

30 September 2026

Administration Office
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Enquiries: Kieren Nyko
Our Ref: CA 2026_5907/1 (Doc ID 1394046)
Your Ref: 2026-03-23 - MONTAWOOD

Montawood Pty Ltd
C/- Daniel Favier T/A Aspire Town Planning and Project Services
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

Negotiated Decision Notice
Development Application for Combined Material Change of Use for Multiple Dwellings
and Short-Term Accommodation and Reconfiguring a Lot (2 Lots into 4 Lots, Common
Property and Creation of a Services Easement over Adjacent Land)
At 9, 11 & 13 Davidson Street, Port Douglas
On Land Described as: Lot 1 RP738379, Lot 613 PTD2092 & Lot 612 PTD2092

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

Please quote Council's application number: CA 2026_5907/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Kieren Nyko on telephone 07 4099 9444.

Yours faithfully



Neil Beck
Team Leader Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

- Negotiated Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Negotiated Decision Notice

Approval (with conditions)

Given under s 76 of the Planning Act 2016

Applicant Details

Name: Montawood Pty Ltd

Postal Address: C/- Daniel Favier T/A Aspire Town Planning and Project Services
PO Box 1040
MOSSMAN QLD 4873

Email: admin@aspireqld.com

Property Details

Street Address: 9 Davidson Street, Port Douglas, 11 Davidson Street, Port Douglas & 13 Davidson Street, Port Douglas

Real Property Description: Lot 1 RP738379, Lot 613 PTD2092 & Lot 612 PTD2092

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Combined Application for Material Change of Use for Multiple Dwellings and Short-Term Accommodation and Reconfiguring a Lot (2 Lots into 4 Lots, Common Property and Creation of a Services Easement over Adjacent Land)

Decision

Date of Decision: 30 September 2026. (This Negotiated Decision Notice replaces the Decision Notice issued 26 August 2026)

Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

The approved plans remain the same as the approved plans in the Decision Notice dated 26 August 2026. The approved plans are referenced below.

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
COVER PAGE	No Reference	11 February 2026
CONTENTS	No Reference	11 February 2026

Drawing or Document	Reference	Date
SITE	No Reference, Issue: DA1, Prepared by Hunt Design	11 February 2026
SITE PLAN – EXISTING	Drawing No: 1.2, Issue: DA1, Prepared by Hunt Design	11 February 2026
SITE ANALYSIS	Drawing No: 1.3, Issue: DA1, Prepared by Hunt Design	11 February 2026
SITE PLAN	Drawing No: 1.5, Issue: DA1, Prepared by Hunt Design	11 February 2026
MASTER PLAN – GROUND FLOOR LEVEL	Drawing No: 2.1, Issue: DA1, Prepared by Hunt Design	11 February 2026
MASTER PLAN – FIRST FLOOR LEVEL	Drawing No: 2.2, Issue: DA1, Prepared by Hunt Design	11 February 2026
MASTER PLAN – ROOF LEVEL	Drawing No: 2.3, Issue: DA1, Prepared by Hunt Design	11 February 2026
GROSS FLOOR AREA (GFA)	Drawing No: 2.4, Issue: DA1, Prepared by Hunt Design	11 February 2026
ELEVATIONS E1 + E2	Drawing No: 3.1, Issue: DA1, Prepared by Hunt Design	11 February 2026
ELEVATIONS E3 + E4	Drawing No: 3.2, Issue: DA1, Prepared by Hunt Design	11 February 2026
SECTIONS (4.1)	Drawing No: 4.1, Issue: DA1, Prepared by Hunt Design	11 February 2026
SECTIONS (4.2)	Drawing No: 4.2, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - DAVIDSON STREET	Drawing No: 5.1, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - DAVIDSON STREET - VERGE WITH INDICATIVE PLANTING	Drawing No: 5.2, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - ARRIVAL	Drawing No: 5.3, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - VILLA 1 ENTRY	Drawing No: 5.4, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - VILLA 1 ALFRESCO	Drawing No: 5.5, Issue: DA1, Prepared by Hunt Design	11 February 2026

Drawing or Document	Reference	Date
VISUALISATION - VILLA 2 ENTRY	Drawing No: 5.6, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - VILLA 2 ALFRESCO	Drawing No: 5.7, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - VILLA 4 ALFRESCO	Drawing No: 5.8, Issue: DA1, Prepared by Hunt Design	11 February 2026
VISUALISATION - FROM MOTEL	Drawing No: 5.9, Issue: DA1, Prepared by Hunt Design	11 February 2026
COVER SHEET AND GENERAL NOTES	Job No: 262925, Drawing No: L00, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
SITE MAP	Job No: 262925, Drawing No: L01, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
OVERALL LANDSCAPE PLAN/ EXISTING TREES	Job No: 262925, Drawing No: L02, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
PLANTING PLAN VILLA 1	Job No: 262925, Drawing No: L03, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
PLANTING SCHEDULE VILLA 1 & 2	Job No: 262925, Drawing No: L04, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
PLANTING PLAN VILLA 2	Job No: 262925, Drawing No: L05, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
PLANTING PLAN VILLA 3	Job No: 262925, Drawing No: L06, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
PLANTING PLAN VILLA 4	Job No: 262925, Drawing No: L07, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
LANDSCAPE NOTES	Job No: 262925, Drawing No: L08, Issue: IA, Prepared by Suzan Quigg Landscape Design	16 February 2026
EXTERNAL SEWERAGE	Job No: K-15080, Sheet: C01, Issue P1, Prepared by KFB Engineers	8 April 2026

Amendments to Assessment Manager Conditions

Condition 17 has been removed and replaced as outlined below.

External Works

~~17. Undertake the following works external to the land at no cost to Council:~~

- ~~a. Prior to the issue of a development permit for Building Work, an application for Operational Work must be submitted to Council for on-street works. The on-street works design must provide bitumen widening to the Davidson Street frontage including the provision of new kerb and channel consistent with the properties at 7 Davidson Street and 15-17 Davidson Street, Port Douglas.~~

~~The design drawings must include the location of existing street lighting, kerb and channel, stormwater drainage, underground electricity and telecommunications, the pedestrian footpath, road pavement, street trees and root protection zones and any proposed street islands, or driveway crossovers. The works must include the frontage of 9 Davidson Street, 11 Davidson Street and 13 Davidson Street, Port Douglas.~~

- ~~b. Provision of a single shared concrete crossover in accordance with FNQROC Development Manual Standard Drawing S1105 as shown on Drawing No: 2.1, Titled: Master Plan — Ground Level, Prepared by Hunt Design, Dated: 11 February 2026.~~
- ~~c. Planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Davidson Street road reserve;~~
- ~~d. Repair of any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel, stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.~~

~~Advice Note: The applicant may seek to provide a non-standard kerb and channel design to avoid existing infrastructure. This may involve altering the alignment of the kerb or offsetting the kerb as to avoid the light pole.~~

~~All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.~~

~~The external works outlined in 17 a. constitute Operational Works. Such work must be approved and constructed prior to Commencement of Use.~~

~~Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the Planning Act 2016.~~

External Works

17. Undertake the following works external to the land at no cost to Council:

- a. Install a barrier kerb and channel and bitumen widening to the frontage of the site connecting to the existing infrastructure at 15-17 Davidson Street, Port Douglas. Where the applicant elects to also undertake works to the frontage of 9 Davidson Street, Port Douglas as part of this Development Permit, Council will enter into an

agreement to cover the costs for the relocation of the existing light pole should the pole require relocation.

- b. The design drawings provided as part of an Operational Work application must include the location of existing street lighting, kerb and channel, stormwater drainage, underground electricity and telecommunications, the pedestrian footpath, road pavement, garden islands, street trees and root protection zones. The works must at a minimum include the frontage of 11 Davidson Street and 13 Davidson Street, Port Douglas.
- c. Provision of a single shared concrete crossover in accordance with FNQROC Development Manual Standard Drawing S1105 as shown on Drawing No: 2.1, Titled: Master Plan – Ground Level, Prepared by Hunt Design, Dated: 11 February 2026;
- d. Planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Davidson Street road reserve;
- e. Repair of any damage to the existing roadway and footpath (including removal of concrete slurry from footways, roads, kerb and channel, stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Advice Note: The above condition is a requirement of Performance Outcome PO12 of the Infrastructure works code of the Douglas Shire Planning Scheme 2018 and seeks to provide the following purpose and function:

- *The kerb will ensure that stormwater directed from the crossfall of the road is controlled and does not cause a nuisance to the development, does not pond or impact on the use of the footpath by occupants and visitors of the development and the broader community.*
- *The kerb will create a physical barrier between the road and footpath, improving safety for pedestrians of the development and broader community and protecting existing infrastructure.*
- *The kerb will discourage drivers from informally parking vehicles across the footpath and site frontage once the land is developed.*

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined in 17 a. constitute Operational Work. Such work must be approved and constructed prior to Commencement of Use or approval and dating of the Plan of Survey whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the Planning Act 2016 however Council are willing to contribute to the works as detailed above.

Assessment Manager Negotiated Conditions & Advices

Condition 17 has been removed and replaced. All other development conditions remain the same as outlined in the Decision Notice dated 26 August 2026. The development conditions are referenced below for Part A.

General

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

Timing of Effect

2. The conditions of Part A – Material Change of Use must be effected prior to Commencement of Use and the endorsement of a Survey Plan except otherwise nominated in the conditions of approval.

Maintain the Approved Development

3. Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval at all times.

Notice of Intention to Commence Use

4. Written notice must be given to Council that the development fully complies with this Development Permit prior to Commencement of Use.

Limitation of Land Use

5. The subject Development Permit grants approval for the land uses of Multiple Dwelling and Short-Term Accommodation to be used interchangeably for each villa.

Advice Note: Where a land use is established long term the alternative land use will remain valid. For example, if an individual villa is being used for Multiple Dwelling (Permanent Accommodation), then the Short Term Accommodation land use may be commenced/ re-commenced at a later point in time.

External Water Supply and Sewerage Works

6. Prior to the issue of a development permit for Building Work, an application for Operational Work must be submitted to Council for the modifications to Council's sewerage network, generally in accordance with the External Sewerage Drawing, Job No: K-15080, Sheet C01, Issue P1, Prepared by KFB Engineers, Dated 8 April 2026.

The application must include engineering drawings based on surveyed manhole invert levels, and be prepared and certified by a Register Professional Engineer of Queensland (RPEQ), for the following works:

- a. Excavation, demolition, and removal of existing manhole MH5 and the existing 150mm diameter sewer main to manhole MH4;
- b. Modification of manhole MH4 to function as an end of line manhole as per (FNQROC S3000) including sealing of the redundant pipe penetration and modification to floor benching; and
- c. A single property connection to Council's sewerage network connecting to either the existing manhole MH3 (FNQROC S3005 Type E) or to the existing 150mm diameter sewer main between MH3 and MH4 (FNQROC S3005 Type E2).

Advice Note: The external works outlined above constitute Operational Works. Approval for Operational Works must be obtained prior to the issue of a Development Permit for

Building Work. Such works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be completed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Inspection of Sewers

7. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Internal Water Supply and Sewerage Works

8. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection; and
 - c. Any water supply sub-metering must be designed and installed in accordance with the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the survey plan, whichever occurs first.

Damage to Council Infrastructure

9. In the event that any part of Council's existing sewer/water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.

Drainage Within Easement

10. Prior to the issue of a development permit for Building Work, provide a site-specific stormwater drainage plan that demonstrates that post development stormwater can be directed to a lawful point of discharge without creating an unacceptable risk internally and externally to the site.

The plan should include;

- a. The contributing catchment boundaries and proposed easement footprint;
- b. Sectional drawings showing how stormwater from Lots 612 and 613 on PTD2092 will discharge into the easement, and how the easement will convey stormwater to Council's stormwater drainage network;
- c. Details showing any proposed drainage infrastructure, including pipe and inlet dimensions.
- d. The location of any additional stormwater pits required to ensure that Lot 1 on RP738379 maintains a suitable stormwater solution.
- e. Details showing how stormwater captured in the proposed atriiums will be conveyed to Council's stormwater network in Owen Street.

Advice Note: Based on the application material, Council Officers understand that stormwater is proposed to be directed to a newly created stormwater easement in Lot 1 RP738379.

Stormwater Drainage Easement

11. Prepare for lodgement with the Titles Registry the following private stormwater drainage

easement, as shown on the approved plan, titled; ROL Plan, Drawing No: 1.4, Issue DA1, Prepared by Hunt Design, Dated 11 February 2026.

- a. A private stormwater drainage easement having a minimum width of 1 metre burdening Lot 1 on RP738379 to the benefit of the upstream lot/s.
- b. Private stormwater drainage easements over all other proposed inter-allotment drainage infrastructure which provides benefit to upstream lots.

The private drainage must be created prior to Council approval of the Plan of Subdivision. The easements must be:

- i. Supported by a completed Form 9 (Titles Registry Form);
- ii. Drafted to ensure maintenance of the infrastructure within the easement is not the responsibility of Council;
- iii. Executed by the relevant landowner/s;
- iv. Prepared at no cost to Council; and
- v. Lodged with Titles Queensland (Titles Registry).

Disability Access

12. Prior to the commencement of use, an all-abilities access must be provided from the parking area to the Dwellings/ Short Term Accommodation in accordance with the relevant Australian Standards.

Vehicle Parking

13. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained with a minimum of two on-site car parking spaces provided for each dwelling unit.

Electricity and Telecommunications Supply

14. The Development must be connected to the existing below ground electricity reticulation supply and telecommunications infrastructure. All works must be designed and provided to service the development in accordance with the requirements of Section D8.04, D8.05 and D8.06 of the FNQROC Development Manual.

Lighting

15. The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Advertising Devices

16. Signage for the Short-Term Accommodation must meet with the self-assessable provisions of the Advertising Devices code. Where signage cannot meet with the code requirements, the signage will be subject to a separate Development Permit.

External Works

17. Undertake the following works external to the land at no cost to Council:
 - a. Install a barrier kerb and channel and bitumen widening to the frontage of the site connecting to the existing infrastructure at 15-17 Davidson Street, Port Douglas. Where the applicant elects to also undertake works to the frontage of 9 Davidson Street, Port Douglas as part of this Development Permit, Council will enter into an agreement to cover the costs for the relocation of the existing light pole should the pole require relocation.
 - b. The design drawings provided as part of an Operational Work application must include the location of existing street lighting, kerb and channel, stormwater drainage, underground electricity and telecommunications, the pedestrian

footpath, road pavement, garden islands, street trees and root protection zones. The works must at a minimum include the frontage of 11 Davidson Street and 13 Davidson Street, Port Douglas.

- c. Provision of a single shared concrete crossover in accordance with FNQROC Development Manual Standard Drawing S1105 as shown on Drawing No: 2.1, Titled: Master Plan – Ground Level, Prepared by Hunt Design, Dated: 11 February 2026;
- d. Planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Davidson Street road reserve;
- e. Repair of any damage to the existing roadway and footpath (including removal of concrete slurry from footways, roads, kerb and channel, stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Advice Note: The above condition is a requirement of Performance Outcome PO12 of the Infrastructure works code of the Douglas Shire Planning Scheme 2018 and seeks to provide the following purpose and function:

- *The kerb will ensure that stormwater directed from the crossfall of the road is controlled and does not cause a nuisance to the development, does not pond or impact on the use of the footpath by occupants and visitors of the development and the broader community.*
- *The kerb will create a physical barrier between the road and footpath, improving safety for pedestrians of the development and broader community and protecting existing infrastructure.*
- *The kerb will discourage drivers from informally parking vehicles across the footpath and site frontage once the land is developed.*

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined in 17 a. constitute Operational Work. Such work must be approved and constructed prior to Commencement of Use or approval and dating of the Plan of Survey whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the Planning Act 2016 however Council are willing to contribute to the works as detailed above.

Existing Footpath and Kerb Ramp

18. Where existing footpaths or kerb ramps are damaged or required to be modified as a result of development and any associated works, footpaths and kerb ramps are reinstated prior to Commencement of Use, ensuring:
 - a. the damaged panel (not less than a 1.2 metre section) is replaced;
 - b. similar surface finishes are used; and
 - c. it is to the relevant standards contained in Planning Scheme Policy – FNQROC Regional Development Manual – Standard Drawing S1035.

Removal of Existing Vegetation

19. The removal of three (3) Leopard Trees, one (1) Mango Tree and one (1) Bush Lemon

as shown on approved Landscape Plan, titled; Overall Landscape Plan/ Existing Trees, Drawing No: L02, Issue; 1A, prepared by; Suzan Quigg Landscape Design, dated; 16 February 2026 must not occur prior to the issue of a Development Permit for Building Work.

Council must be notified two (2) business days prior to the proposed date of commencement of the vegetation clearing.

Landscaping Plan

20. The landscaping must be constructed generally in accordance with the Approved Landscaping Drawings, Titled; Landscape Documentation, Job No: 262925, Issue: 1A, Prepared by; Suzan Quigg Landscape Design, Dated; 16 February 2026, subject to the following modifications:

- a. The two Cassia Javanica trees proposed along the street frontage are to be substituted with an alternative species appropriate to be planted near the verge and footpath. The selected species should not have surface roots.
- b. The two Barringtonia Acutangular trees located along the boundary of Villa 3 are not suitable to be planted near the adjacent Council sewer and should be replaced with an appropriate species.

Approval of the substitute species must be sought in writing prior to commencing the landscaping work. The request should be sent to enquiries@douglas.qld.gov.au.

Landscape Installation

21. Ensure all plants, materials, hardscape and watering systems identified on the approved plan(s) are installed in a manner consistent with AS 2303:2018 Tree stock for landscape use and AS 4419:2003 Soils for landscaping and garden use and maintained at all times.

Minimum Fill and Floor Levels

22. All floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Stockpiling and Transportation of Fill Material

23. Soil excavated from the site is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
- b. before 7:00 am or after 6:00 pm Monday to Friday;
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

Emissions

24. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Lawful Point of Discharge

25. Stormwater from the property must be directed to a lawful point of discharge being the proposed drainage easement in Lot 1 on RP738379 such that it does not adversely affect surrounding properties or properties downstream from the development.

