

7 October 2024

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

Via email: enquiries@douglas.qld.gov.au

**RE: CHANGE APPLICATION (MINOR CHANGE) OVER LAND AT 21 SAND STREET, PORT DOUGLAS, MORE FORMALLY DESCRIBED AS LOT 14 ON PTD20934
COUNCIL REF: MCUC 2023_5501/I (1191085)**

Aspire Town Planning and Project Services act on behalf of Virginia Isabella Donovan (the 'Landowner' and the 'Applicant') in relation to the above described matter.

In support of the Change Application (Minor Change), please find included:

- Duly Completed Form 5 – Change Application included under Attachment 1;
- Copy of the Original Decision Notice MCUC 2023_5501/I (1191085) included under Attachment 2; and
- Amended Proposal Plans prepared by Danny Vos Architect included under Attachment 3.

In accordance with Council's 2024/25 Fee Schedule, the Minor Change fee is \$358. We respectfully request Council issues an Invoice to facilitate payment of the relevant fee directly by the Applicant.

On behalf of the Applicant, please accept the following assessment supporting the Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act').

Change Application (Minor Change)

The Change Application (Minor Change) seeks to amend the building design by reducing it from a two-storey to a single-storey structure. It also includes adjustments to the building setbacks and the addition of an open carport at the road frontage for each dwelling. The proposed changes are summarised as follows:

- The building height has been reduced from two storeys to a single storey.
 - The development remains a Dual Occupancy, each with 3 bedrooms, 2 bathrooms, and 2 onsite parking spaces per dwelling.
 - The floor layout has been revised from 207m² of internal floor area, 29.5m² of outdoor living space, and a 43.5m² detached garage to 206.5m² of internal floor area (including a single internal garage), 17m² of outdoor living space, and a single bay, attached, open carport.
-

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- The proposed single garages are setback 0.259m from the side boundaries, with no windows or openings along the 6.2m plane. It is not anticipated that this amended design will not create privacy or amenity concerns for adjoining properties. Notably, an existing rendered block wall along the southern boundary, established by the adjoining owner, provides additional privacy. Should the proposed changes be approved, Condition 3 (Amendment to Design), which prescribes a minimum 300mm setback, would need to be amended.
- The proposed single-bay open carports are located up to the front boundary and 0.459m from the side boundary. The eave line is set back approximately 5m from the front boundary, while the main building line, defined by the garage, is setback 6m.
- Further setback details are outlined in the extract below.

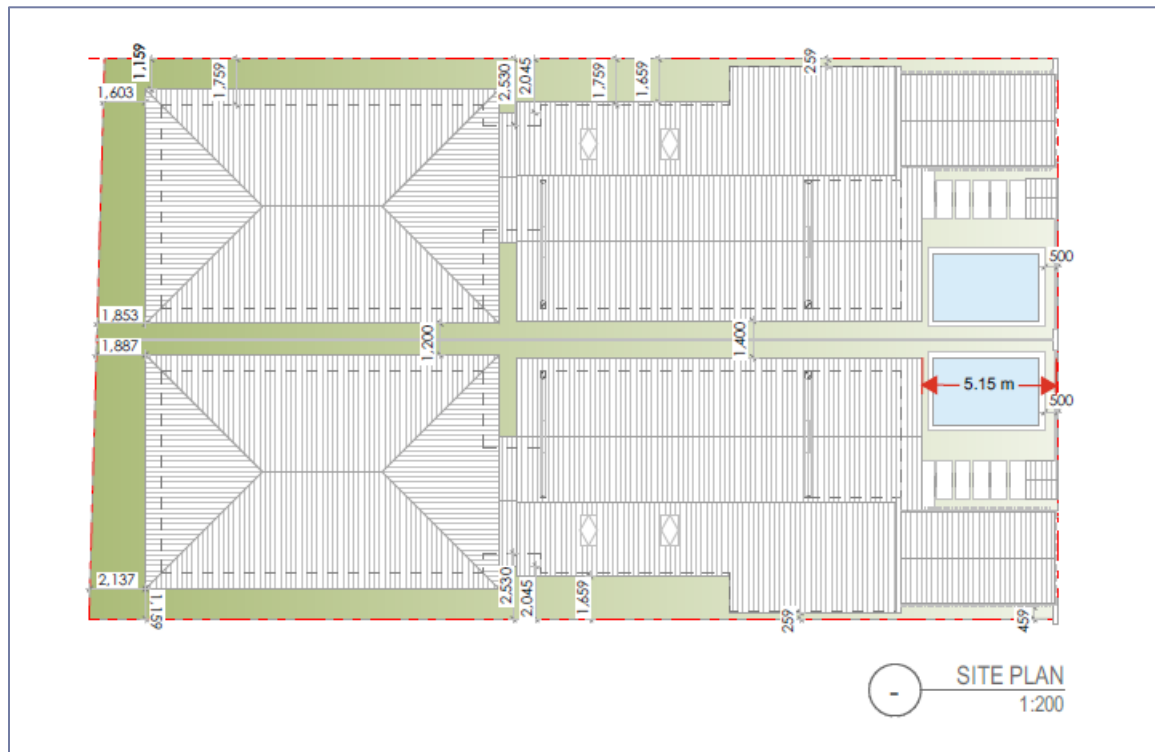


Figure 1. Proposed Setbacks (Proposal Plan Extract – Additional measurement added by Aspire).

Minor Change Test

By way of definition under the Act, a 'Minor Change', means a change that:

“ ...

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency, in assessing the application under [section 55\(2\)](#), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.”

Minor Change Assessment Comments

Whether the development triggers ‘Substantially Different Development’ is assessed in the following section of this report, however in response to the other above Minor Change criteria, it is submitted that the:

- The proposed Change would not cause prohibited development;
- If a development application were made, including the proposed Change, it would not trigger referral to a referral agency other than the Chief Executive;
- The proposed Change does not trigger additional referral agencies; and
- If a development application were made, including the proposed Change, it would not trigger Public Notification.

Substantially Different Development Test

The Development Assessment Rules VI.3 offer guidance in relation to assessing whether a proposed Change results in Substantially Different Development:

“A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

(a) involves a new use; or

(b) results in the application applying to a new parcel of land; or

(c) dramatically changes the built form in terms of scale, bulk and appearance; or

(d) changes the ability of the proposed development to operate as intended; or

(e) removes a component that is integral to the operation of the development; or

(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or

(g) introduces new impacts or increase the severity of known impacts; or

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or

(i) impacts on infrastructure provisions.”

Substantially Different Development Assessment Comments

It is submitted that the proposed Change will not result in Substantially Different Development, in particular:

- The Change does not seek approval for a new use, the proposed development remains for a Dual Occupancy;
- The Change does not introduce a new parcel of land;
- The proposed change significantly reduces the building's bulk and appearance. By redesigning from a two-storey structure to a single-storey, the scale of the development has been minimised, resulting in a less imposing built form that better integrates with the surrounding environment. This adjustment ensures that the overall visual impact is softened, aligning with the intent to reduce bulk and maintain a harmonious streetscape.
- The proposed development will continue to function as originally approved, with no adverse impacts on its operational capacity. Access to essential services, including water, sewerage, and electricity, remains unchanged and fully compliant with regulatory requirements. Additionally, the provision of onsite parking has been carefully considered and maintained, ensuring that sufficient spaces are available to accommodate residents and visitors, thereby preventing overflow into surrounding areas. The changes introduced do not compromise the development's intended use or its operational efficiency, instead, they support the ongoing functionality and accessibility of the site;
- The Change does not remove an integral component of the development;
- The Change does not impact traffic flow or the transport network;
- The Change does not introduce new impacts or increase severity of known impacts;
- The Change does not remove an incentive or offset; and
- The Change will not impact on infrastructure provisions.

Assessing Change Applications for Minor Change

In consideration of the above tests, it is submitted that the proposed Change is a Minor Change.

