE	20/03/24
PROJECT NUMBER	GU-PD2	DATE	20/03/24
SCALE	A	DATE	20/03/24
REVISION	DA.4.2	DATE	23/1/2024
REVISION	DA	DATE	02













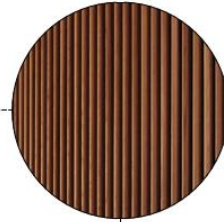


ST01 STONE CLADDING

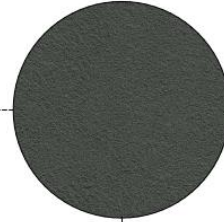
ST01 STONE CLADDING



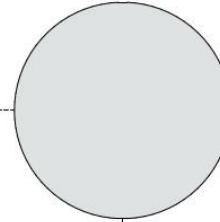
AL-B ALUMINIUM BATTENS



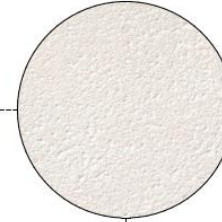
RN-01 RENDER



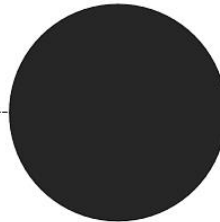
GLASS BAULSTRADE



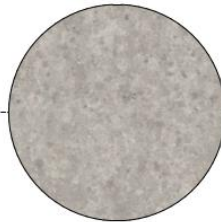
RN-02 RENDER - LIGHT



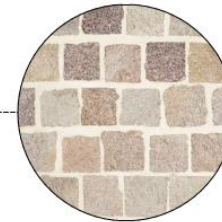
POWDERCOAT



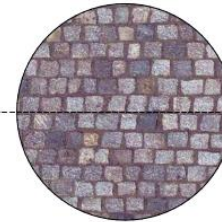
CONCRETE RAW



COBBLESTONE LIGHT



COBBLESTONE DARK



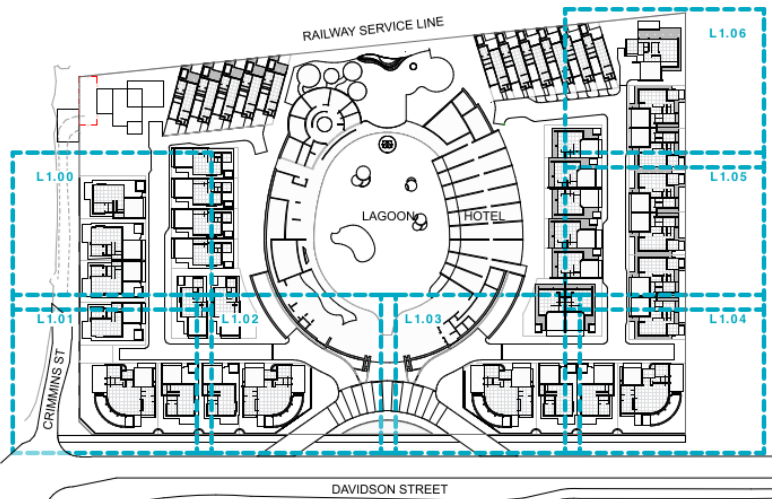
© COPYRIGHT HUNT DESIGN

BA01 SUB		CHANGE DESCRIPTION	DATE 09/03/2023	<div>HUNT HOESIGN</div> <div>Architecture Master Planning Interiors</div> <div>HUNT HOESIGN 191 BOWBERRY AVENUE ROAD, MOWBRAY T : 08 7 458 8302 E : architect@huntandesign.com.au W : www.huntandesign.com.au ABN: 9651425727</div>	TREATY The Davidson by GURNER 37 - 73 Carrington St West Sydney NSW 4177 Australia GURNEY DOUGLAS STREET PORT DOUGLAS DEVELOPMENTS PTY LTD L110	TITLE SECTION DRAWINGS PROJECT A1 DEVELOPMENT APPLICATION	REVIEW G.H.	
					DATE 13/03/2023	SCHEDULES - MATERIALS		
				PROJECT NUMBER GU-PD2	DATE, TIME, WEEK A	DRAWING NO. DA.7.1	DATE 13/9/2023	REVISION 01

The Davidson by GURNER

LANDSCAPE DOCUMENTATION - INFORMATION REQUEST RESPONSE

KEY PLAN



DISCLAIMER

- This plan was prepared for the sole purposes of the client for the specific purpose of INFORMATION REQUEST RESPONSE. 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.
- AS Design 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:
- a. a Third Party publishing, using or relying on the plan;
- b. AS Design 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. AS Design Pty Ltd relying on surface indications that are incorrect or inaccurate;
- e. the Client or any Third Party not verifying information in this plan where recommended by AS Design Pty Ltd;
- f. lodgement of this plan with any local authority against the recommendation of AS Design Pty Ltd;
- g. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by AS Design Pty Ltd in this plan;
- h. Without limiting paragraph 1 or 2 above, this plan may not proceed unless this note is clearly displayed on the plan.
- i. The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- j. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
- k. Cadastral boundaries are obtained by title dimensions and digitising from existing cadastral maps. These boundaries have not been verified and are approximate only.
- l. Refer to Civil Engineer's drawings for service locations. All services are to be verified on site prior to any excavation / construction. Trees to be located minimum 1m from services. All services are indicative only.

DRAWING SCHEDULE

NO.	DESCRIPTION	DATE
2220-L-CD-0.00	COVER SHEET	01
2220-L-CD-1.00	LANDSCAPE PLAN 1 OF 7	01
2220-L-CD-1.01	LANDSCAPE PLAN 2 OF 7	01
2220-L-CD-1.02	LANDSCAPE PLAN 3 OF 7	01
2220-L-CD-1.03	LANDSCAPE PLAN 4 OF 7	01
2220-L-CD-1.04	LANDSCAPE PLAN 5 OF 7	01
2220-L-CD-1.05	LANDSCAPE PLAN 6 OF 7	01
2220-L-CD-1.06	LANDSCAPE PLAN 7 OF 7	01
2220-L-CD-2.00	LANDSCAPE DETAILS	01

