

1 August 2025

Enquiries: Daniel Lamond
Our Ref: MCUC 2025_5721/2 (1312519)
Your Ref: 2024-10-39

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

Davidson Developments Pty Ltd
8 Henrietta Street
DOUBLE BAY NSW 2028

Dear Sir/Madam

**Development Application for Combined Application – Reconfiguring a Lot (1 into 2 lots)
And Material Change of Use (Dual Occupancy)
At 12 Davidson Street PORT DOUGLAS
On Land Described as LOT: 706 TYP: PTD PLN: 2092**

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

Please quote Council's application number: MCUC 2025_5721/2 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
Leonard Vogel
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)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Davidson Developments Pty Ltd
Postal Address: 8 Henrietta Street
DOUBLE BAY NSW 2028
Email: admin@aspireqld.com

Property Details

Street Address: 12 Davidson Street PORT DOUGLAS
Real Property Description: LOT: 706 TYP: PTD PLN: 2092
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit- Reconfiguring a Lot (1 into 2 lots)
And Material Change of Use (Dual Occupancy)

Decision

Date of Decision: 1 August 2025
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 (Ground)	RECS Plan DA 1, Rev A	26 June 2025
Site Plan (Level 1)	RECS Plan DA 2, Rev A	26 June 2025

Floor Plan	RECS Plan DA 3, Rev A	26 June 2025
Floor Plan (Level 1)	RECS Plan DA 3, Rev A	26 June 2025
Section A-A	RECS Plan DA 3, Rev A	26 June 2025
Section D-D	RECS Plan DA 3, Rev A	26 June 2025
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

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.

Amendment to Design

3. Provide the following amendments to design:
 - a. amend the design to have the side boundary setbacks on the first floor increased to no less than 1500mm; and
 - b. amend the design to demonstrate compliance with the Queensland Development Code for the setback between the pool deck and sewer man-hole in the rear.

Provide amended plans reflective of the changes for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Air-conditioning Screens

4. 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

5. 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.

Sewerage Works Internal

6. Connect each dwelling via separate jump-up to Councils sewerage network traversing the rear of the property.

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, drained and line marked.

External Works

8. Undertake the following works external to the land at no cost to Council:
 - a. Provide two vehicle crossovers and aprons to Davidson Street;
 - b. Construct a 2000mm wide concrete footpath across the Davidson Street frontage in accordance with the FNQROC Development Manual;
 - c. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

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 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.

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.

Landscaping Plan

12. The site must be landscaped in accordance with details included on a landscaping plan. The plan must be prepared by a suitably qualified and experienced landscape designer. The landscaping plan must be submitted for endorsement by the Chief Executive Officer prior to Council endorsement of the Plan of Survey.

Lawful Point of Discharge

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

Ponding and/or Concentration of Stormwater

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

Minimum Fill and Floor Level

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

Sediment and Erosion Control

16. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Refuse Storage Area

17. Area for two 240L wheelie bins must be provided for each dwelling unit.

Construction Signage

18. 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/Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect.

RECONFIGURATION OF A LOT

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
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ASSESSMENT MANAGER CONDITIONS

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 Council endorsing the Survey Plan, except where specified otherwise in these conditions of approval.

Fire Separation

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

Timing of Lot Reconfiguration

4. Prior to Council endorsing the Plan of Survey:
 - a. The under slab must be completed for both dwellings with the relevant building inspection undertaken. The slab must be deemed satisfactory with the relevant documentation submitted to Council.
 - b. Construction of the dual occupancy development must be commenced to the extent of three courses of blocks.

Water Supply

5. Provide separate water meters and connection for each dwelling unit.

Sewer Connection

6. The development must be connected to Council's reticulated sewer system in accordance with the following requirements:
 - a. Provide a separate sewer connection for each allotment;
 - b. Create an easement in favour of proposed lot 1 burdening proposed lot 2, to contain the house connection branch traversing proposed lot 2;
 - c. No sewer main extension is to occur.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

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

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

Concurrence Agency	Concurrence Reference	Agency	Date	Doc ID
State Assessment and Referral Agency	2503-45111 SRA		28 July 2025	1311688

Note- Concurrence Agency Response is attached. This Concurrence Agency Response may be amended by agreement with the respective agency.

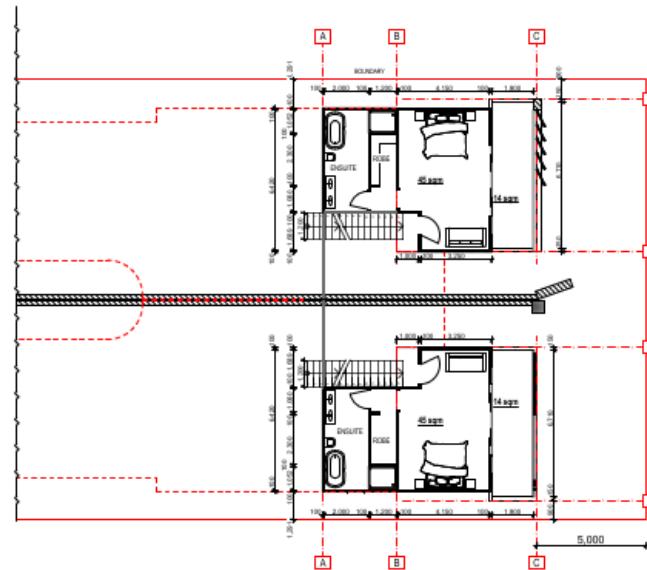
Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.



