

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 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) | Mr Darren Birch |
| Contact name (only applicable for companies) | C/- Elizabeth Taylor, Town Planner |
| Postal address (P.O. Box or street address) | 23 Vallely Street |
| Suburb | Freshwater |
| State | QLD |
| Postcode | 4870 |
| Country | Australia |
| Contact number | Liz - 0407584966 |
| Email address (non-mandatory) | liz@elizabethtaylor.net.au |
| Mobile number (non-mandatory) | Liz As above |
| Fax number (non-mandatory) | N/A |
| Applicant's reference number(s) (if applicable) | ET23-018 |

| 2) Owner's consent | |
|---|--|
| 2.1) Is written consent of the owner required for this development application? | |
| <input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application | |
| <input 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 |
| | | 70 | Nautilus Street | Port Douglas |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | 4877 | 38 | SP144717 | Douglas Shire |
| 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):*

Add Multiple Dwelling to the approved land use of Short-Term Accommodation to Villa Unit 38

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 - Site Plan

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) |
| Allow permanent occupation of a Villa | Multiple Dwelling | One (1) | 400m ² |
| | | | |
| | | | |
| 8.2) Does the proposed use involve the use of existing buildings on the premises? | | | |
| <input checked="" type="checkbox"/> Yes | | | |
| <input 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? | | | |
| | | | |

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

Division 3 – Operational work

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

| 14.1) What is the nature of the operational work? | |
|--|---|
| <input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify: | <input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation |
| 14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) | |
| <input type="checkbox"/> Yes – specify number of new lots: | |
| <input type="checkbox"/> No | |
| 14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour) | |
| \$ | |

PART 4 – ASSESSMENT MANAGER DETAILS

| 15) Identify the assessment manager(s) who will be assessing this development application |
|---|
| 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 type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |

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

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

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

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

| | | | |
|----------------------|--|-------------------------|--|
| Proposed ERA number: | | Proposed ERA threshold: | |
| Proposed ERA name: | | | |

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

Hazardous chemical facilities

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

- ☐ Yes – Form 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: | |
|-----------------------------|--|-----------|--|

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

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

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

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Individual owner's consent for making a development application under the *Planning Act 2016*

Darren Birch

as owner of the premises identified as follows:

Lot 38 Paradise Links Resort
70 Nautilus Street, Port Douglas

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

Elizabeth Taylor – Town Planner

on the premises described above for:

Material Change of Use – (Short term Accommodation and/or Multiple Dwelling)



.....
Sign

Darren Birch

20/11/2023.....

Date

.....
Sign

.....
Date

Ref: ET23-018

Elizabeth Taylor
Town Planner
23 Vallely Street
FRESHWATER QLD 4870

20 November 2023

Chief Executive Officer
Douglas Shire Council
P O Box 723
MOSSMAN QLD 4873

Attention: Mr Neil Beck/Ms Jenny Elphinstone

Dear Sir,

RE: APPLICATION FOR MATERIAL CHANGE OF USE TO ALLOW LOT 38 SP144717, BEING PART OF THE BODY CORPORATE SCHEME KNOWN AS THE LINKS, LOCATED AT 70 NAUTILUS STREET, PORT DOUGLAS AND APPROVED FOR MULTIPLE DWELLING (TOURIST) SHORT TERM ACCOMMODATION TO ALSO BE USED FOR MULTIPLE DWELLING - PERMANENT OCCUPATION

This Application, for Material Change of Use (MCU) to allow Lot 38, as described above, located in a Multiple dwelling (tourist)/Short term accommodation development, to have the flexibility to also be used for Multiple dwelling, permanent occupation, within the Paradise Links Resort at 70 Nautilus Street, Port Douglas, is submitted on behalf of Darren Birch, the owner of Lot 38.

The Application is comprised of:

- DA Form 1;
- Signed Landowners Consent form; and

- Town planning submission.

The Site and Locality

Villa Unit 38, the subject of this Application, is located in the Paradise Links Resort. The Resort comprises a total of 66 lots, containing 38 Villa Unit lots with the remaining 28 lots being Dual Key Holiday Units. Paradise Links Resort is located at 70 Nautilus Street, Port Douglas.

The Paradise Links Resort has a gated entry/exit and a second exit and a porte-cochere for bus set-down at the reception area fronting Nautilus Street. The 38 Villa Units in the Resort have direct golf course frontage. The Resort also includes 28 Dual Key Units and resort facilities, including several swimming pools, BBQ facilities and a tennis court. Guests also have access to the adjacent Golf Clubhouse and Four Mile Beach is within an easy 500 metre stroll.

58 car parking spaces are provided in designated garages adjacent to each Villa Unit. 20 Villa Units have 2 designated car spaces and 18 Villa Units have 1 designated car space. Lot 38 has 2 designated car spaces, located in a double, lock-up garage, adjacent to the front of the Villa.

