



IDAS form 1—Application details

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)	Carron Properties Pty Ltd C/- Victor G Feros Town Planning Consultants		
For companies, contact name	Nick Hardy		
Postal address	PO Box 1256		
	Suburb	CAIRNS	
	State	QLD	Postcode 4870
	Country	AUSTRALIA	
Contact phone number	(07) 4031 3663		
Mobile number (non-mandatory requirement)	0412 756 622		
Fax number (non-mandatory requirement)	(07) 4031 2238		

Email address (non-mandatory requirement)

nick@ferosplanning.com.au

Applicant's reference number (non-mandatory requirement)

C958

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

a) What is the nature of the development? (Please only tick one box.)

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

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

- Preliminary approval under s241 of SPA Preliminary approval under s241 and s242 of SPA Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

Request to Extend Period of Approval

d) What is the level of assessment? (Please only tick one box.)

- Impact assessment Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

a) What is the nature of development? (Please only tick one box.)

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

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

- Preliminary approval under s241 of SPA Preliminary approval under s241 and s242 of SPA Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

- Impact assessment Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- Refer attached schedule Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

- Street address and lot on plan (All lots must be listed.)
- Street address and lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		36	Murphy Street, Port Douglas	4871	131	PTD2094	Cairns Regional Council
ii)							
iii)							

Planning scheme details (if the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)			
ii)			
iii)			

Table E—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

Refer to attached Report dated December 2013

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Refer to attached Report dated December 2013

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

No Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
8/35/81 – Material Change of Use – Multiple Dwellings (Residential)	3 September 2010	3 September 2014

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

No Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land

I/We, the above-mentioned owner/s of the land, consent to the making of this application.

Signature of owner/s of the land

Date

Table G

Name of owner/s of the land

Refer to attached Letter of Authority

The owner's written consent is attached or will be provided separately to the assessment manager.

Table H

Name of owner/s of the land

By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)

Table I

Name of water body, watercourse or aquifer

Table J

Lot on plan description for strategic port land

Port authority for the lot

Table K

Name of local government for the tidal area (if applicable)

Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc) No Yes—ensure the type, location and dimension of each easement is included in the plans submitted**9. Does the proposal include new building work or operational work on the premises? (Including any services)** No Yes—ensure the nature, location and dimension of proposed works are included in plans submitted**10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)** No—go to question 12 Yes**11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)** No Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form**Table L**

Amount paid

Date paid
(dd/mm/yy)QLeave project number (6 digit number
starting with A, B, E, L or P)**12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?** No Yes—please provide details below

Name of local government

Date of written notice given
by local government
(dd/mm/yy)Reference number of written notice given
by local government (if applicable)**Cairns Regional Council****8/35/81**

13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)

Description of attachment or title of attachment	Method of lodgement to assessment manager
REQUEST TO CHANGE EXISTING APPROVAL TEMPLATE	OVER THE COUNTER
TOWN PLANNING REPORT DATED DECEMBER 2013	OVER THE COUNTER

14. Applicant's declaration

By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the *Sustainable Planning Regulation 2009* identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

TO APPEAR ON LAND OWNER'S LETTERHEAD

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS Q 4870

Dear Sir,

RE: APPLICATION BY CARRON PROPERTIES PTY LTD TO CAIRNS REGIONAL COUNCIL FOR A REQUEST TO EXTEND A PERIOD OF APPROVAL FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – MULTIPLE DWELLINGS (RESIDENTIAL) ON LAND DESCRIBED AS LOT 131 ON PTD2094 PARISH OF SALISBURY AND LOCATED AT 36 MURPHY STREET, PORT DOUGLAS
COUNCIL FILE REFERENCE: 8/35/81

I/we the undersigned on behalf of Carron Properties Pty Ltd, as the applicant and registered owner of the above described land, consent to an application to request to extend the period of an existing approval under Section 383 of the Sustainable Planning Act 2009 as detailed by the attached application and supporting submission prepared by Victor G Feros Town Planning Consultants.

Yours faithfully,



Dennis Carron
.....

(name of the authorised person)

signed on the 24 day of November 2013

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?

