

Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

Note: All terms used within this template 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)	75 Port Douglas Road Pty Ltd, c/- Mills Oakley Lawyers
Contact name (only applicable for companies)	Taryn Eastwell
Postal address (P.O. Box or street address)	Level 23, 66 Eagle Street
Suburb	Brisbane City
State	Queensland
Postcode	4000
Country	Australia
Email address (non-mandatory)	teastwell@millsoakley.com.au
Contact number	(07) 3228 0483
Applicant's reference number(s) (if applicable)	9288639

2) Owner's consent – Is written consent of the owner required for this extension application?	
Note: section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application	
<input checked="" type="checkbox"/> No – proceed to question 3	

PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.	
Douglas Shire Council	

PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit	MCUC 5148/2013	22 August 2017	Douglas Shire Council
<input type="checkbox"/> Preliminary approval			

5) Further details

5.1) Provide the currency period for this development approval.

30 January 2024

5.2) Identify how long this application seeks to extend the currency period of this development approval.

Note: reasoning to support the proposed extension should also be provided

Extension of the currency period up to and including 30 January 2026 for reasons stated in cover letter.

PART 4 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

The *Planning Act 2016*, the Planning Regulation 2017 and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.

16 January 2024

Mills Oakley
ABN: 51 493 069 734

BY EMAIL

Neil Beck
Douglas Shire Council
Neil.Beck@douglas.qld.gov.au
Enquiries@douglas.qld.gov.au

COPY:
Daniel Lamond
Daniel.Lamond@douglas.qld.gov.au

Your ref:
Our ref: TLEB/RXNB/9288639

All correspondence to:
GPO Box 5247
BRISBANE QLD 4001
DX 40160 Brisbane Uptown

Contact
Taryn Eastwell +61 7 3228 0483
Email: teastwell@millsOakley.com.au
Fax: +61 7 3012 8777

Partner
Rayne Nelms +61 7 3010 8027
Email: rnelms@millsOakley.com.au

Dear Neil

Extension Application – Development Approval for Multiple Dwellings, Accommodation Premises and Ancillary Uses (MCUC 5148/2013)

We act for 75 Port Douglas Road Pty Ltd, the Applicant and owner of 71-85 Port Douglas Road, Port Douglas.

Request for Extension Application

1. We are writing to request pursuant to section 86 of the Planning Act 2016, an extension to the currency period (of 2 years – until 30 January 2026) of the development approval for a material change of use for 79 multiple dwellings (tourist), 127 accommodation premises (motel) and ancillary uses including gym, spa, relaxation lounge, retail, restaurant, café, bar, function centre, meeting rooms and administration facilities granted by Douglas Shire Council (**Council**) on 30 January 2008 over land located at 71-85 Port Douglas Road, Port Douglas (**Development Approval**).

Chronology

2. The Development Approval was granted by way of decision notice dated 30 January 2008 under the Integrated Planning Act 1997 (**IPA**) and had a currency period of 4 years (until 30 January 2012) pursuant to section 3.5.21 of the IPA.
3. Oakstand Fund No 7 Pty Ltd (the owner of the land at the time), made a development application for operational works. On 20 January 2010, Council issued a decision notice approving the operational works development application subject to conditions. This approval had the effect of extending the Development Approval's currency period by 2 years to 20 January 2014.
4. Oakstand Fund No 7 Pty Ltd made a request to extend the currency period of the Development Approval. By way of Council's Corrected Advice Request dated 29 July 2013, the Development Approval's currency period was extended for 4 years to 20 January 2018 (MCUC 041-07).
5. On 22 August 2017, Council approved a minor change to the Development Approval and extension to the currency period of the Development Approval for a further 4 years (until 30 January 2022) (MCUC 5148-2013).

NOTICE

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6. The State has published:
 - (a) Extension Notice 1 – which declared that all development approvals that are current any time between 21 July 2020 to 31 October 2020 would receive a 6-month extension;
 - (b) Extension Notice 2 - which declared that all development approvals that are current any time between 1 September 2021 to 30 September 2021 would receive a 6-month extension; and
 - (c) Extension Notice 3 – which declared that all development approvals that are current any time between 29 April 2022 to 24 June 2022 would receive a 12-month extension.
7. Since the Development Approval was current during the relevant period of Extension Notices 1, 2 and 3, it will receive the benefit of a total 24-month extension.
8. Based on the above, the currency period of the Development Approval is therefore until 30 January 2024.