Ponding and/or Concentration of Stormwater

26. The development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Sediment and Erosion Control

27. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. ESCP plans must be provided for the following stages of the development;
- stripping and grubbing stage;
 - filling stage; and
 - pad and building construction stage.

All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

Measures nominated in the approved ESCP must be implemented and maintained to the satisfaction of the Chief Executive Officer throughout each stage of the development.

Refuse Storage Area

28. Area for two 240L wheelie bins must be provided for each Dwelling Unit.

Air-conditioning, Plant and Machinery Screens

29. Air-Conditioning, Plant and Machinery units located above ground level and visible from external properties or the street at the frontage of the land must be screened from view with appropriate materials or landscaping prior to commencement of use and at all times.

Street Numbering

30. The development is to provide clear and legible street numbering and must be maintained at all times while the use is occurring on the site.

Construction Signage

31. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
- Developer;
 - Project Coordinator;
 - Architect/Building Designer;
 - Builder;
 - Civil Engineer;
 - Civil Contractor;
 - Landscape Architect.

Storage of Machinery and Plant

32. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Acid Sulfate Soils Investigation

33. The pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that

PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.

PART B – RECONFIGURING A LOT (2 LOTS INTO 4 LOTS, COMMON PROPERTY AND CREATION OF A SERVICES EASEMENT OVER ADJACENT LAND)

Approved Drawing(s) and/or Document(s)

The approved plans remain the same as the approved plans in the Decision Notice dated 26 August 2026. The approved plans are referenced below.

The term approved drawing(s) and/or document(s) or other similar expressions means the following plans.

Drawing or Document	Reference	Date
ROL PLAN	Drawing No: 1.4, Issue: DA1, Prepared by Hunt Design	11 February 2026

Assessment Manager Negotiated Conditions & Advices

The development conditions and advices remain the same as outlined in the Decision Notice dated 26 August 2026. The development conditions and advices are referenced below for Part B.

General

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

Maintain the Approved Development

2. Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval at all times.

Timing of Reconfiguration

3. The conditions of this Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval. The Compliance Certificate for the Plan of Survey cannot be applied for prior to:
 - a. The under slab must be completed for all dwellings with the relevant building inspection undertaken. The slab must be deemed satisfactory with the relevant documentation submitted to Council;
 - b. Construction of each of the dwelling units must be commenced; and
 - c. The construction and completion (or suitable bonding) of all external works.

Fire Separation

4. The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.

Stormwater Drainage Easement

5. Prepare for lodgement with the Titles Registry the following private stormwater drainage easements, as shown on the approved plan, titled; ROL Plan, Drawing No: 1.4, Issue DA1, Prepared by Hunt Design, Dated 11 February 2026.

- a. A private stormwater drainage easement having a minimum width of 1 metre burdening Lot 1 on RP738379 to the benefit of the upstream lot/s.
- b. Private stormwater drainage easements over all other proposed inter-allotment drainage infrastructure which provides benefit to upstream lots.

The private drainage must be created prior to Council approval of the Plan of Subdivision. The easement/s must be:

- i. Supported by a completed Form 9 (Titles Registry Form);
- ii. Drafted to ensure maintenance of the infrastructure within the easement is not the responsibility of Council;
- iii. Executed by the relevant landowner/s;
- iv. Prepared at no cost to Council; and
- v. Lodged with Titles Queensland (Titles Registry).

Private Drainage Assets

6. All drainage pits and associated pipework contained within the lot boundaries of this development site must be private infrastructure and must not become an asset of Council, unless otherwise specified by an associated Council approval.

Electricity and Telecommunications

7. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.
4. It is advised that a suitably qualified surveyor be engaged to survey the allotment boundaries prior to undertaking the earthwork/construction of the Multiple dwelling/ Short term accommodation use.

Adopted Infrastructure Charges Notice

The Adopted Infrastructure Charges remain the same as outlined in the Infrastructure Charges Notice dated 26 August 2026. The Infrastructure Charges Notice is attached to this Negotiated

Decision Notice.

5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution (No.2) 2021.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

Further Development Permits

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

- Building Work
- Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency	2603-51306 SRA	29 April 2026	1368410

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)
Part A – Material Change of Use



DEVELOPMENT APPLICATION

RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION

11 & 13 DAVIDSON STREET
PORT DOUGLAS, QLD 4877

11 February 2026

CONTENTS

No.	DRAWING NAME	DATE	STATUS
DEVELOPMENT APPLICATION			
	COVER SHEET	-	
	CONTENTS	-	
1 SITE			
1.1	SITE	-	PRELIMINARY
1.2	SITE PLAN - EXISTING	-	PRELIMINARY
1.3	SITE ANALYSIS	-	PRELIMINARY
1.4	BDL PLAN	-	PRELIMINARY
1.5	SITE PLAN	-	PRELIMINARY
2 MASTER PLANS			
2.1	MASTER PLAN - GROUND FLOOR LEVEL	-	PRELIMINARY
2.2	MASTER PLAN - FIRST FLOOR LEVEL	-	PRELIMINARY
2.3	MASTER PLAN - ROOF LEVEL	-	PRELIMINARY
2.4	GROSS FLOOR AREA (GFA)	-	PRELIMINARY
3 ELEVATIONS			
3.1	ELEVATIONS E1 + E2	-	PRELIMINARY
3.2	ELEVATIONS E3 + E4	-	PRELIMINARY
4 SECTIONS			
4.1	SECTIONS	-	PRELIMINARY
4.2	SECTIONS	-	PRELIMINARY
5 VISUALISATIONS			
5.1	VISUALISATION - DAVIDSON STREET	-	PRELIMINARY
5.2	VISUALISATION - DAVIDSON STREET - ...	-	PRELIMINARY
5.3	VISUALISATION - ARRIVAL	-	PRELIMINARY
5.4	VISUALISATION - VILLA 1 ENTRY	-	PRELIMINARY
5.5	VISUALISATION - VILLA 1 APFRESCO	-	PRELIMINARY
5.6	VISUALISATION - VILLA 2 ENTRY	-	PRELIMINARY
5.7	VISUALISATION - VILLA 2 APFRESCO	-	PRELIMINARY
5.8	VISUALISATION - VILLA 4 APFRESCO	-	PRELIMINARY
5.9	VISUALISATION - FROM MOTEL	-	PRELIMINARY
6.1 SURVEY			
6.1.1	SURVEY	-	PRELIMINARY

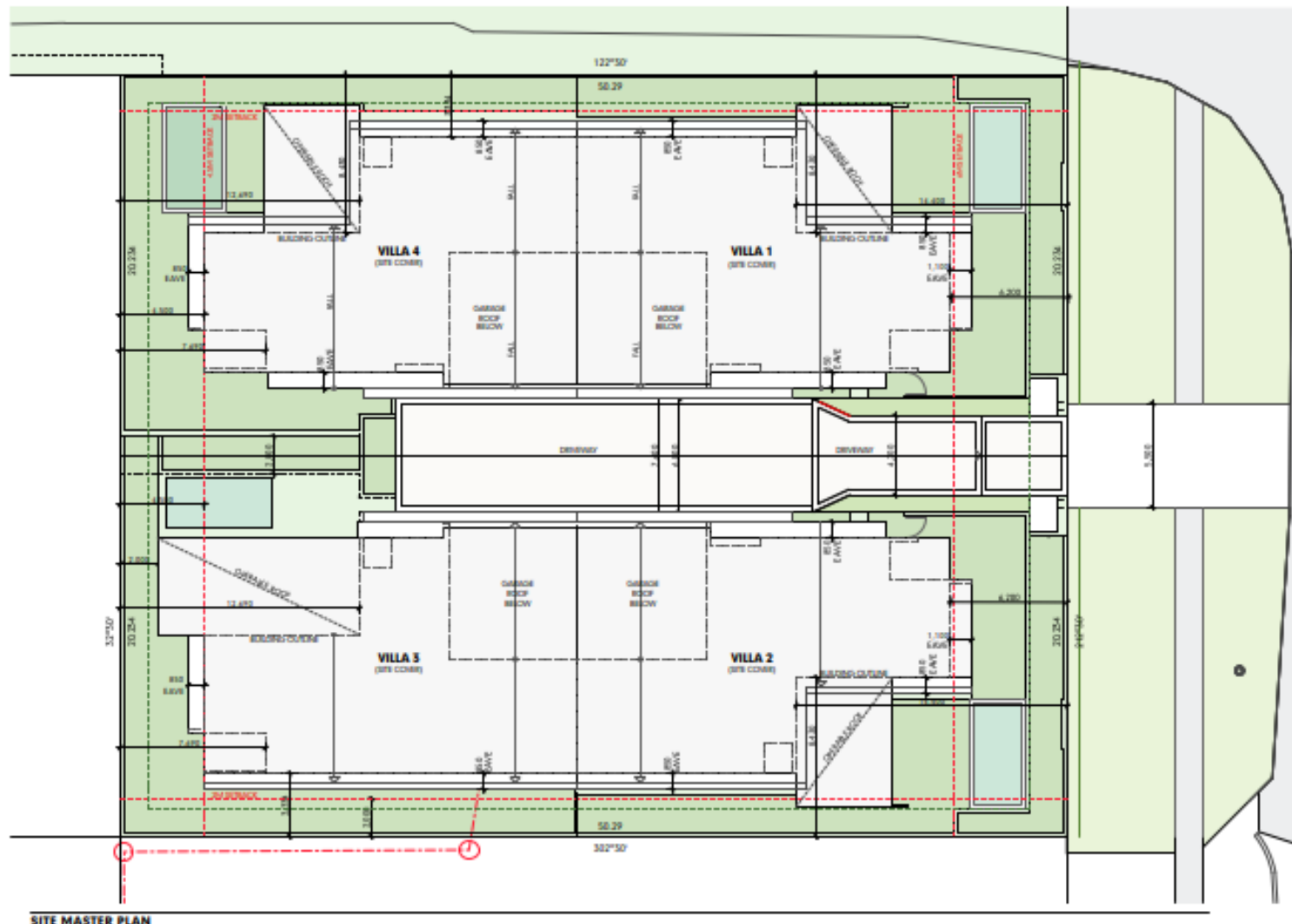
1.

SITE

RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
| 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
DEVELOPMENT APPLICATION | DA1 | 11 February 2026

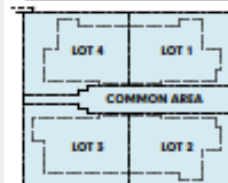
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DESIGN





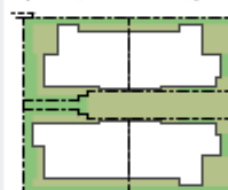
SITE PLAN | 1.5

LOT AREAS	
	AREA
COMMON AREA	253
LOT 1	445
LOT 2	445
LOT 3	446
LOT 4	446
SITE AREA	2,035 m²



SITE COVER AREAS	
	AREA
VILLA 1	251
VILLA 2	251
VILLA 3	264
VILLA 4	245
SITE COVER	1,011 m²

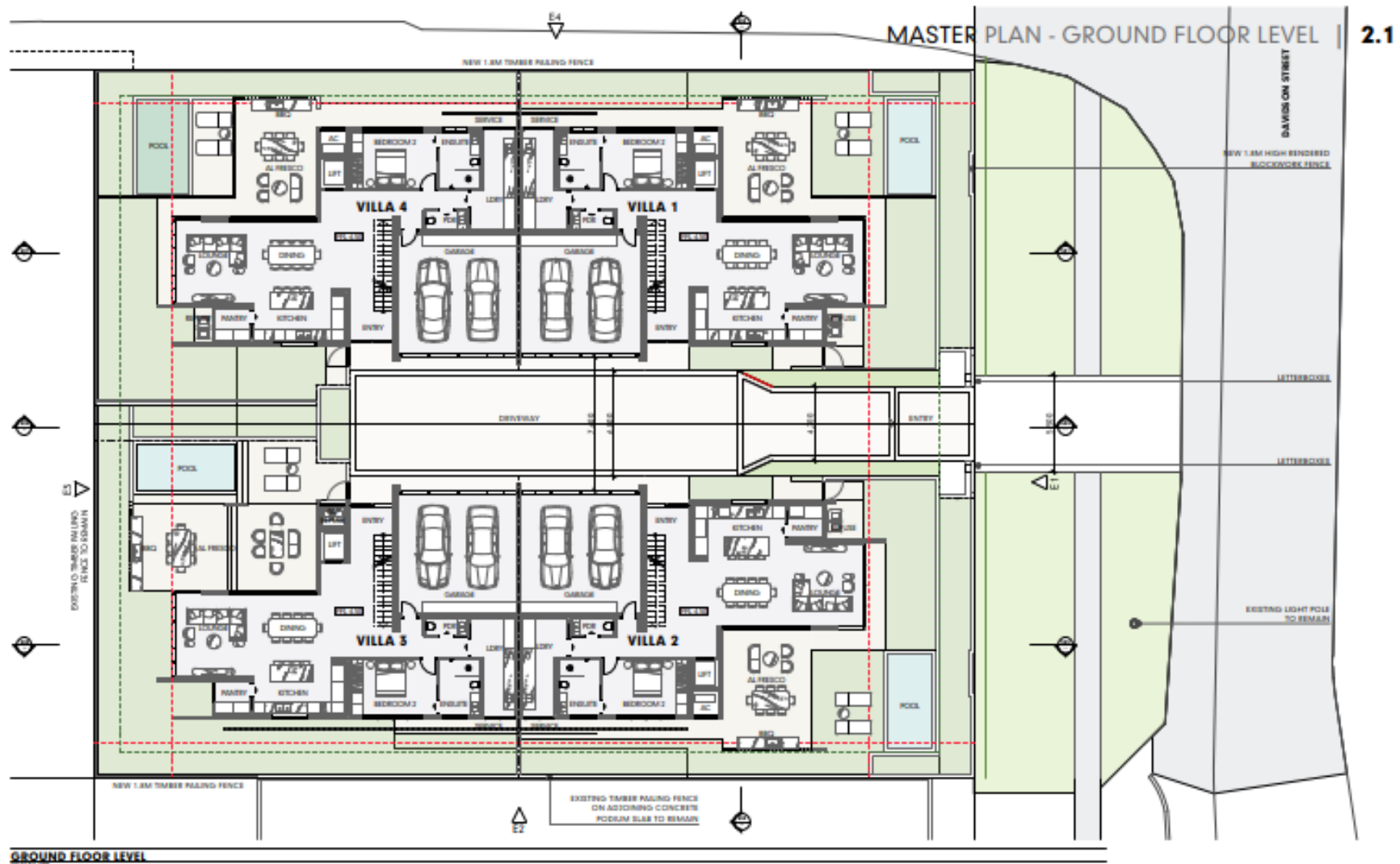
SITE COVER 50%
(MAXIMUM PERMITTED 50%)



OPEN SPACE & LANDSCAPING	
	AREA
LANDSCAPING	410
OPEN SPACE (REQUIRED 10%)	1,025 (50%)
LANDSCAPE PERCENTAGE OF SITE AREA	20%

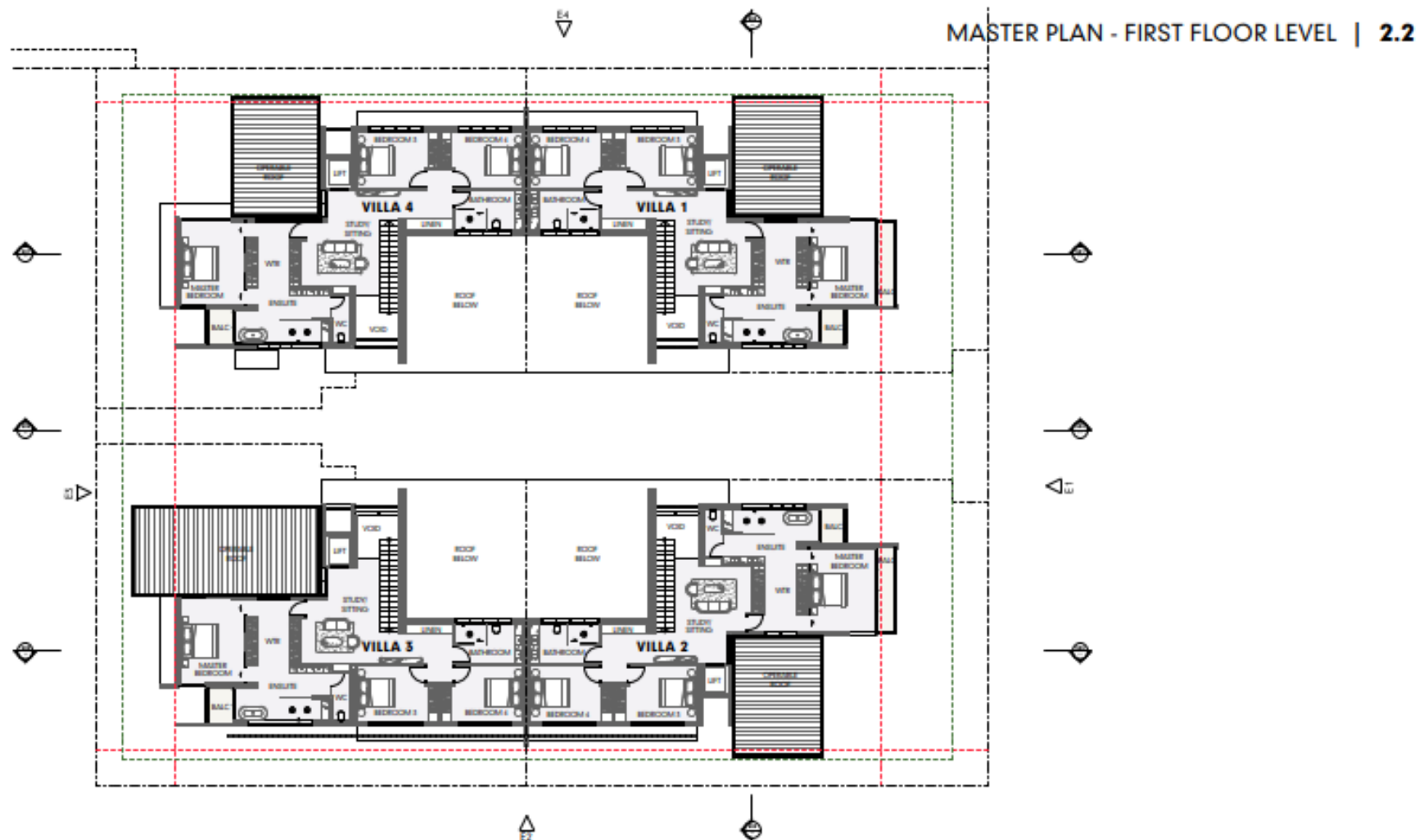
RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
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FIRST FLOOR LEVEL

RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
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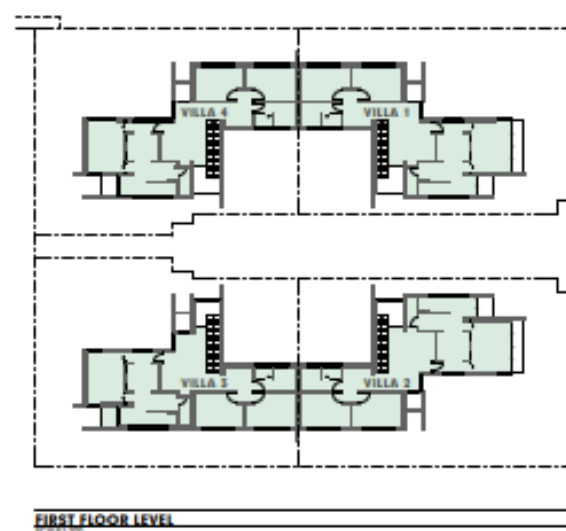
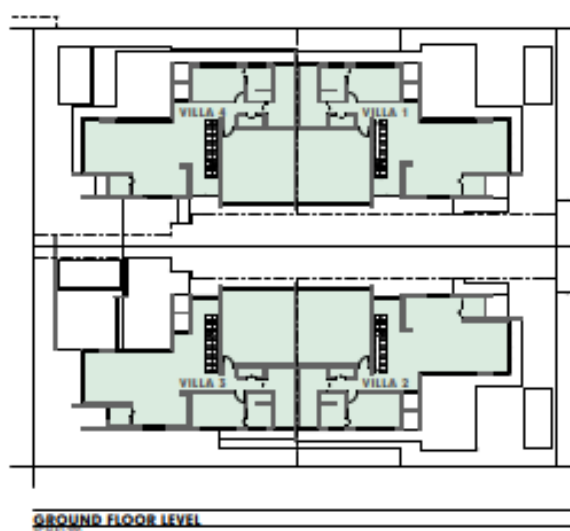


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ROOF LEVEL

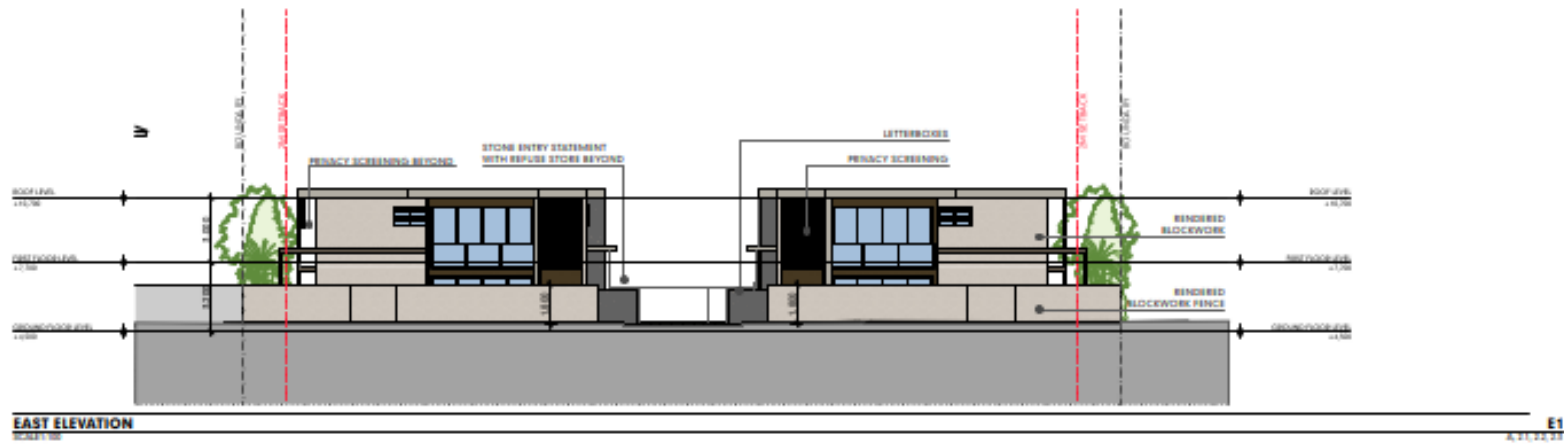


GROSS FLOOR AREA (GFA) | 2.4



GROSS FLOOR AREA (GFA) - VILLA 1	
STORY	AREA
VILLA 1 - GROUND FLOOR LEVEL	196
VILLA 1 - FIRST FLOOR LEVEL	134
	329 m ²
GROSS FLOOR AREA (GFA) - VILLA 2	
STORY	AREA
VILLA 2 - GROUND FLOOR LEVEL	196
VILLA 2 - FIRST FLOOR LEVEL	134
	329 m ²
GROSS FLOOR AREA (GFA) - VILLA 3	
STORY	AREA
VILLA 3 - GROUND FLOOR LEVEL	196
VILLA 3 - FIRST FLOOR LEVEL	137
	333 m ²
GROSS FLOOR AREA (GFA) - VILLA 4	
STORY	AREA
VILLA 4 - GROUND FLOOR LEVEL	196
VILLA 4 - FIRST FLOOR LEVEL	134
	329 m ²
GROSS FLOOR AREA (GFA) - TOTAL	
STORY	AREA
GROUND FLOOR LEVEL	788
FIRST FLOOR LEVEL	529
	1,317 m ²

ELEVATIONS E1 + E2 | 3.1



RECONFIGURING OF LOTS (2 INTO 3 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
 | 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
 DEVELOPMENT APPLICATION | DA1 | 11 February 2024

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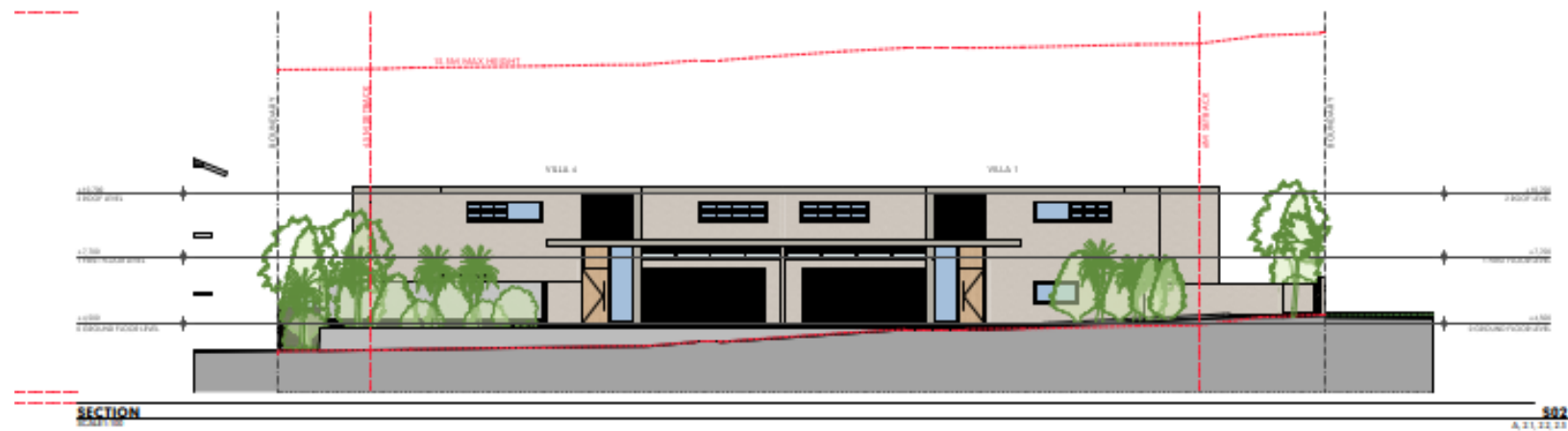
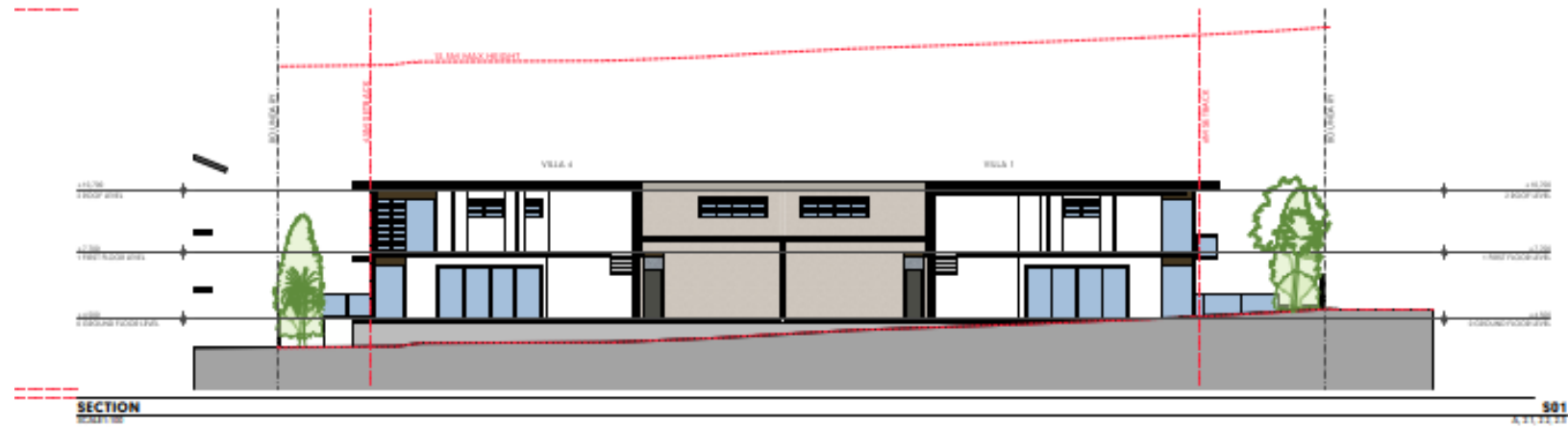
ELEVATIONS E3 + E4 | 3.2



RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
 | 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
 DEVELOPMENT APPLICATION | DA1 | 11 February 2026

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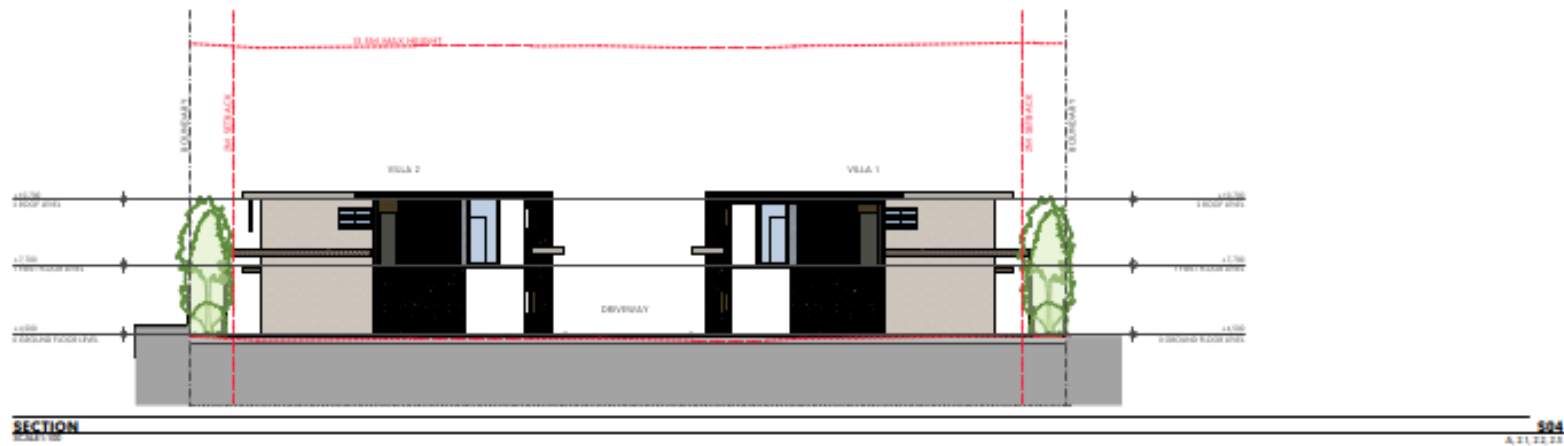
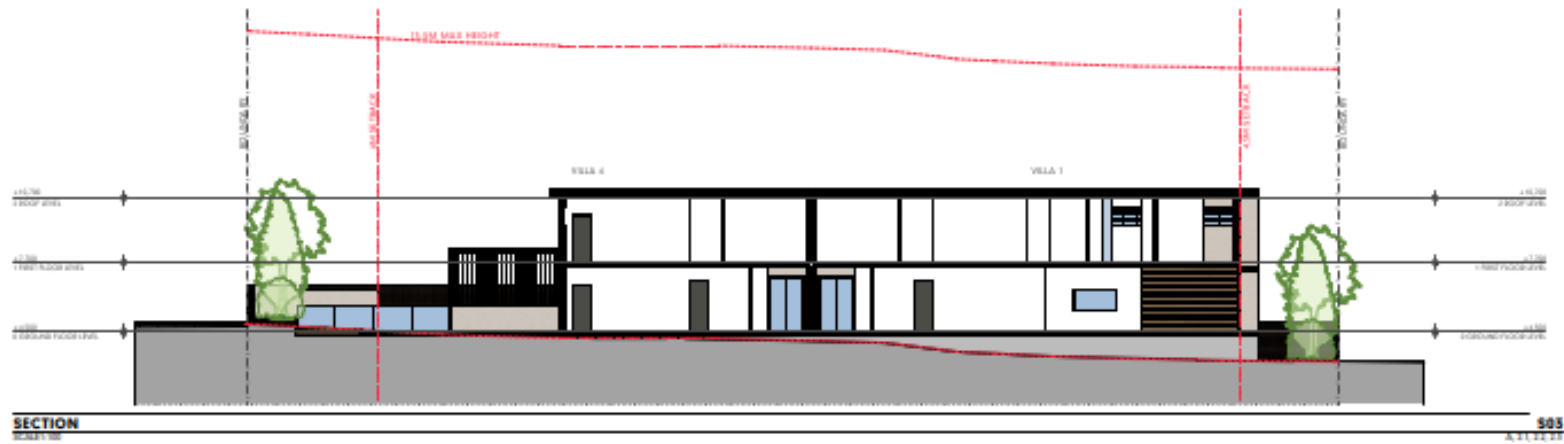
SECTIONS | 4.1



RECONFIGURING OF LOTS (2 INTO 3 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
 | 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
 DEVELOPMENT APPLICATION | DA1 | 11 February 2026

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DESIGN

SECTIONS | 4.2



RECONFIGURING OF LOTS (2 INTO 3 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
 | 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
 DEVELOPMENT APPLICATION | DA1 | 11 February 2024

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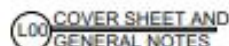






SHEET INDEX

SITE LOCATION (COPYRIGHT © GOOGLE MAPS)



CODE	BOTANICAL / COMMON NAME	SIZE	SPACING	CITY
SHRUB AREAS				
FLC-05E	FLOR. ROTUNDIFOLIA (GREEN ISLAND / GREEN ISLAND FIG)	HMMI POT	300 mm	23
NATIVE SHRUB AREA				
DRFL-01E	DRONCEA PICOIDEA (GLANDINE RIVER / GLANDINE RIVER GARDENIA)	HMMI POT	600 mm	100
GROUND COVERS				
LRB-1A	LEONTOPODIUM (EUREKIAN GRASS)	HMMI POT	600 mm	9
MGD-01E	MORICOLA (FRENCH) / FRENCH BIRCH	HMMI POT	600 mm	14
LRB-01E	LEONTOPODIUM (EUREKIAN GRASS)	HMMI POT	600 mm	9