Name/s (Individual or company name in full)

Carron Properties Pty Ltd

For companies, contact name

Nick Hardy

Postal address

c/- Victor G Feros Town Planning Consultants

PO Box 1256 CAIRNS QLD 4870

Contact phone number

(07) 4031 3663

Mobile number (non-mandatory)

0412 756 622

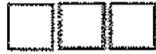
Fax number (non-mandatory)

(07) 4031 2238

e-mail address (non-mandatory)

nick@ferosplanning.com.au

@



2. What are the details of the existing approval sought to be changed?

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	8/35/81	3 September 2010	Cairns Regional Council
<input type="checkbox"/> Preliminary approval			

3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?

- No
 Yes—complete table A and then go to question 5

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating

4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

- street address/lot on the plan
 street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
	36	Murphy Street, Port Douglas	4877	Lot 131	PTD2094	CAIRNS REGIONAL COUNCIL

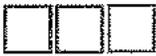


Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

5. Details of the proposed change

Refer to Attached Report dated December 2013

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

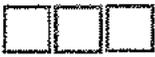
- No
- Yes—complete either table D or table E as applicable

Table D

Name of owner of the land	
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	
Date	

Table E

Name of owner of the land	Refer to attached Letter of Authority
<input checked="" type="checkbox"/> The owner's written consent is attached	



7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- No Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- No Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- No Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

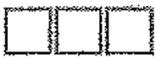
<input checked="" type="checkbox"/> Assessment manager for the original application	Cairns Regional Council
<input type="checkbox"/> Concurrence agencies for the original application	
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

Refer to Attached Report dated December 2013

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
 - a change to an approval given by the assessment manager
 - a change to a condition imposed by a concurrence agency
 - a change to an approval given by the Minister under a Ministerial call in
 - a change to a condition imposed by the Minister under a Ministerial direction
 - a change to an approval given by the Planning and Environment Court



Question 6:

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
 - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
 - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
 - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
 - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
 - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

Question 7:

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
 - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
 - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
 - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

OFFICE USE ONLY

Date received		Reference numbers	
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Victor G Feros Town Planning Consultants

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Telephone 07 3844 2882
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Telephone 07 4031 3663
Facsimile 07 4031 2238
cairns@ferosplanning.com.au

19 December 2013

Our Reference: VGF – C958A

Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Dear Sir,

RE: REQUEST TO EXTEND PERIOD OF APPROVAL TO THE CAIRNS REGIONAL COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – MULTIPLE DWELLINGS (RESIDENTIAL) LOCATED AT 36 MURPHY STREET, PORT DOUGLAS AND DESCRIBED AS LOT 131 ON PTD2094 PARISH OF SALISBURY, TOWN OF PORT DOUGLAS
COUNCIL FILE REFERENCE: 8/35/81

We act as agent and Town Planning Consultant on behalf of Carron Properties Pty Ltd, the Applicant, in relation to the above proposal.

In this regard find attached the following:-

- a) One (1) hard copy and one (1) CD copy of the IDAS Application Forms and Supporting Town Planning Report; and
- b) Payment of \$831 for Council's application fee.

We await Council's further advice.

Yours faithfully
VICTOR G FEROS TOWN PLANNING CONSULTANTS


Nick Hardy
Office Manager and Associate

cc: Dennis Carron

IN CONTINUOUS PRACTICE SINCE 1976

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Victor G Feros
GCSJ BA MUS FPIA CMILT LGTP(O) CPP

Adjunct Professor
School of Geography, Planning
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US Bicentennial Fellowship Award 1976

Administrative Director
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B Pharm MBA MPS ASA AFACP

Associate & Office Manager, Cairns
Nick Hardy
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Victor G Feros
Town Planning
Consultant Pty Ltd
ABN 51 010 417 302

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TOWN PLANNING REPORT

**APPLICATION TO REQUEST TO EXTEND PERIOD OF
APPROVAL TO THE CAIRNS REGIONAL COUNCIL IN
RELATION TO A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS
(RESIDENTIAL) (IMPACT ASSESSMENT)**

located at

36 MURPHY STREET, PORT DOUGLAS

described as

LOT 131 PTD2094

for

CARRON PROPERTIES PTY LTD

**VGf-C958A
December 2013**

**TOWN PLANNING REPORT
APPLICATION TO REQUEST TO EXTEND PERIOD OF APPROVAL TO CAIRNS REGIONAL
COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE -
MULTIPLE DWELLINGS (RESIDENTIAL) (IMPACT ASSESSMENT) LOCATED AT 36 MURPHY
STREET, PORT DOUGLAS**

