

3 December 2019

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2019_3365/1 (Doc ID 929242)
Your Ref: P71866

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

Deal Corporation c/- Wolveridge Architects
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Email: info@planztp.com

Attention Mesdames Huddy and Lanskey

Dear Mesdames

**Material Change of Use for Short-Term Accommodation with Ancillary Uses (Food and Drink Outlet / Bar) at 20 Warner Street and part of 23-25 Macrossan Street Port Douglas
On land described as Lot 1 on RP718896 and Part of Lot 1 on SP267838**

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

Please quote Council's application number: MCUC 2019_3365/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully



Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - non-compliance with assessment benchmark.
- 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 section 63 of the Planning Act 2016

Applicant Details

Name: Deal Corporation c/- Wolveridge Architects
Postal Address: C/- Planz Town Planning
PO Box 181
Edge Hill Qld 4870
Email: info@planztp.com

Property Details

Street Address: 20 Warner Street and Part of 23-25 Macrossan Street, Port Douglas
Real Property Description: Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579
Assessment Manager: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use for Short-Term Accommodation with Ancillary Uses (Food and Drink Outlet / Bar).

Decision

Date of Decision: 3 December 2019
Decision Details: Development Permit 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 Context	Wolveridge Architects Project 18 007, Drawing P-01.03, Revision C	1 October 2019
Site Survey	Wolveridge Architects Project 18 007, Drawing P-01.04, Revision C	1 October 2019
Site Imagery	Wolveridge Architects Project 18 007, Drawing P-01.05, Revision C	1 October 2019
Site Survey – Adjoining Building Heights	Wolveridge Architects Project 18 007, Drawing P-01.06, Revision C	1 October 2019
Site analysis	Wolveridge Architects Project 18 007, Drawing P-01.07, Revision C	1 October 2019
Site & Roof Plan	Wolveridge Architects Project 18 007, Drawing P-02.01, Revision C	1 October 2019
Ground Floor	Wolveridge Architects Project 18 007, Drawing P-02.02, Revision C, dated 1 October 2019 and as amended by Condition 3.	To be determined.
First Floor	Wolveridge Architects Project 18 007, Drawing P-02.03, Revision C	1 October 2019
Second Floor	Wolveridge Architects Project 18 007, Drawing P-02.04, Revision C	1 October 2019
Third Floor	Wolveridge Architects Project 18 007, Drawing P-02.05, Revision C	1 October 2019
Micro Hotel – Section Perspective	Wolveridge Architects Project 18 007, Drawing P-02.07, Revision C	1 October 2019
Micro Hotel – Plan & Interior	Wolveridge Architects Project 18 007, Drawing P-02.09, Revision C	1 October 2019
Massing Areas	Wolveridge Architects Project 18 007, Drawing P-02.10, Revision C	1 October 2019
Ventilation Diagram	Wolveridge Architects Project 18 007, Drawing P-02.11, Revision C	1 October 2019
Breezeway Gates Elevation & Details	Wolveridge Architects Project 18 007, Drawing P-02.12, Revision C	1 October 2019
Streetscape Elevation	Wolveridge Architects Project 18 007, Drawing P-03.01, Revision C	1 October 2019
Elevations	Wolveridge Architects Project 18 007, Drawing P-03.02, Revision C	1 October 2019

Drawing or Document	Reference	Date
Elevation & Section-Longitudinal	Wolveridge Architects Project 18 007, Drawing P-03.03, Revision C	1 October 2019
Materials Schedule	Wolveridge Architects Project 18 007, Drawing P-03.04, Revision C	1 October 2019
Revised Façade – Exterior Views	Wolveridge Architects Project 18 007, Drawing P-03.11, Revision C	1 October 2019
Revised Façade – Section	Wolveridge Architects Project 18 007, Drawing P-03.12, Revision C	1 October 2019
Perspectives	Wolveridge Architects Project 18 007, Drawing P-05.02, Revision C	1 October 2019
AS2680 B99 Design Vehicle Swept Paths	Rogers Consulting Engineers, Project 180307, Drawing SK20 Sheet 1 of 2, Revision P2	19 August 2019.
AS2680 B99 Design Vehicle Swept Paths	Rogers Consulting Engineers, Project 180307, Drawing SK21 Sheet 2 of 2, Revision P5	4 September 2019.
Civil Works Preliminary Carpark Levels	Rogers Consulting Engineers, Project 180307, Drawing SK30, Revision P1 dated 27 August 2019 and as amended by Condition 3	To be determined
Landscape Plan	Hortulus Australia Pty Ltd, Job No: SN-D18 A, Drawings LS-01 to LS-04, Issue B dated 25 January 2019 and as amended by Condition 3.	To be determined.

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

Assessment Manager Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amended Plan

3. The proposed development must be generally in accordance with the plans, prepared by Wolveridge Architects, Rogers Consulting Engineers and Hortulus Australia Pty (Council electronic document D#927624) and as amended to accommodate the following:
 - a. Delete car parking space No.10 and replace with service area facilities;
 - b. Include traffic islands on the road that provide sufficient sight views for exiting vehicles and accommodate the angle parking design;
 - c. Design on-street car parking at approximately 45° angle, rather than 90° angle, on the adjacent area of Warner Street;
 - d. Upgrade the street lighting to Warner Street adjacent to the property;
 - e. Include suitable signage warning of limited vehicle access to the parking area and maximum vehicle clearance heights;
 - f. Include suitable traffic warning signs regarding vehicle ramp access and pedestrian activity on sidewalk;
 - g. Include a full awning cover to the adjacent footpath on all plans;
 - h. Ensure vine planting and landscaping to Warner Street provides adequate pedestrian access between the adjacent on-street car parking spaces and footpath. Landscaping must maintain a minimum 2m wide footpath clear of landscaping and beds for vines to minimise trip hazard;
 - i. Ensure the landscaping design has regard to Council infrastructure located beneath the street and include the location of infrastructure on site plans;
 - j. Ensure landscaping design for on-street island beds includes clean trunk trees and design to ensure adequate site lines for traffic movements. Species to reflect those present on adjacent sites to produce a unified streetscape planting;
 - k. Ensure the form of the kerb and channel to the road to match the existing to the neighbouring development; and
 - l. Ensure the paving of the pedestrian footpath in pavers to match the existing paving in front of neighbouring development.

Details of the above amendments must be included in the subsequent application for a Development Permit for Operational Work and of a standard consistent with the FNQROC Development Manual.

Availability of Parking Areas

4. The vehicle parking area must be available for use by all businesses and short-term accommodation units on the land including visitors to the site for all times that the businesses operate and accommodation units are occupied.

Toilets

5. For all times that the café/bar is open to trade, the toilets must be available to customers. The toilets must be available to staff at all trading times.

Damage to Council Infrastructure

6. In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site including but not limited to; mobilisation of heavy construction equipment; stripping; and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Water Supply and Sewerage Works Internal

7. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures. The size and capacity of the sewer connection is to be confirmed by a suitably qualified Hydraulic services consultant;
 - b. Provide a single internal water connection with approved water metering;
 - c. Water supply sub-metering must be designed and installed in accordance with the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008;

All the above works must be 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.

Inspection of Sewers

8. Where relocating the sewer main, extending the sewer main or providing a new sewer main, provide CCTV inspections of sewers both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.

Vehicle Parking

9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of sixteen (16) spaces. 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 and these attributes must be maintained for the life of the development. At least one car parking space must be provided for disabled drivers together with suitable access between the car parking space and entry to the ground floor reception area.

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 and availability of the off-street visitor parking area. The signs must be erected prior to Commencement of Use.

Bicycle Parking

12. The bicycle parking area must be constructed prior to Commencement of Use and maintained for the life of the development.

Lighting

13. 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.

External Works

14. Undertake the following works external to the land at no cost to Council:
 - a. Upgrade street lighting adjacent to the land to the FNQROC Development Manual standard;
 - b. Construct the kerb and channel and landscaped garden verge island, generally in accordance with the proposed design and having regard to Condition 3 above;
 - c. Construct full-width sidewalk with paving style to match the neighbouring development;
 - d. Provide permanent tactile ground surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators prior to the vehicle access area;
 - e. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;
 - f. Construct and landscape the island within the road area as nominated on the plans;
 - g. Linemark parking spaces and loading area in front of and adjacent to the subject land;
 - h. Incorporate any requirements identified as necessary under Condition 16 (Drainage Study of Site); and

- i. Provide a loading bay for a small rigid vehicle and temporary access vehicle waiting area signs outside the subject land. The loading bay is to be signed for limited daytime use.

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.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Above Ground Transformer Cubicles / Electrical Sub-Station

15. Any required above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind suitable screening, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Drainage Study of Site

16. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties.

The study must include advice on how stormwater conveyance from the upper car park area and associated lot is conveyed past the building and to Warner Street. Plans and supporting calculations are to be submitted to demonstrate compliance with this condition.

Any necessary works are to be included in the design of external works and constructed under a Development Permit for Operational Work.

The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use.

Acid Sulfate Soils Disturbance

17. The development proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken.

The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Amalgamation of Lots Required

18. The applicant/owner is to ensure that the subject lots are held together as one site for the duration of the approved land use. This is to be achieved by the amalgamation of Lot 1 on RP718896 and Part of Lot 1 on SP267838 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines and Energy and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.

Stockpiling and Transportation of Fill Material

19. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
20. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

21. 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

22. The site must be landscaped in accordance with details included on a Landscaping Plan. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

23. 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.

Minimum Fill and Floor Levels

24. All floor levels in all buildings must be provided with suitable freeboard from flooding and stormtide events with a 1% Annual exceedance probability.

In particular, the building floor levels must be located 300mm above the Q100 flood immunity level plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Minimum floor levels must have regard to 0.8m sea level rise for storm tide inundation projected for the year 2100 and freeboard as per Council's stormtide report. Council assesses this level (inclusive of freeboard) to be 3.2m AHD except for the entry bay adjacent to the lift well which is to be a minimum of 3.1m AHD.

Ponding and/or Concentration of Stormwater

25. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties. Supporting calculations are to demonstrate that surface flows (if any) on the driveway from the upper level are no greater than that existing in the current pre-development scenario.

Refuse Storage

26. Refuse storage is required to service the site in accordance with Council requirements.
27. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Liquid Waste Disposal

28. Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to Commencement of Use.

