



04 September 2020

Neil Beck
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Our ref: 12526901-55512-2
Your ref:

Dear Neil,

**Fairmont Resort Port Douglas
Development Application for a Material Change of Use**

Please find attached one (1) copy of the Planning Report including Supporting Information Reports for a Development Application for a Material Change of Use for:

- Short-term accommodation (253 rooms)
- Food and drink outlet(s) with a combined GFA of 1,844 m²
- Function facility with a combined GFA of 1,866 m²

at 71-85 Port Douglas Road, Port Douglas, described as Lot 1 on SP150468. To assist Council with their assessment of the Development Application, the following information is attached:

- DA Form 1 – Development application details
- Owner's consent

While owner's consent is not required where the Applicant is also the owner of the land, (section 51 of the *Planning Act 2016* refers), Paul Chiodo has confirmed that he is the owner of 71-85 Port Douglas Road and the company that currently holds the property, being 75 Port Douglas Road Pty Ltd A.C.N 630 681 926.

The Applicant will pay the associated application fees directly to Council following lodgement. In this regard, the Applicant's Project Manager, Pure Projects, has calculated the application fees to be \$86,962 as per the attached Fairmont PD DA Fee Calculation sheet.

We trust the attached is sufficient for Council's purposes. Please don't hesitate to contact the undersigned on (07) 4720 0434 or at Erin.Campbell@ghd.com should you have any further questions.

Sincerely
GHD

Erin Campbell
Senior Planner
+61 7 47200434

DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) 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)	Chiodo Corporation Operations Pty Ltd
Contact name (only applicable for companies)	C/- GHD
Postal address (P.O. Box or street address)	PO Box 930
Suburb	TOWNSVILLE
State	QLD
Postcode	4810
Country	Australia
Contact number	07 4720 0434
Email address (non-mandatory)	Erin.Campbell@ghd.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

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
		71-85	Port Douglas Road	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	SP150468	Douglas Shire Council
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):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<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? *(tick only one box)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Resort defined as Short-term accommodation, Food & drink outlet(s) & Function facility

e) Relevant plans

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

- ☒ 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? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

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

- ☐ 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

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)
Resort	Food & drink outlet		1,844 m ²
	Function facility		1,866 m ²
	Short-term accommodation	253 rooms	
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

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?	
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?

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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"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

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

Douglas Shire Council

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

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> 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
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<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 <i>Transport Infrastructure Act 1994</i>:
<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 checked="" 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 Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> 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: <ul style="list-style-type: none"> • 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 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC 5148/2013	22 August 2017	Douglas Shire Council
<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 69: 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.des.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 Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmp.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 <https://planning.dsdmp.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 Natural Resources, Mines and Energy at www.dnrme.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 and Science at www.des.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.dnrme.qld.gov.au for further information.

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.des.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.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) 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

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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>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.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <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 checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>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.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> • such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

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	

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I, Paul Chiodo

Director of the company mentioned below.

Of 75 Port Douglas Road Pty Ltd A.C.N 630 681 926 confirm that we are the owner of the below property and the company that currently holds the property being 75 Port Douglas Road Pty Ltd A.C.N 630 681 926

the company being the owner of the premises identified as follows:

71-85 Port Douglas Road, Port Douglas


consent to the making of a development application under the *Planning Act 2016* by:

Chiodo Corporation Operations Pty Ltd ACN 619 297 997

on the premises described above for:

The Construction of a new 5 Star Hotel & Resort with 253 rooms with basement carparking, pools, port cohere, roof top facilities, restaurants, bars, gym, function areas, health spa and all other areas associated with a 5 Start resort.

Company Name and ACN: Chiodo Corporation Operations Pty Ltd ACN 619 297 997


.....
Signature of Sole Director/~~Secretary~~

24/7/20
.....

Date

FAIRMONT PORT DOUGLAS - DA FEE CALCULATION

Date : 3-Sep-20
Revision : 1

Level	Description	Designation	Rooms	Area	Resort	F&B
Basement	Hotel Carpark	Carpark		4300	4300	
	Visitors Carpark	Carpark		2300	2300	
	BOH	BOH		972	972	
	Circulation Area	BOH		300	300	
Sub-total			0	7872	7872	0
Lower Ground Floor	Amenities	BOH		173	494	
	BOH	BOH		39	39	
	Circulation Area	Resort		2532	2532	
	F + D	F&B		1113		1113
	Kitchen	BOH		681	681	
	Leisure	F&B		1386		1386
	Gold Rooms Standard	Rooms	12	672	672	
	Gold 1 Bed	Rooms	1	63	63	
	Gold 2 Bed	Rooms	2	144	144	
	Standard Rooms	Rooms	26	1170	1170	
Sub-total			41	7973	5795	2499
Upper Ground Floor	Amenities	BOH		0	0	
	BOH	BOH		156	156	
	Circulation Area	Resort		1216	1216	
	F + D	Circulation		178		178
	Kitchen	Reception		55	55	
	Gold Rooms Standard	Rooms	20	1120	1120	
	Gold 1 Bed	Rooms	4	252	252	
	Gold 2 Bed	Rooms	0	0	0	
	Standard Rooms	Rooms	28	1260	1260	
Sub-total			52	4237	4059	178
Level 1	Amenities	BOH		0		0
	BOH	BOH		529		529
	Circulation Area	Resort		2012	2012	
	Gold Lounge Bar	F&B		423		423
	Gold Lounge Reception	Resort		53	53	
	Kitchen	BOH		90	90	
	Leisure	F&B		861		861
	Speciality	F&B		167		167
	Gold Rooms Standard	Rooms	20	1120	1120	
	Gold 1 Bed	Rooms	4	252	252	
	Gold 2 Bed	Rooms	0	0	0	
	Standard Rooms	Rooms	28	1260	1260	
Sub-total			52	6767	4787	1980
Level 2	Amenities	BOH		0	0	
	BOH	BOH		248	248	
	Circulation Area	Resort		1359	1359	
	Leisure	F&B		541		541
	Gold Rooms Standard	Rooms	34	1904	1904	
	Gold 1 Bed	Rooms	4	252	252	
	Gold 2 Bed	Rooms	3	216	216	
	Standard Rooms	Rooms	26	1170	1170	
Sub-total			67	5690	5149	541

Level	Description	Designation	Rooms	Area	Resort	F&B
Level 3	Amenities	BOH		0	0	
	BOH	BOH		117	117	
	Circulation Area	Resort		1658	1658	
	Leisure	F&B		371		371
	Kitchen	BOH		111	111	
	Gold Rooms Standard	Rooms	7	392	392	
	Gold 1 Bed	Rooms	3	189	189	
	Gold 2 Bed	Rooms	1	85	85	
	Gold Presidential	Rooms	5	585	585	
	Royal Rooms	Rooms	1	225	225	
	Standard Rooms	Rooms	34	1530	1530	
	Sub-total		51	5263	4892	371
Roof Top	Wedding Platform	F&B		NA		
	Roof Top Bar / Café	F&B		NA		
	Pool	Active		NA		
	Massage Area	Active		NA		
	Circulation Area	Circulation		NA		
Sub-total			0	0	0	0
TOTALS			263	37802	32554	5569

Base fee	1,424	1,746
Plus Additional Fee upto 2,000sqm	8,320	7,280
Plus Additional Fee above 2,000sqm	63,552	4,640
SUB-TOTAL	73,296	13,666
TOTAL FEE	86,962	



Chiodo Corporation Operations Pty Ltd
Fairmont Resort Port Douglas
Development Application for a Material Change of Use

September 2020

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Appendices

Appendix A - Title Search

Appendix B – Survey Plan

Appendix C – DES CLR & EMR Search

Appendix D – Decision Notice MCUC 041/07

Appendix E – Decision Notice Extension Application MCUC 041/074

Appendix F – Decision Notice MCUC 5148/13

Appendix G – Development Plans

Appendix H – Traffic Impact Assessment

Appendix I – Engineering Services Report

Appendix J – Flooding Catchment & Storm Tide Study

Appendix K – Civil Engineering Report

Appendix L – Building Code of Australia Assessment

1. Introduction

1.1 Purpose of this report

GHD has been engaged by Chiodo Corporation Operations Pty Ltd to prepare a planning report to support a development application for resort style accommodation on Lot 1 on SP150468 in Port Douglas. The proposed development constitutes a Material Change of Use (MCU) for “Short-term accommodation, Food and drink outlet(s) and Function facility(s)”. Other uses such as car parking, reception, office, gymnasium and outdoor recreational facilities are considered ancillary to the operation of the resort. The development of Short-term accommodation, Food and drink outlets and Function facility on the subject land is Code Assessable in accordance with the Douglas Shire Planning Scheme 2018 (Planning Scheme). Douglas Shire Council will be the Assessment Manager for the application.

The following information is provided as part of this report:

- Site details including a description of site characteristics (Section 2)
- Current approvals (Section 3)
- An overview of the proposed development (Section 4)
- Summary of supporting information reports (Section 5)
- *Planning Act 2016* framework (Section 6)
- Development assessment framework (Section 7)
- Douglas Shire Council Planning Scheme assessment (Section 8)
- Conclusions and recommendations (Section 9).

1.2 Application summary

Proposed development	Resort style accommodation
Real property description	Lot 1 on SP150468
Street address	71-85 Port Douglas Road, Port Douglas
Site area	20,670 m ² (2.067 ha)
Type of approval sought	Development Permit for MCU – Short-term accommodation (253 rooms), Food & drink outlet(s) (1,844 m ² combined total) and Function facility (1,866 m ² combined total)
Level of assessment	Code assessable
Referral requirements	SARA – premises within 25 m of a State-controlled road
Applicant contact details	Chiodo Corporation Operations Pty Ltd C/-GHD Erin Campbell (Senior Planner) PO Box 930 Townsville QLD 4810 E: Erin.Campbell@ghd.com P: 07 4724 0434

1.3 Assumptions

The following assumptions were made by GHD in the development of this report:

- Site details as established through State and Commonwealth desktop assessments are correct and reflect current site conditions.
- The assessment presented in this report is based on preliminary concept design plans. Further operational details will be developed and refined during the detailed design phase.

1.4 Statement of limitations

This report has been prepared by GHD for Chiodo Corporation Operations Pty Ltd and may only be used and relied on by Chiodo Corporation Operations Pty Ltd for the purpose agreed between GHD and the Chiodo Corporation Operations Pty Ltd as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than Chiodo Corporation Operations Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section 1.3 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Chiodo Corporation Operations Pty Ltd and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. Site characteristics

2.1 Site description

The subject land is described as Lot 1 on SP150468 (herein referred to as 'the site') and is located at 71-85 Port Douglas Road, Port Douglas. The location of the site is detailed in Figure 1 – Locality Plan. The land is identified as being located in the Tourist accommodation zone of the Douglas Shire Council Planning Scheme 2018.



Figure 1 Locality Plan

2.2 Physical characteristics

The land is situated in a fully serviced urban area and has a total site extent of 20,670 m². The site has an approximate frontage of 169 m to Port Douglas Road.

Construction commenced on the land in approximately 2008 in accordance with a previous approval; however stalled due to change of ownership and unfavourable economic conditions. The site has remained undeveloped for a number of years.

The site has frontage to Port Douglas Road reserve which features the Balley Hooley tramway and carriageway of Port Douglas Road. Land in the immediate vicinity includes the Mirage Country Club and resort and multiple dwelling style development. This land is included in the Tourist accommodation zone and the Recreation and open space zone.

Land immediately to the east and across Port Douglas Road includes the Mirage Country Club, multiple dwellings and single detached housing. This land is included in the Recreation and open space zone (green) and the Tourist accommodation zone (orange). Four Mile Beach is located further beyond this development. The following Figure 2 – Planning Scheme Zoning Map Sheet – ZM-010 refers.



Figure 2 Planning Scheme Zoning Map Sheet – SM-010

2.3 Site tenure, leases and dealings

The site is held as fee simple (freehold) with the registered owners listed as 75 Port Douglas Road Pty Ltd (A.C.N. 630 681 926). A copy of the title document is provided in Appendix A. Easements do not encumber the land. Refer to the Survey Plan attached at Appendix B.

2.4 Environmental Management Register and Contaminated Land Register

A search of the Environmental Management Register (EMR) and Contaminated Land Register (CLR) was undertaken and confirmed that the site is not listed on the EMR, and is not listed on the CLR. (refer to Appendix C).

3. Current Approvals

3.1 MCUC 041/07

In October 2006, previous owners of the land lodged a Development Application to Douglas Shire Council (DSC) for a Material Change of Use for a resort style complex incorporating 206 holiday accommodation units and ancillary uses. Development Application MCUC 041/07 refers.

DSC issued the Decision Notice for Development Application MCUC 041/07 for the Material Change of Use on 30 January 2008. A copy of the Development Application Decision Notice is attached at Appendix D.

In June 2013, an Application to extend the relevant period of Development Permit MCUC 041/07 was lodged with Cairns Regional Council (CRC). The Application was lodged with CRC at that time because DSC and CRC had amalgamated due to the 2008 State Government amalgamations of some local authorities. On 23 July 2013, CRC approved the extension to the relevant period to 20 January 2018. A copy of Council's correspondence granting an extension to the relevant period is attached at Appendix E.

In July 2017, a further Application to extend the relevant period and Minor Change to Development Approval MCUC 041/07 was lodged with DSC. The Application was lodged with DSC as CRC and DSC had de-amalgamated by this time. On 22 August 2017, DSC issued a Decision Notice for the Extension to relevant period and Minor Change to Development Approval. A copy of Council's Decision Notice (MCUC 5148/2013) is attached at Appendix F.

The current approval MCUC 5148/2013 approves development of the following on the site:

- 79 Multiple Dwellings (tourist) (of which, 47 can be used for as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling))
- 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities.

The development was approved under the superseded 1996 Douglas Shire Planning Scheme. This Planning Scheme is no longer publically available. However, the Development Permit (MCUC 041/2013) and the Decision Notice for the subsequent Extension to relevant period and Minor Change Application (MCUC 5148/2013) describe the key planning provisions as Conditions or Approved drawings including height, car parking and minimum fill and floor levels.

4. Proposal overview

4.1 Proposed development

The proposed development includes an integrated resort facility comprising 253 accommodation rooms for the purposes of Short-term accommodation, Food and drink outlet(s) with a combined GFA of 1,844 m² and a Function facility with a combined GFA of 1,866 m². Ancillary uses and services include car parking, reception, office, gymnasium and outdoor recreational facilities. The Architectural Plans prepared by Buchan Group are attached at Appendix G refer. A summary of the development plans is provided in the following Table 1.

Table 1 Fairmont Resort development plans

Drawing Type	Drawing No.	Drawing Date
Cover sheet and drawing list	DA-0000, Rev 1	31/08/2020
Location	DA-0010, Rev 1	31/08/2020
Site Context	DA-0011, Rev 1	31/08/2020
Site Plan - Existing	DA-0030, Rev 1	31/08/2020
Site Plan - Proposed	DA-0040, Rev 1	31/08/2020
Site Plan – Demolition Works Overview	DA-0050, Rev 1	31/08/2020
Site Coverage	DA-0060, Rev 1	31/08/2020
Grid Setout Plan	DA-0061, Rev 1	31/08/2020
Basement	DA-0201, Rev 1	31/08/2020
Upper Ground	DA-0203, Rev 1	31/08/2020
Level 1	DA-0204, Rev 1	31/08/2020
Level 2	DA-0205, Rev 1	31/08/2020
Level 3	DA-0206 Rev 1	31/08/2020
Roof Level	DA-0207, Rev 1	31/08/2020
Building Elevations Rendered	DA-0403, Rev 1	31/08/2020
Building Elevations Rendered	DA-0404, Rev 1	31/08/2020
Building Sections	DA-0500, Rev 1	31/08/2020
Building Sections	DA-0501, Rev 1	31/08/2020
Detail Sections	DA-0510, Rev 1	31/08/2020
Detail Sections	DA-0502, Rev 1	31/08/2020
Section Details	Da-0521, Rev 1	31/08/2020
Building Perspective	DA-0700, Rev 1	31/08/2020
Building Perspective	DA-0710, Rev 1	31/08/2020
Building Perspective	DA-0720, Rev 1	31/08/2020
Building Perspective	DA-0730	31/08/2020
Building Perspective	DA-0740	31/08/2020

Shadow Diagrams – Summer	DA-0810	31/08/2020
Shadow Diagrams - Winter	DA-0811	31/08/2020
External Finishes	DA-0900	31/08/2020
GFA Calculations	DA-0920	31/08/2020

The resort comprises the following room configurations:

Room Type	Minimum GFA (m²)	Numbers	Ratio (%)
Lower ground floor			
Standard room	45	26	9
Gold rooms	56	12	5
2 bed	72	3	2
Upper ground floor			
Standard room	45	28	9
Gold rooms	56	21	9
1 bed	63	4	2
Level 1			
Standard room	45	28	9
Gold rooms	56	20	8
1 bed	63	3	1
2 bed	72	1	1
Level 2			
Standard room	45	32	11
Gold rooms	56	16	7
1 bed	63	4	2
2 bed	72	3	2

Room Type	Minimum GFA (m ²)	Numbers	Ratio (%)
Level 3			
Standard room	45	34	11
Gold rooms	56	7	3
2 bed	72	4	2
Presidential	117	5	4
Royal	225	1	2

Total number of rooms

Room Type	Numbers	Ratio (%)
Standard room	150	51
Gold rooms	76	32
1 bed	11	5
2 bed	11	6
Presidential	5	4
Royal	1	2
TOTAL	254	100

The gross floor area (GFA) of public areas within the resort, some of which are available to the general public, is 14,265 m². These areas include function and event rooms, poolside areas, restaurants / bars and cafes and kids play areas.

The GFA of private areas within the resort (gardens, private lounge / bars and reception areas) is 809 m².

The GFA of Food and drink outlets located within the resort is detailed below:

Food and drink	Area (m ²)
Lower ground floor	
Café	271
Pool bar	14
TOTAL	285
Upper ground floor	
Coffee shop	200
TOTAL	200

The development proposes the following site coverage:

Site Coverage		
Area Type	Area m ²	Area %
Building Outline	10,399	50
Landscape	10,273	50
TOTAL	20,672	100

4.2 Design Philosophy

The building form and articulation provides a connection and immersion of guests into the unique Port Douglas experience.

The Fairmont Resort will be the first Fairmont International Resort in Australia aimed at a 5 Star+ luxury experience. The architecture, interior and landscape design are expressed in one seamless language that is inspired from the surrounding natural environment.

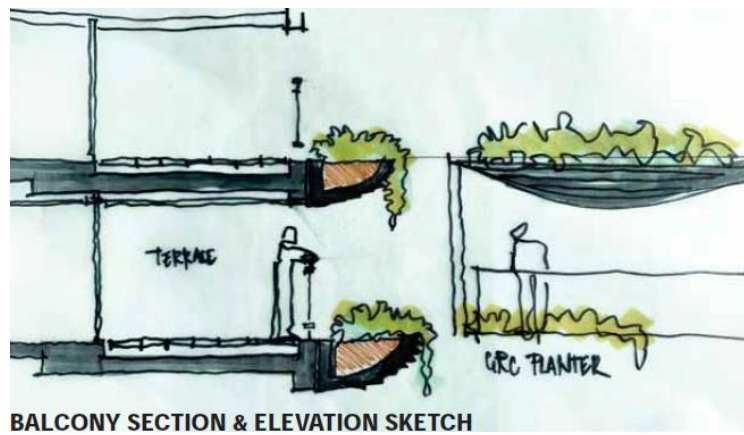
The principles of biophilic design connect humans to nature. Water is the constant element that links these ecosystems and is manifested in form and landscape across the façade and site.

Distinct architectural features include:

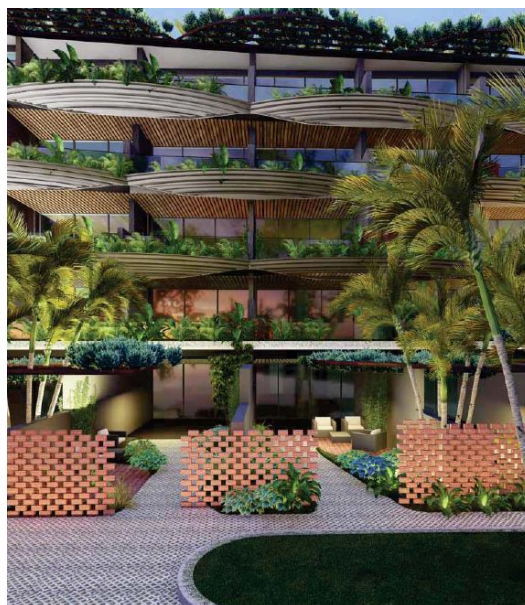
- Biomimicry and tropical immersion based on local plant species endemic to the region – e.g. king fern frond coil and Listers Conch



- The essence of the rainforest is captured down the façade and enhanced with luscious planting.



- Materiality – a base palette of concrete contrasting the vibrant green planting alongside a mix of local stone and timber with pops of bronze patina and aged brass.



(Source: Buchan Group, August 2020)

4.3 Access and parking

The Traffic Impact Assessment prepared by GTA Consultants identifies:

- The development provides for basement car parking with a capacity of 222 car parking spaces, 75 staff spaces, 112 guest spaces (including 6 accessible spaces) and 35 visitor spaces (including 1 accessible space).
- The development is also providing 80 bicycle parking spaces, supporting end of trip facilities and provision of 8 motorcycle spaces.
- Five loading bays, including 1 heavy rigid vehicle bay, 1 refuse collection vehicle bay, 2 medium rigid vehicle bays and 1 small rigid vehicle bay are also being provided.
- Access to the basement level carpark and port cochere will be via a central vehicle access from Port Douglas Road, including auxiliary left and channelized right turn lanes to support full turning movements.
- A separate northern access will be provided to Port Douglas Road for loading purposes, restricted to left-in, left-out movement only.

Further information about access, parking and traffic impacts is provided in Section 5.

4.4 Infrastructure services

The site is able to be serviced via Council's reticulated water and sewer systems as detailed in the Building Services Report prepared by BSE.

The proposed development is able to be connected to a reticulated electricity supply and telecommunications supply as detailed in the Building Services Report.

The development will require a new electrical transformer connected to the existing high voltage Ergon network and the removal and replacement of existing telecommunications infrastructure with a new leading to suit the proposed entry and loading service roads.

Further information about infrastructure services is provided in Section 5.

4.5 Civil engineering design

4.5.1 Earthworks

The proposed development's adopted ground floor level of 3.01 AHD is approximately 1-1.5m lower than adjoining properties to the south and generally 1-2m lower than adjoining properties to the north. Retaining walls are proposed along these boundaries to account for the level difference.

Northrop, who prepared the site grading and bulk earthworks have identified that preliminary earthworks volumes include:

- Total cut 45,270 m³
- Total fill 5,645 m³
- Excess material (export) 39,625 m³

These indicative volumes are based on the following assumptions:

- Existing surface stripped 150 mm over whole site
- Finished surface (including basement) set 300 mm below finished surface level over whole site.

Indicative cut and fill areas are detailed in the following Figure 3.

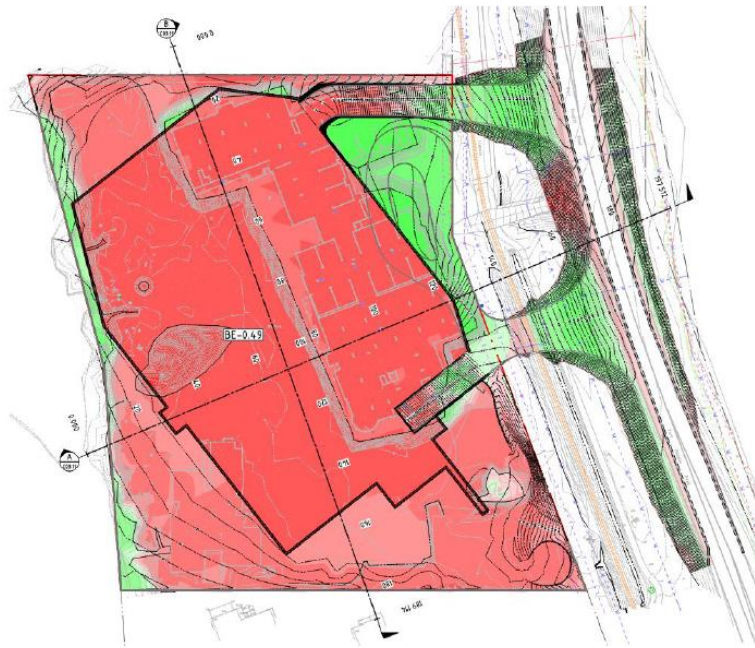


Figure 3 Indicative areas of cut (red) and fill (green)

4.5.2 Roadworks

The development proposes two new accesses from Port Douglas Road – a central main access to basement parking and port cochere and a separate northern access for loading and refuse.

The proposed roadworks generally consist of:

- Provision of northbound left-in slip lane to the main site entry with shared bicycle lane
- Provision of a southbound right turn lane into the main site entry
- Road widening to the western and eastern shoulders to facilitate additional turn lanes
- Construction of two new property accesses
- Removal of the existing disused property access
- Adjustment works to the existing shared path, tramway and table drain west of Port Douglas Road as required.

4.5.3 Stormwater management

Northrop, who also prepared the Stormwater Drainage Management Plan, advise that the intent of the proposed stormwater drainage regime is to convey external flows through the site to the adjoining golf course to provide the following:

- Local regrading of the table drain to a low point adjacent to the property boundary.
- An 1800 x 900 grated inlet pit (subject to confirmation at detailed design stage) located in the low point of the table drain to capture 1% AEP flows.
- A 1200 x 600 reinforced box culvert (RCBC) along the southern boundary of the site to convey 1% AEP flows to the lagoon.

It is proposed to connect internal site drainage to the culvert up to the capacity of the system, with the remaining site area connected to a second conduit along the northern boundary of the site.

The proposed drainage regime is illustrated in the following Figure 4.

