



**Cairns Office**

135 Abbott Street, PO Box 1949, Cairns QLD Australia 4870

T +61 7 4031 1336 F +61 7 4031 2942 E [cairns@rpsgroup.com.au](mailto:cairns@rpsgroup.com.au) W [rpsgroup.com.au](http://rpsgroup.com.au)

**Our Ref:** PR106283/OCK/AF/L75395  
**Council Ref:** Former DSC and CRC Ref's: CA 62 and 8/37/130  
**Date:** 18 January 2016

Attn: Ms Jenny Elphinstone  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

**Via:** Email and Courier

Dear Jenny

**RE: REQUEST TO EXTEND RELEVANT PERIOD IN ACCORDANCE WITH S383 OF THE SUSTAINABLE PLANNING ACT 2009 IN RELATION TO DEVELOPMENT APPROVAL FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT (33 LOTS AND COMMON PROPERTY ON A COMMUNITY TITLE SCHEME) TO FACILITATE DEVELOPMENT OF A HOUSE ON EACH LOT AND USE OF ONE HOUSE AS A DISPLAY HOME, OVER LAND AT 4-10 AND 9 ESCAPE STREET, PORT DOUGLAS AND DESCRIBED AS LOTS 41 & 42 ON RP747344 AND LOTS 49 & 51 ON SP161464**

RPS Australia East Pty Ltd ('RPS') acts on behalf of Momentum Mortgages Limited (Receivers and Managers Appointed) (In Liquidation) (the 'Applicant') in relation to the above described request.

In support of our client's request, we **enclose** a signed copy of the Land Owners Consent (refer to **Attachment A**) and cheque for the amount of **\$5,988.73** being the fee payable to Douglas Shire Council for the "Request to Extend a Relevant Period" as per your fee advice dated 12 January 2016 (refer to copy of advice in **Attachment B**).

We also provide the following background relating to the approved development and grounds in support of the requested extension of time to facilitate Council's consideration of the request.

**BACKGROUND**

RPS records confirm the original Development Application was assessed and decided under the Transitional Douglas Shire Scheme and a Negotiated Decision Notice was received from the former Douglas Shire Council via fax on 17 October 2006 (refer to copy in **Attachment C**).

An amended Decision Notice was later issued on 12 December 2008 (refer to copy in **Attachment D**). Amendments to the Negotiated Decision Notice included deletion of part of Condition 2(c) which previously did not allow construction of a fence within two metres of the road frontage.

A related approval for Operational Works was submitted with Council within the two year period, which provides for the 'roll forward' of the life of the Negotiated Decision Notice by four years from receipt of the Operational Works Approval. The Operational Works Development Permit was issued on 21 January 2008 (refer to copy in **Attachment E**) and therefore, the Negotiated Decision Notice remained current up to 21 January 2012.

Finally, in response to a request for an extension of time lodged on or about 11 November 2010, Council granted an extension of time for the Development Approval until 21 January 2016 (refer to copy in **Attachment F**).

### **Request and Grounds in Support**

The applicant requests that the relevant period for the Material Change of Use and Reconfiguration of a Lot (33 Lots and Common Property on a Community Title Scheme and development of a House on each Lot and use of one House as a Display Home) approval be extended for a period of 4 years from 21 January 2016 to allow the applicant to complete the development. In support of this request, we note the following:

The economic circumstances have not been favourable to completing the development. Council approval of the extension to the relevant period will allow the additional time required for financing of the project to be sorted and the necessary subsequent approvals (i.e. Operational Works, Building Works etc.) to be gained and construction of the development to be completed;

The developer had made substantial progress towards finalising the development before financial constraints stalled the project. Completion of the project is now in the hands of the receivers and as indicated, additional time is required to sort finances, approvals and final construction of the project;

A review of the current Douglas Shire Planning Scheme indicates the site is located within the Residential 2 Planning Area and partly in the Community and Recreational Facilities Planning Area. The inclusion of the south-eastern portion of Lot 49 on SP161464 within the Community and Recreational Facilities Planning Area seems to be an anomaly given the inconsistency with the development approval granted for this portion of the site, particularly given the development application had been lodged and granted approval by Council while drafting of the current Planning Scheme was at its final stages. However, apart from this anomaly, the Planning Areas that relate to the land are similar in nature to the development approved on the land. Therefore, we respectfully suggest that the subject development remains largely consistent with the intent of the current Douglas Shire Planning Scheme; and

The development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that have not already been considered under Council's previous assessment process.

In accordance with s388 of the *Sustainable Planning Act 2009*, when deciding the request Council must only have regard to the views of any concurrence agency for the approval; the communities current awareness of the development approval; and the consistency of the approval, including its conditions, with the current laws and policies applying to the development.

The following sections demonstrate the consistency of the approved development with these requirements.

### **Concurrence Agencies**

The Negotiated Decision Notice confirms the former Department of Natural Resources and Mines was a Referral Agency. However, it is understood that the department was an Advice Agency only in relation to Acid Sulfate Soil matters and is not required to be forwarded a copy of this correspondence.

### **Community Awareness**

The original Material Change of Use and Reconfiguration of a Lot Development Application was Impact Assessable. RPS has reviewed the current Planning Scheme provisions and confirms if the Development Application were made under the current Planning Scheme it would remain Impact Assessable.

RPS confirms there were two submissions received by Council in relation to the original Development Application however the submitters never sought to appeal Council's granting of the approval. The Operational Works Permit was subsequently issued by Council in early 2008 and these are understood to have been substantially completed.

Given the works that are understood to have been undertaken on-site since early 2008 and that the works completed on-site are still evident, it is expected that the 'community' would remain reasonably aware of the project.

### **Current Laws and Policies**

The original Negotiated Decision Notice was issued under the now superseded Transitional Douglas Shire Planning Scheme. However, we submit the development continues to remain reasonably consistent with development outcomes sought for the land under the current Douglas Shire Planning Scheme.

With respect to the superseded Transitional Planning Scheme we confirm DCP2 Map shows the land within the 'Residential Area – Medium Density' and 'Open Space' designation. More specifically, Lots 41, 42, 51 and part of Lot 49 are designated as 'Residential Area – Medium Density' while part of Lot 49 is also designated 'Open Space'.

The intent of the 'Residential Area – Medium Density' designation under the Superseded Planning scheme is:

*"To accommodate residential development, predominantly in the form of multiple dwellings (residential) and dwelling houses, together with related and compatible uses such as parks, some community facilities, child care centres and general stores in appropriate locations."*

It is considered that the land use designations under the Superseded Planning Scheme, under which the development was approved, has been carried through to the land use designation under the current Planning Scheme. In support of this, we note that the purpose of the 'Residential 2 Planning Area', which relates to the majority of the site, is to facilitate achievement of the following outcomes:

- *encourage residential development which provides for a wider choice of housing in terms of form, size and affordability to meet the needs of residents;*
- *encourage medium density housing in a range of accommodation types, particularly in areas with a high level of accessibility to public transport, shopping facilities, community facilities and employment centres;*
- *ensure that residential development is of an appropriate scale and achieves an attractive built form which is sympathetic to the location and enhances the character of established residential areas;*
- *ensure that residential development is designed to take account of the tropical climate of the Shire by incorporating architectural features and elements which are appropriate in a tropical environment;*

- *promote the efficient use of physical and social infrastructure;*
- *ensure that Landscaping of residential development enhances the visual appearance of the development and the streetscape, provides attractive outdoor spaces and privacy between adjoining developments; and*
- *provide for the establishment of facilities to service the local community.*

In support of the extension of currency request, RPS provides the following summary for Council's consideration:

The approved development is a high quality residential development, which is in keeping with the desired intent of the area. The approved development is in keeping with the style of development existing in the surrounding area and is also consistent with the type of development envisaged in the current Planning Scheme;

The size, shape and utility of the site continues to be suitable to accommodate the approved development; and

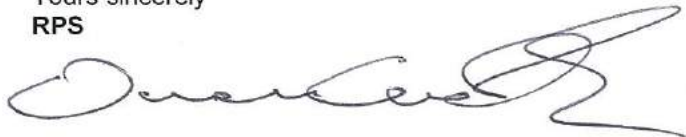
The residential density and site cover associated with the proposed development is in keeping with the current Planning Scheme provisions.

#### **CONCLUSION**

We hereby respectfully request that the Douglas Shire Council, in accordance with s383 of the *Sustainable Planning Act 2009*, extend the currency/relevant period relating to the subject Material Change of Use and Reconfiguration of a Lot approval for an additional four (4) years up to and including **21 January 2020**.

We await your confirmation of receipt and assessment of this submission, however, should you require any further details or clarification, please do not hesitate to contact the undersigned in our Cairns office.