Reason for Request

9. In light of the above, our client requests that the currency period for the Development Approval be extended to 30 January 2026 on the following grounds:
 - (a) The approved land use remains consistent with the Tourist Accommodation zoning of the land.
 - (b) The built form and associated parameters of the Development Approval are consistent with the requirements of the current planning scheme.
 - (c) There is no good town planning reason for the Development Approval to be the subject of a fresh assessment and decision.
 - (d) There is a need for the development associated with the Development Approval.
 - (e) The applicant has not acted on the Development Approval as it was pursuing an alternative development scheme for a resort complex which is the subject of Planning and Environment Court Appeal No. 2827 of 2021 (**Development Application**).
 - (f) A similar development over the land was publicly notified in 2020 as part of the Development Application and no properly made submissions were received.
 - (g) There are no significant adverse impacts associated with the Development Approval which would warrant a reassessment.
 - (h) There are planning and community benefits associated with implementing the Development Approval which includes providing employment opportunities in Port Douglas.
 - (i) The Development Approval reflects the built form which Council advocated for in relation to the appeal the subject of the Development Application. It would be inconsistent with Council's own position to not extend the currency period of the Development Approval in those circumstances.

Material

10. **Enclosed** with this application is:
 - (a) A copy of the Development Approval; and

(b) Extension Application Form.
Fees

11. We request that Council please advise the fees for the extension application and the preferred method of payment. Please advise no later than 18 January 2024.

If you have any questions or require further information please do not hesitate to contact Taryn Eastwell on +61 7 3228 0483 or teastwell@millsoakley.com.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'RAYNE NELMS', is written over a faint, light blue circular stamp.

RAYNE NELMS
PARTNER

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 (motels) 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 (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.

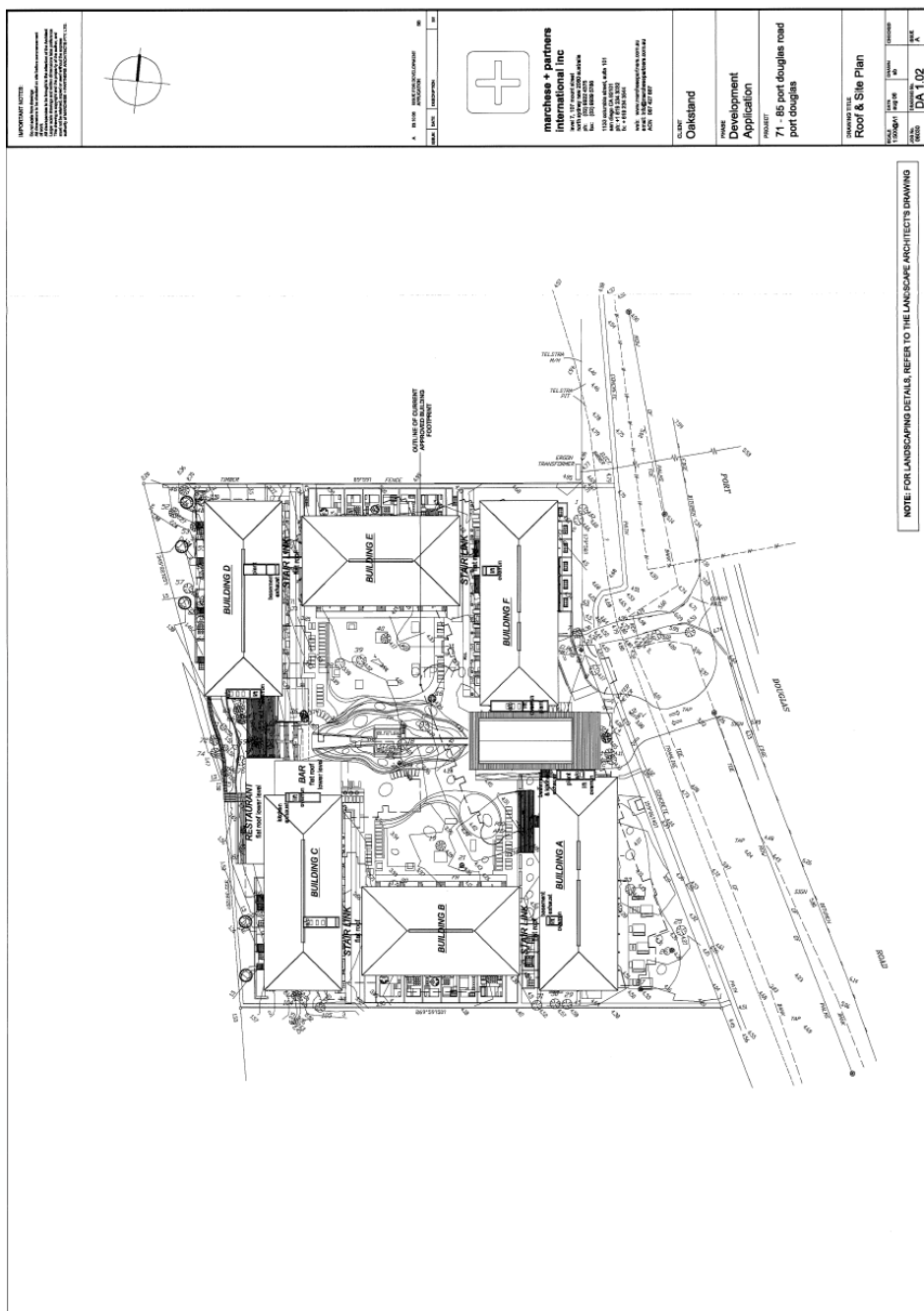
E. Further Development Approvals Required:

