

7 March 2025

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2025_5729/1 (Doc ID 1283558)
Your Ref:

Angel Developments FNQ Pty Ltd (Tte)
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Email: evan@planningplusqld.com.au

Attention Mr Evan Yelavich

Dear Sir

**Development Application for Material Change of Use for a Bar
At Unit 26, 22 Grant Street, Port Douglas on Lot 26 on SP173578 and
Action Notice (in accordance with Section 3.1 of the Development Assessment Rules)**

Reference is made to the development application lodged with Council on 28 February 2025.

The following information is provided as an explanation as to the reasons for Council's issue of the Action Notice.

Background to Existing Land Use - Town Planning Consent TPC 867

The Town Planning Consent (TPC 867) approval established Motel units, a caretaker's accommodation and the shops and restaurant fronting Grant Street.

Conditions 8, 9 and 10 of the approval reflected the parking demand, onsite parking provision and the required off-site parking contribution. A copy of the approval is enclosed for your reference.

The existing approval that established the original development required the provision of both onsite car parking and off-site car parking contributions.

Under the Town Planning Consent TPC 867 the uncovered car parking spaces at the rear of the Shops / restaurant units fronting Grant Street are to be available for these premises.

Council believes the uncovered car spaces in the Common Property land under SP154579 are available to the Unit 26 of Survey Plan SP173578.

The application should include Lot 0 on Survey Plan SP154579.

Parking Demand

The 2018 Planning Scheme section 9.4.1 Access, parking and servicing code, requires under AO1.1 onsite parking to be provided as per the Table 9.4.1.3.b – Access, parking and servicing requirements. While the Table does not include a specific demand for a Bar land use, the Tables states, *"Any use not otherwise specified in this table. Sufficient spaces to accommodate number of vehicles likely to be parked at any one time."* For bicycle parking the tables states, *"Sufficient spaces to accommodate number of vehicles likely to be parked at any one time."*

Council Officers are prepared to consider the alternative demand for a Hotel, which would require the following rates.

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Hotel	1 space per 10m ² GFA and	1 space per	n/a	LRV
	licensed outdoor area; plus For 1 space per 50m ² GFA of floor area of liquor barn or bulk liquor sales area; plus, if a drive in bottle shop is provided, queuing lane/s on site for 12 vehicles. Note - Use standard for any Short Term Accommodation for hotel accommodation use.	100m ² of GFA.		

Council Officers have calculated the premises at Unit 26 to have a current floor area of 187.65m² and the proposed Gross Floor Area for the new development, excluding the toilet / amenity area to be 161.54m².

Council Officers calculates the existing floor area generated a car parking demand of 1 space per 20m² under the 1981 Scheme, for 187.65m², equated to a demand of 9.38 carparking spaces. The proposed floor area of 161.54m² under the current scheme applying a demand of 1 space per 10m² is calculated to require the provision of 16.15 spaces.

As the proposed development increases the car parking demand the Body Corporate Consent is required for the current application.

The proposed floor area of 161.54m² requires the provision of two (2) bicycle spaces.

Where bicycle parking is to be provided this provision needs to be detailed on the plans and the appropriate landowner consent provided.

References to Car Park

The submission lodged by Planning Plus included a planning report with various annexures. The planning comments states, *"although no carparking is allocated to the premises as it understood to have been subject to a past monetary contribution."* Annexure 7 Proposal Plans that detail only the internal layout of Unit 26. Annexure 8, the Community Management Statement and a Risk Assessment Management Plan make reference to a parking lot. Section 7 Impact on Community Amenity states, *"if the venue has its own parking lot, parking spaces will be designated for venue patrons."*

Clarification is required regarding the car parking area on the land in reference to the planning Report and the annexures contained therein.

Further Advice

1. Where bicycle parking is to be provided this provision needs to be detailed on the plans and the appropriate landowner consent provided.
2. There are contradictions between the Planning Report and the included annexures regarding the provision of onsite parking and the correct nature of the application detail and land over which the application has been made cannot be identified. The application needs to be amended to remove these contradictions and Form 1 amended as necessary.

ACTION NOTICE
(in accordance with Section 3.1 of the Development Assessment Rules)

The application is not a properly made application in accordance with Section 51(5) of the *Planning Act 2016*.