Yours sincerely  
**RPS**



Owen Caddick-King  
Principal – Planning

cc: Momentum Mortgages Limited (Receivers and Managers Appointed) (In Liquidation)  
C/- CYRE Projects Pty Ltd  
Suite 219 / 60-80 Walker Street  
North Sydney NSW 2060  
Attn: Mr Marlon Zunac

enc: **Attachment A:** Executed Land Owners Consent  
**Attachment B:** Fee Advice  
**Attachment C:** Negotiated Decision Notice  
**Attachment D:** Amended Decision Notice  
**Attachment E:** Operational Works Permit  
**Attachment F:** Extension of Time Approval



## Attachment A

### Executed Land Owners Consent

Company owner's consent to the making of a development application  
under the *Sustainable Planning Act 2009*

~~we~~ I, JOSEPH DAVID HAYES, JOINT AND SEVERAL  
RECEIVER AND MANAGER  
~~Director~~ of the below mentioned company

Momentum Mortgages Limited (Receivers and Managers Appointed) (In Liquidation)  
MORTGAGEE IN POSSESSION  
as ~~owner~~ of premises identified as follows:

4-6, 8 and 10 Escape Street, Port Douglas and described as Lots 41 & 42 on RP747344 and Lots 49  
& 51 on SP161464

consent to the making of a request under the *Sustainable Planning Act 2009* by

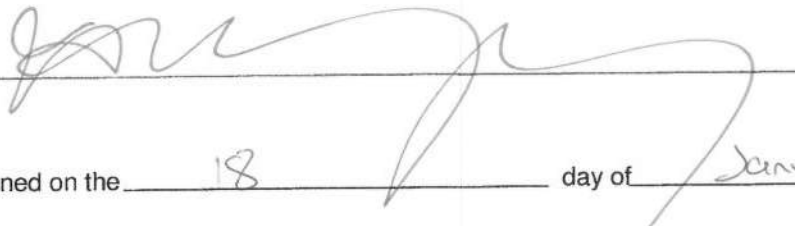
RPS Australia East Pty Ltd

on the premises described above for the purposes of

Seeking an Extension to the Relevant Period of Development Permit for Material Change of Use

and Reconfiguration of a Lot (33 Lots and Common Property on a Community Title Scheme)

including Development of a House on each Lot and Use of One House as a Display Home

  
[signature]  
signed on the 18 day of January 20 16



Attachment B

Fee Advice



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**From:** Jenny Elphinstone [Jenny.Elphinstone@douglas.qld.gov.au]  
**Sent:** Tuesday, 12 January 2016 12:54 PM  
**To:** Owen Caddick-King  
**Subject:** DSC Advice Application Fee for Proposed Extension of Time Request - 4-6 and 10 Escape St, Pt Douglas  
**Attachments:** Orig NDN.pdf; CRC conf re ext time.pdf; 2010 Amended Approval.pdf

Hi Owen,

Council agrees to a reduced fee.

See the following table of the calculation based on the current fees and charges – this is slightly more than your estimate.

Base fee		\$ 1,277.25
charge per lot	479.6	
number of lots	33	
		\$ 15,833.40
total		\$ 17,110.65
35% fee for extension		\$ 0.35
Required fee		\$ 5,988.73

Kind regards

**Jenny Elphinstone** | Senior Planning Officer

**Development & Environment | Douglas Shire Council**

**P:** 07 4099 9482 | **F:** 07 4098 2902

**E:** [jenny.elphinstone@douglas.qld.gov.au](mailto:jenny.elphinstone@douglas.qld.gov.au) | **W:** douglas.qld.gov.au

**Mail:** PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

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**From:** Owen Caddick-King [<mailto:owen.caddick-king@rpsgroup.com.au>]  
**Sent:** Tuesday, 12 January 2016 10:20 AM  
**To:** Jenny Elphinstone  
**Subject:** Doc 764631 Proposed Extension of Time Request - 4-6 and 10 Escape St, Pt Douglas

Hello Jenny

As discussed, it is proposed that an extension of time request be lodged later this week and I seek to confirm the fees.

Based on the approval for 33 lots and that most of the Houses are self-assessable, I have calculated the Council fee as \$5,541.69. To allow the lodgement of a properly made request, it would be appreciate if you could confirm later this week the fee required.

For your info, I note that the extension of time request fee in 2010 was \$4,898.25.

To assist, please find attached a copy of the original NDN, the amended Development Approval and the extension of time advice which indicates that the approval lapses 21 January 2016.

Regards





**Owen Caddick-King**  
**Principal - Planning**  
**RPS Australia Asia Pacific**

135 Abbott Street, Cairns, QLD, Australia, 4870  
PO Box 1949, Cairns, QLD 4870.

**Tel:** +61 7 4031 1336

**Fax:** +61 7 4031 2942

**Email:** [owen.caddick-king@rpsgroup.com.au](mailto:owen.caddick-king@rpsgroup.com.au)

**www:** <http://rpsgroup.com.au>

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## Attachment C

### Negotiated Decision Notice



ENQUIRIES:  
DEPARTMENT:  
EMAIL:

Mr Paul Gleeson  
Manager Planning Services - ☎ (07) 4099 9456

OUR REF:  
YOUR REF:

PTG:mrh  
CA 62

Ezcape Street Projects Pty Ltd  
C/- C & B Group  
PO Box 1949  
CAIRNS QLD 4870

13 October 2006

## INTEGRATED PLANNING ACT NEGOTIATED DECISION NOTICE

### Development Application

**Applicant's Name** : Ezcape Street Projects Pty Ltd  
**Owner's Name** : Ezcape Street Projects Pty Ltd  
**Proposal** : Material change of use and reconfiguring a lot development permits to create 33 lots and common property on a community title scheme for the purposes of a dwelling house on each lot and the use of one of the dwelling houses for the purpose of a Display Home.  
**Application Number** : CA 62  
**Site Address** : Escape Street and St Crispins Avenue, Port Douglas  
**Property Description** : Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, Parish of Salisbury, County of Solander

**This Negotiated Decision Notice supersedes the Decision Notice dated 16 May 2006. Conditions 1, 2 & 42 have been amended. All other conditions remain unchanged.**

1. **Decision:** Decision Date: 26 September 2006  
Approved subject to Conditions
2. **Type of Development Approval:**  
Material Change of Use

ADMINISTRATION CENTRE  
(ALL DEPARTMENTS)  
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902  
INTERNET [www.dsc.qld.gov.au](http://www.dsc.qld.gov.au)

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

ALL COMMUNICATIONS TO BE  
ADDRESSED TO:  
THE CHIEF EXECUTIVE OFFICER  
P.O. BOX 357  
MOSSMAN, QLD 4873

### 3. Referral Agency:

Department of Natural Resources and Mines  
PO Box 156  
MAREEBA QLD 4880

### 4. Conditions

#### Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:

- (a) The approved plans of development No. AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects, dated September 2005 and attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage;
- (b) The plans and specifications submitted with the application to Council attached to this approval

Except where such plans and/or specifications are modified by the terms of this approval.

2. The Plan of Development must be amended as follows:

- (a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no buildings will be permitted within the following setbacks:
  - (i) Escape Street – 4.0metres, except that Villas 15, 28 and 29 may have a building setback of 3.0 metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.
  - (ii) St Crispins Avenue – 6.0metres
  - (iii) Side boundaries – half the height of the building element
- (b) The maximum height of any building is 9.0metres. The structures on the roof terraces of dwelling type C will need to be reduced in height to below 9.0metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.
- (c) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area with no fences within 2metres of the road frontages.

A minimum depth of 2 metres adjoining the road frontage shall be provided a deep planted landscaping at natural ground level. A suitable alternative may be negotiated in consultation with Council.

The amended plan of development is to be provided to Council for confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey, whichever occurs first.

### Currency Period

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

### Amenity

4. 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

5. 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.
6. 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

7. The landscaping concept plans submitted with the proposed development, referenced as plan No LMP-01, Type A Indicative Landscape Setout, LMSDA03,EVVP01 Issue E prepared by 360° Landscape Architects has been generally approved, subject to the following amendments:
  - (a) The following plants are to be replaced on the planting schedule:
    - i. Alphitonia excelsa (Red Ash); and
    - ii. Nauclea orientalis (Leichhardt Pine)
    - iii. These species are considered unsuitable in an urban environment.
  - (b) A detailed landscaping plan must be submitted for approval at Operational Works stage. This plan must indicate:
    - i. proposed numbers of each species;
    - ii. stem densities;
    - iii. species composition;
    - iv. details of planting bed size, preparation and related landscape, etc.
  - (c) Landscaping must not interfere with the rail easement so that the easement may remain functional for future use.
  - (d) A maintenance schedule for the development must stipulate the correct disposal of garden waste so as to mitigate the potential spread of environmental weeds.

The amended plan is to be submitted to Council for an Operational Works Development Permit.



8. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.
9. The applicant shall provide a 1.8metre 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**

10. The waste storage area must be located outside of a three (3) metre wide landscape strip to the road frontage in the location shown on the approved plan for this development. The waste storage area must:
  - (a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
  - (b) Include a stop cock and stormwater diversion valve at the drainage point;
  - (c) Contain sufficient storage space for the storage of a 240litre refuse bin for each unit in the development.

Refuse storage, removal and collection methods shall be in accordance with the *"Environment Protection (Interim Waste) Regulations 1996"*.

