

21 August 2026

Enquiries: Rebecca Taranto
Our Ref: 2025_5867/1 (Doc ID:1382826)
Your Ref: 36519

RRL One Pty Ltd (Tte)
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Material Change of Use-Intensification of Existing Use
(Short-Term Accommodation- Backpackers)
At 37-39 Warner Street PORT DOUGLAS
On Land Described as LOT: 50 RP: 896319**

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

Please quote Council's application number: 2025_5867/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

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



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: RRL One Pty Ltd (Tte)
Postal Address: C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870
Email: cairns@braziermotti.com.au or

Property Details

Street Address: 37-39 Warner Street PORT DOUGLAS
Real Property Description: LOT: 50 RP: 896319
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Development Application for Material Change of Use-Intensification of Existing Use (Short-Term Accommodation- Backpackers)

Decision

Date of Decision: 21 August 2026
Decision Details: Approved (subject to conditions)

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

Copies of the following plans, specifications and/or drawings are enclosed.

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

Drawing or Document	Reference	Date
Site Plan	8 Pencils Project No. 2290 Drawing No. A01 Rev.P14	22/06/2026
First Floor Plan	8 Pencils	22/06/2026

	Project No. 2290 Drawing No. A02 Rev.P14	
Second Floor Plan	8 Pencils Project No. 2290 Drawing No. A03 Rev.P14	22/06/2026
3D Views	8 Pencils Project No. 2290 Drawing No. A04 Rev.P14	22/06/2026
Roof Plan	8 Pencils Project No. 2290 Drawing No. A05 Rev.P14	22/06/2026
Carpark/Refuse Plan	8 Pencils Project No. 2290 Drawing No. A06 Rev.P14	22/06/2026
Landscape Plan	8 Pencils Project No. 2290 Drawing No. A08 Rev.P14	22/06/2026

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of use, except where specified otherwise in these conditions of approval.

Number of beds

3. The approved maximum number of guests accommodated at any one time on the premises is 222 persons.

Waste Management Plan

4. Submit a Waste Management Plan to Council for endorsement prior to the commencement of use.

Councils Waste Management Department must be involved in the development of the Waste Management Plan. The plan must include, but not be limited to the following;

- i. Provision of sufficient bins to satisfy the number of bins nominated in Council's 2025/2026 Utility Charges and Associated Rating Matters document. The document

identifies the number of waste bins required for the development as being 1 cleansing charge for every 4 four persons able to be accommodated, or fifty-five (55) 240 litre bins;

- ii. Must alternate bins sizes be proposed, please provide calculations that meet with above bin volume requirements;
- iii. A scaled plan of the bin enclosure and proposed bins;
- iv. Details of the frequency of waste collection and the number of bins to be collected;
- v. Manoeuvring of bins and waste trucks on bin collection days;
- vi. Details of how recyclable material will be stored and disposed of;

The refuse storage area must be sited in accordance with the Refuse Plan Drawing No. A01 prepared by 8 Pencils. The refuse storage area must be bunded, connected to sewer and include a hose cock for cleaning.

Carparking and Bike Parking Internal to the Site

5. The eighteen (18) vehicle and thirty-eight (38) bike parking spaces internal to the site must be in accordance with the approved Carpark/Refuse Plan, Drawing No A06, Prev P14 prepared by 8 Pencils.

The vehicle and bike parking spaces must be available to residents at all times.

The all-abilities car parking space must be constructed in accordance with the relevant Australian Standards.

On Road Parking

6. Provide a scaled drawing for endorsement by the Chief Executive Officer for the proposed five (5) on road parking spaces in front of Lot 50 on RP896319. The drawing must include;
- i. A survey of the tree-centre locations for the six (6) Rosewood trees;
 - ii. the Notional Root Zone (NRZ) and Structural Root zones (SRZ) of each tree;
 - iii. the project Arborist determined tree protection zones (TPZs);
 - iv. proposed verge islands and landscape beds;
 - v. parking-bay dimensions for the five (5) parking spaces in accordance with the relevant Australian standards;
 - vi. pavement construction limits and depths; and
 - vii. existing and proposed surface levels.

Tree removal should only be considered where the final design and root investigation demonstrates that a tree cannot be retained.