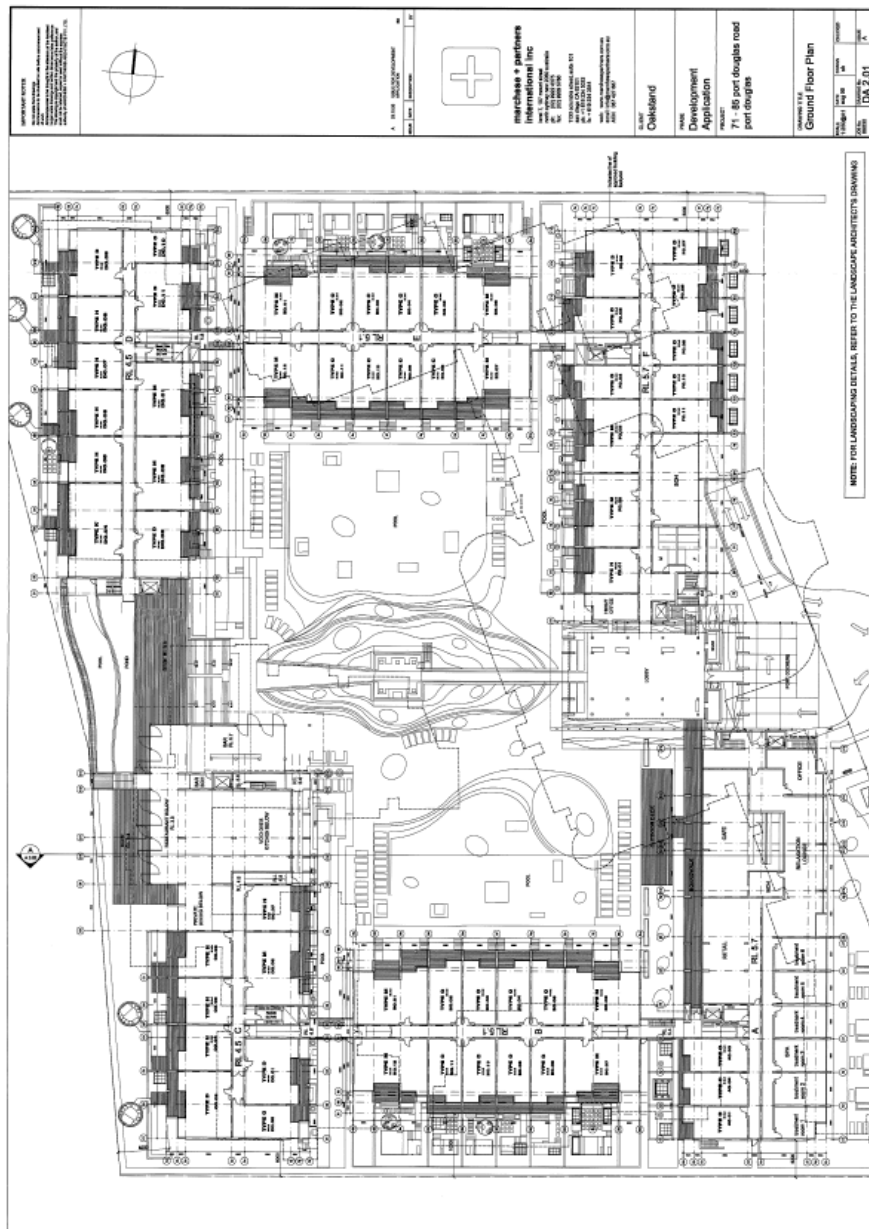
Operational Work	Development Permit
Building Permit	Development Permit
Plumbing & Drainage Permit	Development Permit