#### **Air Conditioning & Service Equipment**

11. 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**

12. 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.
13. The approved use must not:
  - (a) Interfere with the natural flow of stormwater;
  - (b) cause ponding of stormwater on adjoining properties.
14. 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.
15. 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 storm water drainage work shall be designed and constructed in accordance with the requirements of the Far North Queensland Regional Organisation of

Council's 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**

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

#### **Amalgamation**

17. Lots 49 and 51 on SP 161464 and Lots 41 and 42 on RP 747344 must be amalgamated into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines 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 id to be lodged for Council endorsement.

#### **Compliance**

18. 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.
19. 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**

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

#### **Parkland**

21. 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**

22. 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 \$20,000.00, 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**

23. The applicant is to undertake a detailed acid sulfate soil investigation over the subject land in accordance with the requirements of the Department of Natural Resources and Mines



(NRM) Guidelines for managing Acid Sulfate Soils. This report and associated management plan are to be provided to NRM for approval prior to the approval of the Operational Works approval.

### **Environmental Management Plan**

24. 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**

25. 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**

26. 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.
27. 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)*

### **Water Supply**

28. The applicant shall connect to reticulated water supply via the main contained within the Escape Street road reserve.

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.

29. The applicant shall provide a 100mm diameter service to be contained within the common property to service the residential allotments and the common property.
30. 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.

**Sewerage**

31. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
32. No buildings or other structures are permitted to be located within 3.5metres of any main located on the subject site..

**Electrical & Telephone Services**

33. Prior to the endorsement of the Plan of Survey for the proposed 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 areas.
34. 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.
35. 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.
36. Prior to the endorsement of the Plan of Survey, 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**

37. A bikeway/pathway shall be constructed to a minimum width of 2.0metres on the western side of Escape Street past the full frontage of the subject site.
38. The bikeway/walkway(s) shall be suitably signed in accordance with the relevant Standards Association of Australia Code.

**Road Works**

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

**Maintenance Period**

40. 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**

41. 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**

42. 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 2.0metres.

#### **Display Home**

43. 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.
44. 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.
45. 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.

#### **Plan of Survey**

46. Conditions 1, 2, 3, 5, 7, 9, 12, 13, 14, 15, 20, 21, 23, 24, 25, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41 & 42 must be complied with prior to Council endorsement of the Plan of Survey for the proposed standard format subdivision.

#### **Easement**

47. 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.
48. The applicant is required to tidy up the site and maintain the site to an acceptable standard.



**5. Further Development Approvals Required:**

Operational Work  
Building Work  
Plumbing and Drainage Work

Development Permit  
Development Permit  
Development Permit

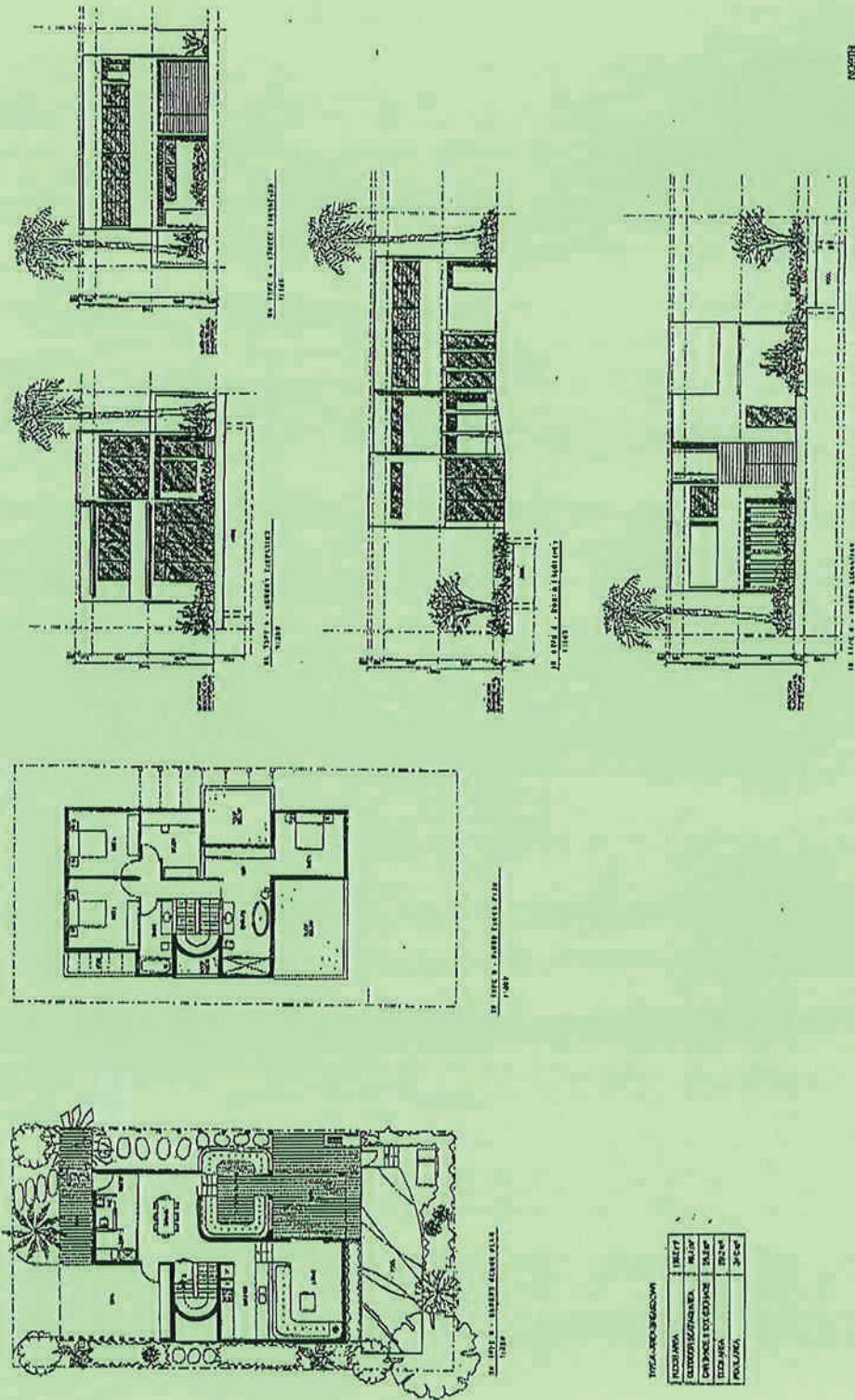
A handwritten signature in black ink, appearing to read 'Paul Trotman', is written over the printed name.

Paul Trotman  
General Manager Development & Environment









TECHNICAL SPECIFICATIONS

ITEM	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE	m <sup>3</sup>	10.00
2	BRICKS	no.	1000.00
3	ROOFING	m <sup>2</sup>	100.00
4	PAINT	litres	10.00

ITEM	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE	m <sup>3</sup>	10.00
2	BRICKS	no.	1000.00
3	ROOFING	m <sup>2</sup>	100.00
4	PAINT	litres	10.00

GENERAL NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF PRACTICE.

2. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

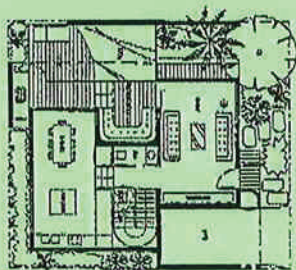
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

PROJECT INFORMATION

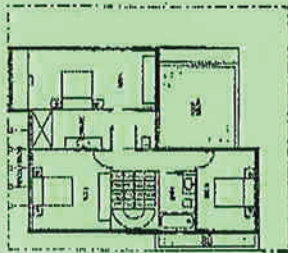
ITEM	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE	m <sup>3</sup>	10.00
2	BRICKS	no.	1000.00
3	ROOFING	m <sup>2</sup>	100.00
4	PAINT	litres	10.00



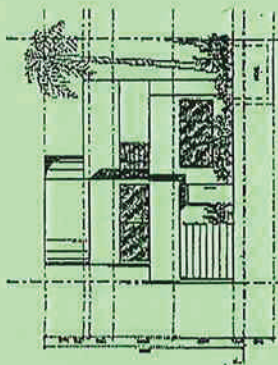




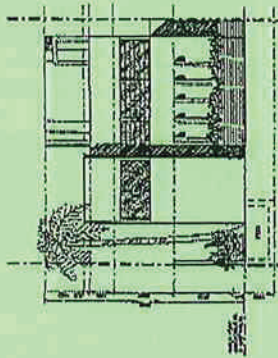
27. TYPE 1 - FRONT ELEVATION  
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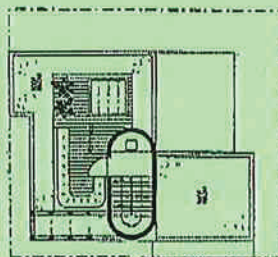
28. TYPE 1 - SIDE ELEVATION  
1:100