Details of Development Signage

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

Advertising Signage

30. All signage associated with the use must comply with the Advertising Devices Code contained within the 2018 Douglas Shire Planning Scheme or as otherwise approved by the Chief Executive Officer prior to the Commencement of Use.

Construction Signage

31. 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 telephone contacts:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Crime Prevention Through Environmental Design

32. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Advices

1. 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 sections 85(1)(b) and 71 of the Planning Act 2016.
2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.
3. The land is located near to the Live Entertainment Precinct under the Port Douglas / Craiglie Local Plan of the 2018 Douglas Shire Planning Scheme. . Consideration of attenuating the internal areas of the residential units from noise intrusion associated with night time activities, such as outdoor dining, bars and nightclubs, maybe astute at the initial construction stage.
4. 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.
5. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular, the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.

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

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

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

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

7. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

Land Use Definitions*

In accordance with the *2018 Douglas Shire Planning Scheme Version 1.0*, the approved land use of Development Assessment Application is defined as:

Short Term Accommodation

Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.

The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.

Bar

Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time.

The use may include ancillary sale of food for consumption on the premises and entertainment activities.

Food and Drink Outlet

Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

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 Operational Work

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

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse 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 are attached.

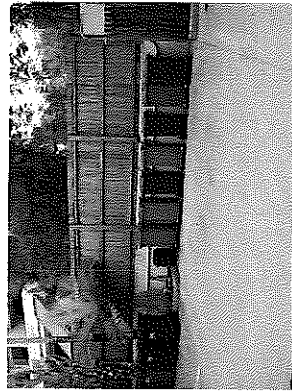
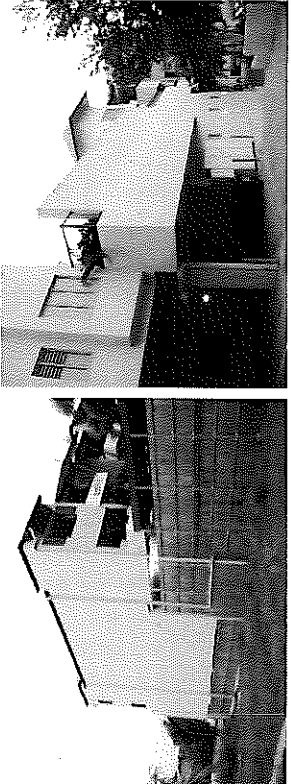
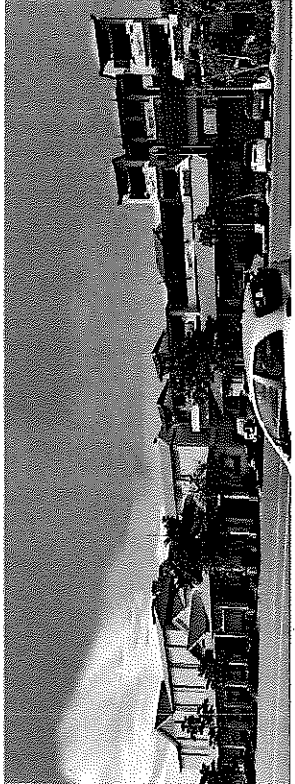
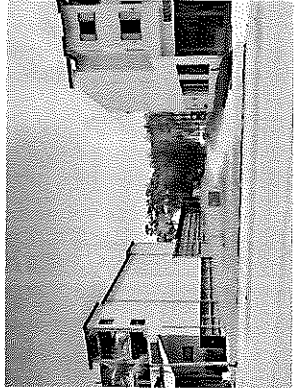
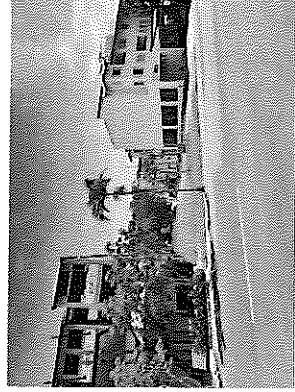
This architectural drawing illustrates a building facade on Oak Street. The central focus is the 'SUBJECT SITE', a three-story building with a prominent central entrance and multiple windows. To the left of the subject site is a smaller building labeled '9 GRANT ST'. To the right is a larger, multi-story building labeled '10-18 WAREHOUSE ST'. The drawing includes street names 'OAK ST' and 'GRANT ST' at the top, and '10-18 WAREHOUSE ST' and '9 GRANT ST' at the bottom. The drawing is oriented vertically, with the street names at the top and bottom.

SCALE: 1:500

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: 3G&U NOMINEES PTY LTD
BEO 1/00 16.007

WOLVERIDGE architects
121 ROKEBY STREET COLLINGWOOD VICTORIA 3008 AUSTRALIA
TEL: + 61 3 9489 9382 FAX: + 61 3 9489 9383
info@wolveridge.com.au www.wolveridge.com.au



WOLVERIDGE architects
137 ROKEBY STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
TEL: 03 9486 3865 FAX: 03 9486 3863
www.wolveridgearchitects.com.au

**WARRER STREET HOTEL
200 WARRER STREET
PORT PHILL**
PROJECT
CLIENT: SCALAHOMREES PTY LTD
PROJ NO: 18 007

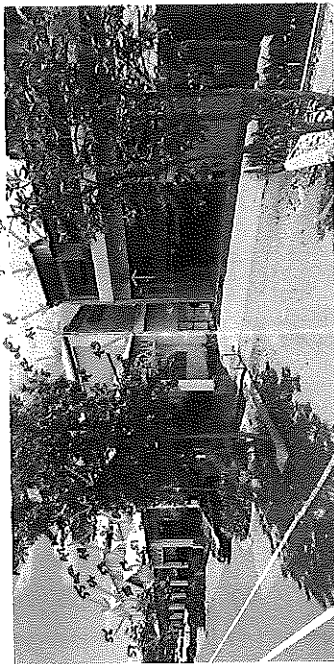
SITE IMAGE
DATE: 9-10-2013
AS SHOWN AT A3
REV: 01
REV: 01

PRELIMINARY
NOT FOR CONSTRUCTION

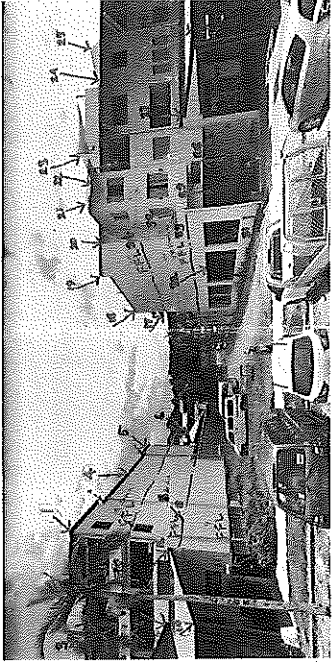
DATE:
09-10-2013

REVISION:
21-10-2013: DRAWING PACKAGE TO JCD, JCL

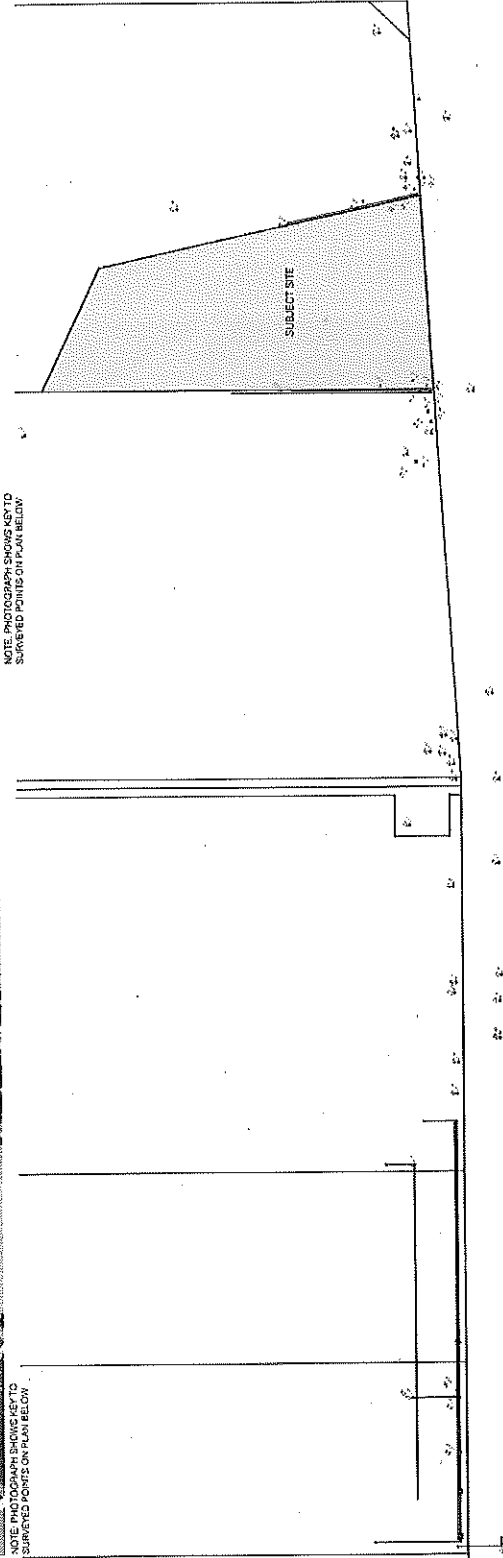
THESE DRAWINGS ARE THE PROPERTY OF WOLVERIDGE ARCHITECTS AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WOLVERIDGE ARCHITECTS.



NOTE: PHOTOGRAPH SHOWS KEY TO SURVEY POINTS ON PLAN BELOW



NOTE: PHOTOGRAPH SHOWS KEY TO SURVEY POINTS ON PLAN BELOW



SITE SURVEY - ADJOINING BUILDING HEIGHTS

NOTE: ADJOINING BUILDING HEIGHTS DETERMINED BY DEPT. OF PUBLIC RELATIONS AND SUBJECTS

THE SURVEY IS A COPY OF THE ORIGINAL SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.	REVISION PT. 10/10/2019	DATE 07/10/2019
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PRELIMINARY
NOT FOR CONSTRUCTION

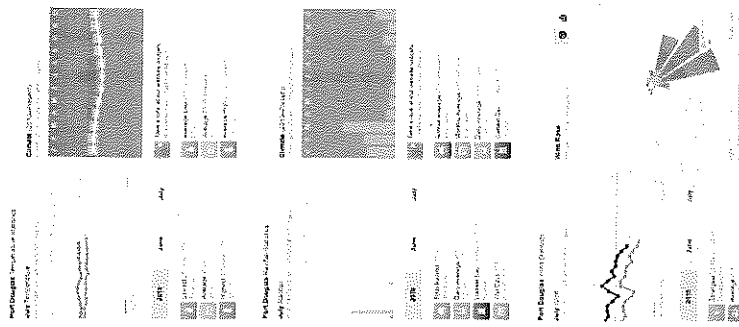


DWG. TITLE
PLOT DATE
SCALE
DWG. NO.

