

5 June 2026

Enquiries: Rebecca Taranto
Our Ref: MCUC 2017_2095/3 (Doc ID:1369140)
Your Ref: VGF-C1039

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

Hilrok Hotel Group Pty Ltd
C/- Hardy Town Planning Consulting
PO Box 1256
Cairns QLD 4870

Dear Sir/Madam

**Amended Decision Notice for Minor Change to Material Change of Use for the
Refurbishment of Tavern and Ancillary and Associated Facilities.
At 7-9 Macrossan Street Port Douglas
On Land Described as Lot 10 on SP262348**

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

Please quote Council's application number: MCUC 2017_2095/3 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)



Amended Decision Notice

Approval (with conditions)

Given under s 83 of the Planning Act 2016

Applicant Details

Name: Hilrok Hotel Group Pty Ltd
Postal Address: C/- Hardy Town Planning Consulting
PO Box 1256
Cairns QLD 4870
Email: admin@hilrokhotelgroup.com.au

Property Details

Street Address: 7-9 Macrossan Street Port Douglas
Real Property Description: Lot 10 on SP262348
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for a Minor Change to the Development Permit for a Material Change of Use for the Refurbishment of Tavern and Ancillary and Associated Facilities.

Decision

Date of Decision: 5 June 2026
Decision Details: Approved whereby:

1. The table to the Approved Drawing(s) and/or Document(s) is amended as follows.

Drawing or Document	Reference	Date
Site Plan	Hunt Design Drawing A.00.2.2 Rev A	17/5/2019
Ground Floor Plan	Hunt Design Drawing A.00.4.1 Rev A	17/5/2019
First Floor Plan	Hunt Design Drawing A.00.4.2 Rev A	17/5/2019
Roof Plan	Hunt Design Drawing A.00.4.3 Rev A	17/5/2019
Elevations	Hunt Design Drawing A.00.4.4 Rev A	17/5/2019
Elevations	Hunt Design	17/5/2019

	Drawing A.00.4.5 Rev A	
Area Calculations	Hunt Design Drawing A.00.5.1 Rev A	17/5/2019
Perspectives	Hunt Design Drawing A.00.6.1 Rev A	17/5/2019
Perspectives	Hunt Design Drawing A.00.6.2 Rev A	17/5/2019
Appendix G (Sheet 1 of 2) Proposed Plan Ground Floor	Paul Kelly Design Project No. 787 Drawing No. A.00.1.02 Revision P4	22 August 2025
Appendix G (Sheet 2 of 2) Existing Conditions First Floor Plan	Hunt Design and Hecker Guthrie Project PET006 Drawing No. A.00.3.2	22 August 2025
Sheet 1 Existing Ground Floor Plan (2025)	Paul Kelly Design Project No. 787 Drawing No. A.00.1.01 Revision P2	22 August 2025
Sheet 2 Approved Ground Floor Plan (2019)	Hunt Design Project No. PET006 Drawing No. A.00.4.1 Rev. A	17 May 2019
Sheet 3 Proposed Ground Floor Plan (2025)	Paul Kelly Design Project No. 787 Drawing No. A .00.1.02 Rev. P4	22 August 2025
Sheet 4 Approved First Floor Plan (2019)	Hunt Design Project No. PET006 Drawing No. A.00.4.2 Rev. A	17 May 2019
Sheet 5 Proposed First Floor Plan (2025)	Hunt Design and Hecker Guthrie Project No. PET006 Drawing No. A.00.3.2	9 December 2016

Assessment Manager Conditions and Advice

All conditions of Decision Notice(s) dated 24 August 2017 and 23 July 2019, remain unchanged.

Original Approval

Development Permit (Decision Notice(s) approved 24 August 2017 and 23 July 2019) copies enclosed.

Further Development Permits

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

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse after the **24 February 2028** in accordance with the provisions of Section 85 of the *Planning Act 2016*.

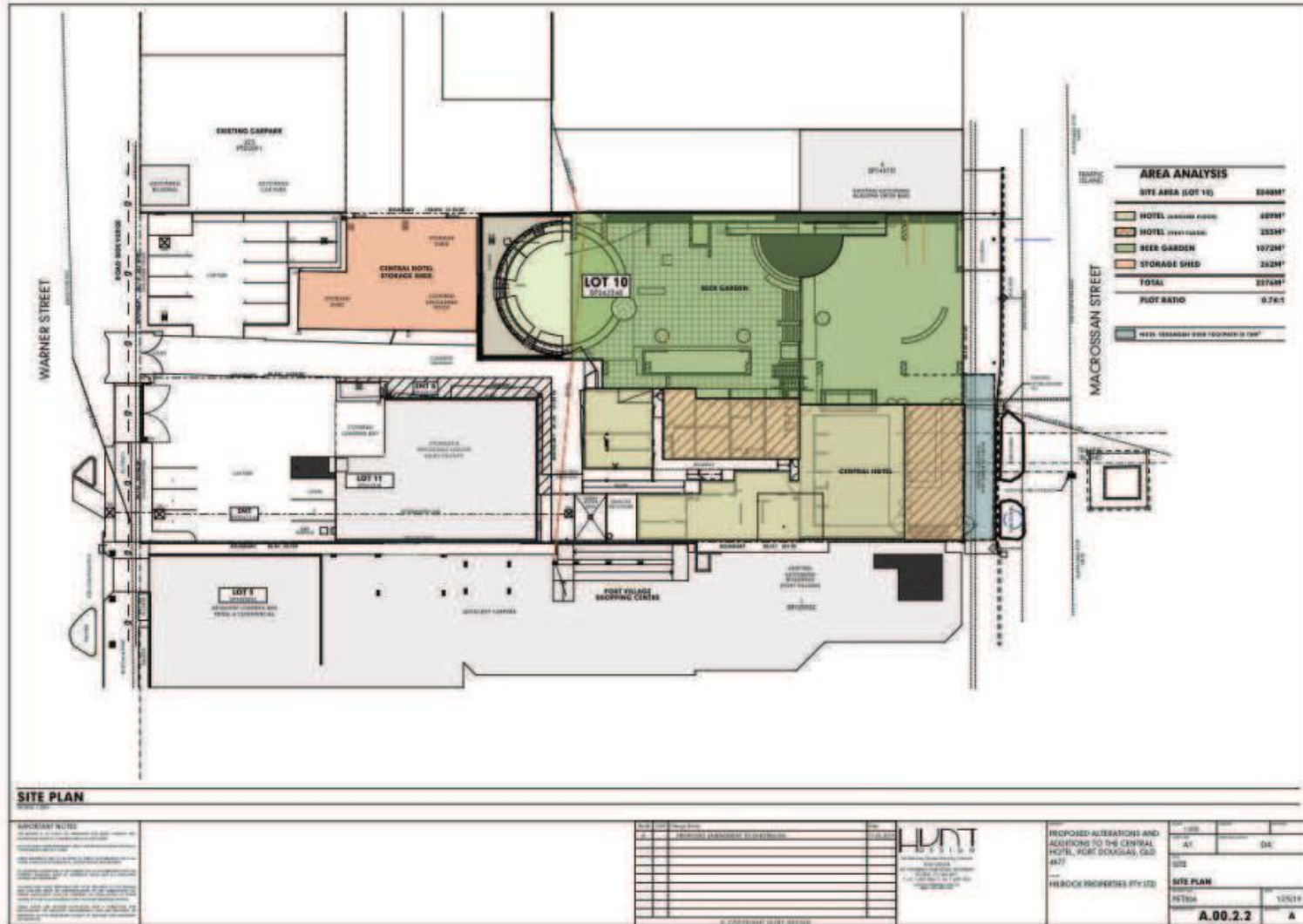
Note – the minor change did not extend the original currency period.

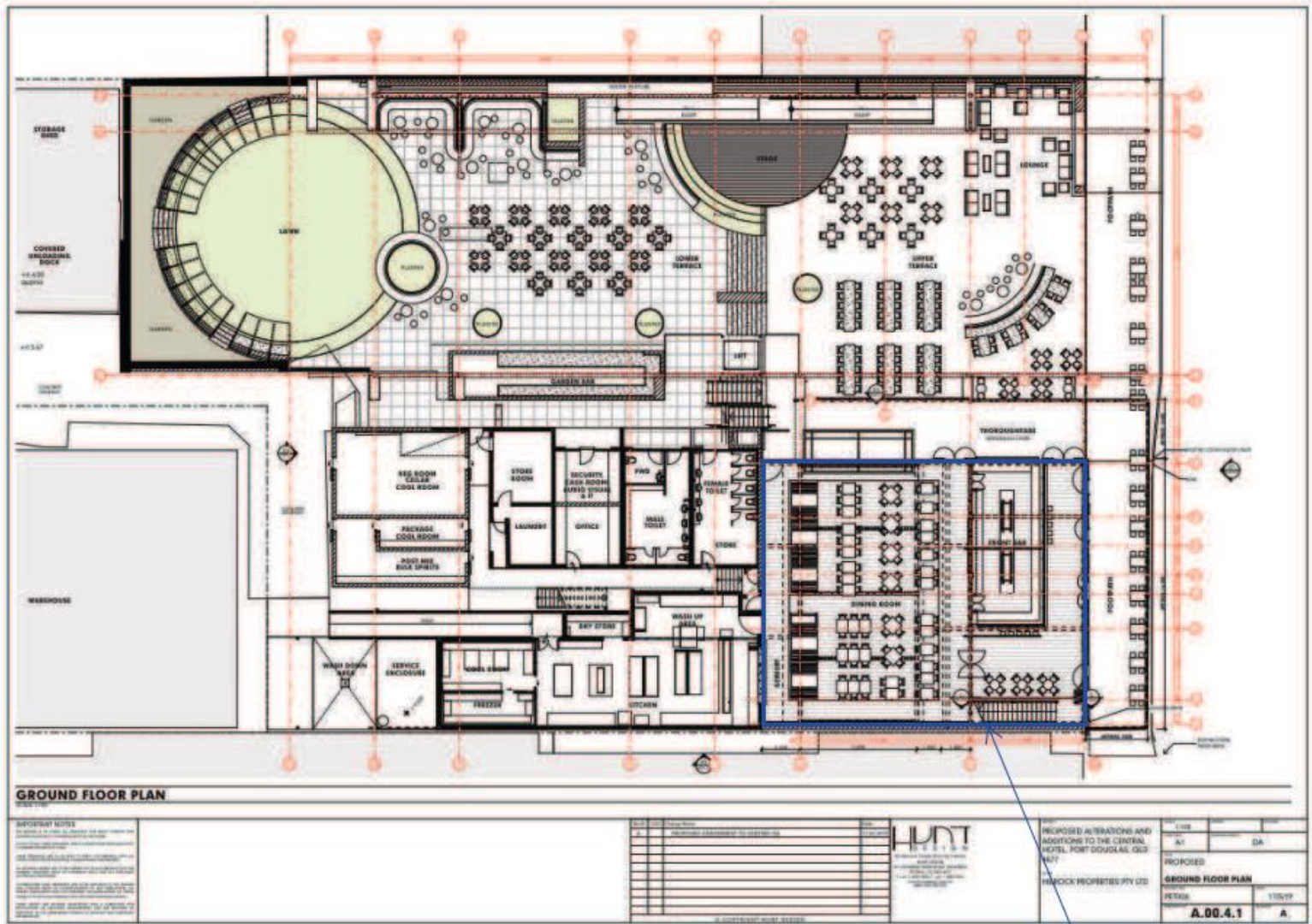
Rights to make Representations & Rights of Appeal

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*.

