

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	WLT Investments Pty Ltd ABN – 99 650 215 544
Contact name (only applicable for companies)	Wayne Manley
Postal address (P.O. Box or street address)	68 Tristram Road
Suburb	Beacon Hill
State	NSW
Postcode	2100
Country	Australia
Contact number	0481 548 000
Email address (non-mandatory)	talial004@hotmail.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of Planning Act 2016	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
	29	21	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	29	SP168541	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application

☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
To allow for the inclusion of long term and permanent rental in addition to the existing short term vacation rental already approved
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application



6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☐ Not required

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☐ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

- ☐ Yes
- ☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

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

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)



10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?		
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
<input type="checkbox"/> Yes – specify number of new lots:		
<input type="checkbox"/> No		



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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☐ No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



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<input type="checkbox"/> SEQ northern inter-urban break – community activity <input type="checkbox"/> SEQ northern inter-urban break – indoor recreation <input type="checkbox"/> SEQ northern inter-urban break – urban activity <input type="checkbox"/> SEQ northern inter-urban break – combined use <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Reconfiguring a lot in a coastal management district or for a canal <input type="checkbox"/> Erosion prone area in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material (<i>from a watercourse or lake</i>) <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – levees (<i>category 3 levees only</i>) <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government: <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) (<i>only if the ERA has been devolved to local government</i>) <input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator, if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

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

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

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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

PART 7 – FURTHER DETAILS

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

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

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

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
- ☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- ☐ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

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

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

- ☐ Yes – show cause or enforcement notice is attached
- ☐ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☐ No

Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

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

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

Hazardous chemical facilities

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

- ☐ Yes – Form 536: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
- ☐ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☐ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☐ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☐ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- ☐ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

- ☐ Yes – the relevant template is completed and attached to this development application
- ☐ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- ☐ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the Water Act 2000?**

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☐ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the Coastal Protection and Management Act 1995?**

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☐ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
- ☐ No

Note: See guidance materials at www.resources.qld.gov.au for further information.



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Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☐ No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
- ☐ No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

23.14) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☐ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- ☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- ☐ No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☐ Yes

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

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☐ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☐ Yes

Relevant plans of the development are attached to this development application

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

☐ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☐ Not applicable



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25) Applicant declaration

- ☐ By making this development application, I declare that all information in this development application is true and correct
- ☐ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

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

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

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

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

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

3 October 2025

Chief Executive Officer
Douglas Shire Council
64-66 Front Street
MOSSMAN QLD 4873

Attn: Manager Environment and Planning

Via email: enquiries@douglas.qld.gov.au

Dear Sir/ Madam,

I hope you are well.

This application seeks approval for the apartment in the Mantra Heritage complex, which is currently used for short-term holiday accommodation, to also be approved for long-term rental or permanent residential use.

No building works or alterations to the existing structure or common property are proposed as part of this application.

Given the current shortage of long-term rental accommodation in the local community, enabling greater flexibility in how the apartment is used will support housing availability by allowing the property to be made available for long-term rental when needed.

In addition to the Town Planning Assessment, which proceeds, in support of this Development Application please find attached:

- Duly completed DA Form 1
- Title Certificate
- Survey Plan
- Community Management Statement
- Apartment and resort complex amenity images
- Town Planning Development Permit TPC 1016 and original plans

Please note - Lot 29 is identified on the original plan TPC 1016 as Unit 27 (not # 29). The unit numbers were changed in the time between the planning approval and the survey plan endorsement as two additional units were added to the complex. Additionally, the balcony spa shown in the original plans has been removed. Any reference made in this application relates to the updated and correct unit / Lot # 29.

Summary

The Development Application seeks approval to allow the unit to be used for both short term holiday accommodation, long term rental, and permanent residential occupation and to continue existing use rights including Short Term Accommodation for the existing unit at 16 Warner Street, Port Douglas, formally described as Lot 29 on SP168541 (the 'unit').

The unit complex within which the unit is located is commonly known as the Mantra Heritage. As mentioned above, please note, Lot 29 is identified on the original plan as Unit 27.

The unit is located within the Centre Zone and triggers Code Assessment under the Douglas Shire Planning Scheme 2018 v1. The subject apartment comprises of a fully self-contained one-bedroom unit. The apartment contains a fully equipped kitchen (not kitchenette), bathroom, and laundry. It has a total internal area of 55 m2 with dedicated private outdoor veranda space of 14m2 plus 7m2 Balcony. The unit has an allocated parking

space located within the basement car park totalling 14m², as detailed in the Survey Plan. The following sections provide a more detailed description of the site particulars and Town Planning review against the applicable provisions of the Douglas Shire Planning Scheme 2018 v1 and should be read in conjunction with the supporting information included. The application is submitted for Douglas Shire Council (the 'Council') approval subject to reasonable and relevant conditions.

We as WLT Investments Pty Ltd A.C.N. 650 215 544 are the current Registered Landowner of the unit.

The unit is located within the Centre Zone and triggers Code Assessment under the Douglas Shire Planning Scheme 2018 v1.

Site Characteristics, Surrounds and Locality

The subject site is located at 21 Macrossan Street / 16 Warner Street, Port Douglas, and is formally described as Lot 29 on SP168541.

The lot is part of the Mantra Heritage Resort complex, a multi-unit development occupying a centrally positioned site within the Port Douglas town centre. The site is bounded by Warner Street to the west and Macrossan Street to the north and is positioned within the established commercial and tourism precinct. The subject unit is situated within the Macrossan Street of the complex, with pedestrian access directly off Macrossan St and Warner Street via internal connectivity through the broader resort. The unit is situated within walking distance of a range of shops, restaurants, and everyday services, including a local grocery store and other retail outlets along Macrossan Street. The site also benefits from convenient access to nearby open space and recreational opportunities, including Dixie Park, Market Park, Rex Smeal Park, Four Mile Beach, and the Flagstaff Hill walking trail.

General location of Lot 29 (source: Google maps October 2025)



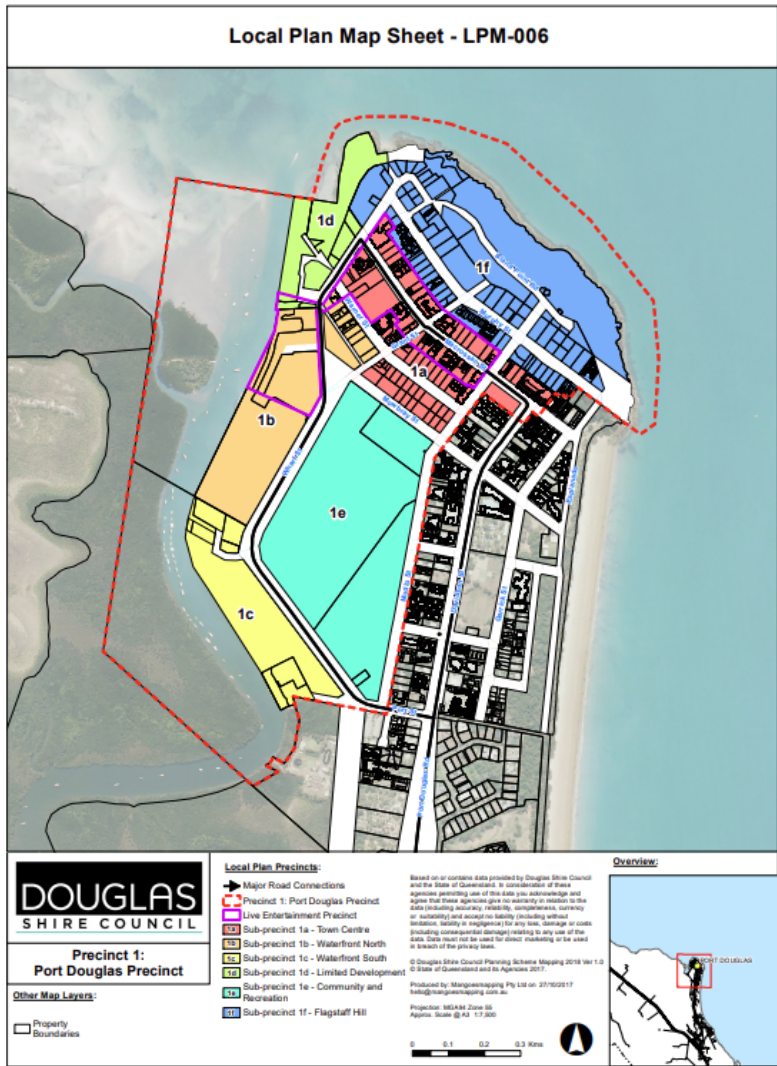
Zoning Designation

The subject unit is located within the Centre Zone, as identified in accordance with Zone Map ZM 010 of the Douglas Shire Planning Scheme 2018. An extract copy of Zone Map ZM 010 as below.



Local Plan Designation

The subject unit is included within the Port Douglas and Craiglie Local Plan and is identified on Local Plan Map LPM006 as being located within Sub-precinct 1a – Town Centre and the Live Entertainment Precinct. An extract of LPM006 is provided below.



Site Features, Built Form, Access and Services

The existing unit complex is known as the Mantra Heritage, a resort-style development fronting Warner Street, with the rear of the complex facing Macrossan Street, Port Douglas. It is professionally maintained and predominantly used for short-term accommodation, offering hotel rooms and self-contained holiday units. Communal facilities include landscaped open space, swimming pools, spa, and a barbecue area comprising of an outdoor kitchen and covered cabana.

The subject unit is situated along the Macrossan Street side of Port Douglas. It comprises:

The apartment offers a spacious layout, including one king-sized bedroom, a large living area, a well-appointed bathroom, and a full kitchen (not a kitchenette). It also features internal laundry facilities with both a washer and dryer, as well as access to a private outdoor balcony. Secure internal storage is conveniently located on the balcony, providing a safe space for personal belongings, including sporting equipment. Additionally, residents have full access to all shared resort amenities, with direct lift access from Macrossan Street.

Vehicle access is via Warner Street. The subject unit includes a dedicated car parking space, located within the basement car park, as confirmed on the Survey Plan. Secure bike racks are available in the basement carpark.

The primary pedestrian access is also via Warner Street, with internal linkages to the central courtyard and resort facilities.

The unit is connected to all standard urban infrastructure, including electricity, telecommunications, reticulated water supply, and sewerage. Photographs of the unit and associated communal facilities are provided below.

Images of apartment and complex amenities









Description of Proposed Development

The proposed development relates to an existing one bedroom within the Mantra Heritage, Port Douglas. This application seeks to maintain the existing land use rights afforded under the original Development Permit and to allow greater flexibility in terms of seeking additional approval to allow the subject unit to be permanently occupied as a place of residence, or alternatively a long-term holiday letting, depending on the preferences of the unit owner or occupant.

The site is currently adequately serviced in terms of connection to existing urban infrastructure services, as well as access to communal recreational facilities including landscaped grounds, swimming pools, and BBQ area. No changes are proposed to the built form or existing layout of the unit. Internal photographs are included above. The unit has dedicated parking space located within the basement car park, which is consistent with the parking requirements for a Dwelling under the Douglas Shire Planning Scheme 2018 v1.

The unit is designed and fitted out in a way that provides the comfort, functionality, and conveniences consistent with a residential dwelling. No internal or external building works are proposed or required. The

application simply seeks to formalise the ability for the unit to be used on either a permanent or long-term basis. We are aware that Council has previously considered and approved similar applications in nearby units within the complex with comparable layouts and parking arrangements and we would greatly appreciate Council's support for this Application.

State Planning Policies

The Minister has declared that the Douglas Shire Planning Scheme 2018 v1 appropriately integrates the relevant State Planning Policies. No further assessment is required in this regard.

FNQ Regional Plan

The subject site is located within the Urban Footprint designation of the Far North Queensland Regional Plan 2009–2031. The proposed development is consistent with the intent of this designation and does not compromise the strategic outcomes of the regional plan.

State Assessment Development Provisions

The State Assessment Development Provisions (SDAP) are not applicable to the proposed development as there are no applicable State Agency referrals.

Local Government Planning Considerations – Douglas Shire Planning Scheme 2018

The subject unit is located within the Centre Zone under the Douglas Shire Planning Scheme 2018. The purpose of this zone is to:

Provide for a mix of land uses and activities:

(a) These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential activities.

(b) Centres are found at a variety of scales based on their location and surrounding activities"

The proposed development for a long-term rental, aligns with the purpose of the Centre Zone by supporting mixed land use, housing diversity, and economic flexibility within the Port Douglas township. The unit is in a highly accessible, walkable area close to shops, services and recreational facilities and can support either permanent occupation or holiday letting without any changes to build form or servicing.

On this basis, it is submitted that the proposed development directly aligns with the purpose of the zone.

Port Douglas/Craigie Local Plan

The subject unit is located within Sub-precinct 1a – Town Centre of the Port Douglas and Craigie Local Plan. This sub [1] precinct is focused on facilitating tourist, retail, dining, and entertainment activities at an appropriate pedestrian scale that supports the role and function of Macrossan Street and surrounding town centre areas.

The proposed development aligns with the intent of Sub-precinct 1a by preserving short-term accommodation use rights, while enabling greater flexibility through the addition of a permanent residential use. The proposed change would support the ongoing use of the unit without requiring physical change to the built form and would maintain activation and presence within the town centre zone. The development is small in scale and sympathetic to surrounding land use patterns.

On this basis, it is submitted that the proposed development supports the activation of Macrossan and Warner Streets and compliments other existing residential land uses within the streetscape.

Level of Assessment

In accordance with Part 5 – Tables of Assessment of the Douglas Shire Planning Scheme 2018, the proposed change of use falls within the Centre Zone and Sub-precinct 1a of the Port Douglas/Craigie Local Plan Triggers Code Assessment.