SITE SURVEY - ADJOINING
BUILDING HEIGHTS
07/10/2019
AS SHOWN AT A3
P-21/06
REV: P1

PROJECT
WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT
SCALDINNOVIES PTY LTD
PROJ. NO.
18.007

WOLVERIDGE architects
121 ROKERY STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
TEL: + 61 3 9486 2842 FAX: + 61 3 9486 2853
INFO@WOLVERIDGE.COM.AU WWW.WOLVERIDGE.COM.AU

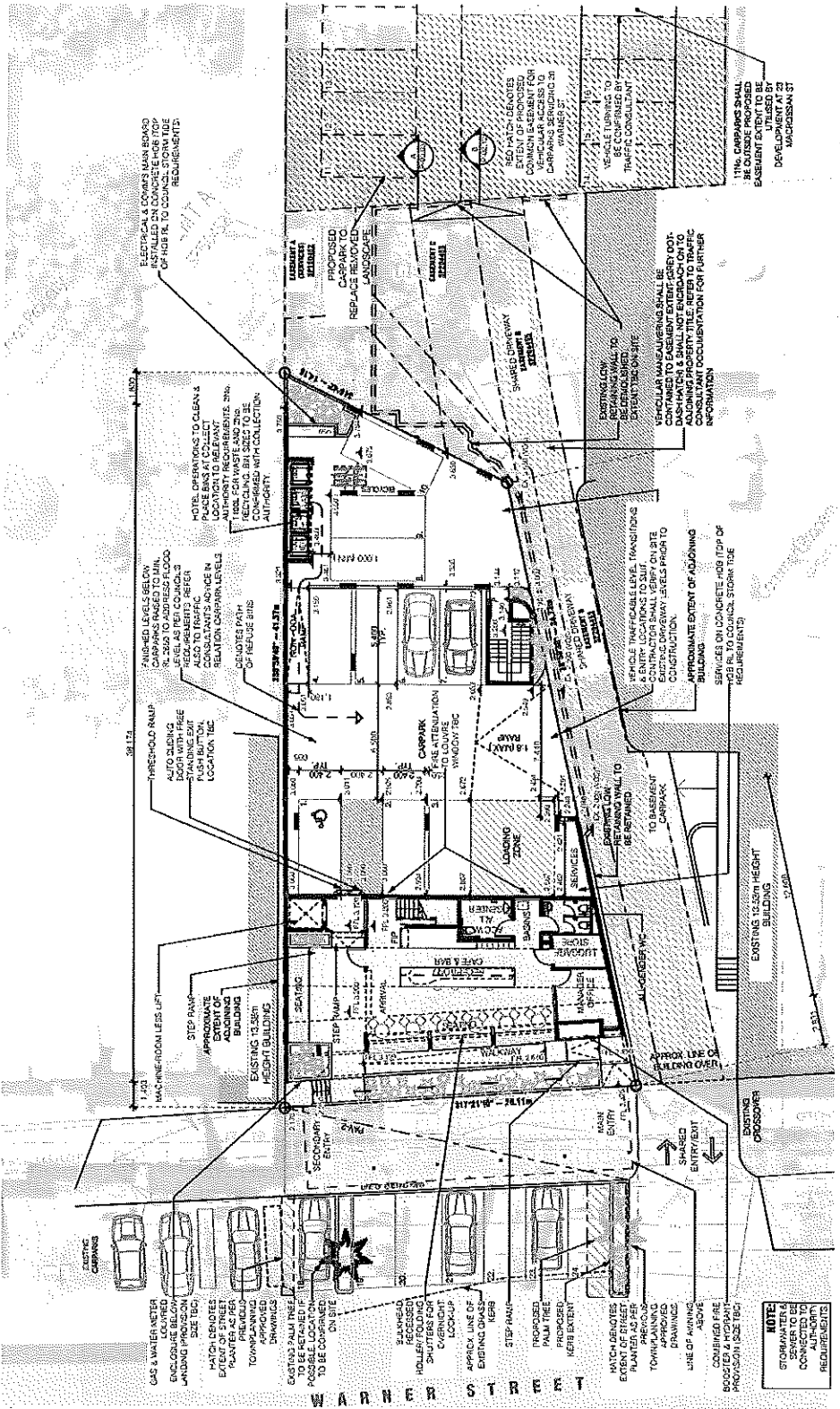


PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALI NOMINEES PTY LTD

PROJ NO: 18/007

WOLVERIDGE architects
121 ROKERY STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
TELE + 61 3 9480 9892 FAX + 61 3 9480 0883
info@wolveridge.com.au www.wolveridge.com.au



GROUND LEVEL
SCALE: 1:200

REVISIONS:
1. TOTAL PLANNING WORK TO COME
DATE: 01/02/2019
BY: [Signature]

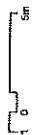
PRELIMINARY
NOT FOR CONSTRUCTION

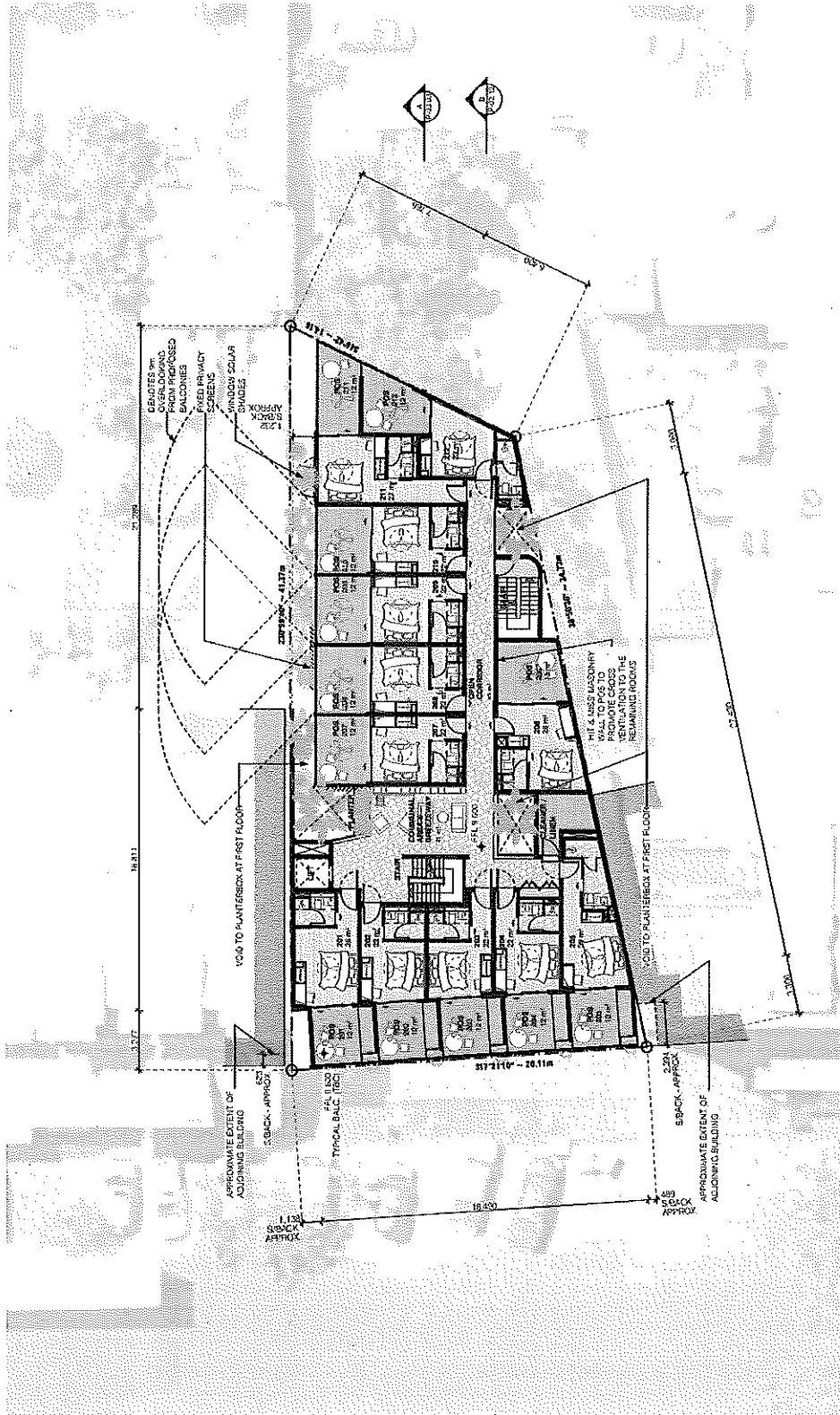


DWG TITLE: GROUND FLOOR
PLOT DATE: 01/02/2019
SCALE: AS SHOWN AT A3
DWG NO: P-02.02
REV: P1

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCALP HOLDINGS PTY LTD
PROJ NO: 18 007

WOLVERIDGE architects
181 PORT DOUGLAS ROAD
PORT DOUGLAS QLD 4870
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www.wolveridge.com.au





