


8 November 2018

Enquiries: Jenny Elphinstone Tel: 07 4099 9482 
Our Ref: MCUC 645/2015 (AKA TPC 1170) (Doc ID 879672)
Your Ref: Development Application TPC 1170

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

Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

Attention Mr Dean Laidlaw

Dear Sir

**APPLICATION FOR A MINOR AMENDMENT (CHANGE TO ASSESSMENT MANAGER'S
CONDITIONS) AND TO EXTEND THE CURRENCY PERIOD
FOR THE MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE,
MULTIPLE DWELLINGS (TOURIST) AND ANCILLARY FACILITIES
AT 97-107 DAVIDSON STREET, PORT DOUGLAS
ON LAND DESCRIBED AS LOTS 1 AND 2 ON RP723702**

Council refers to the above applications lodged with Council on the 25 September 2018 and the 23 October 2018.

Please find attached the Decision Notice.

Please quote Council's application number: MCUC 645/2015 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully


PAUL HOYE
Manager Sustainable Communities

encl.

- Decision Notice
- Schedule 1 - Copy of the previous approval
- Schedule 2 - Infrastructure Charges Notice
- Schedule 3 - Applicant's rights of appeal.

CC – Cairns Sara : bestplanning-FNQ@dsgmip.qld.gov.au (Former DMR reference 45/20A/102(3148) & Former DSDIP Ref SPD-02-15-015278)

DOUGLAS SHIRE COUNCIL
DECISION NOTICE — APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTIONS 81 & 87 OF *THE PLANNING ACT 2016*)

Council refers to the development applications detailed below which was properly made on the 25 September 2018 and the 23 October 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. *Applicant's details*

Name: Laidlaw Holdings Pty Ltd

Postal Address: PO Box 2272
Ivanhoe East Vic 3079

2. *Location details*

Street Address: 97-107 Davidson Street, Port Douglas

Real Property Description: Lots 1 and 2 on RP723702

Assessment Manager: Douglas Shire Council

3. *Details of proposed development*

Application for a minor change to the approval issued on the 23 February 2005 for a material change of use for a Caretaker's Residence, Multiple Dwellings (Tourist) And Ancillary Facilities House and application to extend the currency period for six (6) years.

4. *Decision*

Date of decision: 6 November 2018

Decision details:

- A. That Council approve the application for a minor change (change to Assessment Manager conditions) of the Negotiated Decision Notice issued on 23 February 2005 for Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker's Residence and ancillary facilities whereby:
1. Condition 6 of the approval is deleted as follows:
Currency Period
 6. ~~This development approval lapses 4 years after the day that the development approval takes effect, unless either works have substantially commenced on the land or this approval is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~

2. Condition 7 is amended as follows:

Air Conditioning & Service Equipment

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

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

3. Condition 9 is amended as follows:

- ~~9. All conditions shall be complied with prior to the Certificate of Classification being issued for the proposed buildings on the land or as otherwise stated in any condition of this approval.~~

Timing of Effect

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

4. Condition 10 is amended as follows:

Waste Storage & Discharge

10. The applicant is to include a waste storage area that must be located outside of a three (3) metre wide landscape strip to the road frontage. The waste storage area must:

- (a) Be roofed and contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties, the private open space and amenity areas associated with the individual units on the land or the road reserve;
- (b) Include a stop cock and stormwater diversion valve at the drainage point; and
- (c) Contain sufficient storage space for the storage of a 240litre refuse bin for each unit in sufficient commercial bulk general waste and recyclable waste to cater for the whole of the development.

5. Condition 13 is amended as follows:

Car Parking

13. A car parking area shall be constructed, sealed, drained and line marked for a minimum of 100 spaces internal to the site. All staff parking is to be provided on site. Parking for service vehicles must be provided for on site. Parking for 10 bicycle spaces must be provided on site.

A sufficient number of disabled driver car parking spaces must be provided and the car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

The car parking and bicycle parking areas, including associated accesses, must be constructed prior to Commencement of Use.

6. Condition 17 is amended as follows:

Minimum Floor Levels

17. The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of 3.2m 3.7m AHD.

7. Condition 18 is deleted as follows:

~~Water Supply & Sewerage Headworks~~

- ~~18. The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy").~~

~~The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.~~

~~For information purposes only:~~

- ~~(a) The current rates per EDC at the time of this approval are:~~

~~Water Supply \$ 5,330.00~~

~~Sewerage \$ 2,218.00~~

- ~~(b) The current number of EDCs for the approved use are:~~

~~Water Supply 51~~

~~Sewerage 71~~

8. The following additional conditions are included on the approval:

Basement Parking

42. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the 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 100 year ARI flood and storm tide waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

43. Damage to Council Infrastructure

In the event that any part of Council's existing sewer / water 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, prior to the Commencement of Use.

Limitations on Balcony Screening

44. Street frontage balconies are not to be screened by shutters, glazing, louvres or similar permanent structures to a greater extent than twenty-five per cent of their horizontal dimension.

Vehicle Wash Bay

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

Above Ground Transformer Cubicles / Electrical Sub-Stations

46. Where an above ground transformer cubicles and/or electrical sub-stations are required, these are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Street Fencing

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

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

Acid Sulfate Soils – Basement / Pool Disturbance

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

Construction Signage

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

Crime Prevention Through Environmental Design

50. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).
51. Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.
52. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.

Amalgamation Required

53. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 and 2 on RP723702 into one (1) lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's / owner's cost prior to Commencement of Use.

Minimum Ceiling Clearance

54. All units must have a minimum floor to ceiling clearance of 2.7 metres.
8. The following Advice is included on the approval:

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 the provision Section 85 of the *Planning Act 2016*.
2. 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.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

4. For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted 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 Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

6. The subject site is located within a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and "high risk items" within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006 consult either the Department of Employment, Economic Development and Innovation (21-23 Redden Street, Cairns), Council's Land Protection Unit or the following website: www.deedi.qld.gov.au
7. An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Heritage Protection 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.dehp.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of Queensland Parks and Wildlife Service on phone: 07 4046 6609.

LAND USE DEFINITIONS*

In accordance with the 1996 Douglas Shire Planning Scheme the approved land uses of land are defined as follows.

"Caretaker's Residence" – Any premises used or intended for use for self-contained accommodation for the exclusive use of a caretaker and his family in connection with a particular purpose on the same parcel of land.

"Multiple Dwelling (Tourist)" – Any premises comprising two or more dwelling units, where not dwelling-houses nor dwelling house/attached flat, and any of the following:-

- (a) a reception area;
- (b) an administration office; and/or
- (c) Any signage visible from the road adjoining the subject premises indicating the presence of a reception area or administration office,

whether in the subject premises or elsewhere, or in any other way indicating that the premises are available for holiday accommodation;

The term does not include a retirement community as defined herein.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

9. All other conditions and advices of the Negotiated Decision Notice issued on the 23 February 2005 remain unchanged.

B. That Council extends the currency period of the amended approval for the Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker's Residence and ancillary facilities for a further six (s) years up to and including the 23 February 2025.

5. Further Permits

The following Development Permits are required to be obtained before the development can be carried out:

a. Development Permit for Building Work.

All Plumbing and Drainage Work must only be carried in compliance with the Queensland Plumbing and Drainage Act 2002.

6. Currency period for the approval

Under section 87 of the *Planning Act 2016*, the relevant period for the Preliminary Approval is up to and including the 23 February 2025.

7. Properly made submissions

Not applicable — No part of the applications required public notification.

8. Referrals

None applicable — No part of the applications required referral.

9. Reasons for decisions

The reasons for these decisions are:

1. Sections 81 and 87 of the *Planning Act 2016*:

- a. The original application, together with the Negotiated Decision Notice dated 25 February 2005 (including the concurrence agency conditions issued by the then Department of Main Roads) and the approved minor changes as per A above;
- b. to ensure the development satisfies the benchmarks of the 1996 Douglas Planning Scheme;

- c. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Council planning Scheme; and
 - d. to ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
 - a. the application for a minor change was properly lodged to the Douglas Shire Council on the 23 October 2018 under sections 78-80 of the *Planning Act 2016*;
 - b. the application for an extension to the currency period was properly lodged to the Douglas Shire Council on the 25 September 2018 under section 86 of the *Planning Act 2016*;
- 3. Evidence or other material on which findings were based:
 - a. Council undertook an investigation of assessment of the development, including the proposed minor change, against the State Development Requirements, the 1996 Douglas Shire Planning Scheme and the 2018 Douglas Shire Council Planning Scheme in making its assessment manager decision;
 - b. Council undertook an assessment in accordance with the provisions of sections 81 and 87 of the *Planning Act 2016*; and
 - c. The following findings are made:
 - i. Subject to amended assessment manager's conditions the development satisfactorily meets the State Planning Policy considerations and the 2018 Douglas Shire Council Planning Scheme requirements sufficient for the assessment of the applications against sections 81 and 87 of the *Planning Act 2016*.

