

Our ref: PR133458/OCK/SF/L79218

Via: E-mail - Daniel.Lamond@douglas.qld.gov.au



Date: 24 February 2020

135 Abbott Street
Cairns QLD 4870
T +61 7 4031 1336

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman, Qld, 4873

Attn: Daniel Lamond

Application for a Minor Change to a Development Approval (Section 78 of the Planning Act 2016)
Port Douglas Steam Train Company Pty Ltd, Escape Street, Port Douglas
Your Ref: CA2639/2008

Further to consultation between the Applicant, John Morris, Port Douglas Steam Train Company Pty Ltd and Council's representatives, a Minor Change is sought to the Development Approval (refer to copy in **Attachment A**) that permits the reconfiguration of the land at 4-10 Escape Street and 9 St Crispins Ave into 33 Community Titles Lots and Common Property and the development of a House on each lot as the second stage of development.

On behalf of Port Douglas Steam Train Company Pty Ltd, we lodge this application for a Minor Change to the development approval to you as the responsible entity.

In accordance with your fee advice, the application fee of \$2,538.60 is to be paid by Port Douglas Steam Train Company Pty Ltd.

Proposed changes

The changes to the development approval include:

- Delete reference to the requirement to provide a Bikeway/Pathway (Conditions 38 and 39) and include a condition that requires the removal of the existing section of path that exists along the land's Escape St frontage.
- Amend Condition 9 to require landscaping to be provided within the Escape Street frontage (in place of the Bikeway/Pathway).
- Amend Condition 17 to permit the minimum floor level of habitable rooms in any building erected on the premises to be a minimum of 3.2mAHD.

Supporting Information

In support of these changes, please find attached the following:

- Attachment A: A copy of the Development Approval subject of the Change Application;
- Attachment B: The completed Change Application Form; and
- The following further detail in support of the proposal:

- In respect of the Escape Street Bikeway/Pathway, it is intended to preserve the landscaping that has been established along the Escape Street frontage and embellish that landscaping by removing the existing Bikeway/Pathway along the site's frontage and providing additional plantings along the site's Escape Street frontage. Escape Street does not provide through access and has a generous road pavement width for the intended traffic volumes. Provided the landscaping to be provided along the Escape Street frontage allows for pedestrians to access the landscaped verge, in the unlikely event that this will be required, any potential for conflict would be avoided.
- In respect of the change sought to the minimum floor height, the following is noted;
 - The requested change particularly relates to Proposed Lots 8 – 14 and 33 where lot filling and the installation of underground services relates to minimum fill levels in the order of 3.0m AHD;
 - The minimum fill levels adopted for the land's development would have been intended to provide immunity from flood impacts and advice previously provided from Council confirms that this is the case in respect of potential storm tide inundation. In terms of overland stream flooding, Council is not able to provide specific flood levels. Given that the proposed community titles lots have not been subject to flood impacts, even during the significant rainfall event that occurred during March 2019, it is considered evident that the land has adequate flood immunity;
 - A minimum floor level of 3.2m AHD, particularly in respect of Proposed Lots 8 – 14 and 33, would provide a minimum floor level of 200mm above lot filling levels and a minimum floor level that is consistent with Council's advice to address potential storm tide inundation; and
 - The requirement for a minimum floor level of 3.4m AHD in the conditions of approval is understood to not be based on any specific local flood evidence. In respect of Proposed Lots 8 – 14 and 33, a minimum floor level of 3.4m AHD is not considered warranted and considering the detail provided, will result in habitable floor levels being designed at unnecessarily higher levels and Condition 17 is sought to be amended to permit habitable floor levels to be 3.2m AHD.

Minor Change Status

The development as changed is consistent with the definition of a Minor Change under the Act.

- (i) The change would not result in substantially different development considering the individual circumstances of the development in the context of the change proposed, and having regard to the matters indicated at Section 4 of Schedule 1 to the Development Assessment Rules, we advise as follows:
 - (a) *involves a new use*

The Minor Change Application does not seek approval of any additional uses to be included in the development.
 - (b) *results in the application applying to a new parcel of land*

No additional land is included in the land subject of the Minor Change Application.
 - (c) *dramatically changes the built form in terms of scale, bulk and appearance*

No, the proposed changes will not dramatically change the built form in terms of scale, bulk and appearance as compared to that already approved.

