

29 February 2024

Enquiries: Daniel Lamond
Our Ref: MCUC 2022_4949/2 (1209638)
Your Ref: PR151977

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

La Vie Q Pty Ltd (Tte)
C/- RPS AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Minor Change Application (Dwelling Units)
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_4949/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dsdmip.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: La Vie Q Pty Ltd (Tte)
Postal Address: C/- RPS AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870
Email: Patrick.Clifton@rpsgroup.com.au

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- Minor Change Application (Multiple Dwelling Units)

Decision

Date of Decision: 29 February 2024
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Setout Plan	NQ Homes Plan, Job No. 448TL Sheet 20 of 22	30 June 2022
Residence 1 Floor Plan	NQ Homes Plan, Job No. 448TL Sheet 2 of 22	30 June 2022
Residence 2 Floor Plan	NQ Homes Plan, Job No. 448TL	30 June 2022

	Sheet 4 of 22	
Residence 2 Floor Plan	NQ Homes Plan, Job No. 448TL Sheet 6 of 22	30 June 2022
Residence 1 Elevations	NQ Homes Plan, Job No. 448TL Sheet 3 of 22	30 June 2022
Residence 2 Elevations	NQ Homes Plan, Job No. 448TL Sheet 5 of 22	30 June 2022
Residence 3 Elevations	NQ Homes Plan, Job No. 448TL Sheet 7 of 22	30 June 2022
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

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:
 - a. Deep planting of setback areas and planter beds within the development;
 - b. Provide fencing details (materials and finishes), particularly with respect to any fencing fronting St Crispins Avenue;
 - e. Landscaping of a maximum of a 600mm wide strip outside the St Crispins Avenue frontage fence on road if road planting is proposed.
 - f. 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.

Advices

2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
- 3.. For information relating to the *Planning Act* 2016 log on to www.dsdmip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au

Further Development Permits

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

- All Building Work

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

Concurrence Agency Response

Concurrence Agency	Concurrence Reference	Agency	Date	Doc ID
State Assessment and Referral Agency	2311-37778 SPD		9 February 2024	1209517

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

Currency Period for the Approval

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

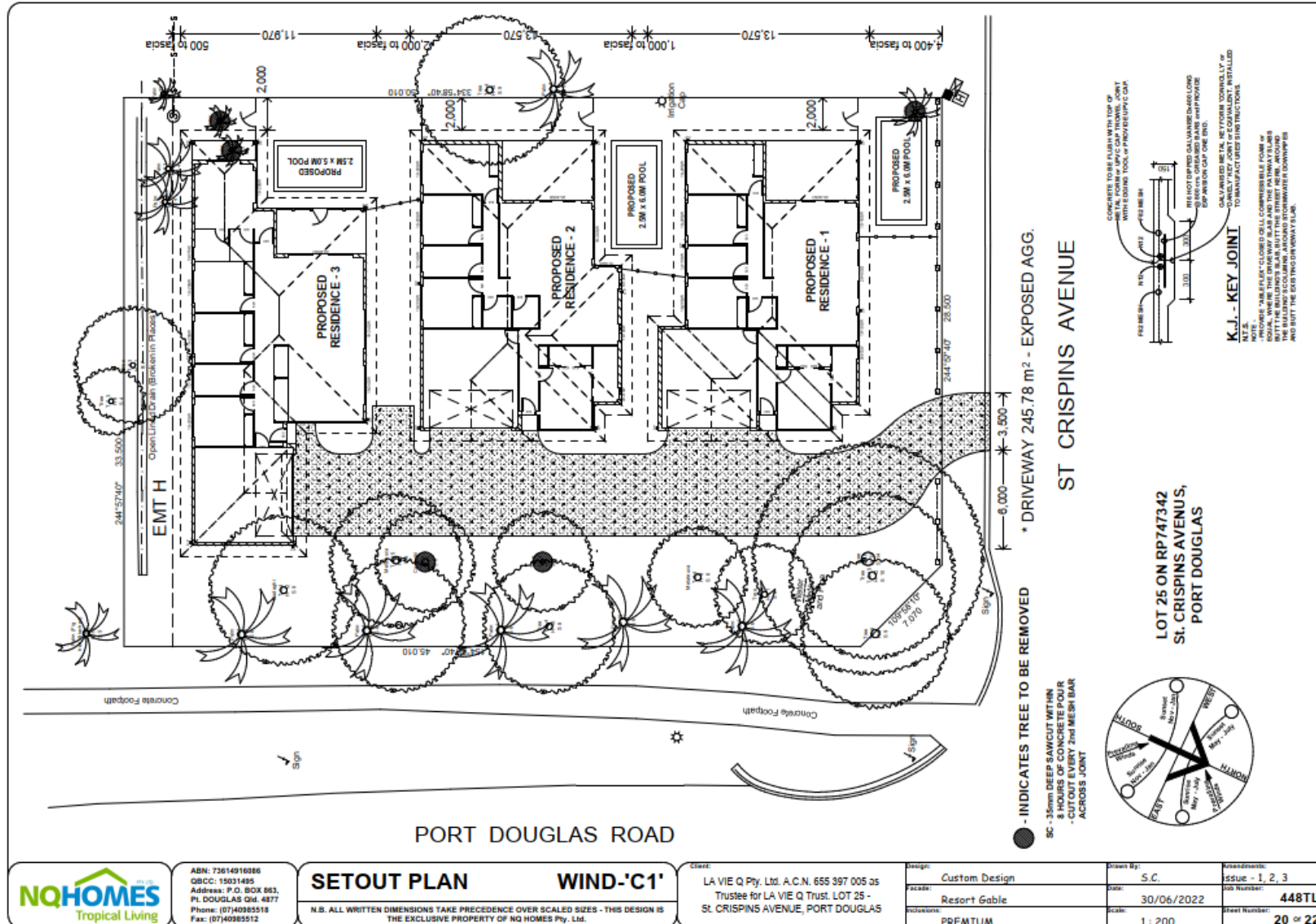
Rights to make Representations & Rights of Appeal

