

YOUR REF: VGF-C923
OUR REF: 8/7/1554 (438221)

22 January 2015

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

Dear Sir/Madam

**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 Changed Decision Notice which was determined under by Council at the Ordinary Meeting held on 20 January 2015.

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 Changed Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

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

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
Proposed Site Plan	PET 004 DD 11-02 Rev DA2	24 July 2013
Shed Extension Plan and Elevations	PET 004 DD11-03 Rev DA2	24 July 2013
Proposed Ground Floor Plan – Hotel & Kitchen	PET 004 DD11-04 Rev DA1	8 August 2013
Proposed First Floor Plan – Hotel & Kitchen	PET 004 DD11-05 Rev DA1	8 August 2013
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

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
Department of State Development, Infrastructure and Planning	SPD-0813-001017	2 September 2013	
Department of State Development, Infrastructure and Planning	SPD-1114-013129	9 December 2014	435646

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.

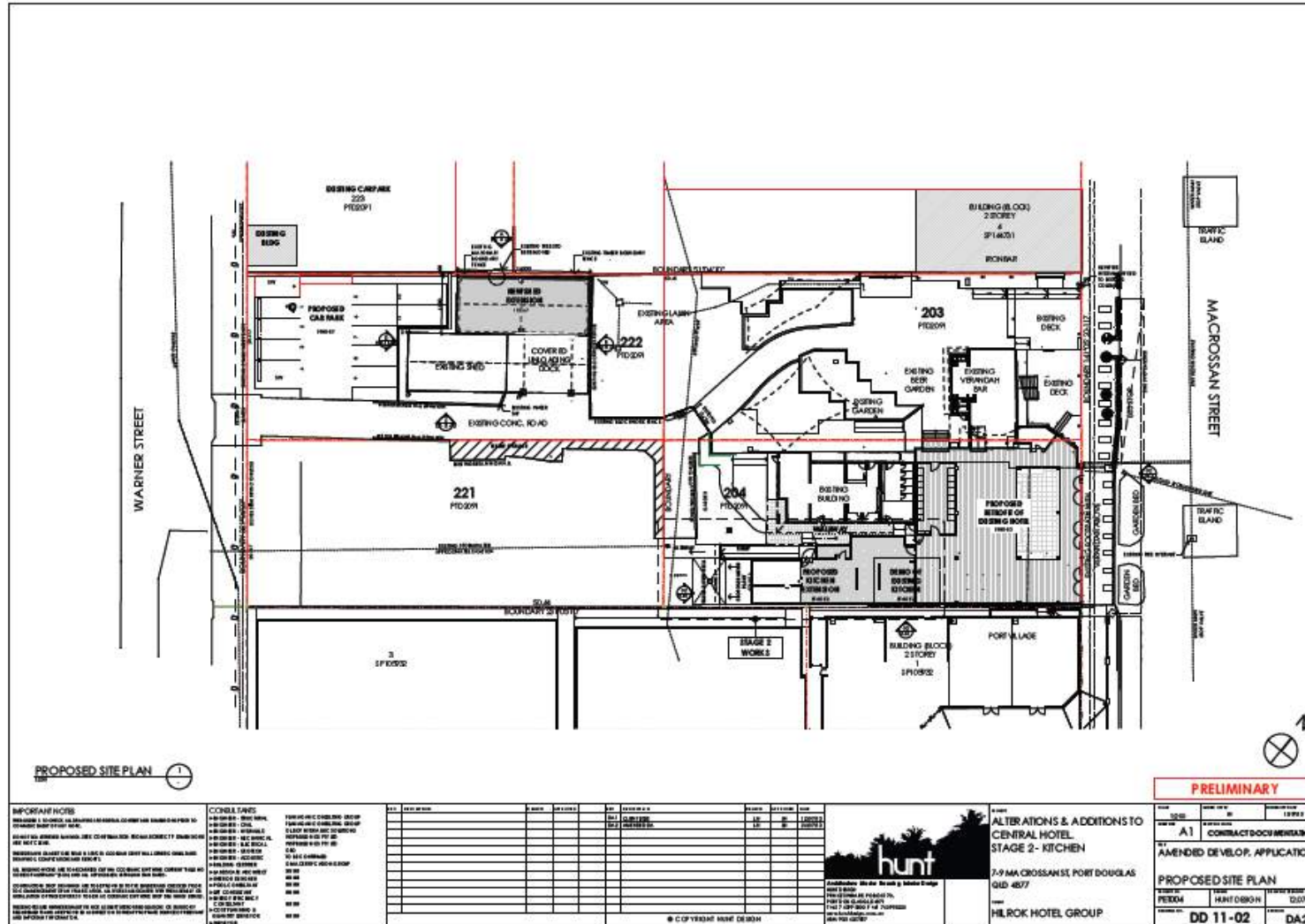
5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