- (d) *changes the ability of the proposed development to operate as intended*

No, the development will function as originally intended.

- (e) *removes a component that is integral to the operation of the development*

No, the Escape Street Bikeway/Pathway is not integral to the operation of the development

- (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site*

No, the changes will not significantly impact traffic flow.

- (g) *introduces new impacts or increase the severity of known impacts*

No, once construction is completed, the development will function as originally intended.

- (h) *removes an incentive or offset component that would have balanced a negative impact of the development*

No, the current Approval does not include any incentive or offset provisions.

- (i) *impacts on infrastructure provisions.*

The deletion of any requirement for the Escape Street Bikeway/Pathway has been supported by Council representatives.

- (ii) Additionally, the changes to the development, if a new application were lodged for the development including the change, would not result in the inclusion of prohibited development in the application, would not require any referrals and would not require public notification.

Change assessment process

The matters for consideration by the responsible entity are set out at Section 81 of the Act. To that end, in respect of the changed development we note the following:

- With regard to properly made submissions in respect of the proposed development, the basis of any submission received is not known. However, it is unlikely that a submission would have raised issue with the proposed changes.
- In respect of other change applications that have been approved, the subject Minor Change Application does not cause any conflict with previous approved changes to the Approval.
- No pre-request response notice has been sought in respect of the proposal. However, the Applicant has consulted with Council over the proposed changes and it is understood that the proposed changes are supported.
- Under Section 81(2)(da) and (3), the responsible entity is to assess against or have regard to both the matters which applied when the original development application was made and to the matters that apply at the time the change application is made.

In respect of these considerations, it is not considered that the changes warrant a detailed assessment against the former or current Planning Scheme

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It is anticipated that adequate detail has been provided to facilitate Council's consideration of the Minor Change Application. However, should you seek to discuss the matter and/or seek further information, do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely,
for RPS Australia East Pty Ltd

A handwritten signature in black ink, appearing to read 'Owen Caddick-King', is written over a horizontal line.

Owen Caddick-King
Principal - Planning
owen.caddick-king@rpsgroup.com.au
+61 7 42761027

cc: Attention: John Morris
 Port Douglas Steam Train Company Pty Ltd
 1 Wharf Street, Port Douglas

enc: **Attachment A:** Copy of the Development Approval
 Attachment B: Completed Change Application Form

Our ref: PR133458/OCK/SF/L78312



Attachment A

Copy of the Development Approval

24 April 2019

Enquiries: Daniel Lamond
Our Ref: CA2639/2008 (899713)

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

Port Douglas Steam Train Co P/L
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

Application for Minor Change

Combined Application (Material Change of Use and Reconfiguration of a Lot (30 lots & common property) with a house on each lot and a display home.

**8 Escape Street, 10 Escape Street, 4-6 Escape Street & 9 St Crispins Avenue,
Port Douglas**

**Land Described as LOT: 41 RP: 747344, LOT: 42 RP: 747344, LOT: 51 SP: 161464,
LOT: 49 SP: 161464.**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA2639/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully



PAUL HOYE
Manager Environment and Planning

encl.

- Decision Notice
- Approved Plans

DECISION NOTICE —
MINOR CHANGE APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)

Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Port Douglas Steam Train Co P/L

Postal Address: C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

2. Location details

Street Address: 8 Escape Street PORT DOUGLAS, 10 Escape Street PORT DOUGLAS, 4-6 Escape Street PORT DOUGLAS, 9 St Crispins Avenue PORT DOUGLAS

Real Property Description: LOT: 41 RP: 747344, LOT: 42 RP: 747344, LOT: 51 SP: 161464, LOT: 49 SP: 161464

Local Government Area: Douglas Shire Council

3. Details of proposed development

Minor Change to Combined Application (Material Change of Use (30 lots & common property) with a house on each lot & a display home).

4. Decision

Date of decision: 16 April 2019

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

5. Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
PR133458-7a	Plan Prepared by RPS Australia East Pty Ltd, Sheet 1 of 3.	6 November 2018

6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. Further development permits

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

- All Building Work
- All Plumbing and Drainage Work

8. Properly made submissions

Not applicable — No part of the application required public notification.

9. Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of *Planning Act 2016*.