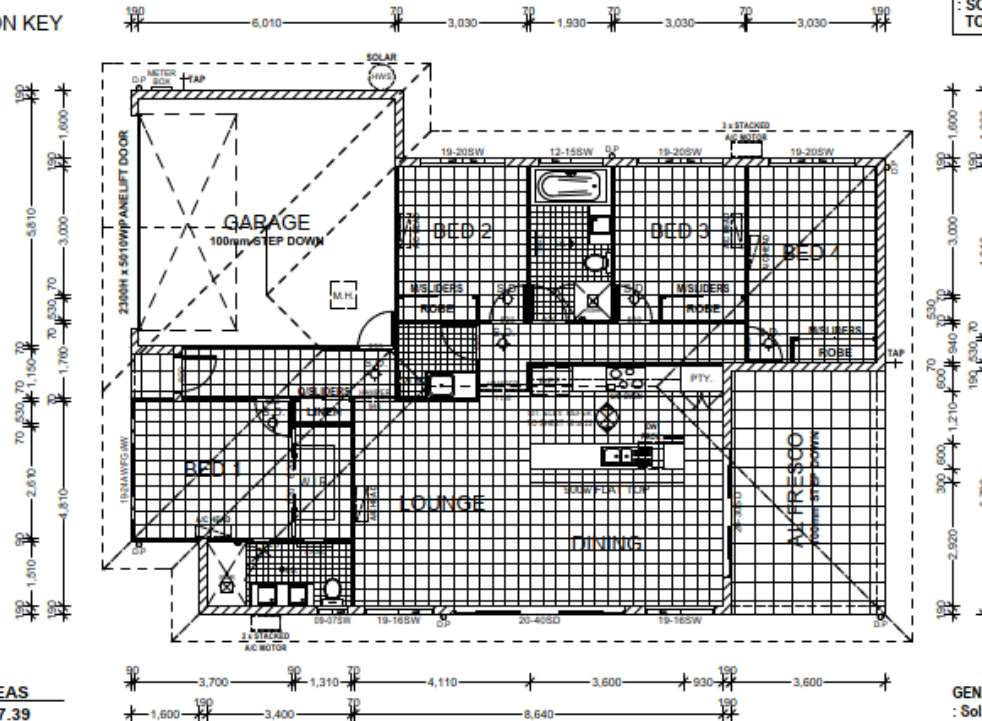
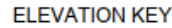
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Doc ID: 1209646

MCUC 2022_4949/2





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,
PL. 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

Designers

Custom Design

Facade:

Resort Gab

Answers 113

S.C.

