

**Victor G Feros Town Planning Consultants**

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19 May 2017

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

DOUGLAS SHIRE COUNCIL  
Received  
File Name: MCUC 2095/2017  
Document: \_\_\_\_\_  
22 MAY 2017  
Attention: TAV ong ✓  
Information: \_\_\_\_\_

Our Reference VGF – C1039

Attention: Neil Beck

Dear Neil,

**RE: APPLICATION TO THE DOUGLAS SHIRE COUNCIL FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR A TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES LOCATED AT CENTRAL HOTEL, 7-9 MACROSSAN STREET, PART OF THE 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 AND PART OF THE MACROSSAN STREET ROAD RESERVE, PARISH OF SALISBURY, COUNTY OF SOLANDER**

We act on further instructions from Hilrok Properties Pty Ltd, the applicant, in relation to the above description.

In this regard find attached the following:-

- a) One (1) hard copy and one (1) digital copy of the application including supporting Town Planning Reports, IDAS Forms and proposal plans;
- b) A3 sized copies of the Proposed Plans; and
- c) A cheque for \$6,299.21 for the agreed application fee (refer to email dated 2 May 2017 to confirm relevant fee). Please forward the receipt for the application fee to our Cairns Office.

Please advise if Council requires a site inspection to review the proposal with the Project Team.

We await Council's further advice.

Yours faithfully

VICTOR G FEROS TOWN PLANNING CONSULTANTS

*[Signature]*

Nick Hardy  
Associate and Office Manager

cc: Hunt Design  
Attention: Gary Hunt  
Attention: Sam Drummond

cc: Hilrok Properties Pty Ltd  
Attention: Tim Peterson

*40.2017.2095.1  
RN# 206300*

IN CONTINUOUS PRACTICE SINCE 1976

Principal  
**Victor G Feros**  
BA MUS LFPIA CMILT LGTP(O)

Adjunct Professor  
School of Geography, Planning  
and Environmental Management  
University of Queensland

US Bicentennial Fellowship Award 1976

Administrative Director  
**Marion C Feros**  
B Pharm MBA MPS ASA AFACP

Associate & Office Manager, Cairns  
**Nick Hardy**  
BRTP (Hons) MPIA LGTP(O)

**Victor G Feros  
Town Planning  
Consultant Pty Ltd**  
ABN 51 010 417 302

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T40

**Subject:** RE: Central Hotel - 7-9 Macrossan Street, Port Douglas - application fee  
**From:** Neil Beck <Neil.Beck@douglas.qld.gov.au>  
**Date:** 2/05/2017 2:51 PM  
**To:** "Victor G Feros Town Planning Consultants" <nick@ferosplanning.com.au>

-->

Hi,

The amended figure is fine based on the information supplied to date.

Regards

**Neil Beck** | Town Planner

**Sustainable Communities | Douglas Shire Council**

**P:** 07 4099 9451 | **F:** 07 4098 2902 |

**E:** [neil.beck@douglas.qld.gov.au](mailto:neil.beck@douglas.qld.gov.au) | **W:** [douglas.qld.gov.au](http://douglas.qld.gov.au)

**Mail:** PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

**From:** Victor G Feros Town Planning Consultants [mailto:[nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)]  
**Sent:** Tuesday, 2 May 2017 12:02 PM  
**To:** Neil Beck  
**Subject:** Central Hotel - 7-9 Macrossan Street, Port Douglas - application fee

Neil,

We provide the following floor area calculations for the revised fee amount.

The following floor areas are noted in this regard:-

Hotel (Ground Floor)	689m2
Hotel (First Floor)	253m2
Beer Garden	974m2
<u>Verandah</u>	<u>98m2</u>
TOTAL	2,014m2

On the basis of the above floor areas, the fee is identified as \$8,398.95 (Base fee \$1,616.95 plus \$339.10 for every 100m2 of area or part thereof exceeding 100m2).

A 25% reduction in accordance with Section 7.1.7 of the Fees and Charges Schedule reduces the fee to **\$6,299.21**

We seek Council's confirmation of this revised fee amount and the method of calculation in order that we can arrange the fee to be paid to Council.

Regards  
Nick Hardy

----- Forwarded Message -----

**Subject:** RE: Central Hotel - 7-9 Macrossan Street, Port Douglas - application fee  
**Date:** Tue, 2 May 2017 00:29:39 +0000  
**From:** Neil Beck <[Neil.Beck@douglas.qld.gov.au](mailto:Neil.Beck@douglas.qld.gov.au)>  
**To:** 'Victor G Feros Town Planning Consultants' <[nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)>

-->

Hi Nick,

Have discussed the request internally and please note that the storage shed area can be removed from the fee of \$6807.86. The remainder of the fee with 25% reduction will remain the same. The proposal represents a substantial redevelopment of the existing Tavern.

Regards

Neil Beck | Town Planner

**Sustainable Communities | Douglas Shire Council**

**P:** 07 4099 9451 | **F:** 07 4098 2902 |

**E:** [neil.beck@douglas.qld.gov.au](mailto:neil.beck@douglas.qld.gov.au) | **W:** [douglas.qld.gov.au](http://douglas.qld.gov.au)

**Mail:** PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

**From:** Victor G Feros Town Planning Consultants [<mailto:nick@ferosplanning.com.au>]  
**Sent:** Wednesday, 26 April 2017 10:58 AM  
**To:** Neil Beck  
**Subject:** Central Hotel - 7-9 Macrossan Street, Port Douglas - application fee

Hi Neil,

In relation to the above matter advice is sought from Council on the determination of Council's Application Fee for the proposal.

It is noted that the proposal is for a "Tavern and Associated and Ancillary Facilities". On that basis the following section from the Douglas Shire Council Fees and Charges Schedule (2016-2017) is relevant.

7.4.2 a Shopping Facilities; Business Facilities; Restaurant; Display Facilities; Tavern; Service Station; Veterinary Facilities			
Not exceeding 100m <sup>2</sup>	Application	1,616.95	Y
For each 100m <sup>2</sup> of area or part thereof exceeding 100m <sup>2</sup>	Unit	339.10	Y

Note: the above fee applies unless a use specific fee is provided below

The following floor areas are noted:-

Hotel (Ground Floor)	689m <sup>2</sup>
Hotel (First Floor)	253m <sup>2</sup>
Beer Garden	974m <sup>2</sup>
Storage Shed	262m <sup>2</sup>
<u>Verandah</u>	<u>98m<sup>2</sup></u>
<b>TOTAL</b>	<b>2,276m<sup>2</sup></b>

On the basis of the above floor areas and the above Tavern fee calculations the fee is identified as \$9,077.15.

The following section from the Fees and Charges Schedule is also relevant

**7.1.7 Material Change of Use within existing Building**

If an Application involves a Material Change of Use within an existing building and the level of assessment is code assessable, the application shall be discounted by 25%

A reduction of 25% would result in a fee of **\$6,807.86**.

It is submitted that the above calculation for Council's application fee for a Material Change of Use - Code Assessment for a Tavern and Associated and Ancillary Facilities under the current fee schedule is not reflective of the proposal given that it is a consolidation of existing approvals and that the proposed changes are minor and are generally in accordance with these existing approvals.

In this regard Council's advice is sought on an appropriate application fee for this proposal.

We await Council's advice in relation to this matter.

Regards

**Nick Hardy**

Associate and Office Manager

**Victor G Feros Town Planning Consultants**

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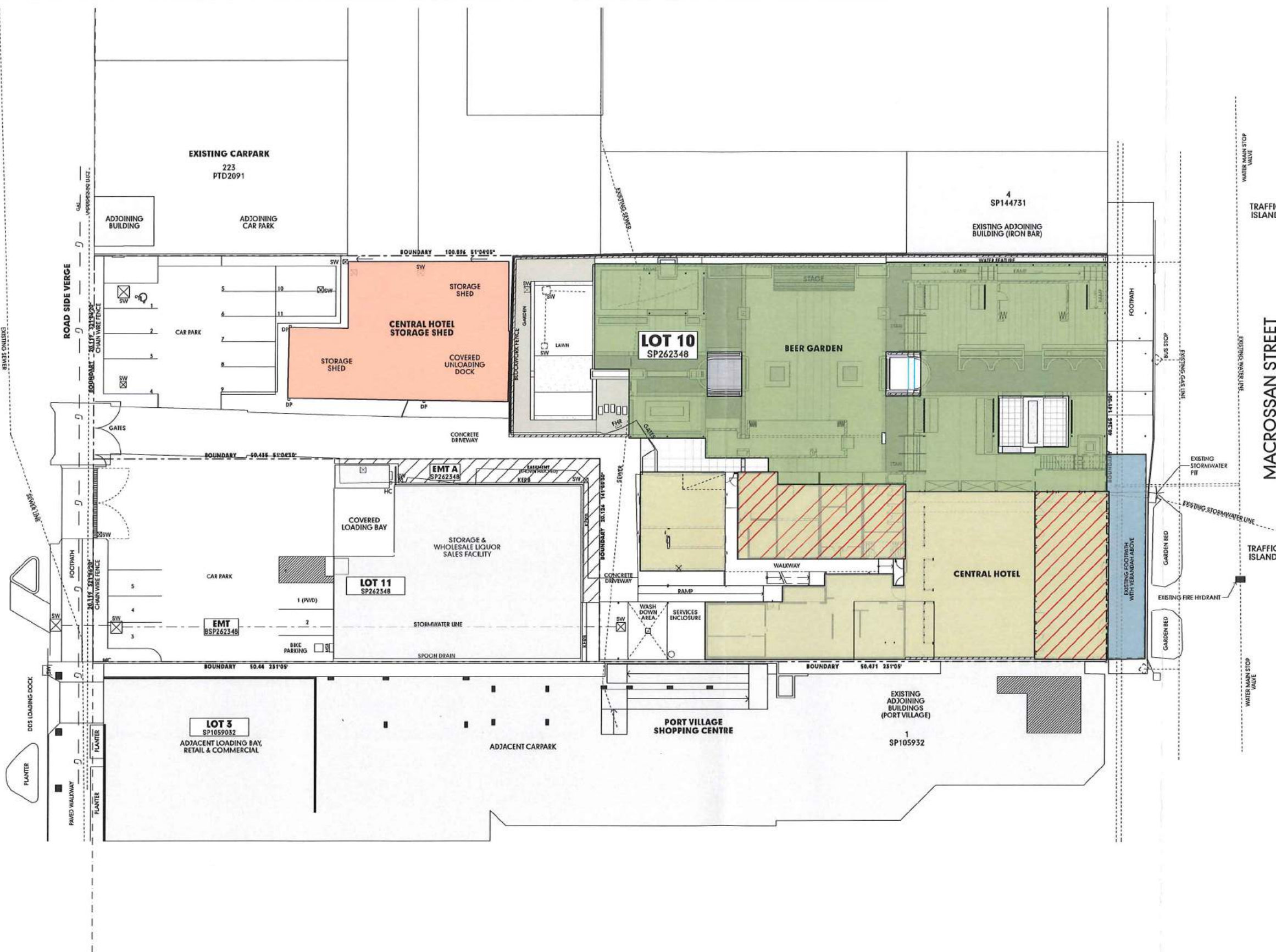
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WARNER STREET

ROAD SIDE VERGE

MACROSSAN STREET



AREA ANALYSIS	
<b>SITE AREA (LOT 10)</b>	<b>3048M<sup>2</sup></b>
HOTEL (GROUND FLOOR)	689M <sup>2</sup>
HOTEL (FIRST FLOOR)	253M <sup>2</sup>
BEER GARDEN	974M <sup>2</sup>
STORAGE SHED	262M <sup>2</sup>
<b>TOTAL</b>	<b>2178M<sup>2</sup></b>
<b>PLOT RATIO</b>	<b>0.71:1</b>
NOTE: VERANDAH OVER FOOTPATH IS 75M <sup>2</sup>	

**SITE PLAN**  
SCALE 1:200

**IMPORTANT NOTES**  
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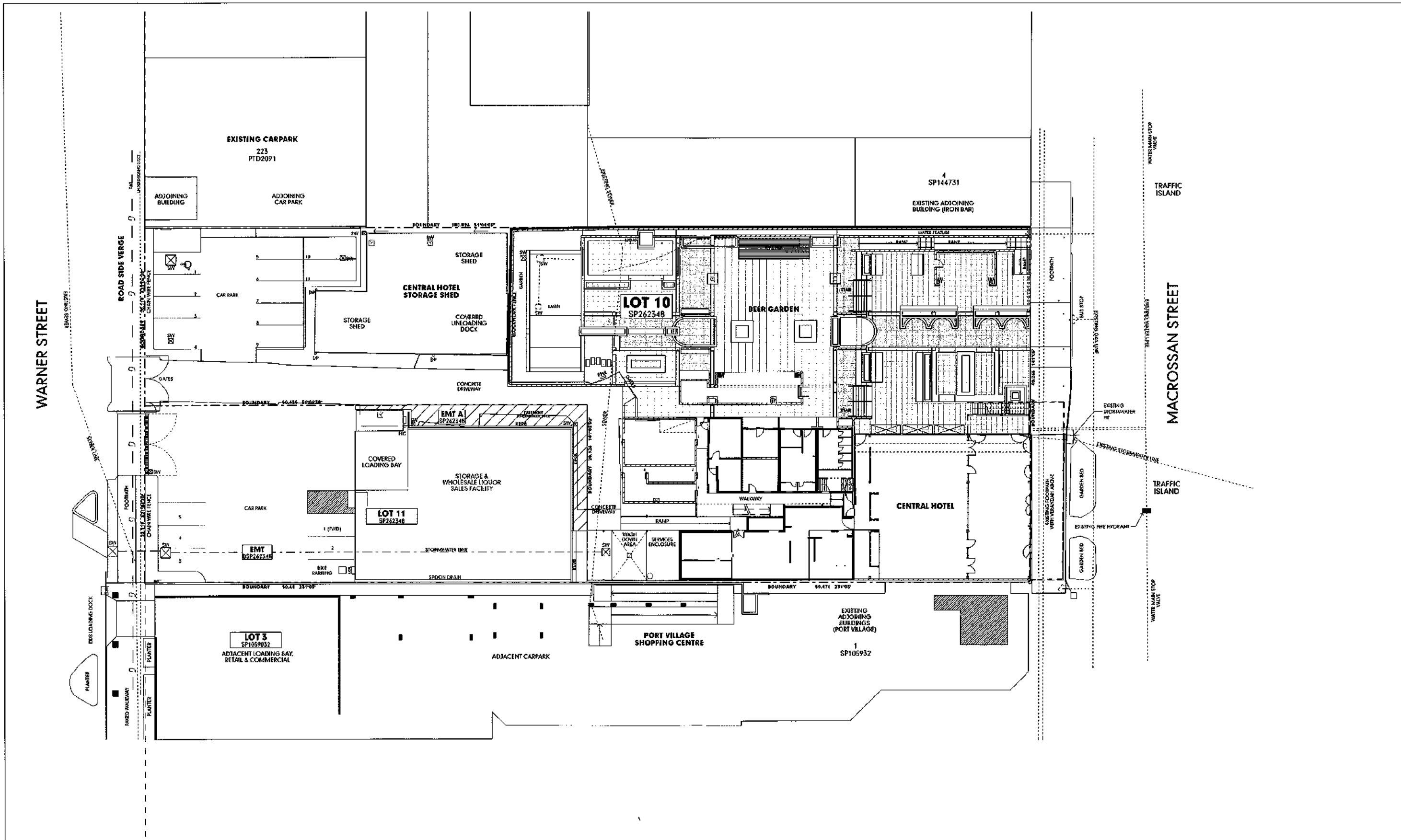
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PROJECT  
**PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877**  
CLIENT  
**HILLOCK PROPERTIES PTY LTD**

SCALE	1:200	DRAWN	CHECKED
SHEET SIZE	A1	DRAWING STATUS	DA
TITLE <b>SITE PLAN</b>		DATE 9/12/2016	
PROJECT NO. PET006	DRAWING NO. <b>A.00.2.2</b>		REVISION



**SITE PLAN**  
SCALE 1:200

**IMPORTANT NOTES**  
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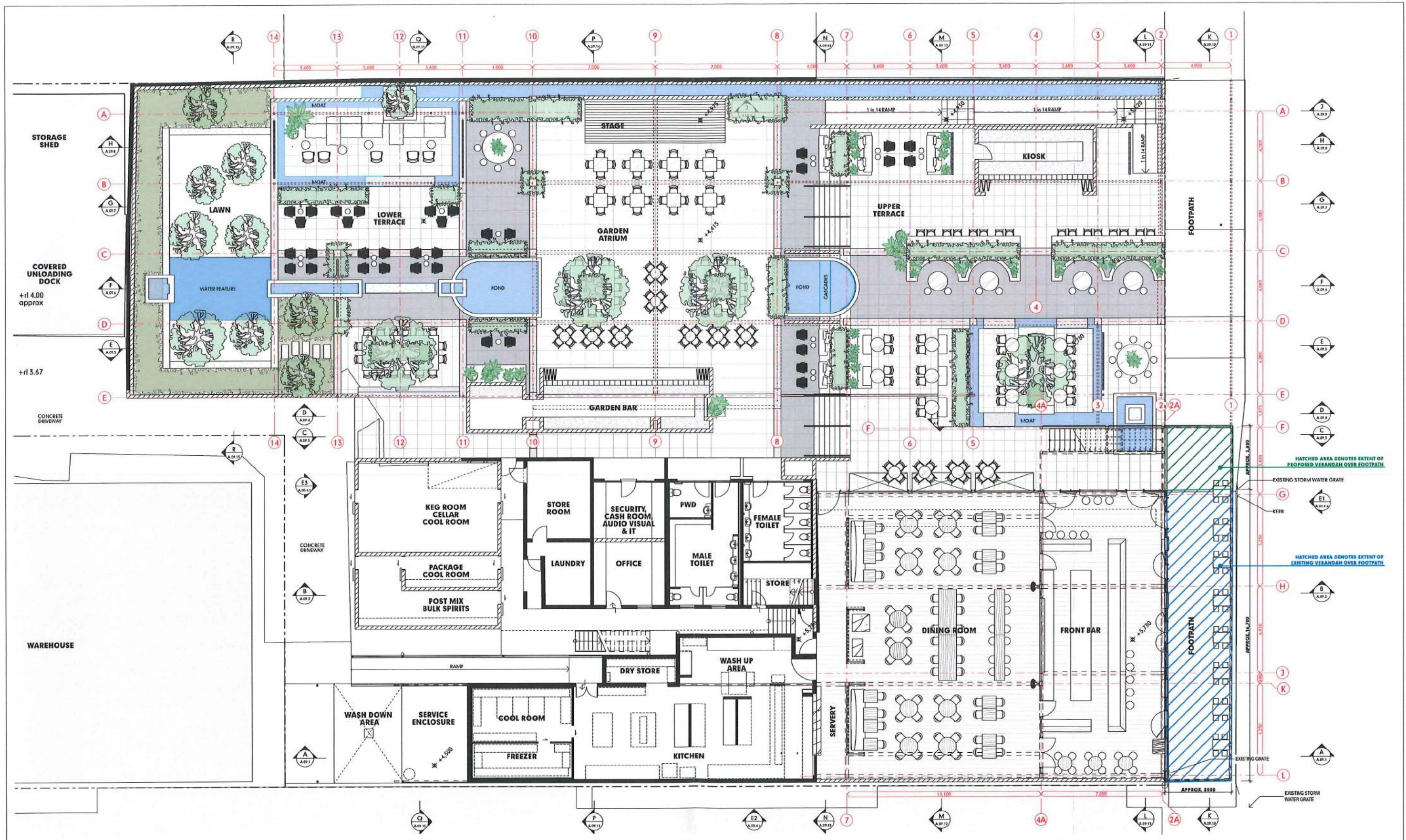
REV	DATE	BY	CHKD	CHANGE / COMMENTS

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SCALE	1:200	DATE	19/5/17
SHEET NO	A1	DRAWING STATUS	DA
PROJECT NO PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877			
CLIENT HILLOCK PROPERTIES PTY LTD			
DRAWING NO <b>A.00.2.2</b>			



**GROUND FLOOR PLAN**

SCALE 1:100

**IMPORTANT NOTES**  
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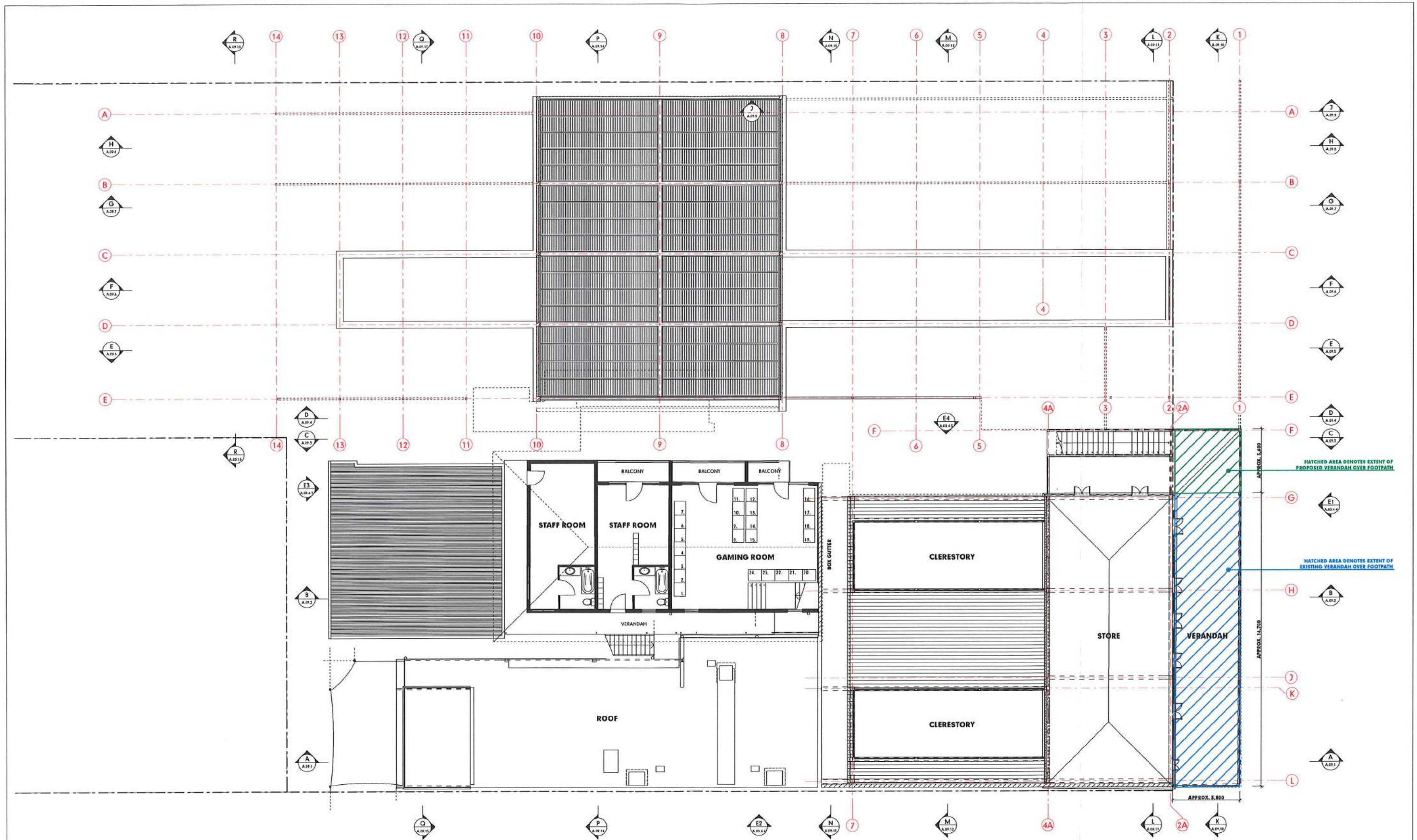


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PROJECT: **PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877**  
 CLIENT: **HILROCK PROPERTIES PTY LTD**

SCALE: 1:100	DRAWN: DA	CHECKED: DA
SHEET NO: A1	DRAWING STATUS: DA	TITLE: PROPOSED
<b>GROUND FLOOR PLAN</b>		
PROJECT NO: PET006	DATE: 9/12/2016	REVISION:
DRAWING NO: <b>A.00.4.1</b>		





**FIRST FLOOR PLAN**

SCALE 1:100

**IMPORTANT NOTES**  
 THE ENGINEER IS TO CHECK ALL DRAWINGS FOR DETAIL, CONTENT AND DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK.  
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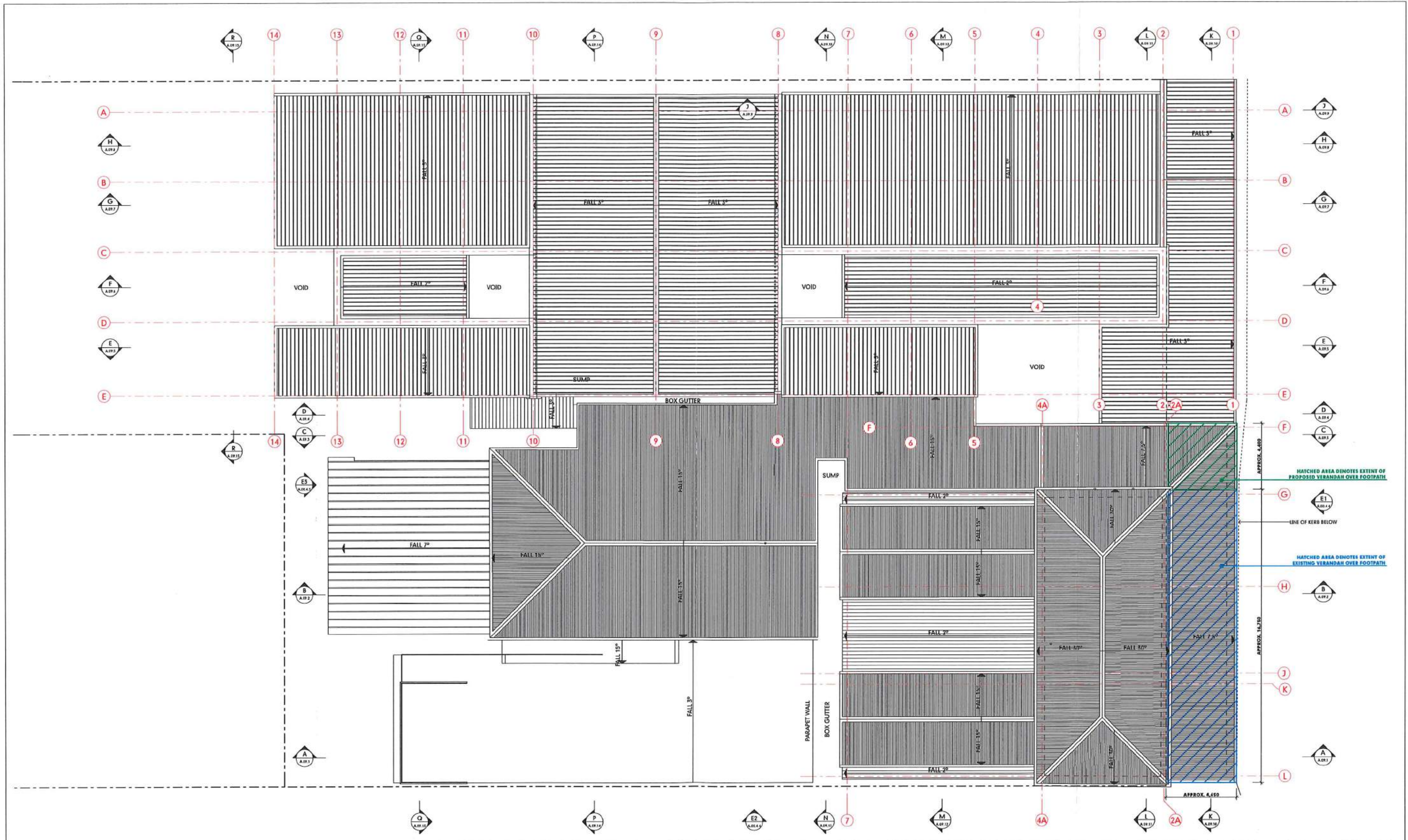
RevID	CND	Change Name	Date

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PROJECT: PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877  
 CLIENT: HILROCK PROPERTIES PTY LTD

SCALE: 1:100	DESIGN: DA	CHECKED:
SHEET SIZE: A1	DRAWING STATUS:	DATE: 9/12/2016
TITLE: PROPOSED FIRST FLOOR PLAN		
PROJECT NO: PET006	DRAWING NO: A.00.4.2	REVISION:



**ROOF PLAN**  
SCALE 1:100

**IMPORTANT NOTES**  
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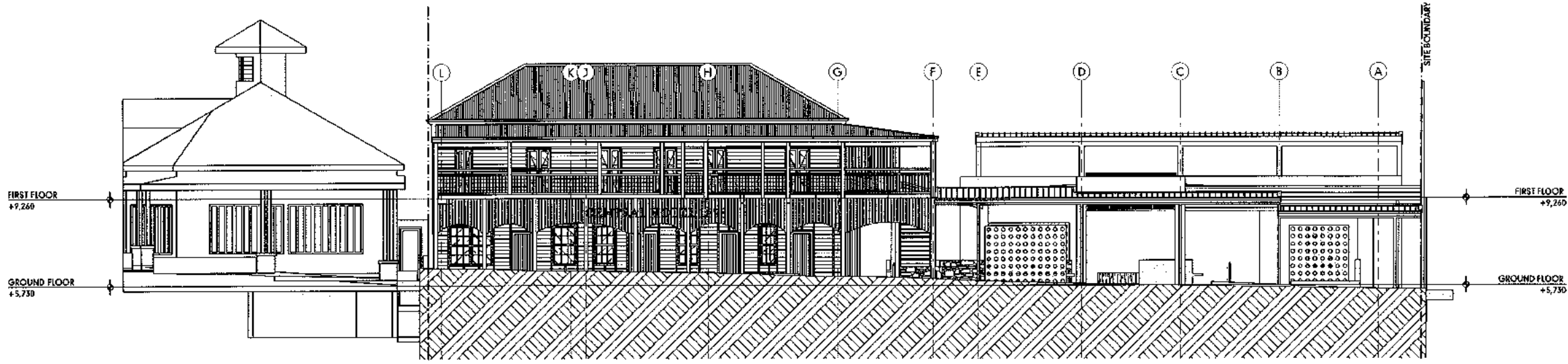
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PROJECT  
**PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877**

