

15 December 2020

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2019_3365/2 (Doc ID 985997)
Your Ref: P71866

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

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

Email: info@planztp.com

Attention Ms Nikki Huddy

Dear Madam

**Development Application for a Minor Change to the Development Permit for a
Material Change of Use for Short-Term Accommodation (Motel)
with ancillary uses of Food and Drink Outlet / Bar
At 20 Warner Street Port Douglas
On land described as Lot 1 on SP316373 and Easements B and C on SP154579**

Please find attached the Amended Decision Notice for the above-mentioned development application. The Amended Decision Notice replaces the Decision Notice issued by Council on 3 December 2019 (Council document 929242).

Please quote Council's application number: MCUC 2019_3365/2 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For

Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under section 83 of the Planning Act 2016

Applicant Details

Name: Deal Corporation

Postal Address: C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Email: info@planztp.com

Property Details

Street Address: 20 Warner Street Port Douglas

Real Property Description: Lot 1 on SP316373 and Easements B and C on SP154579 (previously described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579).

Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for minor change to the existing Development Permit for a Material Change of Use for Short-Term Accommodation (Motel) with ancillary uses of Food and Drink Outlet / Bar

Decision

Date of Decision: 15 December 2020

Decision Details: 1. The table of approved drawings and documents is amended as follows.

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
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 P2	1 October 2019 <u>26 August 2020</u>
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 P2	1 October 2019 <u>26 August 2020</u>
Second Floor	Wolveridge Architects Project 18 007, Drawing P-02.04, Revision C P2	1 October 2019 <u>26 August 2020</u>
Third Floor	Wolveridge Architects Project 18 007, Drawing P-02.05, Revision C P2	1 October 2019 <u>26 August 2020</u>
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

Drawing or Document	Reference	Date
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 <u>P2</u>	1 October 2019 <u>26 August 2020</u>
Elevations	Wolveridge Architects Project 18 007, Drawing P-03.02, Revision C <u>P2</u>	1 October 2019 <u>26 August 2020</u>
Elevation & Section- Longitudinal	Wolveridge Architects Project 18 007, Drawing P-03.03, Revision C <u>P2</u>	1 October 2019 <u>26 August 2020</u>
Materials Schedule	Wolveridge Architects Project 18 007, Drawing P-03.04, Revision C <u>P2</u>	1 October 2019 <u>26 August 2020</u>
Revised Façade – Exterior Views	Wolveridge Architects Project 18 007, Drawing P-03.11, Revision-C <u>P2</u>	1 October 2019 <u>26 August 2020</u>
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.

Drawing or Document	Reference	Date
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.

2. The advice statement 5 is amended as follows:

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. The compliance with the Premises Standards for all common areas is expected to be achieved under the Building Approval.

3. Condition 18 is deleted as follows:

~~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.~~
4. Where deleted the remaining conditions are renumbered accordingly and the content of all other conditions, advices and statement of non-compliance with Assessment Benchmarks of the Decision Notice dated 3 December 2019 remain unchanged.

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

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*.

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*. Note, there is no change to the initial date of approval being 3 December 2019.

Rights to make Representations & Rights of Appeal

The rights of applicants 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*.

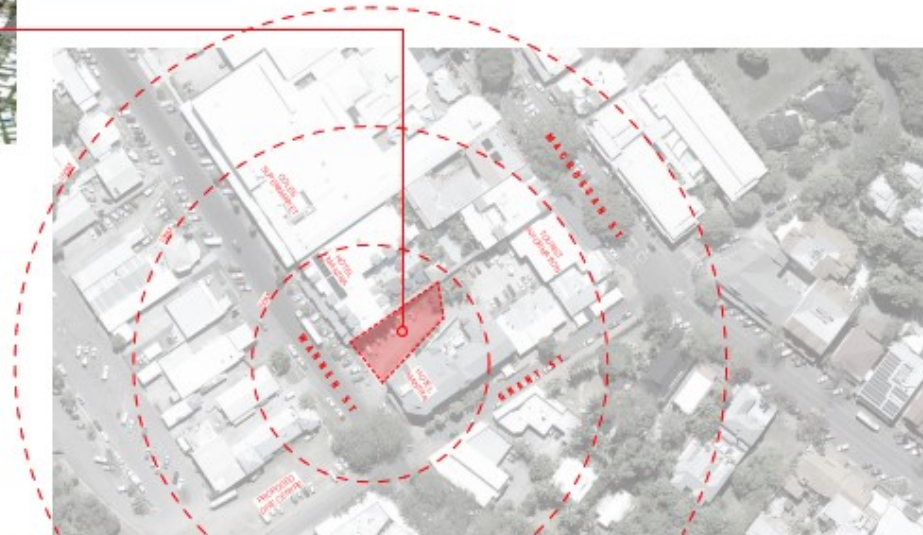
A copy of the relevant appeal provisions is attached.

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

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



LOCATION PLAN



SITE CONTEXT PLAN



STREETSCAPE - WARNER STREET EXISTING CONDITION
SCALE: 1:500

LEGEND
--- DENOTES STREET AWKING BUILDING HEIGHT, ON TITLE BUILDING BUILDING MASS BEYOND
A - EGL DENOTES HEIGHT ABOVE EXISTING GROUND LINE

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REVISION:
P1 - TOWN PLANNING PROPOSED TO COUNCIL

DATE:
06/10/2019

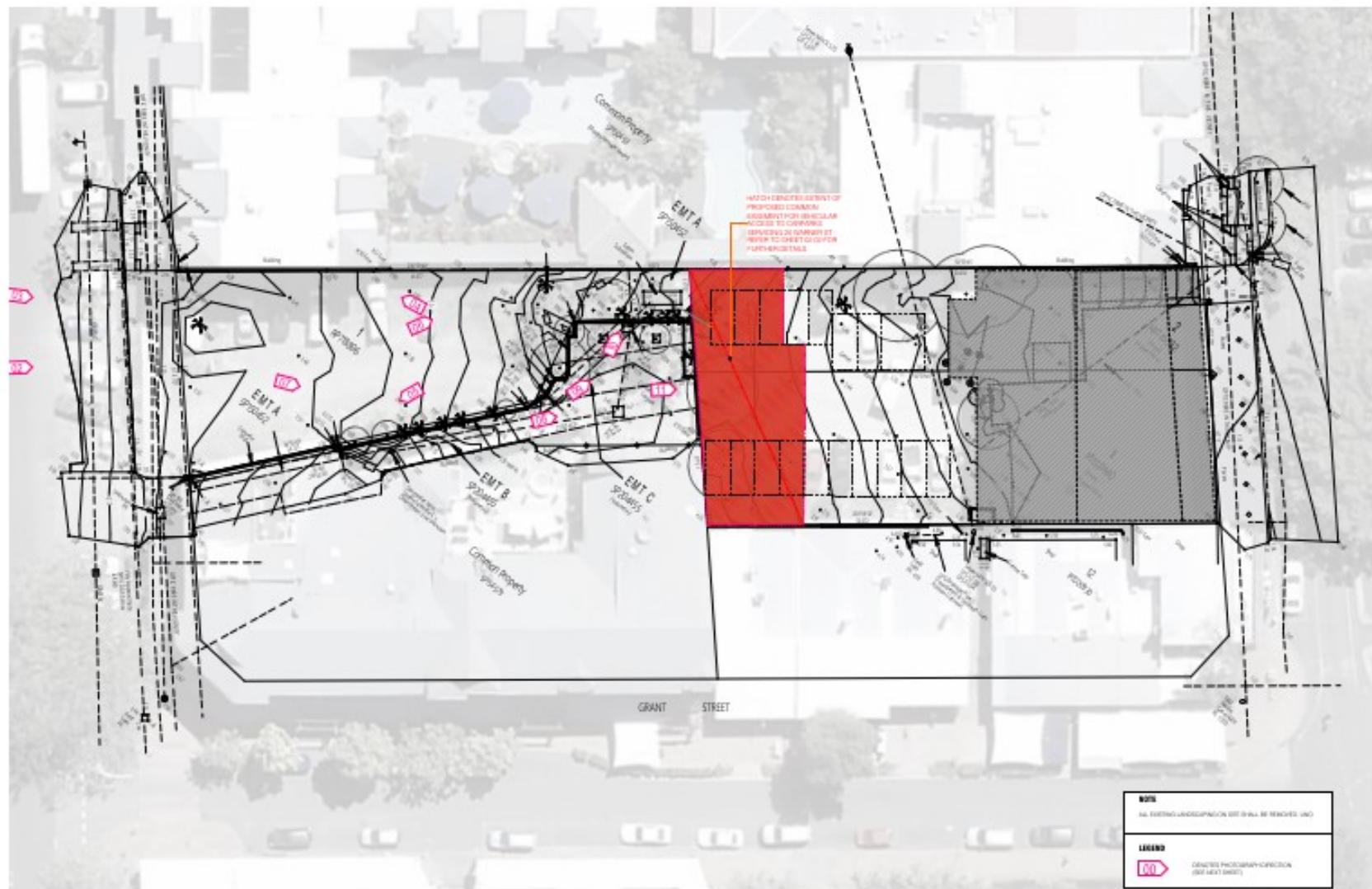
PRELIMINARY
NOT FOR CONSTRUCTION



DWG. TITLE: SITE CONTEXT
PLOT DATE: 9/13/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-01.03 REV. P1

PROJECT: **WARNER STREET HOTEL**
23 WARNER STREET
PORT DOUGLAS
CLIENT: SCALI NOMINEES PTY LTD
PROJ. NO: 18 007

WOLVERIDGE architects
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NOTE
ALL EXISTING UNDERPASSION SITE SHALL BE REMOVED AND
LEGEND
DENSE PHOTOGRAPHY CORRECTION (SEE NEXT SHEET)

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					<p>PLOT DATE: 04/12/2019</p>	<p>CLIENT: SCALI NOMINEES PTY LTD</p>	
					<p>SCALE: AS SHOWN AT A3</p>	<p>PROJ NO: 18 007</p>	
					<p>DWG. NO.: P-01.04</p>	<p>REV: P1</p>	