Date:	

30/06

Appendix

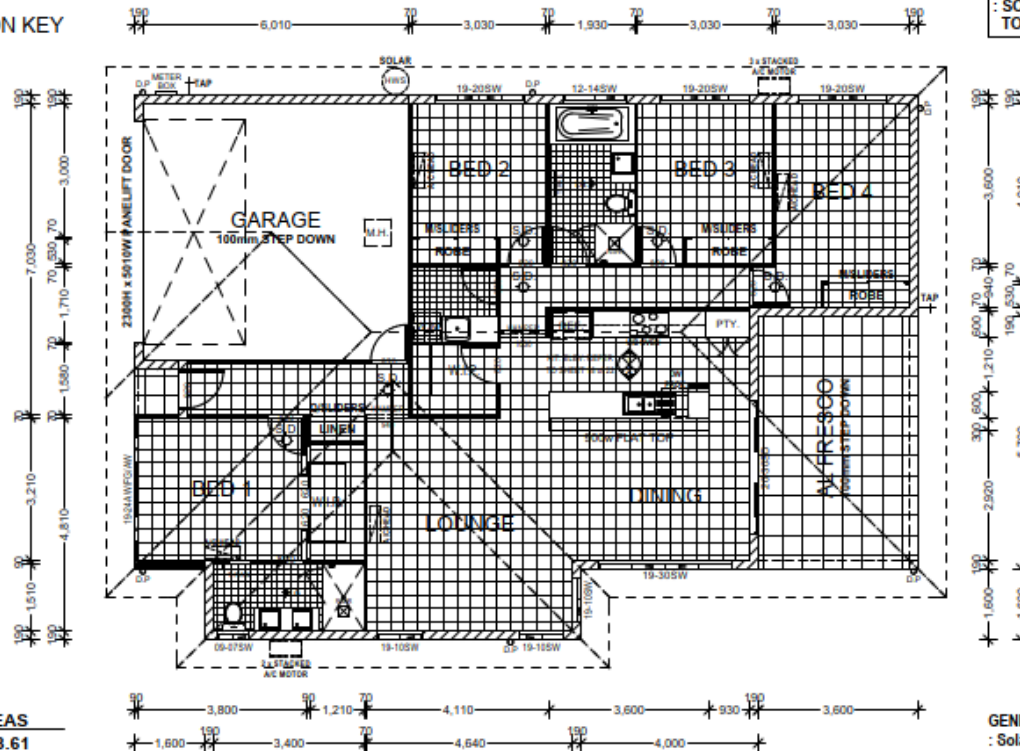
issue - 1, 2, 3

Job Number: 44071

448TL



ELEVATION KEY



FLOOR AREAS
 LIVING - 143.61
 GARAGE - 37.39
 AL FRESCO - 20.52
 PORCH - 1.01
 TOTAL - 202.53m²
 21.79 SQUARES

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

ENERGY EFFICIENCY NOTES:
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 TO BE 3 STAR min.
 : ALL TOILETS TO BE 4 STAR
 min.
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 TO BE INSTALLED.

GENERAL NOTES :
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 : 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: 73814910888
 QBCC: 15031495
 Address: P.O. BOX 863,
 PT. DOUGLAS Qld. 4877
 Phone: (07)40985518
 Fax: (07)40985512

FLOOR PLAN

WIND-'C1'