External Works

7. The endorsed-On Road Parking design must be constructed at no cost to Council to the satisfaction of the Chief Executive officer prior to the commencement of use.

The external works outlined above constitute Operational Works and will require a separate Operational Works application be submitted to Council.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

Note: the above works are not considered to be creditable or trunk related works in accordance with s.145 of the *Planning Act 2016*.

Services and Facilities

8. Services and facilities at the premises must only be made available to the 222 guests permitted to reside at the premises under this approval. Services and facilities must not be made available to people residing elsewhere or within vehicles parked on the road.

Landscaping

9. A landscape planting and maintenance schedule must be submitted to Council for endorsement prior to planting.

The landscaping must be established in accordance with the Landscape Plan prepared by 8 Pencils Project No. 2290, Drawing A08, Rev 14 prior to the commencement of use.

The landscaping must be maintained at all times to the satisfaction of the Chief Executive Officer.

Tree Removal

10. This approval permits the removal of one (1) tree as detailed in the Landscape Plan prepared by 8 Pencils Project No. 2290, Drawing A08, Rev 14.

Council must be notified two (2) business days prior to the proposed date of commencement of the approved vegetation clearing.

Shared Facilities

11. The shared facilities including gym, common areas and communal kitchen must be kept in a clean and tidy state at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

12. 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.

Advice

1. 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.

Approval of Operation of Shared Facility Accommodation Certificate

2. Prior to the commencement of use, submit an application to Council for an Operation of Shared Facility Accommodation Certificate that meets with the requirements of Schedule 16- Operation of Public Swimming Pools, and Schedule 17- Operation of Shared Facility Hostel of Council's Subordinate Local Law No. 1 (Administration) 2020.
3. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
4. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.

Further Development Permits

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

- All Building Work

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

Concurrence Agency Response

Concurrence Agency	Concurrence Reference	Agency Date	Doc ID
State Assessment and Referral Agency (SARA)	2603-51497 SRA	22 April 2026	Doc id: 1362389

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

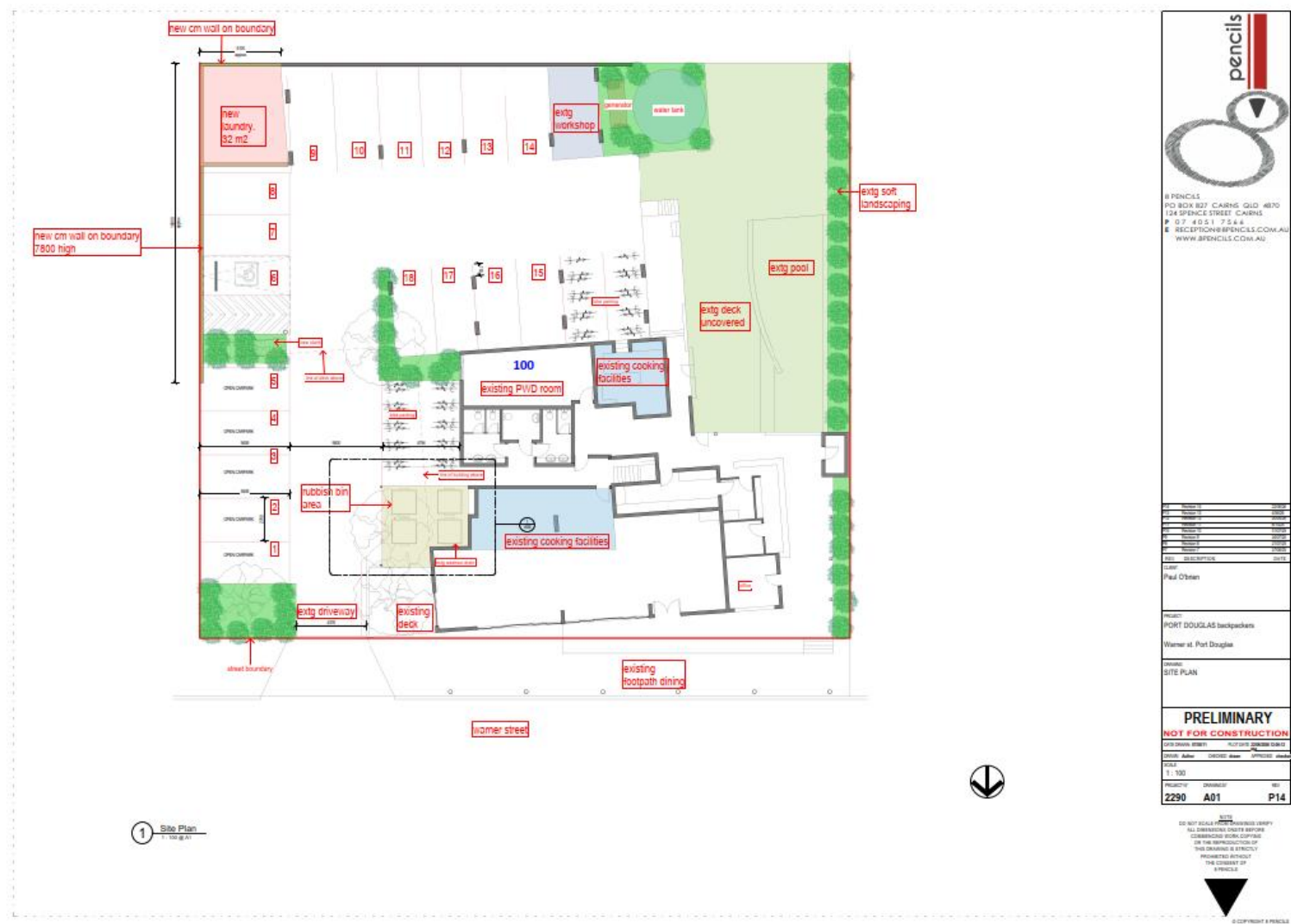
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