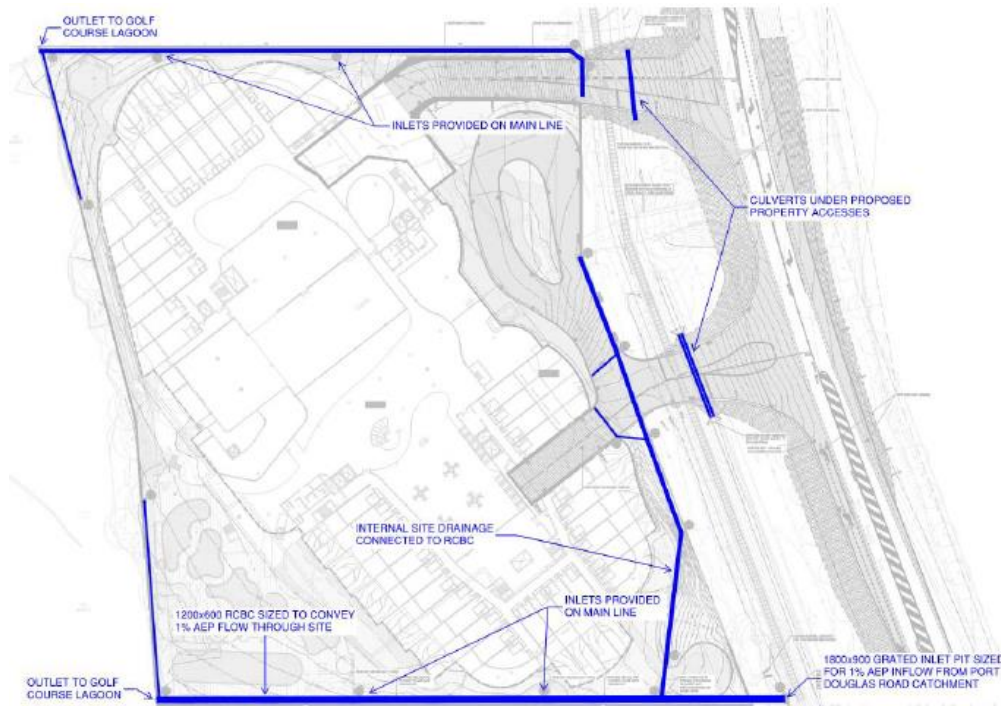


Figure 4 Proposed drainage regime

4.6 Landscaping

Landscaping plans including the design philosophy and species list is currently being prepared and will be provided to Council as soon as they are available.

5. Supporting information reports

5.1 Traffic Impact Assessment

The Traffic Impact Assessment attached at Appendix H was prepared by GTA Consultants to assess the anticipated transport implications of the proposed development, including consideration of the following:

1. Existing traffic and transport network operations surrounding the site
2. Pedestrian and cycle requirements
3. Suitability of the proposed parking in terms of supply (quantum) and layout
4. Service vehicle requirements
5. The traffic generating characteristics of the proposed development
6. Suitability of the proposed vehicle access arrangements for the site
7. The transport impact of the development proposal on the surrounding road network.

The report concludes the following with respect to the proposed development:

- *The provision for bicycle facilities in the order of 80 bicycle parking spaces exceeds the minimum requirement detailed in the Douglas Shire Council planning scheme.*
- *The provision of commercial service loading bays of 5 loading bays includes the following:*
 - 1 x loading bay accommodating a SRV
 - 2 x loading bays accommodating a MRV
 - 1 x loading bay accommodating a RCV
 - 1 x loading bay accommodating a HRV

These provisions meet the statutory requirements for number of bays and exceed the minimum requirements for the size of loading vehicles to be accommodated on site.

- *A car parking demand assessment has been undertaken to determine the peak parking demand likely to be generated by the proposed resort. The assessment indicates that the proposed supply of 221 spaces sits within the range of anticipated peak car parking demands.*
- *Traffic analysis has been completed at the site access for the following scenarios:*
 - Year 2020 – Year of opening: Weekday PM peak and Sunday Mid Peak
 - Year 2032 – 10 Year design horizon: Weekday PM peak and Sunday Mid Peak
- *The site is expected to generate up to 76 vehicle movements in any peak hour with the following anticipated distributions:*
 - 40% northbound and 60% southbound
 - 33% (or one third) In and 67% (or two thirds) Out during the weekday PM peak
 - 67% (or two thirds) In and 33% (or one third) Out during the Sunday Mid peak
- *The results indicate that the site access for the proposed development on Port Douglas Road is expected to result in a maximum intersection DOS of 0.49 and with average intersection delays of up to 2 seconds and 95th percentile queues of up to 12 metres.*
- *The vehicle trip generation of the proposed resort is not expected to exceed the identified threshold of a 5% on the north and south approaches of the Port Douglas Road / Avenue of palms roundabout. The expected increase to traffic volumes is as follows:*

- Thursday PM peak hour - +3.7% on the north approach and +2.5% on the south approach
- Sunday AM peak hour - +1.7% on the north approach and +3.3% on the south approach
- The turn warrant assessment indicates that a short Auxiliary Left-Turn (AUL[s]) treatment and a short Channelised Right-Turn (CHR[s]) treatment is required at the proposed port cochere and basement car park (central) vehicle access
- Provision is made for all access arrangements to operate safely and efficiently into the future (up to a 10-year design horizon).

5.2 Building Services Report

The Building Services Report attached at Appendix I was prepared by BSE to investigate the provision of infrastructure associated with the development including water, sewerage, electricity and telecommunications and gas.

The report concludes the following with respect to the proposed development:

- New water connection shall be made to the existing infrastructure located along Port Douglas Road upon confirmation on existing flow and pressures within the 450mm DICL water main.
- New sewer connection from a dedicated sewer pump station on the property shall be made to the existing 300mm rising main to service the development.
- electrical connection shall be made to the existing high voltage network located along Port Douglas Road with a new transformer located on site in accordance with the authority's requirement.
- Telecommunications connection shall be made to the existing Telstra and NBN network located along Port Douglas Road in accordance with the authority's requirements.

5.3 Catchment Flooding & Storm Tide Study

A Catchment Flooding and Storm Tide Study was undertaken for the proposed development to ensure that the level derived from the local flooding event was not higher than the regional flood levels. A copy of this Report is attached in Appendix J.

The Catchment Flooding & Storm Tide Study found that based on the flood model results and consideration of storm tide, the DFL estimates for the proposed development site are:

- 2.70 mAHd for the 2100 storm tide combination;
- 2.46 mAHd for the 2070 storm tide combination; and
- 2.45 mAHd for the local flooding event.

In accordance with the Douglas Shire Planning Scheme, Flood and storm tide hazard overlay code, the proposed development floor level is to be designed to provide flood immunity to the 1% AEP defined flood and storm tide event plus freeboard allowance of 300 mm. The recommended minimum finished floor levels are therefore:

- Development design life of 80-years (i.e. to the year 2100): 3.00 mAHd
- Development design life of 50-years (i.e. to the year 2070): 2.76 mAHd.

5.4 Civil Engineering Report

The Civil Engineering Report and supporting civil design plans was prepared by Northrop to detail the civil works proposed for development of the site including:

- Flooding considerations / building levels
- Site grading and bulk earthworks
- Roadworks and pavements
- Stormwater management.

A copy of the Civil Engineering Report and civil design plans are attached at Appendix K.

The report concludes the following with respect to the proposed development:

- *The adopted floor level sits in the order of 1-2m below the adjoining properties to the north and south, with retaining walls proposed to facilitate the level difference. The walls will be designed at the detailed design stage with landscaping solutions to be investigated to reduce the height and extent of the walls as much as possible. Bulk excavation of the site will require around 40,000m³ of soil to be exported from the site, to be confirmed at the detailed design stage.*
- *Two new property accesses are proposed from Port Douglas Road, with the existing access to be removed. Widening of Port Douglas Road is required to provide left and right turn lanes into the main site access.*
- *A 1200 x 600 RCB is proposed to replace the existing 600 dia. pipe along the southern boundary of the site to convey 1% AEP flows from Port Douglas Road to the golf course lagoon. Internal site drainage is proposed to connect to the culvert, up to the capacity of the system, with the remaining site area connecting to a second culvert located in the north eastern corner. Design of the internal drainage system will be undertaken at the detailed design stage using ILSAX hydrology and ARR 2019 rainfall and procedures in DRAINS software. The design will be undertaken in accordance with the Far North Queensland Regional Development Manual, the Queensland Urban Drainage Manual, and Council's requirements.*

5.5 Building Code of Australia Assessment Report

The Building Code of Australia Assessment was undertaken by McKenzie Group for compliance with the current building assessment provisions, including (but not limited to) the following:

- *Building Code of Australia 2019*
- *Building Act 1975 and Building Regulation 2006, including specific provisions relating to existing buildings*
- *The Disability Access to Premises (Buildings) Standard 2010.*

The report is intended as an overview of the relevant provisions of the BCA. Detailed drawings and associated review will be required as the final design is developed.

A copy of the Assessment is attached at Appendix L.

6. Planning Act 2016

The *Planning Act (PA) 2016* is Queensland's principal planning legislation that coordinates planning at a local, regional and State level. The PA 2016 identifies the following hierarchy between planning documents:

- State Planning Policy 2017
- Regional Plans
- Local planning instruments
- Other statutory documents such as Development Assessment Rules

The *Planning Regulations 2017* supports the principal planning legislation by outlining the mechanics for the operation of the PA 2016 and includes matters such as:

- How development applications are categorised
- Who will assess the development application
- The matters that trigger state interests.

6.1 Development application

The proposal requires the issue of a Development Permit for an MCU for Short-term accommodation (253 rooms), Food and drink outlet(s) with a combined total GFA of 1,844 m² and Function facility with a combined total GFA of 1,866 m².

The application is Code assessable in accordance with the provisions of the Douglas Shire Council Planning Scheme 2018 and is required to be assessed against the following relevant codes:

- Zone code
- Overlay codes
- Development codes

6.2 Assessment manager

In accordance with Schedule 8, Table 2, Item 1 of the *Planning Regulations 2017*, Douglas Shire Council is the Assessment Manager for the Development Application for the MCU.

6.3 State assessment and referral agency (SARA)

The application for the MCU is referable to SARA formatters of State interest. Referral to SARA means where the State is an Assessment Manager or Referral Agency for a development application, the Chief Executive administering the PA 2016, will assess and decide the application. In assessing and deciding the application, the Chief Executive will consider the application from a State perspective, resolving any conflicts between State agencies and ensuring conditions are reasonable and relevant.

The following State interests have been identified in Table 2:

Table 2 State interests

State issue	Statutory trigger	Agency	Referral type
State transport corridors	Schedule 10, Division 4, Subdivision 2, Table 4, Item 1	DTMR	Concurrence

State code 1 and State code 6 have been addressed as part of the Traffic Impact Assessment prepared by GTA Consultants and attached at Appendix H.

7. Development assessment framework

The following State planning instruments apply to the development site.

7.1 State Planning Policy 2017

The State Planning Policy (SPP) commenced on 3 July 2017.

The SPP applies to Lot 1 on SP150468. Specifically, the following State interests apply to Lot 1 as detailed in Figure 3 – SPP Interactive mapping system extract.

- Safety and resilience to hazards (natural hazards risk & resilience – flood hazard area – Level 1 and erosion prone area)

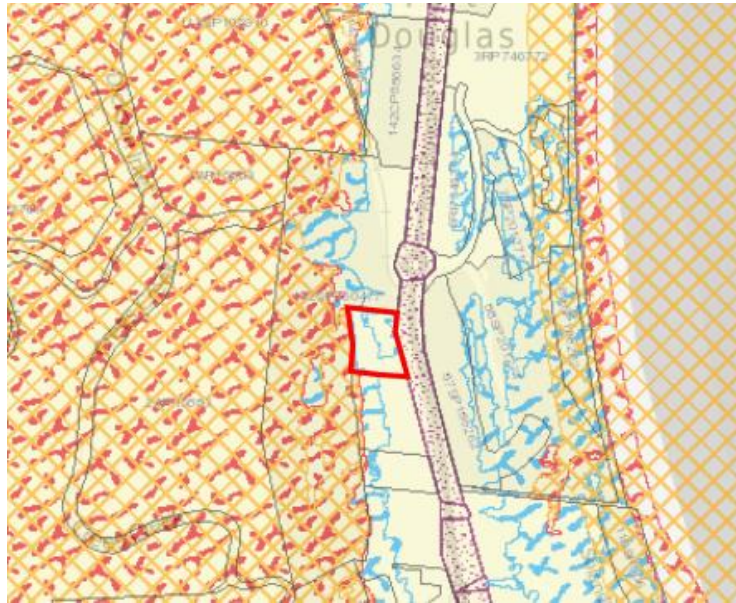


Figure 5 SPP interactive mapping system

Where a State interest has been incorporated into the Planning Scheme, an assessment in compliance with the provisions of the SPP is not required. The Douglas Shire Council has incorporated all State interests in the Douglas Shire Planning Scheme 2018 as they relate to safety and resilience to hazards.

7.2 Far North Queensland Plan 2009-2031

The Far North Queensland Plan (FNQ Plan) 2009-2031 applies to the development site. Lot 1 on SP150468 is located in the Urban footprint of the FNQ Plan. The following Figure 4 from the State Government's Development Assessment Mapping System (DAMS) refers.

The Urban footprint includes land to provide for the region's urban development needs to 2031. The Urban footprint includes existing urban areas, broadacre land and land suitable for urban development.

The development of the site for Short-term accommodation, Food and drink outlet(s) and a Function facility(s) is considered consistent with the intent of the Urban footprint and the provisions of the FNQ Regional Plan 2009-2031.



Figure 6 FNQ Regional Plan mapping

8. DSC planning scheme assessment

8.1 Douglas Shire Planning Scheme 2018

8.1.1 Use definition

The MCU will be in accordance with the land use definition contained the DSC Planning Scheme which means:

Short-term accommodation – “premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager’s residence and office and the provision of recreational facilities for the exclusive use of guests”.

Food and drink outlet – “premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site”.

Function facility – “premises used for conducting receptions for functions that may include the preparation and provision of food and liquor for consumption on site”.

8.1.2 Zoning

The site is included in the Tourist accommodation zone. The Tourist accommodation zone is supported by the Tourist accommodation zone code. The purpose of the Tourist accommodation zone code is to:

“provide for short-term accommodation supported by community uses and small-scale services and facilities in locations where there are tourist attractions”.

To comply with the purpose of the code, the development proposal is required to comply with the Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 3.

Table 3 Tourist accommodation zone code

Performance outcomes	Development compliance
For assessable and self-assessable development	
Height	
PO1 The height of all buildings and structures must be in keeping with the residential character of the area.	<p>The proposed development includes:</p> <ul style="list-style-type: none">• Lower ground level• Upper ground level• Levels 1-4 (Level 4 being the roof level) <p>The total height of the proposed development is 13.5m above highest point of natural ground level (excluding the roof level).</p> <p>The roof level is unobtrusive, and includes the outdoor recreational areas such as pools, lounge areas and a small dining area. The perspectives attached at Appendix G detail how the roof level will be landscaped and screened such that activities occurring on this level will not be overly visible when viewed</p>

	from Port Douglas Road or from adjoining properties.
Setbacks (other than for a dwelling house)	
PO2 Buildings are set back to: a) maintain the character and amenity of the area; b) achieve separation from neighbouring buildings and from road frontages.	The development proposes setbacks in line with existing and surrounding development,
Site coverage (other than for a dwelling house)	
PO3 The site coverage of all buildings does not result in a built form that is bulky or visually obtrusive.	The development proposes a building outline site coverage of 50% or 10,399 m ² .
Building proportions and scale (other than for a dwelling house)	
PO4 The proportions and scale of any development are in character with the area and the local streetscape.	The development proposes a unique design based on natural elements endemic to the region. The development is considered prominent along this section of Port Douglas Road; however has been designed to reflect the tropical character of the region by including finishes that involve glass and metal balustrades to balconies, sculptural hanging planters, semi-open metal and brick screens and neutral colour schemes.
Landscaping (other than for a dwelling house)	
PO5 Landscape planting is provided for the recreational amenity of residents/guests and incorporates dominant tropical vegetation which enhances the streetscape and the amenity of the area.	<p>The suite of development plans detail the proposed general landscaping philosophy for the development based on plant species endemic to the region.</p> <p>Landscaping site coverage is 50% or 10,273 m².</p> <p>Detailed landscaping plans are currently being prepared and will be provided to Council as soon as they are available.</p>
For assessable development	
PO6 The establishment of uses is consistent with the outcomes sought for the Tourist accommodation zone and protects the zone from the intrusion of inconsistent uses.	The proposed development is not considered an inconsistent use as identified in Table 6.2.14.3.b of the DSC Planning Scheme.
PO7 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and surrounds.	The proposed development has been designed to reflect the tropical character of Far North Queensland including the holiday destination of Port Douglas. The development includes extensive landscaping and architectural features which focusses on water in form and landscape across the façade and site.

PO8 Development does not adversely affect the tropical, tourist and residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	<p>The proposed development is a resort style development consistent with other resort style development in the locale.</p> <p>The suite of development plans attached at Appendix G details how the development has been designed to reflect the tropical and tourist character and amenity of the area.</p> <p>The Supporting Information Reports attached at Appendices H through L detail how the development has been designed to take into the constraints of the site and mitigation measures required to ameliorate any potential impacts.</p>
PO9 Any loading/unloading areas, servicing areas and outdoor storage areas are screened from public view or adjacent sensitive uses.	<p>The proposed loading and unloading areas will be located at the northern end of the development with a separate access from Port Douglas Road. Appropriate landscaping and screening is being provided as detailed on the development plans attached at Appendix G.</p>
PO10 Tourist developments include recreational and ancillary services and facilities for the enjoyment of guests.	<p>The proposed development includes recreational and ancillary services and facilities for the enjoyment of guests,</p>
PO11 New lots contain a minimum area of 1000m ² .	<p>The proposed development is not a reconfiguration of a lot.</p>

The proposed development is considered to comply with the Performance Outcomes of the Tourist accommodation zone code having regard to the Acceptable Outcomes. It is considered that the development meets the purpose of the Code.

8.1.3 Overlays and overlay codes

The following Overlays and Overlays codes are relevant to Lot 1 on SP150468:

- Acid sulfate soils (< 5 m AHD)
- Bushfire hazard (high potential bushfire hazard)
- Flood and storm tide inundation (Port Douglas and Daintree Flood Studies)
- Transport network (pedestrian and cycle – principal route)
- Transport network (road hierarchy – arterial road & major transport corridor buffer area)
- Transport network (transport noise corridors – category 1 and 2)

Acid sulfate soils overlay code

The proposed MCU is required to be assessed against Acid sulfate soils overlay code. The purpose of the code is to *“enable and assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 4.

Table 4 Acid sulfate soils overlay code

Performance outcomes	Development compliance
For assessable development	
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	The proposed development requires a total cut of 45,270 m ² including excavations for the basement. An ASS/PASS investigation will be prepared and submitted to Council for approval prior to the commencement of on-site works. Civil engineering drawing numbers C03.01 and C03.11 attached at Appendix K refer.
PO2 Development avoids disturbing acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.	An ASS/PASS investigation will be prepared and submitted to Council for approval prior to the commencement of construction.
PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	Should the ASS / PASS investigation determine that ASS / PASS occurs at the site, the report will document how the ASS or PASS will be treated and disposed. This will include an ASS/PASS Management Plan.

The proposed development is considered to comply with the Performance Outcomes of the Acid sulfate soils overlay code having regard to the Acceptable Outcomes. It is considered that the development meets the purpose of the Code or Council can reasonably condition development outcomes as they relate to ASS/PASS.

Bushfire hazard overlay code

The proposed MCU is required to be assessed against Bushfire hazard overlay code. The purpose of the code is to *“enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 5.

Table 5 Bushfire hazard overlay code

Performance outcomes	Development compliance
For assessable and self-assessable development	
Compatible development	
PO1 A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstance.	The proposed development is not considered a vulnerable use or activity in accordance with the provisions of the Bushfire hazard overlay code.
PO2 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	N/A. The proposed development does not involve emergency services and uses providing community support services.

PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	N/A. The proposed development does not involve the manufacture of hazardous materials or storage in bulk of the same.
Development design and separation from bushfire hazard – material change of use	
<p>PO10 Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux of level at point on the building or envelope respectively, of:</p> <p>a. 10kW/m² where involving a vulnerable use; or</p> <p>b. 29kW/m² otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p>	<p>The site has been substantially cleared in the past and has an existing approval for Holiday accommodation.</p> <p>The proposed development will be contained wholly within the development site.</p>
<p>PO11 A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p>The site has been substantially clearing the past. Further site works will remove any remaining vegetation on the site.</p>
All development	
PO12 All premises are provide with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.	<p>The proposed development is provided with vehicular access facilitates safe evacuation and is easily accessible to fire fighting appliances. In addition fire fighting services and equipment will be installed within the resort and will includes appliances such as hydrants, fire hose reels and portable extinguishers.</p>
PO13 Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	N/A. The proposed development is able to be connected to a reticulated water supply.
PO14 Landscaping does not increase the potential bushfire risk.	<p>Landscaping will be provided in accordance SC6.7 Planning Scheme Policy – Landscaping.</p> <p>Detailed landscape plans are currently being prepared and will be provided to Council as soon as they are available.</p>

PO15 The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).	The development site has been substantially cleared in the past. The proposed development will be contained wholly within the site and will include fire fighting services and equipment within the development such as fire hydrants, fire hose reels and portable fire extinguishers.
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It is noted that PO4 to PO9 are not relevant to the development proposal, and as such, an assessment against these Performance Outcomes has not been included in the above table.

The proposed development complies with the Bushfire hazard overlay code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Flood and storm tide inundation hazard overlay code

The proposed MCU is required to be assessed against Flood and storm tide inundation hazard overlay code. The purpose of the code is to *“enable an assessment of whether development is suitable on land within the Flood and storm tide inundation hazard sub-categories”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 6.

Table 6 Flood and storm tide inundation hazard overlay code

Performance outcomes	Development compliance
For assessable and self-assessable development	
PO1 Development is located and designed to: <ul style="list-style-type: none"> a. ensure the safety of all persons; b. minimise damage to the development and contents of buildings; c. provide suitable amenity; d. minimise disruption to residents, recovery time and rebuilding or restoration costs after inundation events. 	<p>The Applicant commissioned a Catchment Flooding & Storm Tide Study for the development site to derive the 1% Annual Exceedance Probability (AEP) design Defined Flood Level (DFL) for the development site. This Report was prepared by BMT.</p> <p>The recommended minimum finished floor level for the proposed development, based on the DSC Flood & storm tide inundation overlay code (provision of flood immunity to the 1% AEP DFL + freeboard allowance of 300 mm) is:</p> <ul style="list-style-type: none"> • development design life of 80-years (i.e. to the year 2100): 3.00 m AHD • development design life of 50-years (i.e. to the year 2070): 2.76 m AHD <p>The development is being designed to a design life of 80-years.</p>

For assessable development	
PO2 The development is compatible with the level of risk associated with the natural hazard.	<p>The Flooding Catchment and Storm Tide Study prepared by BMT concludes that the proposed development is compatible with the level of risk associated with flooding and storm tide inundation.</p> <p>The proposed development does not include vulnerable uses such as a child care centre, community care facility or retirement facility.</p>
PO3 Development siting and layout responds to flooding potential and maintains personal safety.	The proposed development is being built to a minimum floor level of 3.00 m AHD as per the BMT Report.
PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	The proposed development is compatible with the level of risk associated with flooding and storm tide inundation. A minimum floor level of 3.00 m AHD is proposed.
PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity of flood level and does not increase the potential for flood damage either on site or other properties.	The proposed stormwater regime has a reliance on the adjoining golf course for conveyance of overland flows. Owner's consent has been obtained in this regard. The Civil Engineering Report attached at Appendix K provides more detailed information.
PO6 Development avoids the release of hazardous materials into floodwaters.	N/A. The proposed development does not involve the manufacture or storage of hazardous or noxious materials on site.
PO7 The development supports, and does not unduly burden disaster management response or recovery capacity or capabilities.	The Flooding Catchment and Storm Tide Study prepared by BMT concludes that the proposed development is compatible with the level of risk associated with flooding and storm tide inundation.
PO8 Development involving community infrastructure: <ul style="list-style-type: none"> a. remains functional to serve community need during and immediately after a flood event; b. is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; c. retains essential site access during a flood event; d. is able to remain functional even when other infrastructure or services may be compromised in a flood event. 	N/A. The proposed development does not involve community infrastructure.

The proposed development complies with the Flood and storm tide inundation hazard overlay code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Transport network overlay code

The proposed MCU is required to be assessed against Transport network overlay code. The purpose of the code is to *“enable an assessment of whether development is suitable on land within Transport network overlay”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 7.

Table 7 Transport network overlay code

Performance outcomes	Development compliance
For assessable development	
PO1 Development supports the road hierarchy for the region.	<p>The proposed development is compatible with the adjoining road hierarchy. Notwithstanding, external roadworks are required on Port Douglas Road to support the development. These roadworks include:</p> <ul style="list-style-type: none"> • provision of a northbound left-in slip land to the main site entry with shared bicycle lane • provision of southbound right turn lane into the main site entry • road widening to the western and eastern shoulders to facilitate the additional turn lanes • construction of two new property accesses • adjustment works to the existing shared path, tramway and table drain west of Port Douglas Road as required.
PO2 Transport infrastructure is provided in an integrated and timely manner.	As above.
PO3 Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	Architectural elements will be incorporated into the building design to minimise impacts to the proposed development from Port Douglas Road.

<p>PO4 Development does not comprise the intended role and function or safety and efficiency of major transport corridors.</p>	<p>The proposed development is compatible with the role and function of Port Douglas Road, noting that there similar style developments located along this section of Port Douglas Road.</p> <p>Access to the proposed development is not able to be provided via a lower order road (e.g. local government road) as the site does not have frontage this this type of road.</p>
<p>PO5 Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.</p>	<p>Existing vegetation in the Port Douglas Road road reserve will be retained and enhanced by the addition of further landscaping, if appropriate and approved by DTMR.</p>

It is noted that PO6 is not relevant to the development proposal and as such, an assessment against these Performance Outcomes has not been included in the above table.

The proposed development complies with the Performance Outcomes of the Transport network overlay code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

8.1.4 Relevant development codes

The following Development codes are applicable to the proposed development.

- Multiple dwelling, Short-term accommodation & Retirement facility code
- Access, parking & service code
- Advertising devices code
- Environmental performance code
- Filling & excavation code
- Landscaping code

Multiple dwelling, Short-term accommodation & Retirement facility code

The proposed MCU is required to be assessed against Multiple dwelling, Short-term accommodation & Retirement facility code. The purpose of the code is to “*assess the suitability of development to which the code applies*”.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 8.