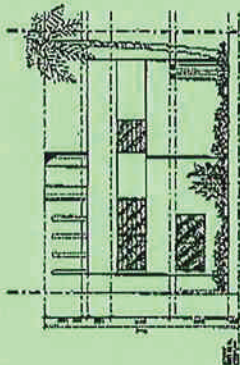
29. TYPE 1 - REAR ELEVATION  
1:100



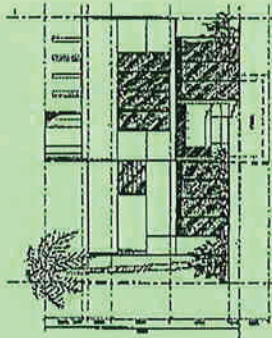
30. TYPE 1 - FRONT ELEVATION  
1:100



31. TYPE 1 - SIDE ELEVATION  
1:100



32. TYPE 1 - REAR ELEVATION  
1:100



33. TYPE 1 - FRONT ELEVATION  
1:100

TYPE 1 - BUILDING DATA	
NO. OF FLOORS	2
NO. OF UNITS	2
NO. OF CAR SPACES	2
NO. OF PARKING SPACES	2
NO. OF GARAGES	2

ISSUE	DATE	REVISION	BY	CHKD
1	21/10/05	ISSUE FOR PERMIT	BY	AM
2	21/10/05	ISSUE FOR PERMIT	BY	AM
3	21/10/05	ISSUE	BY	AM

1. THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 1999 AND THE BUILDING ACT 1975.

2. THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 1999 AND THE BUILDING ACT 1975.

3. THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 1999 AND THE BUILDING ACT 1975.

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9. THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 1999 AND THE BUILDING ACT 1975.