PLANT SCHEDULE

Planting Zone - General Planting

TREES											
ATR ft	ATRACOCARPUS fitzalanii	Brown Gardenia	100L	AS SHOWN	3m x 2m	8m x 5m	1				
DEP lat	DEPLANCHIA tetraphylla	Gold Bouquet Tree	200L	AS SHOWN	3m x 2m	12m x 7m	4				
DIL ala	DILLENIA alata	Red Beach	100L	AS SHOWN	2m x 2m	10m x 6m	2				
MAN sen	MANETIA senecioides	Cascading Bean	400L	AS SHOWN	3m x 3m	12m x 6m	2				
NAU ori	NAUCLEA orientalis	Leichardt Tree	200L	AS SHOWN	3m x 3m	15m x 6m	3				
PLU auu	PLUMERIA acutifolia 'Rubra'	Red Frangipani	200L	AS SHOWN	2m x 2m	6m x 6m	6				
PLU obt	PLUMERIA obtusa	Evergreen Frangipani	200L	AS SHOWN	2m x 2m	6m x 4m	9				
STE sn	STENOCLARPUS sinuatus	Wheel of Fire	200L	AS SHOWN	3m x 2m	12m x 6m	2				
SVZ is	SVYZIGIUM semeyanum	River Cherry	200L	AS SHOWN	TBC	8m x 4m	4				
XAN chr	XANTHOSTEMON chrysanthus	Golden Penda	200L	AS SHOWN	3m x 3m	10m x 5m	3				
SHRUBS											
ALC imp	ALCANTERA imperialis 'rubra'	Silver Plum	400mm	AS SHOWN	TBC	1.5m x 1.5m	4				
ALO mac	ALOCASIA macrorrhizos	Giant Taro	300mm	AS SHOWN	1.5m x 1.5m	3m x 3m	19				
ALP pur	ALPINA purpurata	Red Ginger	200mm	AS SHOWN	TBC	4m x 1.5m	10				
BLE gbl	BLECHNUM gibbum 'Silver Lady'	Dwarf Tree Fern	200mm	800mm apart	TBC	1.2m x 1m	25				
COR ala	CORYLINE fulcosa	Pink Diamond	300mm	AS SHOWN	TBC	1m x 1m	1				
COR pin	CORYLINE fulcosa	Pink Champion	300mm	AS SHOWN	TBC	1m x 1m	14				
HEL kaw	HELCONIA bical x caribaea 'kawauoti'		300mm	AS SHOWN	1.5m x 1m	4m x 2m	23				
HEL ros	HELCONIA rostrata	Hanging Lobster Claw	300mm	AS SHOWN	2m x 1m	3.5m x 2m	6				
IKO mal	IKORA Pink Malay	Pink Malay Ikora	200mm	800mm apart	TBC	1m x 1m	26				
PHI sat	PHILODENDRON satsum	Hops	300mm	AS SHOWN	TBC	1.5m x 1.5m	28				
PHI san	PHILODENDRON vanuatu	Xanadu	300mm	750mm apart	TBC	1m x 1m	34				
RHA exc	RHAPIS exaltata	Bamboo Palm	300mm	AS SHOWN	TBC	3m x 2m	15				
STE nic	STRELITZIA nicotii	Natal Wild Banana	300mm	AS SHOWN	TBC	6m x 3m	6				
ZAM fur	ZAMIA furfuracea	Cardboard Palm	300mm	AS SHOWN	TBC	1.5m x 1.5m	16				
PALMS & FERNS											
ADO mer	ADONIDIA merillii	Manilla Palm	ex ground	AS SHOWN	4.5m x 2m	6m x 3m	23				
ARC ale	ARCHONTOPHOENIX alexandrae	Alexandra Palm	200L	AS SHOWN	3m x 3m	15m x 5m	5				
BEC fan	BECCARIOPHOENIX fenestrata	Windswept Palm	ex ground	AS SHOWN	8m x 6m	16m x 7m	2				
COC nuc	COCOS nucifera	Cocconey	ex ground	AS SHOWN	7m x 4m	18m x 12m	2				
CYA cos (1m high)	CYATHEA cooperi	Tree Fern	400mm	AS SHOWN	1m x 1m	8m x 3m	2				
CYA cos (2m high)	CYATHEA cooperi	Tree Fern	100L	AS SHOWN	3m x 3m	8m x 3m	2				
CYC tho	CYCAS thurstonii	Madagascar Sago	400mm	AS SHOWN	TBC	8m x 3.5m	4				
CYR sp	CYRTOSTACHYIS randa	Lipstick Palm	ex ground	AS SHOWN	3m x 2m	8m x 3.5m	33				
DYP can	DYPHIS lutescens	Areca Palm	400mm	AS SHOWN	3m x 2m	7m x 3m	42				
DYP lep	DYPHIS leptochloides	Redneck Palm	ex ground	AS SHOWN	5m x 3m	8m x 3m	2				
LIC ala	LICUALA elegans	The Elegant Fan Palm	TBC	AS SHOWN	2m x 2m	4m x 3m	4				
LIC gra	LICUALA grandis	Ruffled Fan Palm	400mm	AS SHOWN	TBC	6m x 3m	7				
LIV luz (15m high)	LIVISTONA rotundifolia var. luzonensis	Footstool Fan Palm	ex ground	AS SHOWN	5m x 2.5m	15m x 7m	6				
LIV luz (10m high)	LIVISTONA rotundifolia var. luzonensis	Footstool Fan Palm	ex ground	AS SHOWN	10m x 4m	15m x 7m	8				
PAN bap	PANDANUS bapsleii	Gold Striped Screw Pine	ex ground	AS SHOWN	4m x 4m	6m x 6m	2				
PAN lac	PANDANUS sectoralis	Screw Palm	ex ground	AS SHOWN	3m x 3m	8m x 4m	7				
PTY mac	PTYCOPUS MACROPHYLLOIDES	Macarthur Palm	ex ground	AS SHOWN	4m x 3m	7m x 3m	30				
WAS nob	WASHINGTONIA robusta S&W With Livistona Deciduous	Washingtonia Palm	ex ground	AS SHOWN	5-7m x 2m	20m x 3.5m	14				
WOD bif	WODYETIA bifurcata	Fraxel Palm	ex ground	AS SHOWN	5m x 2.5m	10m x 4m	6				
GROUNDCOVERS											
ACA cha	ACALYPHA chamaedrifolia 'Stephan'	Summer Love	140mm	300mm apart	TBC	8.15m x 0.3m	147				
CAL fra	CALLISIA fragrans	Basket Plant	140mm	300mm apart	TBC	8.3m x 0.3m	92				
HYM il	HYMENOCALLIS iboralis	Spider Lily	140mm	750mm apart	TBC	8.8m x 0.6m	128				
LIR eve	LIRIOPE muscari	Evergreen Giant	140mm	300mm apart	TBC	9.6m x 0.6m	353				
PAN pyg	PANDANUS luteus 'Variegatus'	Pygmy Gold Pandanus	140mm	600mm apart	TBC	9.5m x 0.5m	160				
ZAM hi	ZAMIA integrifolia	Shrubby Cycad	200mm	600mm apart	TBC	9.4m x 0.4m	38				

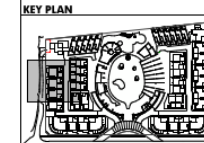
The Contractor shall review the plant schedule to ensure that drawings and schedules conform. Where insufficient detail or discrepancies may exist on either the plans or the schedule, it is the Contractor's responsibility to resolve immediately with the Landscape Architect and prior to providing Tender pricing, signing work contracts or commencement of works.

19/12/2023		01	INFORMATION REQUEST RESPONSE
Date	Rev	No	Description
ASdesign			
LANDSCAPE ARCHITECTURE AND DESIGN SERVICES			
ADDRESS: PO Box 2481 Freshwater Valley BC, Freshwater Valley 4084			
TELEPHONE: 0800 345 107 EMAIL: asdesign@asdesign.co.nz			
PROJECT			
The Davidson by GURNER			
2220-L-CD-0.00			
DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD			
NO.			
COVER SHEET			
SCALE			
1:100 @ A1			
PROJECT DRAWING NUMBER			
2220-L-CD-0.00			
DATE			
19/12/2023			
REVISION			
01			
N			

NOTE: ONLY TREES, PALMS & TALL SHRUBS ARE SHOWN ON THIS SHEET



- LEGEND**
- PROPOSED TREE - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED PALMS & FERNS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED SHRUBS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED GROUNDCOVERS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.



19/12/2023		01	INFORMATION REQUEST RESPONSE
date	rev no	description	
<p>ASdesign</p> <p>LANDSCAPE ARCHITECTURE AND URBAN DESIGN</p> <p>address: PO Box 2451 Port Moody BC, Port Moody BC V3H 4S9 telephone: 604.945.1057 email: asdesign@asdesign.ca</p>			
<p>project</p> <p>The Davidson by GURNER</p>			
<p>client</p> <p>DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD</p>			
<p>site</p> <p>LANDSCAPE PLAN 1 OF 7</p>			
<p>scale</p> <p>0 5m 10m 15m 20m</p> <p>1:100 @ A1</p>		<p>north</p> <p>N</p>	
<p>project drawing number</p> <p>2220-L-CD-1.00</p>		<p>revision</p> <p>01</p>	
<p>date</p> <p>19/12/2023</p>			

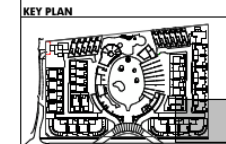






NOTE: ONLY TREES, PALMS & TALL SHRUBS ARE SHOWN ON THIS SHEET

- LEGEND**
- PROPOSED TREE - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED PALMS & FERNS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED SHRUBS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED GROUNDCOVERS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.



19/12/2023	01	INFORMATION REQUEST RESPONSE
date	rev no	description

ASdesign

LANDSCAPE ARCHITECTURE AND URBAN DESIGN
address: PO Box 2451 Port Douglas Valley BC, Port Douglas Valley BC
telephone: 5498 2451 ext 1000 asdesign@asdesign.co.nz