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FIGURES

- Figure 1 Site Location
Figure 2 Associated Approvals

APPENDICES

- Appendix A Decision Notice for Preliminary Approval Material Change of Use for Multiple Dwellings (Residential) (Impact Assessment) dated 21 May 2010
- Appendix B Negotiated Decision Notice for Material Change of Use for Multiple Dwellings (Residential) (Impact Assessment) dated 3 September 2010
- Appendix C Amended Negotiated Decision Notice for Material Change of Use Multiple Dwellings (Residential)(Impact Assessment) dated 7 July 2011
- Appendix D Negotiated Decision Notice for Reconfiguration of a Lot (One (1) Lot into two (2) Lots) dated 28 May 2010

Amended 17 December 2013

Victor G Feros Town Planning Consultants

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TOWN PLANNING REPORT APPLICATION TO REQUEST TO EXTEND PERIOD OF APPROVAL TO CAIRNS REGIONAL COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS (RESIDENTIAL) (IMPACT ASSESSMENT) LOCATED AT 36 MURPHY STREET, PORT DOUGLAS

1.00 INTRODUCTION

This Report was commissioned by Carron Properties Pty Ltd, the owner and applicant in relation to the application to Request a Change to an Existing Approval.

This application contains supporting information in relation to a request to extend the period for an existing Amended Negotiated Decision Notice dated 7 July 2011 (Council Reference 8/35/81). It is noted that this is an amendment to a Negotiated Decision Notice dated 3 September 2010. The Decision Date for this approval remains as 3 September 2010, being the date when the Douglas Iconic Panel made the decision to approve the Negotiated Decision Notice.

It is confirmed that this application is lodged with Council, in accordance with Section 383 of the Sustainable Planning Act 2009 - Request to Extend Period of Approval.

This request relates to the subject site described as Lot 131 on PTD2094 as shown by **Figure 1 - Site Location** and **Figure 2 - Locality**.

IN CONTINUOUS PRACTICE SINCE 1976

Principal
Victor G Feros
GCSJ BA MUB FPIA CMILT LGTP(O) CPP

Adjunct Professor
School of Geography, Planning
and Environmental Management
University of Queensland

US Bicentennial Fellowship Award 1978

Administrative Director
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Victor G Feros
Town Planning
Consultant Pty Ltd
ABN 51 010 417 302

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2.00 RELEVANT BACKGROUND DOCUMENTS

It is submitted that the relevant documents in relation to extending the period of approval include:-

- a) Decision Notice dated 21 May 2010 for Preliminary Approval for Material Change of Use Multiple Dwellings (Residential)(Impact Assessment) (Copy attached as **Appendix A**);
- b) Negotiated Decision Notice dated 3 September 2010 for Material Change of Use Multiple Dwellings (Residential)(Impact Assessment) (Copy attached as **Appendix B**);

It is noted that the Iconic Panel made the decision to approve this Negotiated Decision Notice on 3 September 2010.

- c) Amended Negotiated Decision Notice dated 7 July 2011 for Material Change of Use Multiple Dwellings (Residential)(Impact Assessment) (Copy attached as **Appendix C**);
- d) Negotiated Decision Notice for Reconfiguration of a Lot (One (1) Lot into two (2) Lots) dated 28 May 2010 with the Council Decision Date being 26 May 2010) (Copy attached as **Appendix D**);

Having regard to the above described approvals the following approved plans attached to the Amended Negotiated Decision Notice dated 7 July 2011 for Material Change of Use Multiple Dwellings (Residential)(Impact Assessment) are retained:-

Drawing or Document	Reference	Date
Site Plans Lot 2	CWA FH01 A310 RevC	May 2011
Site Plans Lot 1	CWA FH01 A311 RevC	May 2011
Elevations Lot 2	CWA FH01 A401 RevB	September 2010
Elevations Lot 1	CWA FH01 A402 RevB	September 2010
Schematic Elevations Lot 2	CWA FH01 A401 RevB	September 2010
Schematic Elevations Lot 1	CWA FH01 A402 RevB	September 2010

3.00 EXTENSION CONSIDERATIONS

This request to amend the period of approval of the Material Change of Use should be considered in conjunction with the allied approved for the Reconfiguration of a Lot.