FLOOR PLAN (LEVEL ONE)

1

1:200

DWELLING AREA
(GROUND) 245sqm

DWELLING AREA
(LEVEL 1) 45sqm

GARAGE AREA 4.5sqm

OUTDOOR RECREATION- 100sqm

LANDSCAPING - 118sqm

TOTAL SITE AREA 1012sqm
2 X SITES, EACH LOT SITE AREA - 506sqm
DWELLING + LEVEL 1 + GARAGE 335sqm (each)
DWELLING FOOT PRINT 290sqm (each)
TOTAL LANDSCAPING 236sqm
TOTAL SITE COVERAGE 57%

Project NEW DWELLINGS
Location 12 DAVIDSON STREET , PORT DOUGLAS
Client DAVIDSON DEVELOPMENTS
PROJECT 101-2024



**CONSULTING ENGINEERS
& BUILDING DESIGNERS**

APCO No.5912
QCC No.110533

RESC Pty Ltd, Shop 22, Level 2, Saltwater Building, 20-31 Macrossan Street, PO Box 848, Port Douglas QLD 4877
P: 07 40888111 E: austin@resc.com.au ABN 85 611 197 088

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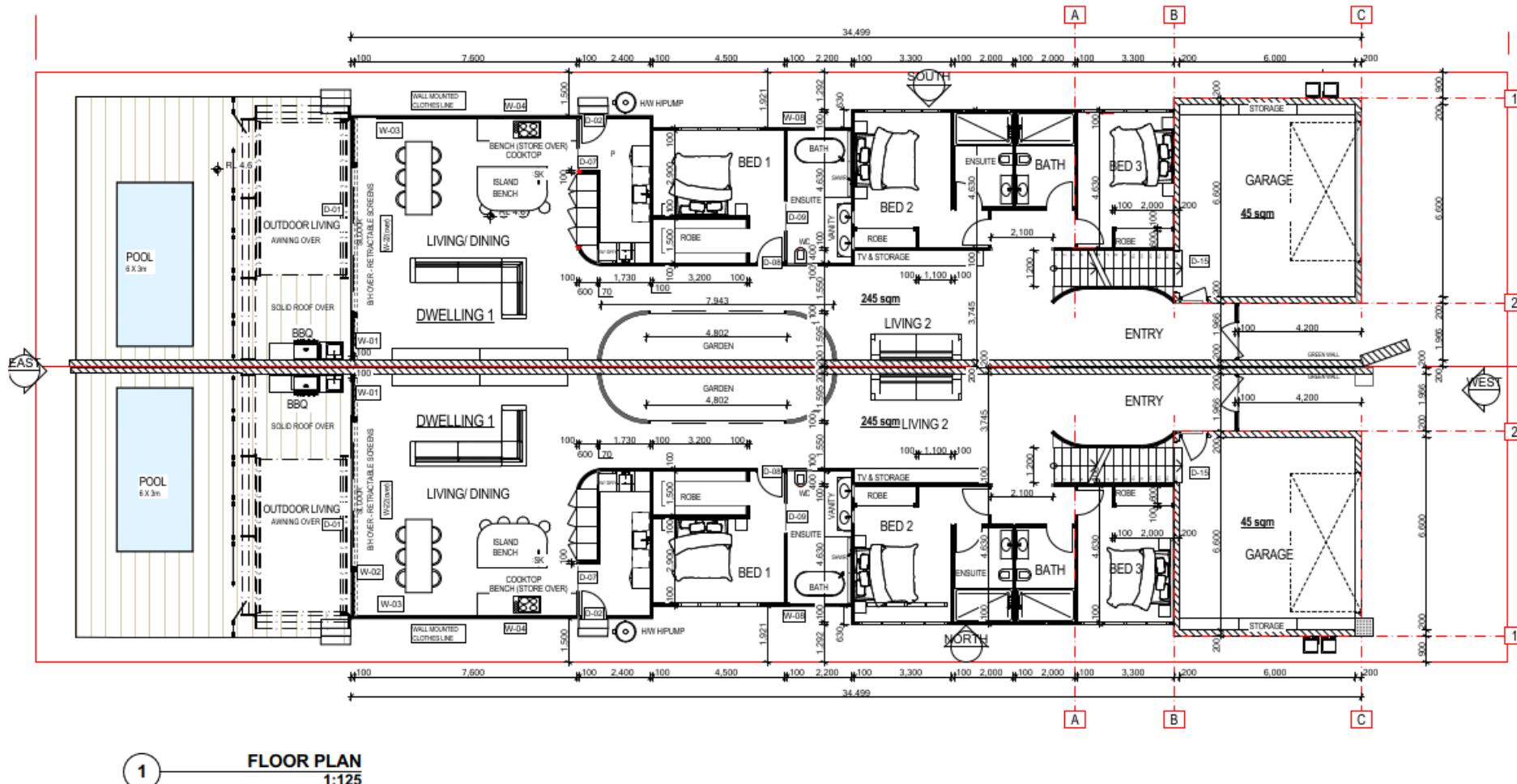
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PREPARATION DATE: 01/06/2025
COMPLETION DATE: 01/06/2025
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ISSUE A - MEMBER DEVELOPMENT APPLICATION DA 2
ISSUE B - MEMBER DEVELOPMENT APPLICATION DA 2
ISSUE C - MEMBER DEVELOPMENT APPLICATION DA 2
ISSUE D - MEMBER DEVELOPMENT APPLICATION DA 2
FOR DEVELOPMENT APPLICATION ONLY
(NOT FOR CONSTRUCTION)
DRAWING LP PROJECT STATUS: DEVELOPMENT APPLICATION

SITE PLAN (LEVEL 1)

**SHEET
DA 2
REVISION
A**

SCALE 1:200
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Project NEW DWELLINGS
Location 12 DAVIDSON STREET, PORT DOUGLAS
Client DAVIDSON DEVELOPMENTS
PROJECT 101-2024