10. Infrastructure charges notice

Refer to Schedule 2.

11. Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions for the applications are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 3.

SCHEDULE 1 PREVIOUS APPROVAL

YOUR REF: Pandanus Extension
OUR REF: MCUC 645/2015 (449181)

26 February 2015

Our Stuff Pty Ltd
C/- Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

cc Department of State Development,
Infrastructure and Planning
Far North Queensland Office
PO Box 2358
CAIRNS QLD 4870

Attention: Mr John Lordon

Dear Sir

**NOTICE OF DECISION UNDER S 376 SUSTAINABLE PLANNING
ACT 2009: EXTENSION OF PERIOD OF APPROVAL
MATERIAL CHANGE OF USE FOR
97-107 DAVIDSON STREET, PORT DOUGLAS**

A request to extend the period of approval for the abovementioned Development Permit was received by Council on the 10 February 2015.

Applicant details:

Our Stuff Pty Ltd
C/- Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

Attention: Mr John Lordon

Land details:

Street Address:
Real Property Description:

97-107 Davidson Street, Port Douglas
Lots 1 and 2 on RP741341

Date original application decided:

20 December 2004 (Douglas Shire Council). A copy of this original Decision Notice is attached.

Request

Date request lodged

10 February 2015

43.2015.645
1/34 (449181)

Referral Agency:

Department of Transport and Main Roads

Now known as:

Department of State Development,
Infrastructure and Planning
Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
CAIRNS QLD 4870

Decision:

- A. That the General Manager Operations, under Instrument of Delegation, approves the extension of the relevant period for a further four (4) years, up to and including the 23 February 2019.
- B. That an Amended Infrastructure Charges Notice be issued to the Applicant.

Decision Date:

25 February 2015
Douglas Shire Council
Determined by Delegate Authority

Please note that this Development Permit is now valid up to and including 23 February 2019.

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

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

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

Yours faithfully

Donna Graham
Manager Development & Environment

Att
Attachment 1 - Original Decision Notice
Attachment 2: Concurrence Agency Decision
Attachment 3: Amended Infrastructure Charges Notice
Appeal Rights

43.2015.645
2/34 (449181)

ATTACHMENT 1: ORIGINAL APPROVAL

RECEIVED
19 MAR 2005



TO: Mr Paul Gleeson - Acting Manager Planning Services
FROM: Planning Services Section - (07) 4099 9450

OUR REF: PTG
YOUR REF: TPC1170

23 February 2005

John Lordon Developments Pty Ltd
C/-George Rolfo
Frangipani
Andrews Close
PORT DOUGLAS QLD 4870

**INTEGRATED PLANNING ACT
NEGOTIATED DECISION NOTICE**

DEVELOPMENT APPLICATION

Applicant's Name: John Lordon Developments Pty Ltd
Owner's Name: Banks Pat & Delma & Jalacorp Pty Ltd The Salter Pr & Queensland Industry Development
Proposal: Material Change of Use to permit the construction of 100 Multiple Dwellings (tourist) including 92 x 2 bedroom and 8 x 1 bedroom Units, Caretaker's Residence and ancillary facilities
Application Number: TPC1170
Site Address: 97-107 Davidson Street, Port Douglas
Property Description: Lot 1 & 2 on RP723702

This Negotiated Decision Notice supersedes the Decision Notice dated 20 December 2004. Conditions 2(a), 2(a)(i), 3(b), 13 and 23 have been amended. All other conditions remain unchanged.

1. **Decision:** **Decision Date:** 16/02/2005

~~Approved with Conditions~~
ADMINISTRATION CENTRE PHONE (07) 4099 9444 FACSIMILE (07) 4099 9406
(ALL DEPARTMENTS) 64-66 FRONT STREET, MOSSMAN INTERNET www.dsc.qld.gov.au
LIBRARY (07) 4099 9406
ALL COMMUNICATIONS TO BE ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

43,2015,645
3/34 (449181)

2. Type of Development Approval:

Material Change of Use

Development Permit

3. Referral Agencies:

Queensland Department of Main Roads (Concurrence)

Conditions Attached

Department of Natural Resources & Mines (Advice)

4. Conditions:

Material Change of Use – Assessment Manager Conditions

Plan of Development

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

- (a) The approved plan of development No's. D02, D03, D04, D09, D10 and D12 attached to this approval;
- (b) The part of each two bedroom Multiple Dwelling Unit identified as "Rear Area Landscape BBQ" has been excluded from the calculation of gross floor area in accordance with clause(d) of the definition of gross floor area under the Transitional Planning Scheme 1996. These areas are not to be enclosed nor used for any other purpose.

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

2. The approved plan of development shall be amended as follows:

- (a) The buildings on the site are to be relocated to avoid the following:
 - i The nine (9) trees marked on the attached plan identified as "Vegetation Management Plan 1". A portion of the developer bond for this development will be held to ensure these trees are retained and managed appropriately; and
 - ii Construction over or within 3.5metres of the existing sewer main within and parallel to the western boundary of the subject site. Alternatively the applicant is to provide an engineering solution to the satisfaction of the Manager Engineering Services. Any alternative solution is to be prepared and certified by a registered structural engineer.

041220-London-Pandanus-Coravan Park - 100 Units.doc

43.2015.645
4/34 (449181)

Landscaping

3. The landscaping plan submitted with the proposed development and prepared by Pawsey & Prowse has been approved, as part of this development, subject to the following amendments:
 - (a) Davidson Street planting bed is not to include *Syzygium jambos*. Native *Syzygium* species are to be used in their place.
 - (b) The nine (9) trees marked on the attached plan identified as "Vegetation Management Plan 1"
- The amended plan is to be submitted to Council for approval prior to lodgement of the detailed plans for Building Work approval.
4. The applicant shall prepare a detailed landscaping plan for the Davidson Street road reserve, western and eastern sides of the carriageway adjacent to the site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Local Planning Policy No.4 – Landscaping and is to include 100% native endemic species. The landscaping is to achieve a dense, tropical perspective as required under the Policy. This plan shall be submitted to Council for approval prior to lodgement of the detailed plans for Building Work approval.
 5. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

Currency Period

6. This development approval lapses 4 years after the day that the development approval takes effect, unless either works have substantially commenced on the land or this approval is extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Air Conditioning & Service Equipment

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

Compliance

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

04/220-London-Pendennis Caravan Park - 100 Units.doc

43.2015.645
5/34 (449191)

Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy").

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.

For information purposes only:

- (a) The current rates per EDC at the time of this approval are:

Water Supply	\$ 5,330.00
Sewerage	\$ 2,218.00

- (b) The current number of EDCs for the approved use are:

Water Supply	51
Sewerage	71

Water Supply

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

Sewerage

22. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
23. No buildings or other structures are permitted to be located within 3.5metres of the existing main within and parallel to the western boundary of the site unless otherwise determined by the Manager of Engineering Services in conjunction with necessary works.

Electrical & Telephone Services

24. Prior to the issue of a Certificate of Classification for the proposed development, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
 - (a) an underground electrical supply to the development; and

041210-London-Pandanus Curran Park - 100 Units.doc

43.2015.645
6/34 (449181)

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

Bikeway/Pathway

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

Road Works

30. The applicant must undertake the following works:

Internal

- (a) Provision is to be made for the following works external to the subject site in accordance with Council's Requirements including:
 - i. All unused vehicle crossovers shall be reinstated with kerb and channel and landscaping;
 - ii. Construction of a 6.0m wide concrete vehicle crossover for the entry and exit point to the development.

Environmental Management Plans

31. The applicant is to have prepared with the submission for approval of the plans for Building Work, an Environmental Management Plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address

\\41710-London-Pandanus Caravan Park - 100 Units.doc

43.2015.645
7/34 (449191)

such issues as dust suppression, waste disposal, noise management, vehicle management during construction, proposed hoarding and stormwater management (to minimise discharges of sediment, wastes and other substances). This plan is to be submitted to Council for approval prior to issuing of any Building Work Development Permit.

Maintenance Period

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

Security

33. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, to ensure payment of headworks contribution and to ensure the eleven (11) trees identified on the attached plan "Vegetation Management Plan 1" are preserved and managed for a period not less than two years after the commencement of the use, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$600,000, such Guarantee shall be lodged prior to the issue of a Development Permit for Building Work and to ensure the eleven (11) trees identified on the attached plan "Vegetation Management Plan 1" are preserved and managed for a period not less than two years after the commencement of the use Approval for Building Works on the land in relation to this Development Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the applicant fail to do so prior to issuing of a Development Permit for Building Work.