CUSTOMER  
**HILROCK PROPERTIES PTY LTD**

SCALE 1:100	DRAWN DA	CHECKED DA
SHEET NO A1	DRAWING STATUS DA	DATE 9/12/2016
TITLE <b>PROPOSED ROOF PLAN</b>		
PROJECT NO PET006	DATE 9/12/2016	REVISION
DRAWING NO <b>A.00.4.3</b>		

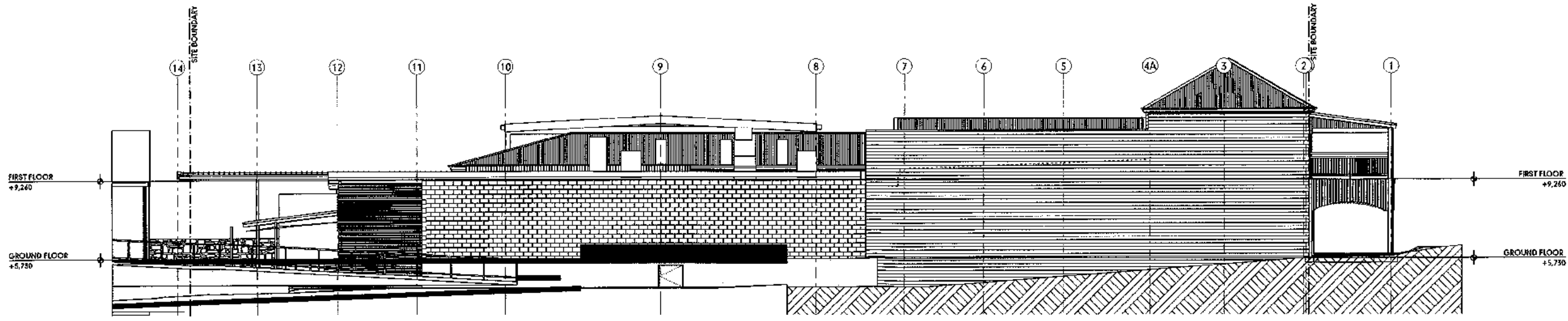


**NORTH EAST ELEVATION**

SCALE 1:100

**E1**

A.00.4.1, A.00.4.7, A.00.4.3, A.06.1, A.06.2, A.06.3, A.06.4



**SOUTH EAST ELEVATION**

SCALE 1:100

**E2**

A.00.4.1, A.00.4.2, A.00.4.3, A.06.1, A.06.2, A.06.3, A.06.4

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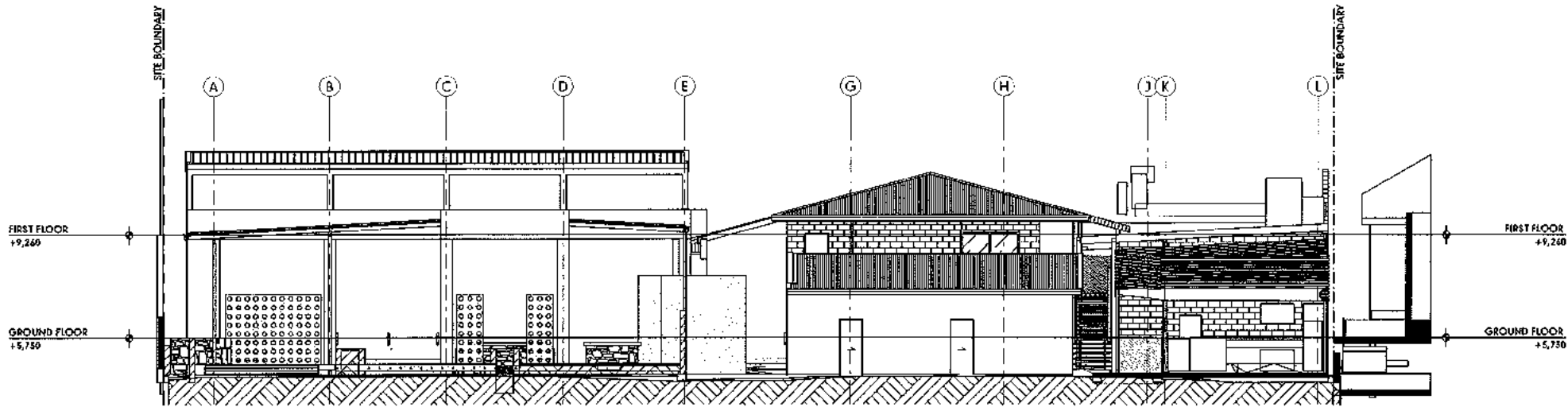
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PROJECT  
**PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877**

CLIENT  
**HILROCK PROPERTIES PTY LTD**

SCALE 1:100	EXAMINER DAVID BROWN	CHECKER DAVID BROWN
SHEET NO. A1	THE PROPOSED <b>ELEVATIONS</b>	
PROJECTING PET006	DRAWN DAVID BROWN	DATE 9/12/2016
DRAWING NO. <b>A.00.4.4</b>	REVISION	

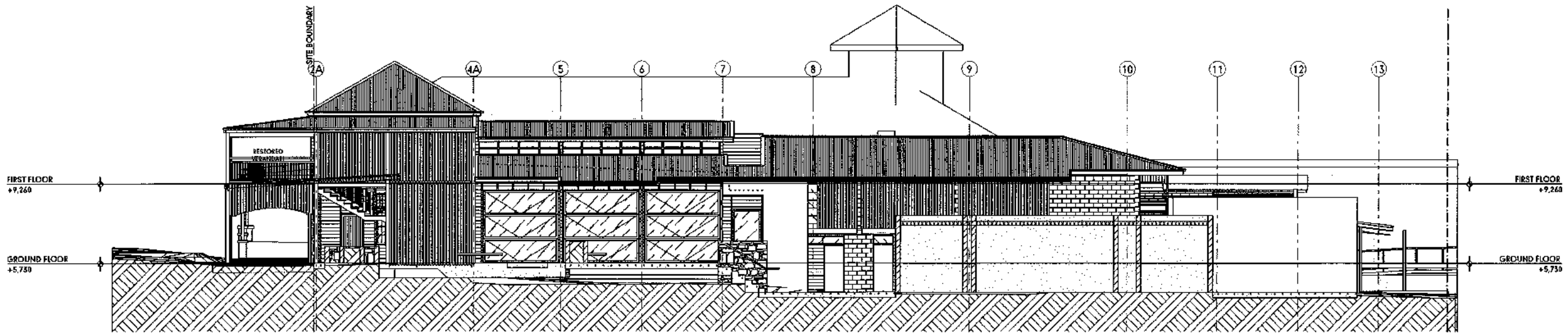


**SOUTH WEST ELEVATION**

SCALE 1:100

**E3**

A.00.4.1, A.00.4.2, A.00.4.3, A.05.1, A.06.2, A.06.3, A.06.4



**NORTH WEST ELEVATION**

SCALE 1:100

**E4**

A.00.4.1, A.00.4.2, A.00.4.3, A.05.1, A.06.2, A.06.3, A.06.4

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Rev#	CMD	Change Name	Date

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PROJECT <b>PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877</b>	SCALE 1:100	DRAWN DAVID SHAW	CHECKER DA
CLIENT <b>HILLOCK PROPERTIES PTY LTD</b>	SHEET NO. A1	DATE 9/12/2016	
DRAWING NO. <b>A.00.4.5</b>			

## **TOWN PLANNING REPORT**

### **APPLICATION TO THE DOUGLAS SHIRE COUNCIL FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR A TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES**

**located at**

**CENTRAL HOTEL, 7-9 MACROSSAN STREET, PART  
OF THE MACROSSAN STREET ROAD RESERVE AND 6  
WARNER STREET, PORT DOUGLAS**

**described as**

**LOT 10 ON SP262348 AND EASEMENTS A AND B IN  
LOT 11 ON SP262348 AND PART OF THE  
MACROSSAN STREET ROAD RESERVE, PARISH OF  
SALISBURY, COUNTY OF SOLANDER**

**for**

**HILROK PROPERTIES PTY LTD**

**VGF-C1039  
MAY 2017**



#### **Victor G Feros Town Planning Consultants**

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Highgate Hill Brisbane 4101  
Queensland Australia

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# IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.2 effective 3 August 2015)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

## Mandatory requirements

**Applicant details** (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

**Hilrok Properties Pty Ltd**

For companies, contact name

**Nick Hardy**

Postal address

**c/- Victor G Feros Town Planning Consultants**

**PO Box 1256**

Suburb	<b>CAIRNS</b>		
State	<b>QLD</b>	Postcode	<b>4870</b>
Country	<b>AUSTRALIA</b>		

Contact phone number

**(07) 4031 3663**

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

Email address (non-mandatory requirement)

**cairns@ferosplanning.com.au**

Applicant's reference number (non-mandatory requirement)

**C1039**

**1. What is the nature of the development proposed and what type of approval is being sought?**

**Table A**—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)  
 **Material change of use**     Reconfiguring a lot     Building work     Operational work
- b) What is the approval type? (Please only tick one box.)  
 Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     **Development permit**
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)  

Refer to **Section 4.00** of the attached **Town Planning Report dated December 2016**
- d) What is the level of assessment? (Please only tick one box.)  
 Impact assessment     **Code assessment**

**Table B**—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)  
 Material change of use     Reconfiguring a lot     Building work     Operational work
- b) What is the approval type? (Please only tick one box.)  
 Preliminary approval under s241 of SPA     Preliminary approval under s241 and s242 of SPA     Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- d) What is the level of assessment?  
 Impact assessment     Code assessment

**Table C**—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- Refer attached schedule     Not required

**2. Location of the premises** (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

**Table D**—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water.) (Attach a separate schedule if there is insufficient space in this table.)

- Street address **and** lot on plan (All lots must be listed.)
- Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		7-9	Macrossan Street, Port Douglas	4877	10	SP262348	Douglas Shire Council
ii)		6	Warner Street, Port Douglas	4877	11	SP262348 (Easements A and B)	Douglas Shire Council
iii)			Part of the Macrossan Street road reserve		Proposed Lot A	CNS 16/072	Douglas Shire Council

**Planning scheme details** (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Refer to <b>Section 2.05</b> of the attached <b>Town Planning Report dated May 2017</b>		
ii)			
iii)			

**Table E**—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

**3. Total area of the premises on which the development is proposed** (indicate square metres)

Refer to **Section 2.02** of the attached **Town Planning Report dated May 2017**

**4. Current use/s of the premises** (e.g. vacant land, house, apartment building, cane farm etc.)

Refer to **Section 2.03** of the attached **Town Planning Report dated May 2017**



**5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)**

No  Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
<b>MCUC5400/2013 (prev 8/7/1554)</b>	<b>20 January 2015</b>	<b>9 December 2019</b>
<b>8/8/1268 (CRC Reference)</b>	<b>7 March 2013</b>	<b>7 March 2017</b>

**6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)**

No  
 Yes—complete either Table F, Table G or Table H as applicable

**Table F**

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

**Table G**

Name of owner/s of the land	<b>Refer to attached Owner's Consent provided by TW and FT Peterson and the Department of Natural Resources and Mines</b>
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

**Table H**

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

**7. Identify if any of the following apply to the premises (Tick applicable box/es.)**

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

**Table I**

Name of water body, watercourse or aquifer

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

**8. Are there any existing easements on the premises?** (e.g. for vehicular access, electricity, overland flow, water etc)

- No  Yes—ensure the type, location and dimension of each easement is included in the plans submitted

**9. Does the proposal include new building work or operational work on the premises?** (Including any services)

- No  Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

**10. Is the payment of a portable long service leave levy applicable to this application?** (Refer to notes at the end of this form for more information.)

- No—go to question 12  Yes

**11. Has the portable long service leave levy been paid?** (Refer to notes at the end of this form for more information.)

- No
- Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

**12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?**

- No
- Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

**13. List below all of the forms and supporting information that accompany this application** (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application)

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS FORM 5 – MATERIAL CHANGE OF USE	OVER THE COUNTER
TOWN PLANNING REPORT DATED MAY 2017	OVER THE COUNTER

**14. Applicant's declaration**

By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

### Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

### Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

### Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

### Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

### Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

### Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

**Question 12**

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au). For further information contact QLeave on 1800 803 481 or visit [www.qleave.qld.gov.au](http://www.qleave.qld.gov.au).

**Privacy**—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

**OFFICE USE ONLY**

Date received  Reference numbers

**NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER**

To  Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

**QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)**

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

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

## **TW and FT PETERSON**

### 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 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES ON LAND DESCRIBED AS LOT 10 ON SP262348, EASEMENTS A AND B IN LOT 11 ON SP262348 AND PART OF MACROSSAN STREET ROAD RESERVE (IN STRATA) AND SITUATED AT 7-9 MACROSSAN STREET, 6 WARNER STREET AND MACROSSAN STREET ROAD RESERVE, PORT DOUGLAS

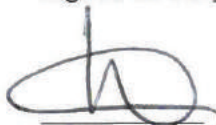
We, the undersigned, as registered owners of Lot 11 on SP262348, containing Easement A and Easement B, consent to the lodgement of the attached application and supporting documents prepared by Victor G Feros Town Planning Consultants.

Yours faithfully



TIM PETERSON  
(name of authorised person)

Signed on the 15 day of May 2017



FRANK PETERSON  
(name of authorised person)

Signed on the 15 day of May 2017

## ***TW and FT PETERSON***

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 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES ON LAND DESCRIBED AS LOT 10 ON SP262348, EASEMENTS A AND B IN LOT 11 ON SP262348 AND PART OF MACROSSAN STREET ROAD RESERVE (IN STRATA) AND SITUATED AT 7-9 MACROSSAN STREET, 6 WARNER STREET AND MACROSSAN STREET ROAD RESERVE, PORT DOUGLAS

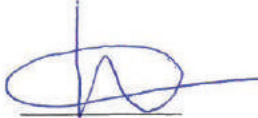
We, the undersigned, as registered owners of Lot 10 on SP262348, consent to the lodgement of the attached application and supporting documents prepared by Victor G Feros Town Planning Consultants.

Yours faithfully



TIM PETERSON  
(name of authorised person)

Signed on the 15 day of May 2017



FRANK PETERSON  
(name of authorised person)

Signed on the 15 day of May 2017

Author: Graeme Geisler  
File number: 2017/001765  
Directorate / Unit: State Land Asset Management



21 April 2017

Department of  
**Natural Resources and Mines**

Attention: Nick Hardy  
Victor G Feros Town Planning Consultants  
PO Box 1256  
**CAIRNS QLD 4870**

**By email [nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)**

Dear Nick

Reference is made to the request for owner's consent required to accompany the development application for material change of proposed Lot A on Drawing CNS 16/072, being the existing and proposed verandah of the Central Hotel 7-9 Macrossan Street, Port Douglas for the purpose of further development.

The department hereby gives owner's consent required to accompany the development application for material change of proposed Lot A on Drawing CNS 16/072, being the existing and proposed verandah of the Central Hotel 7-9 Macrossan Street, Port Douglas for the purpose of further development.

Although owners consent for the development application has been provided, you are always required to comply with the purpose, terms and conditions of the proposed Term Lease over proposed Lot A on Drawing CNS 16/072 and undertake works only if and when the development application has been approved by the assessment manager, and in accordance with the conditions of that approval.

A copy of this letter is to be attached to your IDAS Form 1 as the required evidence of owner's consent.

You 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 *Sustainable Planning Act 2009* (SPA) e.g. a marine park permit if in a marine park.

Further, please note that the above consent will expire on 21 October 2017. Should the development application not be lodged with the assessment manager prior to this date, your client will be required again to lodge the IDAS Form 1 and any attachments with this Department with a further request for owner's consent - any further request will need to be reconsidered by the Department.

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*.

Finally, owner's consent is required under SPA to enable the application to be considered properly made for lodging with the assessment manager and is a completely separate process to assessment of the application under SPA.

Accordingly, the State may act at a later date as assessment manager, concurrence/referral agency, or advice agency in the assessment of the development application - providing owners consent will not influence any statutory role the State may have in this assessment.

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@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.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 2017/001765 in any future correspondence.

If you wish to discuss this matter please contact Graeme Geisler on 07 4741 1657.

Yours sincerely



Mark Langford  
Senior Land Officer  
A duly authorised delegate of the Minister  
under the current Land Act (Ministerial) Delegation



# IDAS form 5—Material change of use assessable against a planning scheme

(Sustainable Planning Act 2009 version 3.1 effective 3 August 2015)

This form must be used for development applications for a material change of use assessable against a planning scheme.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form must also be used for material change of use on 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* that requires assessment against the land use plan for that land. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

## Mandatory requirements

**1. Describe the proposed use.** (Note: this is to provide additional detail to the information provided in question 1 of *IDAS form 1—Application details*. Attach a separate schedule if there is insufficient space in this table.)

General explanation of the proposed use	Planning scheme definition (include each definition in a new row) (non-mandatory)	No. of dwelling units (if applicable) or gross floor area (if applicable)	Days and hours of operation (if applicable)	No. of employees (if applicable)
Refer to <b>Section 4.00</b> of the attached <b>Town Planning Report dated May 2017</b>				

**2. Are there any current approvals associated with the proposed material change of use?** (e.g. a preliminary approval.)

No  Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
MCUC5400/2013 (prev 8/7/1554)	20 January 2015	9 December 2019
8/8/1268 (CRC Reference)	7 March 2013	7 March 2017

**3. Does the proposed use involve the following? (Tick all applicable boxes.)**

- |  |                             |   |
|--|-----------------------------|---|
| The reuse of existing buildings on the premises        | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes |
| New building work on the premises                      | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes |
| The reuse of existing operational work on the premises | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes |
| New operational work on the premises                   | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes |

**Mandatory supporting information**

**4. Confirm that the following mandatory supporting information accompanies this application**

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
<b>All applications</b>		
<p>A site plan drawn to an appropriate scale (1:100, 1:200 or 1:500 are <b>recommended</b> scales) which shows the following:</p> <ul style="list-style-type: none"> <li>the location and site area of the land to which the application relates (<i>relevant land</i>)</li> <li>the north point</li> <li>the boundaries of the relevant land</li> <li>any road frontages of the relevant land, including the name of the road</li> <li>the location and use of any existing or proposed buildings or structures on the relevant land (note: where extensive demolition or new buildings are proposed, two separate plans [an existing site plan and proposed site plan] may be appropriate)</li> <li>any existing or proposed easements on the relevant land and their function</li> <li>the location and use of buildings on land adjoining the relevant land</li> <li>all vehicle access points and any existing or proposed car parking areas on the relevant land. Car parking spaces for persons with disabilities and any service vehicle access and parking should be clearly marked</li> <li>for any new building on the relevant land, the location of refuse storage</li> <li>the location of any proposed retaining walls on the relevant land and their height</li> <li>the location of any proposed landscaping on the relevant land</li> <li>the location of any stormwater detention on the relevant land.</li> </ul>	<input checked="" type="checkbox"/> Confirmed	
A statement about how the proposed development addresses the local government’s planning scheme and any other planning instruments or documents relevant to the application.	<input checked="" type="checkbox"/> Confirmed	
A statement about the intensity and scale of the proposed use (e.g. number of visitors, number of seats, capacity of storage area etc.).	<input checked="" type="checkbox"/> Confirmed	
<p>Information that states:</p> <ul style="list-style-type: none"> <li>the existing or proposed floor area, site cover, maximum number of storeys and maximum height above natural ground level for existing or new buildings (e.g. information regarding existing buildings but not being reused)</li> <li>the existing or proposed number of on-site car parking bays, type of vehicle cross-over (for non-residential uses) and vehicular servicing arrangement (for non-residential uses).</li> </ul>	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves the reuse of existing buildings</b>		
Plans showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused.	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves new building work (including extensions)</b>		
Floor plans drawn to an appropriate scale (1:50, 1:100 or 1:200 are <b>recommended</b> scales) which show the following: <ul style="list-style-type: none"> <li>the north point</li> <li>the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only)</li> <li>the room layout (for residential development only) with all rooms clearly labelled</li> <li>the existing and the proposed built form (for extensions only)</li> <li>the gross floor area of each proposed floor area.</li> </ul>	<input checked="" type="checkbox"/> Confirmed	
Elevations drawn to an appropriate scale (1:100, 1:200 or 1:500 are <b>recommended</b> scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation)	<input checked="" type="checkbox"/> Confirmed	
Plans showing the size, location, proposed site cover, proposed maximum number of storeys, and proposed maximum height above natural ground level of the proposed new building work.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves reuse of other existing work</b>		
Plans showing the nature, location, number of on-site car parking bays, existing area of landscaping, existing type of vehicular cross-over (non-residential uses), and existing type of vehicular servicing arrangement (non-residential uses) of the work to be reused.	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves new operational work</b>		
Plans showing the nature, location, number of new on-site car parking bays, proposed area of new landscaping, proposed type of new vehicle cross-over (non-residential uses), proposed maximum new vehicular servicing arrangement (non-residential uses) of the proposed new operational work.	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

**Privacy**—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

**OFFICE USE ONLY**

Date received  Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

## **TOWN PLANNING REPORT**

### **APPLICATION TO THE DOUGLAS SHIRE COUNCIL FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – CODE ASSESSMENT FOR A TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES**

**located at**

**CENTRAL HOTEL, 7-9 MACROSSAN STREET, PART  
OF THE MACROSSAN STREET ROAD RESERVE AND 6  
WARNER STREET, PORT DOUGLAS**

**described as**

**LOT 10 ON SP262348 AND EASEMENTS A AND B IN  
LOT 11 ON SP262348 AND PART OF THE  
MACROSSAN STREET ROAD RESERVE, PARISH OF  
SALISBURY, COUNTY OF SOLANDER**

**for**

**HILROK PROPERTIES PTY LTD**

**VGf-C1039  
MAY 2017**



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**TOWN PLANNING REPORT  
MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR A TAVERN AND ANCILLARY AND  
ASSOCIATED FACILITIES FOR THE CENTRAL HOTEL LOCATED AT 7-9 MACROSSAN  
STREET, PART OF THE MACROSSAN STREET ROAD RESERVE AND 6 WARNER STREET,  
PORT DOUGLAS**

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***Amended 19 May 2017***

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### **TOWN PLANNING REPORT MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR A TAVERN AND ANCILLARY AND ASSOCIATED FACILITIES FOR THE CENTRAL HOTEL LOCATED AT 7-9 MACROSSAN STREET, PART OF THE MACROSSAN STREET ROAD RESERVE AND 6 WARNER STREET, PORT DOUGLAS**

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#### **1.00 INTRODUCTION**

This Report has been commissioned by Hilrok Properties Pty Ltd, the applicant in relation to the land is described as Lot 10 on SP262348 and Easements A and B in Lot 11 on SP262348 and part of the Macrossan Street road reserve and located at 7 to 9 Macrossan Street and 6 Warner Street, Port Douglas. The site includes the existing Central Hotel.

This Application seeks Development Approval for Material Changes of Use – Code Assessment for a Tavern.

This Report addresses the Application and the merits upon which Council's support for the Application is sought in terms of the Planning Scheme for Douglas Shire (2006) and is based on the combined investigation and research of the following practices:-

- a) Hunt Design – Building Design and floor space calculations; and
- b) Victor G Feros Town Planning Consultants – Statutory Town Planning and Site Assessment

It is noted that a proposed permanent road closure in strata encompassing a section of Macrossan Street adjacent to Lot 10 on SP262348 has been included within the subject site.

The permanent road closure in strata incorporates the “air space” above the existing Macrossan Street footpath to include the existing and proposed verandah extension for the Central Hotel.

#### IN CONTINUOUS PRACTICE SINCE 1976

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The purpose of this Application, and as determined at a Pre-Lodgement Meeting with Council on 8 September 2016 is to undertake the following:-

- a) consolidate the previous Town Planning Approvals and written agreements with Council in relation to the subject site and in particular the beer garden and the provision of on-site car parking. The period for consideration extends from 24 June 2009, the date of the original Decision Notice to 8 May 2015, the date that Council agreed to extend the currency of the Decision Notice to 9 December 2019;
- b) allow for the subject site to be extended to incorporate the existing and proposed balcony areas (to be encompassed by a permanent road closure in strata) and;
- c) incorporate changes to the existing building and beer garden area.

It is noted that reference has been made to Lot 11 on SP262348 as this lot includes Easement A (Right of Way for access, maintenance, drainage and services) and Easement B (Drainage) in favour of Lot 10 on SP262348.

The detailed assessment of the proposal is limited to the proposal on Lot 10 on SP262348 and the section of the road reserve of Macrossan Street encompassing the existing and proposed verandah and for the purpose of this Report is referred to as the "Subject Site"

It is significant to note that in accordance with section 263 (2) (a) of the Sustainable Planning Act 2009, land owner's consent to allow an Application to be "properly made" is not required where:-

*"to the extent that land the subject of the Application has the benefit of an easement and the development is not inconsistent with the terms of the easement, the consent of the owner of the servient tenement is not required"*

Notwithstanding that Easements A and B in Lot 11 on SP202348 are in favour of Lot 10 on SP262348 and will continue to be used for the stated purpose, land owner's consent is "not required". However to remove any doubt, land owner's consent for Lot 11 has been included within this Application.

A copy of the land owner's consent for the existing and proposed verandah within the Macrossan Street road reserve has been provided by the Department of Natural Resources and Mines (DNRM).



## 2.00 THE SITE

### 2.01 Location

The subject site is located at 7-9 Macrossan Street and forms part of the Port Douglas commercial and entertainment area. The location and locality of the subject site is shown in **Figure 1 – Location** and **Figure 2 – Locality**.

### 2.02 Site Description

The subject site comprises of three (3) elements as follows:-

- a) Lot 10 on SP262348 containing an area of **3,047m<sup>2</sup>** and with a frontage of **40.3m** to Macrossan Street and a frontage of **20.1m** to Warner Street. It is noted that lot 10 on SP262348 was previously described as lots **203**, **204**, and **222** on PTD2091;
- b) proposed road closure in strata and covering part of the Macrossan Street abutting Lot 10 on SP262348 to contain the existing and proposed verandah.

This area contains approximately 98m<sup>2</sup> and has a width of 4.65m and a length of 21.15m. This has been described by DNRM as Proposed Lot A on Drawing CNS 16/072.

It is noted that the existing and proposed verandah will occupy an area of approximately 75m<sup>2</sup>. Proposed Lot A includes a larger area to provide a “margin” and will be subject to further survey.

- c) Easements A and B in Lot 11 on SP262348 as these easements are in favour of Lot 10 on SP262348.

A survey plan, easement documents and a plan showing the general extent of the road closure in strata are attached as **Appendix A**.

### **2.03 Site Uses**

The subject site includes the Central Hotel and associated facilities. The uses located on the subject site include the following:-

- a) two (2) storey original hotel building with frontage to the Macrossan Street and including bars, gaming area, dining room, storage and office spaces, kitchen and other back of house facilities;
- b) verandah connecting with the original hotel building and extending over the Macrossan Street footpath;
- c) beer garden, outdoor seating and entertainment areas;
- d) storage shed; and
- e) eleven (11) on-site car parking.

The location and extent of the existing site uses are shown in **Figure 3 – Site Uses**. Further details on site uses are shown by the plans attached as **Appendix B – Existing Development**.

### **2.04 Surrounding Land Uses**

The subject site is located in a mixed use area containing retail, commercial, entertainment and accommodation uses.

Uses adjoining the subject site include the following:-

- a) North east – Ironbar Hotel
- b) North west – restaurant and commercial uses
- c) South west – bulk alcohol storage facility
- d) South east – shopping centre

The location of these uses is shown in **Figure 4 – Surrounding Land Uses**.

### **2.05 Planning Areas**

With reference to the Planning Scheme for Douglas Shire (2006), the subject site is included within the Commercial Planning Area and is within the Designated Tourist Centre with a High Scale Plot Ratio Allocation as part of the Port Douglas and Environs Locality. The subject site is surrounded by other land within the Commercial Planning Area and the Tourist Centre Designation.

The section of the Macrossan Street road reserve included within the subject site is also included within the Commercial Planning Area as determined by Section 1.9 of Chapter 1 – Introduction within the Planning Scheme and noted as follows:-

*“if the road or watercourse is adjoined on both sides by land in the same Planning Area – the road or watercourse has the same Planning Area Designation as the adjoining land.”*

The extent of the existing Planning Areas encompassing the subject site and surrounding areas are shown in **Figure 5 – Planning Areas**.