A photograph of the street view of Villa Unit 38 is not available as the property was sold “off-market”. However, a street view photograph of another 3 bedroom Villa Unit, which has the same configuration as Villa Unit 38, is reproduced below, showing the double garage and entry, typical of these large 3 bedroom Villas.



Car parking for the 28 Dual Key Units is provided in five (5) car parking areas located along the internal driveway in proximity to the Dual Key Units, providing a total of 20 car spaces. In addition, there are fourteen (14) visitor car parking spaces provided along the internal driveway.

Total car parking in the Resort is 92 car spaces, which is more than adequate for a development comprising a total of 66 Units, being - 38 Villa Units and 28 Dual Key Units. A copy of a Resort Site Plan, identifying the location of Villa Unit 38, the subject of this Application, is attached at Attachment 1.

Paradise Links is located on the outskirts of Port Douglas and residents/guests enjoy a recreational lifestyle with the adjoining golf course and Four Mile Beach nearby and all the amenities of Port Douglas just a short drive away.



LOCALITY PLAN – PARADISE LINKS

The Proposed Development

The development application seeks to allow Villa Unit 38, which is currently only approved for short term holiday occupancy- Multiple dwelling (tourist) under the former 1996 Douglas Shire Planning Scheme when approval was granted, and now defined as Short Term Accommodation under the current 2018 Planning Scheme, to include an additional land use, being permanent occupation, defined as Multiple Dwelling under the current Planning Scheme.

Under the former Planning Scheme, short term holiday accommodation was defined as Multiple dwelling (tourist):

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

- (a) a reception area;*
- (b) an administration office; and/or*
- (c) any signage visible from the road adjoining the subject premises indicating the presence of a reception area or administration office, whether in the subject premises or elsewhere, or in any other way indicating that the premises are available for holiday accommodation;*

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

All 38 Villa Units in Paradise Links Resort were approved as Multiple dwelling (tourist) so they cannot lawfully be used for permanent occupation.

The Application seeks approval for Villa Unit 38 to be able to be used for either short term holiday let, defined as Short Term Accommodation under the current Planning Scheme or permanent residential occupancy, defined as Multiple Dwelling under the current Planning Scheme, refer below.

| | | | |
|-------------------|--|---|---|
| Multiple dwelling | Premises containing three or more dwellings for separate households. | Apartments, flats, units, townhouses, row housing, triplex. | Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility. |
|-------------------|--|---|---|

No building work or operational work is proposed, or required, as part of the proposed development.

Villa Unit 38 has an area of over 200m² on a lot of over 400m² and is comprised of:

Ground Level

- Lock up garage including secure storage area and with access direct into the unit;
- Private gated entry;
- Spacious Lounge/kitchen/dining; and study nook;
- Laundry;
- Separate powder room; and
- Outdoor patio and garden area.

Level One

- Three (3) bedrooms, master with walk in robe;
- Two (2) bathrooms; and
- Two (2) balconies.

Villa Unit 38 has more than adequate indoor and outdoor space for permanent/long term occupancy and contains all necessary conveniences for both holiday and permanent occupation. The Resort is generally quiet and well managed due an on-site manager and the age of, primarily, golfing guests.

Planning Matters

The site is included in the Urban Footprint Designation of the FNQ 2009-2031 Regional Plan. The proposed development meets the intent of the Urban Footprint Designation and the requirements of the Regional Plan.

There are no State Referral Agencies for the Application.

Douglas Shire Planning Scheme

Paradise Links Resort was approved under the 1996 Planning Scheme. This Application requires assessment against the current 2018 Planning Scheme.

Under the current Planning Scheme, the site is zoned Medium Density Residential and both defined land uses – Short term accommodation and Multiple dwelling are Code assessable development in the zone. Therefore, the proposal to allow Villa Unit 38 to be used for either visitor accommodation or permanent occupancy is supported by the zoning of the land and the prescribed level of assessment, which is Code.

Under the Planning Scheme the two land uses (and a third land use of Retirement Facility) are all assessed under one land use Code.

Multiple Dwelling, Short Term Accommodation and Retirement Facility Code

The Purpose and overall outcomes of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code, states:

9.3.13.2 Purpose

- (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;
 - (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood;
 - (c) development does not adversely impact on the natural features on the site;
 - (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region;
 - (e) the impacts of development on adjoining premises are managed.

The Paradise Links Resort already exists and is fully developed. It is not considered necessary to assess the proposed development against the detailed provisions of this Code.

However, it can be noted that the Resort is compatible with and complements surrounding development with regard to scale, bulk, appearance and streetscape and does not adversely impact on the natural environment.

The Resort is appropriately located and separated from incompatible noise and hazards and the design of all the Villa Units creates a pleasant living environment, appropriate to the tropical climate.

Therefore, the proposed development is considered to achieve the Purpose and Overall Outcomes outlined, above, in the relevant land use Code.

