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 Our Ref:
 20-12/001343

 Your Ref:
 CA 2023_5316/2

 Date:
 7 January 2025

Chief Executive Officer Douglas Shire Council PO Box 723 MOSSMAN QLD 4873

Via: Email – enquires@douglas.qld.gov.au

Dear Sir/Madam,

RE: CHANGE APPLICATION UNDER SECTION 78 OF THE PLANNING ACT 2016 IN RELATION TO A DEVELOPMENT PERMIT FOR COMBINED APPLICATION FOR MATERIAL CHANGE OF USE (3 X DWELLING HOUSES) & RECONFIGURING A LOT (2 LOTS INTO 3 LOTS & ACCESS EASEMENT) OVER LAND AT 69 – 73 MURPHY STREET, PORT DOUGLAS

Planning Plus (QLD) Pty Ltd has been engaged by Port Douglas By Gurner Pty Ltd (the 'applicant') to prepare and lodge the abovementioned 'change application' with Douglas Shire Council.

Completed DA Form 5 is included as **Annexure 1** and it is requested that Council issue an invoice for the relevant application fee.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.

1.0. Proposed Changes

The proposed changes being sought are generally limited to internal layouts of Dwellings 1 and 2. Some of these changes involve the enclosure of the undercroft area of Dwelling 1 and additional glazing to the facades of both dwellings.

An updated drawing set is included as **Annexure 2** and the proposed changes are clouded for ease of reference.

We submit that the proposed changes are minor in nature and will not have any significant visual or other impacts on the surrounding area.

2.0. Legislative Considerations

2.1 Planning Act 2016

This section provides an overview of the legislative context of the application under the provisions of the Planning Act 2016.

2.1.1 Type of Change Application

The proposed changes are considered to be 'minor' changes for the purpose of the Planning Act 2016.

2.1.2 Responsible Entity

The 'responsible entity' for this application is Douglas Shire Council.

2.1.3 Referral Agencies

The original application did not trigger any referral agencies, nor does the proposed change application.

2.1.4 Public Notification

The original application did not require public notification, nor does the proposed change application.

3.0. Assessment Benchmarks

3.1 Overview

This section provides an assessment of the application against relevant assessment benchmarks.

3.2 State Planning Regulatory Provisions

No State Planning Regulatory Provisions are relevant to this application.

3.3 State Planning Policy

The State Planning Policy is relevant to the assessment of this application where a State interest is not appropriately reflected in the Planning Scheme relevant to the site. It is understood that recent updates to the State Planning Policy are not reflected in the current Douglas Shire Council Planning Scheme, however based on our review of the updates, it is considered unlikely that any the proposed changes to the development will cause any inconsistencies with the updated policy.

3.4 State Development Assessment Provisions (SDAP)

No State Development Assessment Provisions are identified as being applicable to the proposal.

3.5 Douglas Shire Council Planning Scheme

The proposed changes are not considered to result in any new or increased impacts which would cause conflicts with the Douglas Shire Planning Scheme.

4.0 Conclusion

This submission supports an application by Port Douglas By Gurner Pty Ltd for a 'minor change' to a Development Permit for Material Change of Use for three (3) Dwelling Houses and Reconfiguring a Lot for two (2) Lots into three (3) Lots and Access Easement over land at 69 - 73 Murphy Street, Port Douglas, described as Lot 2 on RP724386 and Lot 516 on PTD2094.

The submission has included an assessment of the proposal against the relevant statutory planning controls at both the local and state level and included supporting information intended to address the likely concerns of Council and assessing authorities.

In summary, we submit that the proposed development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours Faithfully

Evan Yelavich
Director / Planner

Planning Plus QLD Pty Ltd

Annexure 1: DA Form 5

Annexure 2: Updated Drawing Set

Annexure 1: DA Form 5

Change application form

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

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

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

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Port Douglas By Gurner Pty Ltd c/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	REDLYNCH
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application? Note: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.	
☐ Yes – the written consent of the owner(s) is attached to this change application☒ No	

PART 2 - LOCATION DETAILS

3) Loc	3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)						
3.1) St	reet addres	s and lot on pl	an				
Stre	Street address AND lot on plan (all lots must be listed), or Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).						
-)	Unit No.	Street No.	Street Name and Type	Suburb			
		69	Murphy Street	Port Douglas			
a)	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)			
	4877	516	PTD2094	Douglas Shire			
	Unit No.	Street No.	Street Name and Type	Suburb			
b)		71 - 73	Murphy Street	Port Douglas			
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)			
	4877	2	RP724386	Douglas Shire			



3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) Note: Place each set of coordinates in a separate row.								
☐ Coordinates of	premises	by longitud	de and latitud	le				
Longitude(s)	L	.atitude(s)		Datum		Local Go	vernment Area(s) (if applic	:able)
				☐ WGS8	4			
				☐ GDA9	4			
				Other:				
☐ Coordinates of	premises	by easting	and northing	9				
Easting(s)	Northin	g(s)	Zone Ref.	Datum		Local Go	vernment Area(s) (if applic	:able)
			<u></u> 54	☐ WGS8	4			
			☐ 55	☐ GDA9	4			
			☐ 56	Other:				
3.3) Additional pre	emises							
				developmen	t approval and	the details	of these premises have	
been attached	in a sche	dule to this	application					
PART 3 – RES	SDONS	IRI E EN	ATITV DE	Z IIATE				
IANIOTIL	JI OINC	NDLL LI	VIIII DE	LIAILO				
4) Identify the res	oonsible e	entity that w	ill be assessi	ing this cha	nge application			
Note: see section 7				9	9			
Douglas Shire Co	uncil							
			_					
PART 4 – CH	ANGE	DETAILS	S					
E) Dravida dataila	of the ovi	ation dayal		aval aubiaat	to this shapes	o mulio oti o		
5) Provide details	or the exi					application		
Approval type		Referenc	e number	Dat	e issued		Assessment manager/approval entity	y
□ Development p	ermit	CA 2023	5316/2	22	October 2024		DSC	
☐ Preliminary ap	proval	CA 2023	_5510/2	23	October 2024			
☐ Development p	permit							
☐ Preliminary ap	proval							
6) Type of change								
6.1) Provide a brid approval for a five						ıpproval (e.	g. changing a development	
Internal layout cha	anges, en	closure of u	ndercroft and	d additional	glazing			
6 2) \A/la at true = -5	ob operated	ana thia ar	lication	2002				
6.2) What type of				oose?				
Minor change								
Other change	appiicatioi	n – proceed	i io Part 6					

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities	for this change application	
☑ No – proceed to Part 7		
☐ Yes – list all affected entities b	pelow and proceed to Part 7	
	016 states that the person making the change application must ed entity as identified in section 80(2) of the Planning Act 2016.	
Affected entity	Pre-request response provided? (where a pre-	Date notice given (where no pre-
	request response notice for the application has been given, a copy of the notice must accompany this change	request response provided)
	application)	
	□ No	
	Yes – pre-request response is attached to	
	this change application	
	□ No	
	Yes – pre-request response is attached to	
	this change application	
	□No	
	Yes – pre-request response is attached to	
	this change application	
PART 6 – OTHER CHAN	GE APPLICATION REQUIREMENT	S
	ary for you to complete parts of DA Form 1 – Development app	
	ntioned below. These forms are available at https://planning.ds	
	/ additional premises included in this change applic	ation that were not part of the
original development approval?	?	
☐ No		
Yes		
9) Development details		
9.1) Is there any change to the ty	pe of development, approval type, or level of asses	sment in this change
application?		
□No		
	1 and 2 of Part 3 (Development details) of DA For	m 1 – Development application
	e to the new or changed aspects of development a	
9.2) Does the change application	involve building work?	
□ No	involve saliding werk.	
	uilding work datails) of DA Form 2 Puilding work	detaile en it relates to the
change application is provided	uilding work details) of <i>DA Form 2 – Building work</i> with this application	details as it relates to the
change application is provided	with the application.	
10) Peferral details - Does the ch	ange application require referral for any referral re	quirements?
	each referral agency triggered by the change application as if t	
development application including to		ne change application was the original
□ No		
	eferral details) of DA Form 1 – Development applic	cation details as it relates to the
	with this application. Where referral is required fo	
work the Referral checklist for	building work is also completed.	
11) Information request under Pa	rt 3 of the DA Rules	
☐ I agree to receive an information	on request if determined necessary for this change	application
	ormation request for this change application	
-	nation request I, the applicant, acknowledge:	

- that this change application will be assessed and decided based on the information provided when making this change application and the
 assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any
 additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the DA Forms Guide: Forms 1 and 2.

