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11 May 2021

Our Reference: VGF – C1039

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

Dear Sir,

RE: REQUEST TO DOUGLAS SHIRE COUNCIL TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES LOCATED AT CENTRAL HOTEL, 7-9 MACROSSAN STREET, 6 WARNER STREET, PORT DOUGLAS AND PERMANENT ROAD CLOSURE LOCATED WITHIN MACROSSAN STREET AND DESCRIBED AS LOT 10 ON SP262348, EASEMENT A ON SP262348 AND EASEMENT B ON SP262373 LOCATED WITHIN LOT 11 ON SP262348 AND LOT 20 ON SP301687 (PERMANENT ROAD CLOSURE)
COUNCIL FILE REFERENCE: MCUC2095/2017

We act as agent and Town Planning Consultants on behalf of Hilrok Hotel Group Pty Ltd, the Applicant, in relation to the above proposal.

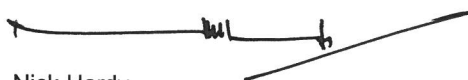
In this regard find attached a digital copy of the DA Application Forms and Supporting Town Planning Report.

We understand that Council's application for this Request is \$988.00. We seek that Council issue a Tax Invoice to Hilrok Hotel Group Pty Ltd and provide to our Cairns Office so payment can be made.

We await Council's further advice.

Yours faithfully

VICTOR G FEROS TOWN PLANNING CONSULTANTS



Nick Hardy
Office Manager and Associate

cc: Hilrok Hotel Group Pty Ltd
Attention: Tim Petersen

cc: Department of State Development Infrastructure Local Government and Planning

IN CONTINUOUS PRACTICE SINCE 1976

Principal
Victor G Feros
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TOWN PLANNING REPORT

REQUEST TO DOUGLAS SHIRE COUNCIL TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES

located at

**CENTRAL HOTEL, 7-9 MACROSSAN STREET, 6
WARNER STREET, PORT DOUGLAS AND
PERMANENT ROAD CLOSURE LOCATED WITHIN
MACROSSAN STREET**

described as

**LOT 10 ON SP262348, EASEMENT A ON SP262348
AND EASEMENT B ON SP262373 LOCATED WITHIN
LOT 11 ON SP262348 AND LOT 20 ON SP301687
(PERMANENT ROAD CLOSURE)**

for

HILROK HOTEL GROUP PTY LTD

**VGF-C1039
APRIL 2021**



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DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Hilrok Hotel Group Pty Ltd c/- Victor G Feros Town Planning Consultants
Contact name (only applicable for companies)	Nick Hardy
Postal address (P.O. Box or street address)	PO Box 1256
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Contact number	(07) 4031 3663
Email address (non-mandatory)	cairns@ferosplanning.com.au
Mobile number (non-mandatory)	0412 756 622
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	C1039

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		7-9	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		10	SP262348	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		6	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		11	SP262348	Douglas Shire Council
c)	Unit No.	Street No.	Street Name and Type	Suburb
			Macrossan Street (Permanent Road Closure)	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		20	SP301687	Douglas Shire Council

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ **Not required**

4) Identify any of the following that apply to the premises and provide any relevant details

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer
Name of water body, watercourse or aquifer: <input type="text"/>
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>
Lot on plan description of strategic port land: <input type="text"/>
Name of port authority for the lot: <input type="text"/>
<input type="checkbox"/> In a tidal area

Name of local government for the tidal area <i>(if applicable)</i> :	
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☒ **Yes – All easement locations, types and dimensions are included in plans submitted with this development application**
- ☐ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ **Material change of use** ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ **Development permit** ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ **Code assessment** ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*:

Request to Extend Period of Approval

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ **Relevant plans of the proposed development are attached to the development application**

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*:

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ **Not required**

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

☐ Yes

☐ No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

☐ Yes – provide additional details below

☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☒ **Infrastructure-related referrals – State transport corridor and future State transport corridor**
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☒ **Yes** – provide details below or include details in a schedule to this development application
☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC2095/2017	24 August 2017	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ **Not applicable** (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ **No**

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ **No**

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
☒ **No**

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ **No**

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ **No**

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ **No**

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ **No**

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ **No**

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ **No**

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ **No**

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ **No**

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
☒ **No**

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ **No**

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ **No**

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ **No**

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ **No**

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ **No**

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ **Yes**

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ **Not applicable**

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ **Yes**

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ **Yes**

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ **Not applicable**

25) Applicant declaration

☒ **By making this development application, I declare that all information in this development application is true and correct**

☒ **Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

Note: All terms used within this template have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Hilrok Hotel Group Pty Ltd c/- Victor G Feros Town Planning Consultants
Contact name (only applicable for companies)	Nick Hardy
Postal address (P.O. Box or street address)	PO Box 1256
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Email address (non-mandatory)	(07) 4031 3663
Contact number	cairns@ferosplanning.com.au
Applicant's reference number(s) (if applicable)	0412 756 622

2) Owner's consent – Is written consent of the owner required for this extension application?	
Note: section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application	
<input type="checkbox"/> No – proceed to question 3	

PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.	
Douglas Shire Council	

PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit	MCUC2095/2017	24 August 2017	Douglas Shire Council
<input type="checkbox"/> Preliminary approval			

5) Further details

5.1) Provide the currency period for this development approval.

Refer to **Section 3.00** of the **Request Report** dated **April 2021** that describes the currency period for this Development Approval.

5.2) Identify how long this application seeks to extend the currency period of this development approval.

Note: reasoning to support the proposed extension should also be provided

This Application seeks to extend the currency period of this Development Permit for a further six (6) years from **22 March 2022** to **22 March 2028**.

(Refer to **Section 3.00** of the **Request Report** dated **April 2021**)

PART 4 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.

TOWN PLANNING REPORT

REQUEST TO DOUGLAS SHIRE COUNCIL TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES

located at

**CENTRAL HOTEL, 7-9 MACROSSAN STREET, 6
WARNER STREET, PORT DOUGLAS AND
PERMANENT ROAD CLOSURE LOCATED WITHIN
MACROSSAN STREET**

described as

**LOT 10 ON SP262348, EASEMENT A ON SP262348
AND EASEMENT B ON SP262373 LOCATED WITHIN
LOT 11 ON SP262348 AND LOT 20 ON SP301687
(PERMANENT ROAD CLOSURE)**

for

HILROK HOTEL GROUP PTY LTD

**VGF-C1039
APRIL 2021**



Victor G Feros Town Planning Consultants

195 Dornoch Terrace
corner Gladstone Road
Highgate Hill **Brisbane** 4101
Queensland Australia

Telephone 07 3844 2882
Facsimile 07 3846 1840
brisbane@ferosplanning.com.au

Level 1
127 Abbott Street
PO Box 1256 **Cairns** 4870
Queensland Australia

Telephone 07 4031 3663
Facsimile 07 4031 2238
cairns@ferosplanning.com.au

TOWN PLANNING REPORT

REQUEST TO DOUGLAS SHIRE COUNCIL TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES LOCATED AT 7-9 MACROSSAN STREET, 6 WARNER STREET, PORT DOUGLAS AND PERMANENT ROAD CLOSURE LOCATED IN MACROSSAN STREET AND DESCRIBED AS LOT 10 ON SP262348 AND EASEMENT A ON SP262348 AND EASEMENT B ON SP262373 LOCATED WITHIN LOT 11 ON SP262348 AND LOT 20 ON SP301687 (PERMANENT ROAD CLOSURE)

CONTENTS

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FIGURES

Figure 1 Site Location

APPENDICES

Appendix A Title Searches and Land Owner's Consent
Appendix B Decision Notice dated 24 August 2017

Amended 11:30am 10 May 2021

TOWN PLANNING REPORT

REQUEST TO DOUGLAS SHIRE COUNCIL TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES LOCATED AT 7-9 MACROSSAN STREET, 6 WARNER STREET, PORT DOUGLAS AND PERMANENT ROAD CLOSURE LOCATED IN MACROSSAN STREET AND DESCRIBED AS LOT 10 ON SP262348 AND EASEMENT A ON SP262348 AND EASEMENT B ON SP262373 LOCATED WITHIN LOT 11 ON SP262348 AND LOT 20 ON SP301687 (PERMANENT ROAD CLOSURE)

1.00 INTRODUCTION

This Report has been commissioned by Hilrok Hotel Group Pty Ltd, the Applicant, in relation to the Application to Request to Extend the Relevant Period for an Existing Development Permit for Material Change of Use for Refurbishment of Tavern and Ancillary and Associated Facilities.

Specifically, this Application contains supporting information in relation to an existing Development Permit (Douglas Shire Council Reference: MCU2095/2017).