In assessing Change Applications for Minor Change, s82 of the Act prescribes:

"... the responsible entity must consider—

(a) the information the applicant included with the application; and

(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and

(c) any pre-request response notice or response notice given in relation to the change application; and

(d) if the responsible entity is, under [section 78A\(3\)](#), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and

(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and

(e) another matter that the responsible entity considers relevant."

Assessment Comments

The proposed changes have been assessed against the relevant code provisions of the *Douglas Shire Planning Scheme 2018 v1.0*. The assessment identified one aspect of non-compliance, specifically concerning the setbacks outlined in the *Dual Occupancy Code*. According to Acceptable Outcome AO2, buildings and structures are required to maintain a 6m setback from the road frontage and a 2m setback from the side and rear boundaries.

The proposed garage setbacks to the side boundary, which have been previously assessed and supported by Council, reflect a minor deviation from the conditioned approval. The setback of the proposed garage is 0.259m, a slight variation from the originally conditioned 0.3m. Additionally, the proposed open single carport is setback 0.459m from the side boundary and directly on the front boundary (0m). Despite these variations, it is submitted that the design remains in harmony with the scale and character of the surrounding area, drawing parallels to what the Queensland Development Code (QDC) would permit for a Dwelling House in a comparable context. A similar situation exists at 11 Sand Street, which demonstrates consistency in the approach to such minor variations (see Image 1 below).

In further support of the proposed amendments, it is noted that the revised design increases the road frontage setback, positioning the building approximately 5m from the boundary instead of the previously approved 3.7m.

Overall, it is considered that the proposed amended design does not introduce any new privacy or amenity concerns. Furthermore, the design remains compatible with the established streetscape and broader character of the locality, ensuring the development maintains a high standard of integration with its surroundings.



Image 1: Single bay carport to the road boundary at 11 Sand Street (Source: QldGlobe, 2024)

Given the nature of the application and the general overall compliance, a full detailed code assessment is not included within this submission. It is considered that the existing conditions of approval remain largely relevant to the changed design, except that:

- Where Council support the proposed amended design Condition 3a. would need to be reviewed.
- Approved Drawings and / or Documents Schedule should be updated with the proposed revised Site, Floor and Elevation Plans; and
- The appended Approved Drawings and / or Documents are updated accordingly.

Should you require any additional information or documentation to facilitate this process, please do not hesitate to contact us.

Regards,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke.

Daniel Favier

Senior Town Planner

ASPIRE Town Planning and Project Services



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) (individual or company full name)	Virginia Isabella Donovan
Contact name (only applicable for companies)	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	0418826560
Applicant's reference number(s) (if applicable)	2023-01-36 – Donovan – 21 Sand Street, Port Douglas

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> 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				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> 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
		21	Sand Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	14	Crown Plan PTD20934	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:	

☐ 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:	

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 2023_5501/1	24 October 2023	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 which reduces the building from two storey to single storey. Amendment to proposed setbacks. Inclusion of an open carport to the front boundary which has the appearance of a 'pergola' like structure.

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 Note: 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
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <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.
9.2) Does the change application involve building work? <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?
Note: 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 Referral checklist for building work 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 Note: 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

Date received:

Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

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



Town Planning and Project Services

Attachment 2

**Copy of the Original Decision Notice
MCUC 2023_5501/I**

24 October 2023

Enquiries: Neil Beck
Our Ref: MCUC 2023_5501/1 (1191085)
Your Ref: 2023-01-36

V I Donovan
21 Sand Street
PORT DOUGLAS QLD 4877

Dear Dan

**Development Application for Material Change of Use (Dual occupancy)
At 21 Sand Street PORT DOUGLAS
On Land Described as LOT: 14 TYP: PTD PLN: 20934**

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

Please quote Council's application number: MCUC 2023_5501/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

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

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



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: V I Donovan

Postal Address: 21 Sand Street
PORT DOUGLAS QLD 4877

Email: admin@aspireqld.com or ginni.d@bigpond.com

Property Details

Street Address: 21 Sand Street PORT DOUGLAS

Real Property Description: LOT: 14 TYP: PTD PLN: 20934

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for - Material Change of Use (Dual occupancy)

Decision

Date of Decision: 24 October 2023

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 Architect, Rev G	12 October 2023
Ground Floor Plan	Danny Vos Architect, Rev G	12 October 2023
First Floor Plan	Danny Vos Architect, Rev G	12 October 2023

Elevations	Danny Vos Architect, Rev G	12 October 2023
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Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

Assessment Manager Conditions & Advices

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.

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. Plans of the development must be amended to accommodate the following changes:
 - a. Setback the garages from either side boundary to be a minimum of 300mm from the outermost projection of the garages;
 - b. Provide a privacy screen fence along the side boundary.

Amended plans are to be submitted and endorsed by the Chief Executive Officer prior to the issued of a Development Permit for Building Work.

Air-conditioning Screens

3. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Damage to Council Infrastructure

4. 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.

Water Supply and Sewerage Works

5. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection in accordance with the FNQROC Development Manual. One connection point is required to service the development.
 - b. Provide a single water connection in accordance with the FNQROC Development Manual. The water meter must contain a subsidiary meter for the individual dwelling units..

All identified work must be satisfactorily completed prior to the Commencement of Use.

Demolish Structures and Services

6. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land. The sewer jump-up must be capped to ensure no egress of contaminants during the demolition and construction period.

Vehicle Parking

7. 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.

Drainage

8. Undertake a local drainage investigation to demonstrate that the construction of the development does not result in adverse impacts on surrounding properties as a consequence of interrupting existing overland flow paths or will result in increased ponding of stormwater on surrounding properties.

The drainage investigation must be submitted and endorsed by the Chief executive Officer prior to the issue of a Development Permit for Building Work.

Stockpiling and Transportation of Fill Material

9. Soil excavated from the site is not to be stockpiled in locations that can be viewed from adjoining premises to the extent reasonable 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

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

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.

Lawful Point of Discharge

12. All stormwater from the property must be directed to a lawful point of discharge being the street frontages, such that it does not adversely affect surrounding properties or properties downstream from the development.

Ponding and/or Concentration of Stormwater

13. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties. The drainage investigation required by a condition of the Development Permit is to address this item.

Minimum Fill and Floor Levels

14. All habitable floor levels in all buildings must be located 300mm above existing ground levels on site.

Construction Signage

15. 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:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect.
 - h.

Landscaping Plan

16. Submit a Landscape Plan detailing how the site is to be landscaped to provide for an attractive street frontage, landscaping of setback areas and planter beds located on the 1st floor.

The Landscape Plan is to be submitted and endorsed prior to the issue of a Development Permit for Building works with landscaping installed in accordance with the approved plan prior to the Commencement of Use.

On- street works

17. Provide access crossovers in accordance with FNQROC Development Manual Standard Drawing S1015D.

ADVICE NOTES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
2. 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.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Further Development Permits

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*.