1. REFER TO DRAWINGS, OTHERS FOR INFORMATION ON SITE SUCH AS SERVICE LOCATION. DETERMINE THE POSITION OF ALL UNDERGROUND AND OVERHEAD SERVICES ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT RELY SOLELY UPON LIMITED SERVICES INFORMATION PROVIDED ON LANDSCAPE PLANS.
2. ALL LANDSCAPE WORK WILL BE CARRIED OUT IN ACCORDANCE WITH FHQRC GUIDELINES, DOUGLAS SHIRE COUNCIL LANDSCAPE POLICIES, OTHER RELEVANT CODES AND ANY RELEVANT AUSTRALIAN STANDARDS AND NATPSIC RECOMMENDATIONS. STREET TREES AND SHRUBS SHOULD BE PLANTED IN ACCORDANCE WITH FHQRC GUIDELINES AND ADJUSTED TO SUIT STRUCTURES SUCH AS LIGHTS AND POWER POLES (SUMMARIZED ON THE DETAIL SHEETS OF THESE PLANS).
3. ANY CHANGES TO THE SUGGESTED SPECIES, INCLUDING SIZES, SHOULD BE AGREED WITH SUZAN QUIGG LANDSCAPE DESIGNS AND COUNCIL. IN WRITING PRIOR TO MAKING SUBSTITUTIONS.
4. REFER TO PLANS BY OTHERS FOR PATH AND CROSSOVER SETOUT, SERVICE LOCATIONS, JOINTING AND CONDUIT IN PAVEMENTS, ALL STRUCTURAL FIXINGS AND REINFORCEMENTS TO PAVEMENTS AND WALLS ETC., LIGHTING AND HYDRAULIC DETAILS.
5. REFER TO PLANS BY OTHERS FOR FINISHED SURFACE LEVELS. ALL NEW FINISHED SURFACES SHOULD ALIGN FLUSH WITH EXISTING SURFACE LEVELS AND RETAIN EXISTING LEVELS TO ADJACENT SURFACES UNLESS OTHERWISE INSTRUCTED BY SUPERINTENDENT.
6. THE FINAL SETOUT FOR ALL LANDSCAPING SHOULD BE CONFIRMED ON SITE BY THE SUPERINTENDENT.
7. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO CHECK ALL PLANT QUANTITIES FOR THEMSELVES ON THE PLANS WHERE PLANT NUMBERS OR SPECIES IN THE SCHEDULES DIFFER FROM THOSE ON THE PLANS. THE PLANS HAVE PRECEDENCE OVER THE SCHEDULES. THE CONTRACTOR SHOULD IMMEDIATELY CONTACT THE LANDSCAPE DESIGNER FOR CLARIFICATION IF THEY IDENTIFY ANY DISCREPANCIES AND SHOULD NOT QUOTE ON OR PLACE ORDERS BASED SOLELY ON THE SCHEDULES.
8. THE LANDSCAPE DESIGNER WILL NOT BE RESPONSIBLE FOR ANY DAMAGE OR INJURIES TO PERSONS OR PROPERTY SUSTAINED AS A RESULT OF USING THE PLANTS NOMINATED IN THIS PLAN. IT IS THE CONTRACTOR'S DUTY TO ENSURE THAT THE PLANTS CAN BE TOXIC OR ALLERGIC TO VARYING DEGREES IF INGESTED OR HANDLED IN APPROPRIATE WAY.
9. DO NOT REST UPON THE ACCURACY OF THESE PLANS AS THEY MAY HAVE BEEN REPRODUCED AT A SCALE DIFFERENT TO THAT NOMINATED ON THE PLANS. VERIFY THE SCALE BY CHECKING AGAINST THE SCALE BAR SHOWN ON THE PLANS AND DO NOT USE THESE PLANS FOR ACCURATE MEASUREMENTS WITHOUT FIRST CHECKING AGAINST OTHER PLANS SUCH AS ENGINEERING AND BUILDING PLANS.
10. IF THE LANDSCAPE CONTRACTOR IS SUBCONTRACTING TO A MAIN CONTRACTOR, THEN THE SUB-CONTRACTOR FOR THE LANDSCAPING MUST BE AWARDED EARLY ENOUGH FOR THE LANDSCAPER TO BE ABLE TO PROVIDE ALL THE SPECIES NOMINATED IN THE SIZES ADVISED.
11. THE CONTRACTOR MAY NEED TO SOURCE THESE PLANTS FROM SEVERAL NURSERIES WELL IN ADVANCE OF THE PLANTING TIMES TO ENSURE THAT THE NOMINATED SPECIES ARE AVAILABLE IN THE SIZES REQUIRED.
12. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT HE IS AT ALL TIMES IN POSSESSION OF THE LATEST REVISIONS TO THE PLANS.
13. DO NOT COPY OR DISTRIBUTE THESE PLANS WITHOUT PERMISSION FROM SUZAN QUIGG LANDSCAPE DESIGNS.

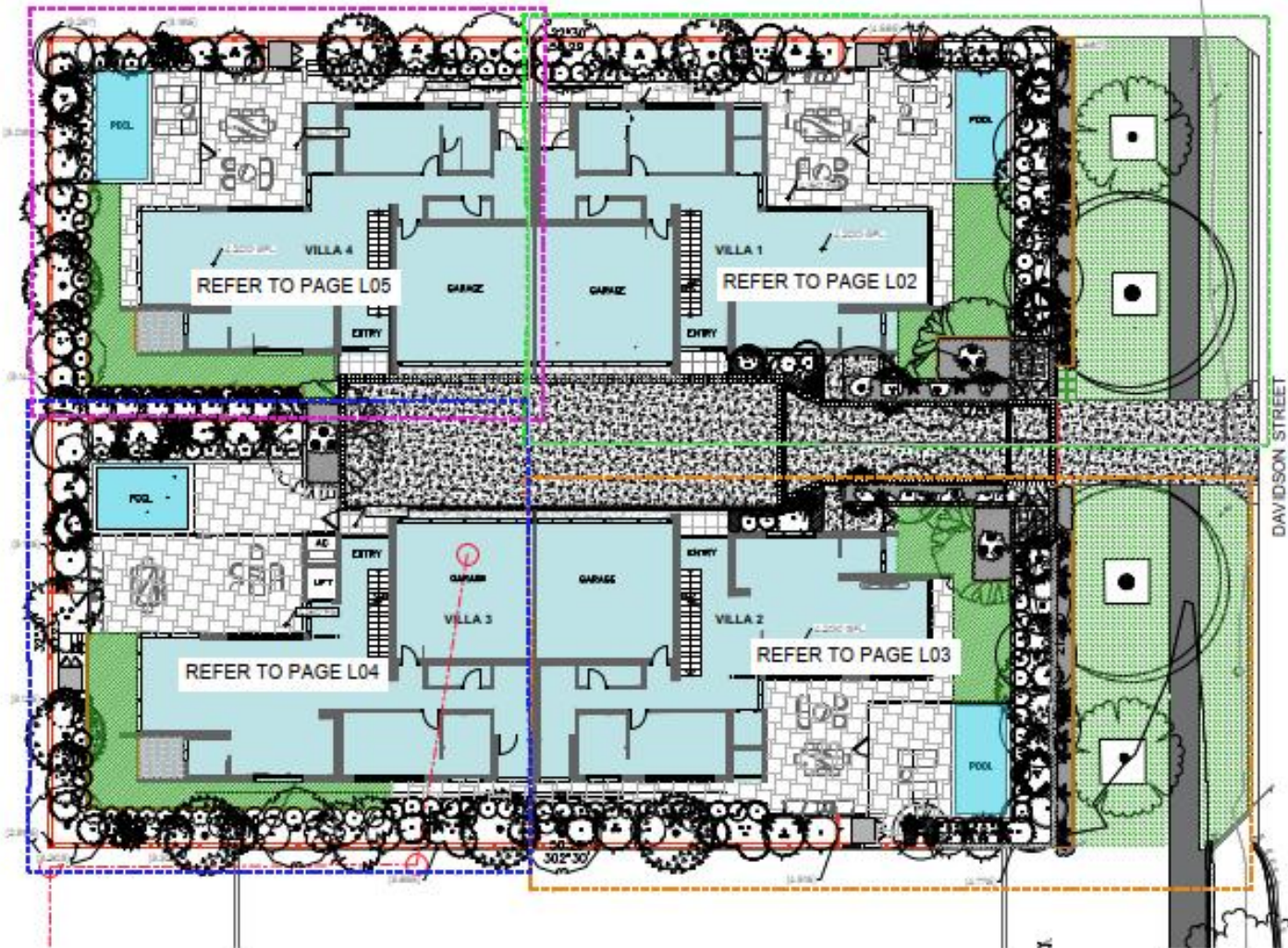
Issue	Date	Item
1	20/10/2025	ISSUE 1 - PLANS TO CLIENT
1A	16/02/2026	MINOR REVISIONS



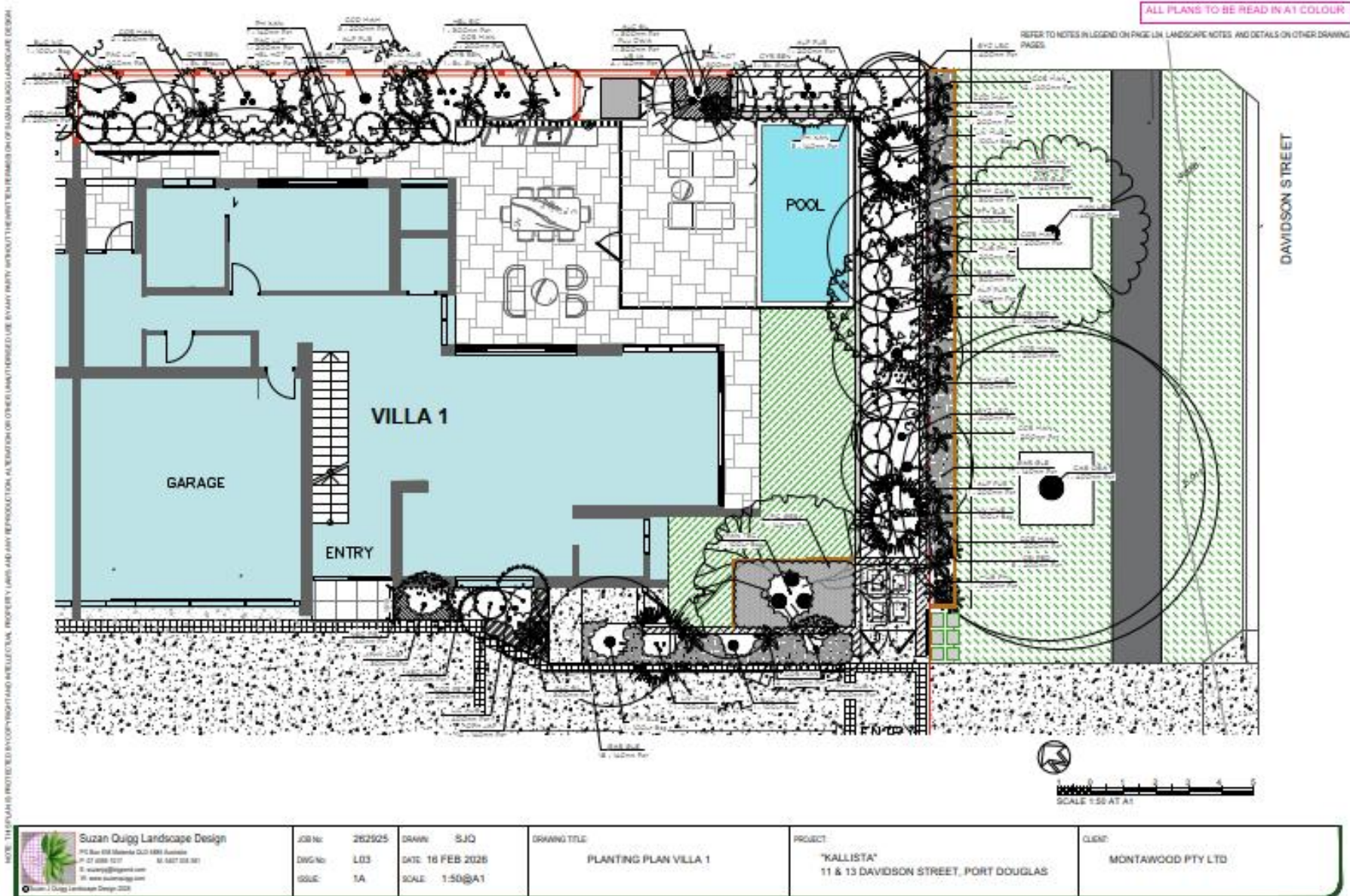
Suzan Quigg Landscape Design
PO Box 638 Malanda QLD 4885 Australia
M: 0407 035 381
E: suzanq@bigpond.com
W: www.suzanquigg.com
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ALL PLANS TO BE READ IN A1 COLOUR
REFER TO NOTES AND DETAILS ON OTHER DRAWING PAGES.



 Suzan Quigg Landscape Design P.O. Box 518 Glenelg QLD 5085 Australia Ph: 08 8366 1217 M: 0837 038 381 E: suzquigg@sqldesign.com W: www.suzanquigg.com	JOB No: 262925 DWG No: L01 ISSUE: 1A	DRAWN: SJO DATE: 16 FEB 2026 SCALE: 1:100@A1	DRAWING TITLE: SITE MAP	PROJECT: "KALLISTA" 11 & 13 DAVIDSON STREET, PORT DOUGLAS	CLIENT: MONTAWOOD PTY LTD
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ALL PLANS TO BE READ IN A1 COLOUR

PLANT SCHEDULE L03 VILLA 1

CODE	BOTANICAL / COMMON NAME	SIZE	QTY
TREES			
CAS JVA	CASSIA JAVANICA X FISTULA / RAINBOW SHOWER TREE	400MM POT	1
CYR RDN	CYRTOSTACHYS RENDI / SEALING WAX PALM	EX. GROUND	3
PLU DWA	PLUMERIA OBUSA 'DWARF' / DWARF SINGAPORE WHITE PLUMERIA	300MM POT	1
NATIVE TREES			
BRR ALD	BARRINGTONIA ACUTANGULA / FRESHWATER MANGROVE	300MM POT	2
BUC NO	BUCKINGHAMIA COLISSIMA / IVORY CURL TREE	100LT BAG	2
LIC AUS	LICUALA RAMSAYI / AUSTRALIAN FAN PALM	400MM POT	2
LYN MUE	LIVISTONA MUELLERI / NORTHERN CABBAGE TREE PALM	100LT BAG	3
MAN LTA	MANLITA LENTICELLATA / CASCAING BEAN TREE	400MM POT	1
PAN TEC	PANDANUS TECTORIUS / SCREE PINE	100LT BAG	1
PTY ELE	PTYCHOSPERMA ELEGANS / SOLITAIRE PALM	100LT BAG	4
SVZ LRD	SVYZGUM LUGHMANI / ROCKY RIVER / ROCKY RIVER BERRY LILLY PALLY	400MM POT	2
SHRUBS			
ACI BSA	ACICHA BLANDHETIA / ORANGE/ BROMELIAD	200MM POT	2
ALC SIL	ALCANTAREA IMPERIALIS / SILVER PLUM / SILVER PLUM IMPERIAL BROMELIAD	300MM POT	2
ALP PUR	ALPINA PURPURATA / RED-FLOWERING GINGER	200MM POT	6
COD HAM	CODIUM VARIEGATUM HAMMY / HAMMY CROTON	200MM POT	20
COD PET	CODIUM VARIEGATUM PETRA / PETRA CROTON	200MM POT	1
HEL HOT	HELICONIA CARIBAEA X BAHU HOT RED NIGHTS / HOT RED NIGHTS HELICONIA	300MM POT	2
HEL RCD	HELICONIA CARIBAEA X BAHU RICHMOND RED / RICHMOND RED HELICONIA	300MM POT	1
MUS PH	MUSAGIDA PHILIPICA DONA ALOROK / DONA ALOROK MUSAGIDA	300MM POT	3
PAC LUT	PACHYSTACHYS LUTEA / LULLUP PLANT	200MM POT	12
PH MAN	PHILODENDRON X MANOU / MANOU PHLODENDRON	100MM POT	12
NATIVE SHRUBS			
COR HAM	COROLINE HAMMERS-BUTTONS / BROAD LEAFED PALM LILY	200MM POT	10
CRU PED	CRUAM PEDUNGLATUM / SWAMP LILY	200MM POT	4
PHY CUS	PHYLANTHUS CUSCUTIFLORUS / PINK PHYLANTHUS	300MM POT	4

CODE	BOTANICAL / COMMON NAME	SIZE	SPACING	QTY
SHRUB AREAS				
PLU GRS	PLU ROTUNDIFOLIA / GREEN ISLAND / GREEN ISLAND PG	100MM POT	800 mm	8
NATIVE SHRUB AREA				
GRT GLE	GARDENIA FRAXINOSA / GLENNE RIVER / GLENNE RIVER GARDENIA	100MM POT	600 mm	30
GROUND COVERS				
ORV GAT	ORCHID GASTEA / EVERGREEN GRANT	100MM POT	600 mm	4
NEO FIR	NEOCOSMIA X FISTULA / FISTULA BROMELIAD	100MM POT	400 mm	6
OPH JAP	OPHOPOGON JAPONICUS / MONDO GRASS	100MM POT	400 mm	10

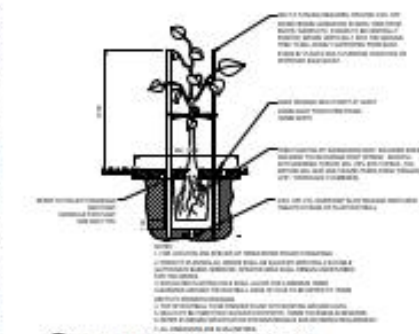
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SHRUB AREAS				
PLU GRS	PLU ROTUNDIFOLIA / GREEN ISLAND / GREEN ISLAND PG	100MM POT	800 mm	8
NATIVE SHRUB AREA				
GRT GLE	GARDENIA FRAXINOSA / GLENNE RIVER / GLENNE RIVER GARDENIA	100MM POT	600 mm	30
GROUND COVERS				
ORV GAT	ORCHID GASTEA / EVERGREEN GRANT	100MM POT	600 mm	4
NEO FIR	NEOCOSMIA X FISTULA / FISTULA BROMELIAD	100MM POT	400 mm	6
OPH JAP	OPHOPOGON JAPONICUS / MONDO GRASS	100MM POT	400 mm	10