SECOND LEVEL SCALE: 1:200

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DATE:
20/05/2018

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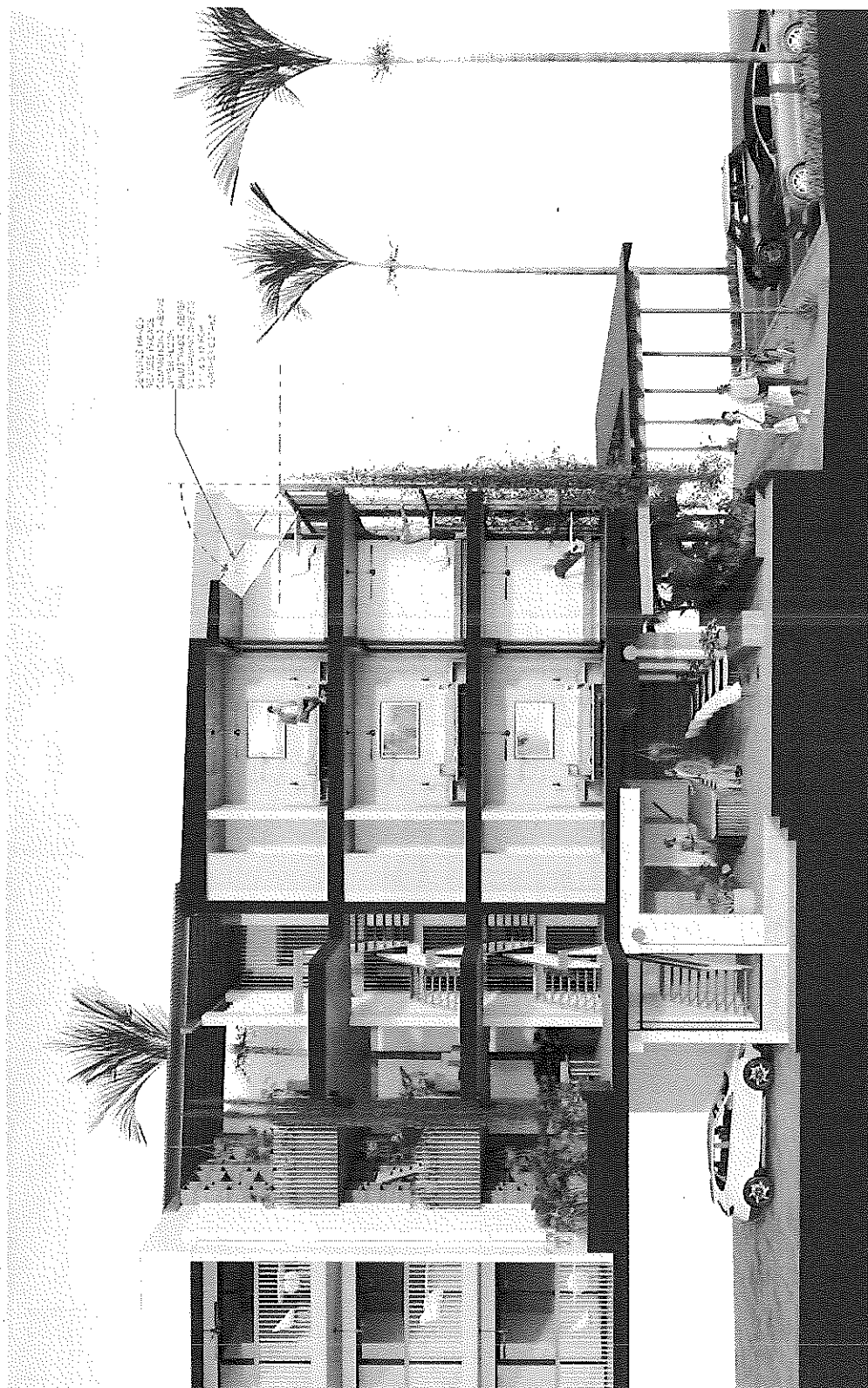


DWG TITLE: SECOND FLOOR
PLOT DATE: 9/10/2010
SCALE: AS SHOWN AT A3
DWG. NO.: P-02/04
REV: PT

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCALI NONNEES PTY LTD
PROJ. NO.: 18 007

WOLVERIDGE architects
121 ROBERT STREET COLLINGWOOD VIC 3068 AUSTRALIA
TEL: + 61 3 9486 0402 FAX: + 61 3 9486 0883
info@wolveridge.com.au www.wolveridge.com.au





SECTIONAL PERSPECTIVE

to understand what
was going on in the
world. I was interested in
the world and in people
in general. I was
interested in the world.

REVISION:
TOWN PLANNING PACKAGE TO COUNCIL

DATE: 20/10/2016

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE:
PLOT DATE:
SCALE:
DWG. NO.:

MICRO HOTEL - SECTION
PERSPECTIVE
07/02/2010
AS SHOWN AT A3
P-02-02 REV: 01

MICRO HOTEL - SECTION
PERSPECTIVE
07/02/2010
AS SHOWN AT A3
P-02-02 REV: 01

MICRO HOTEL - SECTION
PERSPECTIVE
07/02/2010
AS SHOWN AT A3
P-02-02 REV: 01

MICRO HOTEL - SECTION
PERSPECTIVE
07/02/2010
AS SHOWN AT A3
P-02-02 REV: 01

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALIMMOINES PTY LTD

PROJECT NO: 18 007

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALIMMOINES PTY LTD

PROJECT NO: 18 007

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALLI NOMINEES PTY LTD

PROJECT NO: 18 007

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1121 ROKESBY STREET COLLINGWOOD VICTORIA 3066 AUSTRALIA
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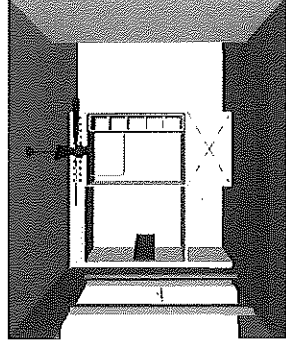
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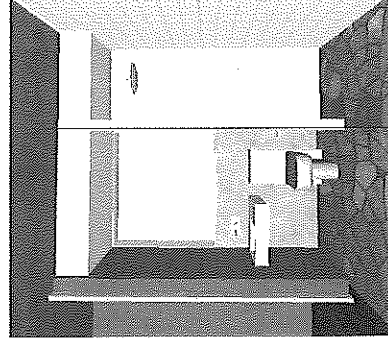
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FINISHES SCHEDULE

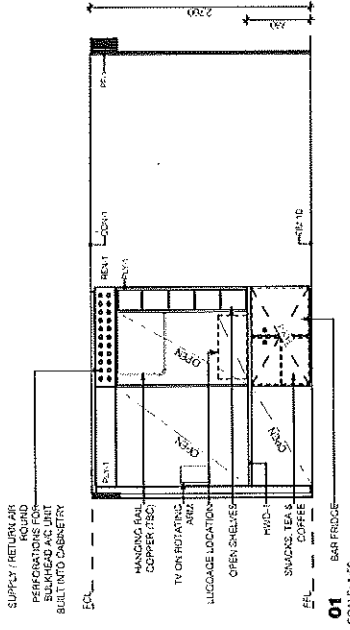
CASE	DESCRIPTION
TBA1A	TIMBER DICKING
TBA1B	SPECIES LOCAL HARDWOOD
TBA1C	TONES TBC
TBA1D	TIMBER FLOOR BOARDING
TBA1E	TONES TBC
TBA1F	TONES TBC
TBA1G	TONES TBC
TBA1H	TONES TBC
TBA1I	TONES TBC
TBA1J	TONES TBC
TBA1K	TONES TBC
TBA1L	TONES TBC
TBA1M	TONES TBC
TBA1N	TONES TBC
TBA1O	TONES TBC
TBA1P	TONES TBC
TBA1Q	TONES TBC
TBA1R	TONES TBC
TBA1S	TONES TBC
TBA1T	TONES TBC
TBA1U	TONES TBC
TBA1V	TONES TBC
TBA1W	TONES TBC
TBA1X	TONES TBC
TBA1Y	TONES TBC
TBA1Z	TONES TBC