12) Further details	
☐ Part 7 of <i>DA Form 1 – Development application details</i> is completed as if the change application was a	
development application and is provided with this application.	

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist	
I have identified the:	
responsible entity in 4); and	
for a minor change, any affected entities; and	⊠ Yes
 for an other change all relevant referral requirement(s) in 10) Note: See the Planning Regulation 2017 for referral requirements 	
For an other change application, the relevant sections of <u>DA Form 1 – Development</u> <u>application details</u> have been completed and is attached to this application	☐ Yes ☑ Not applicable
For an other change application, where building work is associated with the change application, the relevant sections of <u>DA Form 2 – Building work details</u> have been completed and is attached to this application	☐ Yes ☑ Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application	
Note : This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see <u>DA Forms Guide</u> : <u>Planning report template</u> .	⊠ Yes
Relevant plans of the development are attached to this development application	
Note : Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see <u>DA Forms Guide</u> : <u>Relevant plans</u> .	⊠ Yes

14) Applicant declaration

By making this change application, I declare that all information in this change application is true and correct.

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

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

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

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

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

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

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:	Reference numb	per(s):	
QLeave notification and pay	ment		
Note: For completion by assessme	nt manager if applicable		
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted	by assessment manager		
Name of officer who sighted	the form		

Annexure 2: Updated Drawing Set





IMPORTANT NOTES THE BUILDER IS TO CHECK ALL DRAWINGS FOR DETAIL CONTENT AND DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK. DO NOT SCALE THESE DRAWINGS. SEEK CONFIRMATION FROM ARCHITECT IF DIMENSIONS ARE NOT CLEAR.

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				PO BOX 170, QLD 4677

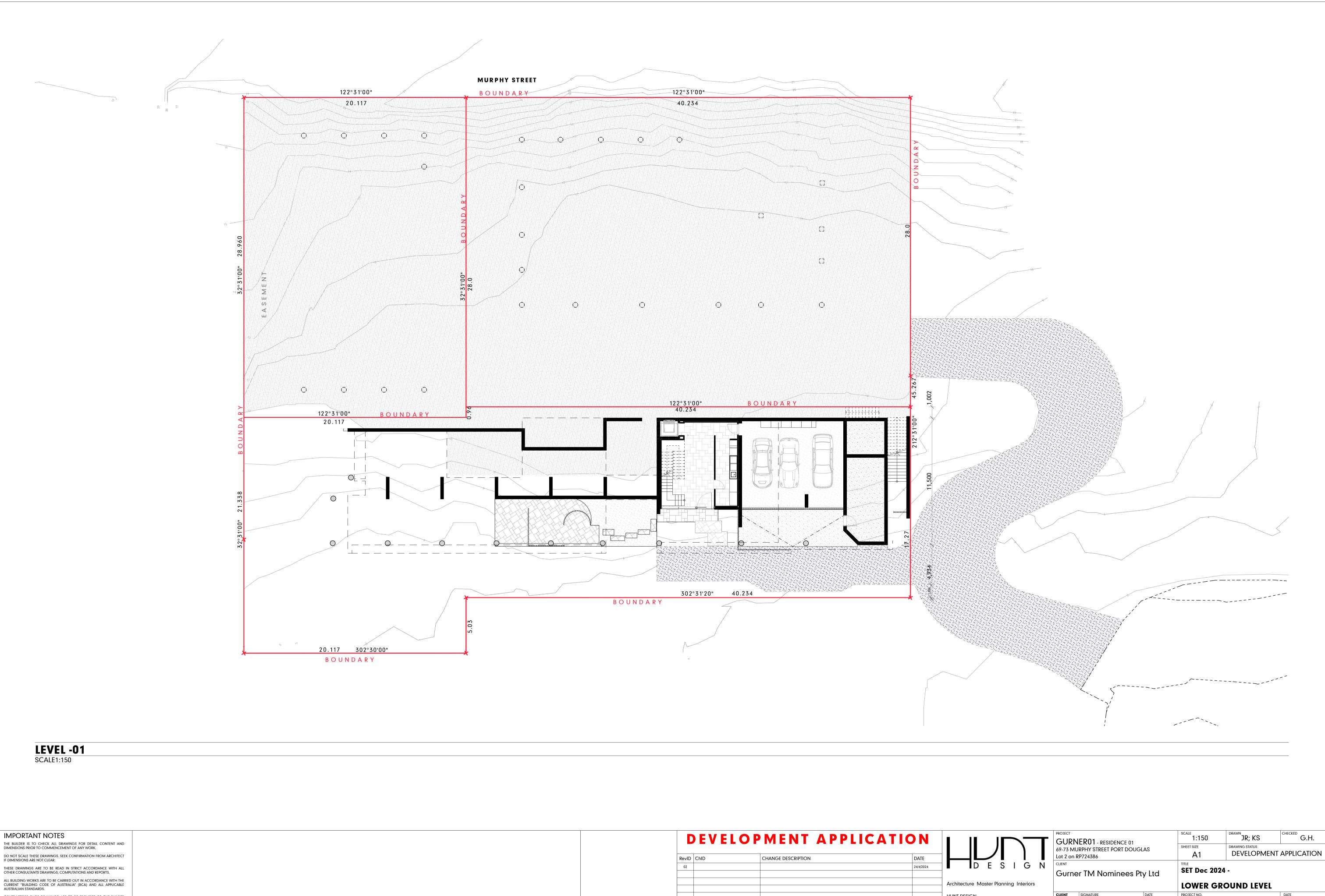
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hitecture Master Planning Interiors MOWBRAY RIVER ROAD, MOWBRAY T +61 7 4099 0300 F +61 7 4099 5534

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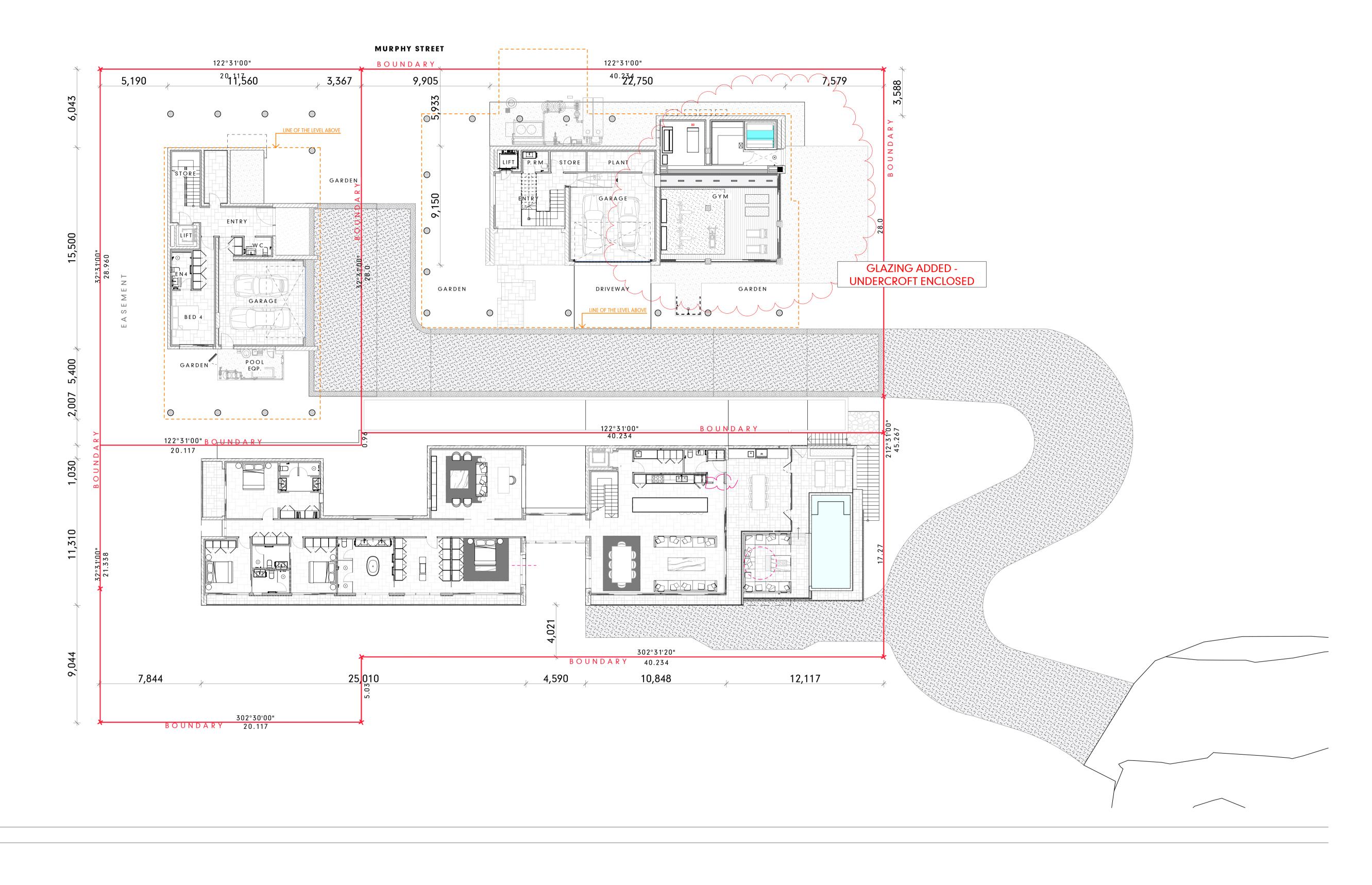
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		HUNT DESIGN
		291 MOWBRAY RIVER ROAD, MOWBRAY PO BOX 170, QLD 4877
		T +61 7 4099 0300 F +61 7 4099 5534