10. THE BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 1999 AND THE BUILDING ACT 1975.

PROJECT INFORMATION	
PROJECT	STONE/PAVEMENT ROADS
TITLE	2000-2001 BUDGET
DATE	2000-2001
BY	AM
CHKD	AM

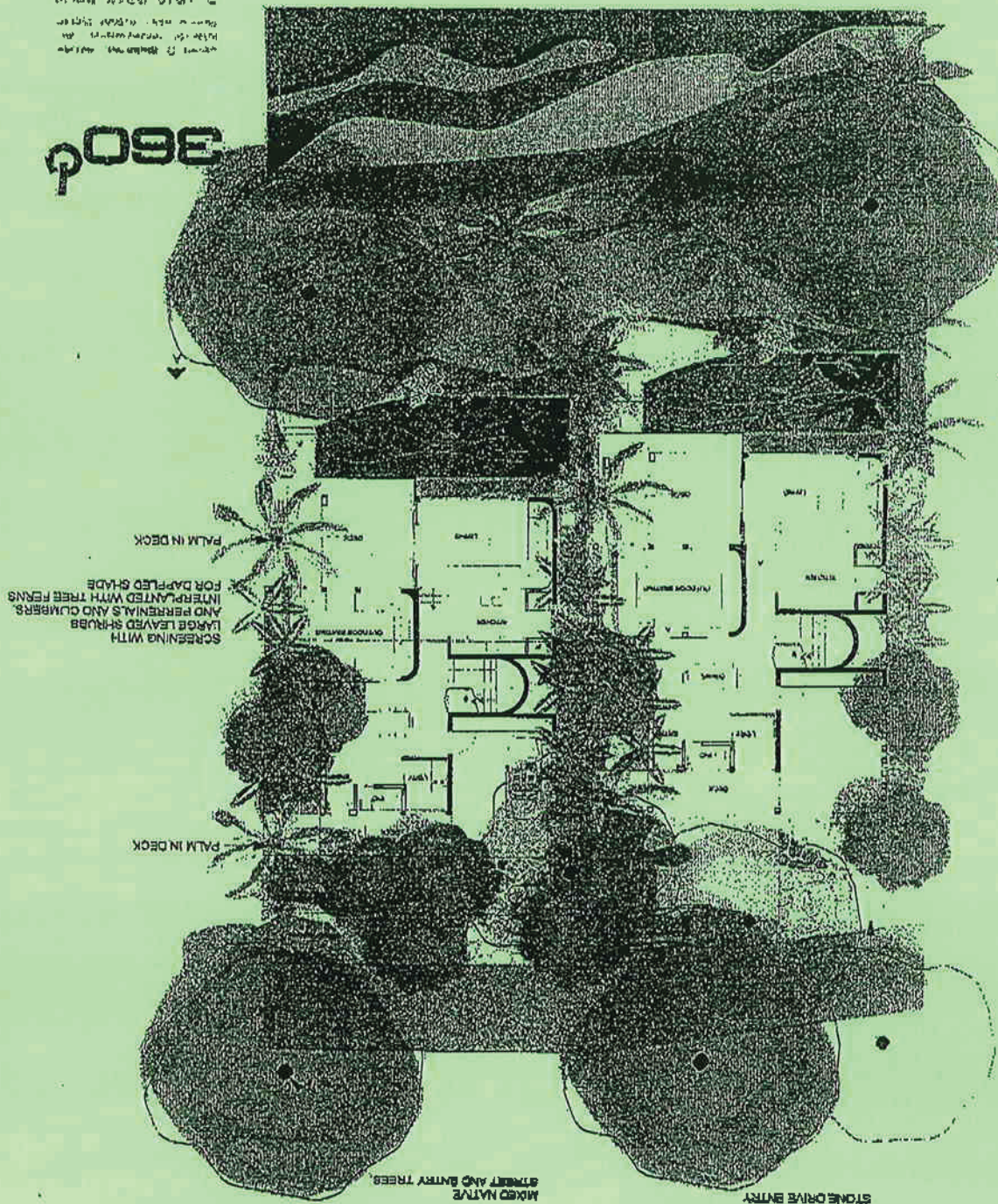




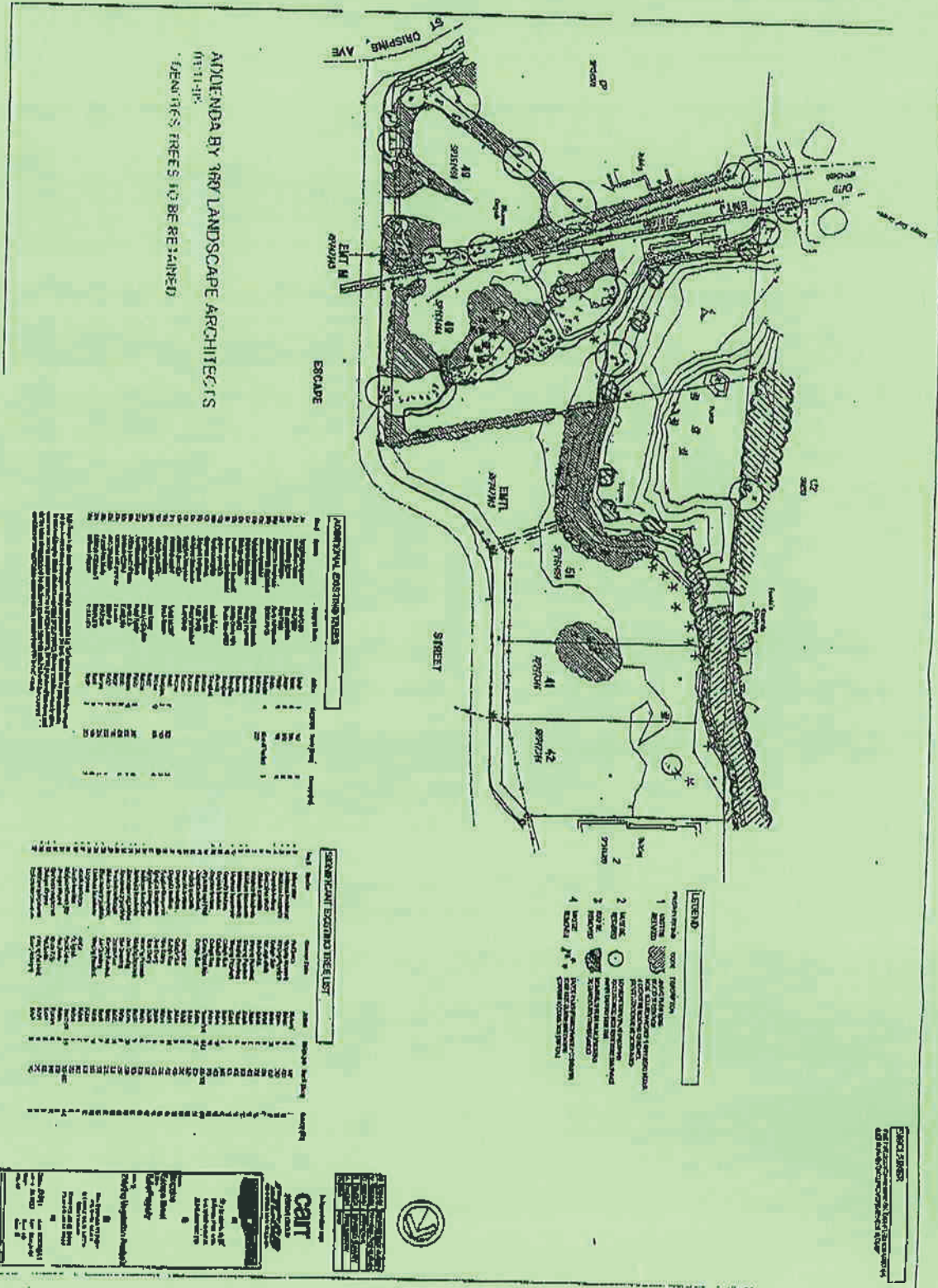


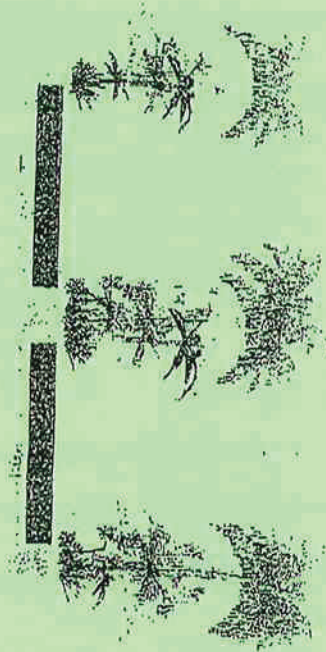
360°

NTS  
TYPE A INDICATIVE LANDSCAPE SETOUT









INDICATIVE SKETCH, ELEVATION AA  
TYPE A HOUSING FROM POOL  
Scale 1:200 @ A3



INDICATIVE SKETCH, ELEVATION BB  
TYPE A HOUSING FROM POOL  
Scale 1:200 @ A3

360°

LANDSCAPE ARCHITECT  
NORTHCOAST

LANDSCAPE ARCHITECT  
NORTHCOAST

0.00 METER

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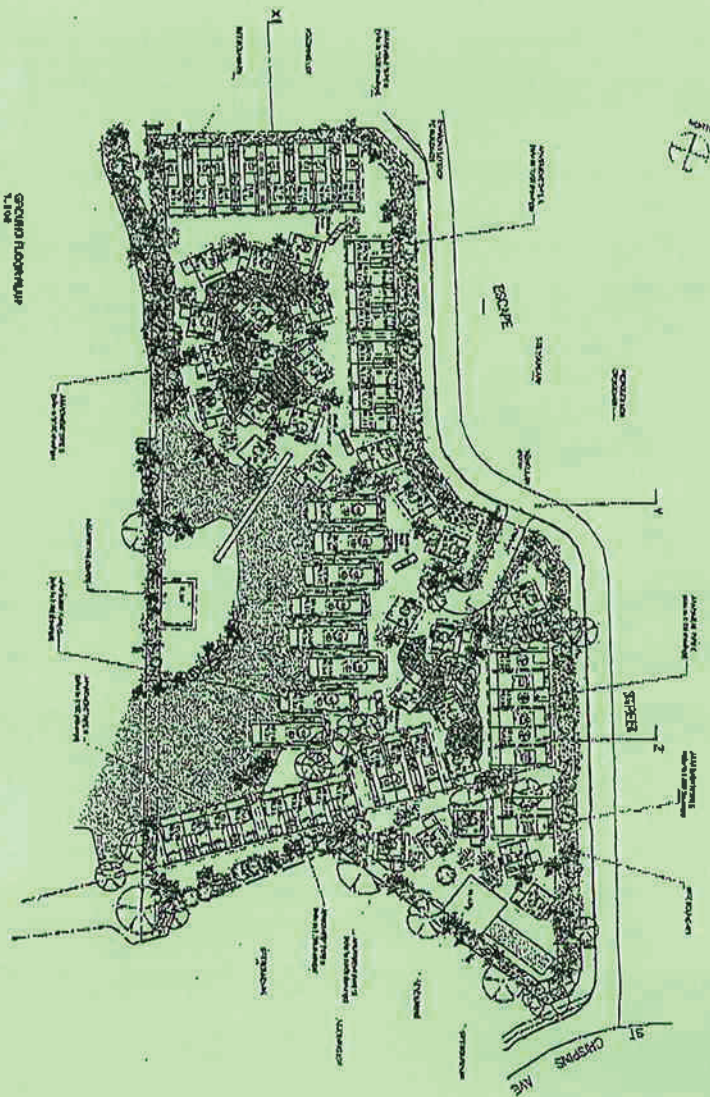
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**Approved Development**  
**100 Units**  
**carr**

Item	Description	Quantity	Unit	Value
1	Site Preparation	1	Lot	100.00
2	Foundation	1	Lot	100.00
3	Structure	1	Lot	100.00
4	Roofing	1	Lot	100.00
5	Interior Finishes	1	Lot	100.00
6	Exterior Finishes	1	Lot	100.00
7	Landscaping	1	Lot	100.00
8	Utilities	1	Lot	100.00
9	Other	1	Lot	100.00
10	Total	10	Lot	1000.00



NOT TO SCALE  
FOR INFORMATION ONLY  
NOT TO BE USED FOR  
CONSTRUCTION  
FOR INFORMATION ONLY  
NOT TO BE USED FOR  
CONSTRUCTION





Attachment D

Amended Decision Notice

**ENQUIRIES:** Mrs Jenny Elphinstone  
**PHONE:** (07) 4044 3365 (Cairns)  
(07) 4099 9482 (Mossman) ~  
**FAX:** (07) 4044 3836  
**OUR REF:** 8/37/130 (1910916)

12 December 2008

Ezcape St Projects Pty Ltd  
C/- Michael Kirkby  
PO Box 6036  
FRENCHS FOREST NSW 2086

Dear Sir

**DECISION NOTICE UNDER S3.5.15 INTEGRATED PLANNING ACT 1997:**  
**DEVELOPMENT APPLICATION FOR 4-10**  
**& 9 ESCAPE STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 12 December 2008, please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment Team on telephone number (07) 4099 9482.

Yours faithfully

Simon Clarke  
**Manager Development Assessment**

Att.

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**APPLICANT DETAILS**

Ezcape St Projects Pty Ltd  
C/- Michael Kirkby  
PO Box 6036  
FRENCHS FOREST NSW 2086

**ADDRESS**

4-10 & 9 Escape Street Port Douglas Qld 4877

**REAL PROPERTY DESCRIPTION**

Lots 41 & 42 on RP747344, Lots 49 & 51 on SP161464

**PROPOSAL**

Material Change of Use and Reconfiguration of a Lot (33 lots and common property on a Community Title Scheme, development of a House on each lot, and use of one House as a Display Home)

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

This Decision Notice dated 12 December 2008 replaces the Negotiated Decision Notice dated 13 October 2006.

**TYPE**

Material Change of Use (Development Permit)  
Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

*(Vegetation Clearing, Remnant Vegetation & Acid Sulfate Soils)*  
Department of Natural Resources and Water  
PO Box 937  
CAIRNS QLD 4870

**SUBMISSIONS**

There were two (2) submissions for this application:

A & V Crowe, 14 Escape Street, Port Douglas

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works  
Development Permit for Plumbing Works

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**CONDITIONS:**

**Plan of Development**

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:

- (a) The approved plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects, dated September 2005 and attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage;
- (b) The plans and specifications submitted with the application to Council attached to this approval

Except where such plans and/or specifications are modified by the terms of this approval.

2. The Plan of Development must be amended as follows:

- (a) The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no buildings will be permitted within the following setbacks:
  - (i) Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.
  - (ii) St Crispins Avenue – six (6) metres
  - (iii) Side boundaries – half the height of the building element
- (b) The maximum height of any building is nine (9) metres. The structures on the roof terraces of dwelling type C will need to be reduced in height to

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.

- (c) In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided a deep planted landscaping at natural ground level. A suitable alternative may be negotiated in consultation with Council.

The amended plan of development is to be provided to Council for confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey, whichever occurs first.

**Currency Period**

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

**Amenity**

4. 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**

5. 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.
6. 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**

7. The landscaping concept plans submitted with the proposed development, referenced as plan No LMP-01, Type A Indicative Landscape Setout, LMSDA03, EVVP01 Issue E prepared by 360° Landscape Architects has been generally approved, subject to the following amendments:
- (a) The following plants are to be replaced on the planting schedule:
- i. *Alphitonia excelsa* (Red Ash); and
  - ii. *Nauclea orientalis* (Leichhardt Pine)
  - iii. These species are considered unsuitable in an urban environment.

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

- (b) A detailed landscaping plan must be submitted for approval at Operational Works stage. This plan must indicate:
  - i. proposed numbers of each species;
  - ii. stem densities;
  - iii. species composition;
  - iv. details of planting bed size, preparation and related landscape, etc.
- (c) Landscaping must not interfere with the rail easement so that the easement may remain functional for future use.
- (d) A maintenance schedule for the development must stipulate the correct disposal of garden waste so as to mitigate the potential spread of environmental weeds.

The amended plan is to be submitted to Council for an Operational Works Development Permit.

- 8. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.
- 9. 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**

- 10. The waste storage area must be located outside of a three (3) metre wide landscape strip to the road frontage in the location shown on the approved plan for this development. The waste storage area must:
  - (a) Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
  - (b) Include a stop cock and stormwater diversion valve at the drainage point;
  - (c) Contain sufficient storage space for the storage of a 240 litre refuse bin for each unit in the development.

