

2 June 2026

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUC 2026\_5945/1 (Doc ID 1369795)  
**Your Ref:** Macrossan St Unit

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

Elizabeth Susan Sanders  
Unit 210  
28 Peninsula Drive  
**BREAKFAST POINT NSW 2137**

Email: [essaunders@hotmail.com](mailto:essaunders@hotmail.com)

Dear Madam

**Development Application for Material Change of Use-Code  
At Unit 27, 26-30 Macrossan Street Port Douglas  
On Land Described as Lot 27 on SP129137**

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

Please quote Council's application number: MCUC 2026\_5945/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



**For**  
**Leonard Vogel**  
**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: Elizabeth Susan Sanders  
Postal Address: Unit 210  
28 Peninsula Drive  
Breakfast Point NSW 2137  
Email: [essanders@hotmail.com](mailto:essanders@hotmail.com)

#### Property Details

Street Address: Unit 27, 26-30 Macrossan Street Port Douglas  
Real Property Description: Lot 27 on SP129137  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Material Change of Use for Multiple Dwelling Unit (Code)

#### Decision

Date of Decision: 2 June 2026  
Decision Details: Approved (subject to conditions)

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

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

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

Drawing or Document	Reference	Date
Survey Plan	Level E Plan, Survey Plan SP129137, as submitted to Council (Council Doc ID 1369276).	28 May 2026
Exclusive Use Car Parking	Clause of Saltwater Community Titles Scheme 30139 Statement, nominating exclusive use for car parking space to unit owner,	28 May 2026

Drawing or Document	Reference	Date
CMS Schedule	Schedule, Saltwater Community Titles Scheme 30139 Statement, allocating dedicated car parking space as submitted to Council (Council Doc ID 1369276).	28 May 2026.
Car Park Allocation Plan	Saltwater Level D of Saltwater Community Titles Scheme 30139 Statement, as submitted to Council (Council Doc ID 1369276).	28 May 2026

## Assessment Manager Conditions & Advices

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### 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 endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

### Advice

1. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
2. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

### Further Development Permits

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Not applicable

### 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)

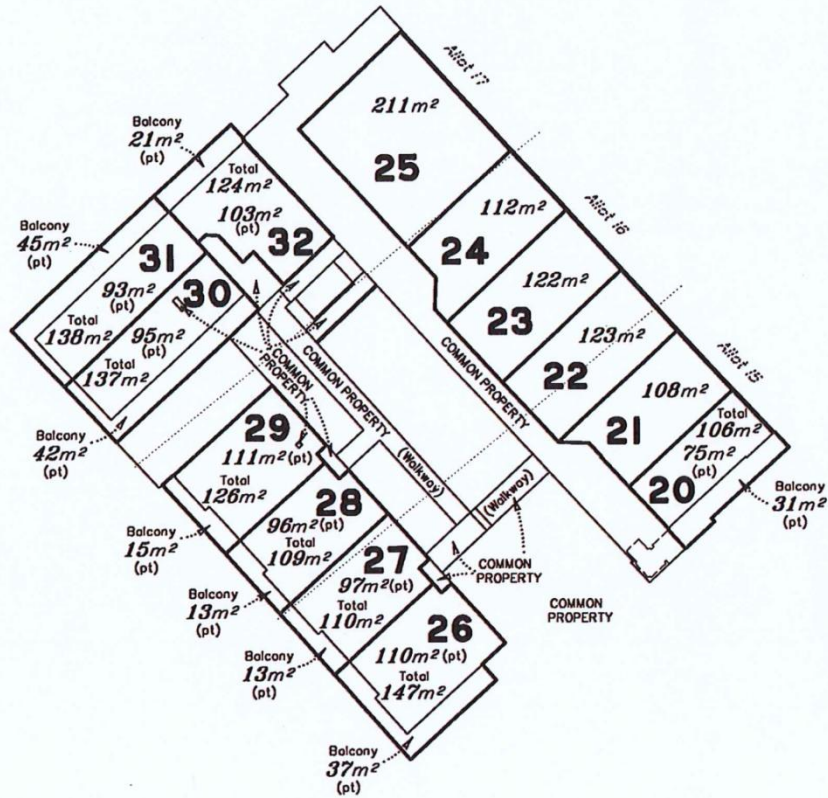
Docusign Envelope ID: 44ED8257-5B94-46DB-BD9A-E0EFCF0AD05C

Land Title Act 1994 ; Land Act 1994  
Form 21A Version 1

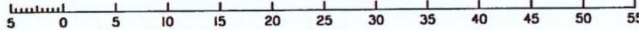
ADDITIONAL SHEET

Sheet 6 of 8

LEVEL E

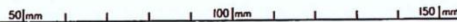


Scale 1:400 - Lengths are in Metres.



State copyright reserved.