Table 8 Multiple dwelling, Short-term accommodation & Retirement facility code

Performance outcomes	Development compliance
For assessable development	
<p>PO1 The sufficient has sufficient area and frontage to:</p> <ul style="list-style-type: none"> a. accommodate the scale and form of buildings considering site features; b. achieve communal open spaces areas and private outdoor spaces; c. deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting; d. achieve safe and convenient vehicle and pedestrian access; e. accommodate on-site car parking and manoeuvring for residents, visitors and service providers. 	<p>The site has an area of 2.067 ha and frontage to Port Douglas Road of approximately 169 m.</p>
<p>PO2 Development for large-scale multiple dwellings, short-term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:</p> <ul style="list-style-type: none"> a. the establishment and extension of public streets and pathways; b. the provision of parks and other public spaces as appropriate to the scale of the development; c. inclusion of a mix of dwelling types and tenures and forms; d. buildings that address the street; e. building height and setback transitions to adjoining development of a lower density or scale. 	<p>The suite of development plans attached at Appendix G detail how the site integrates with the existing neighbourhood including a development that addresses the street and is landscaped to reduce amenity impacts.</p>

<p>PO3 Development ensures that the proportion of buildings to open space is:</p> <ol style="list-style-type: none"> in keeping with the intended form and character of the local area and immediate streetscape; contributes to the modulation of built form; supports residential amenity including access to breezes, natural light and sunlight; supports outdoor tropical living; provides areas for deep tropical planting and / or for the retention of mature vegetation. 	<p>The proposed development has a building outline site coverage of 50% of 10,399 m².</p> <p>The proposed development has a landscaping site coverage of 50% or 10,273 m².</p>
<p>PO4 Development is sited so that the setback from boundaries:</p> <ol style="list-style-type: none"> provides for natural light, sunlight and breezes; minimises the impact of the development on the amenity and privacy of neighbouring residents; provides for adequate landscaping. 	<p>The proposed development has been set back in line with existing and adjoining development in the locale.</p> <p>Existing landscaping on the common boundaries with adjoining land, and the extensive landscaping proposed as part of this development ensures that the amenity and privacy of neighbouring residents is protected.</p>
<p>PO5 Building depth and form must be articulated to:</p> <ol style="list-style-type: none"> ensure that the bulk of the development is in keeping with the form and character of the area; provide adequate amenity for residents in terms of natural light and ventilation. 	<p>The proposed development provides a building depth and form that provides substantial articulation along the front façade ensuring that the bulk of the development is in keeping with the form and character of the area.</p>
<p>PO6 Development reduces the appearance of building bulk, ensures a human scale, demonstrates variation in horizontal and vertical profile and supports streetscape character.</p>	<p>The proposed development incorporates a number of design elements to reduce the appearance of building bulk including:</p> <ul style="list-style-type: none"> • balconies • vertical and horizontal landscaping • glass balustrading • semi-transparent metal and brick screens
<p>PO7 Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through:</p> <ol style="list-style-type: none"> orientation to the street; front boundary setback; balconies and windows to provide overlooking and casual surveillance; building entrances. 	<p>The development proposes a setback from Port Douglas Road that facilitates casual surveillance of the street through the use of balconies and windows facing the road.</p>

PO8 Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.	The proposed development has been designed to provide a building that reflects tropical elements endemic to the region including the Lister Fern and Conch Shell. Vertical and horizontal landscaping will include plants species native to the region.
PO9 Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.	Development adjoining the proposed development includes recreational and other resort style development. Common boundaries with the development site have been previously landscaped such that there will be no privacy impacts to adjoining properties. In addition, the landscaping proposed by the development will further reduce amenity impacts to adjoining neighbours.
PO10 Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.	A total of 50% of the site is being dedicated to landscaping and recreational areas including private and public areas.
PO11 Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.	The suite of development plans attached at Appendix G illustrate a general landscape concept for the proposed development. Detailed landscaping plans including the proposed landscaping philosophy are currently being prepared and will be provided to Council as soon as they are available.
PO12 The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site.	The proposed development is providing a variety of landscaping and recreation areas including private areas such as balconies and public areas such as pools and kids play areas.
PO13 Development must provide attractive and functional open space for residents and guests.	The proposed development represents short-term accommodation. Each room is afforded a private open space area as well as public open space and recreational areas being available to all guests.
PO14 Development provides front fencing and retaining walls that must: <ul style="list-style-type: none"> a. facilitate casual surveillance of the street and public space; b. enable use of private open space; c. assist in highlighting entrances to the property; d. provide a positive interface to the streetscape. 	Retaining walls are proposed along the northern and southern boundaries of the site to account for site level differences to adjoining properties. The design of these retaining walls will be investigated further during detailed design including opportunities for landscaping and reduction in the height of the walls.

PO15 Development minimises light nuisance.	Outdoor lighting will be provided in accordance with AS 4282 – control of obtrusive effects of outdoor lighting.
PO16 Waste and recyclable material storage areas are: <ul style="list-style-type: none"> a. convenient and accessible to residents and waste and recyclable material collection services; b. located and designed to mitigate adverse impacts; <ul style="list-style-type: none"> i. within the site; ii. on adjoining premises; iii. to the street. 	Refuse areas are being located in a separate area at the northern end of the development, with separate access from Port Douglas Road.
PO17 Development provides for secure storage for each dwelling.	The proposed development represents short-term accommodation. Secure storage other than storage for personal items within each room is not required.

It is noted that PO18 to PO21 is not relevant to the development proposal and as such, an assessment against these Performance Outcomes has not been included in the above table.

The proposed development complies with the Performance Outcomes of the Multiple dwelling, Short-term accommodation & Retirement facility code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Access, parking & servicing code

The proposed MCU is required to be assessed against Access, parking & servicing code. The purpose of the code is to “*assess the suitability of access, parking and associated servicing aspects of a development*”.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 9.

Table 9 Access, parking & servicing code

For self-assessable and assessable development	
PO1 Sufficient on-site parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> a. the desired character of the area; b. the nature of the particular use and its specific characteristics and scale; c. the number of employees and the likely number of visitors to the site; d. the level of local accessibility; e. the nature and frequency of any public transport serving the area; f. whether or not the use involves the retention of an existing building and the 	<p>Refer to the Traffic Impact Assessment attached at Appendix H. The report concludes the following with respect to car parking:</p> <p>The Car Parking Demand Assessment suggests that the resort could be expected to generate a peak car parking demand in the order of 217 to 261 spaces, including 75 to 85 staff spaces, 109 to 130 guest spaces and 33 to 46 visitor spaces.</p> <p>The proposed provision of 222 car parking spaces, including 75 staff spaces, 112 guest spaces and 35 visitor spaces, sits within the anticipated peak car parking demand range overall and for each of the user groups. This</p>

<p>previous requirements for car parking for the building;</p> <p>g. whether or not the use involves a heritage building or place of local significance;</p> <p>h. whether or not the proposed use involves the retention of significant vegetation.</p>	<p>is considered to be appropriate to allow for the car parking demands of staff, guests and visitors to be accommodated and managed within the on-site provisions.</p>
<p>PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.</p>	<p>Refer to section 5.6 and 6.3 of the Traffic Impact Assessment.</p> <p>The car parking has been designed generally in accordance with AS2890.1 and AS2890.6</p>
<p>PO3 Access points are designed and constructed:</p> <p>a. to operate safely and efficiently;</p> <p>b. to accommodate the anticipated type and volume of vehicles;</p> <p>c. to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</p> <p>d. so that they do not impede traffic or pedestrian movement on the adjacent road area;</p> <p>e. so that they do not adversely impact upon existing intersections or future road or intersection movements;</p> <p>f. so that they do not adversely impact current and future on-street parking arrangements;</p> <p>g. so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>h. so that they do not involve ramping; cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p>	<p>Refer to section 6 of the Traffic Impact Assessment. The report concludes the following:</p> <p>The proposed vehicle access configuration has been developed to minimise impacts to the function, operation and safety of the state-controlled road network while still achieving the operational requirements of the resort.</p> <p>The proposed vehicle access arrangements (within Port Douglas Road reserve) have been designed having regard for the requirements of Council's Planning Scheme, Australian Standards (AS2890.1 and AS2890.2), the relevant Austroads Guidelines, the RPDM and TMR's Property Access Standard Drawings (SD1807).</p> <p>The Vehicle Access Concept Plan is provided in Appendix I of the TIA.</p>
<p>PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p>Refer to section 5.5 of the TIA. The report concludes the following:</p> <p>The proposed provision of 7 accessible car parking spaces meets the NCC requirements for the resort guests and visitors and is considered to be acceptable.</p>

<p>PO5 Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p>Refer to section 3.1 of the TIA. The resort includes the provision of pedestrian pathways throughout the site and connecting to the existing shared path which runs along the site frontage within the road reserve of Port Douglas Road. These provisions are considered acceptable.</p> <p>The design of these pedestrian pathways will be further detailed at subsequent stages of design.</p>
<p>PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p>Refer to section 3.2 of the TIA. The report concludes the following:</p> <p>The resort proposes to provide 80 bicycle parking spaces, exceeding Council's statutory requirements. This provision is considered to be acceptable.</p>
<p>PO7 Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> a. for visitors is obvious and located close to the building's main entrance; b. for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; c. is easily and safely accessible from outside the site. 	<p>Refer to section 3.2 of the TIA. The report concludes the following:</p> <p>The resort proposes to provide 80 bicycle parking spaces, exceeding Council's statutory requirements. This provision is considered to be acceptable. The proposed development does not require bicycle end-of-trip facilities based on Council's Planning Scheme.</p> <p>Further detail as to wayfinding and signage for these spaces can be developed as subsequent stages of design.</p>
<p>PO8 Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> a. link to external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; b. encourage walking and cycling; c. ensure pedestrian and cyclist safety. 	<p>Refer to section 3.1 of the TIA. The report concludes the following:</p> <p>The resort includes the provision of pedestrian pathways throughout the site and connecting to the existing shared path which runs along the site frontage within the road reserve of Port Douglas Road. These provisions are considered to be acceptable. The design of these pedestrian pathways will be further detailed at subsequent stages of design.</p>

<p>PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> a. in accordance with relevant standards; b. so that they do not interfere with the amenity of the surrounding area; c. so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles. 	<p>Refer to section 4 of the TIA. The report concludes the following:</p> <p>The loading dock has been designed generally in accordance with the relevant Australian Standard (AS2890.2). Swept paths have been completed to demonstrate that relevant design vehicles can access, manoeuvre within and egress the site in a forward direction (Appendix E of the TIA). These arrangements are considered to be acceptable.</p>
<p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p>Refer to section 5.6 and 7 of the TIA. The report concludes the following:</p> <p>The resort has been designed to prioritise entering vehicle and provide adequate queue provisions for the port cochere (and other on-site areas) as to not impact upon operations or performance of the external road network. These provisions are considered to be acceptable.</p>

The proposed development complies with the Performance Outcomes of the Access, parking and servicing code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Environmental performance code

The proposed MCU is required to be assessed against Environmental performance code. The purpose of the code is to “*ensure development is designed and operated to avoid or mitigate the impacts on sensitive receiving environments*”.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 11.

Table 10 Environmental performance code

Performance outcomes	Development compliance
Lighting	
PO1 Lighting incorporated within development does not cause and adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	Lighting will be provided to the proposed development commensurate with the type of development and for the safety and conduct of users and for the protection of amenity to adjacent uses. Council can reasonably condition lighting associated with the development.
Noise	
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity.	Noise associated with the proposed development have been limited as far as practicable including the provision of basement car parking.
Airborne particles and other emissions	
PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.	The proposed development does not involve activities that will result in the release of airborne particles or emissions.
Odours	
PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.	The proposed development does not involve odour causing activities.
Waste and recyclable material storage	
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.	Waste storage facilities will be located in the basement away from adjacent uses.
Sensitive land use activities	
PO6 Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	The proposed development is located in an area where resort style development already exists. Adjoining and nearby land uses are not considered incompatible with the proposed use.

Stormwater quality	
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: <ol style="list-style-type: none"> the amount and type of pollutants borne from the activity; maintaining natural stream flows; the amount and type of site disturbance; site management and control measures. 	The stormwater regime proposes conveyance of overland flows from the site to a lagoon located within the adjoining golf course.
Pest plants (for material change of use on vacant land over 1,000m²)	
PO8 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.	The site will be cleared of any pest plants if discovered on the site and prior to construction of the proposed development. Clearing of pest plants on the site can be reasonably conditioned by Council.

The proposed development complies with the Performance Outcomes of the Environmental performance code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Filling & excavation code

The proposed MCU is required to be assessed against Filling & excavation code. The purpose of the code is to “*assess the suitability of development for filling or excavation*”.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 12.

Table 11 Filling & excavation code

Filling & excavation – general	
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	Site works will be certified as Level 1 in accordance with AS 3798 by a Geotechnical Engineer.
Visual impact and site stability	
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	Bulk excavation of the site will require around 40,000 m ³ of soil to be exported from the site, to be confirmed at documented at the detailed design stage.
Flooding and drainage	
PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	A drainage regime has been identified and can be designed at the detailed design stage to meet the relevant requirements.

Water quality	
PO4 Filling and excavation does not result in a reduction of the water quality or receiving waters.	Any drainage paths will be landscaped to prevent reduction of water quality to receiving waters. This can be reasonably conditioned by Council.
Infrastructure	
PO5 Excavation and filling does not impact on public utilities.	Excavation and filling will be kept clear of public utilities. Excavation and filling associated with the proposed development will be documented as part of Operational Works.

The proposed development complies with the Performance Outcomes of the Filling and excavation code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Infrastructure works code

The proposed MCU is required to be assessed against Infrastructure works code. The purpose of the code is to *“ensure that development is safely and efficiently serviced by, and connected to, infrastructure”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal’s compliance with the relevant provisions of the code is detailed in the following Table 13.

Table 12 Infrastructure works code

For self-assessable and assessable development	
Works on a local government road	
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	N/A. The proposed development does not require works to be carried out on a local government road.
Accessibility structures	
PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.	Accessibility structures will be designed on accordance with AS 1428.3 where required.
Water supply	
PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.	The proposed development will connect to the Council’s water reticulation network via the existing 450 mm DICL main.

Treatment and disposal of effluent	
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	The proposed development will connect to the Council's sewer reticulation via the existing rising main in Port Douglas Road. A new sewer pump station will be required for the development.
Stormwater quality	
PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by: a. achieving stormwater quality objectives; b. protecting water environmental values; c. maintaining waterway ecology.	The stormwater regime proposes conveyance of overland flows from the site to a lagoon located within the adjoining golf course.
Wastewater discharge	
PO7 Discharge of wastewater to waterways, or off site: a. meets best practice environmental management; b. is treated to: i. meet water quality objectives for its receiving waters; ii. avoid adverse impact on ecosystem health or waterway health; iii. maintain ecological processes, riparian vegetation and waterway integrity; iv. offset impacts on high ecological value waters.	Wastewater discharge will be designed to meet best environmental practice. Wastewater discharge will be documented as part of Operational Works.
Electricity supply	
PO8 Development is provided with a source of power that will meet its energy needs.	Development can be provided with a source of power. Electrical supply and reticulation will be addressed as part of Operational Works.
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	Sufficient area will be made available within the development if padmount electricity infrastructure is required.
Telecommunications	
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	Telecommunication connections will be made to the existing Telstra and NBN network located along Port Douglas Road.

PO11 Provision is made for future telecommunications services (e.g. optic fibre cable).	Telecommunication connections will be made to the existing Telstra and NBN network located along Port Douglas Road.
Road construction	
PO12 The road frontage of the premises is constructed to provide for the safe and efficient movement of: <ul style="list-style-type: none"> a. pedestrians and cyclists to and from the site; b. pedestrians and cyclists adjacent to the site; c. vehicles on the road adjacent to the site; d. vehicles to and from the site; e. emergency vehicles. 	<p>The subject land has road frontage to Port Douglas Road which falls under the jurisdiction of the Department of Transport and Main Roads.</p> <p>Ingress and egress to the proposed development will be constructed in accordance with the Department's requirements.</p>
Alterations and repairs to public utility services	
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	<p>Development infrastructure is able to be integrated with existing networks.</p> <p>Development infrastructure will be documented as part of Operational Works.</p>
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	The proposed development does not anticipate alterations or repairs to public utility mains, services and installations.
Construction management	
PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	The subject land has been substantially cleared in the past with some construction previously undertaken on the site.
PO16 Existing infrastructure is not damaged by construction activities.	Infrastructure construction will be undertaken in accordance with SC6.5 Planning Scheme Policy – FNQROC Regional Development Manual.
For assessable development	
High speed telecommunications infrastructure	
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	NBN is available in the vicinity of the site.

Trade waste	
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: <ul style="list-style-type: none"> a. off-site releases of contaminants do not occur; b. the health and safety of people and the environment are protected. c. The performance of the wastewater system is not put at risk. 	Trade waste infrastructure will be constructed in accordance with relevant Council standards and requirements. The provision of trade waste infrastructure can be reasonably conditioned by Council.
Fire services in developments accessed by common private title	
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	Fire hydrants will be provided in accordance with AS2419.1 and documented by the hydraulic consultant for the Building Application.
PO20 Hydrants are suitably identified so that fire services can located them at all hours.	Fire hydrants will be suitably identified in accordance with AS2419.1.

The proposed development complies with the Performance Outcomes of the Infrastructure works code having regard to the Acceptable Outcomes. The proposed development therefore meets the purpose of the code.

Landscaping code

The proposed MCU is required to be assessed against Landscaping code. The purpose of the code is to *“assess the landscaping aspect of a development”*.

To comply with the purpose of the code, development is required to comply with Performance Outcomes of the code. The proposal's compliance with the relevant provisions of the code is detailed in the following Table 14.

Table 13 Landscaping code

Performance outcomes	Development compliance
For self-assessable and assessable development	
Landscape design	
PO1 Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by: <ul style="list-style-type: none"> a. promoting the Shire's character as a tropical environment; b. softening the built form of development; c. enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; d. screening the view of buildings, structures, open storage areas, service 	Detailed landscaping plans and design philosophy in accordance with the POs and AOs of the Code are currently being prepared and will be provided to Council as soon as they are available. The general landscaping concept for the proposed development is detailed on the suite of development plans attached at Appendix G.

<p>equipment, machinery plant and the like from public places, residences and other sensitive development;</p> <p>e. where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</p> <p>f. contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</p> <p>g. ensuring private outdoor recreation space is useable;</p> <p>h. providing long term soil erosion protection;</p> <p>i. providing a safe environment;</p> <p>j. integrating existing vegetation and other natural features of the premises into development;</p> <p>k. not adversely affecting vehicular and pedestrian sightlines and road safety.</p>	
For assessable development	
PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	Proposed landscaping will generally reflect the tropical character of the region. Landscaping will include horizontal and vertical planting.
PO3 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	Proposed landscaping will generally reflect the tropical character of the region.
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	Chosen plant species will be endemic to the region and selected in accordance with Planning scheme policy SC6.7 – Landscaping.
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	N/A. Car parking is to be provided at basement level.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	A maintenance program will be undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.

PO7 Podium planting is provided with an appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	The development does not proposed podium planting.
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	The site will be cleared of any weed and invasive species prior to construction commencing.
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	Detailed landscaping plans including design philosophy in accordance with the POs and AOs of the Code are currently being prepared and will be provided to Council as soon as they are available.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	Plant species will be selected in accordance with Planning scheme policy SC6.7 – Landscaping. Detailed landscaping plans including design philosophy in accordance with the POs and AOs are currently being prepared and will be provided to Council as soon as they are available.

9. Conclusion and recommendations

The development application seeks a Development Permit for an MCU – Short-term accommodation, Food and drink outlets and Function facility on land described as Lot 1 on SP150468, located at 71-85 Port Douglas Road, Port Douglas.

The development includes:

- 254 accommodation rooms
- Food and drink outlets with a total combined GFA of 1,844 m²
- Function facility(s) with a total combined GFA of 1,866 m²
- Car parking, office, gymnasium and outdoor recreational facilities which are considered ancillary to the proposed development.

The development is Code assessable under the Douglas Shire Council Planning Scheme 2018. The proposal is considered to comply with the relevant codes of the Planning Scheme and will contribute towards achieving the overall outcomes of the Tourist accommodation zone code.

It is considered that Council can reasonably approve the development application subject to reasonable and relevant conditions, on the following grounds:

- The proposed development is consistent with the zoning of the land and the provisions of the Douglas Shire Planning Scheme 2018.
- The development plans describe how the proposed development will be located on the land, including access, pedestrian links and car parking.
- The development proposed 221 car parking spaces which sit within the range of the anticipated peak car parking demands.
- The vehicle trip generation of the proposed development is not expected to exceed the identified threshold of 5% on the north and south approaches of Port Douglas Road / Avenue of Palms roundabout.
- The urn warrant assessment indicates that a short AUL treatment and a short CHR treatment is required at the central vehicle access.
- The development is able to be connected to all infrastructure services including water, sewer, power and telecommunications.
- In accordance with the Douglas Shire Planning Scheme, Flood and storm tide hazard overlay code, the proposed development floor level is to be designed to provide flood immunity to the 1% AEP defined flood and storm tide event plus freeboard allowance of 300 mm. The recommended minimum finished floor levels are therefore:
 - Development design life of 80-years (i.e. to the year 2100): 3.00 m AHD
 - Development design life of 50-years (i.e. to the year 2070): 2.76 m AHD.

- A 1200 x 600 RCBC is proposed to replace the existing 600 dia. pipe along the southern boundary of the site to convey 1% AEP flows from Port Douglas Road to the golf course lagoon. Internal site drainage is proposed to connect to the culvert, up to the capacity of the system, with the remaining site area connecting to a second culvert located in the north eastern corner. Design of the internal drainage system will be undertaken at the detailed design stage using ILSAX hydrology and ARR 2019 rainfall and procedures in DRAINS software. The design will be undertaken in accordance with the Far North Queensland Regional Development Manual, the Queensland Urban Drainage Manual, and Council's requirements

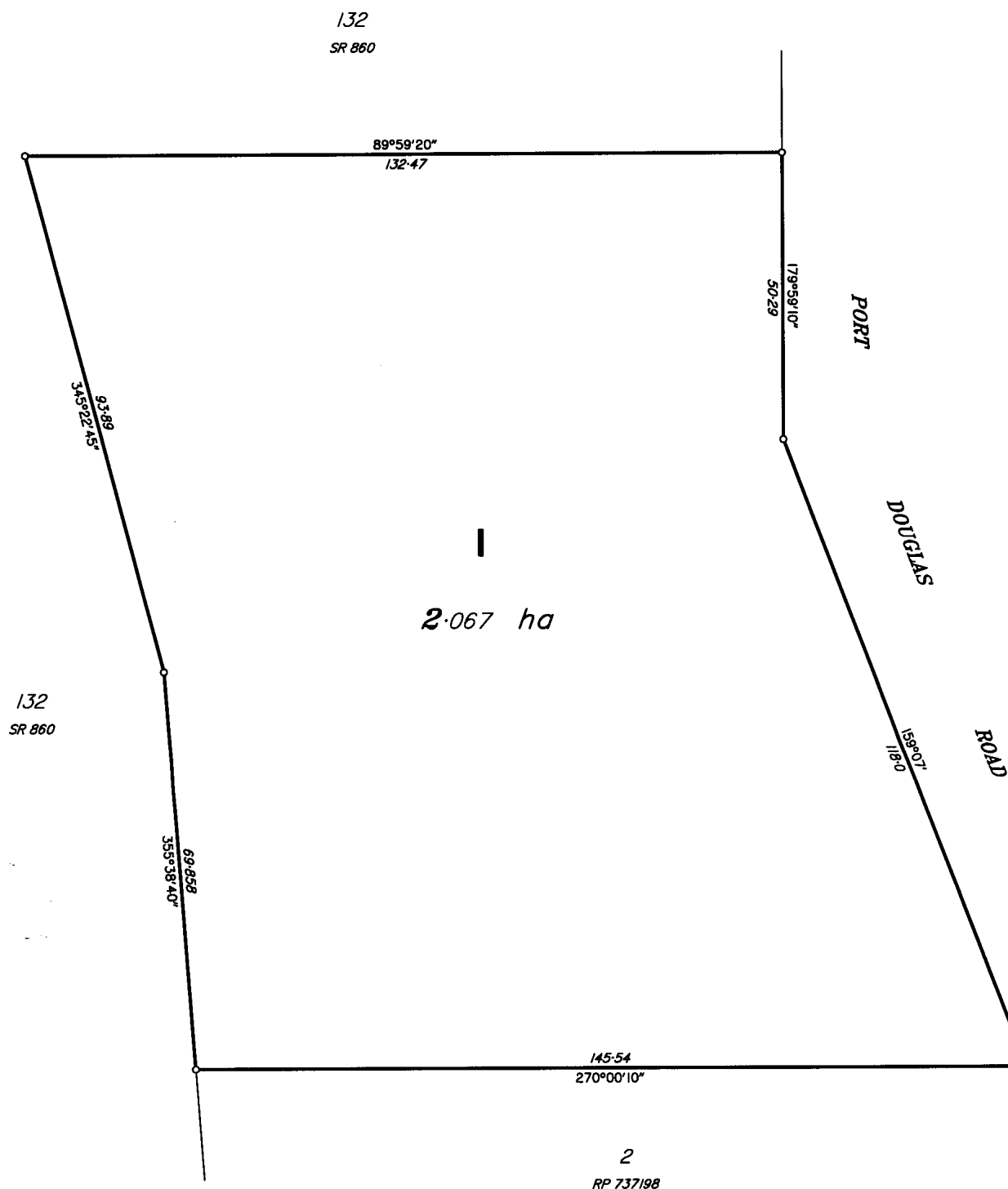
In accordance with the above, the proposal is hereby recommenced to Douglas Shire Council for its favourable consideration.

Appendices

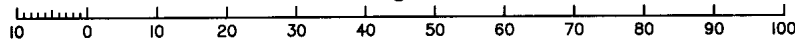
Appendix A - Title Search

Appendix B – Survey Plan

SURVEY PLAN

Sheet
1 of
1

Scale 1:750 - Lengths are in Metres.



0 50 mm 100 mm 150 mm State copyright reserved.

C & B CONSULTANTS PTY LTD ACN 055 931 096
hereby certify that the Company has made this plan pursuant to
Section 25 of the Surveyors Regulation 1992, and that the plan is
accurate, and compiled from RP 737198 in the Department of
Natural Resources & Mines.



Stephen James REDWELL
Director and Licensed Surveyor

Date: 12.9.02

Plan of **Lot 1**

Cancelling Lots 1 - 18 on GTP 70052 and
Common Property of "Port Douglas Vacation Village",
Community Titles Scheme 18874

PARISH: **SALISBURY**COUNTY: **Solander**Meridian: **RP 737198**F/N's: **NO**Scale: **1:750**Format: **STANDARD****SP150468**

Plan Status:

706124916

\$269.65

18/11/2002 10:04

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

Greer & Timms 738
PO Box 57
Port Douglas 4871
07 40995 995

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

1. Certificate of Registered Owners or Lessees.

1/We **BERNT BERENTSEN &
KATHRYN MARGARET BERENTSEN
AS JOINT TENANTS**

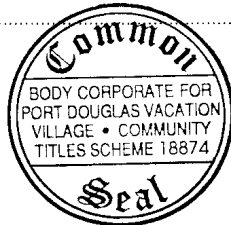
Port Douglas
Body Corporate for Vacation Village
Community Titles Scheme 18874

(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



Bernt Berentsen
BERNT BERENTSEN

Kathryn Margaret Berentsen
KATHRYN MARGARET BERENTSEN

Authorised signatories

* Rule out whichever is inapplicable

2. Local Government Approval.

*

hereby approves this plan in accordance with the :

%

Dated this day of

#

#

* 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 :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 61949

6. Existing

Title Reference	Lot	Plan	Lots	Emts	Road
21154159	1	GTP 70052			
21154160	2	GTP 70052			
21154161	3	GTP 70052			
21154162	4	GTP 70052			
21154163	5	GTP 70052			
21154164	6	GTP 70052			
21154165	7	GTP 70052			
21154166	8	GTP 70052			
21154167	9	GTP 70052			
21154168	10	GTP 70052			
21154169	11	GTP 70052			
21154170	12	GTP 70052			
21154171	13	GTP 70052			
21154172	14	GTP 70052			
21154173	15	GTP 70052			
21154174	16	GTP 70052			
21154175	17	GTP 70052			
21154176	18	GTP 70052			
19370052	CP	GTP 70052			

Created

POR 106

I

Orig

Lots

7. Portion Allocation :

8. Map Reference :

7964-11141

9. Locality :

PORT DOUGLAS

10. Local Government :

DOUGLAS SHIRE COUNCIL

11. Passed & Endorsed :

By: C & B CONSULTANTS PTY LTD

Date: 12/9/02

Signed: M. Smith

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 road

Licensed Surveyor/Director * Date
* delete words not required

13. Lodgement Fees :

Survey Deposit \$

Lodgement \$

..... New Titles \$

Photocopy \$

Postage \$

TOTAL \$

14. Insert
Plan
Number

SP150468

Appendix C – DES CLR & EMR Search



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50596465 EMR Site Id: 06 April 2020
This response relates to a search request received for the site:
Lot: 1 Plan: SP150468

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

Appendix D – Decision Notice MCUC 041/07



ENQUIRIES: Louise Stayte – Planning Officer
DEPARTMENT: Planning Services Section - ☎ (07) 4099 9456
EMAIL: planning@dsc.qld.gov.au

Oakstand Fund No.7 Pty Ltd
c/- Flanagans Consulting Group
PO Box 5820
CAIRNS QLD 4870



30 January 2008

INTEGRATED PLANNING ACT DECISION NOTICE

DEVELOPMENT APPLICATION

Applicant's Name : Oakstand Fund No.7 Pty Ltd
Owner's Name : Oakstand Fund No.7 Pty Ltd
Proposal : Material Change of Use for 79 multiple dwellings (tourist) {of which 47 are able to be used as multiple dwellings (tourist) and accommodation premises (motel) in a dual-key arrangement and three (3) are able to be temporarily used as display homes (multiple dwelling)}; 127 accommodation premises (motel); and ancillary uses including gym, spa, relaxation lounge, retail, restaurant, café, bar, function centre, meeting rooms and administration facilities.