Applicant Details

Name: Angel Developments FNQ Pty Ltd (Tte)
Postal Address: C/- Planning Plus (Evan Yelavich)
PO Box 399
Redlynch Qld 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: Unit 26, 22 Warner Street, Port Douglas.
Real Property Description: Lot 26 on SP173578.
Local Government Area: Douglas Shire Council.

Application Details

Application Number: MCUI 2025_5729/1
Nature of Development Proposed: Development Permit for a Material Change of Use for a Bar.
Description of the Development Proposed: Development Permit for a Material Change of Use for a Bar.

Reasons why the application is not properly made

The following is a statement of reasons why the application is not a properly made application:

3. The premises has an entitlement and provision for car parking on Lot 0 on Survey Plan SP154579 and the Form 1 should include this land.
4. As the application involves and intensified demand for parking to the premises, the Body Corporate Consent for Lot 0 on SP154579 should accompany the application.

Actions to be undertaken

The following actions must be undertaken in order to make the application a properly made application:

1. Form 1 to include Lot 0 on Survey Plan SP154579.
2. Written consent of the owner of Lot 0 on SP154579, that is the Body Corporate Consent, is required.

Due Date

Please note that in accordance with section 3.7 of the *Development Assessment Rules*, the application will be taken to have been not made if the above actions are not complied within 20 business days of this action notice unless otherwise agreed.

If the requirements within this notice are not undertaken within this period, Council will return the application and refund any paid application fee as soon as practicable.

The assessment period for the application will not commence until the application is taken to be properly made.

Other

Please quote Council's application number: MCUI 2025_5729/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully

A handwritten signature in black ink, appearing to be 'Neil Beck', written over a horizontal line.

Neil Beck
A/Manager Environment & Planning



ENQUIRIES: Ms Nicole Huddy
Town Planning
DEPARTMENT:
97/...

123100 NAH.kmr
OUR REF:
YOUR REF:

The Manager
Lawnfox Pty Ltd
C/- Total Project Group Pty Ltd
PO Box 560M
MANUNDA QLD 4870

TOWN PLANNING CONSENT PERMIT

Application Number: 867
Permit Number: TPC 867
Date of Issue: 2nd April 1997

Real Property Description : Lot 2 RP 718896,
Parish of Salisbury, County of Solander.

Postal Address of Land : Corner 9 Grant Street and 22 Warner Street,
Port Douglas Qld 4871

Nature of Existing Use : Vacant Land.

Council Meeting : 20th February 1997

Nature of Approved Use : Twenty-two (22) Motel Units, Caretaker's Residence and
Ancillary Uses.

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ADMINISTRATION CENTRE
(ALL DEPARTMENTS)
64-66 FRONT STREET, MOSSMAN PHONE 070 98 2599 FACSIMILE 98 2902
LIBRARY
14 MILL STREET, MOSSMAN PHONE 070 98 2594 FACSIMILE 98 3298

ALL COMMUNICATIONS TO BE
ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN QLD. 4873

Conditions of Approval:

1. Any erection and use and occupation of the premises shall at all times comply with the conditions laid down and provided for in the Town Planning Scheme from time to time.
2. The provisions of the Local Government (Planning and Environment) Act, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981 and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
3. Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Shire of Douglas Planning Scheme where applicable and generally in accordance with the approved Amended Plan shall be required prior to the commencement of the use.
4. The issue of this Consent in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
5. The provisions of the Town Planning Consent are to be effected prior to the commencement of the specific use as granted by Council.
6. The approval shall lapse four (4) years from the date of issue of the Consent Permit unless the use is substantially commenced and all conditions complied with.
7. The design of the proposed development shall be modified to comply with the density requirements of the previous Planning Scheme. The maximum number of motel units to be incorporated in the development shall be limited to twenty-two (22) units.