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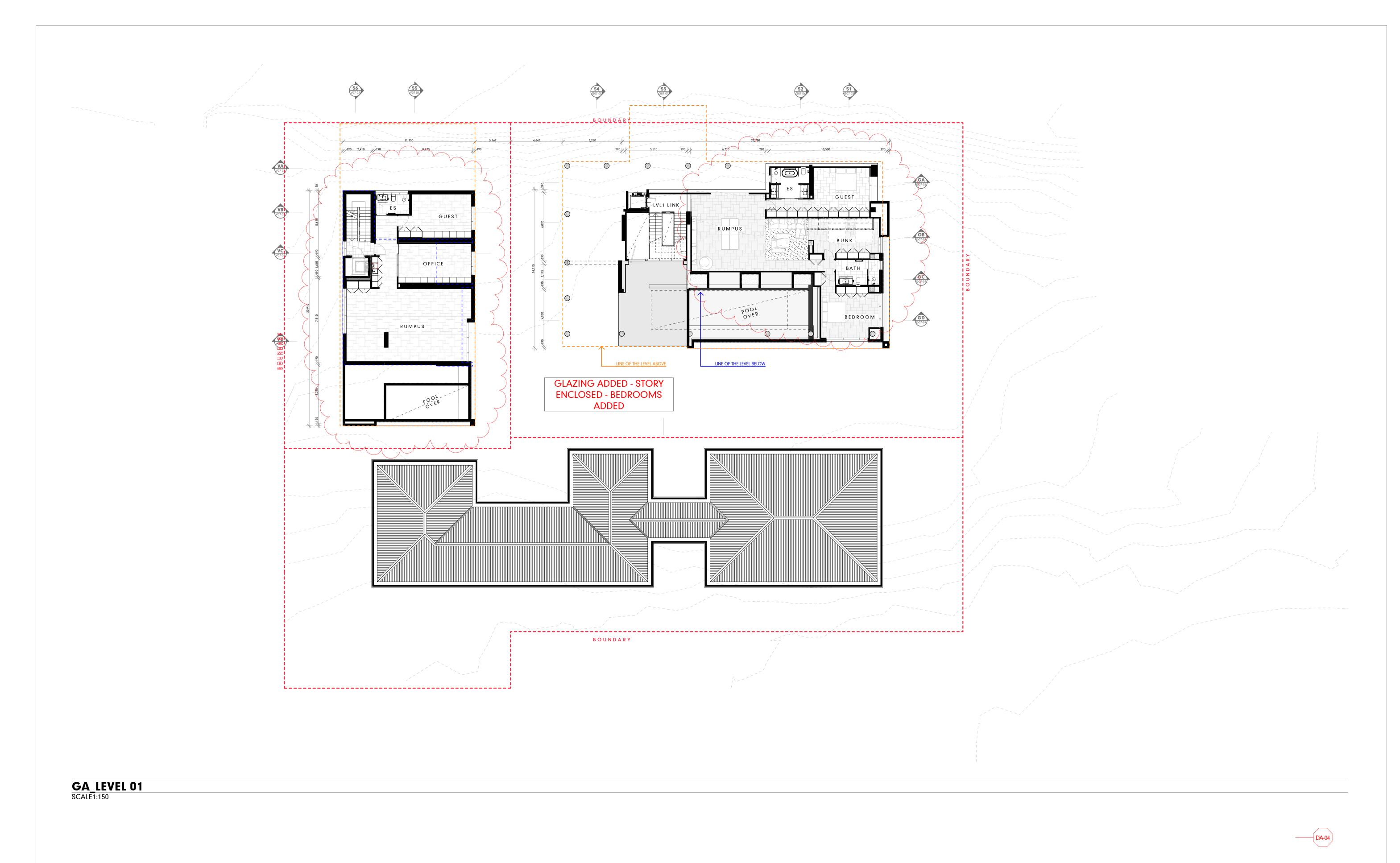
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DEVELOPMENT APPLICATION

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				Architecture Master Planning Interiors
				HUNT DESIGN
				291 MOWBRAY RIVER ROAD, MOWBRAY PO BOX 170, QLD 4877
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GURNER01 - RESIDENCE 01 69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386 Gurner TM Nominees Pty Ltd

HDA

PROJECT CODE

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SHEET SIZE DEVELOPMENT APPLICATION **A**1 SET Dec 2024 -FIRST FLOOR LEVEL PROJECT NO. 9/12/2024 GUR_PD1 BUILDER SIGN OFF