project
The Davidson by GURNER

client
DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD

site
LANDSCAPE PLAN 5 OF 7

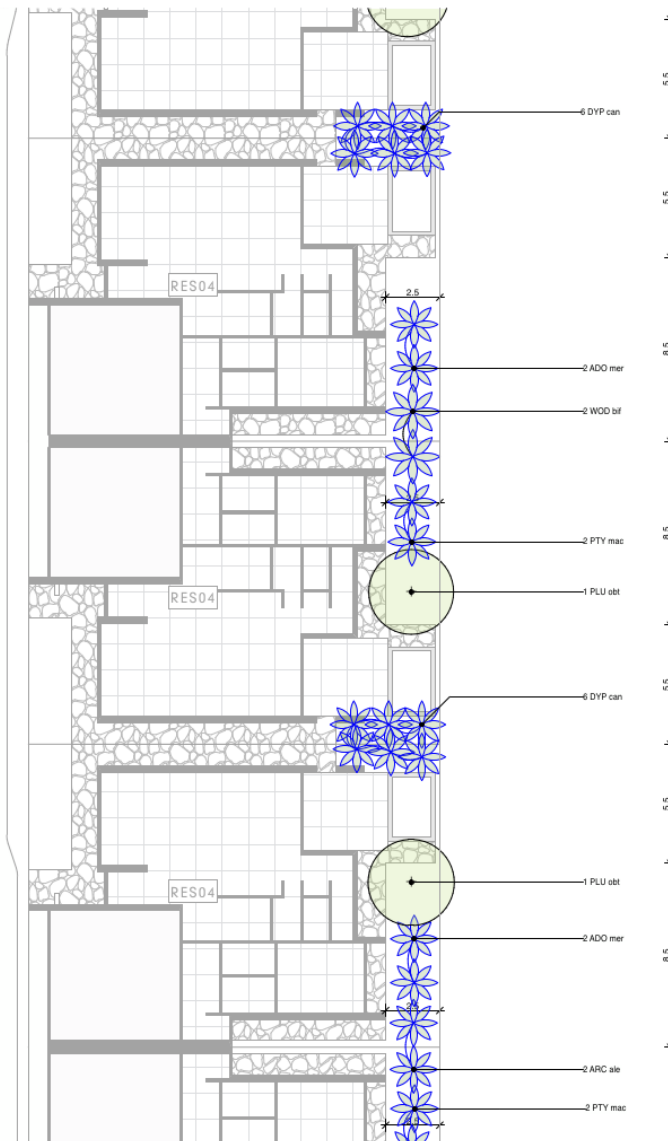
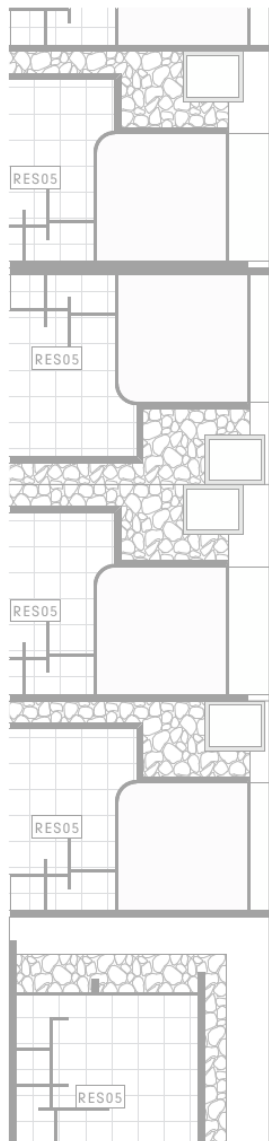
scale
0 5m 10m 20m 30m 40m 50m
1:100 @ A1

project drawing number
2220-L-CD-1.04

date
19/12/2023

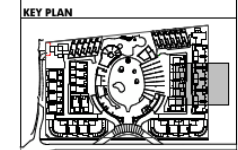
revision
01



north
N

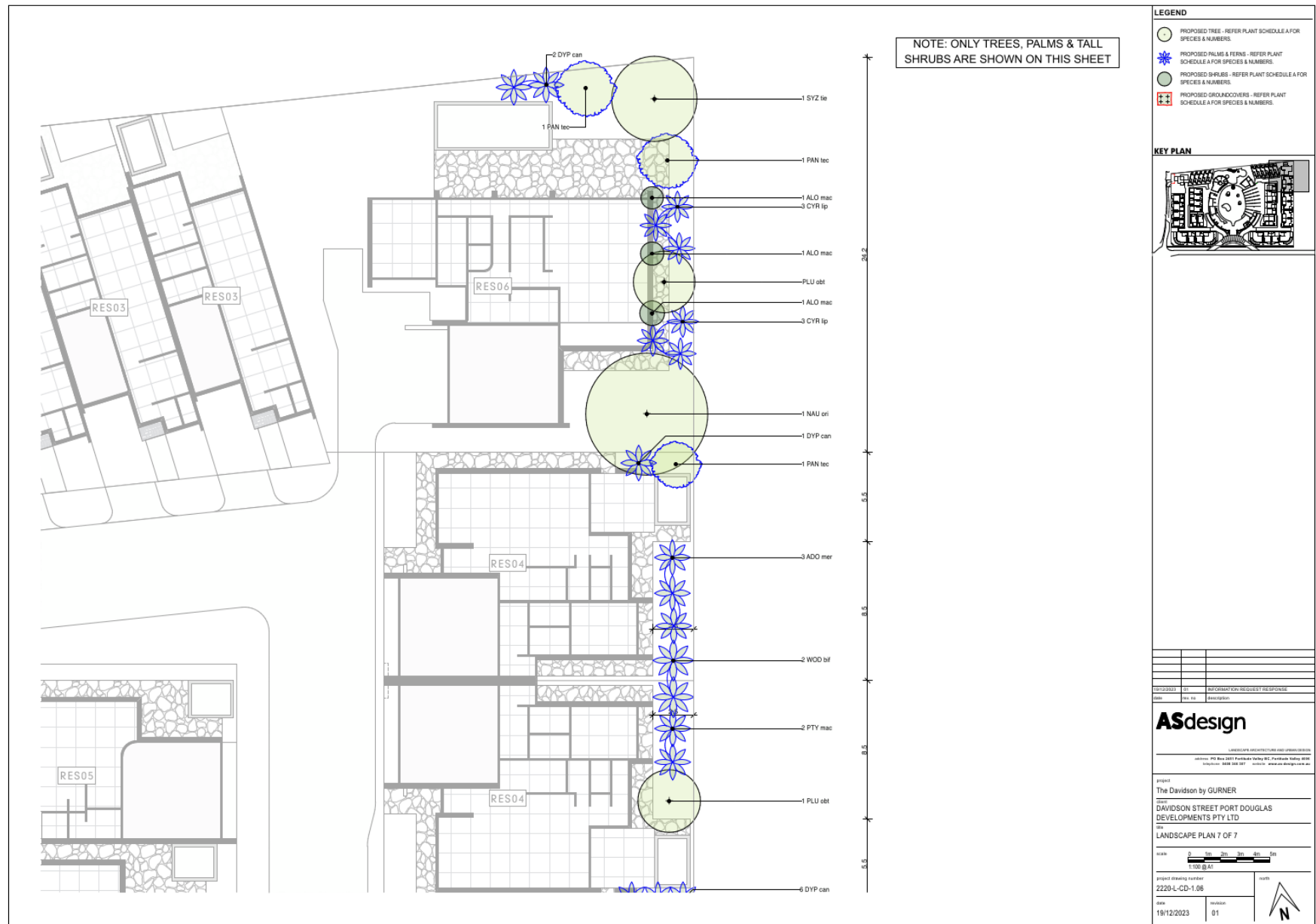


NOTE: ONLY TREES, PALMS & TALL
SHRUBS ARE SHOWN ON THIS SHEET

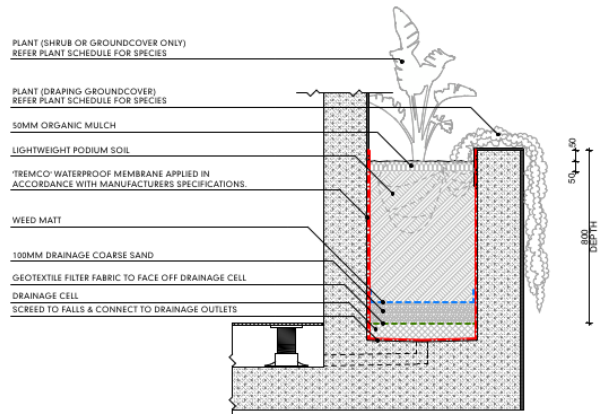
- LEGEND**
- PROPOSED TREE - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED PALMS & FERNS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED SHRUBS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.
 - PROPOSED GROUNDCOVERS - REFER PLANT SCHEDULE A FOR SPECIES & NUMBERS.