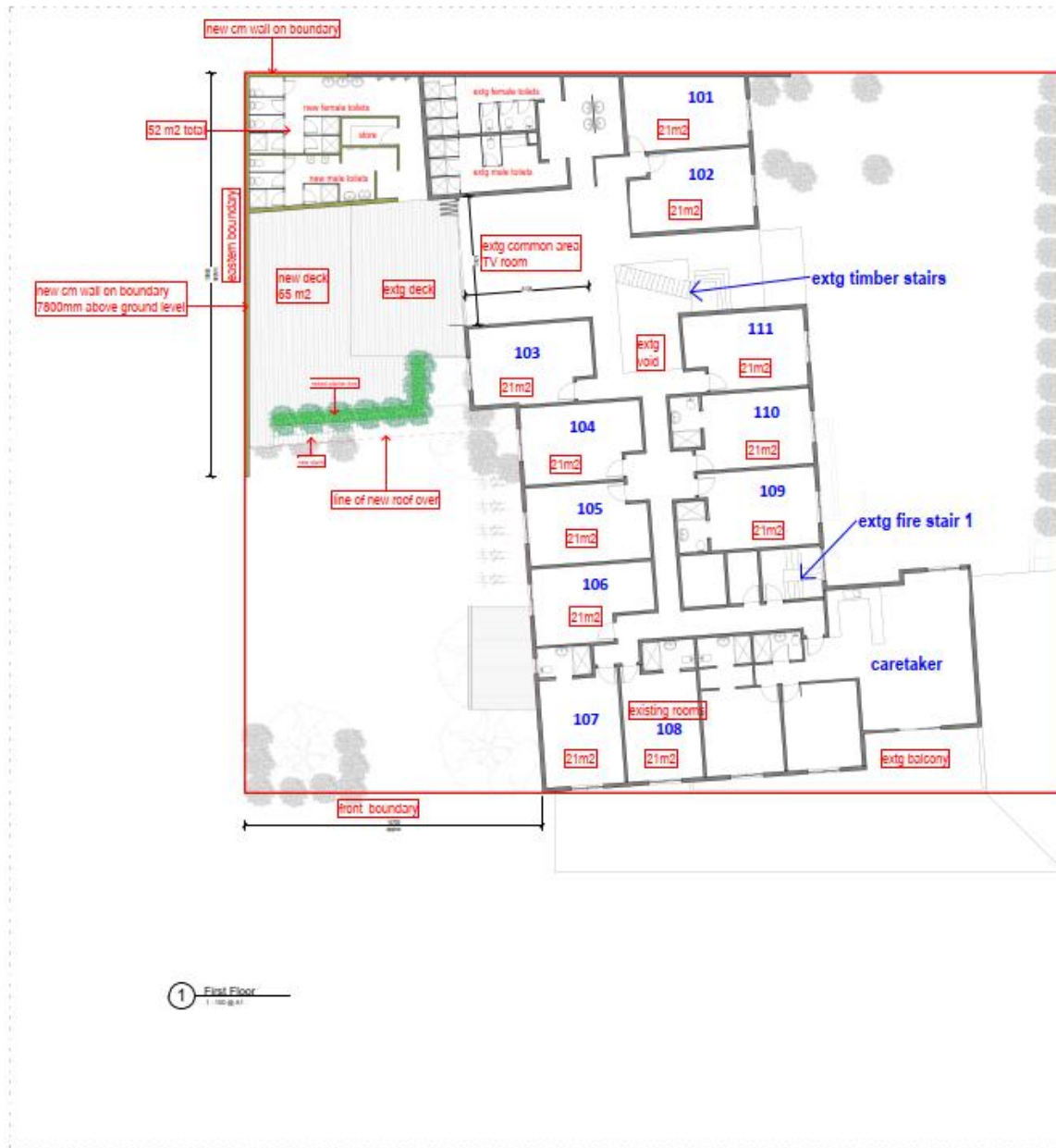
Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