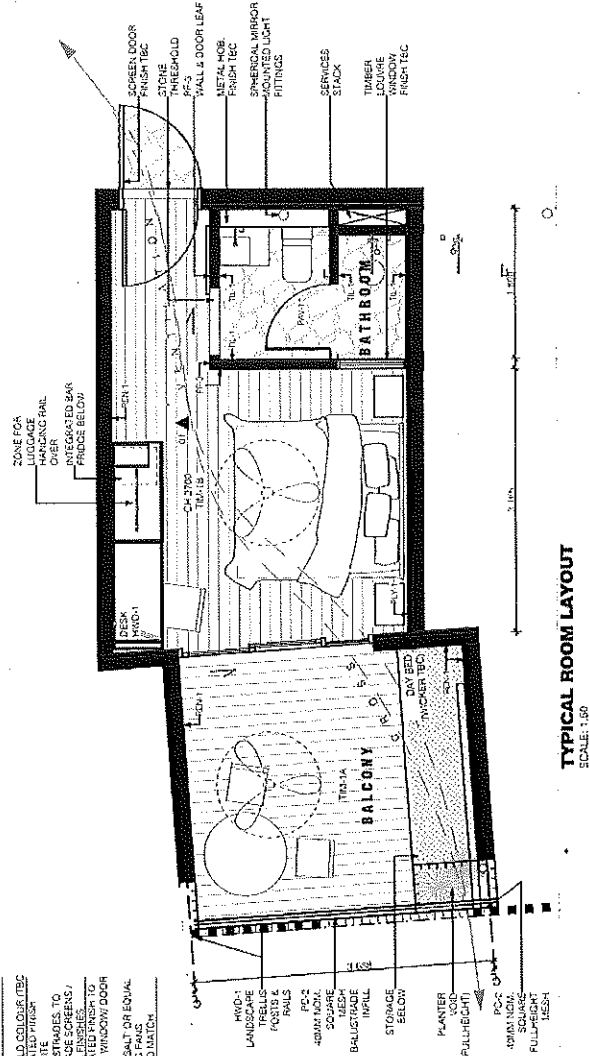
JOINERY UNIT



BATHROOM

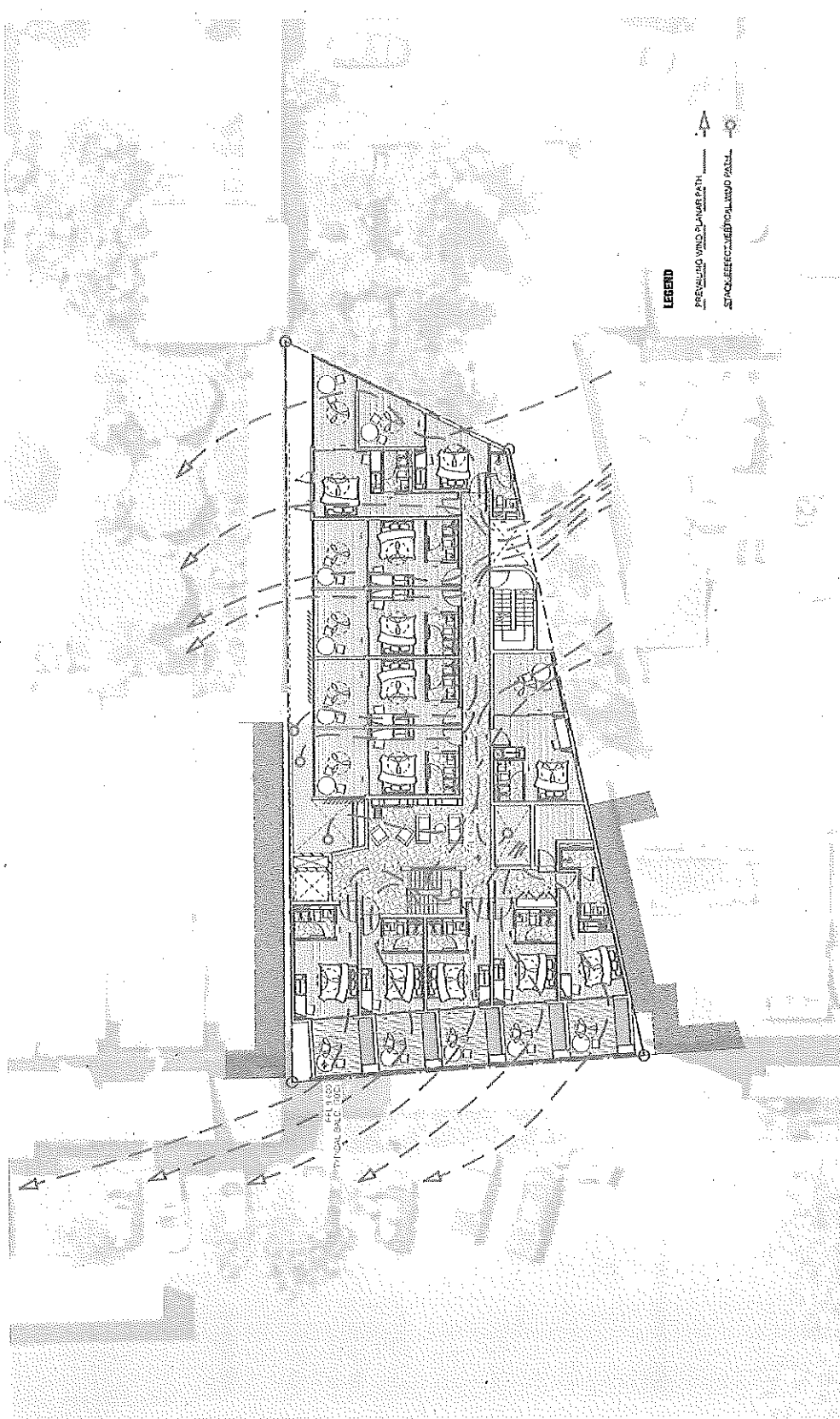


01 BAR FRIDGE SCALE: 1:50



TYPICAL ROOM LAYOUT SCALE: 1:50

<p>REVISION:</p> <p>1. TO CORRECT MISTAKES TO CORRECT</p> <p>DATE: 20/10/2019</p>	<p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>DWG. TITLE: MICRO HOTEL - PLAN & INTERIOR</p> <p>PLOT DATE: 9/10/2019</p> <p>SCALE: AS SHOWN AT A3</p> <p>DWG. NO.: P-02.09</p>	<p>PROJECT: WARRIOR STREET HOTEL</p> <p>20 WARRIOR STREET</p> <p>PORT DOUGLAS</p> <p>CLIENT: SCAL NOMINEES PTY LTD</p> <p>PROJ. NO.: 18 007</p>
---	--	--	---



LEGEND

- PREVAILING WIND DIRECTION
- STACK EFFECT IN TOWER WALL

CROSS VENTILATION DIAGRAM PLAN
SCALE: 1:200

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REVISION:
P1: TOWN PLANNING PACKAGE TO COUNCIL

DATE:
20/05/2019

PRELIMINARY
NOT FOR CONSTRUCTION

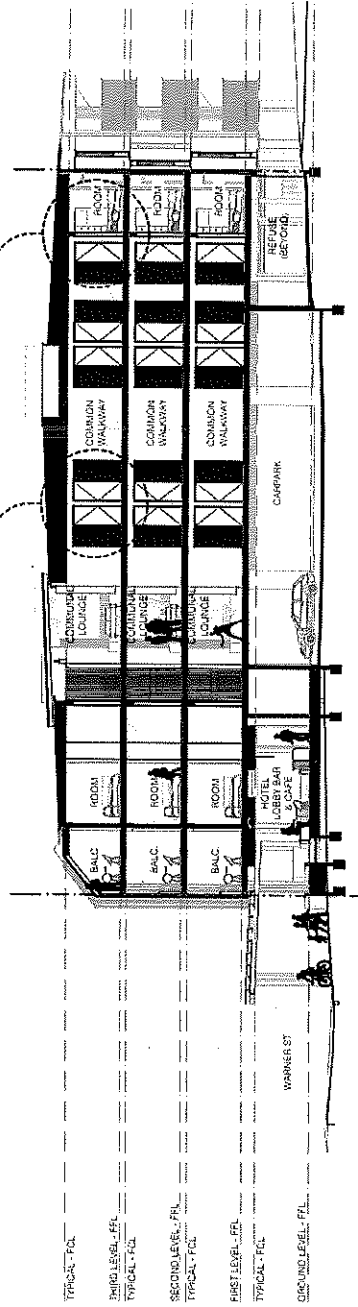
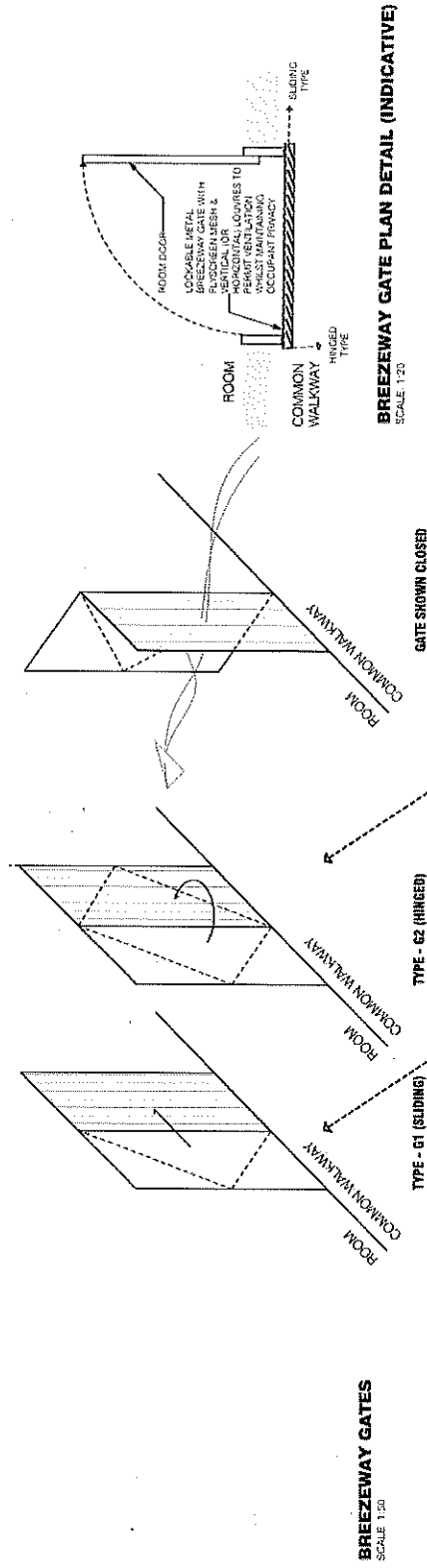


DWG TITLE:
PLOT DATE:
SCALE:
DWG NO.:

VENTILATION DIAGRAM
9/10/2019
AS SHOWN AT A3
P-02.11

PROJECT:
CLIENT:
PROJ NO.:

WOLVERIDGE architects
131 FORBES STREET COLLINGWOOD VICTORIA 3066 AUSTRALIA
TEL: + 61 3 9465 9830 FAX: + 61 3 9465 9883
info@wolveridge.com.au www.wolveridge.com.au



WOLVERIDGE architects
121 HONEY STREET COLLINGWOOD VICTORIA 3066 AUSTRALIA
TEL: 03 9360 1111 FAX: 03 9360 1112
info@wolveridge.com.au www.wolveridge.com.au

WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCALI HOMES PTY LTD
PROJECT: 18 007

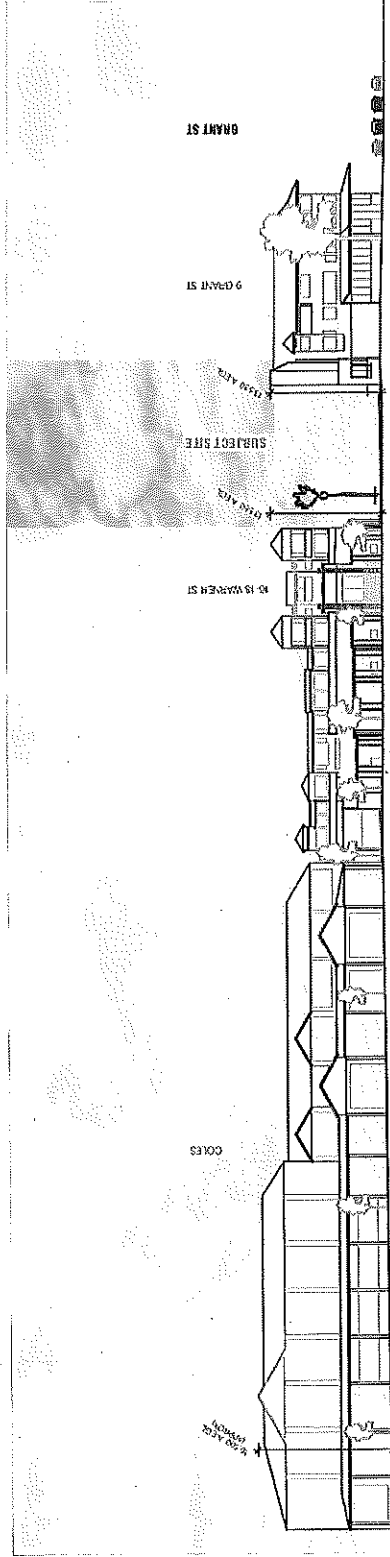
BREEZEWAY GATES ELEVATION & DETAILS
DATE: 18/02/2019
SCALE: AS SHOWN AT A3
DWG NO.: P-02.12
REV: P1