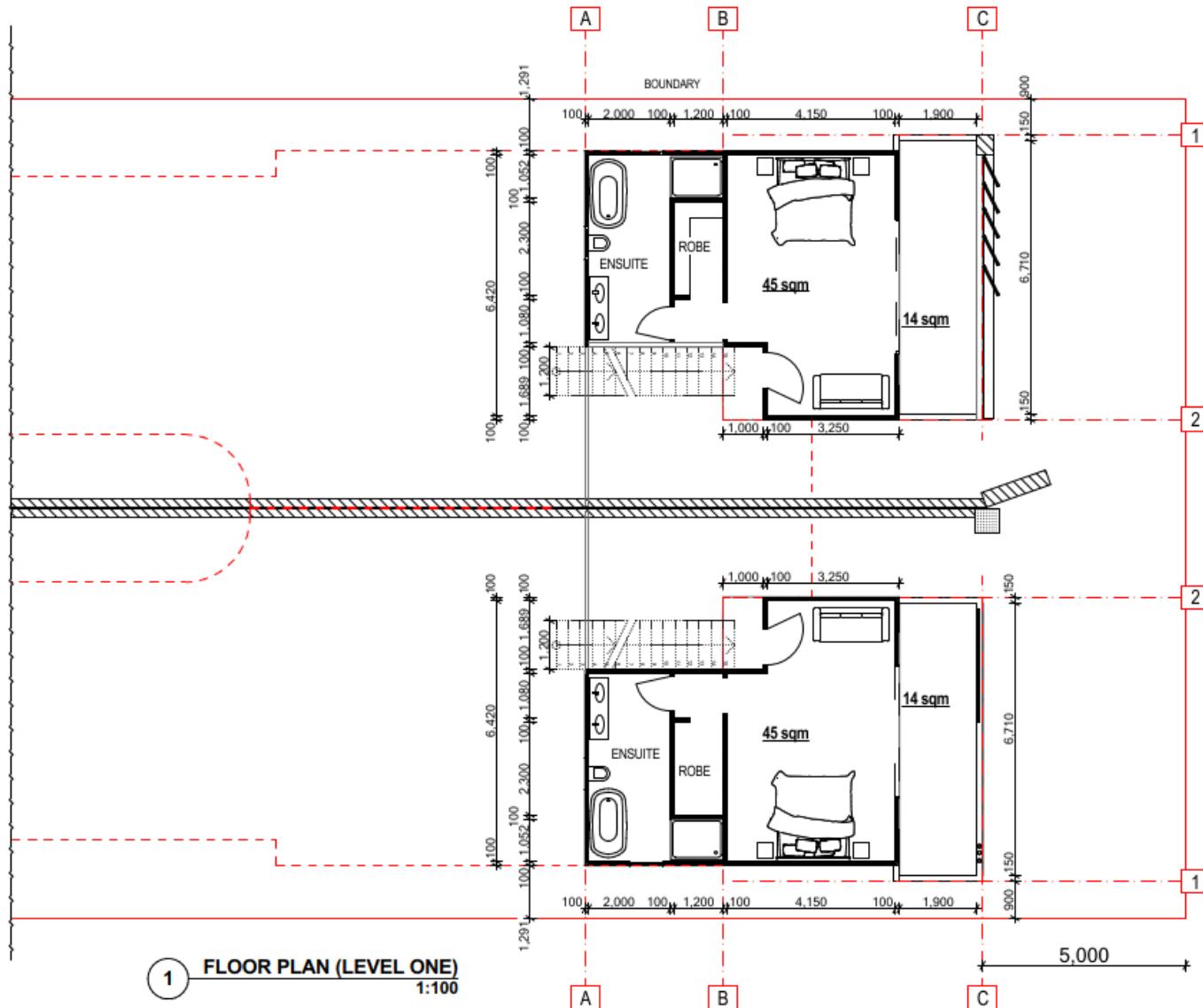
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DA-3 - MANUFACTURE/DEVELOPMENT APPLICATION DA-3		SHEET	DA 3
FOR DEVELOPMENT APPLICATION ONLY (NOT FOR CONSTRUCTION)		REVISION	A
DRAWING	DESIGN LP	PROJECT STATUS: DEVELOPMENT APPLICATION	
FLOOR PLAN			



Project NEW DWELLINGS
Location 12 DAVIDSON STREET , PORT DOUGLAS
Client DAVIDSON DEVELOPMENTS
PROJECT 101-2024



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BEFORE CONSIDERING ANY LEARNINGS
FROM THE PAST OR THE FUTURE.