Health Requirements

34. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times.
35. All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:
 - (a) 6.30 am to 6.30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7.00 am.
 - (b) Building work is not permitted on a Sunday or Public Holiday at any time.
36. All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Amendment Regulation (No. 2)*

041220-Jordan-Pendurus Caravan Park - 100 Units.doc

43.2015.645
2/34 (449181)

Fencing

37. The applicant is to construct an acoustic screen fence along both the northern and southern boundaries of the subject site. The proposed method of construction is to be provided to Council at Building Works stage for approval. These fences are to be erected prior to construction commencing on site.
38. The applicant is to install temporary hoarding along the western boundary during construction to protect the vegetation within the road reserve. A sediment control device is to be installed along the base of the hoarding full the full length of the boundary to minimise sediment from the site entering the adjacent reserve to the west.

Acid Sulfate Soils

39. Any discharge waters during construction are to be monitored on a daily basis for pH, dissolved oxygen and Electro-conductivity.

Roadworks

40. The applicant is to construct the following works within the Davidson Street Road Reserve:
 - (a) 400mm wide concrete edge restraint along the eastern side of the constructed carriageway for the full frontage of the subject site;

Footpath Damage Liability

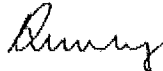
41. All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

5. Further Development Approvals Required:

Operational Works	Development Permit
Building Work	Development Permit
Plumbing & Drainage Work	Development Permit

Should you require any further information in relation to this matter, please do not hesitate to contact Mr Paul Gleeson on telephone (07) 4099 9450.

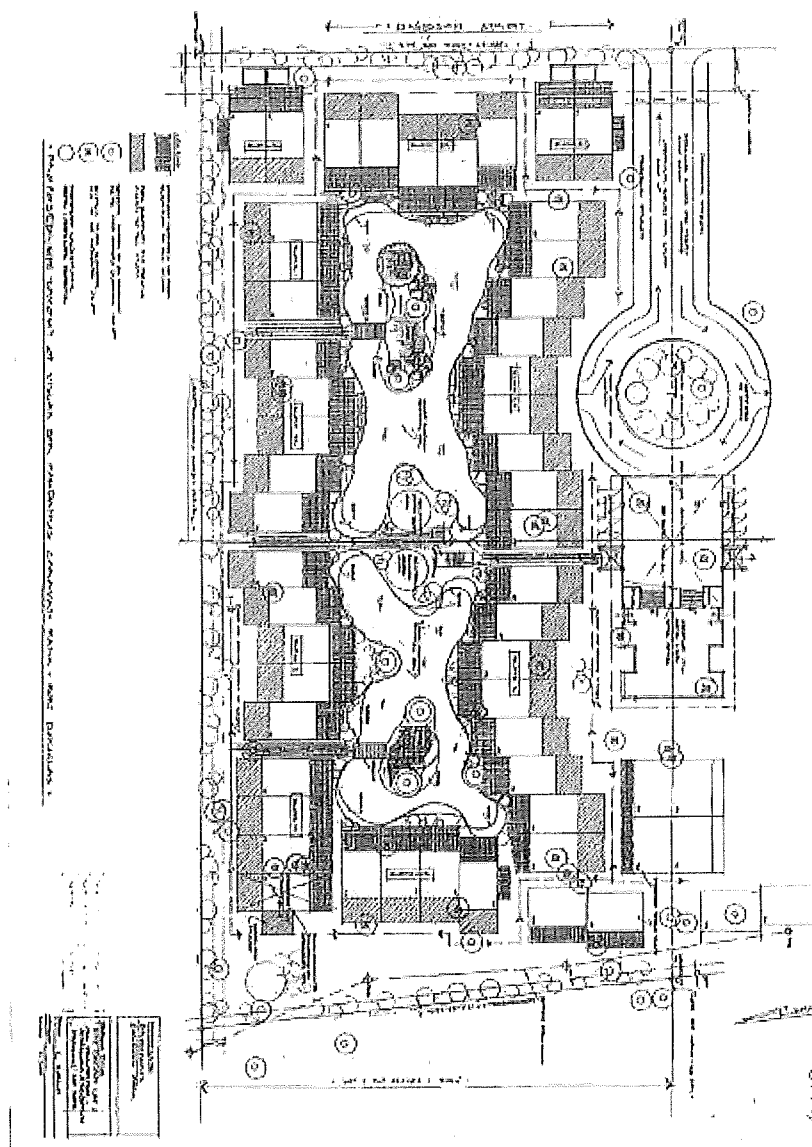
Yours faithfully,



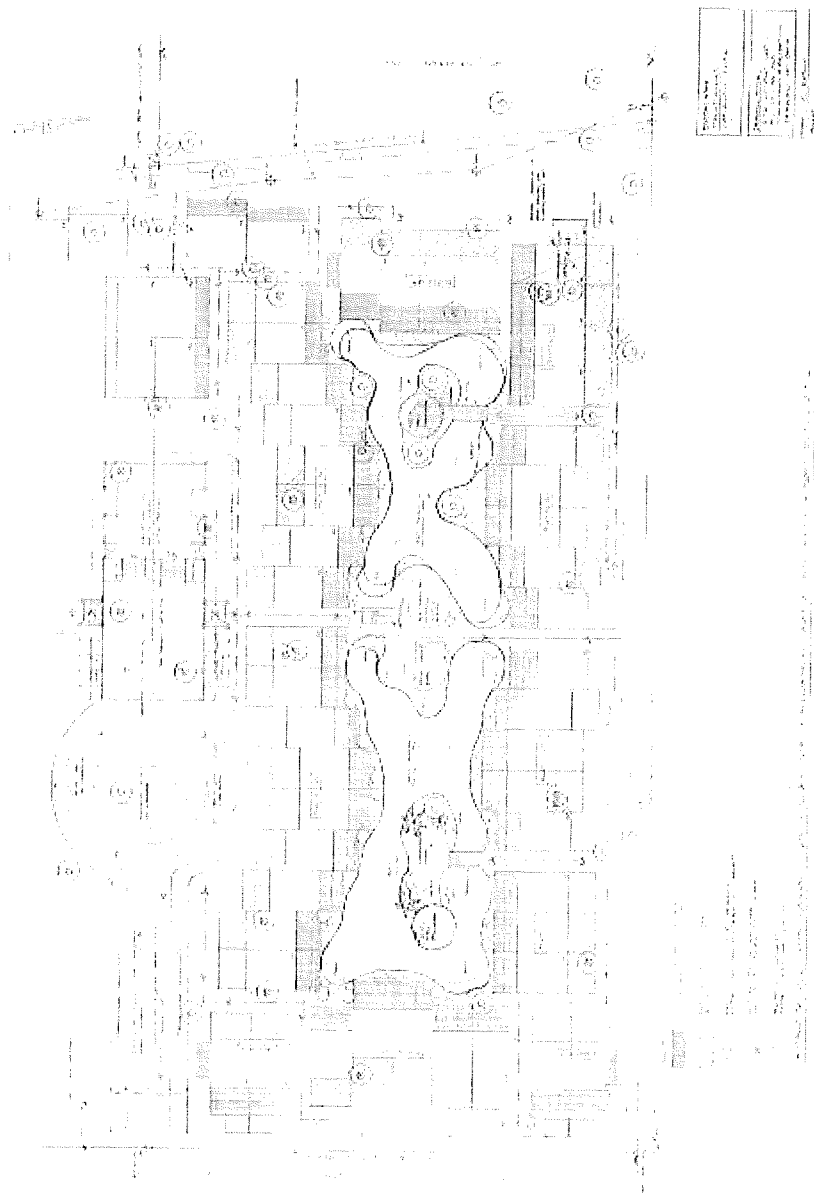
J R Neely
Acting Chief Executive Officer