By Decision Notice dated 24 August 2017, Council issued a Development Permit with a currency period of four (4) years. It is noted that the twenty (20) day appeal period for this Approval ended on 21 September 2017 and that based on our understanding of the Development Assessment Rules and the Planning Act 2016 that the currency period commenced on 22 September 2017. Therefore the four (4) year currency period of this approval ends on 22 September 2021.

Having regard to the above, it is noted that by Notice dated 8 July 2020, the Minister for Infrastructure and Planning directed that *“all development approval and compliance permit currency periods under section 85, section 299(2) or any other relevant provision of the Planning Act 2016; and development approval periods for completion of development referenced in section 88, section 342 or any other relevant provision of the Planning Act 2016 had been extended by a period of six (6) months”*. Accordingly, it is submitted that this approval is valid for a further six (6) months to 22 March 2022.

It is confirmed that this Request is lodged with Council in accordance with Section 86 of the Planning Act 2016 – Extension Applications.

The Request relates to the subject site described as Lot 10 on SP262348 and Easement A on SP262348 and Easement B on SP262373 located within Lot 11 on SP262348 and Lot 20 on SP301687 (Permanent Road Closure) as shown by **Figure 1 - Site Location**. A copy of the Owner's Consent provided by TW and FT Peterson and the Department of Resources and corresponding Title Searches are attached as **Appendix A – Owner's Consent and Title Searches**.

2.00 RELEVANT BACKGROUND DOCUMENTS

In accordance with Section 86 of the Planning Act 2016, the relevant documents in relation to this request to extend the period of approval include:-

- the Decision Notice dated 24 August 2017 (**Appendix B**); and
- the response from the Department of Resources dated 6 May 2021 (refer to **Appendix A**) providing confirmation of owner's consent for Lot 20 on SP301687 (Permanent Road Closure)

Having regard to the above approval, the following approved plans forming part of the Decision Notice are relevant to the current Application:-

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

It is further noted that no changes are proposed to the approved plans.

3.00 EXTENSION CONSIDERATIONS

This request to extend the period of approval is referable to the Decision Notice dated 24 August 2017.

Based on the currency period identified in Section 1.00 of this Report, the Decision Notice is current until 22 September 2021. However, as stated above it is understood that the relevant period for the approval was "*automatically*" extended by a further six (6) months to 22 March 2022.

Due to extenuating circumstances beyond the control of the Applicant, exacerbated by the onset of the COVID-19 Pandemic and attendant market and development interruptions and uncertainties, the project has been unable to be commenced within the allotted timeframe.

It is noted that at the time of lodgement of the Planning Application, Material Change of Use approvals were issued for a period of four (4) years and, typically, requests for an extension to an existing approval were generally issued for a further four (4) years.

Notwithstanding, we hereby seek an Extension of the Relevant Period for the Development Approval, in accordance with Section 86 of the Planning Act 2016, for a **further six (6) years from the Application lapse date, including the six (6) month extension issued by the Minister, of 22 March 2022 to 22 March 2028.**

The extended period sought (six (6) years) would be compliant with the Planning Act 2016, Section 85 “*Lapsing of approval at end of currency period*”, which states, at (1)(a)(ii):

“... a development approval lapses .. relating to a material change of use ... 6 years after the approval starts to have effect.”

It is submitted that the Request to extend the currency of the approval does in no way materially alter the approved development form or content.

It is also significant to note that the requested extension to the currency period is also within the Term of the Lease over Lot 20 on SP30687 extending for thirty (30) years to 2048.

4.00 STATUTORY CONSIDERATIONS

4.01 General

We note and advise, in support, that to the extent that there have been Planning instrument changes or other amendments to the Douglas Shire Planning Scheme and to Planning legislation, notably the Douglas Shire Planning Scheme 2018 and Planning Act 2016 since the date of the granting of the originating Approval referable to the subject site, there are no material alterations which might otherwise preclude this request for extension of the period of currency from being granted.

Accordingly, with reference to the Douglas Shire Planning Scheme 2018, the following submissions are made:

- a) the subject site is currently located within the Centre zone;
- b) The referable Centre Zone Code seeks to provide a range of “*retail, commercial, community and residential uses*” which is consistent with the previous Commercial Planning Area allocation for the subject site under the superseded Planning Scheme for Douglas Shire (2006);
- c) the subject site is currently located within the Live Entertainment Precinct and Sub-Precinct 1a – Town Centre of the Port Douglas Precinct of the Port Douglas / Craiglie Local Plan;
- d) Furthermore, the Port Douglas / Craiglie Local Plan Code encourages a range of “*tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian*

scale” which is consistent with the previous Designated Tourist Centre with a High Scale plot Ratio allocation for the subject site under the superseded Planning Scheme for Douglas Shire (2006).

e) no changes are proposed to the approved development.

In summary, with reference to the Request’s consistency with the existing approval with current laws and policies applying to the development, it is submitted that the approved development remains entirely consistent with the stated intents of the applicable Centre Zone Code and the Port Douglas / Craiglie Local Plan Code, and remains, overall, consistent with the currently prescribed criterion.

4.02 Concurrence Agencies

As detailed in the Decision Notice, the former Department of Infrastructure, Local Government and Planning (now Department of State Development, Infrastructure, Local Government and Planning) was the Referral Agency in relation to the State-controlled Road referral for this Approval.

Please be advised that, in accordance with Section 86 “*Extension Applications*”, Subsection (1) this Request has been made to the Assessment Manager and that the Assessment Manager is to notify the Department of State Development, Infrastructure, Local Government and Planning, as Concurrence Agency, accordingly.

6.00 CONCLUSION

The following conclusions are drawn in relation to the Request to extend the relevant period of approval for a further six (6) years to 22 March 2028 in relation to the Development Permit for Material Change of Use for Refurbishment of Tavern and Ancillary and Associated Facilities located at Central Hotel, 7-9 Macrossan Street, 6 Warner Street and Permanent Road Closure located within Macrossan Street, Port Douglas and described as Lot 10 on SP262348 and Easement A on SP262348 and Easement B on SP262373 located within Lot 11 on SP262348 and Lot 20 on SP301387 (Permanent Road Closure):-

- a) The extension to the period of approval for the Decision Notice dated 24 August 2017 is sought as a consequence of circumstances described in Section 3.00, which have delayed the development of the subject site as approved;
- b) the Request to extend the currency of the approval does in no way materially alter the approved development form or content;
- c) the approved development remains entirely consistent with the stated intents of the applicable Centre Zone Code and Port Douglas / Craiglie Local Plan Code, and remains, overall, consistent with the current criterion and the Planning Scheme generally; and
- d) the requested extension to the relevant period of approval for the current approval is made in accordance with Section 86 of Planning Act 2016.

Having regard to the facts, considerations and circumstances of this request, we submit that the Development Permit granted in 2017 for Material Change of Use for Refurbishment of Tavern and Ancillary and Associated Facilities located at Central Hotel, 7-9 Macrossan Street, Permanent Road Closure located in Macrossan Street and 6 Warner Street, Port Douglas remains supportible from a Town Planning viewpoint and continues to be fully supported, consistent with well-held and fully-accepted Town Planning principles and practice and compliant with the pertinent legislative and administrative planning instruments.

We accordingly commend the Request to Extend the Relevant Period **by a further six (6) years, from 22 March 2022 to 22 March 2028** for the favourable consideration of Council.

Should there be a requirement for clarification or for further information, please do not hesitate to contact the writer.