It is noted a separate application has been lodged to request a two (2) year and three (3) month extension to the period of approval of the Reconfiguration of a Lot application to 3 September 2016.

A summary of the actions undertaken to date in relation to the Material Change of Use – Multiple Dwellings (Residential) approval and the Reconfiguration of a Lot approval are noted below:-

Table 1: Actions undertaken for Council Approval 8/35/86

DECISION DATE	ACTION
26 May 2010	Negotiated Decision Notice issued for the Reconfiguration of a Lot Issued by Council
3 September 2010	Negotiated Decision Notice for the Material Change of Use issued by the Douglas Iconic Panel
7 July 2011	Amended Negotiated Decision Notice for the Material Change of Use issued by Council It is noted that amendments to the MCU approval were requested to make design improvements to the original approval.

Since the issue of the Negotiated Decision Notice for the MCU and the ROL the following Considerations are relevant to the delayed action by the proponent to subdivide the subject land in accordance with the current Reconfiguration of a Lot approval:-

- a) Market conditions have been suppressed and placed a constraint on the development and sale of the lots and houses;
- b) The requirement to amend the Material Change of Use approval has resulted in the timing for development to be reviewed and delayed.
- c) The proponent has been aware of applications lodged with Council for the development of dwelling houses on Lots 125 on SP144708 and Lot 126 on SP144708. (Council References: 8/8/1282 and 8/7/2772)

These applications have been recently approved by Council and the proponent is now aware of the design and siting requirements and associated external works for these developments.

- d) The proponent is currently reviewing the original conditions of approval and requires further time in order to respond to Council in relation to compliance with these conditions.

In addition to the above timing considerations, the following aspects are noted in relation to the benefits of Council approving the extension of the Period of Approval:-

- a) There is a local economic benefit to the construction of additional dwellings in Port Douglas;
- b) There is a long term economic benefit by the development increasing the number of residents in Port Douglas.

Given the above circumstances it is considered reasonable and appropriate for Council to extend the period of approval for the current Amended Negotiated Decision Notice. The extension will allow the proponent to complete the project in accordance with the relevant conditions of approval.

4.00 STATUTORY CONSIDERATIONS

4.01 General

On the basis that this proposal is for an extension to the "life" of the current approval and that no other changes are requested it is submitted that this proposal does not require any other specific or separate planning approval.

4.02 Concurrence Agency Response

There are no Concurrence Agencies for this matter so referral is not required.

4.03 Extent of the Existing Approvals

It is noted that this existing Material Change of Use Approval (Ref: 8/35/81) encompasses Lot 131 on PTD2094.

It is noted that a Negotiated Decision Notice for Reconfiguration of a Lot (Ref:8/35/86) determined by Council on 26 May 2010 also encompasses Lot 131 on PTD2094.

The siting and design of the proposed residential dwellings approved as part of the Material Change of Use Approval relies on the proposed plan of survey approved as part of the Reconfiguration of a Lot Approval.

A copy of the Reconfiguration of a Lot Approval is attached as **Appendix D**.

5.00 REQUESTED CHANGES

It is requested that the Negotiated Decision Notice for Development Permit for a Material Change of Use – Multiple Dwellings (Residential)(Impact Assessable) dated should be amended to change the approval period to allow for an extension for a further two (2) years to 3 September 2016

It is submitted that a two (2) year extension is reasonable and appropriate given the complexity of the project due to economic and construction constraints and to allow for any further unanticipated delays due to the building design process.

6.00 CONCLUSION

The following conclusions are drawn in relation to the request to extend period of approval for a further two (2) years to 3 September 2016 in relation to the Amended Negotiated Decision Notice for Material Change of Use – Multiple Dwellings (Residential)(Impact Assessment) for:-

- a) The extension to the period for the Amended Negotiated Decision Notice dated 7 July 2011 (Decision Date: 3 September 2010) is sought as a consequence of the series of actions undertaken associated with establishing the use which have delayed the process to achieve full compliance with the Conditions of Approval;
- b) No changes are proposed to any Council Conditions of Approval attached with the Development Approval dated 7 July 2011; and
- d) The requested change to the period of approval for the current approval is made in accordance with Section 383 of the Sustainable Planning Act 2009.