Concurrence Agency Response

None Applicable

Currency Period for the Approval

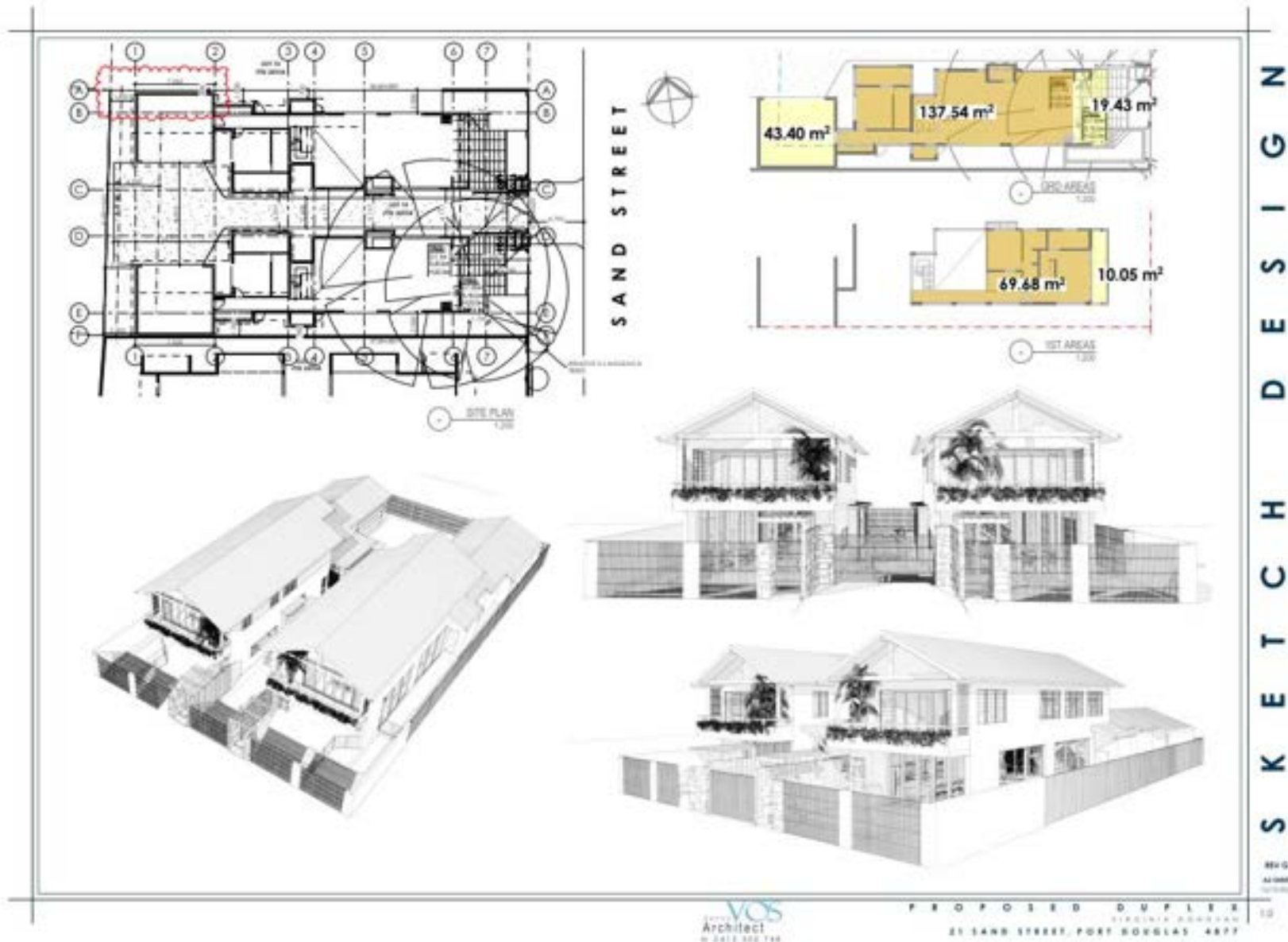
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

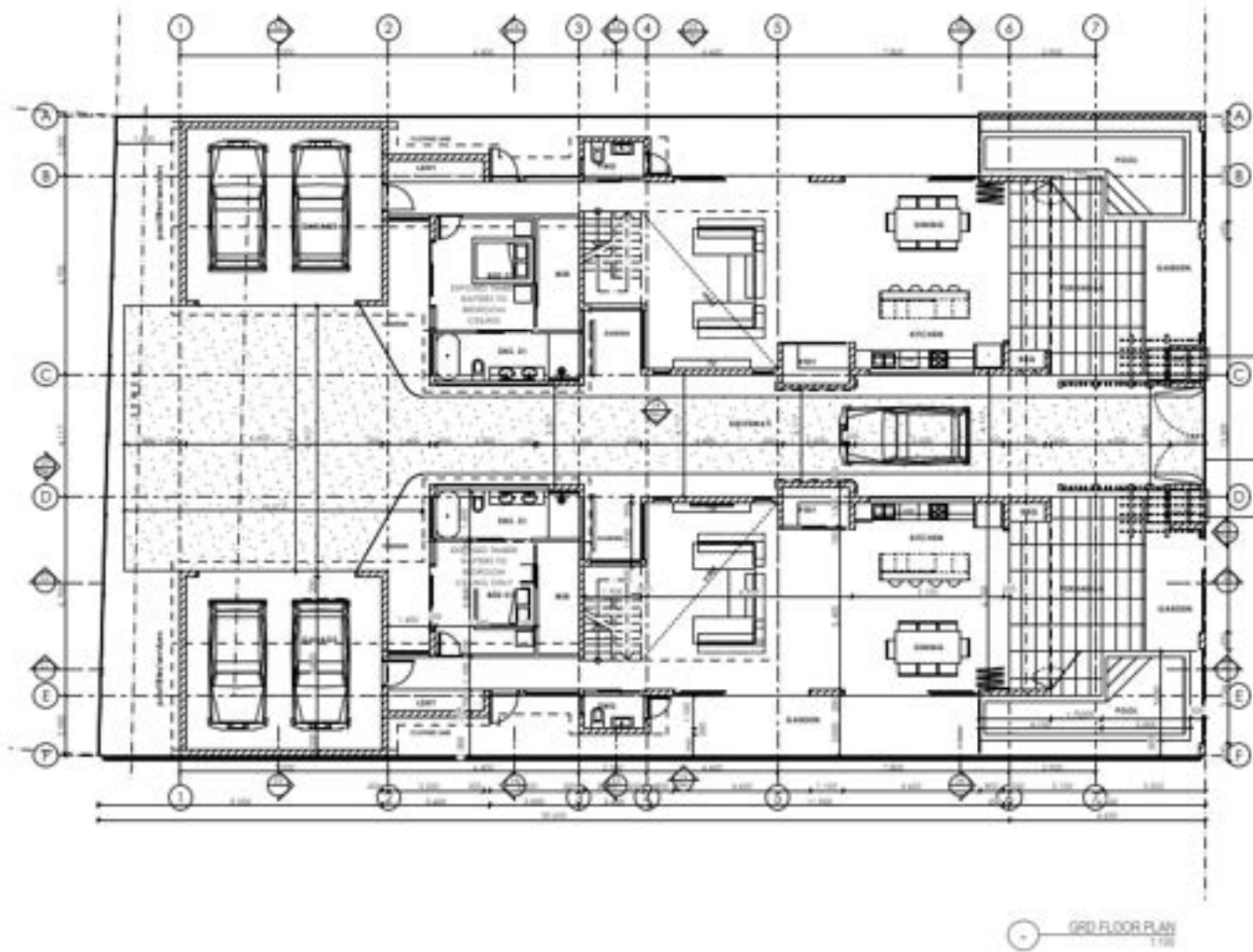
Rights to make Representations & Rights of Appeal

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)