## 2.06 Overlays

An assessment of the overlays applicable to the subject site are detailed below:-

<b>Overlay</b>	<b>Designation</b>	<b>Comment</b>
<b>Acid Sulfate Soils</b> (refer to <b>Figure 6</b> )	Area below 20m AHD	Refer to further discussions in this Report
<b>Cultural Heritage and Valuable Sites</b> (refer to <b>Figure 7</b> )	Does not include or adjoin an identified site	Not Applicable
<b>Natural Hazards</b> (refer to <b>Figure 8</b> )	Land included within Low Risk Hazard Area	Not Applicable

### 3.00 RELEVANT BACKGROUND DOCUMENTS

It is submitted that the following approvals and background documents are relevant to the consideration of the current Application:-

- a) Original Decision Notice dated 24 June 2009;
- b) Negotiated Decision Notice dated 10 December 2009;
- c) Council letter dated 15 January 2010 confirming that the amended plan “meets Council requirement for on-site carparking”;
- d) Council letter dated 23 September 2011 confirming that alterations to internal uses are within the scope of the current approval;
- e) Council letter dated 27 September 2012 confirming that on-site car parking is reduced from 14 spaces to 11 spaces;
- f) Council letter dated 11 January 2013 confirming that a modification to the internal kitchen area is within the scope of the current approval;
- g) Negotiated Decision Notice for Operational Works – Car Parking, Stormwater, Fire Hydrant & Associated Works dated 17 July 2013;
- h) Council letter dated 12 December 2013 confirming that the Period of Approval is extended to 9 December 2015
- i) Decision Notice for Request to Change Conditions of Approval dated 23 October 2013;
- j) Council letter dated 18 December 2014 in response to our letter dated 18 November 2014 requesting Council comment in relation to the reallocation of existing uses (copy attached as **Appendix C**);
- k) Amended Changed Negotiated Decision Notice dated 29 January 2015 in response to the Request to Change an Existing Approval dated 18 November 2014 to relocate the existing gaming area from the ground floor to the first floor (copy attached as **Appendix C**) and;

The proposal approved by this Decision Notice is described as follows:-

*“Development Permit for a Material Change of Use (Code Assessment) for an Extension to a Tavern (Conversion of Motel Units to a Gaming Area and Ancillary Storage)”*

- I) Council letter dated 8 May 2015 confirming that the Period of Approval is extended to 9 December 2019 (copy attached as **Appendix D**).

The following matters are noted in relation to these documents and are considered relevant to the consideration of this application:-

- a) The Amended Negotiated Decision Notice dated 29 January 2015 and with a currency period extended to 9 December 2019 represents both the current and culmination of all previous approvals, agreed variations and dispensations issued by Council since the issue of the Original Decision Notice dated 24 June 2009.
- b) It is submitted that the Decision Notice dated 29 January 2015 represents the “starting point” for the consideration of current Application and in particular in relation to:
  - i) floor Space allocations
  - ii) provision of on-site care parking; and
  - iii) range of approval uses
- c) It is noted that at the time of lodgement of the original Application in 2008, the subject site included Lots 203, 204, 221 and 222 on PTD 2091.

As part of the evolution of the approval process, Lot 221 on PTD 2091 was excluded from the subject site and Lots 203, 204 and 222 on PHD 2091 were amalgamated into a single lot described as Lot 10 on SP262348.

- d) Development Approval for Material Change of Use for Storage and Wholesale Sale of Liquor (Council Reference 8/8/1268) was issued for Lot 221 on PTD2091 (now described as Lot 11 on SP262348) and the lot has been developed for this purpose; and
- e) The original approval did not include the balcony area extending over the Macrossan Street footpath.

## 4.00 PROPOSED DEVELOPMENT

### 4.01 General

The main elements of the current proposal are as follows:-

- a) as part of review of the existing hotel operations and buildings it was determined that it was necessary to undertake extensive reconstruction and refurbishment of the existing hotel in order to provide an improved level of customer service commensurate with current public expectations;
- b) the reconstruction and refurbishment of the original hotel building and verandah is also necessary due to the general concerns in relation to the structural integrity of the building and for public safety concerns;
- c) extend the northern end of the existing verandah. This extension will allow the north western elevation of the building to be "*finished*" and linked with other design elements;
- d) the refurbishment of the existing beer garden to include regularised and terraced areas and replace the existing shade sails with a roof structure; and
- e) undertake changes to back of house services to improve the operational efficiency of the tavern and improve customer facilities.

### 4.02 Development Details

#### a) Original Building

The existing building is to be extensively refurbished and selected elements will be reconstructed.

These elements will include: -

- i) the floor area allocations for the bar and dining room will be retained with some minor variations;
- ii) minor variations will be made to the existing back of the house facilities;
- iii) the existing keg storage area and cold room within the current beer garden and the existing cool room within the front bar will be relocated to the rear of the existing building. This will be located within an existing garden area; and
- iv) the relocation of the gaming area from the ground floor to the first floor.

b) Verandah

The form and appearance of the existing verandah will be retained. Elements that are determined not to be structurally sound will be replaced.

An extension to the north western end of the verandah is proposed to enable the north western elevation of the building to be “finished” and provide a linkage to other design elements.

The upper level of the existing and proposed verandah will provide access to adjoining storage areas. A new stair access will be provided to the upper level.

It is noted that this floor space will not be used as a customer area as part of the operation of the tavern.

c) Beer Garden

The beer garden is to be redesigned to meet customer expectations for a modern dining and entertainment area.

The design of the new beer garden area will provide improved access and circulation areas and allow for the efficient integration with the adjoining hotel building and back of house facilities.

Other key elements will include:-

- i) the relocation of the keg storage and cold rooms to the rear of the hotel building;
- ii) replacement of the existing shade sails with roof structures. It is noted that the roof structures will not be enclosed;
- iii) upgrading of landscape features; and
- iv) establishment of discrete dining and sitting area created by landscaping features and level changes.

d) Other Uses

The existing storage buildings, on-site car parking and vehicle access via Warner Street will be retained.

The existing store, bedroom, office, lounge and kitchen on the first floor of the original building will be converted to a single store area. It is noted that the same floor area will be retained for this conversion. The existing roof passage way will be incorporated as part of a new roof void.

While not within the subject site, the outdoor dining areas along the Macrossan Street footpath and adjacent to the site will be retained.

The proposed development is shown by the plans, sections and elevations attached as **Appendix E**.

The following observations are made as a comparison between the currently approved development shown by the plans included with the Amended Negotiated Decision Notice dated 29 January 2015 attached as **Appendix C** and the proposal plans attached as **Appendix E**:-

- a) for the existing hotel building, the floor space allocations and uses for the proposed development are generally equivalent to the currently approved development;
- b) it is submitted that the area available for public use for the proposed beer garden is generally equivalent to the currently approved and developed beer garden; and
- c) while the existing building and verandah will be refurbished and include reconstruction of selected elements, the existing external appearance of the structure will be retained. In particular, the key elements to be retained will include the roof profile, window openings and the appearance of external building materials.



## 5.00 TOWN PLANNING CONSIDERATIONS

### 5.01 Use Definition

It is noted that the previous application and subsequent Council Approval was for a use described as:-

*“Development Permit for a Material Change of Use (Code Assessment) for an Extension to a Tavern (Conversion of Motel Units to a Gaming Area and Ancillary Storage)”*

Given that the current proposal includes the “original hotel” building, verandah and verandah extension as well as the beer garden and other ancillary facilities it is considered that the proposal detailed in this application is encompassed by the definition for “Tavern” within the provisions of the Douglas Shire Planning Scheme (2006).

This use is defined as:-

*“Tavern*

*Means the use of premises for*

- *The sale of liquor for consumption on or off the premises;*
- *Dining activities;*
- *Entertainment activities, including gaming machines*

*The use may include accommodation of tourists or travellers.*

*The use includes facilities commonly described as:-*

- *Hotel; or*
- *Tavern”*

The establishment of a Tavern within the Commercial Planning Area is Code Assessable development.

In this regard, approval is requested for the following:-

*“Development Permit for Material Change of Use – Code Assessment for Tavern and Ancillary and Associated Facilities”*

## **5.02 Applicable Codes**

Review of the Douglas Shire Planning Scheme (2006) indicates that the following Codes are applicable to the subject site and the proposed development;

### **Locality Codes**

- Port Douglas and Environs Locality Code

### **Planning Area Codes**

- Commercial Area Planning Code

### **Overlay Code**

- Acid Sulfate Soils Code

### **General Codes**

- Design and Siting of Advertising Devices
- Filling and Excavation
- Landscaping
- Vehicle Parking and Access Code

## **5.03 Response to the Codes**

The following sections provide responses to the Codes relevant to the subject site, and the proposal, and within the context of existing approvals and existing development located on the site.

### **a) Port Douglas and Environs Locality Code**

The proposal to refurbish and reconstruct selected elements of the existing Tavern achieves the purpose of the Code and in particular the following elements:-

- “Consolidate Port Douglas as the major tourist accommodation and tourist service centre in the Shire;
- Consolidate the area between Macrossan Street and Marina Mirage as the major tourist, retail, dining and entertainment centre of the Shire.
- Ensure that all forms of development compliment the tropical image of the town by incorporating attractive design and architectural features”.

### Elements of the Code

	Elements of the Code	Comment
P1	Building Height	The proposal will not exceed 10m or 3 storeys in height. In particular the roof profile of the building will be retained.
P2	Connection to available urban services	The site is connected to all urban services.
P3	Landscaping	On-site landscaping can be provided to comply with the relevant requirements as necessary. In particular enhanced landscaping will be provided within the beer garden.
P4	Access and Manoeuvring Areas	The existing arrangements will be retained and these accord with existing approvals.
P5	Shade Protection	The existing verandah located over the Macrossan Street footpath will be retained and further extended. Extensive shading will be provided over the refurbished beer garden.
P6	Predominant Commercial Use	The proposal is commercial in nature.
P7	Height and Scale to Complement Village Character	The height of the development and the general articulation of the Macrossan Street elevation will ensure that the development complements the village character of the town. The additional works proposed for the existing development will further enhance the village character.
P8	Climate Responsive and Plot Ratio	Refer to <b>Section 5.05</b> of this Report.
P9	Car Parking Retained	All existing on-site car parking will be retained.  The assessment of on-site car parking for the proposal is discussed further in this Report

P10	Use of On-site Car Parking	The on-site car parking will be signposted in accordance with Council's requirements.
P11	Car Parking and Access in the Tourist Centre	On-site car parking and access for the proposal will be provided adjacent to the Warner Street frontage. Macrossan Street will not be used for this purpose.
P12	Protection of Residents from Noise Intrusion	It is noted that Central Hotel is adjoined to the north west by another hotel and commercial uses. To the south east the Central Hotel is adjoined by a shopping centre and storage facility. It is considered that those uses generally "shield" the Central Hotel from adjoining residential uses. It is also noted that the development will be operated in accordance with the relevant conditions of approval in relation to hours of operation and maximum noise levels. It is also noted that the car parking area adjacent to Warner Street is adjoined to the north by the "back of the house" service associated with the adjoining restaurant and commercial uses.
P13	Safe and Convenient Pedestrian Linkages	This requirement is not relevant to the subject site or this proposal.

#### **b) Commercial Planning Area Code**

The proposal achieves the purpose of the Code and, in particular, aspects relating to:

- Continuing and enhancing existing commercial facilities (tavern) to service the needs of the local and where-appropriate, the urban community.
- Ensuring that commercial and shopping areas are attractive through high quality design.

	Elements of the Code	Comment
P1	Establishment of Consistent Uses	The proposal is a consistent use within the Commercial Planning Area
P2	Building Setbacks	The development, including the shade structure, is developed to the Macrossan Street frontage.  The northern and southern boundaries of the site adjoin land in the Commercial Planning Area development for commercial purposes.  On the basis, development can be established to the side and rear boundaries.
P3	Provision of Awnings	The existing verandah will be retained and will be further extended.
P4	Landscaping	The existing on-site landscaping will be enhanced as part of the refurbishment of the beer garden.
P5	Site Access and On-site Car Parking	Site access and on-site car parking and loading areas can be provided in accordance with Council's requirements. This aspect is discussed further in the Report.

c) Acid Sulfate Soils Code

The proposal will require limited excavation works and therefore the disturbance of acid sulfate soils will be minimal, if any.

Any excavation works will be undertaken in accordance with accepted standards in relation to the management of acid sulfate soils.

d) Design and Siting of Advertising Devices Code

No additional signage is proposed. All existing signage, including the directional signage for the existing car parking area will be retained.

e) Filling and Excavation Code

It is submitted that the Filling and Excavation Code is not applicable in this instance on the basis of the following:-

- i) With the exception of the refurbishment of the existing beer garden and the retention of the cold room and keg storage area, all the other works on the site have been either completed or would require minimal filling and excavation; and
- ii) The proposal will have minimal, if any, impact on adjoining uses in relation to filling and excavation.

f) Landscaping Code

The Landscaping Code has a general applicability to the proposal and the subject site, however, the following aspects are noted:

- i) The existing landscaping on the rear section of the site and surrounding the on-site car parking and storage shed will be retained; and
- ii) The landscaping within the beer garden will be upgraded and enhanced. This landscaping will be a significant visual feature of the development when viewed from Macrossan Street.

It is submitted that the proposal shows substantial compliance with the intent of the Landscape Code.

#### **5.04 Response to the Vehicle Parking and Access Code**

##### **a) Overview of Changes and Retained Elements**

To provide context for the consideration of on-site car parking the following matters are noted:-

- i) while the current beer garden is to be reconfigured, the area attributable to on-site car parking will be equivalent to the existing beer garden;
- ii) the existing keg room and cold store is to be relocated from the beer garden to the rear of the existing hotel buildings. This is an ancillary use and therefore will not require the provision of additional on-site car parking;

- iii) the existing ground floor back of house facilities will be retained within a similar configuration. These activities are ancillary to the Tavern use and will then not require the provision of additional on-site car parking;
- iv) the existing gaming area currently adjoining the ground floor dining area is to be relocated to the first floor by the conversion of two (2) motel units;
- v) the ground floor store and staff room will be relocated to the first floor by the conversion of two (2) existing motel rooms;
- vi) the ground floor dining room and front bar area within the original building will be reconfigured;
- vii) the first floor office, lounge, store, bedroom, kitchen will be converted to a single store area. The passage way will be demolished and this area will form part of the roof space. This use is ancillary to the Tavern use and will not require the provision of additional on-site car parking;
- viii) the outdoor dining area located on the Macrossan Street footpath and associated with the Central Hotel will be retained;

The continued use of this section of the footpath for this purpose is subject to ongoing Outdoor Dining Permits issued by Council. It is noted that the provision of on-site car parking for the area used for outdoor dining is not a consideration for this application.

- ix) the existing verandah extending over the Macrossan Street footpath has not been previously included within a Development Application. However, in relation to the assessment of this Application, the floor space for the existing and extended verandah area will not be accessible to the general public and will not be used as a customer area as part of the operation of the tavern.

The verandah will provide access to adjoining storage areas and establish a new stair access to the upper-level.

On this basis, it is submitted that the floor space provided by the existing and extended verandah areas should not be included within the car parking assessment and this floor space will not generate demand for additional car parking;

- x) the existing storage shed located to the rear of the beer garden will be retained;

- xi) the existing eleven (11) on-site car parking spaces will be retained;

Where possible the above described matters identified by **Figure 9 (a) to (c) – Car Parking Considerations**.

## **b) Basis for Car Parking Assessment**

It is submitted that the following matters, approvals and plans are relevant to the consideration of on-site car parking for the current proposal:-

- i) The Decision Notice dated 29 January 2015 (current until 9 December 2019) is the “starting point” for the assessment of on-site car parking for the proposal. Significantly for the assessment of the current Application, it is noted that Council has previously determined that the provision of 11 on-site car parking spaces and the payment of a monetary contribution in lieu of 1.2 on-site car parking spaces associated with the relocation of the gaming room to the first floor is sufficient for the car parking requirements for the proposal. This approval also recognises and retains the previously agreed dispensations and credits for car parking contributions attributed to previous approvals. It is noted that eleven (11) on-site car parking spaces are currently provided on site.
- ii) the comparison of annotated versions of the following plans assist with the assessment of on-site car parking in relation to the original building and back of house elements:-
  - a) Plans showing the existing development and attached as **Appendix F**;
  - b) Plans showing the currently approved development in accordance with Decision Notice dated 29 January 2015 and attached as **Appendix G**; and
  - c) Plans showing the proposed development and attached as **Appendix H**.
- iii) A comparison of the existing development for the beer garden and the proposed beer garden is attached as **Appendix I**.
- iv) It is submitted that the following elements are relevant to the investigation to the on-site car parking for the current proposal:-



- a) an assessment of the changes to the ground floor dining area and front bar and the relocation of the gaming room to the first floor; and
- b) an assessment of the reconfiguration of the beer garden and the floor area attributable to the on-site car parking requirement.
- c) the other elements of the development can be considered to be ancillary to the Tavern Use and do not require the allocation of on-site car parking; and
- d) the previously agreed credits and dispensations for on-site car parking remain applicable to the current proposal.

**c) Car Parking Considerations for the Dining Area, Front Bar and Gaming Room**

Consideration of the comparative plans attached as **Appendix F, Appendix G and Appendix H** are relevant.

By way of a summary the following changes and modifications are proposed:-

- i) relocation of the gaming room to the first level. The new gaming room will occupy two (2) existing motel units;
- ii) increase the servery area for the bar;
- iii) establish a discrete dining area with defined pedestrian access;
- iv) relocation of staff room and store to the first floor. This room will occupy two (2) existing motel room units.

As shown by the plans attached as **Appendix F, Appendix G and Appendix H** the following floor space allocations are noted:-

	<b>Dining and Bar area accessible to the general public*</b>
Existing Development <b>(Appendix F)</b>	<b>177m<sup>2</sup></b> (including 42m <sup>2</sup> for gaming room)
Approved Development <b>(Appendix G)</b>	<b>183m<sup>2</sup></b>
Proposed Development <b>(Appendix H)</b>	<b>158m<sup>2</sup></b>

\* Note: Pedestrian access and thoroughfares have been excluded from the floor space calculations.

The comparison of the floor space allocations demonstrates that the proposed development (158m<sup>2</sup>) demonstrates a reduction in floor area by 19m<sup>2</sup> compared with the existing development. The proposed development represents a decrease of 25m<sup>2</sup> when compared with the approved development.

The proposed gaming area (first floor) has an area of 52m<sup>2</sup> compared to the current gaming area with a floor area of 42m<sup>2</sup>.

As previously noted, Council as part of the assessment for the current Development Approval dated 29 January 2015 determined that, the relocated gaming area would require the provision of an additional 5.2 on-site car parking spaces can be off-set against a credit of four (4) car parking spaces resulting from the conversion of four (4) motel rooms on the first floor. Two (2) motel rooms are to be converted to the gaming room and two of the motel rooms are to be converted to an ancillary store and staff room.

On the basis of these considerations, Council previously identified a shortfall of 1.2 spaces associated with the relocated gaming room and the ground level dining area and front bar as shown by the approved plans attached as **Appendix G**.

**d) Beer Garden**

As part of the assessment of the application approved by the original Decision Notice dated 24 June 2009 a determination was made by Council that the proposal represented an increase in the previous beer garden area by 93m<sup>2</sup>.

This area was previously part of a driveway.

On the basis of one (1) space per 10m<sup>2</sup> for the expansion area, these on-site spaces were provided as part of the car parking area via Warner Street.

It is submitted that the car parking for the current beer garden has been fully met by a combination of the eleven (11) on-site car parking spaces and the car parking credits associated with the previously established beer garden.

The comparison of the floor space attributable to on-site car parking for the existing beer garden and the proposed beer garden is shown by the plan attached as **Appendix I**.

In this regard the following aspects are noted:-

- a) the existing beer garden has an attributable floor space of 580m<sup>2</sup>;
- b) the proposed beer garden has an attributable floor space of 571m<sup>2</sup>;
- c) given that the attributable floor space for the existing and proposed is equivalent, it is submitted that no additional on site car parking is required for the reconfigured beer garden.

#### **e) Floor Space Assumptions**

Schedule 1 – Car Parking Requirements within the Code as part of the Douglas Shire Planning Scheme (2006) specifies the following rate for a Tavern Use:-

“1 space per 10m<sup>2</sup> of bar, lounge, beer garden and other public area”.

The following observations are noted in relation to this requirement:-

- i) in most other instances within Schedule 1, the floor space ratio is based on Net Lettable Area (NLA). The floor space ratio for a tavern is based on a general floor area rate rather than NLA;
- ii) the Douglas Shire Planning Scheme (2006) and therefore the floor space ratio was applicable at the time the assessment and approval of the original Decision Notice dated 24 June 2009 was undertaken by Council;

- iii) at the time of this assessment, representations were made, and accepted by Council that the floor space attributed for the beer garden area, in relation to on-site car parking, was limited to the areas accessible to the general public. This was limited to discrete seating and standing areas where the consumption of food and drink could be undertaken. This area excluded circulation and access areas, bar and servery areas and landscaping. This was consistent with the floor space allocations for Tavern included within Schedule 1.

It is submitted that these considerations remain applicable to the current proposal.

#### **f) Determination of On-Site Car Parking**

On the basis of the above considerations, it is submitted that the assessment of on-site car parking for the current proposal can be reasonably limited to the following:-

- a) the variation to the beer garden; and
- b) the variation to the ground floor dining area, front bar and the relocation of the gaming room to the first floor

All other activities can be determined to be ancillary to the proposed hotel use and do not require the provision of additional on-site car parking.

It is submitted that based on the assessment provided by this report, that no additional on-site car parking is required to be provided for the development proposed by the current application and that eleven (11) on-site car parking spaces currently provided will meet the car parking requirements for the proposal.

This determination can be made on the basis that:-

- i) the existing and proposed beer garden are equivalent in terms of attributable floor space for on-site car parking and will not require the provision of additional on-site car parking;
- ii) significantly for the consideration of this proposal it is noted that the dining and front bar area will be reduced by 19m<sup>2</sup>, based on a comparison of the existing development (as shown by **Appendix G**) and proposed development (as shown by **Appendix H**) and will be reduced by 25m<sup>2</sup> based on a comparison the approved development (as shown by **Appendix G**) and the proposed development (as shown by **Appendix H**).

It is submitted that these floor space allocations represents a reduction of 1.9 to 2.5 spaces for the dining area and front bar based on 1 space per 10m<sup>2</sup>;

- iii) while Council has previously determined that the relocation of the gaming room to the first floor resulted in a shortfall of 1.2 spaces, it submitted that the reduction in the attributable area for the dining and front bar area (135m<sup>2</sup>) noted item ii) above is relevant to the consideration of meeting the previously identified short fall for the relocated gaming room.

It is further submitted that the removal of the requirement to either provide additional on-site car parking or a monetary contribution for any identified shortfall for the gaming room should be considered in the context of the following comments included in our previous Report dated November 2014:-

- i) *“on the basis that the proposed gaming area will be associated with other activities located on the site, including the public and private bars, beer garden and dining area, it is submitted that there will be an “overlap” between patrons using each of the facilities. Therefore, the overlapping nature of the use will result in an overall reduction in on-site car parking demand for the individual activities comprising the tavern use;*
- ii) *given the location of the Central Hotel within the centre of Port Douglas where it is surrounded by tourist accommodation within walking distance, it is submitted that the overall on-site car parking demand for the existing uses and the proposed gaming area would be reduced when compared with other equivalent uses located in either a remote location or within a standard suburban neighbourhood; and*
- iii) *it is submitted that it is reasonable and appropriate for Council to exercise discretion and determine that there is no requirement to provide on-site car parking or a monetary contribution towards on-site car parking associated with the relocated gaming room.”*

## 5.05 Plot Ratio Considerations

It is noted that the existing development (excluding the verandah over the footpath) has a plot ratio of 0.63:1 based on a site area of 3,047m<sup>2</sup>.

This plot ratio includes an allocation for the sale structure over the beer garden.

The proposed development (excluding the verandah over the footpath containing an area of 75m<sup>2</sup>) has a plot ratio of 0.71:1 based on a site area of 3,047m<sup>2</sup>.

It is noted that the increase in the plot ratio can be attributed to the increase in the roof area for the refurbished beer garden.

The floor allocations used to determine the existing and proposed plot ratios are shown by the plans attached as **Appendix B** and **Appendix E**.

It is noted that P8 within the Port Douglas and Environs Locality Code allows for a base plot ratio of 0.5:1 and a maximum plot ratio of 1:1.

Additional plot ratio in excess of the base ratio of 0.5:1 can be achieved by the development including specific building design features and architectural elements.

The following features and elements are proposed and it is submitted that the following plot ratio bonuses can be applied:-

- a) appropriate roof form and roofing material [10% Plot Ratio Bonus]*
- b) appropriate fenestration in combination with roof form [5% Plot Ratio Bonus]*
- e) Orientation of the Building to address the street/s [5% Plot Ratio Bonus]*
- g) inclusion of windows and balconies to the street façade of the Building [10% Plot Ratio Bonus]*

Based on the above features it is submitted that the proposal incorporates sufficient design features to allow for the proposed 0.7:1 plot ratio.

## **6.00 APPROPRIATE SITE USE**

The development proposed as part of this Application is appropriate for the subject site.

In this regard the following aspects are noted:-

- a) the proposal will allow for the refurbishment and selected reconstruction of the existing Central Hotel. This hotel has been established on the subject site prior to 1900 and represents a significant use within the Port Douglas Township and a main element within the streetscape of Macrossan Street;
- b) the works proposed as part of the Application will enable the Central Hotel to continue to serve the needs of residents and visitors; and
- c) the intensity of development proposed is consistent with and will complement, the other commercial, retail and entertainment uses extending along Macrossan Street.

## **7.00 IMPACT ON AMENITY**

It is considered that the proposal will have minimal impact on the amenity of surrounding area.

In this regard, the following specific aspects are noted:-

- a) the proposal represents a consolidation and upgrading of the existing Central Hotel;
- b) the proposal is consistent with streetscape in terms of visual continuity; and
- c) the proposal complies with, or is capable of showing compliance with, the provisions of the Douglas Shire Planning Scheme (2006).

## 8.00 CONCLUSIONS

The following conclusions are drawn in relation to the Development Permit for Material Change of Use – Code Assessment for a Tavern and Ancillary and Associated Facilities:-

- a) the land subject to this application is described as Lot 10 on SP262348, Easements A and B in Lot 11 on SP262348 and part of the Macrossan Street Road Reserve;
- b) Lot 10 on SP262348 includes an area of 3,047m<sup>2</sup> and has a frontage of 40.265m to Macrossan Street and 20.119m to Warner Street;

The inclusion of the proposed road closure in strata will increase the site area to 3,122m<sup>2</sup>.

- c) the site includes the Central Hotel including the original building, beer garden, on-site car parking and storage;
- d) this application has been prepared having regard to matters agreed at a pre-lodgement meeting with Council on 8 September 2016;
- e) the main purpose of the application is to consolidate previous Town Planning approvals and agreements with Council, allow for the subject site and therefore planning approval to include a road reserve area to encompass a verandah extending over the Macrossan Street road reserve and include changes to the current development generally outside the scope of the current development approval.
- f) the site has been subject to a number of development approvals and agreements with Council since December 2009. It is submitted that the “starting point” for the assessment of the current application in relation to site considerations is the Amended Negotiated Decision Notice dated 29 January 2015.
- g) the main elements of the current application include:-

- Selected reconstruction and refurbishment of the original hotel building and verandah;
- Extend the existing verandah;
- Refurbish the existing beer garden; and
- Undertake changes to back of house services.



- h) the site is within the Commercial Planning Area of the Douglas Shire Planning Scheme (2006);
- i) the proposal is within the scope of the definition for "Tavern". This is a Code Assessable Use within the Commercial Planning Area.
- j) the proposal complies, or is capable of showing compliance, with the relevant Codes;
- k) the proposal is an appropriate development for the subject site; and
- l) the proposal will have minimal impact upon the amenity of the surrounding area.

## **9.00 RECOMMENDATIONS**

Having regard for the facts, circumstances and considerations relied upon in this Report the proposed development for the subject site described as Lot 10 on SP262348, Easements A and B in Lot 11 on SP262348 and part of the Macrossan Street Road Reserve and located at 7-9 Macrossan Street, part of the Macrossan Street road reserve and 6 Warner Street, Port Douglas, namely a Development Permit for a Material Change of Use – Code Assessment for a Tavern and Ancillary and Associated Facilities and for Council to exercise discretion in relation to the request to exercise discretion in relation to the requirement for the provision of a monetary contribution in lieu of on-site car parking is supportable from a Town Planning viewpoint and is fully supported.

Council's favourable consideration of this application is accordingly commended.