19/12/2023	01	INFORMATION REQUEST RESPONSE	
date	rev no	description	
ASdesign			
LANDSCAPE ARCHITECTURE AND URBAN DESIGN			
address: PO Box 2481 Port Douglas Valley BC, Port Douglas Valley 4886			
telephone: 0800 348 107 website: asdesign.co.nz			
project			
The Davidson by GURNER			
site			
DAVIDSON STREET PORT DOUGLAS			
DEVELOPMENTS PTY LTD			
title			
LANDSCAPE PLAN 6 OF 7			
scale			ratio
	1:100 @ A1		
project drawing number	2220-L-CD-1.05		sheet
			
date	19/12/2023		revision
	01		



TYPICAL PLANTER BOX DETAILS 1:10



PLANT SCHEDULE

Planting Zone - Typical Podium Planter

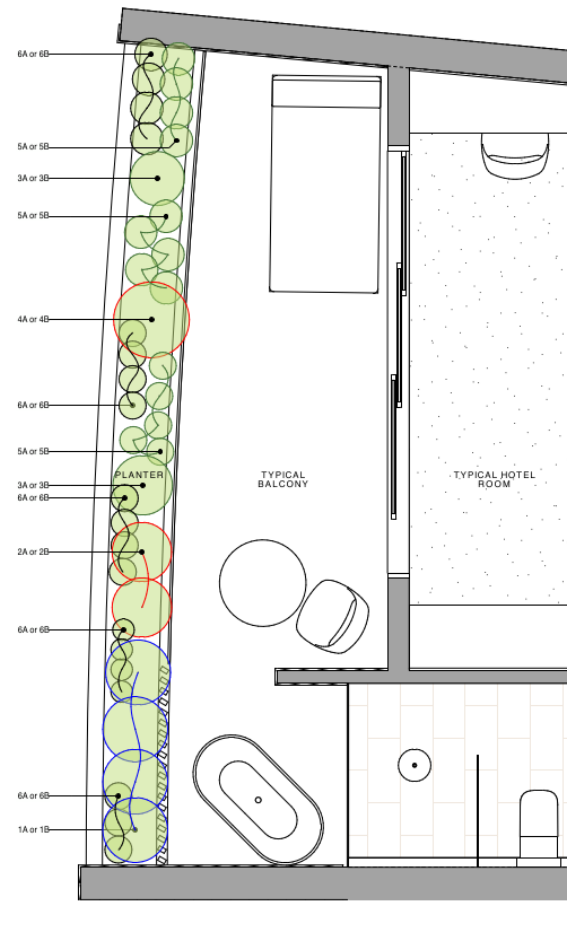
A - SUN TOLERANT PLANTS

TALL SHRUBS	1A	HEL str	HELICONIA stricta 'Bucky'	Bucky Heliconia	200mm	500mm apart	TBC	1.5m x 1.5m	4
SHRUBS	4A	AEG bla	AECHMEA blanchetiana	Orange Bromeliad	200mm	1m apart	TBC	1m x 1m	1
SHRUBS	2A	PHI xan	PHILODENDRON xanadu	Xanadu	200mm	700mm apart	TBC	1m x 1m	2
GROUNDCOVERS	5A	HYM bl	HYMENOCALLIS blittralis	Spider Ivy	140mm	750mm apart	TBC	0.8m x 0.8m	2
GROUNDCOVERS	5A	NEO fr	NEOREGELIA 'Fire Ball'	Fire Ball Bromeliad	140mm	300mm apart	TBC	0.2m x 0.2m	14
DRAINING GROUNDCOVERS	6A	APT car	APTENIA cordifolia	Baby Sun Rose	140mm	300mm apart	TBC	0.15m x 0.6m	19

B - SHADE TOLERANT PLANTS

TALL SHRUBS	1B	ZIN gol	ZINGIBER spectabile 'Golden Beehive'	Golden Beehive Ginger	200mm	500mm apart	TBC	2.5m x 0.8m	4
SHRUBS	4B	MON del	MONSTERA deliciosa	Swiss Cheese Plant	200mm	1m apart	TBC	1.5m x 1.5m	1
SHRUBS	2B	PHI go	PHILODENDRON gloriosum	Violet Philodendron	200mm	700mm apart	TBC	0.8m x 0.8m	2
GROUNDCOVERS	3B	HYM bl	HYMENOCALLIS blittralis	Spider Ivy	140mm	750mm apart	TBC	0.8m x 0.8m	2
GROUNDCOVERS	5B	LIR eve	LIRIOPE muscari	Evergreen Giant	140mm	300mm apart	TBC	0.6m x 0.6m	14
DRAINING GROUNDCOVERS	6B	PEP sca	PEPPEROMIA scandens 'Tray'	Trailing Peperomia	140mm	300mm apart	TBC	0.2m x 0.6m	19

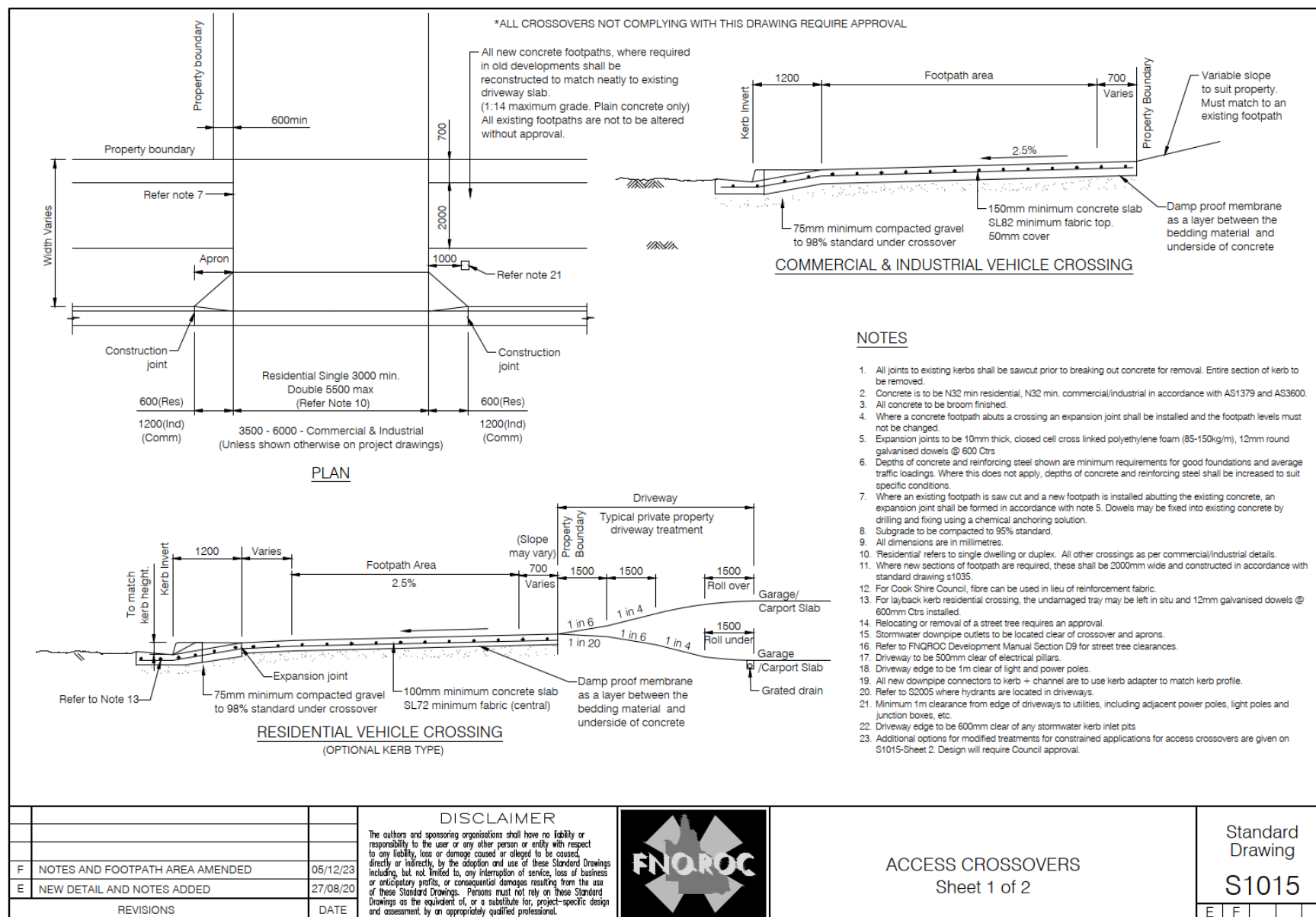
TYPICAL HOTEL ROOM PLANTER - DETAILED PLAN 1:20



LEGEND

- PROPOSED TALL SHRUBS - REFER PLANT SCHEDULE FOR SPECIES & NUMBERS.
- PROPOSED SHRUBS - REFER PLANT SCHEDULE FOR SPECIES & NUMBERS.
- PROPOSED GROUNDCOVERS - REFER PLANT SCHEDULE FOR SPECIES & NUMBERS.
- PROPOSED DRAINING GROUNDCOVERS - REFER PLANT SCHEDULE FOR SPECIES & NUMBERS.