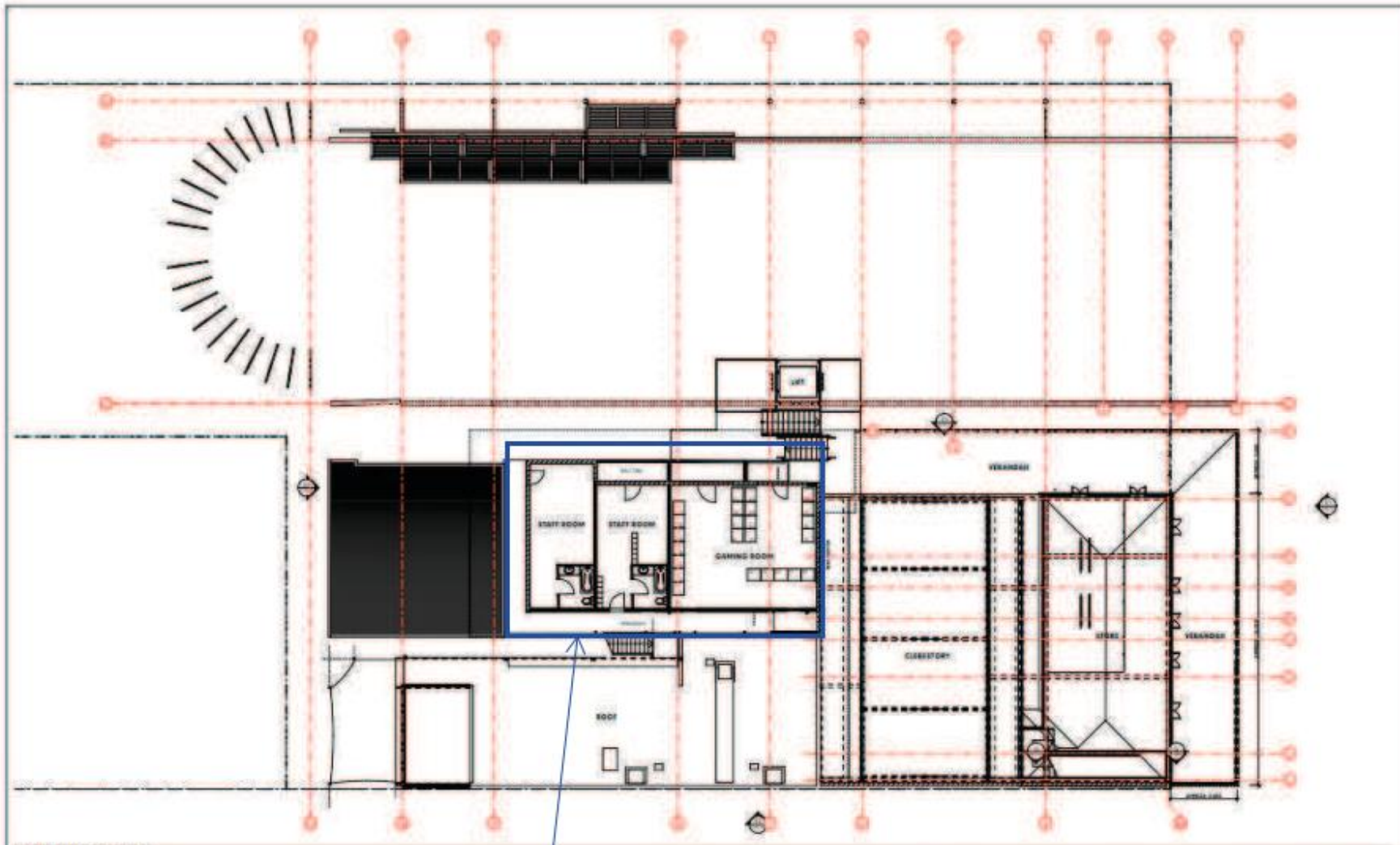
A copy of the relevant appeal provisions is attached.

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





For amended layout refer to APPENDIX G [SHEET 1 OF 2]
(Paul Kelly Design - (Rev P4 dated 22 August 2025))



FIRST FLOOR PLAN

REVISIONS

NO.	DESCRIPTION	DATE

Existing motel rooms to be retained refer to APPENDIX G [SHEET 2 OF 2]
 (Hunt Design + Hecker Guthrie - A.00.3.2 dated 9/12/2016)

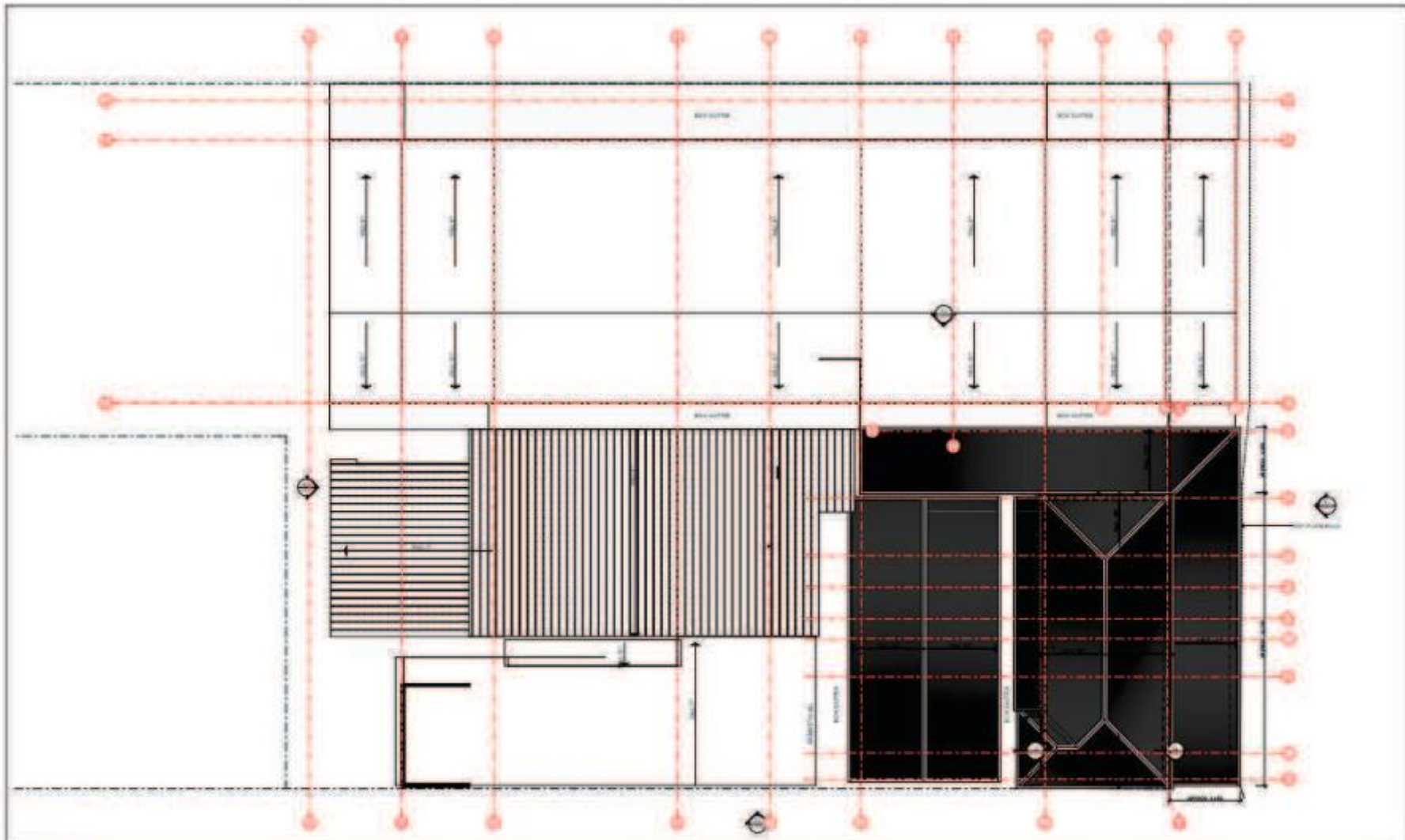
NO.	DESCRIPTION	DATE



PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DUNLOP, QLD WEST

HARDICK MORGENTHAU PTY LTD

NO.	DESCRIPTION	DATE



ROOF PLAN

HUNTSVILLE, ALABAMA
 35894-0001
 TEL: 256-525-1100
 FAX: 256-525-1101
 WWW.HUNTGROUP.COM

NO.	DESCRIPTION	DATE


 HUNTSVILLE, ALABAMA
 35894-0001
 TEL: 256-525-1100
 FAX: 256-525-1101
 WWW.HUNTGROUP.COM

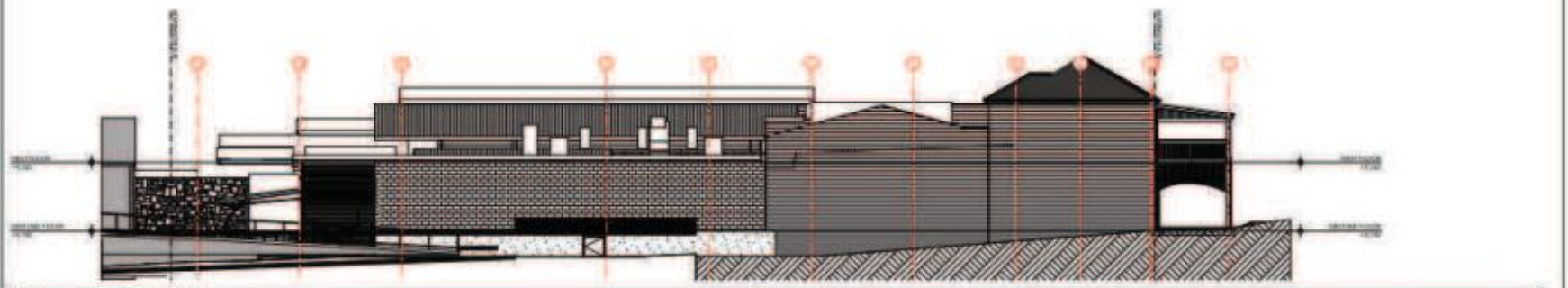
PROPOSED ALTERATIONS AND
 ADDITIONS TO THE CENTRAL
 HOTEL, FORT DOUGLAS, OLD
 #117
 HUNTSVILLE, ALABAMA
 HUNTSVILLE, ALABAMA
 HUNTSVILLE, ALABAMA

