



Town Planning and Project Services

3 July 2026

Chief Executive Officer  
Douglas Shire Council  
64-66 Front Street  
MOSSMAN QLD 4873

Via email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Attn: Neil Beck (Lead – Town Planning)

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**RE: CHANGE APPLICATION (MINOR CHANGE) OVER LAND AT 30 MURPHY STREET, PORT DOUGLAS, MORE FORMALLY DESCRIBED AS LOT 1 ON RP729453**

**COUNCIL REF: MCUC 2025\_5726/1 (1292975)**

Aspire Town Planning and Project Services acts on behalf of Katherine Jean Agrums (the Applicant and Landowner) in relation to the above-mentioned Development Approval.

On 28 April 2025, Douglas Shire Council issued Development Permit MCUC 2025\_5726/1 for a Material Change of Use (Dwelling House) over land situated at 30 Murphy Street, Port Douglas. The approval authorises the construction of a contemporary two-storey dwelling designed to respond to the sloping topography of the site.

This Change Application is made pursuant to section 78 of the *Planning Act 2016* and seeks approval for a Minor Change to the approved plans.

The proposed amendment is limited in scope and principally involves the addition of an elevated viewing deck above the approved roof level. The viewing deck comprises an open deck area accessed via a spiral staircase and protected by a lightweight flat roof structure. No changes are proposed to the approved land use, building footprint, setbacks, vehicle access, parking arrangements, servicing or earthworks.

The amendment has been developed to better capitalise on the exceptional coastal and mountain views available from the site while maintaining the contemporary architectural character of the approved dwelling.

In support of this application, the following documentation accompanies the submission:

- Attachment 1 – DA Form 5 – Change Application;
- Attachment 2 – Original Decision Notice MCUC 2025\_5726/1;
- Attachment 3 – Amended Plans prepared by Vos Architecture.

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PO BOX 1040, MOSSMAN QLD 4873  
M. 0418826560  
E. [admin@aspireqld.com](mailto:admin@aspireqld.com)  
W. [www.aspireqld.com](http://www.aspireqld.com)  
ABN. 79 851 193 691

In accordance with Council's 2026/27 Fee Schedule, the Minor Change fee is \$387. We respectfully request Council issues an Invoice to facilitate payment of the relevant fee directly by the Applicant.

### **Description of the Proposed Change**

The approved Dwelling House generally remains unchanged.

The proposed Minor Change comprises:

- Addition of an elevated rooftop viewing deck above the approved roof level;
- Construction of a lightweight flat roof over the viewing deck;
- Installation of a spiral staircase providing access between the existing upper floor and the viewing deck;
- Minor increase in the overall building height associated with the viewing deck structure;
- No change to the approved building footprint;
- No change to approved setbacks;
- No change to site coverage;
- No change to vehicle parking;
- No change to landscaping;
- No change to earthworks;
- No change to infrastructure servicing;
- No change to the approved land use.

The proposal therefore represents a refinement to the approved architectural design rather than a redesign of the approved development.

### **Purpose of the Amendment**

The purpose of the amendment is to improve the functionality and enjoyment of the approved dwelling by providing an elevated outdoor viewing area.

The subject site occupies an elevated position overlooking Port Douglas and coastline. These panoramic views represent one of the site's defining characteristics and were an important consideration in the original architectural design.

The proposed viewing deck enables occupants to better appreciate these views while maintaining the contemporary architectural expression of the dwelling.

Importantly, the viewing deck does not increase the intensity of development. It simply provides an additional outdoor recreational space ancillary to the approved dwelling.

## **Legislative Framework**

Section 78 of the *Planning Act 2016* permits an applicant to apply to change a development approval.

Schedule 2 of the *Planning Act 2016* defines a Minor Change as a change which:

"...would not result in substantially different development..."

and would not:

- result in prohibited development;
- introduce additional referral agencies;
- require assessment against additional referral matters;
- introduce public notification where none was originally required.

The proposal satisfies each of these requirements.

## **Minor Change Assessment**

The proposed amendment does not result in prohibited development.

The proposal remains a Dwelling House approved under the Douglas Shire Planning Scheme.

The proposal would not require referral to any additional referral agency.

The proposal would not require assessment against any additional referral matters.

The proposal would not alter the applicable level of assessment.

The original development application was Code Assessable and the proposal would remain Code Assessable if lodged today.

Accordingly, the proposal satisfies the statutory definition of a Minor Change.

## **Substantially Different Development Assessment**

The Development Assessment Rules provide guidance in determining whether a proposed change may result in substantially different development. Having regard to each of the identified criteria, it is submitted that the proposed amendment does not result in substantially different development for the following reasons.

### (a) Involves a New Use

The proposed amendment does not introduce a new use.

The approved development is for a Dwelling House, and the proposed development remains a Dwelling House. The addition of a rooftop viewing deck is ancillary to the approved residential use and simply provides an additional outdoor recreational space for occupants. The proposal does not alter the nature, function or intensity of the approved land use.

Accordingly, the proposal does not involve a new use.

(b) Results in the Application Applying to a New Parcel of Land

The proposal does not alter the extent of land to which the approval applies.

The approved development continues to be wholly contained within Lot 1 on RP729453, with no additional land included within the application.

Accordingly, this criterion is not applicable.

(c) Dramatically Changes the Built Form in Terms of Scale, Bulk and Appearance

While the proposal introduces a rooftop viewing deck, it does not dramatically alter the approved built form in terms of scale, bulk or appearance.

The approved dwelling remains fundamentally unchanged. The proposal retains the approved building footprint, site layout, setbacks, architectural character, external materials and overall design philosophy. The only substantive amendment is the inclusion of an open viewing deck above the approved roofline, accessed via a spiral staircase.

Importantly, the viewing deck has been deliberately designed as a lightweight architectural element. Unlike an additional enclosed storey, the structure is open in form and incorporates a flat roof supported by slender structural members. As a result, it contributes minimal additional building bulk or visual mass and remains clearly subordinate to the approved dwelling.

Although the proposal results in a modest increase in overall building height beyond the 8.5 metre building height benchmark, the additional height is confined to a relatively small portion of the building and does not materially alter the overall scale of the approved development.

Furthermore, given the elevated hillside location and the vegetated backdrop to Murphy Street, the additional height is visually absorbed within the surrounding landscape and does not result in visual dominance or adversely affect the character or scenic amenity of Port Douglas.

Accordingly, the proposal represents a refinement of the approved architectural design rather than a dramatic change to the approved built form.

(d) Changes the Ability of the Proposed Development to Operate as Intended

The proposal does not alter the operation of the approved development.

The development will continue to operate solely as a private dwelling. The viewing deck is an ancillary component of the approved residential use and does not increase the development intensity or alter the intended operation of the dwelling.

Accordingly, this criterion is not triggered.

(e) Removes a Component that is Integral to the Operation of the Development

The proposal does not remove any component that is integral to the approved development.

The amendment is additive in nature and does not remove any approved building element, access arrangement, parking provision, landscaping or infrastructure necessary for the operation of the dwelling.

Accordingly, the approved development continues to operate as originally intended.