19/12/2023		01	INFORMATION REQUEST RESPONSE
date	rev no	description	
<p>ASdesign</p> <p>LANDSCAPE ARCHITECTURE AND URBAN DESIGN</p> <p>ADDRESS: PO Box 2481 Freshwater Valley BC Freshwater Valley BC TEL: (08) 9388 1007 EMAIL: asdesign@asdesign.com.au</p>			
<p>project</p> <p>The Davidson by GURNER</p> <p>2220-L-CD-2.00</p> <p>DAVIDSON STREET PORT DOUGLAS DEVELOPMENTS PTY LTD</p> <p>site</p> <p>LANDSCAPE DETAILS</p>			
scale	0 5m 10m 15m 20m 25m 30m 35m 40m 45m 50m		North
project drawing number	2220-L-CD-2.00		sheet
date	19/12/2023	revision	01



Concurrence Agency Conditions

RA6-N



SARA reference: 2310-37356 SRA
Council reference: CA2023_5420/1
Applicant reference: KRDPS: Gurner

25 March 2024

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873
enquiries@douglas.qld.gov.au

Attention: Neil Beck

Dear Sir/Madam

SARA referral agency response – 97, 107, 109-111 and 113 Davidson Street, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 October 2023.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	25 March 2024	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Material Change of Use for Resort Complex, Short Term Accommodation and Multiple Dwellings Reconfiguring a Lot (4 Lots into 45 Lots & Common Property)
--------------	--------------------	---

SARA role:	Referral agency
SARA triggers:	<p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) – Development impacting on state transport infrastructure</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use of premises near a state-controlled road and intersection</p>
SARA reference:	2310-37356 SRA
Assessment manager:	Douglas Shire Council
Street address:	97, 107, 109-111 and 113 Davidson Street, Port Douglas
Real property description:	Lots 1 and 2 on RP723702 and Lots 3 and 4 on RP909815
Applicant name:	Davidson Street Port Douglas Developments Pty Ltd
Applicant contact details:	<p>C/- Kelly Reaston Development and Property Services</p> <p>51 Sheridan Street, Cairns</p> <p>Cairns City QLD 4870</p> <p>kelly@kellyreaston.com.au</p>
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR23-040852 (500-1805) • Date: 13 March 2024 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (TMR) at Far.North.Queensland.IDAS@tmr.qld.gov.au.</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Hewston', written in a cursive style.

Jamaica Hewston
A/Manager

cc Davidson Street Port Douglas Developments Pty Ltd, kelly@kellyreaston.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State-controlled road and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot near a state-controlled road intersection – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (TMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Vehicular access to a state-controlled road		
1.	<p>(a) The road access locations are to be located generally in accordance with TMR Layout Plan (6504 – 4.08km), prepared by Queensland Government Transport and Main Roads, dated 12/03/2024, Reference TMR23-40852 (500-1805), Issue A.</p> <p>(b) Road access works comprising of a separate entry and exit commercial / industrial vehicular crossover must be provided at the road access locations.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 - Access Crossovers, dated 27/08/20, Revision E.</p>	<p>(a) At all times.</p> <p>(b) & (c) Prior to submitting the Plan of Survey to the local government for approval.</p>
2.	<p>(a) The redundant vehicular property accesses as illustrated by TMR Layout Plan (6504 – 4.08km), prepared by Queensland Government Transport and Main Roads, dated 12/03/2024, Reference TMR23-40852 (500-1805), Issue A, must be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary must be reinstated in accordance with Far North Queensland Regional Council Organisation (FNQROC) Concrete Kerb and Channel, Standard Drawing S1000, dated 27/08/20, Revision G at no cost to the Department of Transport and Main Roads'.</p>	<p>(a) & (b) Prior to submitting the Plan of Survey to the local government for approval.</p>
Stormwater management		
3.	<p>Stormwater management of the development must not cause a worsening to the operating performance of the state-controlled road, such that any works on the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the state-controlled road.</p> <p>(ii) concentrate or increase the velocity of flows to the state-controlled road.</p> <p>(iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road.</p> <p>(iv) surcharge any existing culvert or drain on the state-controlled road.</p>	<p>At all times.</p>

	(v) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road.	
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Material change of use exceeding threshold and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use near a State-controlled road and intersection – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (TMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Public passenger transport		
4.	<p>(a) Provide a dedicated bus setdown facility for private/chartered buses at one of the locations shown on 'Plans – Site Plan – Ground', prepared by Hunt Design, dated 23/1/2024, drawing number DA.3.2, revision 02, as amended in blue by SARA.</p> <p>(b) The bus setdown facility in part (a) of this condition, must be in accordance with the Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the <i>Disability Discrimination Act 1992</i> and the following:</p> <ul style="list-style-type: none"> (i) comprise an indented or partially indented bus zone with minimum capacity for the setdown of one (1) single unit rigid bus of at least 12.5m in length; (ii) be located and designed to facilitate the swept paths of a single unit rigid bus of 12.5m in length and a van (minibus) 5.38m (e.g. Toyota Hiace or similar) in length to enter and exit the site and setdown parallel to the kerb, without obstructing passing vehicles; (iii) include bus zone signs R5-20 at either end of the bus zone and pavement marking in accordance with AS1742.11 – Manual of uniform traffic control devices, Part 11: Parking controls, or the equivalent private signage; (iv) include lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements; (v) include access and hardstand, and shelter with seats, for waiting and boarding/alighting passengers. <p>(c) RPEQ certification, with supporting documentation, must be provided to the Program Delivery and Operations Unit, Far North Queensland Region within the Department of Transport and Main Roads (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.
5.	<p>(a) Provide an internal pedestrian footpath, including pedestrian crossing arrangement, between the dedicated bus setdown facility required in condition 4 and the hotel lobby.</p> <p>(b) The pedestrian footpath in part (a) of this condition must be in accordance with the following:</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.

	<ul style="list-style-type: none"> • Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling; • Australasian Pedestrian Facility Selection Tool [V2.2.2] User Guide; • AS1742.10 of the Manual of Uniform Traffic Control Devices, Part 10: Pedestrian Control; • Disability access standards; • Douglas Shire Council standards. 	
6.	<p>(a) Provide a dedicated passenger loading zone, parallel to kerb, at the location shown on 'Plans – Site Plan – Ground', prepared by Hunt Design, dated 23/1/2024, drawing number DA.3.2, revision 02, as amended in blue by SARA.</p> <p>(b) The passenger loading zone in part (a) of this condition must be designed and constructed to include the following:</p> <ul style="list-style-type: none"> (i) a passenger loading zone with minimum capacity for the parking of two (2) vehicles (1 x wheelchair accessible taxi and 1 x standard B99 vehicle) in total, in one continuous zone with entry and exit tapers; (ii) a disability access compliant design that allows for the parking of a wheelchair accessible taxi in accordance with: <ul style="list-style-type: none"> • AS1428.1 - Design for access and mobility; • AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities; • Chapter 7 – Taxi Facilities of the <i>Public Transport Infrastructure Manual 2015</i>; and • the Disability Standards for Accessible Public Transport 2002 - subsection 31(1) of the <i>Disability Discrimination Act 1992</i>; (iii) passenger loading zone signs - R5-23 (10 minute), placed at either end of the passenger loading zones in accordance with AS1742.11 – Manual of uniform traffic control devices, Part 11: Parking controls and the Queensland Manual of Uniform Traffic Control Devices, Part 11: Traffic Controls, Figure C2.2, or the equivalent private signage; (iv) lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements; and (v) access and hardstand, and shelter with seats, for waiting and boarding/alighting passengers. <p>(c) RPEQ certification, with supporting documentation, must be provided to the <i>Program Delivery and Operations Unit, Far North Queensland Region</i> within the Department of Transport and Main Roads (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) & (b) Prior to the commencement of use and to be maintained at all times.</p> <p>(c) Prior to the commencement of use.</p>

Stormwater infrastructure		
7.	Stormwater infrastructure must be undertaken generally in accordance with the Drainage Layout Plan, prepared by Applin Consulting, dated 24/04/23, Drawing 23001-SK002, Revision B.	Prior to the commencement of use and to be maintained at all times.
Vehicular access to a state-controlled road		
8.	<p>(a) The road access locations are to be located generally in accordance with TMR Layout Plan (6504 – 4.08km), prepared by Queensland Government Transport and Main Roads, dated 12/03/2024, Reference TMR23-40852 (500-1805), Issue A.</p> <p>(b) Road access works comprising of a separate entry and exit commercial / industrial vehicular crossover must be provided at the road access locations.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 - Access Crossovers, dated 27/08/20, Revision E.</p>	(a) – (c) Prior to the commencement of use and to be maintained at all times.
9.	<p>(a) The redundant vehicular property accesses as illustrated by TMR Layout Plan (6504 – 4.08km), prepared by Queensland Government Transport and Main Roads, dated 12/03/2024, Reference TMR23-40852 (500-1805), Issue A, must be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary must be reinstated in accordance with Far North Queensland Regional Council Organisation (FNQROC) Concrete Kerb and Channel, Standard Drawing S1000, dated 27/08/20, Revision G at no cost to the Department of Transport and Main Roads'.</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
Transport noise corridor	
2.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>
Further development permits required	
3.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Port Douglas Road, a state-controlled road, or the state-controlled road network.
- The proposed development will not impact on the ability or cost to plan, construct, maintain or operate state transport corridors.
- The development has been conditioned to ensure that vehicular accesses do not adversely impact upon a state-controlled road.
- The development has been conditioned to ensure that stormwater and drainage does not adversely impact on the State-controlled road fronting the site.
- Required connections to council services, essential utilities and infrastructure for the proposed development can be obtained without impacting on the state-controlled road.
- SARA has carried out an assessment of the development application against State code 1: Development in a state-controlled road environment and State code 6: Protection of state transport networks of the State Development Assessment Provisions and has found that with conditions, the proposed development complies with relevant performance outcomes.