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 are included in Schedule 2.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

Plan of Development

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - (a). The specifications, facts and circumstances as set out in the application submitted to Council;
 - (b). The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to endorsing the Plan of Survey, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The approved plan must be amended to accommodate the following requirements:-
 - (a). Provide a staging plan illustrating each stage of the residential development. Each stage is to comprise of a stand alone group of allotments where the opportunity exists;
 - (b). provide a central waste storage facility accessed via Escape Street. In order to comply with this condition, it is required that Lot 15 be dedicated to contain the waste storage facility and that the surrounding allotment boundaries be reconfigured accordingly;
 - (c). the nominated building footprints on the approved plan are no longer being pursued and therefore are not approved and do not apply.

An amended layout plan and staging plan detailing the above requirements must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for the first house on the land.

Boundary Setbacks

4.
 - (a). Side and rear boundary setbacks for each dwelling on each lot must be compliant with the Queensland Development Code MP1.1 unless otherwise approved by the Chief Executive Officer;
 - (b). Setbacks to Escape Street may be no less than four (4) metres except for lots 16, 28 and 29 which may have a building setback of three (3) metres from Escape Street for a maximum of 30% of the building fronting Escape Street unless otherwise approved by the Chief Executive Officer;

- (c). Setbacks to St Crispins Avenue may be no less than four (4) metres; and
- (d). Setbacks to the internal CTS road must be determined in accordance with Conditions of this approval.

Currency Period

5. This development approval is valid up to and including 21 January 2021

Amenity

- 6. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the use and so as not to adversely affect any other property.

Traffic Management

- 7. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.
- 8. The applicant shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for carrying out building works.

Landscaping & Fencing

- 9. Provide a Landscape Concept Plan for the development that provides for an attractive residential development and details how the development interacts with the external roads of Escape Street and St Crispins Avenue. The Landscape Concept Plan must include:-
 - (a) Street tree planting in accordance with the FNQROC Development Manual;
 - (b) Deep planting of setback areas fronting Escape Street and St Crispins Avenue;
 - (c) External fencing treatment details;
 - (d) Internal plantings;
 - (e) Opportunities for internal street tree planting;
 - (f) A species list in accordance with Planning Scheme Policy SC6.7- Landscaping.

The Landscape Plan must be endorsed by the Chief executive Officer prior to the issue of a Development Permit for Building Work. All landscaping and fence treatments must be installed in accordance with the endorsed landscape plan prior to endorsing the Plan of Survey for the respective allotment or stage.

- 10. The applicant shall provide a 1.8 metre high acoustic screen fence to the side boundaries to ensure the privacy and amenity of adjoining properties is maintained. A minimum standard for a fence of this type is a timber paling fence that is lapped and has no gaps.

Waste Storage & Discharge

- 11. A central waste storage facility must be included in the layout of the development. The facility must;
 - (a) Provide storage area for the storage of a minimum of 3 bulk bins (1100L capacity) and 15 (240L capacity) recycling bins.

- (b) Contain an impervious surface for the storage of waste containers with a suitable hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device;
- (c) Be roofed, bunded and connected to sewer with an approved collection device at the drainage point to sewer;
- (d) Include a two (2) metre wide sealed path to the road frontage of Escape Street for practical bin display to the satisfaction of the Chief Executive Officer;
- (e) The Community Management (CMS) Statement must state that this central facility is the waste storage facility for all of the development and must form part of the common property for the development. The CMS must state waste storage bins are not permitted to be housed within the private Community Title Scheme (CTS) allotments.
- (f) Be screened from view via landscaping treatments to be detailed on a site specific landscaping plan and noted on the landscape concept plan.
- (g) Be constructed prior to Council endorsing the first CTS allotment Plan of Survey including all landscaping treatments.

Air Conditioning & Service Equipment

- 12. All service equipment, 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 Policy - Noise.

Stormwater Drainage

- 13. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Escape Street and/or the lagoon within the site.
- 14. The approved use must not:
 - (a) Interfere with the natural flow of stormwater;
 - (b) cause ponding of stormwater on adjoining properties.
- 15. The applicant is to install a pollution control device on stormwater pipes prior to the point of discharge into the road reserve to the west.
- 16. The applicant is to provide scour protection at the proposed discharge point/s. The location/s, size, velocity, proposed means of scour protection and bank stabilisation, where required, is to be designed and submitted for approval by Council prior to lodgement of an application for Building Work. Such stormwater drainage work shall be designed and constructed in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' Development Manual and shall not cause scouring, erosion, loss of vegetation, excess turbidity and landslip either within or external to the site.