Relevant Codes

Review of the Douglas Shire Planning Scheme 2018 confirms that the following overlays are applicable to the subject unit:

Acid Sulphate Soils Overlay
Coastal Environment Overlay
Flood and Storm Tide Hazard Overlay
Transport Network Overlay

The following other zone, land use, local plan, and development codes are also triggered by the proposed development:

- Centre Zone Code
- Port Douglas/Craiglie Local Plan Code
- Short Term Accommodation and Retirement Facility Code
- Access, Parking and Servicing Code
- Infrastructure Works Code
- Landscaping Code
- Vegetation Management Code

Given that the proposed development relates to an existing unit with established vehicle access, dedicated onsite parking space, urban servicing infrastructure, internal landscaping, and pedestrian connectivity, a detailed written assessment against the above codes has not been included.

Conclusion

This Development Application requests approval for a Development Permit, in addition to permitting short-term vacation rentals, to allow for long-term or permanent residential use. It also seeks to maintain existing use rights over the land located at 21 Macrossan Street / 16 Warner Street, Port Douglas, formally described as Lot 29 on SP168541, based on the following grounds

- The proposed development is consistent with and supported by the land zoning and local plan designation
- The proposal relates to an existing one-bedroom unit, with no changes to build form or external appearance
- The unit is fully self-contained and provides for the comfort and convenience expected of long-term use
- The proposed development does not introduce any new issues of privacy, amenity, servicing, or access
- The unit is serviced by a dedicated car parking bay on title and is connected to all necessary urban infrastructure
- The proposal complies, or is capable of complying with the applicable elements of the Douglas Shire Planning Scheme 2018 v1
- The proposed development is consistent with similar approvals recently granted for other established units within Mantra Heritage complex as well as other units in Port Douglas locality

Thank you for taking the time to consider the attached application. If you have any further questions or require additional information, please don't hesitate to contact me

Kind regards,

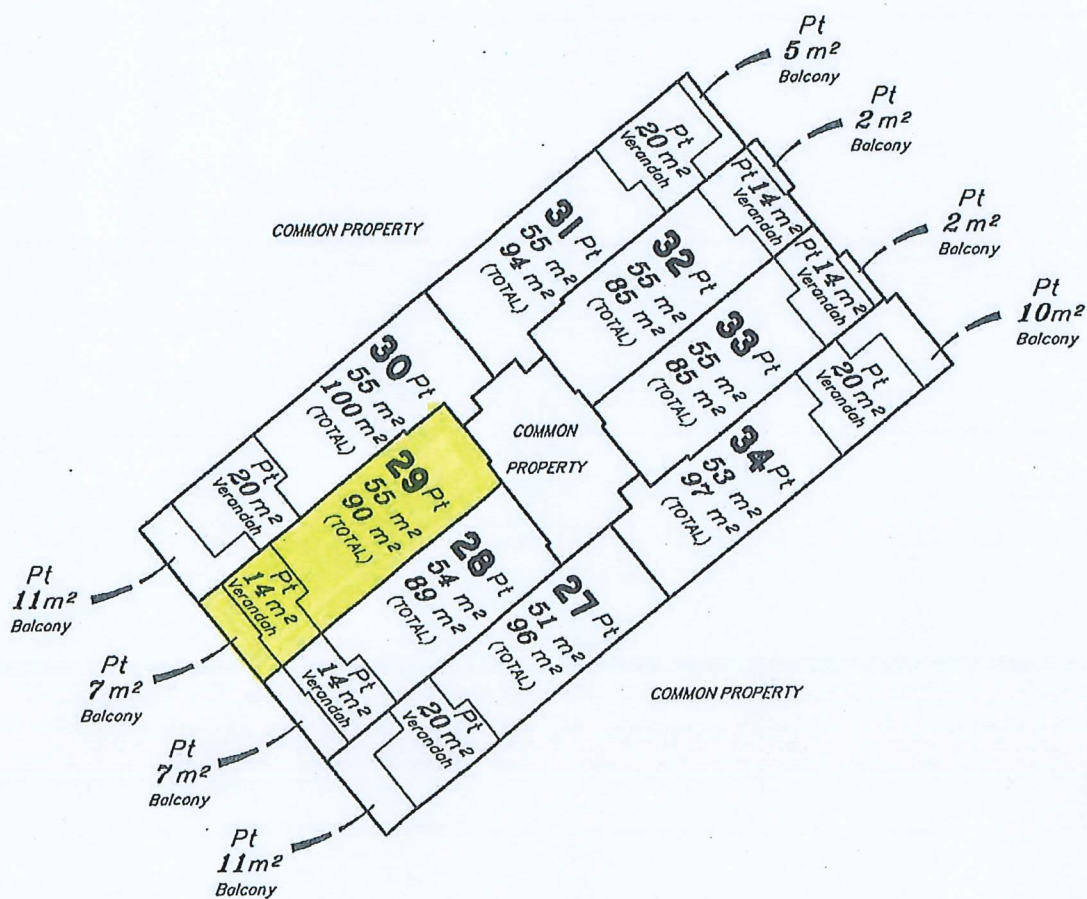
Wayne Manley

BUILDING B

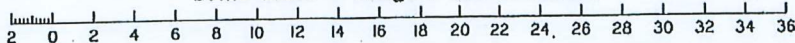
LEVEL C

DUPLICATE

Please Sign and Return



Scale 1:250 - Lengths are in Metres.

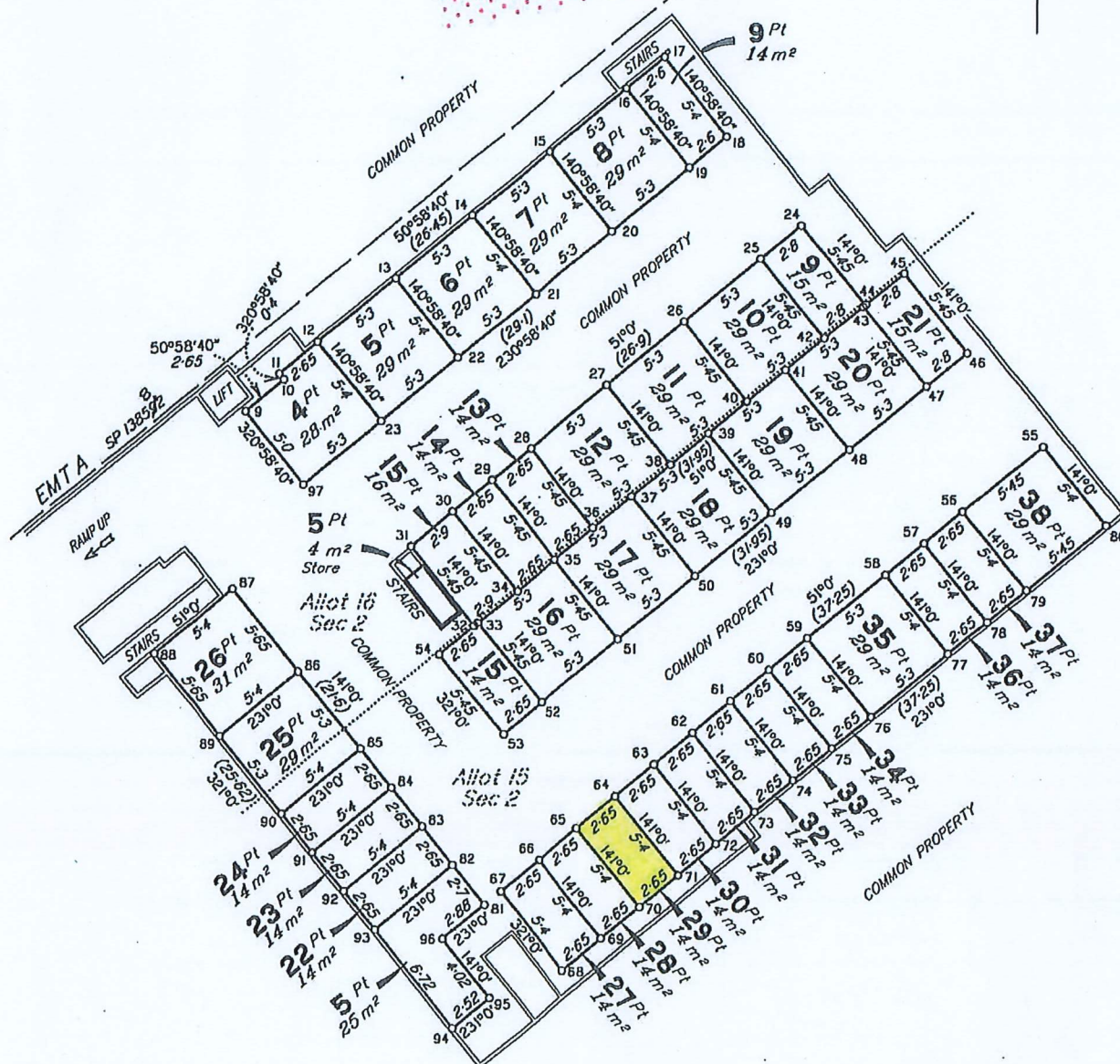


Stole copyright reserved.

Insert
Plan
Number

SP150459

BASEMENT - GARAGES



Centre GLFP at station 95.

Insert
Plan
Number

SP150459

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Form 14 Version 3
Page 1 of 1



708186229

\$57.00

04/11/2004 11:16

CS 470

Duty Imprint

1. Nature of request		Lodger (Name, address & phone number)		Lodger Code
Request to record new community management statement for The Port Heritage Resort Community Titles Scheme 30573		MILLER HARRIS LAWYERS PO BOX 7655 CAIRNS QLD 4870 40369700 REF: 2401101		715
2. Lot on Plan Description	County	Parish	Title Reference	
Lot CP on SP150459	Solander	Salisbury	50407275	
3. Registered Proprietor/State Lessee				
Body Corporate for The Port Heritage Community Titles Scheme 30573				
4. Interest				
Not applicable				
5. Applicant				
Body Corporate for The Port Heritage Community Titles Scheme 30573				
6. Request				
I hereby request that: the new CMS deposited herewith which amends Schedule A and Item 4 of the existing CMS be recorded as the CMS for The Port Heritage Resort community titles scheme 30573				
7. Execution by applicant				

Execution Date

4 / 11 / 04

Applicant's or Solicitor's Signature

MITCHELL TODD BECK
SOLICITOR

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

QUEENSLAND LAND REGISTRY
Body Corporate and Community Management Act 1997

FIRST/NEW COMMUNITY MANAGEMENT STATEMENT

CMS Version 2
Page 1 of 10
10F11

30573

statement incorporates and must include the following:

WITHIN THREE (3) MONTHS OF THE DATE OF
CONSENT BY THE BODY CORPORATE
Office use only
CMS LABEL NUMBER

- A - Schedule of lot entitlements
- B - Explanation of development of scheme land
- C - By-laws
- Schedule D - Any other details
- Schedule E - Allocation of exclusive use areas

1. Name of community titles scheme

2. Regulation module

The Port Heritage Resort community titles scheme 30573 Accommodation Module

3. Name of body corporate

Body Corporate for The Port Heritage Resort community titles scheme 30573

4. Scheme land

Lot on Plan Description

County

Parish

Title Reference

See Enlarged Panel

5. Name and address of original owner #

6. Reference to plan lodged with this statement

The Port Heritage Resort Pty Ltd
C/- Miller Harris Lawyers
8th Level, Cairns Corporate Tower
15 Lake Street
CAIRNS QLD 4870

SP188541

first community management statement only

7. Local Government community management statement DOUGLAS SHIRE COUNCIL

[Signature] signed

CHIEF EXECUTIVE OFFICER and designation

name of Local Government

8. Execution by original owner/Consent of body corporate

Execution Date

16/7/04

Privacy Statement

The information from this form is collected under the authority of the Body Corporate and Community Management Act 1997 and is used for the purpose of maintaining the publicly searchable registers in the land registry.