01



02



03



04



05



06



07



08



09



10



11

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NOTE: PHOTOGRAPH SHOWS KEY TO SURVEYED POINTS ON PLAN BELOW



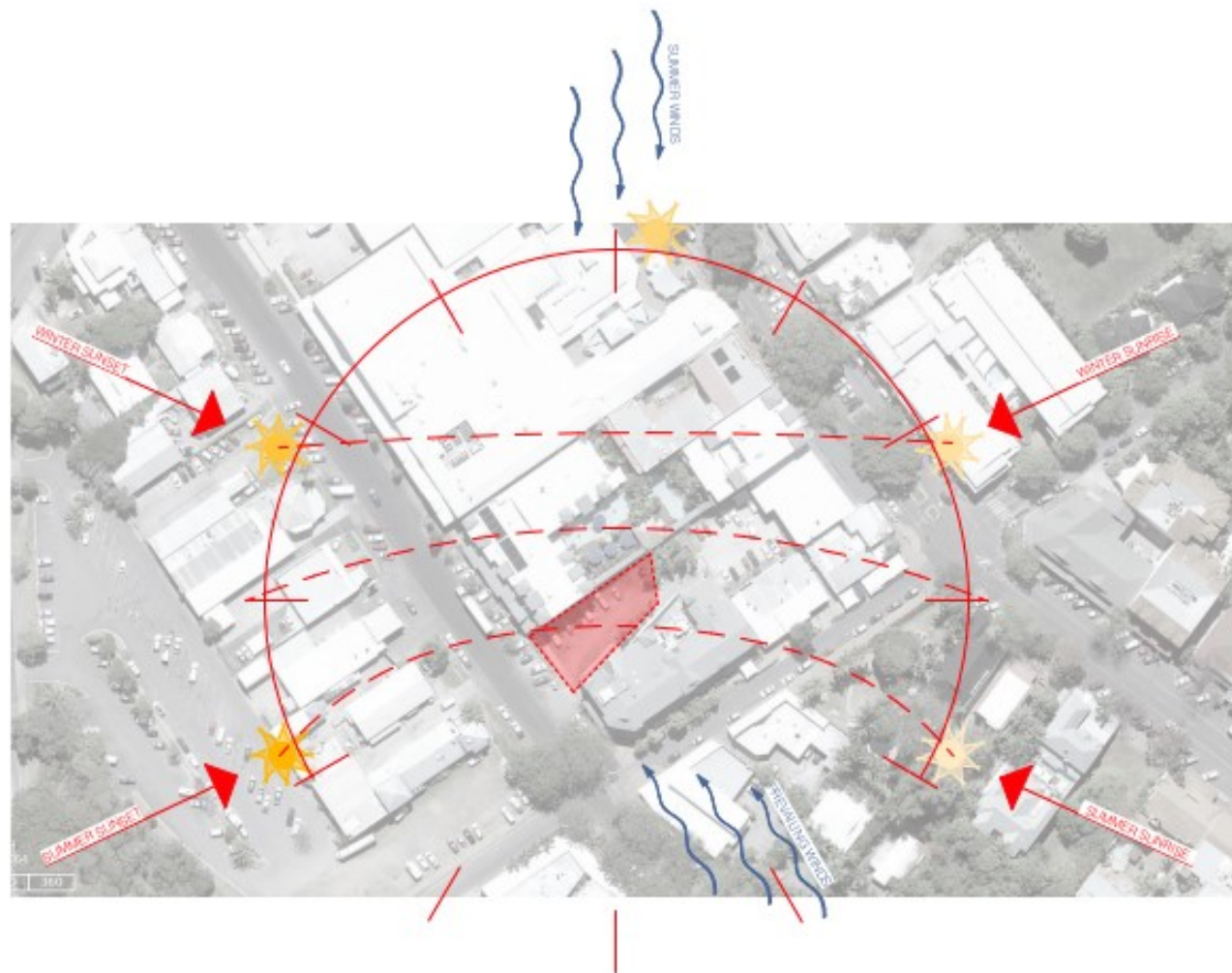
NOTE: PHOTOGRAPH SHOWS KEY TO SURVEYED POINTS ON PLAN BELOW

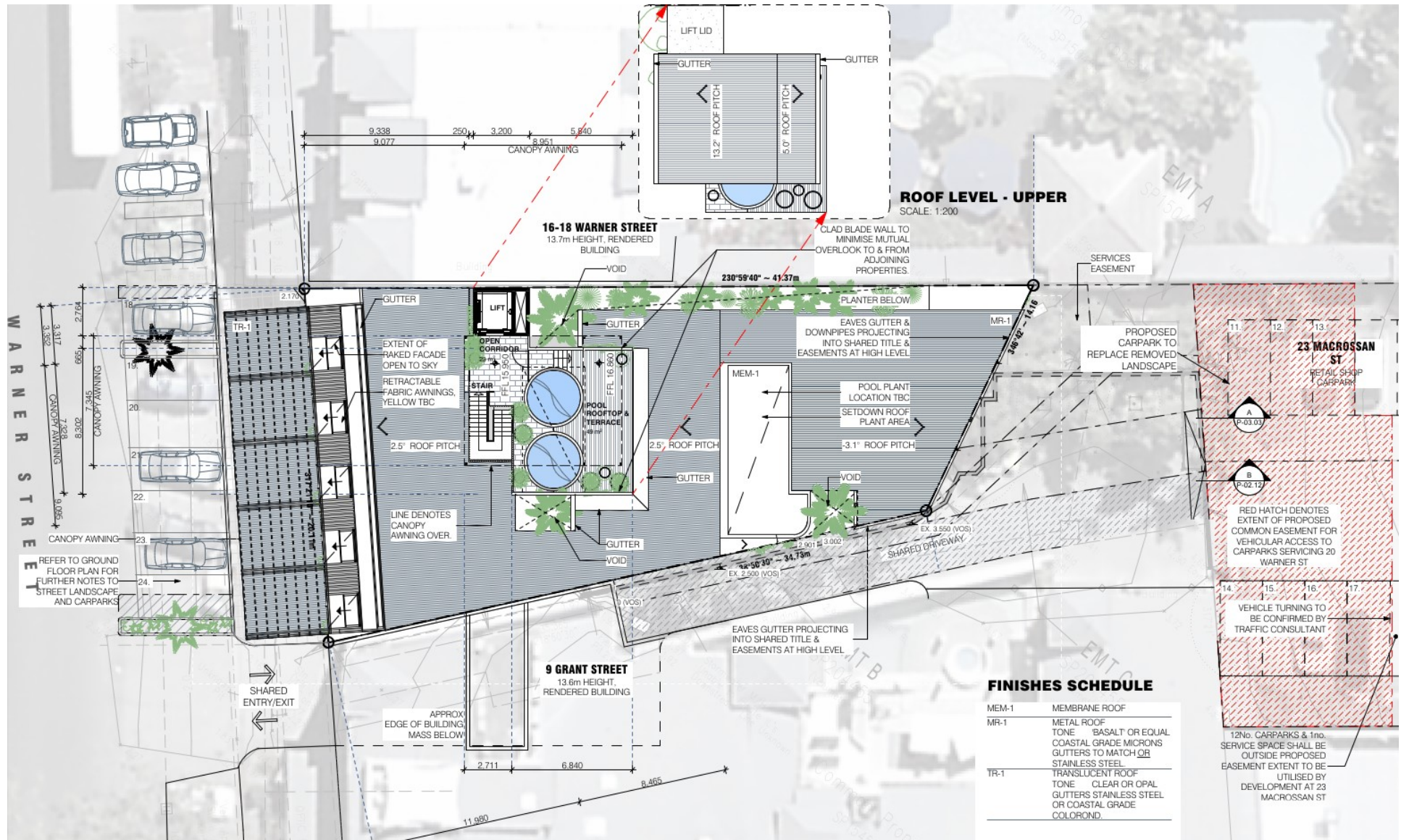


SITE SURVEY - ADJOINING BUILDING HEIGHTS

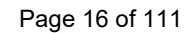
NOTE: ADJOINING HEIGHTS PROVIDED BY SPS GROUP - REGISTERED LAND SURVEYORS

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LANDSCAPED 'LIVING TRELLIS'



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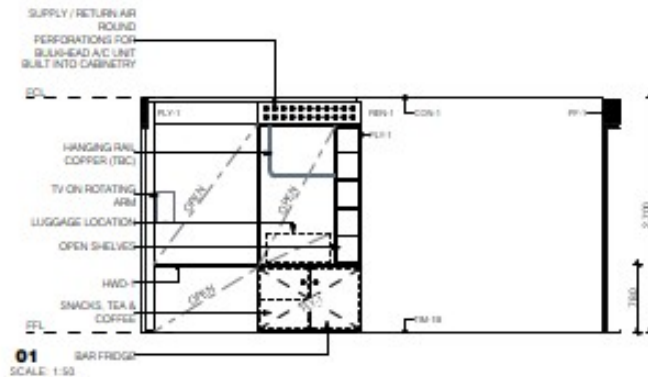


SECTIONAL PERSPECTIVE

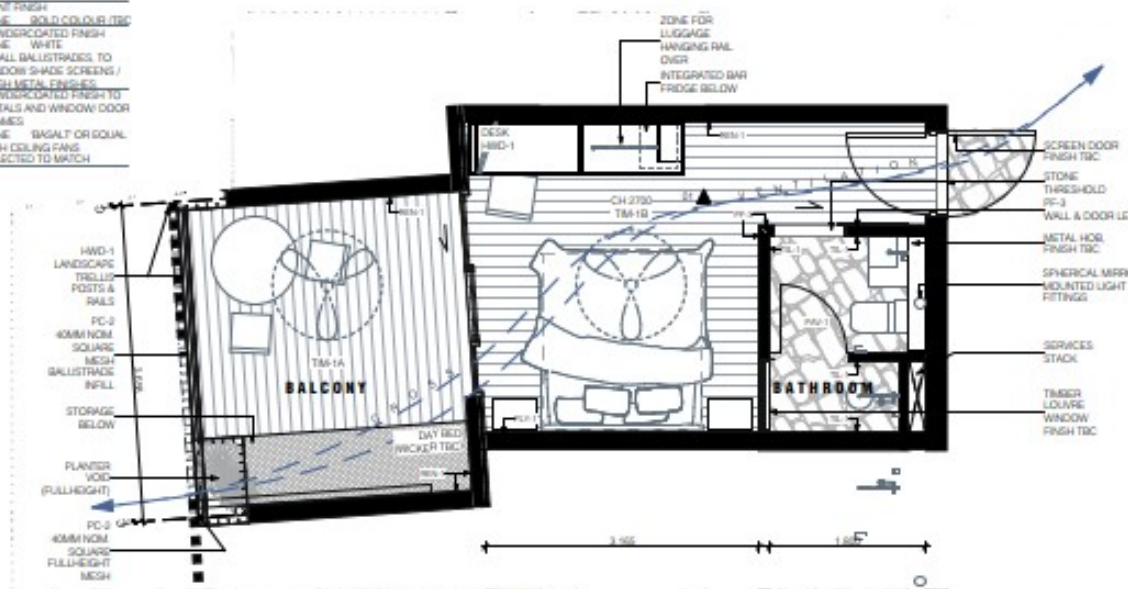
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FINISHES SCHEDULE

CODE	DESCRIPTION
TM-1A	TIMBER DECKING SPECIES: LOCAL HARDWOOD TONE: TBC
TM-1B	TIMBER FLOOR BOARDS SPECIES: LOCAL HARDWOOD TONE: TBC
TS-1	SLATE PAVING - LOCAL STONE FORMAT - CRAZY PAVING
REN-1	SMOOTH RENDER FINISH COLOUR: WHITE
CON-1	CONCRETE QUALITY FINISH COLOUR: NATURAL GRAY EXPOSED SLAB JOINTS
PLY-1	PLYWOOD FRANKS SPECIES: BIRCH TONE: BLOOM (LIGHT)
HW-1	TIMBER DESK SPECIES: LOCAL HARDWOOD TONE: TBC
TL-1	TL: FINISH TONE: WHITE
TS-1	PAINT FINISH TONE: WHITE
TS-2	PAINT FINISH TONE: BASALT OR EQUAL
TS-3	PAINT FINISH TONE: BOLD COLOUR / TBC
PC-1 / SCR-1	POWDERCOATED FINISH TONE: WHITE
SCR-1A /	TO ALL BALUSTRADES, TO
SCR-1B	WINDOW SHADE SCREENS /
	MESH METAL FINISHES
PC-2	POWDERCOATED FINISH TO METALS AND WINDOW DOOR FRAMES TONE: BASALT OR EQUAL WITH COILING FANS SELECTED TO MATCH



JOINERY UNIT



BATHROOM

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P1 - TOWN PLANNING PACKAGE TO COUNCIL

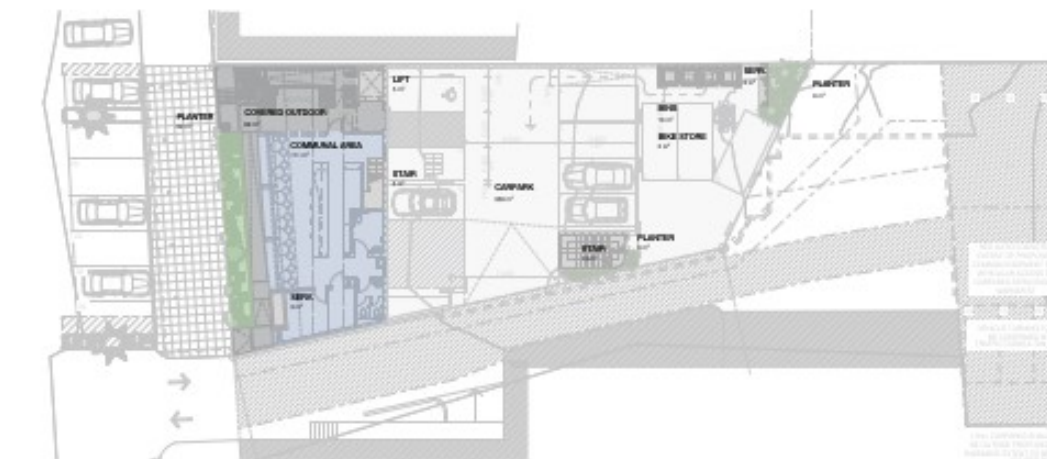
DATE:
09/10/2019

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: MICRO HOTEL - PLAN & INTERIOR
PLOT DATE: 9/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-02.09 REV: P1

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

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GROUND LEVEL
SCALE: 1:300



TYPICAL UPPER LEVELS
SCALE: 1:300

GFA	18077
PCG	43277
OVERALL	23660m²

LANDSCAPE	4.0%
COMMON RECREATIONAL AREA (INCL. DRIVE / DRIVE)	7.1%
DATE: 12/06/2019	

CAR PARKING	
23 MACROSSAN ST (LAND TRANSFER)	07
ON TITLE	10
TOTAL	17

*** EXCLUDES ON-STREET CARPARKS (7%)

BICYCLE STORAGE	
NO. OF PARKS	4 (BMV)

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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL

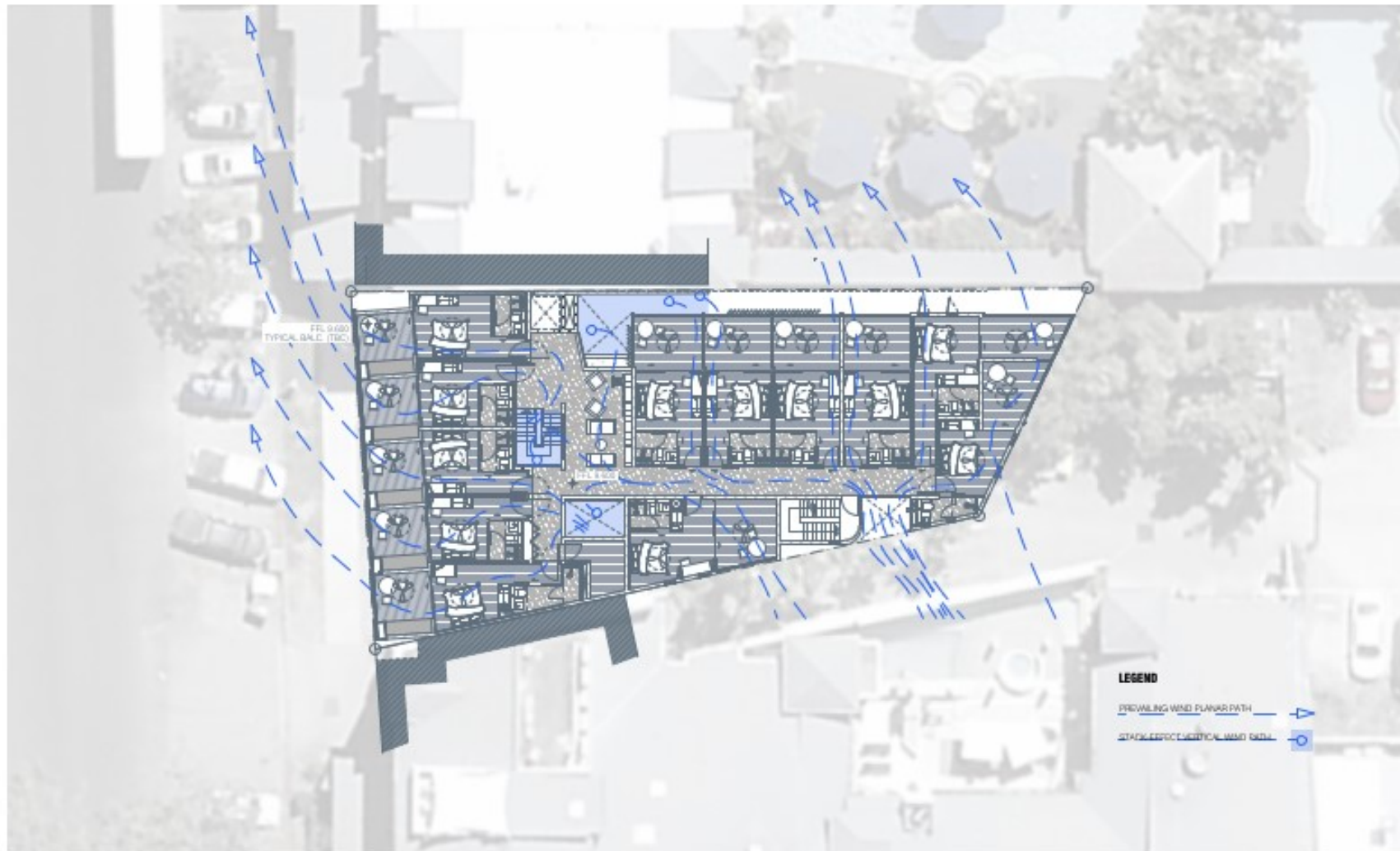
DATE:
06/12/2019

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: MASSING AREAS
PLOT DATE: 9/18/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-02.10 REV: P1

PROJECT: **WARNER STREET HOTEL
23 WARNER STREET
PORT DOUGLAS**
CLIENT: SCALI NOMINEES PTY LTD
PROJ NO: 18 007

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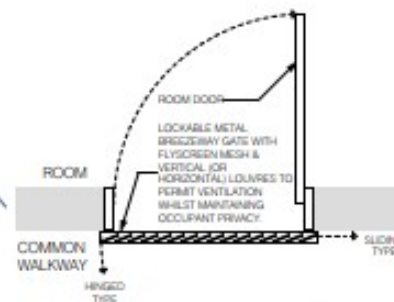
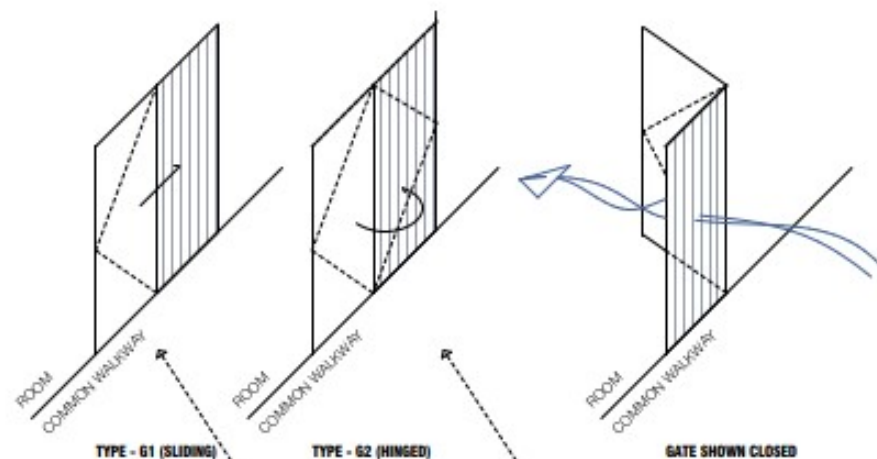


CROSS VENTILATION DIAGRAM PLAN
SCALE: 1:200

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BREEZEWAY GATES

SCALE: 1:50



BREEZEWAY GATE PLAN DETAIL (INDICATIVE)

SCALE: 1:20



SECTION B

SCALE: 1:200

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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL

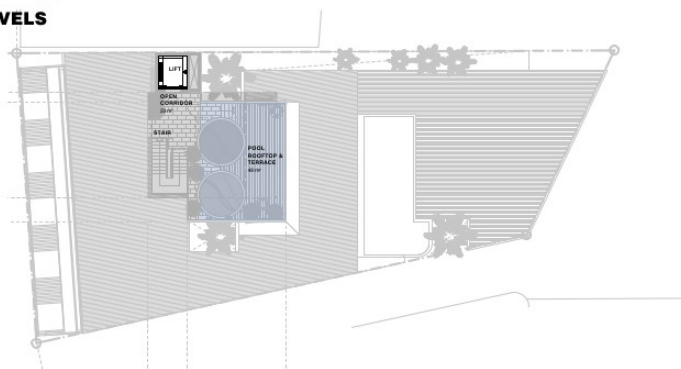
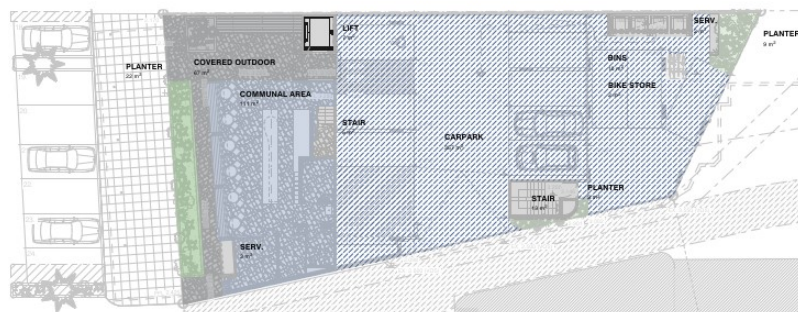
DATE:
06/10/2019

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: BREEZEWAY GATES ELEVATION & DETAILS
PLOT DATE: 9/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-02.12 REV: P1

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

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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL
P2 - ROOFTOP POOL AMENDMENT - ISSUE FOR COMMENT

DATE:
08/10/2019
26/06/2020

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: MASSING AREAS
PLOT DATE: 26/08/2020
SCALE: AS SHOWN AT A3
DWG. NO.: P-02.10 REV: P2

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

GFA	1847m ²
POS	422m ²
OVERALL	2347m²

LANDSCAPE	4.0%
COMMON RECREATIONAL AREA (INCL CAFE / BAR)	9.6%
NOTE: % OF OVERALL FLOOR AREA	

CAR PARKING	
23 MACROSSAN ST (LAND TRANSFER)	07
ON TITLE	10
TOTAL	17
** EXCLUDES ON-STREET CARPARKS (7No.)	

BICYCLE STORAGE	
NO. OF PARKS	4(MIN.)

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STREETSCAPE - WARNER STREET EXISTING CONDITION
SCALE: 1:500



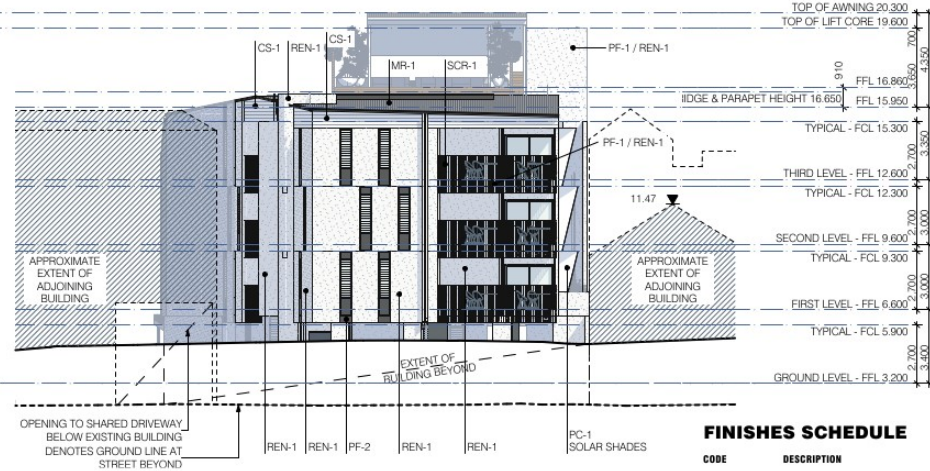
STREETSCAPE - WARNER STREET
SCALE: 1:500

LEGEND	
---	DENOTES STREET AWNING BUILDING HEIGHT, ON TITLE BUILDING BUILDING MASS BEYOND

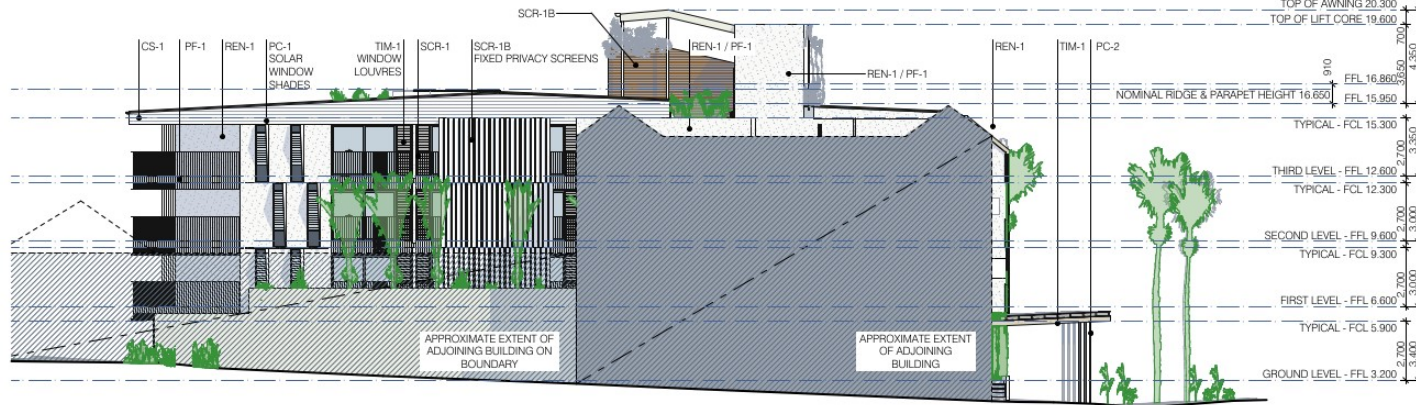
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E-01 SOUTH WEST ELEVATION
SCALE: 1:200



E-03 NORTH EAST ELEVATION
SCALE: 1:200



E-02 NORTH WEST ELEVATION
SCALE: 1:200

FINISHES SCHEDULE

CODE	DESCRIPTION
TIM-1 / TIM-1A	TIMBER SCREEN TRELLIS POSTS & DECKING SPECIES: LOCAL HARDWOOD TONE: TBC
PAV-1	SLATE PAVING - LOCAL STONE FORMAT - CRAZY PAVING
PAV-2	STREET PAVEMENT TO COUNCIL'S SPECIFICATION
REN-1	SMOOTH RENDER FINISH COLOUR: WHITE
CON-1	CONCRETE QUALITY FINISH COLOUR: NATURAL GREY EXPOSED SLAB SOFFITS
PF-1	PAINT FINISH TONE: WHITE
PF-2	PAINT FINISH TONE: BASALT OR EQUAL
PC-1 / SCR-1	POWDERCOATED FINISH TONE: WHITE
SCR-1A / SCR-1B	TO ALL BALUSTRADES, TO WINDOW SHADE SCREENS / MESH METAL FINISHES
PC-2	POWDERCOATED FINISH TO METALS AND WINDOW / DOOR FRAMES TONE: BASALT OR EQUAL WITH CEILING FANS SELECTED TO MATCH
CS-1	WEATHERBOARD CLADDING PAINT FINISH TONE: WHITE
MEM-1	MEMBRANE ROOF
MR-1	METAL ROOF TONE: BASALT OR EQUAL COASTAL GRADE MICRONS GUTTERS TO MATCH OR
TR-1	STAINLESS STEEL TRANSLUCENT ROOF TONE: CLEAR OR OPAL GUTTERS STAINLESS STEEL OR COASTAL GRADE COLOROND.