NO.	DATE	DESCRIPTION
A1	04	
PROPOSED		
ROOF PLAN		
PETITION	175/19	
A.00.4.3		A



NORTH EAST ELEVATION

E1



SOUTH EAST ELEVATION

E2

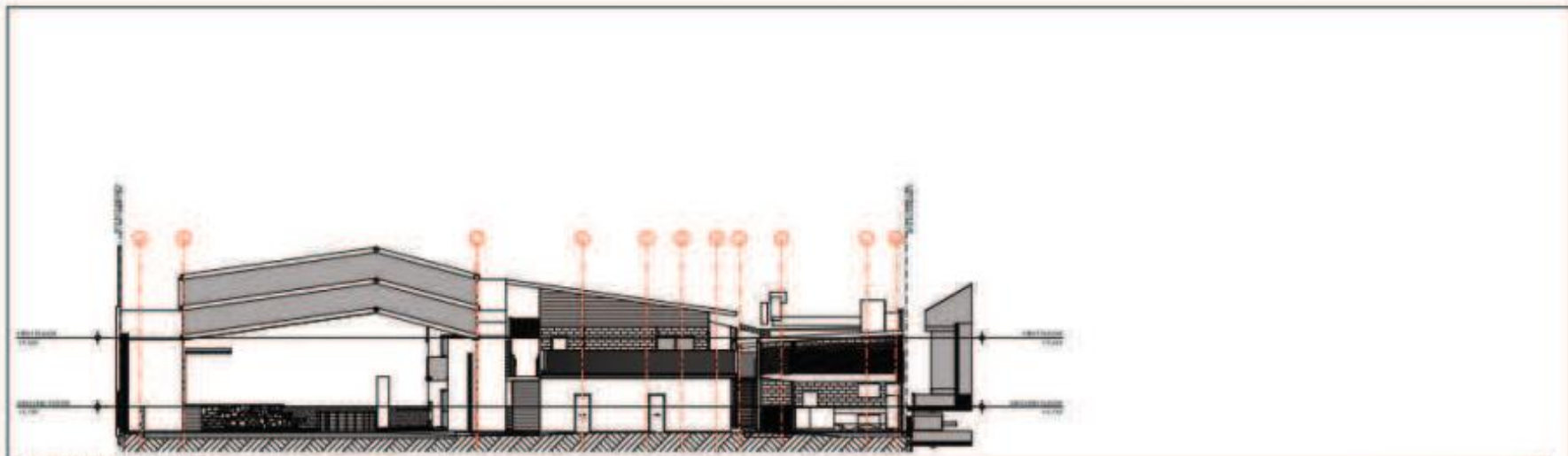
IMPORTANT NOTES
 1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING STRUCTURE AND HAS IDENTIFIED THE FOLLOWING DEFECTS:
 - CRACKING IN THE CONCRETE SLAB AND BEAMS.
 - CORROSION OF REINFORCEMENT BARS.
 - DETERIORATION OF THE EXTERIOR FINISHES.
 3. THE PROPOSED WORK IS INTENDED TO REPAIR AND STRENGTHEN THE EXISTING STRUCTURE AND TO IMPROVE THE OVERALL PERFORMANCE OF THE BUILDING.
 4. THE DESIGNER HAS IDENTIFIED THE FOLLOWING DEFECTS AND HAS PROVIDED RECOMMENDATIONS FOR THEIR REPAIR:
 - CRACKING IN THE CONCRETE SLAB AND BEAMS: REPAIR WITH EPOXY RESIN AND REINFORCE WITH STEEL BARS.
 - CORROSION OF REINFORCEMENT BARS: REPLACE CORRODED BARS WITH NEW BARS OF EQUAL OR GREATER SIZE.
 - DETERIORATION OF THE EXTERIOR FINISHES: REPAIR AND REFINISH THE EXTERIOR SURFACES.
 5. THE PROPOSED WORK IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE DEPARTMENT OF HERITAGE AND CULTURAL HERITAGE.

No.	Description	Date
1	Preparation of drawings	17/03/19
2	Review and approval of drawings	17/03/19
3	Issue of drawings	17/03/19
4	Construction	17/03/19
5	Final inspection	17/03/19



PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL PORT DOUGLAS QLD 4677
 HEROCK PROJECTS PTY LTD

1118		
AI		DA
PROPOSED		
ELEVATIONS		
PET316		17/03/19
A.00.4.4		A



SOUTH WEST ELEVATION

E3

DATE: 15/08/2017 11:58 AM



NORTH WEST ELEVATION

E4

DATE: 15/08/2017 11:58 AM

IMPORTANT NOTES
 1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF CONTRACT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND SERVICES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL WASTE AND DEBRIS IN ACCORDANCE WITH LOCAL REGULATIONS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CLIENT OF ANY DELAYS OR CHANGES TO THE PROGRAMME.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE ENVIRONMENTAL AGENCIES.