Access, Parking and Servicing Code

The Purpose and Overall Outcomes of the Access, Parking and Servicing Code, states:

9.4.1.2 Purpose

- (1) The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;
 - (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;
 - (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;
 - (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;
 - (e) the provision of on-site parking, loading / unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;
 - (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.

Under the current Planning Scheme the following car parking provisions apply:

| | | | | |
|--------------------------|--|---|-----|---------------------|
| Multiple dwelling | <p>If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1 car space per dwelling unit.</p> <p>If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1.5 car spaces per dwelling unit</p> <p>In all cases 60% of the car parking area is to be covered.</p> | 1 bicycle space per 3 units and 1 visitor bicycle space per 12 units. | n/a | RCV (over 10 units) |
| Short term accommodation | <p>If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: 0.5 car spaces per dwelling unit.</p> <p>If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: For up to 5 units: 1 car space per dwelling unit, plus 1 space for visitors and 1 service/staff spaces. For 5 – 10 units: 1 car space per dwelling unit, plus 2 spaces for visitors and 1 service/staff spaces.</p> | 1 space per 10 rooms | n/a | SRV |

| | | | |
|--|--|--|--|
| <p>For over 10 units: 0.75 car spaces per dwelling unit, plus 3 spaces for visitors and 2 service/staff parking for the first 10 units and 0.5 additional service/staff space per 10 units, there-above.</p> <p>In all cases 60% of the car parking area is to be covered.</p> <p>Note: Where Short term accommodation is to be inter-changeable with a Multiple dwelling land use, multiple dwelling parking rates apply.</p> | | | |
|--|--|--|--|

Paradise Links is comprised of 66 residential lots of which 38 lots are developed with self-contained Villa Units with the remaining 28 lots developed as Dual Key Units.

Based on 38 self-contained Villa Units, car parking requirements under the current Planning Schemes are outlined in the Table below:

| CURRENT PLANNING SCHEME |
|---|
| 38 Villa Units (Multiple dwelling) Permanent Occupation = $(1.5 \times 38) = 57$ spaces |
| 38 Villa Units (Short term accommodation) Short term occupancy = $(0.75 \times 38) = 29 + 5 + 14 = 48$ spaces |

The 38 self-contained Villa Units at Paradise Links incorporate garages and a total of 58 cars can be accommodated, as follows:

- Lots 1, 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 20, 21, 24, 25, 26, 27, 32, 33 and 38 - being 20 self-contained Villa Units, each having a double car garage and a total of 40 car parking spaces; and
- Lots 6, 7, 12, 13, 16, 17, 18, 19, 22, 23, 28, 29, 30, 31, 34, 35, 36, and 37, being a total of 18 self-contained Villa Units, each having a single car garage and a total of 18 car parking spaces.

Under the provisions of the current Planning Scheme the existing car parking provided for the 38 Villa Units complies and, in fact, exceeds the car parking requirements of the original approved short-term use of Multiple dwelling (tourist) by 10 spaces.

More pertinently Villa Unit 38, the subject of this Application, has 2 designated car parking spaces located in a lock-up garage, which exceeds the specific requirements for private car parking for each Villa Unit, of 1.5 spaces per dwelling unit, for Multiple Dwelling development and 0.75 spaces per dwelling unit, for Short Term Accommodation development, as outlined

above, under the current Planning Scheme. In addition, there is adequate visitor parking located around the internal driveway servicing the resort.

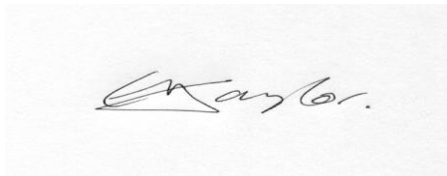
The proposal to allow either short term or permanent occupation of Villa Unit 38 will not compromise the existing car parking arrangements at Paradise Links Resort.

Conclusion

The proposal to allow Villa Unit 38, in the Paradise Links Resort to be used for either Short Term Accommodation or Multiple Dwelling permanent occupation, satisfies the relevant provisions of the current Planning Scheme. Villa Unit 38 is large, fully self-contained and spacious with high-end fixtures and fittings and requires no upgrading to provide a very pleasant living environment for either tourists or permanent residents.

The proposed development is recommended to Council, subject to minimal, reasonable and relevant conditions, given that the Application is only required to overcome a land use technicality, to allow flexibility for the residential long-term occupancy of Villa Unit 38 or short-term rental to tourists. Car parking requirements are met and no building, plumbing/drainage works, or operational works are required to facilitate the change in use to facilitate the occupancy options of either Short Term Accommodation or Multiple Dwelling.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Elizabeth Taylor', is centered on a white rectangular background.

Elizabeth Taylor
Town Planner

ATTACHMENT 1 – PARADISE LINKS RESORT PLAN



PARADISE LINKS

RESORT PORT DOUGLAS

www.paradiselinks.com.au



SITE PLAN

Please note Rooms 39 to 66 are dual key apartments. For example Room 391, proceed to Room 39 first then to door 1.