(f) Significantly Impacts on Traffic Flow and the Transport Network

The proposal will have no impact on traffic generation or the surrounding transport network.

The amendment does not increase residential yield, occupancy, vehicle parking demand or visitor numbers. Vehicle access arrangements remain unchanged and no modification is proposed to the approved driveway or parking configuration.

Accordingly, the proposal does not result in any increase in traffic generation or impact upon the surrounding transport network.

(g) Introduces New Impacts or Increases the Severity of Known Impacts

The proposal does not introduce any new planning impacts nor materially increase the severity of impacts previously assessed by Council.

The rooftop viewing deck has been carefully integrated into the approved architectural design and remains ancillary to the approved dwelling. While it results in a minor increase in overall building height, it does not materially increase the building footprint, bulk or scale.

The proposal has also been designed to minimise potential amenity impacts. The deck is orientated to take advantage of expansive views across Port Douglas and coastline, rather than to overlook adjoining residential properties. Given the elevated topography of the site, the approved dwelling already enjoys significant outward views, and the addition of the viewing deck does not materially alter the privacy relationship between adjoining properties.

Similarly, the lightweight open design ensures that the proposal does not adversely affect visual amenity or the surrounding landscape character.

No additional impacts are generated in relation to traffic, noise, infrastructure demand, stormwater, servicing or earthworks.

Accordingly, the proposal does not introduce new impacts or increase the severity of known impacts.

(h) Introduces New Social Impacts or Increases the Severity of Known Social Impacts

This criterion is not applicable.

The proposal is for a private Dwelling House and is not development prescribed under the *Planning Regulation* requiring social impact assessment under section 106T of the *Planning Act 2016*.

(i) Removes an Incentive or Offset Component that Balanced a Negative Impact of the Development

The proposal does not remove any incentive, offset or mitigation measure associated with the approved development.

Approved setbacks, landscaping, access arrangements and infrastructure servicing remain substantially unchanged. The proposal therefore retains the planning outcomes previously accepted by Council.

Accordingly, this criterion is not applicable.

(j) Impacts on Infrastructure Provisions

The proposal does not increase demand on public infrastructure or require any alteration to existing infrastructure provisions.

The amendment does not increase occupancy or residential yield and therefore does not alter the demand placed upon water supply, sewerage, stormwater infrastructure, road infrastructure or other public services.

Accordingly, the proposal will have no impact on infrastructure provisions.

**Planning Merit**

From a planning perspective, the proposed amendment represents a logical refinement to the approved dwelling.

The proposal:

- maintains the approved land use;
- maintains the approved site layout;
- maintains approved setbacks;
- maintains parking;
- maintains servicing arrangements;
- maintains landscaping;
- introduces no material additional planning impacts.

The only discernible change is the addition of a lightweight rooftop viewing deck which enables the occupants to better utilise one of the site's greatest attributes, its panoramic outlook.

Although the proposal results in a modest increase in building height, the variation does not undermine the intent of the Planning Scheme nor create adverse impacts upon neighbouring properties or the wider landscape.

**Conclusion**

It is demonstrated that the proposed amendment constitutes a Minor Change under the *Planning Act 2016*.

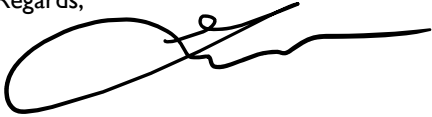
The proposal does not result in substantially different development, introduces no new planning impacts, requires no additional referrals and maintains the approved development intent.

The amendment simply refines the approved architectural design through the inclusion of a lightweight rooftop viewing deck that responds appropriately to the site's unique topography and exceptional outlook.

For these reasons, it is respectfully requested that Douglas Shire Council approve the proposed Minor Change to Development Permit MCUC 2025\_5726/1.

Should Council require any additional information or documentation to facilitate this process, please do not hesitate to contact the undersigned.

Regards,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

Daniel Favier

**Senior Town Planner**

**ASPIRE Town Planning and Project Services**



**ASPIRE**

Town Planning and Project Services

## **Attachment I**

# **Duly Completed Form 5 – Change Application**

# Change application form

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Katherine Jean Agrums
Contact name <i>(only applicable for companies)</i>	c/- Daniel Favier T/A Aspire Town Planning and Project Services
Postal address <i>(P.O. Box or street address)</i>	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Email address <i>(non-mandatory)</i>	<a href="mailto:admin@aspireqld.com">admin@aspireqld.com</a>
Mobile number <i>(non-mandatory)</i>	0418826560
Applicant's reference number(s) <i>(if applicable)</i>	2026-07-72 - Agrums - 30 Murphy Street, Port Douglas

## 2) Owner's consent - Is written consent of the owner required for this change application?

**Note:** Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- Yes – the written consent of the owner(s) is attached to this change application  
 No

## PART 2 – LOCATION DETAILS

### 3) Location of the premises *(complete 3.1) or 3.2), and 3.3) as applicable)*

#### 3.1) Street address and lot on plan

- Street address **AND** lot on plan *(all lots must be listed), or*  
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises *(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).*

a)	Unit No.	Street No.	Street Name and Type	Suburb
		30	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	RP729453	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland  
Government**

c)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

**3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)**

**Note:** Place each set of coordinates in a separate row.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

**3.3) Additional premises**

Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

Not required

## PART 3 – RESPONSIBLE ENTITY DETAILS

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

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

Douglas Shire Council

## PART 4 – CHANGE DETAILS

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

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC 2025_5726/1 (1292975)	28 April 2025	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

**6) Type of change proposed**

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

Amendment to design to introduce an open rooftop deck with flat roof.

**6.2) What type of change does this application propose?**

Minor change application – proceed to Part 5

Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

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

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

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

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

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

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

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
  - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

## 12) Further details

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

## PART 7 – CHECKLIST AND APPLICANT DECLARATION

### 13) Change application checklist

I have identified the:

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

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

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application  Yes  Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application  Yes  Not applicable

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

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

Relevant plans of the development are attached to this development application  Yes

**Note:** Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

### 14) Applicant declaration

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

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

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

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

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

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

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

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

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Date received:  Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			



Town Planning and Project Services

## **Attachment 2**

**Copy of the Original Decision Notice  
MCUC 2025\_5726/I (1292975)**

28 April 2025

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2025\_5726/1 (1292975)  
**Your Ref:**

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

K J Agrums  
C/- Daniel Favier (Aspire Town Planning)  
PO Box 1040  
MOSSMAN QLD 4873

Dear Sir/Madam

**Development Application for Material Change of Use-Code (Dwelling House)  
At 30 Murphy Street, Port Douglas  
On Land Described as LOT: 1 RP: 729453**

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

Please quote Council's application number: MCUC 2025\_5726/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



# Decision Notice

## Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

### Applicant Details

Name: K J Agrums  
Postal Address: C/- Daniel Favier (Aspire Town Planning)  
PO Box 1040  
MOSSMAN QLD 4873  
Email: admin@aspireqld.com

### Property Details

Street Address: 30 Murphy Street PORT DOUGLAS  
Real Property Description: LOT: 1 RP: 729453  
Local Government Area: Douglas Shire Council