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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL
P2 - ROOFTOP POOL AMENDMENT - ISSUE FOR COMMENT

DATE:
08/10/2019
26/06/2020

PRELIMINARY
NOT FOR CONSTRUCTION

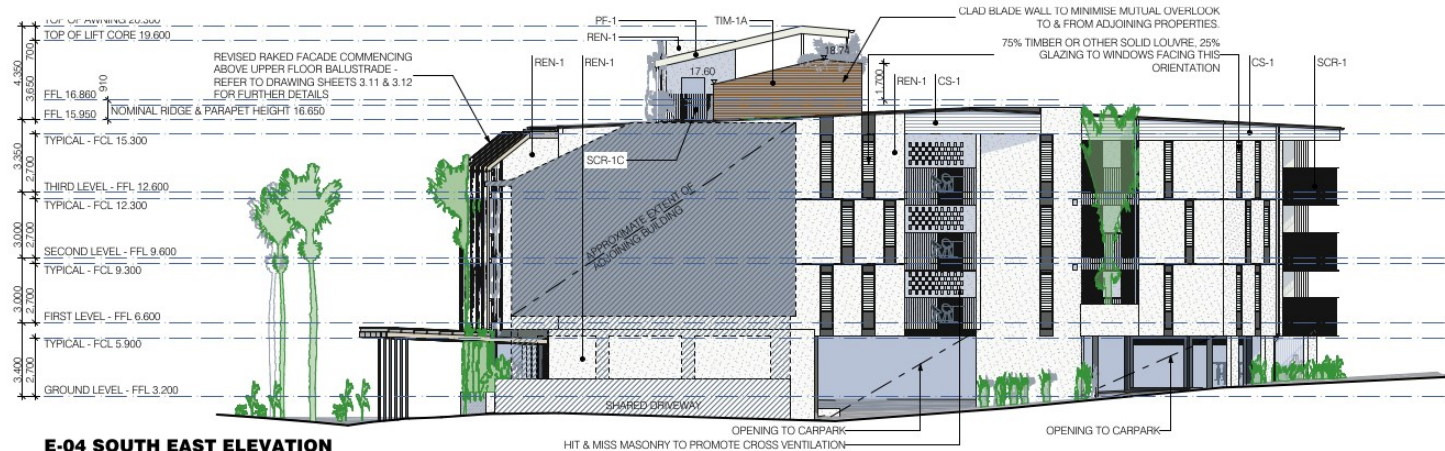
DWG. TITLE: ELEVATIONS
PLOT DATE: 26/08/2020
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.02 REV: P2

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

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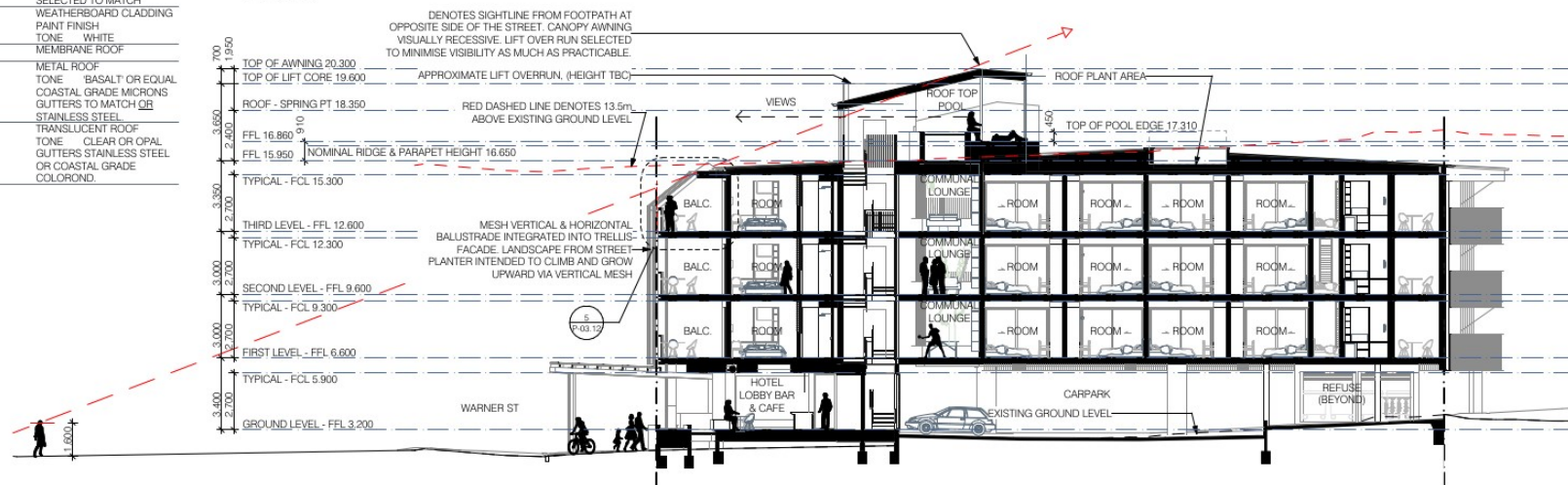
FINISHES SCHEDULE

CODE	DESCRIPTION
TIM-1 / TIM-1A	TIMBER SCREEN TRELLIS POSTS & DECKING SPECIES: LOCAL HARDWOOD TONE: TBC
PAV-1	SLATE PAVING - LOCAL STONE FORMAT - CRAZY PAVING
PAV-2	STREET PAVEMENT TO COUNCIL'S SPECIFICATION
REN-1	SMOOTH RENDER FINISH COLOUR - WHITE
CON-1	CONCRETE QUALITY FINISH COLOUR - NATURAL GREY EXPOSED SLAB SOFFITS
PF-1	PAINT FINISH TONE - WHITE
PF-2	PAINT FINISH TONE - BASALT OR EQUAL
PC-1 / SCR-1	POWDERCOATED FINISH TONE - WHITE TO ALL BALUSTRADES, TO WINDOW SHADE SCREENS / MESH METAL FINISHES.
PC-2	POWDERCOATED FINISH TO METALS AND WINDOW / DOOR FRAMES TONE - BASALT OR EQUAL WITH CEILING FANS SELECTED TO MATCH
CS-1	WEATHERBOARD CLADDING PAINT FINISH TONE - WHITE
MEM-1	MEMBRANE ROOF
MR-1	METAL ROOF TONE - BASALT OR EQUAL COASTAL GRADE MICRONS GUTTERS TO MATCH QB STAINLESS STEEL
TR-1	TRANSLUCENT ROOF TONE - CLEAR OR OPAL GUTTERS STAINLESS STEEL OR COASTAL GRADE COLORBOND.



E-04 SOUTH EAST ELEVATION

SCALE: 1:200



SECTION A

SCALE: 1:200

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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL
P2 - ROOFTOP POOL AMENDMENT - ISSUE FOR COMMENT

DATE:
08/10/2019
26/06/2020

PRELIMINARY
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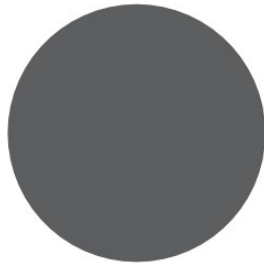
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LONGITUDINAL
PLOT DATE: 26/08/2020
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.03 REV: P2

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
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PROJ NO: 18 007

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CON-1



PC-2 / PF-2



SCR-1A



REN-1



CS-1



SCR-1B



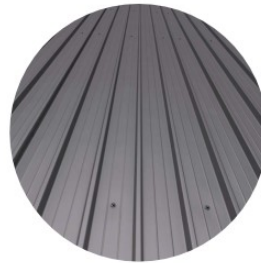
SCR-1C



TIM-1 / TIM-1A



PAV-1



MR-1

FINISHES SCHEDULE

CODE	DESCRIPTION
TIM-1 / TIM-1A	TIMBER SCREEN TRELLIS POSTS & DECKING SPECIES: LOCAL HARDWOOD TONE: TBC
PAV-1	SLATE PAVING - LOCAL STONE FORMAT - 'CRAZY PAVING'
PAV-2	STREET PAVEMENT TO COUNCIL'S SPECIFICATION
REN-1	SMOOTH RENDER FINISH COLOUR - WHITE
CON-1	CONCRETE QUALITY FINISH COLOUR - NATURAL GREY EXPOSED SLAB SOFFITS
PF-1	PAINT FINISH TONE: WHITE
PF-2	PAINT FINISH TONE: BASALT OR EQUAL
PC-1 / SCR-1 SCR-1A / SCR-1B SCR-1C	POWDERCOATED FINISH TONE: WHITE TO ALL BALUSTRADES, TO WINDOW SHADE SCREENS / MESH METAL FINISHES
PC-2	POWDERCOATED FINISH TO METALS AND WINDOW / DOOR FRAMES TONE: BASALT OR EQUAL WITH CEILING FANS SELECTED TO MATCH
CS-1	WEATHERBOARD CLADDING PAINT FINISH TONE: WHITE
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REVISION:
P1 - TOWN PLANNING PACKAGE TO COUNCIL
P2 - ROOFTOP POOL AMENDMENT - ISSUE FOR COMMENT

DATE:
09/10/2019
26/06/2020

PRELIMINARY
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DWG. TITLE: MATERIALS SCHEDULE
PLOT DATE: 26/08/2020
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.04 REV: P2

PROJECT: **WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS**
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AERIAL VIEW



STREET VIEW LOOKING DUE NORTH WEST



STREET VIEW LOOKING DUE EAST

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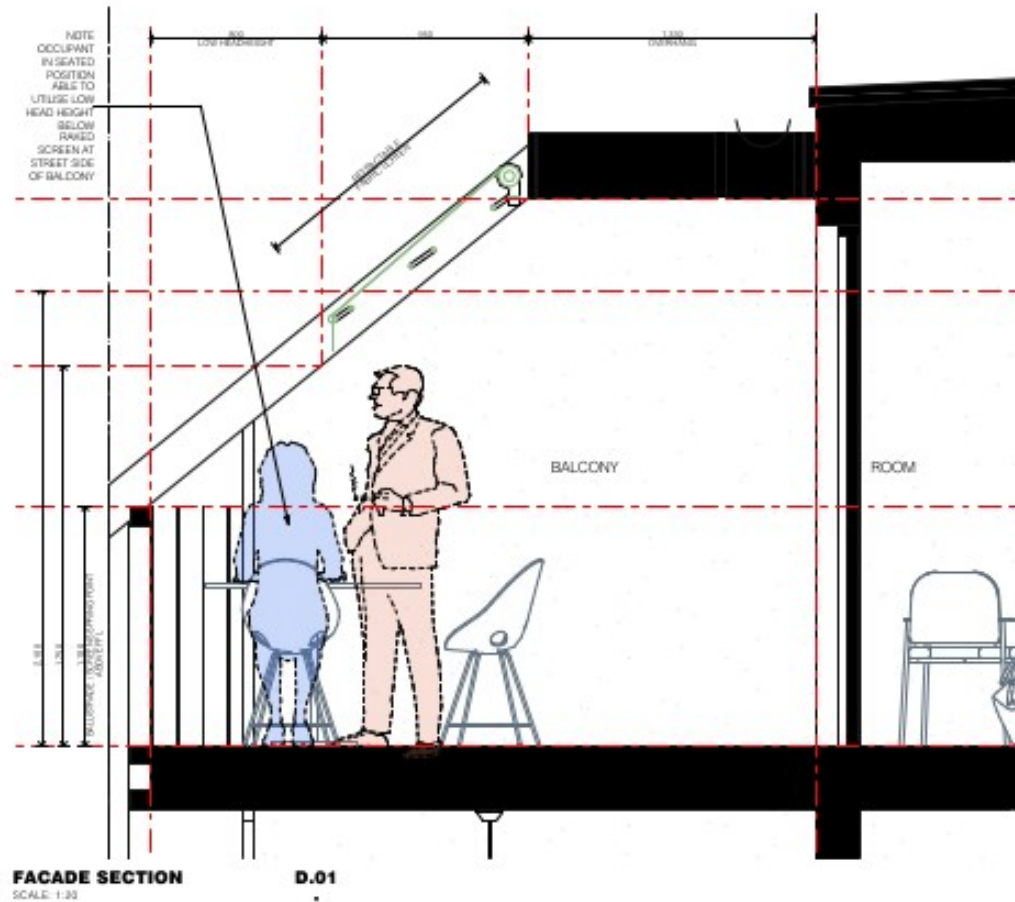
DATE:
09/10/2019
26/06/2020

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: REVISED FACADE - EXTERIOR
PLOT DATE: VIEWS
26/08/2020
SCALE: AS SHOWN AT A3
DWG. NO.: P-03.11 REV

PROJECT: **WARNER STREET HOTEL
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DATE:
06/12/2019