Insert Plan Number SP129137



**SCHEDULE**

Title reference: 50389376

- vehicles and associated activities), of that part of the Common Property as identified on the exclusive use plan for Level E with the letter K.
- (2) The Owner of Lot 32
    - (a) is responsible for the maintenance of and any costs for that part of the Common Property to which this exclusive use by-law applies.
    - (b) indemnifies the Body Corporate against all actions, suits, damages and costs brought against the Body Corporate by any person in respect of any damage or injury caused to any person or property in connection with the use of this exclusive use area and/or any improvements constructed on or within this exclusive use area.
    - (c) must keep and maintain that part of this exclusive use area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the standards of other parts of the external surface of the Building.
    - (d) must regularly treat such exclusive use area for vermin.

**37. Exclusive Use – Car Parking**

- (1) The Owner of Lot 26 has the exclusive use of that part of the Common Property marked D1 on Level D in the Carpark Allocation Plan.
- (2) The Owner of Lot 27 has the exclusive use of that part of the Common Property marked D12 on Level D in the Carpark Allocation Plan.
- (3) The Owner of Lot 28 has the exclusive use of that part of the Common Property marked D2 on Level D in the Carpark Allocation Plan.
- (4) The Owner of Lot 29 has the exclusive use of that part of the Common Property marked D3 on Level D in the Carpark Allocation Plan.
- (5) The Owner of Lot 30 has the exclusive use of that part of the Common Property marked D4 on Level D in the Carpark Allocation Plan.
- (6) The Owner of Lot 31 has the exclusive use of that part of the Common Property marked D5 on Level D in the Carpark Allocation Plan.
- (7) The Owner of Lot 32 has the exclusive use of that part of the Common Property marked D17 on Level D in the Carpark Allocation Plan.
- (8) The Owner of Lot 33 has the exclusive use of that part of the Common Property marked D6 on Level D in the Carpark Allocation Plan.
- (9) The Owner of Lot 34 has the exclusive use of that part of the Common Property marked D7 on Level D in the Carpark Allocation Plan.
- (10) The Owner of Lot 35 has the exclusive use of that part of the Common Property marked D8 on Level D in the Carpark Allocation Plan.
- (11) The Owner of Lot 36 has the exclusive use of that part of the Common Property marked D9 on Level D in the Carpark Allocation Plan.
- (12) The Owner of Lot 37 has the exclusive use of that part of the Common Property marked D10 on Level D in the Carpark Allocation Plan.
- (13) The Owner of Lot 38 has the exclusive use of that part of the Common Property marked D13 on Level D in the Carpark Allocation Plan.
- (14) The Owner of Lot 39 has the exclusive use of that part of the Common Property marked D14 on Level D in the Carpark Allocation Plan.
- (15) The Owner of Lot 40 has the exclusive use of that part of the Common Property marked D15 on Level D in the Carpark Allocation Plan.
- (16) The Owner of Lot 41 has the exclusive use of that part of the Common Property marked D16 on Level D in the Carpark Allocation Plan.
- (17) The Owner of Lot 42 has the exclusive use of that part of the Common Property marked D19 on Level D in the Carpark Allocation Plan.
- (18) Each Owner to whom exclusive use of a carpark has been granted must use that Exclusive Use Area for the purpose of carparking only and:
  - (a) are responsible for any maintenance or operating costs associated with this Exclusive Use Area;