Minimum Floor Levels

- 17. The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of 3.4 metres AHD.

Amalgamation

18. Lots 49 and 51 on SP 161464 and Lots 41 and 42 on RP 747344 must be amalgamated into one (1) allotment. The Plan of Survey must be registered with the Department of Natural Resources and Water (DNRW) prior to the issue of a development permit for building work or commencement of building work. Alternatively, a new Survey Plan in accordance with the approved plan is to be lodged for Council endorsement.

Compliance

19. All works required pursuant to the conditions of this Development Permit shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes.
20. All conditions shall be complied with prior to the final building inspection for the proposed buildings on the land or as otherwise stated in any condition of this approval.

External Works

21. The applicant shall construct a six (6) metre wide concrete vehicle crossover to the site in accordance with the requirements of the FNQ Development Manual.

Parkland

22. The applicant shall make contribution for parkland for thirty-three (33) allotments in accordance with Council's requirements for parkland contribution, as defined under Planning Policy No.5 or any other relevant Policy or Code applicable at time of payment.

Security

23. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000, such Guarantee shall be lodged prior to the issue of a Development Permit for Building Works on the land in relation to this Development 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 applicant fail to do so prior to issuing of a Certificate of Classification for the propose development.

Acid Sulfate Soils

24. The applicant is to undertake a detailed acid sulfate soil investigation over the subject land in accordance with the requirements of the (DNRW) Guidelines for Managing Acid Sulfate Soils. This report and associated management plan are to be provided to DNRW for approval prior to the approval of the Operational Works approval.

Environmental Management Plan

25. The applicant is to have prepared with the submission for approval of the engineering plans, 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, acid sulfate soil management, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).

Stormwater Management and Erosion and Sediment Control

26. The management of stormwater and erosion and sediment control must be undertaken in accordance with the Preliminary Site Based Stormwater Management Plan and Erosion and Sediment Control Plan prepared by Arup and dated September 2004.

Health Requirements

27. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times.
28. All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:
- (a) 6:30 am to 6:30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7:00 am.
 - (b) Building work is not permitted on a Sunday or Public Holiday at any time.

All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Amendment Regulation (No. 2)*

29. The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to reticulated water supply via the main contained within the Escape Street road reserve using an easement or the provision of a separate water supply connection.

The proposed connection point including all works required to take the reticulated supply to the boundary of the site are to be shown on the plans for Plumbing and Drainage Works approval.

30. The applicant shall provide a 100 mm diameter service to be contained within the common property to service the residential allotments and the common property.
31. The Council will make all connections to the existing main in Escape Street. The applicant is to prepay to the Council the estimated cost of the connection of the new main to the existing system. The applicant will be responsible for meeting the actual cost of the work.
32. *The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to Council's reticulated sewerage network using an easement or the provision of a separate sewer connection.* The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage works application stage of review.
33. No buildings or other structures are permitted to be located within 3.5 metres of any main located on the subject site.

Electrical & Telephone Services

34. Prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the proposed community titles development, the Applicant must submit to

Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:

- (a) an underground electrical supply to the development; and
 - (b) street lighting in accordance with Council's adopted standards.
 - (c) locating of all above ground transformer cubicles clear of footpath area.
35. All Electricity Lines along the full frontages of the subject site (Escape Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the applicant's expense.
36. All external lighting installed upon the premises including car parking areas shall be certified by Ergon Energy or such other suitably qualified person such that it shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5 metres outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level.
37. Prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the community titles development, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
- (a) an underground telephone service to the development lot; and
 - (b) locating of all above ground switching station cubicles clear of footpath areas.

Bikeway/Pathway

38. A bikeway/pathway shall be constructed to a minimum width of two (2) metres on the western side of Escape Street past the full frontage of the subject site.
39. The bikeway/walkway(s) shall be suitably signed in accordance with the relevant Standards Association of Australia Code.

Road Works

40. All unused vehicle crossovers shall be reinstated with kerb and channel and landscaping.

Maintenance Period

41. The Applicant shall maintain in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' Development Manual all road construction works of any nature whatsoever and any drainage works carried out under the provisions of this approval for the land for a period of twenty-four (24) months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such road construction and drainage works carried out as part of the works associated with the subdivision.