VICTOR G FEROS TOWN PLANNING CONSULTANTS

April 2021

FIGURES



7-9 MACROSSAN STREET AND 6
WARNER STREET, PORT DOUGLAS

HILROK HOTEL GROUP PTY LTD

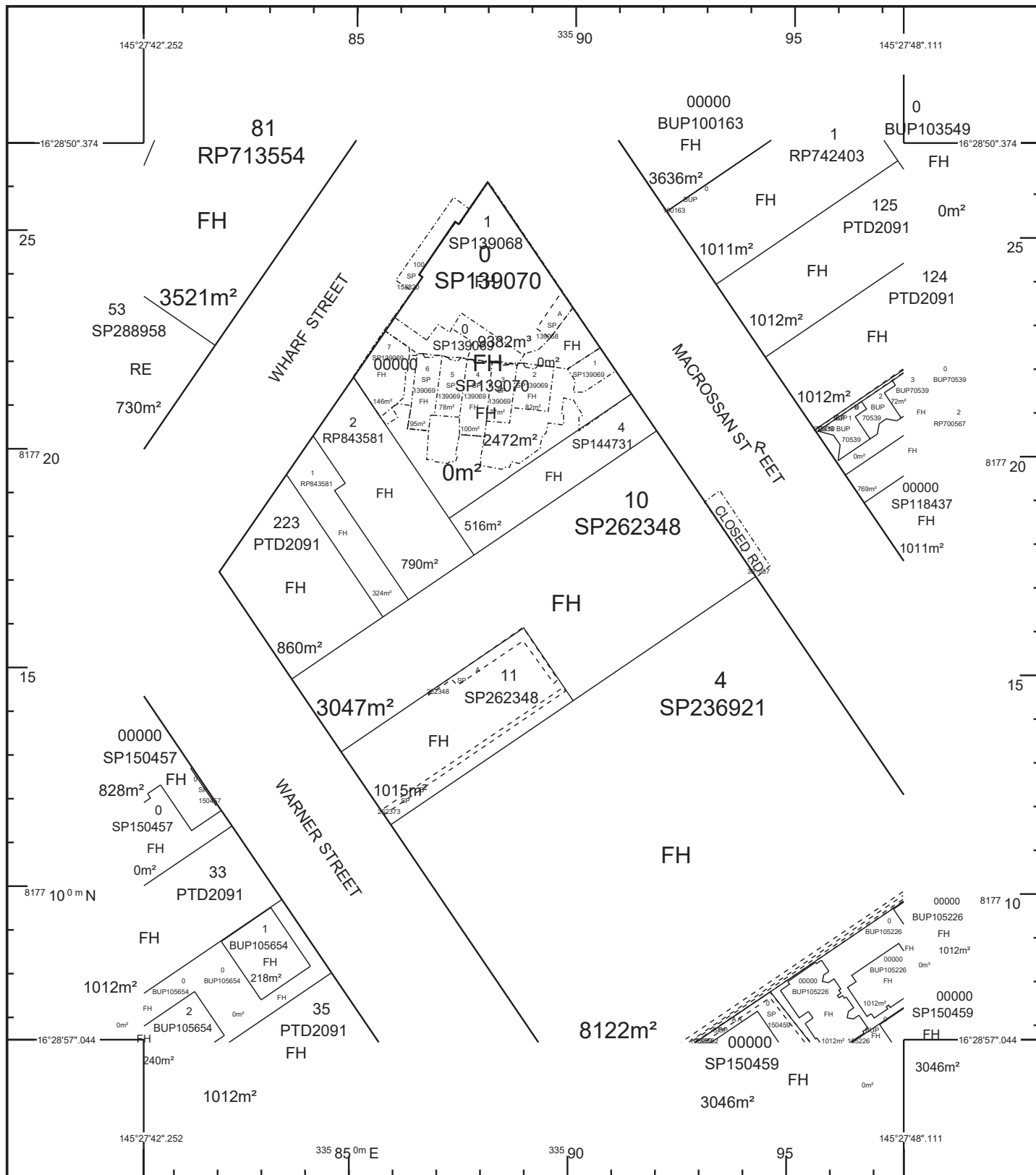
LOCATION



FIGURE 1 APRIL 2021



APPENDIX A



STANDARD MAP NUMBER
7965-22231

MAP WINDOW POSITION &
NEAREST LOCATION

145°27'45".181
16°28'53".709
PORT DOUGLAS
0.36 KM



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 10/SP262348
Area/Volume 3047m²
Tenure FREEHOLD
Local Government DOUGLAS SHIRE
Locality PORT DOUGLAS
Segment/Parcel 8704/780

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 14/04/2021

DCDB 13/04/2021

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SmartMap

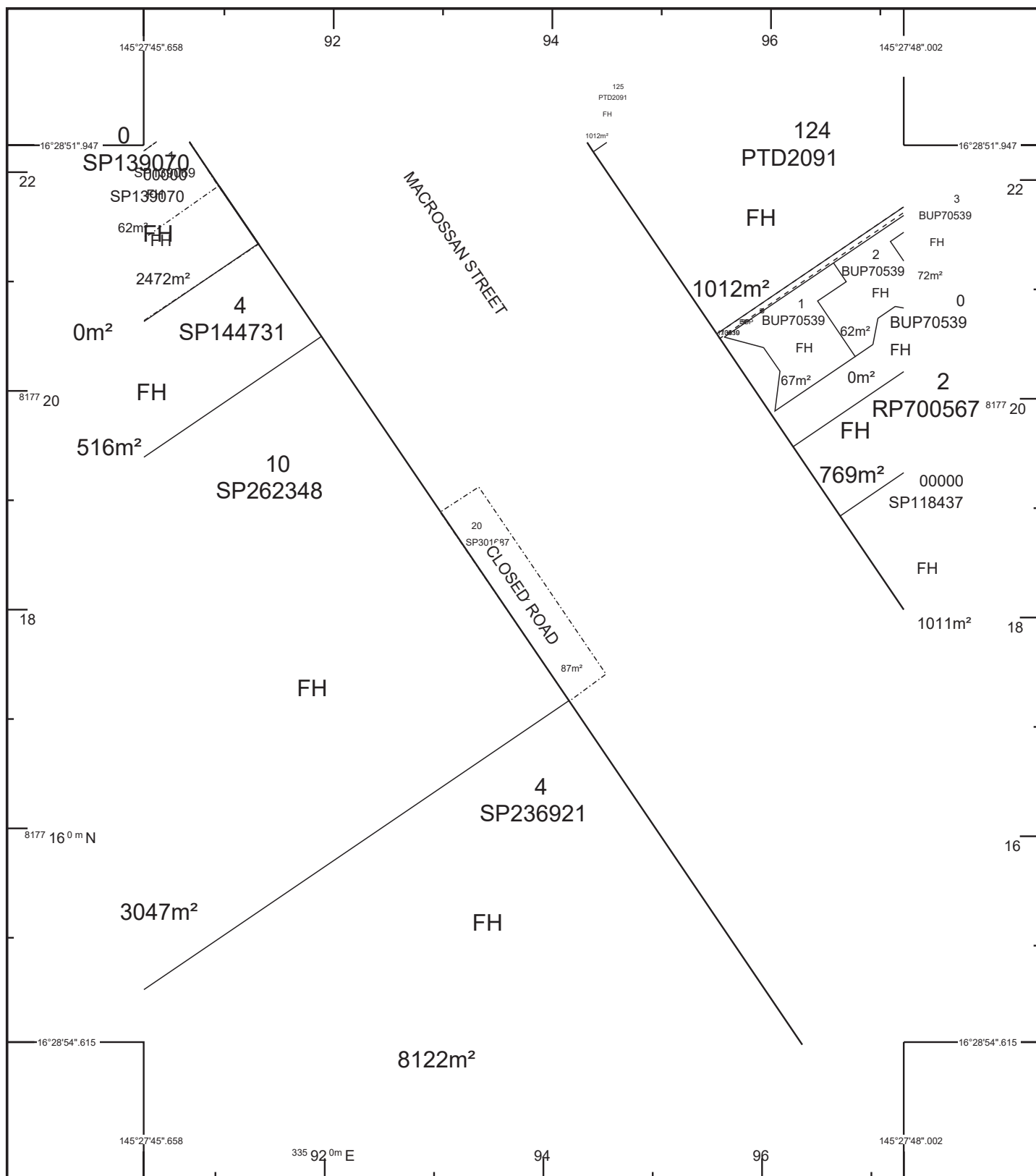
An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



Queensland
Government

(c) The State of Queensland,
(Department of
Natural Resources,
Mines and Energy) 2021.



STANDARD MAP NUMBER
7965-22231

MAP WINDOW POSITION &
NEAREST LOCATION

145°27'48\"/>

+



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 20/SP301687
Area/Volume 87m²
Tenure LANDS LEASE
Local Government DOUGLAS SHIRE
Locality PORT DOUGLAS
Segment/Parcel 8702/105

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 14/04/2021

DCDB 13/04/2021

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SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**
(c) The State of Queensland,
(Department of
Natural Resources,
Mines and Energy) 2021.