PRELIMINARY
NOT FOR CONSTRUCTION

DWG. TITLE: REVISED FACADE - SECTION
PLOT DATE: 9/12/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-02.12 REV

PROJECT: **WARNER STREET HOTEL
20 WARNER STREET
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PROJ NO: 18 007

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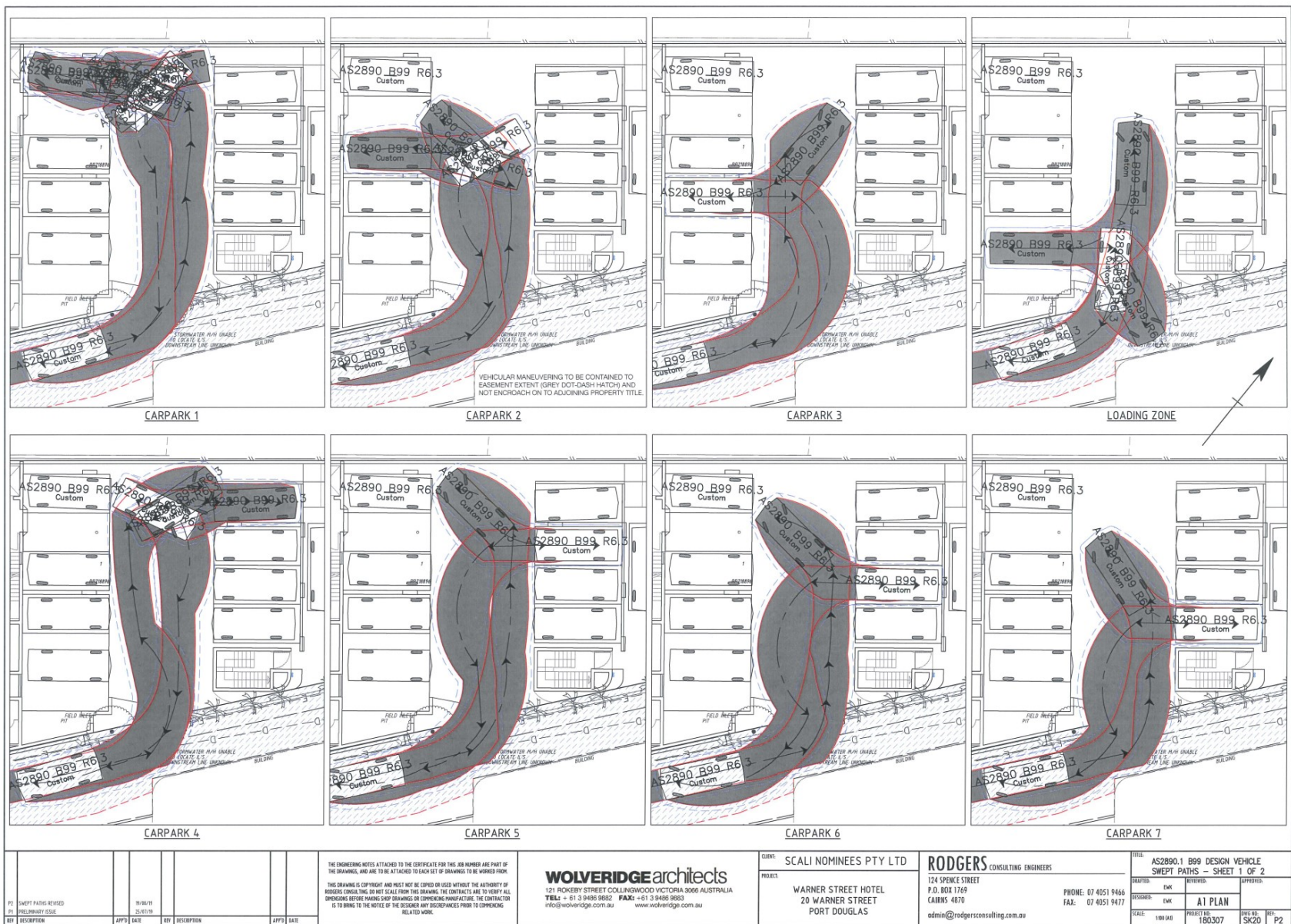
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06/10/2019

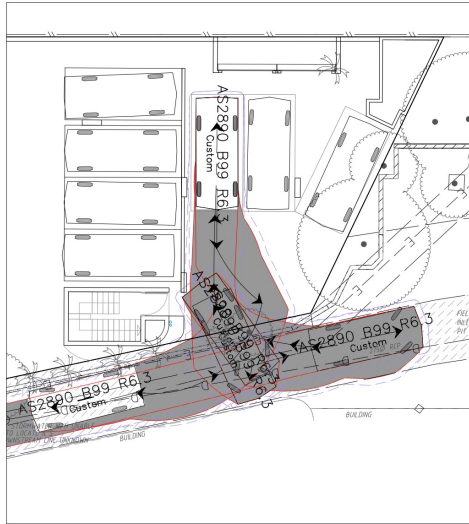
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NOT FOR CONSTRUCTION

DWG. TITLE: PERSPECTIVES
PLOT DATE: 9/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-05.02 REV: P1

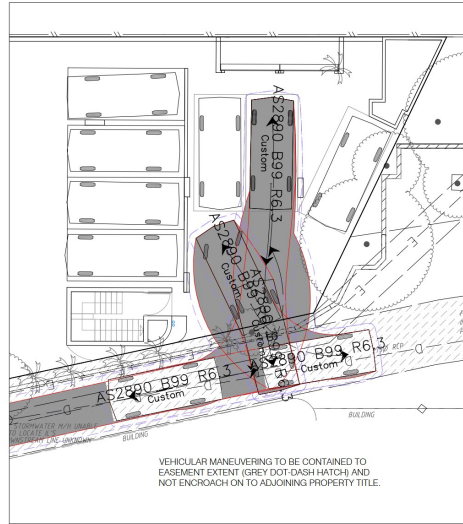
PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCALI NOMINEES PTY LTD
PROJ NO: 18 007

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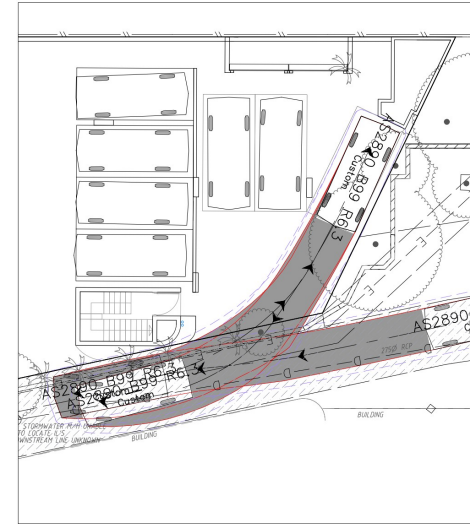




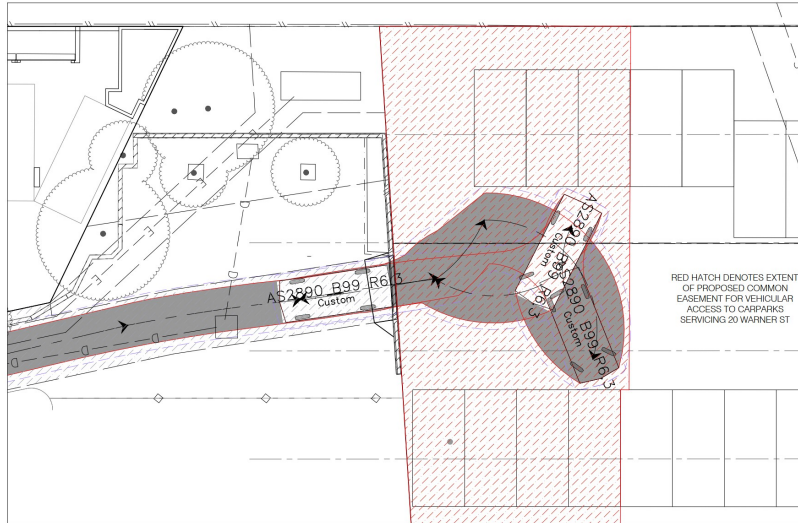
CARPARK 8



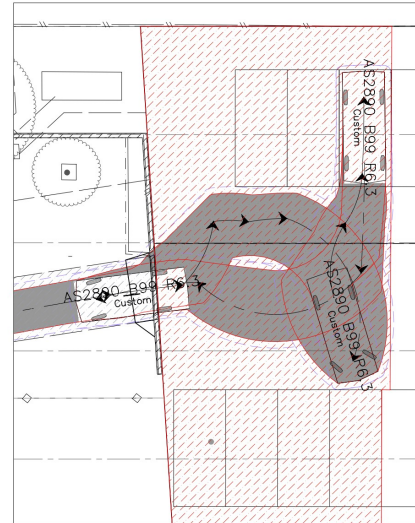
CARPARK 9



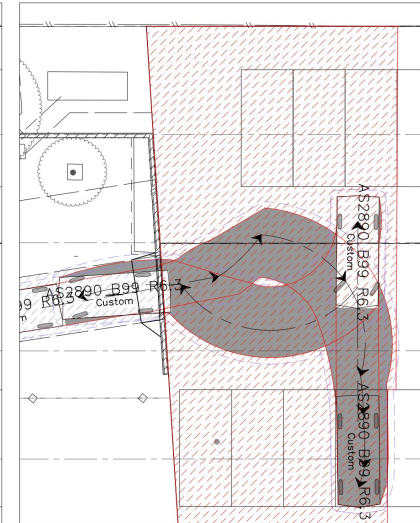
CARPARK 10



REAR CARPARK TURNAROUND

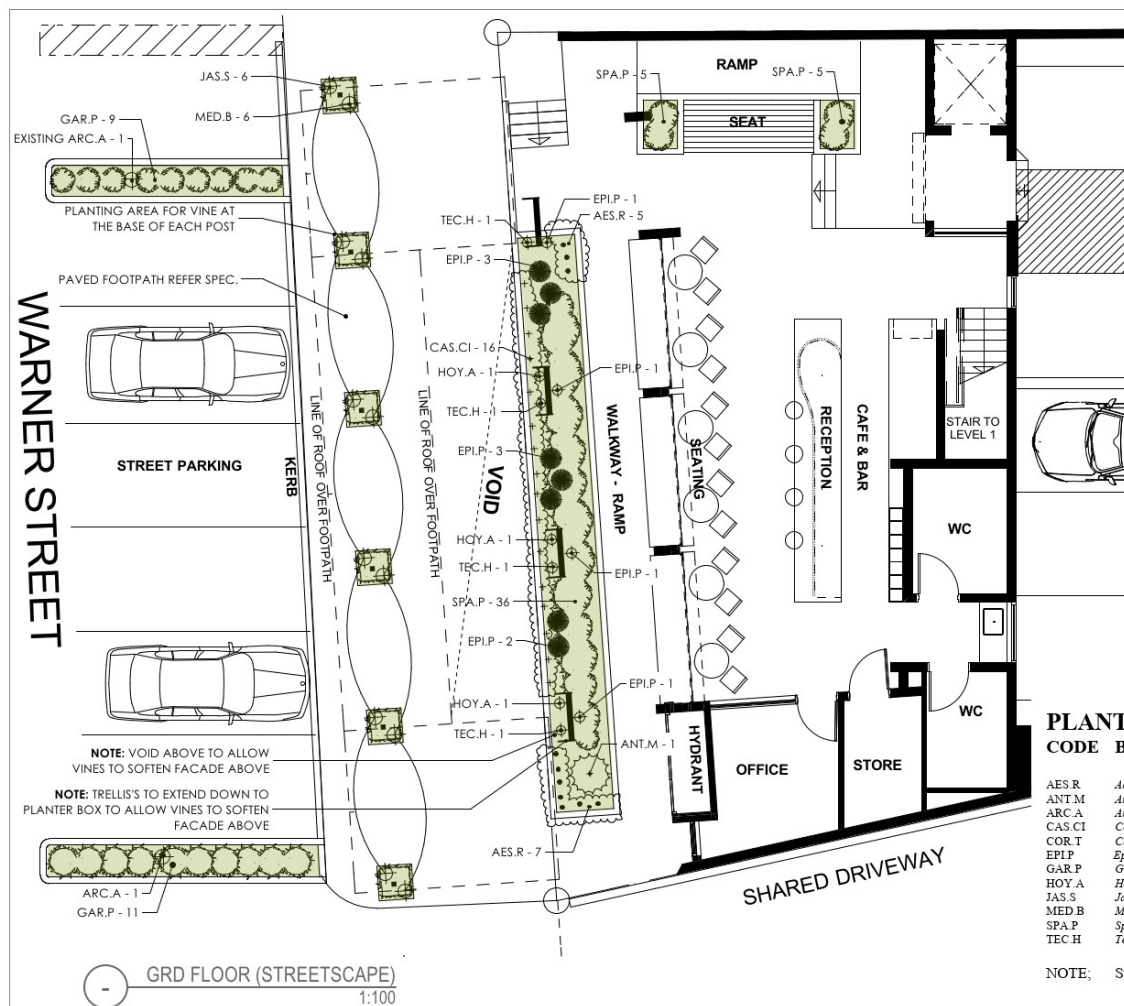


REAR CARPARK ACCESS 1



REAR CARPARK ACCESS 2

<p>P5. REAR CARPARKS REVISED P6. CARPARK 10 REVISED P7. CARPARK 8 SWEEP PATHS REVISED P8. SWEEP PATHS REVISED P9. PRELIMINARY ISSUE</p>	<p>01/10/19 28/10/19 27/10/19 30/08/19 25/11/19</p>	<p>THE ENGINEERING NOTES ATTACHED TO THE CERTIFICATE FOR THIS JOB NUMBER ARE PART OF THE DRAWING, AND ARE TO BE ATTACHED TO EACH SET OF DRAWINGS TO BE WORKED FROM. THIS DRAWING IS COPYRIGHT AND MUST NOT BE COPIED OR USED WITHOUT THE AUTHORITY OF RODGERS CONSULTING ENGINEERS. THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS BEFORE MAKING SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO BRING TO THE NOTICE OF THE DESIGNER ANY DISCREPANCIES PRIOR TO COMMENCING RELATED WORK.</p>	<p>WOLVERIDGE architects 121 ROCKEY STREET COLLINGWOOD VICTORIA 3066 AUSTRALIA TEL: + 61 3 9466 9882 FAX: + 61 3 9466 9883 info@wolveridge.com.au www.wolveridge.com.au</p>	<p>CLIENT: SCALI NOMINEES PTY LTD PROJECT: WARNER STREET HOTEL 20 WARNER STREET PORT DOUGLAS</p>	<p>RODGERS CONSULTING ENGINEERS 174 SPENCE STREET P.O. BOX 1769 CAIRNS 4870 admin@rodgersconsulting.com.au PHONE: 07 4051 9466 FAX: 07 4051 9477</p>	<p>TITLE: AS2890.1 B99 DESIGN VEHICLE SWEEP PATHS - SHEET 2 OF 2 DRAWN: LMK CHECKED: EWC SCALE: 1:100 (AS) PROJECT NO: 180307 DWG NO: SK21 REV: P5</p>
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LANDSCAPE SPECIFICATION;

Footpath Paving: To be clay brick pavers to match existing footpath, with colour and laying pattern to be approved by Council in accordance with FNQROC, and Australian Standards.