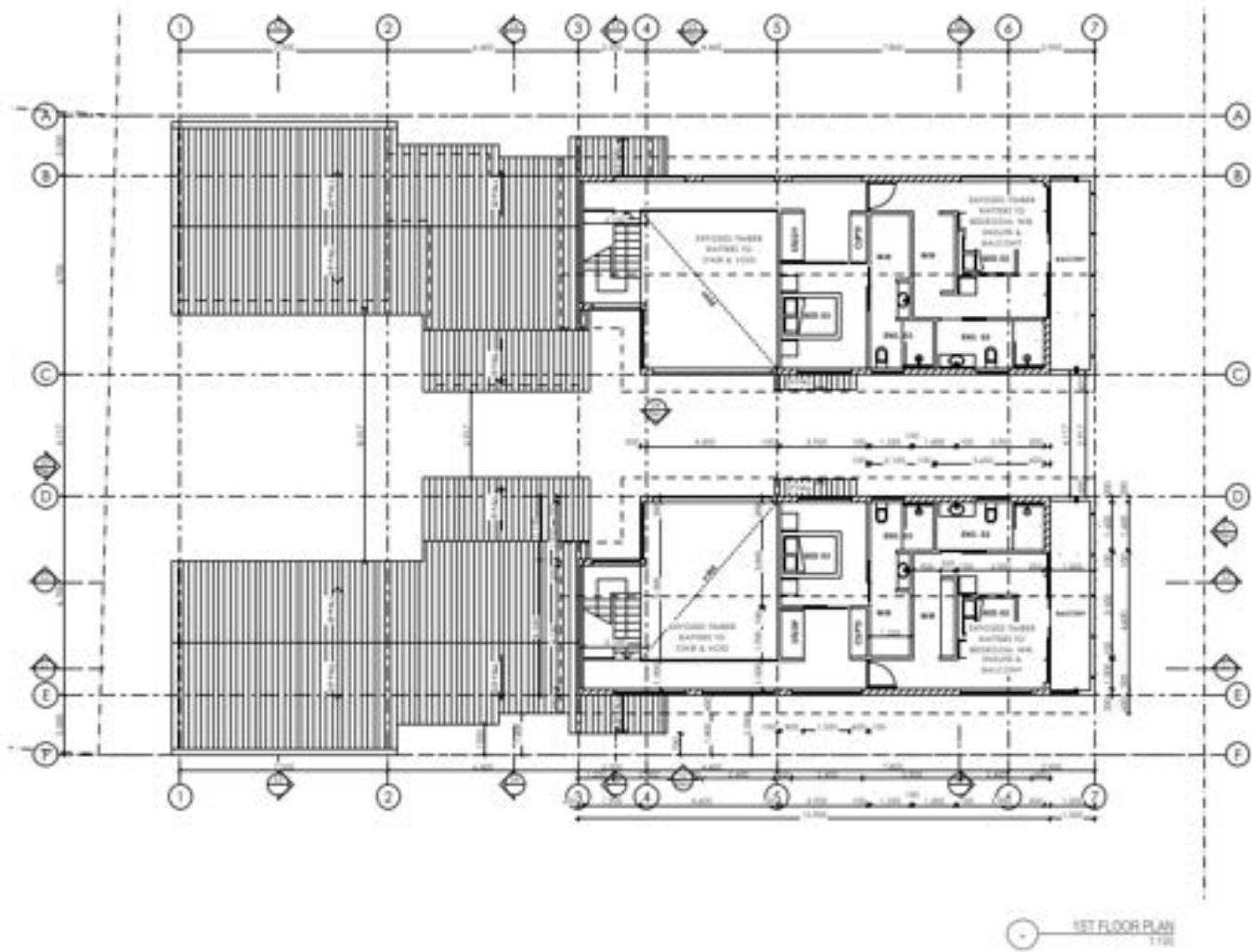
GRD. FLOOR PLAN
1:100

VOS
Architect
M. 0415 355 748

PROPOSED DUPLEX
21 SAND STREET, PORT DOUGLAS 4877

REV G
AJ 08/01
12/10/2023

1.1



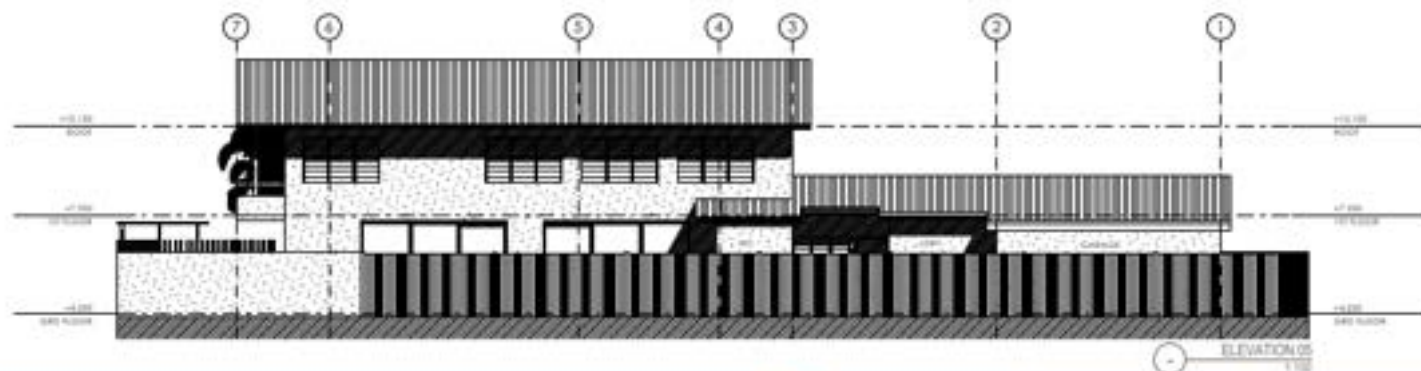
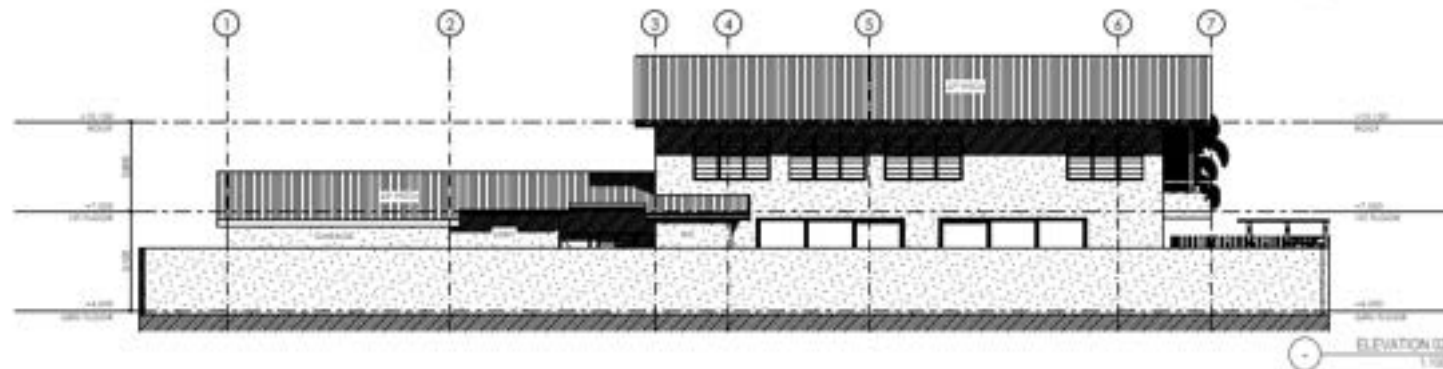
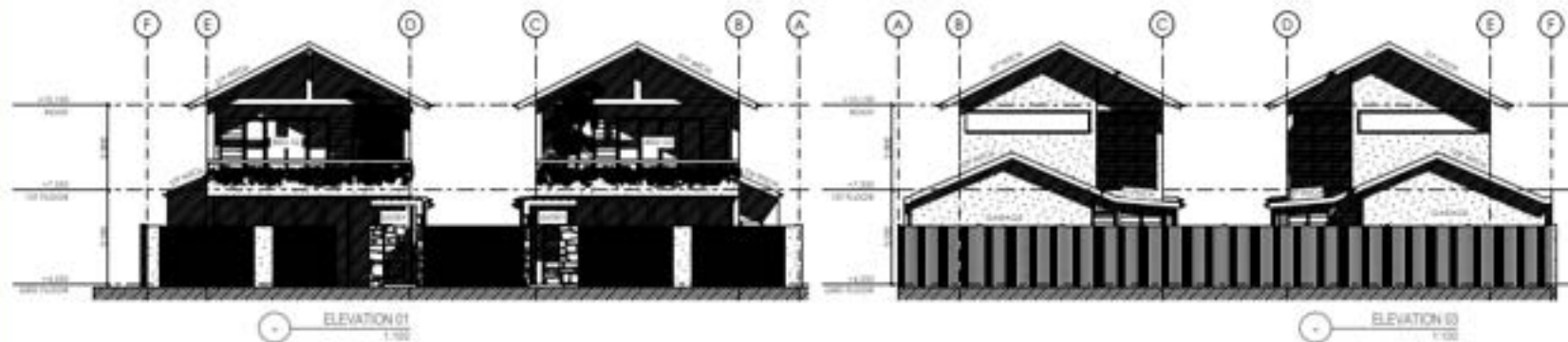
1ST FLOOR PLAN
1:100

VOS
Architect
P. 0415 355 748

PROPOSED DUPLEX
21 SAND STREET, PORT DOUGLAS 4877

REV G
AJ 08/01
12/10/2023

2.0



VOS
Architect
M. 0415 355 748

PROPOSED DUPLEX
31 SAND STREET, PORT DOUGLAS 4877

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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 17 August 2023 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 Medium Density Residential 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.