PLANT SCHEDULE L05 VILLA 2

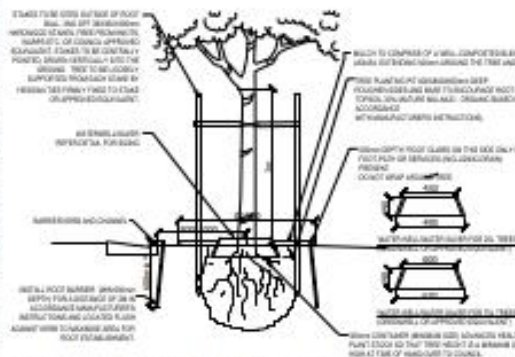
CODE	BOTANICAL / COMMON NAME	SIZE	QTY
TREES			
CAS JVA	CASSIA JAVANICA X FISTULA / RAINBOW SHOWER TREE	400MM POT	1
CYR RDN	CYRTOSTACHYS RENDI / SEALING WAX PALM	EX. GROUND	3
PLU DWA	PLUMERIA OBUSA 'DWARF' / DWARF SINGAPORE WHITE PLUMERIA	300MM POT	1
NATIVE TREES			
BRR ALD	BARRINGTONIA ACUTANGULA / FRESHWATER MANGROVE	300MM POT	2
BUC NO	BUCKINGHAMIA COLISSIMA / IVORY CURL TREE	100LT BAG	2
LIC AUS	LICUALA RAMSAYI / AUSTRALIAN FAN PALM	400MM POT	2
LYN MUE	LIVISTONA MUELLERI / NORTHERN CABBAGE TREE PALM	100LT BAG	3
MAN LTA	MANLITA LENTICELLATA / CASCAING BEAN TREE	400MM POT	1
PAN TEC	PANDANUS TECTORIUS / SCREE PINE	100LT BAG	1
PTY ELE	PTYCHOSPERMA ELEGANS / SOLITAIRE PALM	100LT BAG	4
SVZ LRD	SVYZGUM LUGHMANI / ROCKY RIVER / ROCKY RIVER BERRY LILLY PALLY	400MM POT	2
SHRUBS			
ALC SIL	ALCANTAREA IMPERIALIS / SILVER PLUM / SILVER PLUM IMPERIAL BROMELIAD	300MM POT	2
ALP PUR	ALPINA PURPURATA / RED-FLOWERING GINGER	200MM POT	6
COD HAM	CODIUM VARIEGATUM HAMMY / HAMMY CROTON	200MM POT	20
COD PET	CODIUM VARIEGATUM PETRA / PETRA CROTON	200MM POT	1
COR PED	COROLINE PEDICULATA / RED SISTER / PINK COROLINE	200MM POT	2
COS STN	COSYDIA STENOPHYLLA / BANE GINGER	200MM POT	1
HEL HOT	HELICONIA CARIBAEA X BAHU HOT RED NIGHTS / HOT RED NIGHTS HELICONIA	300MM POT	2
HEL RCD	HELICONIA CARIBAEA X BAHU RICHMOND RED / RICHMOND RED HELICONIA	300MM POT	1
MUS PH	MUSAGIDA PHILIPICA DONA ALOROK / DONA ALOROK MUSAGIDA	300MM POT	3
PAC LUT	PACHYSTACHYS LUTEA / LULLUP PLANT	200MM POT	12
PH MAN	PHILODENDRON X MANOU / MANOU PHLODENDRON	100MM POT	12
NATIVE SHRUBS			
COR HAM	COROLINE HAMMERS-BUTTONS / BROAD LEAFED PALM LILY	200MM POT	10
CRU PED	CRUAM PEDUNGLATUM / SWAMP LILY	200MM POT	4
PHY CUS	PHYLANTHUS CUSCUTIFLORUS / PINK PHYLANTHUS	300MM POT	4

CODE	BOTANICAL / COMMON NAME	SIZE	SPACING	QTY
SHRUB AREAS				
PLU GRS	PLU ROTUNDIFOLIA / GREEN ISLAND / GREEN ISLAND PG	100MM POT	800 mm	9
NATIVE SHRUB AREA				
GRT GLE	GARDENIA FRAXINOSA / GLENNE RIVER / GLENNE RIVER GARDENIA	100MM POT	600 mm	30
GROUND COVERS				
ORV GAT	ORCHID GASTEA / EVERGREEN GRANT	100MM POT	600 mm	5
NEO FIR	NEOCOSMIA X FISTULA / FISTULA BROMELIAD	100MM POT	400 mm	6
OPH JAP	OPHOPOGON JAPONICUS / MONDO GRASS	100MM POT	400 mm	10

CODE	BOTANICAL / COMMON NAME	SIZE	SPACING	QTY
SHRUB AREAS				
PLU GRS	PLU ROTUNDIFOLIA / GREEN ISLAND / GREEN ISLAND PG	100MM POT	800 mm	9
NATIVE SHRUB AREA				
GRT GLE	GARDENIA FRAXINOSA / GLENNE RIVER / GLENNE RIVER GARDENIA	100MM POT	600 mm	30
GROUND COVERS				
ORV GAT	ORCHID GASTEA / EVERGREEN GRANT	100MM POT	600 mm	5
NEO FIR	NEOCOSMIA X FISTULA / FISTULA BROMELIAD	100MM POT	400 mm	6
OPH JAP	OPHOPOGON JAPONICUS / MONDO GRASS	100MM POT	400 mm	10



2 TREE PLANTING IN GARDEN BEDS



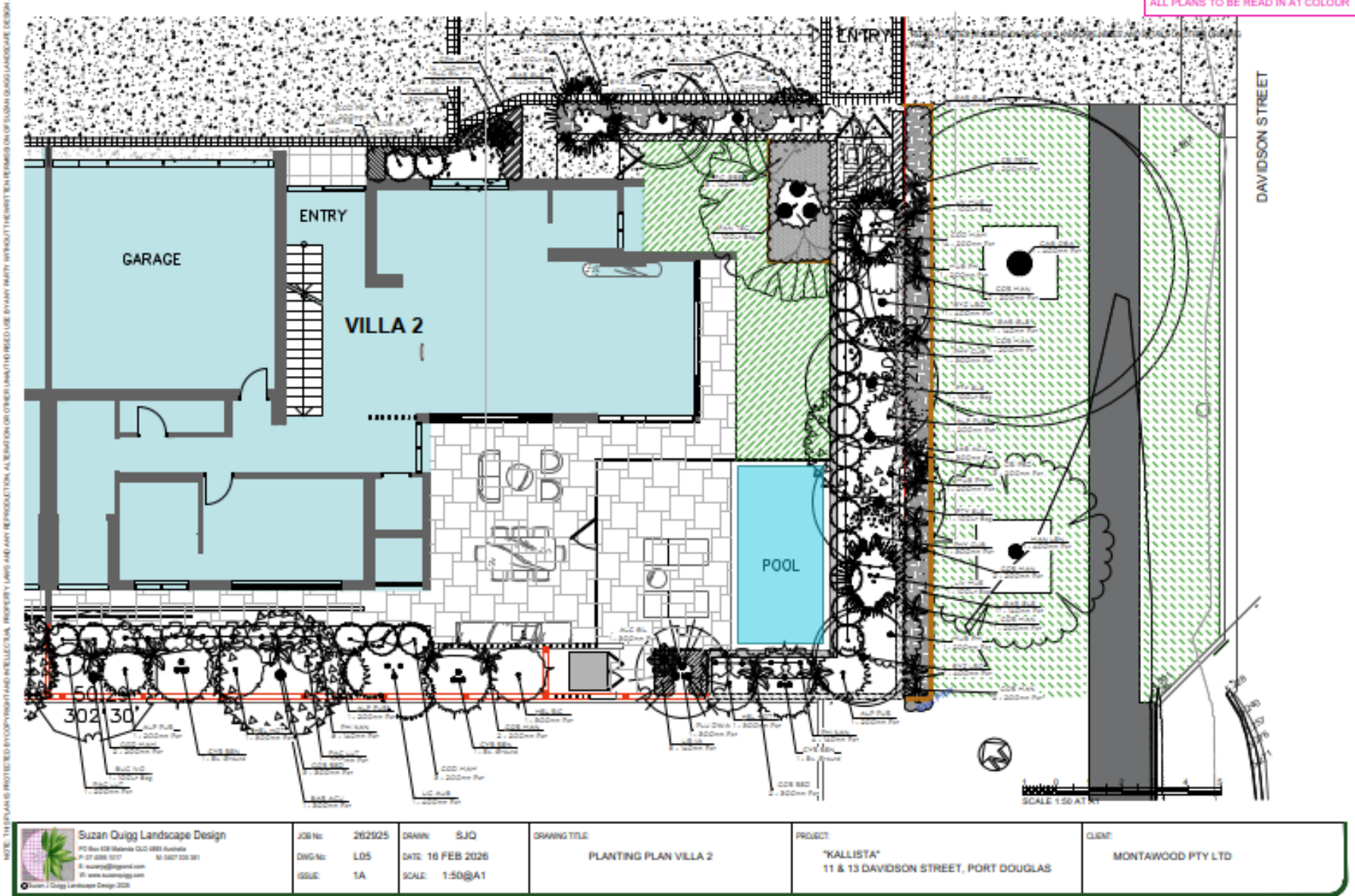
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NTS

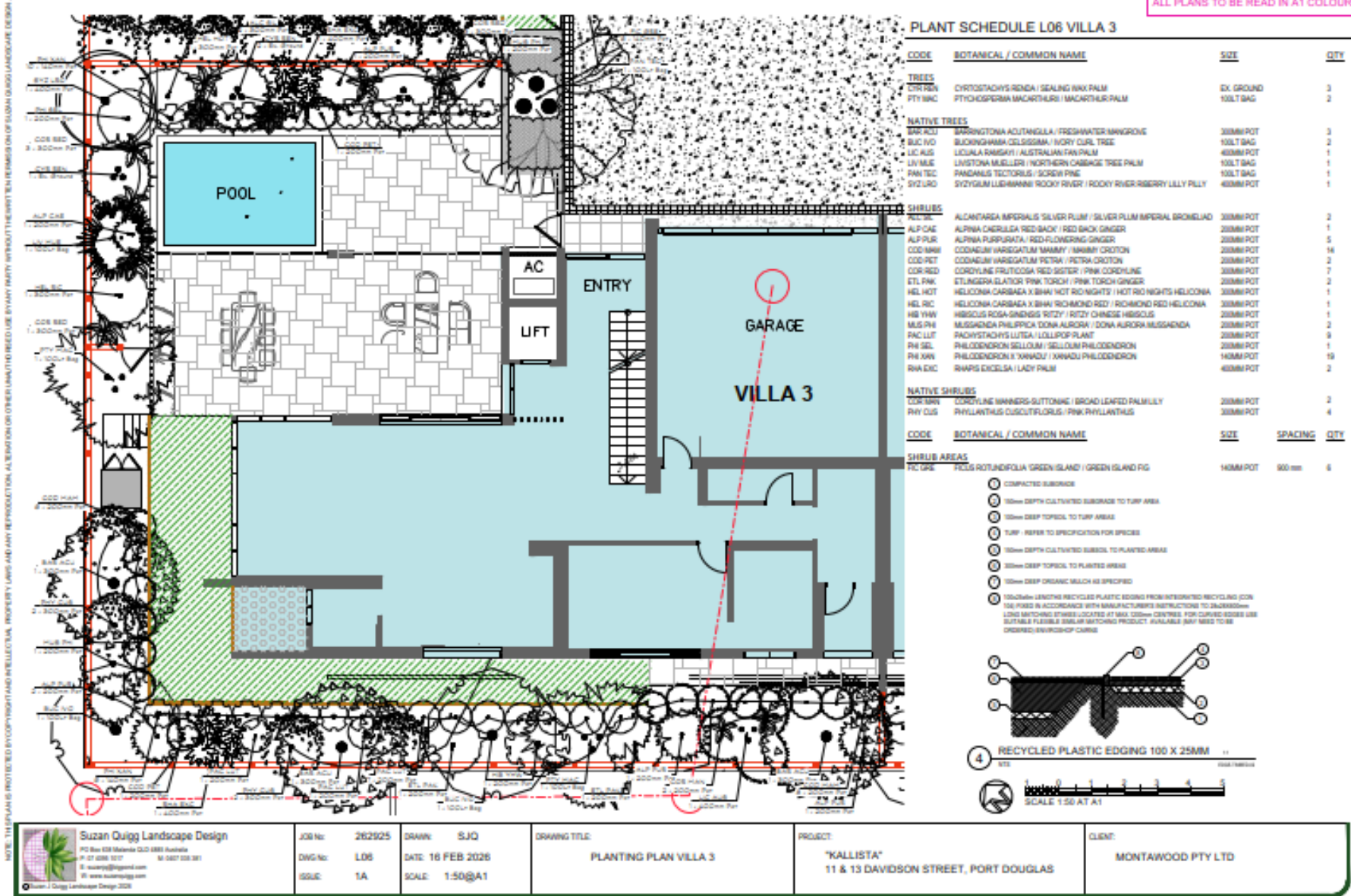
3 SHRUB PLANTING IN MASSED GARDEN BEDS

NTS

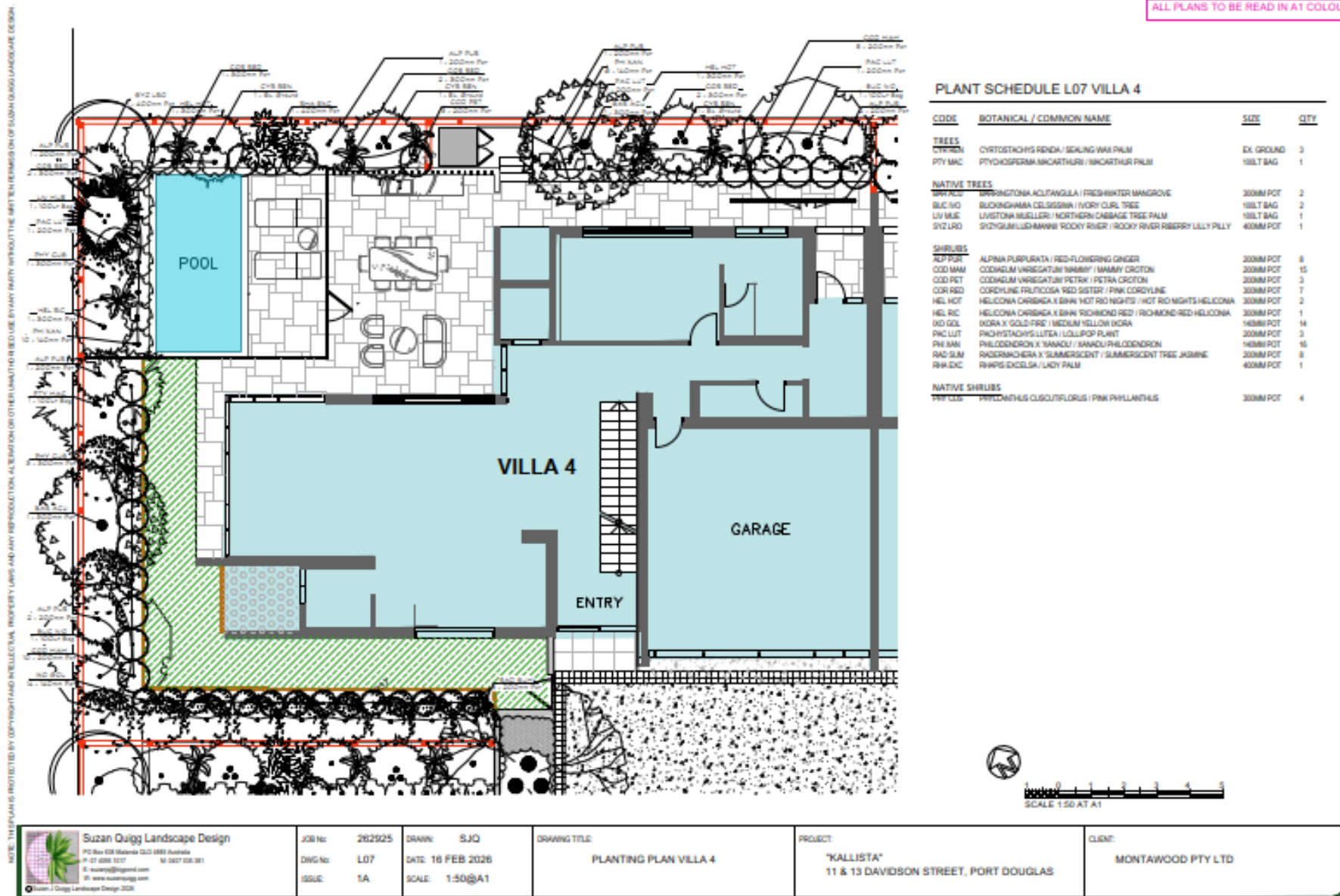
Suzan Quigg Landscape Design P.O. Box 108 Maitland NSW 1885 Australia M: 07 4888 1217 M: 0877 038 381 E: suzanquigg@bigpond.com W: www.suzanquigg.com.au		JOB No: 262925 DWG No: L04 ISSUE: 1A	DRAWN: SJQ DATE: 18 FEB 2025 SCALE: 1:50@A1	DRAWING TITLE: PLANTING SCHEDULE VILLA 1&2	PROJECT: "KALLISTA" 11 & 13 DAVIDSON STREET, PORT DOUGLAS	CLIENT: MONTAWOOD PTY LTD
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NOTE: THIS PLAN IS PROTECTED BY COPYRIGHT AND INTELLECTUAL PROPERTY LAWS AND ANY REPRODUCTION, ALTERATION OR OTHER UNAUTHORIZED USE, WITHOUT THE WRITTEN PERMISSION OF SUZAN QUIGG LANDSCAPE DESIGN, IS PROHIBITED.



ALL PLANS TO BE READ IN A1 COLOUR



GENERAL

1. ALL WORK IS TO BE CARRIED OUT BY LICENSED CONTRACTORS IN ACCORDANCE WITH ALL AUSTRALIAN, NATSPEC AND LOCAL GOVERNMENT CODES AND STANDARDS.
2. REFER ALSO TO INFORMATION ON L10

SCOPE OF WORK

1. REFER TO THE DRAWINGS FOR THE SCOPE OF WORK WHICH INCLUDES ALL RELEVANT SUPPLY OF LABOUR, MATERIALS, PLANT AND EQUIPMENT REQUIRED TO EXECUTE THE WORKS INCLUDING BUT NOT LIMITED TO:
 - 1.1. PREPARATION OF AREAS TO BE LANDSCAPED
 - 1.2. REMOVAL AND DISPOSAL OF ANY DELETERIOUS MATERIALS
 - 1.3. SUPPLY AND INSTALL AUTOMATIC IRRIGATION SYSTEM
 - 1.4. SUPPLY AND INSTALL EDGING TO GARDEN BEDS
 - 1.5. CULTIVATION OF AREAS FOR SOFT LANDSCAPING (GRASS AND GARDEN BEDS)
 - 1.6. SUPPLY AND SPREAD IMPORTED TOPSOIL AND ADDITIVES
 - 1.7. PLANT
 - 1.8. SUPPLY AND LAY TURF
 - 1.9. MULCH
 - 1.10. MAINTENANCE

NOTE THAT ALL REMOVAL OF VEGETATION, CONSTRUCTION OF PATHS AND DRIVEWAYS, FENCING, SUBSOIL DRAINAGE, RETAINING AND FENCING IS NOT INCLUDED IN THIS SCOPE OF WORKS AND WILL BE UNDERTAKEN BY OTHERS.