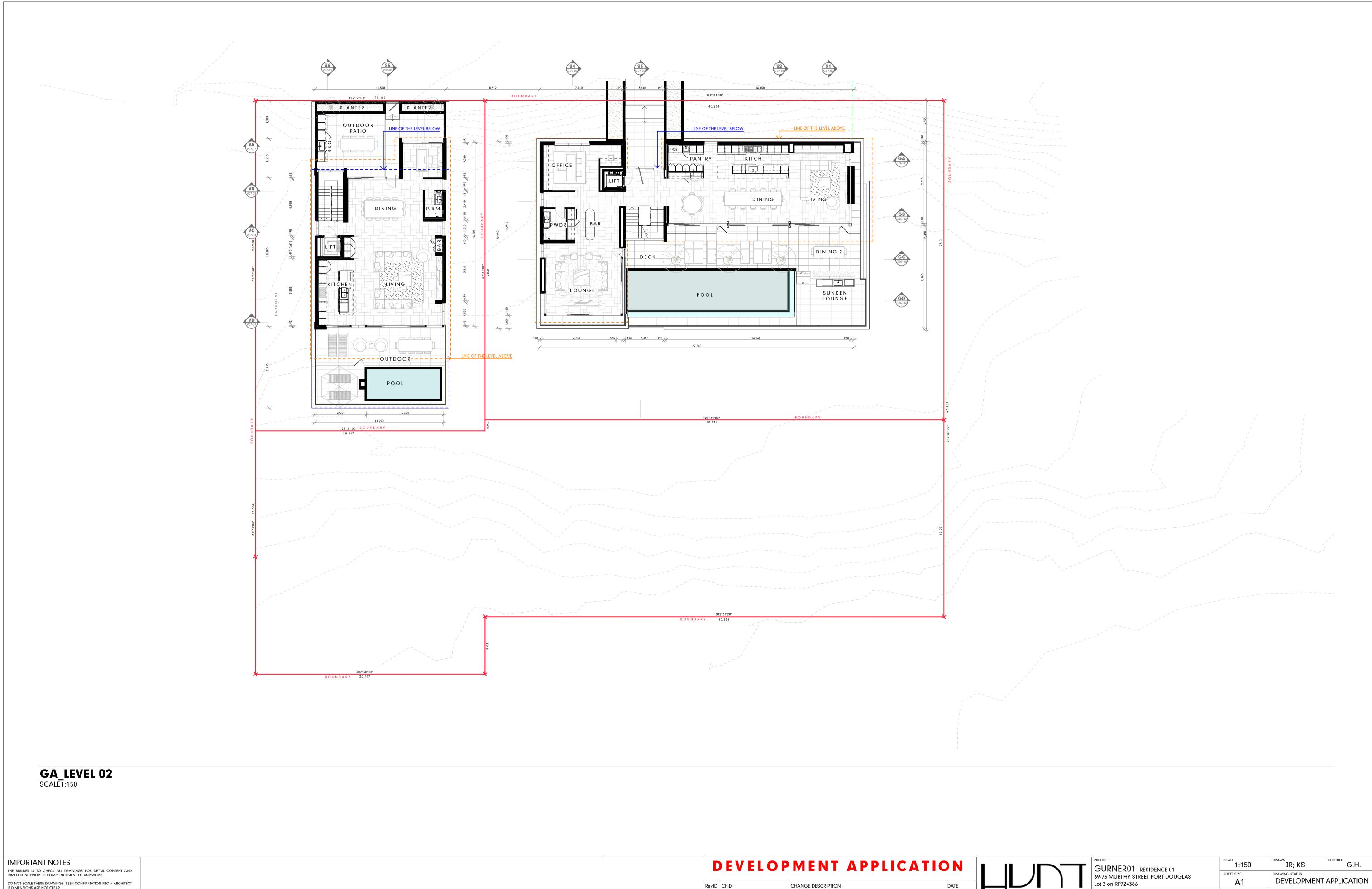
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ORIGINATOR VOLUME / SYSTEM LEVEL / LOCATION TYPE ROLE DRAWING NO.

JR; KS

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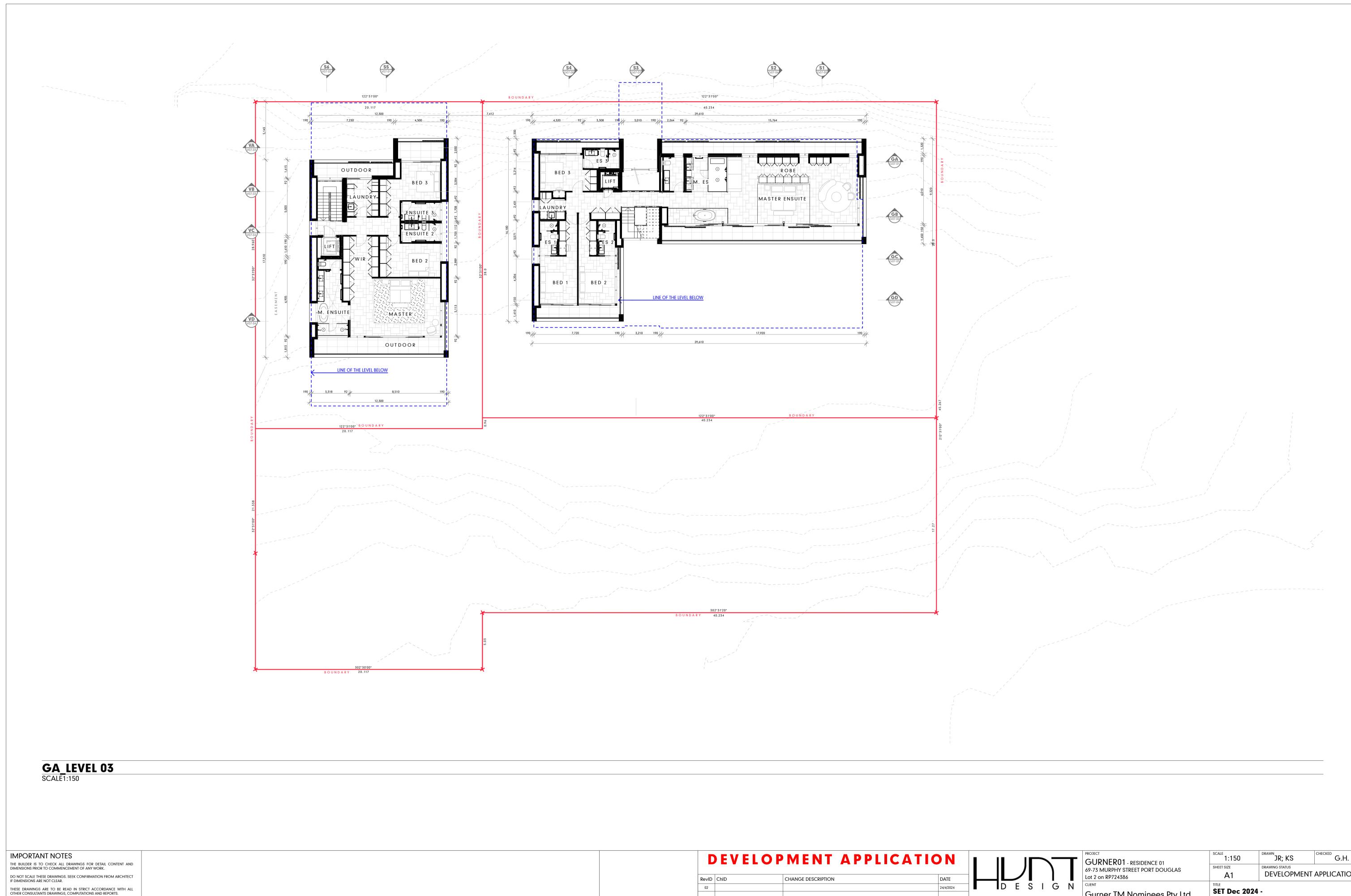
Architecture Master Planning Interiors

ABN: 90514257527

24/4/2024

SET Dec 2024 -Gurner TM Nominees Pty Ltd SECOND FLOOR LEVEL PROJECT NO. GUR_PD1

BUILDER SIGN OFF T +61 7 4099 0300 F +61 7 4099 5534 PROJECT CODE ORIGINATOR VOLUME / SYSTEM LEVEL / LOCATION TYPE ROLE DRAWING NO. PD1 00 DR A DA-06 DD 02 © COPYRIGHT HUNT DESIGN

