

24 February 2025

Enquiries: Neil Beck
Our Ref: CA 2023_5316/2 (1281728)
Your Ref:

Port Douglas by Gurner Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Evan

**Decision Notice for Change Application - Material Change of Use - 3 x Dwelling
Houses & Reconfiguring a Lot (2 Lots into 3 Lots & Access Easement) -
69 – 73 Murphy Street PORT DOUGLAS**

Please find attached the Decision Notice for the request to change the above-mentioned development approval.

Please quote Council's application number: CA 2023_5316/2 in all subsequent correspondence relating to this development approval.

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

Yours faithfully



Neil Beck
Acting Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Port Douglas by Gurner Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 69 - 73 Murphy Street PORT DOUGLAS
Real Property Description: LOT: 516 PTD PLN: 2094, LOT: 2 RP: 724386
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Combined Application for Material Change of Use - 3 x dwelling houses & Reconfiguring a Lot (2 Lots into 3 Lots & Access Easement)

Decision

Date of Decision: 24 February 2025
Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
Architectural Plans		
COVER SHEET	DA-01 Rev 02	24 April 2024

Drawing or Document	Reference	Date
SITE PLAN	DA-02 Rev 02	24 April 2024
GROUND FLOOR LEVEL	DA-03 Rev 02	24 April 2024
FIRST FLOOR LEVEL	DA-04 Rev 02	24 April 2024
SECOND FLOOR LEVEL	DA-05 Rev 02	24 April 2024
THIRD FLOOR LEVEL	DA-06 Rev 02	24 April 2024
ROOF LEVEL	DA-07 Rev 02	24 April 2024
SECTION 01	DA-08 Rev 02	24 April 2024
SECTION 02	DA-09 Rev 02	24 April 2024
SECTION 03	DA-10 Rev 02	24 April 2024
SECTION 04	DA-11 Rev 02	24 April 2024
SECTION 05	DA-12 Rev 02	24 April 2024
SECTION 06	DA-13 Rev 02	24 April 2024
SECTION L1	DA-14 Rev 02	24 April 2024
AREAS ANALYSIS	DA-15 Rev 02	24 April 2024
FINISHES VISUALISATION	DA-16 <u>DD Rev 02</u>	24 April 2024
RENDERS <u>FINISHES VISUALISATION</u>	DA-17 DD Rev 02	24 April 2024 Undated

Drawing or Document	Reference	Date
PARK PERSPECTIVE	DA-18 Rev 02	24 April 2024
STREET PERSPECTIVE	DA-19 Rev 02	24 April 2024
Minor Change – 24 February 2025		
<u>COVER SHEET</u>	<u>DA-01 Rev 03</u>	<u>9 December 2024</u>
<u>SITE PLAN</u>	<u>DA-02 Rev 02</u>	<u>24 April 2024</u>
<u>LOWER GROUND LEVEL</u>	<u>DA-03- REV 02</u>	<u>24 April 2024</u>
<u>GROUND FLOOR LEVEL</u>	<u>DA-04 Rev 03</u>	<u>9 December 2024</u>
<u>FIRST FLOOR LEVEL</u>	<u>DA-05 Rev 03</u>	<u>9 December 2024</u>
<u>SECOND FLOOR LEVEL</u>	<u>DA-06 Rev 02</u>	<u>24 April 2024</u>
<u>THIRD FLOOR LEVEL</u>	<u>DA-07 Rev 02</u>	<u>24 April 2024</u>
<u>ROOF LEVEL</u>	<u>DA-08 Rev 02</u>	<u>24 April 2024</u>
<u>ELEVATIONS</u>	<u>DA-09 Rev 03</u>	<u>9 December 2024</u>
<u>ELEVATIONS</u>	<u>DA-10 Rev 02</u>	<u>24 April 2024</u>
<u>ELEVATIONS</u>	<u>DA-11 Rev 03</u>	<u>9 December 2024</u>
<u>SECTION 03</u>	<u>DA-12 Rev 02</u>	<u>24 April 2024</u>
<u>SECTION 05</u>	<u>DA-13 Rev 03</u>	<u>9 December 2024</u>

Drawing or Document	Reference	Date
<u>SECTION 06</u>	<u>DA-14 Rev 02</u>	<u>24 April 2024</u>
<u>AREAS ANALYSIS</u>	<u>DA-15 Rev 03</u>	<u>9 December 2024</u>
<u>FINISHES VISUALISATION</u>	<u>DA-16 Rev 03</u>	<u>9 December 2024</u>
<u>FINISHES VISUALISATION</u>	<u>DA-17 Rev 01</u>	<u>9 December 2024</u>

- Condition 3 is amended as follows:

Staging of Development

- The proposed staging of the development as detailed in the development application is not approved. All development to take place on the site must be undertaken at or around the same time. All construction and landscaping works associated with the development of ~~all~~ each of the dwellings must be completed prior to the Commencement of Use.