NO.	DESCRIPTION	DATE	BY
1	PROPOSED ALTERATIONS TO EXISTING		
2			
3			
4			
5			
6			
7			
8			
9			
10			



PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, 4081 DOUGLAS, QLS APT 7
 HURCKE PROPERTIES PTY LTD

TYPE	DATE
A1	04
PROPOSED	
ELEVATIONS	
SET004	17/08/17
A.00.4.5	A



LOWER TERRACE PERSPECTIVE




LOWER TERRACE AERIAL PERSPECTIVE



UPPER TERRACE AERIAL PERSPECTIVE

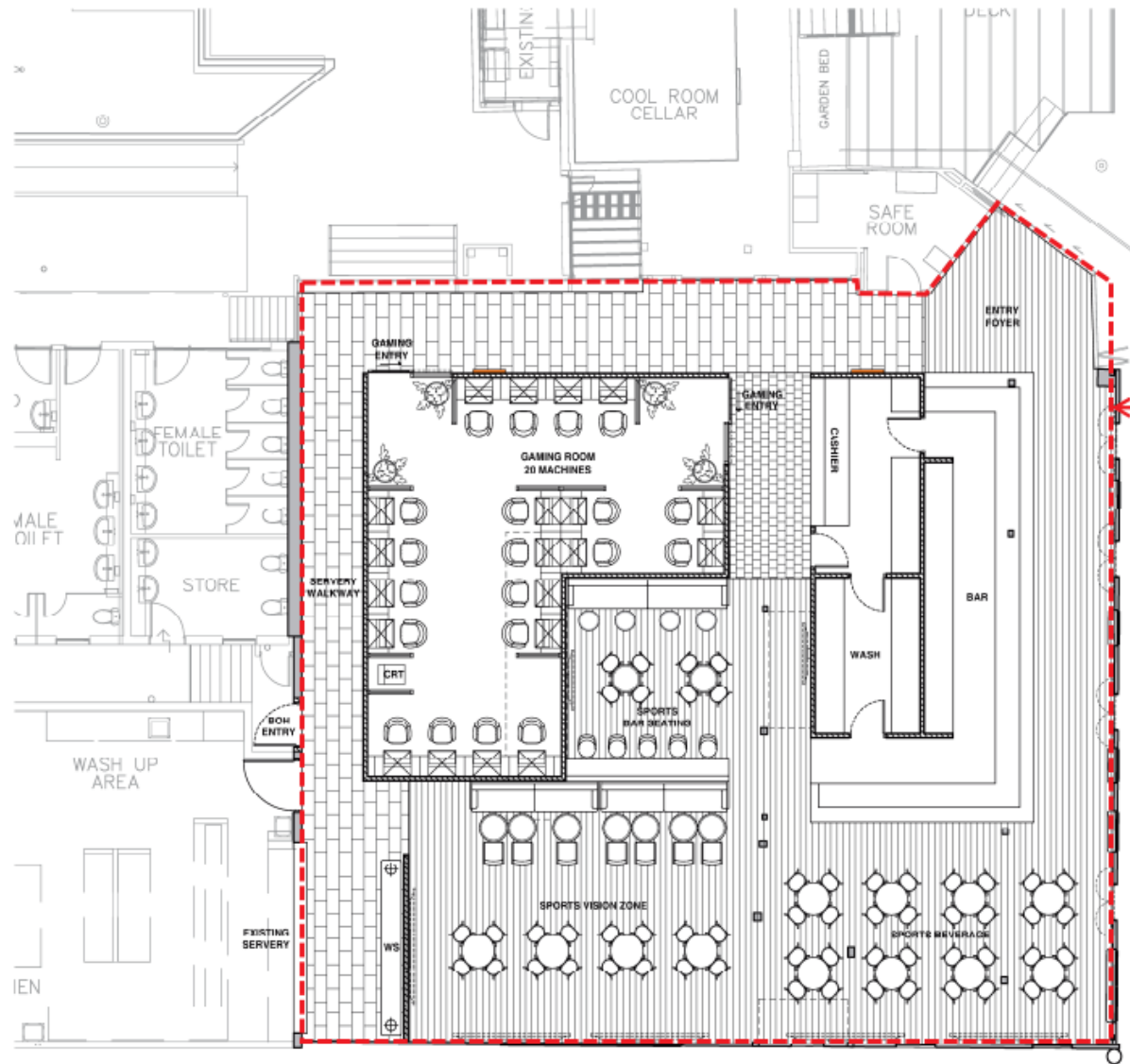


AERIAL PERSPECTIVE

<p>IMPORTANT NOTES</p> <p>1. THIS DOCUMENT IS THE PROPERTY OF HURLOCK PROPERTIES PTY LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HURLOCK PROPERTIES PTY LTD.</p> <p>2. THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR CONTRACTS. IT IS SUBJECT TO CHANGE WITHOUT NOTICE.</p> <p>3. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT.</p>	<table border="1"> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>																															 <p>HPT</p> <p>HURLOCK PROPERTIES PTY LTD</p> <p>100/102 HURLOCK STREET, PORT DOUGLAS QLD 4877</p> <p>PH: 07 4781 1111</p> <p>WWW.HURLOCKPROPERTIES.COM.AU</p>	<p>PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877</p> <p>HURLOCK PROPERTIES PTY LTD</p>	<table border="1"> <tr> <td>13.11.17</td> <td> </td> </tr> <tr> <td>BT</td> <td>GA</td> </tr> <tr> <td colspan="2">PERSPECTIVES</td> </tr> <tr> <td colspan="2">PERSPECTIVES</td> </tr> <tr> <td>PET006</td> <td>13/17</td> </tr> <tr> <td>A.00.6.2</td> <td>A</td> </tr> </table>	13.11.17		BT	GA	PERSPECTIVES		PERSPECTIVES		PET006	13/17	A.00.6.2	A
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APPENDIX G [SHEET 1 OF 2]

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NOTE
 This is a preliminary drawing. It is not to be used for construction or any other purpose without the prior written permission of the author.



Stage 1 – refurbishment of ground floor bar, gaming room and dining area

No.	Date	Description	Drawn
01	22/01/20	PRELIMINARY ISSUE	PK
02	25/01/20	PRELIMINARY ISSUE	PK
03	10/02/20	PRELIMINARY ISSUE	PK
04	11/02/20	PRELIMINARY ISSUE	PK

CENTRAL HOTEL
 PORT DOUGLAS
 9 MACROSSAN STREET
 PORT DOUGLAS QLD 4877

Proposed Plan
 Ground Floor

Status: PRELIMINARY
 Scale: 1:100@A3
 Drawn: HG
 Project no.: TDT

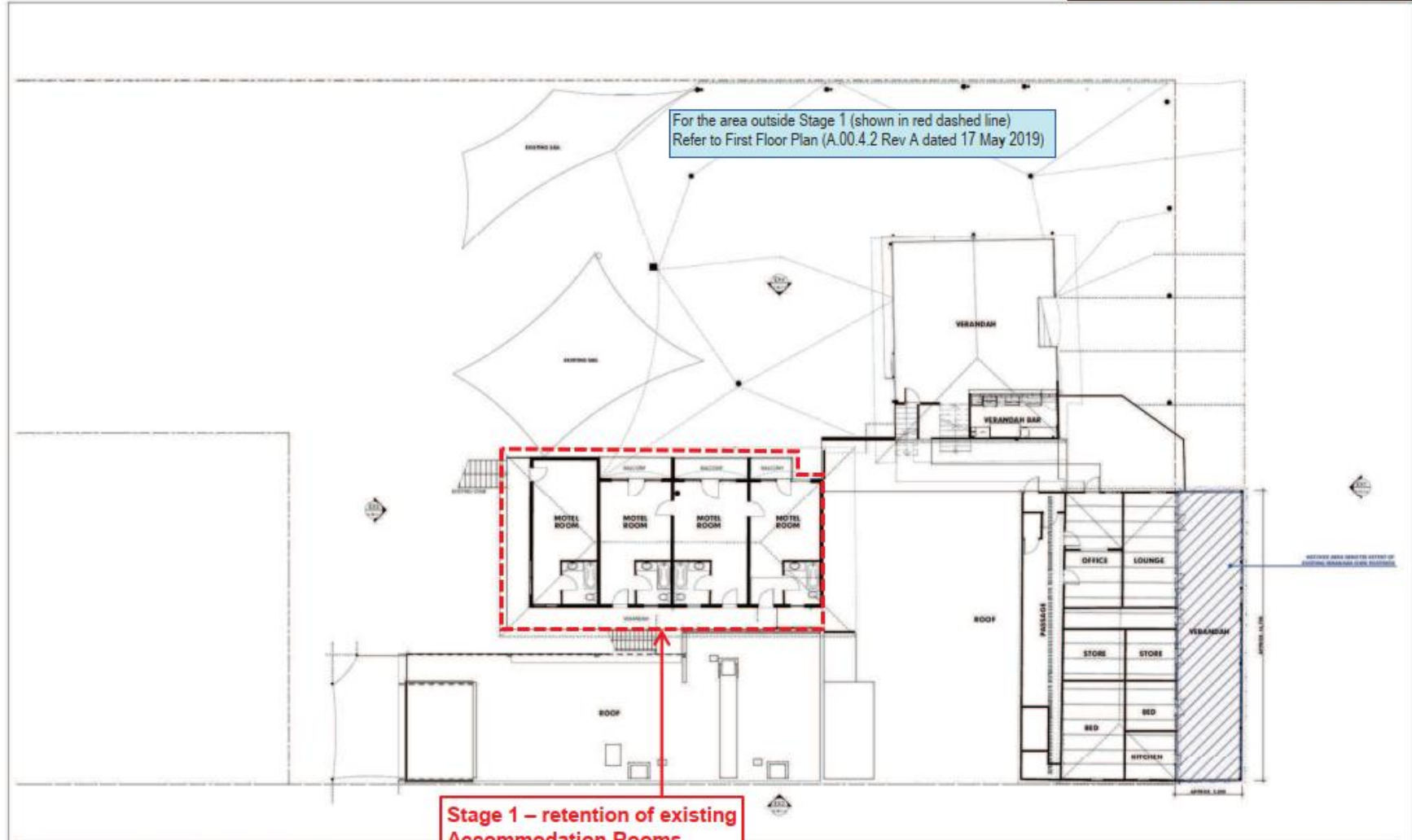
Drawing No. **A 00 1 02 P4**
 Discipline: Level Type No. Room

301 131 144 10000
 Suite 110 1000 2000
 Phone 02 8888 1000
 www.paulkellydesign.com.au

PK25
 PAUL KELLY DESIGN

PRELIMINARY ISSUE

01 Proposed Plan
 Ground Floor
 1:100@A3



Stage 1 – retention of existing Accommodation Rooms

FIRST FLOOR PLAN - EXISTING CONDITIONS
SCALE 1:500

IMPORTANT NOTES
 1. This plan is to be used in conjunction with the relevant DA and other documents.
 2. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 3. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 4. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 5. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 6. All dimensions are to be taken from the centre of the wall unless otherwise stated.
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 8. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 9. All dimensions are to be taken from the centre of the wall unless otherwise stated.
 10. All dimensions are to be taken from the centre of the wall unless otherwise stated.

Date	By	Description



PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4817
 CLIENT: HILROCK PROPERTIES PTY LTD
 PROJECT: HILROCK PROPERTIES PTY LTD
 DATE: 17/12/2016

DATE	17/12/2016	SCALE	DA
PROJECT	A1	DATE	DA
EXISTING CONDITIONS			
FIRST FLOOR PLAN			
PROJECT	PETDA	DATE	17/12/2016
SCALE	A.00.3.2		

Sheet 1
Existing Ground Floor Plan (2025)

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NOTICE
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LEGEND

Existing Ground Floor non-customer area (52.865m²)

No.	Date	Description	By
01	11.03.25	PRELIMINARY ISSUE	PK
02	03.06.25	PRELIMINARY ISSUE	PK

CENTRAL HOTEL
PORT DOUGLAS
9 MACROSDAN STREET
PORT DOUGLAS QLD 4877

Existing Demolition Plan
Ground Floor

Status: PRELIMINARY
Scale: 1:100 @ A3
Client: PKD
Project No: 1027

Drawing No.	Discipline	Layer	Scale	No.	Revision
A	00	1	01	P2	

PKD 10/10/24 (2024)
Paul Kelly Design
10/10/24 (2024)
www.paulkellydesign.com.au

PKD 25
PAUL KELLY DESIGN

PRELIMINARY ISSUE



01 Existing Demolition Plan
Ground Floor 1:200 @ A3

Sheet 3 Proposed Ground Floor Plan (2025)

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LEGEND
Proposed Ground Floor non-customer area

(1) Approved Ground Floor	36.54m ²
(2) Proposed Ground Floor	38.33m ²
Difference between (1) and (2)	1.79m ²

04	22/02/25	PRELIMINARY ISSUE	PK
03	22/02/25	PRELIMINARY ISSUE	PK
02	15/02/25	PRELIMINARY ISSUE	PK
01	11/02/25	PRELIMINARY ISSUE	PK
Rev	Date	Description	Created