### Details of Proposed Development

Development Permit- Material Change of Use (Dwelling House)

### Decision

Date of Decision: 28 April 2024  
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Site Plan	Danny Vos plan 1.1, Rev D	13 February 2025
Ground Floor Plan	Danny Vos plan 1.2, Rev D	13 February 2025
First floor Plan	Danny Vos plan 2.2, Rev D	13 February 2025
Roof Plan	Danny Vos plan 2.3, Rev D	13 February 2025

<b>Boundary Elevation 01</b>	Danny Vos plan 3.1, Rev D	13 February 2025
<b>Boundary Elevation 02</b>	Danny Vos plan 3.2, Rev D	13 February 2025
<b>Boundary Elevation 03, 04</b>	Danny Vos plan 3.3, Rev D	13 February 2025

### **Assessment Manager Conditions & Advices**

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

Except where modified by these conditions of approval

#### **Timing of Effect**

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

#### **Amendment to Design**

3. Provide an amendment to the size of the service area between the swimming pool to achieve no less than a 600mm setback from the retaining wall to the common boundary with Lot 123 on PTD2094. Prior to the issue of a Development Permit for Building Work, a full set of amended plans must be endorsed by the Chief Executive Officer.

#### **Landscaping Plan**

4. Provide an amended landscaping plan reflective of the changes required in condition 3 for endorsement by the Chief Executive Officer prior to commencement of use.

#### **Stormwater**

5. Provide an RPEQ Certified drainage plan demonstrating a lawful point of discharge. The drainage plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

#### **Water Supply**

6. Connect the house to Councils reticulated water supply network in accordance with the requirements of the FNQROC Development Manual and to the satisfaction of the Chief Executive Officer.

#### **Sewerage Reticulation**

7. Connect the house to Councils reticulated sewer supply network in accordance with the requirements of the FNQROC Development Manual and to the satisfaction of the Chief Executive Officer.

#### **Exterior Finishes**

8. The exterior finishes and colours of the house must be non-reflective and must blend with the natural colours of the surrounding environment. Shades of white are not approved for use. The exterior finishes must be provided to Council for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **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 replaced at no cost to Council.

### **Vehicle Parking**

10. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) spaces located on site. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

### **Storage of Machinery and Plant**

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

### **Sediment and Erosion Control**

12. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual and;

A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Building Work;

Measures nominated in the ESCP must be implemented prior to commencement of any earthworks and;

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.

### **Bushfire Hazard**

13. The house must be developed in accordance with AS3959- 2009.

### **Further Development Permits**

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

- All Building Work

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

## **Currency Period for the Approval**

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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*.

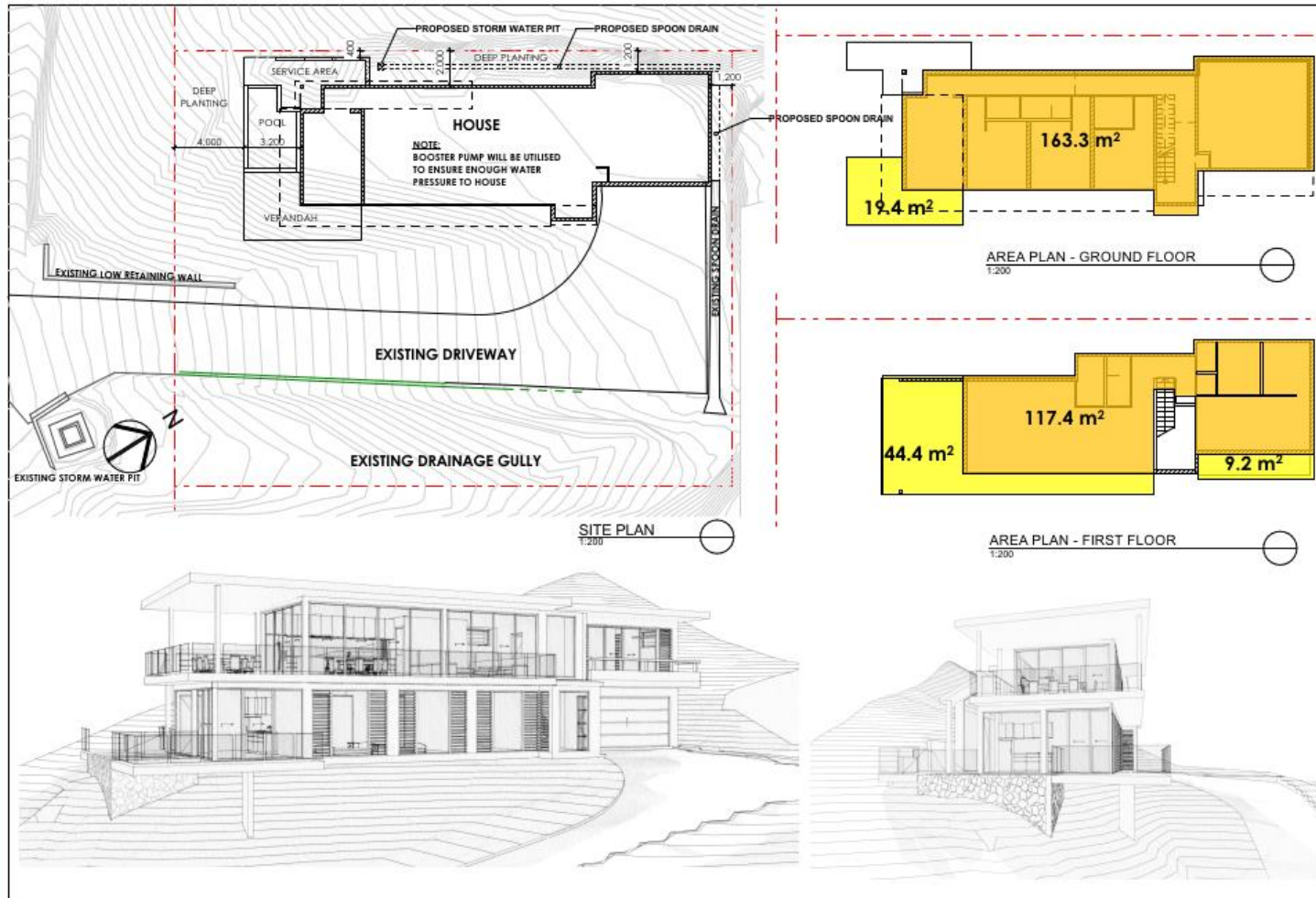
## **Rights to make Representations & Rights of Appeal**

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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)