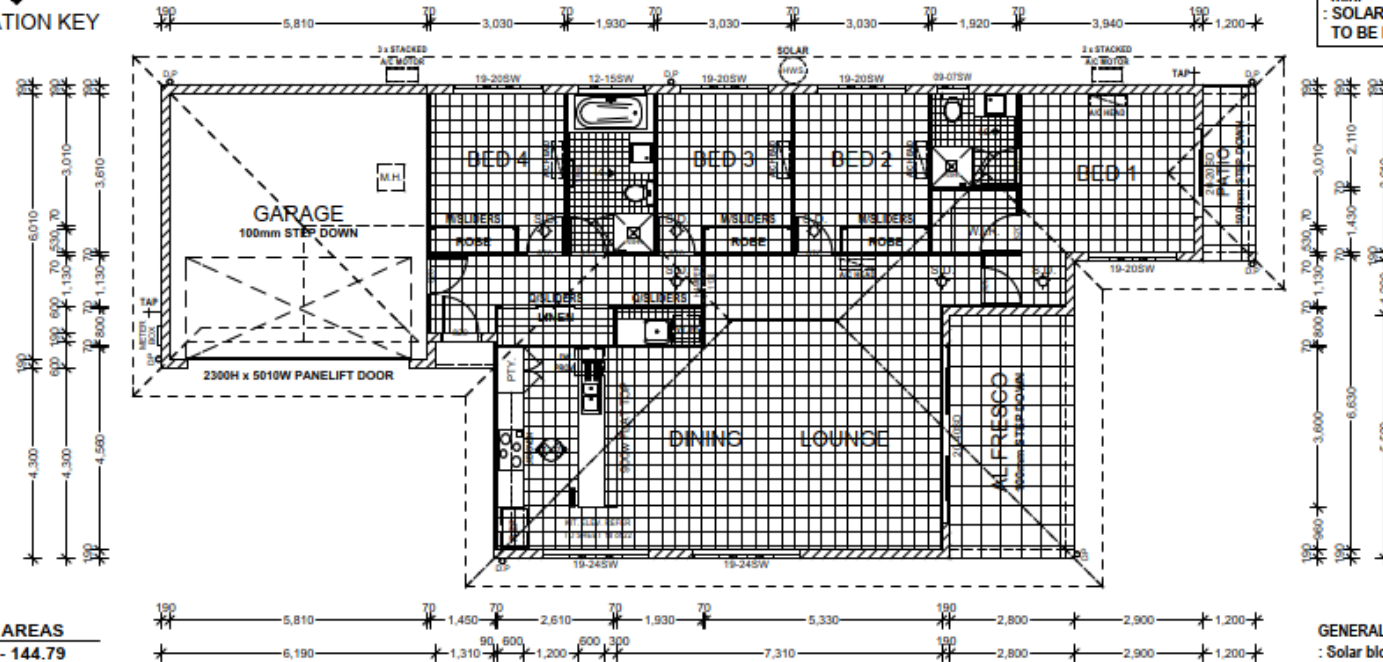
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 THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

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	Drawn By:	S.C.	Amendments:	Issue - 1, 2, 3
Project:	Resort Gable	Date:	30/06/2022	Job Number:	448TL
Inclusions:	PREMIUM	Scale:	1 : 100	Sheet Number:	4 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.

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

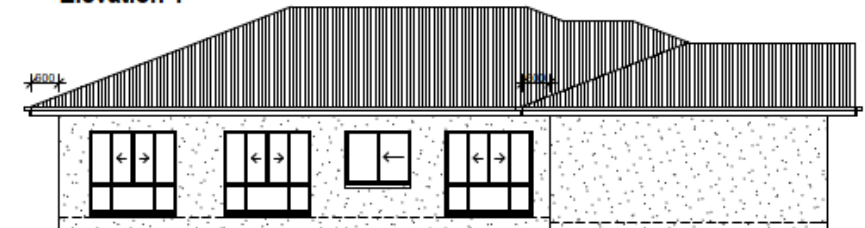
Design:
 Custom Design
 Facade:
 Resort Gable
 Inclusions:
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Drawn By:
 S.C.
 Date:
 30/06/2022
 Scale:
 1 : 100

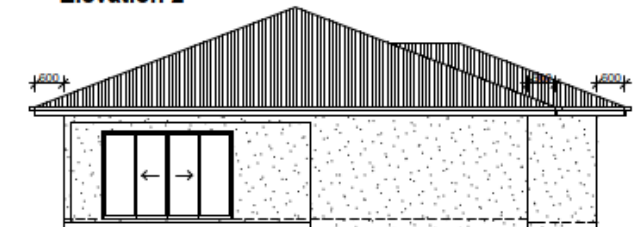
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 Issue - 1, 2, 3
 Job Number:
 448TL
 Sheet Number:
 6 of 22



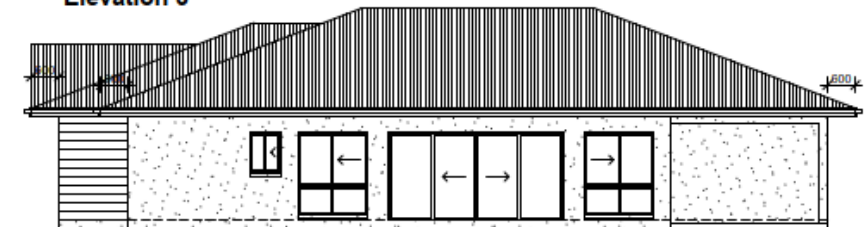
Elevation 1



Elevation 2



Elevation 3



Elevation 4

'RESIDENCE-1'