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NEW 16/07/04 13:10

REFERENCE 50407275
THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

20F11

4. Scheme Land Description of Lot	County	Parish	Title Reference
Lot 4 on SP 168541	Solander	Salisbury	
Lot 5 on SP 168541	Solander	Salisbury	
Lot 6 on SP 150459	Solander	Salisbury	
Lot 7 on SP 150459	Solander	Salisbury	50407278
Lot 8 on SP 150459	Solander	Salisbury	50407279
Lot 9 on SP 150459	Solander	Salisbury	50407280
Lot 10 on SP 150459	Solander	Salisbury	50407281
Lot 11 on SP 150459	Solander	Salisbury	50407282
Lot 12 on SP 150459	Solander	Salisbury	50407283
Lot 13 on SP 150459	Solander	Salisbury	50407284
Lot 14 on SP 150459	Solander	Salisbury	50407285
Lot 15 on SP 150459	Solander	Salisbury	50407286
Lot 16 on SP 150459	Solander	Salisbury	50407287
Lot 17 on SP 150459	Solander	Salisbury	50407288
Lot 18 on SP 150459	Solander	Salisbury	50407289
Lot 19 on SP 150459	Solander	Salisbury	50407290
Lot 20 on SP 150459	Solander	Salisbury	50407291
Lot 21 on SP 150459	Solander	Salisbury	50407292
Lot 22 on SP 150459	Solander	Salisbury	50407293
Lot 23 on SP 150459	Solander	Salisbury	50407294
Lot 24 on SP 150459	Solander	Salisbury	50407295
Lot 25 on SP 150459	Solander	Salisbury	50407296
Lot 26 on SP 150459	Solander	Salisbury	50407297
Lot 27 on SP 150459	Solander	Salisbury	50407298
Lot 28 on SP 150459	Solander	Salisbury	50407299
Lot 29 on SP 150459	Solander	Salisbury	50407300
Lot 30 on SP 150459	Solander	Salisbury	50407301
Lot 31 on SP 150459	Solander	Salisbury	50407302
Lot 32 on SP 150459	Solander	Salisbury	50407303
Lot 33 on SP 150459	Solander	Salisbury	50407304
Lot 34 on SP 150459	Solander	Salisbury	50407305
Lot 35 on SP 150459	Solander	Salisbury	50407306
Lot 36 on SP 150459	Solander	Salisbury	50407307
Lot 37 on SP 150459	Solander	Salisbury	50407308
Lot 38 on SP 150459	Solander	Salisbury	50407309
			50407310

Common property of The Port Heritage Resort
Community Titles Scheme

REFERENCE 50407275

3 OF 11

THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

SCHEDULE A

SCHEDULE OF LOT ENTITLEMENTS

Lot on Plan	Contribution	Interest
Lot 4 168541	770	478
Lot 5 168541	1280	407
Lot 6 150459	770	274
Lot 7 150459	770	274
Lot 8 150459	770	274
Lot 9 150459	770	335
Lot 10 150459	770	254
Lot 11 150459	770	254
Lot 12 150459	770	254
Lot 13 150459	750	178
Lot 14 150459	750	178
Lot 15 150459	770	257
Lot 16 150459	770	257
Lot 17 150459	770	257
Lot 18 150459	770	257
Lot 19 150459	770	266
Lot 20 150459	770	266
Lot 21 150459	700	241
Lot 22 150459	700	235
Lot 23 150459	700	235
Lot 24 150459	700	241
Lot 25 150459	770	1065
Lot 26 150459	730	803
Lot 27 150459	660	194
Lot 28 150459	660	172
Lot 29 150459	660	172
Lot 30 150459	660	194
Lot 31 150459	660	191
Lot 32 150459	660	178
Lot 33 150459	660	178
Lot 34 150459	660	191
Lot 35 150459	770	310
Lot 36 150459	660	185
Lot 37 150459	660	185
Lot 38 150459	770	310
TOTALS	26,000	10,000

SCHEDULE B

EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND

1. INTERPRETATION

In this schedule B, unless the context otherwise requires:

"Act" means the *Body Corporate and Community Management Act 1997 (as amended)*;

"Body Corporate" means the Body Corporate created upon the establishment of the scheme;

REFERENCE 50407275
THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

40F11

"Building" means the building and other improvements constructed on the scheme land;

"Community Management Statement" means the Community Management Statement or any new Community Management Statements recorded or to be recorded in place of this Community Management Statement;

"Registered Proprietor" means The Port Heritage Resort Pty Ltd ACN 092 089 186;

"Scheme" means The Port Heritage Resort Community Titles Scheme comprising the Community Management Statement and the scheme land.

2. *This clause deleted intentionally.*

3. **MANAGEMENT STRUCTURE OF SCHEME**

3.1. The scheme does not form part of, nor is it intended to form part of, or be the basis of a layered arrangement of Community Title Schemes.

SCHEDULE C

SCHEME BY-LAWS

1. **DEFINITIONS AND INTERPRETATION**

1.1. The following definitions apply to words and expressions used in these by-laws (unless repugnant to the context):

"the Act" means the Body Corporate and Community Management Act 1997;

"appliances" includes swimming pool pumps, filters, chlorinators and associated equipment, elevators, television antennae and aerials, water closets and plumbing apparatus;

"body corporate manager" means the body corporate manager appointed by the body corporate pursuant to Part 6 of the Body Corporate and Community Management (Accommodation Module) Regulation 1997 and these by-laws;

"improvements" means all structures on scheme land including (without limitation) walls, awnings, verandahs, corridors, ceilings, staircases, pathways, gardens, swimming pools and car parks;

"manager" means the person who has been engaged as service contractor to provide caretaking services to the body corporate and who has been duly authorised by the body corporate to operate a letting agency business for the residential lots within the scheme;

"the manager's approval" means the manager's prior written approval, which may be withdrawn at any time, in the manager's absolute discretion;

"occupier" includes the owner of a lot and any other person who occupies the lot;

"the scheme" means the Port Heritage Resort Community Titles Scheme;

"scheme land" comprises all lots within the scheme and the common property;

REFERENCE 50407275

5 of 11

THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

"services" includes electricity, telephone, water supply and sewerage;

"vehicle" includes trailers, caravans, campervans, mobile homes and watercraft.

- 1.2. The singular includes the plural and the plural includes the singular. A reference to a gender includes reference to each other gender. A reference to a person includes a reference to a firm, corporation or other corporate body. A reference to a statute regulation or provision of a statute or regulation includes a reference to that statute, regulation or provision as amended or re-enacted from time to time. A reference to writing includes a reference to printing, typing and other methods of reproducing words in a visible form. Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have corresponding meanings. "Including" and similar expressions are not words of limitation.

2. NOISE

The occupier must not create noise likely to interfere with the peaceful enjoyment of a person lawfully occupying or visiting scheme land.

3. VEHICLES

- 3.1. Except as otherwise provided in these by-laws, the occupier must not, without the manager's approval:

- (a) park a vehicle, or allow a vehicle to stand, on the common property; or
- (b) permit an invitee to park a vehicle, or allow a vehicle to stand, on the common property.

4. OBSTRUCTION

The occupier must not obstruct or otherwise interfere with the lawful use of the common property by someone else.

5. DAMAGE TO LAWNS AND GARDENS

- 5.1 The occupier must not:

- (a) damage any lawn, garden, tree, shrub, plant or flower on the common property; or
- (b) use a part of the common property as a garden.

6. DAMAGE TO COMMON PROPERTY

- 6.1 The occupier must not, without the manager's approval, mark, paint, drive nails, screws or other objects into, otherwise damage or deface improvements.

7. BEHAVIOUR OF INVITEES

The occupier must take reasonable steps to ensure that the occupier's invitees do not behave in a way likely to interfere with the enjoyment of scheme land.

8. LEAVING OF RUBBISH ON THE COMMON PROPERTY

The occupier must not leave rubbish or other material on the common property in a way or place

REFERENCE 50407275

6 OF 11

THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

likely to interfere with the enjoyment of the common property by someone else.

9 APPEARANCE OF LOT

9.1 The occupier must not, without the manager's approval, make any changes to the appearance or improvements of the exterior of the lots.

9.2 The manager, in giving such approval, must ensure so far as practicable that any alteration to the improvements or the exterior of the lots is uniform and in keeping with existing improvements.

10 STORAGE OF FLAMMABLE MATERIALS

10.1 The occupier must not, without the manager's approval, store a flammable substance on scheme land.

10.2 By-law 10.1 does not apply to the storage of fuel in:

- (a) the fuel tank of a vehicle; or
- (b) a tank kept on a vehicle in which the fuel is stored under the requirements of the law regulating the storage of flammable liquid.

11 GARBAGE DISPOSAL

11.1 The occupier must:

- (a) comply with all local government local laws about disposal of garbage; and
- (b) not adversely affect the health, hygiene or comfort of any other person.

12 KEEPING OF ANIMALS

12.1 Except as provides in Section 143 of the Act, the occupier must not, without the manager's approval:

- (a) bring or keep an animal on scheme land; or
- (b) permit an invitee to bring or keep an animal on the scheme land.

13 AUTHORITY OF BODY CORPORATE TO CONTRACT

13.1 Pursuant to Part 6 – Body Corporate Managers, Service Contracts and Letting Agents of the Body Corporate and Community Management (Accommodation Module) Regulation 1997, the body corporate has the power to engage a body corporate manager and a service contractor and to authorize a letting agent for the lots in the scheme.

13.2 The body corporate's authority to appoint a caretaker service contractor and authorise a letting agent applies only to the proprietor or occupier (or his nominee) of lot 5 (or, if lot 5, as constituted at the date of adoption of these by-laws, should cease to exist, the authority of the body corporate hereby granted is given to the proprietor or occupier (or his nominee) of that part of the existing lot 5 (as at the date of adoption of these by-laws) that contains the reception area in the southern corner of the building facing Warner Street).

13.3 The body corporate has the power to:

REFERENCE 50407275

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THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

- (a) regulate the form and content of agreements, appointments or authorisations given or made between the proprietor or occupier of lot 5 (or his nominee) and the other proprietors;
- (b) prevent persons other than the proprietor or occupier of lot 5 (or his nominee) from acting as letting agent or providing caretaking services and other services or conducting businesses such as a booking agency business, car and bike hire;
- (c) provide exclusivity to the proprietor or occupier of lot 5 (or his nominee) in respect of contracts entered into and authorisations granted to him.

14 CORRESPONDENCE

- 14.1 All correspondence relating to finance and administration under the Act must be directed to the body corporate manager.
- 14.2 All correspondence and enquiries concerning the letting of units, caretaking and maintenance must be directed to the manager.

15 RIGHTS OF ENTRY

- 15.1 The occupier must allow the manager and contractors engaged by him or by the body corporate access to the lot, without the need for any notice, for any one or more of the following purposes:
 - (a) repairs to and maintenance of improvements;
 - (b) the installation of services and appliances;
 - (c) repairs to and maintenance of services and appliances;
 - (d) the refurbishment of the improvements;
 - (e) the refurbishment or replacement or repairs to furniture and interior décor;
 - (f) any other purpose incidental to the proper management of the scheme.
- 15.2 Paragraphs (d) and (e) of By-law 15.1 do not relate to the occupier(s) of lots 25 and 26.

16 DISPLAY UNIT

- 16.1 While The Port Heritage Resort Pty Ltd remains a proprietor of a lot, it is entitled to use any lot which it owns as a display unit and is entitled to allow prospective purchasers to inspect the display unit.
- 16.2 The Port Heritage Resort Pty Ltd is entitled to use advertising signs and display material in or about the display unit and common property as it thinks fit.

17 INSTALLATION OF APPLIANCES

- 17.1 The occupier must not without the consent of the manager, alter, install or erect appliances on scheme land.

REFERENCE 50407275
THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

8 OF 11

18 PAYMENT OF LEVIES AND RECOVERY OF COSTS

- 18.1 If a contribution levied under the Act is unpaid 30 days after payment falls due the amount of the unpaid contribution will bear interest at the rate of 12% per annum or such other rate determined by the body corporate by ordinary resolution in general meeting.
- 18.2 If at the time a person becomes a proprietor of a lot another person is liable in respect of the lot to pay interest on a contribution the proprietor is jointly and severally liable with the other person for the payment of the interest.
- 18.3 The body corporate manager is hereby authorised to take such steps as it deems necessary to recover body corporate levies, including issuing legal proceedings on behalf of the body corporate.
- 18.4 If the body corporate manager incurs costs and expenses in recovering levies (including *solicitor and own client* legal costs and collection agency costs), on its own account or on behalf of the body corporate, such costs, expenses, as well as all interest calculated on overdue contributions shall be deemed to be a liquidator debt owed to the body corporate by the person who has defaulted.

19 POWER OF MANAGEMENT COMMITTEE

- 19.1 The management committee may from time to time make rules relating to the common property, and alter those rules as it sees fit, as long as the rules are not inconsistent with these by-laws.
- 19.2 The occupier must observe rules made by the committee pursuant to this by-law.
- 19.3 A general meeting of the body corporate may by ordinary resolution alter or revoke any rule made by the management committee.

20 SWIMMING POOLS

- 20.1 The manager is hereby authorised to make rules relating to the use of the swimming pools and the behaviour of persons using the swimming pools, and to alter such rules from time to time.
- 20.2 The management committee may alter or revoke rules made the manager pursuant to By-law 20.1.

21 USE OF LOTS

- 21.1 The occupier must not use a lot or permit the same to be used for the purposes of:
- (a) conducting a letting business;
 - (b) the provision of caretaking services;
 - (c) the conduct of any business connected with real estate services, tour booking services, care hire services, bicycle hire services or any other ancillary service.
- 21.2 By-law 21.1 does not apply to:
- 21.2.1 the Manager; and

REFERENCE 50407275

9 OF 11

THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

- 21.2.2 the occupier(s) of lots 25 and 26 except that the occupier(s) of those lots will not be permitted to conduct tour booking services or those activities which, in the terms of by-law 13, the body corporate has authorised the proprietor or occupier (or his nominee) of lot 5 to perform.
- 21.3 The occupier must not use a lot or permit the same to be used for the purpose of serving alcoholic beverages.
- 21.4 By-law 21.3 does not apply to the manager.
- 21.5 Subject to by-law 21.2:-
- 21.5.1 the proprietor and occupier of lot 5 may make use of that lot for commercial and/or residential purposes; and
- 21.5.2 the proprietor and occupier of lots 25 and 26 may make use of either or both of those lots for commercial and/or retail purposes.
- 22 PABX**
- 22.1 The manager is entitled to operate and connect a PABX system to service all lots in the scheme and is entitled for this purpose to run cabling and wiring associated with the system across common property.
- 22.2 The body corporate and occupiers must not interfere with the operation of the PABX system by the manager.
- 23 EXCLUSIVE USE**
- 23.1 Subject to by-law 23.2 the proprietor of lot 9 shall be entitled to the exclusive use of the area marked on the Sketch Plan referred to in Schedule E of this Community Management Statement.
- 23.2 The exclusive use granted to the proprietor of lot 9 is subject to rights of access granted to service and maintain utility infrastructure and utility services.
- 24 SEVERABILITY**
- 24.1 Each word, phrase, sentence, paragraph and clause ("a provision") of these by-laws is severable.
- 24.2 If a court determines that a provision is unenforceable, illegal or void then the court may sever the provision which:
- (a) becomes inoperative; and
- (b) does not affect the other provisions of these by-laws.
- 25. NAMING RIGHTS**
- 25.1 The Manager may erect signage on and about the common property displaying the name "Outrigger Heritage Port Douglas" or such other name as the committee for the Body Corporate may approve from time to time.
- 25.2 The size, specification and whereabouts of the Manager's signage may be determined by

REFERENCE 50407275

10 of 11

THE PORT HERITAGE RESORT COMMUNITY TITLES SCHEME

the Body Corporate Committee.