**SCHEDULE**  
Title reference: 50389376

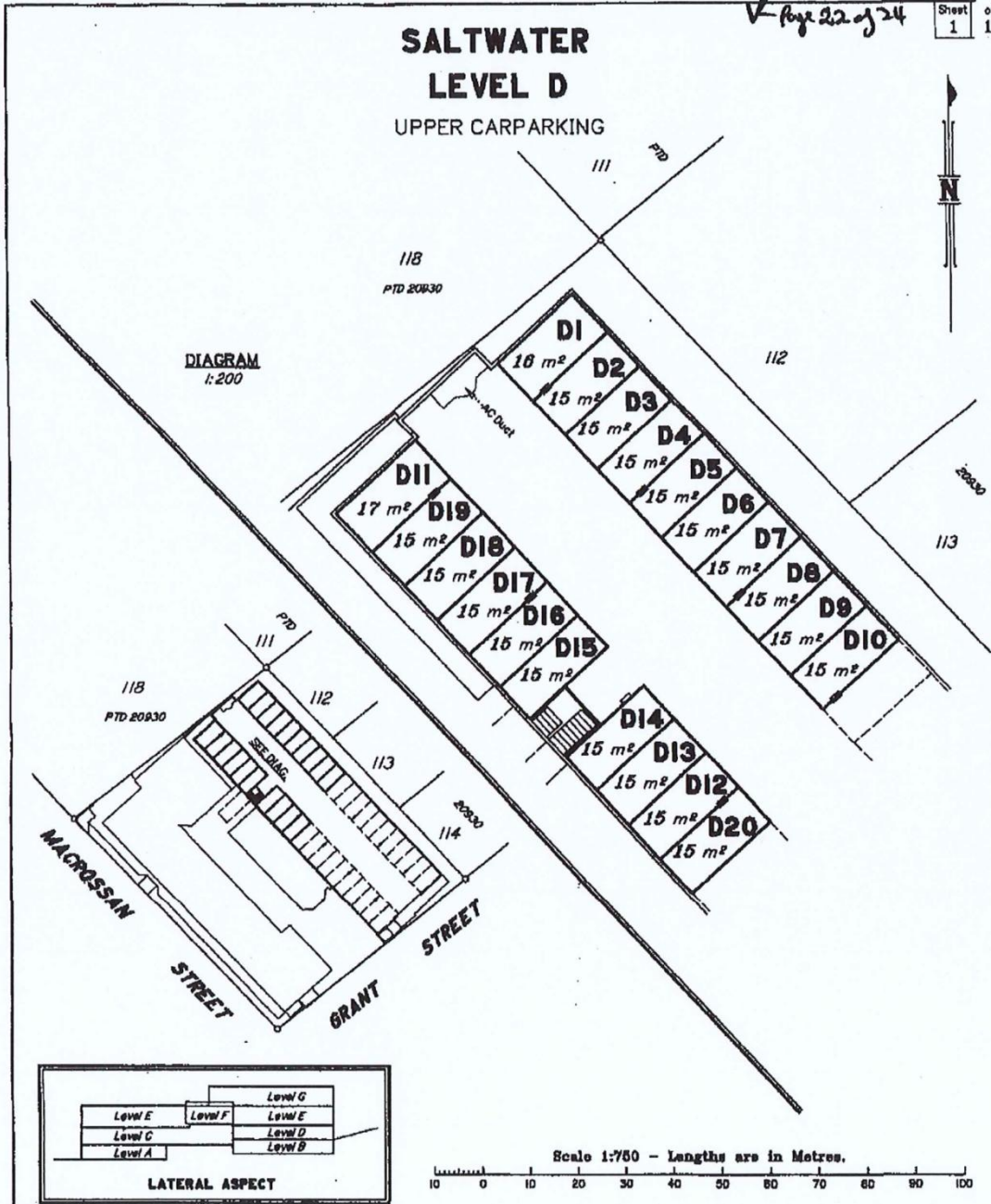
<b>SCHEDULE E</b>	<b>DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY</b>
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Lot on Plan	Exclusive Use of Area	Use	By-Law Requirement
Lot 11 on SP129137	Area "C" on Level C - Plan	Outdoor Dining	30
Lot 11 on SP129137	Area "I" on Level E - Plan	Exhaust	33
Lot 11 on SP129137	Area "C1" on Level C - Plan	Commercial Purposes	38
Lot 12 on SP129137	Area "E" on Level C - Plan	Outdoor Dining	30
Lot 12 on SP129137	Area "G" on Level E - Plan	Exhaust	33
Lot 13 on SP129137	Area "F" on Level C - Plan	Outdoor Dining	30
Lot 19 on SP129137	Area "C2" on Level C - Plan	Commercial Purposes	39
Lot 32 on SP129137	Area "H" on Level E - Plan	Storage	31
Lot 26 on SP129137	Area "D1" on Level D - Plan	Carparking	37
Lot 27 on SP129137	Area "D12" on Level D - Plan	Carparking	37
Lot 28 on SP129137	Area "D2" on Level D - Plan	Carparking	37
Lot 29 on SP129137	Area "D3" on Level D - Plan	Carparking	37
Lot 30 on SP129137	Area "D4" on Level D - Plan	Carparking	37
Lot 31 on SP129137	Area "D5" on Level D - Plan	Carparking	37

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PROJECT MANAGEMENT PLANNING ENVIRONMENTAL SERVICES SURVEYING  C&B CONSULTANTS PTY LTD ACN 051 931 096  <b>C&amp;B GROUP</b>	<p align="center"><b>Carpark Allocation Plan</b></p> <p align="center"><i>Carparks D1-D20 being part of Level D Common Property on SP129137 for inclusion in Saltwater Community Titles Scheme No</i></p>	Scale: <b>1:750</b>
		Format: <b>SKETCH</b>
PARISH: <b>SALISBURY</b> COUNTY: <b>Solander</b> Meridian: <b>RP745147</b>	DRAWING FILE <b>7138_14A.DWG</b>	
	AMENDED <b>28-06-02</b>	ISSUE <b>A</b>
	DRAWING No. <b>7138-13</b>	

## 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 28 May 2026 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 Centre 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.

## Non-Compliance with Assessment Benchmarks

Development complies with the planning scheme and no concerns are raised.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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

## **Division 2            Changing development approvals**

### **Subdivision 1        Changes during appeal period**

#### **74        What this subdivision is about**

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

#### **75        Making change representations**

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

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

[s 76]

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

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

## **76 Deciding change representations**

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

*Note—*

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

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



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

## **Subdivision 2      Changes after appeal period**

### **77      What this subdivision is about**

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

### **78      Making change application**

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

*Note—*

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

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.

*Note—*

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

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

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

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

*Note—*

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

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

### 230 Notice of appeal

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

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

## 231 Non-appealable decisions and matters

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

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and

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

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

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

## **232 Rules of the P&E Court**

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

## **Part 2 Development tribunal**

### **Division 1 General**

#### **233 Appointment of referees**

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