

**Our ref:** PR151977

135 Abbott Street  
Cairns QLD 4870  
T +61 7 4031 1336

Date: 9 September 2023

The Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman Qld 4873

Dear Sir/Madam,

**2-4 St Crispins Avenue, Port Douglas – Material Change of Use (Multiple Dwelling)**  
**Application for a minor change to a development approval (pursuant to Section 78 of the Planning Act 2016)**  
**Your ref: MCUC 2022\_4949/1**

RPS AAP Consulting Pty Ltd act on behalf of La Vie Q Pty Ltd (The 'Applicant') in relation to an application for a minor change to an existing development approval on land located at 2-4 St Crispins Avenue, Port Douglas, and described as Lot 25 on RP747342.

The Development Approval is a Development Permit for Material Change of Use (Multiple Dwelling), dated 5 October 2022. The approval allowed for the development of three detached single storey dwellings, with access to the development provided from St Crispins Avenue. A copy of the Decision Notice is provided at **Appendix C**.

In accordance with Council's adopted fees and charges, the relevant application fee is \$484.00. It would be appreciated if Council officers could confirm the fee and provide an invoice for prompt payment.

## **1 Site and locality**

The site is located on the corner of St Crispins Avenue and Port Douglas Road and has an area of 1,662m<sup>2</sup> and frontage of 28.5 metres and 45.01 metres, respectively. The land is current vacant and is predominantly cleared of vegetation. A number of trees are located in the boundary of the site to Port Douglas Road and to the south western side boundary. The site is understood to be a fully serviced site with access to all urban services. The site is burdened with an easement for drainage purposes to the southern (rear) boundary.

The locality containing the site is characterised by multiple dwelling developments in a mix of one and two storey buildings and in different configurations. To the west the site adjoins a multiple dwelling development in the form of dwelling units. A similar development is provided on the opposite side of St Crispin's Avenue to the north. Further to the west the multiple dwelling developments take the form of two storey attached dwellings, with each dwelling having its own private open space and recreation area, including swimming pool.



### Figure 1: Site Location

**Source: Queensland Globe, 2023**



**Figure 2: Site frontage**

**Source: Google Maps, 2023**

## 2 Proposed change

## 2.1 Overview

It is proposed to change the plans that from part of the development approval. The change to the plans is in response to the referral agency response received from the State Assessment and Referral Agency, requiring a detailed noise assessment and the construction of a noise attenuating fence to the boundary to Davidson Street. The construction of the fence would require the removal of an existing vegetated buffer, which is considered to be a poor urban design and amenity outcome.

The proposed change would relocate the dwelling units to the west of the site and away from the Port Douglas Road frontage. As a result the habitable areas of the dwellings and the outdoor recreation areas would be located the furthers distance possible form the traffic noise of Davidson Street. This would enable the retention of the vegetation and avoid the need for a noise assessment and noise attenuating fence.

As a part of the changes the proposed access point would be moved closer the St Crispins Avenue and Port Douglas Road intersection. The proposed dwellings would be setback a minimum of 4.4 metres to the St Crispins Avenue frontage, 5.4 metres to the Port Douglas Road frontage, 2 metres to western side boundary and 3.5 metres to the southern boundary.

The internal layout of each of the three dwellings would be changed to accommodate the site layout changes, however each of them would still contain 4 bedrooms, 2 bathrooms, a double garage, a combined living/dining/kitchen area and utilities rooms.

An amended set of proposal plans prepared by NQ homes are provided for reference at **Appendix D**. The proposed changes are considered to be consistent with the minor change definition contained in the *Planning Act 2016*.

### 3 Minor Change Status

The proposed change to the development approval is consistent with the definition of a 'minor change' under the *Planning Act 2016* as outlined below:

#### 3.1 Minor change definition

<b><i>Under Schedule 2 of the Planning Act 2016, a minor change (for a development approval) means a change that:</i></b>	<b>Response</b>
(i) <i>would not result in substantially different development; and</i>	Demonstration that the change does not constitute substantially different development is provided in section 3.2 below.
(ii) <i>if a development application for the development, including the change, were made when the change application is made would not cause</i>	
(A) <i>the inclusion of prohibited development in the application; or</i>	The proposed change would not introduce an element to the development that constitutes a prohibited development.
(B) <i>referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	The application was referred to SARA as a part of the original application.
(C) <i>referral to extra referral agencies, other than to the chief executive; or</i>	No new referral agencies would be introduced by the change.
(D) <i>a referral agency, in assessing the application under section 55, to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	The proposed change would not introduce any other matters other than the matters the referral agency considered as a part of the original application.
(E) <i>public notification if public notification was not required for the development application.</i>	The original application was not subject to Public Notification and the proposed amendments would not create the need for public notification.

#### 3.2 Substantially different development criteria

<b><i>Under Schedule 1 of the Development Assessment rules, a change may be considered to result in substantially different development if any of the following apply to the change:</i></b>	<b>Response</b>
(a) involves a new use;	The change does not involve a new use.
(b) results in the application applying to a new parcel of land; or	The change does not introduce new land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The change would not result in a dramatically different built form. The site would still be developed with three single storey detached dwellings, as allowed under the original approval.
(d) changes the ability of the proposed development to operate as intended; or	The proposed changes to the site and dwelling layout would not compromise the development ability to operate as a multiple dwelling.



(e) removes a component that is integral to the operation of the development; or	The development would continue to operate as approved under the original approval.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	It is not proposed to include any additional traffic generating activities as a part of the proposed change.
(g) introduces new impacts or increase the severity of known impacts; or	No new impacts would be introduced as a result of the proposed changes.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentives or offset components are applicable to the development application.
(i) impacts on infrastructure provisions.	The proposed change would not result in significant impacts on infrastructure provisions.

On the basis of the above, the proposed change is considered to constitute a minor change and would not result in a substantially different development.

## 4 Changes to the Development Approval

The proposed change would require a change to the approved plans. The proposed plans are provided at **Appendix D**.

## 5 Public Notification

No public notification was required for the original application, and no public notification is required for the proposed change.

## 6 Referral agencies

The current Development Approval MCUC 2022\_4949/1 is the subject of a referral agency response form the State Assessment and Referral Agency (SARA) dated 13 September 2022. The response was to approve the development subject to conditions. These conditions are as follows:

No.	Condition
1.	<p>(a) Noise attenuation measures must be provided to achieve the following noise criteria for private open space:</p> <ul style="list-style-type: none"><li>≤57dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6am and 12 midnight ≤45dB(A)); or</li><li>≤60dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6am and 12 midnight &gt;45dB(A)).</li></ul> <p>(b) The noise attenuation measures required in part (a) of this condition must be designed in accordance with:</p> <ul style="list-style-type: none"><li>Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; and</li><li>Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019</li></ul> <p>(c) RPEQ certification must be provided to Program, Delivery and Operations, Far North District at: (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>

The purpose of the proposed development layout changes is to reduce the need for the noise attenuation measures required by the referral agency conditions. As a part of the process of gaining approval for the proposed changes the applicant is also seeking an amended referral agency response.

A request for a changed referral agency response has been submitted to the State Assessment and Referral Agency. The request is that all of the conditions are deleted in a revised response.

## 7 Douglas Shire Planning Scheme 2018 Version 1.0.

In accordance with Section 81 of the *Planning Act 2016* the Council must consider the statutory instrument or other document in effect when the development application was properly made. The statutory instrument



**Our ref:** PR151977

in effect when the application was properly made was the Douglas Shire Planning Scheme 2018 Version 1.0, which remains in effect.

Under the planning scheme, the original development and the changed development is defined as a Multiple Dwelling. The site is identified within the Medium Density Residential Zone, the Port Douglas/Craigie Local Plan and is affected by the following overlays;

- Acid Sulfate Soils;
- Landscape Values; and
- Transport Network.

In accordance with Table 5.6.h of the Douglas Shire Planning Scheme 2018 Version 1.0 a Multiple Dwelling is subject to a Code Assessment with the relevant codes being:

- Medium Density Residential Zone Code;
- Port Douglas/Craigie Local Plan;
- Acid Sulfate Soils Overlay Code;
- Transport Network Overlay Code;
- Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;
- Access, Parking and Servicing Code;
- Filling and Excavation Code;
- Infrastructure Works Code; and
- Landscaping Code.

An assessment of the proposed minor change against the relevant assessment benchmarks indicated that the proposed changed development would generally satisfy the assessment benchmarks and that the proposed revised plans would not result in a requirement to consider any additional matters that did not form part of the considerations of the original development.

## 8 Supporting Information

In support of the proposed changes, please find attached the following information, which satisfies the requirements of Section 79 of the *Planning Act 2016*.

- **Appendix A:** Relevant Application Form 5 – Change application
- **Appendix B:** Certificate of Title
- **Appendix C:** Development Approval – Ref: MCUC 2022\_4949/1, dated 5 October 2022
- **Appendix D:** Amended Proposal Plans, prepared by NQ Homes, issue - 1,2,3

The application is submitted for approval subject to reasonable and relevant conditions. Should you have any queries please contact the writer (contact details below).

Yours sincerely,  
for RPS AAP Consulting Pty Ltd



**Patrick Clifton**

Senior Principal | Practice Leader - Planning

Patrick.clifton@rpsgroup.com.au

+61 7 4031 1336

## Appendix A

### Relevant Application Form 5 – Change application

# Change application form

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	La Vie Q Pty Ltd Trustee under instrument 721520723
Contact name (only applicable for companies)	c/- RPS AAP Consulting Pty Ltd, Patrick Clifton
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	Patrick.clifton@rpsgroup.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR151977

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

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

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

## PART 2 – LOCATION DETAILS

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		2-4	St Crispin Avenue	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	25	RP747342	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland  
Government**



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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

**3.3) Additional premises**

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

## PART 3 – RESPONSIBLE ENTITY DETAILS

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

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

Douglas Shire Council

## PART 4 – CHANGE DETAILS

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

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC 2022_4949/1	5 October 2022	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

**6) Type of change proposed**

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

Changing a development approval to allow for a revised lot and building layout.

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

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

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

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

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

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

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

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

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

## 12) Further details

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

# PART 7 – CHECKLIST AND APPLICANT DECLARATION

## 13) Change application checklist

I have identified the:

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

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

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

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

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

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

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

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

## 14) Applicant declaration

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

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

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

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

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

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

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



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

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Date received:  Reference number(s):

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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

**Appendix B**  
**Certificate of Title**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>21403192</b>	<b>Search Date:</b>	09/06/2022 13:48
<b>Date Title Created:</b>	15/06/1989	<b>Request No:</b>	41325842
<b>Previous Title:</b>	21347149		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 25 REGISTERED PLAN 747342  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 721520723 04/03/2022

LA VIE Q PTY LTD A.C.N. 655 397 005  
UNDER INSTRUMENT 721520723

TRUSTEE

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 21114061 (POR 105)
2. EASEMENT IN GROSS No 601434466 (T421676G) 29/05/1989  
BURDENING THE LAND  
TO COUNCIL OF THE SHIRE OF DOUGLAS  
OVER EASEMENT H ON RP747342
3. MORTGAGE No 721614691 12/04/2022 at 12:45  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005  
357 522

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*



## Appendix C

Development Approval – Ref: MCUC 2022\_4949/1, dated 5 October 2022

5 October 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4949/1 (1114078)  
**Your Ref:** PATRICK CLIFTON

RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Material Change of Use (Multiple Dwelling)  
At 2-4 St Crispins Avenue PORT DOUGLAS  
On Land Described as LOT: 25 RP: 747342**

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

Please quote Council's application number: MCUC 2022\_4949/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



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

cc. State Assessment and Referral Agency (SARA) E: [CairnsSARA@dilgp.qld.gov.au](mailto: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: RPS Australia East Pty Ltd  
Postal Address: PO Box 1949  
CAIRNS QLD 4870

#### Property Details

Street Address: 2-4 St Crispins Avenue PORT DOUGLAS  
Real Property Description: LOT: 25 RP: 747342  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit - Material Change of Use (Multiple Dwelling)

#### Decision

Date of Decision: 5 October 2022  
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
Setout Plan	NQ Homes plan sheet 10 of 11	30 June 2022
Floor Plan	NQ Homes plan sheet 2 of 11	30 June 2022
Elevations	NQ Homes plan sheet 3 of 11	30 June 2022
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020



Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020
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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 Commencement of Use, except where specified otherwise in these conditions of approval.

### **Fencing**

3. The fence fronting St Crispins Avenue must not exceed 1.8m in height and must be at least 50% transparent for each panel.

### **Damage to Council Infrastructure**

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

### **Water Supply and Sewerage Works Internal**

5. Undertake the following water supply and sewerage works internal to the subject land:
  - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - b. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008;
  - c. Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to commencement of use.

### **Vehicle Parking**

6. The amount of vehicle parking must be as specified in Council's Planning Scheme and detailed on the approved plans.

### **External Works**

7. Undertake the following works external to the land at no cost to Council:
  - a. Provide a vehicle crossover and apron to St. Crispins Avenue, designed and constructed in accordance with the FNQROC Development Manual standard drawings S1015 and S1110.
  - 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.

### **Emissions**

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

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

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

### **Lawful Point of Discharge**

10. The development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties causing nuisance, and;
  - a. All stormwater from the property must be directed to a lawful point of discharge being St Crispins Avenue or through Easement H to the rear, and;
  - b. An drainage study is to be undertaken and RPEQ certified to demonstrate and confirm that Easement H and its constructed drainage infrastructure can adequately cater for stormwater discharge if Easement H is to be relied upon.
  - c. The certified drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Sediment and Erosion Control**

11. Soil and water management measures must be installed 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).

### **Details of Development Signage**

12. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

### **Landscaping Plan**

13. The site must be landscaped in accordance with details included on a Landscaping Plan developed in accordance with Planning Scheme Policy SC6.7. The Landscaping Plan must detail the following:
- Deep planting of setback areas and planter beds within the development;
  - Provide fencing details (materials and finishes), particularly with respect to any fencing fronting St Crispins Avenue;
  - Landscaping of a maximum of a 600mm wide strip outside the St Crispins Avenue frontage fence on road if road planting is proposed.
  - A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

A 'to scale' copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The approval and completion of all landscaping works must be undertaken prior to commencement of use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

#### Further Development Permits

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

- Building Work

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

#### Concurrence Agency Response

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Concurrence Agency	Concurrence Reference	Agency	Date	Doc ID
SARA	2208-30377 SRA		13 September 2022	1110052

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

#### Currency Period for the Approval

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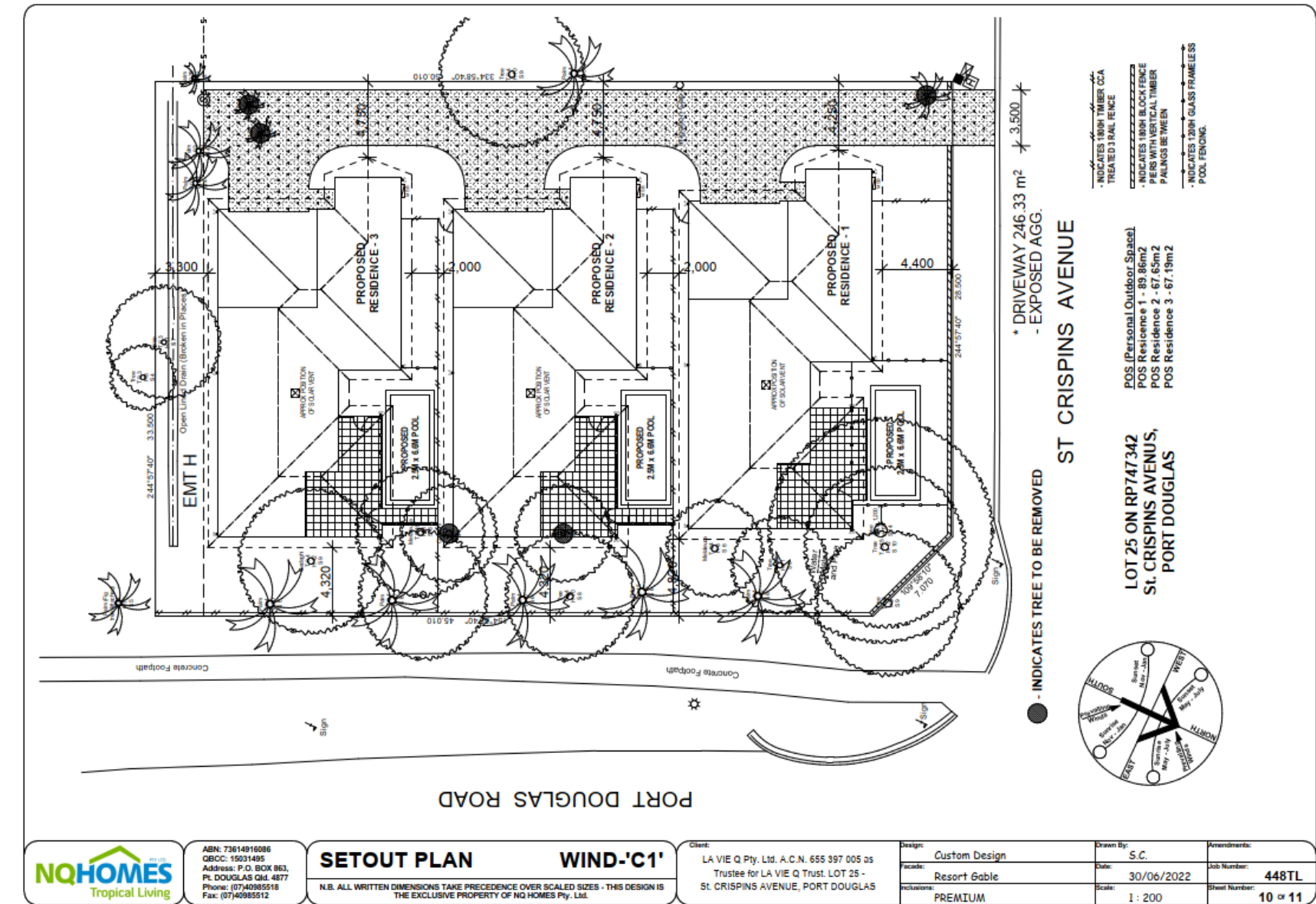
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

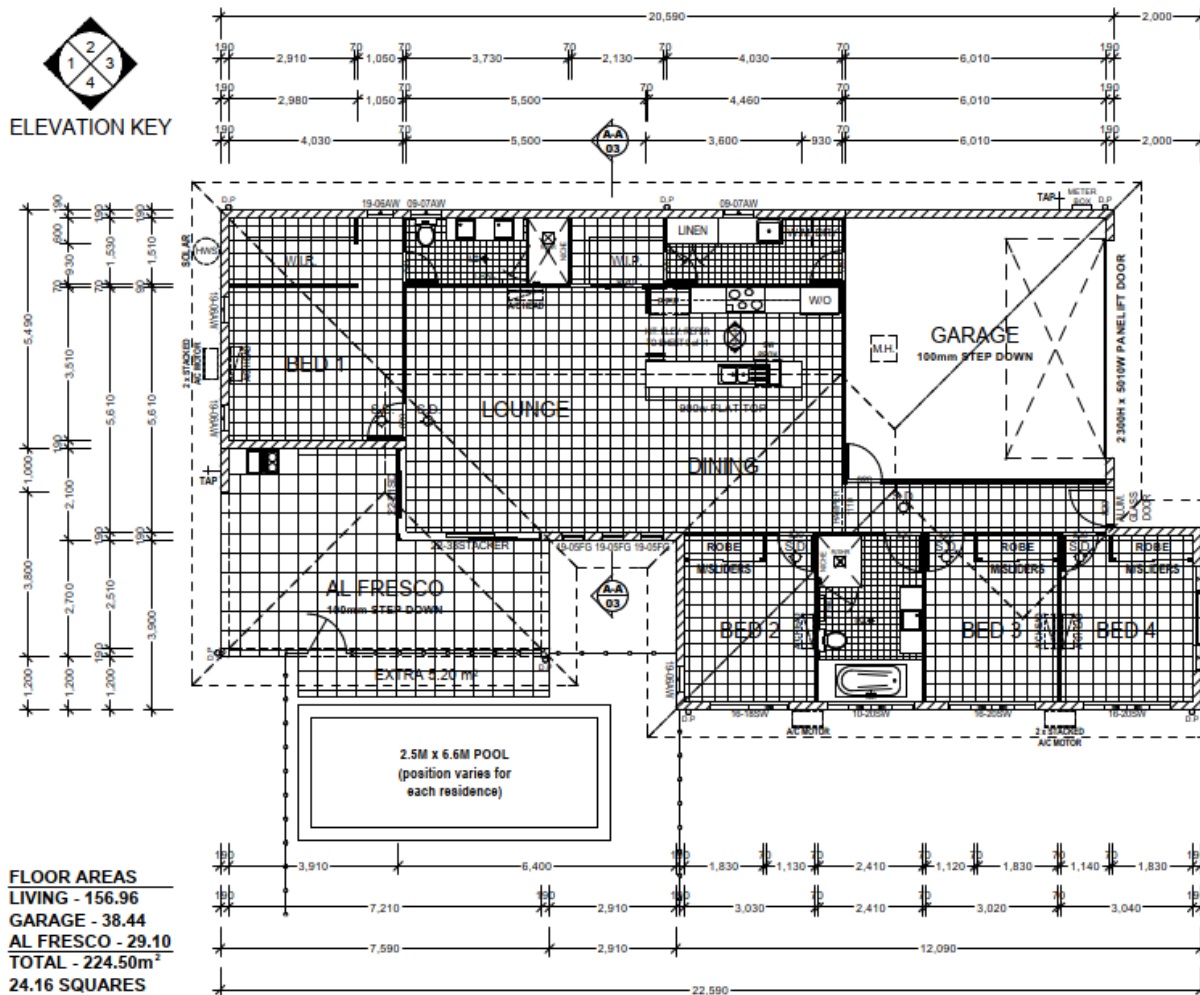
## **Rights to make Representations & Rights of Appeal**

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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 are attached.