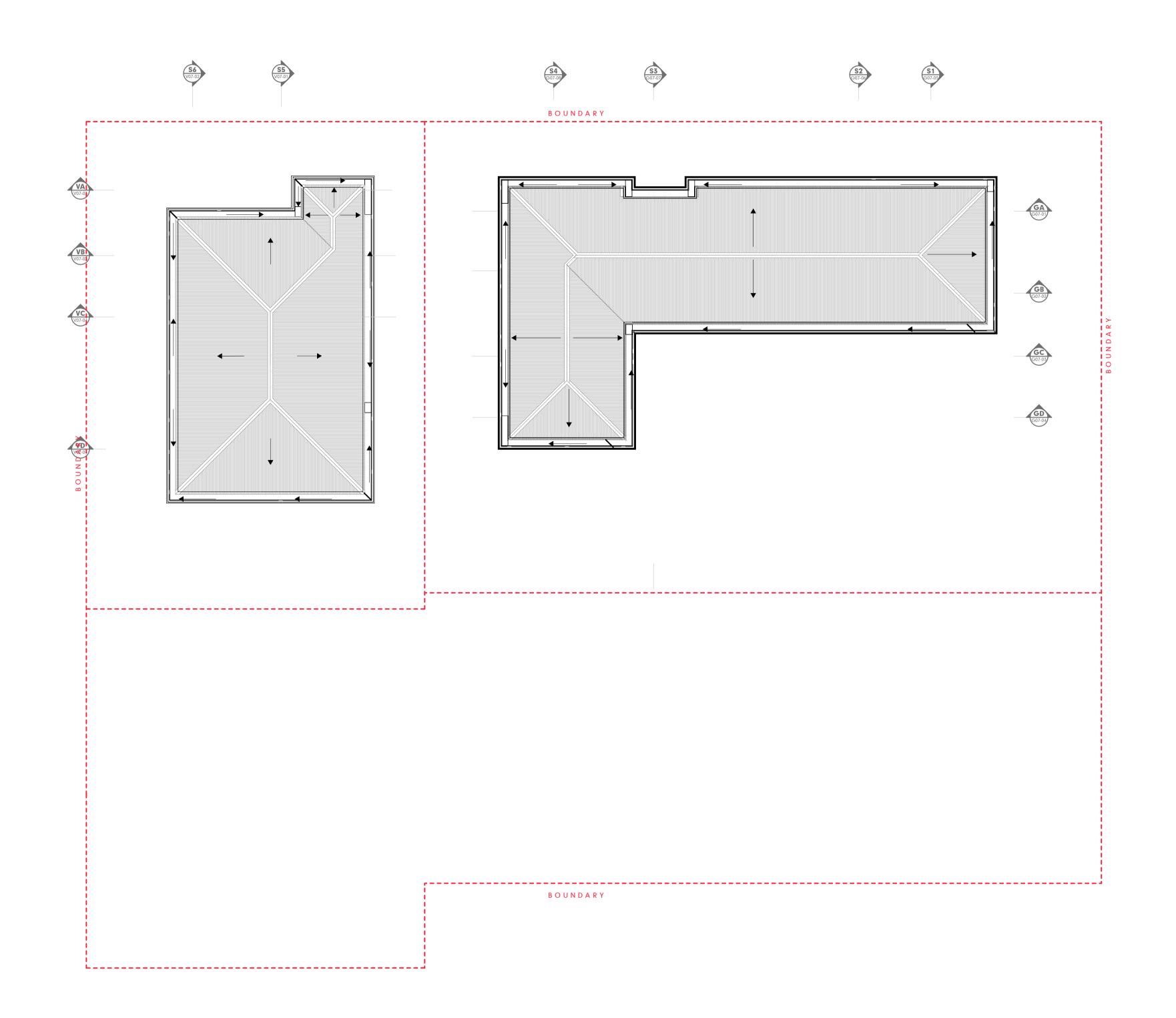


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PROJECT GURNER01 - RESIDENCE 01	1:150	JR; KS	G.H
69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386	SHEET SIZE A1	DEVELOPMENT	APPLICATION
Gurner TM Nominees Pty Ltd	SET Dec 2024	-	

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IMPORTANT NOTES

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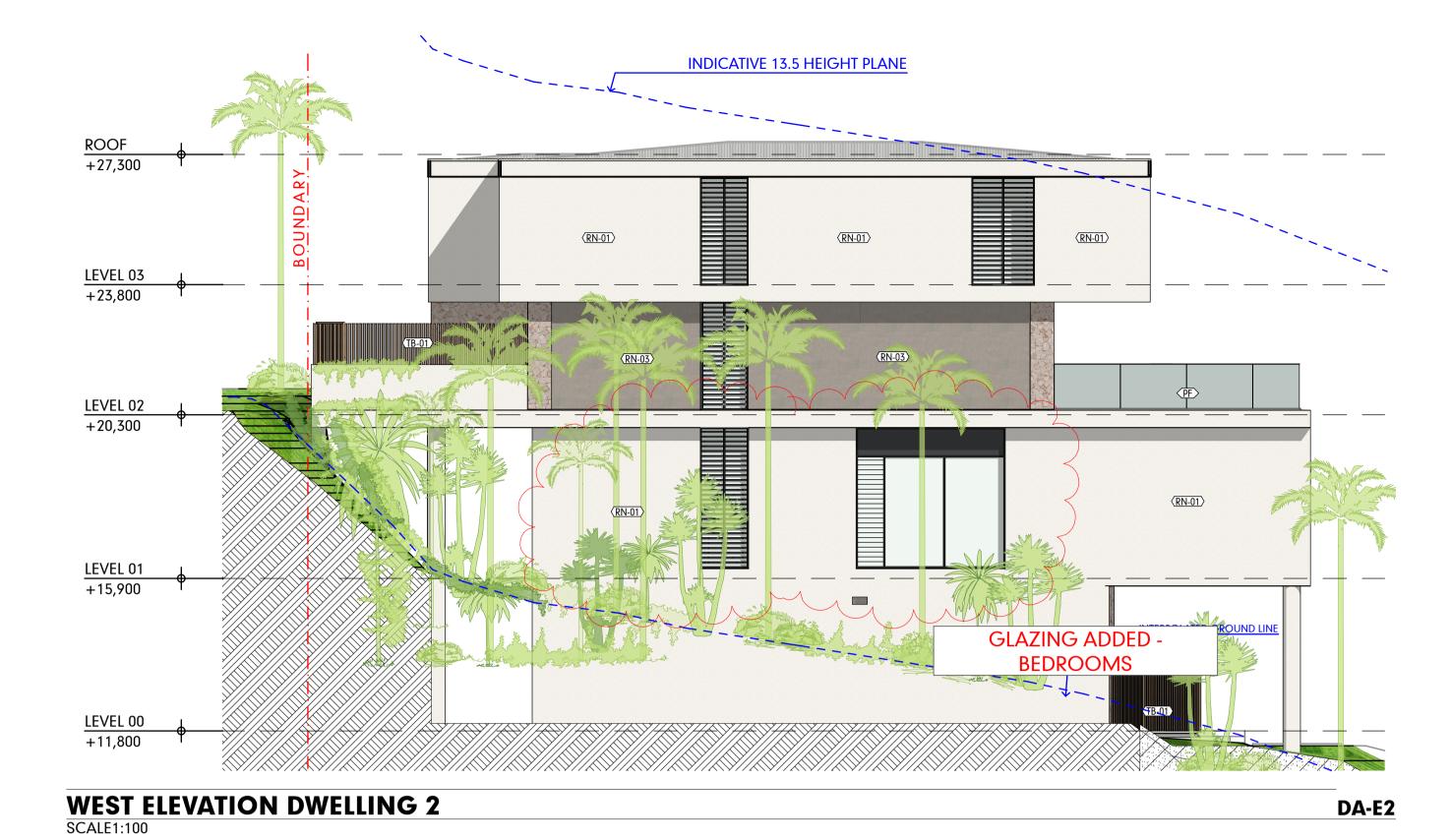
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	ROOF LEVE	L	
Gurner TM Nominees Pty Ltd	SET Dec 2024	-	
69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386	SHEET SIZE A1	DEVELOPMENT	APPLICATION
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WEST ELEVATION DWELLING 1 SCALE1:100