Refuse storage, removal and collection methods shall be in accordance with the "*Environment Protection (Interim Waste) Regulations 1996*".

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**Air Conditioning & Service Equipment**

11. 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**

12. 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.
13. The approved use must not:
  - (a) Interfere with the natural flow of stormwater;
  - (b) cause ponding of stormwater on adjoining properties.
14. 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.
15. 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**

16. 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**

17. 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.



**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**Compliance**

18. 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.
19. 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**

20. 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**

21. 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**

22. 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**

23. 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**

24. The applicant is to have prepared with the submission for approval of the engineering plans, an Environmental Management Plan (EMP) detailing the

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

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**

25. 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**

26. 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.
27. 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)*

**Water Supply**

28. The applicant shall connect to reticulated water supply via the main contained within the Escape Street road reserve.

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.

29. 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.
30. 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.

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**Sewerage**

31. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage Works application stage for review.
32. 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**

33. Prior to the endorsement of the Plan of Survey for the proposed 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 areas.
34. 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.
35. 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.
36. Prior to the endorsement of the Plan of Survey, 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**

37. 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.
38. The bikeway/walkway(s) shall be suitably signed in accordance with the relevant Standards Association of Australia Code.

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**Road Works**

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

**Maintenance Period**

40. 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**

41. 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**

42. 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**

43. 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.
44. 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.
45. 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.

**DECISION NOTICE DETAILS**  
**(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

**Plan of Survey**

46. Conditions 1, 2, 3, 5, 7, 9, 12, 13, 14, 15, 20, 21, 23, 24, 25, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 41 & 42 must be complied with prior to Council endorsement of the Plan of Survey for the proposed standard format subdivision.

**Easement**

47. 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.
48. The applicant is required to tidy up the site and maintain the site to an acceptable standard.

**5. Further Development Approvals Required:**

Operational Work  
Building Work  
Plumbing and Drainage Work

Development Permit  
Development Permit  
Development Permit

**RIGHTS OF APPEAL**

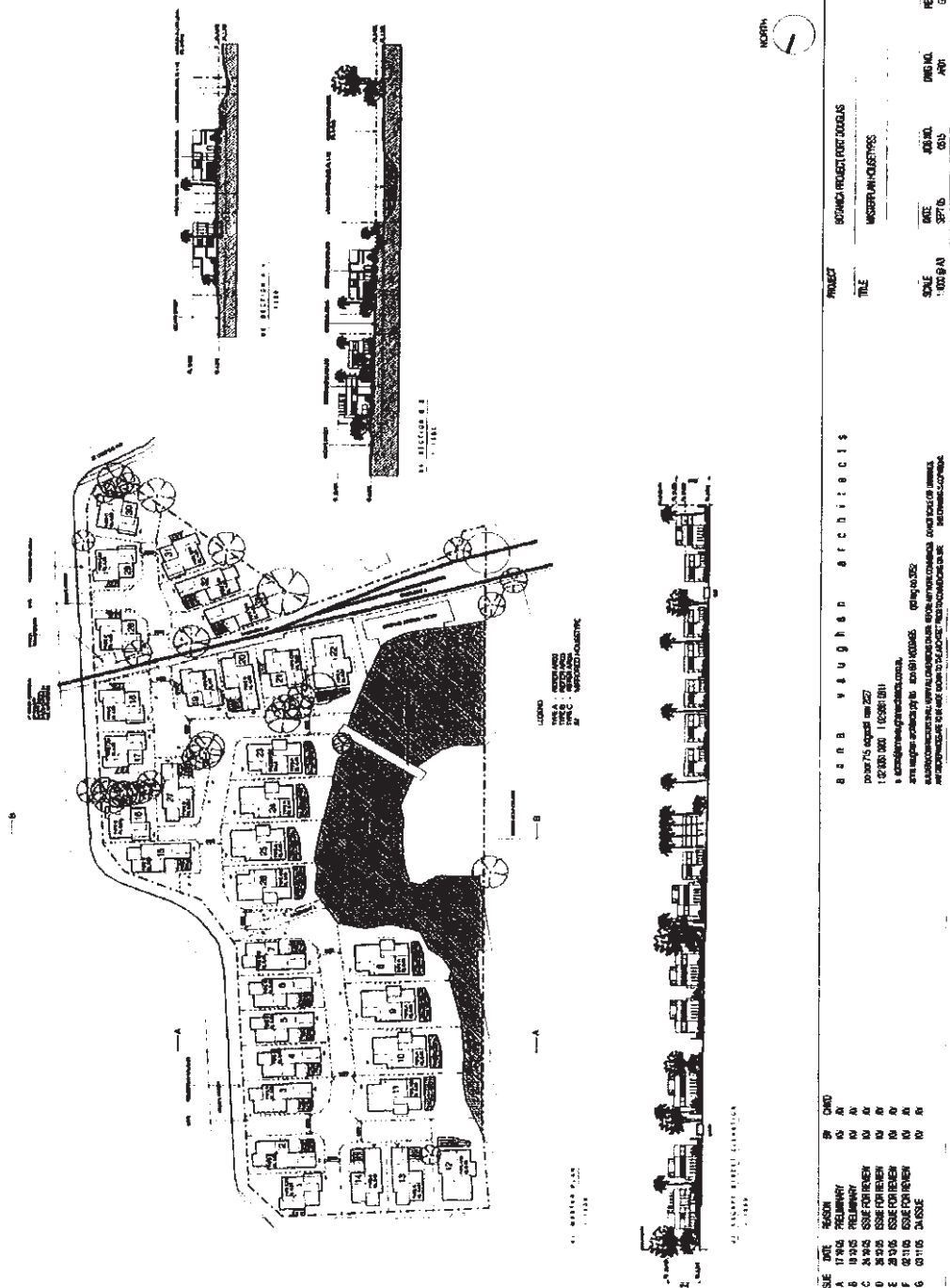
Attached

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**End of Decision Notice**

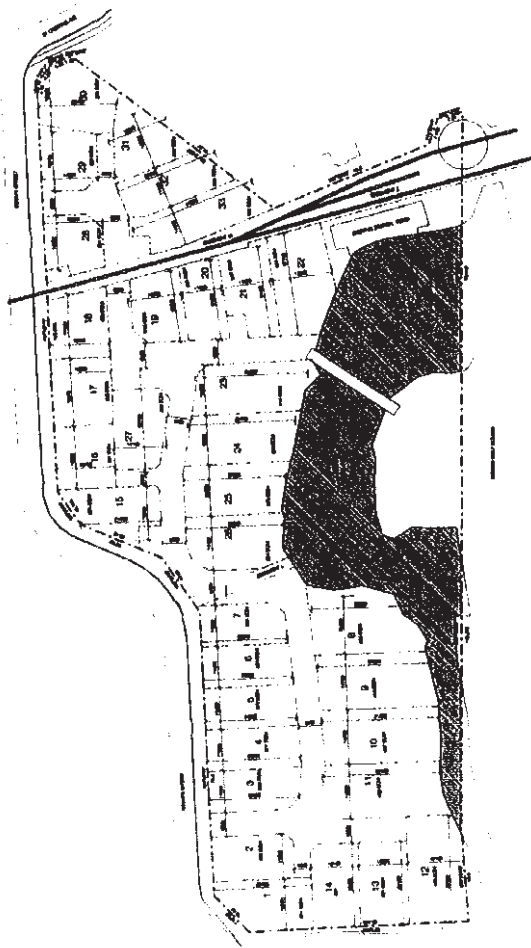
# DECISION NOTICE DETAILS (SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