EXISTING TREES

1. ALL TREES WHICH ARE TO BE RETAINED SHOULD BE PROTECTED IN ACCORDANCE WITH AS4510. PROTECTION OF TREES ON DEVELOPMENT SITES, FOR EXAMPLE DO NOT EXCAVATE WITHIN 2M OF THE ROOT ZONE, DO NOT PUT CHEMICALS OR ANY HEAVY MACHINERY WITHIN THE ROOT ZONE AREA, USE TEMPORARY FENCING TO PROTECT THE TREES (A MINIMUM OF 2m FROM THE TRUNKS) IF WORK OR ACTIVITIES ARE GOING TO TAKE PLACE IN THIS AREA DURING CONSTRUCTION.

WEED CONTROL AND SITE PREPARATION

1. REMOVE ANY WOODY AND HERBACEOUS WEEDS, GRASSES AND DECLARED PEST PLANTS BY MECHANICAL MEANS, CAREFULLY DISPOSING OF ALL REMOVED MATERIAL, OBSERVING ALL LOCAL AUTHORITY AND ENVIRONMENTAL AGENCY REQUIREMENTS.
2. CHECK FOR PESTS SUCH AS FIRE ANTS.
3. DO NOT TRANSPORT SOIL BETWEEN SITES AND CHECK THAT ALL MACHINERY, VEHICLES AND SHOES ARE CLEANED BEFORE LEAVING THE SITE.
4. SITE PREPARATION INVOLVES 2 APPLICATIONS OF A NON-RESIDUAL GLYPHOSATE HERBICIDE 2 MONTHS PRIOR TO PLANTING APPLIED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS. THE SECOND APPLICATION WILL BE ONE MONTH AFTER THE FIRST TO ENSURE THAT ANY AREAS MISSED IN THE INITIAL APPLICATION ARE TREATED.
5. TREAT ANY NUTGRASS WITH SEMIPRA SPRAYED AT REGULAR INTERVALS APPLIED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
6. THE PROJECT MUST AIM TO MINIMISE THE AMOUNT OF SEDIMENT LEAVING THE SITE DURING SITE PREPARATION AND PLANT ESTABLISHMENT. REFER CIVIL PLANS.
7. THE CONTRACTOR WILL BE RESPONSIBLE FOR ADEQUATE DRAINAGE OF THE SITE DURING THE CONSTRUCTION PERIOD. EROSION AND SEDIMENT CONTROL BARRIERS WILL BE ERRECTED AS PART OF THE SITE PREPARATION WORKS. REFER TO CIVIL PLANS.

SUBSOIL AND DRAINAGE

1. ENSURE THAT ALL LANDSCAPED AREAS ARE ADEQUATELY DRAINED.
2. WHERE FIELD INLET PITS ARE TO BE PLACED, ALLOW ENOUGH SPACE AROUND THEM TO PREVENT BLOCKAGE BY ROOTS AND LEAVES.
3. RIP SUBSOIL TO A DEPTH OF 150mm. SUBSOIL SHOULD NOT BE COMPACTED OTHERWISE ADEQUATE PLANT GROWTH WILL NOT OCCUR.

TOPSOIL

1. AERATE COMPACTED SOILS AND CORRECT THE pH OF SOILS AFFECTED BY CONSTRUCTION ACTIVITIES OR PRIOR LAND USES.
2. REMOVE BUILDERS DEBRIS, CONCRETE, CEMENT AND OTHER DELETERIOUS MATTER FROM AREAS TO BE LANDSCAPED PRIOR TO PLANTING.
3. THE QUALITY OF TOPSOIL PILED ON THE SITE SHALL BE CHECKED AND IF ADEQUATE FOR USE WITH THE ADDITION OF SUITABLE ADDITIVES USING

A PROPRIETARY COMPOST MIX - USE RECYCLED AND ORGANIC SOIL CONDITIONERS (IF POSSIBLE), THEN THIS MAY BE USED IN PLACE OF IMPORTED TOPSOIL. IN ON-GROUND PLANTED AREAS (EXCLUDING PLANTERS) PROVIDED THAT IT COMPLIES WITH THE RELEVANT AUSTRALIAN STANDARDS, PROVIDE SAMPLES OF A ONE LITRE BAG OF ANY PROPOSED TOPSOIL TO BE USED.

4. SOILS USED FOR LANDSCAPING SHOULD COMPLY WITH:
 - 4.1. AS4419-2018: Soils for landscaping and garden use, and
 - 4.2. AS 4454-2012: Composts, soil conditioners and mulches, and SHALL BE A GOOD QUALITY LANDSCAPING SOIL MIX IMPORTED FROM AN APPROVED SOURCE.
5. WHEN USING LOCALLY GROWN NATIVES IT IS RECOMMENDED THAT THE NATURAL SOIL BE UNALTERED OR IMPROVED WITH SUITABLE ADDITIVES ONLY. IMPORTED SOIL FOR NATIVES SHALL BE LOW IN PHOSPHOROUS TO COMPLY WITH PARAGRAPH 5.8 OF AS4419-2018.
6. IT SHALL CONTAIN APPROXIMATELY 70% SANDY LOAM AND 30% COMPOSTED OR MATURE ORGANIC MATTER.
7. IT SHALL BE FRABLE AND NOT CONTAIN ANY CLAY.
8. THE PH SHOULD BE BETWEEN 5.5 AND 7.0.
9. IT SHALL BE FREE FROM CONTAMINANTS SUCH AS THE SEED OF DECLARED WEEDS, ROCKS AND SALTS.
10. IT SHALL NOT CONTAIN ANY CHEMICAL FERTILISERS.
11. THE PH SHOULD BE BETWEEN 5.5 AND 7.0.

PLANT SUPPLY

1. ALL PLANTING IS TO BE CARRIED OUT AT A TIME OF YEAR WHEN THE LIKELIHOOD OF RAIN IS THE GREATEST AND WHEN THREATS TO PLANTING SUCCESS ARE AT A MINIMUM. AS A ROUGH GUIDE NOV-DEC WITH IRRIGATION AND FEB-MAR WITHOUT.
2. PLANTS SHOULD BE ORDERED WELL IN ADVANCE OF THE PROJECTED PLANTING DATE TO ALLOW TIME FOR THEM TO BE AN OPTIMUM SIZE. DO NOT SUBSTITUTE WITHOUT REFERENCE TO THE SUPERINTENDENT.
3. IF A SPECIMEN PLANT IS AVAILABLE IN A LARGER SIZE THAN SPECIFIED ON THE PLAN, BRING THIS TO THE ATTENTION OF THE SUPERINTENDENT WHO MAY WISH TO ORGANISE USING THE LARGER AVAILABLE SPECIMEN IF IT IS SUITABLE AS A VARIATION TO THE CONTRACT.
4. ALL TREES AND SHRUBS ARE TO BE TRUE TO NAME, WELL-GROWN (IN ACCORDANCE WITH CURRENT AUSTRALIAN PLANT PRODUCTION STANDARDS), PLANTS PROVIDED SHOULD BE WELL-ESTABLISHED IN THEIR ROOT AND BRANCH FORMATION AND CONFORM TO NATSPEC "SPECIFYING TREES - A GUIDE TO THE ASSESSMENT OF TREE QUALITY" SECOND EDITION 2003 BY ROSS CLARK AND AUSTRALIAN AND AUSTRALIAN TREE STOCK STANDARDS RELEVANT TO THE LOCAL AREA.
5. STOCK MUST BE FROM SEED FROM AN APPROPRIATE SOURCE.
6. ALL PLANTS SHALL BE DELIVERED TO SITE IN A COVERED VEHICLE AND WATERED IMMEDIATELY FOLLOWING DELIVERY. DO NOT ALLOW PLANTS TO DRY OUT OR OVER-HEAT.
7. ENSURE THAT AT LEAST ONE PLANT FROM EACH SPECIES IN A BATCH IS CLEARLY LABELLED.
8. ALL PLANTING MUST BE CARRIED OUT IMMEDIATELY FOLLOWING DELIVERY, REMOVING CONTAINERS, UNLESS FULLY DEGRADABLE, AT THE LATEST POINT BEFORE PLANTING.
9. ALL PLANTS MUST BE FULLY SUN-HARDENED, TRUE TO NAME, WELL-FORMED AND FREE FROM DISEASE.

PLANTING - GENERALLY

1. GENERALLY PLANTS SHOULD BE PLANTED IN ACCORDANCE WITH THE PLAN, HOWEVER WHERE POSITIONS OF SERVICES HAVE BEEN VARIED FROM THOSE SHOWN ON THE PLAN OR CONTOURS AND EARTHWORKS MEAN THAT IT WOULD BE IMPRACTICAL TO LOCATE SPECIES IN THE POSITIONS INDICATED, REFER TO THE SUPERINTENDENT FOR GUIDANCE.
2. ALL APPROPRIATE WATER PERMITS MUST BE OBTAINED PRIOR TO COMMENCING PLANTING.
3. CULTIVATE SUB-GRADE TO 150mm DEPTH BELOW PLANTING PNT. REMOVE ALL ROCKS, STONES AND RUBBLE THAT EXCEEDS 75mm DIA.
4. AS A MINIMUM, EXCAVATE THE PLANTING HOLE TO ALLOW A MINIMUM OF 200mm CLEARANCE AROUND THE ROOT BALL. RIP THE BASE OF THE HOLE TO 150mm DEPTH BELOW THIS TO PROMOTE GOOD DRAINAGE. RECOMMENDED FERTILISER IS AGRIFORM (OR SIMILAR SLOW-RELEASE)

PLANTING PELLET APPLIED AT A RATE OF 1-2 PELLETS PER HOLE DEPENDING UPON PLANT SIZE AND MANUFACTURERS INSTRUCTIONS.

5. PLACE WATER CRYSTALS AT A RATE OF 250ml EXPANDED CRYSTALS PER PLANTING HOLE.
6. IMMEDIATELY PLANT CONTAINER IN WATER PRIOR TO REMOVING THE PLANT FROM THE POT AND WATER THE PLANT HOLE TO PREVENT THE ROOTS COMING INTO CONTACT WITH DRY SOIL. DO NOT DAMAGE THE ROOTS WHEN REMOVING THE PLANT FROM ITS CONTAINER AND GENTLY PLACING IN THE HOLE.
7. PLANTING SHOULD BE CARRIED OUT IN SUCH A WAY THAT THE TOP OF THE SOIL IN THE PLANT CONTAINER FROM THE NURSERY IS AT GROUND LEVEL WHEN PLANTED AND NEITHER TOO DEEP OR TOO SHALLOW.
8. BACKFILL THE HOLE GENTLY FIRING SUCCESSIVE LAYERS WITHOUT COMPACTING THE SOIL BUT ENSURE THAT THE PLANT IS HELD SECURELY BY THE SOIL.
9. FORM A SMALL INDENTED AREA AROUND THE STEM TO CAPTURE WATER.
10. WATER WITH A MINIMUM 10 LITRES IMMEDIATELY FOLLOWING PLANTING AND PRIOR TO MULCHING.

MULCHING

1. MULCH SHOULD BE FOREST BARK OR SIMILAR LOCALLY SOURCED APPROVED MATERIAL (AND FINES) INSTALLED TO A MINIMUM DEPTH OF 75mm.
2. MULCH SHOULD BE KEPT CLEAR OF THE PLANT STEM.
3. USE PARTICLE MARKS WHEN SPREADING ORGANIC MULCH TO AVOID BREATHING IN MOULD SPORES.

VERGES

1. REPAIR ANY DAMAGE DONE TO VERGES DURING CONSTRUCTION AND REINSTATE TO AN ACCEPTABLE STANDARD.
2. ALL VERGES SHALL BE COVERED FULL WITH TOPSOIL TO A DEPTH OF NOT LESS THAN 40mm AND SHALL BE LIGHTLY COMPACTED AND GRASSED IN ACCORDANCE WITH COUNCILS GUIDELINES AND SPECIFICATIONS.
3. IN ORDER TO GUARANTEE A HIGH STANDARD OF MAINTENANCE ALL GRASSED AREAS ARE TO BE IN A MOVABLE CONDITION, FREE FROM ROCKS AND LOOSE STONES AND GRADED TO EVEN RUNNING CONTOURS.
4. GRASSED AREAS ARE TO BE TURFED.

TURF SPECIES

1. TURF SPECIES TO BE DECIDED. IT SHOULD BE FREE FROM ANY TOXIC MATERIAL, NOXIOUS WEEDS, SEEDS OR ROOTS INCLUDING NUT GRASS AND OXALIS. THE SOIL TO THE TURF SHALL BE FREE FROM RUBBISH, STICKS OR OTHER DELETERIOUS MATERIAL. CUT WITH A FULL 25MM REMAINING BELOW THE THATCH OF THE TURF.
2. THE MOISTURE LEVEL IN THE TURF SHOULD BE KEPT RELATIVELY CONSISTENT SO THAT IT IS NOT SATURATED OR SEVERELY DRIED OUT WHEN LAYING.

GROUND PREPARATION

1. CULTIVATE THE AREA TO A DEPTH OF 150MM BELOW FINISHED SURFACE LEVELS AND GRADE TO EVEN-RUNNING CONTOURS.
2. CULTIVATE THE SOIL TO A FINE TILT, FREE OF CLODS, ROCKS, STICKS AND THE LIKE. ANY STOCK-PILED TOPSOIL SHOULD BE SPREAD TO A MINIMUM DEPTH OF 25MM AND PREPARED AS ABOVE.
3. ANY CONTAMINATED SOIL SHOULD BE EXCAVATED AND REMOVED FROM SITE.
4. BEFORE LAYING TURF A SLOW RELEASE FERTILISER SHALL BE PLACED ON TOP OF THE PREPARED TOPSOIL RATE OF 35G/M2. THIS SHOULD BE AN APPROVED LAWN FERTILISER WITH AN NPK RATIO OF 12:12:8 AND RAKED INTO THE TOPSOIL.

LAYING

1. AREAS TO BE TURFED SHALL BE WATERED WITHIN TWENTY FOUR HOURS PRIOR TO TURFING AT AN APPROXIMATE RATE OF 10MM OF WATER IN NOT LESS THAN ONE HOUR AND IMMEDIATELY AFTER THE TURF IS Laid SO THAT THE TURF IS FULLY SATURATED.

2. WATERING IS TO BE CARRIED OUT IN SUCH A WAY AS NOT TO CAUSE ANY SCOURING OR EROSION.

WATERING

1. THE CONTRACTOR IS TO PROVIDE AN AUTOMATIC WATERING SYSTEM TO ALL INTERNAL SOFT LANDSCAPING AREAS. A PLAN OF THE IRRIGATION WILL BE PROVIDED TO THE SUPERVISOR PRIOR TO INSTALLATION.
2. WATERING IS THE APPLICATION OF 10MM OF WATER TO THE TOTAL AREA IN NOT LESS THAN ONE HOUR AND SHALL INCLUDE ANY NATURAL RAINFALL.
3. ALL PLANTS AND GRASS SHALL BE THOROUGHLY WATERED IMMEDIATELY ON ARRIVAL AT SITE AND AGAIN PRIOR TO PLANTING.
4. WATER DURING AND IMMEDIATELY AFTER PLANTING.
5. ALL LANDSCAPED AREAS ARE TO BE RIGOROUSLY WATERED DURING CONSTRUCTION AND DURING THE MAINTENANCE PERIOD UNTIL THE PLANTS ARE ESTABLISHED.
6. THE FREQUENCY OF WATERING SHALL COMPLY WITH THE FOLLOWING MINIMUM REQUIREMENTS.

PERIODS AFTER GRASSING

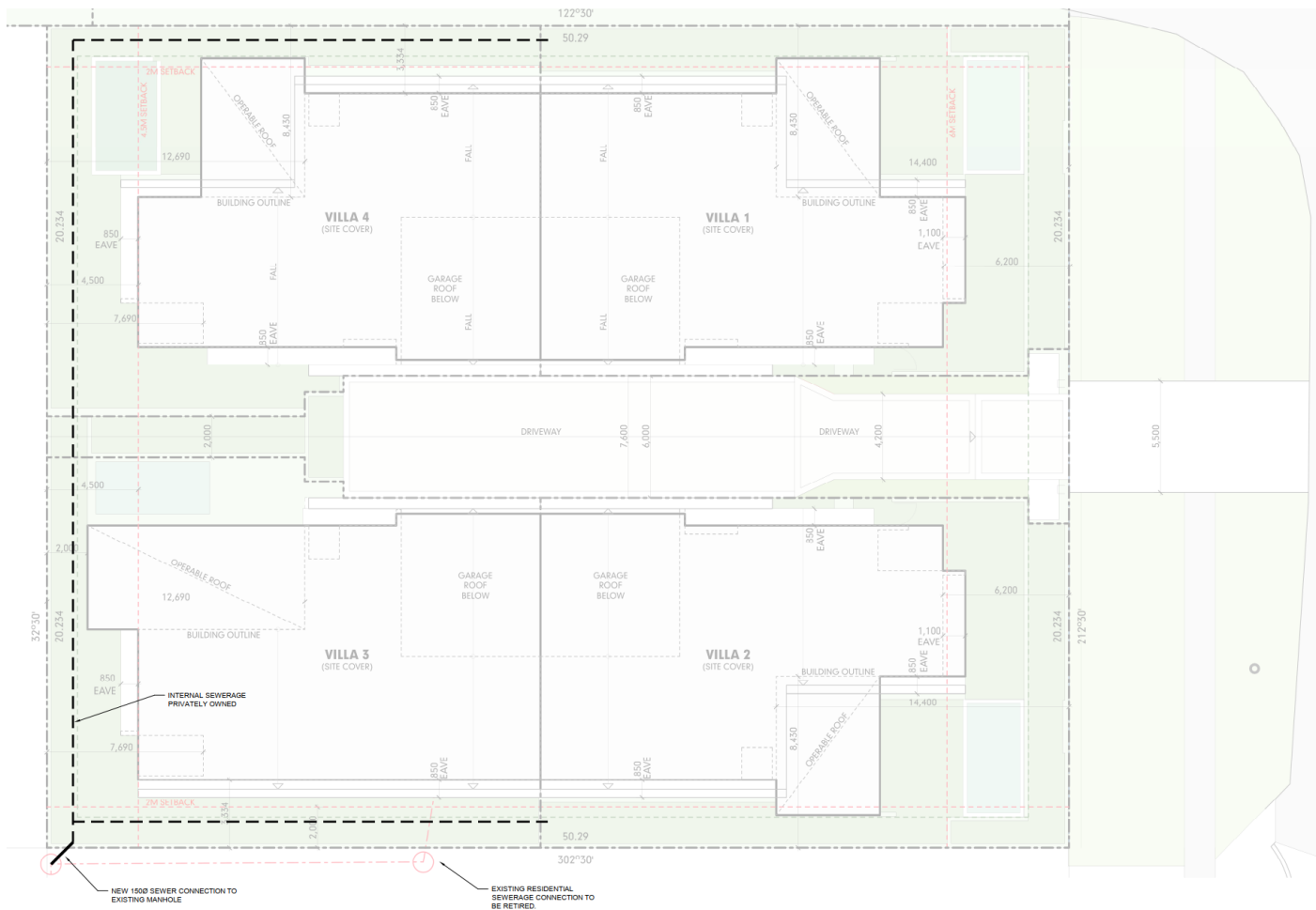
PERIODS AFTER GRASSING	WATERING
IMMEDIATELY	ONCE
WEEK 1	TWICE DURING HOT DRY WINDY PERIODS
	ONCE DURING COOL/OVERCAST PERIODS
WEEK 2	ONCE DURING
WEEKS 3 & 4	ONCE EVERY SECOND DAY
WEEKS 5 UNTIL NECESSARY	TWICE/ WEEK