**CENTRAL HOTEL
PORT DOUGLAS**
9 MACROSSAN STREET
PORT DOUGLAS QLD 4877

Proposed Plan
Ground Floor

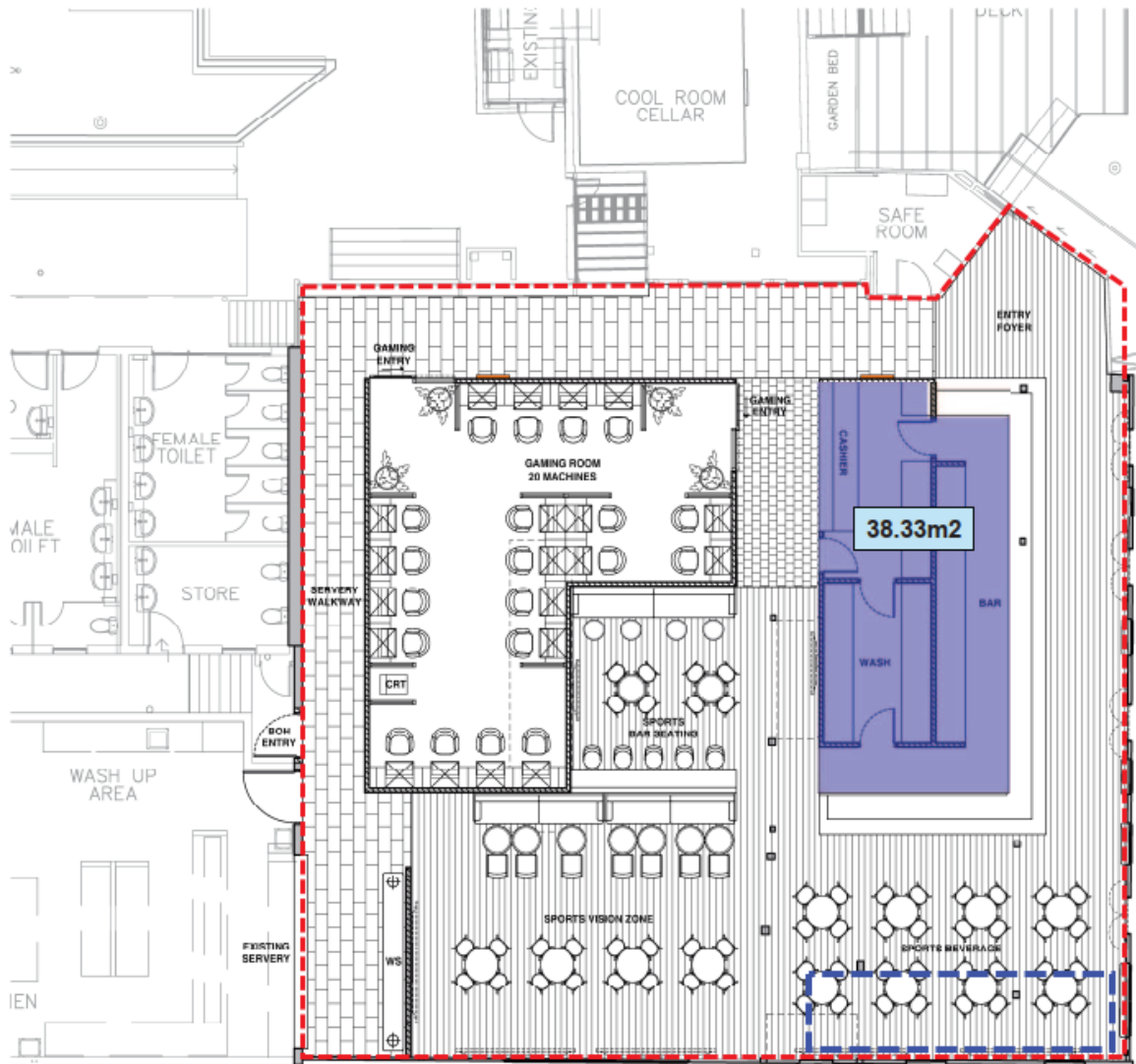
Scale: PRELIMINARY
Scale: 1:100@A3
Drawn: PK
Project No: 707

Drawing No:	A	00	1	02	P4
Discipline:					
Level:					
Type:					
No:					
Revision:					

905 170 104 Street
Suite 104/105/106/107
Phone: 02 8889 0209
www.paulkellydesign.com.au

PK 25
PAUL KELLY DESIGN

PRELIMINARY ISSUE



01 Proposed Plan
Ground Floor
1:100@A3

Stairs removed from
approved ground floor plan

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 78, 79, 81 and 81A 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 change application as properly lodged to the Douglas Shire Council on 26 March 2026 under sections 78 and 79 of the *Planning Act 2016*;
 - b. the applicant's representations for a change to the decision notice 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 Centre Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of section 81 and 81A 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.



PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

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

23 July 2019

Enquiries: Neil Beck
Our Ref: MCUC2095/2017 (911319)
Your Ref:

T Petersen
27 The Corso
MANLY NSW 2095

Dear Sir

**NOTICE OF DECISION – MINOR CHANGE –
7-9 MACROSSAN STREET & 6 WARNER STREET PORT DOUGLAS**

Reference is made to the request for a minor change to Decision Notice dated 24 August 2017 for a Material Change of Use (Refurbishment of Tavern & Ancillary and Associated Facilities) at the above address.

Please be advised that the Manager Environment & Planning, under Instrument of Delegation, approved the request for a Minor Change on 23 July 2019 subject to the following:

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

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	A.00.2.2	17/5/2019
Ground Floor Plan	A.00.4.1	17/5/2019
First Floor Plan	A.00.4.2	17/5/2019
Roof Plan	A.00.4.3	17/5/2019
Elevations	A.00.4.4	17/5/2019
Elevations	A.00.4.5	17/5/2019
Area Calculations	A.00.5.1	17/5/2019
Perspectives	A.00.6.1	17/5/2019
Perspectives	A.00.6.2	17/5/2019

Assessment Manager Advice

1. All conditions of Decision Notice dated 24 August 2017 remain unchanged.

Reasons for Decision

The reasons for this decision are:

1. Sections 81 & 81A of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the request for a minor change was properly lodged to the Douglas Shire Council 3 June [2019](#);
 - b. the request for a minor change contained information from the applicant which Council reviewed together with Council's own assessment against 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. Council undertook an assessment in accordance with the provisions of sections 81 of the *Planning Act 2016*; and
 - b. the applicant's reasons have been considered and the following findings are made:
 - i. The request for a minor change satisfactorily meets the Planning Scheme benchmarks.

Please quote Council's application number: MCUC2095/2017 in all subsequent correspondence relating to this development application.

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

Yours faithfully

Paul Hoyer
Manager Environment & Planning

Attachment 1 - Approved Drawing(s) and/or Document(s)