041220-London-Pandanus Caravan Park - 100 Units.doc

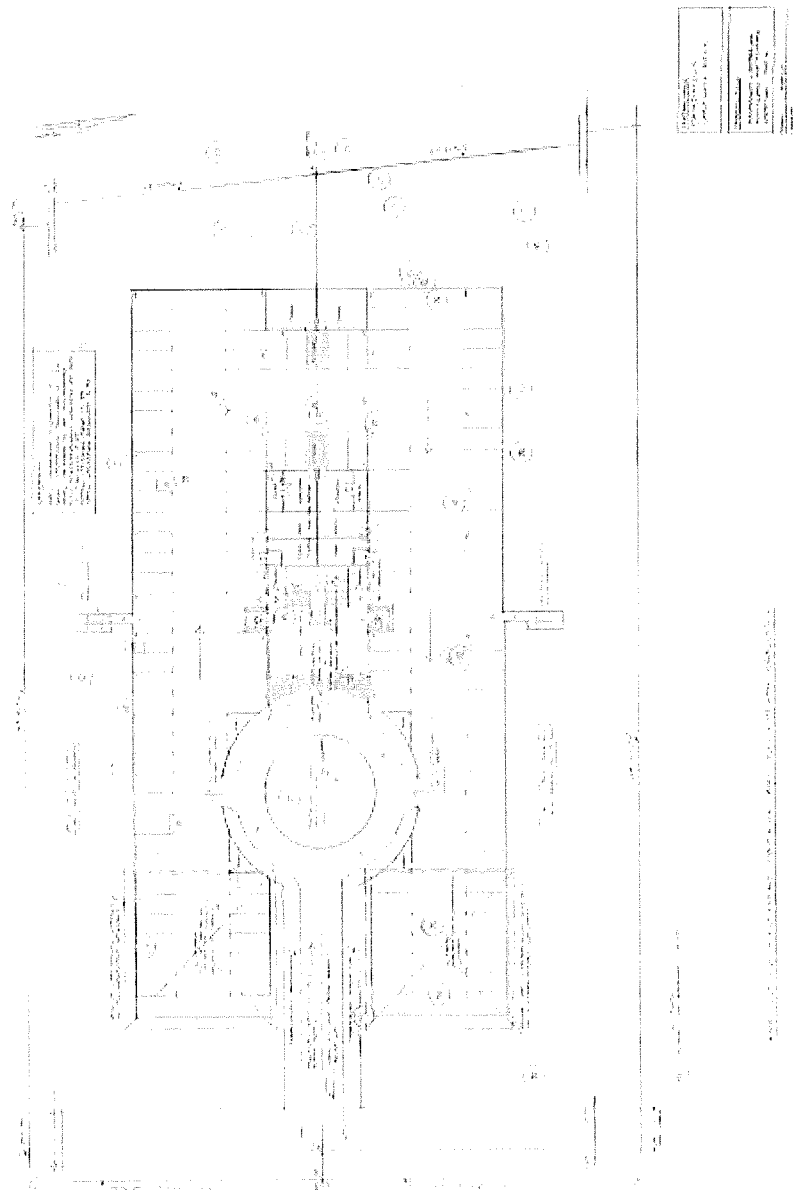
43.2015.645
9/34 (449181)



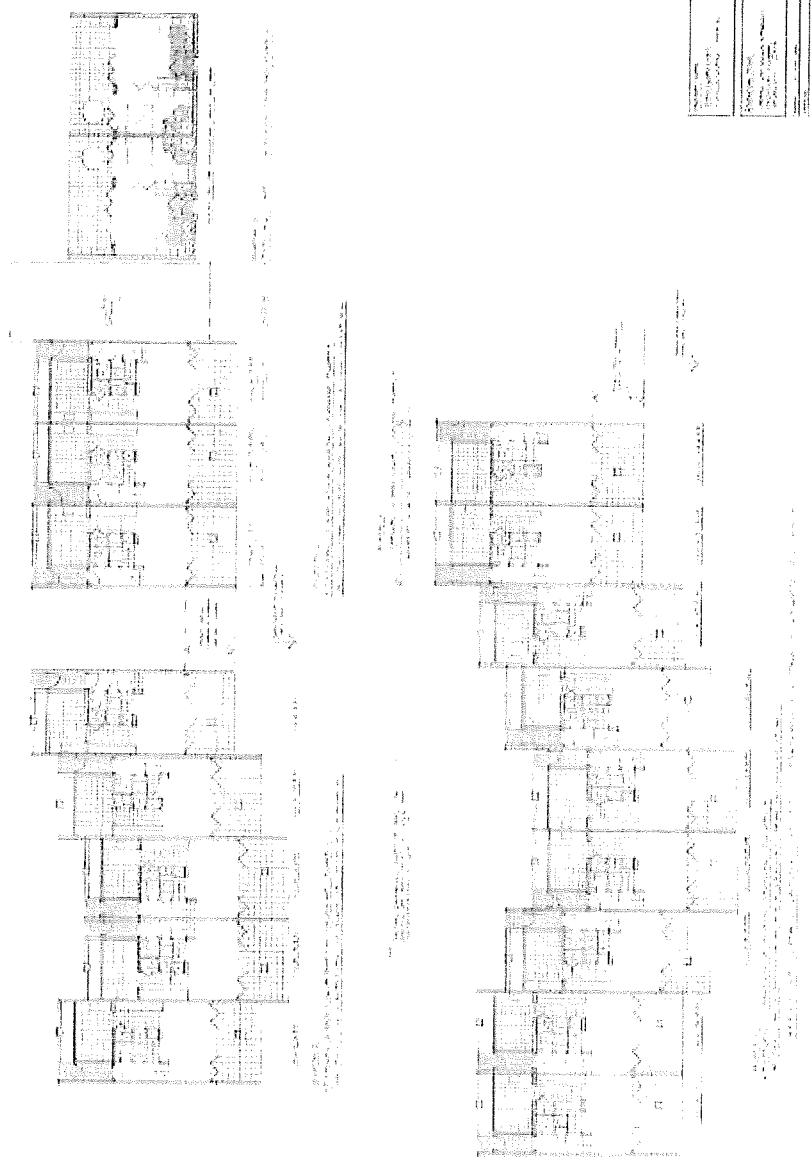
43.2015.645
10/34 (449181)



43.2015.645
11/24 (449181)

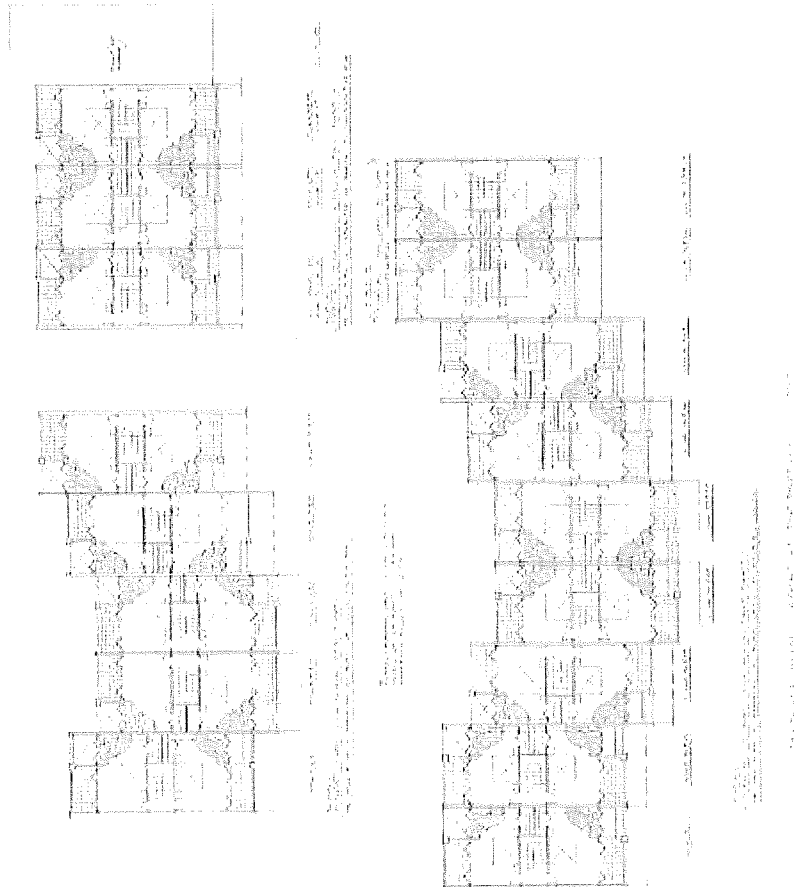


43.2015.645
12/24 (449101)