**VICTOR G FEROS TOWN PLANNING CONSULTANTS**

**MAY 2017**

# FIGURES



**DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL**

**7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS**



**TW AND FT PETERSON**

**LOCATION**

**FIGURE 1      MAY 2017**





**DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL**

**7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS**

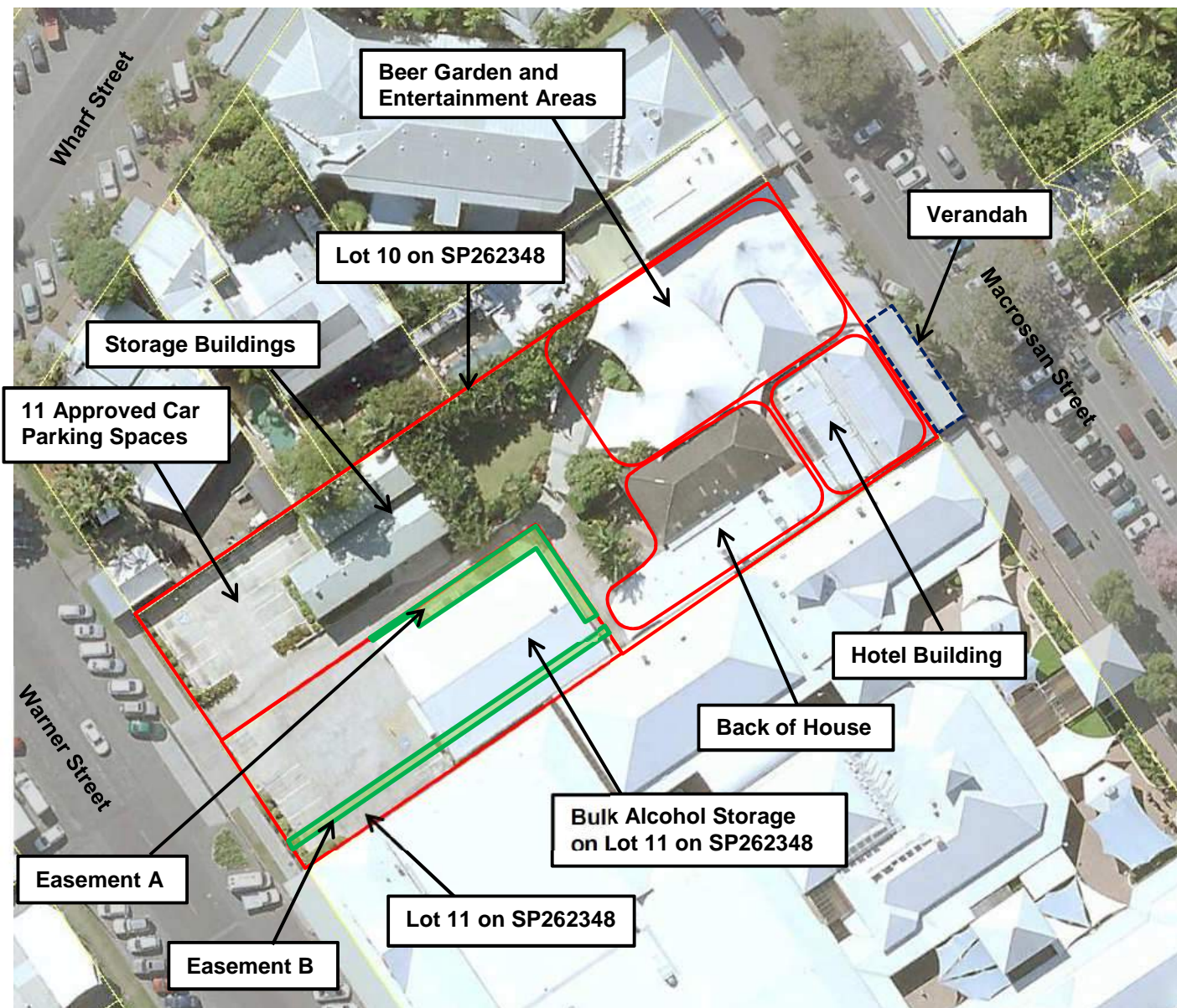


**TW AND FT PETERSON**

**LOCALITY**

**FIGURE 2    MAY 2017**





**DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL**

**7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS**



**TW AND FT PETERSON**

**SITE USES**

**FIGURE 3      MAY 2017**





**DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL**

**7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS**



**TW AND FT PETERSON**

**SURROUNDING LAND USES**

**FIGURE 4      MAY 2017**





**Planning Areas**

- Rural
- Rural Settlement
- Residential 1
- Residential 2
- Commercial
- Tourist & Residential
- Industry
- Conservation
- Community and Recreational Facilities
- Port Douglas Waterfront - North
- Port Douglas Waterfront - South
- Tourist Centre
- Special Management Area
  - Flagstaff Hill
  - Service Industry Precinct
  - Craiglie
  - Mahogany Street
  - Residential Growth Area
- Scheme of Integrated Resort Development
- Reef Park Residential Estate
- Solander Residential Estate
- Local Centre



**DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL**

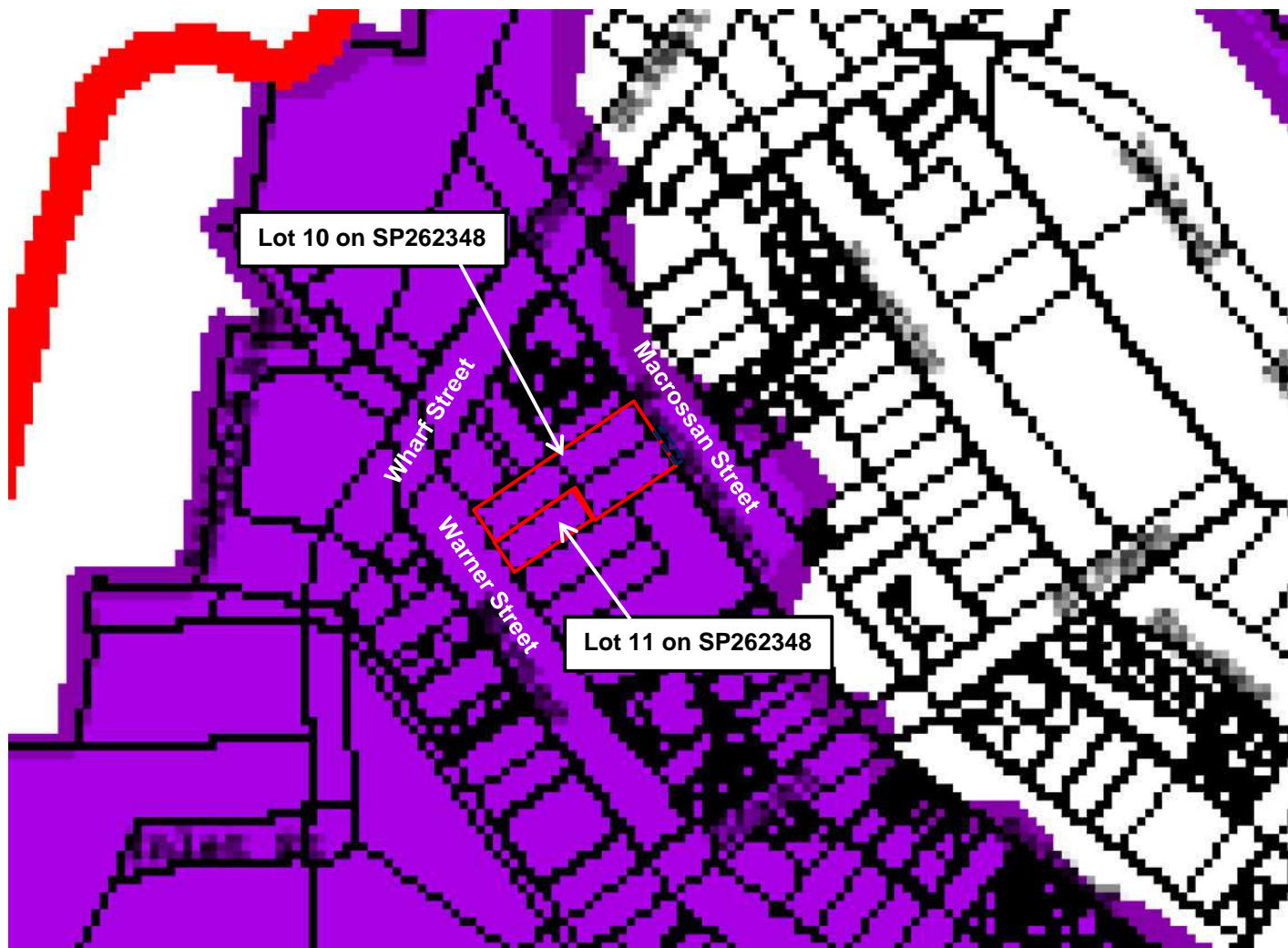
**7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS**

**TW AND FT PETERSON**

**PLANNING AREA**

**FIGURE 5      MAY 2017**





DEVELOPMENT APPLICATION FOR  
 MATERIAL CHANGE OF USE – CODE  
 ASSESSMENT FOR TAVERN OVER LAND  
 INCLUDING THE CENTRAL HOTEL

7 – 9 MACROSSAN STREET, PART OF THE  
 MACROSSAN STREET ROAD RESERVE AND  
 6 WARNER STREET, PORT DOUGLAS

TW AND FT PETERSON

ACID SULFATE SOILS OVERLAY

FIGURE 6 MAY 2017

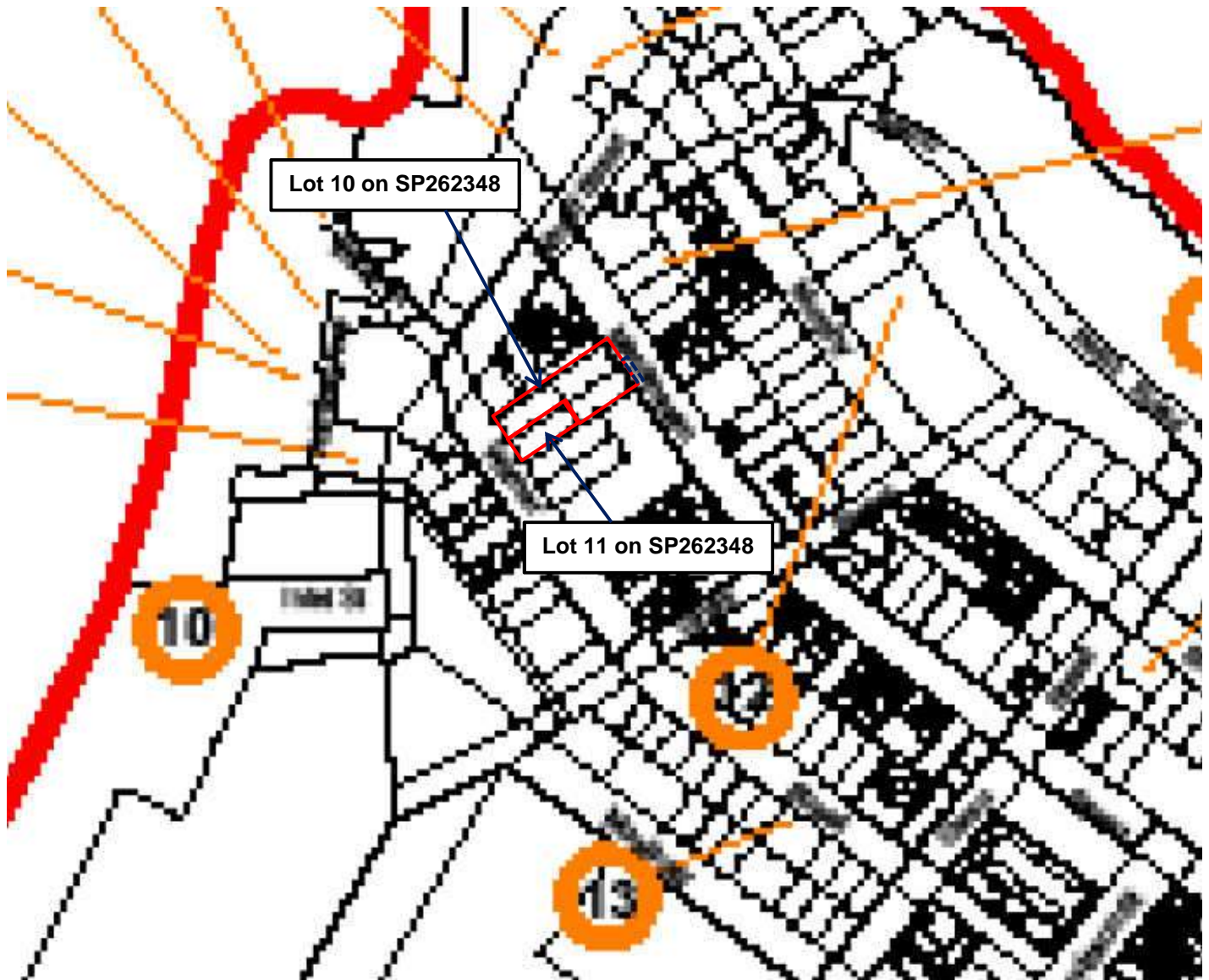


**Legend**

→ Area below 20m AHD







DEVELOPMENT APPLICATION FOR  
 MATERIAL CHANGE OF USE – CODE  
 ASSESSMENT FOR TAVERN OVER LAND  
 INCLUDING THE CENTRAL HOTEL

7 – 9 MACROSSAN STREET, PART OF THE  
 MACROSSAN STREET ROAD RESERVE AND  
 6 WARNER STREET, PORT DOUGLAS

TW AND FT PETERSON

CULTURAL HERITAGE AND VALUABLE  
 SITES OVERLAY

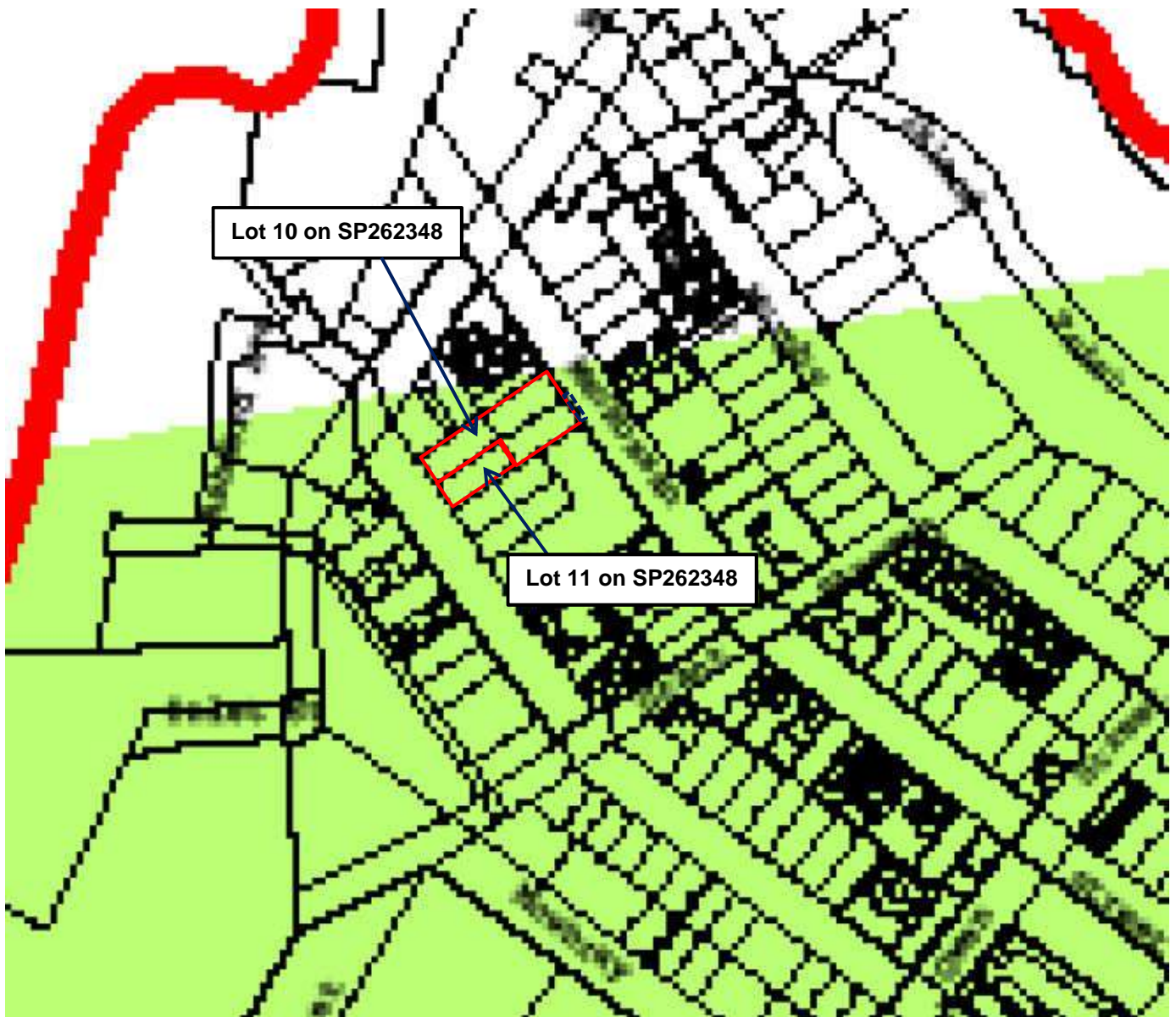
**Legend**

→ 15 Valuable Conservation Features  
 and Valuable Sites



FIGURE 7 MAY 2017





**BUSHFIRE RISK ANALYSIS**

- Low Risk Hazard
- Medium Risk Hazard
- High Risk Hazard



DEVELOPMENT APPLICATION FOR  
MATERIAL CHANGE OF USE – CODE  
ASSESSMENT FOR TAVERN OVER LAND  
INCLUDING THE CENTRAL HOTEL

7 – 9 MACROSSAN STREET, PART OF THE  
MACROSSAN STREET ROAD RESERVE AND  
6 WARNER STREET, PORT DOUGLAS

TW AND FT PETERSON

NATURAL HAZARDS OVERLAY

FIGURE 8 MAY 2017





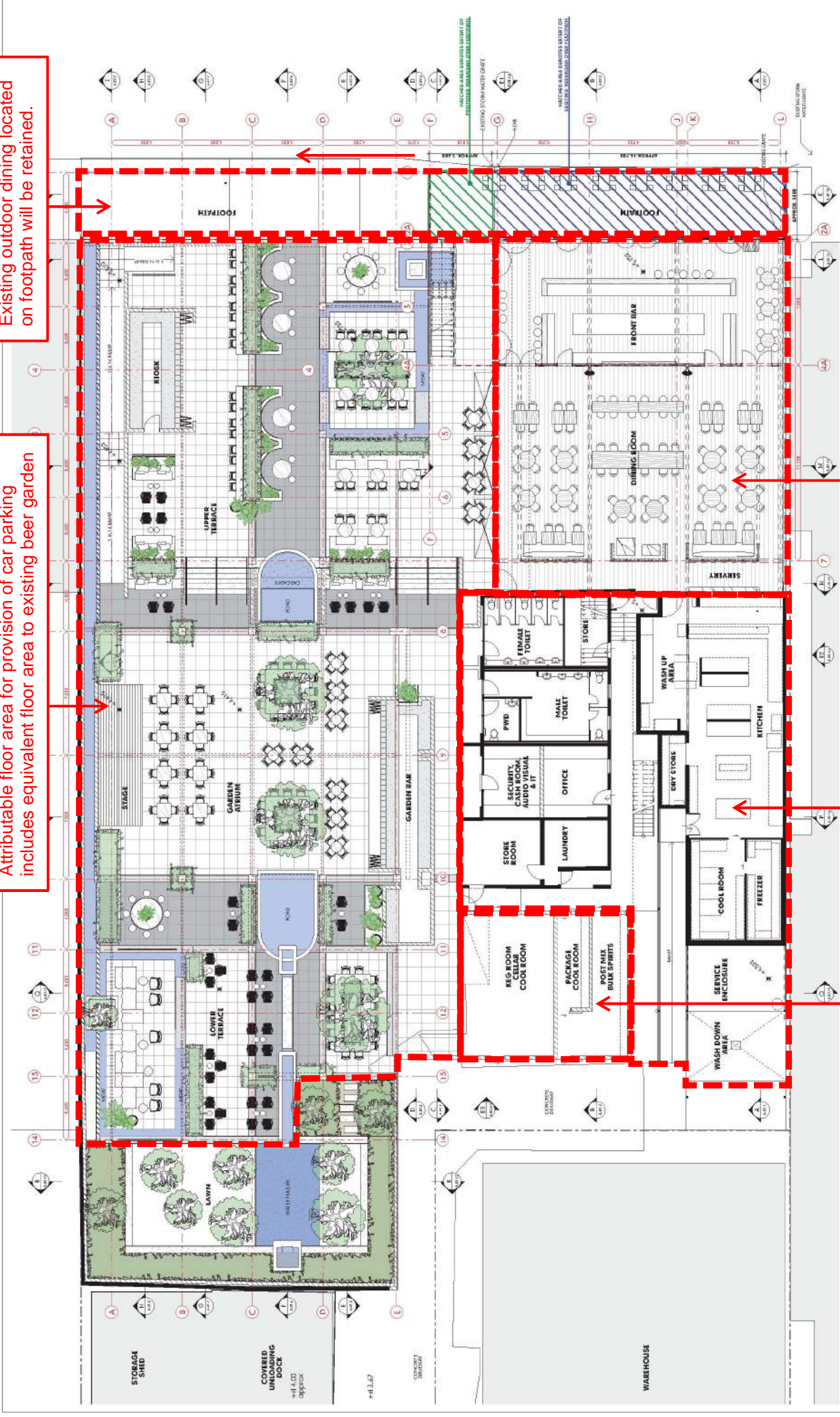
Existing outdoor dining located on footpath will be retained.

Attributable floor area for provision of car parking includes equivalent floor area to existing beer garden

Floor Area of Dining and Bar Area to be reconfigured

Back of house facilities retained in a similar configuration

Keg Room and Cold Room relocated from the existing beer garden



**GROUND FLOOR PLAN**  
SCALE 1:100

**IMPORTANT NOTES**  
1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL SPECIFICATIONS AND CONTRACT DOCUMENTS.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.  
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDING OF ALL WORK DONE.  
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.  
7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.  
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDING OF ALL WORK DONE.  
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES.

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

CLIENT: HIEROCK PROPERTIES PTY LTD

DESIGNER: HUNT DESIGN + Hecker Guthrie

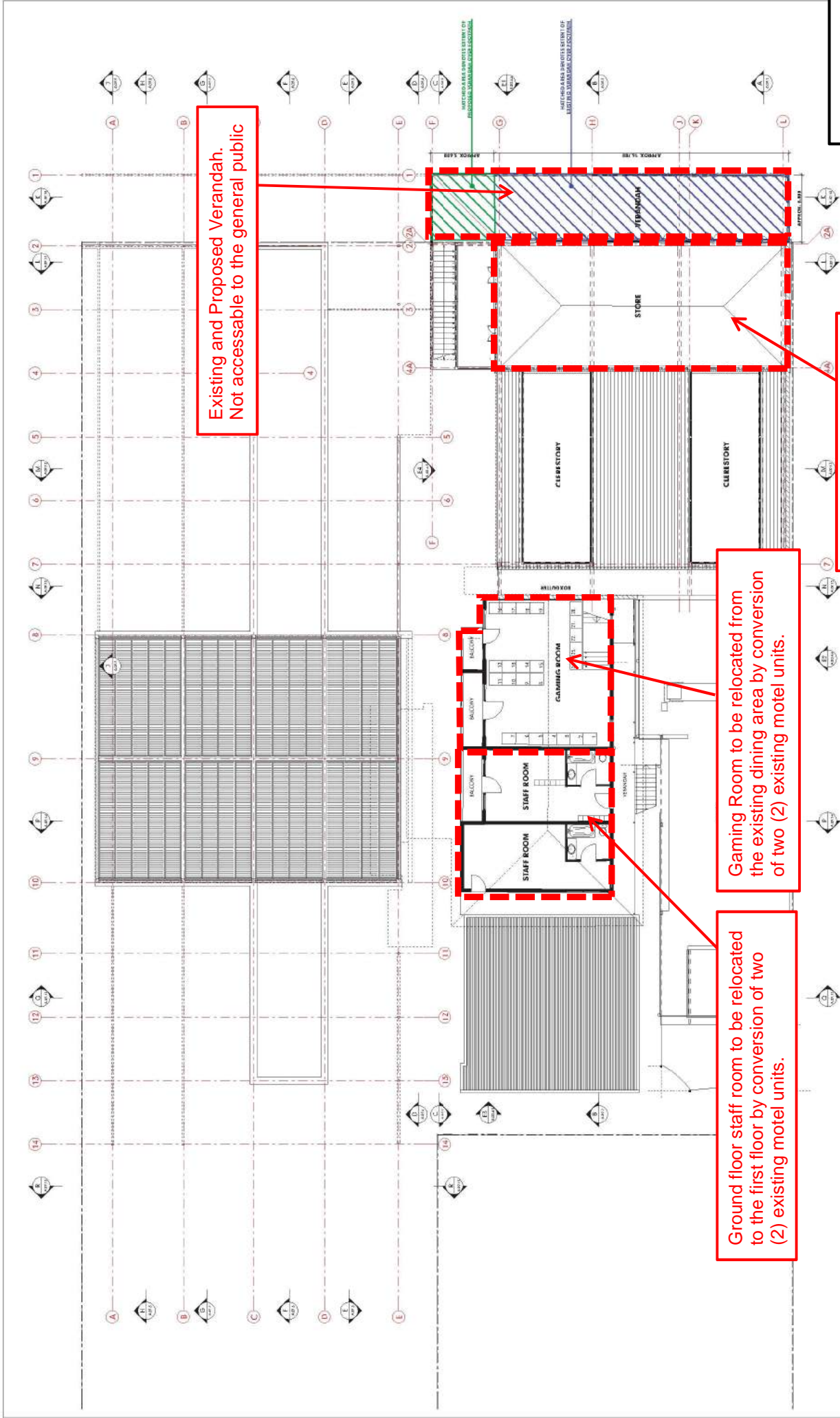
DATE: 11/05/2017

PROJECT: PROPOSED

SCALE: 1:100

FIGURE 9 (B)

MAY 2017



Existing and Proposed Verandah.  
Not accessible to the general public

Gaming Room to be relocated from  
the existing dining area by conversion  
of two (2) existing motel units.

Ground floor staff room to be relocated  
to the first floor by conversion of two  
(2) existing motel units.

Existing first floor uses will  
be converted to Storage

**FIGURE 9 (C)**  
**MAY 2017**

**FIRST FLOOR PLAN**  
SCALE 1:100

**IMPORTANT NOTES**  
 1. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL CONTRACT AND THE ARCHITECT'S SPECIFICATIONS.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

DATE: 12/05/2016  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROPOSED ALTERATIONS AND  
 ADDITIONS TO THE CENTRAL  
 HOTEL, PORT DOUGLAS, QLD  
 4877  
 CLIENT: HILBOCK PROPERTIES PTY LTD  
 PROJECT NO: PE1016  
 DRAWING NO: A.00.4.2

**hunt**  
**DESIGN**  
**+ GIECKER**  
**GUTHRIE**

ARCHITECTS  
 371 LAUNCESTON ROAD, SUITE 101  
 PORT DOUGLAS, QLD 4877  
 AUSTRALIA  
 TEL: (07) 4960 1234  
 FAX: (07) 4960 1234  
 WWW.HUNTDG.COM

# **APPENDIX A**

Land Title Act 1994 : Land Act 1994  
Form 21 Version 3

**SURVEY PLAN**

Sheet 1 of 2

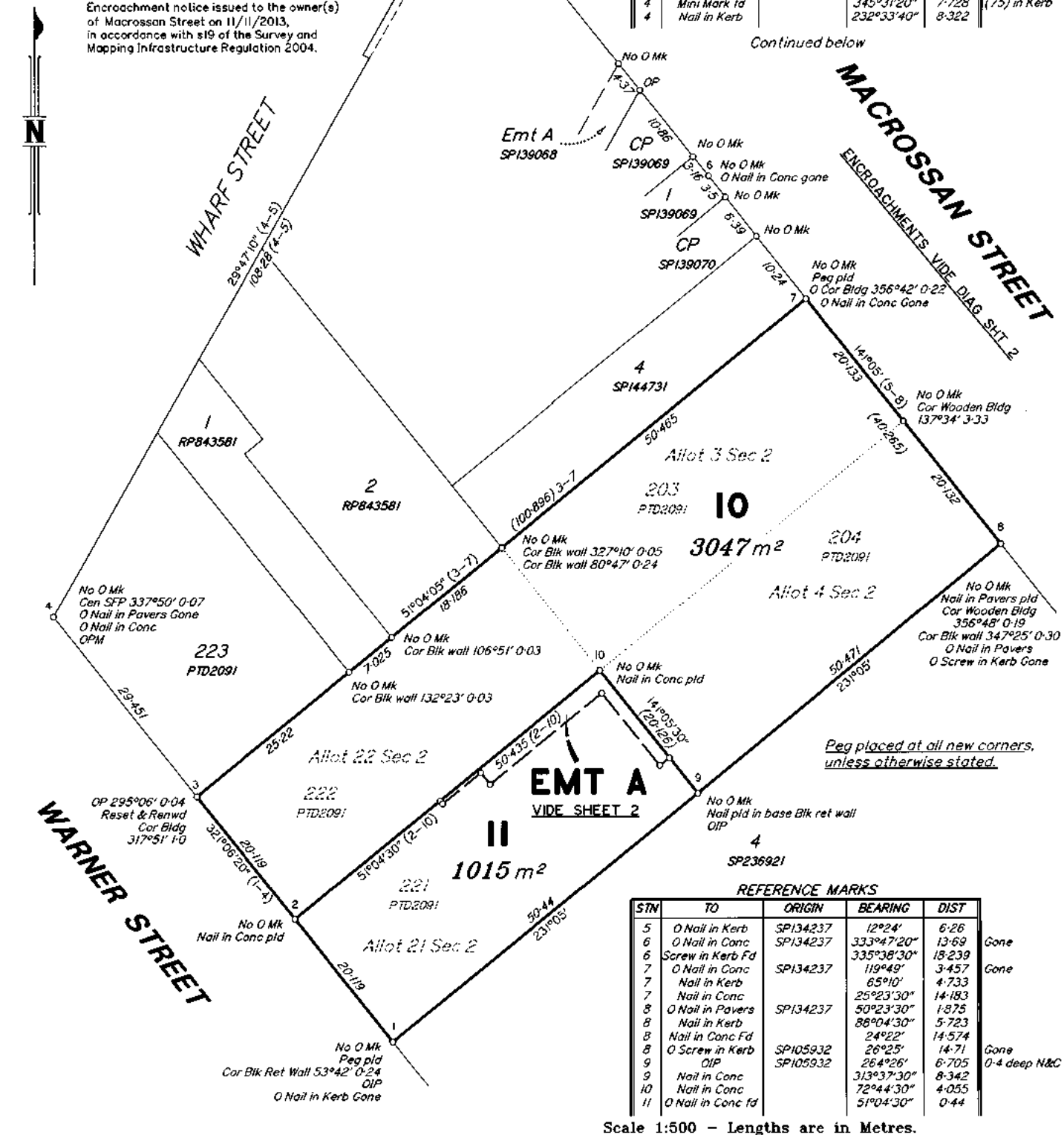
**PERMANENT MARKS**

PM	ORIGIN	BEARING	DIST	NO	TYPE
4-OPM	SP134237	178°19'	6.815	39988	Standard
5-OPM	SP165907	343°09'	41.971	500028	DDM
5-OPM	SP134237	342°23'	44.073	10077	BM Type 2

**REFERENCE MARKS**

STN	TO	ORIGIN	BEARING	DIST
1	OIP	SP105932	233°48'	2.88
1	Nail in Kerb		246°12'	4.556
1	O Nail in Kerb	SP105932	225°58'15"	26.495
1	Nail in Kerb		238°03'	26.602
2	Nail in Conc		235°29'	6.83
3	Nail in Conc		235°21'	4.345
4	O Nail in Pavers	SP105932	255°16'45"	3.375
4	O Nail in Conc	SI118328	231°10'	5.665
4	Mini Mark Id		345°31'20"	7.728
4	Nail in Kerb		232°33'40"	8.322

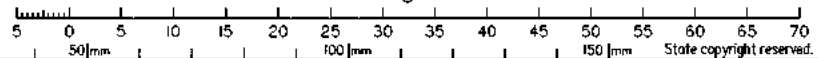
Encroachment notice issued to the owner(s) of Macrossan Street on 11/11/2013, in accordance with s19 of the Survey and Mapping Infrastructure Regulation 2004.