Application Number : MCUI 041/07
Site Address : 71 to 85 Port Douglas Road, Port Douglas
Property Description : Lot 1 on SP150468, Parish of Salisbury, County of Solander

A. Decision: **Decision Date:** 22 January 2008

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

C. Referral Agency:

Concurrence

Department of Main Roads
Peninsular District
PO Box 6185
CAIRNS QLD 4870

Advice

Senior Resource Planning Officer
Catchment and Regional Planning
Department of Natural Resources, Mines &
Water
PO Box 210
ATHERTON QLD 4883

D. Conditions

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the details of the application and the following approved plan/s of development:

Title	Plan No	Date
Building Bulk Analysis	DA 1.01 (Issue A)	August 2006
Roof and Site Plan	DA 1.02 (Issue A)	August 2006
Level B1 Plan	DA 2.00 (Issue B)	May 2007
Ground Floor Plan	DA 2.01 (Issue A)	August 2006
Level 01 Plan	DA 2.02 (Issue A)	August 2006
Level 02 Plan	DA 2.03 (Issue A)	October 2006
Typical Apartment Floor Plans	DA 2.04 (Issue A)	October 2006
East Elevation and Section AA	DA 3.01 (Issue A)	August 2006
Elevations	DA 3.02 (Issue A)	August 2006

Except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Display Homes

3. Units CG.01, CG.02 and CG.03 are permitted to be used as display houses (multiple dwelling) for a period of twelve (12) months and are to revert back to multiple dwellings (tourist) and accommodation premises (motel) at the end of this period.

Landscaping

4. A detailed Landscaping Plan in accordance with Douglas Shire Superseded Planning Scheme and Superseded Planning Policy No 4 – Landscaping is to be submitted to Council for approval prior to obtaining a building permit/operational works permit. The plan is to incorporate the following:
 - a) the location of underground services; and
 - b) vegetation bonuses identified in Section 3.5 of the Douglas Shire Superseded Planning Scheme including:
 - Dense Tropical Vegetation – 0.10 bonus necessary;
 - Shade Trees – 0.045 bonus necessary;
 - Vegetation Retention - 0.06 bonus necessary; and
 - Street Landscaping – 0.04 bonus necessary.
5. (A) The owner/developer shall be responsible for all maintenance work on-street landscaping for a period of twenty-four (24) months. Council will not accept the on-street landscaping off maintenance or the associated transfer of irrigation to Council's reticulated water system until it meets the requirements of Council's Engineering Services;

OR
(B) The owner/developer shall enter into an agreement with Council for the owner/developer to maintain the on-street landscaping to a standard specified by Council.
6. All vegetation adjacent to any pool fencing is to be maintained to comply with AS1926-1993 that requires a 1.2 m setback to climbable vegetation.
7. No trees are to be planted within two (2) m of the sewer manholes near the south western and north eastern corners of the property.

Sewerage

8. Developer to construct and maintain internal sewerage pump station and pressure main to Council's existing pressure main located on the eastern side of Port Douglas Road. Plans and design drawings to be submitted for approval at time of application for operational works.

9. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

Electricity and Telephone Services

10. All electrical lines along the full frontages of the subject site (Port Douglas Road) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer's/owner's expense and are to be completed prior to commencement of the approved use.

Stormwater

11. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to a legal and practical point of discharge which has been nominated as either:

(A) Port Douglas Road;

AND/OR

- (B) The adjoining property at the rear boundary (Lot 132 on SP160477) in accordance with a legal agreement between the developer and the adjoining landowner to the effect that the adjoining landowner will accept the discharge of stormwater onto their property. A copy of this legal agreement is to be submitted to Council prior to Operational Works or Building Approval, whichever comes first.

The approved use must not:

- a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties, except where in compliance with Council's Condition 11(B).
12. A stormwater drainage plan for the development is to be prepared in accordance with the Far North Queensland Regional Organisation of Council's Development Manual and submitted to Council prior to obtaining Operational Works approval.

Water Supply

13. Developer to pay to Council the cost of connection to Council's existing water main on Port Douglas Road.

Details of the water supply connection are to be provided to Council prior to Operational Works approval.

Acid Sulfate Soils

14. The developer is to submit with the application for approval of Operational Works, an Acid Sulfate Soil (ASS) management plan in accordance with QASSIT Guidelines. This ASS management plan must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

Contributions

15. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (the policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	97.2
Sewerage	133.4

Car parking

16. A car parking area on site with a minimum of 159 vehicle spaces (no tandem space), two (2) motorcycle spaces and twenty-six (26) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and maintained thereafter. An amended plan of development in accordance with these requirements is to be submitted to Council and approved prior to work commencing on site prior to operational works approval.

Ancillary Uses

17. The ancillary uses are to be for the exclusive use of internal guests only and not to open to the general public.

Refuse

18. There is to be provided within the development an area for the storage and washing of all refuse containers. Such area is to be:
 - (a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins;
 - (b) situated so as not to cause an odour nuisance to any adjacent properties;
 - (c) imperviously paved and drained to a suitable silt trap;
 - (d) discharged to sewer to the satisfaction of the General Manager Engineering Services;
 - (e) provided with a suitable hose cock with backflow prevention device and hose; and
 - (f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

19. 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.

Construction Stage/Site Management

20. The applicant is to prepare with the submission for either Building or Operational Works approval (which ever comes first), an environmental management plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances). This EMP is required to meet the approval of the manager of Environmental Services.
21. 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 Council.
22. 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.
23. 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.
24. 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.
25. Erosion and sediment control measures must be installed prior to works commencing on the site and these measures will be maintained in good working order during the construction.
26. The building site shall be maintained in good condition at all times to the satisfaction of the Council.

Fencing

27. Any fencing to be provided at the Port Douglas Road frontage of the site shall have a setback of 2 m and maximum height of 1.2 m, and at the side and rear boundaries with a maximum height of 1.8 m.

Traffic Management

28. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device/s shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.

The developer shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for a Building Permit.

Amenity

29. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.
30. All service equipment, machinery, vehicles, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.
31. All external lighting installed upon the premises shall conform to the relevant Australian Standards and be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring properties.
32. Roofs of buildings are light coloured and non-reflective, and white and shining metallic finish are avoided on external surfaces in prominent view, in accordance the Planning Scheme Policy 2 – Building Design and Architectural Elements.
33. Access for pedestrians and cyclists to the building entry, from the parking area and from the street are to be in accordance with the provisions of the Australian Standards.

Swimming Pool Waste

34. Swimming pool and spa filters shall not backwash the filter discharge or pool waste into the Council's sewerage system or stormwater drainage system or a waterway. Council approval shall be obtained for residential and commercial pool and spa filter backwash systems to a legal point of discharge prior to installation. This approval is to be via a plumbing and drainage application process.

Advertising

35. Any proposed advertising devices are to be approved by Council and in accordance with the Codes of Localities, Codes for Planning Areas and Design and Siting of Advertising Devices Code within the Douglas Shire Planning Scheme.

Compliance

36. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Miscellaneous

37. No covered verandas, balconies or carports shall be enclosed without the consent of Council.

Security

38. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a cash bond or bank guarantee to the value of \$1 200 000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Advice

Vegetation Removal

A current Permit to Damage Protected Vegetation issued by Council is required for the removal of any vegetation on the site with a trunk circumference of 80 cm at chest height.

Public Safety and Visibility

Trees located near pathways, driveways, access points, parking areas and street corners are to be maintained to ensure that at maturity the vegetation has minimum of three (3) m of clear trunk.

Reserves and Easements

Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be burdened to Council, at no cost to Council.

Environmental Health Permits

As application has been made for multiple dwellings (tourist) and accommodation premises (motel) with ancillary restaurant/bar and cafes, further licenses will be required from Council's Environmental Health Section.

Water Meters

In accordance with the Queensland Plumbing and Wastewater Code, commencing state-wide on 1 January 2008, any building development applications lodged for new premises drawing a water supply from a water service provider will be required to include sub-meters for separate lots in any type of building under a community title scheme and sole occupancy units in new buildings under a single title.

Developments shall comply with the Queensland Plumbing and Wastewater Code at Part Four (4) – Water Meters for New Premises.

For all classes of building built after 1 January 2008, sub-meters will be owned by Council. The water supply system from the Council Service or the Master Meter to the sub-meter shall be owned by the Community Title Scheme Body Corporate and the water supply from the sub-meter to the point of use will be owned either by the individual metered premises or by the Community Title Scheme Body Corporate as appropriate.

The installation of sub-meters shall be based on the following performance requirements:

- Accessibility within a common area due to regulatory restrictions on installation and access to 'residential places',
- Accessibility for reading and maintenance repair or replacement,
- The provision of supporting plumbing components that are part of Council's meter installation eg ball valve, meter tails/unions and disassembly coupling,
- Suitable drainage for maintenance and management of leakage water,
- Consistency of installed formats to assist asset management and communication goals.

The design of plumbing installations shall be set out so that common facilities are sub-metered as individual sub-systems as follows:

- each hot water system that serves a floor will be sub-metered,
- all recreation facilities on land that is common property will be on a common sub-meter eg: the pool and the recreation room and the BBQ facility will be off the same sub-meter,
- external taps shall be connected through a common facilities sub-meter.

These common facilities sub-meters are to be owned by Council.

Where Community Title Scheme developments propose to have security systems where the public is restricted from access to the development or to buildings within the development then an Automatic Meter Reading (AMR) system shall be installed to the requirements of Council.

It is to be noted for developments that provide no security system at the time of development and later change to a development where security is to be provided, then these developments shall provide an AMR system as a part of the security upgrade.

The AMR system shall be installed by the developer and following commissioning, the AMR system shall be handed over to the Council for ownership.

The type and format of meters and AMR technologies shall comply with Council's standards and specifications.

E. Further Development Approvals Required:

Operational Work
Building Permit
Plumbing & Drainage Permit

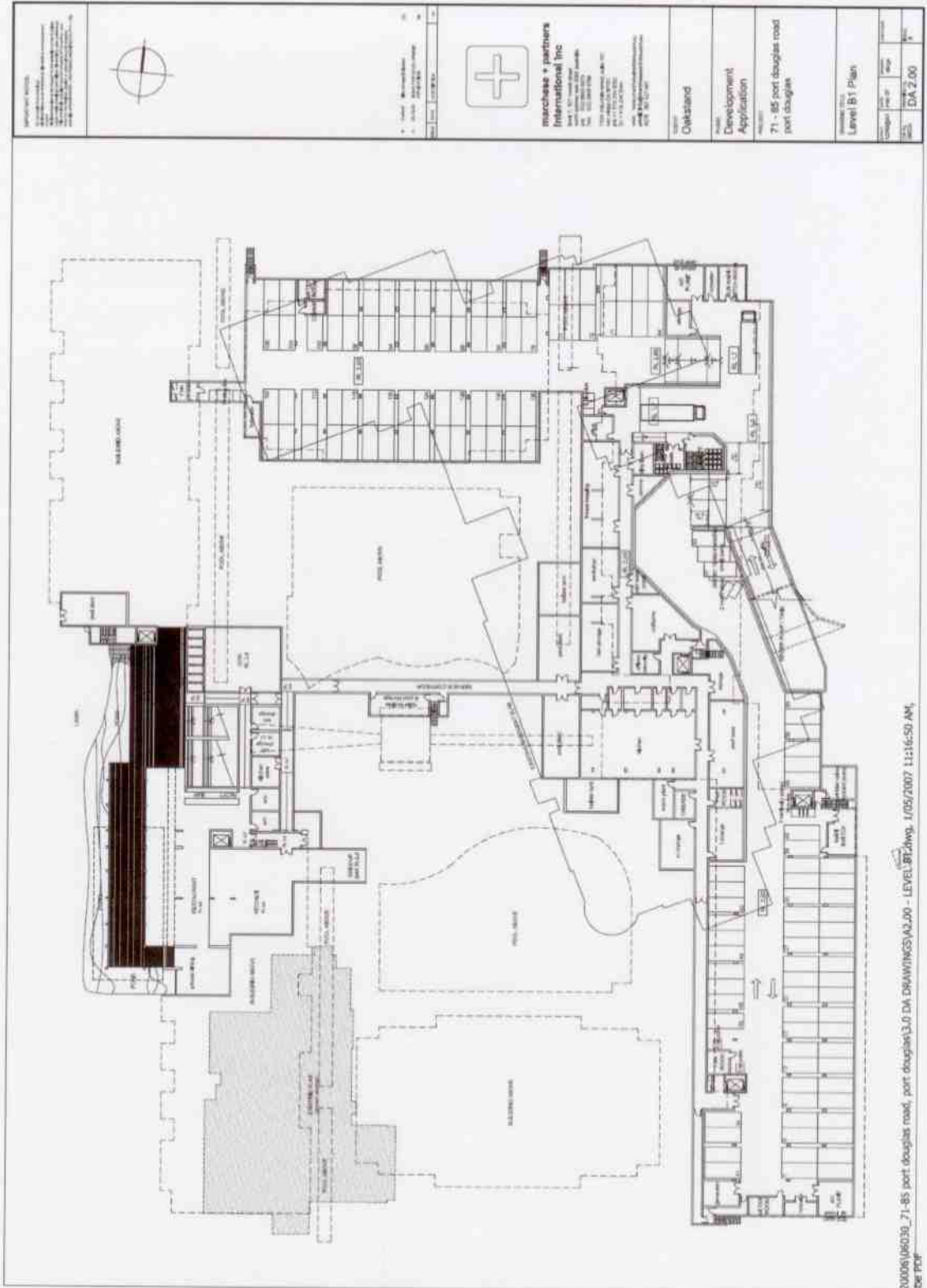
Development Permit
Development Permit
Development Permit



Paul Hoyer
A/General Manager – Development & Environment

Approved Plans of Development





PROJECT INFORMATION

Project Name: 71-85 Port Douglas Road, Port Douglas

Client: Marchese + Partners International Inc.

Architect: [Firm Name]

Address: 1000 Highway 104, Suite 101, Port Douglas, BC V8B 1A1

Phone: (250) 861-1111

Fax: (250) 861-1112

Email: info@marchese.ca

Website: www.marchese.ca

Legend

1. Level B1 Plan

2. Level B2 Plan

3. Level B3 Plan

4. Level B4 Plan

5. Level B5 Plan

6. Level B6 Plan

7. Level B7 Plan

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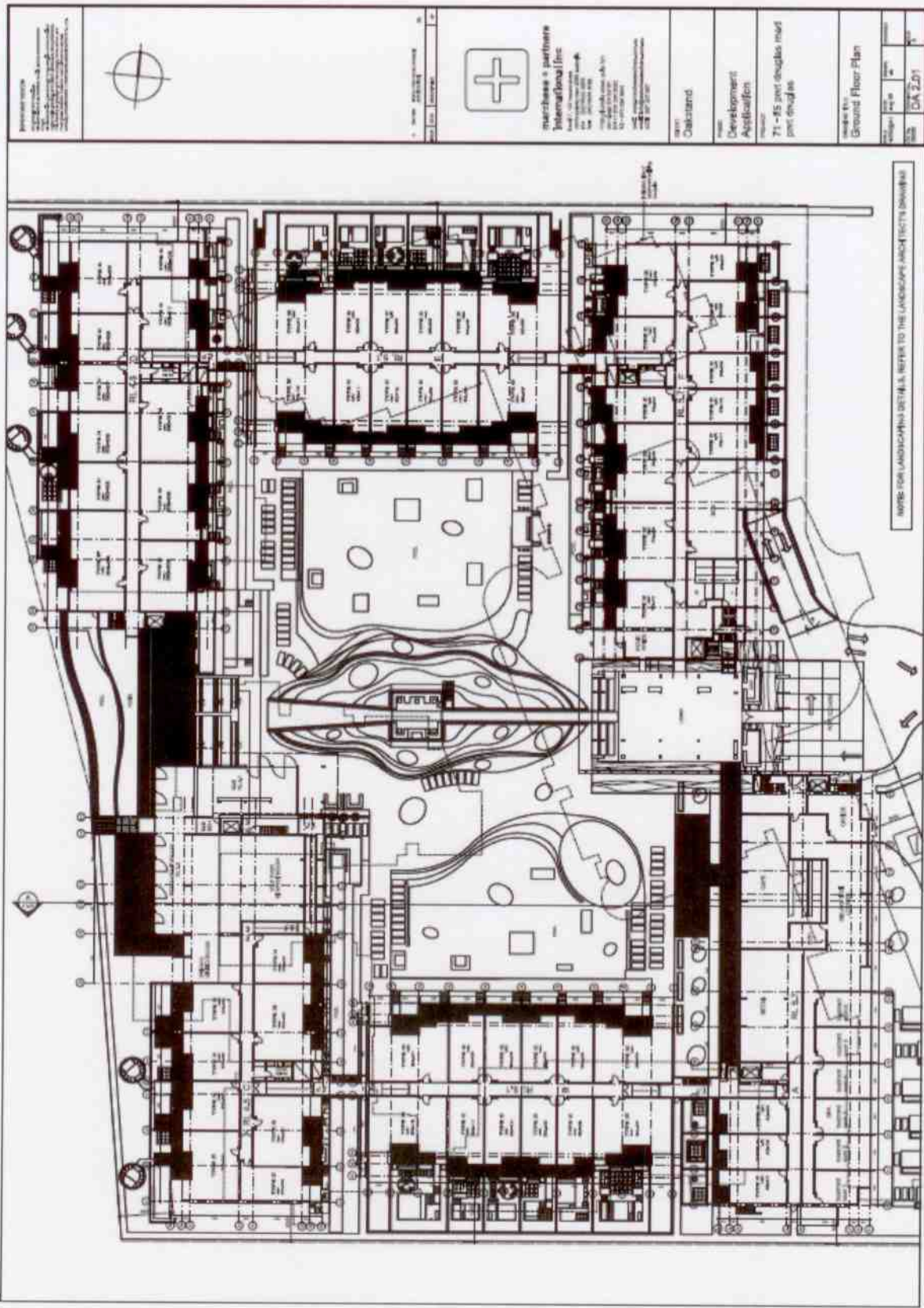
97. Level B97 Plan

98. Level B98 Plan

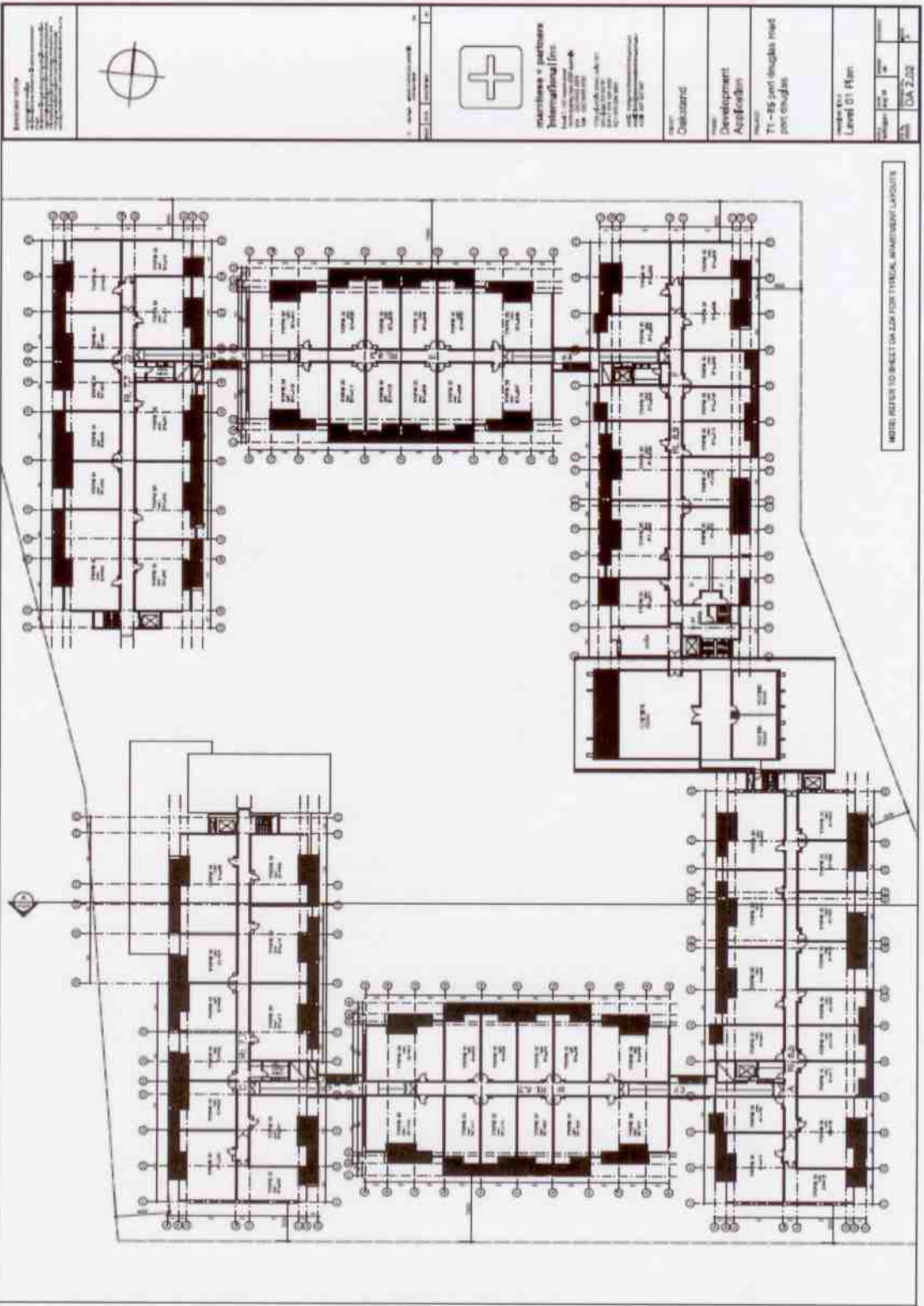
99. Level B99 Plan

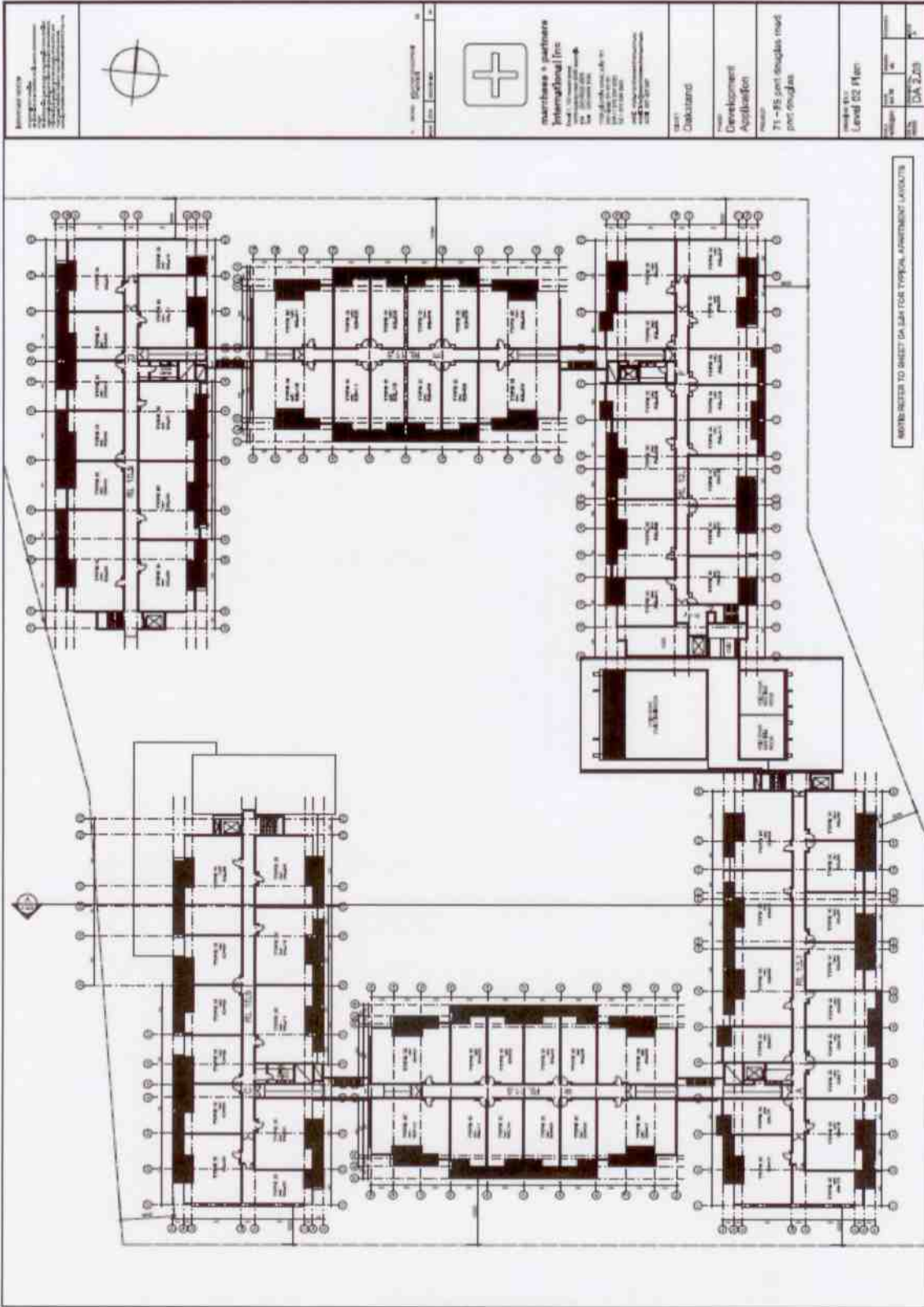
100. Level B100 Plan

N:\2006\06030_71-85 Port Douglas Road, Port Douglas\3.0 DM DRAWINGS\A3.00 - LEVEL B1.dwg, 1/05/2007 11:16:50 AM, Author: PTH



NOTE: FOR LANDSCAPE DETAILS, REFER TO THE LANDSCAPE ARCHITECT'S DRAWINGS





NOTE: REFER TO SHEET DA-01 FOR TYPICAL UNIT LAYOUTS

1. The information on this sheet is for informational purposes only and is not intended to be used as a contract. The information is subject to change without notice. The information is provided as a guide only and is not intended to be used as a contract. The information is provided as a guide only and is not intended to be used as a contract.