SCHEDULE D**OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

There are no new service easements affecting Lot 4 on SP168541 and Lot 5 on SP168541. No Service Location Diagram is required.

SCHEDULE E**DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

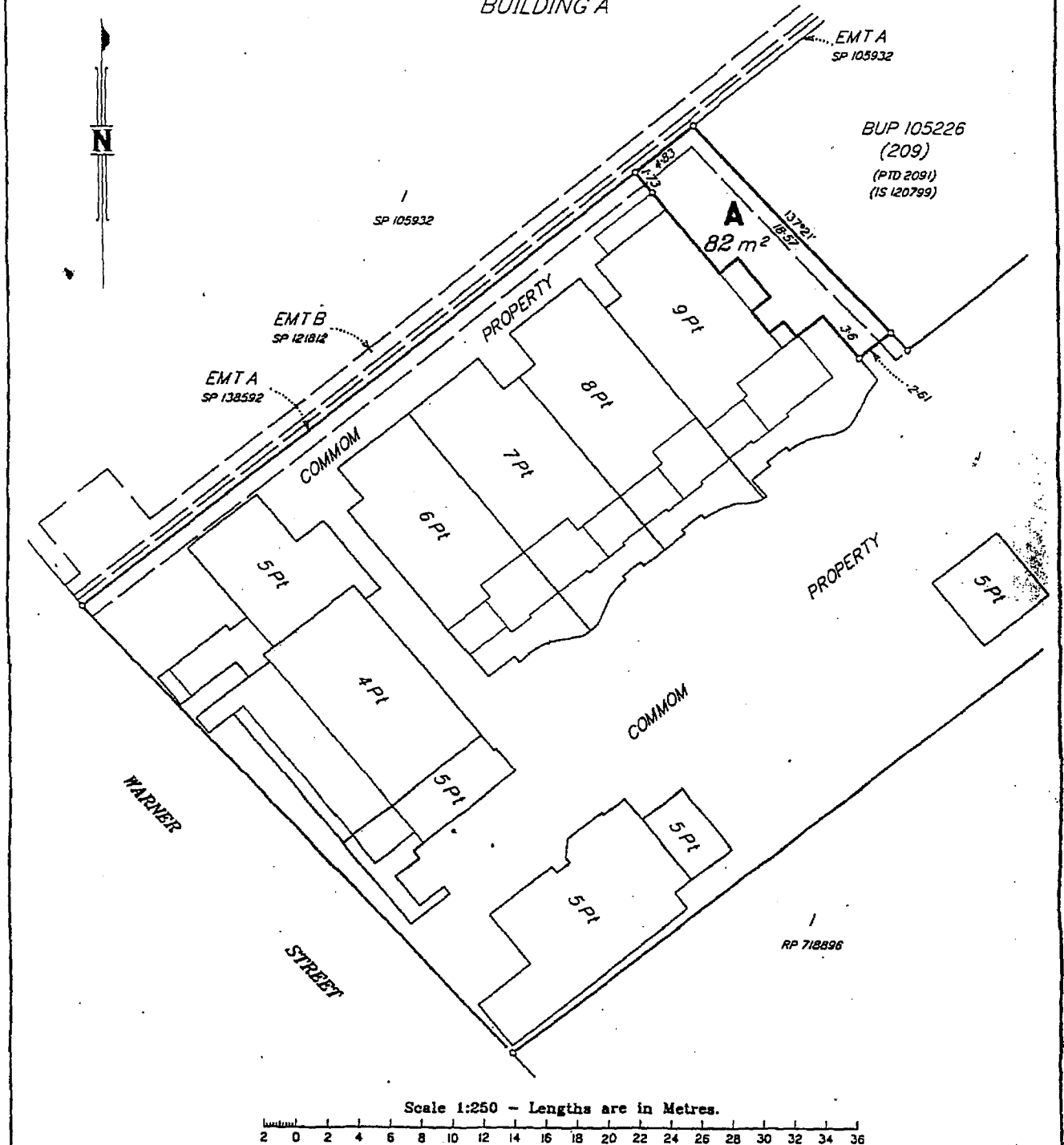
Lot	Exclusive Use Areas
Lot 9 on SP 150459	Area "A" on sketch 61598-3

REFERENCE 50407275

PAGE 11 OF 11
SHEET ___ OF ___

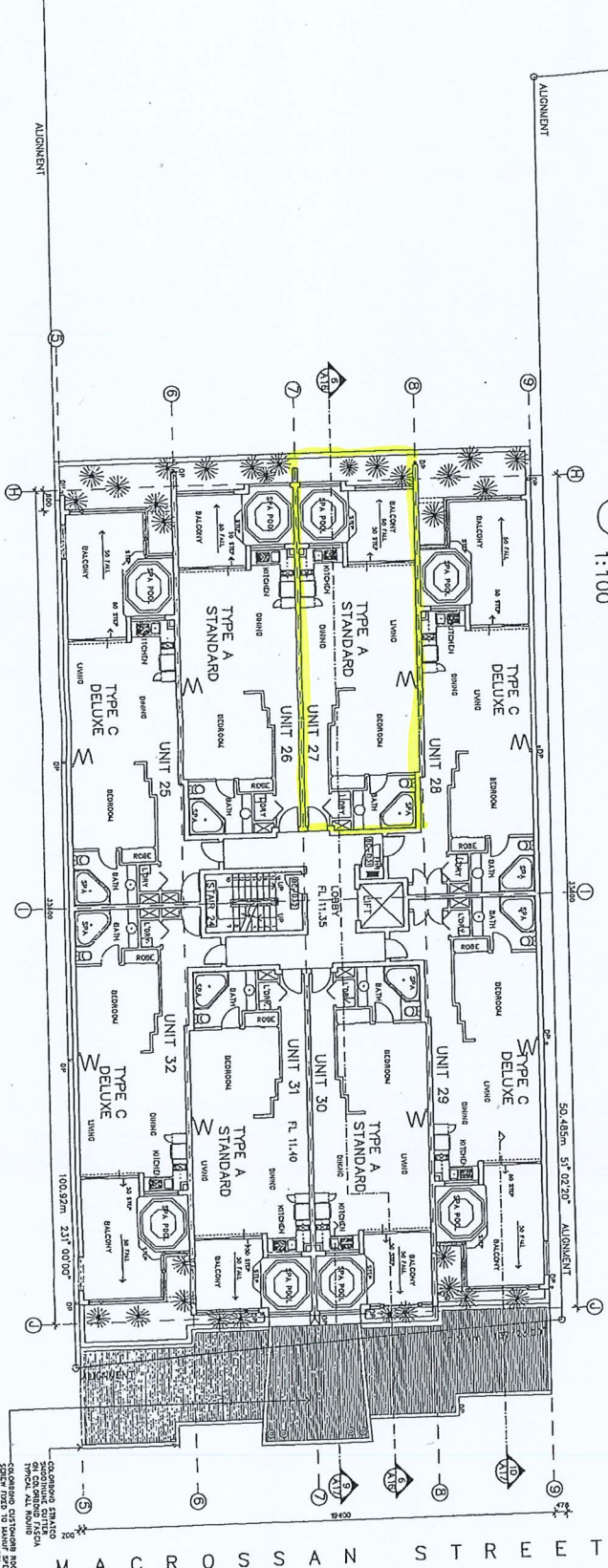
LEVEL B

BUILDING A

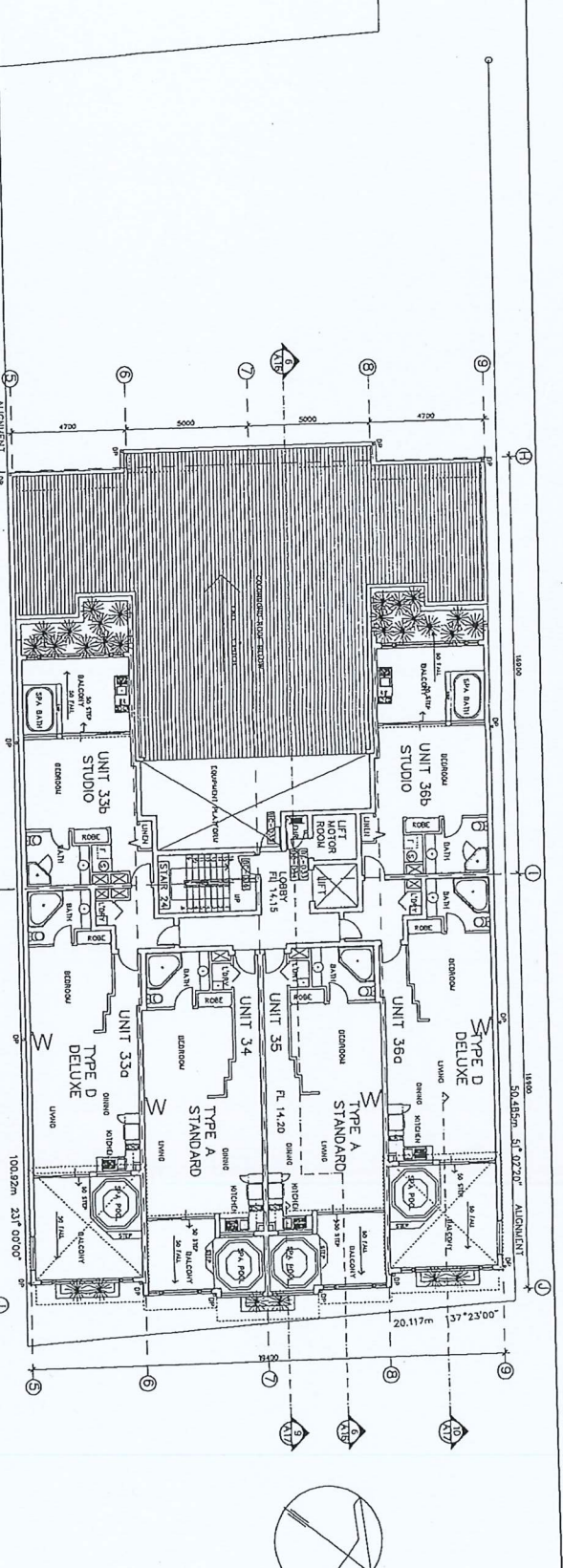


THE FOLLOWING PLAN AND SECTION OF BUILDING SHALL BE CONSIDERED AS A PART OF THE PROJECT.	
NO.	DESCRIPTION
1	GENERAL NOTES
2	GENERAL NOTES
3	GENERAL NOTES
4	GENERAL NOTES
5	GENERAL NOTES
6	GENERAL NOTES
7	GENERAL NOTES
8	GENERAL NOTES
9	GENERAL NOTES
10	GENERAL NOTES
11	GENERAL NOTES
12	GENERAL NOTES
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99	GENERAL NOTES
100	GENERAL NOTES

LEVEL 3
1:100



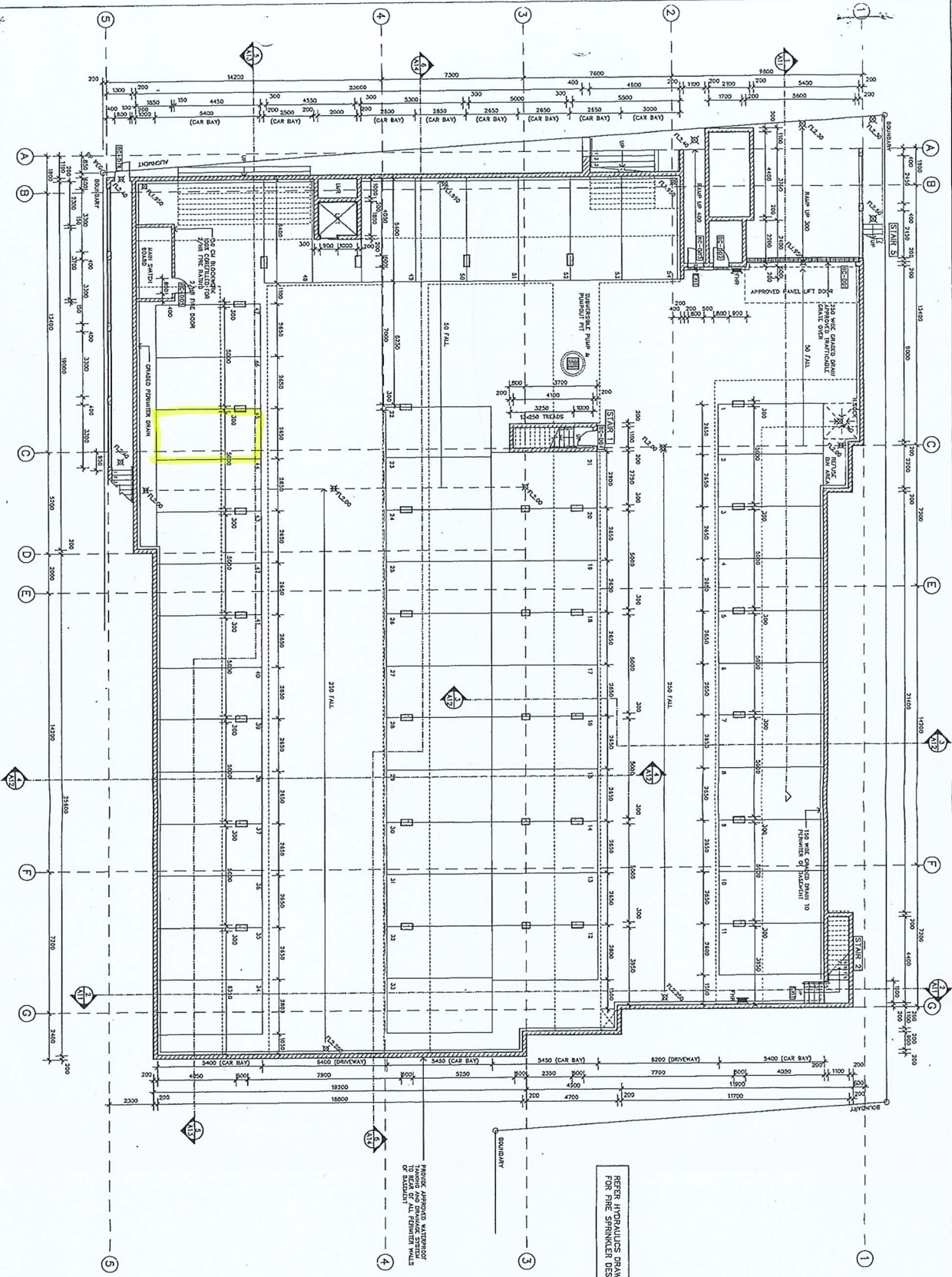
LEVEL 4
1:100



LEVEL 3 & 4 MACROSSAN
WARNER &
MACROSSAN STS
PORT DOUGLAS
03.03.00
A08c

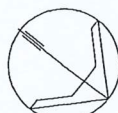
LEVEL 1 (BASEMENT)