**FLOOR AREAS**  
 LIVING - 156.96  
 GARAGE - 38.44  
 ALFRESCO - 29.10  
 TOTAL - 224.50m<sup>2</sup>  
 24.16 SQUARES

NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

**ENERGY EFFICIENCY NOTES:**  
 : ALL TAPWARE & SHOWERS  
 TO BE 3 STAR min.  
 : ALL TOILETS TO BE 4 STAR  
 min.  
 : SOLAR HOT WATER SYSTEM  
 TO BE INSTALLED.

**GENERAL NOTES :**  
 : Solar block 2 to all alum. framed glass doors  
 and windows.  
 : Dishwasher prov. with SPP and cold water  
 plumbing.  
 : Lift off hinges to wc.  
 : Mechanical exhaust to wc with no external  
 opening.  
 : Niches - 900H base with a 2100H head U.N.O.  
 : Hampers and Openings - 2100H head U.N.O.  
 : Bulkheads - 2100H U.N.O.

## 'RESIDENCE-1'



ABN: 73614916086  
 QBCC: 15031495  
 Address: P.O. BOX 863,  
 PT. DOUGLAS Qld. 4877  
 Phone: (07)40985518  
 Fax: (07)40985512

## FLOOR PLAN

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS  
 THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
 LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
 Trustee for LA VIE Q Trust. LOT 25 -  
 ST. CRISPINS AVENUE, PORT DOUGLAS

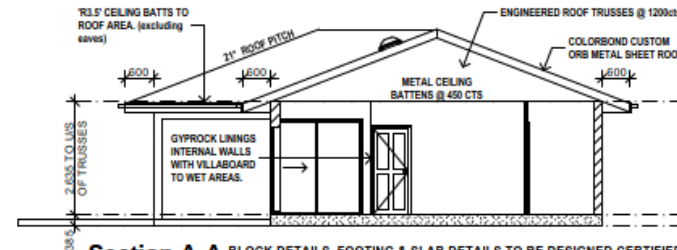
Design:  
 Custom Design  
 Facade:  
 Resort Gable  
 Inclusion:  
 PREMIUM

Drawn By:  
 S.C.  
 Date:  
 30/06/2022  
 Scale:  
 1 : 100

Amendments:  
 Job Number:  
 448TL  
 Sheet Number:  
 2 of 11

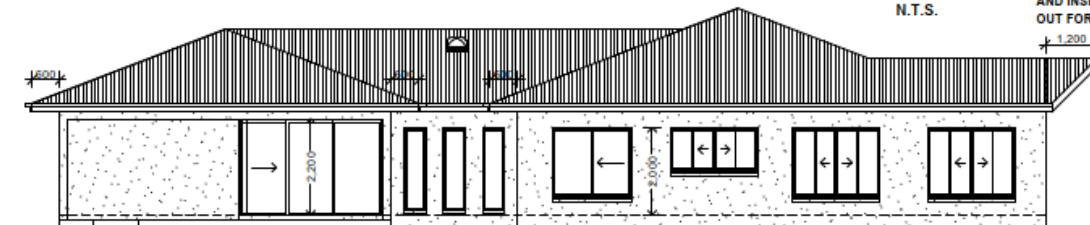


**Elevation 1**

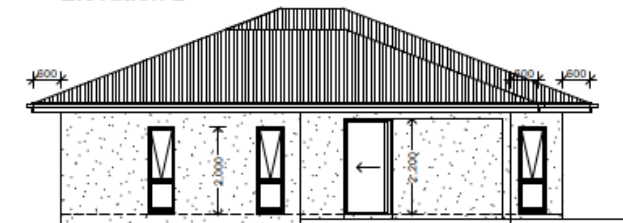


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 7\* CLASS SITE AND WIND-'C1' WIND RATING.  
N.T.S.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



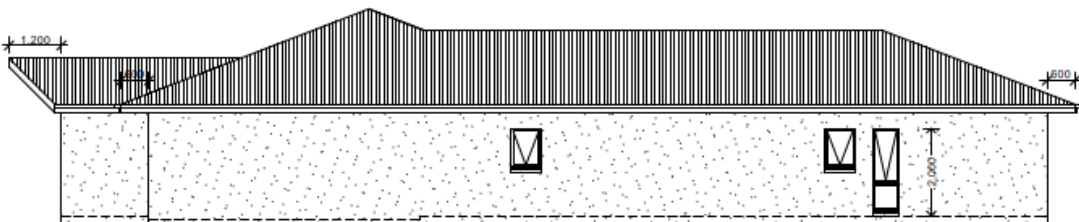
**Elevation 2**



**Elevation 3**



**Block Fence Elevation**



**Elevation 4**

**EXTERNAL COLOUR SCHEME:**  
Colourbond Roof Iron / Fascia & Gutter 'Basalt'  
External Rendered Walls 'Basalt'  
Window Frames 'Woodland Grey'  
Garage Panel Lift Door 'Basalt'

**'RESIDENCE-1'**



ABN: 73614916086  
QBCC: 15931495  
Address: P.O. BOX 863,  
PT. DOUGLAS Qld. 4877  
Phone: (07)40965518  
Fax: (07)40965512

**ELEVATIONS**

**WIND-'C1'**

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 35  
Trustee for LA VIE Q Trust. LOT 25 -  
ST. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
Job Number:  
448TL  
Sheet Number:  
3 of 11



## Concurrence Agency Conditions

RA6-N



SARA reference: 2208-30377 SRA  
Council reference: MCUC 2022\_4949/1  
Applicant reference: PR151977

13 September 2022

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

Attention: Daniel Lamond

Dear Sir/Madam

### **SARA response—Multiple Dwelling at 2 - 4 St Crispins Avenue, Port Douglas (Lot 25 on RP747342)**

(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 16 August 2022.

#### **Response**

Outcome:	Referral agency response – with conditions	
Date of response:	13 September 2022	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

#### **Development details**

Description:	Development permit	Material Change of Use for Multiple Dwelling
SARA role:	Referral agency	

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use near a state-controlled road and intersection

SARA reference: 2208-30377 SRA

Assessment manager: Douglas Shire Council

Street address: 2-4 St Crispins Avenue, Port Douglas

Real property description: Lot 25 on RP747342

Applicant name: La Vie Q Pty Ltd

Applicant contact details: C/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
patrick.clifton@rpsgroup.com.au

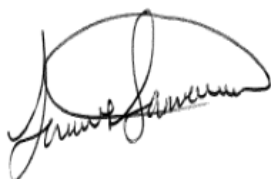
## Representations

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 Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
Manager (Planning)

cc La Vie Q Pty Ltd C/- RPS Australia East Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following condition must be attached to any development approval relating to this application)

No.	Condition	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 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 condition:		
1.	<p>(a) Noise attenuation measures must be provided to achieve the following noise criteria for private open space:</p> <ul style="list-style-type: none"> <li>• <math>\leq 57\text{dB(A)}</math> <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>\leq 45\text{dB(A)}</math>); or</li> <li>• <math>\leq 60\text{dB(A)}</math> <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>&gt; 45\text{dB(A)}</math>).</li> </ul> <p>(b) The noise attenuation measures required in part (a) of this condition must be designed in accordance with:</p> <ul style="list-style-type: none"> <li>• Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; and</li> <li>• Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019</li> </ul> <p>(c) RPEQ certification must be provided to Program, Delivery and Operations, Far North District at:  <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to the commencement of use and to be maintained at all times.

## Attachment 2—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

### Attachment 3—Reasons for referral agency response

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

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**The reasons for SARA's decision are:**

The proposed development, subject to a condition, complies with the relevant provisions of State code 1: Development in a state-controlled road environment as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Port Douglas Road and the Port Douglas Road / St Crispins Avenue intersection.
- Proposed vehicle access is to St Crispins Avenue, a local road, and is located a sufficient distance from the Port Douglas Road / St Crispins Avenue intersection to maintain safety for users of the state-controlled road.
- The Port Douglas Road / St Crispins Avenue intersection can safely accommodate the increased traffic generated by the proposed development.
- Increased stormwater and drainage flow is appropriately managed to avoid adverse impacts to the state-controlled road.
- Noise attenuation measures are provided to minimise noise impacts from vehicles using Port Douglas Road.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

## **Attachment 4—Representations provisions**

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(page left intentionally blank – attached separately)

## 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.

## 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 9 August 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Medium Density Residential Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## **Division 2                      Changing development approvals**

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

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

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

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

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- (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 applicant receives notice that the assessment manager does not agree with 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) However, if the assessment manager gives the applicant 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.



## 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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
- (g) 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.

5 October 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4949 (1114078)  
**Your Ref:** PATRICK CLIFTON

RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice  
For Development Application Material Change of Use (Multiple Dwelling)  
At 2-4 St Crispins Avenue PORT DOUGLAS  
On Land Described as LOT: 25 RP: 747342**

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 2022\_4949 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  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

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

## Adopted Infrastructure Charges Notice

		<b>2018 Douglas Shire Planning Scheme version 1.0 Applications</b>	
<b>ADOPTED INFRASTRUCTURE CHARGES NOTICE</b>			
La Vie Q Pty Ltd Trustee under instrument 721520723 <small>DEVELOPERS NAME</small>		N/A <small>ESTATE NAME</small>	
2-4 St Crispins Avenue <small>STREET No. &amp; NAME</small>		Lot 25 on RP747342 <small>LOT &amp; RP No.s</small>	
Port Douglas <small>SUBURB</small>		217 <small>PARCEL No.</small>	
MCU for Multiple dwellings <small>DEVELOPMENT TYPE</small>		MCUC 2022_4949 <small>COUNCIL FILE NO.</small>	
1113693 <small>DSC Reference Doc. No.</small>		6 <small>VALIDITY PERIOD (year)</small>	
1 <small>VERSION No.</small>		Payment before commencement of use for MCU; and 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 Multiple_dwelling	\$_per_3_or_more_bed room_dwelling	24,553.81	3	\$73,661.43		
<b>Total Demand</b>				<b>\$73,661.43</b>		
<b>Credit</b>						
Existing land use 3 or more bedroom dwelling	\$_per_3_or_more_bed room_dwelling	24,553.81	1	\$24,553.81		
<b>Total Credit</b>				<b>\$24,553.81</b>		
<b>Required Payment or Credit</b>				<b>TOTAL</b>	<b>\$49,107.62</b>	

Prepared by: J Elphinstone

Checked by: D Lamond

Date Payable: MCU - prior to the commencement of use

Amendments:

4-Oct-22

5-Oct-22

Amount Paid:

Date Paid:

Receipt No.:

Date:

Cashier:

**Note:**  
 The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.  
 Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

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

## **Subdivision 5      Changing charges during relevant 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 the representations.
- (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.



**126 Suspending relevant appeal period**

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant 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 relevant 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 relevant appeal period restarts the day after the local government receives the notice of withdrawal.

**Division 3 Development approval conditions about trunk infrastructure**

**Subdivision 1 Conditions for necessary trunk infrastructure**

**127 Application and operation of subdivision**

- (1) This subdivision applies if—
  - (a) trunk infrastructure—
    - (i) has not been provided; or
    - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.

## 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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
- (g) 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.

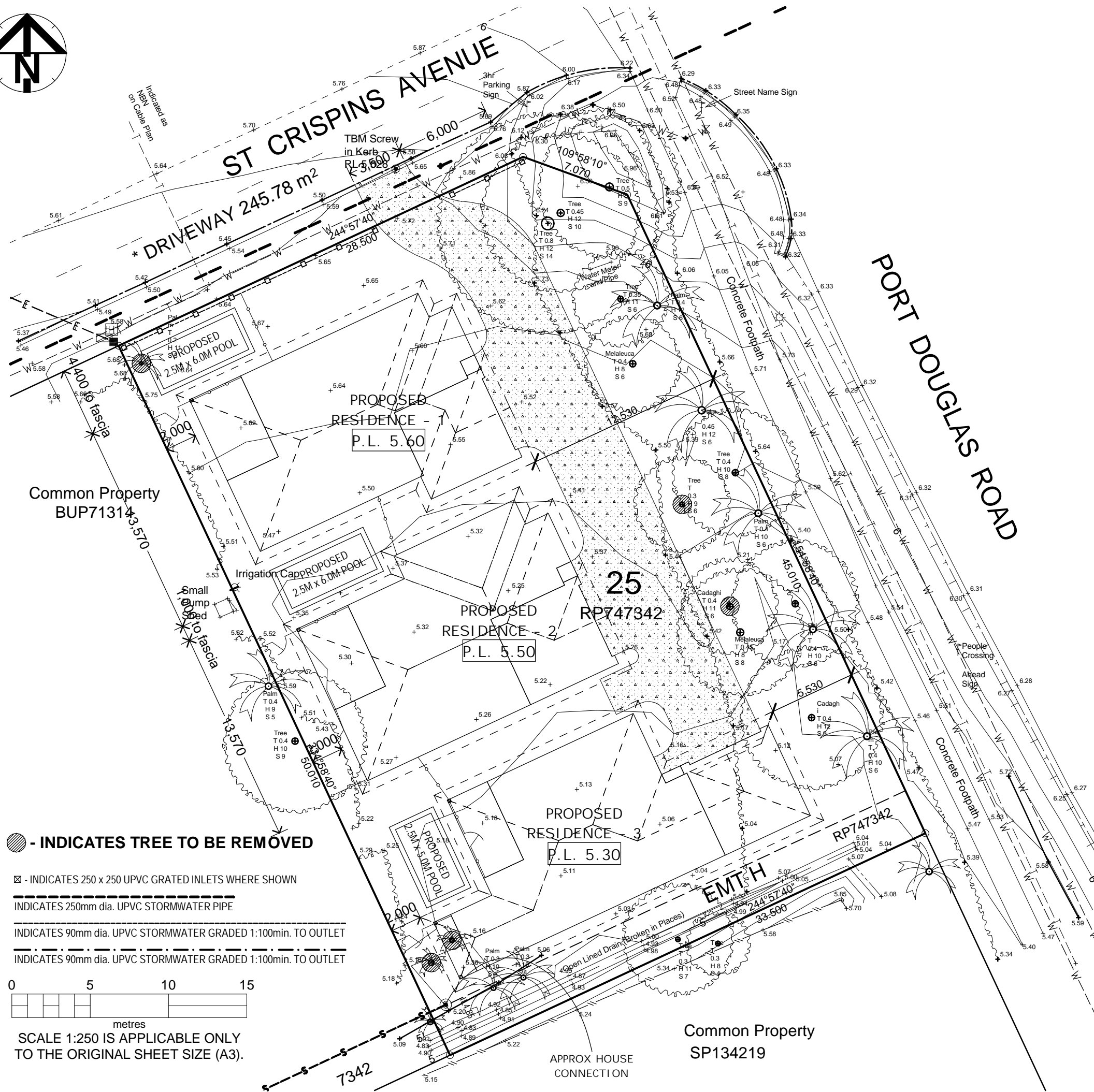


## Appendix D

### Amended Proposal Plans, prepared by NQ Homes



NOTE - PROVIDE "ABLEFLEX" CLOSED CELL COMPRESSIBLE FOAM OF EQUAL, WHERE THE DRIVEWAY SLAB AND THE PATHWAY SLABS BUTT THE BUILDING'S SLAB, BUTT THE STREET KERB, AROUND THE BUILDING'S COLUMNS, AROUND STORMWATER DOWNPIPES AND BUTT THE EXISTING DRIVEWAY SLAB.



NOTES -















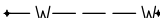

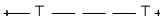

- ANY RETAINING REQUIRED. BY CLIENT
- ANY TREE REMOVAL REQUIRED. BY CLIENT
- POOLS MUST BE 2000mm MIN. FROM ANY SLAB EDGE OR PATIO COLUMNS. IF LESS THAN 2000mm, ENGINEER TO BE CONSULTED.
- REFER TO SHEET 20 of 22 FOR SETOUT PLAN.
- REFER TO SHEET 22 of 22 FOR PLUMB. PLAN.

—————→—————→—————→—————→—————→—————→—————→—————→.