Department of Resources
ABN 59 020 847 551

Title Reference:	50951380	Search Date:	07/04/2021 17:02
Date Title Created:	10/06/2014	Request No:	36838222
Previous Title:	20282236, 21344055, 21344056		

ESTATE AND LAND

Estate in Fee Simple

LOT 10 SURVEY PLAN 262348
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 715780278 20/05/2014

TIMOTHY WALTER PETERSON
FRANCES THOMAS PETERSON

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332177 (ALLOT 4 SEC 2)
Deed of Grant No. 10369013 (ALLOT 3 SEC 2)
Deed of Grant No. 10369034 (ALLOT 22 SEC 2)
2. MORTGAGE No 710287180 25/01/2007 at 11:50
WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141
3. EASEMENT No 715780300 20/05/2014 at 10:58
benefiting the land over
EASEMENT A ON SP262348
4. EASEMENT No 715780358 20/05/2014 at 11:06
benefiting the land over
EASEMENT B ON SP262373
5. COVENANT No 719095842 09/11/2018 at 11:30
restricts dealings over
LOT 10 ON SP262348 AND
LOT 20 ON SP301687

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Department of Resources
ABN 59 020 847 551

Title Reference:	50951381	Search Date:	07/04/2021 17:02
Date Title Created:	10/06/2014	Request No:	36838223
Previous Title:	21217073		

ESTATE AND LAND

Estate in Fee Simple

LOT 11 SURVEY PLAN 262348
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 715780278 20/05/2014

TIMOTHY WALTER PETERSON
FRANCES THOMAS PETERSON

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332055 (ALLOT 21 SEC 2)
2. MORTGAGE No 710287180 25/01/2007 at 11:50
WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141
3. EASEMENT No 715780300 20/05/2014 at 10:58
burdening the land to
LOT 10 ON SP262348 OVER
EASEMENT A ON SP262348
4. EASEMENT No 715780358 20/05/2014 at 11:06
burdening the land to
LOT 10 ON SP262348 OVER
EASEMENT B ON SP262373

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Department of Resources
ABN 59 020 847 551

Title Reference:	40075378	Search Date:	07/04/2021 17:02
Date State Tenure Created:	29/08/2018	Request No:	36838224
Creating Dealing:			

DESCRIPTION OF LAND

Tenure Reference: TL 240510
Lease Type: TERM
LOT 20 SURVEY PLAN 301687
Local Government: DOUGLAS
Area: 0.008700 Ha. (SURVEYED)
No Land Description
No Forestry Entitlement Area
Purpose for which granted:
COMMERCIAL/BUSINESS

REGISTERED LESSEE

TIMOTHY WALTER PETERSON
FRANCES THOMAS PETERSON

JOINT TENANTS

TERM OF LEASE

Term and day of beginning of lease
Term: 30 years commencing on 14/08/2018
Expiring on 13/08/2048

CONDITIONS

A131 SPECIFIED CONDITIONS FOR: Lease for a Term of Years
PURPOSE: Commercial/business

STATUTORY CONDITIONS:

Statutory conditions are the mandatory conditions of a lease in accordance with Part 2 Division 1 of the Land Act 1994 and other specific requirements of the Land Act 1994.

1. Permitted Use: The lessee must use the land only for the purpose for which the tenure was issued under the Land Act 1994.
2. Duty of Care: The lessee has the responsibility for a duty of care, for the land under the Land Act 1994.
3. Rent/Instalment: The lessee must pay the annual rent/instalment in accordance with the Land Act 1994 and the Land Regulation 2009. For further information on how annual rent is determined, refer to the department's website at www.dnrm.qld.gov.au.
4. Noxious plants: The lessee must keep noxious plants on the land under control. If the lessee does not comply with this condition, the Minister may bring the noxious plants under control, the cost of which will be recovered from the lessee.
5. Information to Minister: The lessee must give the Minister administering the Land Act 1994, information the Minister asks for about the tenure.
6. Monies for Improvements: No money for improvements is payable by the State on the forfeiture, cancellation, surrender or expiry of this lease but money may be payable if the State receives payment from an incoming lessee or buyer for the improvements on the land.

CONDITIONS (Continued)

However, the previous lessee may apply to the Minister to remove the improvements that belong to the lessee, within a period of 3 months from the date of the forfeiture, surrender, or expiry of this lease. The lessee may only undertake the removal of the improvements in the presence of an authorised representative of the department, if required by the Minister. The lessee may only remove those improvements if all monies due from the lessee to the department under this lease have been paid.

REGULATORY CONDITIONS; OR IMPOSED CONDITIONS - SECTION 210:

A regulatory condition relates to a lease, in accordance with the Land Regulation 2009 - Chapter 5 Part 2 Division 3A of the Land Act 1994. Section 210 of the Land Act 1994 provides for Imposed conditions to be changed. Where a lease is not subject to the regulated conditions, the (wording of the) regulated conditions may be included as imposed conditions under section 210.

1. Indemnity: The lessee indemnifies and agrees to keep indemnified the Minister, and the State of Queensland and its Representatives, (the "Indemnified parties") against all liability, costs, loss and expenses including claims in negligence (including any claims, proceedings or demands brought by any third party, and any legal fees, costs and disbursements on a solicitor and client basis) ("Claim") arising from or incurred in connection with:
 - a. the granting of this lease to the lessee;
 - b. the lessee's use and occupation of the land; or
 - c. personal injury (including sickness and death) or property damage or loss in connection with the performance (or attempted purported performance or non-performance) of the lease or a breach of the lease by the lessee.

The lessee hereby releases and discharges to the full extent permitted by law, the Indemnified parties from all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property and whether special, direct, indirect or consequential financial loss) arising out of the use and occupation of the lease.

To the full extent permitted by law, the Minister, the State of Queensland and their Representatives will not be liable to the lessee for any special, indirect or consequential damages, including consequential financial loss arising out of the use and occupation of the lease.

2. Public Liability: The lessee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, if not so authorised then only with the Minister's approval, which can be given or withheld in the Minister's sole discretion, naming the lessee as the insured covering legal liability for any loss of, or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the land or any improvements thereon and against all claims, demands, proceedings, costs, charges, and expenses whatsoever (including claims in negligence) Such policy must:

- a. be for an amount of not less than \$20 Million and have no per event sublimit or such higher amounts as the Minister may reasonably require.
- b. be effected on a "claims occurring" basis; and
- c. be maintained at all times during the currency of the lease, and upon receipt of any notice of cancellation, the lessee must immediately effect another public insurance policy in accordance with the terms of the lease.

The lessee must, as soon as practicable, inform the Minister, in writing, of the occurrence of any event that the lessee considers

CONDITIONS (Continued)

is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister is kept fully informed of subsequent actions and developments concerning the claim.

The lessee must renew such policy, at the lessee's expense, each year during the currency of this lease.

The condition will be satisfied if the lessee is the State of Queensland or a statutory authority eligible for cover under the Queensland Government Insurance Fund and is insured and continues to be insured by the Queensland Government Insurance Fund.

This condition will be satisfied if the lessee is the Commonwealth of Australia or a statutory authority eligible for cover under the Comcover Insurance Fund and is insured and continues to be insured by Comcover.

3. Access: The provision of access, further access or services to the land will not be the responsibility of the State.
4. Survey Costs: If the land needs to be surveyed or re-surveyed the lessee must do this at their own cost under the Survey and Mapping Infrastructure Act 2003. This survey plan must be lodged in the land registry within the specified time.
5. Jurisdiction: The lessee is subject to the Land Act 1994 and all other relevant Queensland and Commonwealth legislation.
6. Compliance with Laws: The lessee must comply with all lawful requirements of the:
 - a. Local Government; and
 - b. any department within the Queensland or Commonwealth governments (including the department administering the Land Act 1994), local authority or statutory instrumentality having jurisdiction over the land, or the development, use and occupation of the land, in regard to its use, occupation and development of the land.

IMPOSED CONDITIONS:

These imposed conditions relate to this lease - Chapter 5 Part 2 Division 2 of the Land Act 1994.

Cancellation/Forfeiture

1. The lease may be forfeited/cancelled if not used for the purpose for which it was issued or any subsequent additional purpose, defaults payment of the annual rent or by breach of a condition of the tenure.

Maintenance of landscape and beautification program

1. The lessee must provide to the Minister administering the Land Act 1994 a Performance Guarantee Bond produced by an Australian trading bank on terms approved by the Minister administering the Land Act 1994 and in a form approved by the said Minister unconditionally guaranteeing to pay the amount of \$60,000.00 the bond to the said Minister on demand as surety for completion of works and/or demolition and removal of the works as may occur or be required by the terms and conditions hereof.

The amount of the bond may be reviewed at any time at the discretion of the said Minister, or upon application being made to the department administering the Land Act 1994 by the lessee.

Assessment of the bond amount must be undertaken by the department administering the Land Act 1994 and all costs leading to the establishment of the bond and any review of the bond must be borne by the lessee.

Notwithstanding the above, the said Minister has the discretion to approve any other form of security offered by the lessee in substitution for the bond. If the said Minister approves any other form of security offered by the lessee (the substituted security), then the said Minister will determine, in the Minister's absolute

Department of Resources
ABN 59 020 847 551

Title Reference: 40075378

CONDITIONS (Continued)

- discretion, the amount of, the form of, and the terms upon which the substituted security must be provided.
- Conversion or renewal of the lease
1. The lessee of this lease is not allowed to make an application for conversion of this lease in terms of the Land Act 1994.

ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Lease No. 40075378
2. COVENANT No 719095842 09/11/2018 at 11:30 restricts dealings over LOT 10 ON SP262348 AND LOT 20 ON SP301687

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act (1994) or section 281 Land Act (1994)

File / Ref number 2021/001416

6 May 2021

Victor G Feros Town Planning Consultants
Attn: Nick Hardy
PO Box 1256
Cairns QLD 4870

By email: cairns@ferosplanning.com.au



Department of Resol

Dear Nick,

Application for owner's consent – Lot 20 on SP301687, Term Lease 240510

Reference is made to your request dated 20 April 2021 to extend a currency period in terms of section 86(2A) of the *Planning Act 2016*.

The department hereby gives owner's consent as the owner to extend the currency period of a development approval application for the purpose of section 86(2A) of the *Planning Act 2016*.

Although owner's consent to extend the currency period of a development approval application has been provided, your client is always required to comply with the purpose, terms and conditions of Term Lease 240510 described as Lot 20 on SP301687 and undertake works only if and when the development application has been approved by the assessment manager or responsible entity, and in accordance with the conditions of that approval.

A copy of this letter is to be attached to your DA Form 5 as the required evidence of owner's consent. Further, please note that the above consent will expire on **6 November 2021**.

Your client will also need to comply with all other legislative and regulatory requirements which may also include approvals that are not part of the assessment of the development application under the *Planning Act 2016* e.g. a marine park permit if in a marine park.

It is also advised that any land use activities must comply with the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Heritage Act 2003*.

If you wish to discuss this matter please contact Taylah Hopper on (07) 4222 5417.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrme.qld.gov.au . Any hard copy

correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2021/001416 in any future correspondence.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D. Camilleri'. The signature is fluid and cursive, with a large initial 'D'.

Dianne Camilleri

Senior Land Officer

A duly authorised delegate of the Minister
under the current Land Act (Ministerial) Delegation

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application involving **code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Hilrok Hotel Group Pty Ltd c/- Victor G Feros Town Planning Consultants
Contact name (only applicable for companies)	Nick Hardy
Postal address (P.O. Box or street address)	PO Box 1256
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Contact number	(07) 4031 3663
Email address (non-mandatory)	cairns@ferosplanning.com.au
Mobile number (non-mandatory)	0412 756 622
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	C1039

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- ☒ **Yes – the written consent of the owner(s) is attached to this development application**
☐ No – proceed to 3)



PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below, and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		7-9	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		10	SP262348	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		6	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		11	SP262348	Douglas Shire Council
c)	Unit No.	Street No.	Street Name and Type	Suburb
			Macrossan Street (Permanent Road Closure)	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		20	SP301687	Douglas Shire Council

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ **Not required**

4) Identify any of the following that apply to the premises and provide any relevant details

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer
Name of water body, watercourse or aquifer:
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>
Lot on plan description of strategic port land:
Name of port authority for the lot:
<input type="checkbox"/> In a tidal area

Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☒ **Yes – All easement locations, types and dimensions are included in plans submitted with this development application**
- ☐ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? (tick only one box)
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? (tick only one box)
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment (requires public notification)
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):
Request to Extend Period of Approval
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? (tick only one box)
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? (tick only one box)
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment (requires public notification)
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ **Not required**

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

- ☐ Yes
- ☐ No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

- | | |
|--|---|
| <input type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
- ☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: <table border="1" style="width: 600px; height: 20px;"></table>		

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots: <table border="1" style="width: 200px; height: 20px;"></table>
<input type="checkbox"/> No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ <table border="1" style="width: 300px; height: 20px;"></table>

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☒ **Infrastructure-related referrals – State transport corridor and future State transport corridor**
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
Further advice about information requests is contained in the <u>DA Forms Guide</u> .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC2095/2017	24 August 2017	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements	
Environmentally relevant activities	
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No	
<i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
Hazardous chemical facilities	
23.2) Is this development application for a hazardous chemical facility ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No	
<i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>	

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ **No**

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ **No**

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ **No**

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ **No**

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ **No**

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ **No**

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ **No**

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ **No**

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ **No**

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ **No**

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ **No**

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ **No**

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ **No**

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ **No**

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ **Yes**

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application

☐ Yes

☒ **Not applicable**

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.

☒ **Yes**

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.

☒ **Yes**

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ **Not applicable**

25) Applicant declaration

☒ **By making this development application, I declare that all information in this development application is true and correct**

☒ **Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

Note: All terms used within this template have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Hilrok Hotel Group Pty Ltd c/- Victor G Feros Town Planning Consultants
Contact name <i>(only applicable for companies)</i>	Nick Hardy
Postal address <i>(P.O. Box or street address)</i>	PO Box 1256
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Email address <i>(non-mandatory)</i>	(07) 4031 3663
Contact number	cairns@ferosplanning.com.au
Applicant's reference number(s) <i>(if applicable)</i>	0412 756 622

2) Owner's consent – Is written consent of the owner required for this extension application?
Note: section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application <input type="checkbox"/> No – proceed to question 3

PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.
Douglas Shire Council

PART 3 – DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC2095/2017	24 August 2017	Douglas Shire Council

5) Further details

5.1) Provide the currency period for this development approval.

Refer to **Section 3.00** of the **Request Report** dated **April 2021** that describes the currency period for this Development Approval.

5.2) Identify how long this application seeks to extend the currency period of this development approval.

Note: reasoning to support the proposed extension should also be provided

This Application seeks to extend the currency period of this Development Permit for a further six (6) years from **22 March 2022 to 22 March 2028**.

(Refer to **Section 3.00** of the **Request Report** dated **April 2021**)

PART 4 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager's form) and any additional materials supporting this extension application must be sent to the assessment manager.

HILROK HOTEL GROUP PTY LTD

ABN 57 001 173 673

Letter of Authority

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

Dear Sir

RE: APPLICATION TO DOUGLAS SHIRE COUNCIL FOR A REQUEST TO EXTEND THE RELEVANT PERIOD FOR AN EXISTING DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR REFURBISHMENT OF TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES ON LAND DESCRIBED AS LOT 10 ON SP262348 AND EASEMENT A ON SP262348 AND EASEMENT B ON SP262373 LOCATED WITHIN LOT 11 ON SP262348 AND LOT 20 ON SP301687 (PERMANENT ROAD CLOSURE) AND SITUATED AT CENTRAL HOTEL, 7-9 MACROSSAN STREET, 6 WARNER STREET, PORT DOUGLAS AND PERMANENT ROAD CLOSURE LOCATED WITHIN MACROSSAN STREET

We, the undersigned, as registered owners of Lot 10 on SP262348 and Lot 11 on SP262348, containing Easement A on SP262348 and Easement B on SP262373, consent to the lodgement of the attached application and supporting documents prepared by Victor G Feros Town Planning Consultants.

Yours faithfully



TIM PETERSON
(name of authorised person)

Signed on the 19 day of April 2021



FRANK PETERSON
(name of authorised person)

Signed on the 19 day of April 2021

APPENDIX B

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



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

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

RECEIVED

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

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.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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).

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.

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

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

The site plan for Lot 10, 321 Macrossan Street, shows a large rectangular building with a central section labeled 'CENTRAL HOTEL' and a side section labeled 'CENTRAL HOTEL STORAGE SHED'. The building is surrounded by parking areas and a 'BEER GARDEN'. The plan includes dimensions, area calculations, and a legend for different building components.

AREA ANALYSIS

SITE AREA (LOT 10)	
HOTEL (BEDSING FLOOR)	489MP
HOTEL (PARKING FLOOR)	253MP
BEER GARDEN	974MP
STORAGE SHED	240MP
TOTAL	2170MP
PLOT RATIO	0.781

NOTE: PARKING OVER 100MP/HA IS 75MP

LOT 10
321 MACROSSAN STREET

CENTRAL HOTEL

CENTRAL HOTEL STORAGE SHED

BEER GARDEN

LOT 11
17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/

[illegible]