~~The reconfiguration of the land is to take place following the practical completion of all dwellings and external works.~~

The reconfiguration of the land cannot take place until such time as:

- The construction of the first floor of each of the rear two dwellings;
- The construction of the lower garage and all footings for the third dwelling;
- Where service easements are required i.e. drainage and sewer, the associated infrastructure is to be installed and contained within the easement; and
- The construction and completion of all external works. The external works maybe bonded to allow for the registration of the Plan of Survey.

- All other conditions and advice statements of the Decision Notice dated 1 June 2023 remain unchanged.

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 Operational Work

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

Concurrence Agency Response

Not Applicable

Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions are attached.



LEVEL -01
SCALE:1:150

IMPORTANT NOTES

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DEVELOPMENT APPLICATION

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Architecture Master Planning Interiors

201 MURPHY STREET, PORT DOUGLAS
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www.hunt-design.com.au
ABN: 9014257527

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PROJECT	GURNER01 - RESIDENCE 01 60-70 MURPHY STREET PORT DOUGLAS Lot 2 on RP7241086	SCALE	1:150	DRAWN	JR: KS	CHECKED	G.H.
SHEET NO.	A1	DRAWING TITLE	DEVELOPMENT APPLICATION	DATE	24/4/2024		
PROJECT NO.	GUR_PD1	PROJECT NAME	LOWER GROUND LEVEL				
DESIGNER	PD1	DESIGNER	HDA	00	DR	A	DA-05
REVISION	DD	REVISION	DD	02			

GA LEVEL 01
SCALE: 1:50

IMPORTANT NOTES

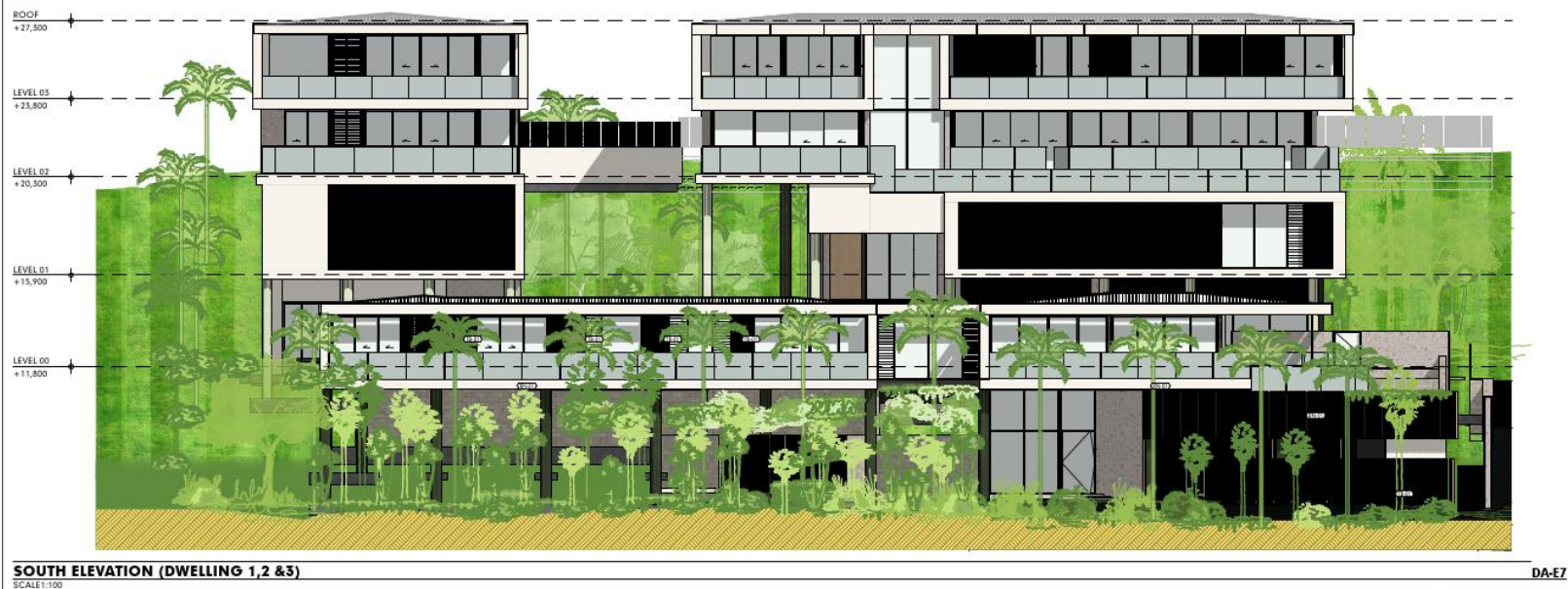
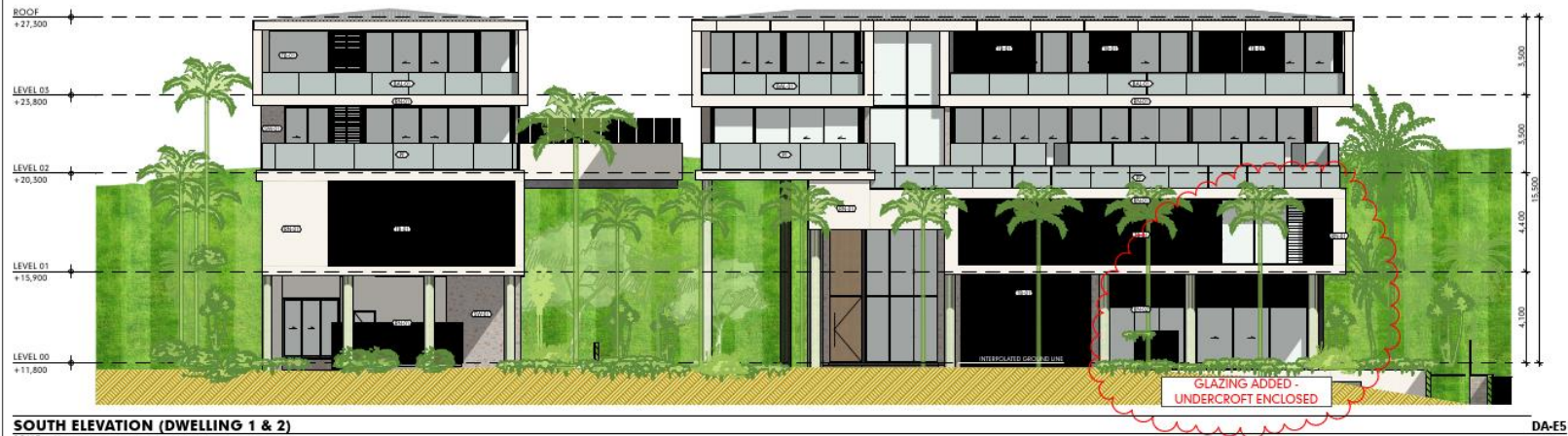
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DEVELOPMENT APPLICATION