Material used in the assessment of the application:

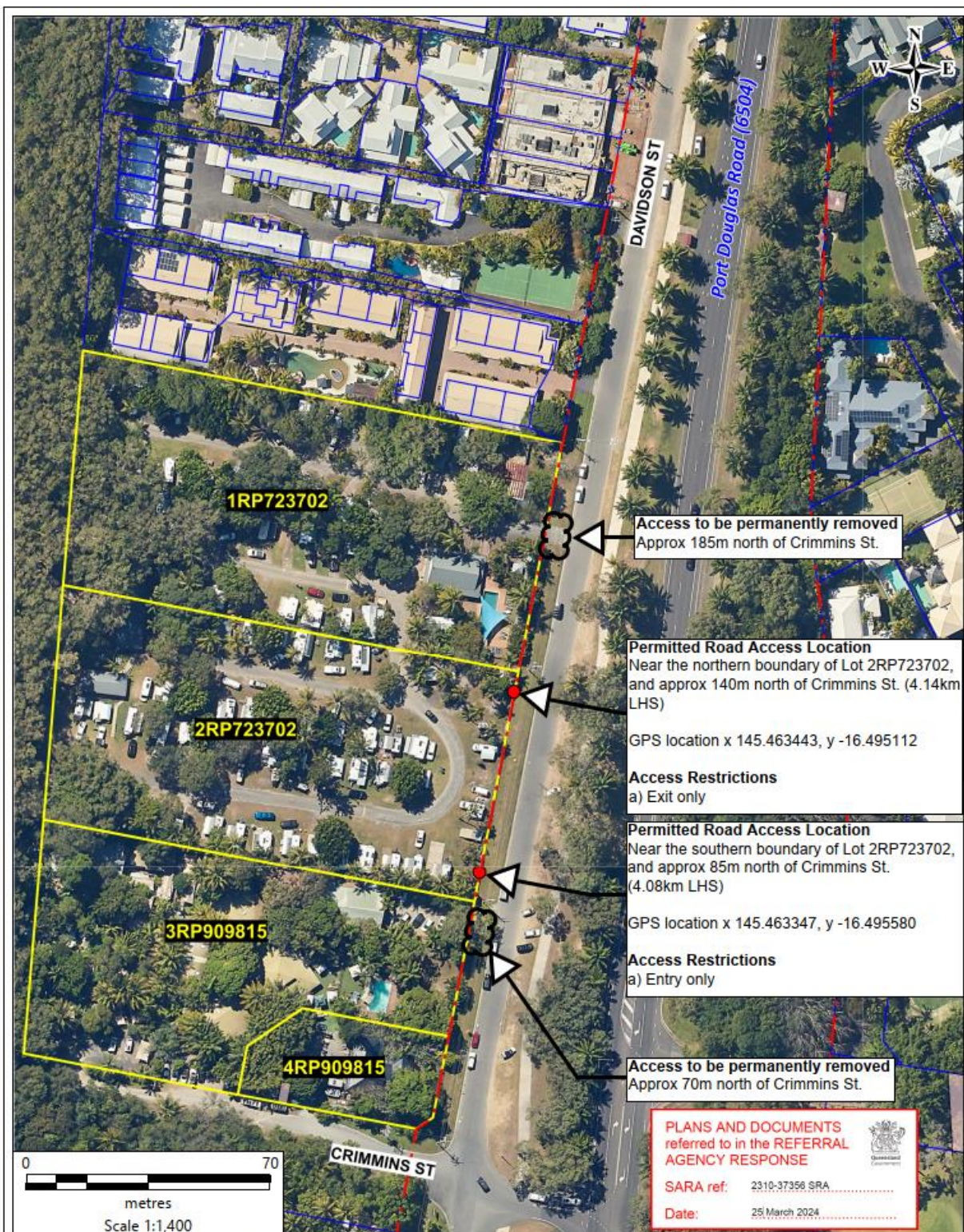
- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*.






Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

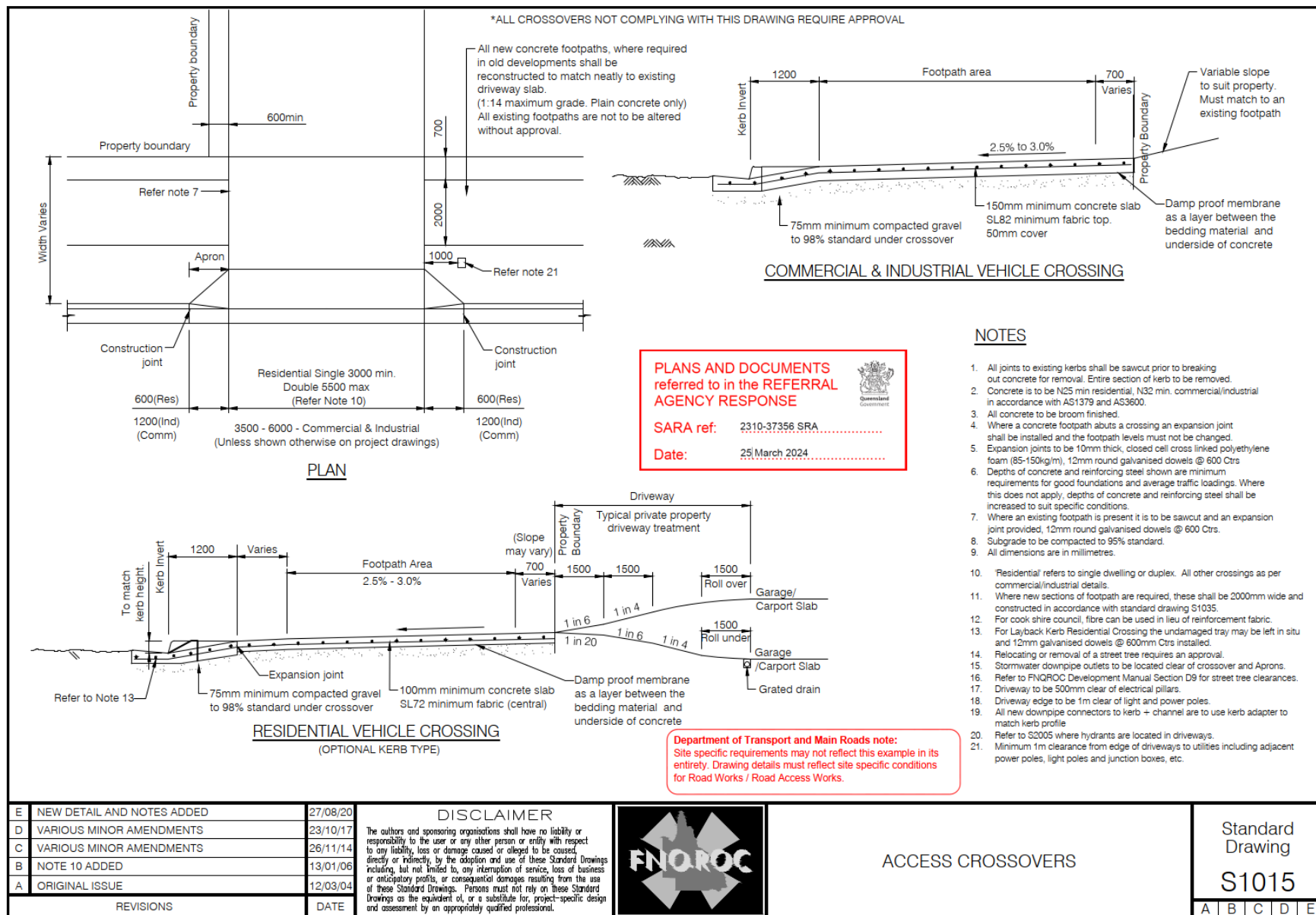
Attachment 5—Documents referenced in conditions