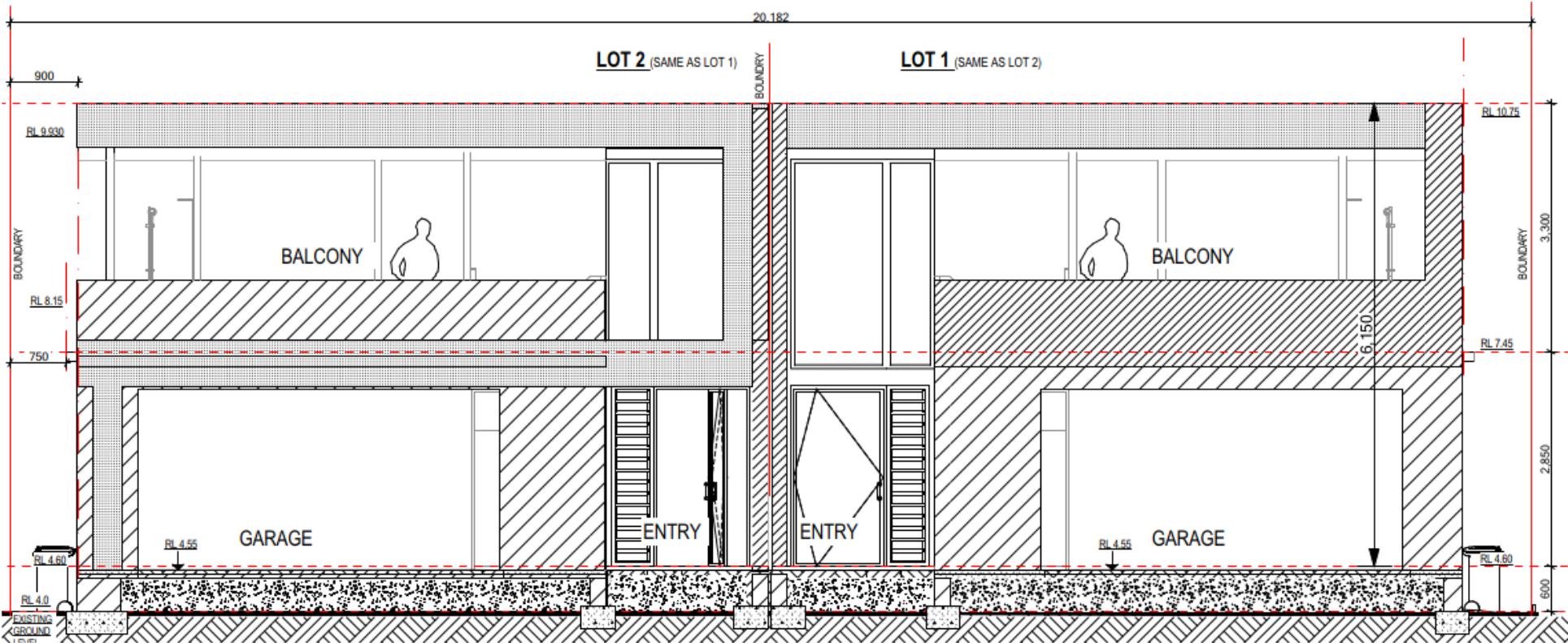
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ISSUE A - MAINTENANCE APPLICATION	ISSUE B -	ISSUE C -	ISSUE D -	FOR DEVELOPMENT APPLICATION	(NOT FOR CONSTRUCTION)
DRAWING	DESIGN LP	PROJECT STATUS			
FLOOR PLAN (LEVEL ONE)					

ITION ONLY (ATION) DEVELOPMENT APPLICATION	SHEET	DA 4
	REVISION	A



Project NEW DWELLINGS
 Location 12 DAVIDSON STREET, PORT DOUGLAS
 Client DAVIDSON DEVELOPMENTS
 PROJECT 101-2024



CONSULTING ENGINEERS
 & BUILDING DESIGNERS

RPEQ No.5412
 QCCC No.110633

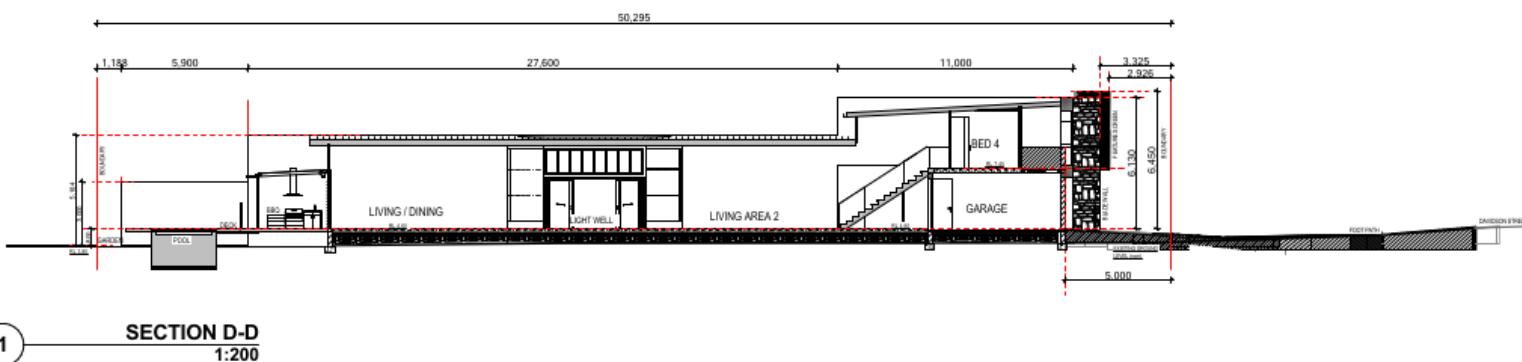
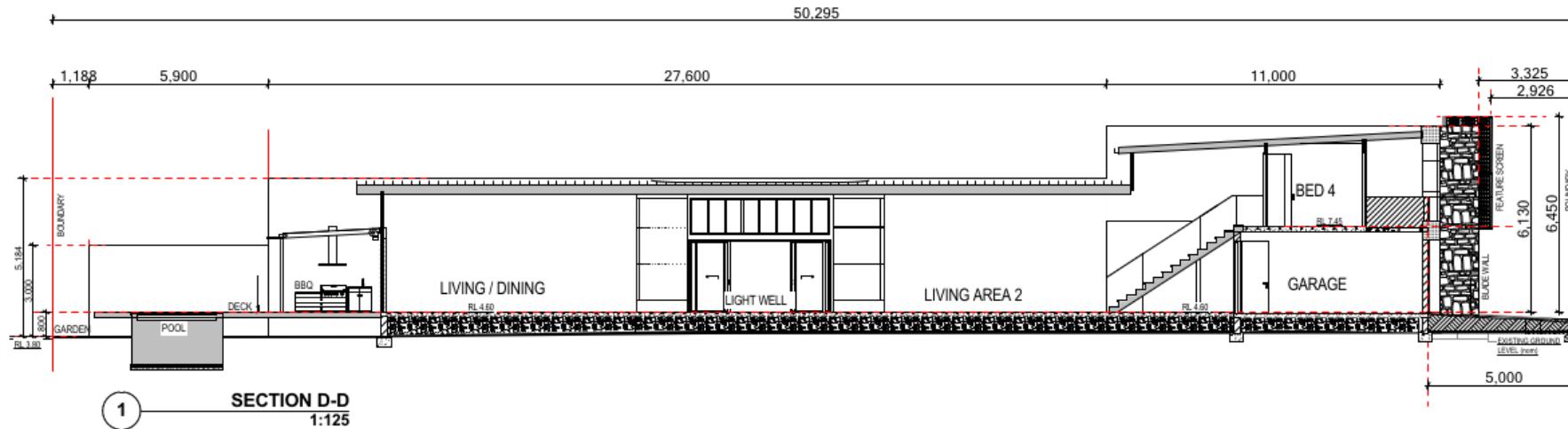
RECS PTY LTD, SHOP 22, LEVEL 2, SALTWATER BUILDING, 25-31 MACROSSAN STREET, PO BOX 884, PORT DOUGLAS QLD 4877
 P: (07) 4098 8818 E: info@rechs.com.au