INDICATES 400mm WIDE x 75mm DEEP GRADED TABLE DRAIN

- \* FILL BATTER @ 1:2 MAX
- \* CUT BATTER @ 1:2 MAX

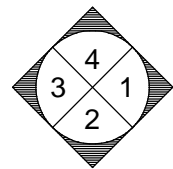
## LEGEND

	Sewer HCB		Light Pole
	Sewer Manhole		Flushing Point
	Electricity Pillar		Fire Hydrant
	Telstra Pit		Stop Valve
	Kerb Inlet Pit		Street Sign
	Road Crown		
	Top of Mountable Kerb		
	IL of Mountable Kerb		
	Timber Paling Fence		
	Underground Water (from records)		
	Underground Electricity (from records)		
	Underground Telstra (from records)		
	Underground Sewer (from records)		

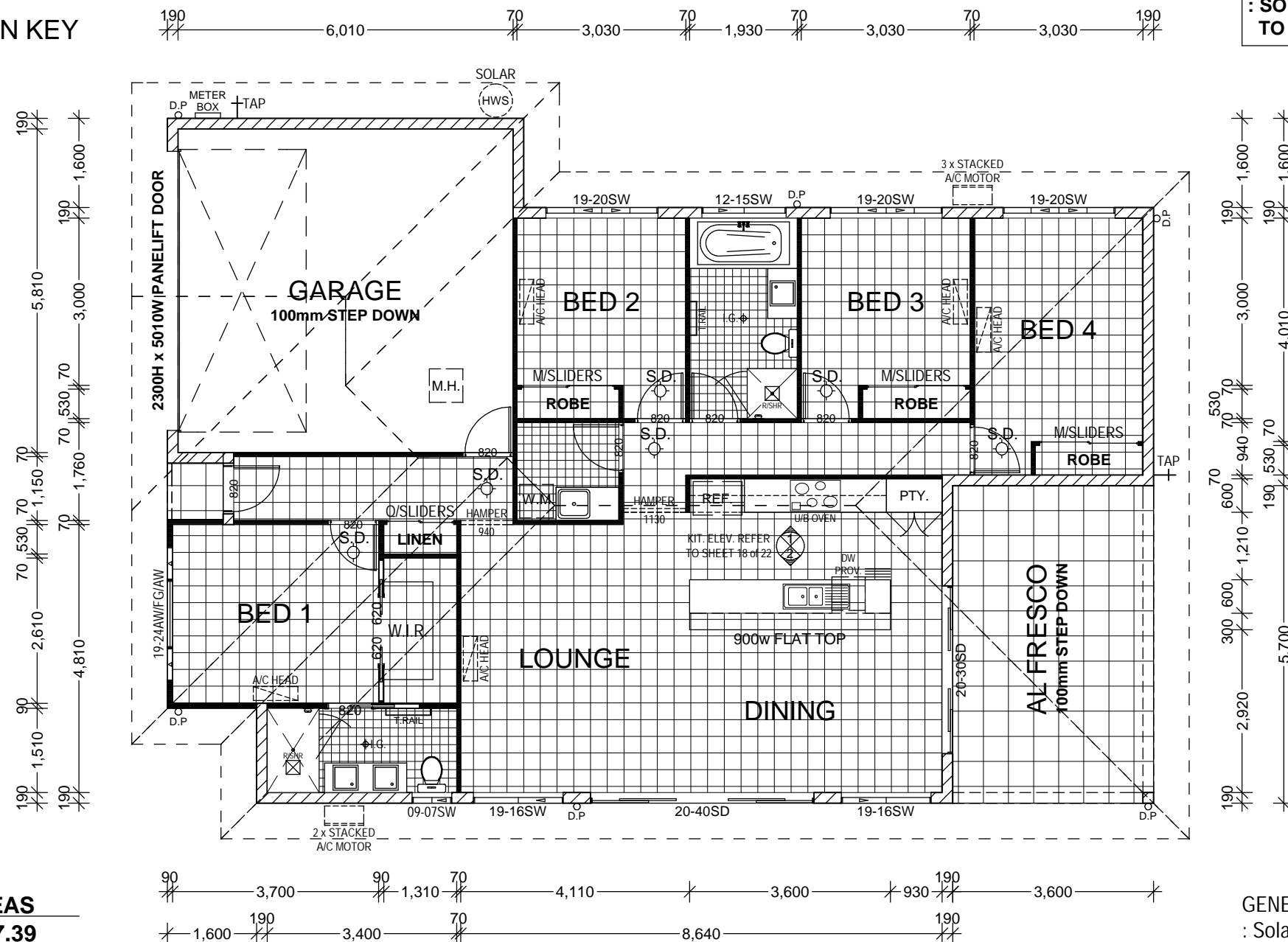
## CONTOUR PLAN WIND-'C1'

	<b>ABN:</b> 73614916086 <b>QBCC:</b> 15031495 <b>Address:</b> P.O. BOX 863, Pt. DOUGLAS Qld. 4877 <b>Phone:</b> (07)40985518 <b>Fax:</b> (07)40985512	<b>Client:</b> LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as Trustee for LA VIE Q Trust. LOT 25 - St. CRISPINS AVENUE, PORT DOUGLAS	<b>Design:</b> Custom Design <b>Facade:</b> Resort Gable <b>Inclusions:</b> PREMIUM	<b>Drawn By:</b> S.C. <b>Date:</b> 30/06/2022 <b>Scale:</b> 1 : 250	<b>Amendments:</b> 1, 2, 3 <b>Issue Number:</b> 448TL <b>Sheet Number:</b> 1 of 22
	N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.				





## ELEVATION KEY



### FLOOR AREAS

LIVING - 137.39

GARAGE - 37.69

AL FRESCO - 20.52

PORCH - 1.01

TOTAL - 196.61m<sup>2</sup>

21.16 SQUARES

NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

### ENERGY EFFICIENCY NOTES:

- : ALL TAPWARE & SHOWERS TO BE 3 STAR min.
- : ALL TOILETS TO BE 4 STAR min.
- : SOLAR HOT WATER SYSTEM TO BE INSTALLED.

### GENERAL NOTES :

- : Solar block 2 to all alum. framed glass doors and windows.
- : Dishwasher prov. with SPP and cold water plumbing.
- : Lift off hinges to wc.
- : Mechanical exhaust to wc with no external opening.
- : Niches - 900H base with a 2100H head U.N.O.
- : Hampers and Openings - 2100H head U.N.O.
- : Bulkheads - 2100H U.N.O.

## 'RESIDENCE-1'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## FLOOR PLAN

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## WIND-'C1'

### Client:

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

### Design:

Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

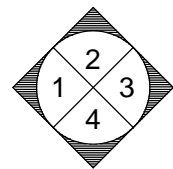
### Drawn By:

S.C.  
Date:  
30/06/2022  
Scale:  
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### Amendments:

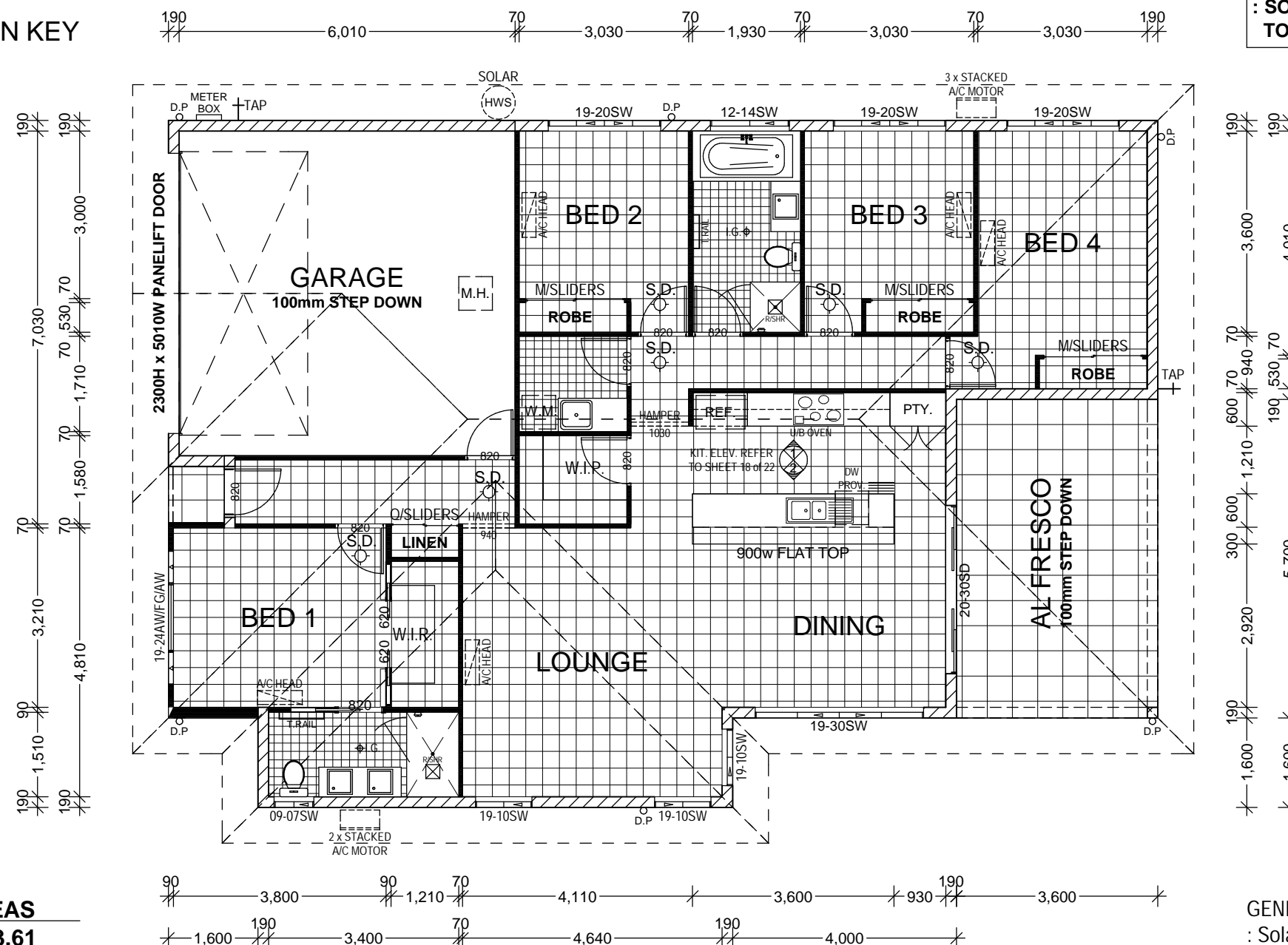
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Job Number:  
448TL  
Sheet Number:  
2 of 22





ELEVATION KEY

**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.



**FLOOR AREAS**  
**LIVING - 143.61**  
**GARAGE - 37.39**  
**AL FRESCO - 20.52**  
**PORCH - 1.01**  
**TOTAL - 202.53m<sup>2</sup>**  
**21.79 SQUARES**

**NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**

**GENERAL NOTES :**  
: Solar block 2 to all alum. framed glass doors  
and windows.  
: Dishwasher prov. with SPP and cold water  
plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external  
opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2100H U.N.O.

## 'RESIDENCE-2'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## FLOOR PLAN

## WIND-'C1'

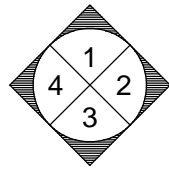
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LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
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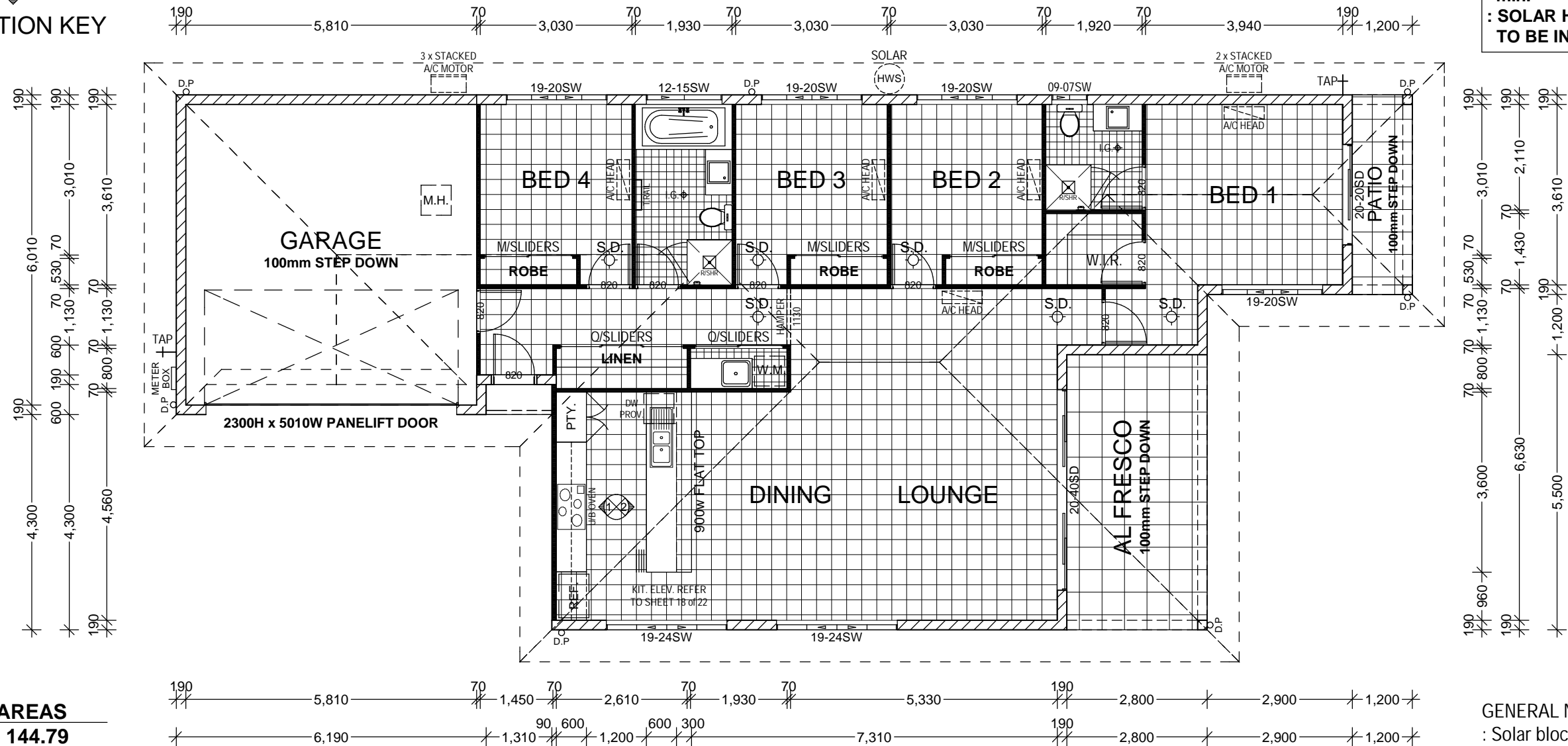
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Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
issue - 1, 2, 3  
Job Number:  
**448TL**  
Sheet Number:  
**4 of 22**



ELEVATION KEY



**FLOOR AREAS**  
**LIVING - 144.79**  
**GARAGE - 38.45**  
**AL FRESCO - 15.40**  
**PATIO - 4.79**  
**PORCH - 0.79**  
**TOTAL - 204.22m<sup>2</sup>**  
**21.97 SQUARES**

**NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**

**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.

**GENERAL NOTES :**  
: Solar block 2 to all alum. framed glass doors  
and windows.  
: Dishwasher prov. with SPP and cold water  
plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external  
opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2100H U.N.O.

'RESIDENCE-3'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

FLOOR PLAN

WIND-'C1'

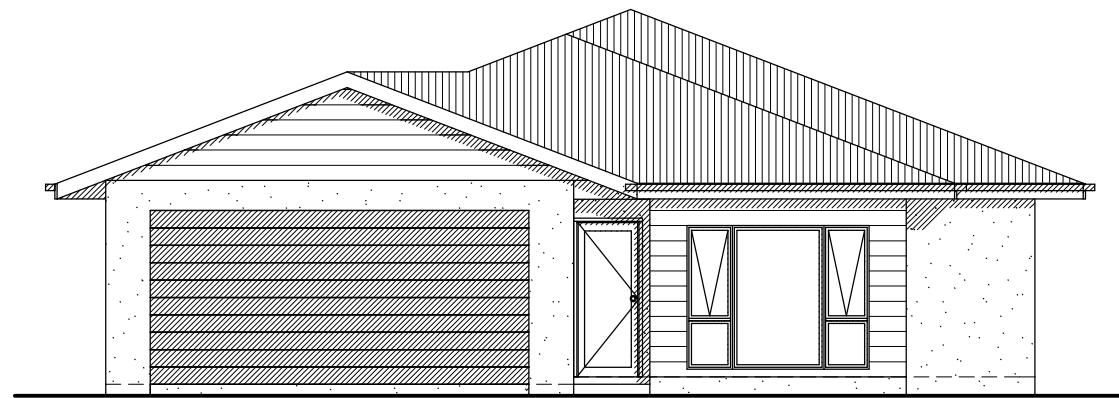
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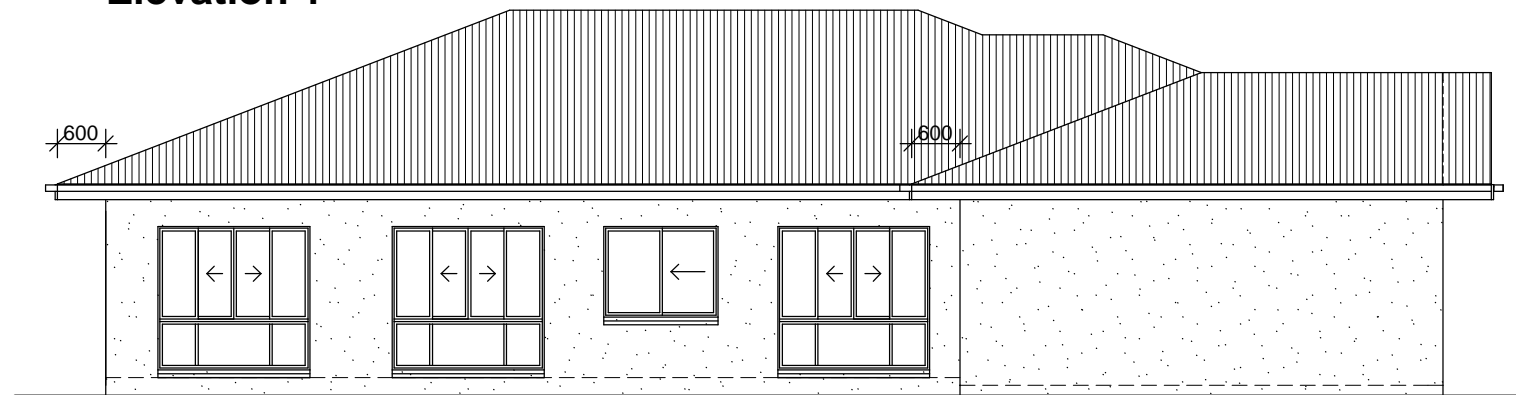
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S.C.  
Date:  
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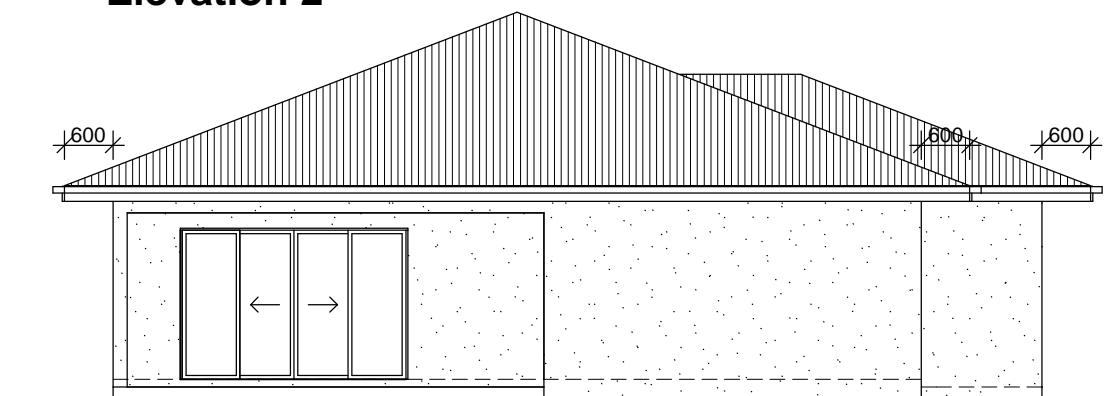
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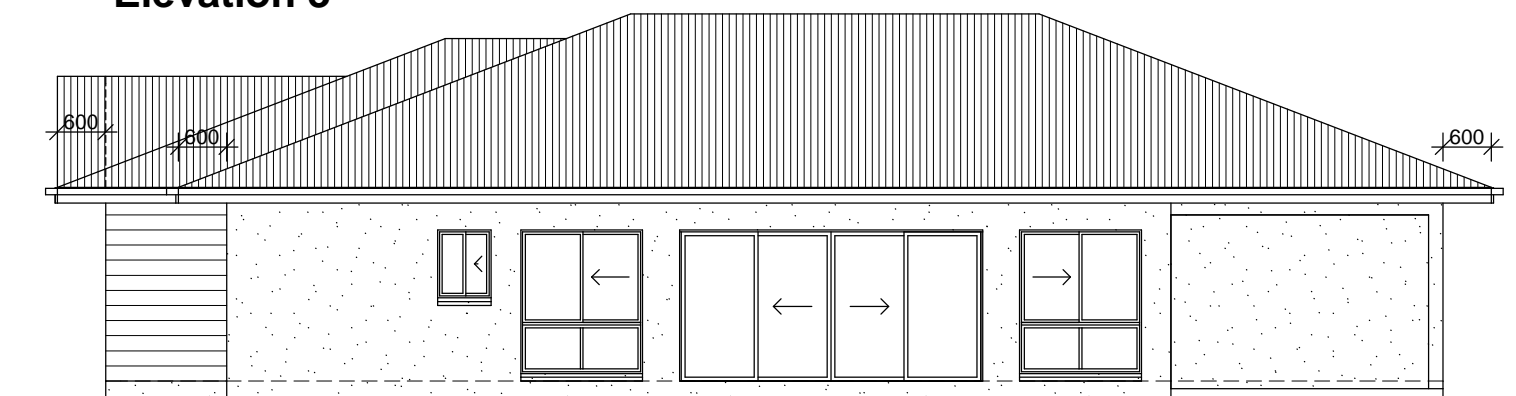
Elevation 1