**REFERENCE MARKS**

STN	TO	ORIGIN	BEARING	DIST
5	O Nail in Kerb	SP134237	12°24'	6.26
6	O Nail in Conc	SP134237	333°47'20"	13.69
6	Screw in Kerb Fd		335°38'30"	18.239
7	O Nail in Conc	SP134237	119°49'	3.457
7	Nail in Kerb		65°10'	4.733
7	Nail in Conc		25°23'30"	14.183
8	O Nail in Pavers	SP134237	50°23'30"	1.875
8	Nail in Kerb		88°04'30"	5.723
8	Nail in Conc Fd		24°22'	14.574
8	O Screw in Kerb	SP105932	26°25'	14.71
9	OIP	SP105932	264°26'	6.705
9	Nail in Conc		313°37'30"	8.342
10	Nail in Conc		72°44'30"	4.055
11	O Nail in Conc fd		51°04'30"	0.44

Scale 1:500 - Lengths are in Metres.



CHARLES O'NEILL PTY. LTD (ACN 010 320 174) hereby certify that the land comprised in this plan was surveyed by the corporation, by Kevin Eric Thome, Registered Surveying Associate, for whose work the corporation accepts responsibility, under the supervision of Grant Harold Phillips, Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 20/11/2013.

**THE COMMON SEAL OF**  
  
 CHARLES O'NEILL PTY. LTD.  
 ACN 010 320 174

*Charles Edward O'Neill*  
 Charles Edward O'Neill, Director

*Julie Anne O'Neill*  
 Julie Anne O'Neill, Director

Date: 3/12/13

**Plan of Lots 10 & 11 and Emt A in Lot 11**

Cancelling Lots 203, 204, 221 & 222 on PTD2091

LOCAL GOVERNMENT: Cairns Regional Council LOCALITY: Port Douglas

Meridian: SP105932 F/N's: No

Scale: 1:500

Format: STANDARD

SP262348

Plan Status:

734411-02 734485-02 3/12/13

715780278

\$500.20  
28/05/2014 10:56

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.  
Plans may be rolled.  
Information may not be placed in the outer margins.

Registered

s. Lodged by

Marino Moller Lawyers 795  
PO Box 57  
Port Douglas Qld 4877  
Ph: 07 4081 6700  
Ref; AVT:143512  
Email: arthur.timms@marinomoller.com.au

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees

1/We TIMOTHY WALTER PETERSON  
FRANCES THOMAS PETERSON  
JOINT TENANTS

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan.

Signature of \*Registered Owners \*Lessees

\* Rule out whichever is inapplicable

2. Local Government Approval.

\*  
hereby approves this plan in accordance with the :  
%

Dated this ..... day of .

..... #

..... #

\* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :  
Local Govt :  
Surveyor : 7344HIL

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
21344056	Lot 203 on PTD2091	10		—
21344055	Lot 204 on PTD2091	10		—
21217073	Lot 221 on PTD2091	11		Emt A
20262236	Lot 222 on PTD2091	10		—

MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
710287180	10,11	

11 Allot 21 Sec 2  
10 Allot 22 Sec 2  
Allot 4 Sec 2  
Allot 3 Sec 2

Lots	Orig
11	Allot 21 Sec 2
10	Allot 22 Sec 2 Allot 4 Sec 2 Allot 3 Sec 2

7. Portion Allocation :

8. Map Reference :  
7965-22231

9. Parish:  
SALISBURY

10. County:  
Solander

11. Passed & Endorsed :  
By: CHARLES O'NEILL PTY.LTD.  
Date: 3/12/13  
Signed: *Charles O'Neill*  
Designation: Cadastral Surveyor

12. Building Format Plans only.  
I certify that:  
\* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;  
\* Part of the building shown on this plan encroaches onto adjoining \*lots and road  
Licensed Surveyor/Director \* Date  
\*delete words not required

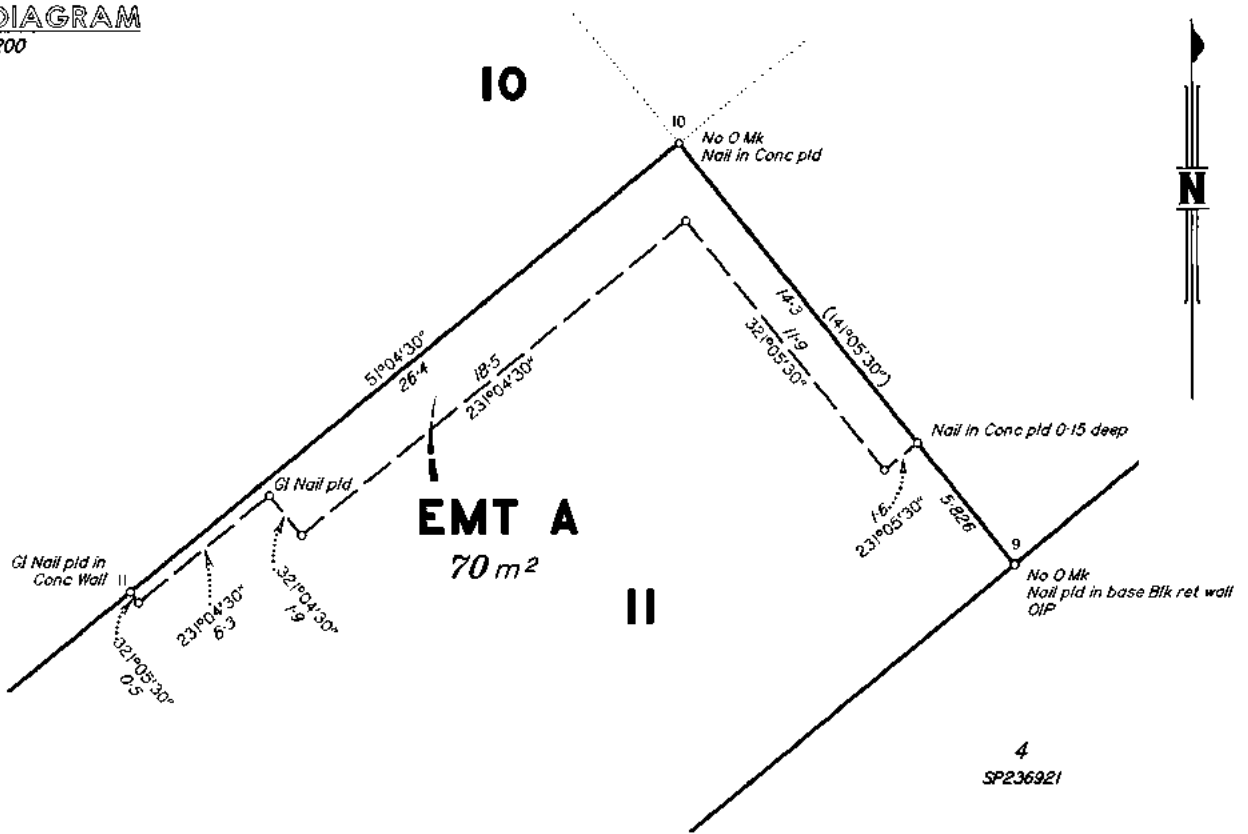
13. Lodgement Fees :  
Survey Deposit \$ .....  
Lodgement \$ .....  
.....New Titles \$ .....  
Photocopy \$ .....  
Postage \$ .....  
TOTAL \$ .....

14. Insert Plan Number  
SP262348



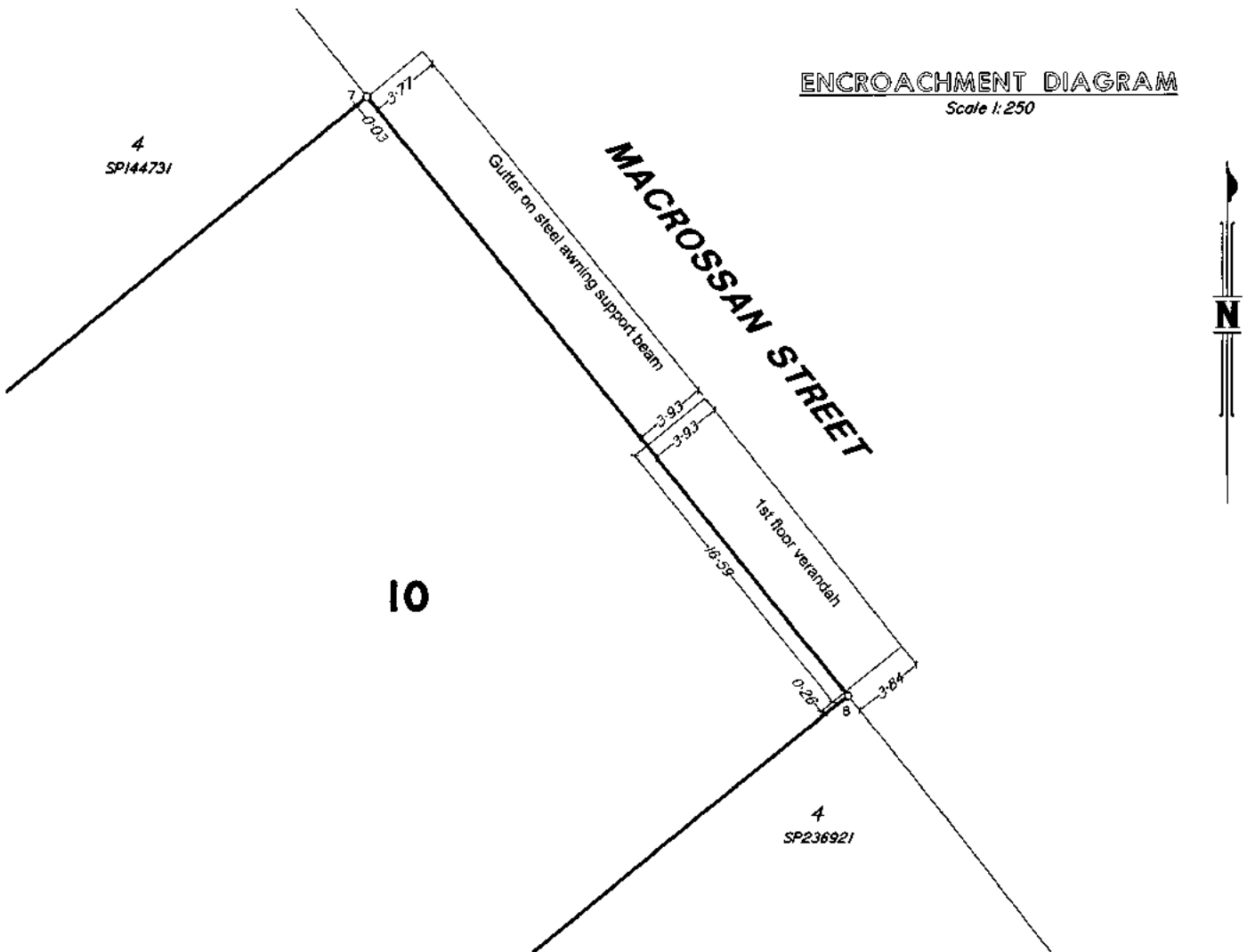
**EASEMENT DIAGRAM**

Scale 1:200



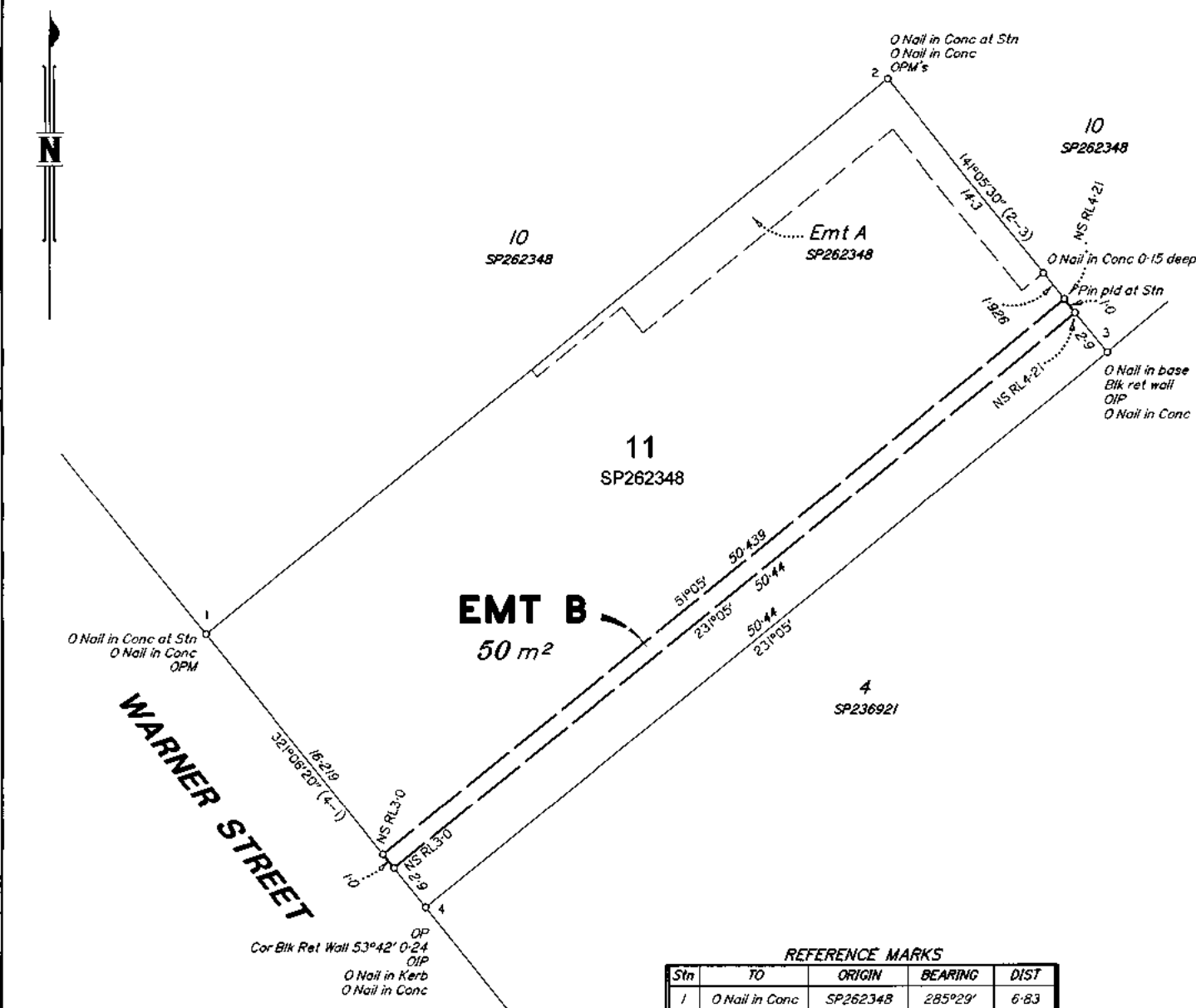
**ENCROACHMENT DIAGRAM**

Scale 1:250



State copyright reserved.

Insert Plan Number **SP262348**



**WARNER STREET**

**EMT B**  
50 m<sup>2</sup>

**REFERENCE MARKS**

Stn	TO	ORIGIN	BEARING	DIST	
1	O Nail in Conc	SP262348	285°29'	6.83	
2	O Nail in Conc	SP262348	72°44'30"	4.055	
3	OIP	SP262348	264°26'	6.705	0.4 deep
3	O Nail in Conc	SP262348	313°37'30"	8.342	
4	OIP	SP105932	233°48'	2.88	0.4 deep
4	O Nail in Conc	SP262348	246°12'	4.566	
4	O Nail in Kerb	SP262348	238°03'	26.602	

**PERMANENT MARKS**

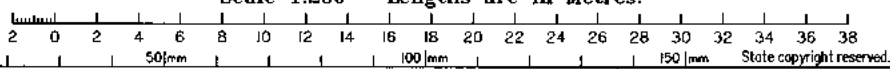
PM	ORIGIN	BEARING	DIST	NO	TYPE	
1-OPM	SP134237	315°46'20"	44.334	39988	Standard	New Conn
2-OPM	SP165907	348°28'55"	143.936	500028	DDM	New Conn
2-OPM	SP134237	348°10'30"	145.972	10077	BM Type 2	New Conn

Easement B restricted between  
RL 1.60 & RL 2.90 AHD.

Datum for Levels  
PM39988 RL 2.718 AHD.

Peg placed at ground level for all new  
corners, unless otherwise stated.

Scale 1:250 - Lengths are in Metres.



CHARLES O'NEILL PTY. LTD. (ACN 010 329 174) hereby certify that the land comprised in this plan was surveyed by the corporation, by Kevin Eric Thorne, Registered Surveying Associate, for whose work the corporation accepts responsibility, under the supervision of Grant Harold Phillips, Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 11/12/13

*Charles Edward O'Neill*  
Charles Edward O'Neill,  
Director

*Julie Anne O'Neill*  
Julie Anne O'Neill,  
Director

Date: *11/12/13*

**Plan of Emt B (Restricted)**  
**in Lot 11 on SP262348**

LOCAL GOVERNMENT: *Cairns Regional Council* LOCALITY: *Port Douglas*  
Meridian: *SP105932* F/N's: *No*

Scale: **1:250**

Format: **STANDARD**

**SP262373**

Plan Status:

7344HL-03 73448E-03 18/12/13

715780355

\$333.00  
20/05/2014 11:06

CS 403

WARNING : Folded or Mutilated Plans will not be accepted.  
Plans may be rolled.  
Information may not be placed in the outer margins.

Registered

5. Lodged by

Marino Moller Lawyers 795  
PO Box 57  
Port Douglas Qld 4877  
Ph: 07 4081 6700  
Ref: AVT:143512  
Email: arthur.timms@marinomoller.com.au

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees:

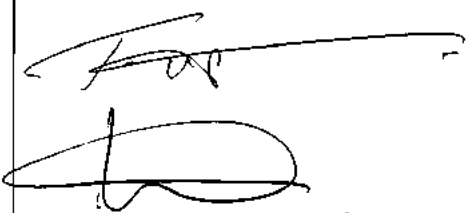
1/We TIMOTHY WALTER PETERSON  
FRANCES THOMAS PETERSON  
JOINT TENANTS

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 60 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan.

Signature of \*Registered Owners \*Lessees



\* Rule out whichever is inapplicable

2. Local Government Approval.

\*  
hereby approves this plan in accordance with the :  
%

Dated this ..... day of .....

..... #

..... #

\* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :  
Local Govt :  
Surveyor : 7344HIL

6. Existing

Title Reference	Description	New Lots	Road	Secondary Interests
21217073	Lot 11 on SP262348			Easement B
21344036				
21344055	Note: SP262348 is to be registered prior to this plan			
20282236				

Created

Lots Orig

7. Portion Allocation :

8. Map Reference :

7965-22231

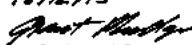
9. Parish:

SALISBURY

10. County:

Solander

11. Passed & Endorsed :

By: CHARLES O'NEILL PTY.LTD.  
ACN 010 329 174  
Date: 18/12/13  
Signed:   
Designation: Cadastral Surveyor

12. Building Format Plans only.

I certify that:  
\* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;  
\* Part of the building shown on this plan encroaches onto adjoining \* lots and road

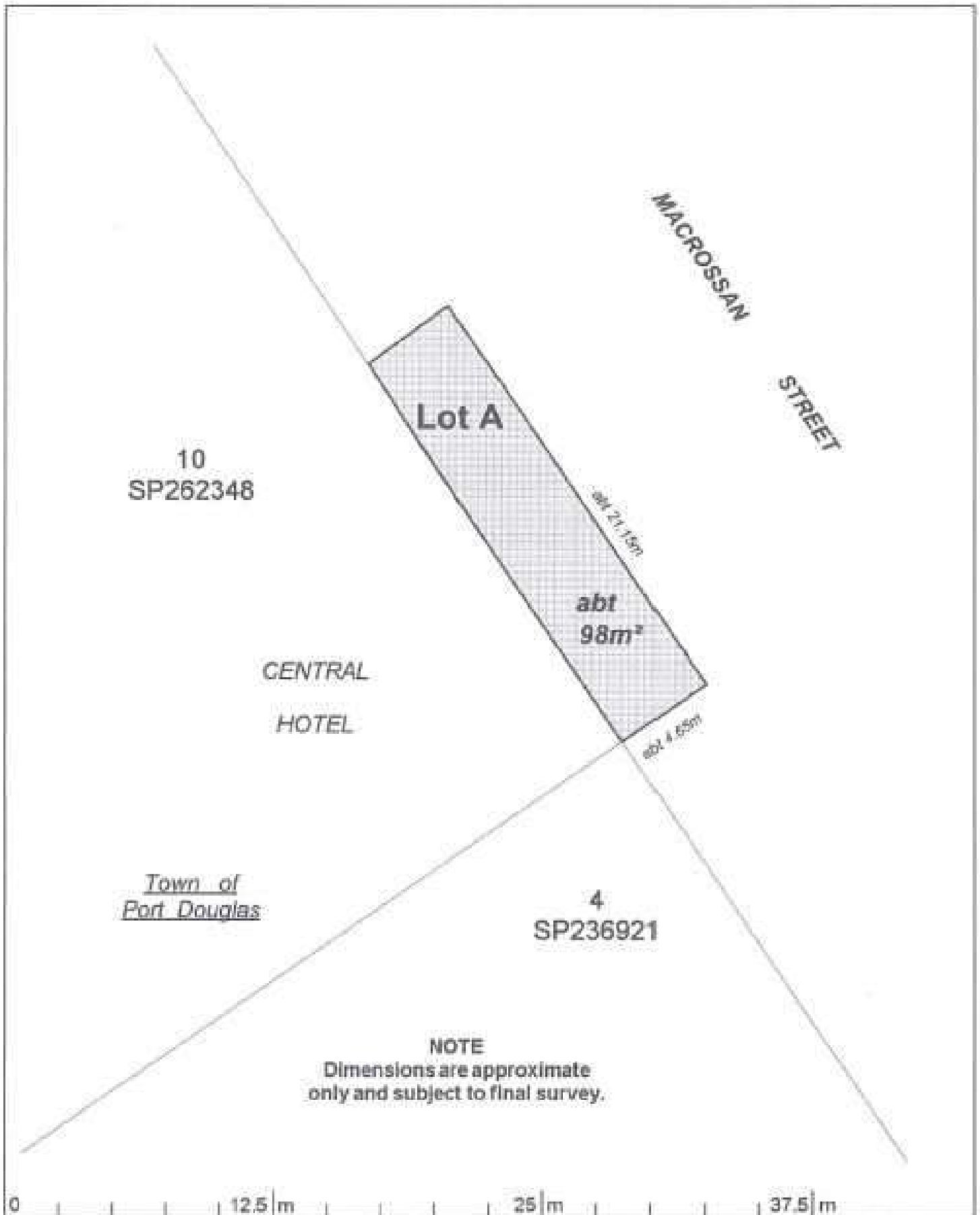
Licensed Surveyor/Director \* Date  
\*delete words not required

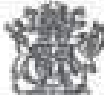
13. Lodgement Fees :

Survey Deposit \$ .....  
Lodgement \$ .....  
..... New Titles \$ .....  
Photocopy \$ .....  
Postage \$ .....  
TOTAL \$ .....

14. Insert Plan Number

SP262373

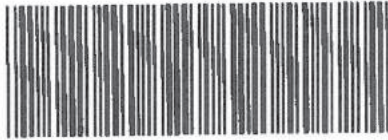


0   12.5   m   25   m   37.5   m			
<b>PLAN OF LOT A (Proposed road closure in strata)</b> Covering part of Macrossan Street abutting Lot 10 on SP262348		<b>SCALE</b> 1: 250	 <b>Queensland Government</b>
<b>LOCALITY OF PORT DOUGLAS</b> <b>LOCAL AUTH OF DOUGLAS SHIRE COUNCIL</b>		<b>CNS16\072</b>	
Map 7965-22231	Compiled from DCDB and Hunt Design Drawing A.003.1		
Elvse Ref 2016/005958	Prepared by Don Tennant	Date 21/11/2018	Notings D/B No. 16N3341

QUEENSLAND LAND REGISTRY  
Land Title Act 1994 and Land Act 1994

**EASEMENT**

FORM 9 Version 4  
Page 1 of 5



**715780358**

\$157.40  
20/05/2014 11:06

CS 600

*Duty Imprint*

Client No: 1050403 Duties Act 2001  
 Transaction No: 501-982-767  
 Duty Paid \$ Nil  Exempt  
 UTI \$ .....  
 Date: 30/04/14 Signed: [Signature]

<p>1. <b>Grantor</b></p> <p><b>TIMOTHY WALTER PETERSON</b> <b>FRANCES THOMAS PETERSON</b></p>	<p><b>Lodger</b> (Name, address, E-mail &amp; phone number)                  Marino Moller Lawyers                  PO Box 57 Port Douglas Qld 4877                  Email: arthur.timms@marinomoller.com.au                  Ph: 07 4081 6700                  Ref: AVT:KRN:143512</p>	<p><b>Lodger Code</b> 795</p>
---	---	-----------------------------------

2. Description of Easement/Lot on Plan Servient Tenement (burdened land)	County	Parish	Title Reference
Easement B (Restricted to the land between RL1.60 and RL2.90 AHD) on Lot 11 SP262373	Solander	Salisbury	To issue from 21217073
*Dominant Tenement (benefited land)			
Lot 10 SP262348	Solander	Salisbury	To issue from 21344056 21344055 20282236

# not applicable if easement in gross

3. <b>Interest being burdened</b> Fee Simple	#4. <b>Interest being benefited</b> Fee Simple # not applicable if easement in gross
---	--

5. <b>Grantee</b> Given names	Surname/Company name and number	(Include tenancy if more than one)
<b>TIMOTHY WALTER FRANCES THOMAS</b>	<b>PETERSON PETERSON</b>	<b>JOINT TENANTS</b>

6. <b>Consideration</b> \$1.00	7. <b>Purpose of easement</b> Drainage
-----------------------------------	---

8. **Grant/Execution**  
The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

[Signature] .....signature  
**DAVID GEORGE PARKER** full name  
**JUSTICE OF THE PEACE (NSW)** qualification  
**REG NO 132348**  
 Witnessing Officer  
 (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

[Signature] .....  
Jul 1 9 2014  
 Execution Date **Grantor's Signature**

[Signature] .....Signature  
**DAVID GEORGE PARKER** full name  
**JUSTICE OF THE PEACE (NSW)** qualification  
**REG NO 132348**  
 Witnessing Officer  
 (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

[Signature] .....  
SE 1 4 2014  
 Execution Date **Grantee's Signature**

Title Reference 20635178

This is the Schedule referred to in Easement dated 24<sup>th</sup> day of April 2014.