ABN: 73614910006
QBCC: 15031495
Address: P.O. BOX 863,
PT. DOUGLAS QLD 4877
Phone: (07)40985518
Fax: (07)40985512

ELEVATIONS

WIND-'C1'

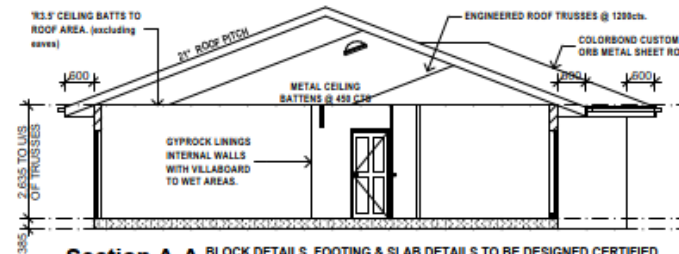
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

Client: LA VIE Q Pty. Ltd. A.C.N. 655 397 005 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: Issue - 1, 2, 3
Job Number: 448TL
Sheet Number: 3 of 22

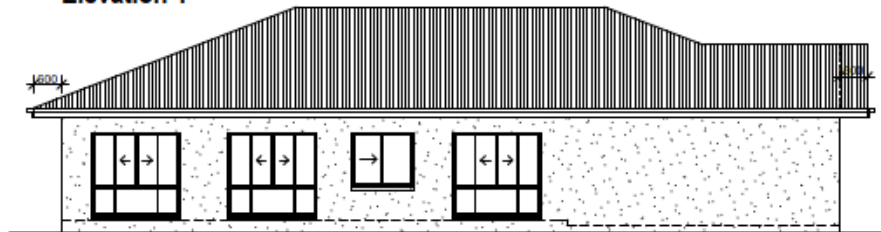


Section A-A BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.

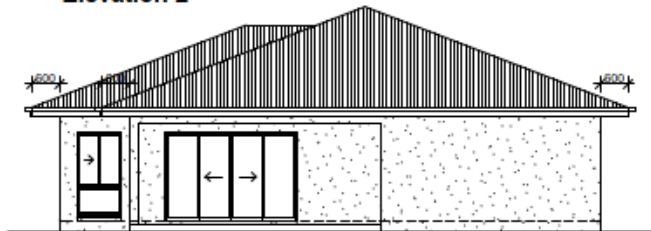
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



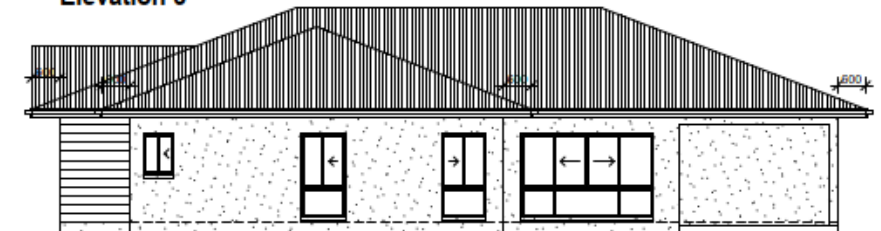
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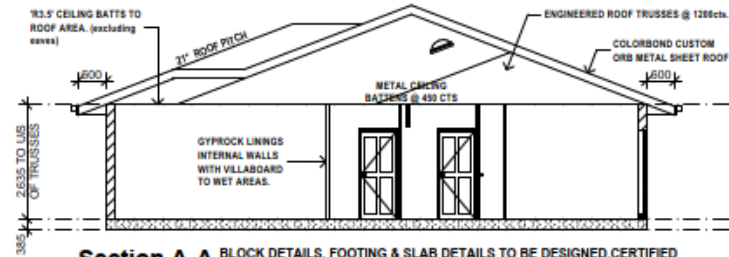
Elevation 2



Elevation 3



Elevation 4



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.
N.T.S.