S  
K  
E  
T  
C  
H  
D  
E  
S  
I  
G  
N

A3 SHEET  
13/02/2025

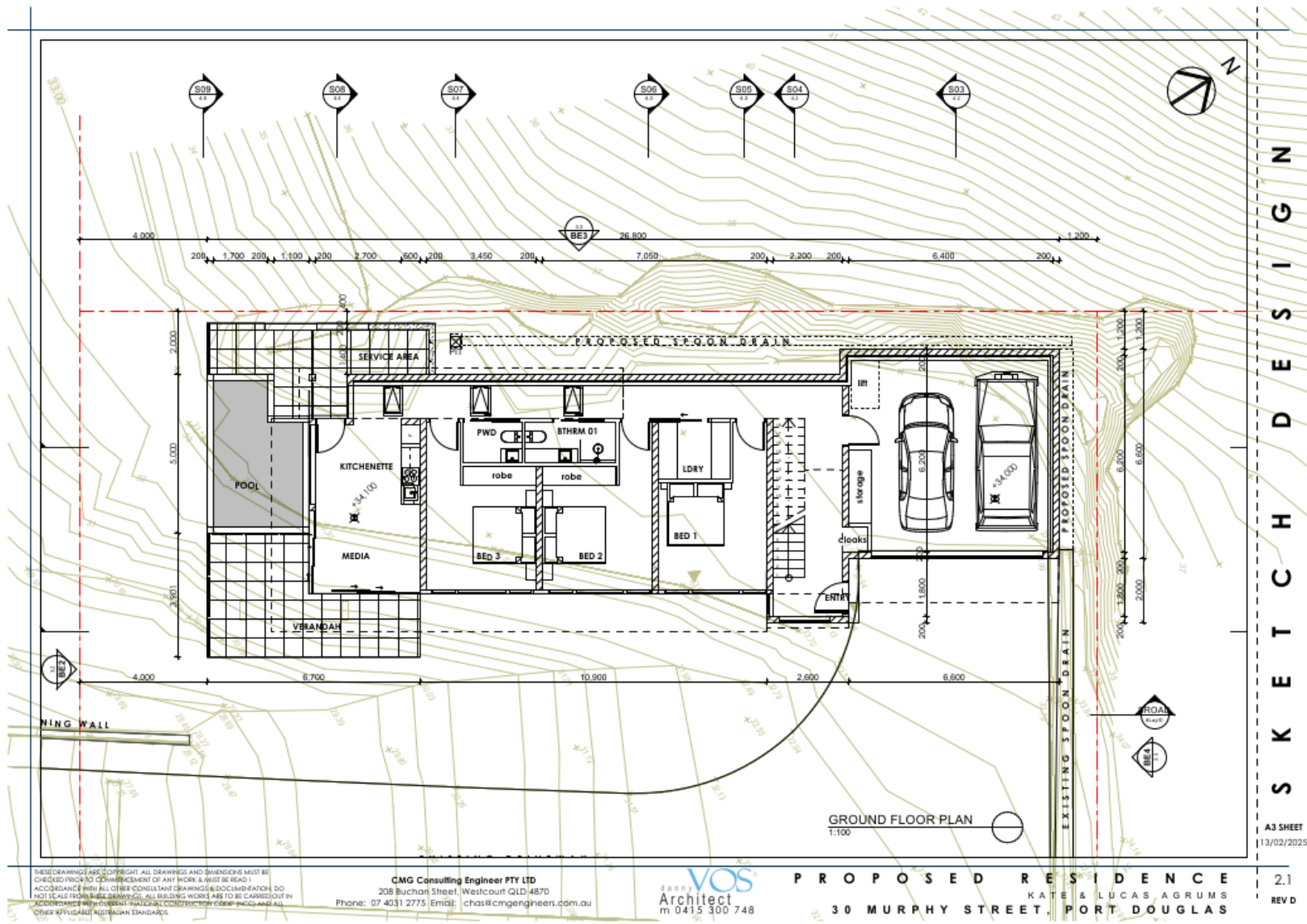
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Architect  
m 0415 300 748