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

Unless the context indicates otherwise:-

- (a) "this Easement" means the Form 9 Easement to which this Form 20 is attached, this Form 20 Schedule and each annexure or schedule described in this Form 20;
- (b) "Business Day" means any day which is not a Saturday, Sunday or public holiday in Brisbane;
- (c) "Dominant Tenement" means the land described as such in Item 2 of the Form 9 Easement to which this Form 20 is attached;
- (d) "Grantee" means the registered owner of the Dominant Tenement from time to time and includes the officers, employees, tenants, licensees, customers, contractors, invitees and others authorised (expressly or implied) by the Grantee;
- (e) "Grantor" means the registered owner of the Servient Tenement from time to time and includes the officers, employees, customers, contractors, invitees and others authorised (expressly or implied) by the Grantor;
- (f) "Observe" includes to comply with, discharge, fulfil, keep and perform;
- (g) "Servient Tenement" means the land described as such in Item 2 of the Form 9 Easement to which this Form 20 is attached;
- (h) "Statute" means any statute, regulation, proclamation, ordinance or local law;

1.2 Interpretation

In this Easement unless stated otherwise or the context indicates otherwise:-

- (a) The singular includes the plural and the plural includes the singular.
- (b) Words importing a gender include every other gender.
- (c) Words denoting an individual, person, firm, partnership, association (whether or not incorporated), corporation, authority, government, government agency or any other body or entity (in each case whether or not having separate legal personality), includes any of them.
- (d) References to legislation or regulations include any modification or re-enactment of them, and any instrument, regulations or orders issued under them.
- (e) Every agreement or obligation expressed or implied in this Easement by which two or more persons agree or are bound binds those persons jointly and severally.
- (f) Headings are for convenience and to not affect interpretation.
- (g) Where this Easement requires anything to be done or at any time period expires on a day which is not a Business Day, then the thing may be done and the time period is extended until the next Business Day.
- (h) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.

Title Reference 20635178

**2. Grant**

**2.1 Grant of Easement**

The Grantor hereby grants to the Grantee the full and free right, liberty and licence from time to time and at all times hereafter to use the Servient Tenement or any part or parts thereof for drainage purposes and all that the full and free right, liberty and licence at all times and from time to time to receive and convey through the Servient Tenement rainwater and natural drainage of all kinds inclusive of stormwater runoff flowing continuously intermittently or occasionally into and through the Servient Tenement from lands adjoining the Servient Tenement and/or any other lands whatsoever.

**2.2 Restrictions**

The Grantor and Grantee must not use the Servient Tenement in any way which is or is likely to be in breach of any Statute or the conditions of any approval relating to the use of the Dominant Tenement or the land of which the Servient Tenement forms part;

**2.3 Grantee's Rights**

The Grantee shall have all that the free right and liberty at all times hereafter of erecting, constructing and maintaining through the Servient Tenement, drains and/or pipelines and all appurtenances thereof for the passage or conveyance of rainwater and drainage of all kinds and with liberty to the Grantee by its officers, servants, agents, workmen with or without trucks or other vehicles, plant and materials to enter upon the Servient Tenement at all times for the purpose of removing and disposing of spoil, constructing, extending, deepening, widening, maintaining and repairing the drains and all pipelines and all appurtenances thereof and for the purpose of keeping the same in good order and condition and for all lawful purposes incidental thereto.

**2.4 No Obligation to Use**

The Grantee shall not be obliged to use the Servient Tenement for the purposes aforesaid and nor to exercise or do any or all of the powers or things herein mentioned but shall at liberty to do so from time to time at its pleasure and to such extent as it may think fit.

**2.5 Grantee Not Liable to Fence**

The Grantee shall not be required to fence or contribute to the fencing or any part or parts of the boundaries of the Servient Tenement.

**2.6 Grantee to Keep Drains Clear**

The Grantee shall at all times keep any drains or drainage now or hereafter constructed on the Servient Tenement clear of debris and all other obstructions without the Grantor being liable to contribute towards any costs in respect thereof.

**2.7 Grantor's Rights**

The Grantor's rights to use the Servient Tenement for purposes not inconsistent with the Grantee's rights to use the Servient are preserved.

**3. OBLIGATIONS**

**3.1 Grantee's Obligations**

The Grantee must rectify any damage caused to the Grantor's property in the exercise of the Grantee's rights under Clause 2.3.

Title Reference 20635178

**3.2 Grantor Not to Construct or Interfere**

The Grantor will not execute or construct any excavations, drainage, channels or other works of any kind on the Servient Tenement nor remove from or interfere with any existing drainage works or any other works within the area of the Servient Tenement without the prior approval in writing of the Grantee.

**4. RISK**

The Grantor and the Grantee use the Servient Tenement and exercise their rights under this Easement at their own risk absolutely.

**5. PASSING OF OBLIGATIONS**

The burden and benefit of the covenants in this Easement pass with the Servient Tenement and Dominant Tenement respectively so that any person is only liable to observe this Easement while that person is the registered owner of the Servient Tenement or Dominant Tenement.

**6. NUISANCE**

*Neither the Grantor or the Grantee will cause any nuisance to the owners or occupiers of any adjoining or nearby properties.*

**7. RESERVATION**

The Grantor may grant additional easements over the Servient Tenement but must not materially adversely affect the Grantee's rights and privileges under this Easement.

**8. NOTICES**

**8.1 Method of Giving Notice**

A notice to be given under this Easement must be in writing and is treated as being duly given if it is:-

- (a) served personally (if a natural person); or
- (b) delivered or sent by pre-paid post to the registered office (if a corporation); or
- (c) sent by pre-paid post to an address provided by a party as their address for service.

**8.2 Time of Receipt**

A notice given in accordance with Clause 8.1 is treated as having been duly given and received:-

- (a) when served or delivered; or
- (b) on the second Business Day after posting (if sent by pre-paid post).

**9. DISPUTE**

**9.1 Dispute**

If there is any dispute under any provision of this Easement either the Grantor or the Grantee may give written notice to the other referring the matter for determination by an expert ("the Expert").



**Title Reference To issue from 21217073**

**9.2 Notice as Bar**

The giving of a referral notice operates as a complete and unconditional bar and waiver to commencement of or proceeding with any litigation or to object in any way in respect of the subject matter of the notice until after the actions and procedures in this Clause 9 have been taken and followed.

**9.3 Identify of Expert**

If within fourteen (14) days from the giving of the referral notice the parties are unable to agree upon the identity of the Expert, the Expert is to be appointed at the request of either party by the President for the time being of the Queensland Law Society Incorporated.

**9.4 Experience**

The Expert must have experience and qualifications relevant to the subject matter of the referral.

**9.5 Not Arbitrator**

The Expert acts as an expert and not as an arbitrator. The Expert will determine the procedure to be adopted to determine the referral.

**9.6 Natural Justice**

The Expert must act in accordance with the principles of natural justice and fairness.

**9.7 Submissions**

The parties may make submissions to the Expert. A copy of any submission must be given to all other parties.

**9.8 Costs**

The parties must pay the Expert's costs (including the costs of engaging and consulting advisers) equally.

**9.9 Co-operation**

The parties must at all times do all things which the Expert requires of them in connection with the determination and must co-operate and assist the Expert in every reasonable way. A party is not to wilfully do or cause to be done any act to delay or prevent the determination by the Expert.

**9.10 Determination**

The Expert's determination:-

- (a) must be given in writing as soon as possible;
- (b) must contain full reasons; and
- (c) is final and binding on the parties.

1. Lot on Plan Description	County	Parish	Title Reference
Lot 203 Crown Plan PTD2091	Solander	Salisbury	21344056
Lot 204 Crown Plan PTD2091	Solander	Salisbury	21344055
Lot 221 Crown Plan PTD2091	Solander	Salisbury	21217073
Lot 222 Crown Plan PTD2091	Solander	Salisbury	20282236

2. Instrument/document being consented to

Instrument/document type: Easement  
Dated: 26/11/2014  
Names of Parties: Timothy Walter Peterson and Frances Thomas Peterson as Grantor and Grantee

3. Instrument/document under which consent required

Instrument/document type: Mortgage  
Dealing No.: 710287180  
Name of consenting party: WESTPAC BANKING CORPORATION ABN 33 007 457 141

4. Execution by consenting party

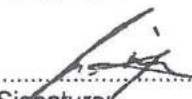
The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994



Westpac Banking Corporation  
ABN 33 007 457 141 by its duly constituted  
attorney Tier Three under power of attorney No  
704554851.

..... signature  
SAMRAT SAHEBA  
A Justice of the peace in and for ..... full name  
the State of New South Wales  
Registration Number: 199573 ..... qualification

.....  
Signature:   
Rumana Habib  
.....  
Attorney Name

14/10/2014

**Witnessing Officer**  
(Witnessing officer must be in accordance with Schedule 1  
of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Execution Date

Consenting Party's Signature

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in NR&W, see the department's website.

QUEENSLAND LAND REGISTRY  
Land Title Act 1994 and Land Act 1994

**EASEMENT**

FORM 9 Version 4

Page 1 of 6



**715780300**

\$157.40

20/05/2014 10:58

**CS 600**

*Duty Imprint*  
Client No: 1050423 Duties Act 2001  
Transaction No: 507-982-629  
Duty Paid \$ N/A  Exempt  
UTI \$ .....  
Date: 30/05/14 Signed: K. Nobyrun

<p><b>1. Grantor</b></p> <p><b>TIMOTHY WALTER PETERSON</b> <b>FRANCES THOMAS PETERSON</b></p>	<p><b>Lodger</b> (Name, address, E-mail &amp; phone number) Marino Moller Lawyers PO Box 57 Port Douglas Qld 4877 Email: arthur.timms@marinomoller.com.au Ph: 07 4081 6700 Ref: AVT:KRN:143512</p>	<p><b>Lodger Code</b> 795</p>
---	--	-----------------------------------

2. Description of Easement/Lot on Plan Servient Tenement (burdened land)	County	Parish	Title Reference
Easement A in Lot 11 SP262348	Solander	Salisbury	To issue from 21217073
<b>#Dominant Tenement (benefited land)</b>			
Lot 10 SP262348	Solander	Salisbury	To issue from 21344056 21344055 20282236

# not applicable if easement in gross

<p><b>3. Interest being burdened</b> Fee Simple</p>	<p><b>#4. Interest being benefited</b> Fee Simple # not applicable if easement in gross</p>
---	---

<p><b>5. Grantee</b> Given names</p> <p><b>TIMOTHY WALTER FRANCES THOMAS</b></p>	<p>Surname/Company name and number</p> <p><b>PETERSON PETERSON</b></p>	<p>(include tenancy if more than one)</p> <p><b>JOINT TENANTS</b></p>
--	--	---

<p><b>6. Consideration</b> \$1.00</p>	<p><b>7. Purpose of easement</b> Right of Way for Access, Maintenance, Drainage and Services</p>
---	--

**8. Grant/Execution**  
The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

*David George Parker J.P.* signature  
**DAVID GEORGE PARKER** (full name)  
**JUSTICE OF THE PEACE (NSW)** (qualification)  
**REG NO 132348**  
 Witnessing Officer  
 (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

*[Signature]*  
 Execution Date: 30/5/2014  
 Grantor's Signature

*David George Parker J.P.* signature  
**DAVID GEORGE PARKER** (full name)  
**JUSTICE OF THE PEACE (NSW)** (qualification)  
**REG NO 132348**  
 Witnessing Officer  
 (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

*[Signature]*  
 Execution Date: 30/5/2014  
 Grantee's Signature

Title Reference To issue from 21217073

This is the Schedule referred to in Easement dated 24<sup>th</sup> day of April 2014

It is covenanted between the parties to the above Easement as follows:-

## 1. DEFINITIONS AND INTERPRETATION

### 1.1 Definitions

Unless the context indicates otherwise:-

- (a) "this Easement" means the Form 9 Easement to which this Form 20 is attached, this Form 20 Schedule and each annexure or schedule described in this Form 20;
- (b) "Business Day" means any day which is not a Saturday, Sunday or public holiday in Brisbane;
- (c) "Dominant Tenement" means the land described as such in Item 2 of the Form 9 Easement to which this Form 20 is attached;
- (d) "Equipment" means all pipes, drains, cables, conduits, channels, fibrotic cabling, manholes, stop cocks, water reticulation mains, irrigation equipment and appurtenances, roads and driveways and ancillaries required in connection with the provision of access, maintenance and Services required by the Grantee in connection with the maintenance and upkeep of the Servient Tenement for the purposes of this Easement;
- (e) "Grantee" means the registered owner of the Dominant Tenement from time to time and includes the officers, employees, tenants, licensees, customers, contractors, invitees and others authorised (expressly or implied) by the Grantee;
- (f) "Grantor" means the registered owner of the Servient Tenement from time to time and includes the officers, employees, customers, contractors, invitees and others authorised (expressly or implied) by the Grantor;
- (g) "Observe" includes to comply with, discharge, fulfil, keep and perform;
- (h) "Services" means water, gas, electricity, drainage or telecommunications facilities;
- (i) "Servient Tenement" means the land described as such in Item 2 of the Form 9 Easement to which this Form 20 is attached;
- (j) "Statute" means any statute, regulation, proclamation, ordinance or local law;
- (k) "Vehicles" means:-
  - (i) any vehicle for the carriage of goods or persons; and
  - (ii) automobiles, machinery or plant.

### 1.2 Interpretation

In this Easement unless stated otherwise or the context indicates otherwise:-

- (a) The singular includes the plural and the plural includes the singular.
- (b) Words importing a gender include every other gender.

**Title Reference** To issue from 21217073

- (c) Words denoting an individual, person, firm, partnership, association (whether or not incorporated), corporation, authority, government, government agency or any other body or entity (in each case whether or not having separate legal personality), includes any of them.
- (d) References to legislation or regulations include any modification or re-enactment of them, and any instrument, regulations or orders issued under them.
- (e) Every agreement or obligation expressed or implied in this Easement by which two or more persons agree or are bound binds those persons jointly and severally.
- (f) Headings are for convenience and to not affect interpretation.
- (g) Where this Easement requires anything to be done or at any time period expires on a day which is not a Business Day, then the thing may be done and the time period is extended until the next Business Day.
- (h) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.

**2. GRANT OF EASEMENT**

**2.1 Grant**

The Grantor grants to the Grantee the full and free right for the Grantee in common with the Grantor and all others (if any) having the like rights and liberty at all times by day or night:-

- (a) to have access to, pass or repass over or across the Servient Tenement with or without Vehicles; and
- (b) for the purpose of conveyance of water and rainwater in and through or under the Servient Tenement; and
- (c) to use the Servient Tenement at all times by day or night for the supply of Services but always only in connection with the Grantee's use of the Dominant Tenement; and
- (d) to install, maintain, repair and replace from time to time any Equipment on the Servient Tenement.

**2.2 Restrictions**

The Grantor and Grantee must not:-

- (a) park or leave standing on the Servient Tenement any Vehicles which would impede the rights of others having like rights to those permitted by this Easement;
- (b) deposit or leave on the Servient Tenement any goods, articles or things that may in any way interfere with the permitted use of the Servient Tenement;
- (c) use the Servient Tenement in any way which is or is likely to be in breach of any Statute or the conditions of any approval relating to the use of the Dominant Tenement or the land of which the Servient Tenement forms part; or

**2.3 Grantee's Rights**

The Grantee may:-

- (a) use the Servient Tenement for the rights granted by this Easement at all times by day or night but always only in connection with the Grantee's use of the Dominant Tenement and subject to the restrictions in Clause 2.2;
- (b) bring Vehicles, plant, equipment, machinery and workmen onto the Servient Tenement to attend to the matters referred to this clause from time to time;

**Title Reference To issue from 21217073**

- (c) open the surface level of the Servient Tenement to the extent necessary provided that the Grantee must take all reasonable precautions to ensure as little disturbance as possible to the surface of the Servient Tenement and must restore the surface as nearly as practicable to its original condition;
- (d) install, maintain, repair and replace from time to time any Equipment on the Servient Tenement.
- (e) use parts of the land of the Grantor adjoining the Servient Tenement as are reasonably necessary in the exercise of its rights under this Clause 2.3.

**2.4 Grantor's Rights**

The Grantor's rights to use the Servient Tenement for purposes not inconsistent with the Grantee's rights are preserved.

**3. OBLIGATIONS**

**3.1 Grantee's Obligations**

The Grantee must:-

- (a) rectify any damage caused to the Grantor's property in the exercise of the Grantee's rights under Clause 2; and
- (b) keep any Equipment which it installs on the Servient Tenement in good condition and repair at all time, subject to the Grantor's obligations under Clause 3.2.

**3.2 Grantor's Obligations**

The Grantor must not do or permit to be done anything on the Servient Tenement which interferes with the Grantee's rights under this Easement.

**3.3 Temporary Obstructions**

Where the Grantor carries out work upon the Servient Tenement, the Grantor may temporarily restrict the Grantee's rights over the Servient Tenement but must:-

- (a) give adequate notice of such restriction to the Grantee; and
- (b) take all steps reasonably practicable to ensure that the restriction occurs for the minimum period; and
- (c) provide an alternate means of access for use by the Grantee by the nearest available route.

**4. RISK**

The Grantor and the Grantee use the Servient Tenement and exercise their rights under this Easement at their own risk absolutely.

**5. PASSING OF OBLIGATIONS**

The burden and benefit of the covenants in this Easement pass with the Servient Tenement and Dominant Tenement respectively so that any person is only liable to observe this Easement while that person is the registered owner of the Servient Tenement or Dominant Tenement.

**6. NUISANCE**

Neither the Grantor or the Grantee will cause any nuisance to the owners or occupiers of any adjoining or nearby properties.

Title Reference To issue from 21217073

**7. RESERVATION**

The Grantor may grant additional easements over the Servient Tenement but must not materially adversely affect the Grantee's rights and privileges under this Easement.

**8. NOTICES**

**8.1 Method of Giving Notice**

A notice to be given under this Easement must be in writing and is treated as being duly given if it is:-

- (a) served personally (if a natural person); or
- (b) delivered or sent by pre-paid post to the registered office (if a corporation); or
- (c) sent by pre-paid post to an address provided by a party as their address for service.

**8.2 Time of Receipt**

A notice given in accordance with Clause 8.1 is treated as having been duly given and received:-

- (a) when served or delivered; or
- (b) on the second Business Day after posting (if sent by pre-paid post).

**9. DISPUTE**

**9.1 Dispute**

If there is any dispute under any provision of this Easement either the Grantor or the Grantee may give written notice to the other referring the matter for determination by an expert ("the Expert").

**9.2 Notice as Bar**

The giving of a referral notice operates as a complete and unconditional bar and waiver to commencement of or proceeding with any litigation or to object in any way in respect of the subject matter of the notice until after the actions and procedures in this Clause 9 have been taken and followed.

**9.3 Identify of Expert**

If within fourteen (14) days from the giving of the referral notice the parties are unable to agree upon the identity of the Expert, the Expert is to be appointed at the request of either party by the President for the time being of the Queensland Law Society Incorporated.

**9.4 Experience**

The Expert must have experience and qualifications relevant to the subject matter of the referral.

**9.5 Not Arbitrator**

The Expert acts as an expert and not as an arbitrator. The Expert will determine the procedure to be adopted to determine the referral.

**Title Reference To issue from 21217073**

**9.6 Natural Justice**

The Expert must act in accordance with the principles of natural justice and fairness.

**9.7 Submissions**

The parties may make submissions to the Expert. A copy of any submission must be given to all other parties.

**9.8 Costs**

The parties must pay the Expert's costs (including the costs of engaging and consulting advisers) equally.

**9.9 Co-operation**

The parties must at all times do all things which the Expert requires of them in connection with the determination and must co-operate and assist the Expert in every reasonable way. A party is not to wilfully do or cause to be done any act to delay or prevent the determination by the Expert.

**9.10 Determination**

The Expert's determination:-

- (a) must be given in writing as soon as possible;
- (b) must contain full reasons; and
- (c) is final and binding on the parties.



1. Lot on Plan Description	County	Parish	Title Reference
Lot 203 Crown Plan PTD2091	Solander	Salisbury	21344056
Lot 204 Crown Plan PTD2091	Solander	Salisbury	21344055
Lot 221 Crown Plan PTD2091	Solander	Salisbury	21217073
Lot 222 Crown Plan PTD2091	Solander	Salisbury	20282236

2. Instrument/document being consented to

Instrument/document type      Easement  
Dated      24.4.2014  
Names of Parties      Timothy Walter Peterson and Frances Thomas Peterson as Grantor and Grantee


3. Instrument/document under which consent required

Instrument/document type      Mortgage  
Dealing No.      710287180  
Name of consenting party      WESTPAC BANKING CORPORATION ABN 33 007 457 141


4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

  
..... signature  
SAMRAT SAHEBA      full name  
A Justice of the peace in and for      qualification  
the State of New South Wales  
Registration Number: 199573

Westpac Banking Corporation  
ABN 33 007 457 141 by its duly constituted  
attorney Tier Three under power of attorney No  
704554851.

  
Signature:  
Rumana Habib  
.....  
Attorney Name

14/05/2014

**Witnessing Officer**  
(Witnessing officer must be in accordance with Schedule 1  
of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

**Execution Date**

**Consenting Party's Signature**

**Privacy Statement**  
Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in NR&W, see the department's website.

# **APPENDIX B**





**GROUND FLOOR PLAN - EXISTING CONDITIONS**  
SCALE 1:100

SCALE: 1:100	DATE: 9/12/2016
PROJECT: HILROCK	ISSUE: DA
<b>EXISTING CONDITIONS</b>	
<b>GROUND FLOOR PLAN</b>	
PROJECT NO: PET006	DATE: 9/12/2016
DESIGNER: A.00.3.1	BY: [Name]

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

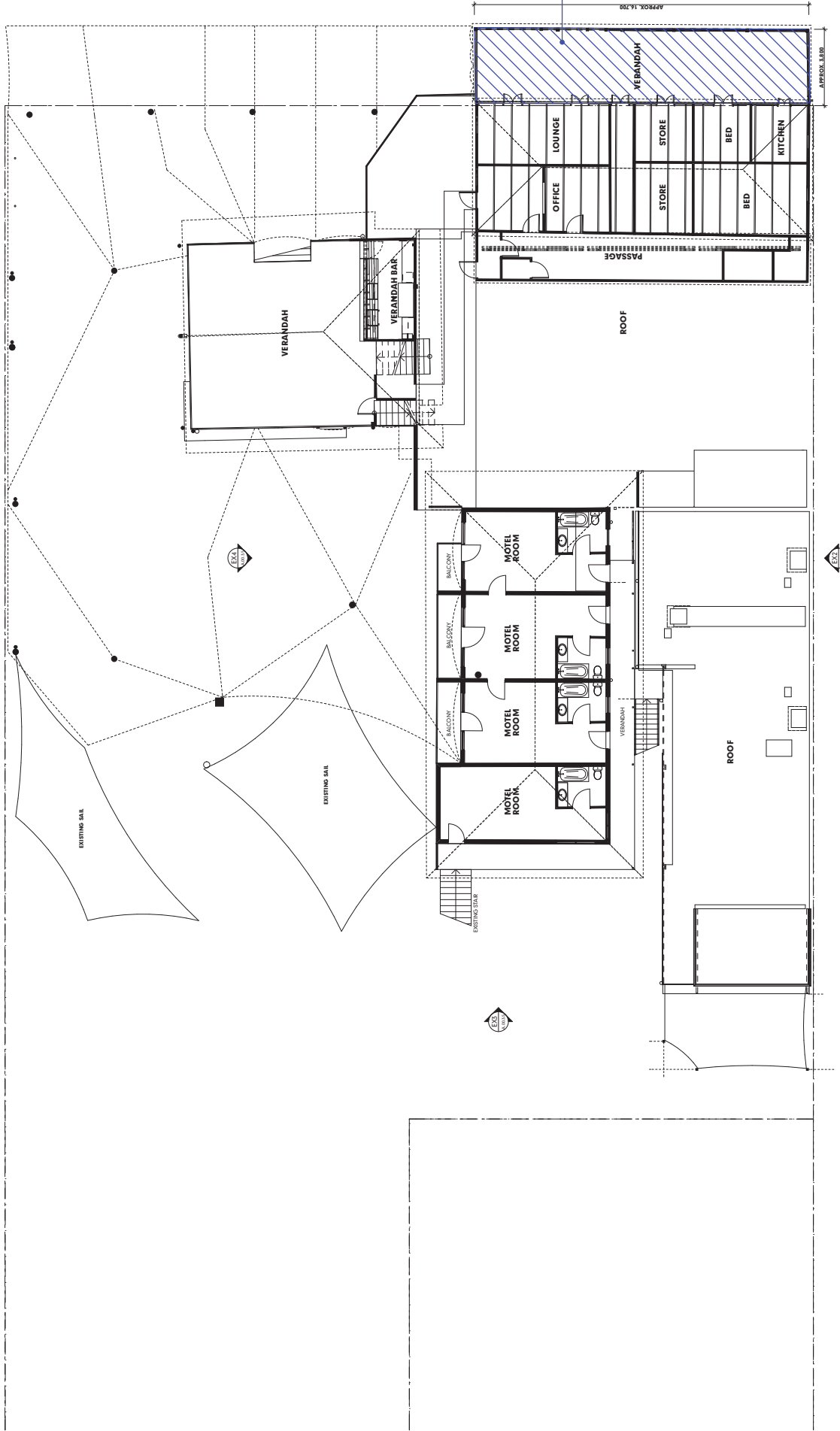
Architect: Hunt Design + Hecker Guthrie  
 111 HAYWARD STREET, PORT DOUGLAS, QLD 4877  
 TEL: 07 4694 1234  
 WWW.HUNTDESIGN.COM

CLIENT: HILROCK PROPERTIES PTY LTD  
 111 HAYWARD STREET, PORT DOUGLAS, QLD 4877  
 TEL: 07 4694 1234  
 WWW.HILROCKPROPERTIES.COM

**IMPORTANT NOTES**

- THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL OTHER DRAWINGS IN THE PROJECT.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWING UNLESS OTHERWISE SPECIFIED.
- CONNECTIONS TO EXISTING STRUCTURE TO BE PROVIDED TO THE SATISFACTION OF THE STRUCTURAL ENGINEER.
- WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

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**FIRST FLOOR PLAN - EXISTING CONDITIONS**  
SCALE 1:100

**IMPORTANT NOTES**  
 1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS AND SPECIFICATIONS.  
 2. ALL BUILDING WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT.  
 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT.  
 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT BY THE CLIENT.