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





pencils

8 PENCILS
PO BOX 927 CAIRNS QLD 4870
124 SPENCE STREET CAIRNS
P 07 4051 7544
E RECEPTION@PENCILS.COM.AU
WWW.PENCILS.COM.AU

NO	DESCRIPTION	DATE
1	Issue	2025
2	Issue	2025
3	Issue	2025
4	Issue	2025
5	Issue	2025
6	Issue	2025
7	Issue	2025
8	Issue	2025

NAME
Paul O'Brien

PROJECT
PORT DOUGLAS backpackers

Location
Warner at Port Douglas

DRAWING
FIRST FLOOR PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

DATE	BY	DATE	BY
2025	Author	2025	Checker
2025	Author	2025	Checker
2025	Author	2025	Checker

SCALE
1:100

PROJECT NO
2290

DRAWING NO
A02

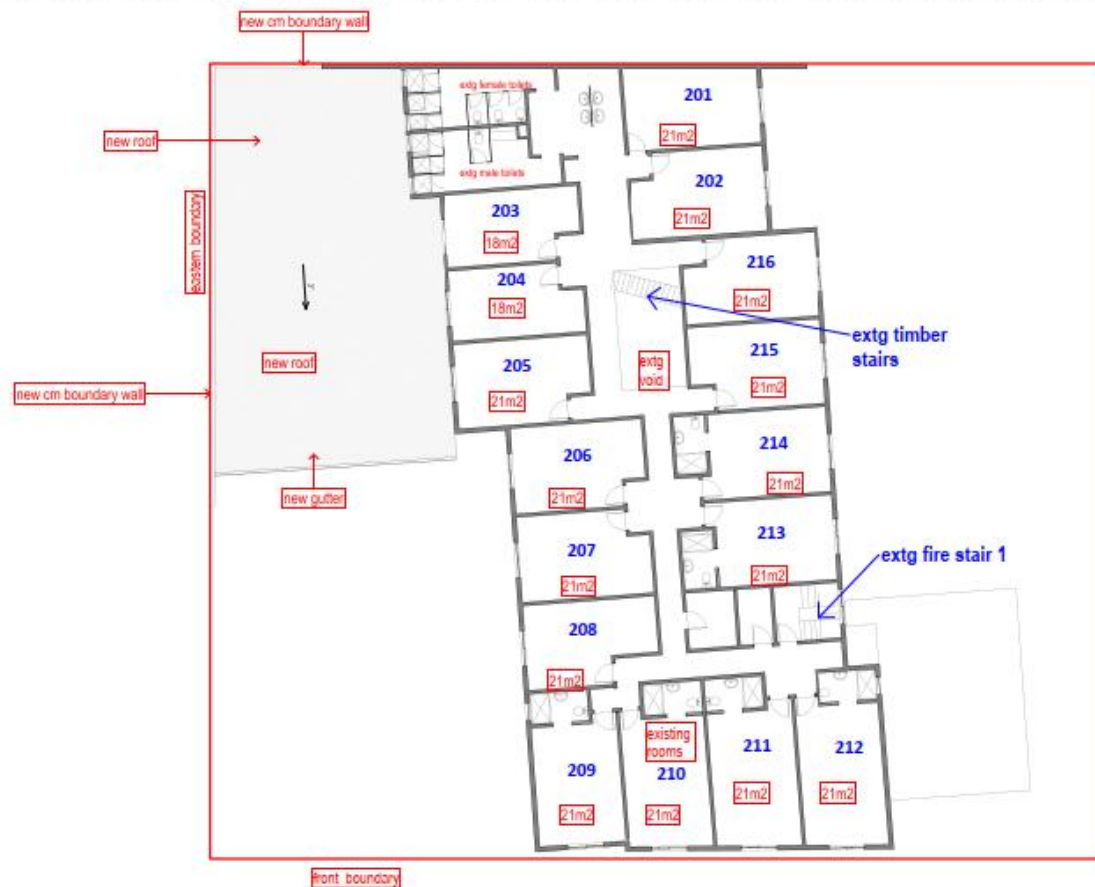
REV
P14



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1 Second Floor
1:100 @ A4

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REV	DESCRIPTION	DATE
1	Issue 1	2025
2	Issue 2	2025
3	Issue 3	2025
4	Issue 4	2025
5	Issue 5	2025
6	Issue 6	2025
7	Issue 7	2025
8	Issue 8	2025

DATE: 2025-08-08
DRAWN: Paul O'Brien
CHECKED: Paul O'Brien
APPROVED: Paul O'Brien

PROJECT: PORT DOUGLAS backpackers
Warner at Port Douglas

DRAWING: SECOND FLOOR PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 2025-08-08
DRAWN: Paul O'Brien
CHECKED: Paul O'Brien
APPROVED: Paul O'Brien

SCALE: 1:100

PROJECT: 2290
DRAWING: A03
REV: P14

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1 3D - STREET VIEW



② 3D -VIEW 1
@ 4.2

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113	Penkajon 10	2,276,280
114	Penkajon 12	1,586,080
115	Penkajon 14	2,010,240
116	Penkajon 16	8,168,480
117	Penkajon 18	3,122,720
118	Penkajon 20	2,620,480
119	Penkajon 22	2,557,280
120	Penkajon 24	2,718,400

REF	DESCRIPTION	DATE
CLIENT		
	Paul O'Brien	

PROJECT
PORT DOUGLAS backpackers

Warner at Port Douglas

3D - VIEWS

PRELIMINARY
NOT FOR CONSTRUCTION

DATE DRAWN: 10/10/04	PLOT DATE: 10/10/04 12:00 PM
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IPWA Author	DEBID Grantee	APPROVED	Approved
IPWA 2			

100

PROJECT#	DRAWING#	REV
2290	A04	P14

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1 Roof plan
1:100 @ A4

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REV	DESCRIPTION	DATE
1	Issue for tender	10/01/2023
2	Issue for tender	10/01/2023
3	Issue for tender	10/01/2023
4	Issue for tender	10/01/2023
5	Issue for tender	10/01/2023
6	Issue for tender	10/01/2023
7	Issue for tender	10/01/2023
8	Issue for tender	10/01/2023
9	Issue for tender	10/01/2023
10	Issue for tender	10/01/2023