Elevation 2



Elevation 3



Elevation 4

## 'RESIDENCE-1'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
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## ELEVATIONS

## WIND-'C1'

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### Client:

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
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St. CRISPINS AVENUE, PORT DOUGLAS

### Design:

Custom Design

### Facade:

Resort Gable

### Inclusions:

PREMIUM

### Drawn By:

S.C.

### Date:

30/06/2022

### Scale:

1 : 100

### Amendments:

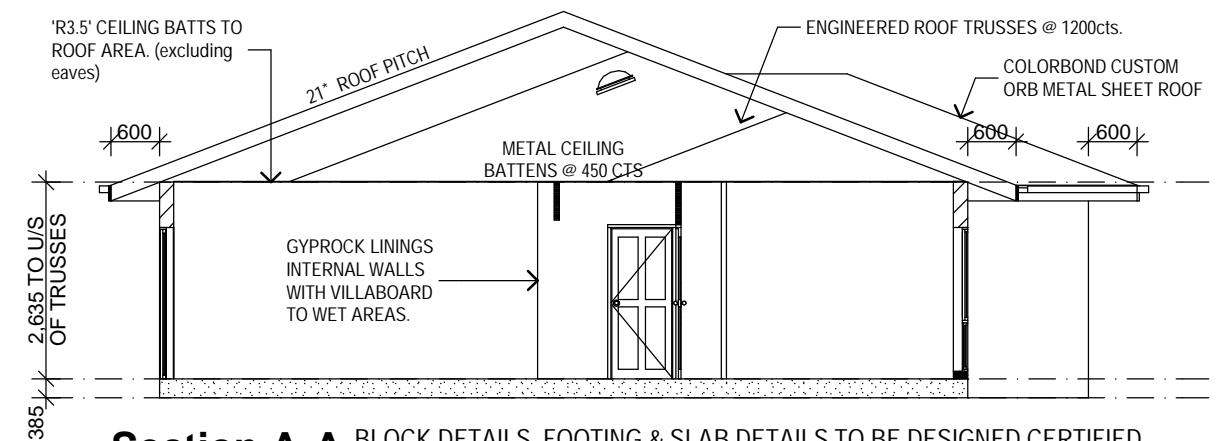
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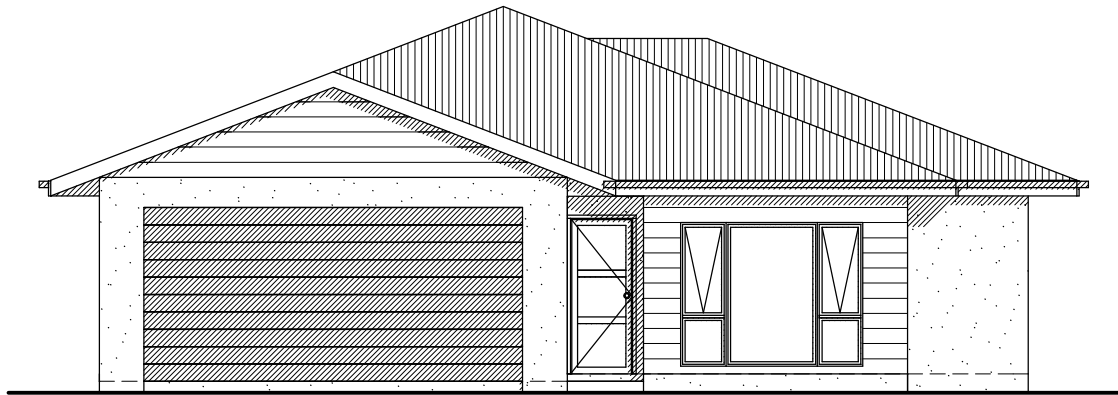
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3 of 22

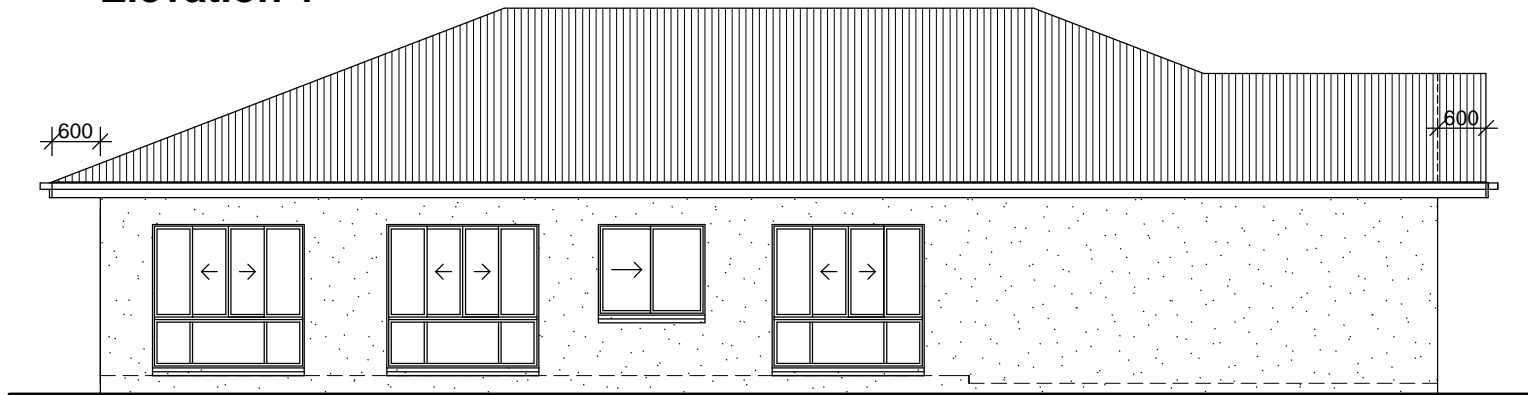


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.  
**N.T.S.**

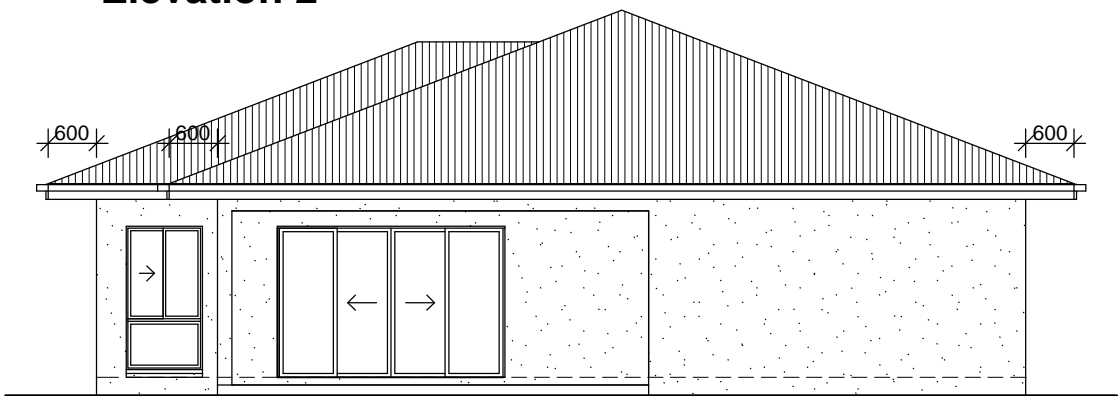
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



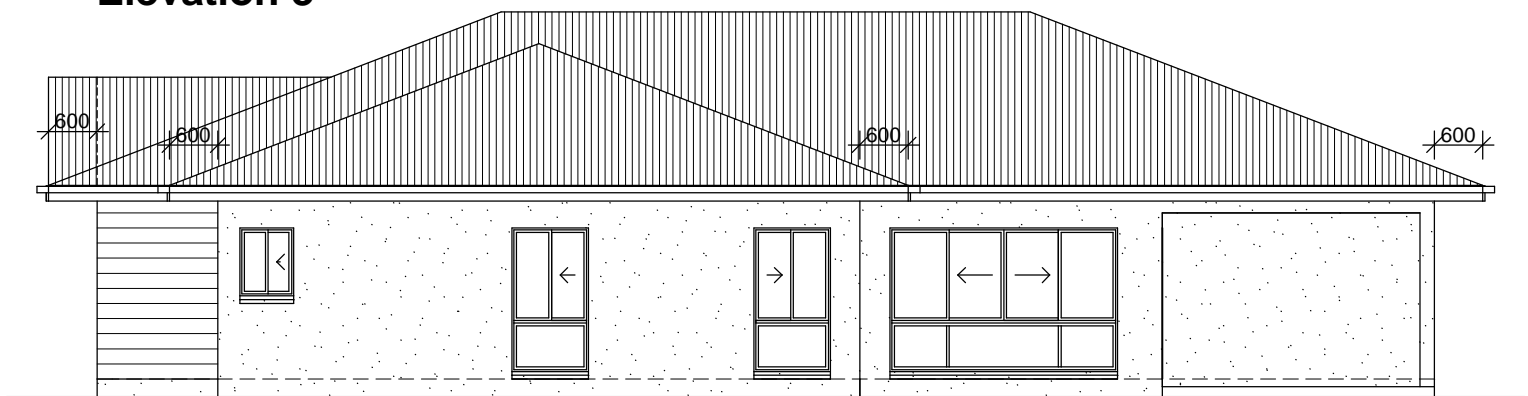
Elevation 1



Elevation 2

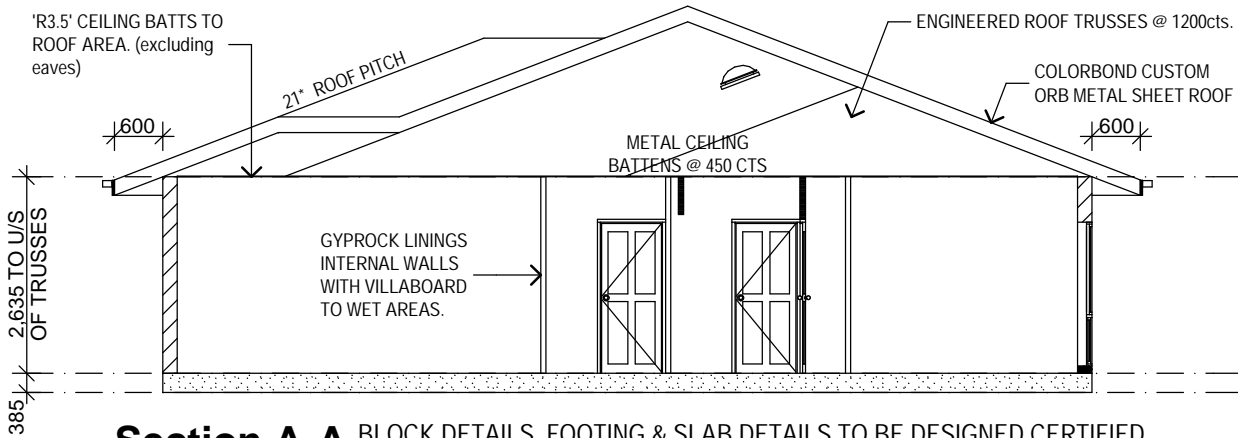


Elevation 3



Elevation 4

'RESIDENCE-2'



Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED,CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

ELEVATIONS

WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

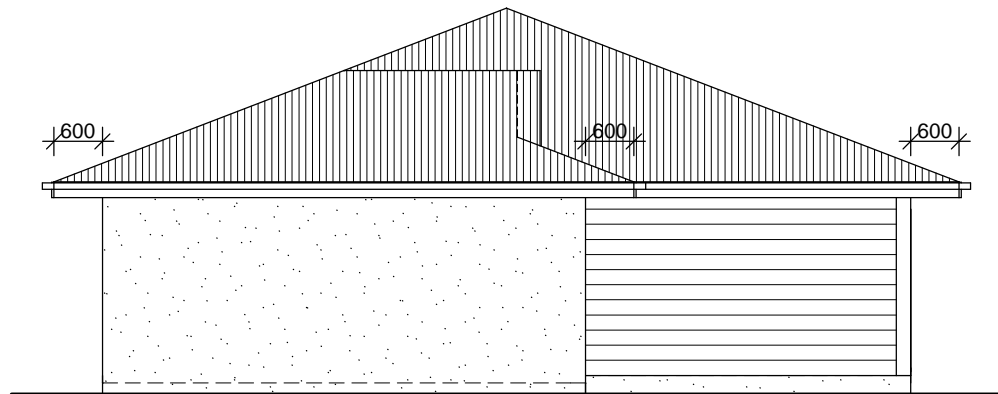
Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
issue - 1, 2, 3  
Job Number:  
448TL  
Sheet Number:  
5 of 22



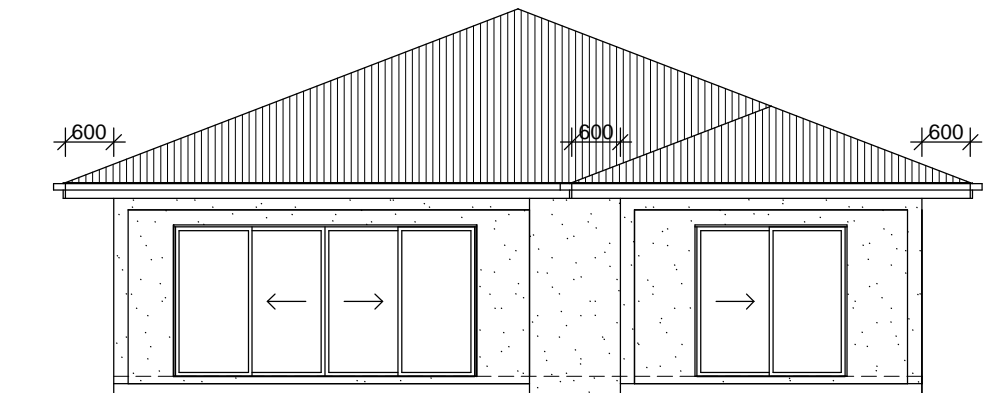
Elevation 1



Elevation 2

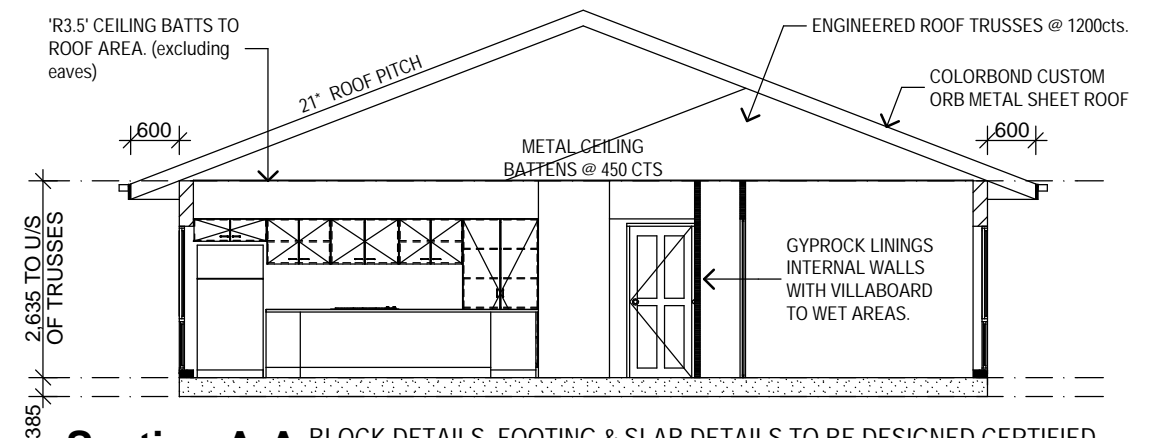


Elevation 3



Elevation 4

## 'RESIDENCE-3'



**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.  
N.T.S.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
issue - 1, 2, 3  
Job Number:  
448TL  
Sheet Number:  
7 of 22



**Our ref: PR151977**

135 Abbott Street  
Cairns QLD 4870  
T +61 7 4031 1336

Date: 14 November 2023

State Assessment and Referral Agency  
Far North Queensland Regional Office  
PO Box 2358  
Cairns QLD 4870

Attn Charlton Best, Senior Planning

Dear Charlton,

**2-4 St Crispins Avenue, Port Douglas – Material Change of Use (Multiple Dwellings)  
Application for a Minor Change to Development Approval Concurrence Agency Conditions  
(pursuant to Section 78 of the Planning Act 2016)**

**Your Ref: 2208-30377 SRA**

RPS AAP Consulting Pty Ltd act on behalf of La Vie Q Pty Ltd in respect of a Development Approval granted by Douglas Shire Council on 5 October 2023 for Material Change of Use (Multiple Dwellings) on land located at 2-4 St Crispins Avenue, Port Douglas, and described as Lot 25 on RP747342.