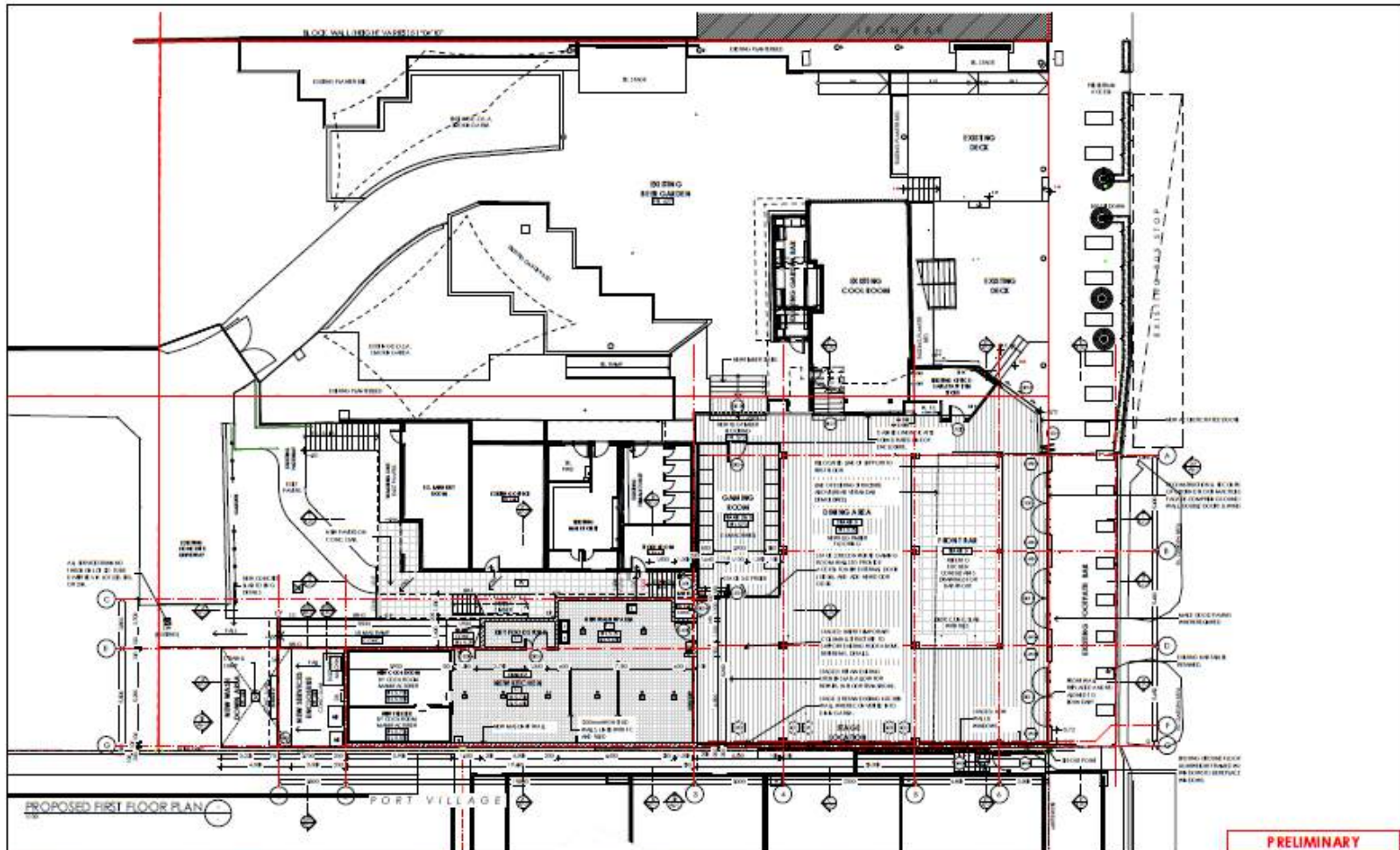
RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1 APPROVED PLANS OF DEVELOPMENT