Footpath Damage Liability

42. All damage occasioned to footpaths and roadways adjacent to the site as a result of, or in connection with, this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

Access to St Crispins Station

43. The applicant is to provide public pedestrian access to the St Crispins Rail/Tram Station from Escape Street within an easement for the purposes of public access. The minimum width of the easement is to be two (2) metres.

Display Home

44. After a period of two (2) years from the date of issue of the Development Permit for Building Work the use will cease and the display home will revert back to being used as a dwelling house.
45. This approval shall lapse four (4) years from the date of issue of this Development Permit, unless the use is substantially commenced and all conditions complied with.
46. The Display Home must be connected to Council's reticulated sewerage and water supply schemes. House connection branches are acceptable at this stage with full construction of the works to be undertaken prior to any additional works, beyond this approval, being undertaken on site. At time of further development the existing services to the Display House are to be disconnected and reconnected to the new system.

Design Review, Construction & Survey Plan Endorsement

47. All house designs for each allotment comprising a stage must be submitted for review and endorsement prior to the issue of a Development Permit for Building Work for the first house within the stage.

Allotments within a stage can have their individual Plans of Survey endorsed by the Chief Executive Officer once the building slab is completed and three courses of blocks have been laid for an individual house or construction work has substantially commenced to the satisfaction of the Chief Executive Officer where not a block house.

Easement

48. The applicant is to create an easement for public access purposes benefiting Douglas Shire Council, over the complete area of land encumbered by Easement A on RP746139 and Easement J on SP161480. The details of this easement are to be dealt with as part of the formulation of the easement documentation in consultation with Council.
49. The applicant is required to tidy up the site and maintain the site to an acceptable standard.

Service and Access Easements

50. Written confirmation of the location of exiting services (water, sewer, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either;
- (a) Relocation of the services to comply with this requirement; or
 - (b) Arrange registration of necessary easements over services and vehicle access located within another lot prior to, or in conjunction with, the lodgement of the plan sealing application for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.

Vehicle Parking and Access

51. The amount of vehicle parking to be provided on Proposed Lot 1 on RPS Drawing PR133458-4B must be as specified in Council's Planning Scheme which is a minimum of 9 car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed of a compacted granitic surface to be confirmed with Council prior to construction. In addition, all parking, driveway and vehicular manoeuvring areas must be drained, use pavers or the like to delineate car parking spaces, include concrete crossover/s and the vehicle parking area shall be provided with two-way access consistent with the design standards adopted in the existing community titles development. The vehicle parking area is to be established in accordance with this condition prior to prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.

Design Guidelines

52. A set of design guidelines must be prepared and submitted for endorsement by the Chief Executive Officer prior to submission of house and stage designs for endorsement. The design guidelines must include but no limited to the following design outcomes:-
- (a) The internal CTS road is not dominated by garages with reduced setbacks with the elements of the house fronting the internal street to promote casual surveillance from the residence;
 - (b) Houses have staggered setbacks to the internal CTS road to create visual interest and opportunity for landscaping treatments internal to the site;
 - (c) House designs do not create a nuisance or detrimentally impact the safety of people upon entry and egress of vehicles to the CTS allotments;
 - (d) House designs provide adequate daylight and ventilation to habitable rooms;
 - (e) House designs provide adequate daylight and ventilation to habitable rooms of houses on adjoining lots within each stage;
 - (f) House designs do not impact of the amenity and privacy of residents or future residents on adjoining lots.
53. All other conditions remain unchanged and conditions are renumbered to accommodate the above amendments.

PART 1B—ADVICE NOTES

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
2. For information relating to the *Planning Act 2016* log on to www.dilgp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

PART 1C- REASONS FOR DECISION

1. The proposal is a minor change under the Planning Act 2016 and Planning Regulation 2017 and is considered to reflect the requirements and intent of the 2006 Douglas Shire Planning Scheme and the 2018 Douglas Shire Planning Scheme version 1.0.
2. The minor change approval includes conditions formulated and imposed to manage risks associated with the proposal. Risks include impacts to amenity for end uses and impacts to services and infrastructure.