We refer to the referral agency response issued by the State Assessment and Referral Agency (SARA ref: 2208-30377 SRA) on 13 September 2022, which forms part of the Development Approval. On behalf of the applicant we are seeking a change to the referral agency response.

The proposed change is a minor change. In brief, it involves changing the conditions within the referral agency response to reflect amended proposal plans and subsequent changes to conditions relating to noise mitigation measures.

## **1 Proposed Changes**

The original referral response requires an acoustic assessment and the provision of acoustic attenuation to the boundary with the State-controlled road (Davidson Street). This has identified that the vegetation to the Davidson Street frontage would need to be removed to facilitate the construction of a 2.0 metre high sound fence. This is considered to be a poor result for the amenity of the area and is cost prohibitive.

It is proposed to amend the approval to change the approved plans that result in the habitable areas and private open space of the proposed dwelling units being moved as far away from the state-controlled road as possible. It also means that the access to the site would be located closer to the intersection of Davidson Street and St Crispins Avenue. Whilst the driveway would be closer to the intersection, the Australian Standard requires a setback of 6 metres from the truncation point and the proposed layout and access would satisfy this standard.

The requested proposed changes to SARA's referral agency response would involve the deletion of condition one in entirety and its replacement with a condition requiring the development to be undertaken in accordance with the submitted plans.

A copy of the Referral Agency Response is provided at **Appendix C** and a copy of the proposed plans is provided at **Appendix E**.

## 2 Minor Change Status

The proposed change to the development approval is consistent with the definition of a 'minor change' under the *Planning Act 2016* as outlined below:

### 2.1 Minor change definition

<b><i>Under Schedule 2 of the Planning Act 2016, a minor change (for a development approval) means a change that:</i></b>	<b>Response</b>
(i) <i>would not result in substantially different development; and</i>	Demonstration that the change does not constitute substantially different development is provided in section 2.2 below.
(ii) <i>if a development application for the development, including the change, were made when the change application is made would not cause</i>	
(A) <i>the inclusion of prohibited development in the application; or</i>	The proposed change would not introduce an element to the development that constitutes a prohibited development.
(B) <i>referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	The application was referred to SARA as a part of the original application and no additional referrals are triggered as a result of the proposed change.
(C) <i>referral to extra referral agencies, other than to the chief executive; or</i>	No new referral agencies would be introduced by the change.
(D) <i>a referral agency, in assessing the application under section 55, to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	The proposed change would not introduce any other matters other than the matters the referral agency considered as a part of the original application.
(E) <i>public notification if public notification was not required for the development application.</i>	The original application was not subject to Public Notification and the proposed amendments would not create the need for public notification.

### 2.2 Substantially different development criteria

<b><i>Under Schedule 1 of the Development Assessment rules, a change may be considered to result in substantially different development if any of the following apply to the change:</i></b>	<b>Response</b>
(a) <i>involves a new use;</i>	The change does not involve a new use.
(b) <i>results in the application applying to a new parcel of land; or</i>	The change does not introduce new land.
(c) <i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	The change would not result in a dramatically different built form. The site would still be developed with three single storey detached dwelling units, as allowed under the original approval.
(d) <i>changes the ability of the proposed development to operate as intended; or</i>	The proposed changes to the site and dwelling layout would not compromise the development ability to operate as a multiple dwelling.
(e) <i>removes a component that is integral to the operation of the development; or</i>	The development would continue to operate as approved under the original approval.
(f) <i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	It is not proposed to include any additional traffic generating activities as a part of the proposed change.
(g) <i>introduces new impacts or increase the severity of known impacts; or</i>	No new impacts would be introduced as a result of the proposed changes.

Our ref: PR151977

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentives or offset components are applicable to the development application.
(i) impacts on infrastructure provisions.	The proposed change would not result in significant impacts on infrastructure provisions.

On the basis of the above, the proposed change is considered to constitute a minor change and would not result in a substantially different development.

### 3 Pre-application Enquiry

The proposed change was the subject of a pre-application enquiry to the State Assessment and Referral Agency on 17 August 2023. By reply email dated 31 August 2023, officers of SARA advised that:

*SARA considers that the amended design for the Multiple Dwelling development is a better outcome regarding noise impacts on habitable rooms for each unit. SARA is of the opinion that there is enough separation from Port Douglas Road and the building façade of each unit not to warrant any additional noise mitigation measures other than compliance with QDC MP4.4 requirements.*

*Furthermore, the location of the amended vehicular access and driveway is considered satisfactory.*

### 4 Supporting Information

In support of the proposed changes, please find attached the following information, which satisfies the requirements of Section 79 of the *Planning Act 2016*.

- **Appendix A:** Relevant Application Form 5 – Change application
- **Appendix B:** Certificate of Title
- **Appendix C:** SARA Response – Ref: 2208-30377 SRA, dated 13 September 2022
- **Appendix D:** Development Approval – Ref: MCUC 2022\_4949/1, dated 5 October 2022
- **Appendix E:** Amended Proposal Plans, prepared by NQ Homes

The application is submitted for approval subject to reasonable and relevant conditions. Should you have any queries please contact the writer (contact details below).

Yours sincerely,  
for RPS AAP Consulting Pty Ltd



**Patrick Clifton**  
Senior Principal | Practice Leader - Planning  
Patrick.clifton@rpsgroup.com.au  
+61 7 4031 1336



## **Appendix B**

### **Relevant Application Form 5 – Change application**

# Change application form

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	La Vie Q Pty Ltd Trustee under instrument 721520723
Contact name (only applicable for companies)	c/- RPS AAP Consulting Pty Ltd, Patrick Clifton
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	Patrick.clifton@rpsgroup.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR151977

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

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

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

## PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address <b>AND</b> lot on plan (all lots must be listed), <b>or</b>				
<input type="checkbox"/> Street address <b>AND</b> lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		2-4	St Crispin Avenue	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	25	RP747342	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland  
Government**

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

**3.3) Additional premises**

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

## PART 3 – RESPONSIBLE ENTITY DETAILS

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

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

The State Assessment and Referral Agency (SARA)

## PART 4 – CHANGE DETAILS

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

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	SRA 2208-30377 SRA MCUC 2022_4949/1	5 October 2022	SARA – Concurrence Agency Conditions Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

**6) Type of change proposed**

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

Change to the Concurrence Agency Conditions – Conditions 1 (a), (b) (c) in relation to noise attenuation measures.

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

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

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

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

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

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

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

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

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

## 12) Further details

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

# PART 7 – CHECKLIST AND APPLICANT DECLARATION

## 13) Change application checklist

I have identified the:

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

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

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

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

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

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

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

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

## 14) Applicant declaration

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

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

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

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

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

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

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

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

---

Date received:  Reference number(s):

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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



**Appendix B**  
**Certificate of Title**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>21403192</b>	<b>Search Date:</b>	09/06/2022 13:48
<b>Date Title Created:</b>	15/06/1989	<b>Request No:</b>	41325842
<b>Previous Title:</b>	21347149		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 25 REGISTERED PLAN 747342  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 721520723 04/03/2022

LA VIE Q PTY LTD A.C.N. 655 397 005  
UNDER INSTRUMENT 721520723

TRUSTEE

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 21114061 (POR 105)
2. EASEMENT IN GROSS No 601434466 (T421676G) 29/05/1989  
BURDENING THE LAND  
TO COUNCIL OF THE SHIRE OF DOUGLAS  
OVER EASEMENT H ON RP747342
3. MORTGAGE No 721614691 12/04/2022 at 12:45  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005  
357 522

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

## Appendix C

### SARA Response – Ref: 2208-30377 SRA, dated 13 September 2022



SARA reference: 2208-30377 SRA  
Council reference: MCUC 2022\_4949/1  
Applicant reference: PR151977

13 September 2022

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

Attention: Daniel Lamond

Dear Sir/Madam

## **SARA response—Multiple Dwelling at 2 - 4 St Crispins Avenue, Port Douglas (Lot 25 on RP747342)**

(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 16 August 2022.

### **Response**

---

Outcome:	Referral agency response – with conditions	
Date of response:	13 September 2022	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

### **Development details**

---

Description:	Development permit	Material Change of Use for Multiple Dwelling
SARA role:	Referral agency	

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use near a state-controlled road and intersection

SARA reference: 2208-30377 SRA

Assessment manager: Douglas Shire Council

Street address: 2-4 St Crispins Avenue, Port Douglas

Real property description: Lot 25 on RP747342

Applicant name: La Vie Q Pty Ltd

Applicant contact details: C/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
patrick.clifton@rpsgroup.com.au

## Representations

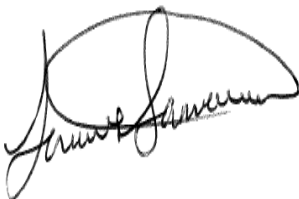
---

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 Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dasilgq.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
Manager (Planning)

cc La Vie Q Pty Ltd C/- RPS Australia East Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following condition must be attached to any development approval relating to this application)

No.	Condition	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 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 condition:		
1.	<p>(a) Noise attenuation measures must be provided to achieve the following noise criteria for private open space:</p> <ul style="list-style-type: none"> <li>• ≤57dB(A) L<sub>10</sub> (18 hour) free field (measured L<sub>90</sub> (18 hour) free field between 6am and 12 midnight ≤45dB(A)); or</li> <li>• ≤60dB(A) L<sub>10</sub> (18 hour) free field (measured L<sub>90</sub> (18 hour) free field between 6am and 12 midnight &gt;45dB(A)).</li> </ul> <p>(b) The noise attenuation measures required in part (a) of this condition must be designed in accordance with:</p> <ul style="list-style-type: none"> <li>• Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; and</li> <li>• Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019</li> </ul> <p>(c) RPEQ certification must be provided to Program, Delivery and Operations, Far North District at:  <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to the commencement of use and to be maintained at all times.



## Attachment 2—Advice to the applicant

---

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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

### The reasons for SARA's decision are:

The proposed development, subject to a condition, complies with the relevant provisions of State code 1: Development in a state-controlled road environment as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Port Douglas Road and the Port Douglas Road / St Crispins Avenue intersection.
- Proposed vehicle access is to St Crispins Avenue, a local road, and is located a sufficient distance from the Port Douglas Road / St Crispins Avenue intersection to maintain safety for users of the state-controlled road.
- The Port Douglas Road / St Crispins Avenue intersection can safely accommodate the increased traffic generated by the proposed development.
- Increased stormwater and drainage flow is appropriately managed to avoid adverse impacts to the state-controlled road.
- Noise attenuation measures are provided to minimise noise impacts from vehicles using Port Douglas Road.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

## **Attachment 4—Representations provisions**

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(page left intentionally blank – attached separately)

## Appendix D

**Development Approval – Ref: MCUC 2022\_4949/1, dated 5  
October 2022**

5 October 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4949/1 (1114078)  
**Your Ref:** PATRICK CLIFTON

RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Material Change of Use (Multiple Dwelling)  
At 2-4 St Crispins Avenue PORT DOUGLAS  
On Land Described as LOT: 25 RP: 747342**

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

Please quote Council's application number: MCUC 2022\_4949/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



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

cc. State Assessment and Referral Agency (SARA) E: [CairnsSARA@dilgp.qld.gov.au](mailto: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: RPS Australia East Pty Ltd  
Postal Address: PO Box 1949  
CAIRNS QLD 4870

#### Property Details

Street Address: 2-4 St Crispins Avenue PORT DOUGLAS  
Real Property Description: LOT: 25 RP: 747342  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit - Material Change of Use (Multiple Dwelling)

#### Decision

Date of Decision: 5 October 2022  
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
Setout Plan	NQ Homes plan sheet 10 of 11	30 June 2022
Floor Plan	NQ Homes plan sheet 2 of 11	30 June 2022
Elevations	NQ Homes plan sheet 3 of 11	30 June 2022
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020



Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020
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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 Commencement of Use, except where specified otherwise in these conditions of approval.

### **Fencing**

3. The fence fronting St Crispins Avenue must not exceed 1.8m in height and must be at least 50% transparent for each panel.

### **Damage to Council Infrastructure**

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

### **Water Supply and Sewerage Works Internal**

5. Undertake the following water supply and sewerage works internal to the subject land:
  - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - b. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008;
  - c. Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to commencement of use.

### **Vehicle Parking**

6. The amount of vehicle parking must be as specified in Council's Planning Scheme and detailed on the approved plans.

### **External Works**

7. Undertake the following works external to the land at no cost to Council:
  - a. Provide a vehicle crossover and apron to St. Crispins Avenue, designed and constructed in accordance with the FNQROC Development Manual standard drawings S1015 and S1110.
  - 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.

### **Emissions**

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

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

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

### **Lawful Point of Discharge**

10. The development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties causing nuisance, and;
  - a. All stormwater from the property must be directed to a lawful point of discharge being St Crispins Avenue or through Easement H to the rear, and;
  - b. An drainage study is to be undertaken and RPEQ certified to demonstrate and confirm that Easement H and its constructed drainage infrastructure can adequately cater for stormwater discharge if Easement H is to be relied upon.
  - c. The certified drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Sediment and Erosion Control**

11. Soil and water management measures must be installed 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).

### **Details of Development Signage**

12. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

### **Landscaping Plan**

13. The site must be landscaped in accordance with details included on a Landscaping Plan developed in accordance with Planning Scheme Policy SC6.7. The Landscaping Plan must detail the following:
- Deep planting of setback areas and planter beds within the development;
  - Provide fencing details (materials and finishes), particularly with respect to any fencing fronting St Crispins Avenue;
  - Landscaping of a maximum of a 600mm wide strip outside the St Crispins Avenue frontage fence on road if road planting is proposed.
  - A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

A 'to scale' copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The approval and completion of all landscaping works must be undertaken prior to commencement of use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

#### Further Development Permits

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

- 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
SARA	2208-30377 SRA		13 September 2022	1110052

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

#### 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*.

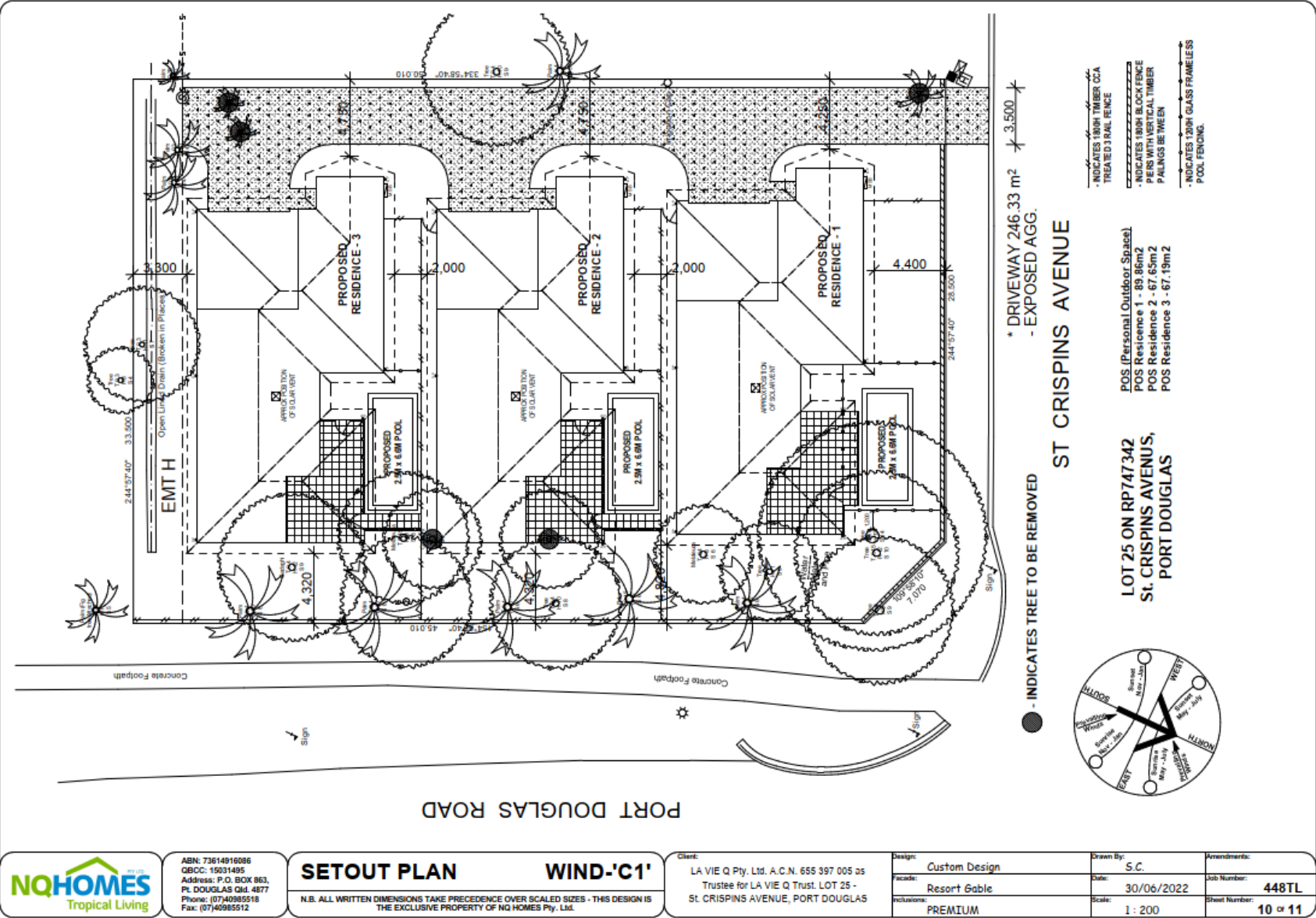
## **Rights to make Representations & Rights of Appeal**

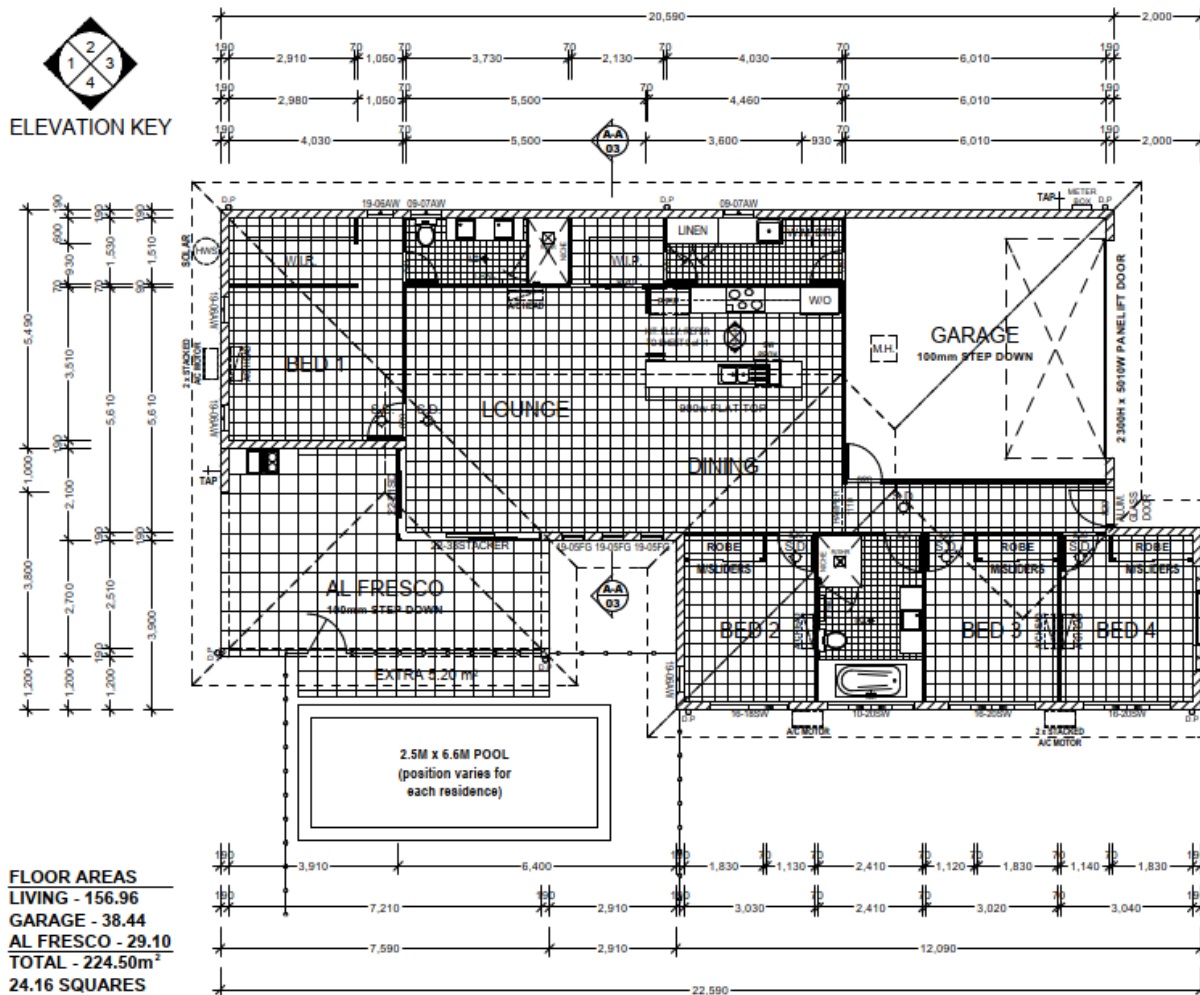
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The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

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

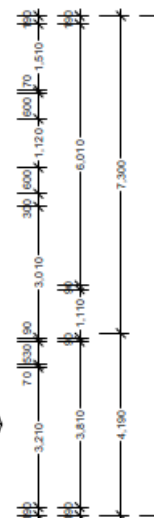




**FLOOR AREAS**  
 LIVING - 156.96  
 GARAGE - 38.44  
 ALFRESCO - 29.10  
 TOTAL - 224.50m<sup>2</sup>  
 24.16 SQUARES

NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

**ENERGY EFFICIENCY NOTES:**  
 : ALL TAPWARE & SHOWERS  
 TO BE 3 STAR min.  
 : ALL TOILETS TO BE 4 STAR  
 min.  
 : SOLAR HOT WATER SYSTEM  
 TO BE INSTALLED.