24 October 2023

Enquiries: Neil Beck
Our Ref: MCUC 2023_5501 (Doc ID)
Your Ref: 2023-01-36

V I Donovan
21 Sand Street
PORT DOUGLAS QLD 4877

Dear Dan

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Dual occupancy)
At 21 Sand Street PORT DOUGLAS
On Land Described as LOT: 14 TYP: PTD PLN: 20934**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

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: MCUC 2023_5501 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



Paul Hoyer
Manager Environment & Planning

encl.

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

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Virginia Isabella Donovan DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
21 Sand Street STREET No. & NAME	Port Douglas	Lot 14 on PTD20934 LOT & RP No.s	2062 PARCEL No.
Dual Occupancy DEVELOPMENT TYPE		MCUC 2023_5501 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1191054 DSC Reference Doc. No.	1 VERSION No.	Payment before commencement of use for MCU	

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	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Residential	Dual_occupancy	\$_per_3_or_more_bedroom_dwelling	25,314.98	2	\$50,629.96	
	Total Demand				\$50,629.96	
Credit						
	Existing land use					
3 or more bedroom dwelling	1 lot	\$_per_3_or_more_bedroom_dwelling	25,314.98	1	\$25,314.98	
	Total Credit				\$25,314.98	
Required Payment or Credit		TOTAL			\$25,314.98	

Prior arrangement for online payment via invoicing - see below.

Code 895
GL GL7500.135.825

Prepared by	Rebecca Taranto	24-Oct-23	Amount Paid	
Checked by	Neil Beck	24-Oct-23	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* 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