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marcusa + partners
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 New York, NY 10022
 Tel: 212 692 1000
 Fax: 212 692 1001
 Email: info@marcusa.com
 Website: www.marcusa.com

Material Change of Use

Material Change of Use

71 - 85 port douglas road
 port douglas

Typical Apartment Floor Plans

1. The information on this sheet is for informational purposes only and is not intended to be used as a contract. The information is subject to change without notice. The information is provided as a guide only and is not intended to be used as a contract.



TYPE M
 Building Area: 15.00 sqm
 Net Area: 11.00 sqm



TYPE N
 Building Area: 15.00 sqm
 Net Area: 11.00 sqm



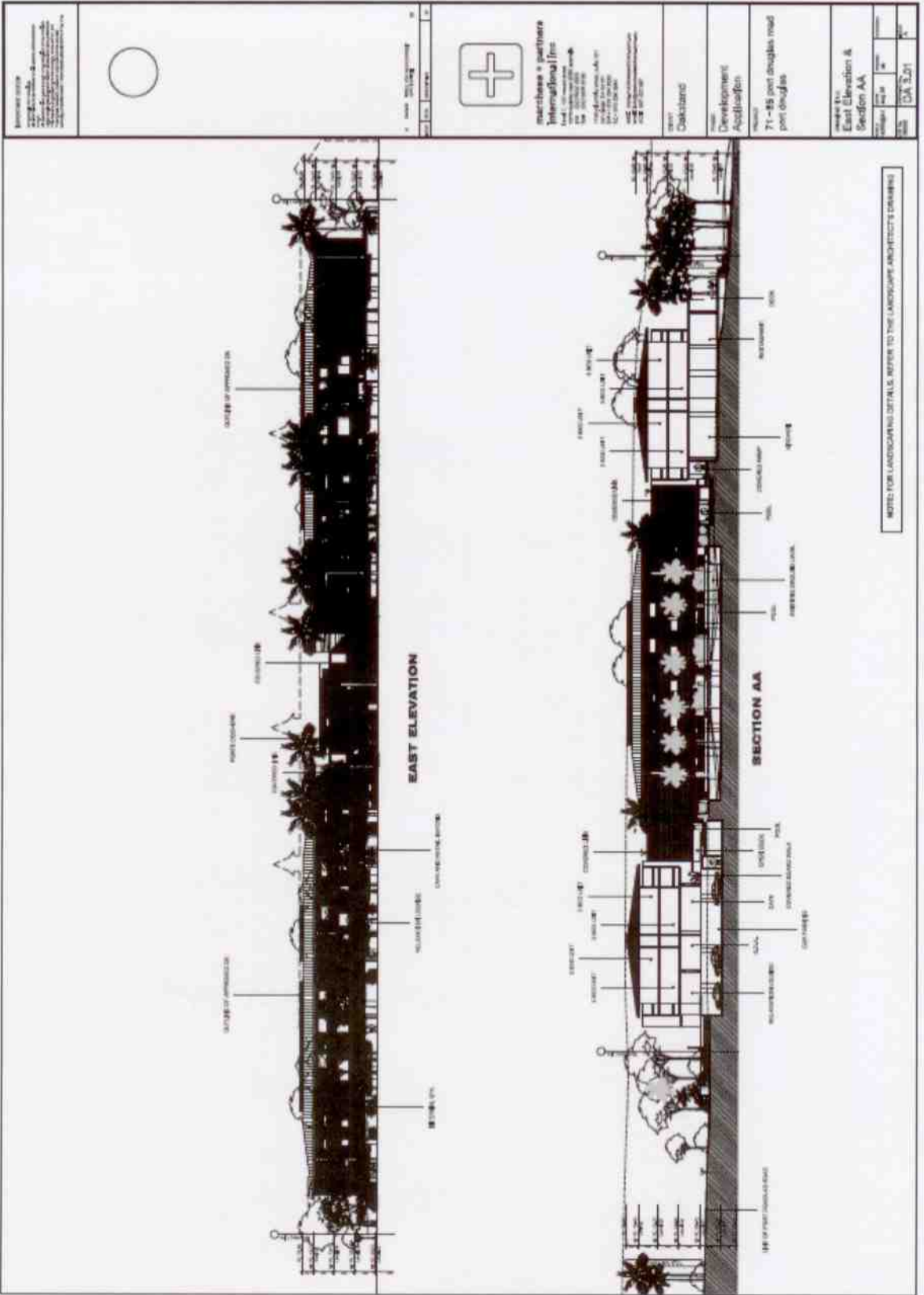
TYPE C
 Building Area: 15.00 sqm
 Net Area: 11.00 sqm



TYPE K
 Building Area: 15.00 sqm
 Net Area: 11.00 sqm



TYPE D
 Building Area: 15.00 sqm
 Net Area: 11.00 sqm



PROJECT DATA

Project Name: [Redacted]

Client: [Redacted]

Location: [Redacted]

Architect: [Redacted]

Scale: 1/8" = 1'-0"

PROJECT DATA

Project Name: [Redacted]

Client: [Redacted]

Location: [Redacted]

Architect: [Redacted]

Scale: 1/8" = 1'-0"

PROJECT DATA

Project Name: [Redacted]

Client: [Redacted]

Location: [Redacted]

Architect: [Redacted]

Scale: 1/8" = 1'-0"

PROJECT DATA

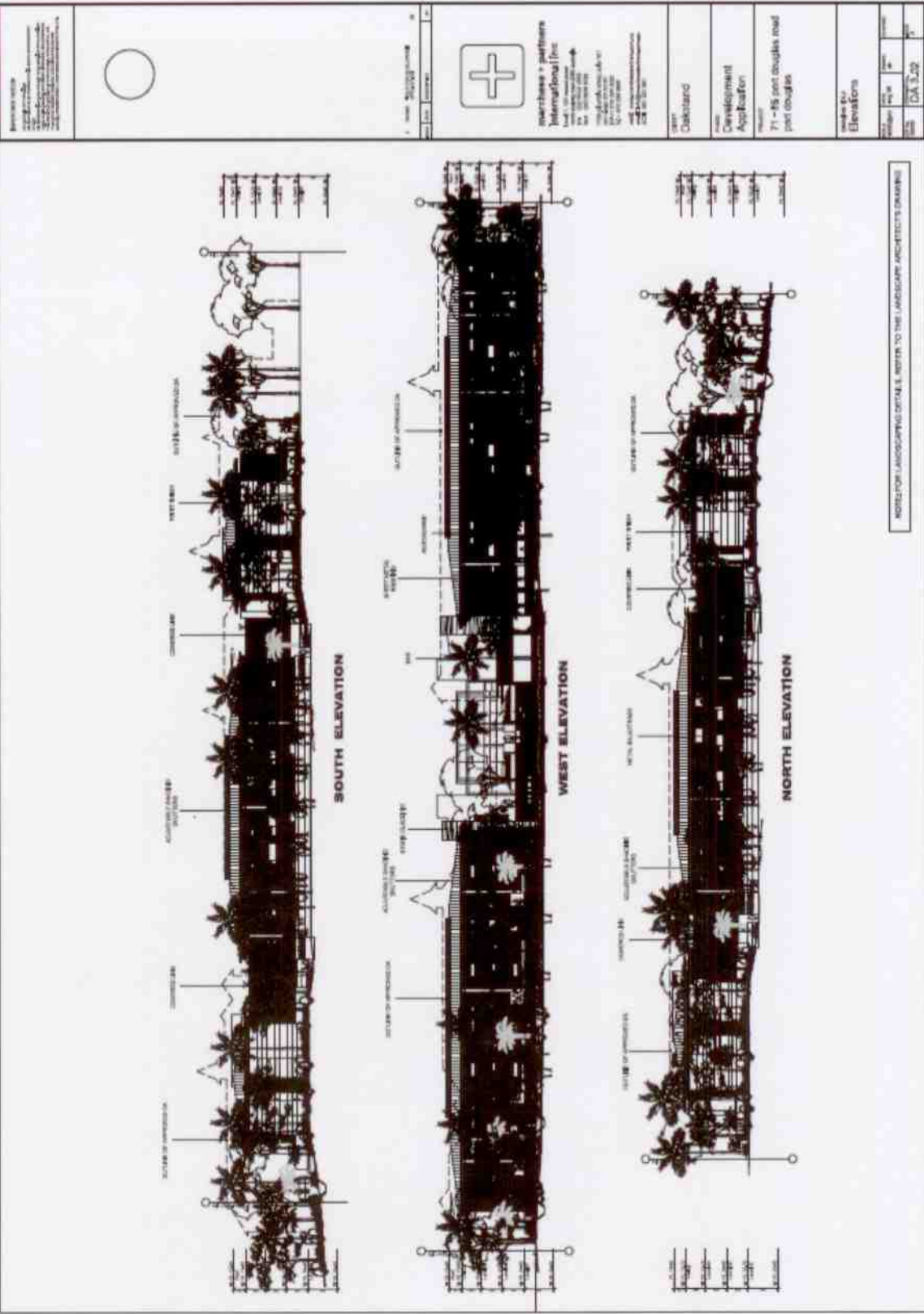
Project Name: [Redacted]

Client: [Redacted]

Location: [Redacted]

Architect: [Redacted]

Scale: 1/8" = 1'-0"



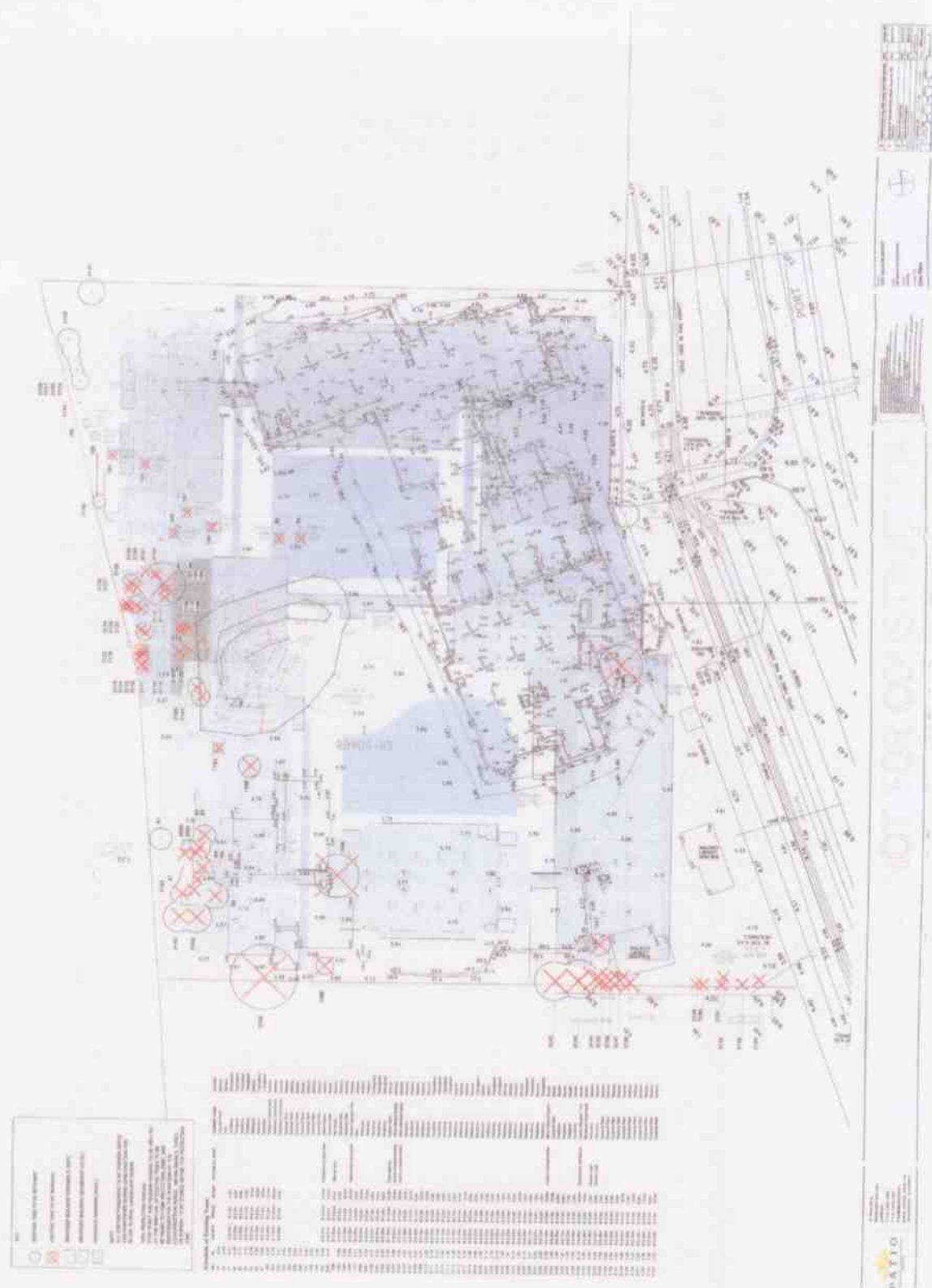
PROJECT NAME
 PROJECT ADDRESS
 PROJECT CITY
 PROJECT STATE
 PROJECT ZIP



ARCHITECT
 INTERIOR DESIGN
 LANDSCAPE ARCHITECT
 PLANNING
 ENGINEERING
 SURVEYING
 PHOTOGRAPHY
 VIDEO
 MODELING
 CONSTRUCTION

DATE	01/15/2020
PROJECT	Development Application
LOCATION	71+85 6th Douglas road
PROJECT	port Douglas
DESIGNER	ELIOTSON
SCALE	1/4" = 1'-0"
DATE	01/15/2020

NOTES FOR LANDSCAPING DETAIL & REFER TO THE LANDSCAPE ARCHITECT'S DRAWING



Referral Agencies Conditions



Queensland
Government

B/c

Oakstand Developments Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
Cairns Qld 4870

Department of Main Roads

For your information.

Peter McNamara
A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA

24 September 2007

Department of Main Roads

Ms Julia Leu
A/ Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

Dear Ms Leu

Douglas Shire : Port Douglas Road
Situating at 71-85 Port Douglas Road, Port Douglas
Lot 1 on SP 150468, Parish of Salisbury
Oakstand Developments Pty Ltd
Proposed Material Change of Use (Holiday Accommodation (206 units) & ancillary uses)
Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 18 September 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Port Douglas Road) and the subject land shall be via the proposed access driveway located about 80 metres from the northern side boundary of the subject land, only. The existing access driveway shall be permanently closed.
- (ii) No additional direct access between the State-controlled road reserve (i.e. Port Douglas Road) and the subject land is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access location for the subject land are required and shall be constructed in accordance with:

North Queensland Region
Peninsula District
PO Box 5185
CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref: 456504/102(2951.01A)
Your ref: MCUI 041/07
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

- Department of Main Roads *Roads Planning and Design Manual (RP&DM)*, and
- current Department of Main Roads standards,

and to the Department's satisfaction.

A recent site inspection indicates the requirement for the provision of the following works within the State-controlled road reserve (i.e. Port Douglas Road):

- an auxiliary left turn treatment (AUL) from the south and a channelised right turn lane (CHR) into the development from the north as per Figures 13.82 and 13.60 of *RP&DM*, and
- with geometry configured to accommodate a possible future additional 3.5 metre wide traffic lane in Port Douglas Road on the western side.

(ii) Design aspects that include or address the following:

- No port cochere structure extending forward of property boundary onto road reserve,
- Port cochere vehicle turnaround designed to accommodate 12.5 metre long bus vehicle path i.e. no vehicles to reverse out of the access,
- Removal of existing access driveway and regrassing,
- 3.5 metre wide traffic lanes & turn lanes and 1.5 metre wide shoulders shall be provided on Port Douglas Road,
- 1.5 metre bicycle lane to be provided between the through lane north and the auxiliary left turn lane,
- Fill batter slopes to be 1:4 (Vert:Horiz),
- Painted traffic islands shall be used between the traffic lanes, and these islands shall have raised reflective pavement markers (RRPM's) installed in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*,
- Semi-mountable kerbs, set back 1.5 metres from edge line, to be installed both sides of access,
- Asphalt surfacing to be provided to entire area of new works,
- Lighting shall be provided to V3 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with:
 - The Electrical Act,
 - Australian Standards (AS1158, 3000), and
 - Chapter 17 of the *RP&DM*.

All works are to be certified by Registered Professional Engineer Queensland (RPEQ) (Electrical).

- All associated works are to be completed to the Department's satisfaction (eg services relocation, drainage (including extension of culverts), line marking (including RRPM's), and signage in accordance with the *MUTCD*).
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 metres of the new sealed shoulder edge shall be permitted.
- DMR will also require an environmental management plan (including MRS 11.51) to be submitted.

- (iii) The applicant shall submit design drawings prepared by a suitably qualified RPEQ for approval to the Cairns office of the Department of Main Roads prior to works commencing within the State-controlled road reserve (i.e. Port Douglas Road).
- (iv) All required works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the use on the subject land.

3. Road Traffic Noise & Visual Treatments

(a) Visual Amenity Works

The applicant/landowner shall provide landscaping along the frontage of the State-controlled road (i.e. Port Douglas Road/ Davidson Street).

The landscaping shall be designed installed and maintained such that existing State-controlled road infrastructure, noise ameliorative works, and on-site buildings and facilities, are screened as much as practicable from each other.

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

All landscaping shall be completed prior to the commencement of the approved use.

(b) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3671. A noise barrier fence shall be located on the subject land and suitably screened from the State-controlled road (i.e. Port Douglas Road/ Davidson Street) with landscaping on the subject land. An acceptable alternative would be a noise barrier fence on the boundary of the subject land, with every second panel of the fence indented a minimum of one metre with landscaping of the indented areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance to users of the State-controlled road reserve.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise free-field level must not be exceeded within 10 years of completion of the full development.

- External noise levels must not exceed 60 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distance are greater than 40 dB(A) L_{90} (8 hour) between 10pm and 6am; or
- External noise levels must not exceed 57 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply

dwelling setback distance are less than or equal to 40 dB(A) L_{eq} (8 hour) between 10pm and 6am;

- Internal noise levels (i.e., within buildings above the ground floor level only) must not exceed the maximum noise levels specified in AS2107-2000.

External noise shall be defined as being all open space including verandas, balconies, pool areas and gardens.

(iii) Noise Testing

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

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

(iv) Road Traffic Noise Report

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

- predict the road traffic noise levels,
- identify the ameliorative works required within the subject land and the relevant buildings, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

(v) Incorporation of Works into the Development

All noise ameliorative works required external to the building on the subject land shall be completed prior to commencement of the approved use of the building.

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

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

4. Advertising

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

5. 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. Port Douglas Road).

Reasons

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

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Applications referrals and Assessment Guide; and
- Superseded Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

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

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

Yours sincerely



✓ Peter McNamara

A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA



Queensland
Government

Your Reference: 166702
Our Reference: IR0307CNS0007
Contact: Linda Waidley
Directorate / Unit: Planning & Environment
Phone: (07) 47 667453

Department of
Natural Resources and Water



9th October 2007

Attn: Katrina Shoobridge

Flanagan Consulting Group
PO Box 5820 Cairns
Qld 4870

Dear Madam,

Pre-lodgement Referral Agency Response for a Development Application for a Material Change of Use (Impact Assessment) on Lot 1 on SP150468 - 71-85 Port Douglas Road, Port Douglas

I refer to your letter dated the 13th September 2007. Officers of the Department of Natural Resources and Water (NRW) have reviewed the proposed development application for the above Material Change of Use. It is noted that the site is below 20m AHD and located within an area which may contain Acid Sulphate Soils. As stated in the application excavation and filling are likely to occur as a result of the Material Change of Use. It is assumed this involves a volume in excess of 1,000 cubic metres which would trigger State Planning Policy 2/20. However, no soil testing has been undertaken for the identification of acid sulphate soil as required under state planning guidelines. Sampling and testing methodologies and remedial actions for acid sulfate soil are outlined in guidelines for State Planning Policy 2/02.

Accordingly, NRW requests that soil testing be undertaken, and should action criteria be triggered by acid generating potential, that an acid sulfate soil management plan be prepared in accordance with *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and its accompanying Guideline *SPP Guideline 2/02*.

Outcome 1 of State Planning Policy 2/02 states that:

When undertaking development to which this SPP applies, the release of acid and associated metal contaminants into the environment is avoided by:

- not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, extracting groundwater or filling land; or

Natural Resources & Water
P O Box 5310
Townsville Queensland 4810
Australia
Telephone + 61 7 4760 7451
Facsimile + 61 7 4793 7541
Website www.nrw.qld.gov.au

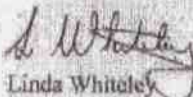
treating and, if required, undertaking ongoing management of any disturbed acid sulfate soils and drainage waters.

The *SPP Guideline 2/02* requires that the information in an ASS investigation report and proposed management strategy be sufficiently detailed for the assessment manager and NRW to be satisfied that the development outcomes required by SPP 2/02 will be met. The information should be provided in accordance with the relevant parts of the SPP Guideline and the associated appendices.

In order to provide advice to the Cairns Council, NRW considers that an ASS investigation should be carried out by a suitably qualified person over the area subject to this application, commencing with preliminary testing.

Should you have any questions about the above, please contact Linda Whiteley on telephone number (07) 47 607 453, quoting the above reference number.

Yours sincerely



Linda Whiteley
Natural Resource Officer

Appendix E – Decision Notice Extension Application

MCUC 041/074

**ENQUIRIES:****PHONE:****FAX:****YOUR REF:****OUR REF:**

Mrs Jenny Elphinstone

(07) 4099 9482

(07) 4044 3836

LEC1420

8/37/57 (4054724)

29 July 2013

Oakstand Fund No 7 Pty Ltd (Tte)
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

FLANAGAN	
CONSULTING GROUP	
RECEIVED	
30 JUL 2013	
ACTION	
FILE	

Dear Sir/Madam

**RE: CORRECTED ADVICE REQUEST TO EXTEND PERIOD OF APPROVAL
FOR DEVELOPMENT APPLICATION -
71-85 PORT DOUGLAS ROAD PORT DOUGLAS**

Further to Council's previous advice issued 23 July 2013 please note the date of the original Decision Notice has been corrected below.

In accordance with Section 383 of the *Sustainable Planning Act 2009*, please be advised that Council has extended the Period of Approval for four (4) years, up to and including 20 January 2018, subject to the conditions contained within the Decision Notice dated 30 January 2008 (copy attached).

Should you require any further information or assistance, please contact Jenny Elphinstone of Council's Development Assessment Team on telephone number (07) 4099 9482.

Yours faithfully

Graham Boyd
Manager Development & Regulatory Services

Att:

43.2013.5148
1/29

1/29

APPENDIX 1 APPROVAL

Louise Stayte - Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dsc.qld.gov.au

MCUI 041/07

Oakstand Fund No.7 Pty Ltd
c/- Flanagans Consulting Group
PO Box 5820
CAIRNS QLD 4870

30 January 2008

INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION

Applicant's Name : Oakstand Fund No.7 Pty Ltd
Owner's Name : Oakstand Fund No.7 Pty Ltd
Proposal : Material Change of Use for 79 multiple dwellings (tourist) {of which 47 are able to be used as multiple dwellings (tourist) and accommodation premises (motel) in a dual-key arrangement and three (3) are able to be temporarily used as display homes (multiple dwelling)}; 127 accommodation premises (motel); and ancillary uses including gym, spa, relaxation lounge, retail, restaurant, café, bar, function centre, meeting rooms and administration facilities.
Application Number : MCUI 041/07
Site Address : 71 to 85 Port Douglas Road, Port Douglas
Property Description : Lot 1 on SP150468, Parish of Salisbury, County of Solander

A. Decision: **Decision Date:** 22 January 2008

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

C. Referral Agency:

Concurrence

Department of Main Roads
Peninsular District
PO Box 6185
CAIRNS QLD 4870

Advice

Senior Resource Planning Officer
Catchment and Regional Planning
Department of Natural Resources, Mines &
Water
PO Box 210
ATHERTON QLD 4883

D. Conditions

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the details of the application and the following approved plan/s of development:

Title	Plan No	Date
Building Bulk Analysis	DA 1.01 (Issue A)	August 2006
Roof and Site Plan	DA 1.02 (Issue A)	August 2006
Level B1 Plan	DA 2.00 (Issue B)	May 2007
Ground Floor Plan	DA 2.01 (Issue A)	August 2006
Level 01 Plan	DA 2.02 (Issue A)	August 2006
Level 02 Plan	DA 2.03 (Issue A)	October 2006
Typical Apartment Floor Plans	DA 2.04 (Issue A)	October 2006
East Elevation and Section AA	DA 3.01 (Issue A)	August 2006
Elevations	DA 3.02 (Issue A)	August 2006

Except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Display Homes

3. Units CG.01, CG.02 and CG.03 are permitted to be used as display houses (multiple dwelling) for a period of twelve (12) months and are to revert back to multiple dwellings (tourist) and accommodation premises (motel) at the end of this period.

Landscaping

4. A detailed Landscaping Plan in accordance with Douglas Shire Superseded Planning Scheme and Superseded Planning Policy No 4 – Landscaping is to be submitted to Council for approval prior to obtaining a building permit/operational works permit. The plan is to incorporate the following:
 - a) the location of underground services; and
 - b) vegetation bonuses identified in Section 3.5 of the Douglas Shire Superseded Planning Scheme including:
 - Dense Tropical Vegetation – 0.10 bonus necessary;
 - Shade Trees – 0.045 bonus necessary;
 - Vegetation Retention - 0.06 bonus necessary; and
 - Street Landscaping – 0.04 bonus necessary.
5. (A) The owner/developer shall be responsible for all maintenance work on-street landscaping for a period of twenty-four (24) months. Council will not accept the on-street landscaping off maintenance or the associated transfer of irrigation to Council's reticulated water system until it meets the requirements of Council's Engineering Services;

OR

- (B) The owner/developer shall enter into an agreement with Council for the owner/developer to maintain the on-street landscaping to a standard specified by Council.
6. All vegetation adjacent to any pool fencing is to be maintained to comply with AS1926-1993 that requires a 1.2 m setback to climbable vegetation.
7. No trees are to be planted within two (2) m of the sewer manholes near the south western and north eastern corners of the property.