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EAST ELEVATION DWELLING 1 & 3
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NORTH ELEVATION (DWELLING 1 & 2)
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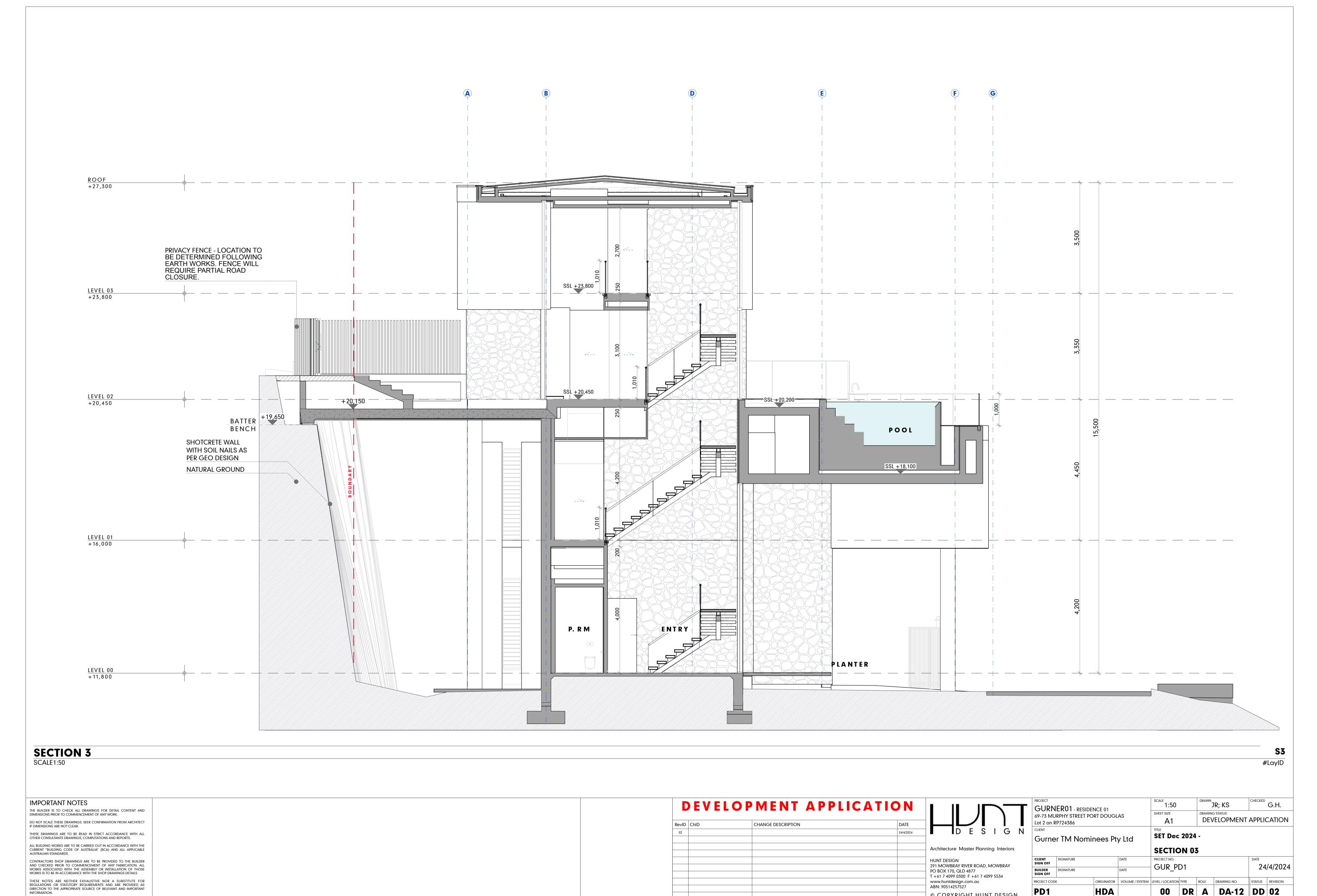
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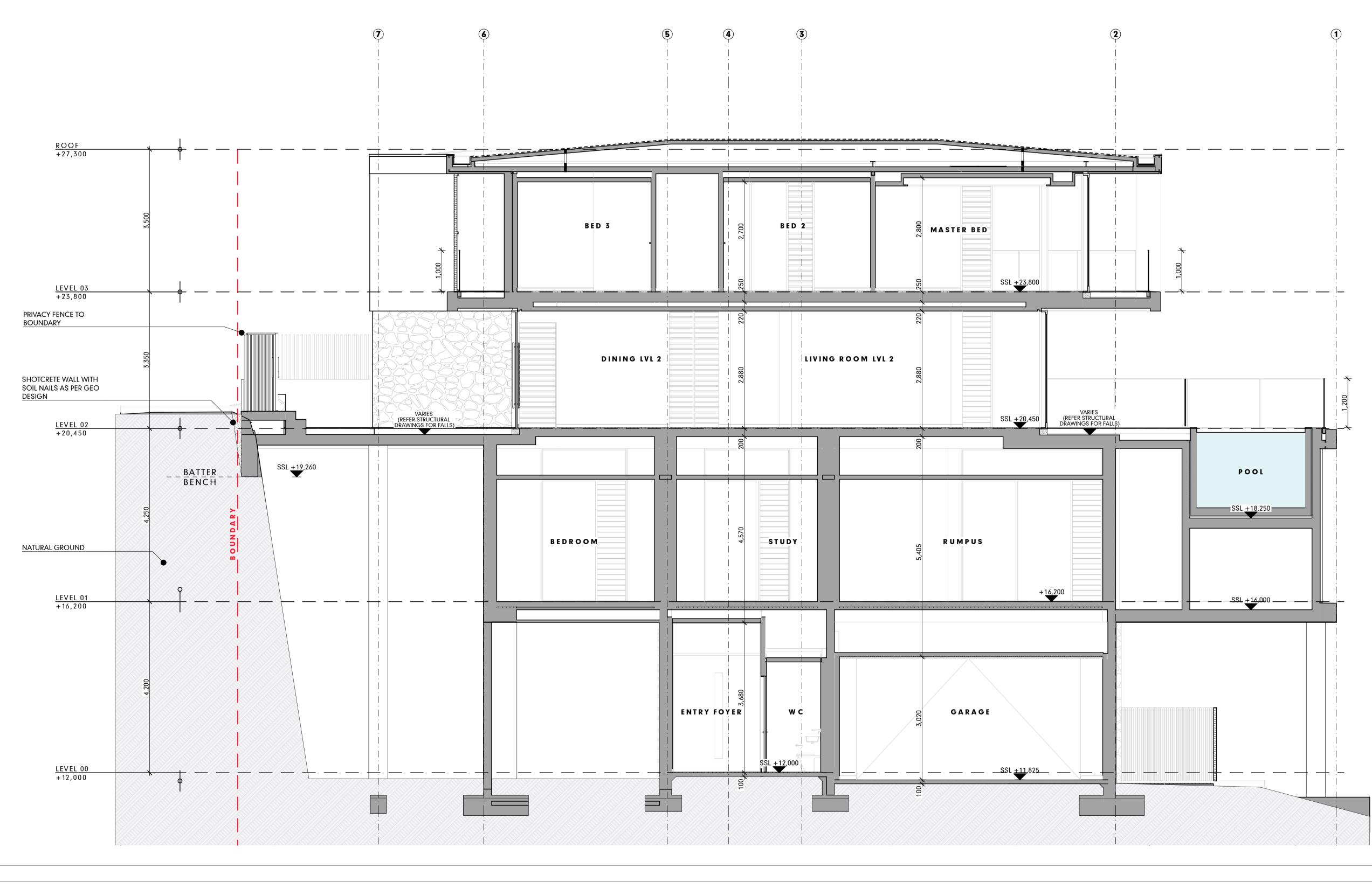
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SECTION 5
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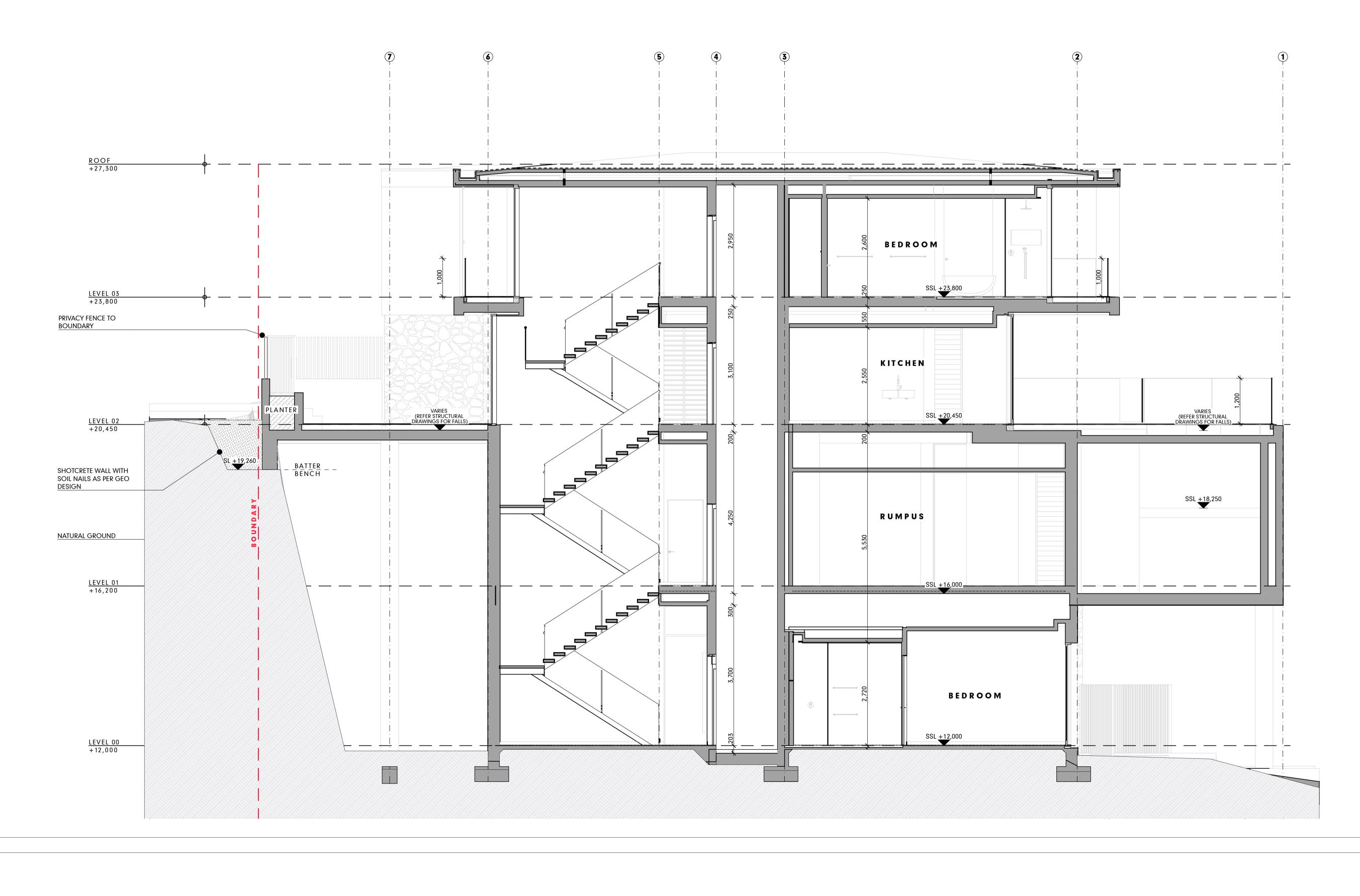
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Gurner TM Nominees Pty Ltd	SET Dec 2024 -			