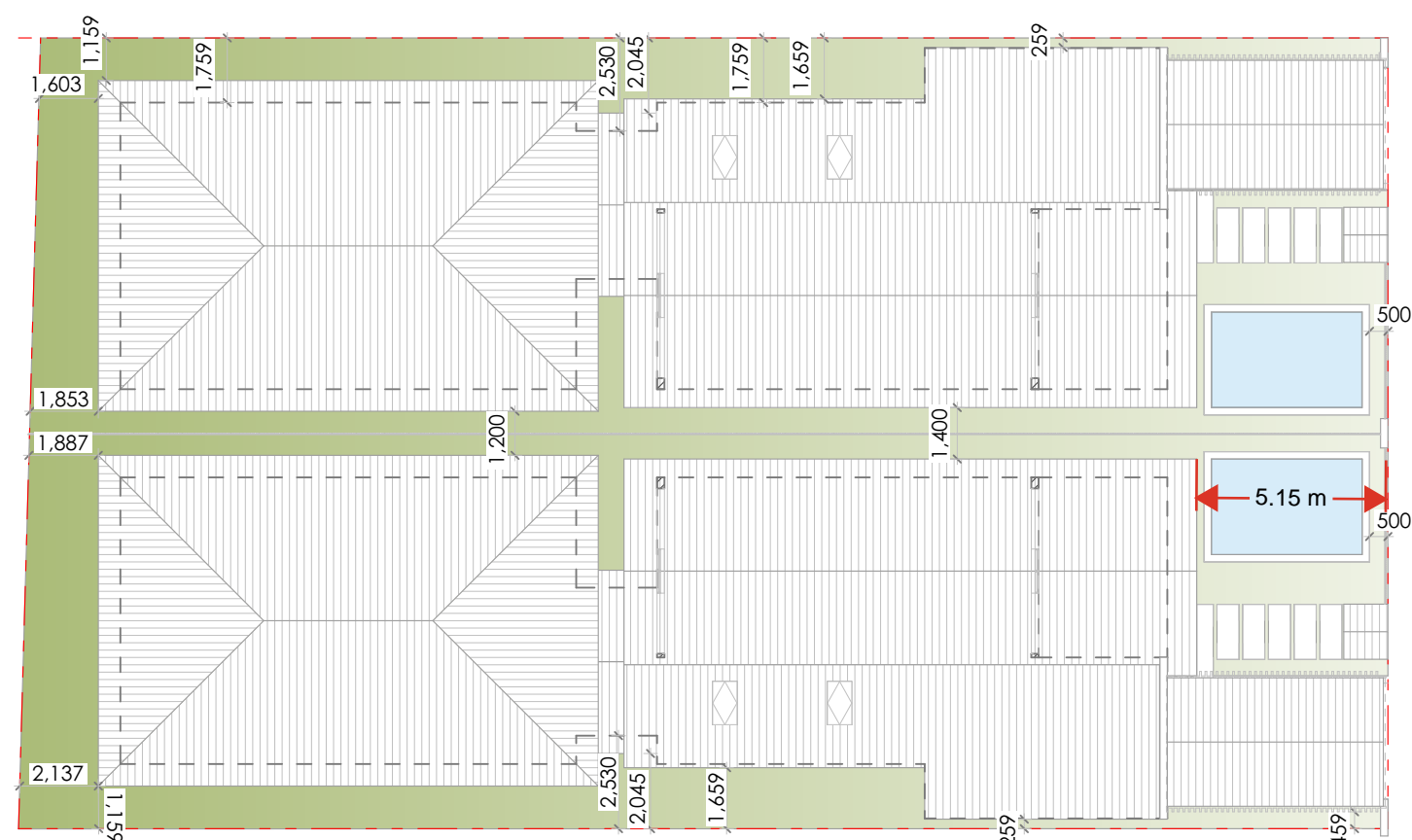


ASPIRE

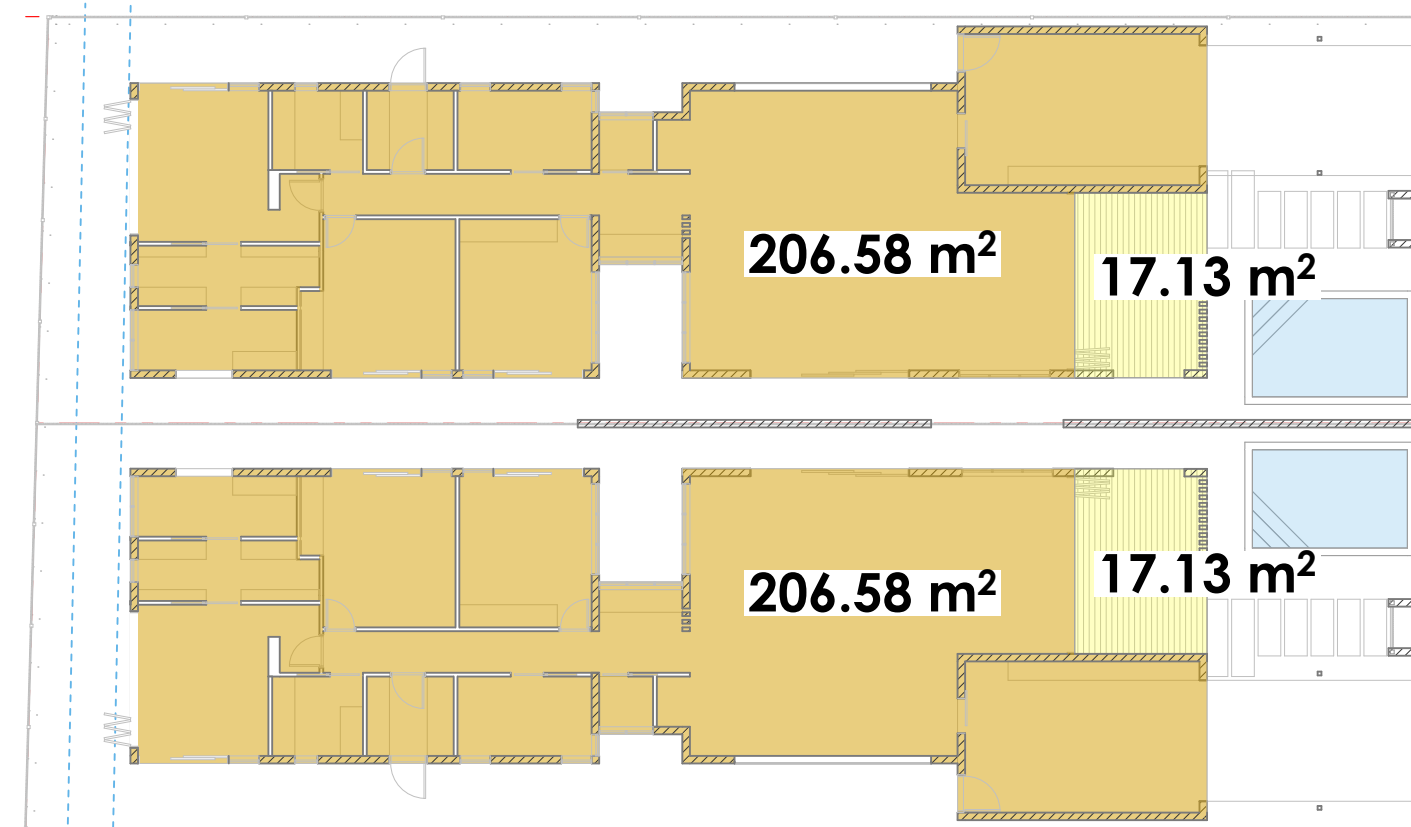
Town Planning and Project Services

Attachment 3

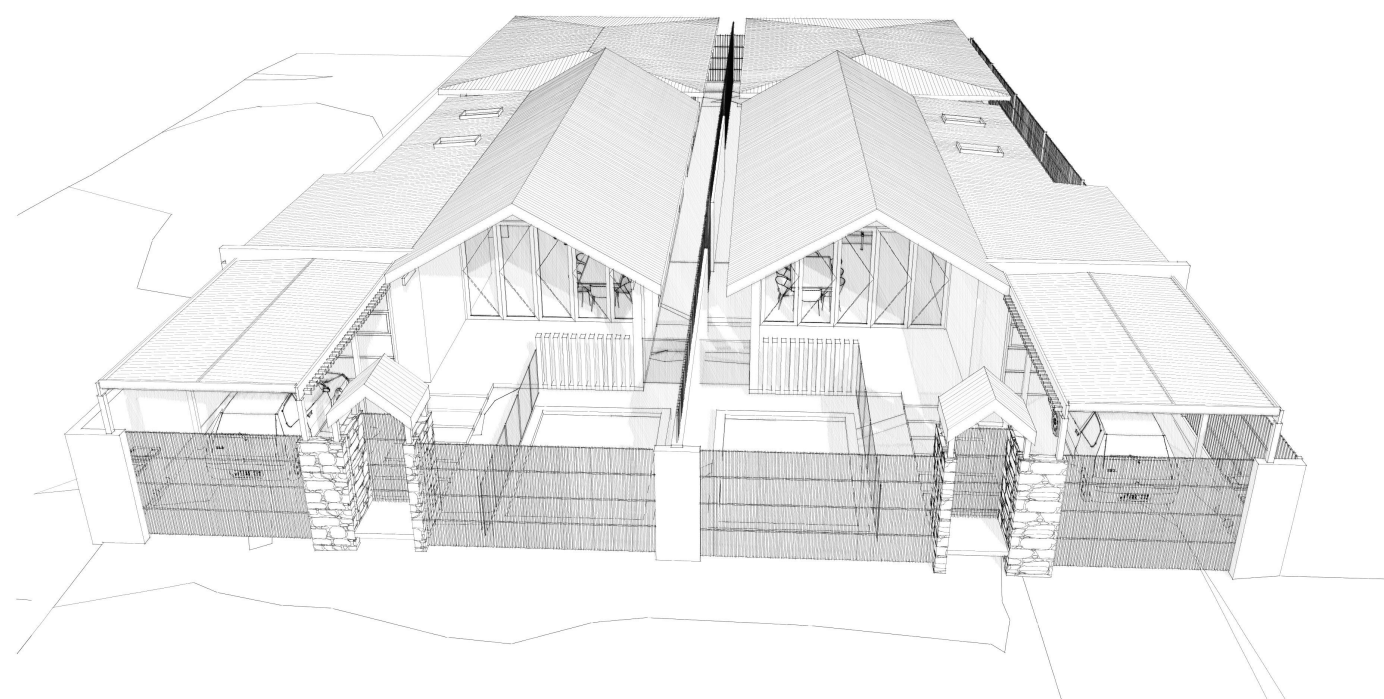
Amended Proposal Plans
prepared by *Danny Vos Architect*



SITE PLAN
1:200



AREAS
1:200



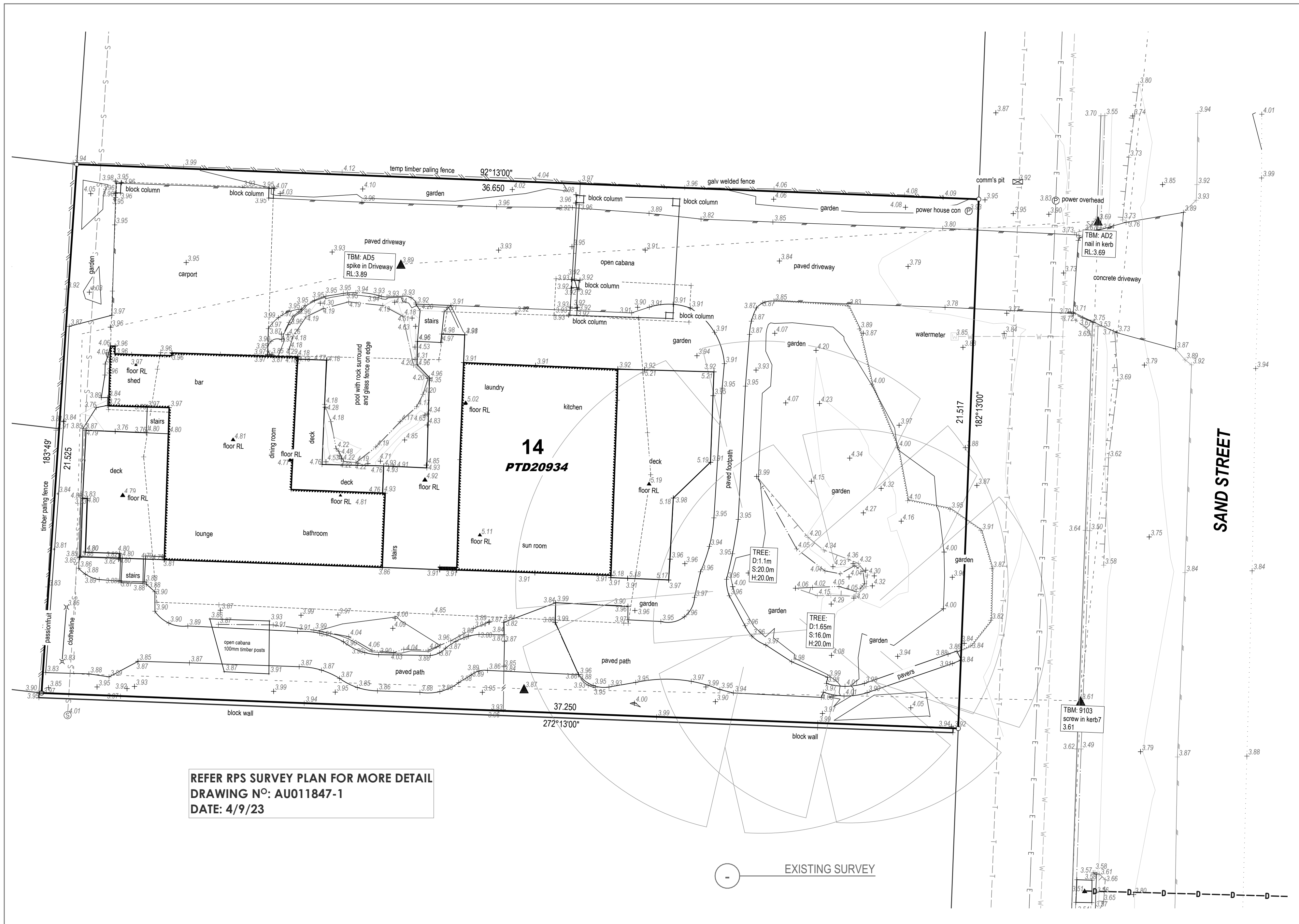
NOTE:
DO NOT SCALE OFF THIS DRAWING. ALL WORK TO COMPLY WITH RELEVANT CODES AND STANDARDS. TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS/SPECIFICATIONS. IN CASE OF ANY DISCREPANCIES, PLEASE CONSULT THE ARCHITECT.