Sewerage

8. Developer to construct and maintain internal sewerage pump station and pressure main to Council's existing pressure main located on the eastern side of Port Douglas Road. Plans and design drawings to be submitted for approval at time of application for operational works.

9. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

Electricity and Telephone Services

10. All electrical lines along the full frontages of the subject site (Port Douglas Road) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer's/owner's expense and are to be completed prior to commencement of the approved use.

Stormwater

11. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to a legal and practical point of discharge which has been nominated as either:

(A) Port Douglas Road;

AND/OR

- (B) The adjoining property at the rear boundary (Lot 132 on SP160477) in accordance with a legal agreement between the developer and the adjoining landowner to the effect that the adjoining landowner will accept the discharge of stormwater onto their property. A copy of this legal agreement is to be submitted to Council prior to Operational Works or Building Approval, whichever comes first.

The approved use must not:

- a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties, except where in compliance with Council's Condition 11(B).
12. A stormwater drainage plan for the development is to be prepared in accordance with the Far North Queensland Regional Organisation of Council's Development Manual and submitted to Council prior to obtaining Operational Works approval.

Water Supply

13. Developer to pay to Council the cost of connection to Council's existing water main on Port Douglas Road.

Details of the water supply connection are to be provided to Council prior to Operational Works approval.

Acid Sulfate Soils

14. The developer is to submit with the application for approval of Operational Works, an Acid Sulfate Soil (ASS) management plan in accordance with QASSIT Guidelines. This ASS management plan must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

Contributions

15. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (the policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	97.2
Sewerage	133.4

Car parking

16. A car parking area on site with a minimum of 159 vehicle spaces (no tandem space), two (2) motorcycle spaces and twenty-six (26) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and maintained thereafter. An amended plan of development in accordance with these requirements is to be submitted to Council and approved prior to work commencing on site prior to operational works approval.

Ancillary Uses

17. The ancillary uses are to be for the exclusive use of internal guests only and not to open to the general public.

Refuse

18. There is to be provided within the development an area for the storage and washing of all refuse containers. Such area is to be:
 - (a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins;
 - (b) situated so as not to cause an odour nuisance to any adjacent properties;
 - (c) imperviously paved and drained to a suitable silt trap;
 - (d) discharged to sewer to the satisfaction of the General Manager Engineering Services;
 - (e) provided with a suitable hose cock with backflow prevention device and hose; and
 - (f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

19. 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.

Construction Stage/Site Management

20. The applicant is to prepare with the submission for either Building or Operational Works approval (which ever comes first), an environmental management plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances). This EMP is required to meet the approval of the manager of Environmental Services.
21. 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 Council.
22. 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.
23. 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.
24. 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.
25. Erosion and sediment control measures must be installed prior to works commencing on the site and these measures will be maintained in good working order during the construction.
26. The building site shall be maintained in good condition at all times to the satisfaction of the Council.

Fencing

27. Any fencing to be provided at the Port Douglas Road frontage of the site shall have a setback of 2 m and maximum height of 1.2 m, and at the side and rear boundaries with a maximum height of 1.8 m.

Traffic Management

28. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device/s shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.

The developer shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for a Building Permit.

Amenity

29. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.
30. All service equipment, machinery, vehicles, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.
31. All external lighting installed upon the premises shall conform to the relevant Australian Standards and be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring properties.
32. Roofs of buildings are light coloured and non-reflective, and white and shining metallic finish are avoided on external surfaces in prominent view, in accordance the Planning Scheme Policy 2 – Building Design and Architectural Elements.
33. Access for pedestrians and cyclists to the building entry, from the parking area and from the street are to be in accordance with the provisions of the Australian Standards.

Swimming Pool Waste

34. Swimming pool and spa filters shall not backwash the filter discharge or pool waste into the Council's sewerage system or stormwater drainage system or a waterway. Council approval shall be obtained for residential and commercial pool and spa filter backwash systems to a legal point of discharge prior to installation. This approval is to be via a plumbing and drainage application process.

Advertising

35. Any proposed advertising devices are to be approved by Council and in accordance with the Codes of Localities, Codes for Planning Areas and Design and Siting of Advertising Devices Code within the Douglas Shire Planning Scheme.

Compliance

36. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Miscellaneous

37. No covered verandas, balconies or carports shall be enclosed without the consent of Council.

Security

38. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a cash bond or bank guarantee to the value of \$1 200 000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Advice

Vegetation Removal

A current Permit to Damage Protected Vegetation issued by Council is required for the removal of any vegetation on the site with a trunk circumference of 80 cm at chest height.

Public Safety and Visibility

Trees located near pathways, driveways, access points, parking areas and street corners are to be maintained to ensure that at maturity the vegetation has minimum of three (3) m of clear trunk.

Reserves and Easements

Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be burdened to Council, at no cost to Council.

Environmental Health Permits

As application has been made for multiple dwellings (tourist) and accommodation premises (motel) with ancillary restaurant/bar and cafes, further licenses will be required from Council's Environmental Health Section.

Water Meters

In accordance with the Queensland Plumbing and Wastewater Code, commencing state-wide on 1 January 2008, any building development applications lodged for new premises drawing a water supply from a water service provider will be required to include sub-meters for separate lots in any type of building under a community title scheme and sole occupancy units in new buildings under a single title.

Developments shall comply with the Queensland Plumbing and Wastewater Code at Part Four (4) – Water Meters for New Premises.

For all classes of building built after 1 January 2008, sub-meters will be owned by Council. The water supply system from the Council Service or the Master Meter to the sub-meter shall be owned by the Community Title Scheme Body Corporate and the water supply from the sub-meter to the point of use will be owned either by the individual metered premises or by the Community Title Scheme Body Corporate as appropriate.

The installation of sub-meters shall be based on the following performance requirements:

- Accessibility within a common area due to regulatory restrictions on installation and access to 'residential places',
- Accessibility for reading and maintenance repair or replacement,
- The provision of supporting plumbing components that are part of Council's meter installation eg ball valve, meter tails/unions and disassembly coupling,
- Suitable drainage for maintenance and management of leakage water,
- Consistency of installed formats to assist asset management and communication goals.

The design of plumbing installations shall be set out so that common facilities are sub-metered as individual sub-systems as follows:

- each hot water system that serves a floor will be sub-metered,
- all recreation facilities on land that is common property will be on a common sub-meter eg: the pool and the recreation room and the BBQ facility will be off the same sub-meter,
- external taps shall be connected through a common facilities sub-meter.

These common facilities sub-meters are to be owned by Council.

Where Community Title Scheme developments propose to have security systems where the public is restricted from access to the development or to buildings within the development then an Automatic Meter Reading (AMR) system shall be installed to the requirements of Council.

It is to be noted for developments that provide no security system at the time of development and later change to a development where security is to be provided, then these developments shall provide an AMR system as a part of the security upgrade.

The AMR system shall be installed by the developer and following commissioning, the AMR system shall be handed over to the Council for ownership.

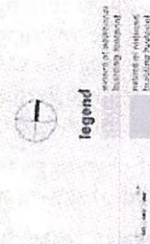
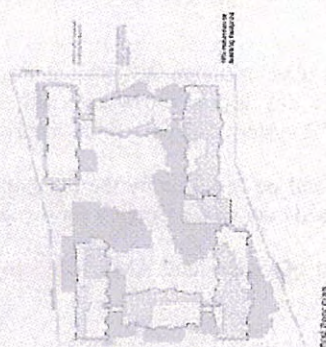
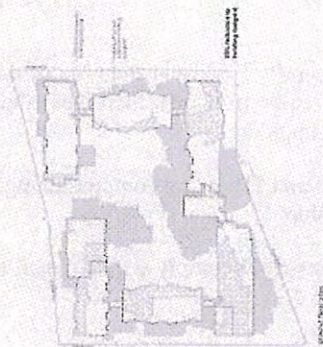
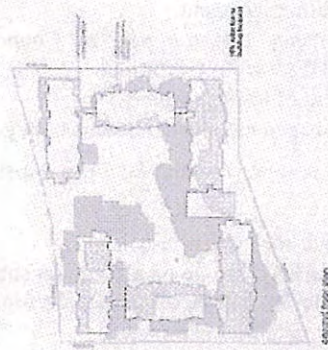
The type and format of meters and AMR technologies shall comply with Council's standards and specifications.

E. Further Development Approvals Required:

Operational Work
Building Permit
Plumbing & Drainage Permit

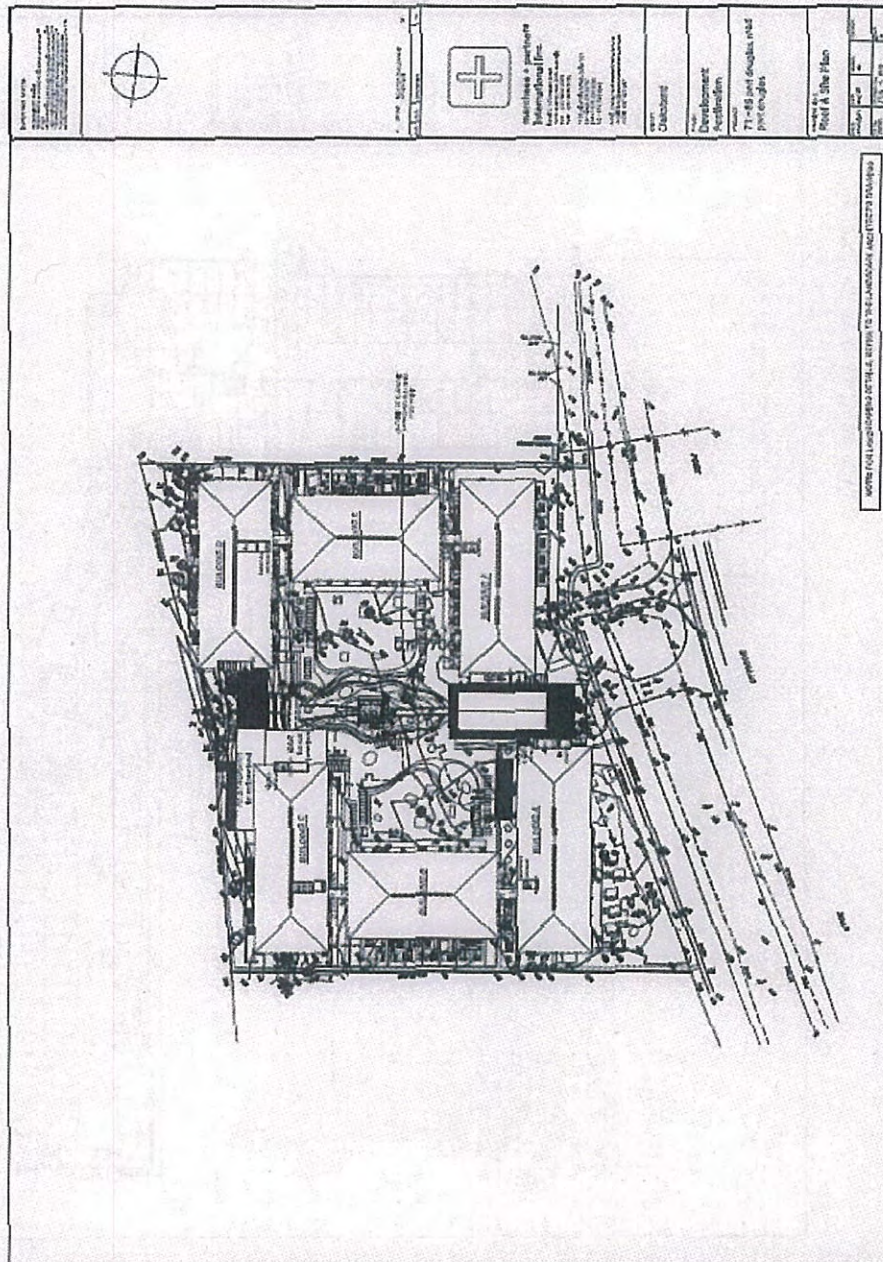
Development Permit
Development Permit
Development Permit

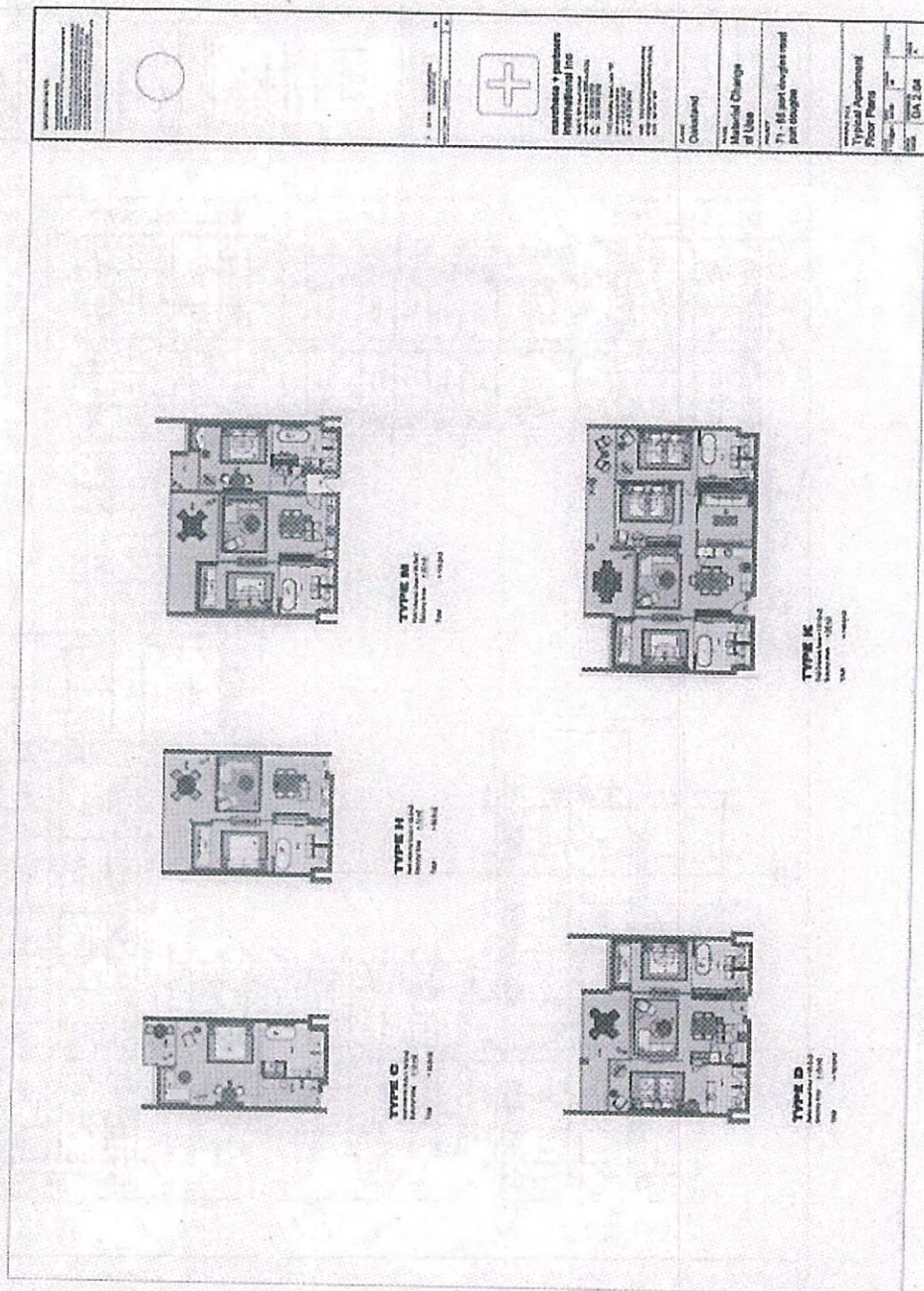
Paul Hoye
A/General Manager – Development & Environment

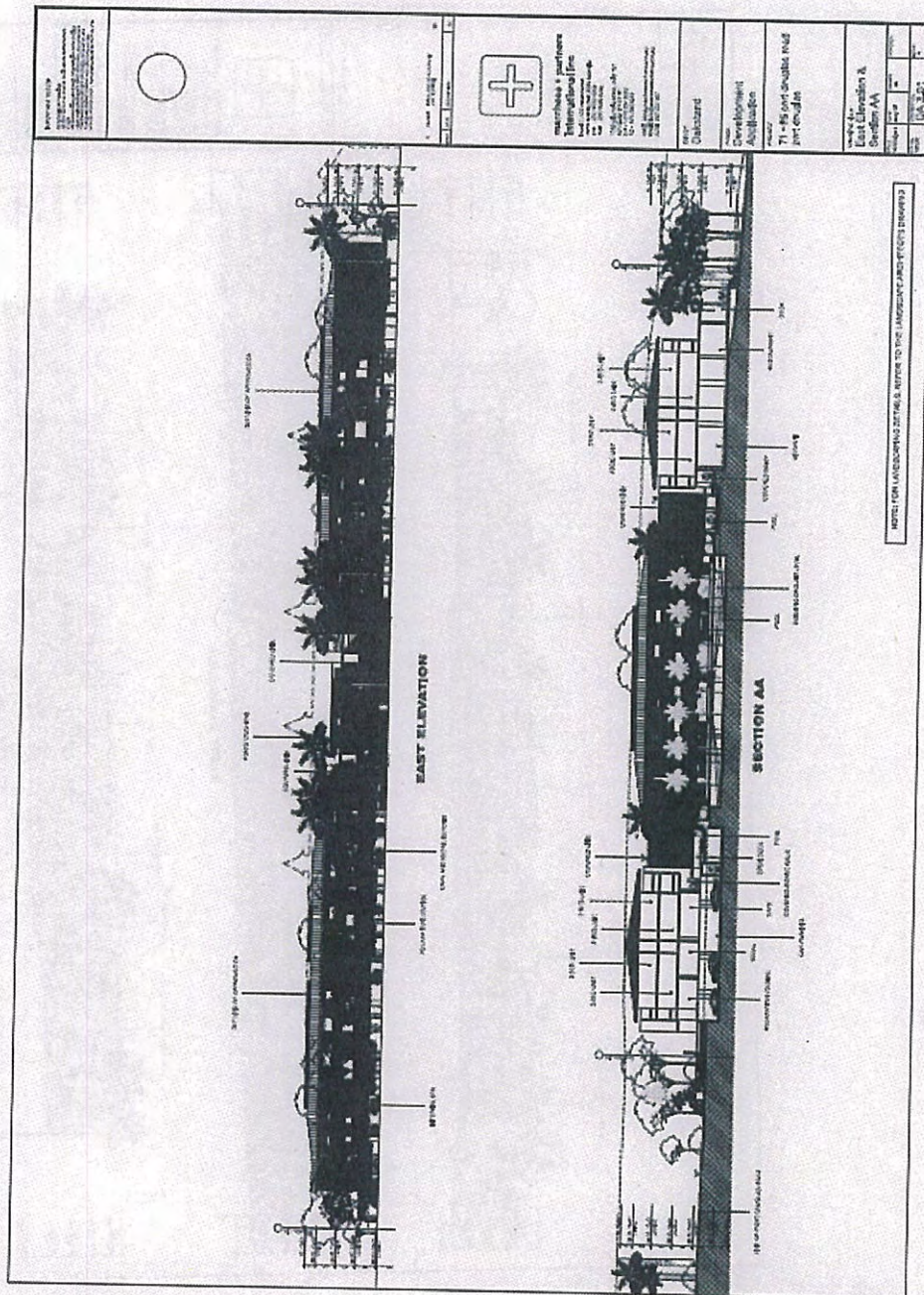


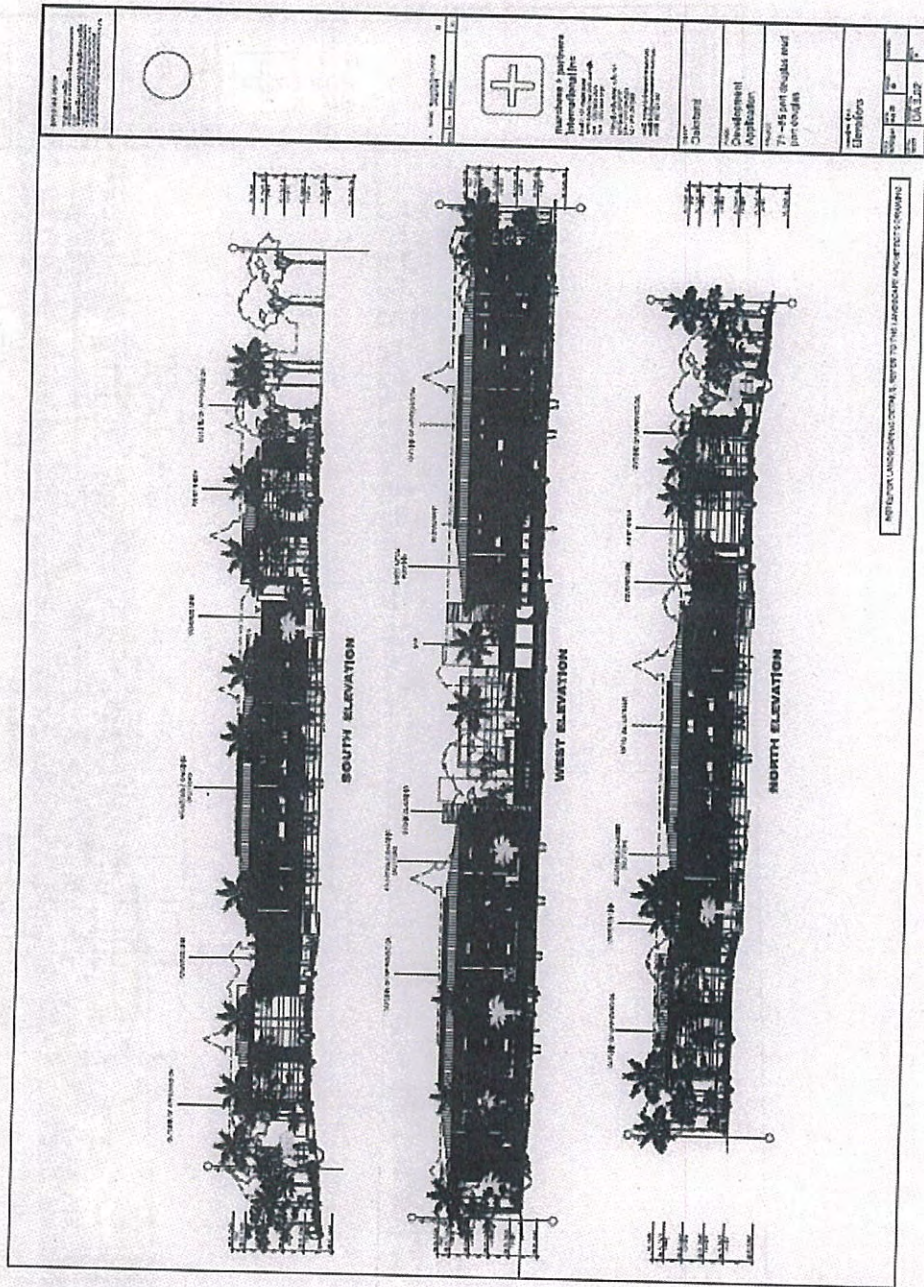
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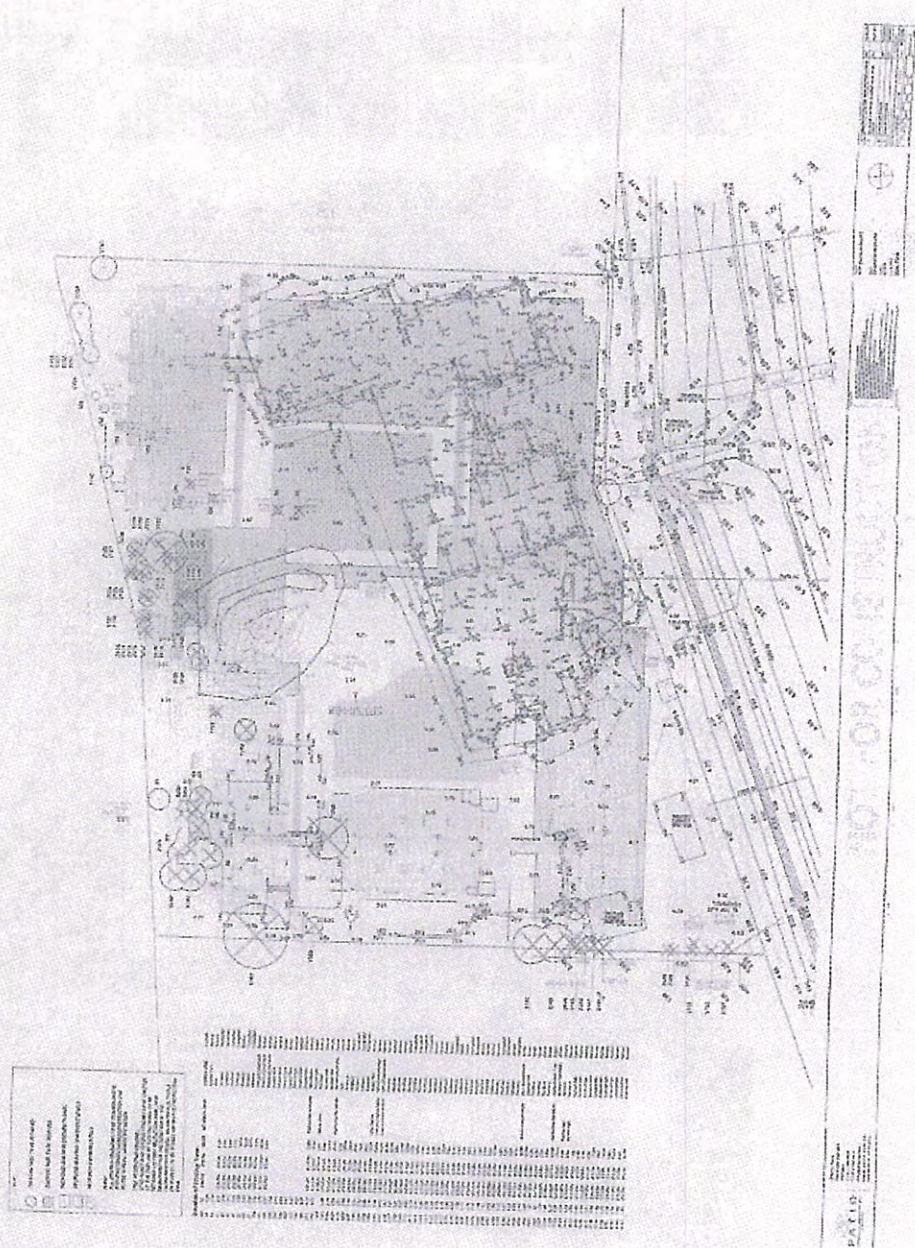
For more information, contact the publisher at 1-800-354-9700.











Referral Agencies Conditions



Queensland
Government

R/c

Calotand Developments Pty Ltd
C/- Flanagan Consulting Group
PO Box 5820
Cairns Qld 4870

Department of Main Roads

For your information.