PRELIMINARY

IMPORTANT NOTES
 1. REFER TO ALL SHEETS FOR NOTES AND DIMENSIONS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	11/04	MM
2	ISSUED FOR PERMITTING	11/04	MM
3	ISSUED FOR PERMITTING	11/04	MM
4	ISSUED FOR PERMITTING	11/04	MM
5	ISSUED FOR PERMITTING	11/04	MM
6	ISSUED FOR PERMITTING	11/04	MM
7	ISSUED FOR PERMITTING	11/04	MM
8	ISSUED FOR PERMITTING	11/04	MM
9	ISSUED FOR PERMITTING	11/04	MM
10	ISSUED FOR PERMITTING	11/04	MM

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	11/04	MM
2	ISSUED FOR PERMITTING	11/04	MM
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6	ISSUED FOR PERMITTING	11/04	MM
7	ISSUED FOR PERMITTING	11/04	MM
8	ISSUED FOR PERMITTING	11/04	MM
9	ISSUED FOR PERMITTING	11/04	MM
10	ISSUED FOR PERMITTING	11/04	MM



ALTERNATIONS & ADDITIONS TO
 CENTRAL HOTEL
 STAGE 2 - KITCHEN
 1770A CROSSHART, PORT DOUGLAS
 QLD 4877
 HELROK HOTEL GROUP

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	11/04	MM
2	ISSUED FOR PERMITTING	11/04	MM
3	ISSUED FOR PERMITTING	11/04	MM
4	ISSUED FOR PERMITTING	11/04	MM
5	ISSUED FOR PERMITTING	11/04	MM
6	ISSUED FOR PERMITTING	11/04	MM
7	ISSUED FOR PERMITTING	11/04	MM
8	ISSUED FOR PERMITTING	11/04	MM
9	ISSUED FOR PERMITTING	11/04	MM
10	ISSUED FOR PERMITTING	11/04	MM

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@dscip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)



Queensland
Government

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 cairnsSARA@dsdip.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

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

Application details

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

Site details

Street address: 7-9 Macrossan Street, Port Douglas
 Real property description: Lots 203, 204, 221 and 222 on PTD2091
 Site area: 4048m²
 Name of owner: Hilrok Hotel Group Pty Ltd

Nature of the changes

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

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 465(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

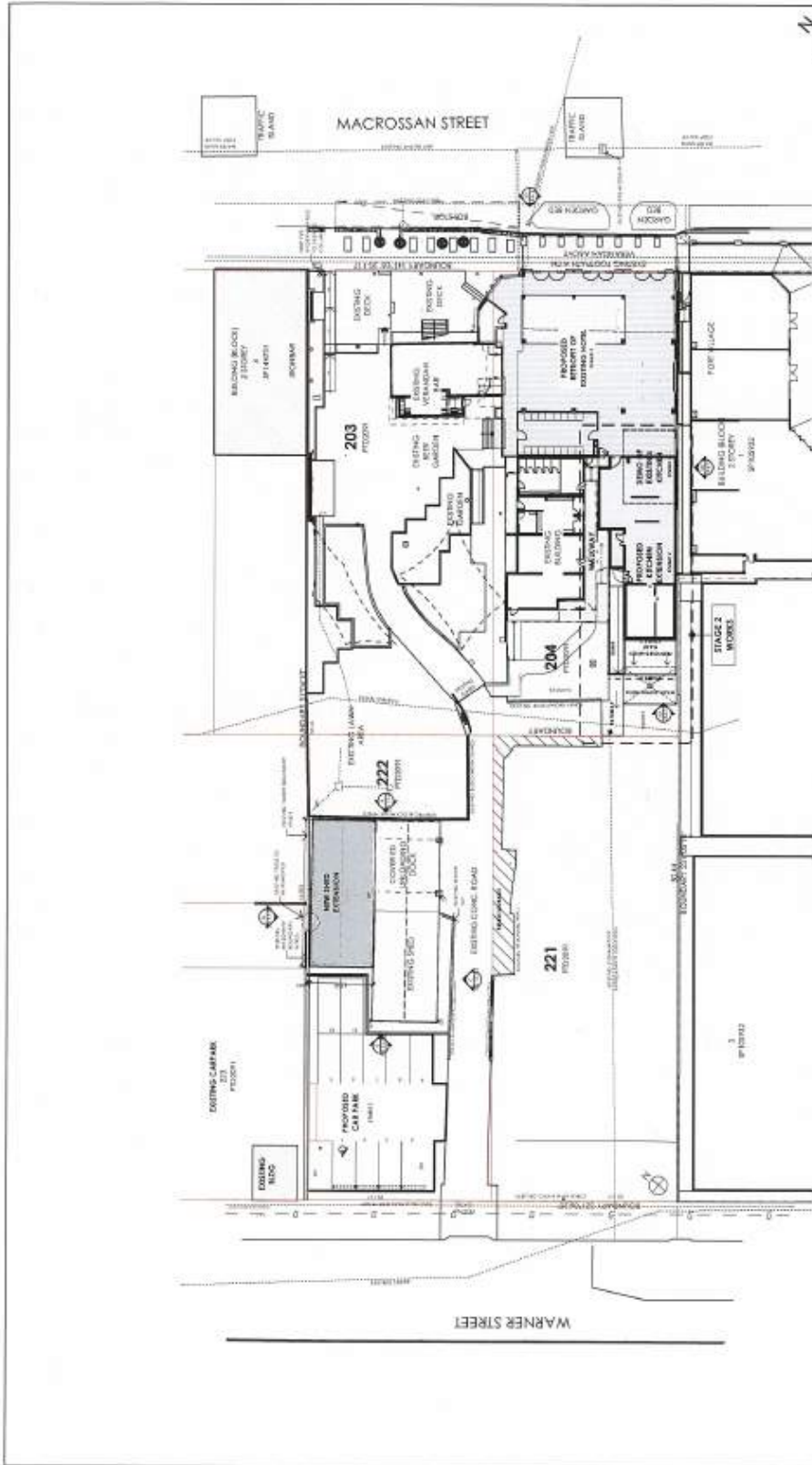
- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (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.