Council's favourable consideration of this submission is commended.

**VICTOR G FEROS TOWN PLANNING CONSULTANTS
DECEMBER 2013**

FIGURES



**REQUEST TO EXTEND PERIOD OF
APPROVAL FOR DEVELOPMENT
PERMIT FOR MATERIAL CHANGE OF
USE - MULTIPLE DWELLINGS
(RESIDENTIAL) (IMPACT ASSESSMENT)**



36 MURPHY STREET, PORT DOUGLAS

CARRON PROPERTIES PTY LTD

LOCATION

FIGURE 1

DECEMBER 2013 ✓



**REQUEST TO EXTEND PERIOD OF
APPROVAL FOR DEVELOPMENT
PERMIT FOR MATERIAL CHANGE OF
USE - MULTIPLE DWELLINGS
(RESIDENTIAL) (IMPACT ASSESSMENT)**



36 MURPHY STREET, PORT DOUGLAS

CARRON PROPERTIES PTY LTD

LOCALITY

FIGURE 2

DECEMBER 2013



APPENDIX A



Decision Notice
PRELIMINARY APPROVAL

Douglas Iconic Panel

Sustainable Planning Act 2009 S 802 and Integrated Planning Act 1997 S 3.5.15



Our Reference: Meeting 46 Item 6.2 21 May 2010
Council Reference: B/35/81
Contact: Project Manager - Douglas Iconic Panel
Contact Number: (07) 4039 8867

21 May 2010

Carron Properties Pty Ltd
C/- Victor G Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870

RE: Development Application for a development permit for a Material Change of Use – Multiple Dwellings (Residential) (Impact Assessable)

36 Murphy Street, Port Douglas
Lot 131 on PTD2094

Dear Sir/Madam

I wish to advise that, on 21 May 2010, the above development application was granted preliminary approval with conditions. The conditions relevant to this preliminary approval are attached as Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of the approval -

The following type of approval has been issued:

	IPA schedule 8 reference	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme		<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. IDAS referral agencies

There were no IDAS referral agencies applicable to this application.

7. Submissions

There were no properly made submissions about the application.

8. Appeal rights -

Attached, as Attachment 3, is an extract from the *Iconic Queensland Places Act 2008* (IQPA) and IPA which details your appeal rights and the appeal rights of any submitters regarding this decision.

9. When the development approval takes effect -

This development approval takes effect -

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - when the submitter's appeal period ends; or
 - the day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if—

- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

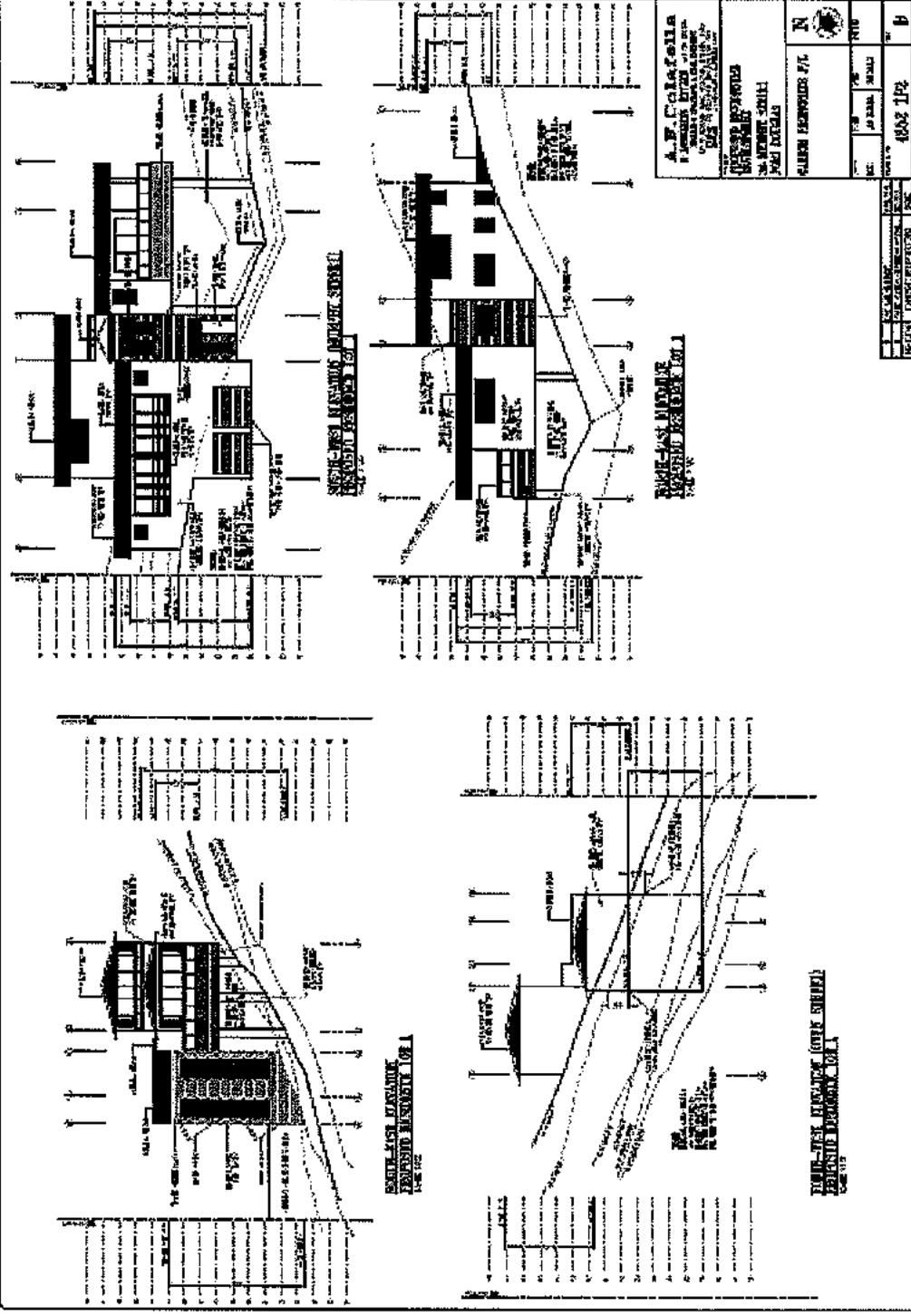
Attachment 1
Conditions of Preliminary Approval

1. Provide a revised and expanded Geotechnical Investigations Report, prepared by Douglas Partners, October 2009, for the site and the proposed development which addresses the following:
 - a) Expand the extent of the Geotechnical Investigations to cover the proposed access from Murphy Street for proposed Residence 1 and from Island Point Road for proposed Residence 2.
 - b) Provide a revised set of civil drawings which incorporate all the recommendations outlined in Section 7 and Tables 1 & 2 of the Douglas Partners Report (October 2009). The revised plans must detail all works which will be undertaken as part of the development to ensure that the risk classification remains Low as defined by AGS2007.
 - c) The revised plans must show all retaining and stabilisation structures associated with the development, including access driveways. All structures must be contained within the site and should not inhibit the continuation of the access track within the Murphy Street road reserve.
 - d) Provide a full set of plans which detail all works to be completed as part of the development. Plans must be provided at scale and certified by an RPEQ, addressing the requirements of the geotechnical and drainage reports, including the necessary additions.
2. The applicant is to demonstrate the compliance of the proposed stormwater drainage system with the Queensland Urban Drainage Manual. In particular, details of the proposed navigation and treatment of stormwater from the property boundary to the bottom of the large batter and existing infrastructure on Murphy Street.
3. Provide details on the proposed treatment of access driveways in accordance with AS2890.1 and FNQROC (S1110) requirements.

ADVICE

1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 802 of the SPA and section 3.5.21 of the IPA.