**GENERAL NOTES :**  
 : Solar block 2 to all alum. framed glass doors  
 and windows.  
 : Dishwasher prov. with SPP and cold water  
 plumbing.  
 : Lift off hinges to wc.  
 : Mechanical exhaust to wc with no external  
 opening.  
 : Niches - 900H base with a 2100H head U.N.O.  
 : Hampers and Openings - 2100H head U.N.O.  
 : Bulkheads - 2100H U.N.O.

# 'RESIDENCE-1'



ABN: 73614916086  
 QBCC: 15031495  
 Address: P.O. BOX 863,  
 PT. DOUGLAS Qld. 4877  
 Phone: (07)40985518  
 Fax: (07)40985512

## FLOOR PLAN

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS  
 THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
 LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
 Trustee for LA VIE Q Trust. LOT 25 -  
 ST. CRISPINS AVENUE, PORT DOUGLAS

Design:  
 Custom Design  
 Facade:  
 Resort Gable  
 Inclusion:  
 PREMIUM

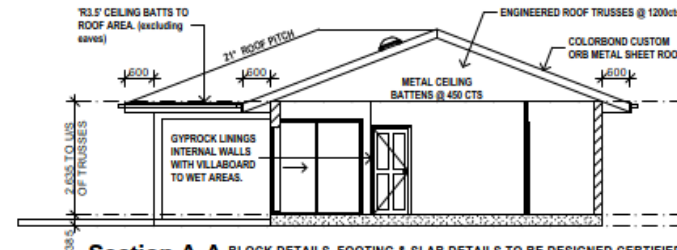
Drawn By:  
 S.C.  
 Date:  
 30/06/2022  
 Scale:  
 1 : 100

Amendments:  
 Job Number:  
 448TL  
 Sheet Number:  
 2 of 11



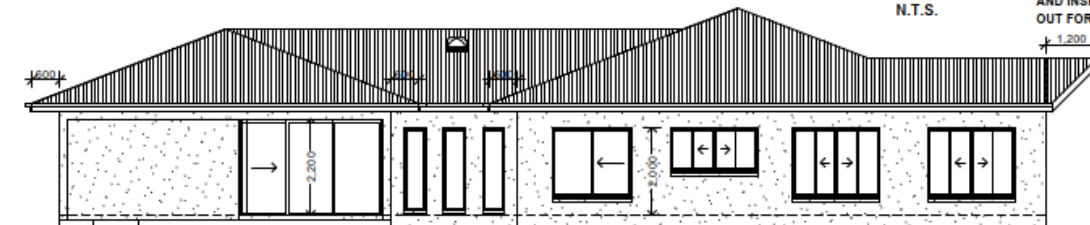


Elevation 1



Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'C' CLASS SITE AND WIND-'C1' WIND RATING.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



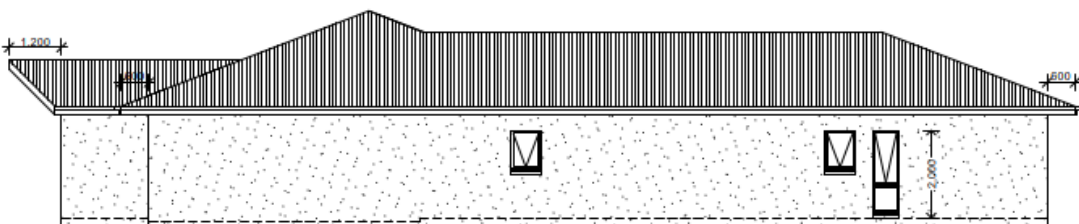
Elevation 2



Elevation 3



Block Fence Elevation



Elevation 4

**EXTERNAL COLOUR SCHEME:**  
 Colourbond Roof Iron / Fascia & Gutter 'Basalt'  
 External Rendered Walls 'Basalt'  
 Window Frames 'Woodland Grey'  
 Garage Panel Lift Door 'Basalt'

# 'RESIDENCE-1'



ABN: 73614916086  
 QBCC: 15931495  
 Address: P.O. BOX 863,  
 PT. DOUGLAS Qld. 4877  
 Phone: (07)40965518  
 Fax: (07)40965512

## ELEVATIONS

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
 LA VIE Q Pty. Ltd. A.C.N. 655 397 005 35  
 Trustee for LA VIE Q Trust. LOT 25 -  
 ST. CRISPINS AVENUE, PORT DOUGLAS

Design:  
 Custom Design  
 Facade:  
 Resort Gable  
 Inclusions:  
 PREMIUM

Drawn By:  
 S.C.  
 Date:  
 30/06/2022  
 Scale:  
 1 : 100

Amendments:  
 Job Number:  
 448TL  
 Sheet Number:  
 3 of 11

## Concurrence Agency Conditions

RA6-N



SARA reference: 2208-30377 SRA  
Council reference: MCUC 2022\_4949/1  
Applicant reference: PR151977

13 September 2022

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

Attention: Daniel Lamond

Dear Sir/Madam

### **SARA response—Multiple Dwelling at 2 - 4 St Crispins Avenue, Port Douglas (Lot 25 on RP747342)**

(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 16 August 2022.

#### **Response**

Outcome:	Referral agency response – with conditions	
Date of response:	13 September 2022	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

#### **Development details**

Description:	Development permit	Material Change of Use for Multiple Dwelling
SARA role:	Referral agency	

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use near a state-controlled road and intersection

SARA reference: 2208-30377 SRA

Assessment manager: Douglas Shire Council

Street address: 2-4 St Crispins Avenue, Port Douglas

Real property description: Lot 25 on RP747342

Applicant name: La Vie Q Pty Ltd

Applicant contact details: C/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
patrick.clifton@rpsgroup.com.au

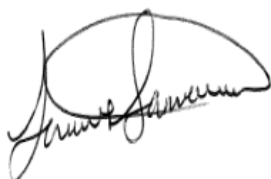
## Representations

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 Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
Manager (Planning)

cc La Vie Q Pty Ltd C/- RPS Australia East Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following condition must be attached to any development approval relating to this application)

No.	Condition	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 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 condition:		
1.	<p>(a) Noise attenuation measures must be provided to achieve the following noise criteria for private open space:</p> <ul style="list-style-type: none"> <li>• <math>\leq 57\text{dB(A)}</math> <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>\leq 45\text{dB(A)}</math>); or</li> <li>• <math>\leq 60\text{dB(A)}</math> <math>L_{10}</math> (18 hour) free field (measured <math>L_{90}</math> (18 hour) free field between 6am and 12 midnight <math>&gt; 45\text{dB(A)}</math>).</li> </ul> <p>(b) The noise attenuation measures required in part (a) of this condition must be designed in accordance with:</p> <ul style="list-style-type: none"> <li>• Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; and</li> <li>• Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019</li> </ul> <p>(c) RPEQ certification must be provided to Program, Delivery and Operations, Far North District at:  <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to the commencement of use and to be maintained at all times.

## Attachment 2—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

### Attachment 3—Reasons for referral agency response

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

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**The reasons for SARA's decision are:**

The proposed development, subject to a condition, complies with the relevant provisions of State code 1: Development in a state-controlled road environment as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Port Douglas Road and the Port Douglas Road / St Crispins Avenue intersection.
- Proposed vehicle access is to St Crispins Avenue, a local road, and is located a sufficient distance from the Port Douglas Road / St Crispins Avenue intersection to maintain safety for users of the state-controlled road.
- The Port Douglas Road / St Crispins Avenue intersection can safely accommodate the increased traffic generated by the proposed development.
- Increased stormwater and drainage flow is appropriately managed to avoid adverse impacts to the state-controlled road.
- Noise attenuation measures are provided to minimise noise impacts from vehicles using Port Douglas Road.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*



## **Attachment 4—Representations provisions**

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(page left intentionally blank – attached separately)

## 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.

## 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 9 August 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Medium Density Residential Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## **Division 2            Changing development approvals**

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

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

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

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

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- (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 applicant receives notice that the assessment manager does not agree with 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) However, if the assessment manager gives the applicant 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.



## 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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
- (g) 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.

5 October 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4949 (1114078)  
**Your Ref:** PATRICK CLIFTON

RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice  
For Development Application Material Change of Use (Multiple Dwelling)  
At 2-4 St Crispins Avenue PORT DOUGLAS  
On Land Described as LOT: 25 RP: 747342**

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 2022\_4949 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  
**Paul Hoyer**  
**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			
La Vie Q Pty Ltd Trustee under instrument 721520723		N/A	0
DEVELOPERS NAME		ESTATE NAME	STAGE
2-4 St Crispins Avenue	Port Douglas	Lot 25 on RP747342	217
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU for Multiple dwellings		MCUC 2022_4949	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1113693	1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc. No.	VERSION No.		

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand	Residential Multiple_dwelling	\$_per_3_or_more_bed room_dwelling	24,553.81	3	\$73,661.43		
	Total Demand				\$73,661.43		
	Credit						
Existing land use	3 or more bedroom dwelling 1 lot	\$_per_3_or_more_bed room_dwelling	24,553.81	1	\$24,553.81		
	Total Credit				\$24,553.81		
							Code 895 GL GL7500.135.825
Required Payment or Credit			TOTAL		\$49,107.62		

Prepared by	J Elphinstone	4-Oct-22	Amount Paid	
Checked by	D Lamond	5-Oct-22	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

**Note:**  
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.  
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

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



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## **Subdivision 5      Changing charges during relevant 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 the representations.
- (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.

**126 Suspending relevant appeal period**

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant 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 relevant 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 relevant appeal period restarts the day after the local government receives the notice of withdrawal.

**Division 3 Development approval conditions about trunk infrastructure**

**Subdivision 1 Conditions for necessary trunk infrastructure**

**127 Application and operation of subdivision**

- (1) This subdivision applies if—
  - (a) trunk infrastructure—
    - (i) has not been provided; or
    - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.

## 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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) 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
- (g) 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

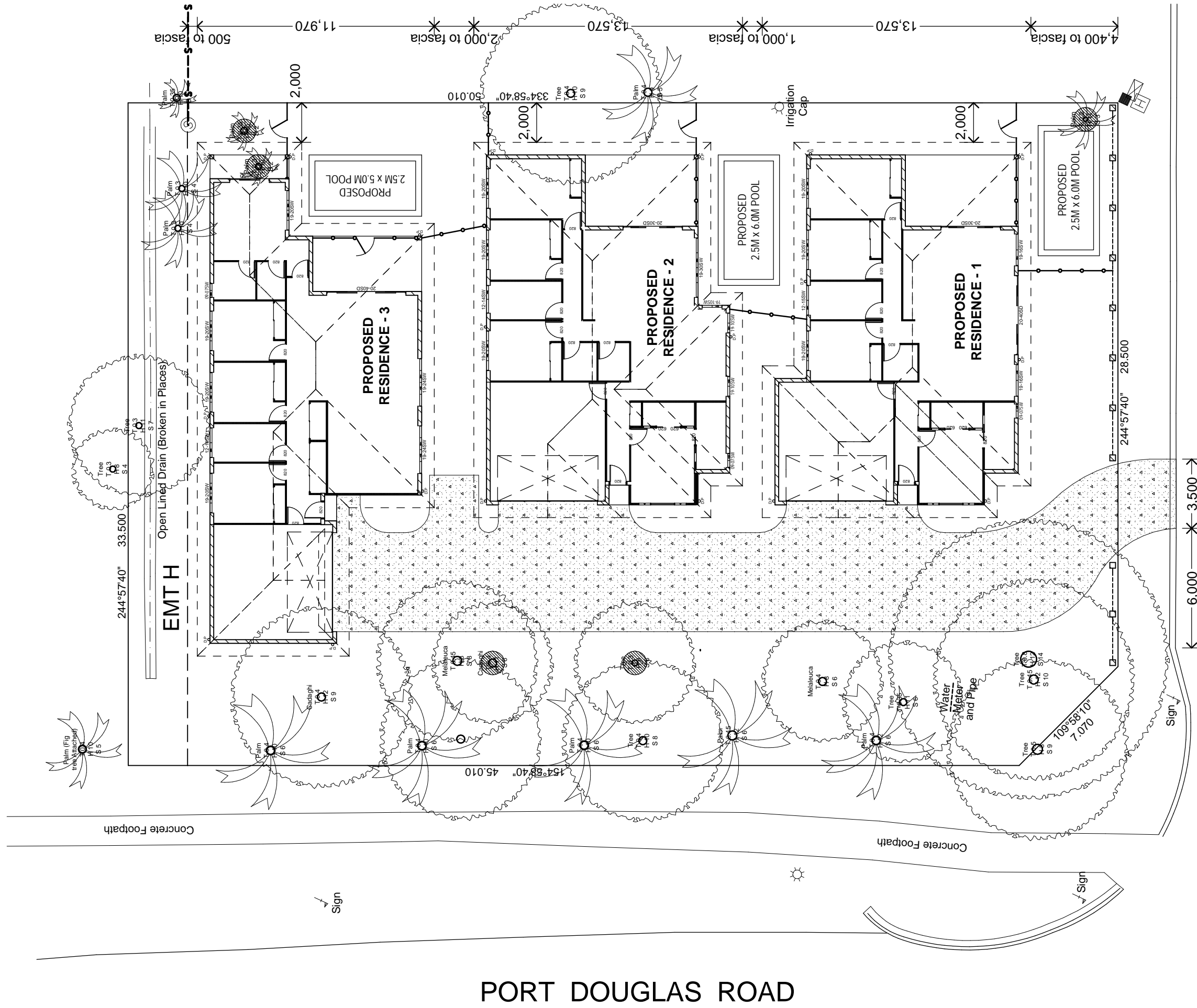
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.





## Appendix E

### Amended Proposal Plans, prepared by NQ Homes

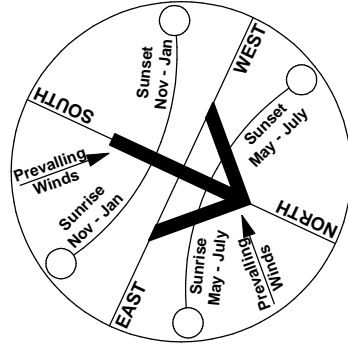


● - INDICATES TREE TO BE REMOVED

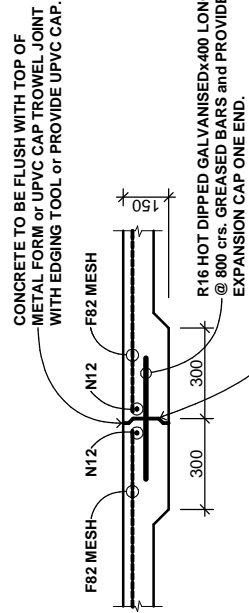
SC - 35mm DEEP SAWCUT WITHIN  
8 HOURS OF CONCRETE POUR  
- CUTOUT EVERY 2nd MESH BAR  
ACROSS JOINT

\* DRIVEWAY 245.78 m<sup>2</sup> - EXPOSED AGG.