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ISSUE A - AMENDED DEVELOPMENT APPLICATION 28/6/20
 ISSUE B -
 ISSUE C -
 DRAWN BY: DESIGNER: DATE:
 FOR DEVELOPMENT APPLICATION ONLY
 (NOT FOR CONSTRUCTION)
 DRAWN BY: DESIGNER: DATE:
 PROJECT STATUS: DEVELOPMENT APPLICATION

SECTION A-A

SHEET DA 7
 REVISION A
 SCALE 1:50
 PRINT DATE 05/02/2025 11:17 PM



Concurrence Agency Conditions



SARA reference: 2503-45111 SRA
Council reference: MCUC 2025_5721/2
Applicant reference: 2024-10-39

28 July 2025

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

Attention: Daniel Lamond

Dear Sir/Madam

SARA referral agency response—12 Davidson Street, Port Douglas

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 13 March 2025.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	28 July 2025	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Material Change of Use (Dual Occupancy)
	Development permit	Reconfiguration of a lot (1 Lot into 2 Lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) - Reconfiguring a lot near a State	

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

Page 1 of 8

transport corridor

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
 (Planning Regulation 2017) - Material change of use of premises
 near a State transport corridor

SARA reference:	2503-45111 SRA
Assessment manager:	Douglas Shire Council
Street address:	12 Davidson Street, Port Douglas
Real property description:	Lot 706 on PTD2092
Applicant name:	Davidson Developments Pty Ltd CI- Aspire Town Planning and Project Services
Applicant contact details:	PO Box 1040 Mossman QLD 4873 admin@aspireqld.com
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of Transport Infrastructure Act 1994. Below are the details of the decision: <ul style="list-style-type: none"> Approved Reference: TMR25-045230 Date: 8 April 2025 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at claims.office@tmr.qld.gov.au
Human Rights Act 2019 considerations:	The decision has been assessed for compatibility with human rights under the Human Rights Act 2019. The decision was found not to limit human rights under the Human Rights Act 2019 therefore, it is reasonable to conclude the decision is compatible with human rights.

Representations

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

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

For further information please contact Sue Lockwood, A/Principal Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/ Manager (Planning)

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

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

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	<ul style="list-style-type: none"> (a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A. (b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G. 	<ul style="list-style-type: none"> (a) At all times. (b) and (c) Prior to submitting the Plan of Survey to the local government for approval.
Material change of use		
10.9.4.2.4.1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<ul style="list-style-type: none"> Stormwater management of the development must not cause a worsening to the operating performance of the state-controlled road, such that any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) concentrate or increase the velocity of flows to the state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iv) surcharge any existing culvert or drain on the state-controlled road; and (v) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. 	At all times.
2.	<ul style="list-style-type: none"> (a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A. (b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing 	<ul style="list-style-type: none"> (a) At all times. (b) and (c) Prior to the commencement of use.

	S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	
3.	<p>Install on the balconies facing Port Douglas Road, as shown on Section A-A prepared by RECS Consulting Engineers & Building Designers dated 26-6-25, Sheet DA 7, Revision A, as amended in red by SARA:</p> <p>(a) a continuous solid gap-free structure, constructed of glass, concrete blocks, bricks or fibre cement sheeting, or balustrade, other than gaps required for drainage purposes in accordance with the Building Code of Australia; and</p> <p>(b) highly acoustically absorbent material treatment for the total area of the soffit above these balconies.</p>	(a) and (b) Prior to the commencement of use and to be maintained at all times.

Attachment 2—Advice to the applicant

General advice	
1.	<p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i>, its regulation or the State Development Assessment Provisions (SDAP) version 3.2. If a word remains undefined it has its ordinary meaning.</p>
Transport Noise Corridor	
2.	<p>Transport Noise Corridor mapping indicates that Lot 706 on PTD2092 (the subject site) is impacted by transport corridor noise from Davidson Street (Port Douglas Road), a state-controlled road.</p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy (SPP) Interactive Mapping System website: https://spp.dsdp.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport noise corridors are located under 'Information Purposes' within Transport Infrastructure tab of the SPP mapping system.</p>
Further development permits required	
3.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road.</p> <p>Please contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development can be conditioned to comply with the relevant provisions of State code 1: Development in a state-controlled road environment, as it:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled road
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.2), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

8 April 2025

Department of
Transport and Main Road

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

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

Development application reference number MCUC 2025_5721/2, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 706PTD2092, the land the subject of the application, and Port Douglas Road (Davidson Street) (a state-controlled road).