PROPOSED RESIDENCE  
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30 MURPHY STREET, PORT DOUGLAS

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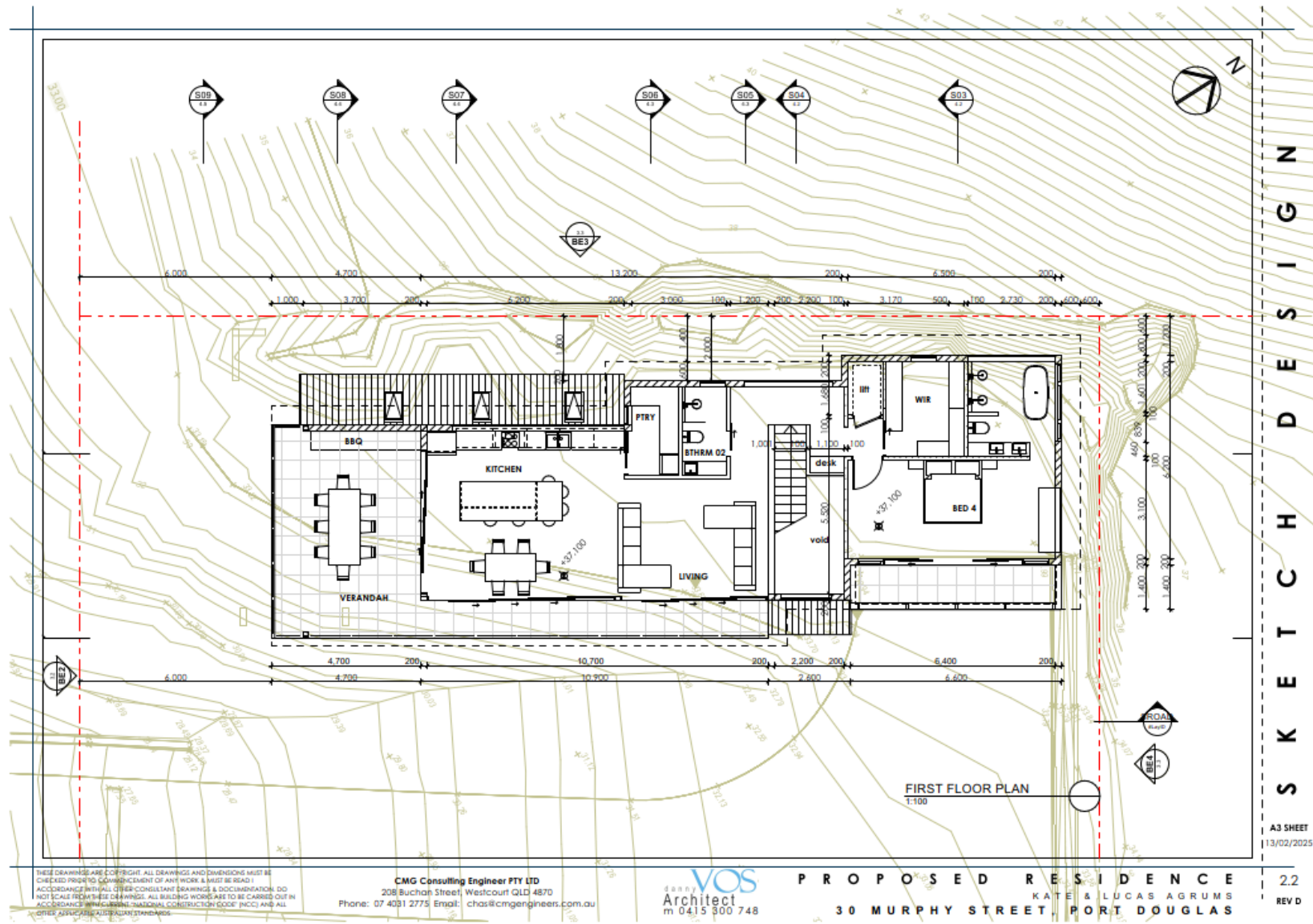
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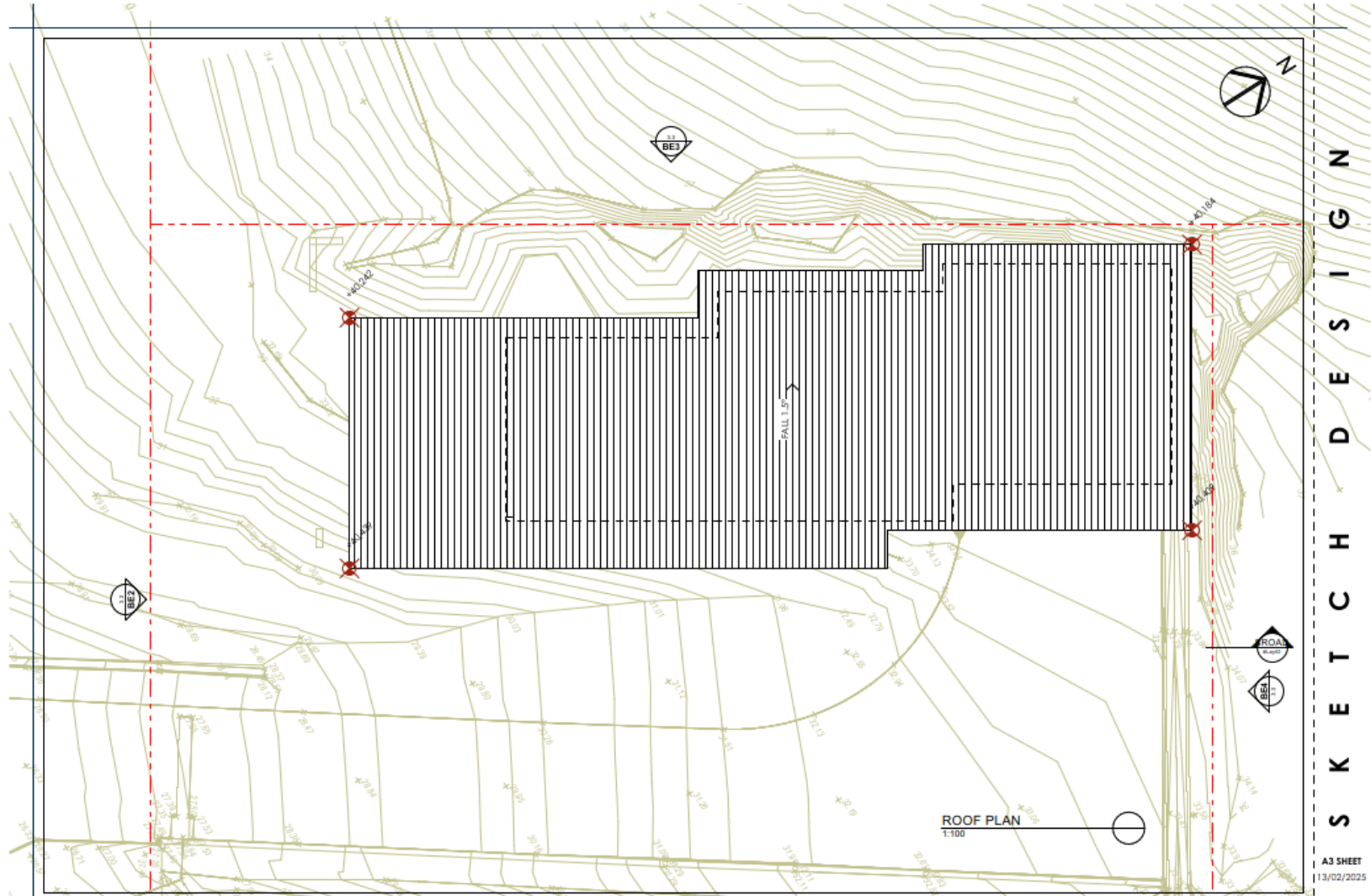