PROPOSED ALTERATIONS AND ADDITIONS TO THE
CENTRAL HOTEL, PORT DOUGLAS, QLD 4877

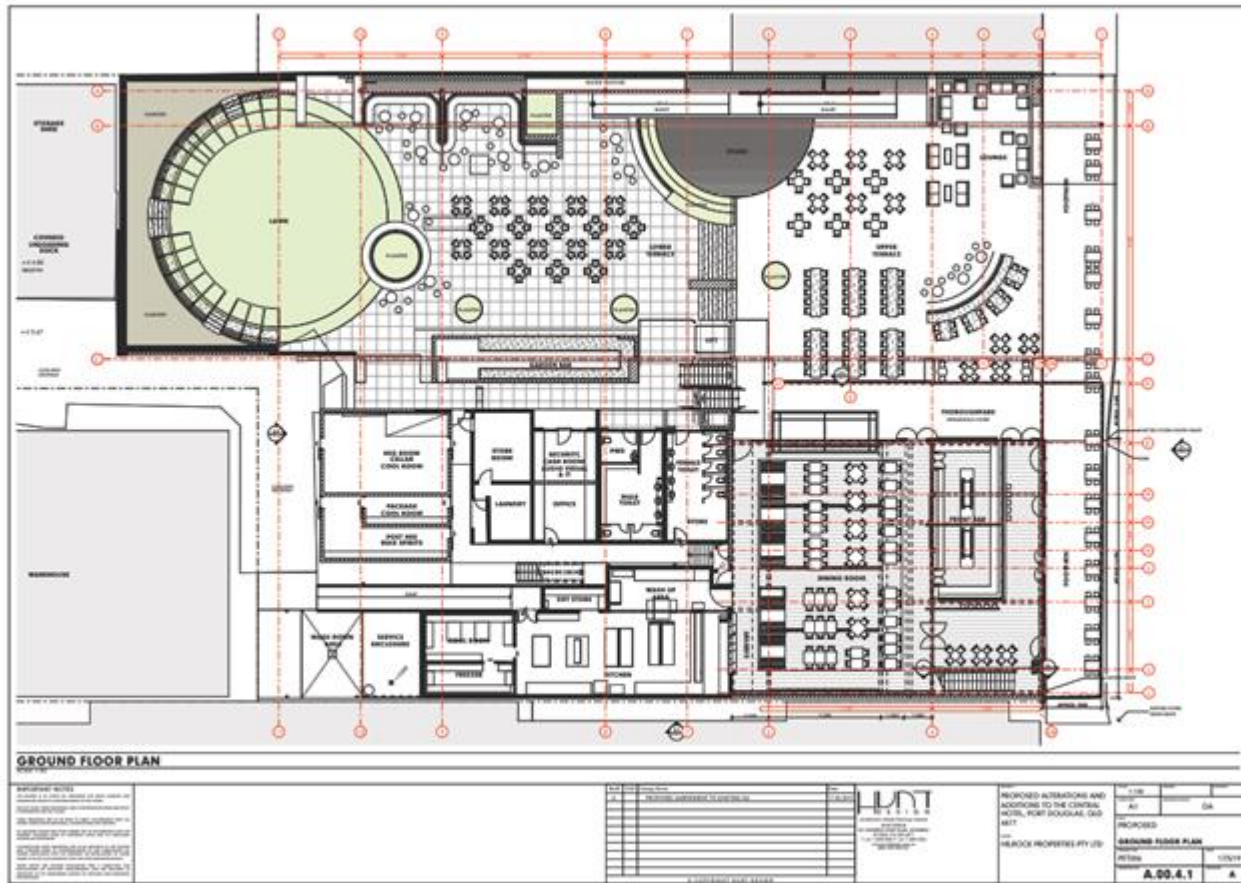
FOR
HILROCK PROPERTIES PTY LTD

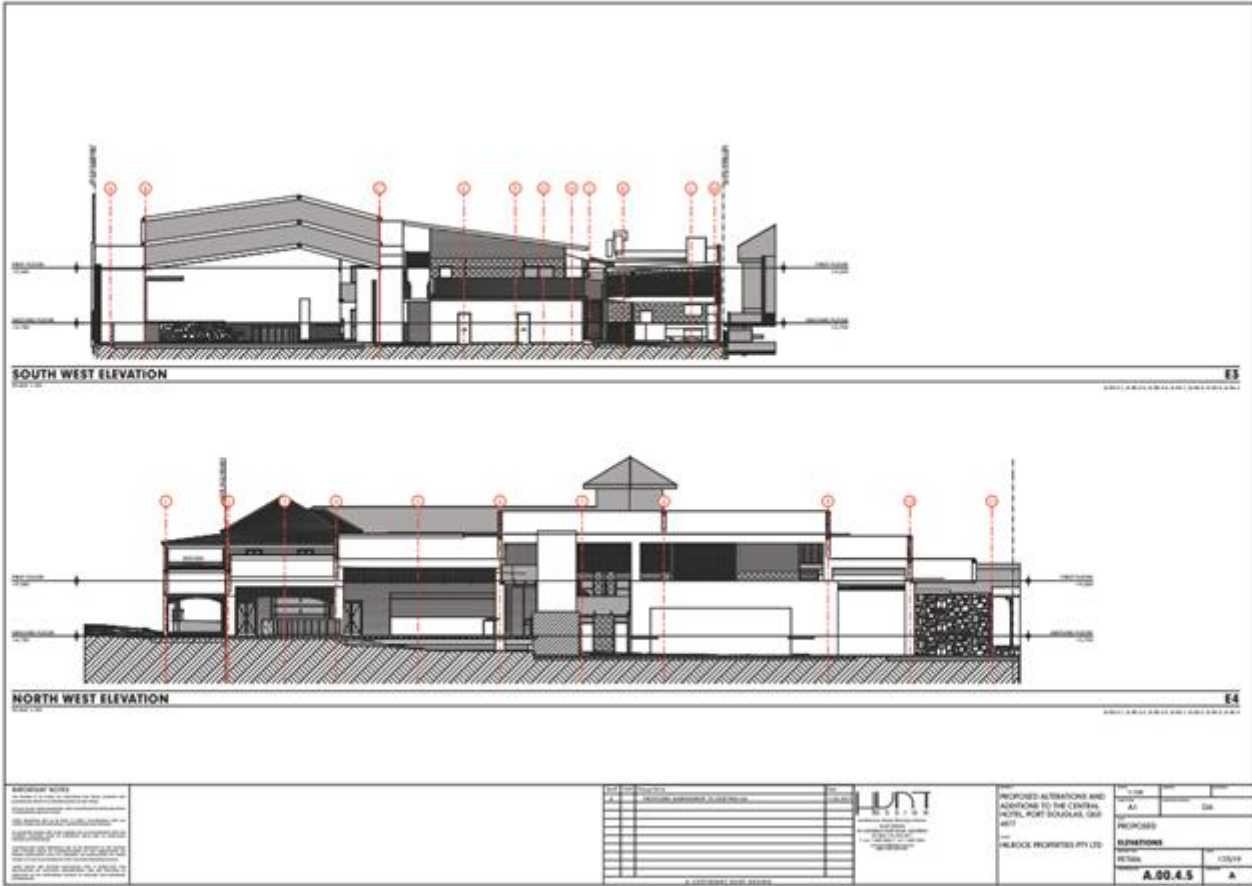
Project No : PET006

17/5/19



911319 MCUC2095/2017 Page 1 of 12







YOUR REF: MCUC2095/2017 (825304)
OUR REF: VGF-C1039

24 August 2017

Hilrok Hotel Group Pty Ltd
c/- Victor G Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870

Attention: Nick Hardy

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 7-9 MACROSSAN STREET & 6
WARNER STREET PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 22 August 2017, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9451.

Yours faithfully

Tracey Crouch
Acting Manager Sustainable Communities

Att

43.2017.2095
1/25

APPLICANT DETAILS

Hilrok Hotel Group Pty Ltd
 c/- Victor G Feros Town Planning Consultants
 PO Box 1256
[CAIRNS QLD](#) 4870

ADDRESS

7-9 Macrossan Street & 6 Warner Street Port Douglas

REAL PROPERTY DESCRIPTION

Lot 10 on SP262348 & Easements A & B in Lot 11 on SP262348 & Part of the Macrossan Street Road Reserve

PROPOSAL

Material Change of Use (Refurbishment of Tavern & Ancillary and Associated Facilities)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

22 August 2017

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

Not Applicable

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
 Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Site Plan	A.00.2.2	19/5/2017
Ground Floor Plan	A.00.4.1	9/12/2016
First Floor Plan	A.00.4.2	9/12/2016
Roof Plan	A.00.4.3	9/12/2016
Elevations	A.00.4.4	9/12/2016
Elevations	A.00.4.5	9/12/2016

ASSESSMENT MANAGER CONDITIONS:

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.

Water Supply and Sewerage Works Internal

3. 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. Replace the existing sewer main from the manhole adjacent to the southern boundary to the manhole adjacent to the northern boundary with uPVC pipe class SN8;
 - c. Provide further detail demonstrating how practical access is being maintained to the sewer manhole adjacent the northern boundary. Detail is to also demonstrate adequate separation and no loading of the sewer from proposed building works.

The above works constitute Operational Works. All works must be designed and constructed in accordance with the FNQROC Development Manual.

Development Permit for Operational Works must be obtained prior to the issue of a Development Permit for Building Works. All works must be constructed in accordance with the approved plans prior to the Commencement of Use.

Damage to Infrastructure

4. In the event that any part of Council's existing sewer/water 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 prior to the Commencement of Use.

Vehicle Parking

5. The amount of vehicle parking must be as specified in Drawing No. A.00.2.2 dated 19 May 2017 being a total of 11 spaces with 2 of those spaces being in tandem. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

During the operating hours of the Tavern, the car park must remain freely available and accessible for use by patrons and employees of the Tavern. A sign advising of the location of the off-street visitor parking area must be erected and maintained on the Warner Street frontage of 7-9 Macrossan Street to the satisfaction of the Chief Executive Officer.

Lighting

6. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Lawful Point of Discharge

7. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

8. Soil and water management measures must be installed/implemented 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).

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Advertising Signage

9. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Construction Signage

10. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including respective phone contact numbers:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect;
 - d. Builder

Construction Access & Building Work

11. Vehicular access to the site for construction and demolition purposes must be provided from Warner Street only, unless authorised by the Chief Executive Officer.

Audible noise associated with building work is permitted between the hours of 6:30am – 6:30pm Monday to Saturday and not at all on Sundays or Public Holidays unless authorised by the Chief Executive Officer.

Works on Council Controlled Roads

12. Approval must be obtained under the applicable Local Law for any scaffolding, hoardings or construction fencing to be placed on Macrossan Street and / or Warner Street road reserve throughout the duration of the construction works.

Health

13. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.
14. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Environmental Health Unit.

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

15. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.
16. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Environmental Health Unit for further information.
17. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1998.
18. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0617-039757	20/07/2017	#822142