Carparking and Access Requirements

8. Vehicle carparking shall be in accordance with Council's Planning Scheme for each respective use. All carparking, driveway and vehicular manoeuvring areas shall be paved, drained, sealed, linemarked and maintained to the requirements and satisfaction of the Manager Planning Services prior to commencement of the use.
9. Provision shall be made on the site for carparking spaces and access thereto at the rate current at the time the Building Application is submitted as well as for the loading/unloading of vehicles. Such carparking, access and loading/unloading areas shall be constructed in accordance with the requirements of the Douglas Shire Town Planning Scheme and Bylaws and the approved plans and to the reasonable satisfaction of the Manager Planning Services. On the present method of calculation thirty-one (31) spaces would be required.
10. The applicant shall contribute for the shortfall of on site carparking spaces. On the present method of calculation the shortfall is twenty-five (25) spaces.
11. The applicant shall provide a sign to the satisfaction of the Manager Planning Services, advising the location of the off-street carparking area and access thereto and details of the signage and the proposed location of the sign, shall be submitted at the time of lodgement of a Building Application.

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12. The applicant shall provide bollard lighting at the property boundary to indicate access to the carparking area to the satisfaction of the Manager Planning Services at the time of lodgement of a Building Application.

13. a) The applicant shall submit a report prepared by a qualified engineer on the basement carparking. The report shall be submitted at the time of lodgement of a Building Application and shall be approved by the Manager Planning Services prior to the issue of a Building Permit. The report shall address the following matters:-

- Construction techniques.
- Dewatering and pumping equipment to be installed.
- Details of the satisfactory disposal of water.
- That the basement is impervious to water.
- Any effects the basement may have on adjoining properties.
- The method of ventilation.

b) The ingress and egress of the basement carpark shall be designed to prevent flood waters entering the carpark.

c) The access to the basement carpark shall have a minimum vertical clearance of two point two (2.2) metres and be designed in accordance with the Australian Standard.

14. The vehicular driveway serving the carparking area shall feature a physical means of speed control at the exit point near the front alignment. Details of the speed control device shall be submitted at the time of lodgement of a Building Application and shall be to the satisfaction of the Manager Planning Services.

Landscaping and Screening Requirements

15. The applicant shall landscape the site and street frontage. The applicant shall implement landscaping in accordance with an approved landscape plan to the requirements and satisfaction of the Manager Planning Services. Existing natural vegetation shall be retained and only removed with the Manager Planning Services written approval.

16. A landscaping plan, conforming with all the relevant provisions of the approved plan/s of layout, shall be submitted at the time of lodgement of a Building Application and shall be approved by the Manager Planning Services prior to the issue of a Building Permit. In particular the plan shall show:-

a) the landscaping of the recreation and swimming pool area.

17. Areas to be landscaped shall be established and maintained at all times to the satisfaction of the Manager Planning Services.

18. The applicant shall provide a one point eight (1.8) metre high screen fence to the side and rear boundaries to the satisfaction of the Manager of Planning Services and details of the screen fence shall be submitted at the time of lodgement of a Building Application.

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19. The storage of any machinery, material and vehicles shall be appropriately screened so as not to be directly visible from any road to which the site has frontage, to the satisfaction of the Manager Planning Services.

Health Requirements

20. All refuse bin enclosures shall be suitably located outside of a three (3) metre wide landscape strip to the road frontage and sited on the property to the requirements and satisfaction of the Manager Environmental Services.

21.a) No noise from either airconditioning units, swimming pool filters, service equipment or other mechanical equipment shall occur that would create a nuisance to adjoining residences and the noise levels shall be to the requirements and satisfaction of the Manager Environmental Services.

b) The motel units and caretaker's residence shall be sound insulated to protect the residential amenity of guests from adjacent commercial use.

22. The applicant shall ensure that all areas where fuels, oils and automotive products are used or may accumulate shall be drained to a gross pollutant trap to prevent material/pollutants entering the stormwater drainage system, to the requirement and satisfaction of Manager Building Services.

23. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times and to the requirements and satisfaction of the Manager Planning Services.

24. Staff facilities shall be provided in accordance with the Workplace Health and Safety Act and Code of Practice to the satisfaction of the Manager Environmental Services.

25.a) All toilets in the development shall be fitted with dual flush cisterns to the satisfaction of the Manager Planning Services.

b) Water flow regulators shall be fitted to all shower recesses, bathrooms and kitchen facilities where applicable and shall be submitted at the time of lodgement of a building application to the satisfaction of the Manager Planning Services.