PRELIMINARY
NOT FOR CONSTRUCTION

DATE:
18/02/2019

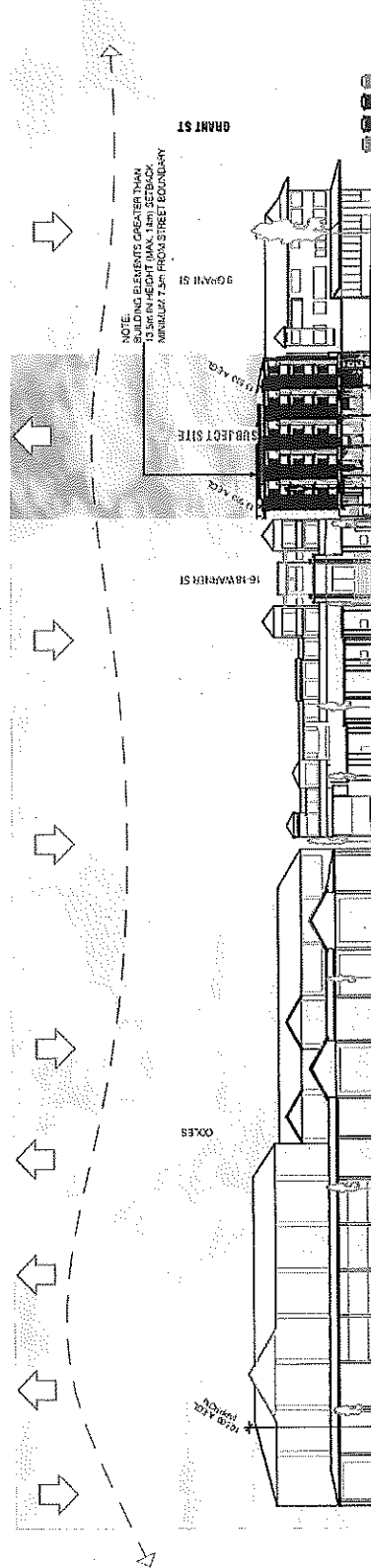
REVISION:
P1: TYPICAL PLAN PROPOSED TO COLLAPSE

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STREETSCAPE - WARNER STREET EXISTING CONDITION

SCALE: 1:500



STREETSCAPE - WARNER STREET

SCALE: 1:500

LEGEND
--- DENOTES STREET AVOIDING BUILDING HEIGHT, OR TITLE BUILDING MASS BEYOND

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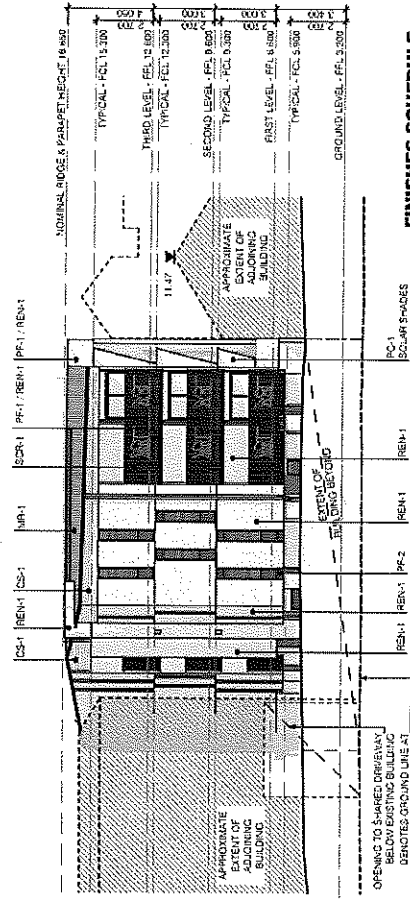
PROJECT: WARNER STREET HOTEL
30 WARNER STREET
PORT PHILL
CLIENT: SCAL INNOVATIONS PTY LTD
PROJ NO: 18 007

DWG. TITLE: STREETSCAPE ELEVATION
PLOT DATE: 9/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.01
REV. PT:

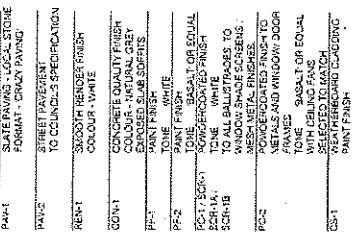
PRELIMINARY
ACTION/CONSTRUCTION

DATE: 09/10/2019

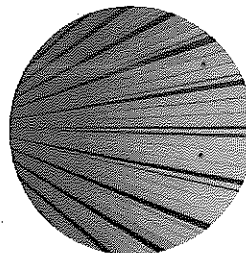
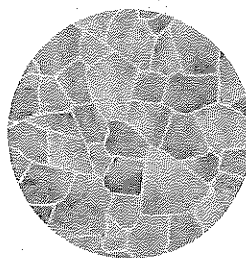
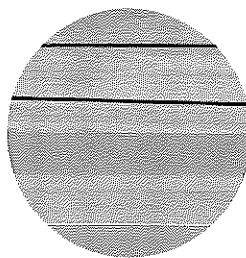
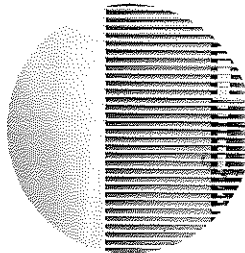
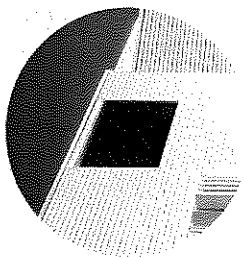
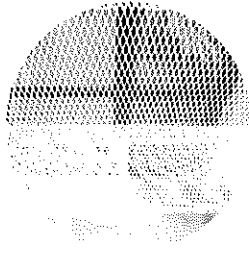
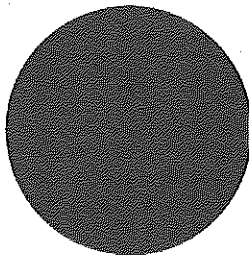
REVISION:
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E-03 NORTH EAST ELEVATION
SCALE: 1"=20'

[illegible]

REVISION: _____ DATE: 30/10/2019
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 NOT FOR CONSTRUCTION
 DIVS. TITLE: _____ ELEVATIONS
 PLOT DATE: 31/10/2019
 SCALE: AS SHOWN AT AG
 DWGS. NO.: P-03-02 REV: P1
 PROJECT NO: 15 007
 CLIENT: SCALI NONINEES PTY LTD
 PROJECT NO: 15 007
 PROJECT: WARNER STREET HOTEL
 20 WARNER STREET
 PORT DOUGLAS
 VOLVEDGE architects
 121 ROMBER STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
 TEL: 03 9488 5882 FAX: 03 9488 1185
 info@volvedge.com.au www.volvedge.com.au



FINISHES SCHEDULE

CODE	DESCRIPTION
PA-1	TARGET SPECIES (BULLS) POSTS & BEAMS SPECIES: LOCAL HARDWOOD TONE: TB FINISH: CLEAR OIL FOAMAT: GRAY PANTO
PA-2	STREET FURNITURE TO COUNCILS SPECIFICATION
PA-3	SMOOTH WHITE FINISH COLOUR: WHITE
CO-1	CONCRETE QUALITY FINISH COLOUR: NATURAL GRAY EXPOSED SLAB TOPS
PA-1	TONE: WHITE PAINT FINISH
PA-2	TONE: BASALT OR EQUAL PAINT FINISH
PA-3	TONE: WHITE SC-1
PA-4	TO ALL BALUSTRADES TO WOODEN RAMP SCREENS SC-1B
PA-2	POWDERGRAFT PAINT TO METALS AND WINDOW: DOOR TONE: BASALT OR EQUAL WITH DELTA PAINTS SELECTED TO MATCH PAINT FINISH
SC-1	TONE: WHITE PAINT FINISH
ME-1	MECHANICAL WORK TONE: WHITE
PA-1	PAINT FINISH TONE: BASALT OR EQUAL COASTAL GRADE MORTARS OUTLETS TO MATCH GR TONE: CLEAR OIL TONE: CLEAR OIL OUTLETS: STAINLESS STEEL TONE: CLEAR OIL COLLUMS: AL AL GRADE COLLUMS