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

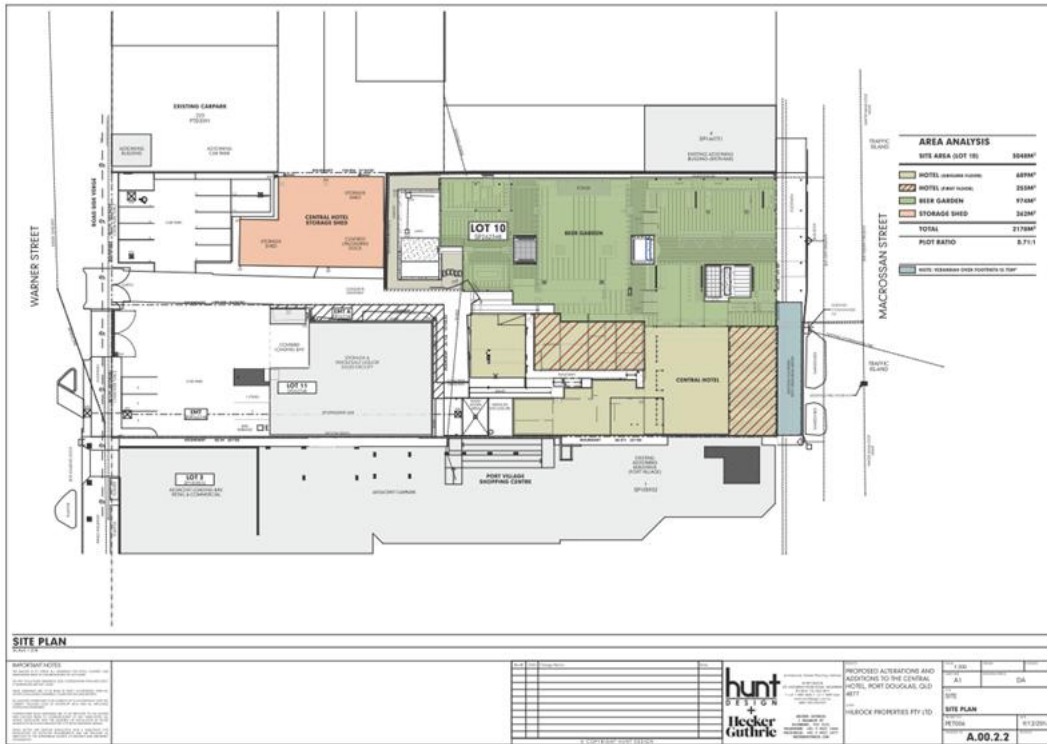
RIGHTS OF APPEAL

Attached

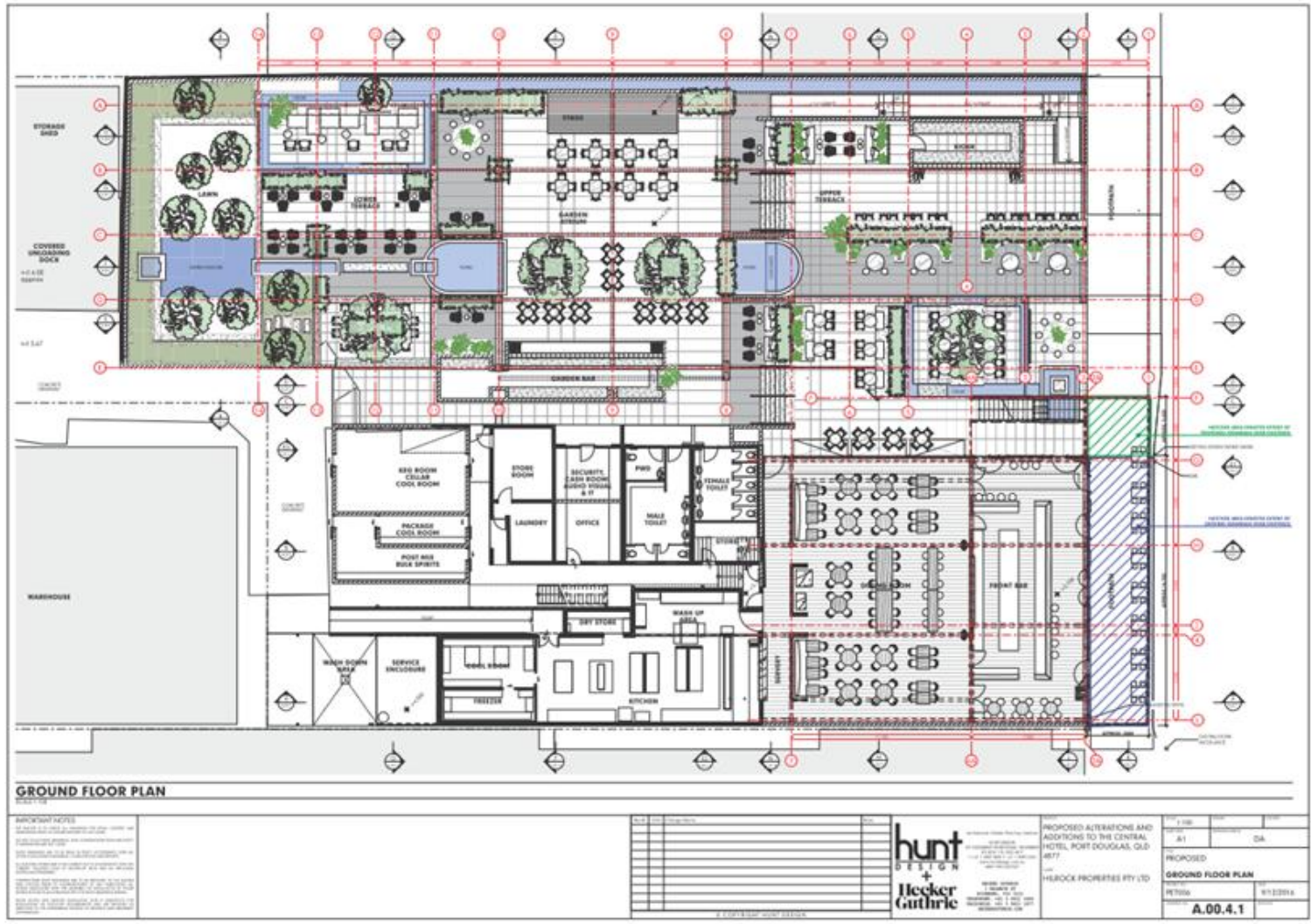
End of Decision Notice

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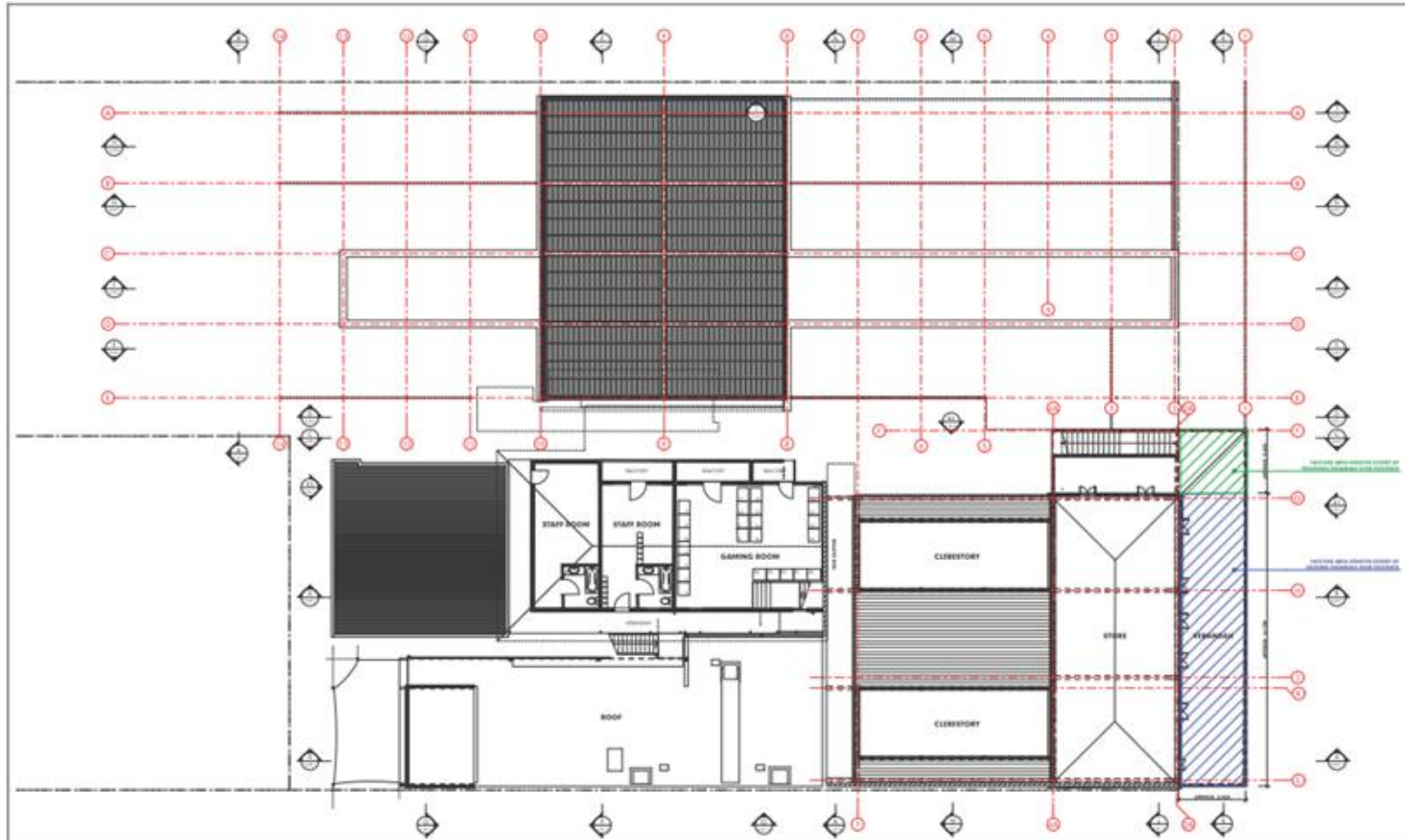
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**



FIRST FLOOR PLAN

IMPORTANT NOTES
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND STANDARDS.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 4. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.
 5. THIS PLAN IS THE PROPERTY OF HUNTS DESIGN AND SHALL BE KEPT IN CONFIDENCE.

NO.	DATE	DESCRIPTION	BY

hunt
DESIGN
+
Hecker Guthrie

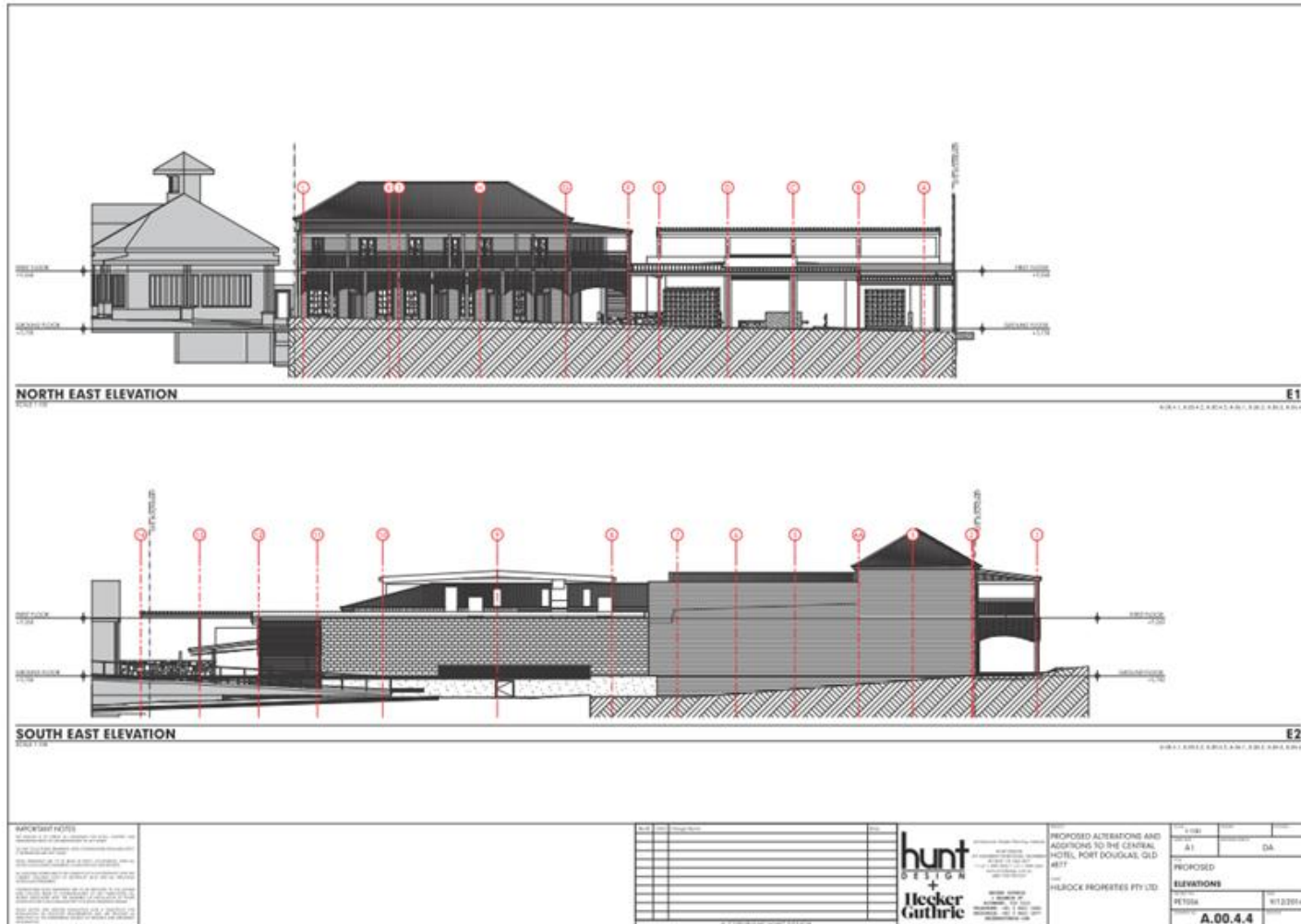
100/102 SOUTH BRISBANE ROAD
PORT DOUGLAS QLD 4277
 PHONE: 07 5522 1111
 FAX: 07 5522 1112
 WWW.HUNTSDESIGN.COM.AU

PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4277
 HUNTS DESIGN
 HILCOCK PROPERTIES PTY LTD

1:200	DATE	11/25
A1	PROJECT	GA
PROPOSED		
FIRST FLOOR PLAN		
PT004	DATE	11/23/14
A.00.4.2		

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



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APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0617-039757
Your reference: VGF-C1039
Council Reference: MCU 2095/2017

20 July 2017

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

Attention: Mr Neil Beck

Dear Sir/Madam

Amended Concurrence agency response—with conditions

Application for Material change of use (Refurbishment of tavern and ancillary and associated facilities) on land situated as 7-9 Macrossan Street, Port Douglas, Part of Macrossan Street road reserve and 6 Warner Street, Port Douglas and described as Lot 10 on SP262348 and Easements A and B in Lot 11 on SP262348

(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 17 July 2017 (dated 14 July, 2017).