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

Applicant Details

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

Application Details

Address of Property	12 Davidson Street, Port Douglas QLD 4877
Real Property Description	706PTD2092
Aspect/s of Development	Development Permit, Development Permit for Reconfiguration of a Lot, Material Change of Use for Reconfiguration of a lot - 1 Lot into 2 Lots), Material Change of Use for Dual Occupancy

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
1	<p>The Permitted Road Access Locations are:</p> <p>(a) Proposed Lot 1 - Near the common boundary with Lot 0BUP70699,</p> <p>(b) Proposed Lot 2 - Near the common boundary with Lot 0BUP70612,</p> <p>in accordance with:</p> <p>(i) TMR Layout Plan (6504 - 5.20km) Issue A dated 08/04/2025. (Attachment D)</p>	At all times.

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

No.	Conditions of Approval	Condition Timing
2	Direct access is prohibited between Port Douglas Road (Davidson Street) and the subject land at any other locations other than the Permitted Road Access Locations described in Condition 1.	At all times.
3	<p>The use of the permitted road access location described in Condition 1 is to be restricted to:</p> <p>a) Design vehicles up to a maximum size short towing trailer - Class 2 Medium Length Light Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
4	<p>Road works at the locations described in Condition 1 comprising sealed residential vehicle accesses must be constructed and maintained, generally in accordance with:</p> <p>a) FNQROC Standard Drawing S1105 - Rural Allotment Access</p>	<p>MCU - Prior to commencement of use</p> <p>ROL - Prior to submitting the Plan of Survey to the local government for approval.</p>

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site (Lot 706 on PTD2092) has road frontage but no vehicle access Port Douglas Road, a state-controlled road.
- b) The development application is for:
 - Development Permit for Reconfiguring a Lot – 1 Lot into 2 Lots; and
 - Development Permit for Material Change of Use – Dual Occupancy.
- c) The proposed development will require two (2) new vehicular accesses via Port Douglas Road.
- d) A s62 approval will be required to be issued to formalise the new road access driveways between Lot 706 on PTD2092 and Port Douglas Road.

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

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

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-

controlled road network are maximised. This may or may not require all future access to be provided via the local road network.

3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

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

Further approvals

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

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

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

Yours sincerely



Liliya Yates
A/Principal Engineer (Civil)

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

Attachment A
Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (6504 - 5.20km)	Queensland Government Transport and Main Roads	08 April 2025	TMR25-045230 (as Attachment D)	A
Site Plan	RECS Consulting Engineers & Building Designers	Print date 19 February 2025	DA 2	B
Rural Allotment Access	FNQROC	05 December 2023	S1105	G
Vehicle Access to state-controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C

Appeal Provisions

Transport Infrastructure Act 1994

Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

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

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

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

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

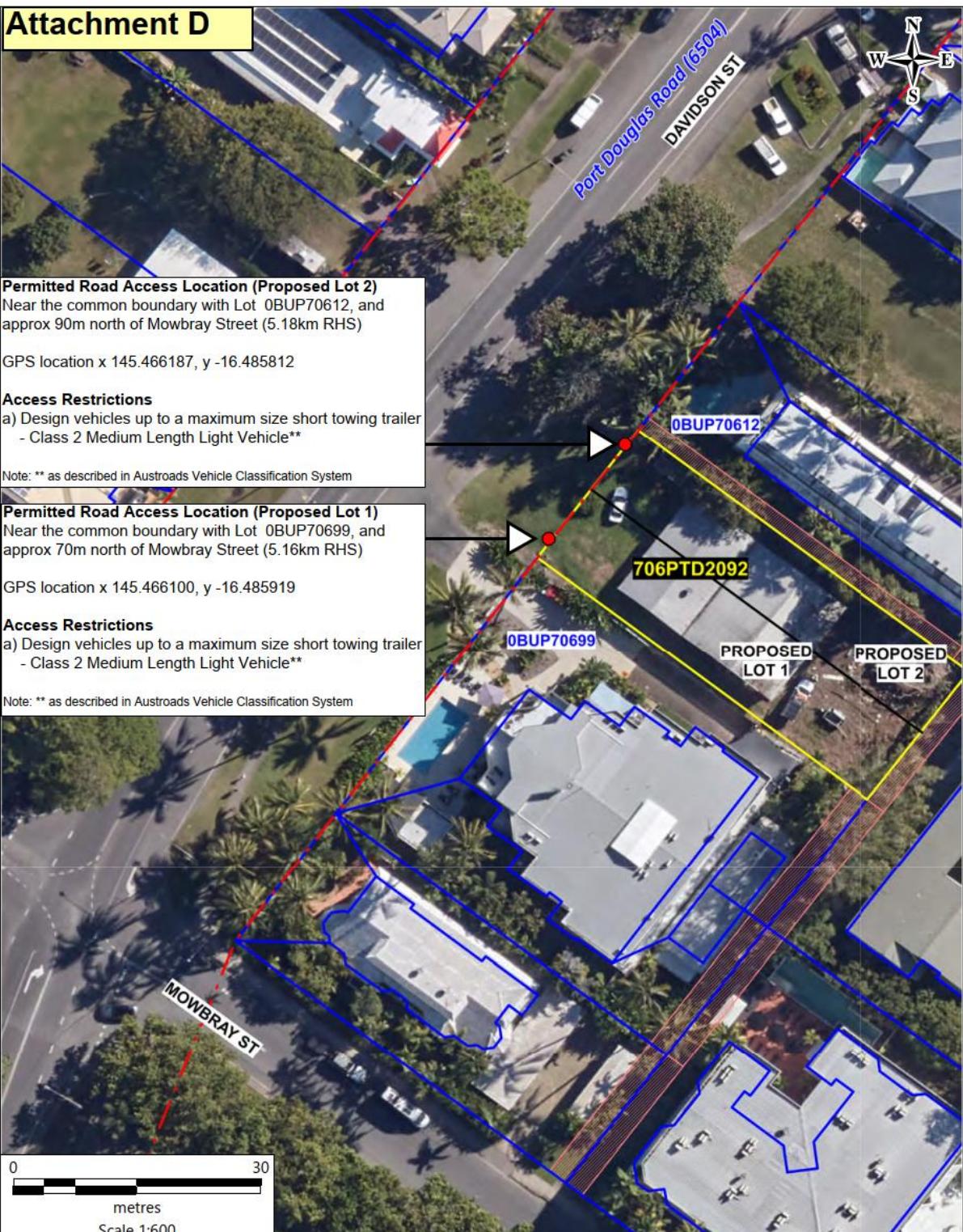
(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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