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69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386	SHEET SIZE A1	DEVELOPMENT APPLICATION		
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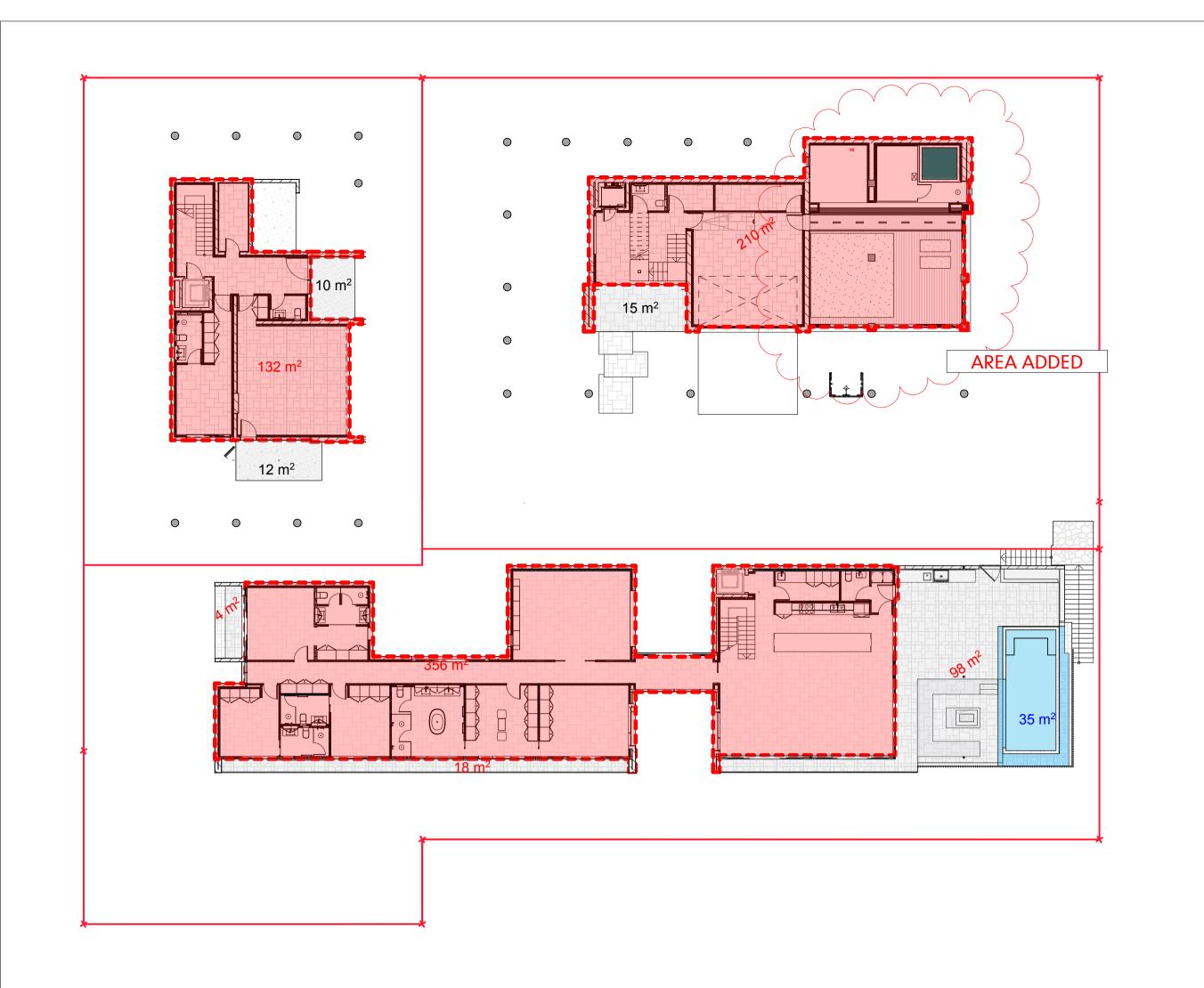
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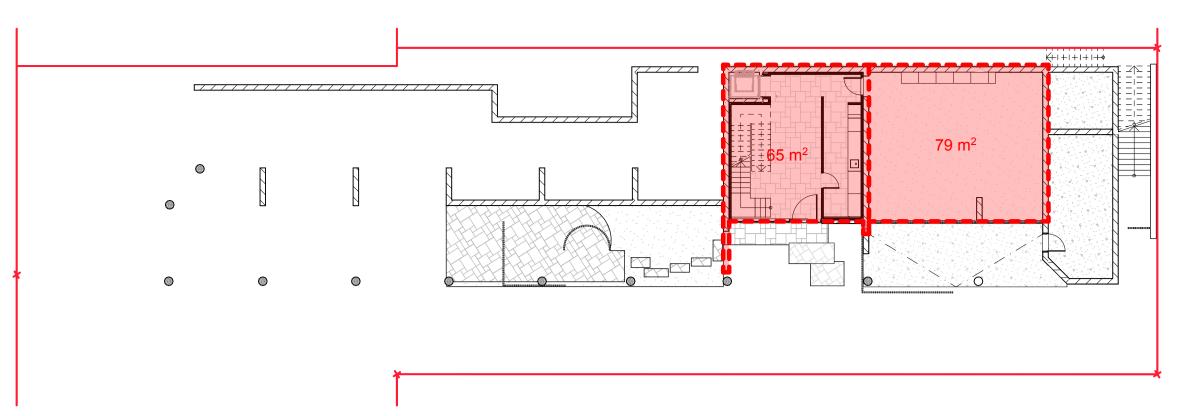
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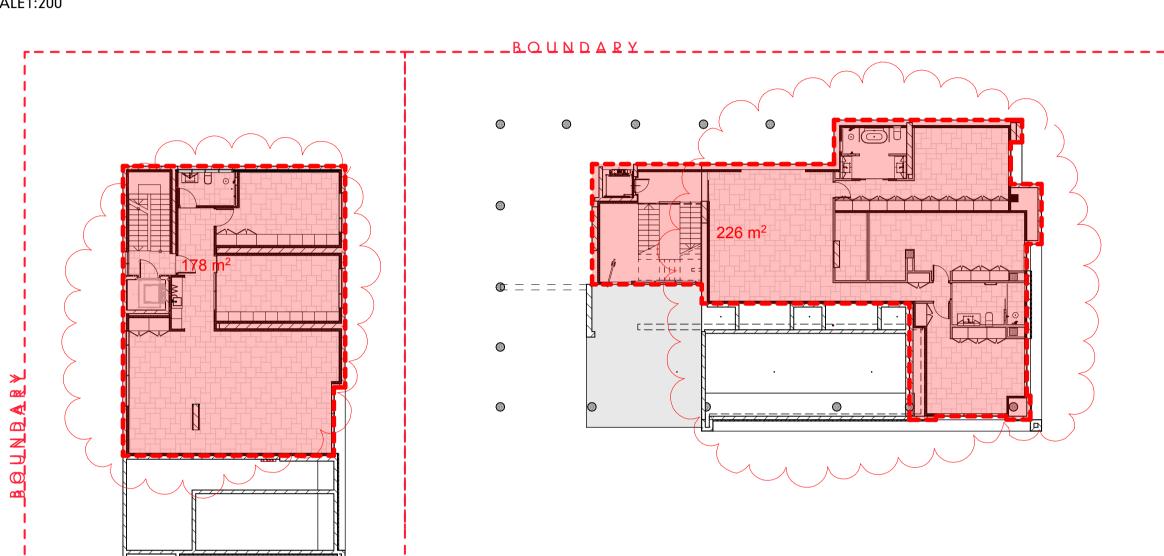
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	G-EXT	103
	G-GBA	210
LEVEL 01		
	G-GBA	226
LEVEL 02		
	G-EXT	183
	G-GBA	257
	GP-EXT	53
LEVEL 03	-	1
	G-EXT	87
	G-GBA	232
		1,349 m ²