On 17 July 2017 the department received representations from the applicant under section 320 (1) of the *Sustainable Planning Act 2009* requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the *Sustainable Planning Act 2009*.

The department has considered the written representations and agrees to issue an amended concurrence agency response.

Applicant details

Applicant name: Hilrok Properties Pty Ltd
Applicant contact details: c/- Victor Feros Town Planning
PO Box 1256
CAIRNS QLD 4870
cairns@ferosplanning.com.au

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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

Site details

Street address:	7-9 Macrossan Street, 6 Warner Street (Easements A and B) and part of Macrossan Street road reserve, Port Douglas
Lot on plan:	Lot 10 on SP262348 and Easements A and B in Lot 11 on SP262348 and Part of Macrossan Street road reserve
Local government area:	Douglas Shire

Application details

Proposed development:	Material change of use – tavern (refurbishment of tavern and ancillary and associated facilities)
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Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material change of use	Development permit	Tavern – refurbishment of tavern and ancillary and associated facilities	Code assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger	Schedule 7, Table 3, Item 1 – State-controlled road
------------------	---

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use (Refurbishment of Tavern and Ancillary and Associated Facilities)				
Site Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.2.2	-

Proposed Ground Floor Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.4.1	-
First Floor Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.4.2	-
Plan of Lot A (Proposed road closure in strata) Covering part of Macrossan Street abutting Lot 10 on SP262348	Queensland Government - Don Tennant	21/11/2016	CNS161072	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD on 4037 3239, or email belinda.jones@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planner)

cc: Hilrok Properties Pty Ltd. caims@ferosplanning.com.au
 enc: Attachment 1—Conditions to be imposed
 Attachment 2—Reasons for decision to impose conditions
 Attachment 3—Further advice
 Attachment 4—Approved Plans and Specifications

Our reference: SDA-0617-039757
 Your reference: VGF-C1039
 Council Reference: MCU 2095/2017

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use -		
Schedule 7, Table 3, Item 1 – State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • The footpath, veranda and access arrangements depicted on site plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.2.2. • The footpath, veranda and access arrangements depicted on Proposed Ground Floor Plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.4.1. • The footpath, veranda and access arrangements depicted on First Floor Plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.4.2. • Plan of Lot A (Proposed road closure in strata) Covering part of Macrossan Street abutting Lot 10 on SP262348 prepared by Queensland Government, Don Tennant, dated 21/11/2016, Reference CNS16\072. 	Prior to the commencement of use and to be maintained at all times.

Our reference: SDA-0617-039757
Your reference: VGF-C1039
Council Reference: MCU 2095/2017

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application as they relate to the State-controlled road – Port Douglas Road (Macrossan Street).

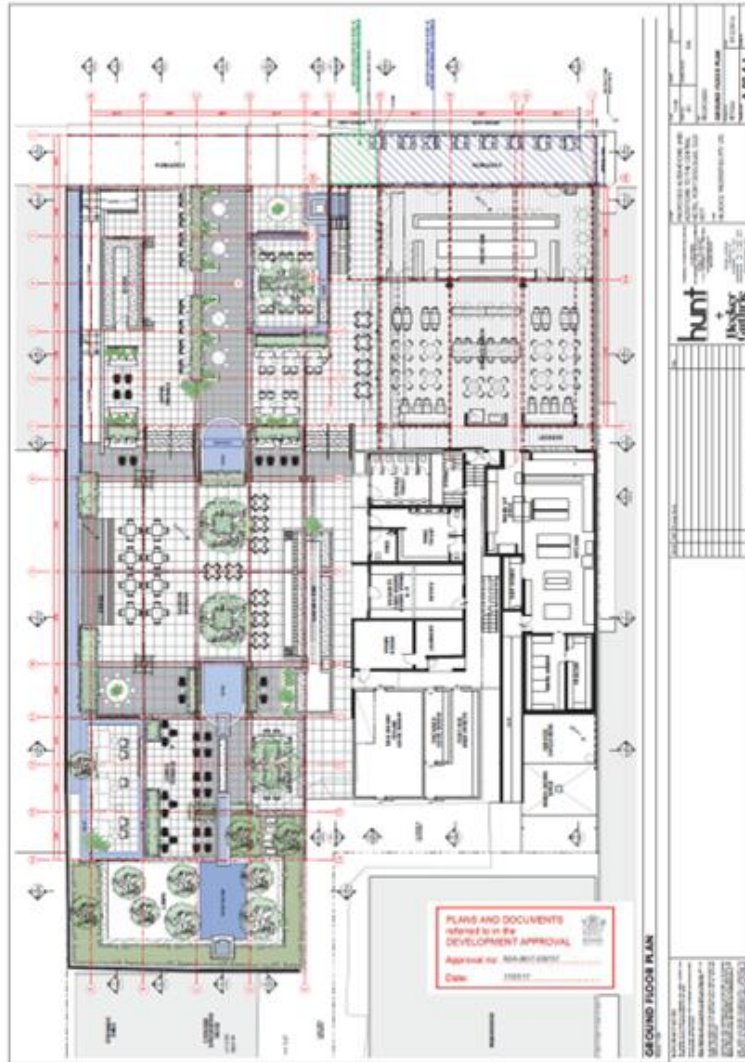
Our reference: SDA-0617-039757
 Your reference: VGF-C1039
 Council Reference: MCU 2095/2017

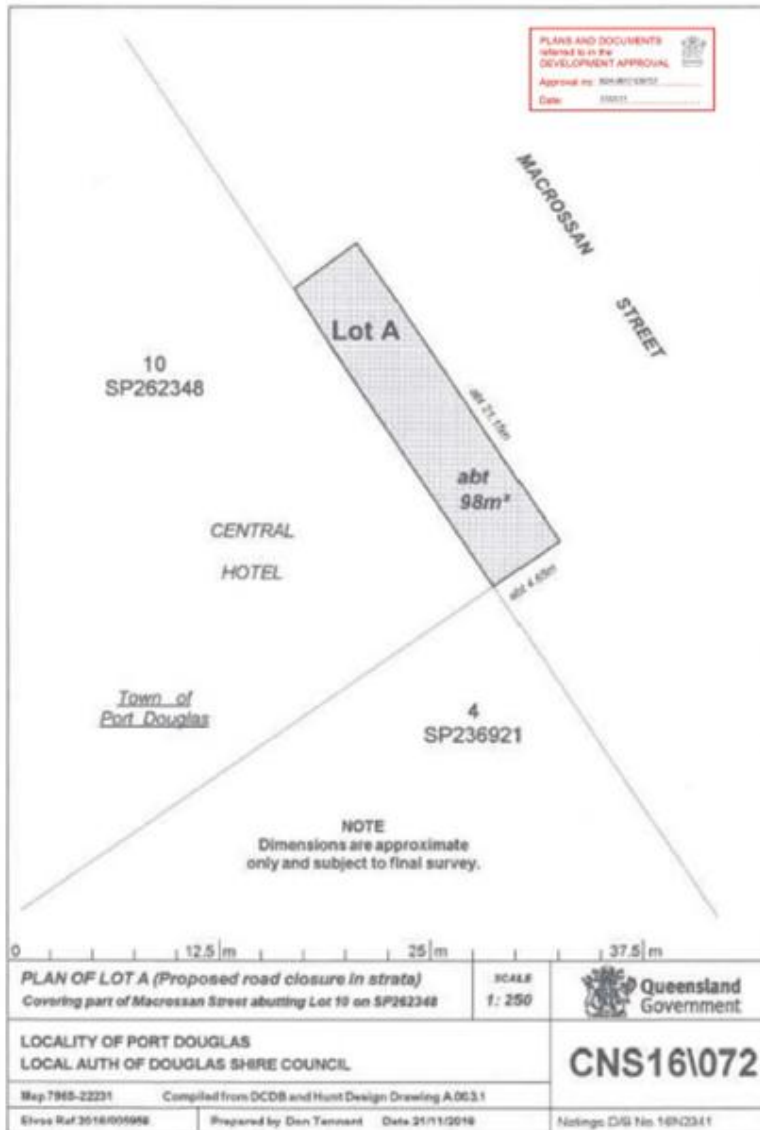
Attachment 3—Further advice

General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>

Our reference: SDA-0617-039757
Your reference: VGF-C1039
Council Reference: MCU 2095/2017

Attachment 4—Approved plans and specifications





Planning Act 2016
Chapter 3 Development assessment

[s 74]

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

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 given by the Minister under part 6, division 2; or
 - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(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)(d).
- (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 assessment manager gives the applicant the decision notice for 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) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) 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.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is 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.

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

- (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.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a ***change application***) to change a development approval.

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

(2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

(3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

- (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 a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) 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
 - (g) 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
- (h) 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

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- (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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the **appointer**) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—