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

'RESIDENCE-2'



ABN: 73614916086
QBCC: 15031489
Address: P.O. BOX 863,
Pt. DOUGLAS Qld. 4817
Phone: (07)40985518
Fax: (07)40985512

ELEVATIONS

WIND-'C1'

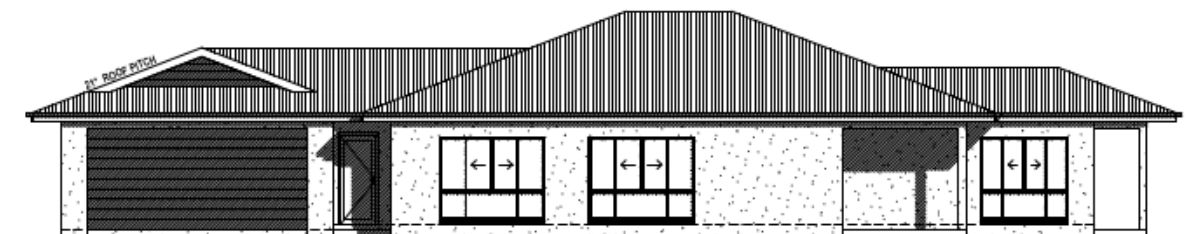
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

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

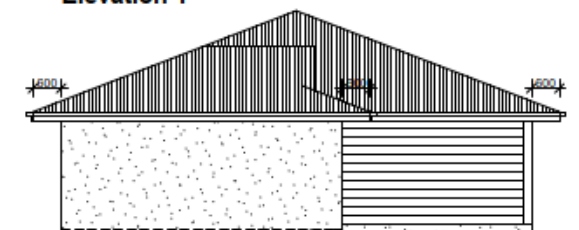
Design: Custom Design
Facade: Resort Gable
Inclusions: PREMIUM

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

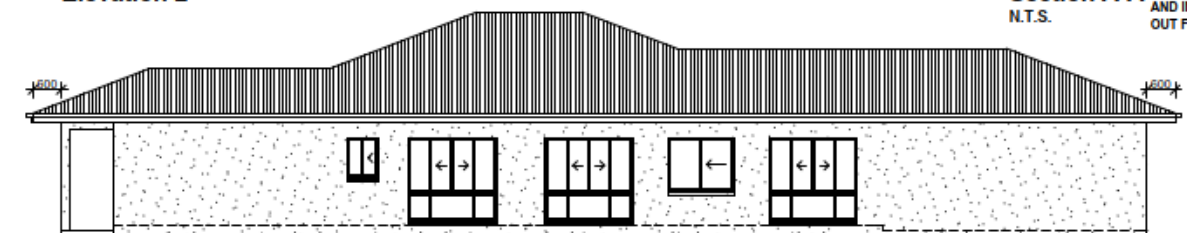
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Job Number: 448TL
Sheet Number: 5 of 22



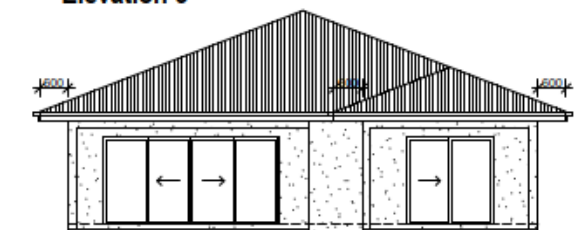
Elevation 1



Elevation 2

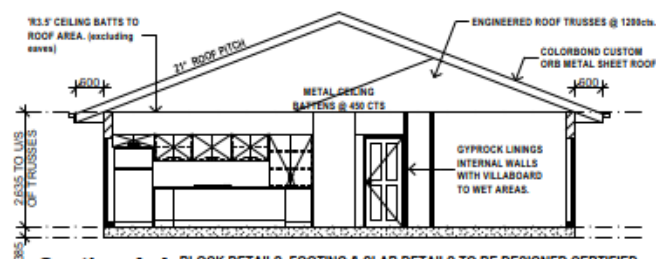


Elevation 3



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: 73614910066
QBCC: 15031495
Address: P.O. BOX 863,
PT. DOUGLAS Qls. 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

Concurrence Agency Conditions

RE6-N



SARA reference: 2311-37778 SPD
Council reference: MCUC 2022_4949/1
Applicant reference: PR151977

9 February 2024

La Vie Q Pty Ltd
C/- RPS AAP Consulting Pty Ltd
PO BOX 1949
CAIRNS QLD 4870
Patrick.clifton@rpsgroup.com.au

Attention: Patrick Clifton

Dear Sir / Madam

SARA change application decision – 2 – 4 St Crispins Avenue, Port Douglas

(Given under section 83 of the *Planning Act 2016*)

I refer to your application made on 29 January 2024 to the State Assessment and Referral Agency (SARA) requesting a change to an existing referral agency response issued on 13 September 2022 for the following:

- Development application for a Material Change of Use for Multiple Dwelling

SARA has assessed your application to make a change to the existing referral agency response.