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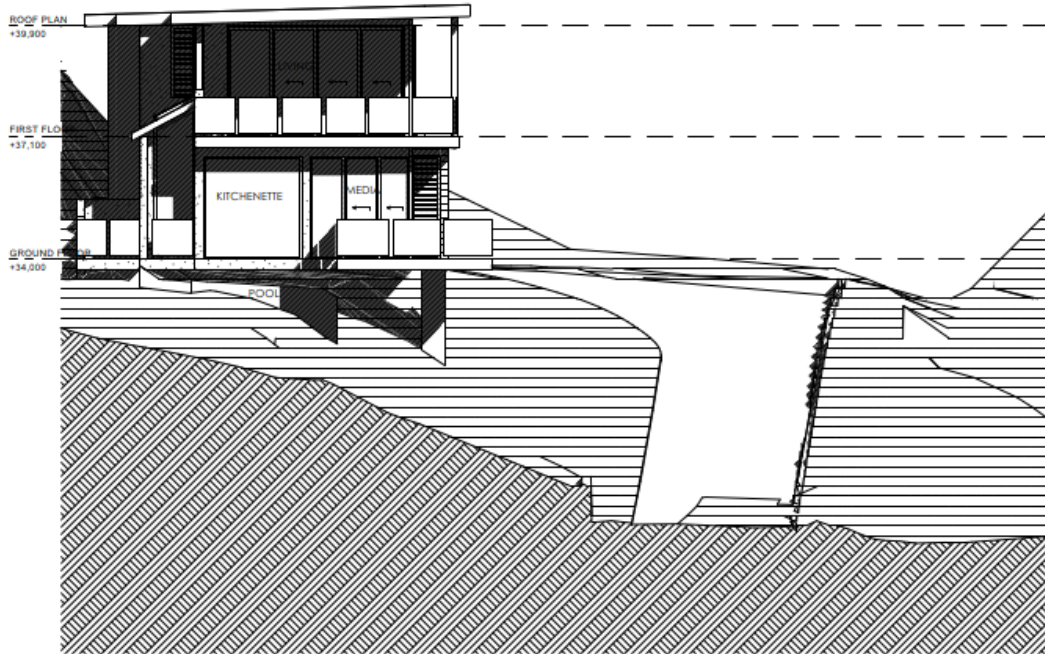
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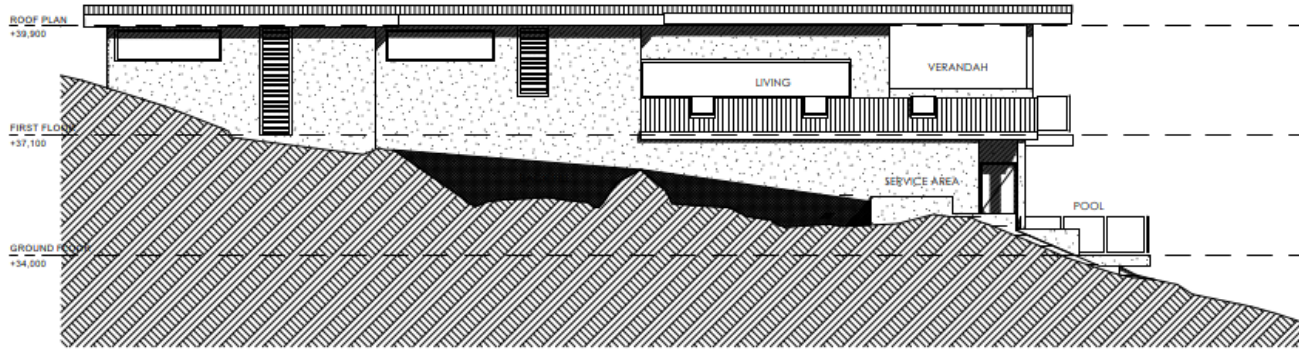
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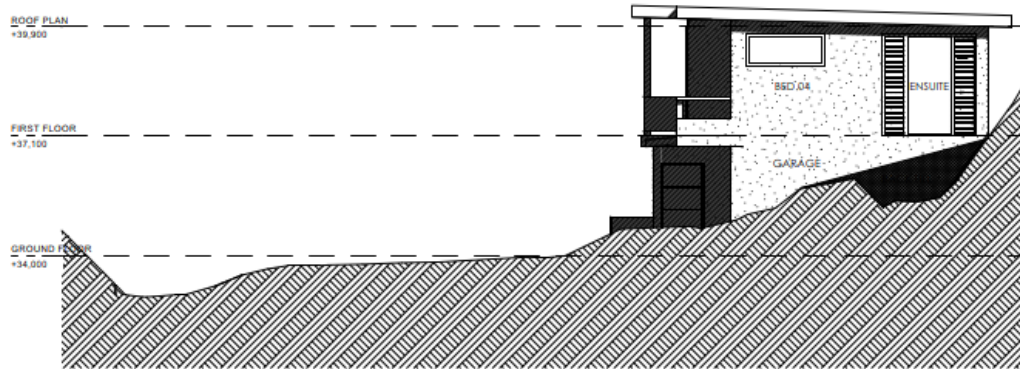
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3.3  
REV D

## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
  - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
  - a. the development application was properly lodged to the Douglas Shire Council 25 February 2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

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## 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

[s 75]

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- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 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)(c).
- (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.
- (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) A change application must be made to the responsible entity for the application.

### **78A Responsible entity for change applications**

- (1) The *responsible entity* for a change application is—
  - (a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or

Planning Act 2016  
Chapter 6 Dispute resolution

[s 229]

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(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.
- (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—

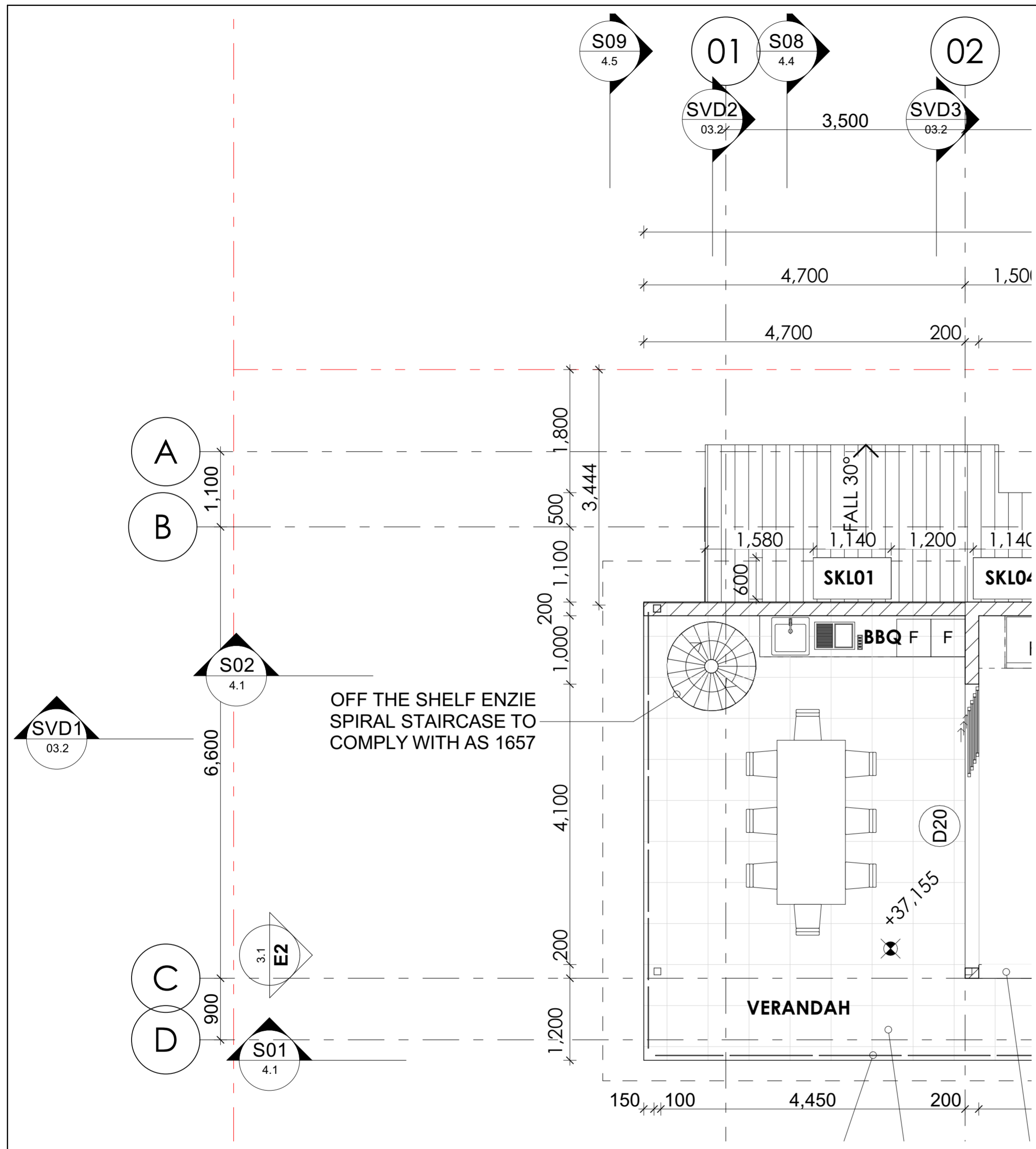


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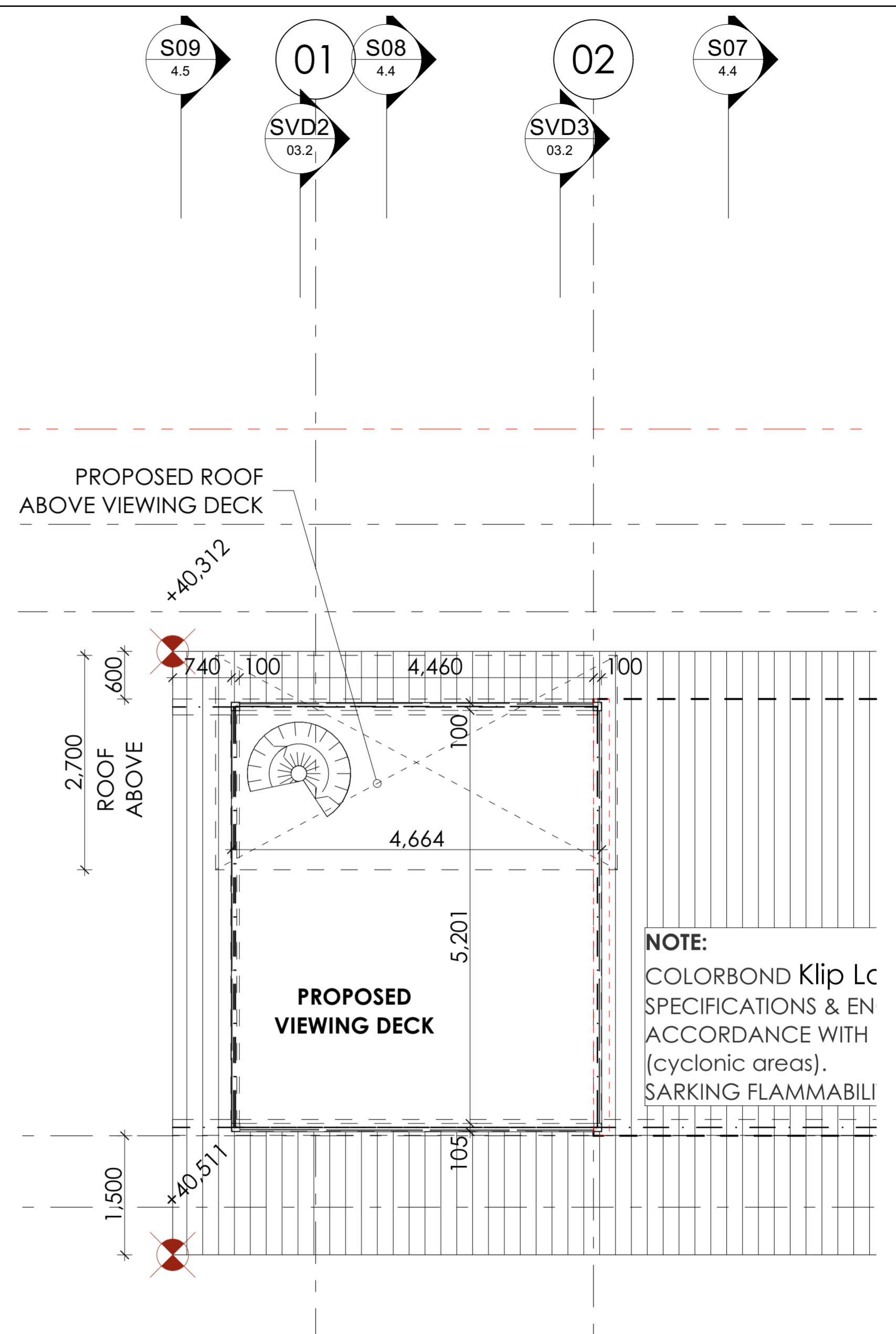
Town Planning and Project Services