DISCONTINUITIES

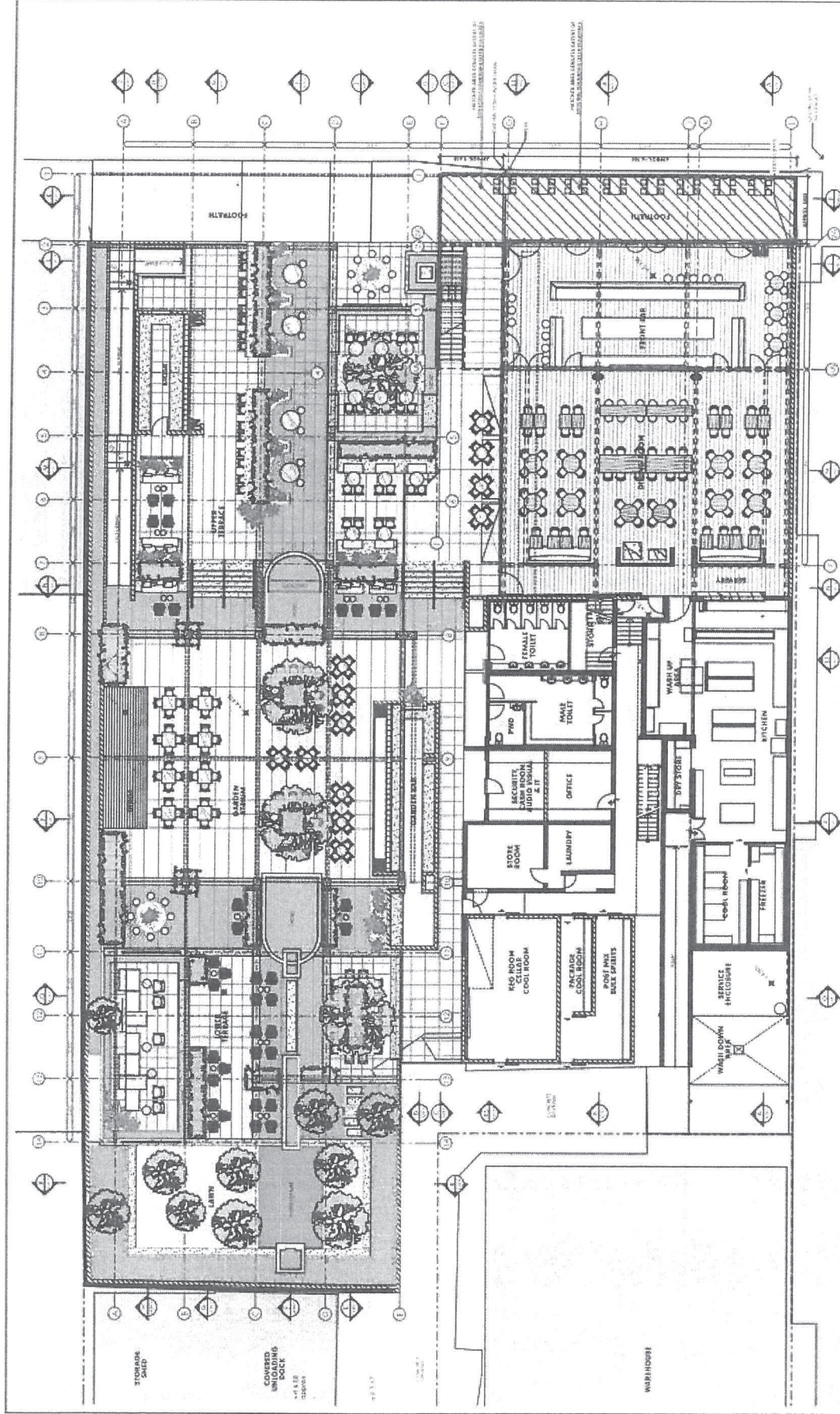
We have seen that if f is continuous at a , then $\lim_{x \rightarrow a} f(x) = f(a)$. If f is not continuous at a , we say that f has a discontinuity at a . There are three types of discontinuities: removable, jump, and infinite.

- (1) **Removable discontinuity:** A function f has a removable discontinuity at a if $\lim_{x \rightarrow a} f(x)$ exists but $f(a) \neq \lim_{x \rightarrow a} f(x)$.
- (2) **Jump discontinuity:** A function f has a jump discontinuity at a if $\lim_{x \rightarrow a^-} f(x)$ and $\lim_{x \rightarrow a^+} f(x)$ both exist but are not equal.
- (3) **Infinite discontinuity:** A function f has an infinite discontinuity at a if $\lim_{x \rightarrow a} f(x) = \infty$ or $-\infty$.

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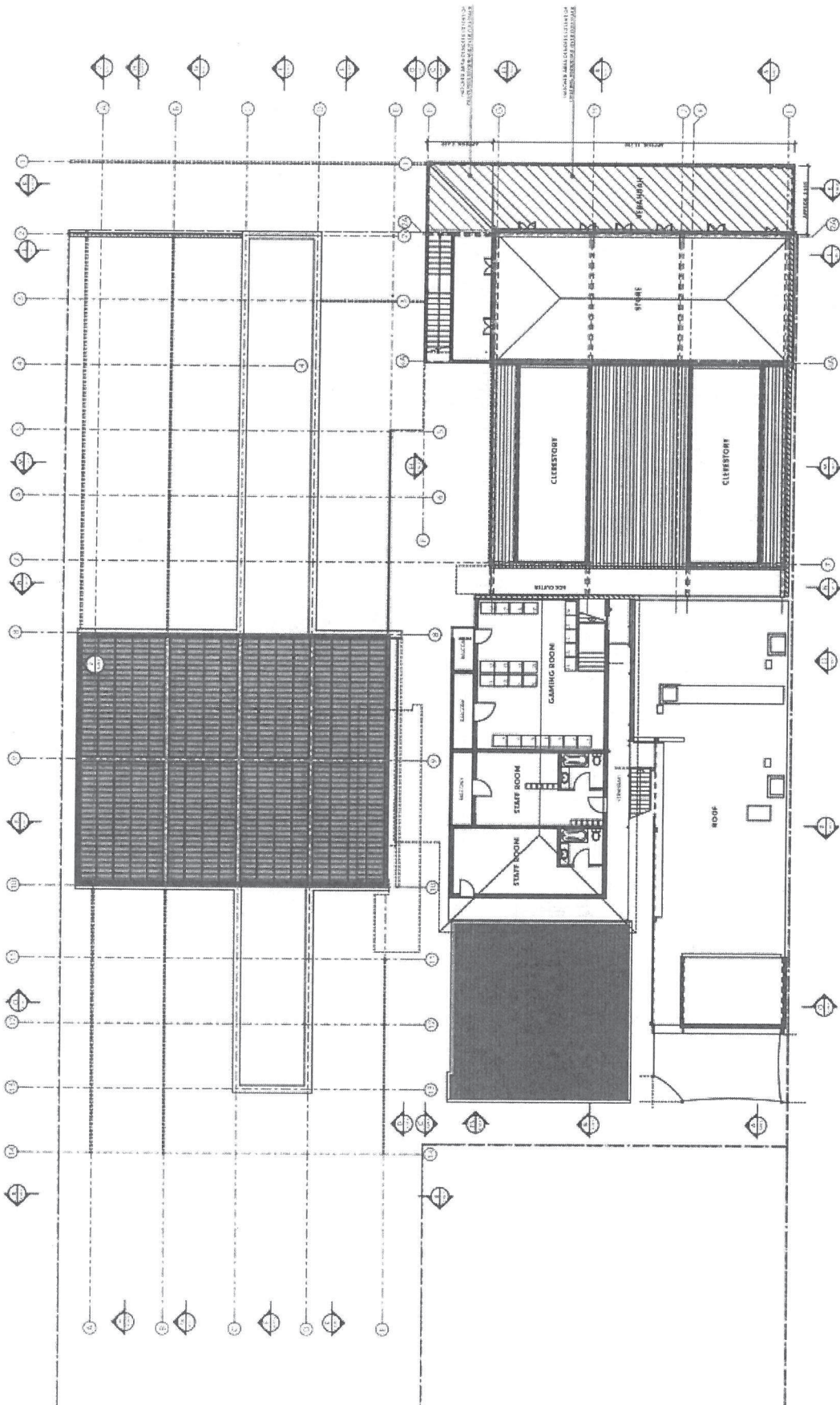
DECISION NOTICE DETAILS SUSTAINABLE PLANNING ACT 2009



GROUND FLOOR PLAN

<p>PROPOSED ALTERATIONS AND IMPROVEMENTS TO THE CENTRAL HOTEL, FORT DOUGLAS QLD 4811</p> <p>HLBCKY ARCHITECTS PTY LTD</p> <p>DATE: 10/10/2017</p> <p>PROJECT: 17/01/2017</p> <p>REVISION: 17/01/2017</p> <p>DESIGNED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>DRAWN BY: HLBCKY ARCHITECTS PTY LTD</p> <p>CHECKED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>APPROVED BY: HLBCKY ARCHITECTS PTY LTD</p>	<p>PROPOSED ALTERATIONS AND IMPROVEMENTS TO THE CENTRAL HOTEL, FORT DOUGLAS QLD 4811</p> <p>HLBCKY ARCHITECTS PTY LTD</p> <p>DATE: 10/10/2017</p> <p>PROJECT: 17/01/2017</p> <p>REVISION: 17/01/2017</p> <p>DESIGNED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>DRAWN BY: HLBCKY ARCHITECTS PTY LTD</p> <p>CHECKED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>APPROVED BY: HLBCKY ARCHITECTS PTY LTD</p>	<p>PROPOSED ALTERATIONS AND IMPROVEMENTS TO THE CENTRAL HOTEL, FORT DOUGLAS QLD 4811</p> <p>HLBCKY ARCHITECTS PTY LTD</p> <p>DATE: 10/10/2017</p> <p>PROJECT: 17/01/2017</p> <p>REVISION: 17/01/2017</p> <p>DESIGNED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>DRAWN BY: HLBCKY ARCHITECTS PTY LTD</p> <p>CHECKED BY: HLBCKY ARCHITECTS PTY LTD</p> <p>APPROVED BY: HLBCKY ARCHITECTS PTY LTD</p>
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DECISION NOTICE DETAILS



FIRST FLOOR PLAN

[illegible]

1. The first step in the process is to identify the problem. This involves gathering information about the situation and the people involved.