OR AS NECESSARY TO ENSURE A MINIMUM STRIKE RATE

PLANT ESTABLISHMENT AND MAINTENANCE

1. A MAINTENANCE AND ESTABLISHMENT PERIOD OF 12 WEEKS IS REQUIRED FOLLOWING A PRACTICAL COMPLETION INSPECTION AND WILL COMMENCE FOLLOWING AN "ON MAINTENANCE" INSPECTION OF THE AS CONSTRUCTED LANDSCAPING WORKS.
2. THE MAINTENANCE PERIOD SHOULD, HOWEVER, BE IMPLEMENTED IMMEDIATELY FOLLOWING PLANTING AND IF STARTED MORE THAN 13 WEEKS BEFORE THE DATE OF WORKS ACCEPTANCE THEN THE DEVELOPER WILL NEED TO CONTINUE MAINTENANCE UNTIL HANDOVER.
3. DURING THE MAINTENANCE PERIOD, THE CONTRACTOR IS TO ENSURE ALL WORK IS DONE TO ENSURE PLANTS AND GRASS ARE HEALTHY AND GROWING WELL.
4. REMOVE AND REPLACE AS NECESSARY ANY DEAD, DISEASED OR UNHEALTHY GROWTH SO THAT ALL VEGETATION IS THRIVING BY THE TIME THAT THE CLIENT ACCEPTS RESPONSIBILITY FOR THE LANDSCAPE WORKS.
5. ALL WEEDS SHOULD BE ERADICATED MANUALLY OR WITH THE USE OF AN APPROVED HERBICIDE APPLIED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS. SPRAYING WILL ONLY TAKE PLACE AT A TIME WHEN THERE WILL BE NO DAMAGE CAUSED TO THE ENVIRONMENT BY APPLYING THE CHEMICAL, E.G. NOT IN WINDY CONDITIONS OR WHEN RAIN APPEARS IMMINENT.
6. MOW, MULCH, PRUNE, FERTILISE AND WATER AS REQUIRED.
7. AT THE END OF THE HANDOVER PERIOD, THE CLIENT SHOULD ISSUE AN "OFF-MAINTENANCE" CERTIFICATE.
8. WITH THE EXCEPTION OF ALMOST DAILY WATERING, MAINTENANCE VISITS SHOULD BE AT APPROXIMATELY 1 WEEKLY INTERVALS.

 Suzan Quigg Landscape Design P.O. Box 108 Melbourne VIC 3000 Australia Ph: 03 9588 1217 E: suzanne@quiggdesign.com W: www.quiggdesign.com	JOB No: 252404 DWG No: L08 ISSUE: 1A	DATE: 16 FEB 2026 SCALE: N/A	DRAWN: S.J.Q. LANDSCAPE NOTES	PROJECT: "KALLISTA" 11 & 13 DAVIDSON STREET, PORT DOUGLAS	CLIENT: MONTAWOOD PTY LTD
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EXTERNAL SEWERAGE 1:100

PT	8/4/26	PRELIMINARY	ISSUE / REVISIONS	KFB	KFB
DATE				DRN	ICHRD
DRAWING FILE	K:\15080-DWG-001.dwg				
XREF FILE	N/A				

MONTAWOOD PTY LTD
 "Kallista", 11 - 13 Davidson St
 Port Douglas Qld 4877

External Sewerage

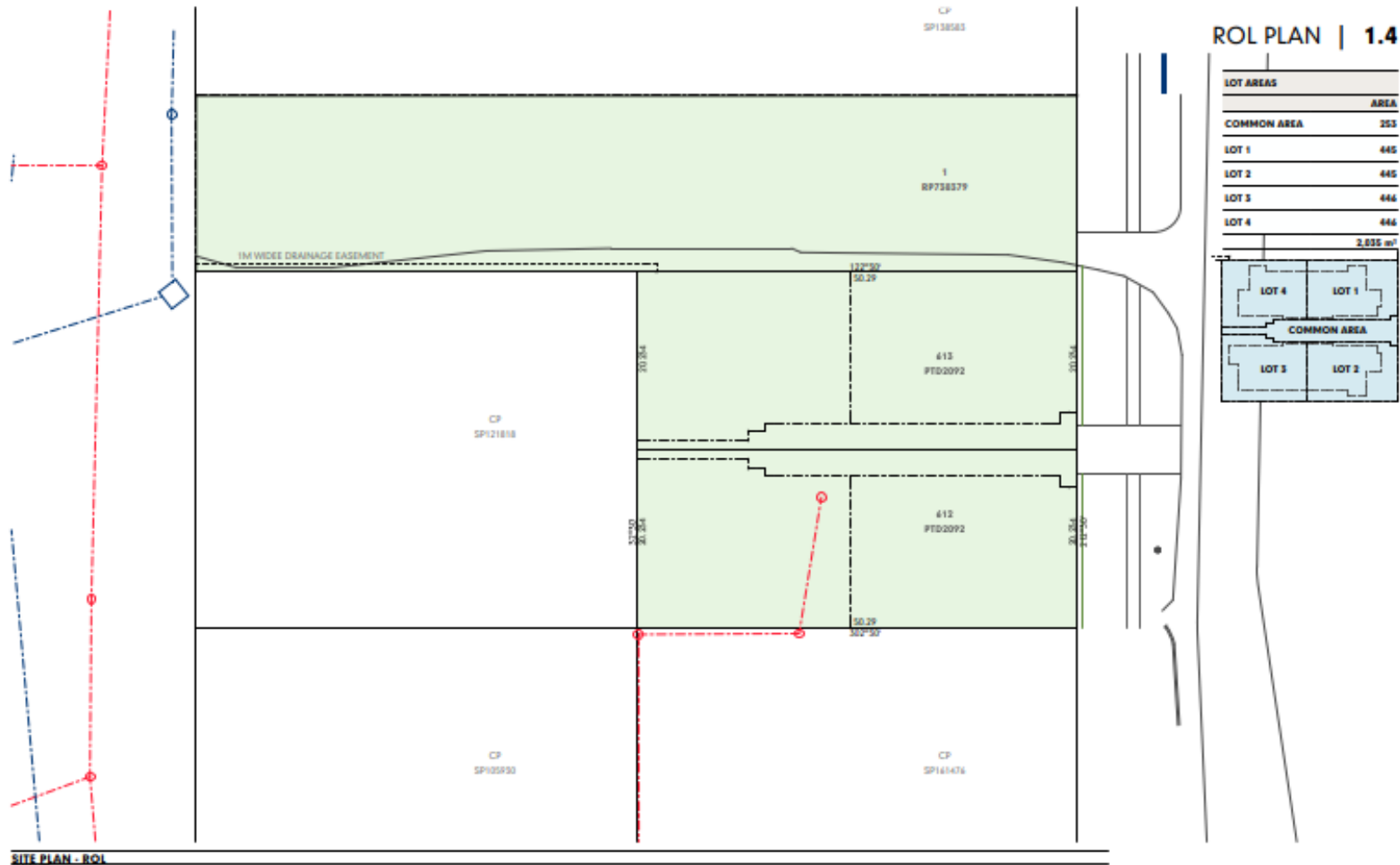


KFB ENGINEERS
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 P: 07 40320492 | F: 07 40320092
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JOB No: **K-15080**
 SHEET: **C01** P1
 SCALE: As Shown (@ A1)

Approved Drawing(s) and/or Document(s) -
Part B – Reconfiguring a Lot



RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
| 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
DEVELOPMENT APPLICATION | DA1 | 11 February 2024



Concurrence Agency Conditions

RA6-N

**DELIVERING
FOR QUEENSLAND**



Department of
**State Development,
Infrastructure and Planning**

SARA reference: 2603-51306 SRA
Council reference: MCUC 2026_5907/1
Applicant reference: 2026-03-23 - Montawood

29 April 2026

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA referral agency response – 9, 11 & 13 Davidson Street, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 24 March 2026.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	29 April 2026	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Reconfiguring a lot (One lot into four lots, common property and services easement) and Material change of use for Multiple dwellings and Short-term accommodation (four units)
SARA role:	Referral agency	

Page 1 of 10

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) - Reconfiguring a lot near a State transport corridor Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) - Material change of use near a State transport corridor
SARA reference:	2603-51306 SRA
Assessment manager:	Douglas Shire Council
Street address:	9, 11 & 13 Davidson Street, Port Douglas
Real property description:	Lots 612 & 613 on PTD2092 and Lot 1 on RP738379
Applicant name:	Montawood Pty Ltd
Applicant contact details:	C/- Aspire Town Planning and Project Services PO Box 1040 Mossman QLD 4873 admin@aspireqld.com
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: • Approved • Reference: TMR26-049519 • Date: 24 April 2026 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at Far.North.Queensland.IDAS@tmr.qld.gov.au.
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Javier Samanes', written in a cursive style.

Javier Samanes
Manager

cc Montawood Pty Ltd c/- Aspire Town Planning and Project Services, admin@aspireqld.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot (One lot into four lots, common property and services easement)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1—Reconfiguring a lot near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	(a) Road access is located generally in accordance with Master Plan – Ground Floor Level, prepared by Hunt Design, dated 11 February 2026, drawing 2.1, as amended in red by SARA. (b) Provide road access works comprising of a sealed 5.5m wide rural property access, at the road access location referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	(a) At all times. (b) & (c) Prior to submitting the Plan of Survey to the local government for approval.
Material change of use (Multiple dwellings and Short-term accommodation)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—Material change of use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled road. (ii) concentrate or increase the velocity of flows to state-controlled road. (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (iv) surcharge any existing culvert or drain on the state-controlled road. (b) Submit RPEQ certification with supporting documentation to Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition.	(a) At all times. (b) Prior to obtaining development approval for operational work or building work, whichever occurs first.

3.	(a) Road access is located generally in accordance with Master Plan – Ground Floor Level, prepared by Hunt Design, dated 11 February 2026, drawing 2.1, as amended in red by SARA. (b) Provide road access works comprising of a sealed 5.5m wide rural property access, at the road access location referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	(a) At all times. (b) & (c) Prior to the commencement of use.
4.	Provide a 1.8 metre high solid gap-free fence, which provides a continuous, gap-free acoustic barrier, generally in accordance with Master Plan – Ground Floor Level, prepared by Hunt Design, dated 11 February 2026, drawing 2.1 as amended in red by SARA.	Prior to the commencement of use and to be maintained at all times.
5.	Install on the balconies of proposed Villa 1 and Villa 2 as shown on Master Plan – First Floor Level, prepared by Hunt Design, dated 11 February 2026, drawing 2.2 as amended in red by SARA, a continuous solid gap-free structure, constructed of glass, concrete blocks, bricks or fibre cement sheeting, or balustrade, other than gaps required for drainage purposes in accordance with the Building Code of Australia.	Prior to the commencement of use and to be maintained at all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.5). If a word remains undefined it has its ordinary meaning.
Transport noise corridor	
2.	Lots 612 and 613 on PTD2092 are impacted by transport corridor noise from Port Douglas Road (Davidson Street), a state-controlled road. Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://www.planning.qld.gov.au/planning-framework/mapping and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.
Further development permits required	
3.	Road access works approval The proposed multiple dwelling development will be required to undertake road access works to construct a driveway onto Port Douglas Road (Davidson Street), a state-controlled road. Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works on a state-controlled road. Please contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.
4.	Road Corridor Permit – Landscaping The development is proposing to undertake landscaping works including planting within the Port Douglas Road (Davidson Street) corridor, a state-controlled road. An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the Transport Infrastructure (State-controlled roads) Regulation 2006. Please contact the Cairns district office of the DTMR at

	Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application and obtain a road corridor permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.
--	--

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

SARA assessed the development against the following codes of the State Development Assessment Provisions (SDAP), version 3.5:

- State code 1: Development in a state-controlled road environment (State code 1).

The development can be conditioned to comply with the assessment benchmarks of State code 1 of SDAP in that the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the function and efficiency of state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.5)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

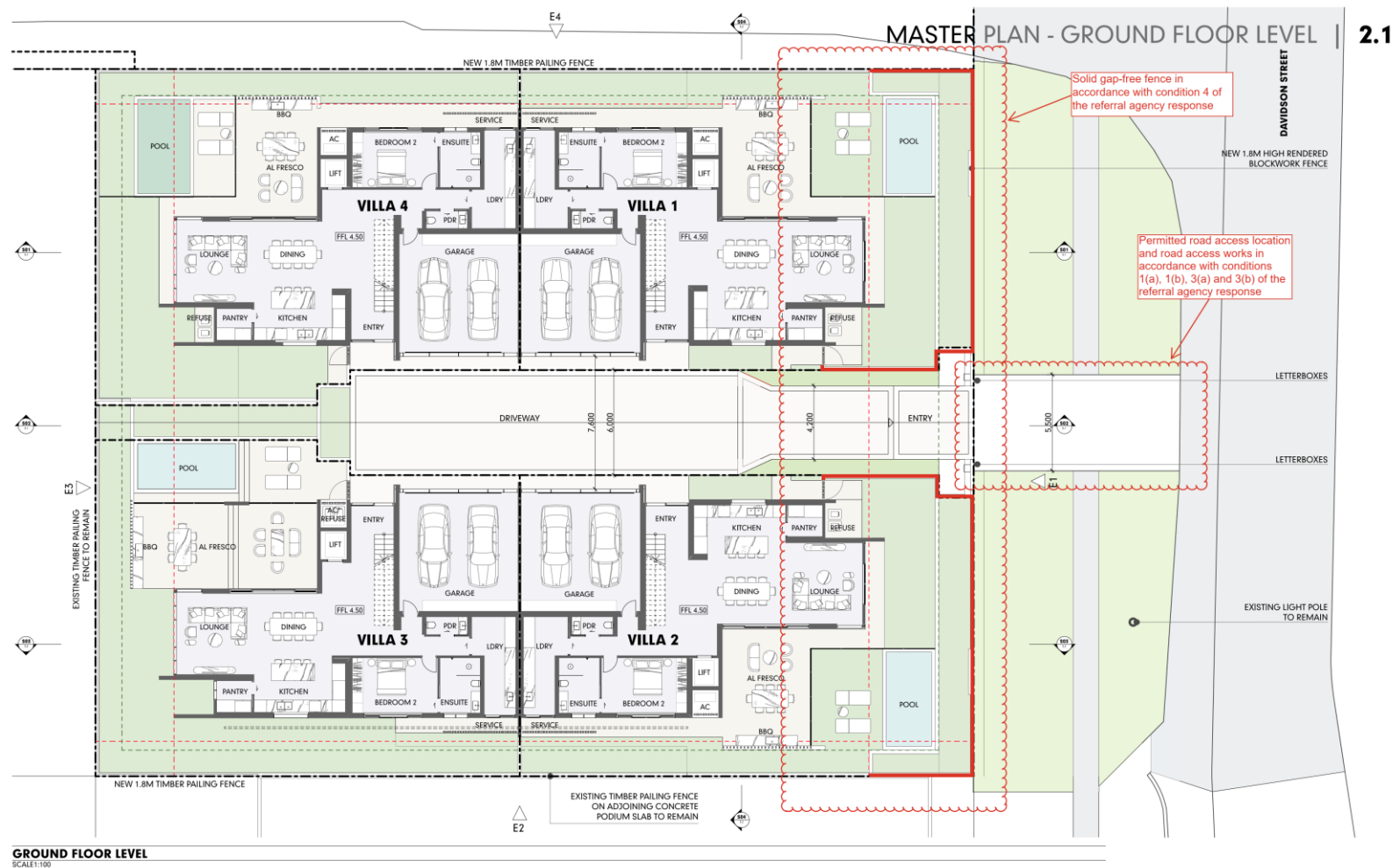
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2603-51306 SRA