REV: 10/01/2023

DATE: 10/01/2023

CLASS: Paul O'Brien

PROJECT: PORT DOUGLAS backpackers

Warner st. Port Douglas

CHARGE: Roof Plan

PRELIMINARY
NOT FOR CONSTRUCTION

DATE DRAWN	DATE CHECKED	DATE APPROVED	DATE
10/01/2023	10/01/2023	10/01/2023	10/01/2023

SCALE: 1:100

PROJECT: 2290

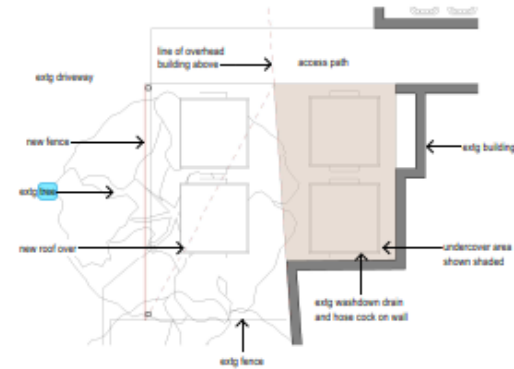
DRAWING: A05

REV: P14

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② Carpark plan
1:100 @ A3



① Refuge plan
1:40 @ A3



EXISTING WASHDOWN DRAIN



EXISTING WASHDOWN
HOSE COCK

pencils

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124 SPENCE STREET CAIRNS
P 07 4051 7544
E RECEPTION@PENCILS.COM.AU
WWW.PENCILS.COM.AU