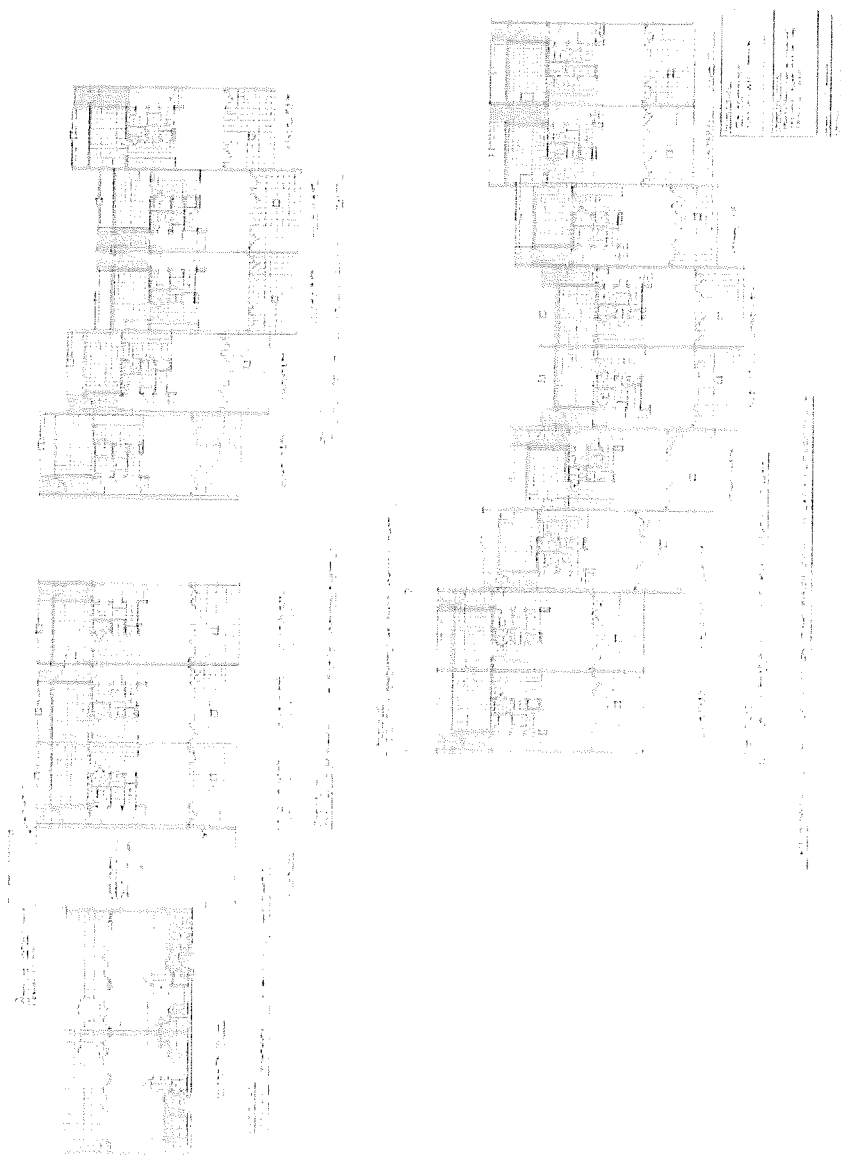


43.2015.645
1324 (449181)

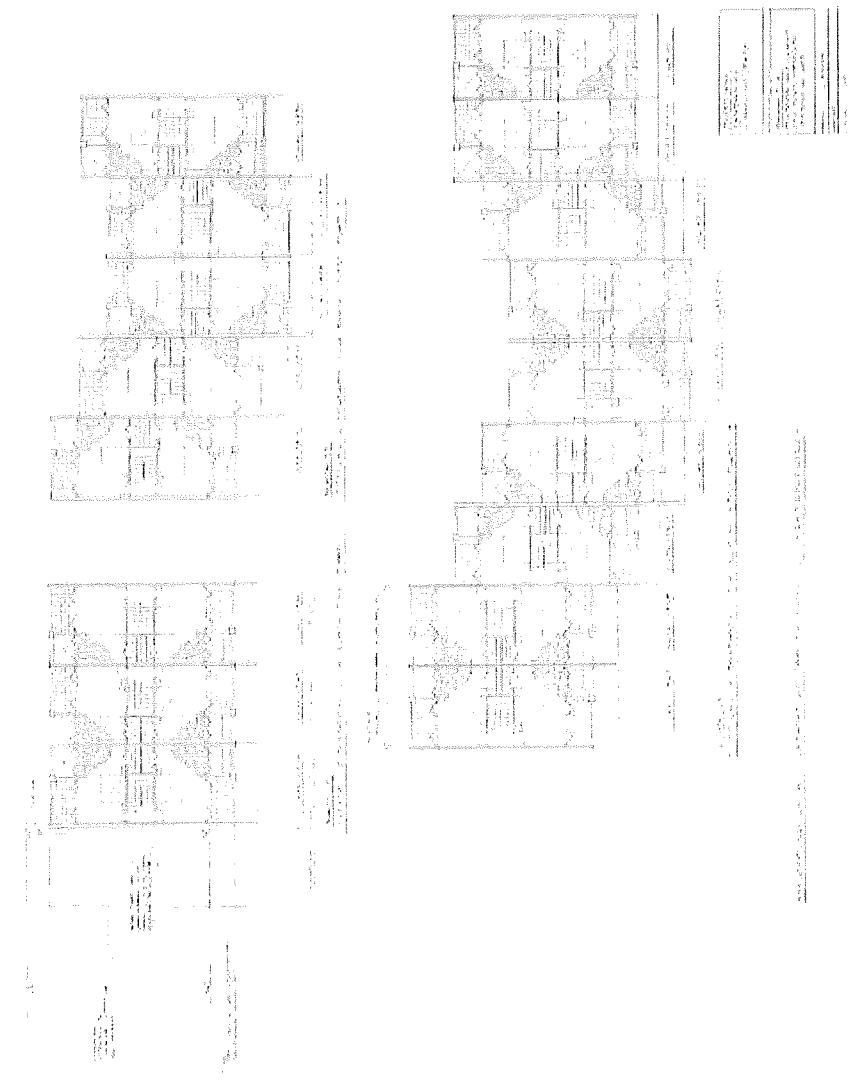
PROJECT NO.	43.2015.645
DATE	12/24/2014
BY	449181
CHECKED BY	
APPROVED BY	
SCALE	
NOTES	



43.2015.645
12/24 (449181)

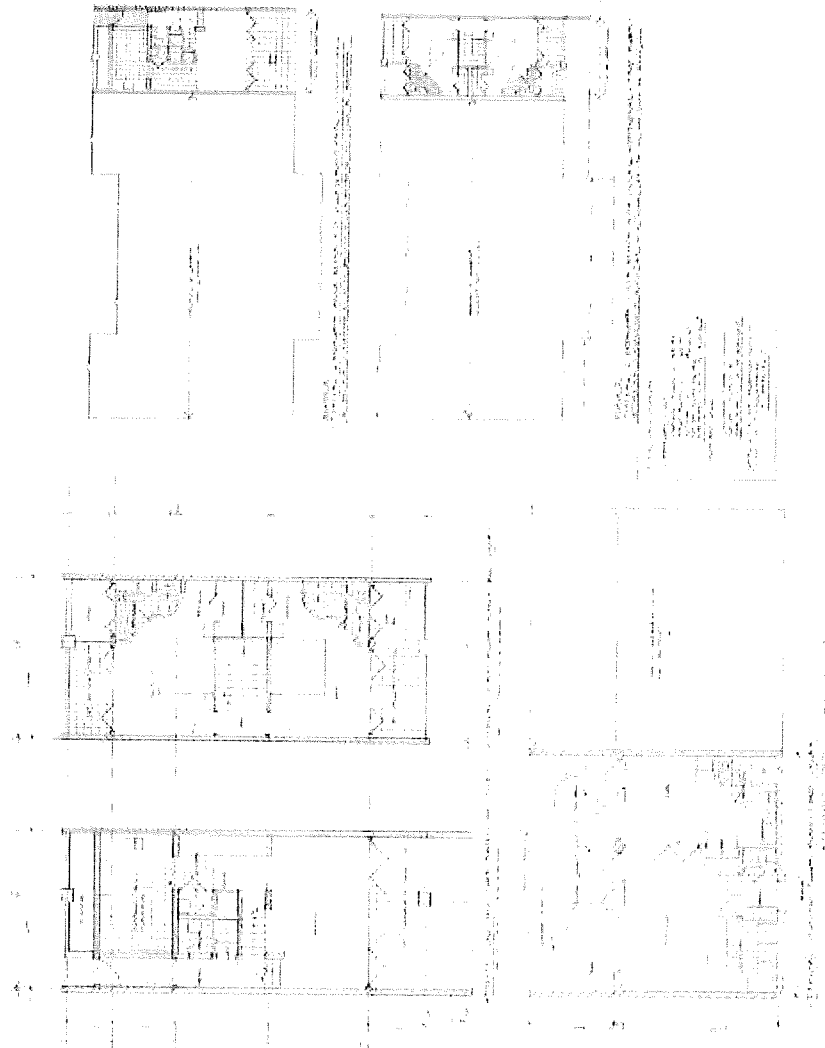


43.2015.645
15/34 (4491A1)