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

Attachment D



Branch/Unit : Corridor Management / Far North District

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

 Land parcels Subject land
 Easements
 State-controlled road corridor

TMR Layout Plan (6504 - 5.20km)



Queensland Government
Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 8/04/2025
Drawn by: RPK		File ref: TMR25-045230

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2503-45111 SRA

Date: 28 July 2025

Permitted Road Access Location (Proposed Lot 2)
Near the common boundary with Lot 0BUP70612, and approx 90m north of Mowbray Street (5.18km RHS)

GPS location x 145.466187, y -16.485812

Access Restrictions

a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location (Proposed Lot 1)

Near the common boundary with Lot 0BUP70699, and approx 70m north of Mowbray Street (5.16km RHS)

GPS location x 145.466100, y -16.485919

Access Restrictions

a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

0 30
metres
Scale 1:600

Branch/Unit : Corridor Management / Far North District

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

Land parcels Subject land
 Easements
 State-controlled road corridor



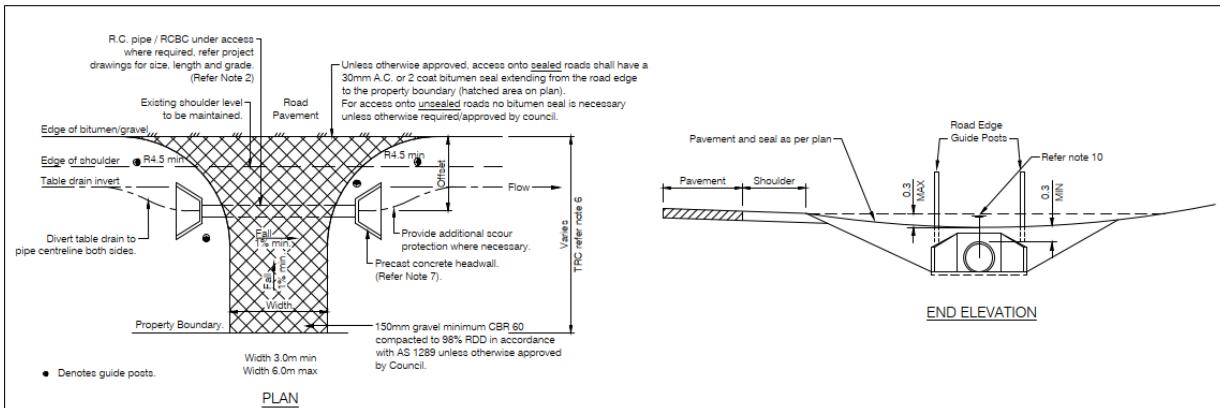
**TMR Layout Plan
(6504 - 5.20km)**



Queensland Government
Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 8/04/2025
Drawn by: RPK	File ref: TMR25-045230	

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NOTES

1. Minimum length of culvert shall be 4.8m for single access, 7.2m for double access.
2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high.
3. Minimum RC pipe / RCBC gradient shall be 1:100.
4. Where cover to RC pipe is less than 260mm pipe shall have 100mm concrete encasement or bridging slab per ST1015.
5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain.
6. Maximum 10 metres from edge of bitumen seal or where grade is steeper than 6% the bitumen seal shall extend from the road edge to the property boundary unless otherwise approved.
7. Precast sloping headwalls shall be used when :
 - a) the through road has a signposted speed of 80km/hr or greater.
 - b) the through road has a signposted speed of 80km/hr and the offset distance from the traffic lane to the culvert is less than 1.5m.
8. Concrete shall be grade N32 minimum in accordance with AS 1379 and AS 3600.
9. All dimensions are in millimetres.
10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes.
11. Minimum sight distances at design should comply with 'Sight Distances for Property Entrances' Ausroad Guide to Road Design Part 4A, Unsigned and Signalled Intersections.
12. In instances where the details shown on the drawing cannot be achieved due to existing constraints, Council shall be contacted to obtain an acceptable alternative.