Trellis: are proposed to be suitable 100mm square mesh, framed with 75mm square metal tubing before powder coating and mounting 100mm off and solid wall, to allow plants to climb throughout the mesh. All trellising to Architects detail and Engineering standards.

Irrigation: All planting areas to be irrigated with an automated system. All street plantings will use drip irrigation and be connected to the proposed buildings automated irrigation system. Planter boxes to be irrigated with spray heads. Irrigation to be installed in accordance with Council regulations and Australian Standards.

Natural ground soil: is to be cultivated to a depth of 300mm and amended with 50% aged compost, with 500g/m2 of gypsum and suitable organic fertiliser at recommended rate.

Planter Boxes/drainage: to architect's detail. Internal areas are to be sealed with a suitable waterproof flexible membrane before covering with coreflute, & biddum geofabric to protect the surface. Drainage cell is to be applied to the base and any walls that adjoin any internal area. Apply biddum geofabric over drainage cell prior to filling area with approved soil mix. Drainage to be connected to a separate storm water system (NOT ROOF SYSTEM) and allow for an overflow pit (250mm) in each bed set 100mm below the top of the planter box wall.

Planter Box soil: is to be a suitable podium mix of 50% approved potting mix with 50% Quincan pebble (10mm), and pH adjusted. Allow for 30% compaction in boxes over the first 12 months by loading the soil height above required. Mulch with Quincan pebble (10mm) to 75mm deep.

Plants: Have been chosen to enhance the natural character of the Port Douglas area. All plant material is to be of a high quality, in correct pot size or larger and approved by landscape designer prior to planting.

PLANT LIST; Streetscape Planting

CODE	BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	TYPE	H&W.
AES R	<i>Aechmanthus radicans</i>	Lipstick Plant	12	140mm	C	0.3x2
ANT M	<i>Anthurium magnificum</i>		1	200mm	S	1x1
ARC A	<i>Archontophoenix alexandrae</i>	Alexander palm	1	45ltr	P	10x4
CAS CI	<i>Casuarina glauca</i> "Cousin it"		16	200mm	GC	0.3x 2
COR T	<i>Cordyline terminalis</i>	Cordyline	9	200mm	S	2x1
EPLP	<i>Epipremnum pinnatum</i>	Native Monstera	5	200mm	C	10x1
GAR P	<i>Gardenia psidioides</i>	Glennie River Gardenia	20	140mm	GC	0.5x2
HOY A	<i>Hoya australis</i>	Native Hoya Vine	3	200mm	C	8x2
JAS S	<i>Jasminum simplicifolium subsp. austrahense</i>	Native Jasmin	6	140mm	S	3x3
MED B	<i>Medvillea bellis-headleyi</i>	Daintree Medvillea	6	200mm	C	6x3
SPA P	<i>Spathiphyllum "Pablo"</i>	Peace lily	46	140mm	S	0.6x0.6
TEC H	<i>Tecomanthe hillii</i>	Fraser Island Creeper	4	200mm	C	8x4

NOTE; Suitable substitutions may be made depending on the availability of the species and pot size.

KEY;