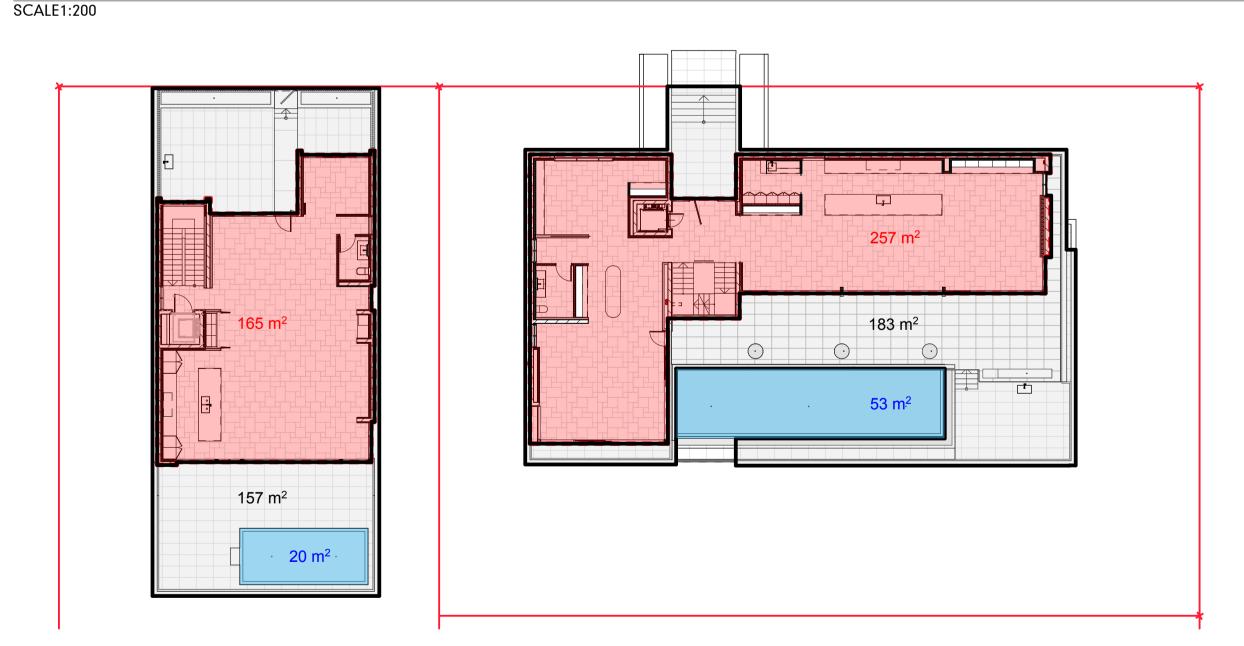


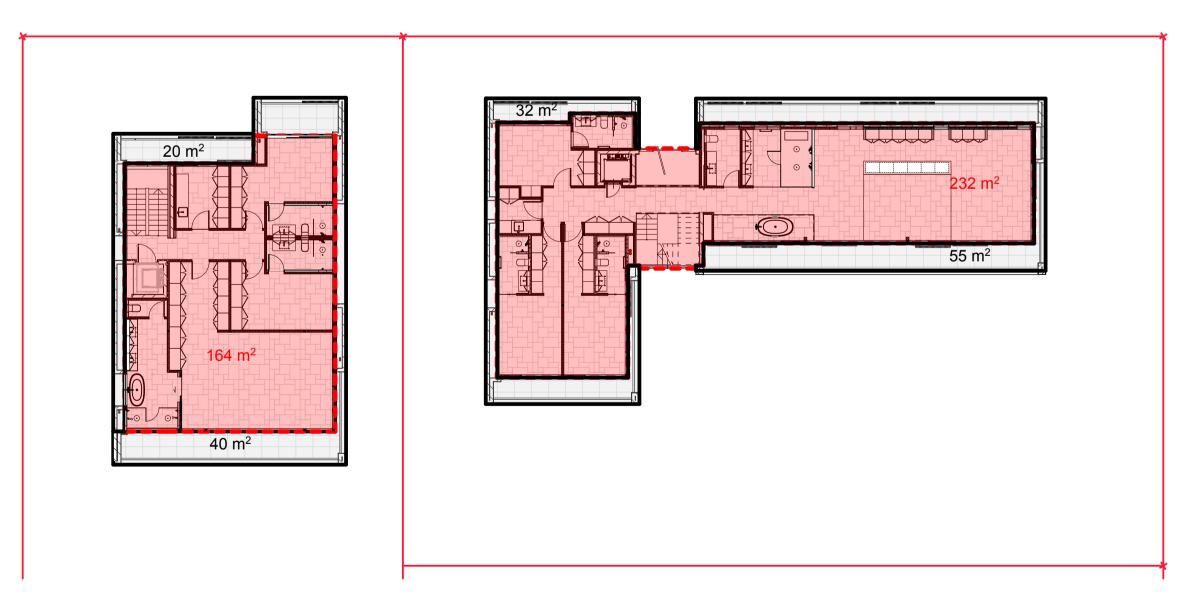


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	V-GBA	132
LEVEL 01		'
	V-GBA	178
LEVEL 02		
	V-EXT	157
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	VP-EXT	20
LEVEL 03		
	V-EXT	61
	VR-GBA	164
		887 m ²

R	ESIDENCE T	HREE AREA
		Area
LEVEL -01		
	TR-GAR	79
	TR-GBA	65
LEVEL 00		
	T-EXT	12
	TP-EXT	155
	TR-GBA	356
		667 m ²

LEVEL 01 SCALE1:200





LEVEL 02 SCALE1:200

LEVEL 03 SCALE1:200



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			Architecture Master Planning Interiors
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PROJECT GURNER01 - RESIDENCE 01 69-73 MURPHY STREET PORT DOUGLAS Lot 2 on RP724386				SCALE 1:2.2	3, 1:3.	DRAWN	JR; KS	CHECKED	G.H.
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