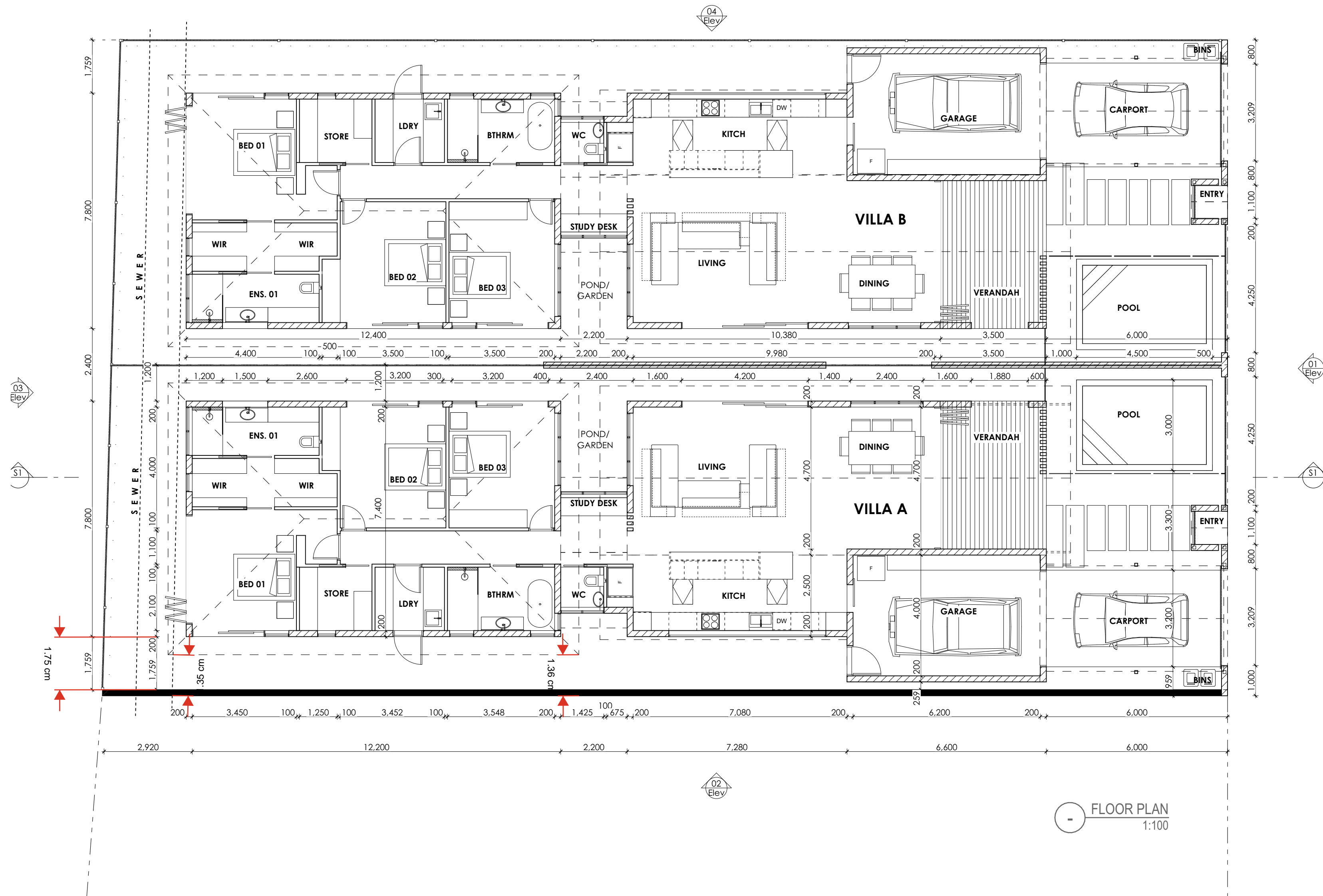
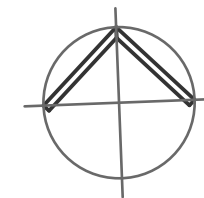
CMG Consulting Engineer PTY LTD
208 Buchan Street, Westcourt QLD 4870
Phone: 07 4031 2775 Email: chas@cmgengineers.com.au