NO.	REVISION	DATE
1	ISSUED FOR CONSTRUCTION	22/09/2020

CLIENT
Paul O'Brien

PROJECT
PORT DOUGLAS backpackers

LOCATION
Warner st. Port Douglas

DRAWING
CARPARK / REFUSE PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

DATE DRAWN	REVISION	DATE	REVISION
22/09/2020	A06	22/09/2020	P14

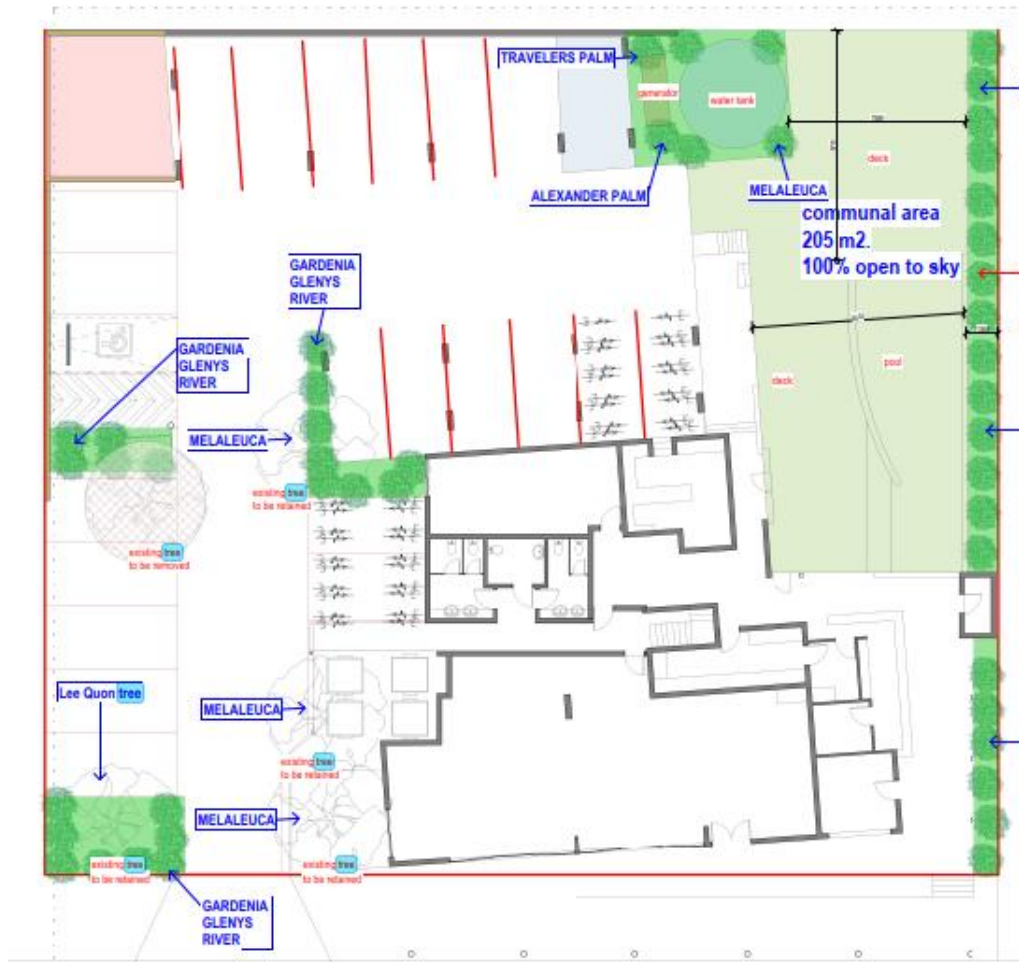
SCALE
As indicated

PROJECTIVE
2290

DRAWING
A06

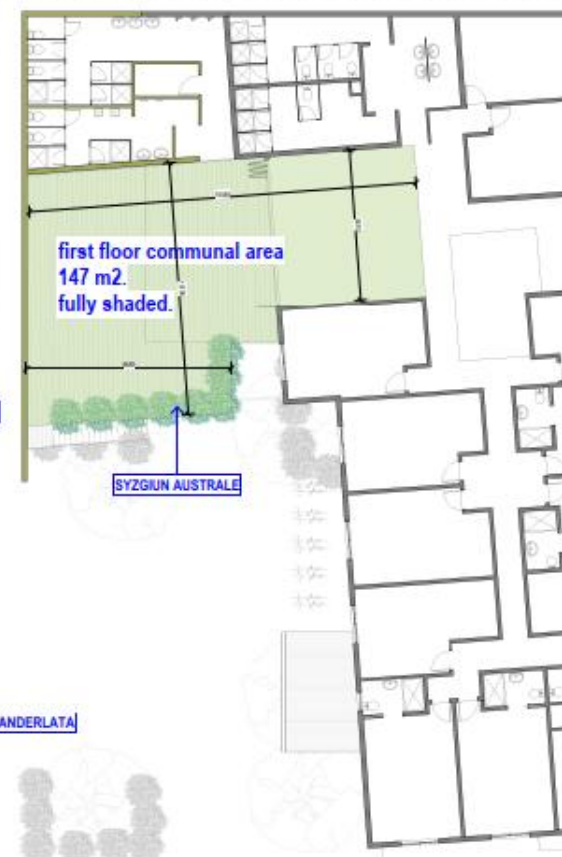
REV
P14

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1 GF Landscape and Communal plan
1:100 @ A3

TOTAL COMMUNAL AREA = 352 m2.
PERCENTAGE OPEN TO TH SKY = 58%



2 First Floor communal area
1:100 @ A3



SYZGIUM



MARRAYA



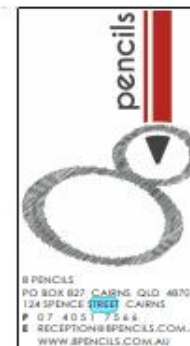
RUSSELLIA



HELICONIA



GARDENIA



DATE	DESCRIPTION	DATE
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020
10/01/2020	10/01/2020	10/01/2020

PROJECT
PORT DOUGLAS backpackers

Warner st. Port Douglas

OWNER
LANDSCAPE PLAN

PRELIMINARY

NOT FOR CONSTRUCTION

DATE DRAWN: 10/01/2020	PLT DATE: 20/01/2020 10:00
DESIGN: Author	CHECKED: Designer
APPROVED: Designer	
SCALE: 1:100	
PROJECT: Z290	DESIGN: A08
	REV: P14

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Concurrence Agency Conditions

RA9-N

DELIVERING
FOR QUEENSLAND



Queensland
Government

Department of
State Development,
Infrastructure and Planning

SARA reference: 2603-51497 SRA
Council reference: 2025_5867/1
Applicant reference: 36519-001-02

22 April 2026

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873
enquiries@douglas.qld.gov.au

Attention: Rebecca Taranto

Dear Sir/Madam

SARA referral agency response — 37-39 Warner Street, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 26 March 2026.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	22 April 2026
Advice:	Advice to the applicant is in Attachment 1
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Material change of use for Short-term accommodation (intensification of existing use)
SARA role:	Referral agency	

Page 1 of 5

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) - Development impacting on state transport infrastructure

SARA reference: 2603-51497 SRA

Assessment manager: Douglas Shire Council

Street address: 37-39 Warner Street, Port Douglas

Real property description: Lot 50 on RP896319

Applicant name: RRL One Pty Ltd

Applicant contact details: C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870
Michael.Tessaro@braziermotti.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdipg.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
Manager

cc RRL One Pty Ltd, C/- Brazier Motti Pty Ltd, Michael.Tessaro@braziermotti.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.5). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

SARA assessed the development against the following codes of the State Development Assessment Provisions (SDAP), version 3.5:

- State code 6: Protection of state transport networks (State code 6).