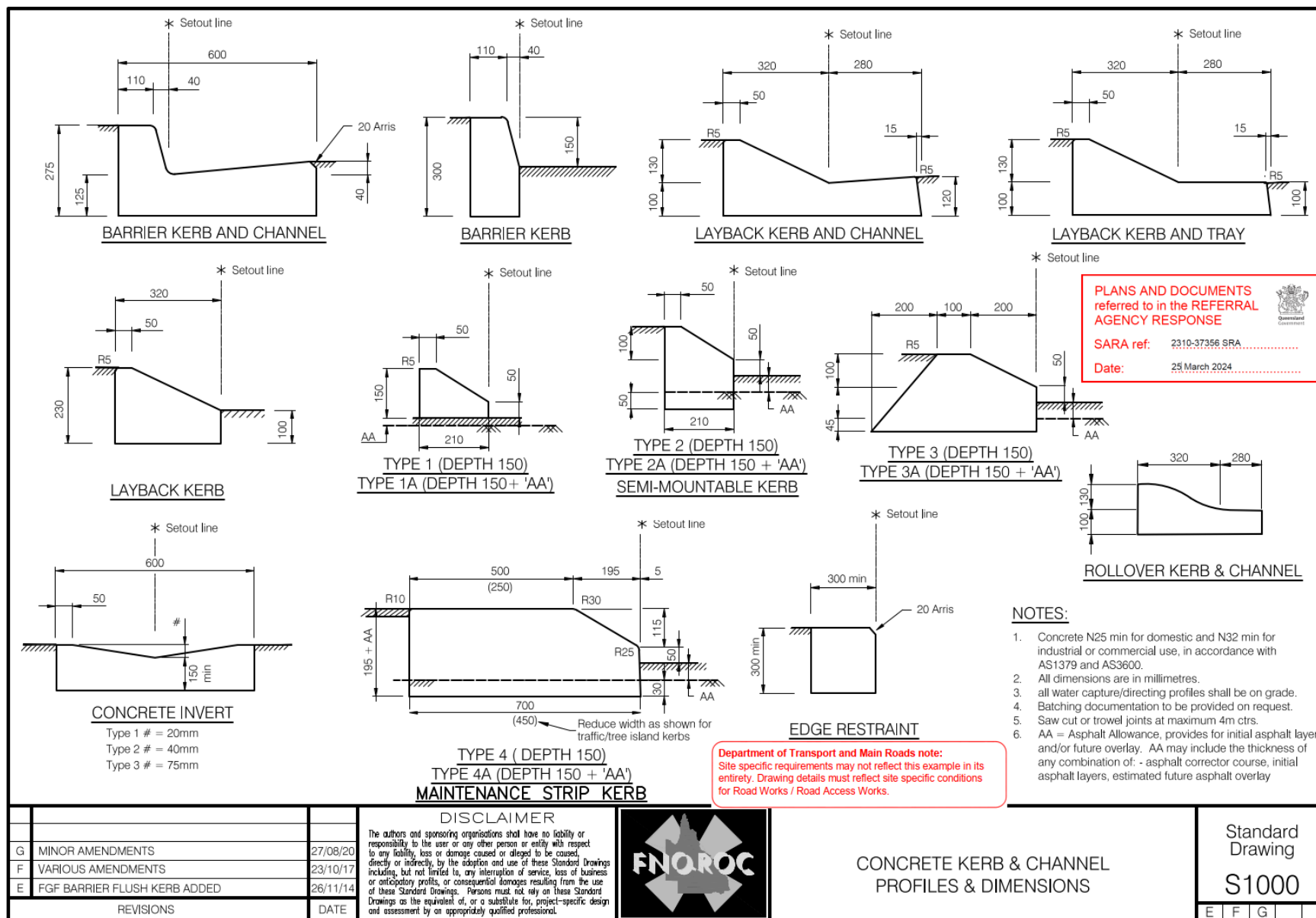
(page left intentionally blank)



Branch/Unit : Corridor Management / Far North District			TMR Layout Plan (6504 - 4.08km)		Queensland Government Transport and Main Roads	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020						
 Land parcels	 Easements	 Subject land				
 State-controlled road corridor				Plan:	Issue:	Date:
				1 / 1	A	12/03/2024
				Drawn by:	File ref:	
				RPK	TMR23-40852 (500-1805)	

© The State of Queensland 2019. © Pinney Bowes Software Pty Ltd 2019. © GR Limited 2019. Based on [Dataset - Scan Digital Road Network (2008)] provided with the permission of Pinney Bowes Software Pty Ltd (Current as at 01/11/19). [Dataset - Rpt, Centre Line, May 2019] provided with the permission of GR Limited and other state government bodies.
Disclaimer: While every care is taken to ensure the accuracy of this data, Pinney Bowes Software Pty Ltd and/or the State of Queensland and/or GR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and declines all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.





Amended in blue by SARA on

25 March 2024

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2310-37356 SRA

Date: 25 March 2024



RAILWAY SERVICE LINE

HOTEL

Provide a dedicated passenger
loading zone in accordance
with condition 6 of this referral
agency response

Provide a bus setdown facility for
a 12.5m single unit rigid bus in
accordance with condition 4 of
this referral agency response

SITE PLAN
SCALE 1:300

© COPYRIGHT HUNT DESIGN



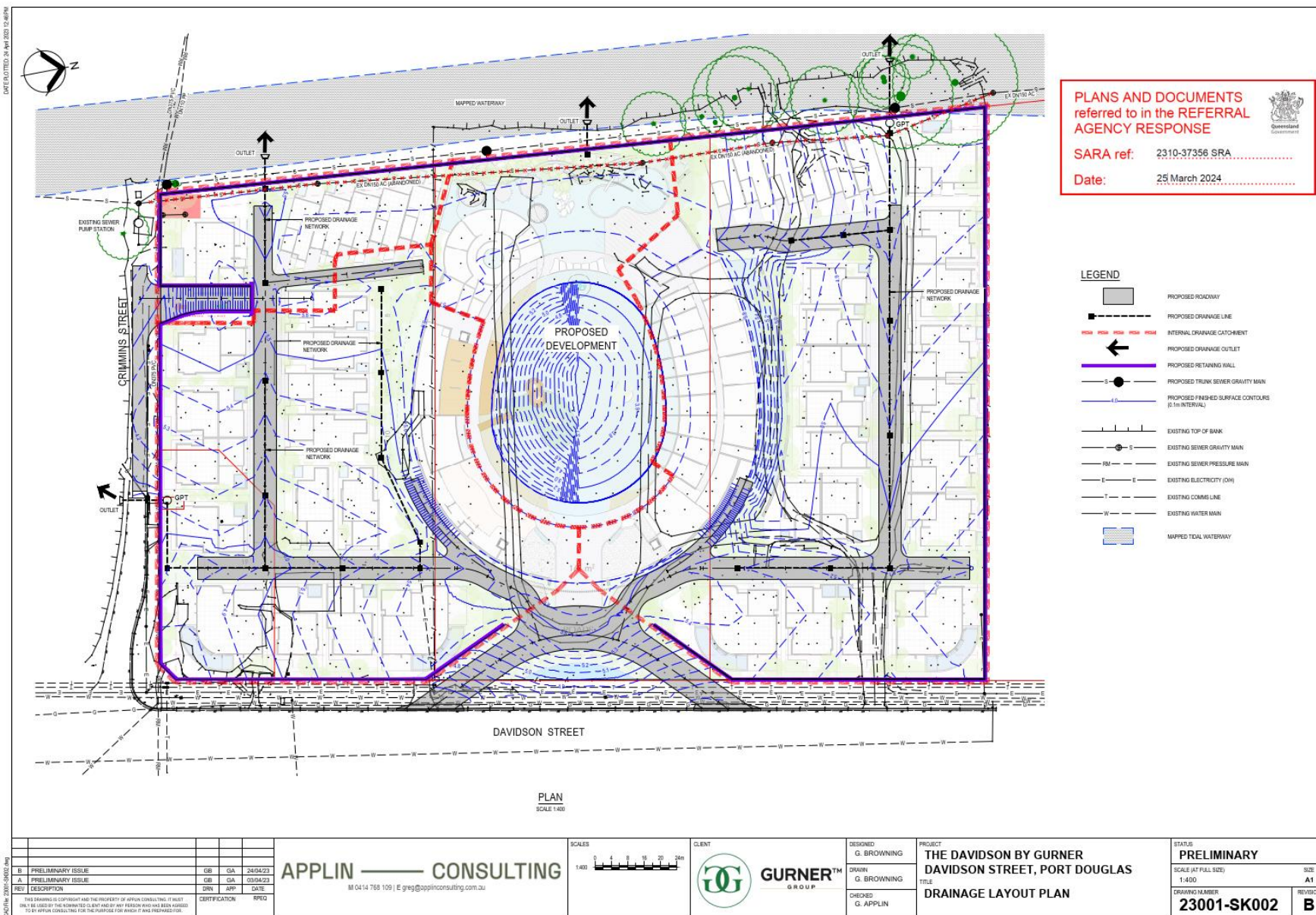
NO.	REVISION	DATE	DESCRIPTION
01	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
02	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
03	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
04	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
05	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
06	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
07	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
08	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
09	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT	23/03/2024	ISSUED FOR PERMIT