NO.	DATE	CHANGE DESCRIPTION	DATE
01	01/01/2024	ISSUED	01/01/2024
02	01/01/2024	ISSUED	01/01/2024
03	01/01/2024	ISSUED	01/01/2024
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07	01/01/2024	ISSUED	01/01/2024
08	01/01/2024	ISSUED	01/01/2024
09	01/01/2024	ISSUED	01/01/2024
10	01/01/2024	ISSUED	01/01/2024

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ABN 905 425 7527
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PROJECT GURNER01 - RESIDENCE 01 40-75 MCDONALD STREET PORT DOUGLAS Lot 2 on RP7241086	SCALE 1:150	DRAWN JR: KS	CHECKED G.H.
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	
DATE 01/01/2024	SHEET NO. A1	PROJECT STATUS DEVELOPMENT APPLICATION	



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DEVELOPMENT APPLICATION

NO.	DATE	CHANGE DESCRIPTION	DATE
01	01/12/2024	ISSUED FOR PERMIT	01/12/2024
02	01/12/2024	ISSUED FOR PERMIT	01/12/2024
03	01/12/2024	ISSUED FOR PERMIT	01/12/2024
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09	01/12/2024	ISSUED FOR PERMIT	01/12/2024
10	01/12/2024	ISSUED FOR PERMIT	01/12/2024

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WWW.HUNTDESIGN.COM.AU
ABN 900 425 7527