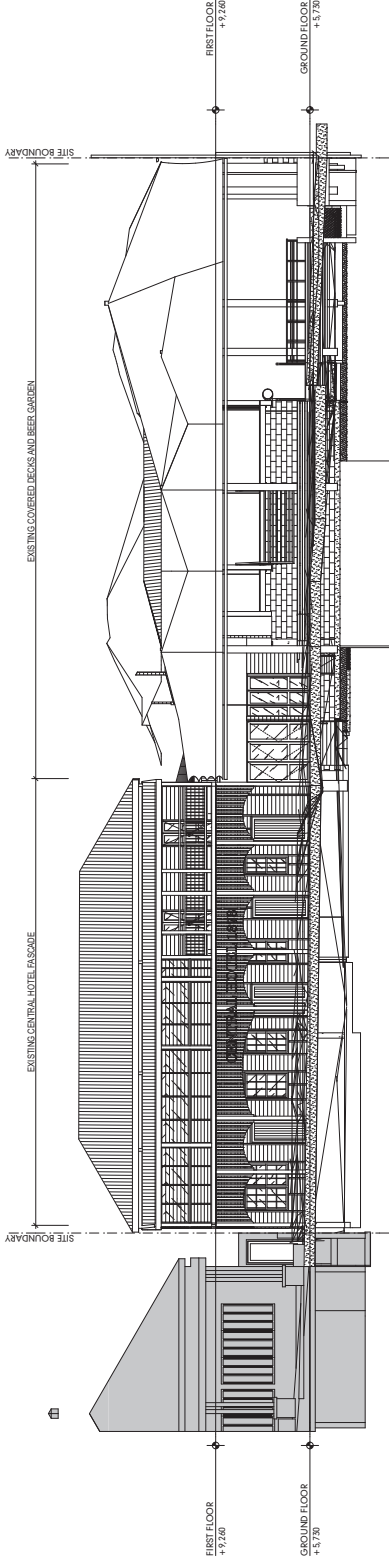
NO.	DATE	CHANGE NAME	USER

**hunt DESIGN** + **Hecker Guthrie**  
 Architects, Interior Designers, Planners  
 111 HAY STREET, PORT DOUGLAS, QLD 4877  
 PHONE: (07) 4731 1111  
 FAX: (07) 4731 1112  
 EMAIL: info@huntandhecker.com.au  
 www.huntandhecker.com.au

**PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD**  
 EXISTING CONDITIONS  
 PROJECT NO: PET006  
 CLIENT: HILROCK PROPERTIES PTY LTD

SCALE	DATE	STATUS	DATE
1:100			



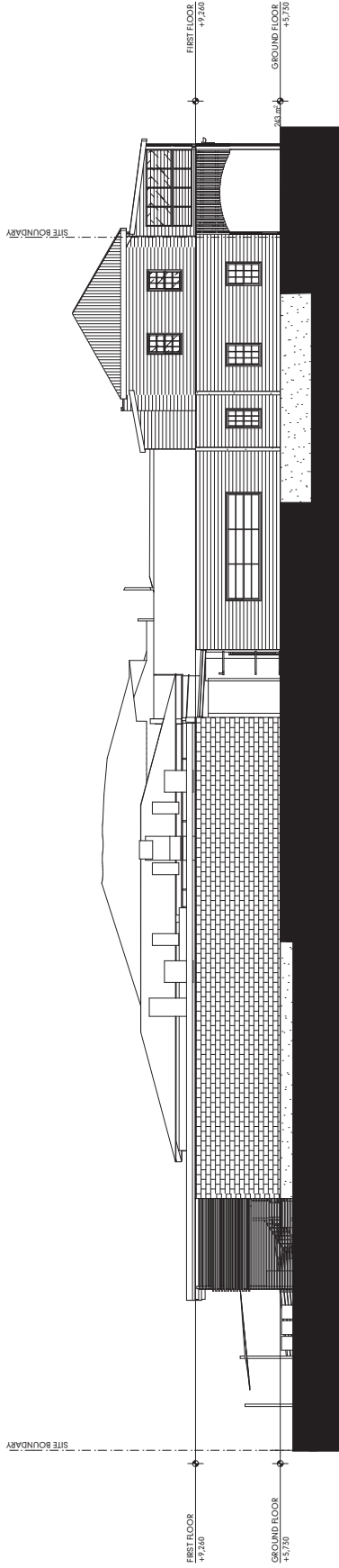


**NORTH EAST ELEVATION - EXISTING CONDITIONS**

SCALE 1:100

**EX1**

A.00.3.1, A.00.3.2, A.00.3.3, A.04.1, A.04.2, A.04.3



**SOUTH EAST ELEVATION - EXISTING CONDITIONS**

SCALE 1:100

**EX2**

A.00.3.1, A.00.3.2, A.00.3.3, A.04.1, A.04.2, A.04.3

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Rev	CD	Change Name	Date

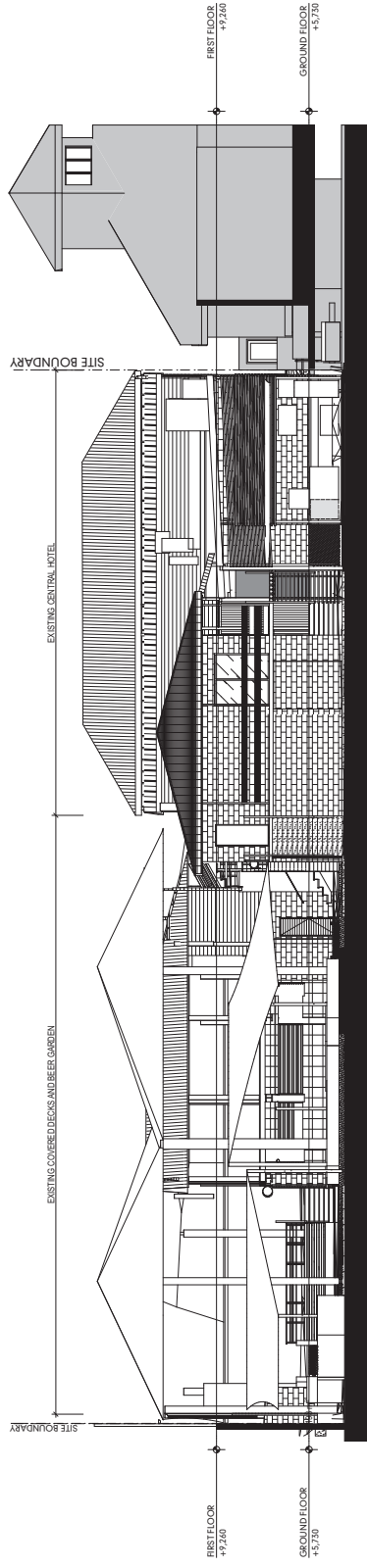
**hunt DESIGN + Hecker Guthrie**

Architects Interior Planning Interiors  
 111 HACKBURN STREET, HUNTERDON  
 PORT DOUGLAS QLD 4877  
 T +61 7 4688 1434  
 F +61 7 4688 1434  
 www.huntandheckerguthrie.com

**PROJECT:** PROPOSED ALTERATIONS AND ADDITIONS TO THE CENTRAL HOTEL, PORT DOUGLAS, QLD 4877  
**CLIENT:** HILROCK PROPERTIES PTY LTD

SCALE	DRAWN	CHECKED	DATE
1:100	AI	DA	9/12/2016
<b>EXISTING CONDITIONS</b>			
<b>ELEVATIONS</b>			
PROJECT NO: PET006			
DRAWN BY: A.00.3.4			

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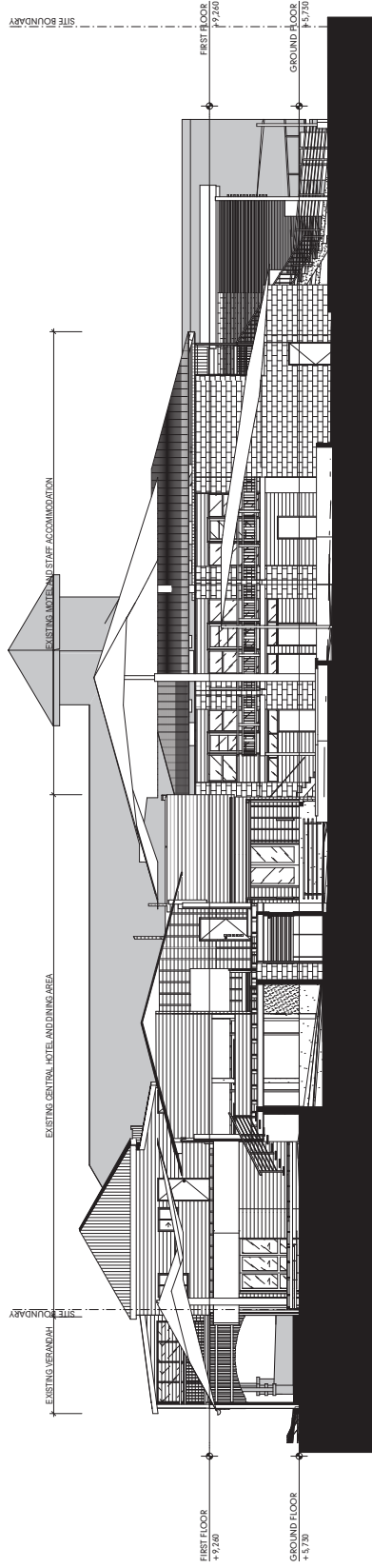


**SOUTH WEST ELEVATION - EXISTING CONDITIONS**

SCALE 1:100

**EX3**

A.03.3.1, A.03.3.2, A.03.3.3, A.04.1, A.04.2, A.04.3



**NORTH WEST ELEVATION - EXISTING CONDITIONS**

SCALE 1:100

**EX4**

A.03.3.1, A.03.3.2, A.03.3.3, A.04.1, A.04.2, A.04.3

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 2. THESE DRAWINGS ARE TO BE USED IN CONJUNCTION WITH ALL OTHER DRAWINGS AND DOCUMENTS PROVIDED TO YOU BY HUNT DESIGN + HECKER GUTHRIE.  
 3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 4. THESE DRAWINGS ARE TO BE PROVIDED TO THE BUILDING OFFICIALS FOR APPROVAL AND TO BE USED IN CONJUNCTION WITH ALL OTHER DRAWINGS AND DOCUMENTS PROVIDED TO YOU BY HUNT DESIGN + HECKER GUTHRIE.  
 5. THESE DRAWINGS ARE NOT A SUBSTITUTE FOR PROFESSIONAL CONSULTATION AND SHOULD NOT BE USED WITHOUT THE APPROVAL OF HUNT DESIGN + HECKER GUTHRIE.

Rev	CD	Change Name	Date

**hunt DESIGN + Hecker Guthrie**  
 Architecture Interior Planning Interiors  
 HUNT DESIGN + HECKER GUTHRIE  
 111 HAY STREET, SUITE 201  
 PORT PHOENIX, QLD 4877  
 PH: (08) 9411 1111  
 FAX: (08) 9411 1112  
 EMAIL: INFO@HUNTDESIGN.COM.AU  
 WEBSITE: HUNTDESIGN.COM.AU

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

**CLIENT**  
 HILROCK PROPERTIES PTY LTD

**PROJECT NO.**  
 PET006

**DATE**  
 9/12/2016

**DRAWN BY**  
 A.00.3.5

**SCALE**  
 1:100

**TITLE**  
 AI

**DATE**  
 DA

**PROJECT STATUS**  
 EXISTING CONDITIONS

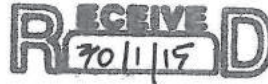
**ELEVATIONS**



# **APPENDIX C**

YOUR REF: VGF-C923  
OUR REF: MCUC 5400/2013 (prev 8/7/1554) 438661

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



29 January 2015

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

Dear Sir/Madam

**AMENDED CHANGED DECISION NOTICE FOR REQUEST TO CHANGE  
CONDITIONS OF APPROVAL FOR 7-9 MACROSSAN STREET &  
6 WARNER STREET, PORT DOUGLAS**

With reference to the abovementioned Request to Change Conditions of Approval please find attached the relevant Amended Changed Decision Notice which was determined under by Council at the Ordinary Meeting held on 20 January 2015.

The Decision Notice has been amended to attach the changed plans referenced in the table of approved drawings and/or documents and the description of the proposal.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

Your attention is drawn to the Advice statements in respect of compliance with other legislation and in particular compliance with the requirement for any disability access under the Premises Standards.

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

Yours faithfully

A handwritten signature in black ink, appearing to be "Donna Graham". The signature is written in a cursive style with a large loop at the end.

Donna Graham  
Manager Development & Environment

Att

RECEIVED  
D

**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**

Lots 10 & 11 on SP262348

**PROPOSAL**

Request to Change an Existing Approval in relation to a Development Permit for a Material Change of Use (Code Assessment) for an Extension to a Tavern (Conversion of Motel Units to Gaming Area and Ancillary Storage)

**DECISION**

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

**DECISION DATE**

This Changed Decision Notice dated 22 January 2015 replaces the Amended Decision Notice dated 25 October 2013.

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

Department of State Development, Infrastructure & Planning  
Far North Queensland Regional Office  
PO Box 2358  
CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Work

**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
<u>Proposed Site Plan</u>	<u>PET 004 DD 11 02 Rev DA2</u>	<u>24 July 2013</u>
Shed Extension Plan and Elevations	PET 004 DD11-03 Rev DA2	24 July 2013
<u>Proposed Ground Floor Plan – Hotel &amp; Kitchen</u>	<u>PET 004 DD11-04 Rev DA1</u>	<u>8 August 2013</u>
<u>Proposed First Floor Plan – Hotel &amp; Kitchen</u>	<u>PET 004 DD11-05 Rev DA1</u>	<u>8 August 2013</u>
Preliminary Site Plan	PET 006 PR1.1	10 November 2014
Preliminary Ground Floor Plan	PET 006 PR1.4	10 November 2014
Preliminary First Floor Plan	PET006 PR1.5	10 November 2014

**ASSESSMENT MANAGER CONDITIONS**

It is noted that the date for PET 006 PR1.1 should read 18 November 2014, not 10 November 2014.

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
  - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
  - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*; and

Except where modified by these conditions of approval.

**Amalgamation Required**

2. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 203, 204, and 222 on PTD2091 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to Commencement of Use.

**Timing of Effect**

3. 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**

4. 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. Any redundant sewer infrastructure shall be decommissioned and removed; and
- c. Provide an easement over any Council sewer or manhole located within the property if such is required in the future.

The above works must be shown on a plan of works and designed and constructed in accordance with the *FNQROC Development Manual*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

### **Damage to Infrastructure**

5. 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, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water and Waste immediately of the affected infrastructure and have it repaired or replaced by Water and Waste, at the developer's cost, prior to the Commencement of Use.

### **Water Saving**

6. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

### **Refuse Storage**

7. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Douglas Water and Waste.

### **Vehicle Parking**

9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ~~ten (10)~~ eleven (11) for the use approved herein. 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 on the Warner Street frontage of 7-9 Macrossan Street to the satisfaction of the Chief Executive Officer.

### **Protection of Landscaped Areas from Parking**

10. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

### **Parking Signage**

11. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One sign must be located on the Warner Street frontage.

### **Lighting**

12. 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.

### **Speed Control**

13. Provide a means of speed control at the entry exit point to the carpark at the property boundary.

### **Storage of Machinery and Plant**

14. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

### **Landscaping Plan**

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
  - a. Planting of setback areas. In particular a screen of landscaping is to be provided along the Warner Street boundary for Lot 222.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### **Lawful Point of Discharge**

16. 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**

17. 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*).



## **Street Fencing**

18. Any proposed fences and/or walls to any road frontage are to be limited to the following:
- a. 1.2 metres in height if solid; or
  - b. 1.5 metres in height if at least 25 per cent visually transparent; or
  - c. 1.8 metres in height if at least 50 per cent visually transparent.

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

## **Details of Development Signage**

19. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

## **Advertising Signage**

20. 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**

21. 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 / Building Designer;
  - d. Builder;
  - e. Civil Engineer;
  - f. Civil Contractor;
  - g. Landscape Architect

## **Health**

22. 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.
23. 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 Public Health Unit.

24. 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*.
25. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils 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 Public Health Unit for further information.
26. 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*.
27. 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.
28. Changes to any existing Approval to Carry Out Outdoor Dining under Local Law No 59 (Commercial Use of Roads) will need to be approved by Council. An application to amend the approved area must be made with Council's Local Laws Compliance Unit – Mossman.

#### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Main Roads	214/6504/102(3394.01)	7 April 2009	2020345
<u>Department of State Development, Infrastructure and Planning</u>	<u>SPD-0813-001017</u>	<u>2 September 2013</u>	
<u>Department of State Development, Infrastructure and Planning</u>	<u>SPD-1114-013129</u>	<u>9 December 2014</u>	<u>435646</u>

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

## FURTHER ADVICE

1. This approval lapses on 9 December 2015 as detailed in correspondence dated 12 December 2013.
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 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.

### Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

5. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

## RIGHTS OF APPEAL

Attached

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**End of Decision Notice**









## APPENDIX 2 CONCURRENCE AGENCY RESPONSE



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-1114-013129  
Your reference: VGF-C923

9 December 2014

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

Dear Ms Cardew

### Notice about request for permissible change—relevant entity

7-9 Macrossan Street and 6 Warner Street Port Douglas and more precisely described as Lots 10 and 11 on SP262348

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 19 November 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- Convert two existing motel rooms on the first floor into a gaming room which was previously to be located on the ground floor.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made subject to the following:


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



- The development must be carried out generally in accordance with the following Plan: Preliminary Site Plan, prepared by Hunt Design, dated 18 November 2014, Drawing No. RP1.1.

If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email [angela.foster@dsdip.qld.gov.au](mailto:angela.foster@dsdip.qld.gov.au) who will be able to assist.

Yours sincerely



Robin Clark  
Manager (Planning)



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SPD-0813-001017  
Your reference: VGF-C923

Date: 2 September 2013

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

Dear Hilrok Hotel Group,

**AMENDED Notice of decision—changed approval (responsible entity)**

Request for permissible change – 7-9 Macrossan Street, Port Douglas (Lots 203, 204, 221 and 222 on PTD2091)

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 20 August 2013 for the Concurrence Agency Response described below.

**Applicant details**

Applicant name: Hilrok Hotel Group Pty Ltd

**Site details**

Real property description: Lots 203, 204, 221 and 222 on PTD2091

Local government area: Cairns Regional Council

**Application details**

Proposed development: Development Permit for Material Change of Use (Tavern Extension)

**Original decision**

Date of original decision: 7 April 2009

Original decision details: Approved subject to conditions

A changed Concurrence Agency Response for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Elizabeth Crombie, Senior Planning Officer, Regional Services – Far North on (07) 4039 8099 or via email at [calmsSARA@dspd.qld.gov.au](mailto:calmsSARA@dspd.qld.gov.au) who will be pleased to assist.

Yours sincerely,



Robin Clark  
Manager, Planning

enc. Changed concurrence agency response  
Attachment 1 – Changed Concurrence agency conditions  
SPA appeal provisions  
Approved plans and specifications

Our reference: SPS-0813-001017  
 Your reference: VGF-C923

**Changed Concurrence agency response**  
 (Given under section 376 of the *Sustainable Planning Act 2009*)

**Applicant details**

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Applicant name: Hilrok Hotel Group Pty Ltd  
 Applicant contact details: c/- Victor G Feros Town Planning  
 Contact: Nick Hardy  
 Address: PO Box 1256 Cairns QLD 4870  
 Phone: 07 4031 3663  
 Email: [nick@ferosplanning.com.au](mailto:nick@ferosplanning.com.au)

**Application details**

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Level of assessment: Code assessment  
 Original application properly referred date: 25 March 2009  
 Date of request for change: 20 August 2013

**Site details**

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Street address: 7-9 Macrossan Street, Port Douglas  
 Real property description: Lots 203, 204, 221 and 222 on PTD2091  
 Site area: 4048m<sup>2</sup>  
 Name of owner: Hilrok Hotel Group Pty Ltd

**Nature of the changes**

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The nature of the changes agreed to are:  
 Development impacting on a State-controlled road  
 1. Change to Condition 1 – Amended plans detailing the change to storage facilities

**Original decision**

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Date of original response: 7 April 2009  
 Original decision details: Approved subject to conditions

**Changed decision**

---

Date of changed response: 2 September 2013  
 Changed decision details: Approved subject to conditions

**Conditions**

This approval is subject to:

- the changed concurrence agency conditions in Attachment 1.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

**Aspects of development and development approval granted**

Aspect 1:	Section 369, <i>Sustainable Planning Act 2009</i> , request to change a development approval
Aspect 2:	Negotiated decision notice 8/7/1554 dated 10 December 2009 for Development Permit - Material Change of Use (Tavern Extension)

**Further development permits or compliance permits**

Please be advised that the following development permits or compliance permits are required to be obtained before the development can be carried out:

1. Not applicable

**Self-assessable codes**

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not Applicable

**Compliance assessment**

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

**Properly made submissions**

Not applicable—No part of the application required impact assessment.

**Conflicts with relevant instruments**

This decision does not conflict with a relevant instrument.

**Rights of appeal**

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7,

part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

#### Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing or document	Reference no.	Version	Date
Proposed Site Plan	DD 11-02	DA2	24 July 2013
Shed Extension Plan and Elevations	DD11-03	DA2	24 July 2013
Proposed Ground Floor Plan – Hotel & Kitchen	DD11-04	DA1	8 August 2013
Proposed First Floor Plan – Hotel & Kitchen	DD11-05	DA1	8 August 2013

Our reference: SPD-0813-001017

Your reference: VGF-C923

**Attachment 1—Change concurrence agency conditions**

No.	Conditions of development approval	Condition timing
Development Permit – Material Change of Use		
State-controlled road – Department of Transport and Main Roads		
1.	Unless otherwise approved in writing by the department, the development site layout must generally comply with Hunt Design Drawing No. DD 11-02 Revision DA2, dated 24 July 2013.	Prior to the commencement of use and to be maintained at all times.
2.	Maintain condition 2 attached to Council's negotiated decision notice dated 10 December 2009.	Prior to the commencement of use and to be maintained at all times.
3.	Maintain condition 3 attached to Council's negotiated decision notice dated 10 December 2009.	Prior to the commencement of use and to be maintained at all times.

## Attachment Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the Sustainable Planning Act 2009.

### Chapter 6 Integrated development assessment system (IDAS)

#### Part 8 Dealing with decision notices and approvals

##### Division 1 Changing decision notices and approvals during applicant's appeal period

###### 360 Application of div 1

This division applies only during the applicant's appeal period.

###### 361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

###### 362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

###### 363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

###### 364 Giving new notice about charges for infrastructure



- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

#### **366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
  - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

### **Chapter 7 Appeals, offences and enforcement**

#### **Part 1 Planning and Environment Court**

#### **Division 8 Appeals to court relating to development applications and approvals**

##### **461 Appeals by applicants**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

##### **462 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;

- (b) any provision of the approval including—
  - (i) a condition of, or lack of condition for, the approval; or
  - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

**463 Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) development for an aquacultural ERA; or
  - (b) development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
  - (b) a referral agency's response mentioned in subsection (2).

**464 Appeals by advice agency submitters**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**465 Appeals about decisions relating to extensions for approvals**

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**466 Appeals about decisions relating to permissible changes**

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
  - (a) if the responsible entity for making the change is the assessment manager for the application—
    - (i) the person who made the request; or
    - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

**467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency**

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

**Division 11 Making and appeal to Court**

**481 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

**482 Notice of appeal to other parties—development applications and approvals**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or
  - (c) if the appellant is a person to whom a notice mentioned in section 485(1) has been given—
    - (i) the chief executive; and
    - (ii) the assessment manager for the development application to which the notice relates; and
    - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
    - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
  - (d) if the appellant is a person mentioned in section 466(1)—
    - (i) the chief executive; and
    - (ii) the responsible entity for making the change to which the appeal relates; and
    - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
    - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
  - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

- (2) The notice must be given within—
  - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
  - (a) the grounds of the appeal; and
  - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

**485 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
  - (a) the assessment manager is the respondent; and
  - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
  - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
  - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
  - (b) if the responsible entity is the assessment manager—
    - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
    - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

**488 How an entity may elect to be a co-respondent**

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

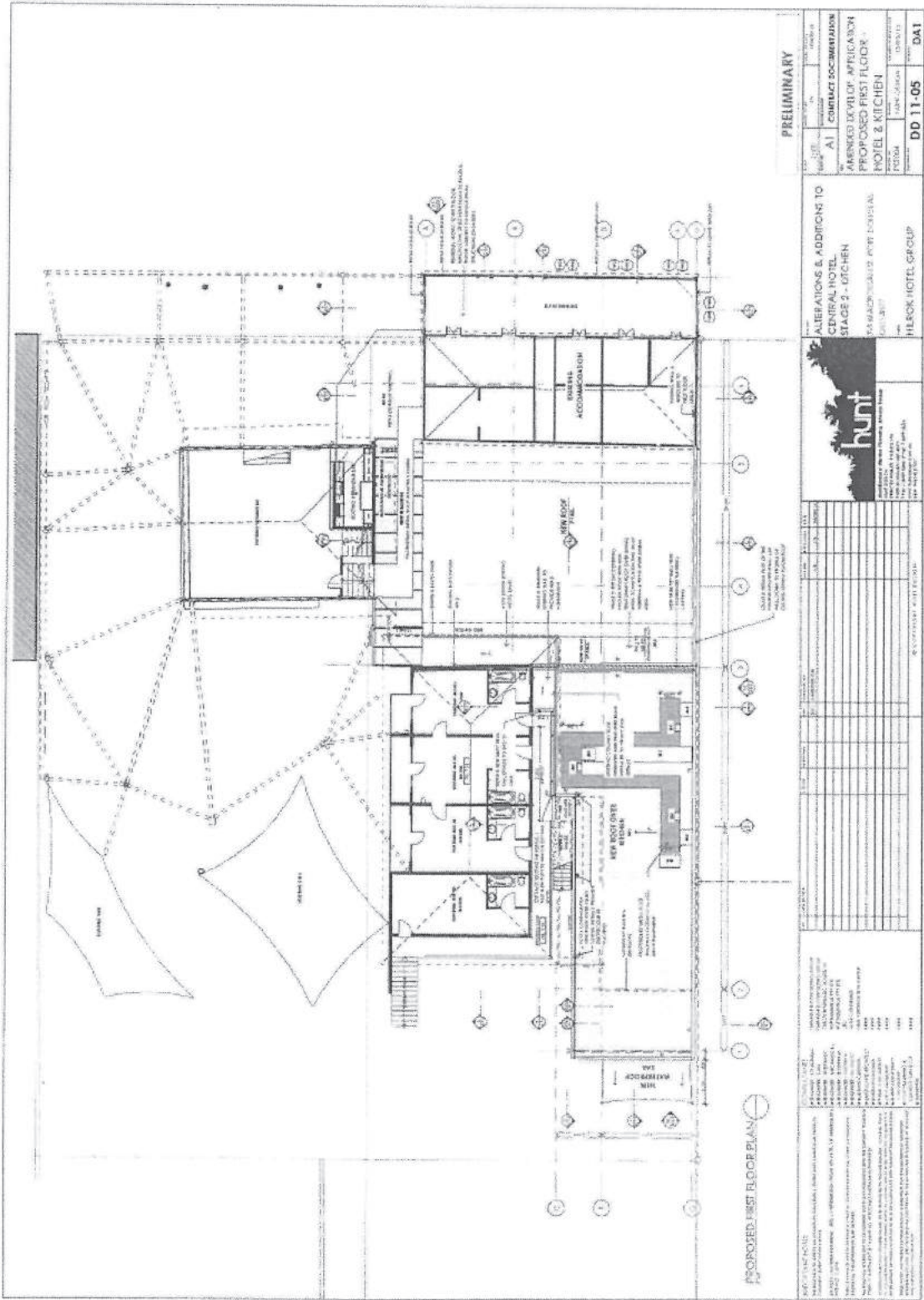
**490 Lodging appeal stops particular actions**

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.









PRELIMINARY	
DATE: DD 11-05	SCALE: 1/8" = 1'-0"
PROJECT: ALI CONTRACT OCCUPANCY	NO. OF SHEETS: 01 OF 01
CLIENT: AMENDED LEVEL OF APPLICATION	PROJECT: PROPOSED FIRST FLOOR
DESIGNER: HILSON HOTEL GROUP	DATE: 11-05-05
PROJECT: HILSON HOTEL GROUP	NO. OF SHEETS: 01 OF 01

ALTERATIONS & ADDITIONS TO  
GENERAL HOTEL  
STAGE 2 - KITCHEN  
35 MARKHAM AVENUE, NORTH YORK, ONTARIO  
M2H 3P7  
HILSON HOTEL GROUP



REGISTERED ARCHITECTS  
100 BAYVIEW AVE. SUITE 200  
SCARBOROUGH, ONTARIO M1H 2W4  
TEL: (416) 291-1111  
WWW.HUNTARCHITECTS.COM

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11-05-05
2	ISSUED FOR PERMIT	11-05-05
3	ISSUED FOR PERMIT	11-05-05
4	ISSUED FOR PERMIT	11-05-05
5	ISSUED FOR PERMIT	11-05-05
6	ISSUED FOR PERMIT	11-05-05
7	ISSUED FOR PERMIT	11-05-05
8	ISSUED FOR PERMIT	11-05-05
9	ISSUED FOR PERMIT	11-05-05
10	ISSUED FOR PERMIT	11-05-05
11	ISSUED FOR PERMIT	11-05-05
12	ISSUED FOR PERMIT	11-05-05

PROPOSED FIRST FLOOR PLAN

NOT TO SCALE

THIS PLAN IS THE PROPERTY OF HILSON HOTEL GROUP AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HILSON HOTEL GROUP.

DATE: 11-05-05

PROJECT: AMENDED LEVEL OF APPLICATION

PROJECT: PROPOSED FIRST FLOOR

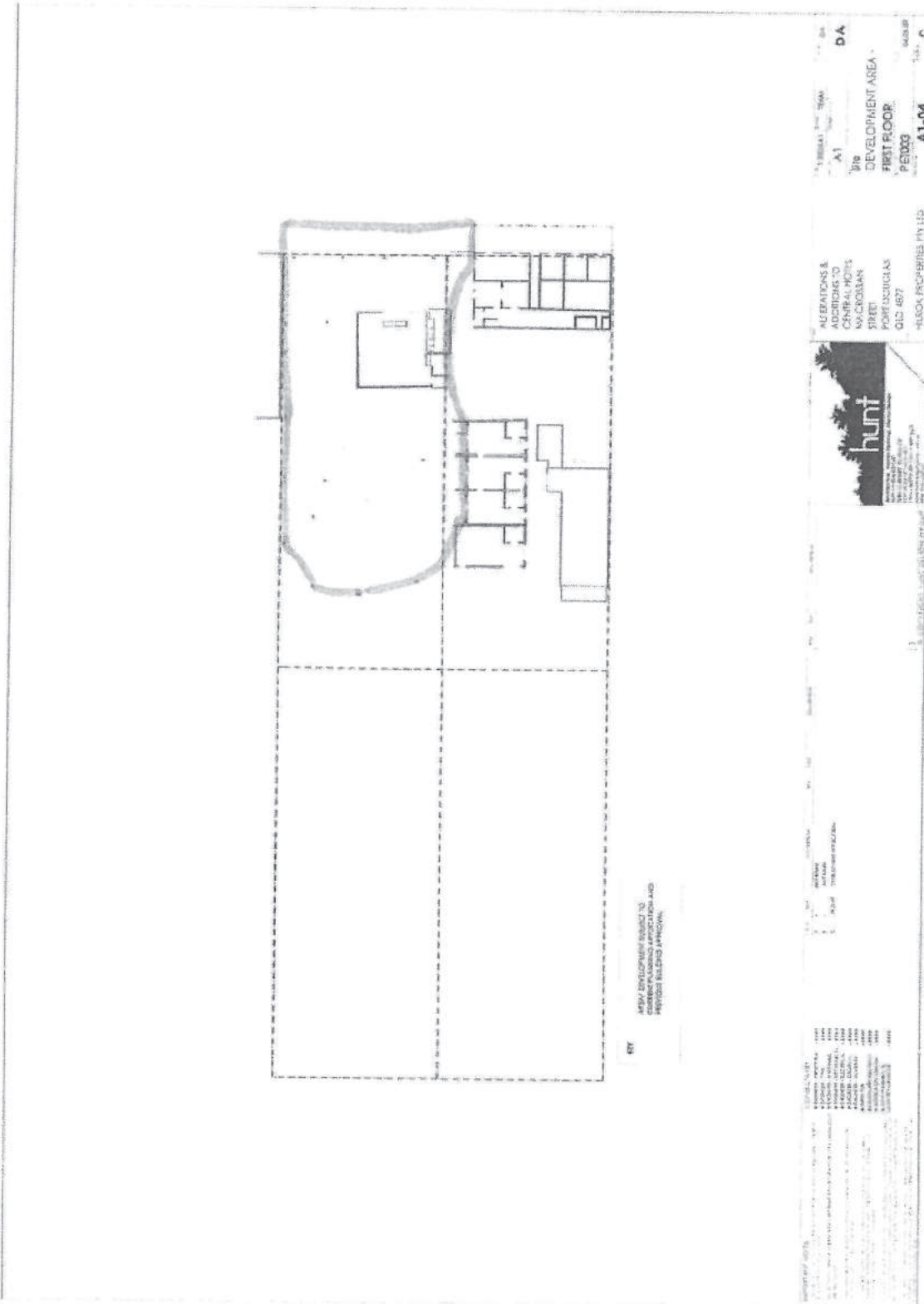
DESIGNER: HILSON HOTEL GROUP

DATE: 11-05-05

NO. OF SHEETS: 01 OF 01







BY: [Signature]  
 ARCHITECTURAL SUBJECT IS  
 CURRENT PLANNING APPROVAL AND  
 REVISIONS BEING APPROVED.