## APPENDIX 1: Approved Drawing(s) & Document(s)



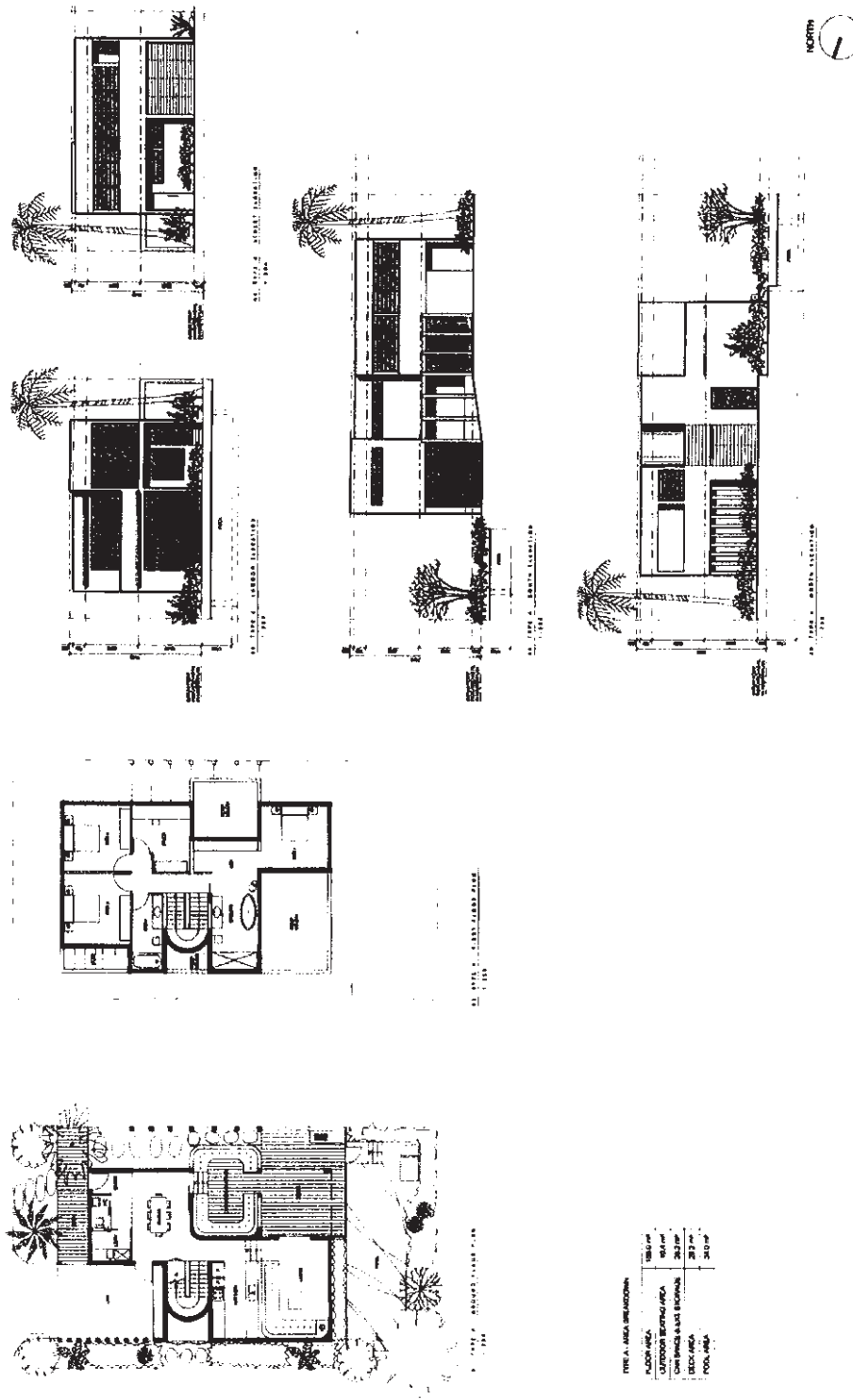


**DECISION NOTICE DETAILS  
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



ISSUE	DATE	REVISION	BY	CHKD	PROJECT	PROJECT PORTFOLIO	SCALE	DATE	JOB NO.	DATE	REV
A	24/10/08	ISSUE FOR REVIEW	NO	NO	1:1000	MASTERPLAN LOTS	1:1000	04/10/08	04/10/08	04/10/08	C
B	02/11/08	ISSUE FOR REVIEW	NO	NO							
C	03/11/08	ISSUE	NO	NO							

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**DECISION NOTICE DETAILS  
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

Architectural drawings including floor plans and elevations for a building project. The drawings show a two-story structure with various rooms and outdoor areas. The floor plans are labeled 'FLOOR PLAN' and 'SECTION'. The elevations are labeled 'ELEVATION'.

**PROJECT INFORMATION**

PROJECT: BOTANICA PROJECT PORT DOUGLAS  
 TITLE: TYPE B - PLANS & ELEVATIONS

**CLIENT INFORMATION**

CLIENT: BOTANICA PROJECT PORT DOUGLAS  
 DATE: 01/05/2020  
 SCALE: 1:200 @ A3  
 DRAWING NO.: 01/05/2020  
 REV: A

**ISSUE DATE REVISION BY**

ISSUE	DATE	REVISION	BY
1	27/05/2020	ISSUE FOR REVIEW	AD
2	28/05/2020	ISSUE FOR REVIEW	AD
3	01/06/2020	ISSUE	AD

**PROJECT INFORMATION**

PROJECT: BOTANICA PROJECT PORT DOUGLAS  
 TITLE: TYPE B - PLANS & ELEVATIONS

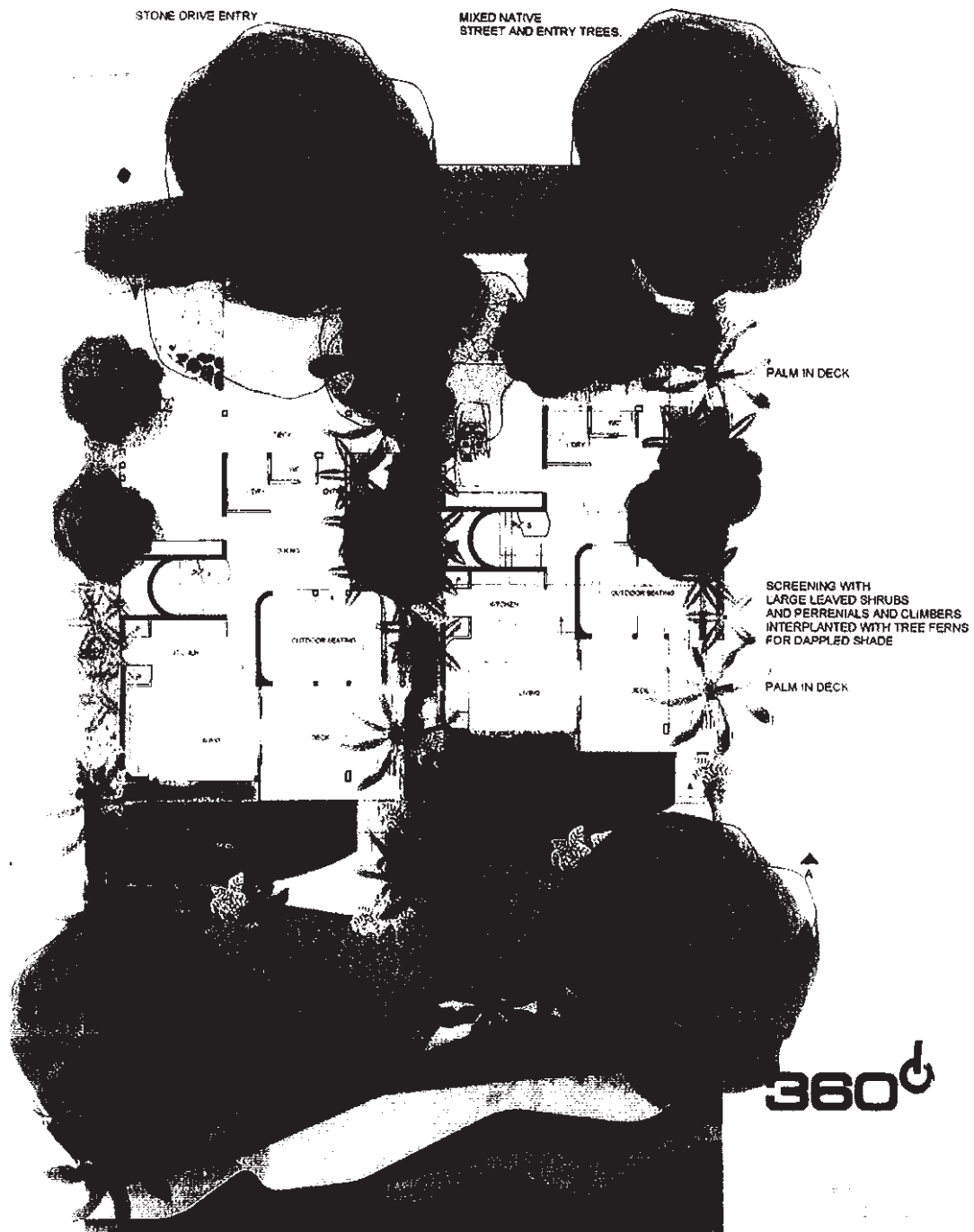
**CLIENT INFORMATION**

CLIENT: BOTANICA PROJECT PORT DOUGLAS  
 DATE: 01/05/2020  
 SCALE: 1:200 @ A3  
 DRAWING NO.: 01/05/2020  
 REV: A

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**DECISION NOTICE DETAILS  
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

