

11 September 2019

Enquiries: Jenny Elphinstone
Our Ref: CA 3238/2018 (Doc ID 918849)
Your Ref: C-1114

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Attention Mr Nick Hardy

Dear Sir

**Development Application CA 3238/2019
Lot 906 on SP277141
Bale Drive Port Douglas**

Council refers to your development application submitted to Council and Council's previous correspondence.

Council is currently not satisfied that the application complies with section 51(2) of the *Planning Act 2016 (PA)*, i.e. that the application is accompanied by the written consent of the owner of the premises to the application.

The intent of the application and the proposed development remains unclear and, on that basis, Council cannot be satisfied that the application includes all premises the subject of the application and the owners' consent for that premises, for the purposes of section 51(2) of the PA.

On that basis, Council wishes to give you the opportunity to clarify the intent of the application as a matter of urgency. In the absence of a satisfactory response, Council reserves its right to issue an action notice seeking such further information as is necessary to satisfy Council that all required premises and corresponding landowner consents have been included in the application.

Specifically, please clarify the relationship between the proposed development and the existing development to the north, i.e.:

1. Is the proposed development on Lot 906 intended to be developed as further lots in the Community Title Scheme CTS34781; as a subsidiary scheme of that scheme; or development outside of the scheme (which would require excision of Lot 906 from the scheme and the principal scheme)? We note that a new Community Management Statement will be required in any event.
2. Is Lot 906 intended to be subdivided by standard format plan or building format plan?

3. Is it the intent that the proposed development relies upon or utilises services located in the Niramaya development to the north, such as access and internal roads, drainage, water supply and sewerage? If so, as the proposed development will place an increased demand on those services over and above the demand anticipated in the current approval CA50 and the current Community Management Statement 34781, the lots and common property containing those services and the owners' consents should be included in the development application.
4. Alternatively, is it intended that the proposed development on Lot 906 operate as a stand-alone development with no reliance on infrastructure and services in the Niramaya development to the north, with all infrastructure and services to be located on Lot 906?
5. Is it intended that the development to the north continue to access Council's water supply through Lot 906, as is currently the case? If so, depending on the responses to 1 to 4 above, the development application may require amendment to reflect that use and/or an amendment of the existing approval CA50 may be required. Please advise.

We look forward to receiving your response by close of business (4.30 pm) Wednesday 18 September 2019.

Other

Please quote Council's application number CA 3238/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully

Paul Hoyer
Manager Environment and Planning