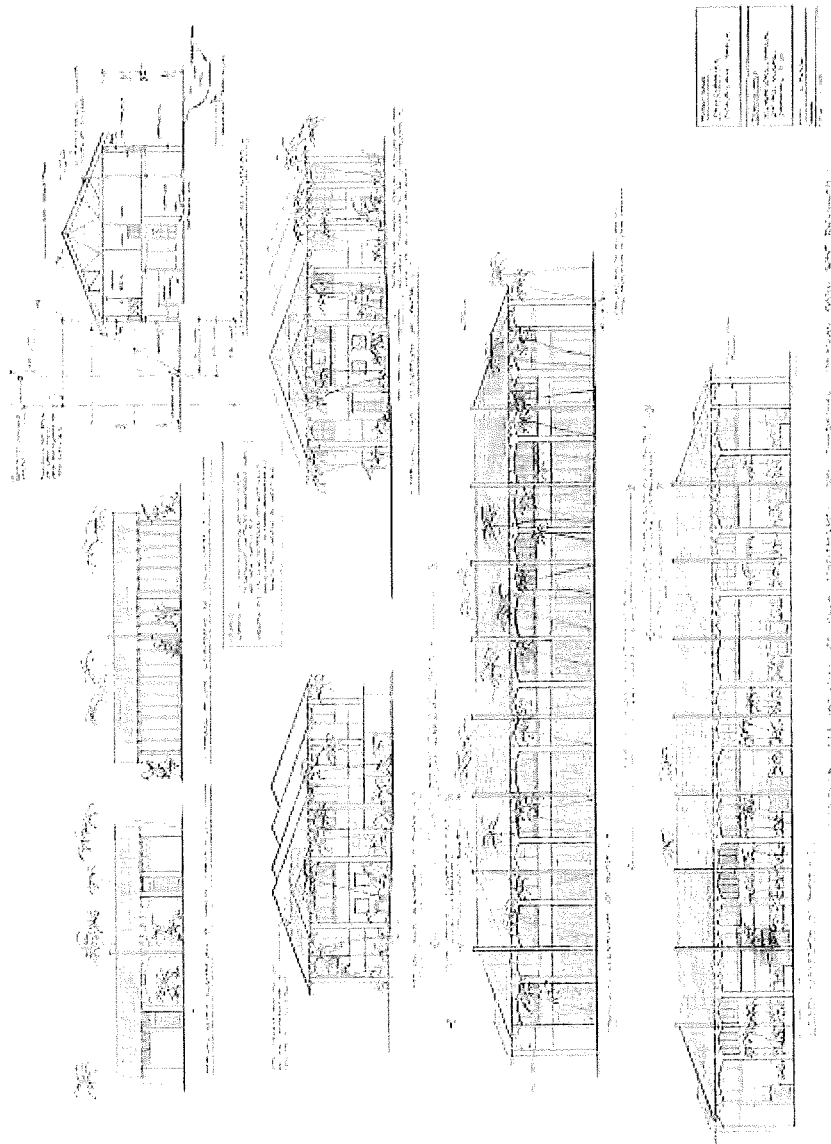


43.2015.645
18'24 (4491B1)

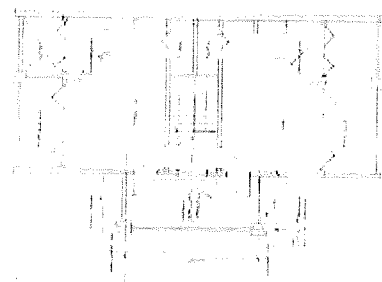
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------



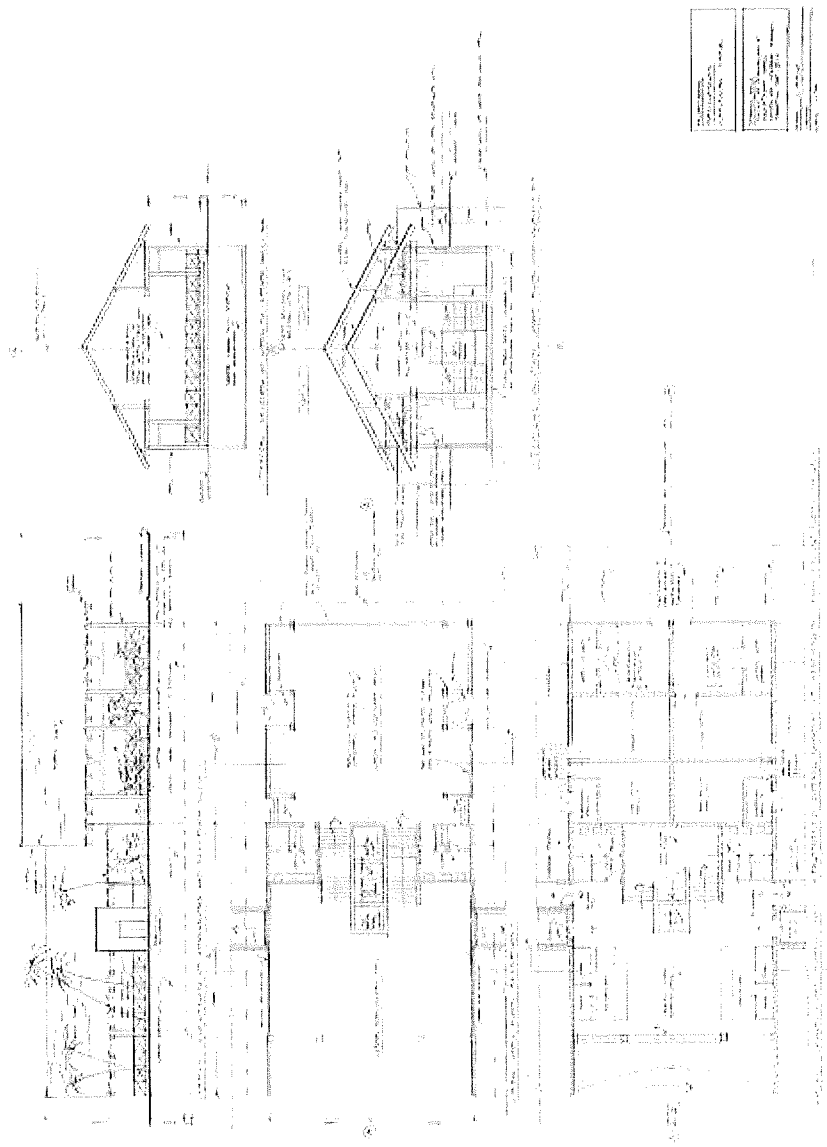
43.2015.645
17/34 (449181)



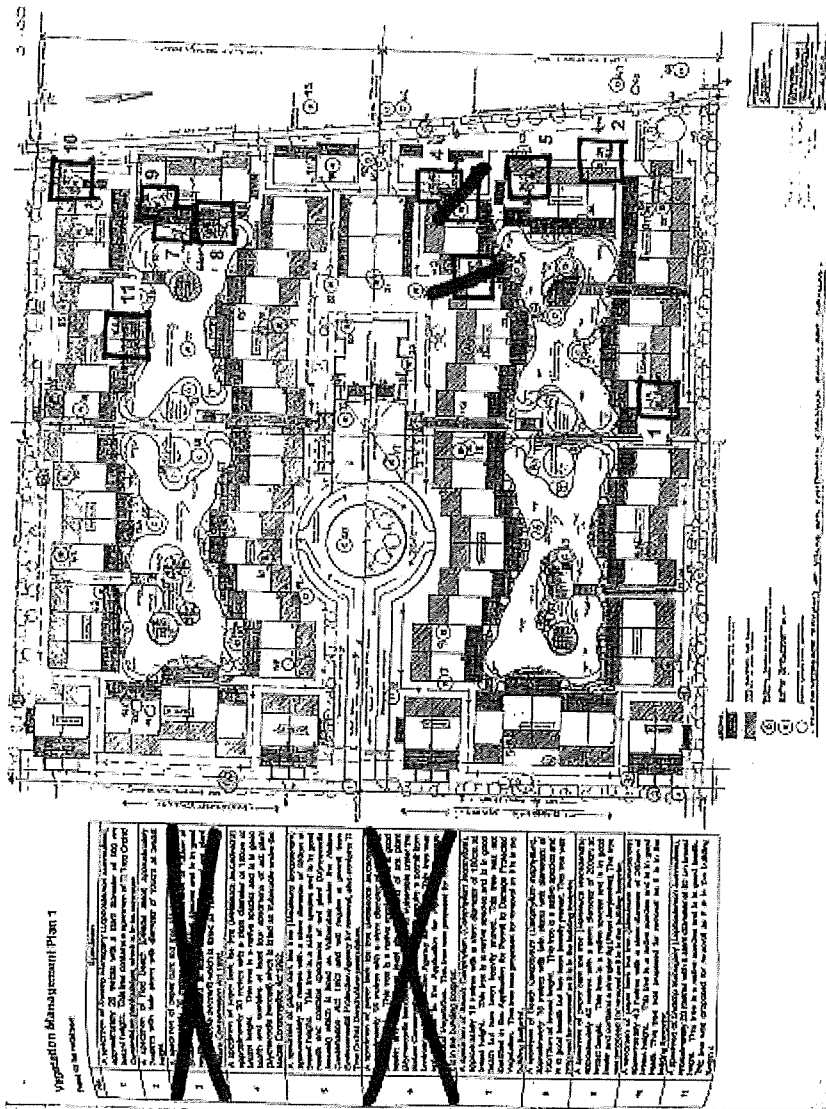
41.2015.645
18/34 (449101)



NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484	1485	1486	1487
-----	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------



43.2015.645
2024 (449181)



43.2015.645
21/24 (449181)

18 March 2004

Mr T Melchert
Chief Executive Officer
Douglas Shire Council
PO Box 357
Mosman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME: <i>Ch...</i>	UAC
DOCUMENT NO. <i>...</i>	
18 MAR 2004 12:14	
ATTENTION	P.T.
INFORMATION	SAA

Department of Main Roads

Dear Mr T Melchert

Douglas Shire - Captain Cook Highway
Situated at Old Port Road, Port Douglas
Lots 304-306 on C 2251 & Lot 1 on RP 720/08, Parish of Salisbury
John Jordan Developments Pty Ltd
Proposed Material Change of Use (Residential A) Application
Review of Referral Agency's Response (conditions apply)

I refer to:

- the above application received at the Department 12 and 16 February 2004, requesting consideration of the above development;
- the Department's letter of conditions of development of 4 March 2004, and
- written representations of 8 March 2004, faxed 16 March 2004, from the applicant's consultant, concerning conditions 1 and 2.