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REVISION:
P1 TO CORRELATE WITH PROJECT TO COURTESY

DATE: 2/10/2015

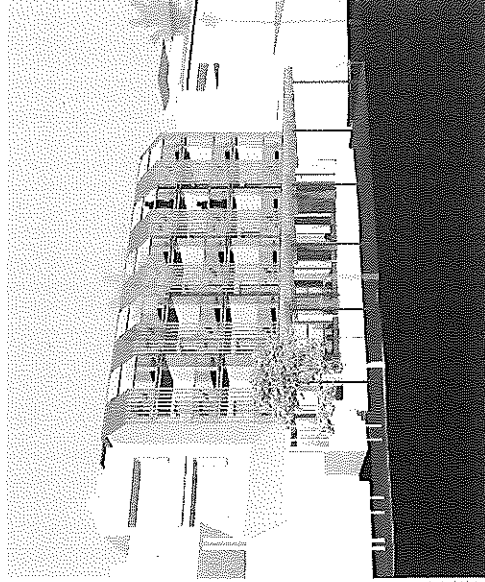
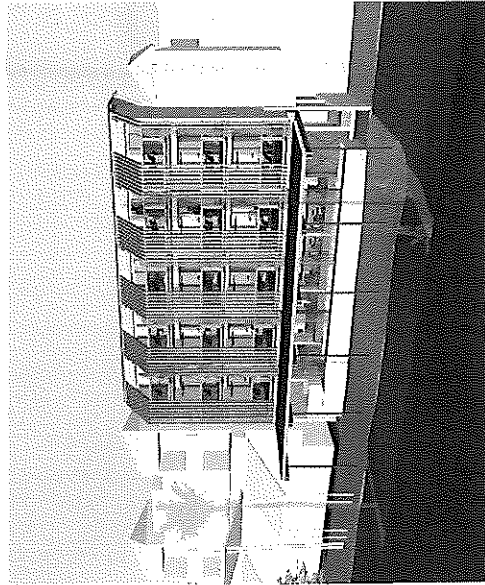
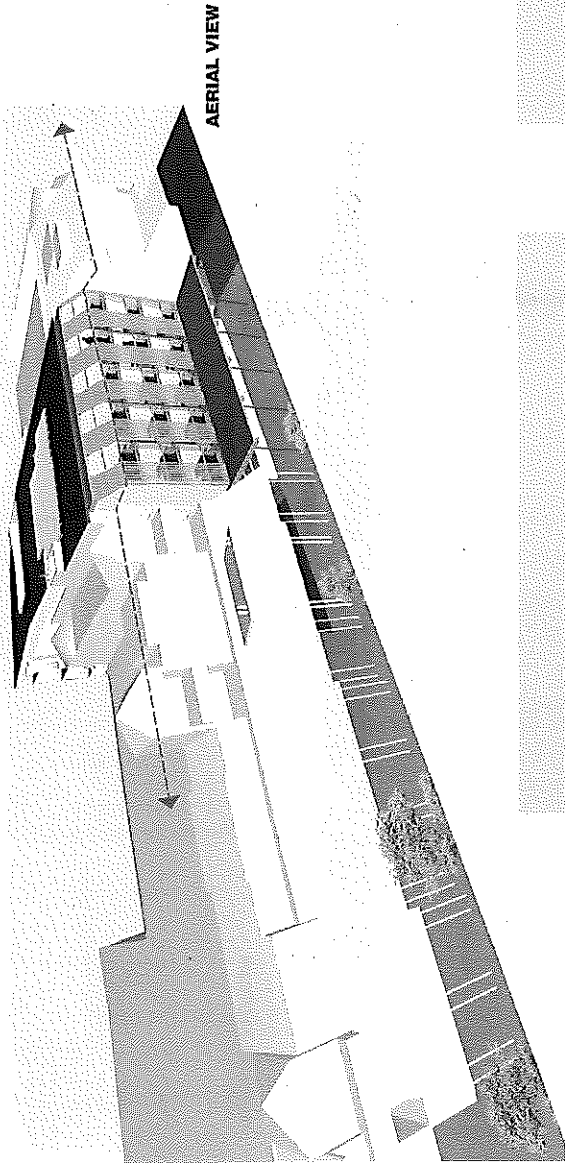
PRELIMINARY
NOT FOR CONSTRUCTION

DWG TITLE: MATERIALS SCHEDULE
PLOT DATE: 9/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.01 * REV: P1

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALI NOMINEES PTY LTD
18 007

WOLVERIDGE architects
121, ROKERY STREET COLLINGWOOD VICTORIA 3065 AUSTRALIA
TEL: + 61 3 9486 9832 FAX: + 61 3 9480 9933
www.wolveridge.com.au
info@wolveridge.com.au



WOLVERIDGE architects
 121 ROKERY STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
 TEL: + 61 3 9460 0882 FAX: + 61 3 9460 0883
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PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCALI NOMINEES PTY LTD
PROJ NO: 18 007

DWG TITLE: REVISED FACADE - EXTERIOR
PLOT DATE: 01/02/2019
SCALE: AS SHOWN AT A3
DWG NO.: P-03.11
REV

PRELIMINARY
 NOT FOR CONSTRUCTION

DATE:
 01/02/2019

REVISION:
 P1: TOWN PLANNING PROPOSED TO COUNCIL

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PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALL NOMINEES PTY LTD

PROJ NO: 18 007

DWG. TITLE:	REVISED FACADE - SECTION
PLOT DATE:	8/7/2019
SCALE:	AS SHOWN AT A3
DWG. NO.:	P-03.12 REV

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 03/10/2019

REVISION:
1.0 - TRAIN PLANNING PACKAGE TO COME

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P1: TECH. PLANNING PACKAGE TO DDA 2012

DATE:
20/11/2019

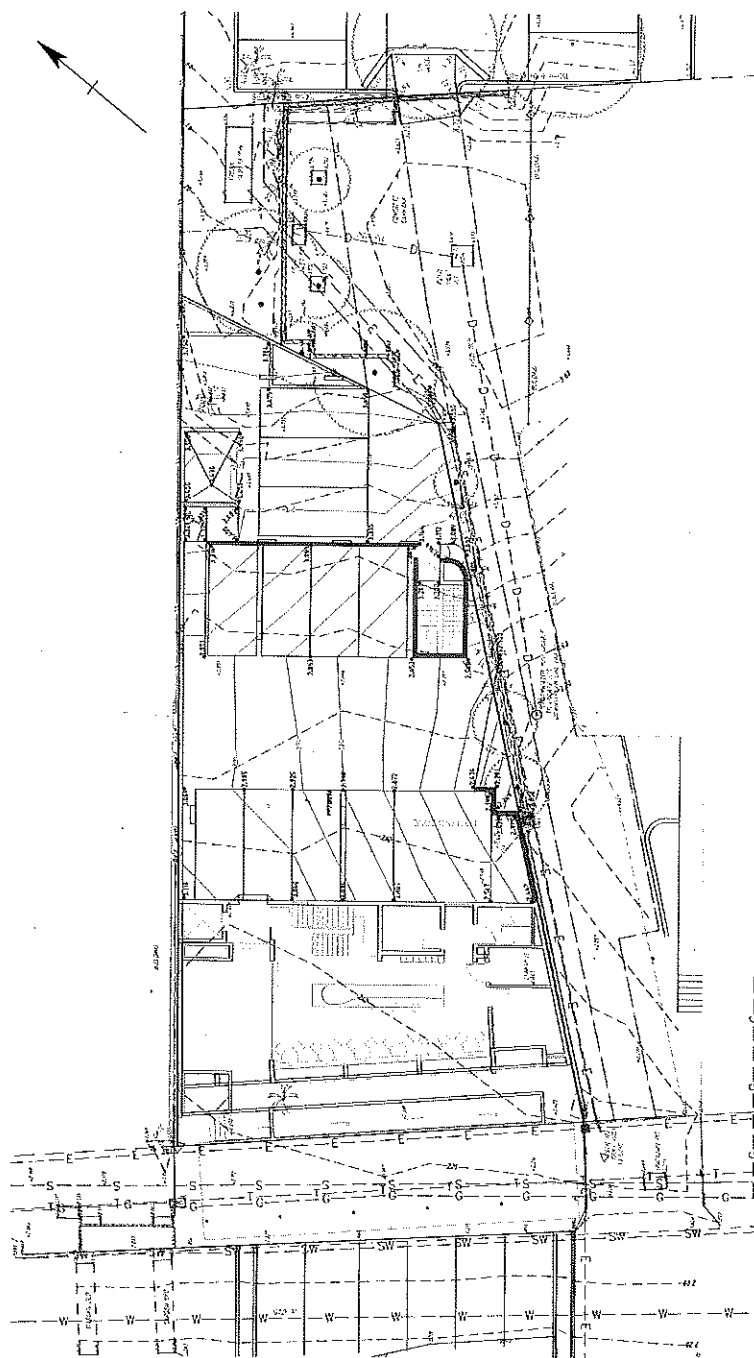
PRELIMINARY
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DWG. TITLE:
PLOT DATE:
SCALE:
DWG. NO:

PERSPECTIVES:
9/10/2019
A2 SHOWN AT A2
REV: P1
P-03.02

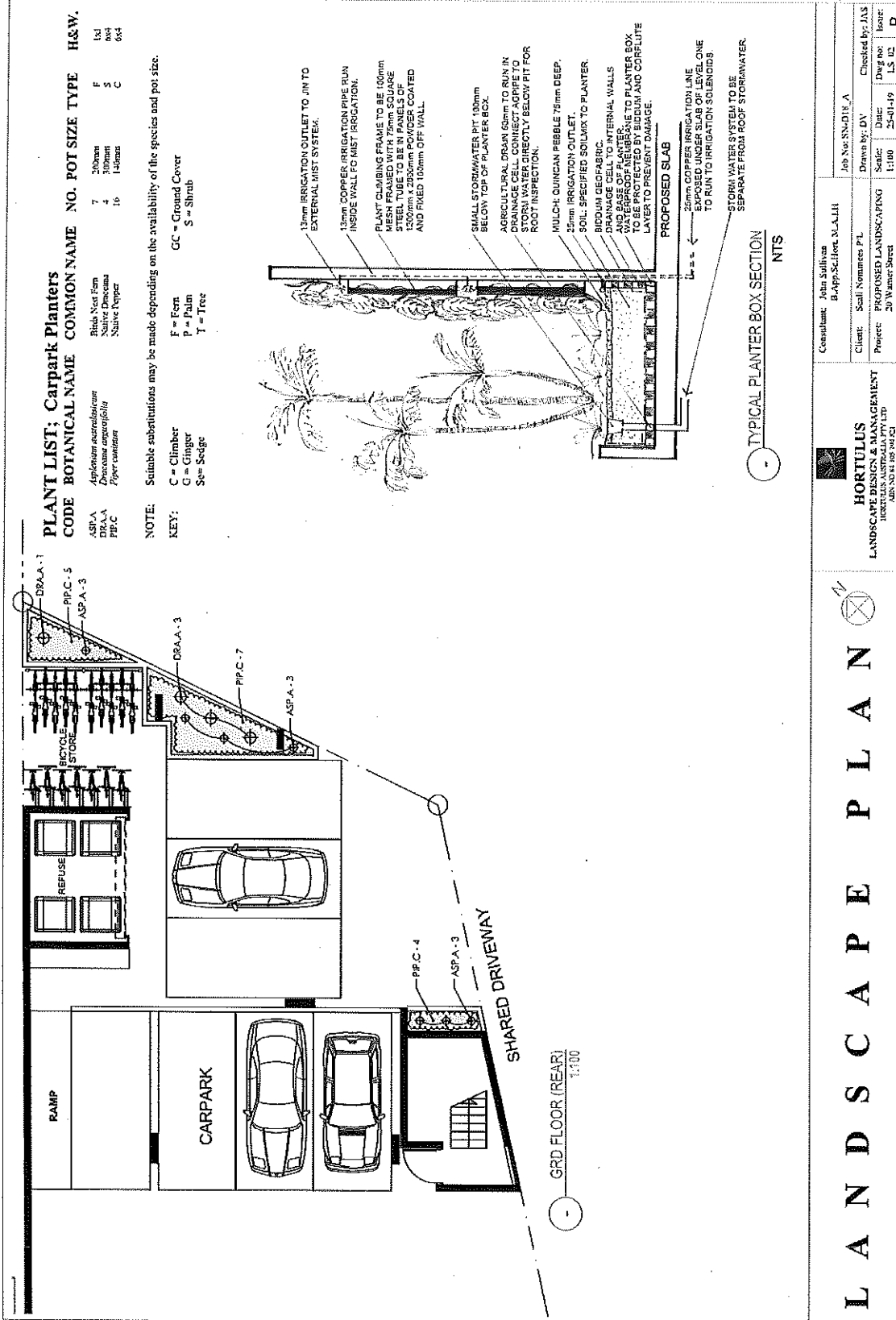
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PORT DOUGLAS
CLIENT:
SCAJI NOMINEES PTY LTD
PROJ. NO: 12.007