SCALE 1:100



REFER HYDRAULICS DRAWINGS
FOR FIRE SPRINKLER DESIGN

PROVIDE APPROVED WATERPROOFING
TO BEHIND OF ALL PERIMETER WALLS
OF BASEMENT



<p>DATE: 14 MARCH 2024 BY: J. L. W. (JLW) CHECKED: J. L. W. (JLW) APPROVED: J. L. W. (JLW)</p>		<p>DATE: 14 MARCH 2024 BY: J. L. W. (JLW) CHECKED: J. L. W. (JLW) APPROVED: J. L. W. (JLW)</p>	
<p>PROJECT: "PORT HERITAGE" WARNER & MACROSSAN STREETS, PORT DOUGLAS.</p>		<p>PROJECT: "PORT HERITAGE" WARNER & MACROSSAN STREETS, PORT DOUGLAS.</p>	
<p>LEVEL 1 - WARNER</p>		<p>LEVEL 1 - WARNER</p>	
<p>DATE: 03.03.00</p>		<p>DATE: 03.03.00</p>	
<p>BY: A 02</p>		<p>BY: A 02</p>	

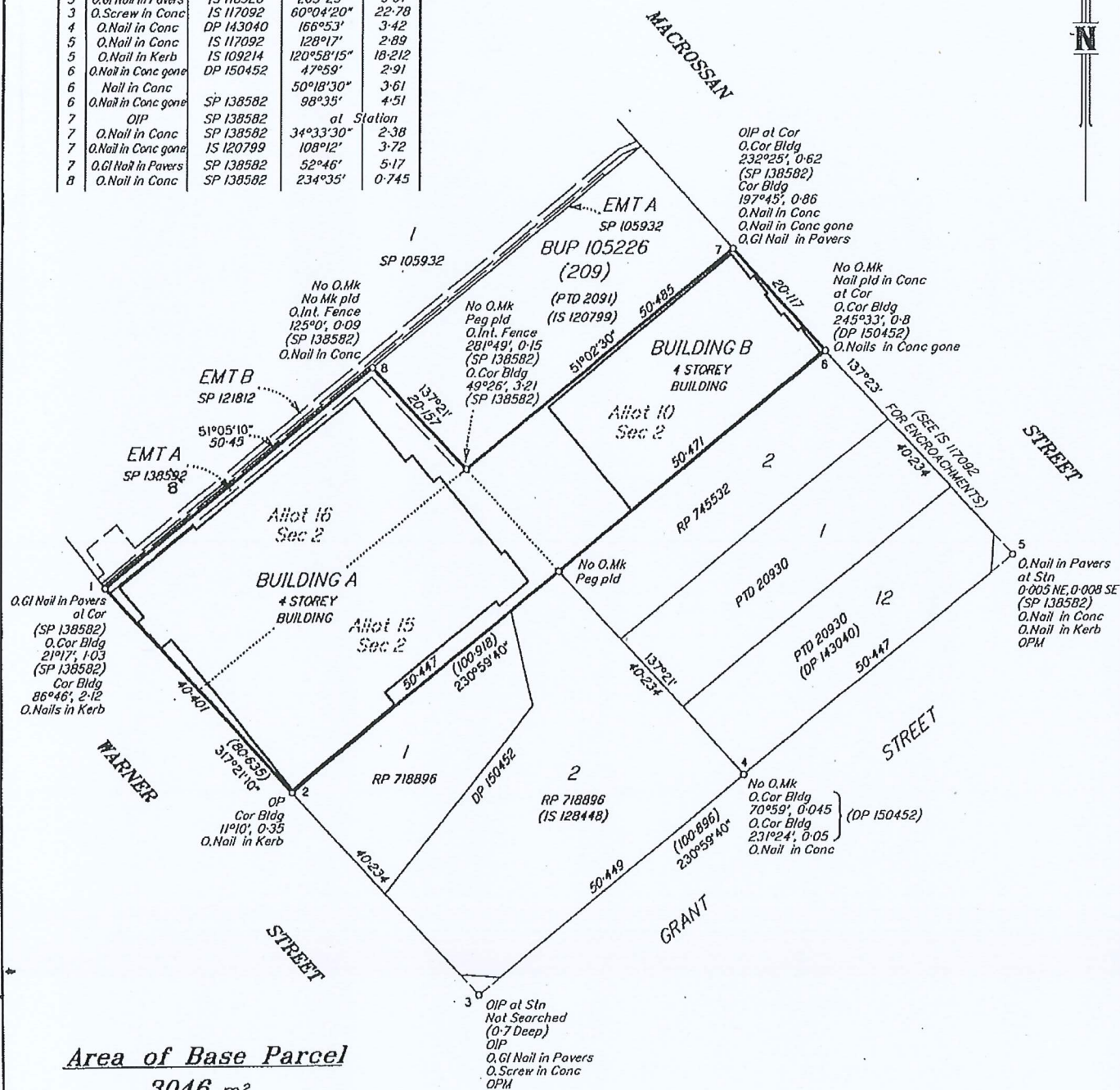
SURVEY PLAN

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	O.Nail in Kerb	SP 138582	215°16'	4.41
1	O.Nail in Kerb	SP 105932	231°51'	25.58
2	O.Nail in Kerb	SP 138582	211°59'30"	5.2
3	OIP 0.7 deep (Not Searched)	RP 718896	at Station	
3	OIP	SP 105932	245°20'	7.96
3	O.Gl Nail in Pavers	IS 118328	205°29'	9.01
3	O.Screw in Conc	IS 117092	60°04'20"	22.78
4	O.Nail in Conc	DP 143040	166°53'	3.42
5	O.Nail in Conc	IS 117092	128°17'	2.89
5	O.Nail in Kerb	IS 109214	120°58'15"	18.212
6	O.Nail in Conc gone	DP 150452	47°59'	2.91
6	Nail in Conc		50°18'30"	3.61
6	O.Nail in Conc gone	SP 138582	98°35'	4.51
7	OIP	SP 138582	at Station	
7	O.Nail in Conc	SP 138582	34°33'30"	2.38
7	O.Nail in Conc gone	IS 120799	108°12'	3.72
7	O.Gl Nail in Pavers	SP 138582	52°46'	5.17
8	O.Nail in Conc	SP 138582	234°35'	0.745

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO
3-OPH	SP 105932	261°29'15"	33.725	39989
5-OPH	PTD 20930	84°06'25"	42.028	1142

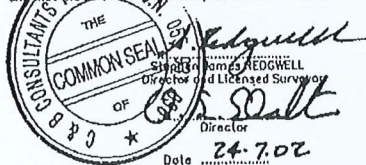


Area of Base Parcel
3046 m²

Scale 1:800 - Lengths are in Metres.



C & B CONSULTANTS PTY LTD ACN 055 931 096
hereby certify that the Company has surveyed the land
comprised in this plan by MARK PETER STOPFORD,
Licensed Surveyor and Mark Gregory FERRERO,
Surveying Associate, for whose work the company
accepts responsibility, that the plan is accurate, that the
survey was carried out in accordance with the
Surveyors Act 1992 and the Surveyors Regulation 1992
and that the survey was completed on 16-7-2002.



Plan of

**Lots 4-38 &
Common Property**
Cancelling Lot 210 on SP 138582

PARISH: **SALISBURY** COUNTY: **Solander**

Meridian: SP 105932

F/N's: NO

Scale: **1:600**

Format: **BUILDING**



SP150459

Plan Status:

State copyright reserved.

705910144

\$2285.85
29/08/2002 13:08

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Registered

5. Lodged by

MILLER HARRIS CS 715
15 Wake St,
CAIRNS Q 4870
Ph 4

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

✓ We THE PORT HERITAGE RESORT PTY LTD
A.C.N. 092 089 186

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use
Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees

THE PORT HERITAGE RESORT PTY LTD
A.C.N. 092 089 186

* Rule out whichever is inapplicable

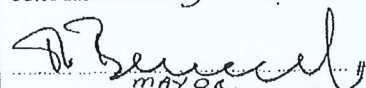
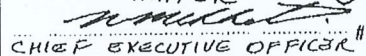
2. Local Government Approval.

* DOUGLAS SHIRE COUNCIL

hereby approves this plan in accordance with the:

%

Integrated Planning Act 1997

Dated this Twenty First day of August 2002

 Mayor

 CHIEF EXECUTIVE OFFICER
* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or
Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement:

CMS Number: 30573

Name: THE PORT HERITAGE RESORT

4. References:

Dept File:
Local Govt:
Surveyor: 61598

6. Existing

Title Reference	Lot	Plan	Lots	Emts	Road
50365430	210	SP 138582	4-38 & Common Property		

Created

MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
704989281	4-38 & Common Property	
704989289	4-38 & Common Property	
705011663	4-38 & Common Property	

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
705005779	Common Property

Amendments by C&B Consultants Pty Ltd

ACN 055 931 096

Date:- 10.9.02 S. Redgwell

Director/Licensed Surveyor

Amendments by C & B Consultants Pty Ltd

ACN 055 931 096

Date:- 5.9.02

S. Redgwell

Director/Licensed Surveyor

SEC 2

ALLOT 10	5, 21-38
ALLOT 15	4-25, 27-38
ALLOT 16	4-18, 25 & 26

Orig

Lots

7. Portion Allocation:

8. Map Reference:

7965-22231

9. Locality:

PORT DOUGLAS

10. Local Government:

DOUGLAS SHIRE COUNCIL

11. Passed & Endorsed:

By: C & B CONSULTANTS PTY LTD

Date: 24.7.02

Signed: S. Redgwell

Designation: LICENSED SURVEYOR

12. Building Format Plans only.

I certify that:

* As far as it is practical to determine, no part
of the building shown on this plan encroaches
onto adjoining lots or road;* Part of the building shown on this plan
encroaches onto adjoining lots and roadS. Redgwell 24.7.02
Licensed Surveyor/Director Date

* delete words not required

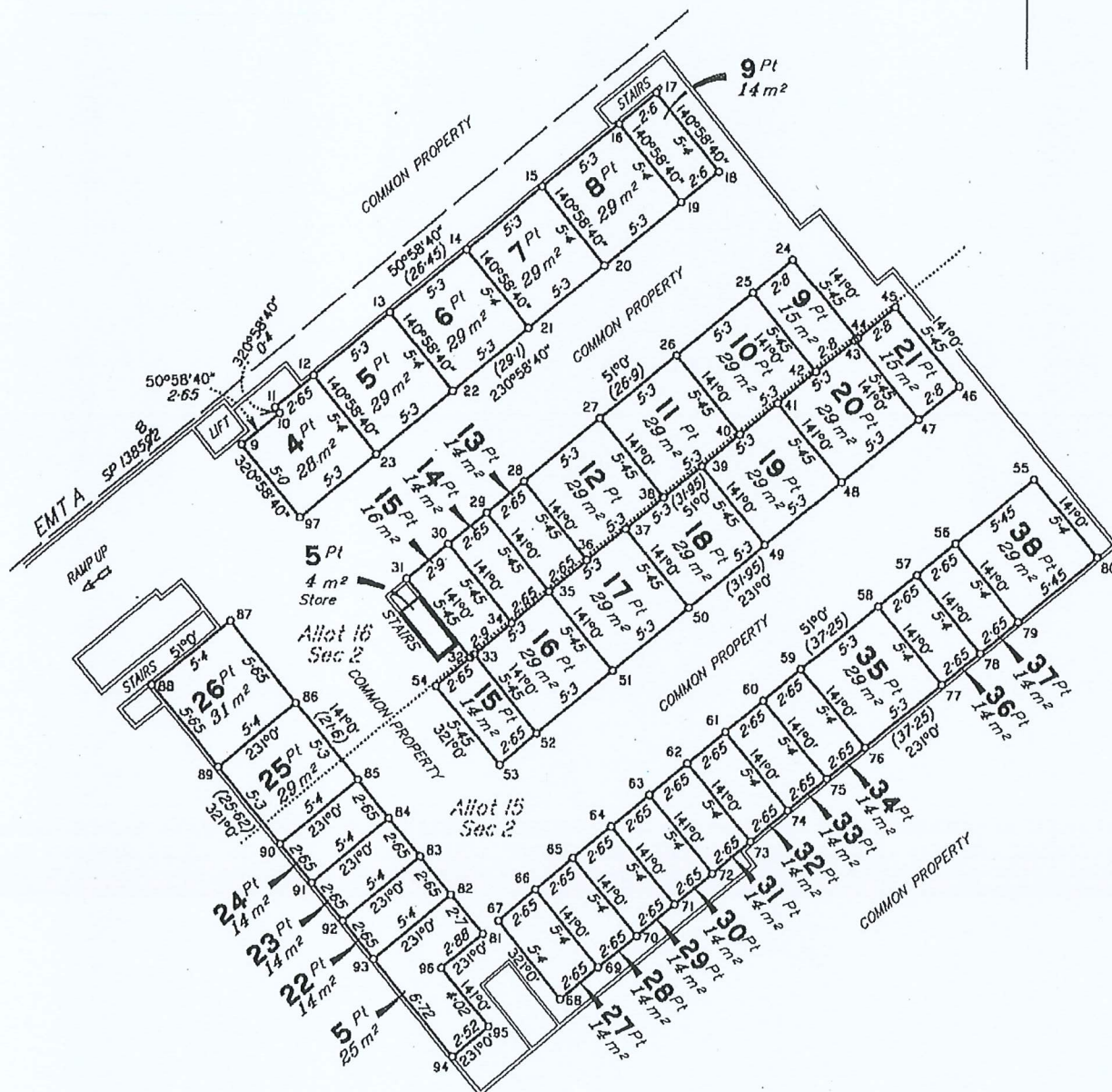
13. Lodgement Fees:

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

14. Insert
Plan
Number

SP150459

BUILDING A
LEVEL A
BASEMENT - GARAGES

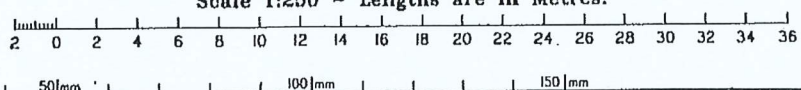


*Drill hole placed in concrete at
stations 9, 10, 18-72, 81-87, 96 & 97.*

*Nail placed in concrete at
stations 11-17, 73-80 & 88-94.*

Centre GIFF at station 95.

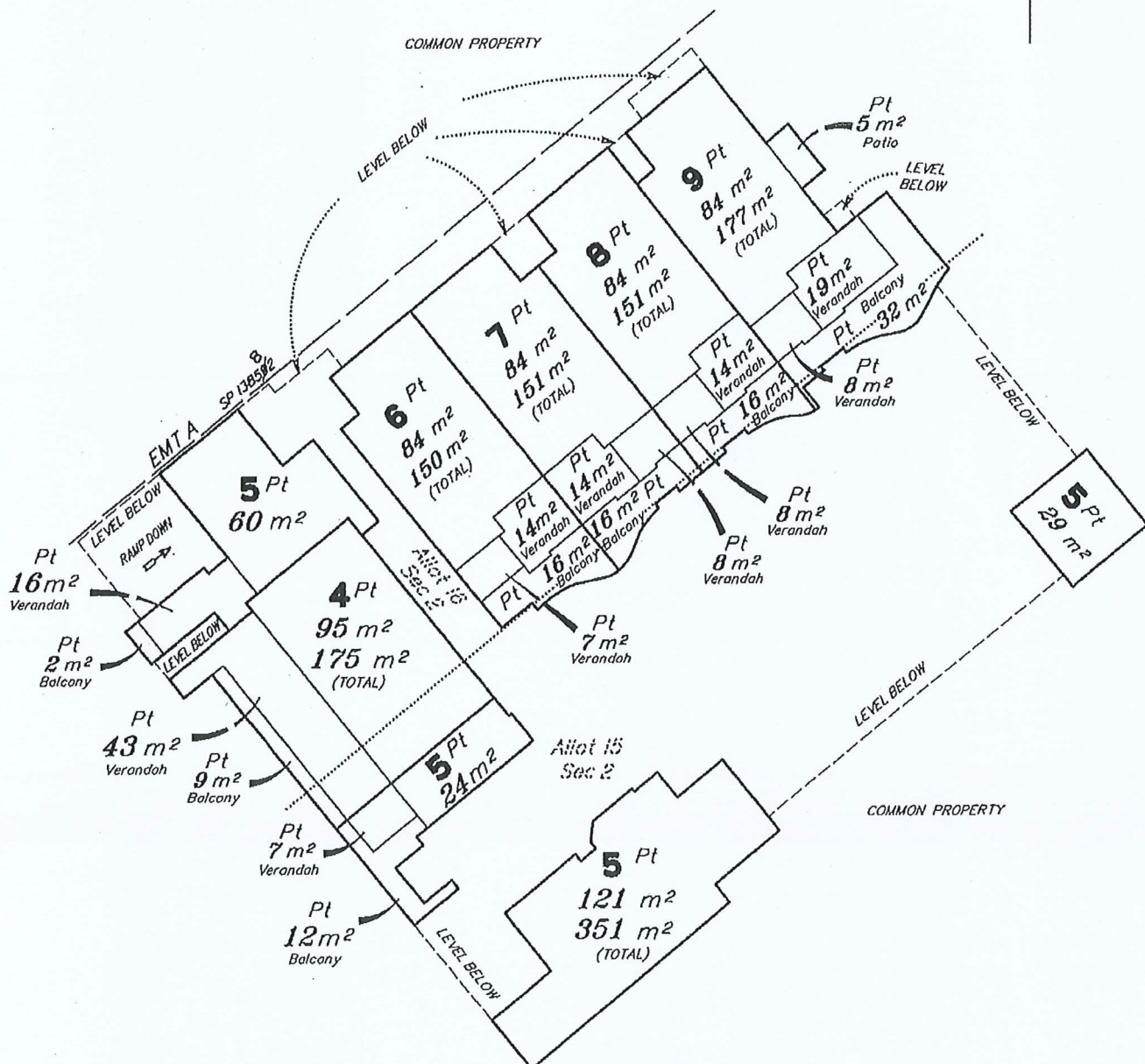
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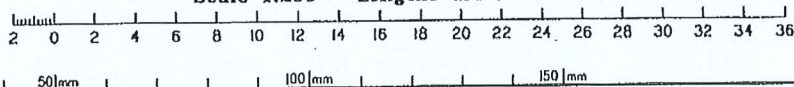
Stole copyright reserved.

Insert
Plan
Number **SP150459**

BUILDING A
LEVEL B



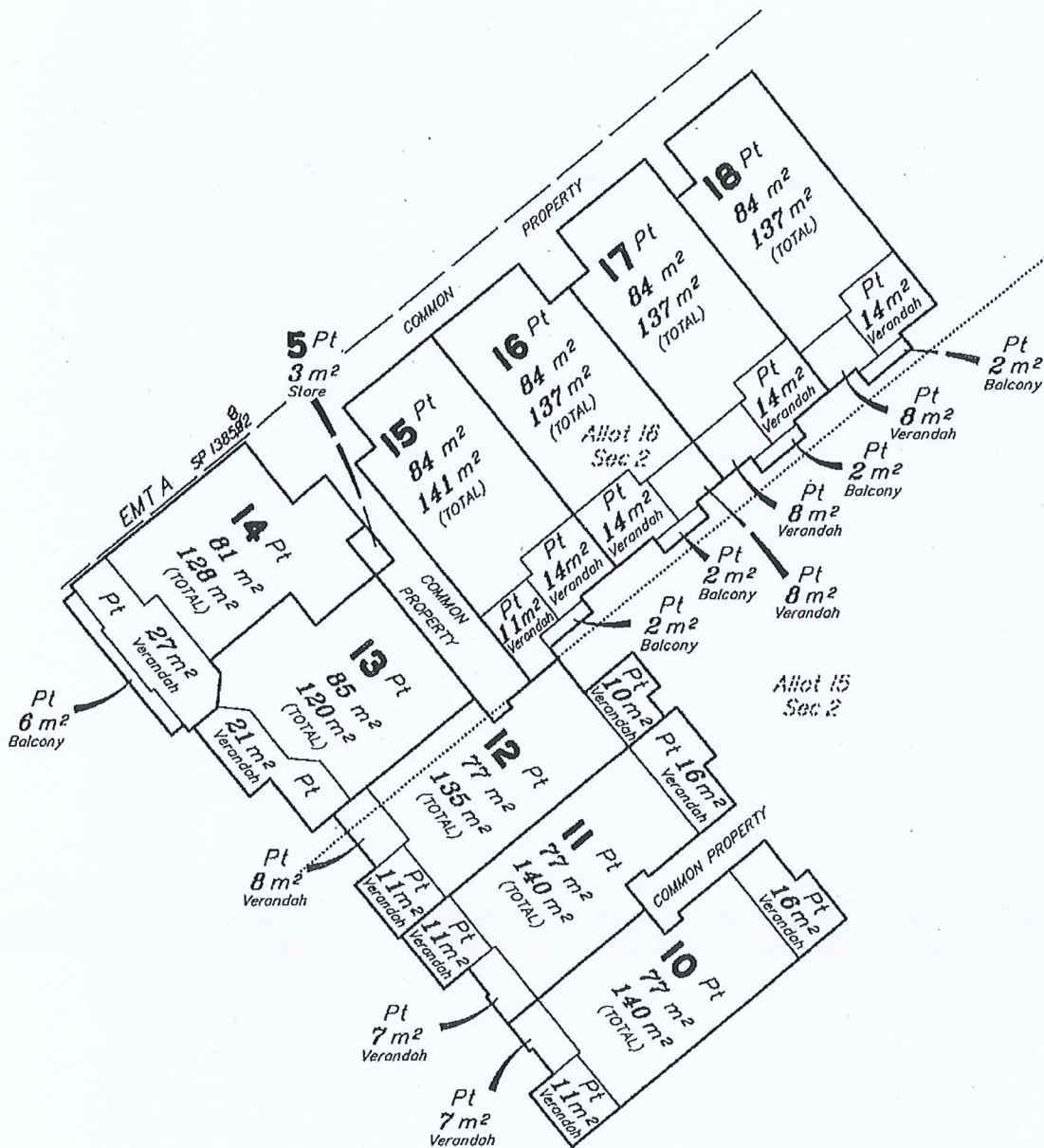
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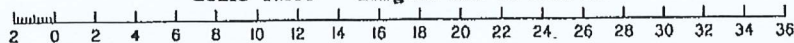
State copyright reserved.

Insert Plan Number **SP150459**

BUILDING A
LEVEL C



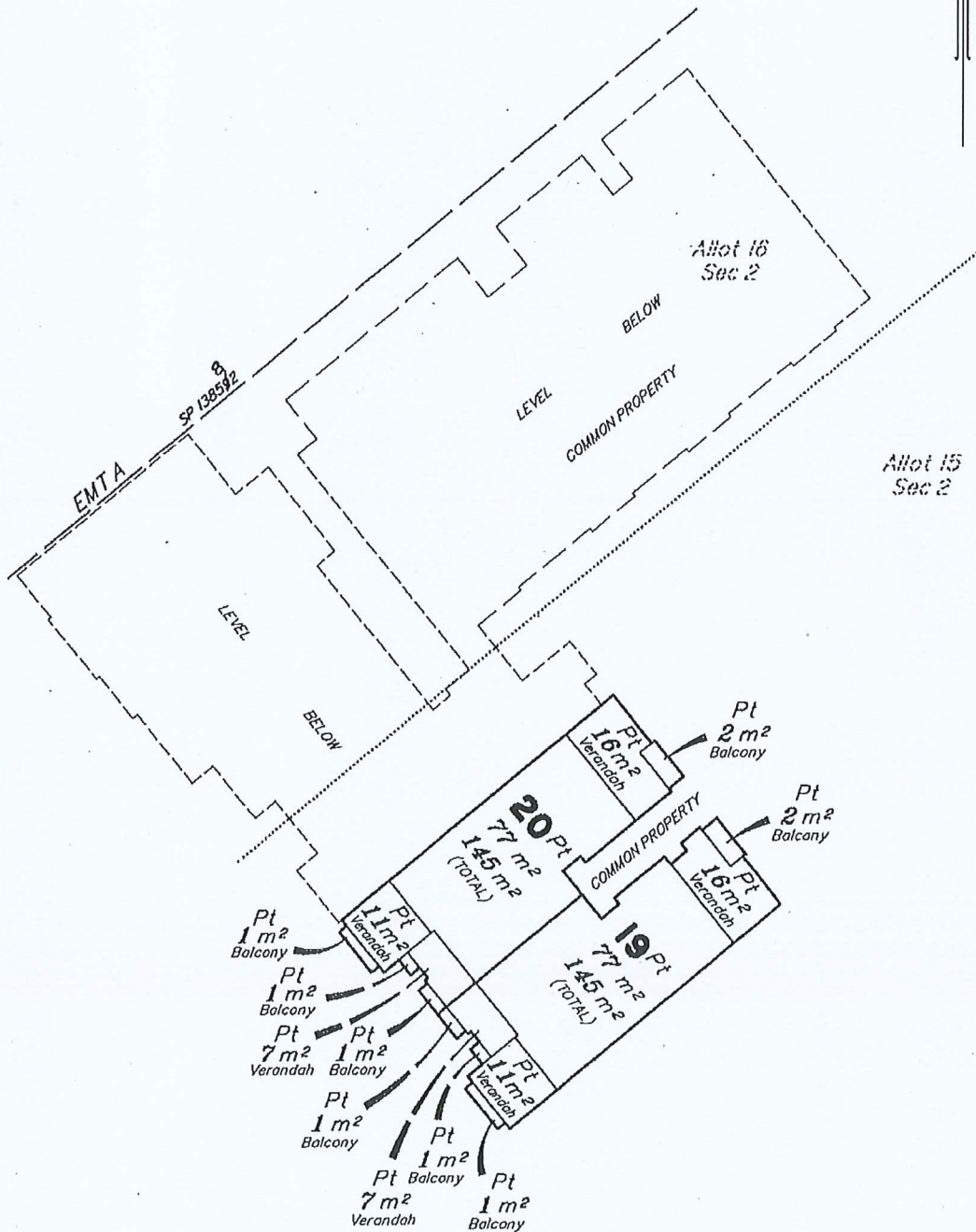
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Insert Plan Number **SP150459**

BUILDING A
LEVEL D



Scale 1:250 - Lengths are in Metres.