Date: 29 April 2026

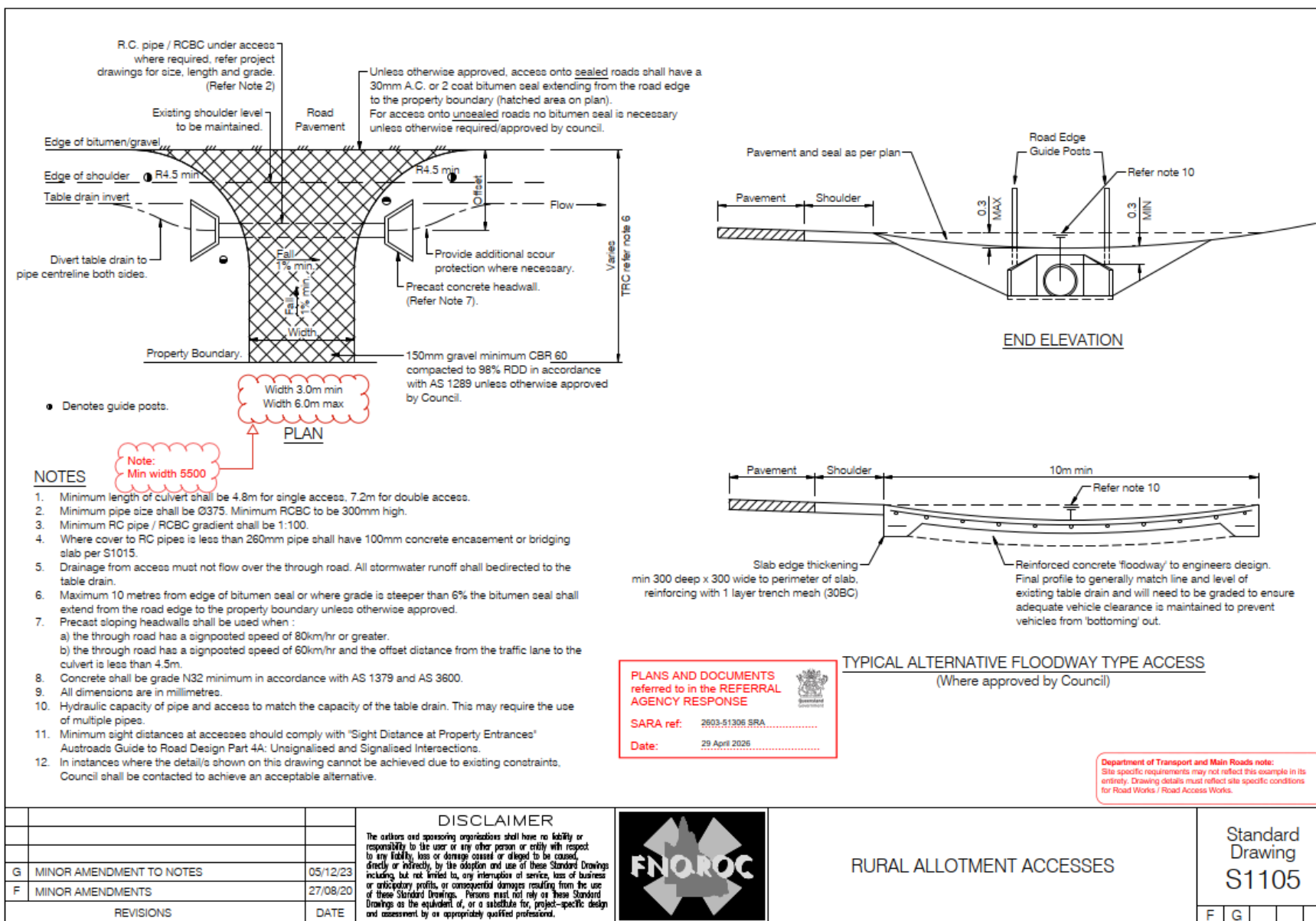


Amended in red by SARA on

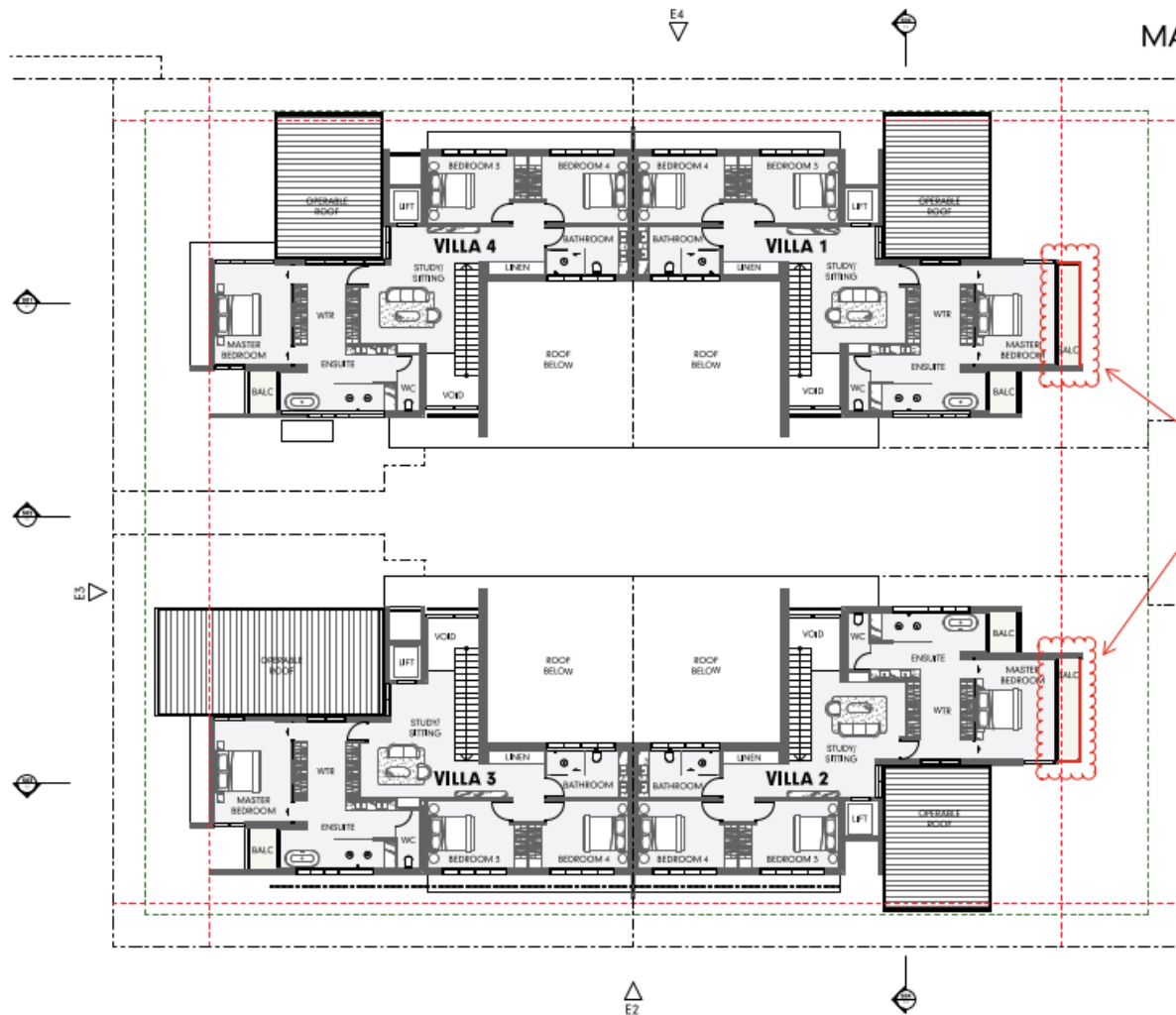
29 April 2026

RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
| 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
DEVELOPMENT APPLICATION | DA1 | 11 February 2026





MASTER PLAN - FIRST FLOOR LEVEL | 2.2



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2603/51306 SRA

Date: 29 April 2026

Amended in red by SARA on
29 April 2026

Solid gap-free structure in
accordance with condition 5 of
the referral agency response

FIRST FLOOR LEVEL
SCALE: 1:100

RECONFIGURING OF LOTS (2 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE - MULTIPLE DWELLINGS AND SHORT-TERM ACCOMMODATION
| 11 & 13 DAVIDSON STREET PORT DOUGLAS QLD 4877 AUSTRALIA
DEVELOPMENT APPLICATION | DA1 | 11 February 2026



Our ref TMR26-049519
Your ref
Enquiries Ronald Kaden



24 April 2026

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number CA 2026_5907/1, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 1RP738379, 613PTD2092, 612PTD2092, the land the subject of the application, and Port Douglas Road (Davidson Street) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address
Montawood Pty Ltd
C/- Aspire Town Planning and Project Services
PO Box 1040
Mossman QLD 4873

Application Details

Address of Property 11 Davidson Street, Port Douglas QLD 4877
Real Property Description 1RP738379, 613PTD2092, 612PTD2092
Aspect/s of Development Development Permit, Development Permit for Reconfiguring a Lot, Material Change of Use for Reconfiguration of a Lot (2 lots into four lots and common property plus creation of a service easement over adjacent land., Multiple Dwellings and Short-Term Accommodation for four (4) units

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
Road Access Location		
A. General		

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870
PO Box 6185 Cairns QLD 4870

Telephone +61 (07) 4045 7151
Website www.tmr.qld.gov.au
Email Far.North.Queensland.IDAS@tmr.qld.gov.au
ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 20 metres from the common boundary with Lot OSP161476, in accordance with: (a) TMR Layout Plan (6504 - 5.19km) Issue A 17/04/2026 TMR26-045999 Attachment D	At all times.
2	Direct access is prohibited between Port Douglas Road and the subject land at any location other than the Permitted Road Access Location described in Condition 1.	At all times.
3	The use of the permitted road access location described in Condition 1 is to be restricted to: a) Design vehicles up to a maximum size short sedan - Class 1 Short Length Light Vehicle ** Note: ** as described in Austroads Vehicle Classification System	At all times.
4	Road access works comprising a sealed Rural Property Access must be constructed with a minimum width of 5.5 metres at the property boundary, generally in accordance with: a) FNQROC Standard Drawing S1105 - Rural Allotment Access	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject sites (Lot 612 & 613 on PTD2092) have road frontage and informal vehicle access via Port Douglas Road, a state-controlled road.
- b) The subject site (Lot 1 on RP738379) has road frontage and formal vehicle access via Port Douglas Road, a state-controlled road. This Lot has been included in the development application only for the purposes of drainage easement.
- c) The combined development application seeks a development permit for:
 - Material change of use for multiple dwellings and short-term accommodation (4 dwellings);
 - Reconfiguring a lot (2 lots into 4 lots and common property); and
- d) The proposed development is intending to relocate and construct a new access to service 4 lots.
- e) As the proposed development is increasing traffic generation and relocating the driveway, a new section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.

2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.
3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Town Planning Report: 9, 11 and 13 Davidson Street, Port Douglas – Lot 1 on RP738379 and Lots 613 and 612 on PTD2092	Aspire Town Planning and Project Services	6 March 2026	2026-03-23 – Montawood – 9, 11 and 13 Davidson Street, Port Douglas	-
Engineering Report	KFB Engineers	25/2/26	K-15080-REP-001	-
Site Plan	Hunt Design	11 February 2026	1.5	-
Master Plan – Ground Floor Level	Hunt Design	11 February 2026	2.1	-
Master Plan – First Floor Level	Hunt Design	11 February 2026	2.2	-
Elevations E1 + E2	Hunt Design	11 February 2026	3.1	-
Survey Plan	Brazier Motti	14.08.25	36504/001 A	A
Overall Landscape Plan/Existing Trees	Suzan Quigg Landscape Design	16 Feb 2026	L02	1A
TMR Layout Plan (6504 - 5.19km)	Queensland Government Transport and Main Roads	17/04/2026	TMR26-049519 Attachment D	A
Vehicle Access to state-controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

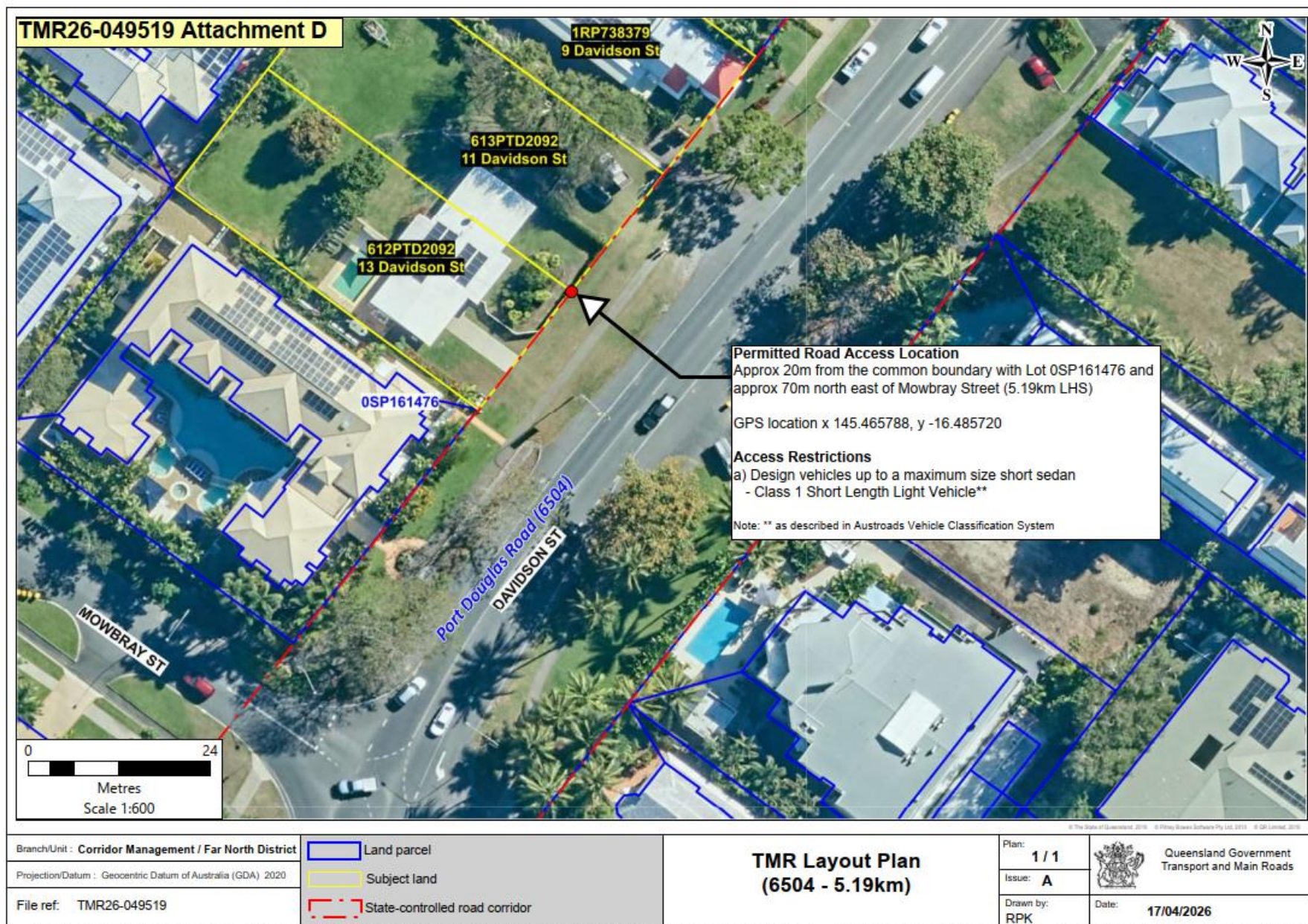
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—

- (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or
 - (ii) a development condition imposed under a direction given by the Minister under part 6, division 2; or
 - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(2); or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(d).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the assessment manager gives the applicant the decision notice for the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local

-
- government area—the relevant local government;
and
- (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a ***change application***) to change a development approval.

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

- (2) An appellant may start an appeal within the appeal period.
- (3) The ***appeal period*** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the **appointer**) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

Administration Office

64 - 66 Front St Mossman

P 07 4099 9444

F 07 4098 2902

30 September 2026

Enquiries: Kieren Nyko
Our Ref: CA 2026_5907/1 (Doc ID 1367715)
Your Ref: 2026-03-23 - MONTAWOOD

Montawood Pty Ltd
C/- Daniel Favier T/A Aspire Town Planning and Project Services
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

**Development Application for Combined Material Change of Use for Multiple Dwellings and Short-Term Accommodation and Reconfiguring a Lot (2 Lots into 4 Lots, Common Property and Creation of a Services Easement over Adjacent Land)
At 9, 11 & 13 Davidson Street, Port Douglas
On Land Described as: Lot 1 RP738379, Lot 613 PTD2092 & Lot 612 PTD2092**

Please find attached the reissued Adopted Infrastructure Charges Notice given in accordance with section 119 of the *Planning Act 2016* for the Negotiated Decision Notice.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note the Infrastructure Charges remain the same as calculated in the Adopted Infrastructure Charges Notice dated 26 August 2026. The Infrastructure Charges Notice is attached.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2026_5907/1 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Kieren Nyko on telephone 07 4099 9444.

Yours faithfully



Neil Beck
Team Leader Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL		2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Montawood Pty Ltd		0	
DEVELOPERS NAME		ESTATE NAME	
11 and 13 Davidson Street		613 PTD2092 & 612 PTD2092	
STREET No. & NAME		STAGE	
Combined Application for Reconfiguring a Lot (2 Lots into 4 Lots) and Material Change of Use Multiple Dwelling and Short Term Accommodation		1796 & 1795	
SUBURB		LOT & RP No.s	
CA 2026_5907		PARCEL No.	
DEVELOPMENT TYPE		COUNCIL FILE NO.	
1368415		VALIDITY PERIOD (year)	
DSC Reference Doc. No.		1	
VERSION No.		Payment to be made prior to commencement of use for MCU; and prior to endorsement of survey plan for ROL, whichever comes first.	
Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)			
		Charge per Use	\$ Rate
Proposed Demand		Floor area/No.	Amount
Residential	Dwelling_house	\$ _per_3_or_more_bed room_dwelling	29,420.02
		4	\$117,680.08
Total Demand			\$117,680.08
Credit			
<u>Existing land use</u>			
Residential	Dwelling_house	\$ _per_3_or_more_bed room_dwelling	29,420.02
		2	\$58,840.04
Total Credit			\$58,840.04
Required Payment or Credit		TOTAL	\$58,840.04
Prepared by		Kieren Nyko	27-May-26
Checked by		Jenny Elphinstone	27-May-26
Date Payable		ROL - Before the Local Government approves the plan of subdivision MCU - prior to the commencement of use	
Amendments		Date	Receipt No.
		Cashier	
Note: The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the <i>Planning Act 2016</i> as from Council's resolution from the Ordinary Meeting held on 23 February 2021. Charge rates under the Policy are subject to indexing. Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work. Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted. If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au			

- (2) This section is subject to section 123.

123 Agreements about payment or provision instead of payment

- (1) The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following—
- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider any representations made by the recipient.
- (3) If the local government—
- (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;

the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.

- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.
- (2) The recipient may give only 1 notice.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
(b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

- (2) An appellant may start an appeal within the appeal period.
- (3) The ***appeal period*** is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
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Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

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decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
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