## **Attachment 3**

**Amended Plans**  
**Prepared by *Vos Architecture***



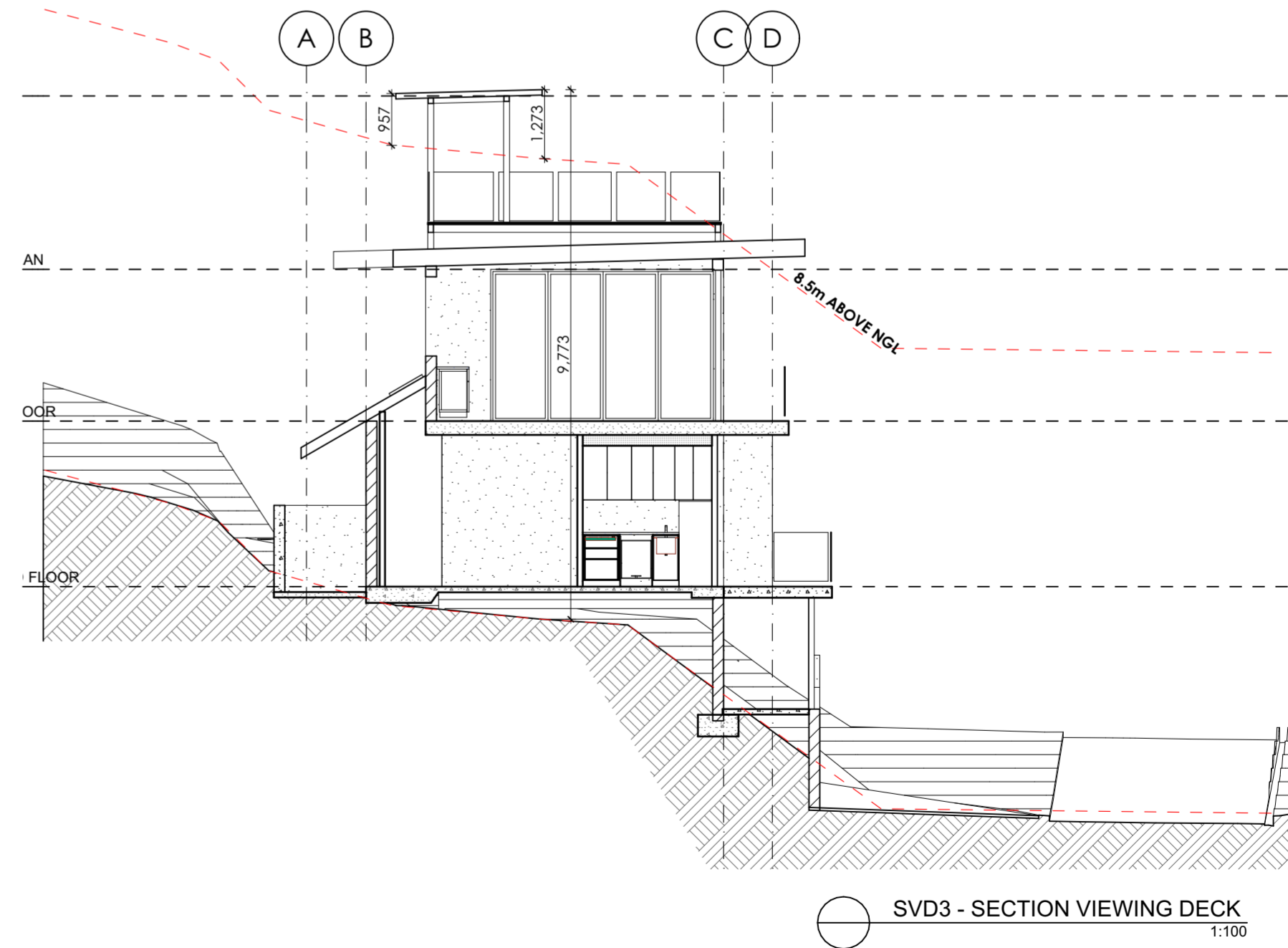
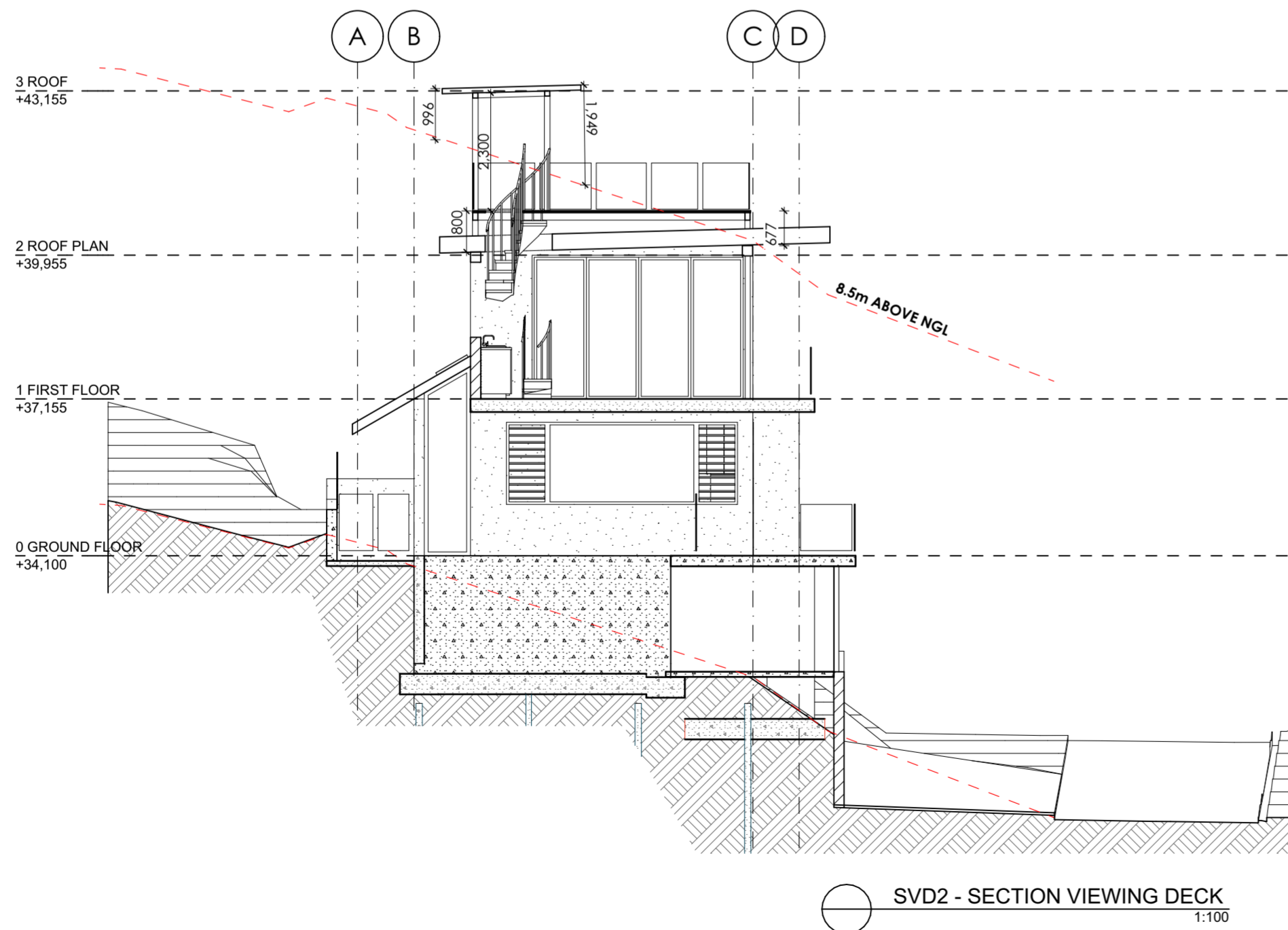
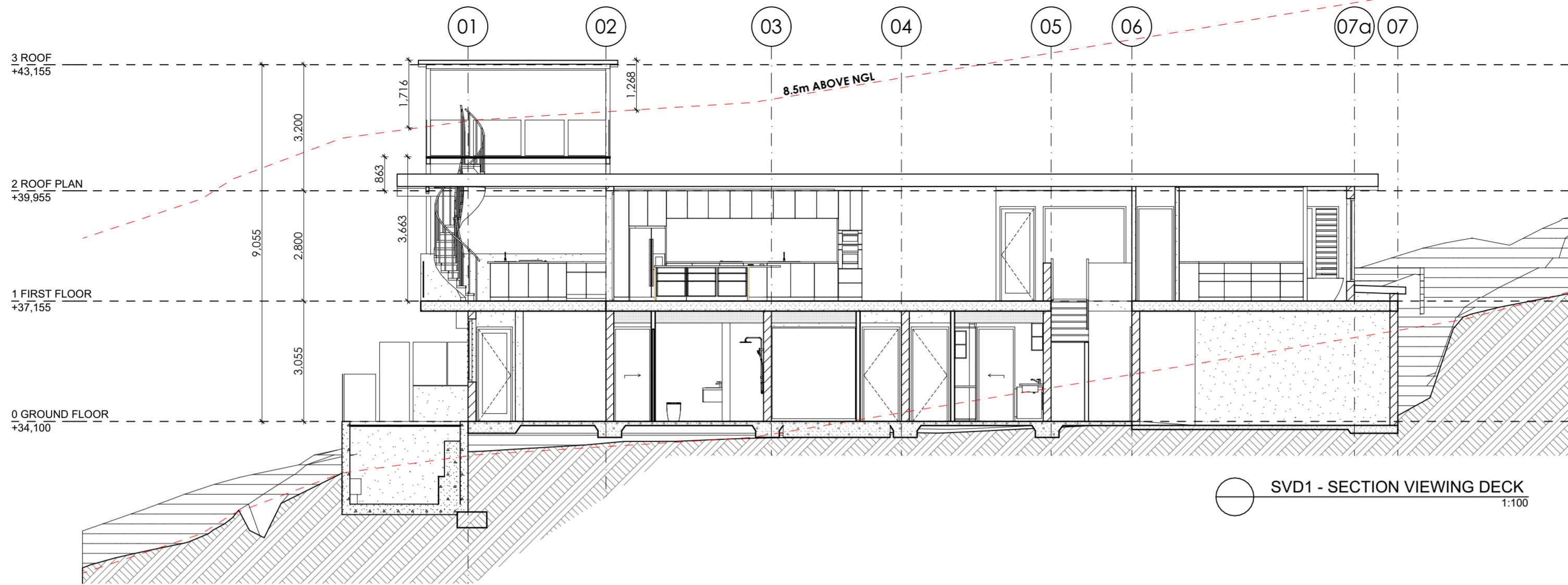
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