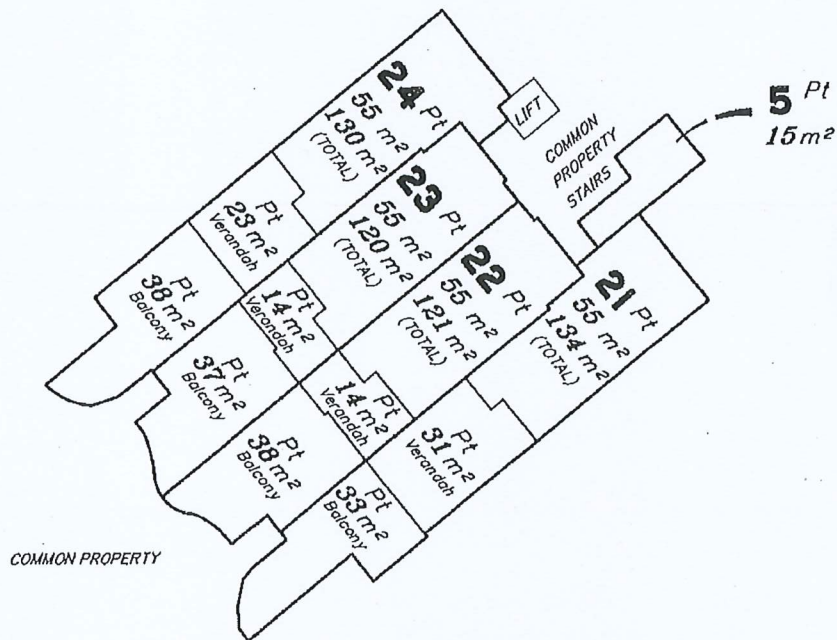
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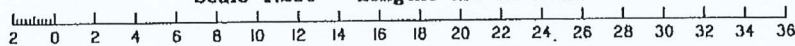
State copyright reserved.

Insert Plan Number **SP150459**

BUILDING B
LEVEL A



Scale 1:250 - Lengths are in Metres.



State copyright reserved.

Insert Plan Number **SP150459**

BUILDING B

LEVEL B



BUP 105226
(209)
(PTD 2091)

MACROSSAN

STREET

Pt
7 m²
Patio

Pt
13 m²
Patio

26 Pt
238 m²
271 m²
(TOTAL)

25 Pt
297 m²
339 m²
(TOTAL)

PROPERTY

LIFT

STAIRS

COMMON

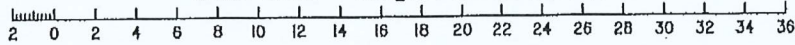
LEVEL
BELOW

LEVEL
BELOW

2

RP 745532

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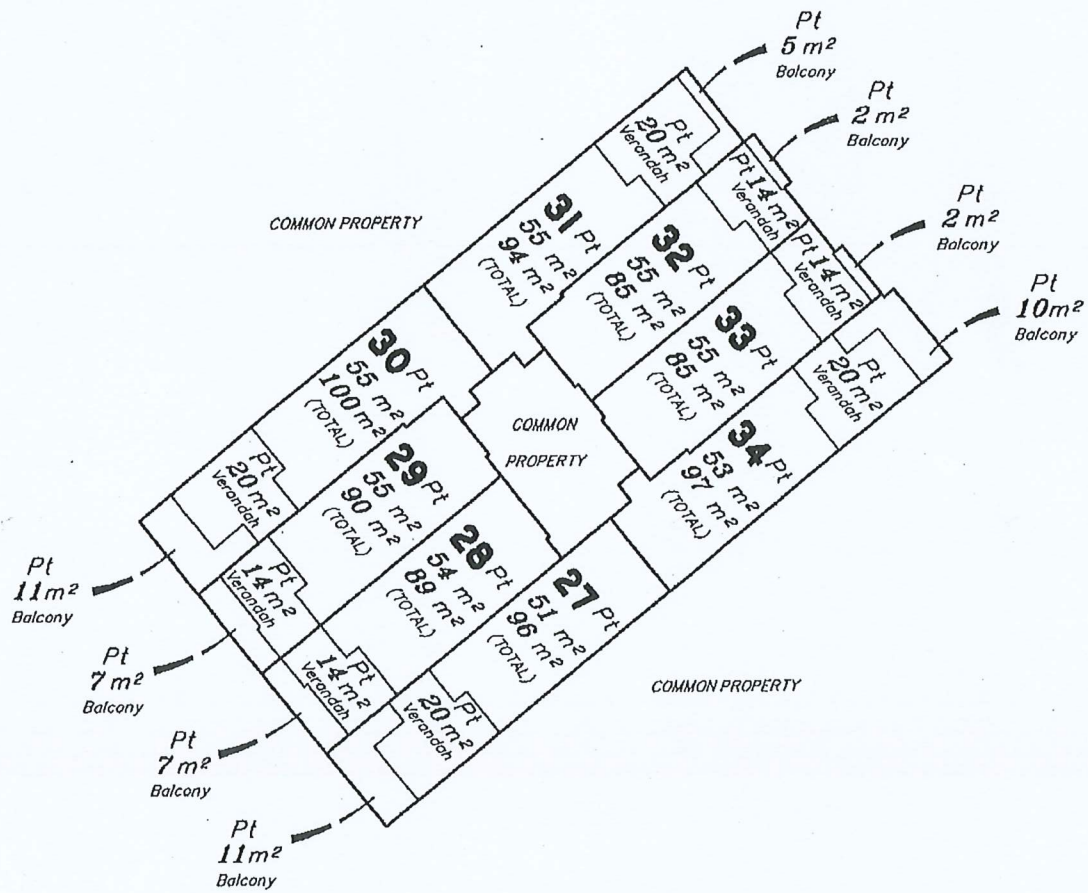


State copyright reserved.

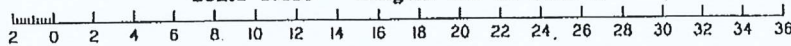
Insert
Plan
Number

SP150459

BUILDING B
LEVEL C



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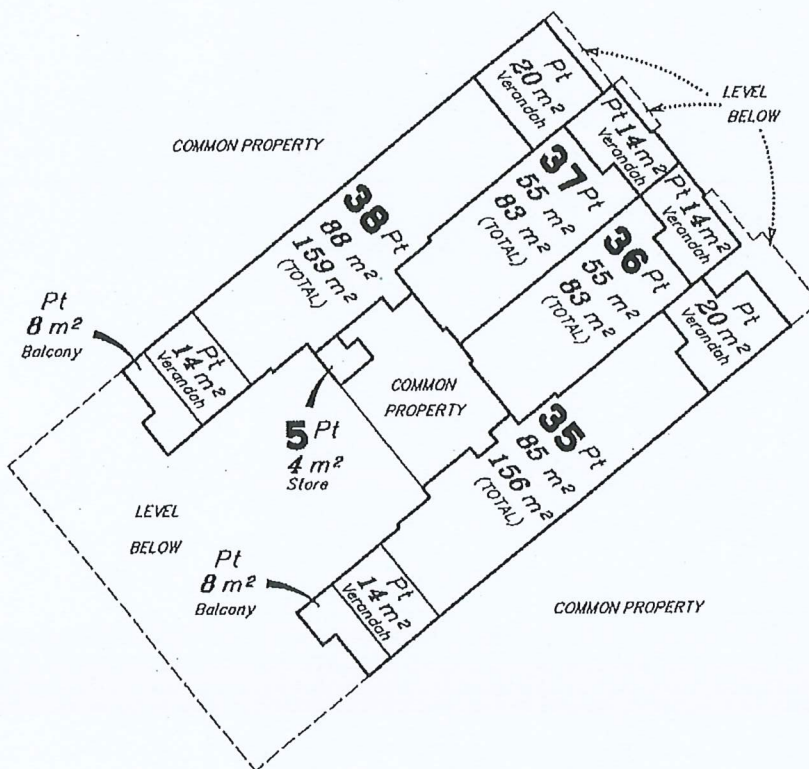


State copyright reserved.

Insert Plan Number
SP150459

BUILDING B

LEVEL D



Scale 1:250 - Lengths are in Metres.

2 0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36

50mm 100mm 150mm

State copyright reserved.

Insert
Plan
Number

SP150459

**Registration Confirmation
Statement**

Lodger Code: EL 795D

MARINO LAWYERS PORT DOUGLAS
PO BOX 57
PORT DOUGLAS QLD 4877

Title Reference:	50407301
Lodgement No:	5107069
Office:	ELECT LODGEMENT

*This is the current status of the title as at 12:54 on 21/07/2021***ESTATE AND LAND**

Estate in Fee Simple

LOT 29 SURVEY PLAN 150459
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 30573**REGISTERED OWNER**

Dealing No: 720934338 13/07/2021

WLT INVESTMENTS PTY LTD A.C.N. 650 215 544 TRUSTEE
UNDER INSTRUMENT 720934338**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332031 (ALLOT 15 SEC 2)
Deed of Grant No. 10332035 (ALLOT 16 SEC 2)
Deed of Grant No. 10332073 (ALLOT 10 SEC 2)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

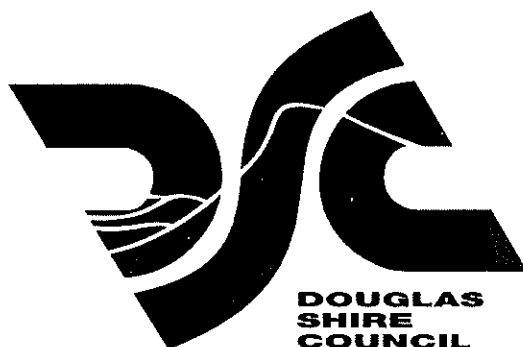
NIL

DEALINGS REGISTERED

720934338 TFR TO TTEE 1307202101

** End of Registration Confirmation Statement **

Registrar of Titles and Registrar of Water Allocations



ENQUIRIES: Mr Malcolm Hardy
DEPARTMENT: Planning Services – (07) 4099 9450

OUR REF: 123100 MRH.sej
YOUR REF:

00/...

The Port Heritage Resort Pty Ltd
PO Box 5045
CAIRNS QLD 4870

TOWN PLANNING DEVELOPMENT PERMIT

Application Number: 1016
Permit Number: TPC 1016
Date of Issue: 23 January 2001

Real Property Description : Lots 210, 215 & 216 on PTD 2091,
Parish of Salisbury, County of Solander.

Postal Address of Land : 21 Macrossan Street and 16-18 Warner Street,
PORT DOUGLAS QLD 4871

Nature of Existing Use :

Council Meeting : 12 December, 2000.

Nature of Approved Use : Caretaker's Residence, 4 Shops, 1 Restaurant/Bar, 16
Single-Key Multiple Dwelling (Tourist) Units and 15 Twin-
Key Multiple Dwelling (Tourist) Units

...2/.

Conditions of Approval:

That the Council resolve that the changed application contains only changes which would not be likely to attract a submission objecting to the thing comprising the change, if the notification stage had applied to the change and can be considered pursuant to Section 3.2.10 of the Integrated Planning Act.

That the Council resolve to relax so much of the scheme requirements as necessary to allow its favourable consideration of the application.

That the applicant, referral agency and submitters be advised Council resolved to issue a Development Permit after the expiry of the appeal period, for Caretaker's Residence, 4 Shops, 1 Restaurant/ bar, 16 single key Multiple Dwelling (Tourist) Units and 15 twin key Multiple Dwelling (Tourist) Units on Lots 210, 215 & 216 on PTD 2091, Parish of Salisbury, located at 21 Macrossan Street and 16-18 Warner Street, PORT DOUGLAS, subject to the following conditions:

ASSESSMENT MANAGER

1. Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme and this development permit.
2. The provisions of the Integrated Planning Act, the Building Code of Australia, the Fire Safety Act, the Health Act, the Food Act 1981 and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
3. Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Code of Australia, Council's Local laws and the Shire of Douglas Planning Scheme where applicable and generally in accordance with the approved plans, which are described as follows:

PAC Architects Drawing SK01C, Level 1, Warner, dated October, 2000;
PAC Architects Drawing SK02D, Level 2, Warner, dated November, 2000;
PAC Architects Drawing SK03C, Level 3, Warner, dated November, 2000;
PAC Architects Drawing SK04C, Level 4, Warner, dated November, 2000;
PAC Architects Drawing SK05E, Levels 1, Macrossan St., dated 03 November, 2000;
PAC Architects Drawing SK06D, Levels 2, Macrossan St., dated 03 November, 2000;
PAC Architects Drawing SK07D, Levels 3 and 4, Macrossan, dated 03 November, 2000;
PAC Architects Drawing SK08A, Elevations, dated 03 November, 2000;
PAC Architects Drawing SK09A, Section, dated 09 October, 2000; and
PAC Architects Drawing SK10A, Details, dated 14 November, 2000,

subject to the following amendment:

- Plot ratio for the entire development be reduced from the calculated 1.17 to 1.10.
4. The issue of this development permit in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Development Permit, Building Work.
 5. This development permit shall lapse upon the expiry of four (4) years from the date of issue, unless the approved uses are substantially commenced.