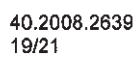


**TYPE A INDICATIVE LANDSCAPE SETOUT  
NTS**



**DISCLAIMER**

THE INFORMATION CONTAINED HEREIN IS BASED ON  
THE BEST AVAILABLE DATA. INFORMATION IN THIS REPORT



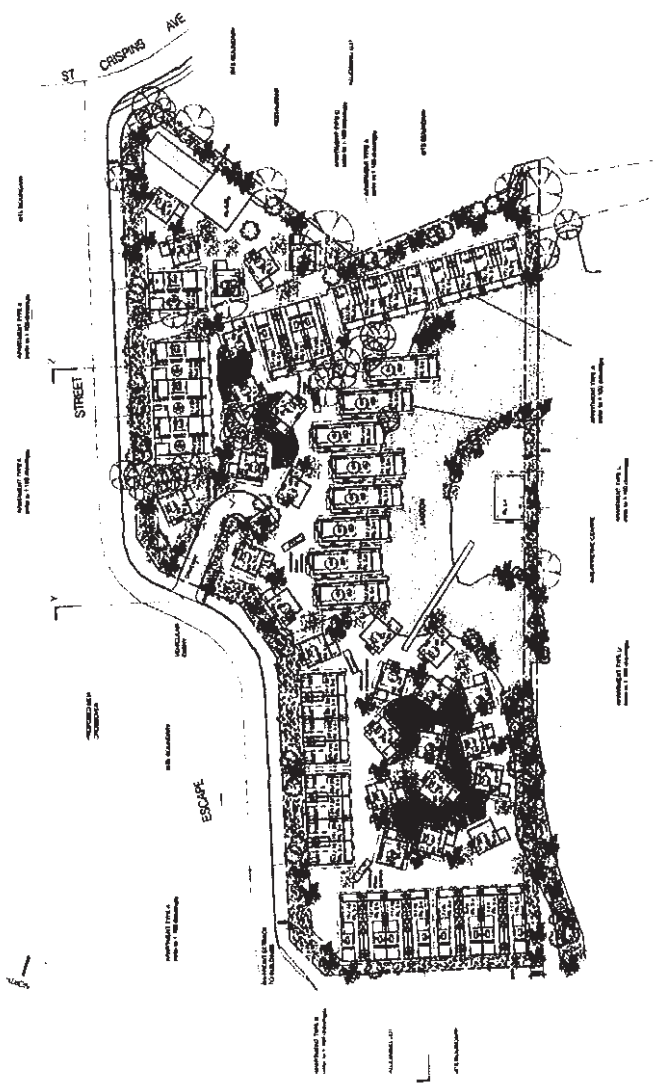
**DECISION NOTICE DETAILS  
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

40.2008.2639  
20/21

1. The proposed development is a residential development of 10 dwellings, including 5 townhouses and 5 detached houses, located on the site of the former industrial site at 100-110, 115-125, 130-140, 145-155, 160-170, 175-185, 190-200, 205-215, 220-230, 235-245, 250-260, 265-275, 280-290, 295-305, 310-320, 325-335, 340-350, 355-365, 370-380, 385-395, 400-410, 415-425, 430-440, 445-455, 460-470, 475-485, 490-500, 505-515, 520-530, 535-545, 550-560, 565-575, 580-590, 595-605, 610-620, 625-635, 640-650, 655-665, 670-680, 685-695, 700-710, 715-725, 730-740, 745-755, 760-770, 775-785, 790-800, 805-815, 820-830, 835-845, 850-860, 865-875, 880-890, 895-905, 910-920, 925-935, 940-950, 955-965, 970-980, 985-995, 1000-1010, 1015-1025, 1030-1040, 1045-1055, 1060-1070, 1075-1085, 1090-1100, 1105-1115, 1120-1130, 1135-1145, 1150-1160, 1165-1175, 1180-1190, 1195-1205, 1210-1220, 1225-1235, 1240-1250, 1255-1265, 1270-1280, 1285-1295, 1300-1310, 1315-1325, 1330-1340, 1345-1355, 1360-1370, 1375-1385, 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APPROVED DEVELOPMENT  
100 UNITS

UNCLASSIFIED  
EXEMPT FROM AUTOMATIC  
DECLASSIFICATION  
EXEMPT FROM AUTOMATIC  
DECLASSIFICATION  
EXEMPT FROM AUTOMATIC  
DECLASSIFICATION



## HOWARD FLOOR PLAN



## Attachment E

### Operational Works Permit



Mr Terry Clark – Engineer  
Engineering Services - C (07) 4099 9460  
[engineering@dsc.qld.gov.au](mailto:engineering@dsc.qld.gov.au)

OP001/08

Mr Nick Skulander  
Artazan Pty Ltd  
PO Box 6036  
FRENCHS FOREST NSW 2086

21 January 2008

**INTEGRATED PLANNING ACT  
DECISION NOTICE  
OPERATIONAL WORKS PERMIT**

<b>Applicant's Name</b>	:	Artone Pty Ltd
<b>Owner's Name</b>	:	Artone Pty Ltd
<b>Proposal</b>	:	Operational Work for the purpose of constructing vehicle crossovers and service connections associated with proposed 33 lot development.
<b>Application Number</b>	:	OP001/08
<b>Site Address</b>	:	Escape Street and St Crispins Avenue, Port Douglas
<b>Property Description</b>	:	Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464.

**1. Decision:** **Decision Date:** 18 January 2008

Approved subject to Conditions

**2. Type of Development Approval:**

Operational Works

Development Permit

.../3.

**3. Referral Agency:**

Nil.

**4. Conditions**

- a) The approved operational works and conduct of the approved use and the carrying out of any works on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Revision	Date
General Layout Plan	C00	T1	06/12/07
Road Layout Plan (sheet 1 of 2)	C02	T1	06/12/07
Road Layout Plan (sheet 2 of 2)	C03	T1	06/12/07
Road Details Sheet	C04	T1	06/12/07
Sewerage Layout Plan	C05	T1	06/12/07
Stormwater Management Plan (sheet 1 of 2)	C06	T1	06/12/07
Stormwater Management Plan (sheet 2 of 2)	C07	T2	12/12/07
Water Reticulation Layout Plan	C08	T1	06/12/07
Drainage Layout Plan	C09	T1	06/12/07

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

***Currency Period***

- b) This operational works approval lapses two (2) years after the day that the approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

***Road Works***

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

***Landscaping***

- d) The applicant is to produce a detailed landscape plan for the site identifying at a minimum the proposed numbers of each species, stem densities, species composition, details of planting bed size and preparation details. This plan is to be submitted to Council's Environmental Officer for approval prior to issuing of a Building Permit.

***Water***

- e) Water reticulation is to be installed in accordance with the plan prepared by ARUP, (*Water Reticulation Layout Plan*, ref. C08, dated 6/12/07), with the following exception:
- Applicant to use 100mm dia. Class 16 UPVC water mains.
- f) Details of water meter connections and backflow prevention devices to be provided to Council with the application for water connection.

***Acid Sulfate Soils***

- g) In the event acid sulfate soils are encountered the applicant is to ensure the site is managed in accordance with the Environmental Management Plan prepared by ARUP (*Construction Environmental Management Plan, Botanica – Escape Street, Port Douglas*, ref. 86801, November 2007) and comply with the requirements of the Queensland Acid Sulfate Soil Technical Manual and State Planning Policy SPP2/02.

***Construction Stage/Site Management***

- h) Erosion and sediment control devices shall be put in place by the Applicant as per the submitted plans/report prior to construction commencing on the site and maintained in good working order for the duration of construction.
- i) Work involving the use of machinery of any description (including trucks/vehicles transporting materials on or off site) shall only be carried out during the hours of 7.00am and 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays, with no work to occur on Sundays or public holidays. Loads are to be carefully covered so as to minimise the escape of dust. It should be noted that Council may approve work outside these hours provided sufficient notice and a written application is received.
- j) Seven (7) days notice of commencement of construction shall be given to Council.
- k) All development work associated with the subdivision shall be carried out in accordance with the Far North Queensland Regional Organisation of Councils Development Manual.

***Application Fees***

- l) The applicant is to lodge Operational Works Engineering fees for \$2,114.00. This fee covers application costs, checking of engineering drawings and construction monitoring.

Bob Baade

**General Manager – Engineering Services**

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*Division 8 – Appeals to court relating to development applications***Appeals by applicants**

- 4.1.27.**     **(1)**     An applicant for a development application may appeal to the court against any of the following:-
- (a)   the refusal, or the refusal in part, of a development application;
  - (b)   a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
  - (c)   the decision to give a preliminary approval when a development permit was applied for;
  - (d)   the length of a currency period;
  - (e)   a deemed refusal.
- (2)**     An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3)**     An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.



***Division 10 – Making an appeal to court***

How appeals to the court are started

- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
  - (2) The notice of appeal must state the grounds of the appeal.
  - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
  - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).



## Attachment F

### Extension of Time Approval



ENQUIRIES:

PHONE:

FAX:

YOUR REF:

OUR REF:

Mrs Jenny Elphinstone *JE*

(07) 4099 9482

(07) 4044 3836

PR106283/DAF/KK/L68480

8/38/2-10 (2988922)

24 November 2010

RECEIVED  
26 NOV 2010

BY: *OCK*

Cyre Group Pty Ltd  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**REQUEST TO EXTEND RELEVANT PERIOD FOR COMBINED APPROVAL**  
**DOUGLAS SHIRE COUNCIL CA 62**  
**4-10 & 9 ESCAPE STREET, PORT DOUGLAS**

Council refers to your request (Council document reference 2977942) for an extension of relevant period for the abovementioned Development Application over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464. Please be advised that on 24 November 2010, the General Manager Planning & Environment determined, under Instrument of Delegation, that the relevant period be extended to 21 January 2016:

Should you have any enquiries in relation to this decision, please contact Jenny Elphinstone of Council's Development Assessment team on telephone number (07) 4099 9482.

Yours faithfully

Kelly Reaston  
**Manager Development Assessment**