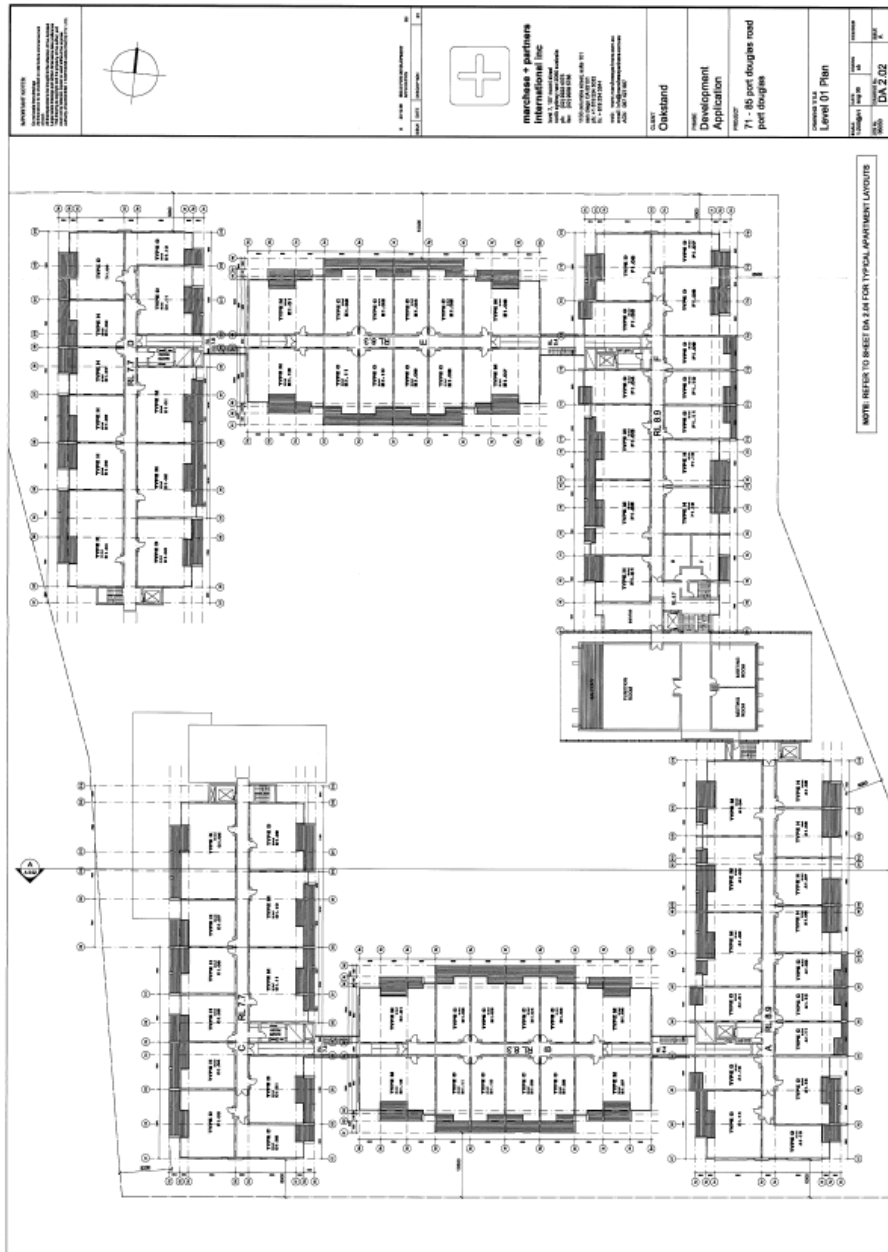
Paul Hoye
A/General Manager – Development & Environment