2. Once the problem is identified, the next step is to analyze it. This involves breaking the problem down into its component parts and understanding how they are related.

3. After analyzing the problem, the next step is to develop a plan. This involves deciding on the best way to solve the problem and the steps that need to be taken.

4. The final step in the process is to implement the plan. This involves putting the plan into action and monitoring the results.

5. Once the plan has been implemented, the next step is to evaluate the results. This involves comparing the actual results with the expected results and determining if the problem has been solved.

6. If the problem has not been solved, the next step is to go back to the beginning and start the process over.

7. The final step in the process is to document the results. This involves writing a report that describes the problem, the analysis, the plan, the implementation, and the results.

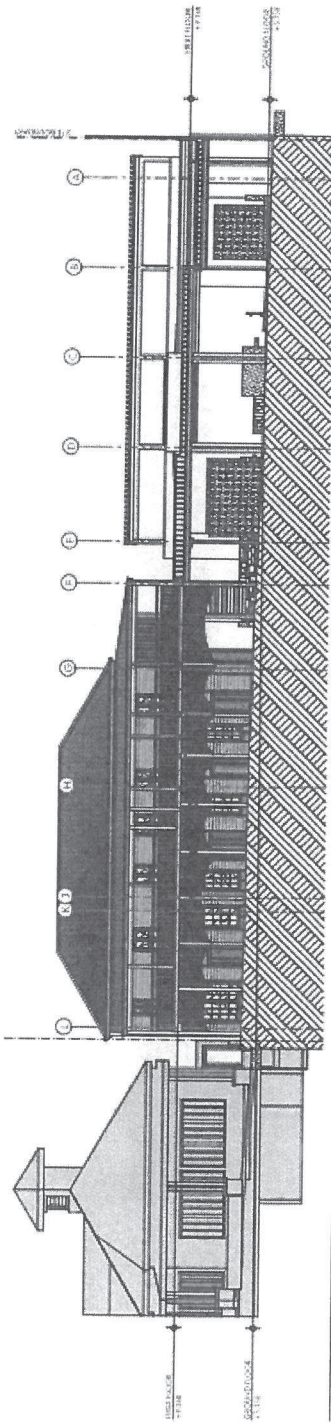
8. The final step in the process is to share the results. This involves presenting the results to the people who were involved in the process and to anyone who might be interested.

9. The final step in the process is to learn from the experience. This involves reflecting on what was learned from the process and using that knowledge to improve future problem-solving efforts.

10. The final step in the process is to celebrate the success. This involves acknowledging the efforts of everyone who contributed to the successful resolution of the problem.

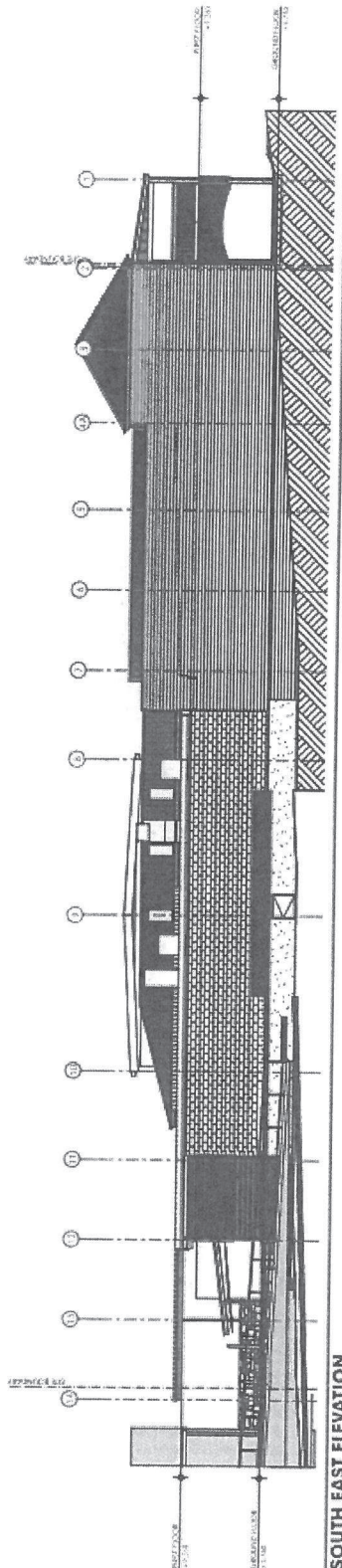
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DECISION NOTICE DETAILS



NORTH EAST ELEVATION

E1

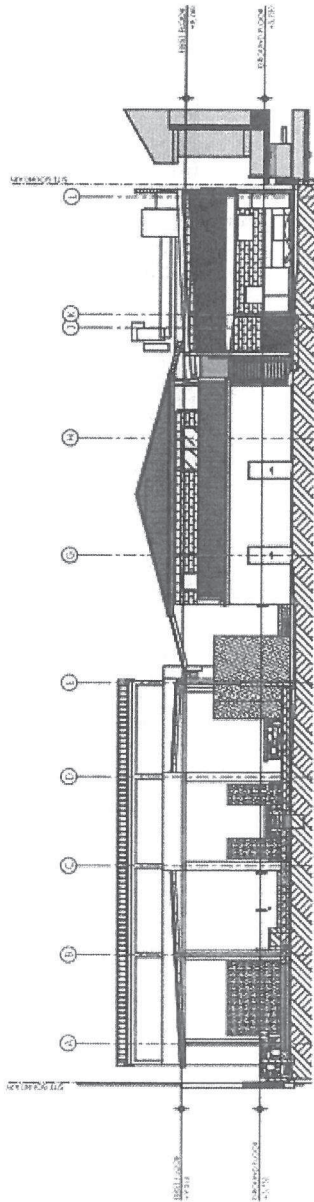


SOUTH EAST ELEVATION

E2

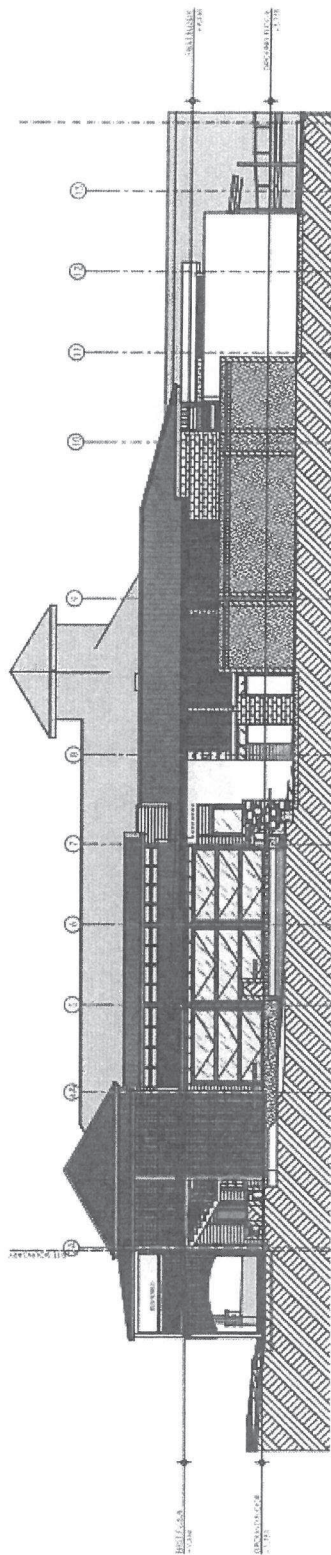
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DECISION NOTICE DETAILS



SOUTH WEST ELEVATION

E3



NORTH WEST ELEVATION

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<p>PROPOSED ALLEGATIONS AND ADDITIONS TO THE CENTRAL REGISTER OF COMPANIES, FORT DOUGLAS, QLD 4177</p>		<p>PROPOSED ELEVATIONS</p>		<p>FILE NO. 9113216</p>	<p>DATE 01/04/2016</p>
<p>PROPOSED ALLEGATIONS AND ADDITIONS TO THE CENTRAL REGISTER OF COMPANIES, FORT DOUGLAS, QLD 4177</p>		<p>PROPOSED ELEVATIONS</p>		<p>A00.4.5</p>	