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, PART 1 APPEAL RIGHTS

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.
- Note — See the P&E Court Act for the court's power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

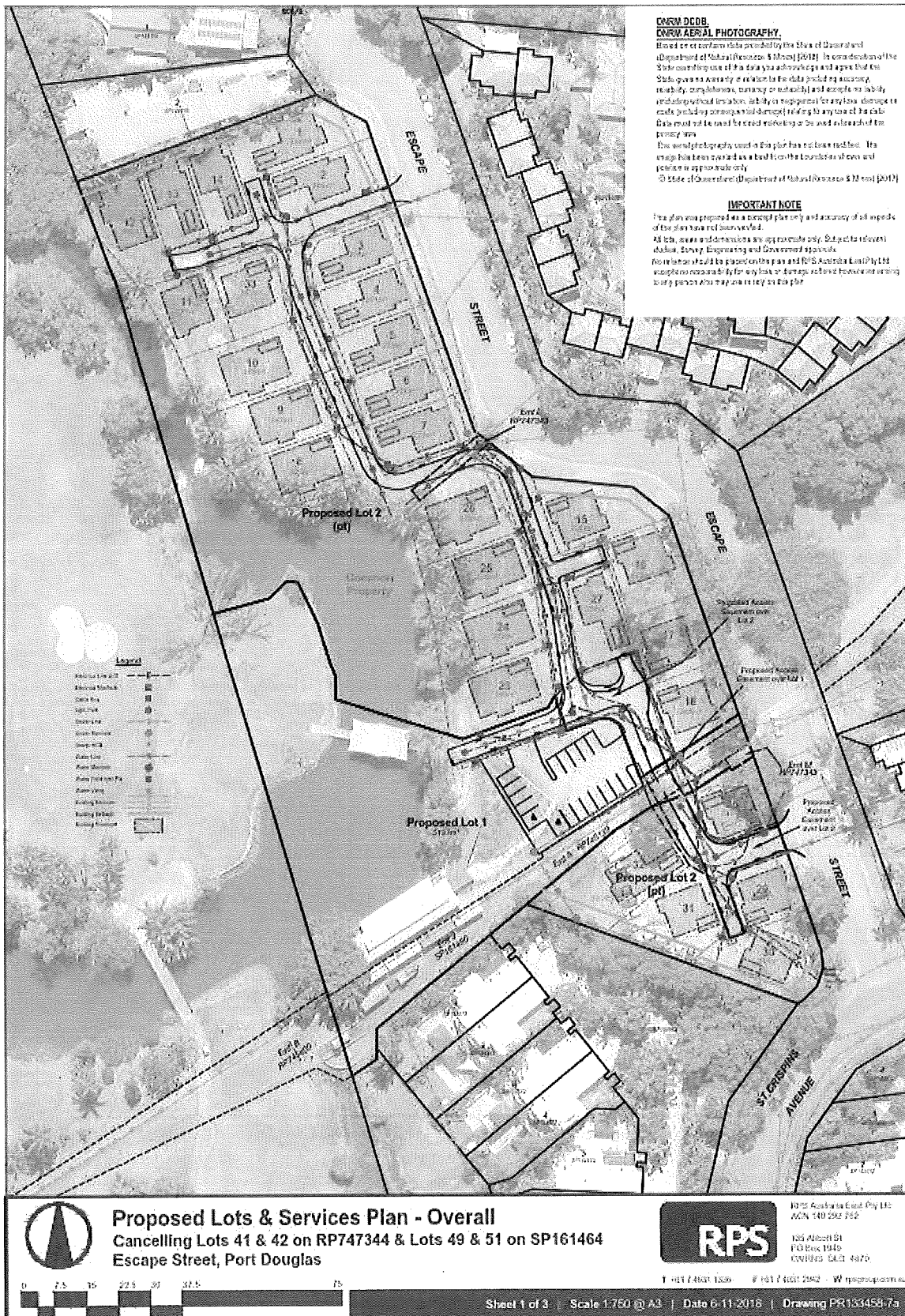
Table 2
Appeals to the P&E Court only

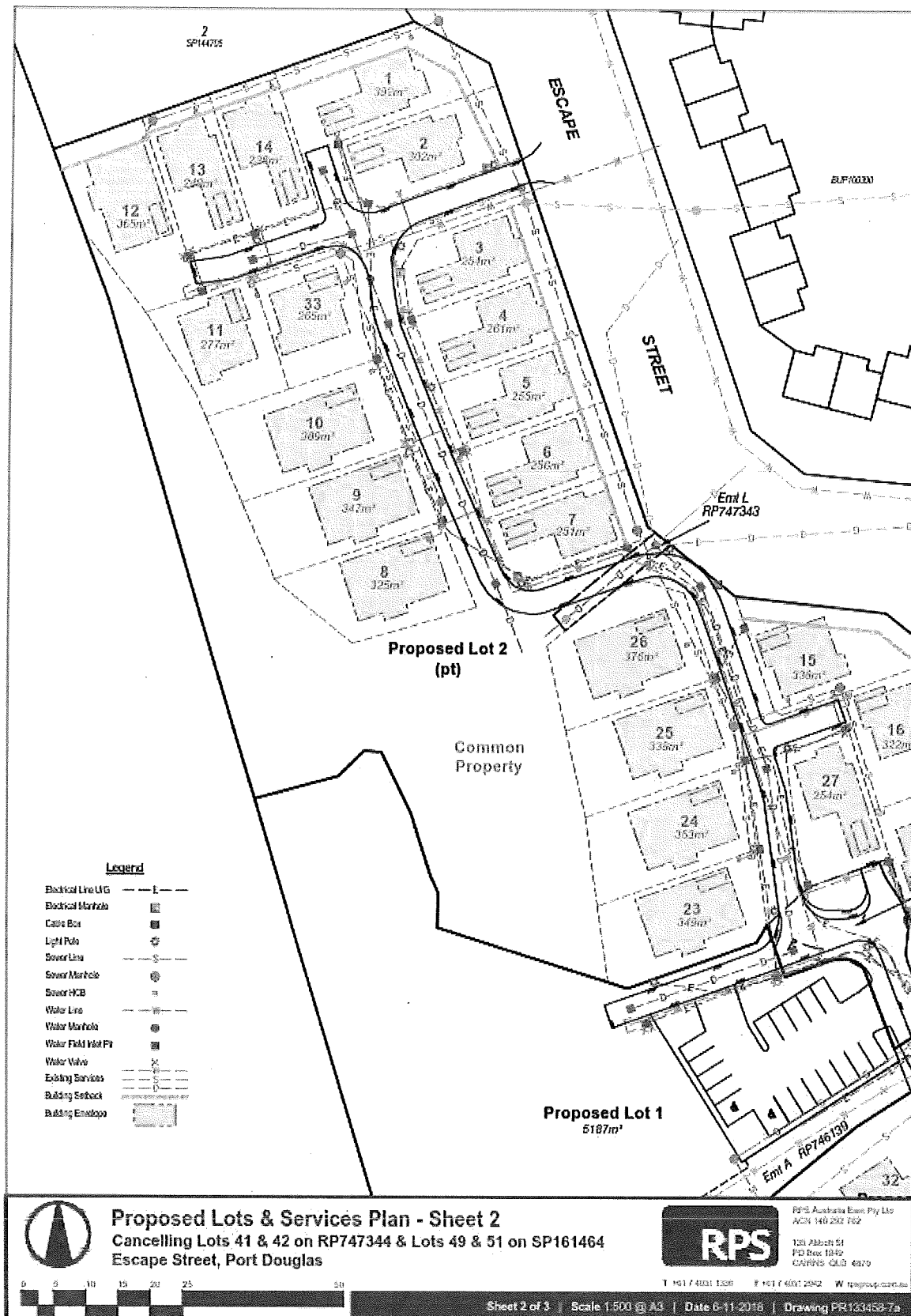
<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>