The development complies with the assessment benchmarks of State code 6 of SDAP in that the development:

- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure
- does not result in a worsening of the physical condition or operating performance of the state transport network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.5)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*.

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 27/11/2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

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

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—

Page 112

Current as at 27 April 2026

Authorised by the Parliamentary Counsel

- (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or
 - (ii) a development condition imposed under a direction given by the Minister under part 6, division 2; or
 - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(2); or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(d).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the assessment manager gives the applicant the decision notice for the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

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

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

Note—

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

- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local

-
- government area—the relevant local government;
and
- (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

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

78 Making change application

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

Note—

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

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;
and
- (iv) who may elect to be a co-respondent in an appeal
of the matter.

Note—

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

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and*

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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

21 August 2026

Enquiries: Rebecca Taranto
Our Ref: 2025_5867/1 (Doc ID)
Your Ref: 36519

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

RRL One Pty Ltd (Tte)
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use-Code (Short-Term Accommodation)
At 37-39 Warner Street PORT DOUGLAS
On Land Described as LOT: 50 RP: 896319**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

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

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.

Please quote Council's application number: 2025_5867/1 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE - CREDIT APPLICABLE

RRL One Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
37-39 Warner street STREET No. & NAME	Port Douglas SUBURB	Lot 50 RP896319 LOT & RP No.s	8595 PARCEL No.
MCU Short term accommodation DEVELOPMENT TYPE		2025_5867 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1386407 DSC Reference Doc : No.	2 VERSION No.	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand							
Accommodation_short_term	Short_term_accommodation	\$_per_1_bedroom_6_or_more_beds_per_room	7,762.63	28	\$217,353.64		
Residential	Caretakers_accommodation	\$_per_2_bedroom_dwelling	24,080.39	1	\$24,080.39		
Total Demand					\$241,434.03		
Credit							
<u>Existing land use</u>							Prior arrangement for online payment via invoicing - see below.
Accommodation_short_term	Short_term_accommodation	\$_per_1_bedroom_6_or_more_beds_per_room	7762.63	18	\$139,727.34		
Accommodation_short_term	Short_term_accommodation	\$_per_1_bedroom_less_than_6_beds_per_room	7,762.63	10	\$77,626.30		
Residential	Caretakers_accommodation	\$_per_2_bedroom_dwelling	24,080.39	1	\$24,080.39		
Commercial_retail	Shop	\$_per_m²_GFA	200.99	131	\$26,329.69		
Total Credit					\$267,763.72		Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **(\$26,329.69)**

Prepared by	Rebecca Taranto	19-Aug-26	Amount Paid	
Checked by	Jenny Elphinstone	21-Aug-26	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments	Change size of Caretaker's accommodation being retained		Date	21-Aug-26
			Cashier	

Note:

The Infrastructure Charges in this Notice gives rise to a credit when the material change of use occurs in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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

- (2) This section is subject to section 123.

123 Agreements about payment or provision instead of payment

- (1) The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following—
- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider any representations made by the recipient.
- (3) If the local government—
- (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;

the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.

- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.
- (2) The recipient may give only 1 notice.

- (3) If the representations are not made within 20 business days after the notice is given, the balance of the appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

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

- (3) In this section—

conduct means an act or omission.

representative means—

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

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

- (a) knowledge, intention, opinion, belief or purpose; and
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Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the **appellant**); and
- (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;
and
- (iv) who may elect to be a co-respondent in an appeal
of the matter.

Note—

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

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
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 - (c) for an appeal against a decision of the Minister, under
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to include additional land in the affected area for the
premises—20 business days after the day a notice is
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 - (e) for an appeal against an infrastructure charges
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 - (f) for an appeal about a deemed approval of a development
application for which a decision notice has not been
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deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and*

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

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Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
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- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
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 - (a) the respondent for the appeal; and
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 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
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- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
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decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
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232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

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