PLANNING - NOT FOR CONSTRUCTION



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PLANNING - NOT FOR CONSTRUCTION

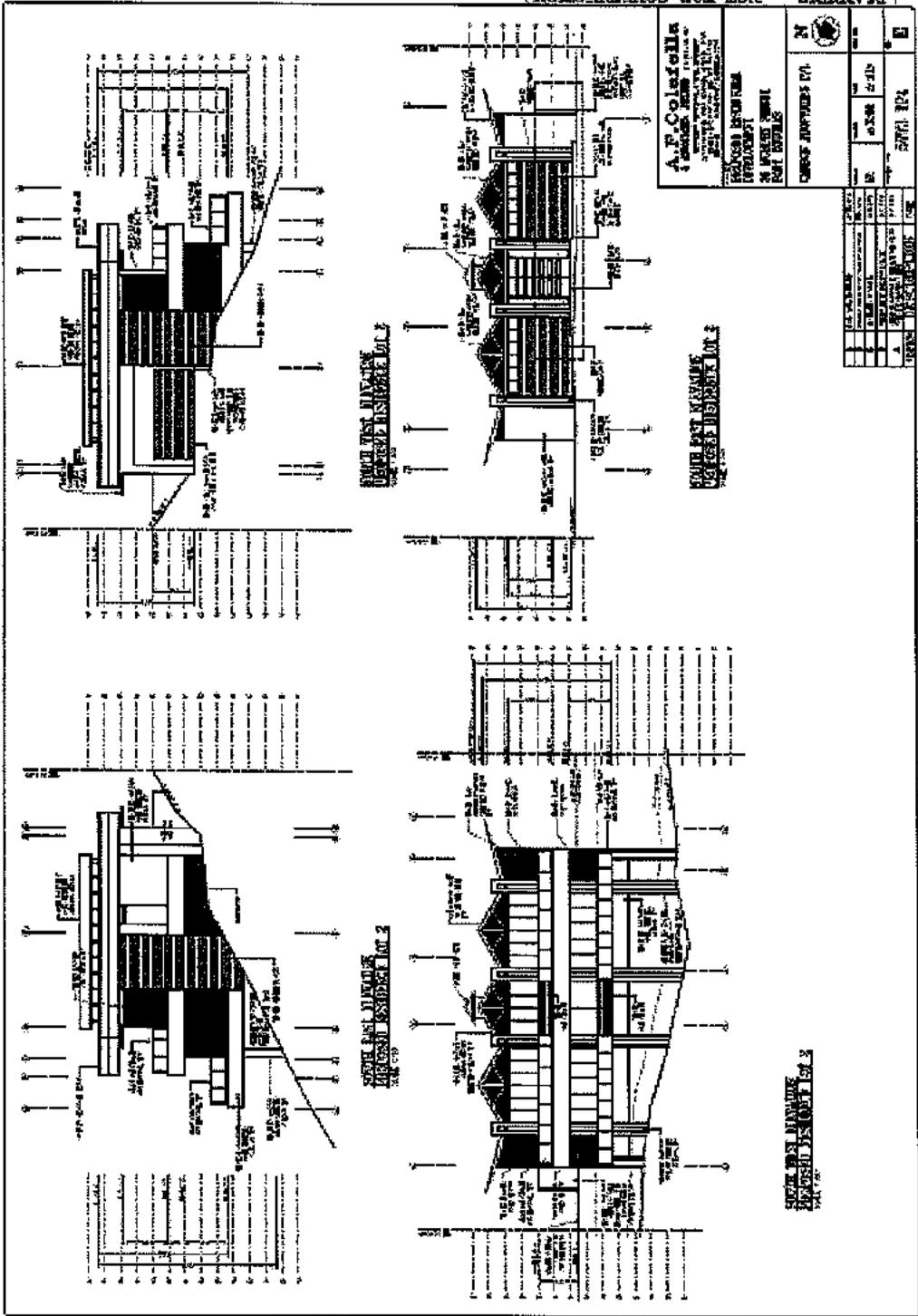
A. P. Colafella
 ARCHITECT
 1000 W. 10th St., Suite 100
 Anchorage, Alaska 99501
 TEL: 273-1111

PROFESSOR OF ARCHITECTURE
 UNIVERSITY OF ALASKA
 ANCHORAGE

DATE: 10/15/82

PROJECT: 1000 W. 10th St., Suite 100

NO.	DATE	DESCRIPTION
1	10/15/82	PRELIMINARY
2	10/15/82	REVISED
3	10/15/82	REVISED
4	10/15/82	REVISED
5	10/15/82	REVISED
6	10/15/82	REVISED
7	10/15/82	REVISED
8	10/15/82	REVISED
9	10/15/82	REVISED
10	10/15/82	REVISED



SCALE: 1/8" = 1'-0"
 1/4" = 1'-0"
 1/2" = 1'-0"

APPENDIX B