26. The location of the refuse storage area shall be approved by the Manager Environmental Services, having regard to neighbouring residential properties. Refuse storage, removal and collection methods shall be in accordance with the "Refuse Management Regulations 1983", and to the satisfaction of Council's Manager Environmental Services. The refuse storage area shall feature a hose cock and shall be drained to Council's sewer. The refuse storage area shall provide for the separation of various components of refuse as required by the Manager Environmental Services.

27. All construction work, maintenance, repair, demolition and other activities on site, shall be confined to the following hours:

7.00 am to 6.00 pm Monday to Saturday inclusive

9.00 am to 6.00 pm Sundays and Public Holidays

Any work outside these hours is subject to approval by the Manager Building Services and applications must be received in writing by the Chief Executive Officer at least five working days prior to the date/s for which approval is sought.

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General Works and Contributions

28. The applicant is to ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding or downstream properties from the development and to the requirements and satisfaction of the Director Engineering Services.

29. The applicant is to be responsible for sewerage works external to the development to connect the site to Council's existing sewerage headworks at a point determined by the Director Engineering Services. Such point is to be where the Director Engineering is satisfied that there is sufficient capacity to service the subject land.

30. The applicant is to be responsible for water supply works external to the development to connect the site to Council's existing water supply headworks at a point determined by the Director Engineering Services such that all works are to the requirements and satisfaction of the Director Engineering Services. Such point is to be where the Director Engineering Services is satisfied that there is sufficient capacity to service the subject land.

31. The applicant shall construct the following external works to the site frontage to the satisfaction of the Director Engineering Services:-

- a) Bitumen road shoulder sealing to the site frontage of Warner Street and Grant Street and the protection of any existing street trees by the provision of island planter surrounds;
- b) Linemarking of three (3) carspaces to Warner Street frontage;
- c) Kerb and channel to both street frontages;
- d) Verge planter to the corner of Warner Street and Grant Street;
- e) Industrial crossover and apron to Warner Street access.

A copy of a plan shall be submitted at the time of lodgment of a Building Application and shall be approved by the Director Engineering Services prior to the issue of a Building Approval. Such works shall be constructed in accordance with the Council's current specifications.

32. The applicant shall undertake protection or alterations to the sewer to the satisfaction of the Director Engineering Services as may be necessary.

33. The applicant shall contribute towards the augmentation of water supply and sewerage services. The amount of contribution shall be determined by the Manager Planning Services prior to the issue of the Building Permit. On the present method of calculation, the augmentation costs shall be \$45,340-05 for water supply and \$46,749-15 for sewerage.

34. The applicant shall contribute towards the augmentation of stormwater drainage and services. The amount of the contribution shall be determined by the Director Engineering Services prior to the issue of the Building Permit.

35. A stormwater drainage plan, prepared by a suitable consultant, shall be submitted at the time of lodgment of a Building Application and shall be approved by the Director Engineering Services prior to the issue of a Building Permit. In particular, the plan shall detail all site drainage works, site levels and levels on adjoining properties, any proposed filling and works required to minimise the impact of the development of the drainage of adjoining properties.

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36. Details of construction techniques shall be certified by a Supervising Engineer and shall be submitted at the time of lodgement of a Building Application for consideration of the Director Engineering Services to ensure that adjacent areas will not be unduly disturbed during construction.

Signs

37. Signs on the land shall conform with Council's Local Laws - Signs and Advertisements to the satisfaction of the Manager Planning Services.

38. Details of any signage proposed in association with the development shall be submitted for approval of the Manager Planning Services prior to the issue of a Certificate of Classification for the proposed development.

Miscellaneous


39. All external lighting installed upon the premises including carparking areas shall be certified by the Far North Queensland Electricity Board or such other suitably qualified person such that it shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5 metres outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level to the requirements and satisfaction of the Manager Planning Services.

40. The height of any building in the development shall be in accordance with Council's Planning Scheme provisions.

41. All structures not associated with the approved development shall be demolished and/or removed from the site prior to the commencement of the use.

Security

42. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000-00, such Guarantee to be in a format considered satisfactory by the Manager Planning Services. The Bond or Guarantee shall be lodged prior to the issue of any Building Permit on the land in relation to this Consent Permit and the Council may call up the Guarantee to complete all or any part of the works mentioned herein to its satisfaction, should the applicant fail to do so.

 M G Kelleher
A/Chief Executive Officer