Decision for change application

Date of decision:	9 February 2024
SARA reference:	2311-37778 SPD
Decision details:	Make the change and amend existing condition
Changes agreed to:	1. Amend condition 1
Reasons:	The reasons for the responsible entity decision are in Attachment 1

The following copy of the referral agency response including the above changes replaces the previous referral agency response issued for the original development application. SARA reference: 2208-30377 SRA.

Changed response

Outcome:	Referral agency response – with conditions
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Page 1 of 8

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

Date of original response:	13 September 2022
Original reference:	2208-30377 SRA
Conditions:	The conditions in Attachment 2 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 3

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
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 AAP Consulting Pty Ltd PO Box 1949 Cairns QLD 4870 Patrick.clifton@rpsgroup.com.au

Additional details

Native title considerations:	Native title has been extinguished over the proposed dealing area as the whole area is covered by a Previous Exclusive Possession Act (PEPA) in accordance with section 23B(2)(c)(ii) of the Native Title Act 1993.
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Dispute resolution

Appeal:	The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a change application are set out in Chapter 6, Part 1 of the <i>Planning Act 2016</i> . Copies of the relevant provisions are in Attachment 4 .
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For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

enc Attachment 1 – Reasons for responsible entity decision
 Attachment 2 – Changed referral agency conditions
 Attachment 3 – Changed advice to the applicant
 Attachment 4 – Appeal provisions
 Attachment 5 – Documents referenced in conditions

cc Douglas Shire Council, enquiries@douglas.qld.gov.au

Attachment 1—Reasons for responsible entity decision

(Given under section 83(9) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The change application is minor and, with conditions, continues to comply with the relevant provisions of State code 1: Development in a state-controlled road environment of SDAP, version 3.0, in that:

- 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.
- The revised development plans will reduce transport corridor noise impacts upon private and outdoor areas for each unit.

Material used in the assessment of the change application:

- The change 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 2—Changed referral agency conditions

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

No.	Conditions	Condition timing
Material Change of Use		
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 Planning Act 2016 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:		
4.	<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"> • $\leq 57\text{dB(A)}$ L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight $\leq 45\text{dB(A)}$); or • $\leq 60\text{dB(A)}$ L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight $> 45\text{dB(A)}$). <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"> • 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 • Technical Specification MRTS15 Noise Fences, Transport and Main Roads, 2019 <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>	<p>Prior to the commencement of use and to be maintained at all times.</p>
1.	<p><u>Access to the development is to be setback in accordance with the Setout Plan, prepared by NQ Homes Pty Ltd, dated 30/06/2022, Reference 448TL (sheet 20 of 22), Issue 1, 2, 3, as amended in red by SARA.</u></p> <p><u>No private open space areas including pools are to extend beyond those identified on Setout Plan, prepared by NQ Homes Pty Ltd, dated 30/06/2022, Reference 448TL (sheet 20 of 22), Issue 1, 2, 3, as amended in red by SARA.</u></p>	<p><u>Prior to the commencement of use and to be maintained at all times.</u></p>

Attachment 3—Changed 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) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p><u>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</u></p> <p><u>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdp.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</u></p>

Attachment 4—Appeal provisions

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

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 minor change application was properly lodged to the Douglas Shire Council 15 November 2023 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Medium Density Residential Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

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.

29 February 2024

Enquiries: Daniel Lamond
Our Ref: MCUC 2022_4949 (1209646)
Your Ref: PR151977

La Vie Q Pty Ltd (Tte)
C/- RPS AAP Consulting Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application for Minor Change Application (Dwelling Units)
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: MCUC2022_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

		2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
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. & NAME</small>		Lot 25 on RP747342 <small>LOT & 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		
Total Demand				\$73,661.43		
<u>Credit</u> Existing land use 3 or more bedroom dwelling	\$_per_3_or_more_bed room_dwelling	24,553.81	1	\$24,553.81		
Total Credit				\$24,553.81		
Required Payment or Credit		TOTAL		\$49,107.62		

Prepared by: J Elphinstone

Checked by: D Lamond

Date Payable: MCU - prior to the commencement of use

Amendments:

4-Oct-22 Amount Paid

5-Oct-22 Date Paid

Receipt No.

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.

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 - (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.

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- (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.

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- (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.