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
	caims@ferosplanning.com.au

Page 1

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)

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(5) 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 + Hecker 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	CNS16\072	-

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

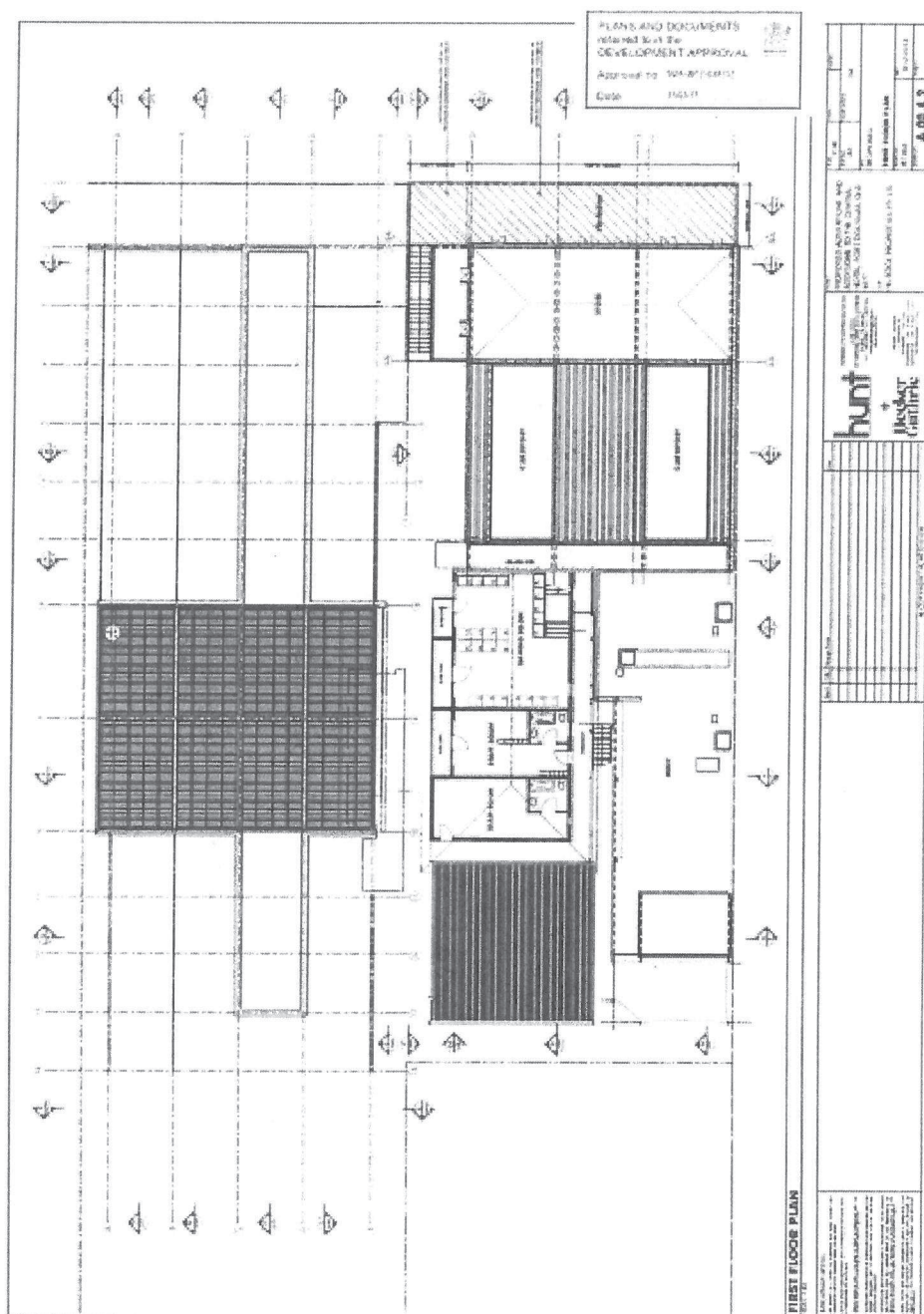
Council Reference: MCU 2095/2017

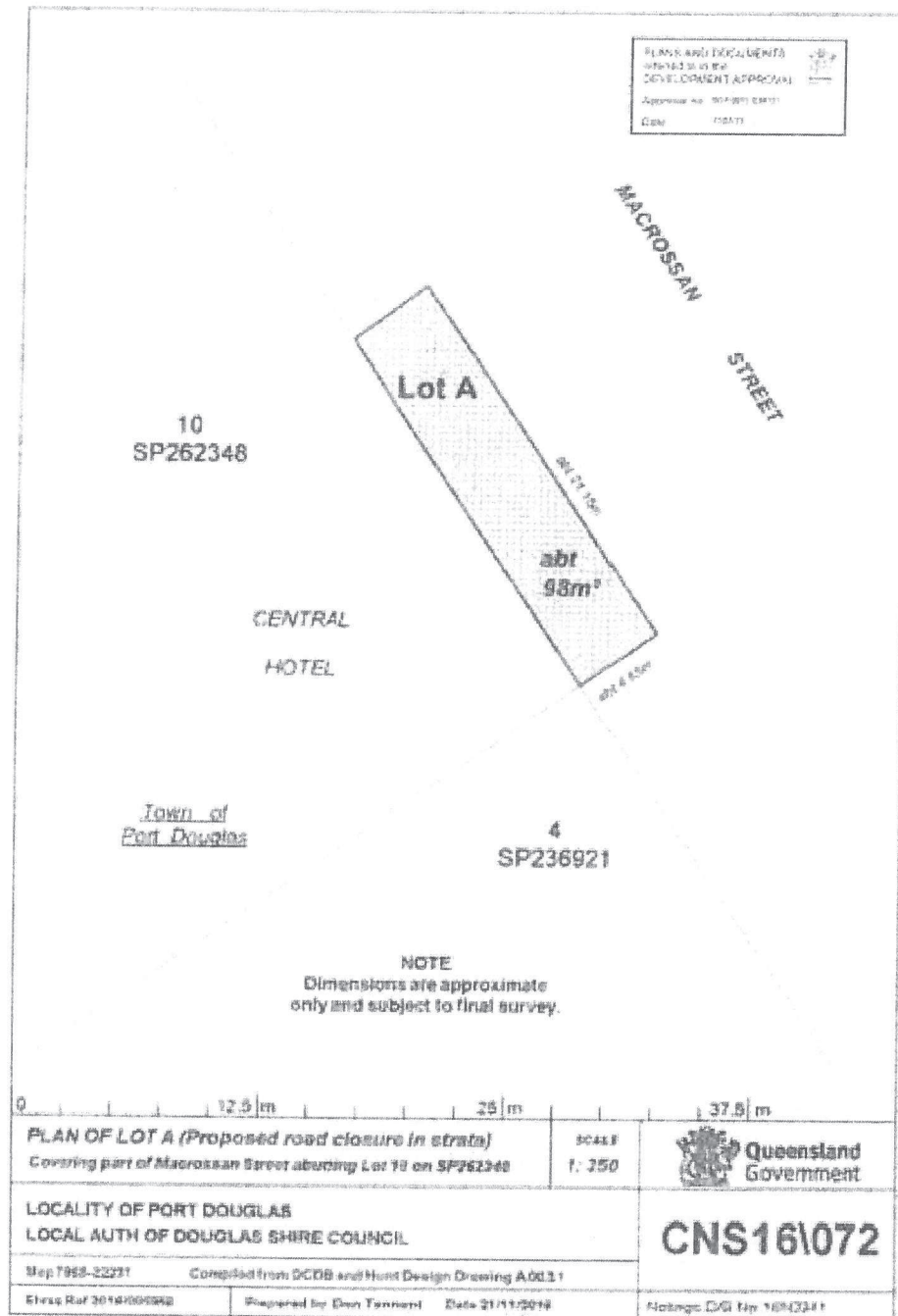
Attachment 3—Further advice

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





SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

CHAPTER 6, 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 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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

SCHEDULE 1 APPEALS

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to—

- (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (ii) the Plumbing and Drainage Act, part 4 or 5; or
 - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
 - (i) a decision to give an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (k) a matter that, under another Act, may be appealed to the tribunal; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

Extract of Schedule 1 of the Planning Act 2016

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

Table 2
Appeals to the P&E Court only

<p>2. Eligible submitter appeals</p> <p>An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—</p> <p>(a) any part of the development application for the development approval that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or the change application, for the development approval, that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>