The Department has completed the investigation of the representations, noting no new information was submitted, and is not prepared to:

- alter the access location from the position as indicated, or
- compromise the road traffic safety and visual treatments standards.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads advises its response to the representations is to maintain the following conditions of development for the subject application:

A. CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- Vehicular access between the Captain Cook Highway and the subject site shall be via the Port Gardens estate link to Owen Street.
- No direct vehicular access (including motor bikes) between the Captain Cook Highway and the subject site and Owen Street is permitted.

North Queensland Region
Perkins Drive
PO Box 6184
CAIRNS Queensland 4870
Area 17 617 727 711

Doc ref: 45264/132/1601
Version: 10/2/03
Region: NORTH
Telephone: 617 4393 3311
Facsimile: 617 4393 5128

41.2015.645
22/24 (449181)

- (iii) The existing direct vehicular access between Old Port Road and the subject land shall be maintained only for the existing dwelling. However, for any new development or redevelopment on the subject land, no direct vehicular access between Old Port Road and the subject land is permitted, and the existing access shall be permanently closed, unless with the written approval of Douglas Shire Council.

2. Road Traffic Noise & Visual Treatments

For the purposes of this condition:

- Parts (a), (i) and (c) below shall apply to noise-sensitive uses proposed to be located within 50m of the Captain Cook Highway frontage of the subject land,
- the Captain Cook Highway shall hereafter be referred to as 'SCR', and
- attached 'DMR Plan No. PDSSC (dated 3/2001)' shall hereafter be referred to as the 'DMR Buffer Plan'.

(a) Buffer Strip

For the purposes of this condition the buffer strip shall include:

- a minimum of six metre wide freehold strip located within the subject site and adjacent the SCR frontage, and
- the four metre wide registered easement located adjacent to and east of the above freehold strip.

The registered covenant shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/ maintain/ upgrade/ remove noise attenuation treatments, landscaping and public utilities within the registered covenant,
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise attenuation treatments, landscaping, or public utilities located within the registered covenant, and
- prohibit the construction of any structures within the registered covenant except where approved/ required otherwise by Council and the Department of Main Roads.

The registered covenant shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. These requirements shall be completed prior to the commencement of any noise-sensitive use.

The applicant/landowner shall create and transfer the freehold allotment/s to Department of Main Roads ownership prior to the commencement of any noise-sensitive use.

(b) Visual Amenity Works

The applicant/ landowner shall provide landscaping covering the entire buffer strip along the frontage of the SCR. The landscaping shall be designed, installed and maintained such that existing and future SCR infrastructure, any noise attenuation works if applicable, and on site buildings and facilities, are screened as much as practicable from each other.

43.2015.645
23/24 (449181)

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns or poisonous fruits or berries).

All landscaping of the buffer strip shall be completed prior to the commencement of any noise-sensitive use.

(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, including the buffer strip, and the applicant/landowner shall have regard to the design criteria specified within AS3671. Any noise barrier within the buffer shall be designed and constructed in accordance with the DMR Buffer Plan.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise levels are not to be exceeded before 10 years after the time of completion of the full development:

- External noise levels shall not exceed 63dB(A) 18h.
- Internal noise levels (i.e. within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works:

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- Internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings, and

- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/ landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the commencement of any noise-sensitive use.

(v) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the approved noise report and DMR Buffer Plan.

All noise ameliorative works required within the Buffer Strip shall be completed prior to the commencement of any noise-sensitive use.

All noise ameliorative works required within the relevant building(s) shall be:

- incorporated into the building design(s) prior to the applicant/ landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land; and
- incorporated into the building(s) prior to commencement of use of the building.

(vi) Building Covenant

When a covenant is required by the Road Traffic Noise (acoustical) Report then the following requirements shall be met:

- The covenants shall be included on the same Plan of Survey which creates the lots which are subjected to the covenants and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the RE(C) contract for the relevant lots prior to execution of the Covenants Form 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
 - the final layout plan with finished contour levels and highlighting lots effected by a covenant,
 - summary of noise amelioration works and covenant conditions, and
 - a table showing pad levels in Australia Height Datum (AHD) and the type of covenant,
- prior to execution of the Covenants Form 31.
- Submit to Main Roads, certification (RFEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as

43.2015.645
25/24 (449181)

- detailed in the new acoustic assessment may be completed within the above relevant timeframes.
- Submit to Main Roads a properly executed Covenant Form 11 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (e)(ii) above would be met, prior to the submission of the Part of Survey to Council for approval and signing.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statement for the Covenants within 14 days of the receipt being forwarded to the applicant or their agent.

3. Access to Adjoining Properties

The applicant/landowner shall dedicate a 15m wide road reserve to link the future proposed internal road network on the subject land to the northern boundary of either Lot 101 or C 2251 or Lot 18 or C 2256.

4. Owen Street Barrier

The applicant/landowner shall erect a physical barrier on the alignment of property frontages to the Captain Cook Highway across the full width of Owen Street to prevent vehicles, but allow pedestrians and cyclists to access the Captain Cook Highway reserve. The barrier shall be designed and erected to the satisfaction of the Director-General of the Department of Main Roads prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the subject land.

An extension of the landscaped noise attenuation mound in condition 2 would satisfy this condition.

5. Provision of Pedestrian/Bicycle Paths

- (i) The applicant/landowner shall provide a pedestrian/ bicycle path along the full Captain Cook Highway frontage, subject to the approval of the Department of Main Roads.
- (ii) The applicant/landowner shall provide pedestrian/ bicycle path(s) between the subject site and the proposed Captain Cook Highway pedestrian/ bicycle path via Owen Street.
- (iii) The applicant/landowner shall construct the pedestrian/ bicycle paths to the requirements of the Douglas Shire Council prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the subject land.

6. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

43.2015.645
28/24 (449101)

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect Conditions 1, 2 and 3 above on its Rates Record, to ensure that the planning intentions of Conditions 1, 2 and 3 are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

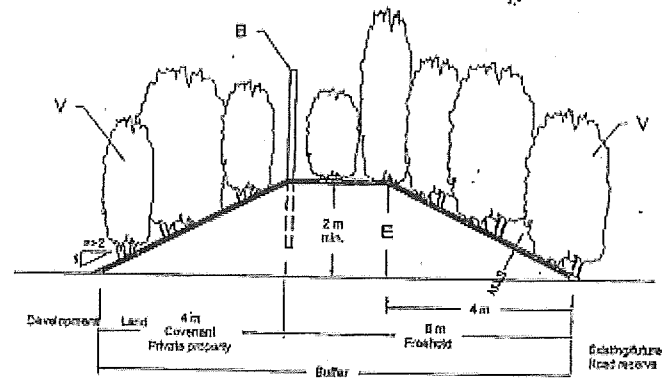
A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA
Enclosed (DMR Form No. PD83C dated 03/2001)

43.2015.645
27/24 (449181)



- V ■ Landscaping to the requirements and cost satisfaction of the Chief Executive Office of the Council.
- E ■ Embankment material constructed to Department of Main Roads Standard Specification.
- M&S ■ A minimum 100 mm layer of fresh topsoil with a minimum 200 mm layer of mulch on top.
- B ■ Noise Barrier designed in accordance with Main Roads Department Road Traffic Noise Management Code of Practice, January 2000.

Note:

All work shall be designed and approved in accordance with the above requirements unless stated in writing by the Director General, Department of Main Roads.

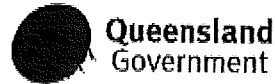
All work shall be installed and maintained in accordance with the approved plan to the satisfaction of the Director General, Department of Main Roads. The installed approved works shall be completed prior to the commencement of the use unless, unless approved otherwise.