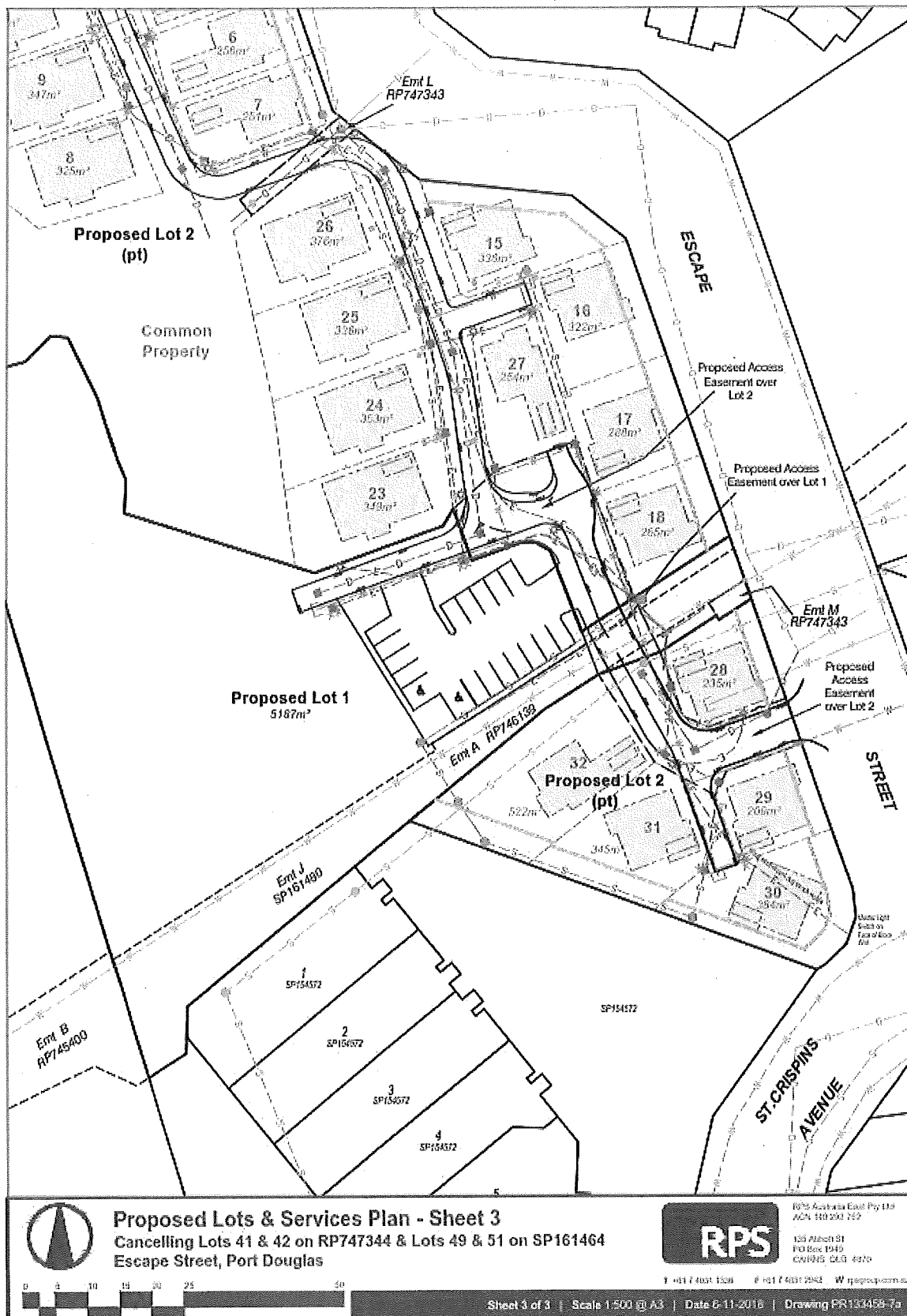
Note:

Attached is a Rights of Appeal Waiver form (Schedule 3). Please complete and return this form if you are satisfied with the approval and agree to the conditions contained therein and you wish to waive the 20 day appeal period available under the *Planning Act 2016*

APPROVED PLANS (ATTACHING TO THE DECISION NOTICE)







Our ref: PR133458/OCK/SF/L78312



Attachment B

Completed Change Application Form

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

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)	Port Douglas Steam Train Company Pty Ltd
Contact name (only applicable for companies)	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address (P.O. Box or street address)	C/- RPS Australia East Pty Ltd, PO Box 1949
Suburb	Cairns
State	Qld
Postcode	4870
Country	Aust..
Email address (non-mandatory)	owen.caddick-king@rpsgroup.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR133458

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> 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
		4 – 10	Escape Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1 and 2	SP311489	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		9	St Crispins Ave	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland
Government**

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 the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	CA2639/2008	12 December 2008 – Currency of Approval has been extended until 24 January 2021	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Refer to RPS submission, dated 24 February 2020

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change 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: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and
- for an other change all relevant referral requirement(s) in 10)

☒ Yes

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

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application

☐ Yes

☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, 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 relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

14) Applicant declaration

☒ By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change 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 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

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			