C = Climber
G = Ginger
Se = Sedge

F = Fern
P = Palm
T = Tree

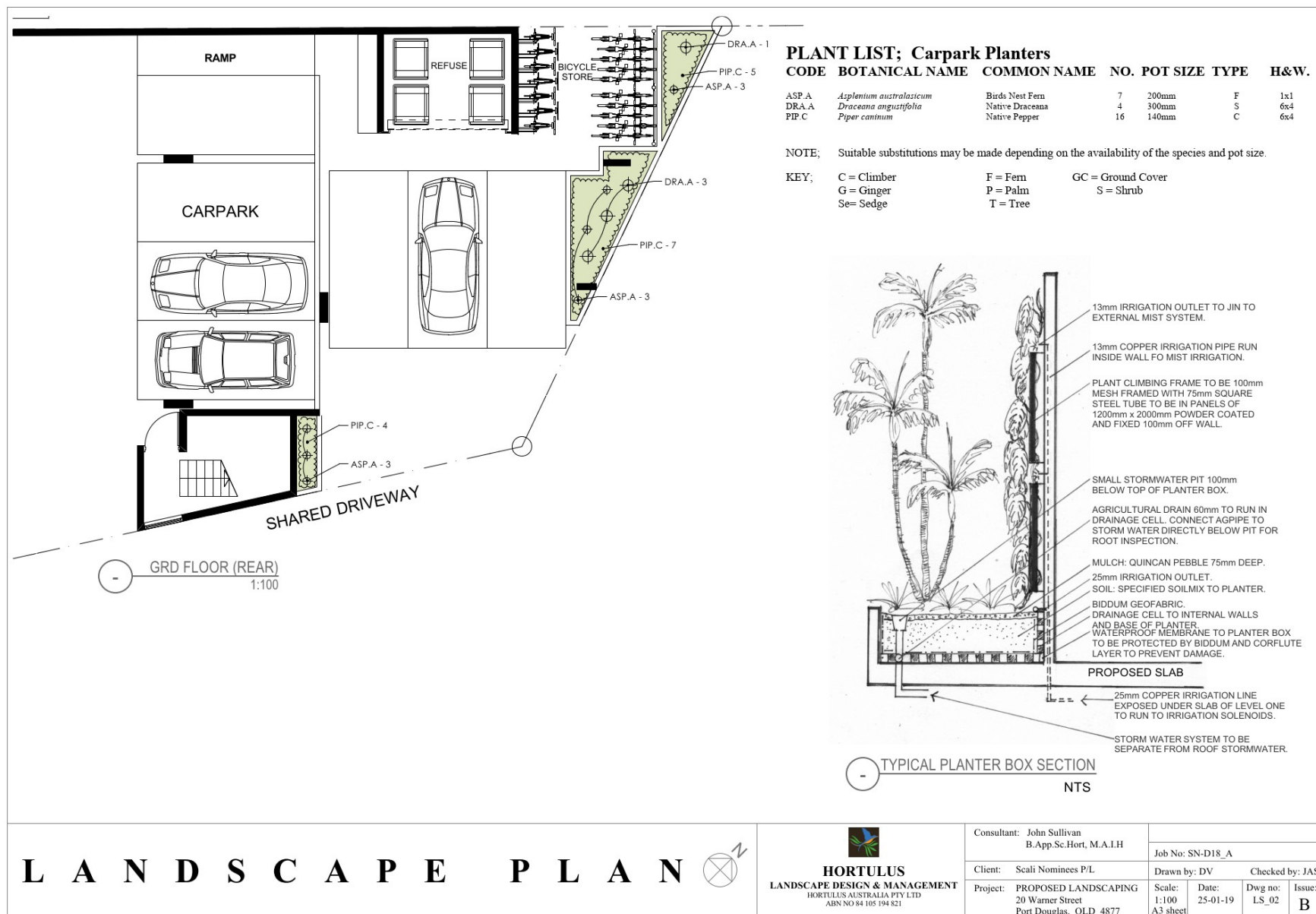
GC = Ground Cover
S = Shrub

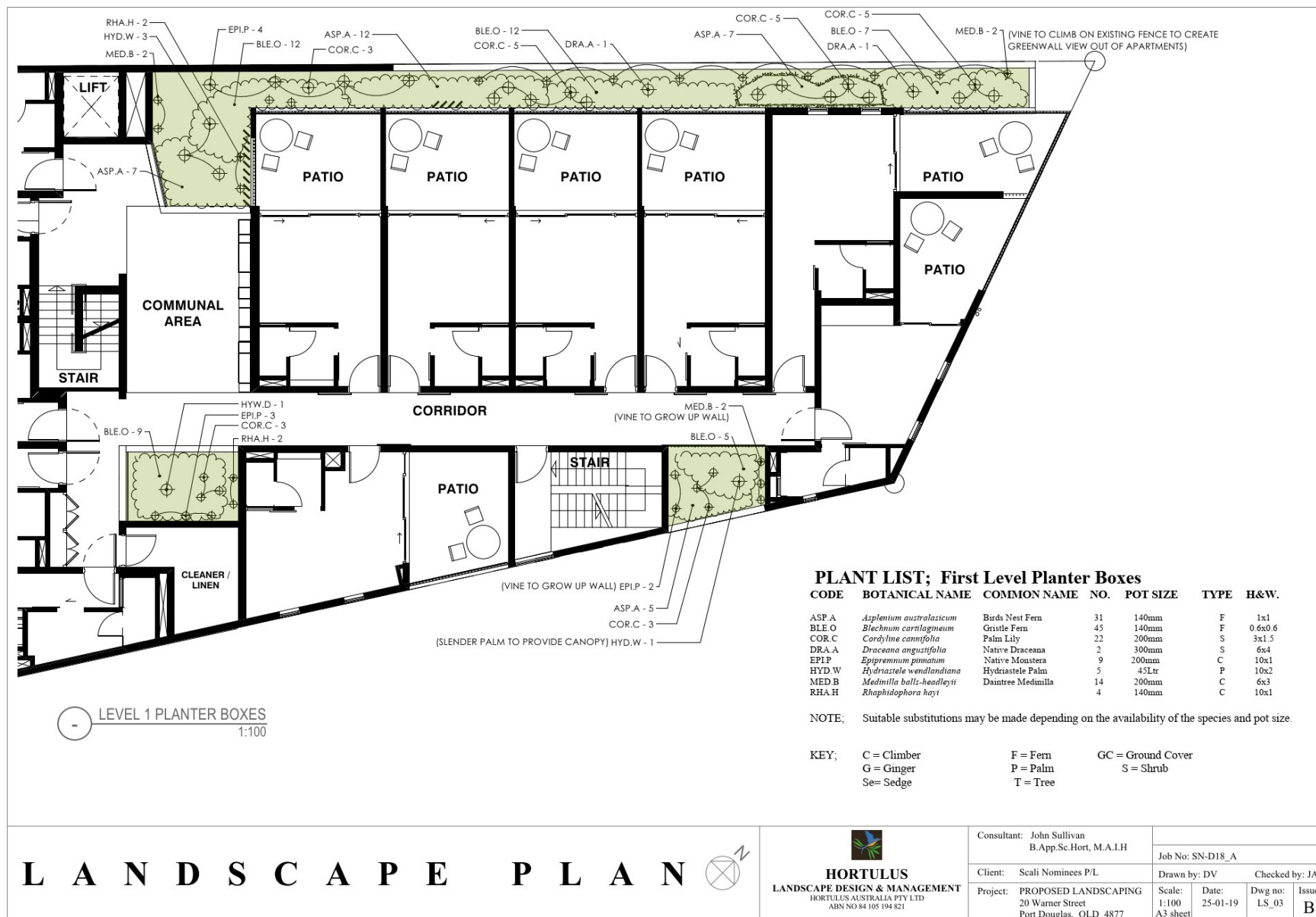
LANDSCAPE PLAN

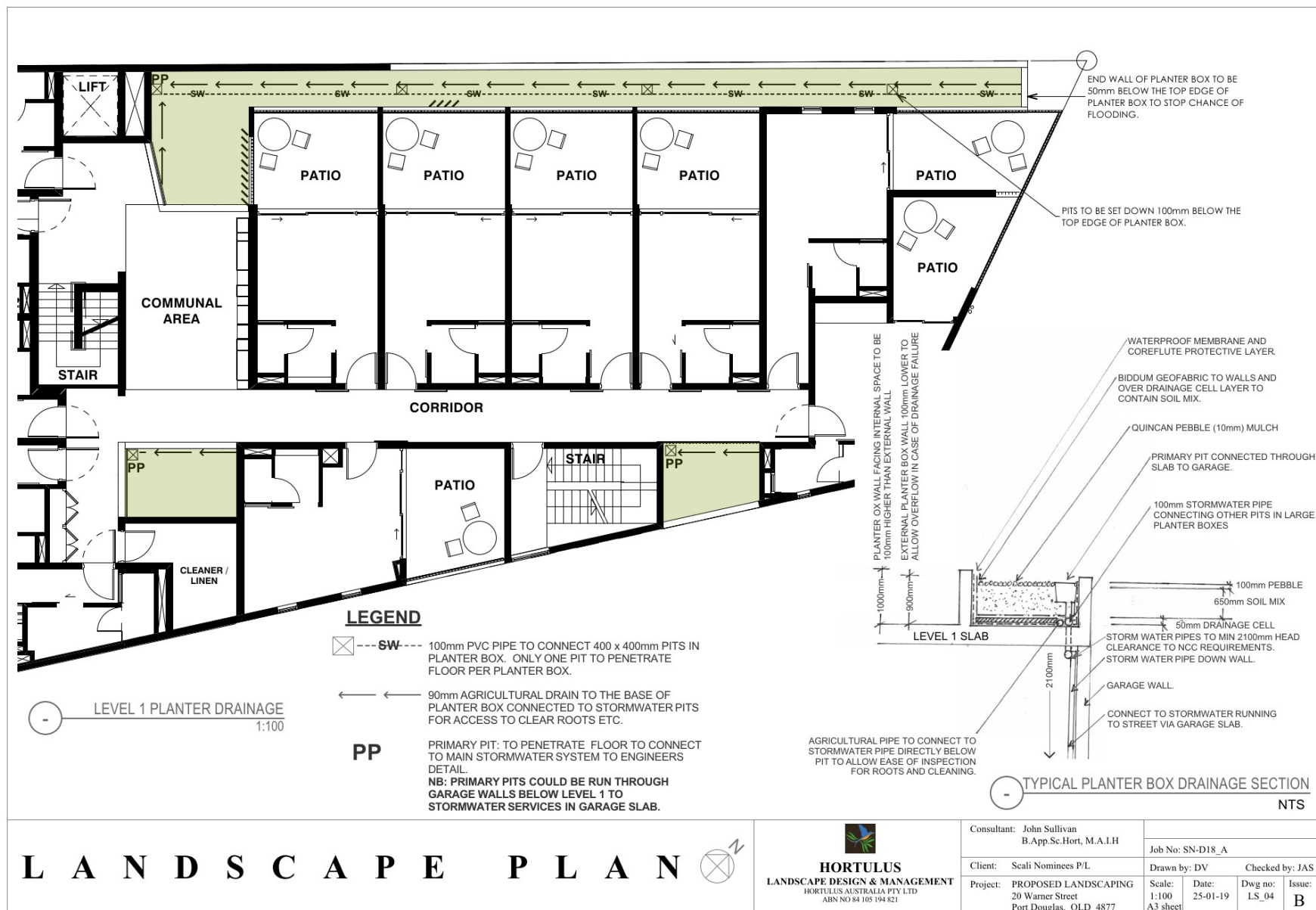


HORTULUS
LANDSCAPE DESIGN & MANAGEMENT
HORTULUS AUSTRALIA PTY LTD
ABN NO 84 105 194 821

Consultant:	John Sullivan B.App.Sc.Hort, M.A.I.H	Job No:	SN-D18_A
Client:	Scali Nominees P/L	Drawn by:	DV
Project:	PROPOSED LANDSCAPING 20 Warner Street Port Douglas, QLD 4877	Scale:	1:100 A3 sheet
		Date:	25-01-19
		Dwg no:	LS_01
		Issue:	B







Reasons for Decision

The reasons for this decision are:

1. Sections 81, 81A and 83 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 on 27 November 2020 under section 79 of the *Planning Act 2016*;
 - 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 81, 81A and 83 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.

- (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, 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—
 - (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.

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

15 December 2020

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

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

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Material Change of Use for Short term Accommodation, Food and Drink Outlet
At 20 Warner Street Port Douglas
On land described as Lot 1 on SP316373 and Easements B and C on SP154579**

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 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 9444.

Yours faithfully



For

Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Schemes Applications

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



PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

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-Stations

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

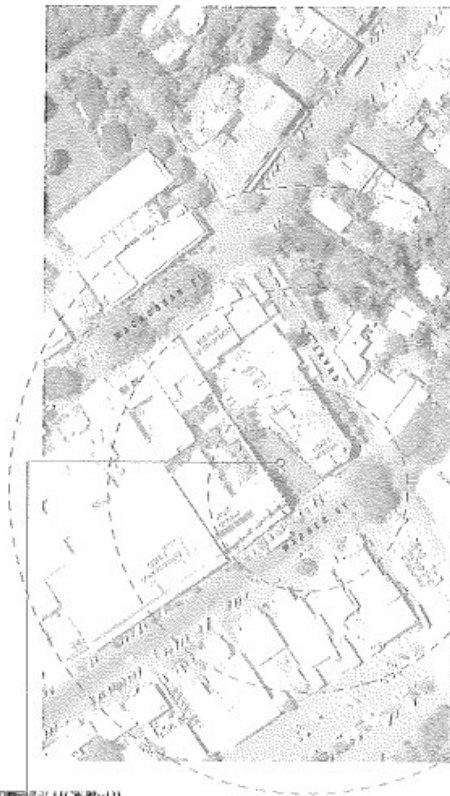
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

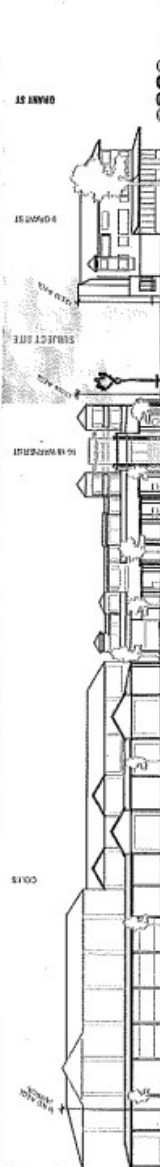
Approved Drawing(s) and/or Document(s)



LOCATION PLAN



SITE CONTEXT PLAN

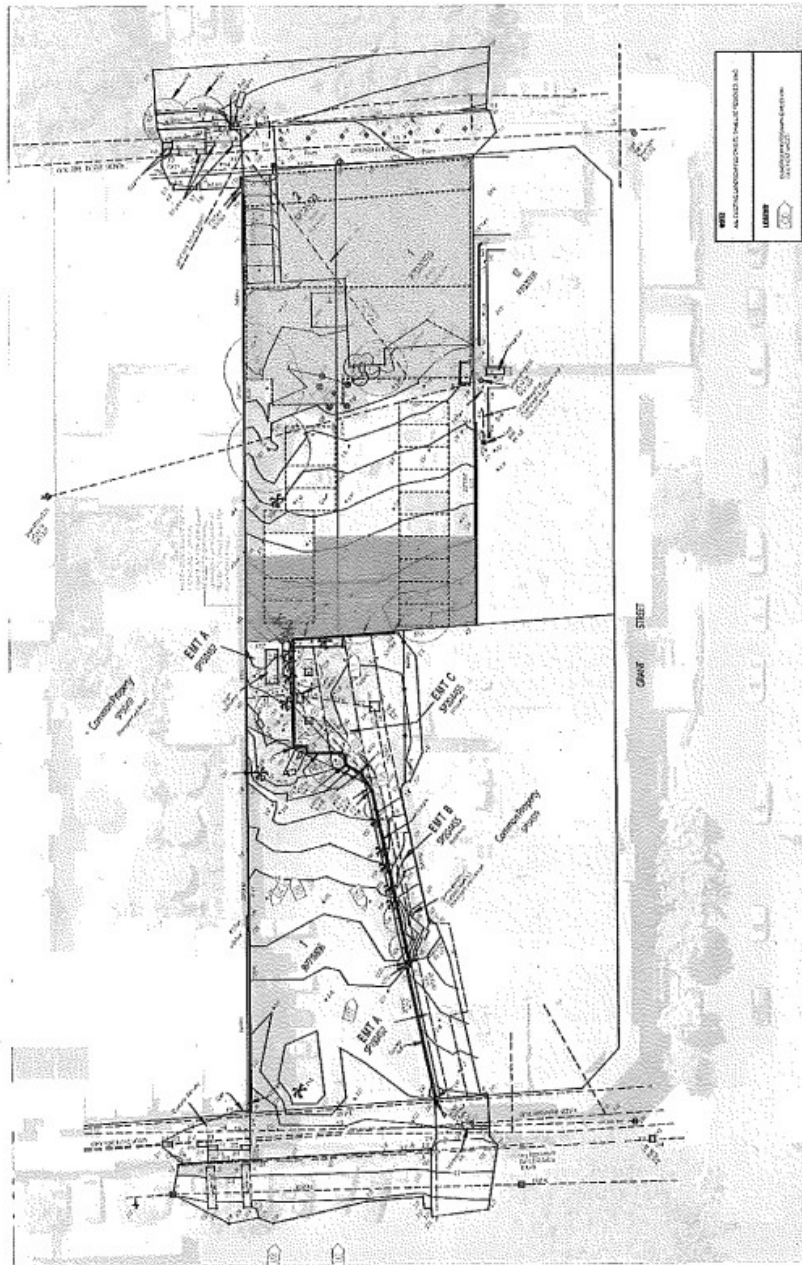


STREETSCAPE - WARNER STREET EXISTING CONDITION

LEGEND
 DASHED STREET AROUND BUILDING HEIGHT ON TITLE EASING BUILDING MASS BEYOND
 A-100L DASHED HEIGHT AROUND EXISTING GROUND LINE

<p>THIS DRAWING IS AN APPROXIMATE REPRESENTATION OF THE PROPOSED DEVELOPMENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN AUTHORIZATION OF WOLVERIDGE ARCHITECTS</p>	<p>REVISION: IN 100% LAYOUTS TO BE USED</p>	<p>DATE: 08/10/2019</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>
	<p>PROJECT: 20 WARNER STREET PORT PHILLIP</p>	<p>SITE CONTEXT 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>	<p>DATE: 08/10/2019</p>

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WARNER STREET HOTEL
20 WARNER STREET
PORT PHILL
SCALDINGFIELD PTY LTD
10/01/10

PROJECT
SITC SURVEY
R100019
AS SHOWN AT 1:1
R100019
R100019

DATE
10/01/10
10/01/10
10/01/10

PRELIMINARY
NOT FOR CONSTRUCTION

DATE
10/01/10
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DATE
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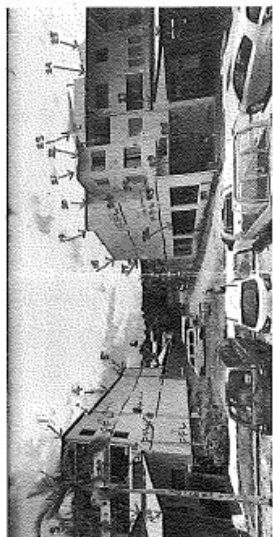
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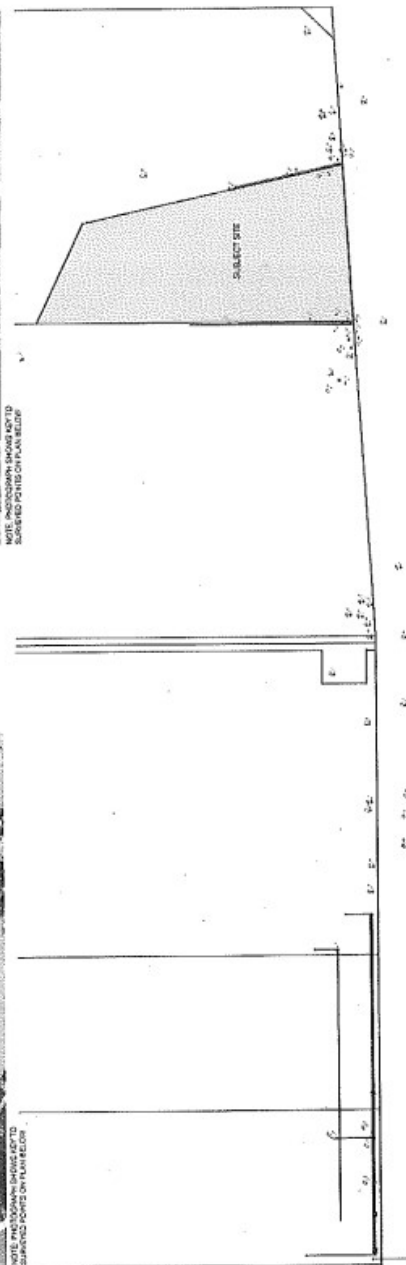
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10/01/10
10/01/10



NOTE: PHOTOGRAPH SHOWS KEY TO
LUBRICATED POINTS ON PLAN BELT



SITE SURVEY - ADJOINING BUILDING HEIGHTS

There are no known side effects associated with the use of this vaccine. Recipients may experience