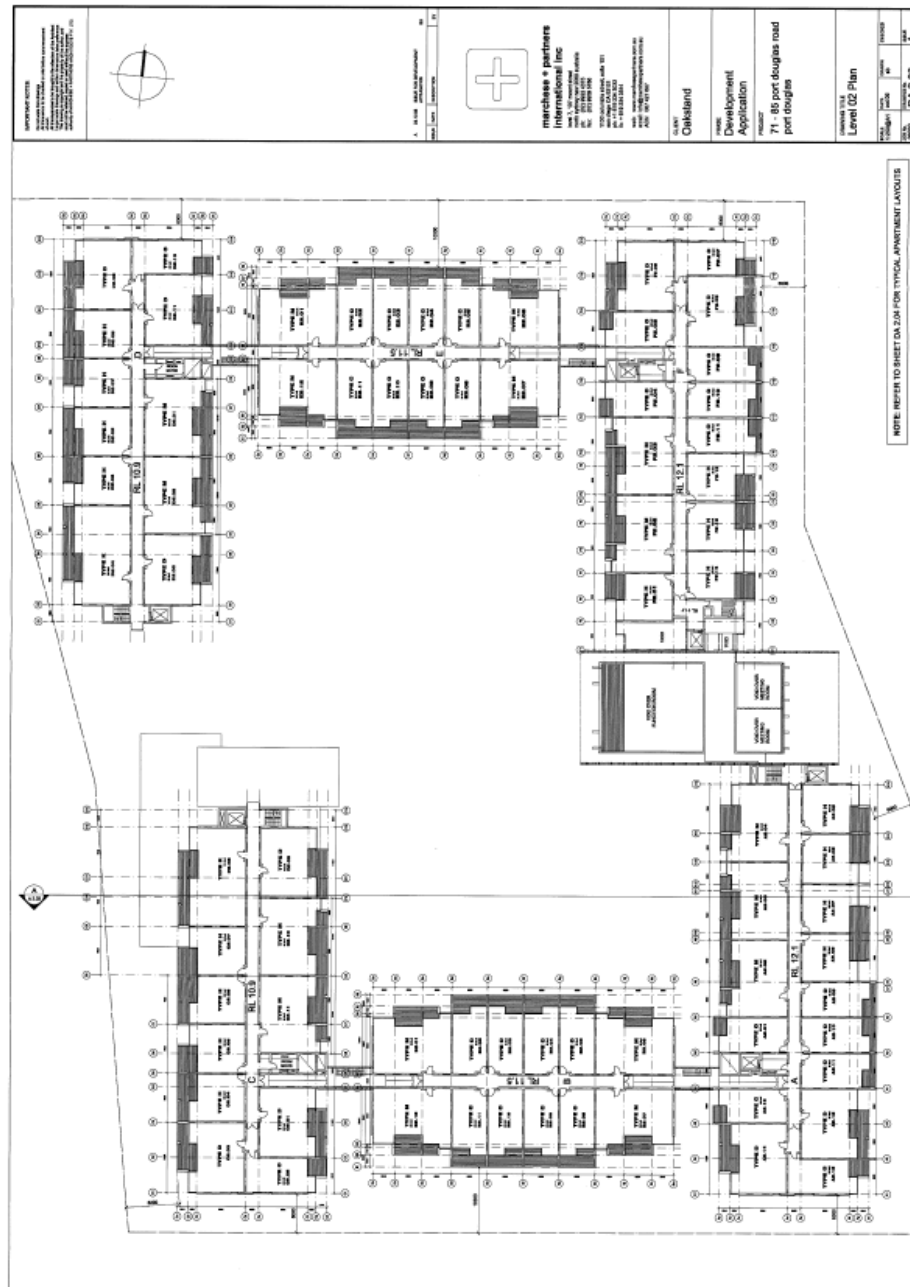
Approved Plans of Development



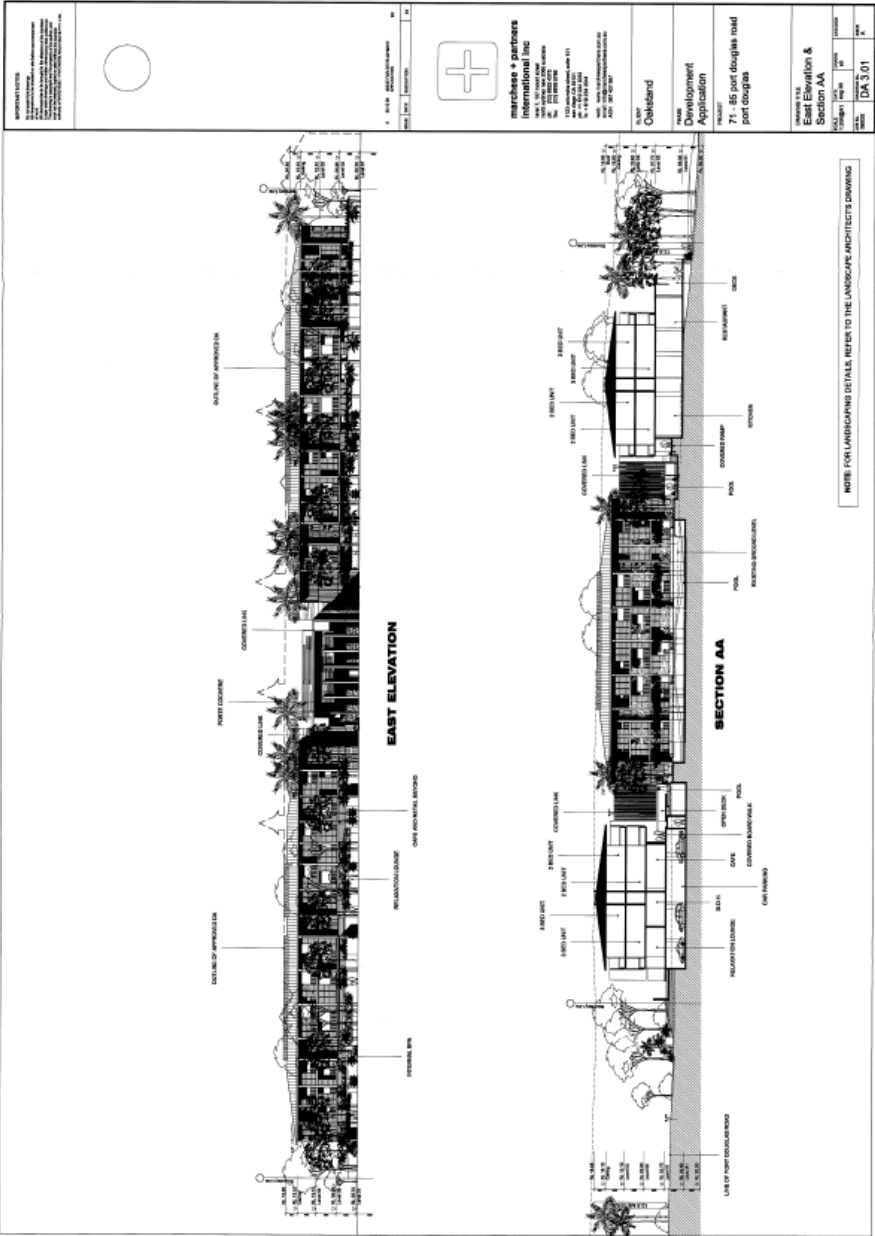


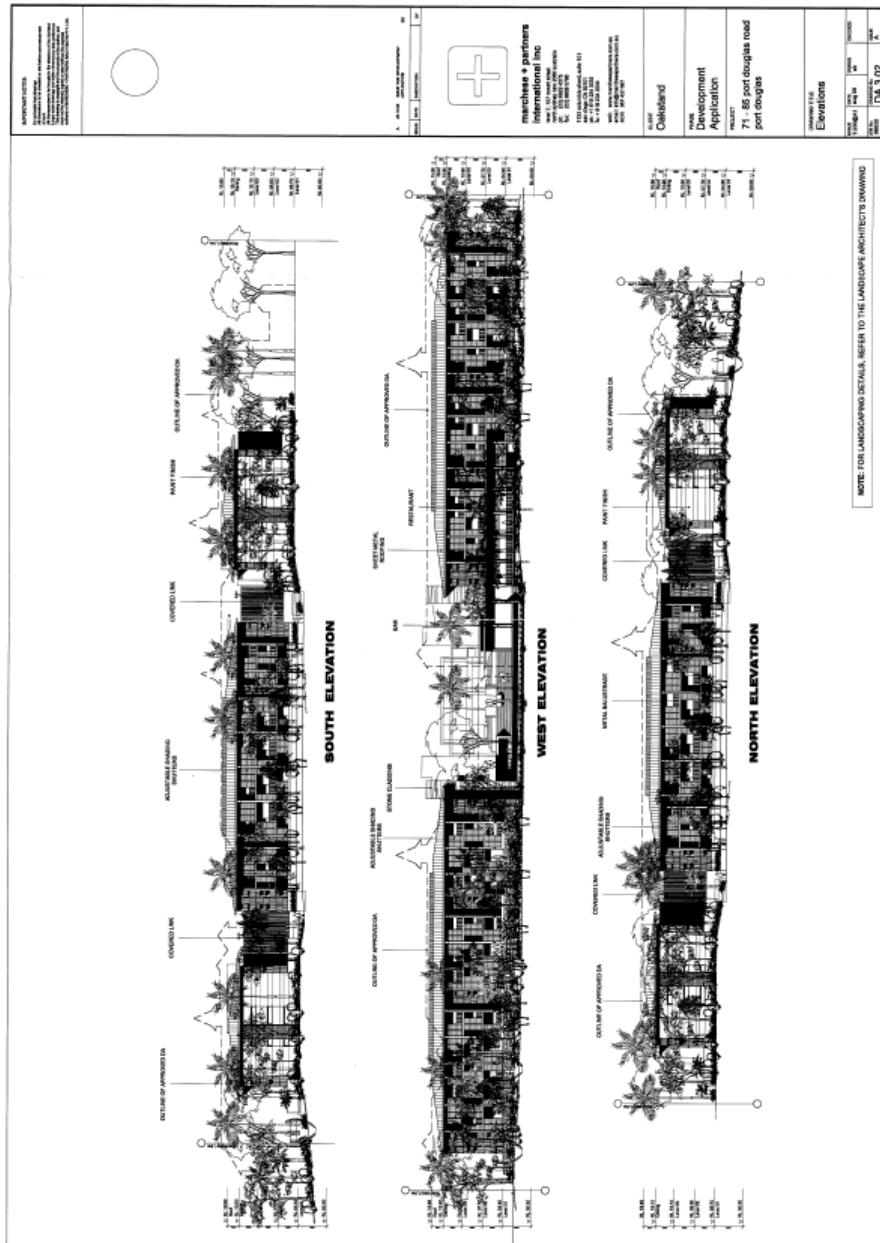


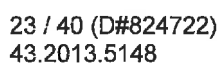












Referral Agencies Conditions



Queensland
Government

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 blue ink, appearing to read 'Peter'.

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 8811
Facsimiles: 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 3.7 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 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 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 dBA (A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distance are greater than 40 dBA (A) L₁₀ (18 hour) between 10pm and 6am; or
- External noise levels must not exceed 57 dBA (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



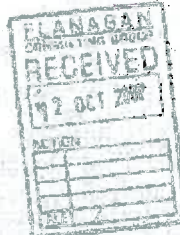
6 Peter McNamara
A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA



Queensland
Government

Yann Bellwood
Deputy Director
Directorate (LWS)
Phone
1800 010 000
1800 010 000
1800 010 000

Department of
Natural Resources and Water



9th October 2007

Attila Kristian Stenroos

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 sulphate 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:
 - the disturbing acid sulfate soils when excavating or otherwise removing soil or
sediment, extracting groundwater or filling land, or

Specialist Planning & Policy
P O Box 2200
Brisbane Queensland 4001
Australia
Telephone + 61 7 4763 7444
Facsimile + 61 7 4763 7447
Email: sppl@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 Chiers 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