<p>DATE: 10/20/09          DRAWN BY: [Name]          CHECKED BY: [Name]          PROJECT NO: [Number]          SHEET NO: [Number]</p>	<p>ALLEGATIONS &amp;          ADDRESS TO          CENTRAL HOUSING          MANAGEMENT          STREET          PORT CHARLES          QLD 4827</p>	<p>PROJECT NO: A1-04          SHEET NO: C</p>
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### APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES

<b>DOUGLAS SHIRE COUNCIL</b>		<b>2006 &amp; 2008 Douglas Shire Planning Schemes Applications</b>					
<b>INFRASTRUCTURE CHARGES NOTICE</b>							
Hillrok Hotel Group Pty Ltd		N/A					
DEVELOPERS NAME		ESTATE NAME					
7 - 9 Macrossan Street		Lot 10 SP262348					
STREET No. & NAME		SUBURB					
Extension to Tavern		MCUC 5400					
		LOT & RP No.s					
		30-Sep-14					
		PARCEL No.					
		4					
DEVELOPMENT TYPE		COUNCIL FILE NO.					
437017		1					
DSC Reference Doc. No.		VERSION No.					
		R&B INDEX QUARTER ENDING					
		This logsheet is indexed appropriately only for payments made within the quarter noted above.					
		VALIDITY PERIOD					
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
<b>WATER</b>							
Existing	16	0.00	X 0.00	0.00	\$0.00		0
Proposed	16	0.00	X 0.00	0.00	\$0.00		0
None		Water sub - total			\$0.00		
<b>SEWERAGE</b>							
Existing	8	0.00	X 0.00	0.00	\$0.00		0
Proposed	8	0.00	X 0.00	0.00	\$0.00		0
None		Sewerage sub - total			\$0.00		
<b>OPEN SPACE</b>							
DSC Area					\$0.00		694 GL 07230.0135.0825
<b>Off-site Car Parking</b>	Port Douglas Central Tourist Area Car Parking				\$31,636.43		696 GL 07500.0135.0825
<b>TOTAL</b>					<b>\$31,636.43</b>		
Prepared by	Neil Beck		on	5-Jan-15	Amount Paid		
Checked by			on		Date Paid		
Date Payable							
Amendments							
					Cashier		

**Note:**

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 2444 or by email on enquiries@douglas.qld.gov.au

YOUR REF: VGF-C923  
OUR REF: MCUC 5400/2013 (prev 8/7/1554) 438661

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

29 January 2015

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

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
7-9 MACROSSAN STREET & 6 WARNER STREET, PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

These charges are payable prior to the change of use occurring in accordance with section 648H of the Act.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.



Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

# INFRASTRUCTURE CHARGES NOTICE

<b>DOUGLAS SHIRE COUNCIL</b>		<b>2006 &amp; 2008 Douglas Shire Planning Schemes Applications</b>					
<b>INFRASTRUCTURE CHARGES NOTICE</b>							
Hilrok Hotel Group Pty Ltd		N/A					
DEVELOPERS NAME		ESTATE NAME					
7 - 9 Macrossan Street		Lot 10 SP262348					
STREET No. & NAME		SUBURB					
Extension to Tavern		MCUC 5400					
		LOT & RP No.a					
		30-Sep-14					
		PARCEL No.					
		4					
DEVELOPMENT TYPE		COUNCIL FILE NO.					
437017		1					
		R&B INDEX QUARTER ENDING					
		30-Sep-14					
		VALIDITY PERIOD					
		This logsheet is indexed appropriately only for payments made within the quarter noted above.					
DSC Reference Doc. No.		VERSION No.					
	DIST.	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
<b>WATER</b>							
Existing	16	0.00	X 0.00	0.00	\$0.00		0
Proposed	16	0.00	X 0.00	0.00	\$0.00		0
None		Water sub - total			\$0.00		
<b>SEWERAGE</b>							
Existing	8	0.00	X 0.00	0.00	\$0.00		0
Proposed	8	0.00	X 0.00	0.00	\$0.00		0
None		Sewerage sub - total			\$0.00		
<b>OPEN SPACE</b>							
	DSC Area				\$0.00		894 GL 07230.0135.0825
Off-Site Car Parking	Port Douglas Central Tourist Area Car Parking				\$31,636.43		896 GL 07500.0135.0825
<b>TOTAL</b>					<b>\$31,636.43</b>		
Prepared by	Neil Beck		on	5-Jan-15		Amount Paid	
Checked by			on			Date Paid	
Date Payable							
Amendments							
							Cashier

**Note:**

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 2444 or by email on enquiries@douglas.qld.gov.au

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att





**YOUR REF:** VGF C990  
**OUR REF:** MCUC 5400/2013 (436504)

18 December 2014

Hilrok Hotel Group P/L  
C/- Victor G Feros  
PO Box 1256  
**CAIRNS QLD 4870**

Attention : Nick Hardy

Dear Sir

**PROPOSED REALLOCATION OF INTERNAL USES AND FLOOR  
AREAS AT THE CENTRAL HOTEL – 7 – 9 MACROSSAN STREET,  
PORT DOUGLAS**

Reference is made to your letter dated 18 November 2014 and the attached plans located at Appendix E detailing the proposed modifications to the internal uses and the respective floor areas.

As requested, please be advised that the proposed renovations and reallocation of uses and the respective floor areas as detailed on plans attached at Appendix E and as attached to this letter does not trigger a requirement to lodge a development application. Such proposed amendments and modifications are therefore considered to be generally in accordance with the approved plans as detailed in the Amended Decision Notice dated 25 October 2013.

Please be advised that the office areas must be ancillary to the dominate use of the site at all times and not separately let.

In addition, while the relocation of the Gaming Area from the ground floor to the first floor is associated with the reallocation of uses and subject to a request for a Permissible Change which is yet to be determined, such a proposal is mutually exclusive to the operation of the ground floor as detailed on plans contained at Appendix E and as attached.

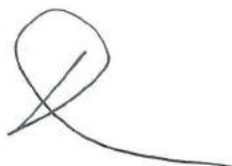
DOUGLAS  
SHIRE  
COUNCIL

DOUGLAS

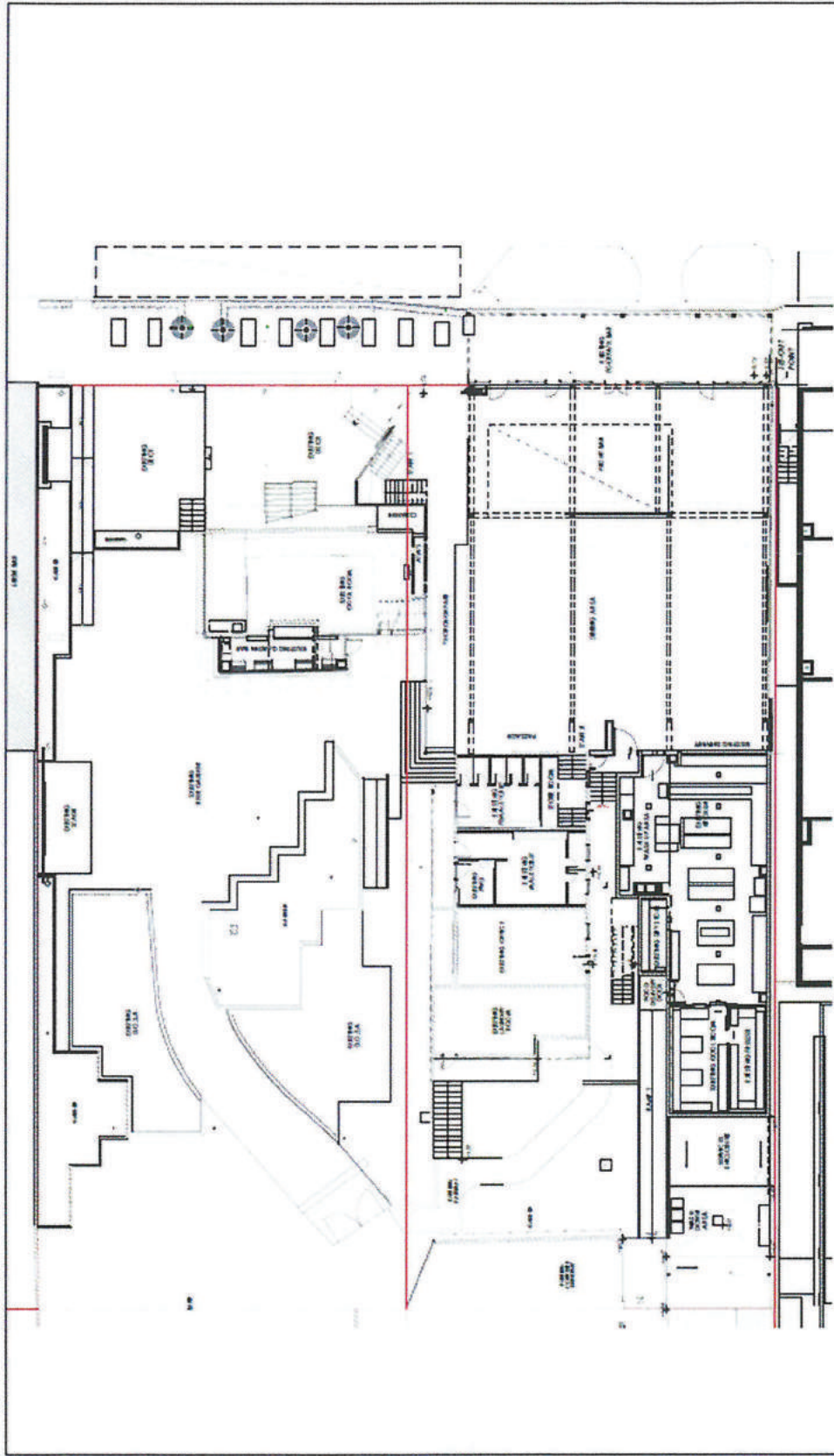


Please contact Neil Beck of Council's Development & Environment Team on 40999451 should you wish to discuss this matter further.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself, followed by a long, sweeping horizontal line that tapers to the right.

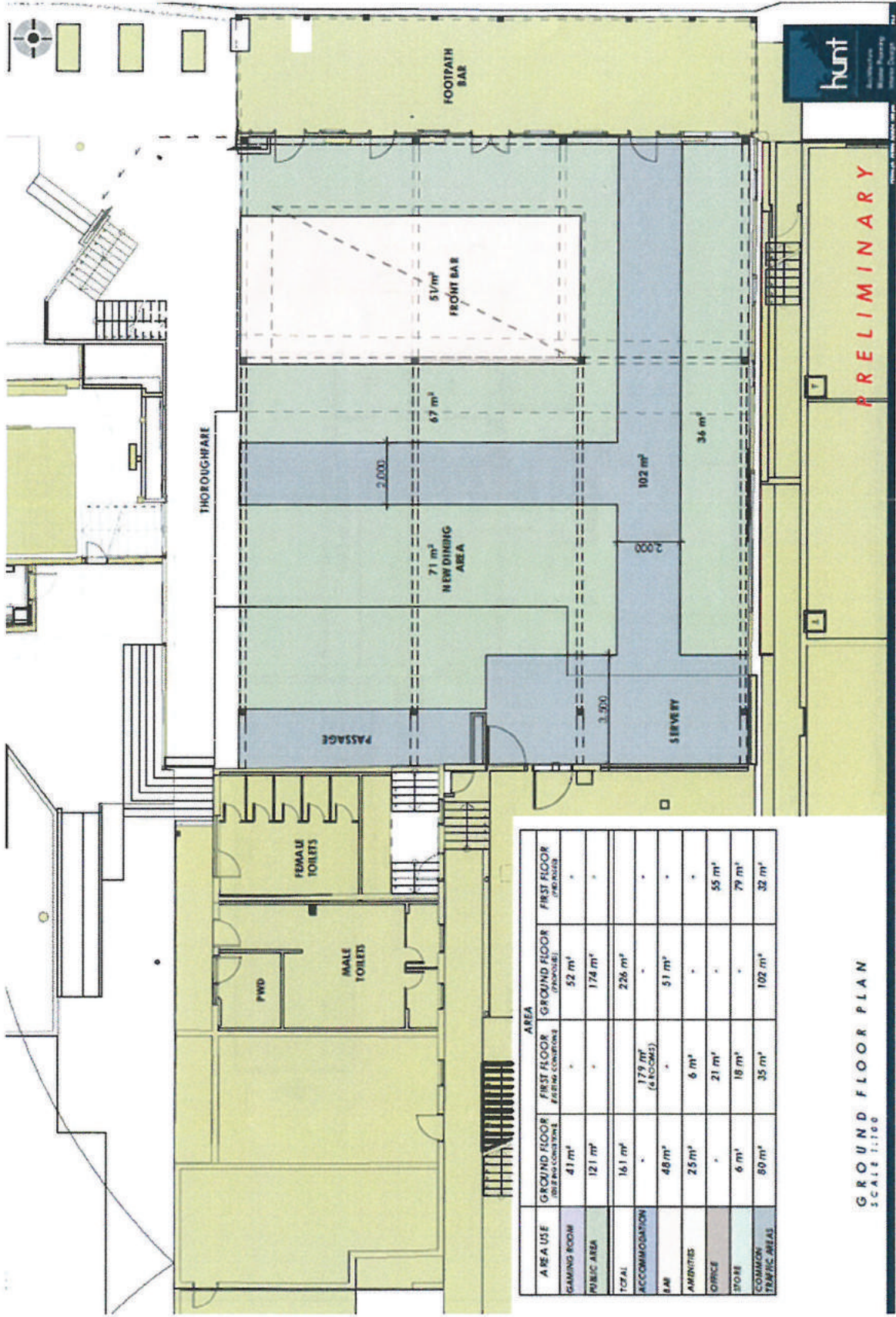
Donna Graham  
Manager, Development & Environment



GROUND FLOOR PLAN

<p>DATE: 10/10/14          DRAWN BY: [Name]          CHECKED BY: [Name]          PROJECT NO: [Number]</p>		<p>SCALE: 1:500          SHEET NO: 30          OF: 30</p>
<p>PROJECT: BUILDING WORKS &amp; MAINTENANCE INCLUDING STRUCTURAL STABILISATION AT THE CENTRAL HOTEL</p>		
<p>CLIENT: HUCK PROPERTIES PTY LTD</p>		
<p>DESIGNER: <b>hunt DESIGN</b>          400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000</p>		
<p>PROJECT NO: [Number]</p>		
<p>DATE: 10/10/14</p>		
<p>SCALE: 1:500</p>		
<p>SHEET NO: 30</p>		
<p>OF: 30</p>		

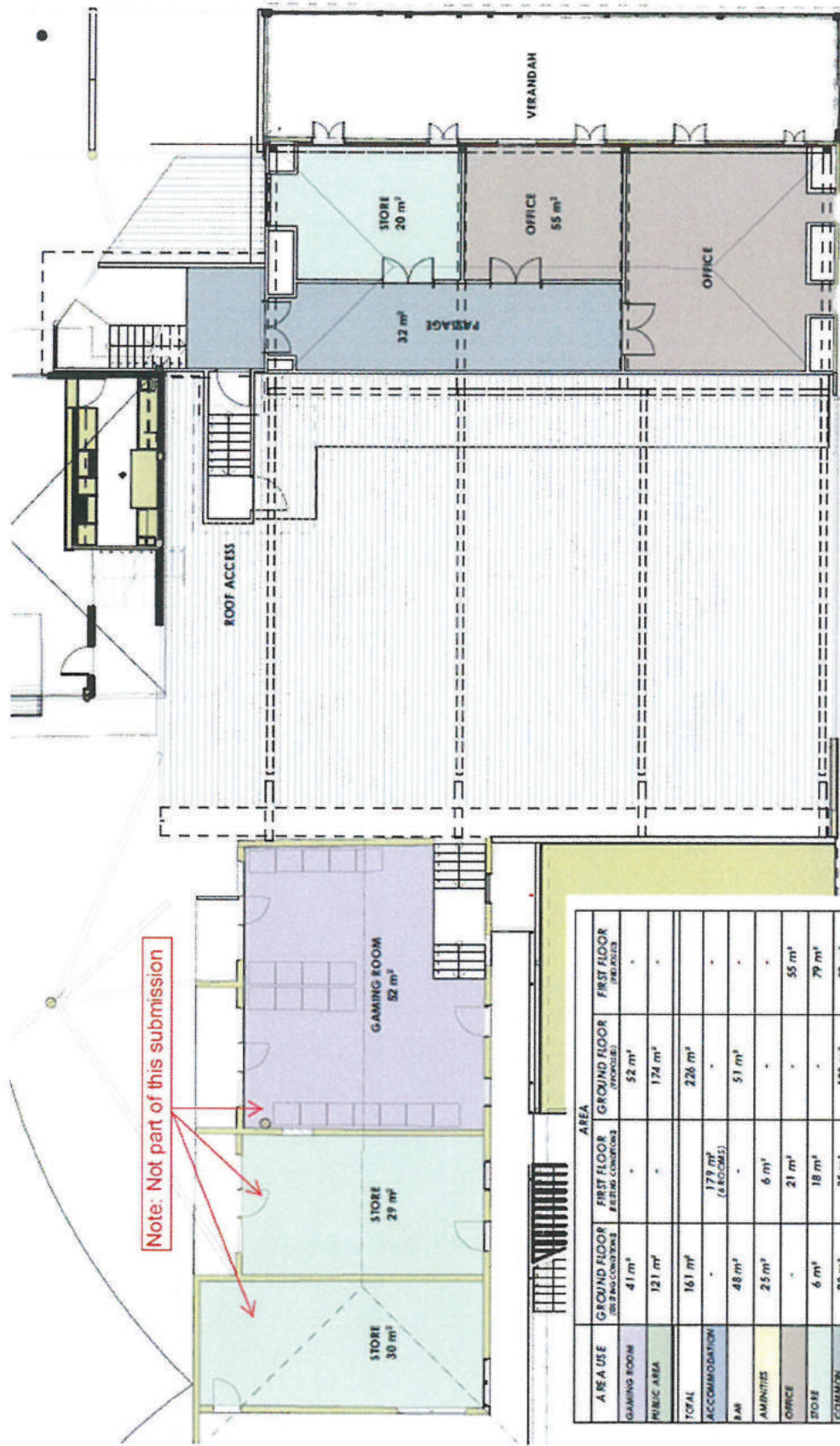




AREA USE	AREA			
	GROUND FLOOR (2022 PROVISION)	FIRST FLOOR (2022 PROVISION)	GROUND FLOOR (2022 PROVISION)	FIRST FLOOR (2022 PROVISION)
GAMING ROOM	41 m <sup>2</sup>	-	52 m <sup>2</sup>	-
PUBLIC AREA	121 m <sup>2</sup>	-	174 m <sup>2</sup>	-
TOTAL	161 m <sup>2</sup>	-	226 m <sup>2</sup>	-
ACCOMMODATION	-	179 m <sup>2</sup> (6 ROOMS)	-	-
BAR	48 m <sup>2</sup>	-	51 m <sup>2</sup>	-
AMENITIES	25 m <sup>2</sup>	6 m <sup>2</sup>	-	-
OFFICE	-	21 m <sup>2</sup>	-	55 m <sup>2</sup>
STORE	6 m <sup>2</sup>	18 m <sup>2</sup>	-	79 m <sup>2</sup>
COMMON TRAFFIC AREAS	80 m <sup>2</sup>	35 m <sup>2</sup>	102 m <sup>2</sup>	32 m <sup>2</sup>

GROUND FLOOR PLAN  
SCALE 1:100

CALCULATIONS FOR CAR PARKING REQUIREMENTS AT THE CENTRAL HOTEL



Note: Not part of this submission

AREA USE	AREA		
	GROUND FLOOR (OVER BUILDING FOOTPRINT)	FIRST FLOOR (OVER BUILDING FOOTPRINT)	GROUND FLOOR (OVER BUILDING FOOTPRINT)
GAMING ROOM	41 m²	-	52 m²
PUBLIC AREA	121 m²	-	174 m²
TOTAL	161 m²	-	226 m²
ACCOMMODINATION	-	179 m² (6 ROOMS)	-
BAR	48 m²	-	51 m²
AMENITIES	25 m²	6 m²	-
OFFICE	-	21 m²	-
STORE	6 m²	18 m²	-
COMMON TRAFFIC AREAS	80 m²	35 m²	102 m²
			32 m²



PRELIMINARY

FIRST FLOOR PLAN  
SCALE 1:100

CALCULATIONS FOR CAR PARKING REQUIREMENTS AT THE CENTRAL HOTEL





# **APPENDIX D**

**YOUR REF:** VGF-C1002  
**OUR REF:** MCUC 5400/2013 (454582)

8 May 2015

Hilrock Hotel Group Pty Ltd  
C/- Victor G Feros Town Planning Consultants  
PO Box 1256  
**CAIRNS QLD 4870**

Attention: Mr Nick Hardy

Dear Sir

**REQUEST TO EXTEND THE PERIOD OF APPROVAL  
7-9 MACROSSAN & 6 WARNER STREETS, PORT DOUGLAS**

Reference is made to your request to extend the period of approval for a Material Change of Use for an extension to a Tavern located at 7-9 Macrossan Street and 6 Warner Street, Port Douglas.

Council has determined, under Instrument of Delegation, to extend the approval for a further four (4) years up to and including 9 December 2019.

Should you require any further information or assistance, please contact Susanna Andrews of Development and Environment on telephone number 07 4099 9456.

Yours faithfully

  
Paul Hoyer  
General Manager Operations

# **APPENDIX E**



**AREA ANALYSIS**

<b>SITE AREA (LOT 10)</b>	<b>3048M<sup>2</sup></b>
<b>HOTEL (GROUND FLOOR)</b>	<b>699M<sup>2</sup></b>
<b>HOTEL (FIRST FLOOR)</b>	<b>253M<sup>2</sup></b>
<b>BEER GARDEN</b>	<b>974M<sup>2</sup></b>
<b>STORAGE SHED</b>	<b>262M<sup>2</sup></b>
<b>TOTAL</b>	<b>2178M<sup>2</sup></b>
<b>PLOT RATIO</b>	<b>0.71:1</b>

NOTE: VERANDAH OVER FOOTPATH IS 75M<sup>2</sup>

**SITE PLAN**  
SCALE 1:200

**IMPORTANT NOTES**

1. THE DRAWINGS ARE THE PROPERTY OF HUNT DESIGN + HECKER GUTHRIE AND SHALL REMAIN THE PROPERTY OF HUNT DESIGN + HECKER GUTHRIE. NO PART OF THESE DRAWINGS ARE TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF HUNT DESIGN + HECKER GUTHRIE.

2. ALL BUILDINGS SHOWN ARE TO BE PROVIDED TO THE SATISFACTION OF THE LOCAL AUTHORITY AND SHALL BE PROVIDED TO THE SATISFACTION OF THE LOCAL AUTHORITY.

3. THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF HUNT DESIGN + HECKER GUTHRIE.

4. THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF HUNT DESIGN + HECKER GUTHRIE.

Revised	Checked	Change Name	Date

**hunt DESIGN + Hecker Guthrie**

Architectural Master Planning Division  
 111 HAY STREET, SUITE 101  
 PORT DOUGLAS, QLD 4877  
 T: (07) 5522 1111  
 F: (07) 5522 1112  
 E: info@hunt-design.com.au  
 www.hunt-design.com.au

PROJECT NO: A.00.2.2  
 DATE: 9/12/2016  
 DRAWN BY: DA  
 CHECKED BY: DA

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

CLIENT: HILROCK PROPERTIES PTY LTD

SCALE	1:200	DATE	9/12/2016
PROJECT	AI	DRAWN BY	DA
SITE		CHECKED BY	
<b>SITE PLAN</b>		DATE	9/12/2016
PROJECT NO	PET006	DRAWN BY	DA
CLIENT NO	A.00.2.2	CHECKED BY	









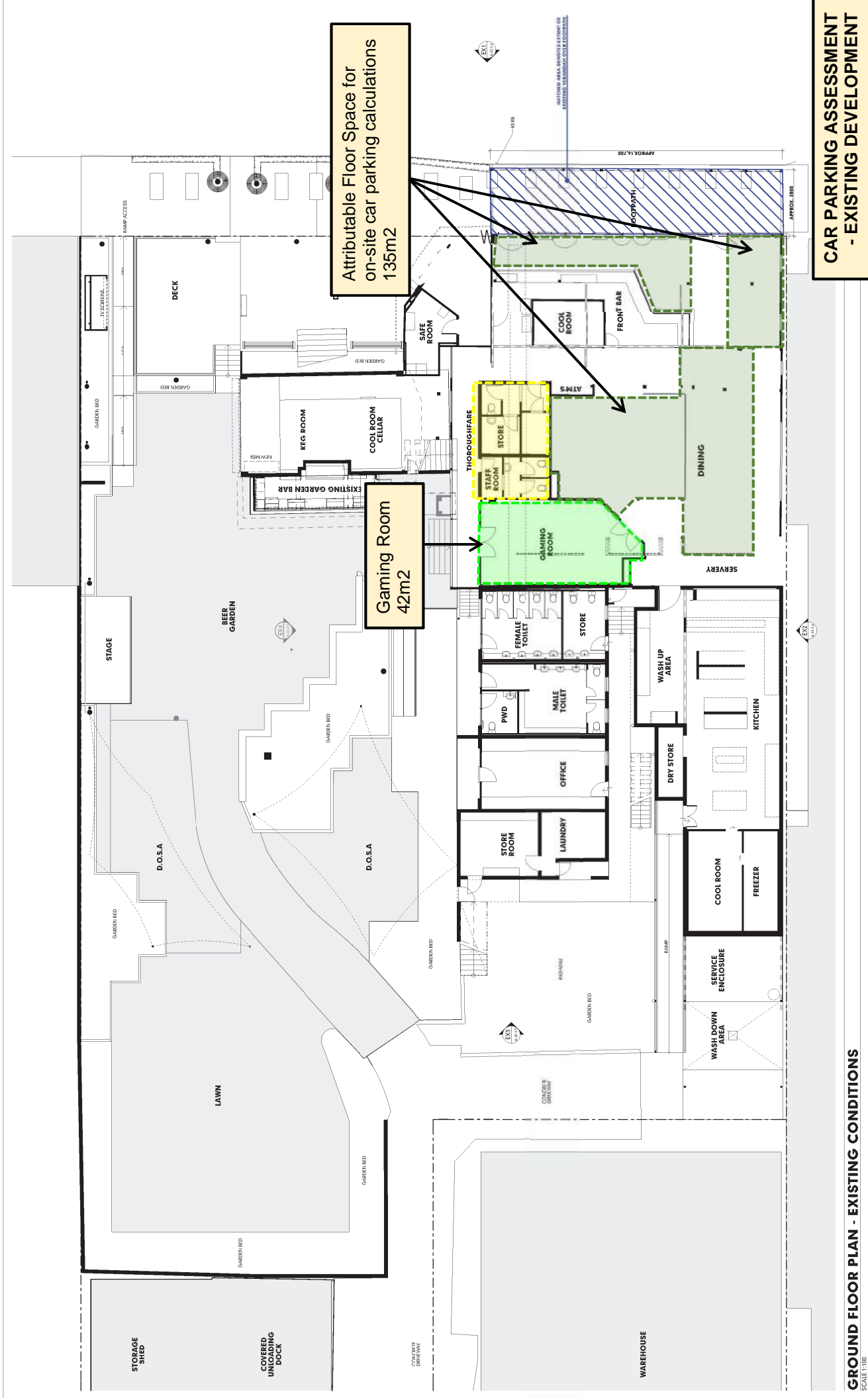






# **APPENDIX F**





Attributable Floor Space for on-site car parking calculations 135m<sup>2</sup>

Gaming Room 42m<sup>2</sup>

**CAR PARKING ASSESSMENT - EXISTING DEVELOPMENT**  
**APPENDIX F**

**GROUND FLOOR PLAN - EXISTING CONDITIONS**

SCALE 1:100

**IMPORTANT NOTES**  
 1. THIS PLAN IS TO BE USED FOR THE EXISTING CONDITIONS OF THE BUILDING AS SHOWN ON THE DRAWINGS FOR THE CURRENT AND FUTURE DEVELOPMENT.  
 2. THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.  
 3. THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.  
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 9. THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.  
 10. THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

Revised: 01/11/2016  
 Date: 01/11/2016

**hunt DESIGN + Hecker Gutric**

Architects, Master Planning, Interiors  
 15/1500 WEST STREET, SUITE 100  
 VANCOUVER, BC V6L 2Y5  
 TEL: 604.681.1111 FAX: 604.681.1112  
 WWW.HUNTDDESIGN.COM

CLIENT: HILROCK PROPERTIES PTY LTD  
 PROJECT: GROUND FLOOR PLAN  
 DRAWING NO: A.00.3.1

DATE: 01/11/2016  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

© COPYRIGHT HUNT DESIGN



# **APPENDIX G**









# **APPENDIX H**







# **APPENDIX I**