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

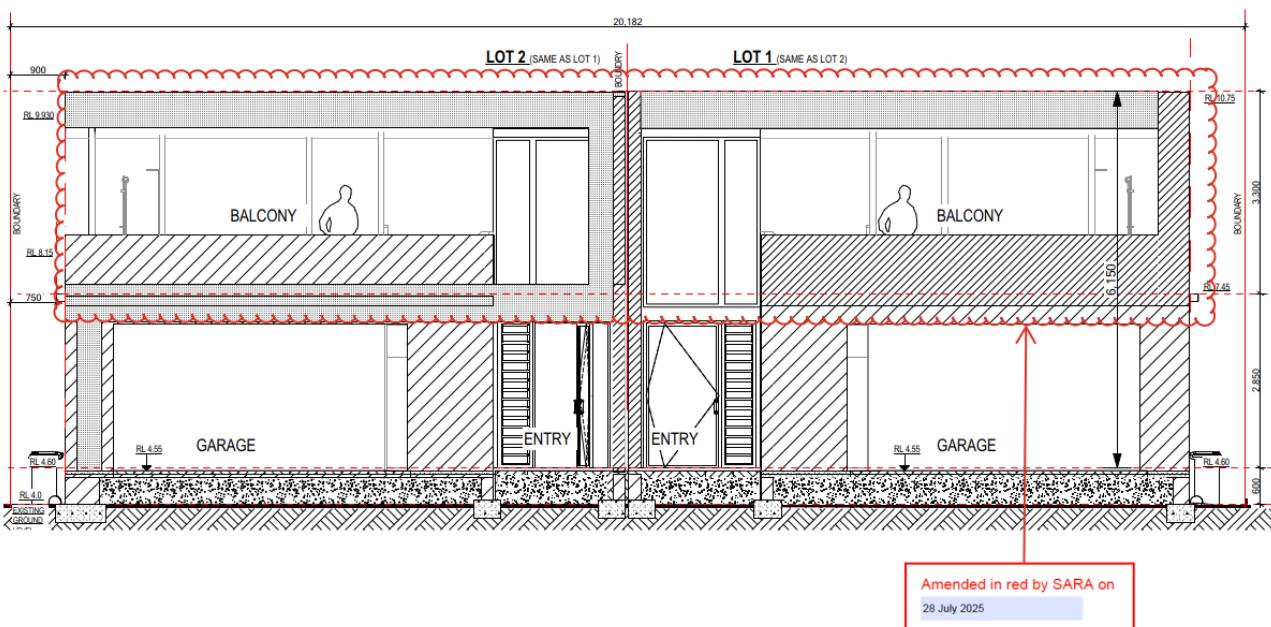
SARA ref: 2503-45111 SRA
Date: 28-July-2025

TYPICAL ALTERNATIVE FLOODWAY TYPE ACCESS

(Where approved by Council)

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions

		DISCLAIMER			
		<p>The authors and sponsoring organizations shall have no liability or responsibility for any errors or omissions in this document, or for any damage, loss, or expense resulting from the use of this document, directly or indirectly, by the student and use of these Standard Drawings. Persons shall be responsible for all costs, including attorney's fees and expenses, resulting from the use of these Standard Drawings, or any damage, loss, or expense resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings for the design of any structure or project. Specific design and assessment by an appropriately qualified professional.</p>			
G. MINOR AMENDMENT TO NOTES	05/12/23				
F. MINOR AMENDMENTS	27/08/20				
REVISIONS		DATE			
				RURAL ALLOTMENT ACCESSES	
				Standard Drawing S1105	



1 SECTION A-A
1:50

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2503-45111 SRA
Date: 28 July 2025

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 03/02/2025 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 Tourist Accommodation 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.

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

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 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

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (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—

1 August 2025

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

Enquiries: Daniel Lamond
Our Ref: MCUC 2025_5721/2 (1312519)
Your Ref: 2024-10-39

Davidson Developments Pty Ltd
8 Henrietta Street
DOUBLE BAY NSW 2028

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Combined Application for Reconfiguring a Lot (1 lot into 2)
and Material Change of Use (Dual Occupancy)
At 12 Davidson Street PORT DOUGLAS
On Land Described as LOT: 706 TYP: PTD PLN: 2092**

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 2025_5721/2 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

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

Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL		2018 Douglas Shire Planning Scheme version 1.0 Applications				
ADOPTED INFRASTRUCTURE CHARGES NOTICE						
Davidson Street Developments Pty Ltd DEVELOPERS NAME		ESTATE NAME		STAGE		
12 Davidson Street STREET No. & NAME		706PTD2092 SUBURB		1830 LOT & RP No.s		
Combined Application for Reconfiguring a Lot (1 lot into 2) and Material Change of Use (Dual occupancy)		CA 2025_5721		PARCEL No. 6		
DEVELOPMENT TYPE		COUNCIL FILE NO.		VALIDITY PERIOD (year)		
1312273 DSC Reference Doc. No.		1 VERSION No.		Prior to signing and sealing of survey form for ROL		
Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)						
Proposed Demand	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Residential	Dwelling_house	\$_per_3_or_more_bed_room_dwelling	28,405.93	2	\$56,811.86	
					\$56,811.86	
	Total Demand					Prior arrangement for online payment via invoicing - see below.
Credit						
<u>No credit available</u>						
	Total Credit				\$28,405.93	Code 895 GL GL7500.135.825
	Required Payment or Credit		TOTAL		\$28,405.93	
Prepared by	D Lamond		1-Aug-25	Amount Paid		
Checked by	N Beck		1-Aug-25	Date Paid		
Date Payable	ROL - Before the Local Government approves the plan of subdivision			Receipt No.		
Amendments			Date			
				Cashier		
<p>Note: The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the <i>Planning Act 2016</i> as from Council's resolution from the Ordinary Meeting held on 23 February 2021.</p> <p>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.</p> <p>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.</p> <p>If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au</p> <p>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</p>						

Subdivision 5 Changing charges during appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider any representations made by the recipient.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice; the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a **negotiated notice**) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.

- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

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

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

Extracts from the Planning Act 2016 –Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (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
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[s 229]

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