CAR PARKING & ACCESS

6. All car parking (including car parking within Warner Street) shall be provided in accordance with the approved plans. All car parking, driveway and vehicular manoeuvring areas shall be sealed, drained, line marked and maintained to the requirements and satisfaction of the Council, or its delegated officer at all times during the operation of the uses.
7. All car parking spaces, manoeuvring spaces and ingress/egress arrangements shall be designed and maintained to the requirements of the relevant Australian Standard(s).
8. The applicant shall provide a sign at the Macrossan Street frontage of the development advising of the location of the off-street car parking area and access thereto. Details of the signage and the proposed location of the sign, shall be submitted to the Council prior to the issue of a development permit for building work and be approved by the Council or its delegated officer, with or without amendment.
9. (a) The applicant shall submit a report prepared by a qualified engineer on the basement car parking. The report shall be approved with or without amendment by the Council or its authorised officer prior to the issue of a development permit for building work. The report shall address the following matters:
 - Construction techniques.
 - De-watering and pumping equipment to be installed.
 - Details of the satisfactory disposal of water.
 - That the basement is impervious to water.
 - Any effects the basement may have on adjoining properties.
 - The method of ventilation.(b) The ingress and egress of the basement car park shall be designed to prevent flood waters entering the car park.
10. The Council has assessed the development as having a shortfall in car parking, but consents to such shortfall subject to the applicant making a cash contribution towards the provision of additional public car parking in the locality.

The shortfall has been assessed at ten (10) parking spaces and at the time of approval the contribution is \$10,000.00 per space. The maximum contribution that Council will accept is for a shortfall of fifteen (15) parking spaces on the land, currently \$150,000.00, given any amended carparking layout plan approved by a Traffic Engineer or in compliance with Australian Standards

The applicant shall make the cash contribution prior to or coincident with the commencement of the use, and at the rate applicable at that time. The contribution shall be secured by a bank guarantee or other security to the satisfaction of the Council, prior to the issue of a development permit for building works. The amount of the guarantee shall be calculated having regard to the rate of contribution that applies at the time of lodgement.

In the event the cash contribution is not made prior to or coincident with the commencement of the use, and after reasonable written warning being given, the Council shall be at liberty to call upon the guarantee.

LANDSCAPING

11. The applicant shall landscape the site and street frontages in general accordance with the approved plans and a detailed landscaping proposals plan which is hereby required.

The detailed landscape proposals plan shall be prepared by a qualified and experienced landscape architect and be submitted to the Council prior to the issue of a development permit for building work. The Council, or its authorised officer shall approve the plan, with or without modification, not later than twenty (20) business days following receipt of the plan.

All hard and soft landscaping shall be constructed in accordance with the approved plan prior to the commencement of the use(s) and be maintained in good order and condition at all times.

12. The landscaping plan shall particularly include provision for dense screen planting between the rear fence of the building known as Macrossan House and the adjacent part of the development.

Note 1: In preparing the landscaping plan it is recommended that the landscape architect consult with Council staff to determine acceptable solutions to hard and soft landscaping within the road reserves and whether or not provision should be made for loading bays adjacent to the frontage(s).

Note 2: The Council will require that paving of footpaths in the Macrossan and Warner Streets reserves be 50mm Grantham mix pavers in a 45° herringbone pattern and that the maximum grade of footpaths be 4% to the road.

13. The applicant shall provide a 1.8 metre high screen fence to boundaries as required by the Council or its delegated officer and details of the screen fence shall be submitted as a part of the landscaping plan for approval as part of that plan.
14. The storage of any machinery, material and vehicles shall be appropriately screened so as not to be directly visible from any road to which the site frontage, to the satisfaction of the Council or its delegated officer.

HEALTH REQUIREMENTS

15. All refuse bin enclosures shall be suitably located outside of a three (3) metre wide landscape strip to the road frontage and sited on the property to the requirements and satisfaction of the Manager Environmental Services.
16. No noise from either airconditioning units, swimming pool filters, service equipment or other mechanical equipment shall occur that would create a nuisance to adjoining residences, and the noise levels shall be to the requirements and satisfaction of the Manager Environmental Services.
17. The applicant shall ensure that all areas where fuels, oils and automotive products are used or may accumulate shall be drained to a gross pollutant trap to prevent material/pollutants entering the stormwater drainage system, to the requirement and satisfaction of Manager Environmental Services.
18. 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 and to the requirements and satisfaction of the Manager Planning Services.
19. A plan of fixtures and fittings of the food establishment shall be submitted and approved by the Manager Environmental Services prior to the issue of a development permit for building works.

20. Staff facilities shall be provided in accordance with the Workplace Health and Safety Act and Code of Practice to the satisfaction of the Manager Environmental Services.
21. (a) All toilets shall be fitted with dual flush cisterns to the satisfaction of the Manager Building Services.

(b) Water flow regulators shall be fitted to all shower recesses, bathrooms and kitchen facilities where applicable and details shall be submitted and approved by the Manager of Building Services prior to the issue of a development permit for building works.
22. The location of any refuse storage area shall be approved by the Manager Environmental Services, having regard to neighbouring residential properties. Refuse storage, removal and collection methods shall be in accordance with the "Environment Protection (Interim Waste) Regulations 1996", and to the satisfaction of Council's Manager Environmental Services. The refuse storage area shall feature a hose cock and shall be drained to Council's sewer. The refuse storage area shall provide for the separation of various components of refuse as required by the Manager Environmental Services.
23. Adequate access to the satisfaction of the Manager Environmental Services shall be made for refuse vehicles and shall be so constructed as to be capable of supporting the mass of the refuse vehicle.
24. All construction work, maintenance, repair, demolition and other activities on site, shall be confined to the following hours:

7.00 am to 6.00 pm Monday to Saturday inclusive.

9.00 am to 6.00 pm Sundays and Public Holidays

Any work outside these hours is subject to approval by the Manager Building Services and applications must be received in writing by the Chief Executive Officer at least five (5) working days prior to the date(s) for which approval is sought.

CONSTRUCTION STAGE / SITE MANAGEMENT

25. At all times, the applicant is to ensure dust suppression measures are undertaken for the site and adjoining road reserves to ensure that all materials are appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas to the satisfaction of the Manager Planning Services.
26. All vehicles associated with the development of the site shall be legally parked and in a manner so as to not adversely impact on the immediate locality.
27. No building materials associated with the development of the site shall be stored or stacked on Council owned land (including road pavement, road reserve and/or parklands) at any time.
28. That all refuse and packing materials or similar associated with the development of the site shall be stored on the subject site in a neat and tidy manner and screened from public view.
29. That silt control measures shall be put in place by the developer prior to construction commencing on the site and maintained in good working order during the construction.
30. The building site shall be maintained in good condition at all times to the satisfaction of the Council.

.../6.

GENERAL WORKS AND CONTRIBUTIONS

31. The applicant is to ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge at Warner Street such that it does not adversely affect surrounding or downstream properties from the development and to the requirements and satisfaction of the Director Engineering Services.
32. The applicant is to be responsible for sewerage works external to the development to connect the site to Council's existing sewerage headworks at a point determined by the Director Engineering Services. Such point is to be where the Director Engineering is satisfied that there is sufficient capacity to service the subject land.
33. The applicant is to be responsible for water supply works external to the development to connect the site to Council's existing water supply headworks at a point determined by the Director Engineering Services such that all works are to the requirements and satisfaction of the Director Engineering Services. Such point is to be where the Director Engineering Services is satisfied that there is sufficient capacity to service the subject land.
34. The applicant shall register in favour of the Council an easement for drainage purposes to provide for the flow of stormwater from Macrossan Street to Warner Street.

The easement agreement shall be drafted by Council's solicitors at no cost to the Council and be in a form and standard that is satisfactory to Council and the agreement executed and the easement registered prior to the issue of a development permit for building works.

35. The applicant shall construct the following external works to the site frontages to the satisfaction of the Director Engineering Services:
 - (a) Angled car parking and new kerb and channel generally in accordance with approved plans;
 - (b) Driveway and crossover at Warner Street; and
 - (c) Layback kerb and graders to protect existing street trees.

All external work shall be in accordance with detailed design plans which must be submitted for the approval of the Director of Engineering Services prior to the issue of a development permit for building work. The plan shall be submitted with or without amendment within twenty (20) business days from the date of lodgement.

36. The existing sewer main crossing the property is to be replaced by the applicant, and at no cost to the Council, with DICL, Class 9 sewer.

NOTE: It is recommended that the developer undertake consultations with the Council's Engineering Services Department in relation to Conditions 26 to 32 in particular.

The applicant shall contribute towards the augmentation of stormwater drainage and services. The amount of the contribution shall be determined by Council prior to the issue of the Development Permit for building works.

37. The applicant shall make a contribution towards augmentation of water supply and sewerage services. The amount of contribution shall be determined by Council prior to the issue of the Development Permit for building works. On the present method of calculation, the augmentation costs are \$133,935.84 for water supply and \$78,275.86 for sewerage.

38. A stormwater drainage plan, prepared by a suitable consultant, shall be submitted and shall be approved with or without amendment, by the Director Engineering Services, prior to the issue of a development permit for building work. In particular, the plan shall detail all site drainage works, site levels and levels on adjoining properties, any proposed filling and works required to minimise the impact of the development of the drainage of adjoining properties.
39. Details of construction techniques shall be certified by a Supervising Engineer and shall be submitted and approved by the Director Engineering Services, with or without amendment, prior to the issue of a development approval for building work.
40. The supply of electricity for the proposed development is required by Council to be underground in order to preserve the amenity of the locality, with all road frontage and on-site electricity supplies to be underground.

MISCELLANEOUS

41. Details of any signage proposed in association with the development shall be submitted for approval of the Manager Planning Services prior to the issue of a certificate of Classification for the proposed development. Signage shall accord with Council's Draft Signs Policy, to the satisfaction of the Manager Planning Services.
42. All external lighting installed upon the premises including car parking areas shall be certified by the Far North Queensland Electricity Board 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 to the requirements and satisfaction of the Manager Planning Services.
43. The applicant shall be responsible for the amalgamation of the titles by plan of survey. Such plan and associated documents shall be registered with the Department of Natural Resources at the applicant's expense. A Dealing Number shall be provided to Council prior to the issue of a Development Permit for building work.
44. Details of the proposed colour scheme for the external walls, features and roof shall be submitted and approved by the Council, with or without amendment, prior to the issue of any Development Permit for building work.
45. (a) Accommodation units, which provide only mechanical drying facilities, shall also provide an exterior facility which can be retractable or removable (for example: para line, folda line or extenda line). The facility shall be provided in a location accessible to all units and shall have a length and capacity to the satisfaction of the Manager Planning Services.

(b) The drying facilities shall be shown on the building plans. Any service area and particularly any area for external drying shall be enclosed by a screen wall so that it is not visible from adjoining properties or roads and shall be located in a position satisfactory to the Manager Planning Services.

46. All night lighting shall be designed and constructed to the satisfaction of the Manager Planning Services so as to ensure that light emitted from the subject land does not, in the opinion of the Council, cause nuisance or annoyance to residents in the immediate vicinity or to passing motorists.
47. At all times while the use continues there shall be a current license for any storage of flammable and/or combustible liquids on the site which exceeds the minor storage quantities as defined in the Flammable and Combustible Liquid Regulations.

SECURITY

48. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required external works to the land and to ensure payment of the headworks charges, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$300,000.00, such Guarantee to be in a format considered satisfactory to Council. The Bond or Guarantee shall be lodged prior to the issue of a Development Permit for building works on the land in relation to this Development Permit and the Council may call up the Guarantee to complete all or any part of the works mentioned herein to its satisfaction, should the applicant fail to do so.

GENERAL NOTE

Various of the conditions of the development permit require lodgement of plans, security and approvals, etc prior to the issue of a development permit for building work. In the event that building approval is carried out by a private certifier, then that private certifier must ensure that all plans, contributions, approvals, etc are resolved prior to issue of a development permit for building work.

REFERRAL AGENCY

1. Access

- (i) Vehicle access to Lots 210, 215 & 216 on PTD 2091, shall be via Warner Street.
- (ii) No direct vehicular access between Macrossan Street and Lots 210, 215 and 216 on PTD 2091 is permitted.
- (iii) All street works on the Macrossan Street road frontage shall be constructed in accordance with:
 - AUSTROADS Guidelines; and
 - Current Department of Main Roads standards,

To the satisfaction of the Director-General of the Department of Main Roads.

- (iv) The applicant shall, along the frontage of Macrossan Street:
 - Remove and make good all redundant cross-overs;
 - Construct kerb and channel along the frontage of the site;
 - Construct road pavement and asphaltic concrete seal to the unsealed shoulder frontage of Macrossan Street; and
 - Remove the existing driveway "hump" in the road shoulder.

To the satisfaction of the Director-General of the Department of Main Roads.

2. Property Amalgamation

The existing three (3) lots shall be amalgamated into one (1) lot prior to the issue of the first certification of classification for the development.

3. Advertising

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

4. Parking

When calculating carparking requirements associated with the proposed development, no allowance shall be made for parking within the State-controlled road reserve (i.e. Macrossan Street).

MCM 23.01.01

Terry Melchert
Chief Executive Officer 