**NOISE AMELIORATION
AND VISUAL AMENITY WORKS
FREEHOLD & COVENANT
BUFFER STRIP**

FORM DSRM No. 07/04 (01)

020011

43.2015.645
28/24 (449181)



Council Ref: 8/38/2

11 February 2011

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870



Attention: Leon Dautre

Dear Mr Dautre

Sustainable Planning Act 2009 – Request to extend currency period

Applicant: John Jordan Developments Pty Ltd

Application: Material Change of Use (Multiple Dwellings (Tourist) & Caretaker's Residence)

Location: Lots 1 & 2 on RP723702, Parish of Sallsbury
97-107 Daylton Street, Port Douglas

I refer to:

- the above application received at the former Department of Main Roads (DMR) on 26 August 2004 requesting consideration of the above development
- DMR referral agency response dated 22 September 2004 of conditions of development,
- Council's negotiated decision notice dated 23 February 2005,
- request for an extension to the currency period from Our Staff Pty Ltd received at DMR on 9 August 2007,
- DMR letter dated 29 August 2007,
- further request for an extension to the currency period from Our Staff Pty Ltd received at DMR on 16 June 2008,
- DMR letter dated 23 June 2008,
- Council's extension of currency period received at DMR 4 December 2004 with incorrect referral agency response attached, and
- further request for an extension to the currency period from Our Staff Pty Ltd received at the Department of Transport & Main Roads on 11 February 2011.

This department has no objection to a further extension of the currency period, subject to Council's determination.

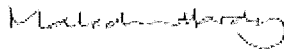
Assets & Operations
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Laine Street
PO Box 9185 CAIRNS Queensland 4870
ABN 29 407 631 231

Our tel: 040524162 (x500)
Emails: MALCOLM.FAIRBY
Telephone: 061 7 4050 6314
Facsimile: 061 7 4050 5436

43.2015.645
23/34 (449101)

The Department would appreciate a copy of Council's decision regarding the application.
A copy of this letter has been sent to the applicant.

Yours sincerely



Malcolm Hardy
Senior Planner (Assets & Operations) Far North

43.2015.645
30/34 (449101)

ATTACHMENT 2: CONCURRENCE AGENCY DECISION FOR EXTENSION REQUEST



Department of
State Development,
Infrastructure and Planning

Our reference: SPD-0215-01226
Your reference: TFC1173

18 February 2015

Ms Linda Langow
Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attention: Jenny Elphinstone

Dear Ms Elphinstone

Notice about request to extend relevant period

Lot on plan	Street address
Lots 1 & 2 on RP723702	97 Davidston Street, Port Douglas

(Given under section 485 of the Sustainable Planning Act 2009)

The Department of State Development, Infrastructure and Planning received written notice under section 303(1)(a) of the Sustainable Planning Act 2009 (the act) on 11 February 2015 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is until 23 February 2015.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

If you require any further information, please contact Jenny Sapuppo, Senior Planning Officer, Regional Services, Far North Queensland on (07) 4637 3202, or via email jenny.sapuppo@dnr.qld.gov.au who will be pleased to assist.

Yours sincerely

Bob Clark
Manager (Planning)

Page 1	Far North Queensland Regional Office Ground Floor, Cairns Port Authority PO Box 2355 Cairns QLD 4870
--------	---

43.2015.645
31/34 (4491B1)

ATTACHMENT 3: AMENDED INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Application	
INFRASTRUCTURE CHARGES NOTICE			
Our Staff Pty Ltd		0	0
DEVELOPER'S NAME		ESTATE NAME	STAGE
37-107 Davidson Street		Port Douglas	L1 L2 RP741341
STREET No. & NAME		SUBURB	LOT & RP No.s
MCU Code (multiple dwellings)		43.2011.4126	31-Dec-14
PARCEL No.		4	
DEVELOPMENT TYPE		COUNCIL FILE NO	RCD INDEX QUARTER ENDING
448631		1	31-Dec-14
DSC Reference Doc. No.		VALIDITY PERIOD	
VERSION No.		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
DIST		S/EDC	NET EDC
WATER		MEASUREMENT	AMOUNT DUE
Existing		11	6,547.95
Proposed		11	6,547.95
Port Douglas		Water sub - total	\$108,777.01
SEWERAGE		MEASUREMENT	AMOUNT DUE
Existing		3	3,920.62
Proposed		3	3,920.62
Port Douglas		Sewerage sub - total	\$307,644.21
OPEN SPACE		DSC Area	\$0.00
Off-Site Car Parking		0.00	\$0.00
TOTAL			\$407,422.02
Prepared by		J Elphinstone	19.2.2015
Checked by		Neil Beck	19 Feb 15
Date Payable			
Amount Paid			
Date Paid			
Amount Due			
Date Due			
Signature			
Date			

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).


Charge rates are subject to index adjustments (RCD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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, Mosman Qd 1587. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4995 9444 or by email on enquiries@dsdc.qld.gov.au

43.2015.645
32/34 (449101)

SCHEDULE 2 INFRASTRUCTURE CHARGES NOTICE

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Laidlaw Holdings Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
97-107 Davidson Street STREET No. & NAME	Port Douglas SUBURB	L1 & L2 RP723702 LOT & RP No.s	1652, 1683 PARCEL No.
MCUC Multiple Dwellings (Tourist) & Caretaker's Residence DEVELOPMENT TYPE		MCUC 646/2016 COUNCIL FILE NO.	5 VALIDITY PERIOD (year)
D4876694 DSO Reference Doc. No.	1 VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Port Douglas Area					
Proposed Demand Multiple Dwellings (Tourist)	100	15,718.00	1,571,800.00		Code 695 GL 07500.0135.0826
Proposed Demand Caretaker's Residence	1	15,718.00	15,718.00		
	0	0.00	0.00		
Existing Use (Caretaker sites - 88 and camping sites - 5) as registered with Council	103	10,479.00	1,079,337.00		
Total			508,181.00		
TOTAL			\$508,181.00		

Prepared by	J Ephinstone	16-Oct-18	Amount Paid	
Checked by	D Lamond	24-Oct-18	Date Paid	
Date Payable				
Amounts	Date	Receipt No.		
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Special meeting held on 5 June 2018.

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

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

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4038 9444 or by email on enquiries@douglas.qld.gov.au

SCHEDULE 3 APPLICANT'S APPEAL RIGHTS

Extract from *Planning Act 2016* – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

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

Current as at 9 May 2018

Page 203

Authorised by the Parliamentary Counsel

- (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 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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals

- (1) Subject to this chapter, 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.

8 November 2018

Enquiries: Jenny Elphinstone Tel: 07 4099 9482
Our Ref: MCUC 645/2015 (AKA TPC 1170) (Doc ID 879672)
Your Ref: Development Application TPC 1170

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

Laidlaw Holdings Pty Ltd
PO Box 2272
IVANHOE EAST VIC 3079

Attention Mr Dean Laidlaw

Dear Sir

**INFRASTRUCTURE CHARGES NOTICE FOR
FOR THE MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE,
MULTIPLE DWELLINGS (TOURIST) AND ANCILLARY FACILITIES
AT 97-107 DAVIDSON STREET, PORT DOUGLAS
ON LAND DESCRIBED AS LOTS 1 AND 2 ON RP723702**

Please find attached an Infrastructure Charges Notice issued in accordance with sections 119-121 of the *Planning Act* 2016 (the Act). The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

These charges are payable prior to the change of use occurring in accordance with section 122 of the Act.

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

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

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

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Encl –
Schedule 1 - Infrastructure Charges Notice
Schedule 2 – Applicant's right to make representations and rights to appeal infrastructure charges.

SCHEDULE 1 – INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Laidlaw Holdings Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
97-107 Davidson Street	Port Douglas	L1 & L2 RP723702	1652, 1603
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCUC Multiple Dwellings (Tourist) & Caretaker's Residence		MCUC 646/2016	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
D9876684	1		
DSO Reference Doc. No.		VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & Q1 Code
Port Douglas Area					
Proposed Demand Multiple Dwellings (Tourist)	100	15,718.00	1,571,839.00		Code 695 QL 07600,0136,0826
Proposed Demand Caretaker's Residence	1	15,718.00	15,718.00		
	0	0.00	0.00		
Existing Use (Caravan sites - BB and camping sites - B) as registered with Council	100	10,478.00	1,079,337.00		
Total			508,181.00		
TOTAL			\$508,181.00		

Prepared by	J Elphinstone	16-Oct-18	Amount Paid	
Checked by	D Lamond	24-Oct-18	Date Paid	
Date Payable			Receipt No.	
Authorisation		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Special meeting held on 5 June 2018.

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

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

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

SCHEDULE 2 - APPLICANT'S RIGHTS TO MAKE REPRESENTATIONS AND RIGHTS OF APPEAL REGARDING AN INFRASTRUCTURE CHARGES NOTICE.

Extract from Planning Act 2016 – Rights To Make Representations Regarding An Infrastructure Charges Notice.

Planning Act 2016
Chapter 4 Infrastructure

[s 124]

- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

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—

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

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 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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals

- (1) Subject to this chapter, 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.