VOS
danny
Architect
m 0415 300 748

PROPOSED VILLAS
VIRGINIA DONOVAN
21 SAND STREET (LOT 14 on PTD 20934), PORT DOUGLAS 4877

REV B
A2 SHEET
30/09/2024



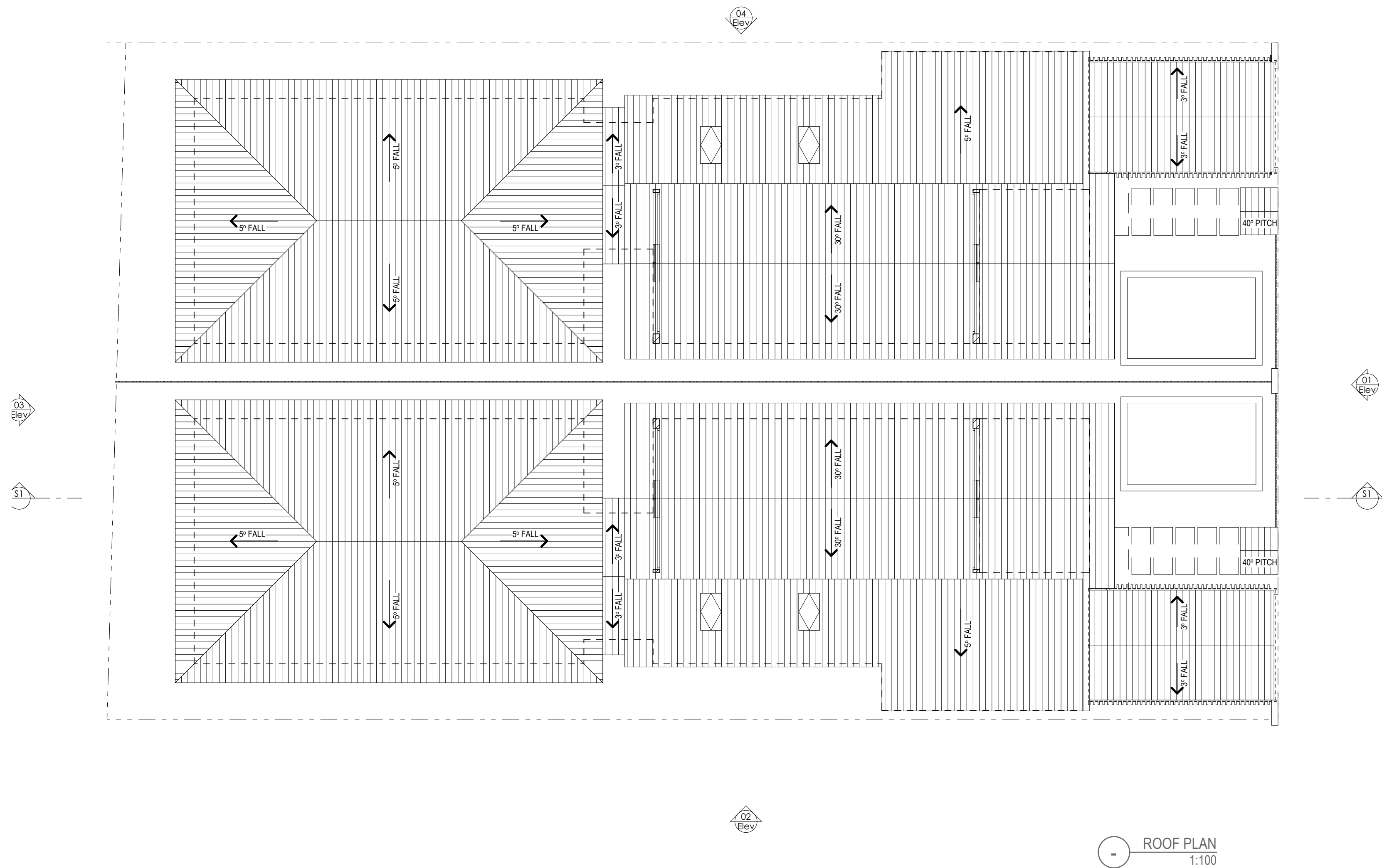


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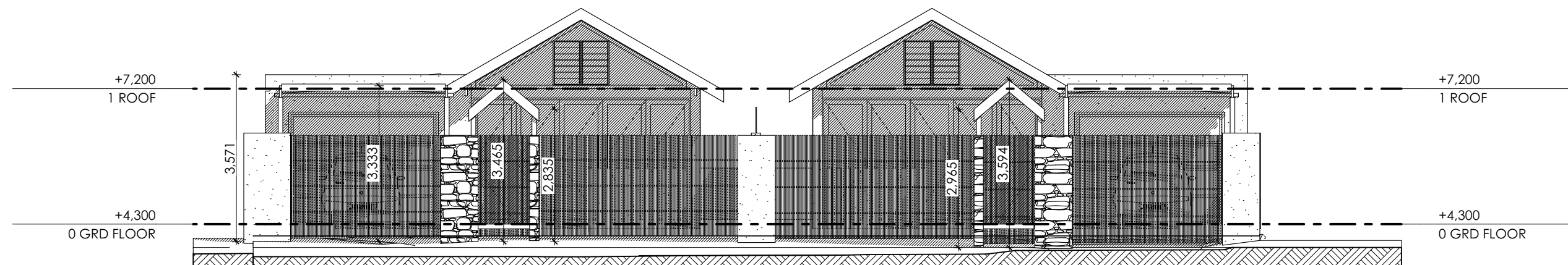


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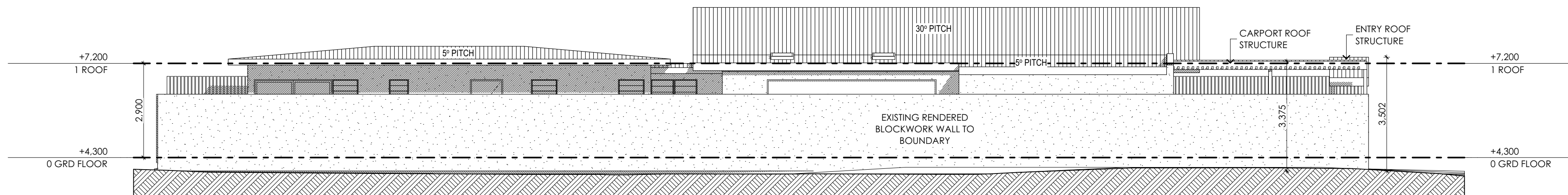
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danny VOS
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m 0415 300 748

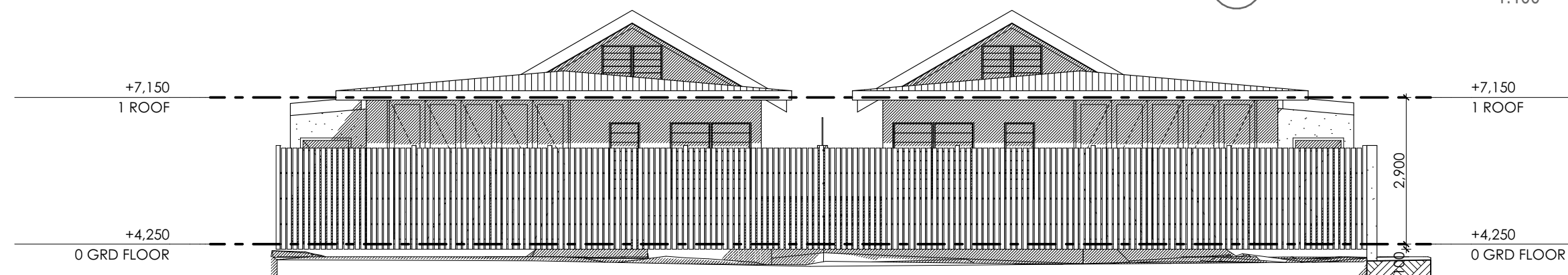
PROPOSED VILLAS
VIRGINIA DONOVAN
21 SAND STREET (LOT 14 on PTD 20934), PORT DOUGLAS 4877



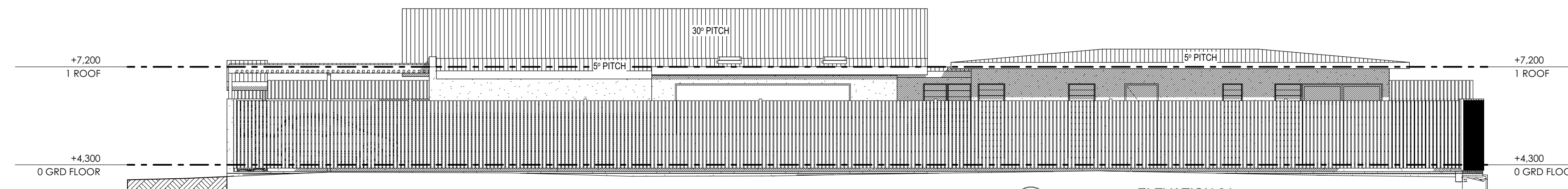
ELEVATION 01
1:100



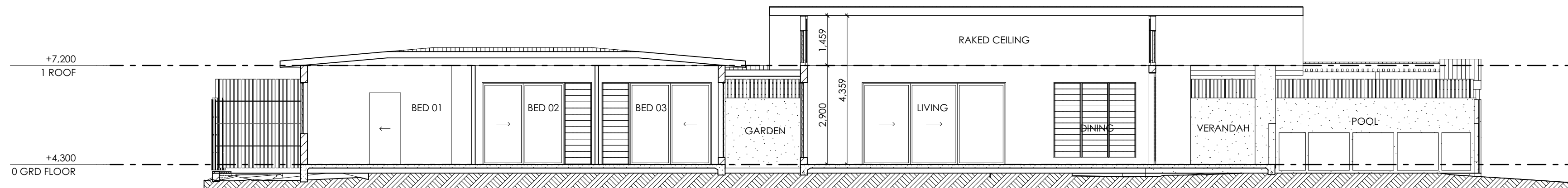
ELEVATION 02
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ELEVATION 03
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ELEVATION 04
1:100



SECTION 01
1:100

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