PROJECT	GURNER01 - RESIDENCE 01 40-78 HARBURY STREET PORT DOUGLAS Lot 2 on RP724386	SCALE	1:100	DRAWN	JR: KS	CHECKED	G.H.
CLIENT	Gurner TM Nominees Pty Ltd	SHEET NO.	A1	DRAWING STATUS	DEVELOPMENT APPLICATION	DATE	9/12/2024
DATE	SET Dec 2024	ELEVATIONS	GUR_PD1	DATE	9/12/2024		
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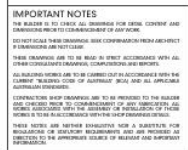
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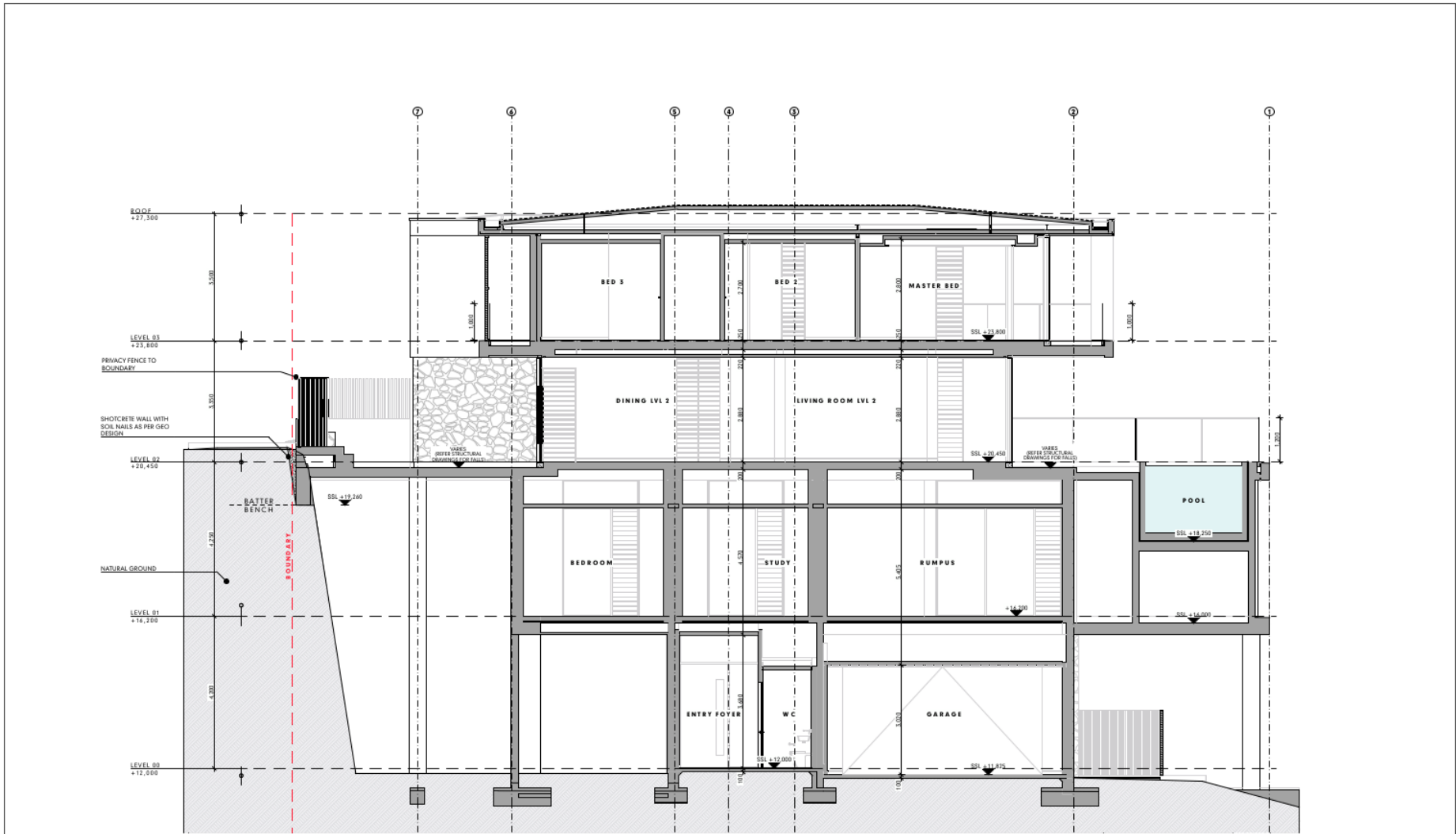
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SECTION 5
SCALE: 1/50

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IMPORTANT NOTES

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DEVELOPMENT APPLICATION

NO.	DATE	CHANGE DESCRIPTION	DATE
01	01/01/2024	ISSUED FOR PERMIT	01/01/2024
02	01/01/2024	ISSUED FOR PERMIT	01/01/2024
03	01/01/2024	ISSUED FOR PERMIT	01/01/2024
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10	01/01/2024	ISSUED FOR PERMIT	01/01/2024

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PROJECT	GURNER01 - RESIDENCE 01 48-52 MALBURN STREET FORT DOUGLAS Lot 2 on RP724186	SCALE	1:50	DRAWN	JR: KS	CHECKED	G.H.
DATE	01/01/2024	SHEET NO.	A1	DRAWING STATUS	DEVELOPMENT APPLICATION	DATE	01/01/2024
CLIENT	Gurner TM Nominees Pty Ltd	SECTION	SECTION 05	DATE	01/01/2024	DATE	01/01/2024
DESIGN	HUNT DESIGN	DATE	01/01/2024	DATE	01/01/2024	DATE	01/01/2024
REVISION	01	REVISION	01	REVISION	01	REVISION	01
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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.