**ST CRISPINS AVENUE**

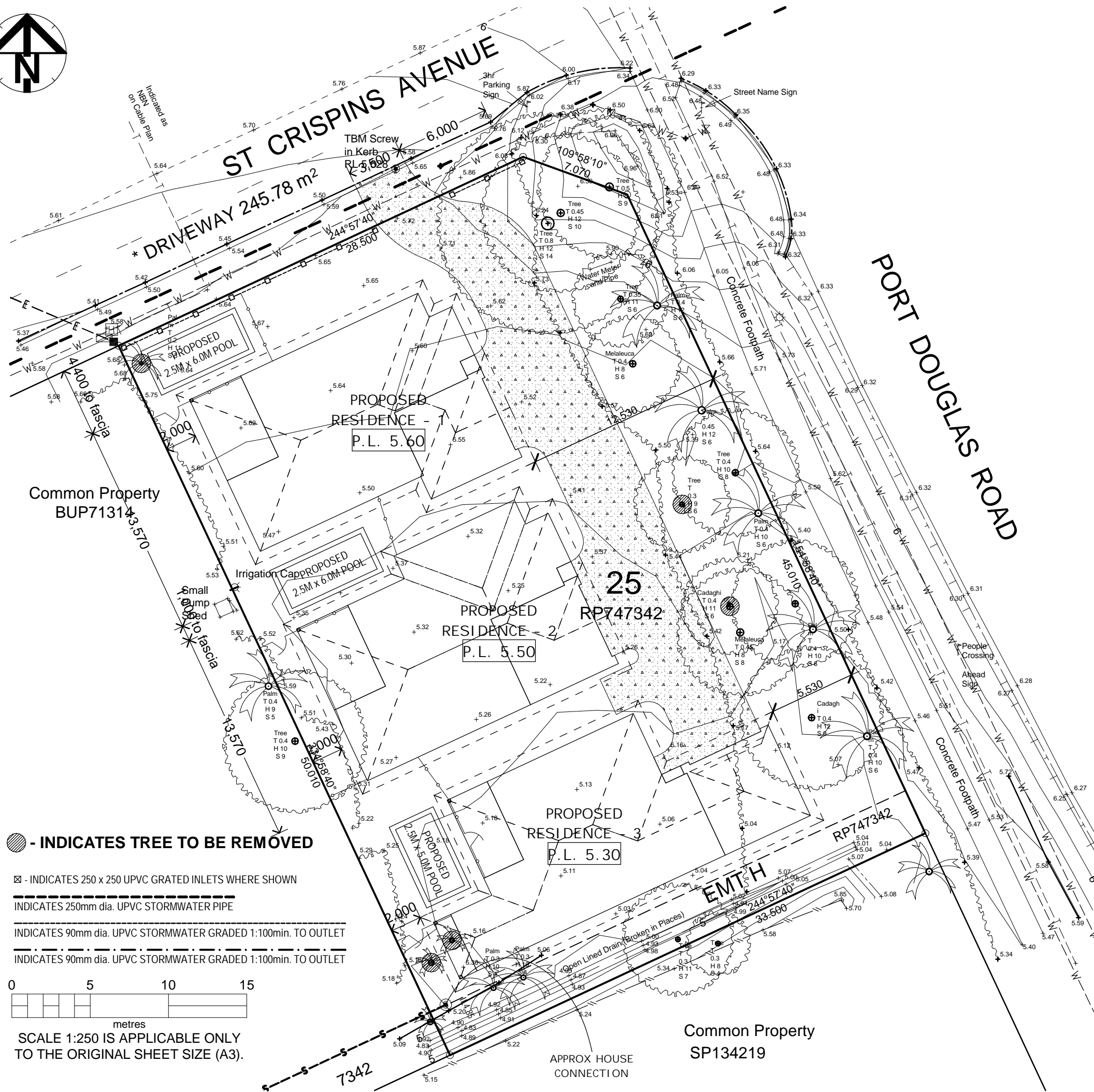


**LOT 25 ON RP747342**  
**St. CRISPINS AVENUS,**  
**PORT DOUGLAS**



**K.J. - KEY JOINT**

NOTE:  
- PROVIDE 'ABLEFLEX' CLOSED CELL COMPRESSIBLE FOAM OR  
EQUAL, WHERE THE DRIVEWAY SLAB AND THE PATHWAY SLABS  
BUTT THE BUILDING'S SLAB, BUTT THE STREET KERB, AROUND  
THE BUILDING'S COLUMNS, AROUND STORMWATER DOWNPIPES  
AND BUTT THE EXISTING DRIVEWAY SLAB.



## NOTES -

- ANY RETAINING REQUIRED. BY CLIENT
- ANY TREE REMOVAL REQUIRED. BY CLIENT
- POOLS MUST BE 2000mm MIN. FROM ANY SLAB EDGE OR PATIO COLUMNS. IF LESS THAN 2000mm, ENGINEER TO BE CONSULTED.
- REFER TO SHEET 20 of 22 FOR SETOUT PLAN.
- REFER TO SHEET 22 of 22 FOR PLUMB. PLAN.

—————→—————→—————→—————→—————→—————→—————→.

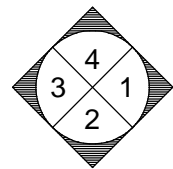
INDICATES 400mm WIDE x 75mm DEEP GRADED TABLE DRAIN

- \* FILL BATTER @ 1:2 MAX
- \* CUT BATTER @ 1:2 MAX

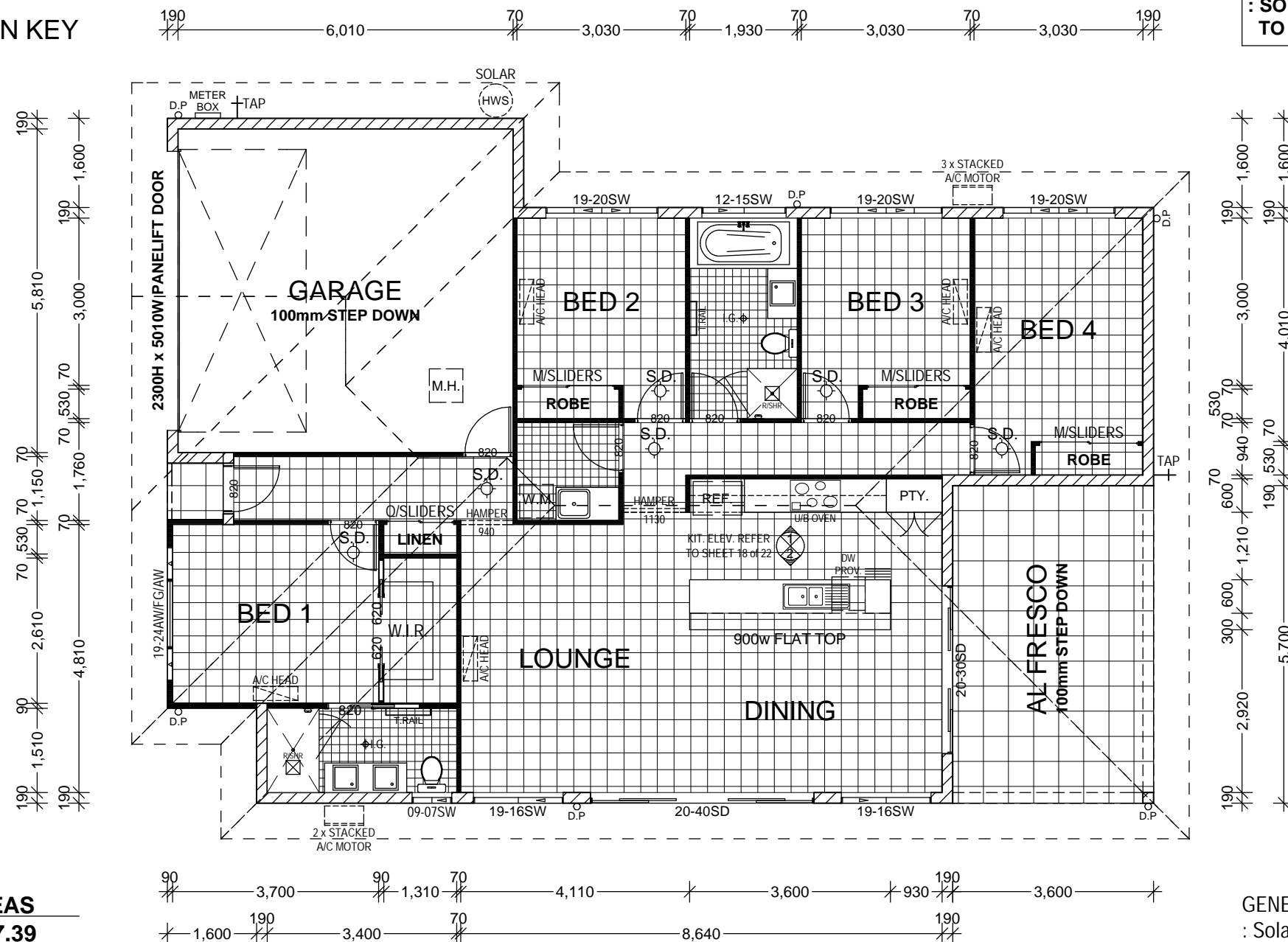
## CONTOUR PLAN WIND-'C1'

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## ELEVATION KEY



### FLOOR AREAS

LIVING - 137.39

GARAGE - 37.69

AL FRESCO - 20.52

PORCH - 1.01

TOTAL - 196.61m<sup>2</sup>

21.16 SQUARES

NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

### ENERGY EFFICIENCY NOTES:

- : ALL TAPWARE & SHOWERS TO BE 3 STAR min.
- : ALL TOILETS TO BE 4 STAR min.
- : SOLAR HOT WATER SYSTEM TO BE INSTALLED.

### GENERAL NOTES :

- : Solar block 2 to all alum. framed glass doors and windows.
- : Dishwasher prov. with SPP and cold water plumbing.
- : Lift off hinges to wc.
- : Mechanical exhaust to wc with no external opening.
- : Niches - 900H base with a 2100H head U.N.O.
- : Hampers and Openings - 2100H head U.N.O.
- : Bulkheads - 2100H U.N.O.

## 'RESIDENCE-1'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## FLOOR PLAN

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

## WIND-'C1'

Client:

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:

Custom Design

Facade:

Resort Gable

Inclusions:

PREMIUM

Drawn By:

S.C.

Date:

30/06/2022

Scale:

1 : 100

Amendments:

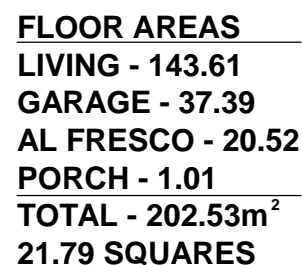
issue - 1, 2, 3

Job Number:

448TL

Sheet Number:

2 of 22



**NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**

**ENERGY EFFICIENCY NOTES:**

- : ALL TAPWARE & SHOWERS TO BE 3 STAR min.**
- : ALL TOILETS TO BE 4 STAR min.**
- : SOLAR HOT WATER SYSTEM TO BE INSTALLED.**

GENERAL NOTES :

- : Solar block 2 to all alum. framed glass doors and windows.
- : Dishwasher prov. with SPP and cold water plumbing.
- : Lift off hinges to wc.
- : Mechanical exhaust to wc with no external opening.
- : Niches - 900H base with a 2100H head U.N.O.
- : Hampers and Openings - 2100H head U.N.O.
- : Bulkheads - 2100H U.N.O.

## 'RESIDENCE-2'



**ABN: 73614916086**  
**QBCC: 15031495**  
**Address: P.O. BOX 863,**  
**Pt. DOUGLAS Qld. 4877**  
**Phone: (07)40985518**  
**Fax: (07)40985512**

## FLOOR PLAN

**N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NO HOMES Pvt. Ltd.**

## WIND-'C1'

**Client:**

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:	
---------	--

Custom Design

**Facade:**

Resort Gable

**Inclusions.**

Drawn By:	
-----------	--

S.C.

Date:

30/06/2022

Scale. 1 : 100

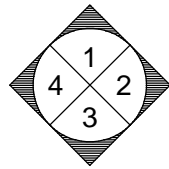
Amendments:

issue - 1, 2, 3

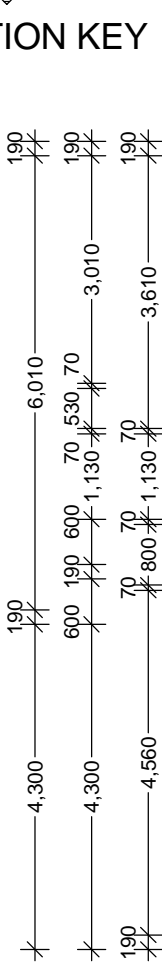
Job Number:	
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448TL

Sheet Number: **4** of **22**

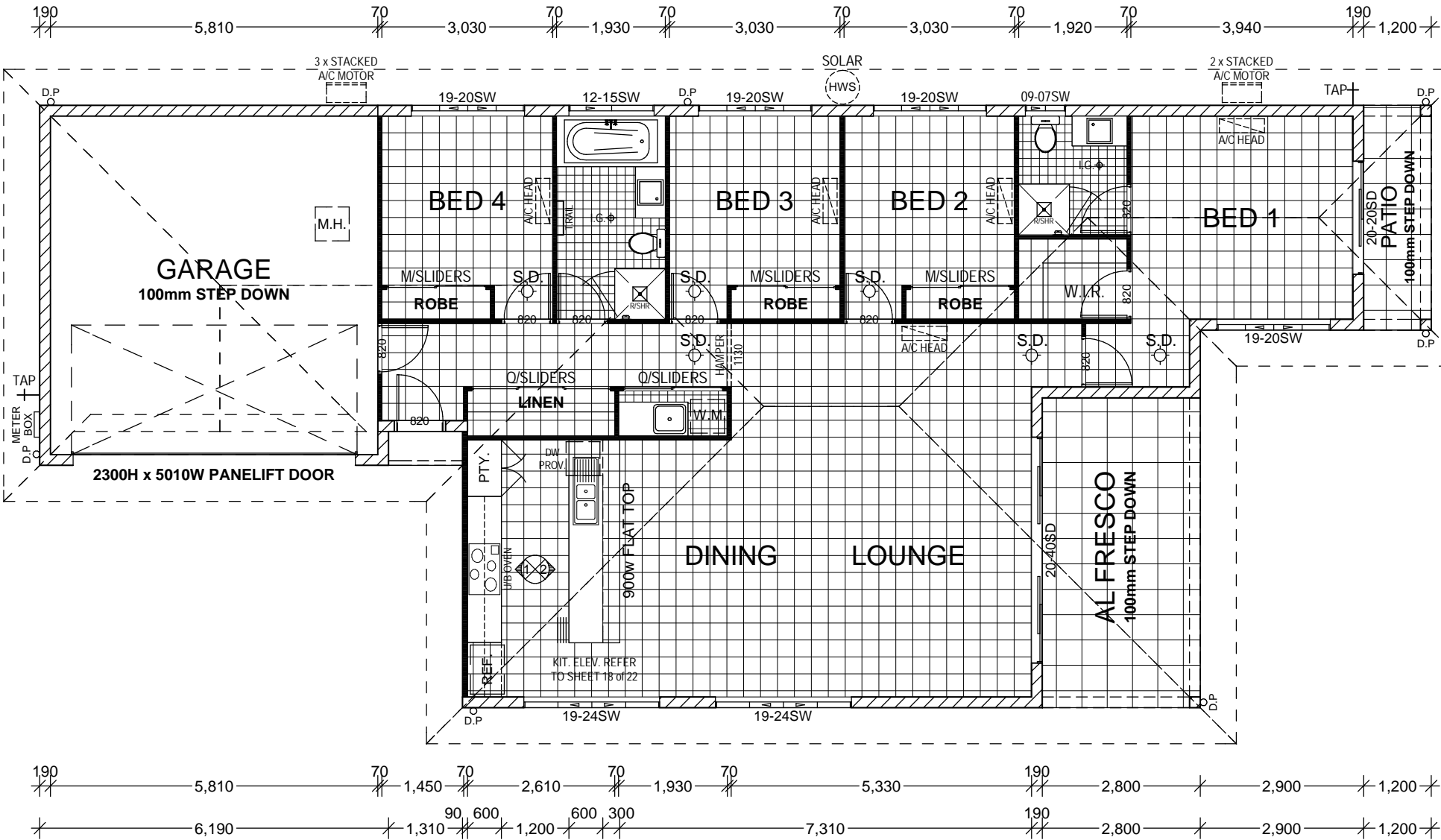


ELEVATION KEY

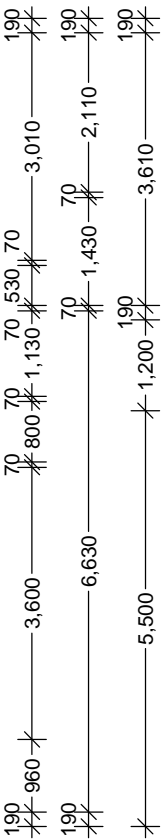


**FLOOR AREAS**  
**LIVING - 144.79**  
**GARAGE - 38.45**  
**AL FRESCO - 15.40**  
**PATIO - 4.79**  
**PORCH - 0.79**  
**TOTAL - 204.22m<sup>2</sup>**  
**21.97 SQUARES**

**NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**



**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.



**GENERAL NOTES :**  
: Solar block 2 to all alum. framed glass doors  
and windows.  
: Dishwasher prov. with SPP and cold water  
plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external  
opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2100H U.N.O.

**'RESIDENCE-3'**



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

**FLOOR PLAN**

**WIND-'C1'**

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS  
THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

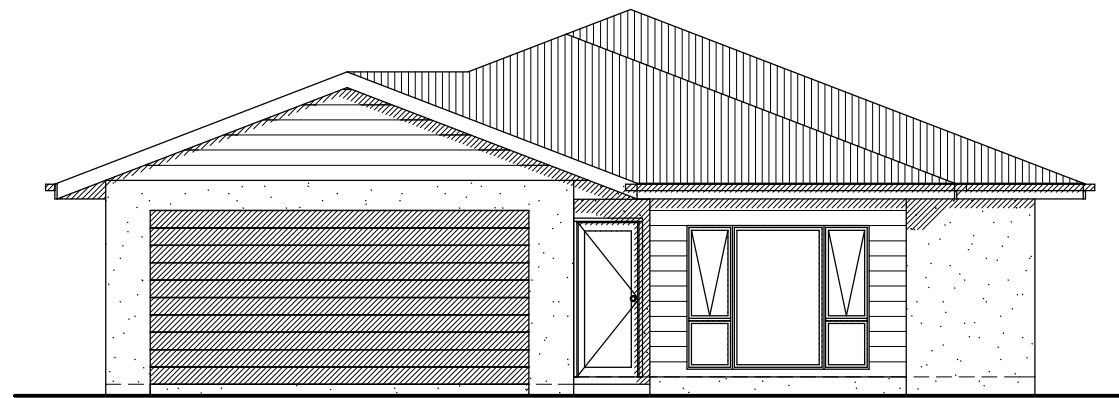
Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMI UM

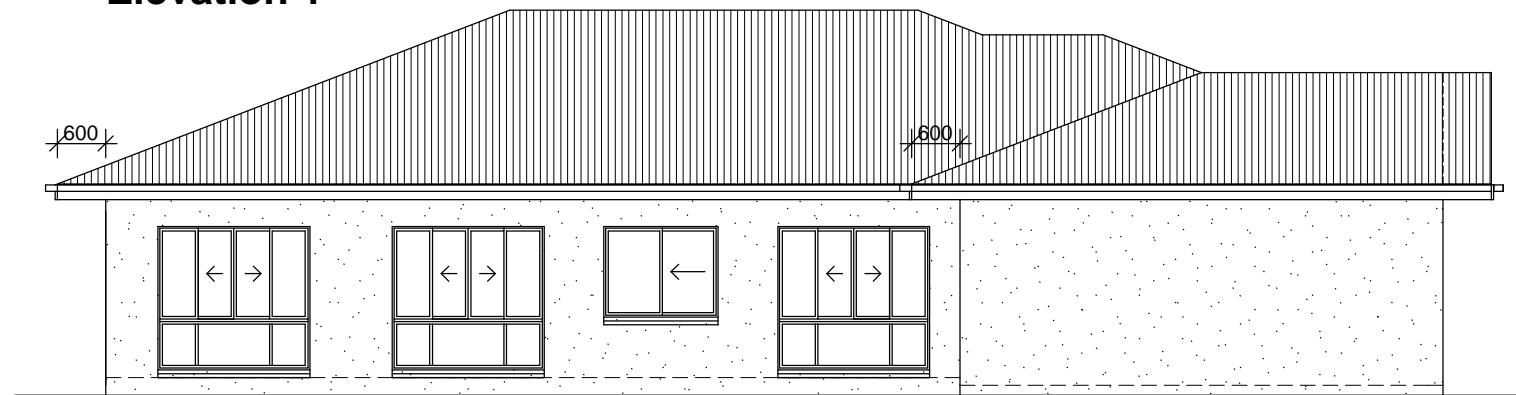
Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
issue - 1, 2, 3  
Job Number:  
**448TL**  
Sheet Number:  
**6 of 22**

