

**OUR REF:** J000518:MM:PC

**DATE:** 22 November 2017

Chief Executive Officer  
Douglas Shire Council  
PO Box 723 Mossman  
QLD 4873

Attn: Daniel Lamond – Daniel.lamond@douglas.qld.gov.au

Dear Daniel

**RE: MCU 2355/2017, DEVELOPMENT APPLICATION, MATERIAL CHANGE OF USE – BED AND BREAKFAST & BUILDING WORK, 94 NICOLE DRIVE, CAPE TRIBULATION**

Reference is made to your letter, 20 November 2017, requesting further information in relation to the abovementioned application. For the purpose of simplicity these are addressed separately below:

Consent of landowner

The requirement for landowners consent is addressed in section 51(3) of the *Planning Act 2016*, which requires the express consent of the landowner when the landowner is not the applicant. In this instance the applicant is the landowner of all the land the subject of the application with Gilvear Planning acting as agent. On that basis landowners' consent is not required for the application to be properly made.

In respect of the access, whilst there is an informal agreement with the adjoining landowner for access across their land, the access for the purpose of the application is wholly contained within the subject site. The application site plan has been amended to identify the lawful point of access and an amended site plan is attached for your reference.

Practical Access

Access to the site is via an existing driveway from the frontage of the site to Nicole Drive. This has recently been improved by the provision of a new gravel surface. The location of the formal access is shown on the attached site plan.

### Three Car Parking Spaces

Access to the premises is through an existing carport on the site, which has three car parking spaces identified behind the carport for use by visitors, and the resident car parking spaces are in front of the dwelling. The proposed car parking spaces are identified on the attached amended site plan for your reference.

### Bungalow Balconies

The site plan has been amended to include the proposed balconies. You will note that the balconies project inwards and that the balcony for proposed bungalow three is at the end of the bungalow rather than the side. The balconies would not project into the 10 metre setback area.

### On-site Effluent

The effluent disposal report identifies the proposed land application area approximately 25 metres from the rear of the existing house. The site plan identifies the bungalows as being separated from the dwelling house by 5 metres and, including the balconies, are 7.6 metres wide. The edge of the bungalows would be approximately 12.6 metres from the rear of the house whilst the land application area would be approximately 25 metres from the rear of the dwelling house. The proposed bungalows would not conflict with the proposed land application area.

I trust that this adequately addresses the matters contained in your correspondence, should you have any further queries please do not hesitate to contact me on 0488 001 581

Kind regards,

**Patrick Clifton**  
CONSULTANT