PROPOSED SITE PLAN

PRELIMINARY

DATE	1/27/11	REVISION	A1	DEVELOPMENT APPROVAL
PROJECT	ALTERNATIONS & ADDITIONS TO CENTRAL HOTEL, STAGE 2 - KITCHEN	CLIENT	HILLOCK HOTEL GROUP	
DESIGNER	PROPOSED SITE PLAN	PROJECT NO.	DD 11-02	DATE
SCALE	1:100	DATE	02/01/11	DESIGNER

CONSTRAINTS

1. EXISTING HOTEL

2. EXISTING CARPARK

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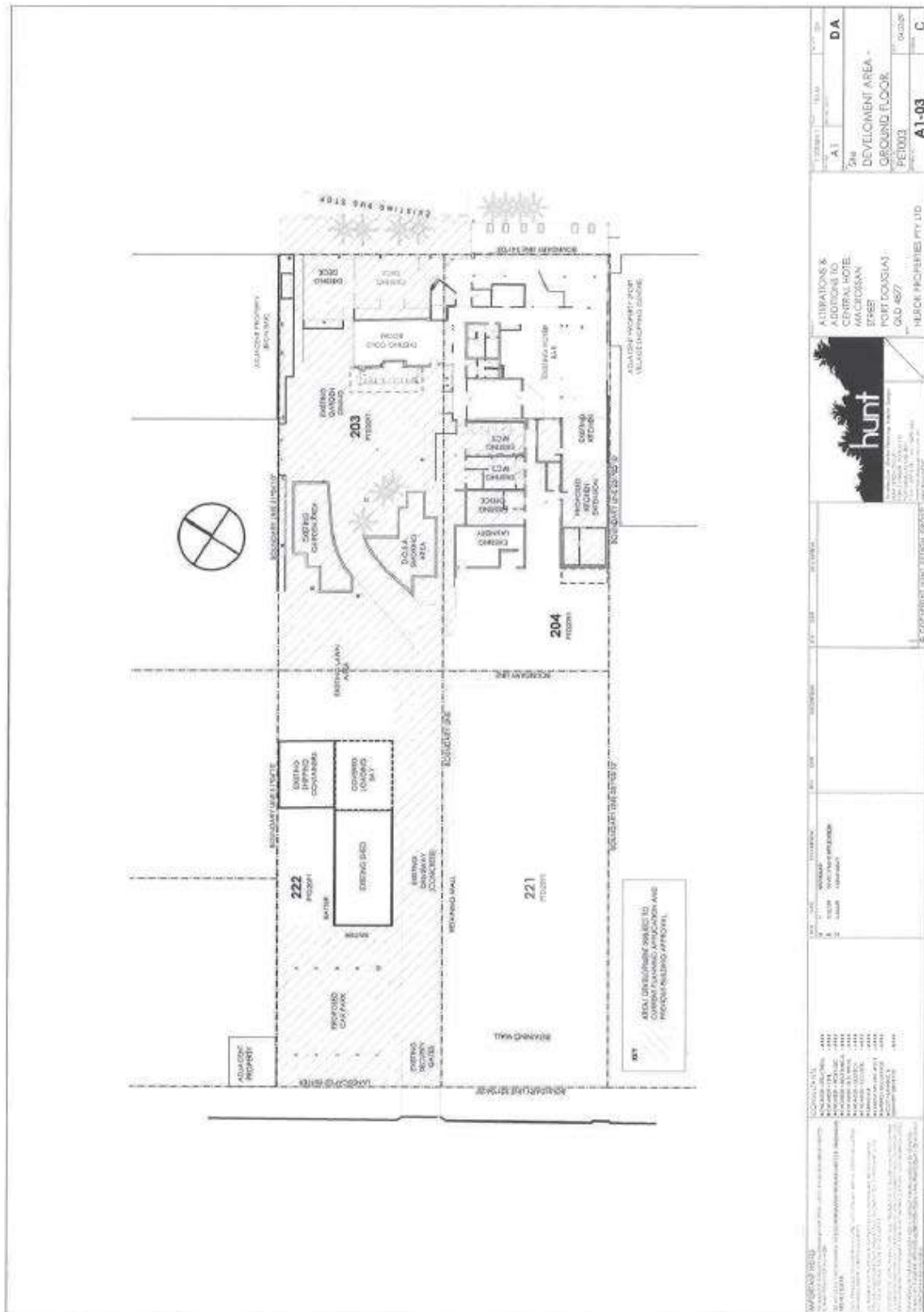
ARCHITECTURAL DESIGN & CONSTRUCTION