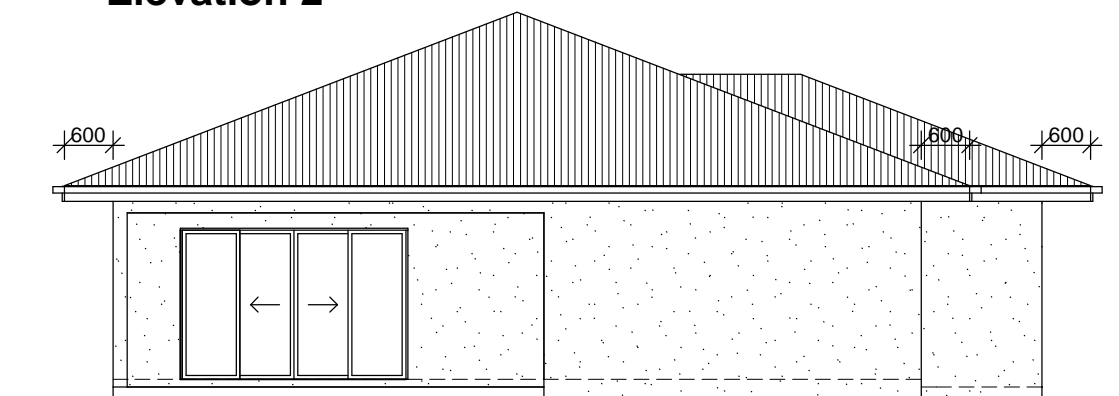




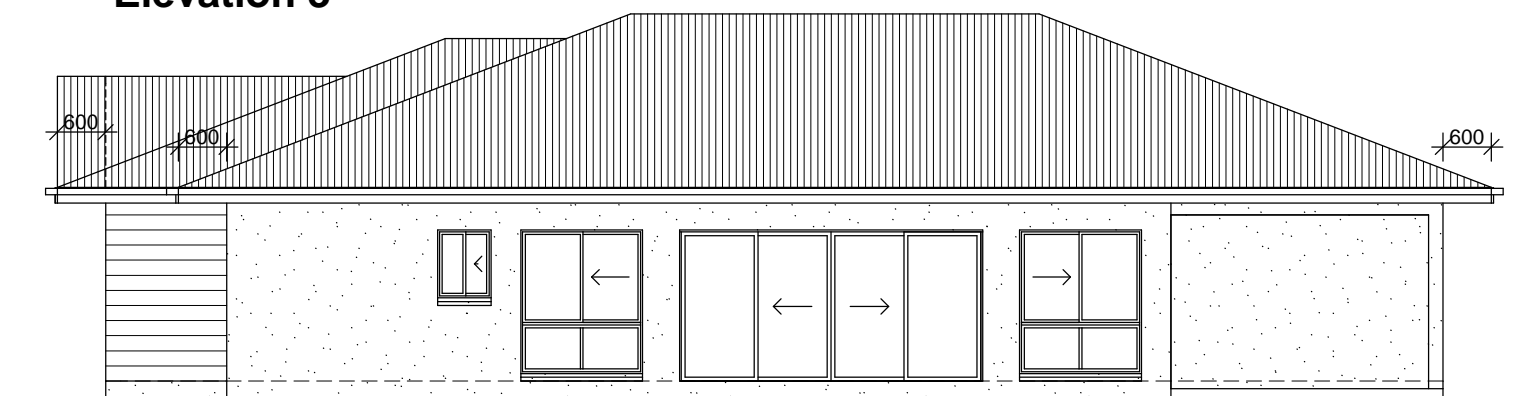
Elevation 1



Elevation 2



Elevation 3



Elevation 4

## 'RESIDENCE-1'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

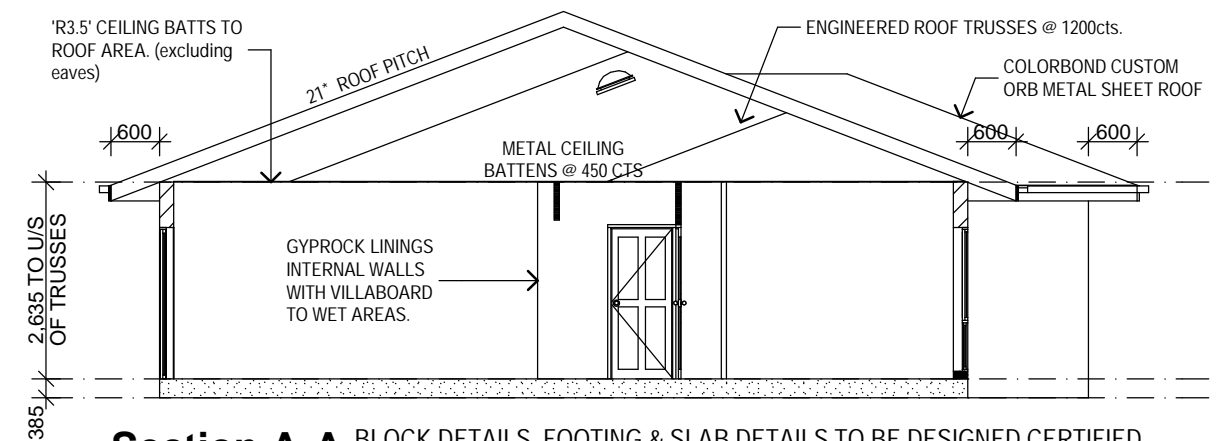
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

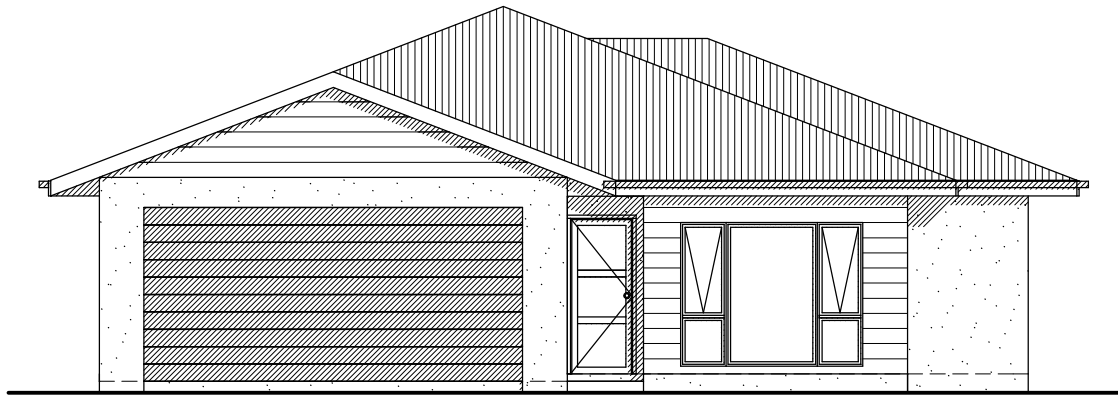
Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
Issue - 1, 2, 3  
Job Number:  
448TL  
Sheet Number:  
3 of 22

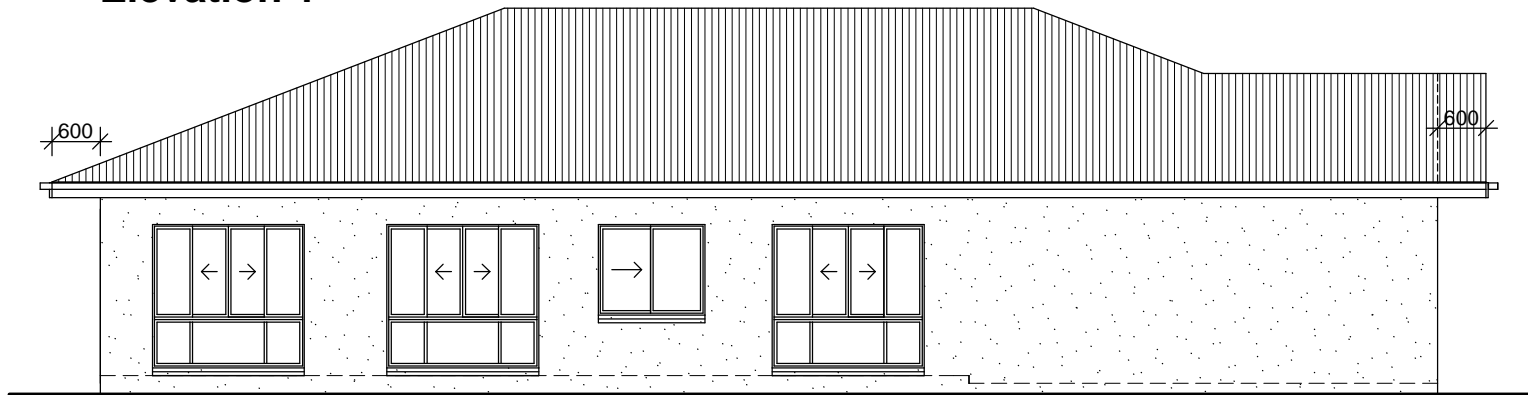


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.  
**N.T.S.**

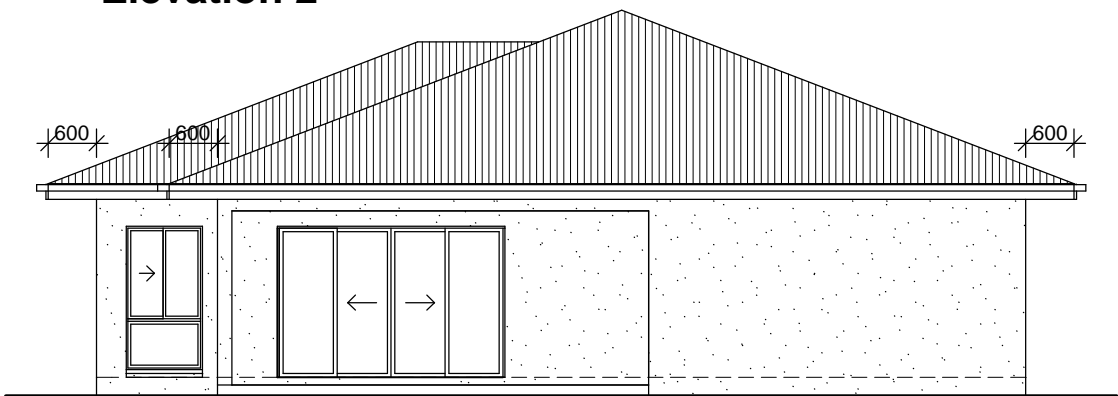
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



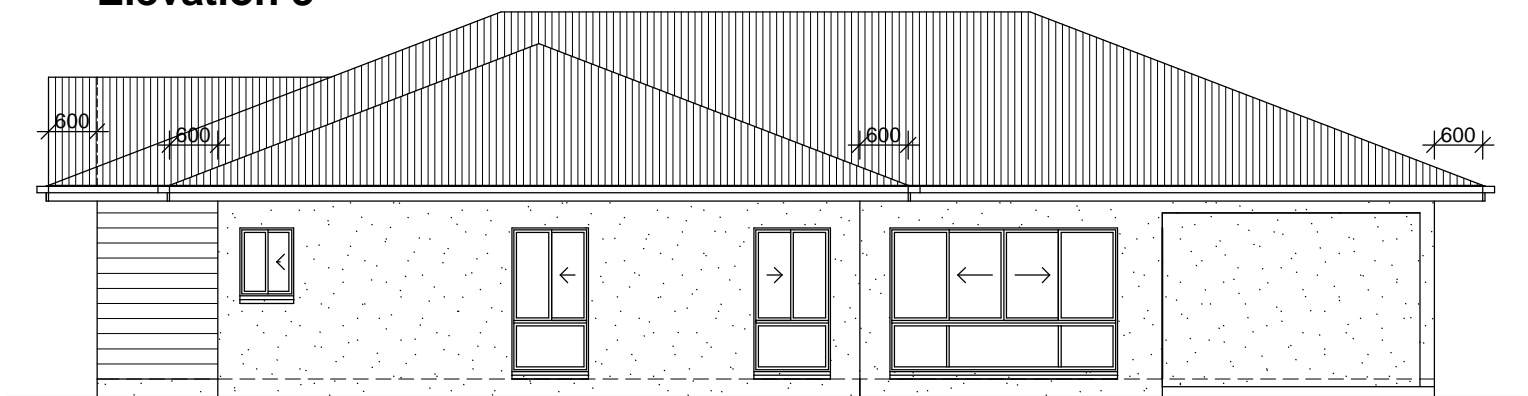
Elevation 1



Elevation 2



Elevation 3



Elevation 4

'RESIDENCE-2'

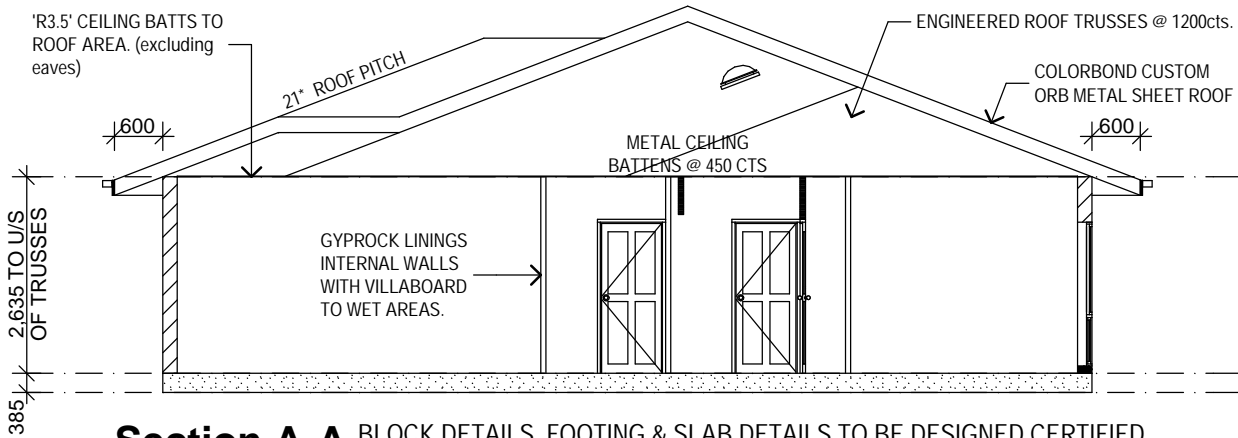


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ELEVATIONS

WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.



Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED,CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

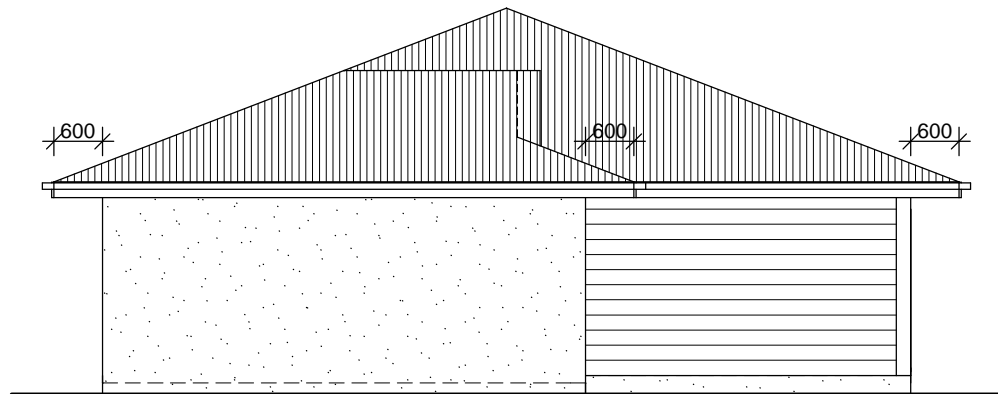
Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
issue - 1, 2, 3  
Job Number:  
448TL  
Sheet Number:  
5 of 22



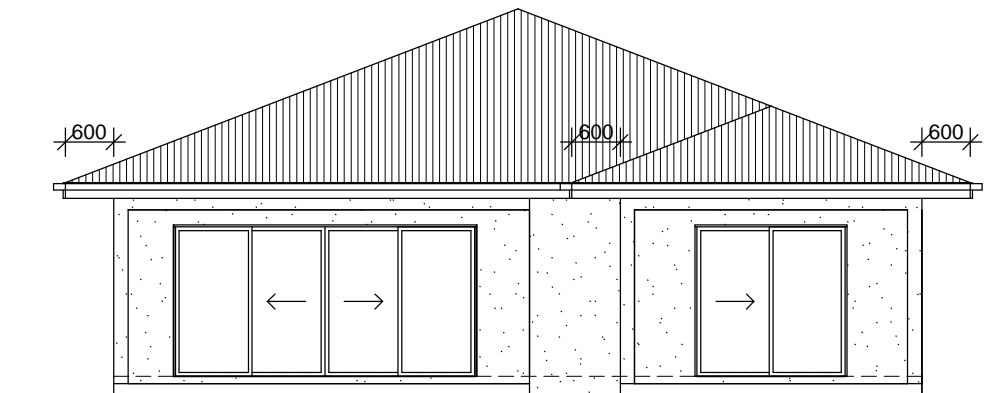
Elevation 1



Elevation 2

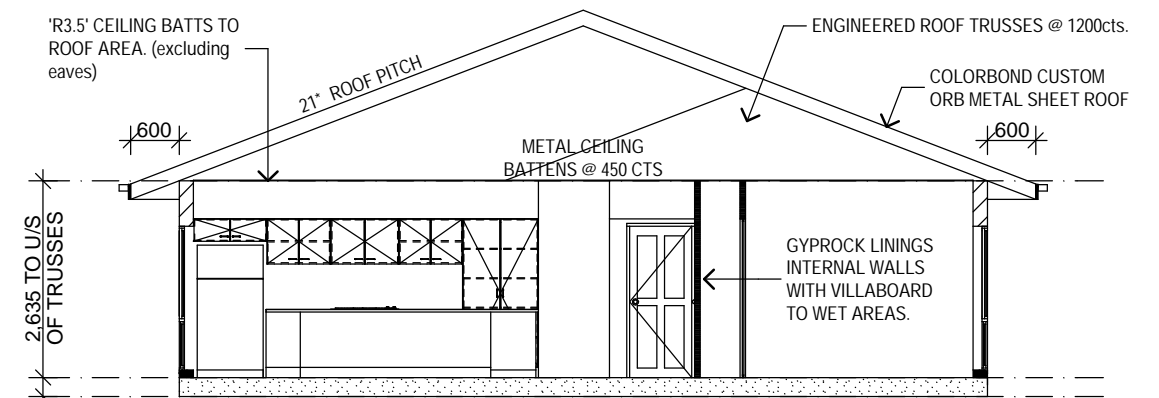


Elevation 3



Elevation 4

## 'RESIDENCE-3'



Section A-A  
N.T.S.

BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.

ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client:

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:

Custom Design

Facade:

Resort Gable

Inclusions:

PREMIUM

Drawn By:

S.C.

Date:

30/06/2022

Scale:

1 : 100

Amendments:

Issue - 1, 2, 3

Job Number:

448TL

Sheet Number:

7 of 22