A handwritten signature in black ink, appearing to read 'Peter'.

Peter McNamara
MANAGER (CORRIDOR MANAGEMENT) PENINSULA



Queensland
Government

24 September 2007

Department of Main Roads

Ms Julia Leu
A/ Chief Executive Officer
Douglas Shire Council
PO Box 337
Mossman, Qld 4873

Dear Ms Leu

Douglas Shire : Port Douglas Road
Situated at 71-85 Port Douglas Road, Port Douglas
Lot 1 on SP 150468, Parish of Salisbury
Oakland Developments Pty Ltd
Proposed Material Change of Use (Holiday Accommodation (206 units) & ancillary uses)
Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 18 September 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Port Douglas Road) and the subject land shall be via the proposed access driveway located about 80 metres from the northern side boundary of the subject land, only. The existing access driveway shall be permanently closed.
- (ii) No additional direct access between the State-controlled road reserve (i.e. Port Douglas Road) and the subject land is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access location for the subject land are required and shall be constructed in accordance with:

North Queensland Region
Peninsula District
PO Box 8188
Cairns Queensland 4870
ABN 57 836 727 711

Our ref: 400204/102 (2007 01A)
Your ref: MCLR 041/07
Enquiries: MALCOLM HARDY
Telephone: +61 7 4060 8511
Facsimile: +61 7 4060 5438

- Department of Main Roads *Roads Planning and Design Manual (RP&DM)*, and
- current Department of Main Roads standards,

and to the Department's satisfaction.

A recent site inspection indicates the requirement for the provision of the following works within the State-controlled road reserve (i.e. Port Douglas Road):

- an auxiliary left turn treatment (AUL) from the south and a channelised right turn lane (CHRT) into the development from the north as per Figures 13.82 and 13.60 of *RP&DM*, and
- with geometry configured to accommodate a possible future additional 3.5 metre wide traffic lane in Port Douglas Road on the western side.

(iii) Design aspects that include or address the following:

- No port cochere structure extending forward of property boundary onto road reserve.
- Port cochere vehicle turnaround designed to accommodate 12.5 metre long bus vehicle path i.e. no vehicles to reverse out of the access.
- Removal of existing access driveway and regrassing.
- 3.5 metre wide traffic lanes & turn lanes and 1.5 metre wide shoulders shall be provided on Port Douglas Road.
- 1.5 metre bicycle lane to be provided between the through lane north and the auxiliary left turn lane.
- Fill batter slopes to be 1:4 (Vert:Horiz).
- Painted traffic islands shall be used between the traffic lanes, and these islands shall have raised reflective pavement markers (RRPM's) installed in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*.
- Semi-mountable kerbs, set back 1.5 metres from edge line, to be installed both sides of access.
- Asphalt surfacing to be provided to entire area of new works.
- Lighting shall be provided to V3 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with:
 - The Electrical Act,
 - Australian Standards (AS1158, 3000), and
 - Chapter 17 of the *RP&DM*.

All works are to be certified by Registered Professional Engineer Queensland (RPEQ) (Electrical).

- All associated works are to be completed to the Department's satisfaction (eg services relocation, drainage (including extension of culverts), line marking (including RRPM's), and signage in accordance with the *MUTCD*).
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 metres of the new sealed shoulder edge shall be permitted.
- DMR will also require an environmental management plan (including MRS 11.51) to be submitted.

- (iii) The applicant shall submit design drawings prepared by a suitably qualified RPSC for approval to the Cairns office of the Department of Main Roads prior to works commencing within the State-controlled road reserve (i.e. Port Douglas Road).
- (iv) All required works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the use on the subject land.

3. Road Traffic Noise & Visual Treatments

(a) Visual Amenity Works

The applicant/landowner shall provide landscaping along the frontage of the State-controlled road (i.e. Port Douglas Road/ Davidson Street).

The landscaping shall be designed installed and maintained such that existing State-controlled road infrastructure, noise ameliorative works, and on-site buildings and facilities, are screened as much as practicable from each other.

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

All landscaping shall be completed prior to the commencement of the approved use.

(b) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3671. A noise barrier fence shall be located on the subject land and suitably screened from the State-controlled road (i.e. Port Douglas Road/ Davidson Street) with landscaping on the subject land. An acceptable alternative would be a noise barrier fence on the boundary of the subject land, with every second panel of the fence indented a minimum of one metre with landscaping of the indented areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance to users of the State-controlled road reserve.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise free-field level must not be exceeded within 10 years of completion of the full development.

- External noise levels must not exceed 60 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distance are greater than 40 dB(A) L_{90} (8 hour) between 10pm and 6am; or
- External noise levels must not exceed 57 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply

dwelling setback distance are less than or equal to 40 dB(A) L_{eq} (8 hour) between 10pm and 6am;

- Internal noise levels (i.e., within buildings above the ground floor level only) must not exceed the maximum noise levels specified in AS2107-2000.

External noise shall be defined as being all open space including verandas, balconies, pool areas and gardens.

(iii) Noise Testing

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

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

(iv) Road Traffic Noise Report

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

- predict the road traffic noise levels,
- identify the ameliorative works required within the subject land and the relevant buildings, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

(v) Incorporation of Works into the Development

All noise ameliorative works required external to the building on the subject land shall be completed prior to commencement of the approved use of the building.

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

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

4. Advertising

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

5. 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. Port Douglas Road).

Reasons

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

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Applications referrals and Assessment Guide; and
- Superseded Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

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

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

Yours sincerely



Peter McNamara

A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA



Queensland
Government

Your Reference: 346202
Our Reference: 346202/MS007
Contact: Linda Waples
Electronics / Mail: Planning & Environment
Phone: (07) 55 74 553



Department of
Natural Resources and Water

9th October 2007

Attn: Katrina Shadbright

Planagan Consulting Group
PO Box 5820 Cairns
Qld 4870

Dear Madam,

Pre-judgement Referral Agency Response for a Development Application for a
Material Change of Use (Impact Assessment) on Lot 1 on SP150168 - 71-85 Port
Douglas Road, Port Douglas

I refer to your letter dated the 13th September 2007. Officers of the Department of Natural Resources and Water (NRW) have reviewed the proposed development application for the above Material Change of Use. It is noted that the site is below 20m AHD and located within an area which may contain Acid Sulphate Soils. As stated in the application, excavation and filling are likely to occur as a result of the Material Change of Use. It is assumed this involves a volume in excess of 1,000 cubic metres which would trigger State Planning Policy 2/02. However, no soil testing has been undertaken for the identification of acid sulphate soil as required under state planning guidelines. Sampling and testing methodologies and remedial actions for acid sulfate soil are outlined in guidelines for State Planning Policy 2/02.

Accordingly, NRW requests that soil testing be undertaken, and should action criteria be triggered by acid generating potential, that an acid sulfate soil management plan be prepared in accordance with *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and its accompanying *Guideline SPP Guideline 2/02*.

Outcome 1 of State Planning Policy 2/02 states that:

- When undertaking development to which this SPP applies, the release of acid and associated metal contaminants into the environment is avoided by:
 - not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, extracting groundwater or filling land, or

Natural Resources & Water
P O Box 5318
Trentham Queensland 4815
Australia
Telephone + 61 7 4780 7453
Facsimile + 61 7 4789 7541
Website www.nrw.qld.gov.au

treating and, if required, undertaking ongoing management of any disturbed acid sulfate soils and drainage waters.

The SPP Guideline 2002 requires that the information in an ASS investigation report and proposed management strategy be sufficiently detailed for the assessment manager and NRW to be satisfied that the development outcomes required by SPP 2002 will be met. The information should be provided in accordance with the relevant parts of the SPP Guideline and the associated appendices.

In order to provide advice to the Cairns Council, NRW considers that an ASS investigation should be carried out by a suitably qualified person over the area subject to this application, commencing with preliminary testing.

Should you have any questions about the above, please contact Linda Whiteley on telephone number (07) 47 607 453, quoting the above reference number.

Yours sincerely,



Linda Whiteley
Natural Resource Officer

Appendix F – Decision Notice MCUC 5148/13

22 August 2017

Enquiries: Jenny Elphinstone
Phone: (07) 4099 9482
Reference: MCUC 5148/2013 D#824722

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

Oakstand Fund No 7 Pty Ltd (Tte)
C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Attention Ms Erin Campbell

Dear Madam

**NOTICE OF DECISION – MATERIAL CHANGE OF USE
FOR 71-85 PORT DOUGLAS ROAD PORT DOUGLAS LOT 1 ON SP150468
(GIVEN UNDER SECTIONS 83 & 87 PLANNING ACT 2016)**

Douglas Shire Council advises that the development applications described below have been approved at Council's Ordinary Meeting held on 22 August 2017.

1. Applicant details

Applicant name: Oakstand Fund No 7 Pty Ltd (Tte)

2. Site details

Lot on plan: Lot 1 on SP150468
Local government area: Douglas Shire Council

3. Application descriptions

Applications: A. Minor change to the development approval to the Development Permit for a Material Change of Use for 79 Multiple Dwellings (Tourist) {of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling)}, 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting

Rooms and Administration Facilities, for the inclusion of the following condition,

39. Minimum Fill and Floor Levels For Climate Change

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.

AND

- B. Extend the approval period for a further four years for the Development Permit for a Material Change of Use for 79 Multiple Dwellings (Tourist) {of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling)}, 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities.

4. Description of assessment benchmarks – for application description Part A only

Benchmarks Applying for the Minor Change	Benchmark Reference	Compliance
State Planning Policy	Consideration of 0.8m sea level rise	Addressed through proposed condition
Current Douglas Shire Planning Scheme	None Applicable	
Proposed Douglas Shire Planning Scheme	Storm Tide and Flooding Overlay <ul style="list-style-type: none">Consideration of Storm tide inundation	Addressed through proposed condition

Note - no change to referral agency conditions, minor change only.

5. Extent change application required impact assessment – for application description Part A only

None.

6. Submissions

There were no submissions received against the original application. The development is code assessable against the current and proposed planning schemes.

7. Reasons for decision – for application description Part A only

- a. The minor change required an approval under the Planning Act 2016.
- b. The application for a minor change was properly made.
- c. The application contained a report which Council reviewed together with Council's own investigation in making the assessment.
- d. The proposed additional Condition 39 ensures the development satisfies the State Planning requirement for development to meet a minimum standard of 0.8m sea level rise.

8. Reasons for approval of change application despite the development not complying with any or all of the benchmarks – for application description Part A only

Not applicable.

9. Matters prescribed by a regulation – for application description Part A only

Not applicable.

A Decision Notice for the applications is attached.

Please quote Council's application number MCUI 5148/2013 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



TRACEY COUCH
A/Manager Sustainable Communities

cc. Department of Infrastructure, Local Government and Planning, PO Box 2358, Cairns Q 4870

encl: Decision Notice
 Schedule 1 – Original Approval
 Schedule 2 – *Planning Act 2016* appeal provisions

DOUGLAS SHIRE COUNCIL
DECISION NOTICE — APPROVAL TO CHANGE THE DEVELOPMENT PERMIT AND TO
EXTEND THE APPROVAL PERIOD
(GIVEN UNDER SECTIONS 81, 83 & 87 PLANNING ACT 2016)

1. Applicant's details

Name: Oakstand Fund No 7 Pty Ltd (Tte)

Postal Address: C/- Flanagan Consulting Group
PO Box 5820
CAIRNS QLD 4870

Attention Ms Erin Campbell

Email: erin@flanaganconsulting.com.au

Phone No: (07) 4724 5737

2. Location details

Street Address: 71-85 Port Douglas Road, Port Douglas

Real Property Description: Lot 1 on SP150468

Local Government Area: Douglas Shire Council

3. Details of proposed development

For the development approval dated 30 January 2008 for the Material Change of Use (Impact) for 79 Multiple Dwellings (Tourist) {of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling)}, 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities:

- A. an application for a minor change to the development approval lodged on 9 August 2017; and
- B. an application to extend the period of approval lodged on 25 July 2017.

4. Decisions

Date of decisions: 22 August 2017.

Decision details: A. The following condition is included in the Amended Negotiated Decision Notice, for the Development Permit for a Material Change of Use for 79 Multiple Dwellings (Tourist) {of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling)}, 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas whereby:

1. the following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:

39. Minimum Fill and Floor Levels For Climate Change

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action;

AND

2. all other requirements of the Decision Notice dated 30 January 2008 remain unchanged;

- B. The request for an extension approval to the Development Permit for a Material Change of use for 79 Multiple Dwellings (Tourist) {of which 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as Display Home (Multiple Dwelling)}, 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas for a further four years up to and including 30 January 2022.

5. Original Development Permit

A copy of the original Development Permit is included in Schedule 1.

6. Further Development Permits and other Approvals

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

- All Building Work
- All Operational Work

Separate permits are required for the following:

- All Plumbing and Drainage Work

7. Properly made submissions

None to the original application. Development is now code assessable development – submissions not applicable.

8. Currency period for the approval

The period of approval for this development permit is extended up to and including 30 January 2022 unless the use is commenced before this date. Where lawfully commenced on or before the 30 January 2020 the approval has effect.

9. Concurrence and Referral Agencies

Development application - Part A only – no requirement to refer application for a minor change to the referral agency.

Development application - Part B only – no requirement to refer application to extend approval period. A copy of decision notice to be issued to the referral agency.

For an application involving	Name of referral agency	Advice or concurrence agency	Agency Address
Material change of use of a premises within 25m of a State Transport Corridor, Schedule 10, Table 4, <i>Planning Regulation 2017</i> .	Chief Executive Officer	Concurrence	Department of Infrastructure, Local Government and Planning PO Box 2358 Cairns QLD 4870

10. Rights of appeal

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

A copy of the relevant appeal provisions is included in Schedule 2.

END OF DECISION NOTICE

SCHEDULE 1 – ORIGINAL APPROVAL

Louise Staley – Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dpw.qld.gov.au

MCUI/041/07

Oakstead Fund No.7 Pty Ltd
c/- Flanagan's Consulting Group
PO Box 5820
CAIRNS QLD 4870

30 January 2008

INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION

Applicant's Name : Oakstead Fund No.7 Pty Ltd
Owner's Name : Oakstead Fund No.7 Pty Ltd
Proposal : Material Change of Use for 79 multiple dwellings (tourist) (of which 47 are able to be used as multiple dwellings (tourist) and accommodation premises (motel) in a dual-key arrangement and three (3) are able to be temporarily used as display homes (multiple dwelling)); 127 accommodation premises (motel); and ancillary uses including gym, spa, relaxation lounge, retail, restaurant, café, bar, function centre, meeting rooms and administration facilities.
Application Number : MCUI/041/07
Site Address : 71 to 85 Port Douglas Road, Port Douglas
Property Description : Lot 1 on SP150468, Parish of Salisbury, County of Selander

A. Decision: **Decision Date:** 22 January 2008

Approved **subject to** Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

____/2

C. Referral Agency:

Consentance
Department of Main Roads
Peninsular District
PO Box 6185
CAIRNS QLD 4870

Advice

Senior Resource Planning Officer
Catchment and Regional Planning
Department of Natural Resources, Mines &
Water
PO Box 210
ATHERTON QLD 4883

D. Conditions

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the details of the application and the following approved plan/s of development:

Title	Plan No	Date
Building Bulk Analysis	DA 1.01 (Issue A)	August 2006
Roof and Site Plan	DA 1.02 (Issue A)	August 2006
Level B1 Plan	DA 2.00 (Issue B)	May 2007
Ground Floor Plan	DA 2.01 (Issue A)	August 2006
Level 01 Plan	DA 2.02 (Issue A)	August 2006
Level 02 Plan	DA 2.03 (Issue A)	October 2006
Typical Apartment Floor Plans	DA 2.04 (Issue A)	October 2006
East Elevation and Section AA	DA 3.01 (Issue A)	August 2006
Elevations	DA 3.02 (Issue A)	August 2006

Except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Display Homes

3. Units CG.01, CG.02 and CG.03 are permitted to be used as display houses (multiple dwelling) for a period of twelve (12) months and are to revert back to multiple dwellings (tourist) and accommodation premises (intotel) at the end of this period.

Landscaping

4. A detailed Landscaping Plan in accordance with Douglas Shire Superseded Planning Scheme and Superseded Planning Policy No 4 – Landscaping is to be submitted to Council for approval prior to obtaining a building permit/operational works permit. The plan is to incorporate the following:
 - a) the location of underground services; and
 - b) vegetation bonuses identified in Section 3.5 of the Douglas Shire Superseded Planning Scheme including:
 - Dense Tropical Vegetation – 0.10 bonus necessary;
 - Shade Trees – 0.045 bonus necessary;
 - Vegetation Retention – 0.06 bonus necessary; and
 - Street Landscaping – 0.04 bonus necessary.
5. (A) The owner/developer shall be responsible for all maintenance work on-street landscaping for a period of twenty-four (24) months. Council will not accept the on-street landscaping off maintenance or the associated transfer of irrigation to Council's reticulated water system until it meets the requirements of Council's Engineering Services:

OR

(B) The owner/developer shall enter into an agreement with Council for the owner/developer to maintain the on-street landscaping to a standard specified by Council.
6. All vegetation adjacent to any pool fencing is to be maintained to comply with AS1926-1993 that requires a 1.2 m setback to climbable vegetation.
7. No trees are to be planted within two (2) m of the sewer manholes near the south western and north eastern corners of the property.

Sewerage

8. Developer to construct and maintain internal sewerage pump station and pressure main to Council's existing pressure main located on the eastern side of Port Douglas Road. Plans and design drawings to be submitted for approval at time of application for operational works.

9. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

Electricity and Telephone Services

10. All electrical lines along the full frontages of the subject site (Port Douglas Road) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer's/owner's expense and are to be completed prior to commencement of the approved use.

Stormwater

11. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to a legal and practical point of discharge which has been nominated as either:

(A) Port Douglas Road;

AND/OR

- (B) The adjoining property at the rear boundary (Lot 132 on SP160477) in accordance with a legal agreement between the developer and the adjoining landowner to the effect that the adjoining landowner will accept the discharge of stormwater onto their property. A copy of this legal agreement is to be submitted to Council prior to Operational Works or Building Approval, whichever comes first.

The approved use must not:

- a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties, except where in compliance with Council's Condition 11(B).
12. A stormwater drainage plan for the development is to be prepared in accordance with the Far North Queensland Regional Organisation of Council's Development Manual and submitted to Council prior to obtaining Operational Works approval.

Water Supply

13. Developer to pay to Council the cost of connection to Council's existing water main on Port Douglas Road.
- Details of the water supply connection are to be provided to Council prior to Operational Works approval.

Acid Sulfate Soils

14. The developer is to submit with the application for approval of Operational Works, an Acid Sulfate Soil (ASS) management plan in accordance with QASSIT Guidelines. This ASS management plan must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

Contributions

15. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (the policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	97.2
Sewerage	133.4

Car parking

16. A car parking area on site with a minimum of 159 vehicle spaces (no tandem space), two (2) motorcycle spaces and twenty-six (26) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and maintained thereafter. An amended plan of development in accordance with these requirements is to be submitted to Council and approved prior to work commencing on site prior to operational works approval.

Ancillary Uses

17. The ancillary uses are to be for the exclusive use of internal guests only and not to open to the general public.

Refuse

18. There is to be provided within the development an area for the storage and washing of all refuse containers. Such area is to be:
- (a) sufficient in size to be able to house all mobile garbage (wheeled) bins including recycling bins;
 - (b) situated so as not to cause an odour nuisance to any adjacent properties;
 - (c) imperviously paved and drained to a suitable silt trap;
 - (d) discharged to sewer to the satisfaction of the General Manager Engineering Services;
 - (e) provided with a suitable hose cock with backflow prevention device and hose; and
 - (f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

19. 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.

Construction Stage/Site Management

20. The applicant is to prepare with the submission for either Building or Operational Works approval (whichever comes first), an environmental management plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances). This EMP is required to meet the approval of the manager of Environmental Services.
21. 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 Council.
22. 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.
23. 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.
24. 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.
25. Erosion and sediment control measures must be installed prior to works commencing on the site and these measures will be maintained in good working order during the construction.
26. The building site shall be maintained in good condition at all times to the satisfaction of the Council.

Fencing

27. Any fencing to be provided at the Port Douglas Road frontage of the site shall have a setback of 2 m and maximum height of 1.2 m, and at the side and rear boundaries with a maximum height of 1.8 m.

Traffic Management

28. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device/s shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.

The developer shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for a Building Permit.

Amenity

29. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.
30. All service equipment, machinery, vehicles, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.
31. All external lighting installed upon the premises shall conform to the relevant Australian Standards and be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring properties.
32. Roofs of buildings are light coloured and non-reflective, and white and shining metallic finish are avoided on external surfaces in prominent view, in accordance the Planning Scheme Policy 2 – Building Design and Architectural Elements.
33. Access for pedestrians and cyclists to the building entry, from the parking area and from the street are to be in accordance with the provisions of the Australian Standards.

Swimming Pool Waste

34. Swimming pool and spa filters shall not backwash the filter discharge or pool waste into the Council's sewerage system or stormwater drainage system or a waterway. Council approval shall be obtained for residential and commercial pool and spa filter backwash systems to a legal point of discharge prior to installation. This approval is to be via a plumbing and drainage application process.

Advertising

35. Any proposed advertising devices are to be approved by Council and in accordance with the Codes of Localities, Codes for Planning Areas and Design and Siting of Advertising Devices Code within the Douglas Shire Planning Scheme.

Compliance

36. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Miscellaneous

37. No covered verandas, balconies or carports shall be enclosed without the consent of Council.

Security

38. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a cash bond or bank guarantee to the value of \$1 200 000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Advice

Vegetation Removal

A current Permit to Damage Protected Vegetation issued by Council is required for the removal of any vegetation on the site with a trunk circumference of 80 cm at chest height.

Public Safety and Visibility

Trees located near pathways, driveways, access points, parking areas and street corners are to be maintained to ensure that at maturity the vegetation has minimum of three (3) m of clear trunk.

Reserves and Easements

Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be burdened to Council, at no cost to Council.

Environmental Health Permits

As application has been made for multiple dwellings (tourist) and accommodation premises (motel) with ancillary restaurant/bar and cafes, further licenses will be required from Council's Environmental Health Section.

Water Meters

In accordance with the Queensland Plumbing and Wastewater Code, commencing state-wide on 1 January 2008, any building development applications lodged for new premises drawing a water supply from a water service provider will be required to include sub-meters for separate lots in any type of building under a community title scheme and sole occupancy units in new buildings under a single title.

Developments shall comply with the Queensland Plumbing and Wastewater Code at Part Four (4) – Water Meters for New Premises.

For all classes of building built after 1 January 2008, sub-meters will be owned by Council. The water supply system from the Council Service or the Master Meter to the sub-meter shall be owned by the Community Title Scheme Body Corporate and the water supply from the sub-meter to the point of use will be owned either by the individual metered premises or by the Community Title Scheme Body Corporate as appropriate.

The installation of sub-meters shall be based on the following performance requirements:

- Accessibility within a common area due to regulatory restrictions on installation and access to 'residential places'.
- Accessibility for reading and maintenance repair or replacement.
- The provision of supporting plumbing components that are part of Council's meter installation eg ball valve, meter tails/unions and disassembly coupling.
- Suitable drainage for maintenance and management of leakage water.
- Consistency of installed formats to assist asset management and communication goals.

The design of plumbing installations shall be set out so that common facilities are sub-metered as individual sub-systems as follows:

- each hot water system that serves a floor will be sub-metered.
- all recreation facilities on land that is common property will be on a common sub-meter eg: the pool and the recreation room and the BBQ facility will be off the same sub-meter.
- external taps shall be connected through a common facilities sub-meter.

These common facilities sub-meters are to be owned by Council.

Where Community Title Scheme developments propose to have security systems where the public is restricted from access to the development or to buildings within the development then an Automatic Meter Reading (AMR) system shall be installed to the requirements of Council.

It is to be noted for developments that provide no security system at the time of development and later change to a development where security is to be provided, then these developments shall provide an AMR system as a part of the security upgrade.

The AMR system shall be installed by the developer and following commissioning, the AMR system shall be handed over to the Council for ownership.

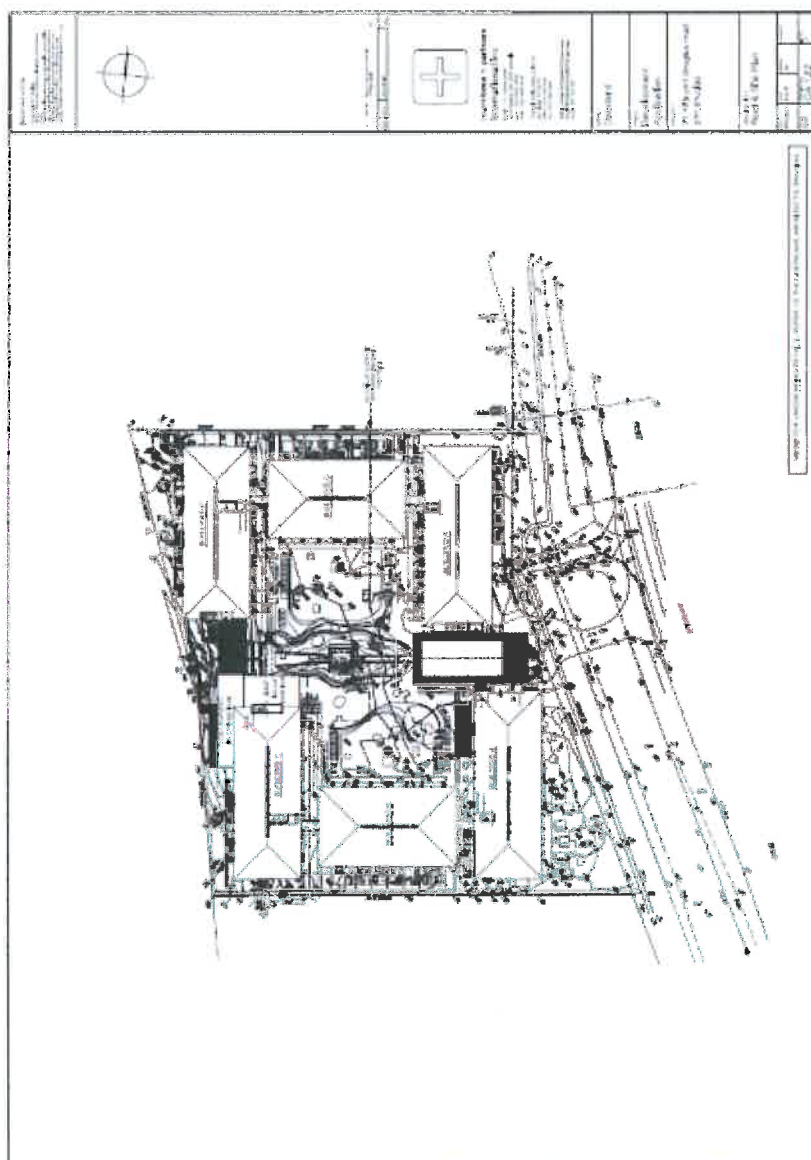
The type and format of meters and AMR technologies shall comply with Council's standards and specifications.