100/1000 MACROSSAN STREET, PORT DOUGLAS QLD 4827

TEL: 07 4662 1111 FAX: 07 4662 1114


WWW.HNTARCHITECTURE.COM

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<p>WARNING: THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR CONTRACT. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN.</p>		<p>DATE: 10/10/2009 DRAWN: [Name] CHECKED: [Name]</p>	<p>SCALE: 1:100</p>	<p>PROJECT NO: A1-03</p>
<p>CONTRACT: ADDITIONS & ALTERATIONS TO CENTRAL HOTEL MACROSSAN ERBET</p>		<p>CLIENT: HUBCO PROPERTIES PTY LTD</p>		
<p>DESCRIPTION: DEVELOPMENT AREA - GROUND FLOOR</p>		<p>DATE: 10/10/2009</p>		
<p>PROJECT: A1-03</p>		<p>DATE: 10/10/2009</p>		

APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES

		2006 & 2008 Douglas Shire Planning Schemes Applications	
INFRASTRUCTURE CHARGES NOTICE			
Hillrok Hotel Group Pty Ltd		N/A	0
DEVELOPERS NAME		ESTATE NAME	
7 - 9 Macrossan Street		Port Douglas	Lot 10 SP262348
STREET No. & NAME		SUBURB	LOT & RP No.s
Extension to Tavern		MCUC 5400	30-Sep-14
DEVELOPMENT TYPE		COUNCIL FILE NO.	R&B INDEX QUARTER ENDING
437017		1	This logsheet is indexed appropriately only for payments made within the quarter noted above.
DSC Reference Doc. No.		VERSION No.	
WATER	DIST.	\$ / EDC	NET EDC
Existing	16	0.00 X	0.00
Proposed	16	0.00 X	0.00
None		Water sub - total	
		\$0.00	
SEWERAGE	DIST.	\$ / EDC	NET EDC
Existing	8	0.00 X	0.00
Proposed	8	0.00 X	0.00
None		Sewerage sub - total	
		\$0.00	
OPEN SPACE	DSC Area		\$0.00
Off-Site Car Parking	Port Douglas Central Tourist Area Car Parking		\$31,636.43
TOTAL			\$31,636.43
Prepared by	Neil Beck	on	5-Jan-15
Checked by		on	
Date Payable			
Amendments			
			Amount Paid
			Date Paid
			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 9444 or by email on enquiries@douglas.qld.gov.au

YOUR REF: VGF-C923
OUR REF: 8/7/1554 (438221)

22 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

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications				
INFRASTRUCTURE CHARGES NOTICE						
Hilrok Hotel Group Pty Ltd		N/A				
DEVELOPER'S NAME		ESTATE NAME				
7 - 9 Macrossan Street		Port Douglas				
STREET No. & NAME		SUBURB				
Extension to Tavern		MCUC 5400				
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
WATER						
Existing	15	0.00	X	0.00	0.00	\$0.00 0
Proposed	15	0.00	X	0.00	0.00	\$0.00 0
None				Water sub - total		\$0.00
SEWERAGE						
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
OPEN SPACE						
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
				TOTAL		\$31,636.43
Prepared by	Neil Beck		on	5-Jan-15		Amount Paid
Checked by			on			Date Paid
Date Payable						
Amendments	Date					
						Cashier

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