HUNT DESIGN
Architecture Master Planning Interiors
HUNT DESIGN PTY LTD
10 MCNEILLY AVENUE ROAD, NEWBURY
NSW 2160
T +61 7 4584 0000
F +61 7 4584 0001
E info@hunt-design.com.au
W www.hunt-design.com.au

PROJECT: The Davidson by GURNER
101-103 Davidson St Port Douglas QLD 4877 Australia
CLIENT: DAVIDSON STREET PORT
DOUGLAS DEVELOPMENTS PTY
LTD
PROJECT NUMBER: GU-PD2
DATE: 23/03/2024

REVISION: A1
DRAWING: PLANS -
SITE PLAN - GROUND
DATE: 23/03/2024
BY: G.H.

DATE ENLARGED: 24 Apr 2023 12:46PM



Our ref TMR23-040852 (500-1805)
Your ref KRDP5:Gurner
Enquiries Ronald Kaden



13 March 2024

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number CA 2023_5420/1 (1187897), lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 3RP909815, 4RP909815, 2RP723702, 1RP723702, the land the subject of the application, and Port Douglas Road (Davidson Street) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Davidson Street Port Douglas Developments Pty Ltd
51 Sheridan Street
Cairns City QLD 4870

Application Details

Address of Property 97 Davidson Street, Port Douglas QLD 4877
Real Property Description 3RP909815, 4RP909815, 2RP723702, 1RP723702
Aspect/s of Development Development Permit for Reconfiguration of a Lot for Resort Complex (Multiple Dwellings & Reconfiguring a Lot (4 Lots into 45 Lots & Common Property)
Development Permit for Material Change of Use for Resort Complex (112 rooms and with restaurants and ancillary facilities)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The Permitted Road Access Locations are: (a) Near the southern boundary of Lot 2RP723702, and (b) Near the northern boundary of Lot 2RP723702, in accordance with: (i) TMR Layout Plan (6504 - 4.08km) Issue A dated 12/03/2024.	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870
PO Box 6185 Cairns QLD 4870

Telephone +61 7 (07) 4045 7151
Website www.tmr.qld.gov.au
Email Far.North.Queensland.IDAS@tmr.qld.gov.au
ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
2	Direct access is prohibited between Davidson Street and the subject land at any other location other than the Permitted Road Access Locations described in Condition 1.	At all times.
3	The use of the permitted road access location described in Condition 1 (a) is to be restricted to: a) Entry only	At all times.
4	The use of the permitted road access location described in Condition 1 (b) is to be restricted to: a) Exit only	At all times.
5	Road access works comprising a vehicle access to industrial / commercial standard must be constructed and maintained at the permitted road access locations described in Condition 1, in accordance with: a) FNQROC Standard Drawing S1015 - Access Crossovers	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.
6	The existing road access works situated approximately 70 metres and 185 metres north of Crimmins Street must be removed and all kerb and channel & footpath reinstated between the pavement edge and the property boundary in accordance with Council drawings: a) FNQROC Standard Drawing S1000 - Concrete Kerb and Channel	Prior to completion of Road Access Works for new permitted road access location

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site adjoins a two-way service road within the state-controlled road corridor.
- b) The development site, identified as Lot 3 on RP909815, Lot 4 on RP909815, Lot 2 on RP723702 and Lot 1 on RP723702 has vehicular access via Crimmins Street, a local council road and via Davidson Street, a two-way service road with an entry / exit at the Crimmins Street / Davidson Street intersection and a one-way exit via Port Street, a local council road.
- c) The proposed combined development will require a changed vehicular access via Davidson Street.
- d) As the proposed development is seeking a new access and increasing generation, a new section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the

department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.

3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
A/Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A
Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (6504 - 4.08km)	Queensland Government Transport and Main Roads	12 March 2024	TMR23-40852 (500-1805)	A
PLANS - SITE PLAN - GROUND	Hunt Design (With amendments marked in blue by RAPTTA 11/03/2024)	23 January 2024	DA.3.2	02
Access Crossovers	FNQROC	27 August 2020	S1015	E
Kerb and Channel	FNQROC	27 August 2020	S1000	G
Vehicle Access to state- controlled roads policy	Queensland Government Transport and Main Roads	2019	-	-

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

Page 7 of 10

- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 16 October 2023 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

1 May 2024

Enquiries: Neil Beck
Our Ref: CA 2023_5420 (Doc ID 1224725)
Your Ref: KRDPS:GURNER

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Davidson Street Port Douglas Developments Pty Ltd
C/- Kelly Reaston Development & Property
44 McLeod Street
CAIRNS QLD 4870

Email: kelly@kellyreaston.com.au

Attention Ms Kelly Reaston

Dear Madam

Adopted Infrastructure Charge Notice
Development Application for Combined Application for Material Change of Use for Resort
Complex, Short Term Accommodation, Food and Drink Outlets, Multiple Dwellings and
Reconfiguring a Lot (4 Lots into 45 Lots and Common Property)
At 97-113 Davidson Street Port Douglas
On Land Described as Lots 1 and 2 on RP723702 and Lots 3 and 4 on RP909815

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. Please note that the charges, in particular the credits associated with the land were calculated based on information available at the time of assessment. The calculated charges may vary i.e. increase or decrease as a consequence of calculating demand and recognising existing credits. Calculations can be refined at the time of payment.

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

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

Please quote Council's application number: CA 2023_5420 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Davidson Street Port Douglas Developments Pty Ltd		N/A		0	
DEVELOPERS NAME		ESTATE NAME		STAGE	
97-113 Davidson Street		Port Douglas		Lot 1 and 2 RP723702 Lot 3 and 4 RP909815	
STREET No. & NAME		SUBURB		LOT & RP No.s	
Combined Application		CA5420/2023		6	
DEVELOPMENT TYPE		COUNCIL FILE NO.		VALIDITY PERIOD (year)	
1220650		1		Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc. No.		VERSION No.			

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand							
Accommodation_short_term	Resort_complex	\$_per_1_bedroom	\$7,011.94	112	\$785,337.28		
Residential	Multiple_dwelling	\$_per_3_or_more_bedroom_dwelling	\$26,479.47	43	\$1,138,617.21		
Commercial_retail	Food_and_drink_outlet_fast_food_restaurant	\$_per_m²_GFA	\$181.55	737	\$133,802.35		
Essential_services	Healthcare_service	\$_per_m²_GFA	\$141.21	330	\$46,599.30		
Total Demand					\$2,104,356.14		
Credit							
<u>Existing land use</u>							
Accommodation_short_term	Tourist_park_caravan_or_tent	Tourist_park_caravan_or_tent	\$4,983.81	40	\$199,352.40		
Accommodation_short_term	Short_term_accommodation	\$_per_2_bedrooms_in_a_suite	\$10,679.62	20	\$213,592.40		
Accommodation_short_term	Tourist_park_caravan_or_tent	\$_per_caravan_or_tent_site	\$4,983.81	106	\$528,283.86		
Accommodation_short_term	Tourist_park_cabins	\$_per_1_bedroom_in_a_cabin	\$7,011.94	6	\$42,071.64		
Residential	Caretakers_accommodation	\$_per_1_bedroom_dwelling	\$14,503.52	1	\$14,503.52		
Commercial_retail	Food_and_drink_outlet_fast_food_restaurant	\$_per_m²_GFA	\$181.55	206	\$37,399.30		
Total Credit					\$1,035,203.12		
							Prior arrangement for online payment via invoicing - see below.
							Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **\$1,069,153.02**

Prepared by	Neil Beck	12-Apr-24	Amount Paid	
Checked by	Dan Lamond	12-Apr-24	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.