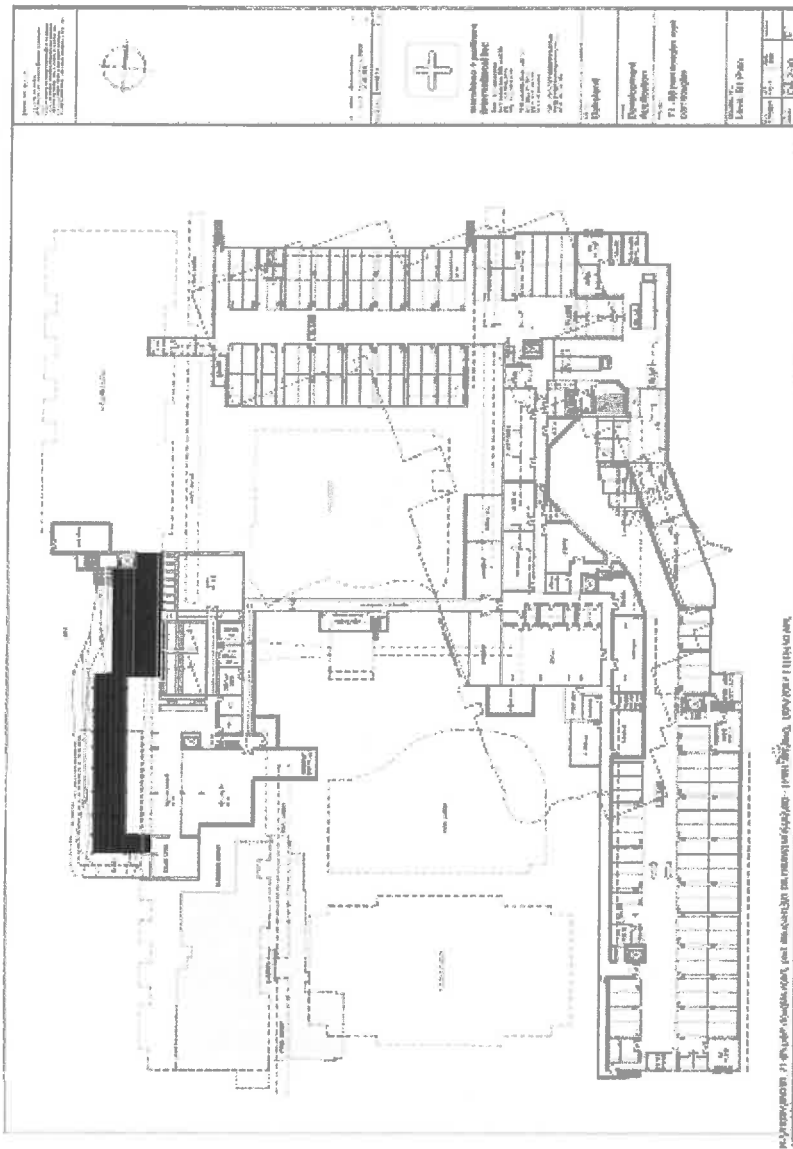
E. Further Development Approvals Required:

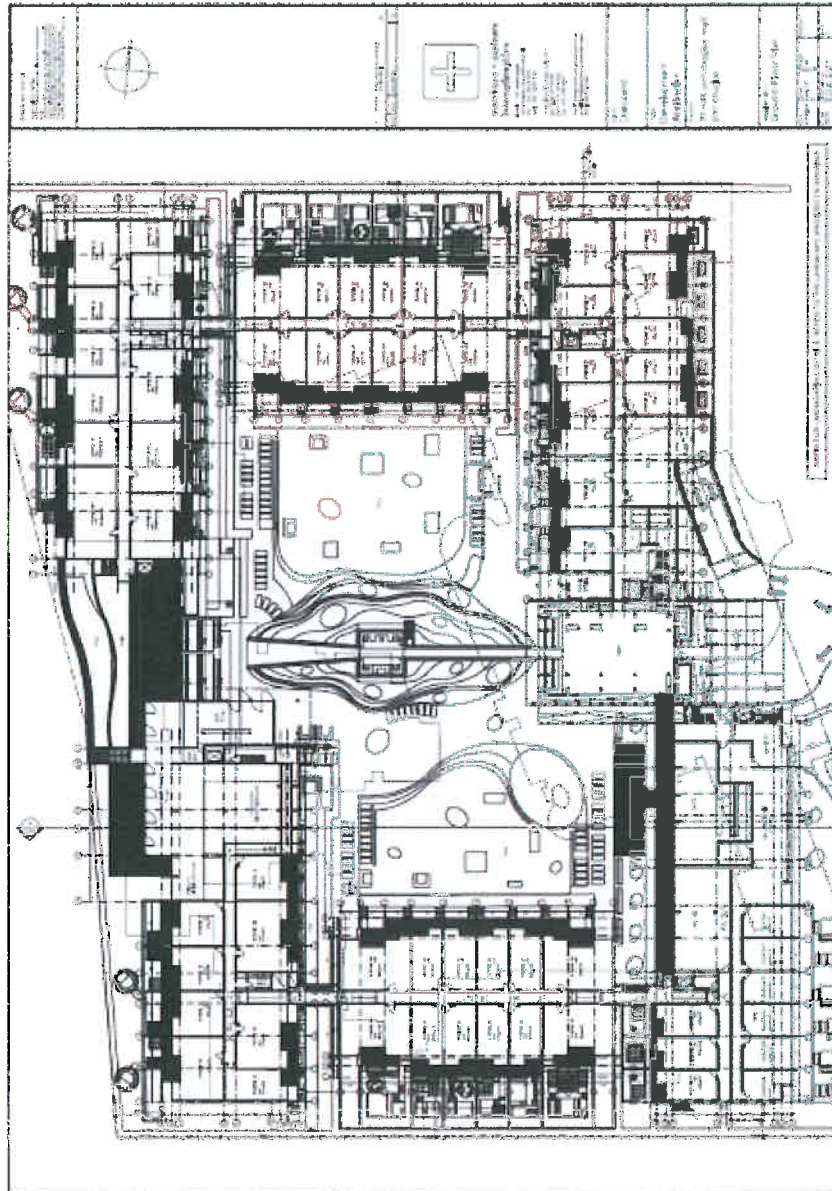
Operational Work	Development Permit
Building Permit	Development Permit
Plumbing & Drainage Permit	Development Permit

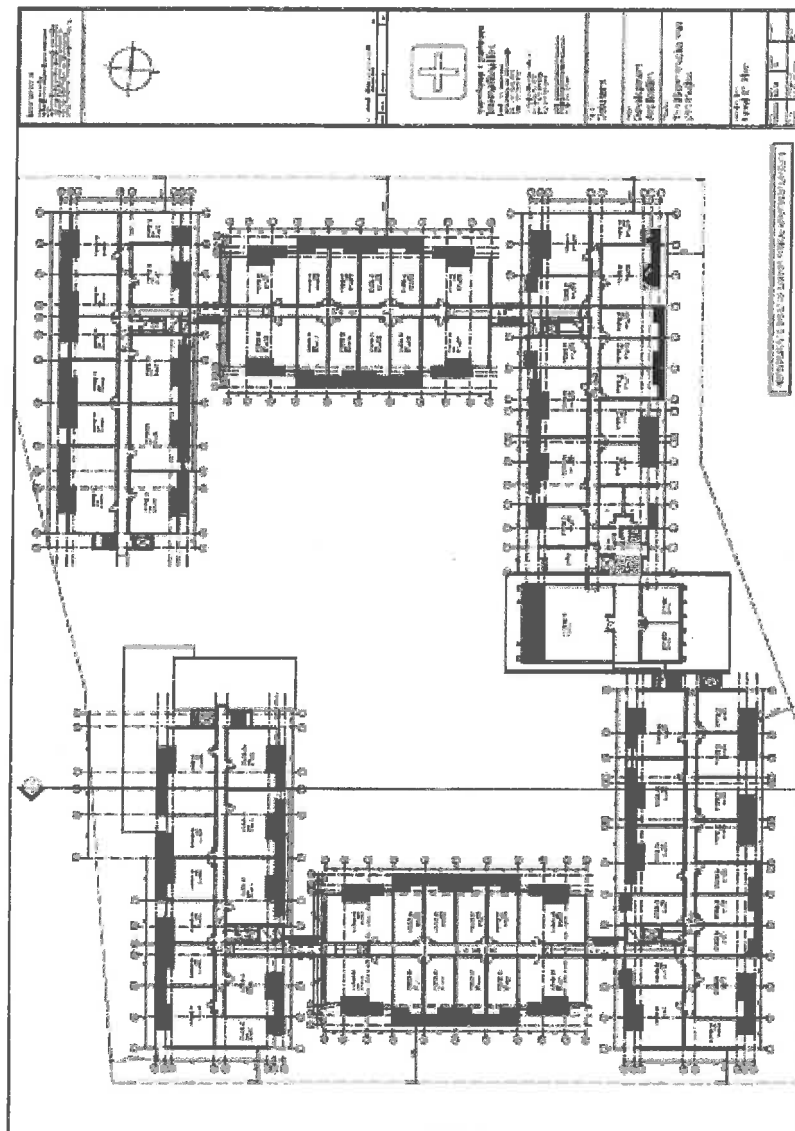
Paul Hoye
A/General Manager – Development & Environment

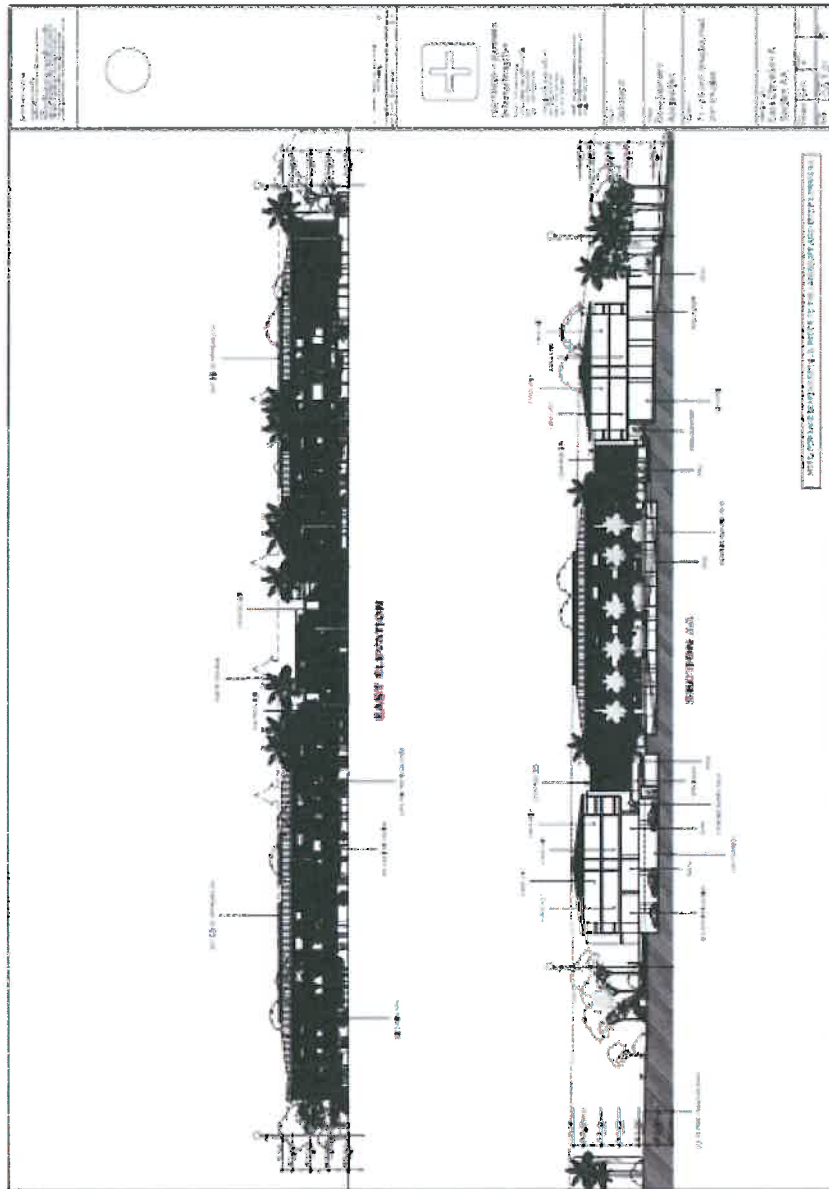
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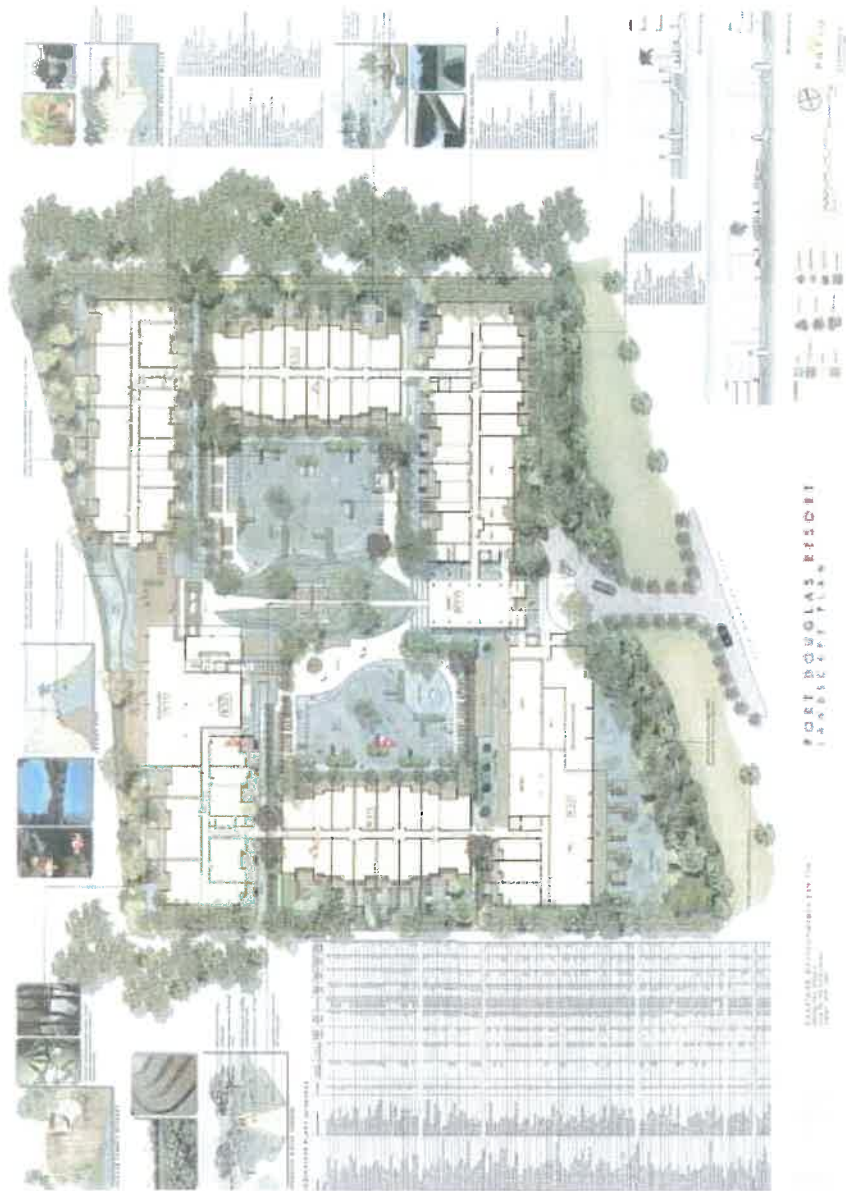


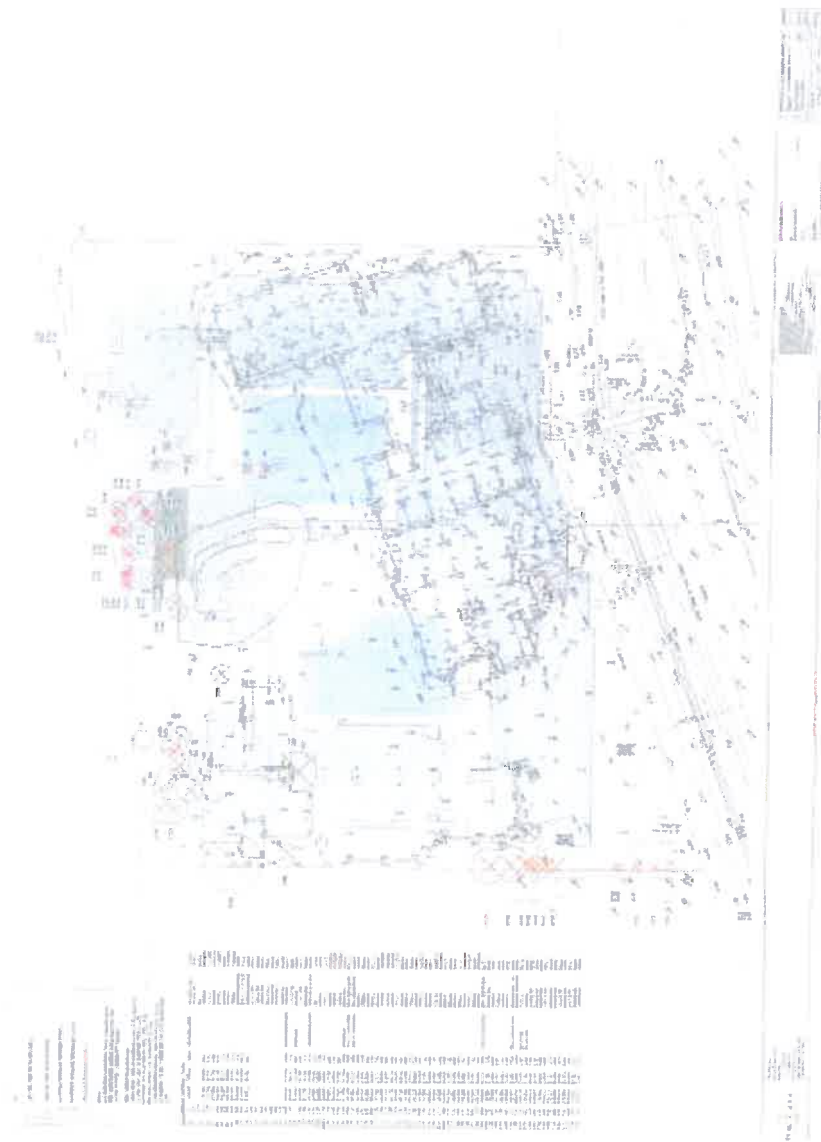












Referral Agencies Conditions



Re:

Oakland Developments Pty Ltd
C/- Hagan Consulting Group
PO Box 5820
Cairns QLD 4870

Department of Main Roads

For your information.

A handwritten signature in dark ink, appearing to read "Peter McNamara".

Peter McNamara
MANAGER (CORRIDOR MANAGEMENT) PENINSULA

24 September 2007

Department of Main Roads

Mr John Lee
N/ Chief Executive Officer
Douglas Shire Council
PO Box 317
Knoxman, Qld 4871

Dear Mr Lee

Douglas Shire - Port Douglas Road
Situated at 71-85 Port Douglas Road, Port Douglas
Lot 1 on SP 150468, Parish of Salisbury
Fishland Developments Pty Ltd
Proposed Material Change of Use (Holiday Accommodation (200 units) & ancillary uses)
Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 18 September 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Consequence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Port Douglas Road) and the subject land shall be via the proposed access driveway located about 10 metres from the northern side boundary of the subject land, only. The existing access driveway shall be permanently closed.
- (ii) No additional direct access between the State-controlled road reserve (i.e. Port Douglas Road) and the subject land is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access location for the subject land are required and shall be constructed in accordance with:

North Queensland Region
Perseus District
PO Box 5-88
DARWIN Northern Territory
AUSTRALIA 08 08 777 111

Our ref: 436306/107 (PMT 074)
Your ref: 0613-04437
Enquiries 09413 01374000
Telephones 011 7 8222 9811
Facsimile 011 7 4033 8431

- Department of Main Roads *Roads Planning and Design Manual (RPdDM)* and
- current Department of Main Roads standards,

and to the Department's satisfaction.

A recent site inspection indicates the requirement for the provision of the following works within the State-controlled road reserve (i.e. Port Douglas Road):

- an auxiliary left turn treatment (ALT) from the south and a channelised right turn lane (CHRT) into the development from the north as per Figures 13.82 and 13.89 of *RPdDM*, and
- with geometry configured to accommodate a possible future additional 3.5 metre wide traffic lane in Port Douglas Road on the western side

(ii) Design aspects that include to address the following:

- No port cohere structure extending forward of property boundary onto road reserve,
- Port cohere vehicle turnaround designed to accommodate 12.5 metre long bus vehicle path (i.e. for vehicles to reverse out of the access),
- Removal of existing access driveway and regrassing,
- 3.5 metre wide traffic lanes & turn lanes and 1.5 metre wide shoulders shall be provided on Port Douglas Road,
- 1.5 metre bicycle lane to be provided between the through lane north and the auxiliary left turn lane,
- Fill batter slopes to be 1:4 (Vert:Horiz),
- Painted traffic islands shall be used between the traffic lanes, and these islands shall have raised reflective pavement markers (RRPM's) installed in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*,
- Semi-mountable kerbs, set back 1.5 metres from edge line, to be installed both sides of access,
- Asphalt surfacing to be provided to entire area of new works,
- Lighting shall be provided to V3 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with:
 - The Electrical Act,
 - Australian Standards (AS1158, 3000), and
 - Chapter 17 of the *RPdDM*.

All works are to be certified by Registered Professional Engineer (Queensland) (RPEQ) (Electrical).

- All associated works are to be completed to the Department's satisfaction (eg services relocation, drainage (including extension of valvests), line marking (including RRPM's) and signage in accordance with the *MUTCD*).
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service provider's satisfaction. No existing water main within 3.0 metres of the new sealed shoulder edge shall be permitted.
- DMR will also require an environmental management plan (including MRS 11.51) to be submitted.

- (iii) The applicant shall submit design drawings prepared by a suitably qualified RPEQ for approval to the Census office of the Department of Main Roads prior to works commencing within the State-controlled road Reserve (i.e. Port Douglas Road).
- (iv) All required works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the use on the subject land.

2. Road Traffic Noise & Visual Treatments

(a) Visual Amenity Works

The applicant/landowner shall provide landscaping along the frontage of the State-controlled road (i.e. Port Douglas Road/ Davidson Street).

The landscaping shall be designed, installed and maintained such that existing State-controlled road infrastructure, noise ameliorative works, and on-site buildings and facilities, are screened as much as practicable from each other.

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

All landscaping shall be completed prior to the commencement of the approved use.

(b) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3601. A noise barrier fence shall be located on the subject land and suitably screened from the State-controlled road (i.e. Port Douglas Road/ Davidson Street) with landscaping on the subject land. An acceptable alternative would be a noise barrier fence on the boundary of the subject land, with every second panel of the fence indented a minimum of one metre with landscaping of the indented areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance to users of the State-controlled road reserve.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise free-field level must not be exceeded within 10 years of completion of the full development:

- External noise levels must not exceed 60 dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distance are greater than 40 dB(A) L₁₀ (18 hour) between 10pm and 6am; or
- External noise levels must not exceed 57 dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply

(dwelling setback, distance are less than or equal to 40 dB(A) L_{eq} (8 hour), between 10pm and 6am;

- Internal noise levels (i.e., within buildings above the ground floor level only) must not exceed the maximum noise levels specified in AS2167-2000.

External noise shall be defined as being all open space including verandas, balconies, pool areas and gardens.

(iii) Noise Testing

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

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- Internal noise levels shall be determined in accordance with AS2167-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

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

- predict the road traffic noise levels;
- identify the ameliorative works required within the subject land and the relevant buildings; and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

(v) Incorporation of Works into the Development

All noise ameliorative works required external to the building on the subject land shall be completed prior to commencement of the approved use of the building.

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

4. **Advertising**

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

5. **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. Port Douglas Road).

Reasons

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

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Applications referrals and Assessment Guide; and
- Superseded Douglas Shire Planning Scheme.

6. **GENERAL DISCUSSION**

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

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

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

Yours sincerely



6 Peter McNamara
A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA

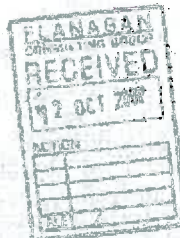


Queensland
Government

Yann Bellrose
Our Address
Director
Department of Natural Resources and Water
Phone

188880
JENNIFER
Linda Wray
Planning & Development
081 07 87453

Department of
Natural Resources and Water



9th October 2007

Ashli Estelle Shoobridge

Planagan Consulting Group
PO Box 5828 Cairns
QLD 4870

Dear Madam,

Pre-Judgement Referral Agency Response for a Development Application for a
Material Change of Use (Report Assessment) on Lot 1 on SP150468 - 71-85 Fort
Douglas Road, Fort Douglas

I refer to your letter dated the 11th September 2007. Officers of the Department of Natural Resources and Water (DNRW) have reviewed the proposed development application for the above Material Change of Use. It is noted that the site is below 20m AHD and located within an area which may contain Acid Sulphate Soils. As stated in the application excavation and filling are likely to occur as a result of the Material Change of Use. It is assumed this involves a volume in excess of 1,000 cubic metres which would trigger State Planning Policy 2/02. However, no soil testing has been undertaken for the identification of acid sulphate soil as required under state planning guidelines. Sampling and testing methodologies and remedial actions for acid sulfate soil are outlined in guidelines for State Planning Policy 2/02.

Accordingly, DNRW requests that soil testing be undertaken, and should action criteria be triggered by acid generating potential, that an acid sulfate soil management plan be prepared in accordance with State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulphate Soils (SPP 2/02) and its accompanying Guideline SPP Guideline 2/02.

Outcome 1 of State Planning Policy 2/02 states that:

When undertaking development to which this SPP applies, the release of acid and associated initial contaminants from the environment is avoided by:

- not disturbing acid sulfate soils when excavating or otherwise removing soil or sediments, extracting groundwater or filling land, or

Specialist Planning & Policy
P O Box 2200
Brisbane Queensland 4001
Australia
Telephone + 61 7 4763 7453
Facsimile + 61 7 4763 7447
Email: planning@dnrm.qld.gov.au

meating and, if required, undertaking ongoing management of any disturbed soils and drainage systems.

The *SPP Guideline 2.02* requires that the information in an ASS investigation report and proposed management strategy be sufficiently detailed for the assessment manager and NRW to be satisfied that the development outcomes required by SPP 2.02 will be met. The information should be provided in accordance with the relevant parts of the SPP Guideline and the associated appendices.

In order to provide advice to the Chiltern Council, NRW considers that an ASS investigation should be carried out by a suitably qualified person over the area subject to this application, commencing with preliminary testing.

Should you have any questions about the above, please contact Linda Whiteley on telephone number (07) 41 607 453, quoting the above reference number.

Yours sincerely


Linda Whiteley
Natural Resources Officer