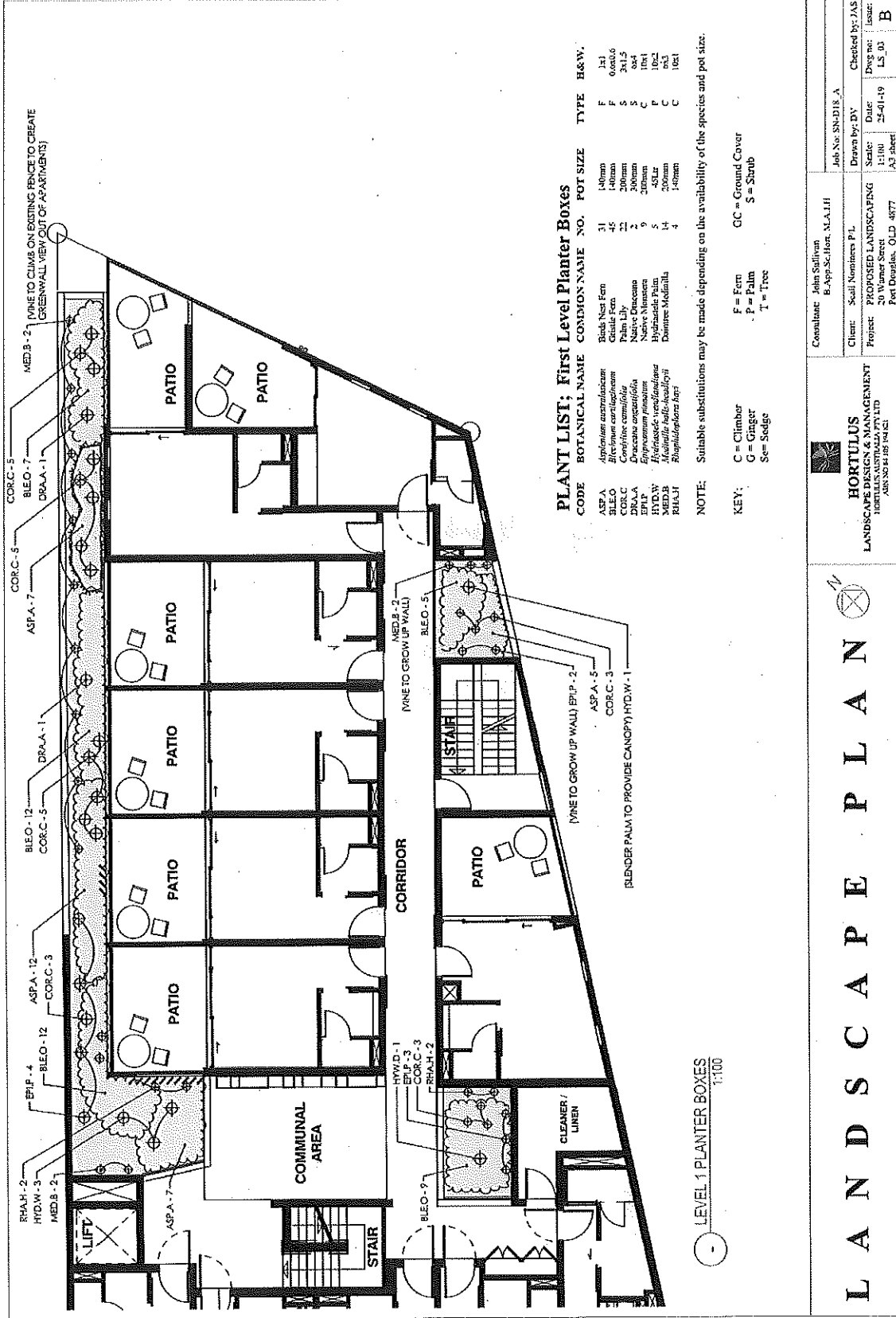
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Page 39 of 64

LANDSCAPE PLAN





Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 24 October 2019 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.

Non Compliance with Assessment Benchmarks

Benchmark Reference	Alternative Measure/Comment
Port Douglas/ Craiglie Local Plan Code:	<p>The development does not meet all the outcomes under AO9 regarding number of stories and roof component, however the development is considered to meet the majority of the respective Performance Outcome PO9, namely:</p> <p>Building heights:</p> <ul style="list-style-type: none"> (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; and (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. <p>The development does not meet the PO9 (e) for buildings not exceeding 3 storeys, however the design is considered acceptable as it satisfactorily meets the code Purpose, for the Town Centre Precinct 1a, namely, "In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:</p> <ul style="list-style-type: none"> (a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale; (c) development contributes to a high quality public realm; and (f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan."
Short Term Accommodation Land Use Code	<p>While the minimum site area and lot frontage do not meet the Acceptable outcomes, the development complies with the respective performance Outcome PO1, namely, "The site has sufficient area and frontage to:</p> <ul style="list-style-type: none"> (a) accommodate the scale and form of buildings considering site features; (b) achieve communal open space areas and private outdoor spaces; (c) deliver viable areas of deep planting and landscaping to establish tropical planting; (d) achieve safe and convenient vehicle and pedestrian access; and (e) accommodate on-site car parking and manoeuvring for residents, visitors and service providers.
Access, Parking and Servicing Code	<p>Despite the non achievement of the Acceptable Outcome AO1.1 the development achieves the respective Performance Outcome, namely:</p> <p>Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</p> <ul style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; and (e) the nature and frequency of any public transport serving the area.

INFRASTRUCTURE CHARGES NOTICE

Scali Nominees Pty Ltd & Second York Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
49 Macrossan Street	Port Douglas	L1 RP718896 & Part L1 SP267838	2553 & 157684
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
Shopping Facilities, Restaurant, Accommodation		MCUC 2019_3365	6
DEVELOPMENT TYPE	COUNCIL FILE NO.		VALIDITY PERIOD (year)
DOC ID 845075	1		
DSC Reference Doc. No.	VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Port Douglas and Environs Area					
Other residential (charge per short-term accommodation room)	36 Units	10,479.00	\$377,244.00		Code 895 GL 07500.0135.0825
Food and Drink Outlet / bar charged at the Commercial rate per m2	50m2	129.34	\$11,967.00		
0	0	0.00	0.00		
0	0	0.00	0.00		
Total Demand			\$389,211.00		
Less credit for vacant land (equivalent of a separate house)	1	19,491.00	\$19,491.00		
TOTAL			\$369,720.00		

Prepared by	J Elphinstone	19-Nov-19	Amount Paid	
Checked by	D Lamond	19-Nov-19	Date Paid	
Date Payable	MCU- Before the change occurs		Receipt No.	
Amendments	Date		Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 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)(c).
- (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 applicant receives notice that the assessment manager does not agree with 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) However, if the assessment manager gives the applicant 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.
- (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.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

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

- (3) In this section—

conduct means an act or omission.

representative means—

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

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

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—

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

- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—
20 business days after the infrastructure charges notice
is given to the person; or
 - (e) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (f) for 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) otherwise—20 business days after the day the notice is given; or
- (g) 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, 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—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.

3 December 2019

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2019_3365 (Doc ID)
Your Ref: P71866

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

Deal Corporation c/- Wolveridge Architects
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Dear Sir/Madam

Infrastructure Charge Notice

Material Change of Use for Short-Term Accommodation with Ancillary Uses (Food and Drink Outlet / Bar) at 20 Warner Street and part of 23-25 Macrossan Street Port Douglas
On land described as Lot 1 on RP718896 and Part of Lot 1 on SP267838

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

The amount in the 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 Infrastructure Charges Notice; and
- your Appeal rights with respect to the Infrastructure Charges Notice.

Please quote Council's application number: MCUC 2019_3365 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully


Paul Hoyer
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 Schemes Applications

INFRASTRUCTURE CHARGES NOTICE

Scall Nominees Pty Ltd & Second York Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
49 Macrossan Street		L1 RP718896 & Part L1 SP267838	2553 & 157684
STREET No. & NAME		LOT & RP No.s	PARCEL No.
Shopping Facilities, Restaurant, Accommodation		MCUC 2019_3365	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
DOC ID 845075		1	
DSC Reference Doc. No.		VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Port Douglas and Environs Area					
Other residential (charge per short-term accommodation room)	36 Units	10,479.00	\$377,244.00		Code 895 GL 07500.0135.0825
Food and Drink Outlet / bar charged at the Commercial rate per m2	50m2	129.34	\$11,967.00		
0	0	0.00	0.00		
0	0	0.00	0.00		
Total Demand			\$389,211.00		
Less credit for vacant land (equivalent of a separate house)	1	19,491.00	\$19,491.00		
TOTAL			\$369,720.00		

Prepared by	J Elphinstone	19-Nov-19	Amount Paid	
Checked by	D Lamond	19-Nov-19	Date Paid	
Date Payable	MCU - Before the change occurs			
Amendments	Date	Receipt No.		
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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

Subdivision 5 Changing charges during relevant 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 the representations.
- (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.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant 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 relevant 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 relevant appeal period restarts the day after the local government receives the notice of withdrawal.

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.

Extracts from the Planning Act 2016 –Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
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Chapter 6 Dispute resolution

Part 1 Appeal rights

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 - (iii) only the P&E Court; and
 - (b) the person—
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 - (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
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- (2) An appellant may start an appeal within the appeal period.
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business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—
20 business days after the infrastructure charges notice
is given to the person; or
 - (e) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (f) for 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) otherwise—20 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.

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- (a) the respondent for the appeal; and
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 - (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
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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
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- (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—

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- (b) other conduct that relates to the making of a decision; and
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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

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- (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—
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 - (b) has demonstrated an ability—
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