PRELIMINARY



DWG. TITLE: SITE SURVEY - ADJUSTMENTS
BUILDING HEIGHTS
PLOT DATE: 8/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P-01.05 RSD-P1

PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS

CLIENT: SCALINGWATER PTY LTD

PROJ NO: 18-007

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www.wolveridgearchitects.com.au

PROJECT: **WARRER STREET HOTEL**
25 WARRER STREET
PORT DOUGLAS
CLIENT: **SCAL HOMES PTY LTD**
PROJ NO: **12.007**

ENG. TITLE: **SITE ANALYSIS**
PLOT DATE: **9/10/2019**
SCALE: **AS SHOWN AT A3**
DWG. NO.: **P43.07** REV: **P1**

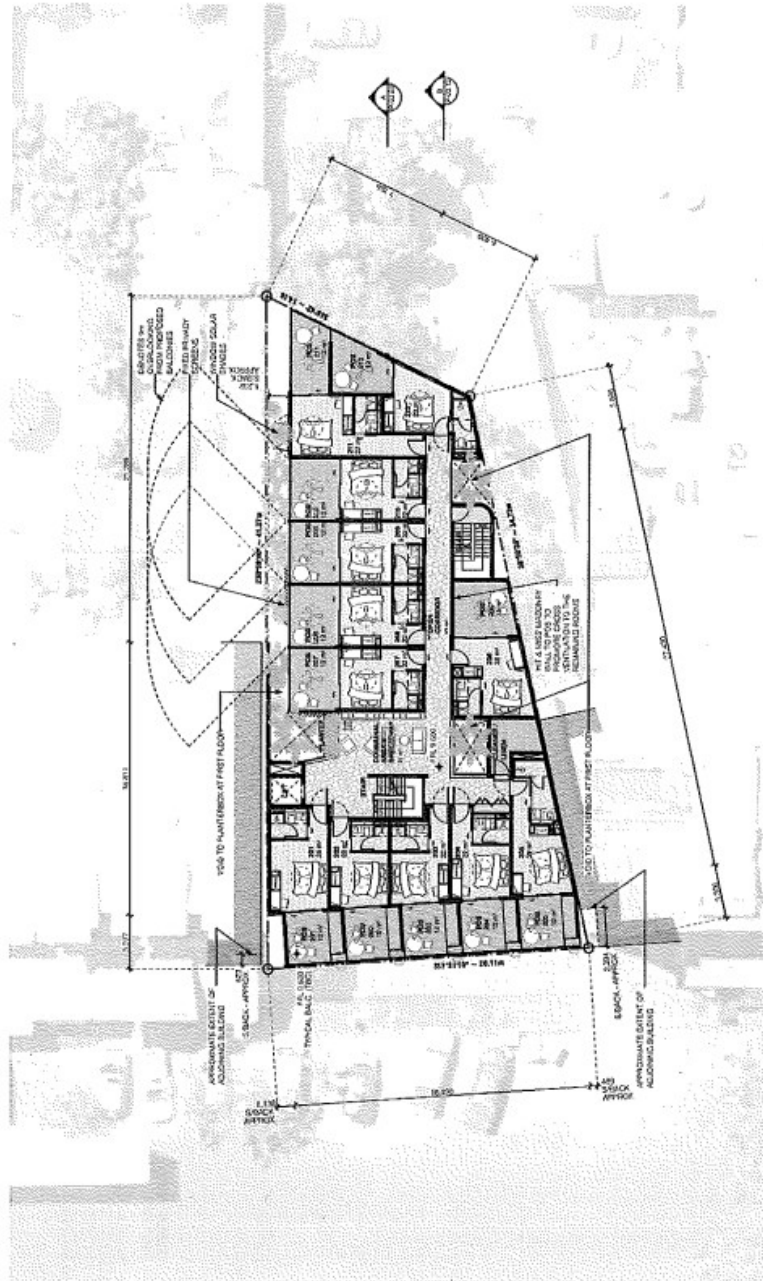


PRELIMINARY
UNAPPROVED

DATE: **9/10/2019**

REVISION:
P1: 12/10/2019: Initial design by client

This drawing is a preliminary design and is not to be used for construction purposes without the written permission of the architect.



SECOND LEVEL
SCALE 1:250

REVISION: 1. This drawing is a preliminary design and is not to be used for construction purposes without the approval of the architect.

DATE: 01/01/2019

PRELIMINARY
NOT FOR CONSTRUCTION

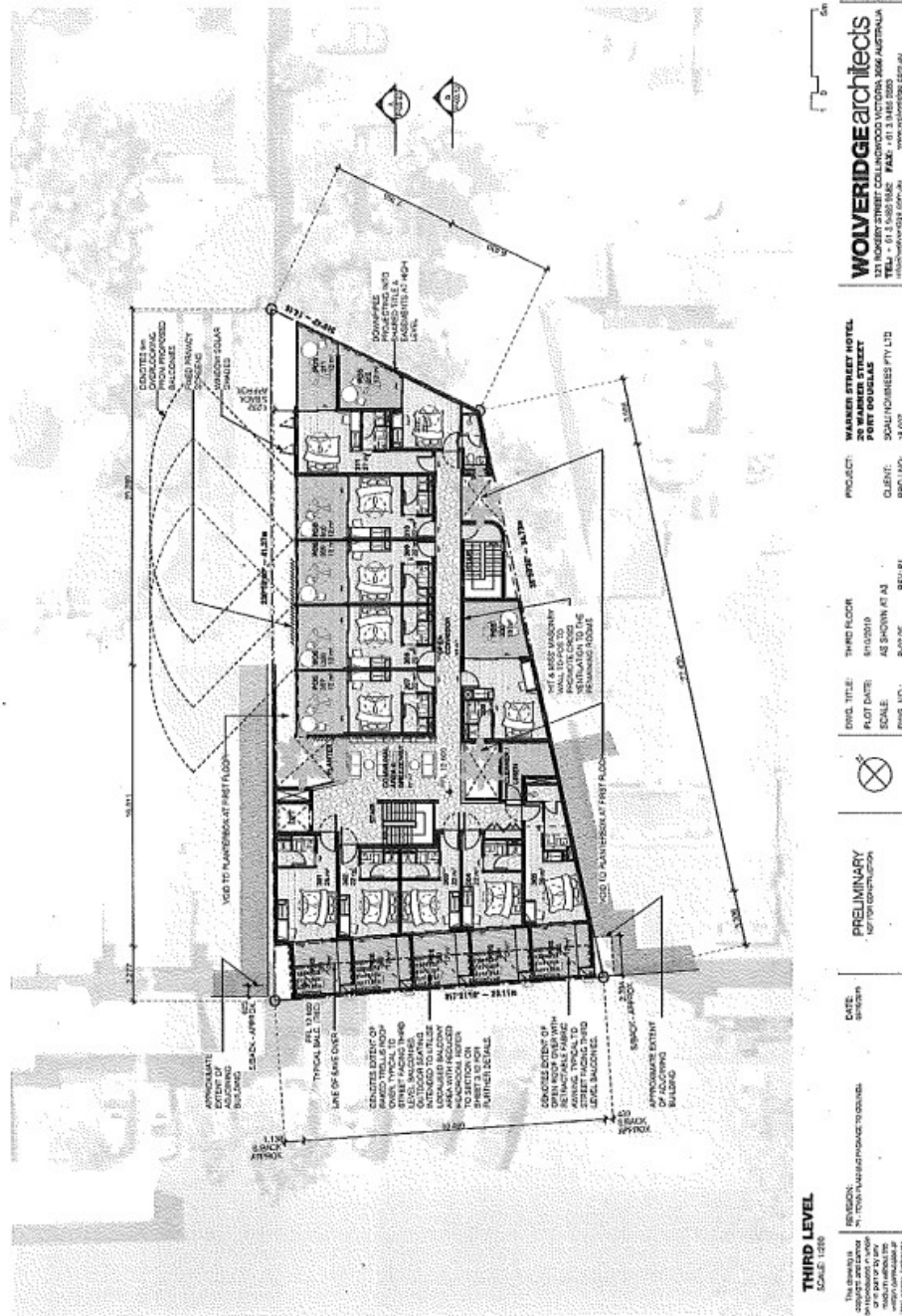
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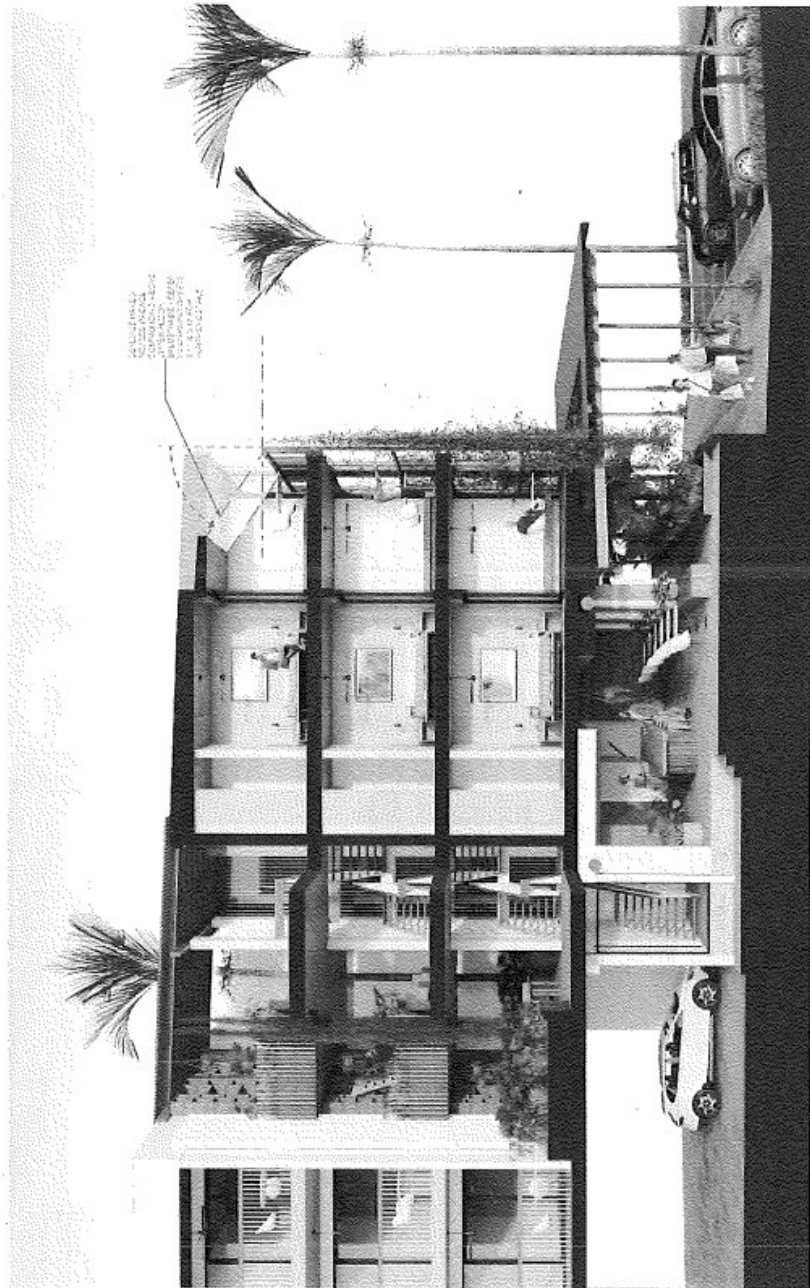
DWG. NO.: 1.01

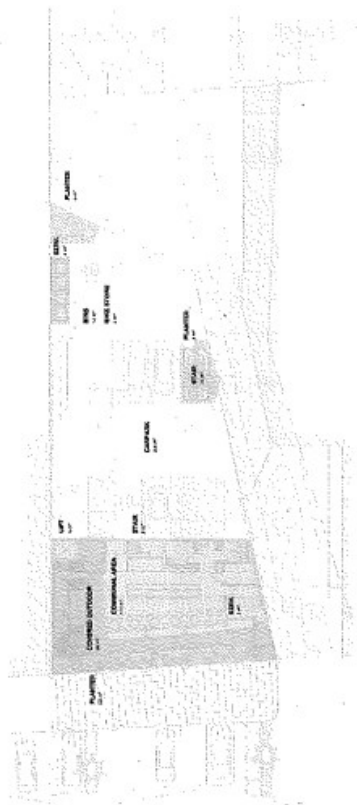
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PROJECT: WARNER STREET HOTEL
20 WARNER STREET
MELBOURNE VIC 3000
CLIENT: SCAL TECHNIQUES PTY LTD
PROJECT NO: 18.007

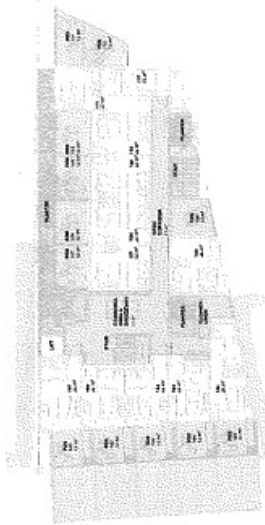
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PH: 03 9347 1234 FAX: 03 9347 1235
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GROUND LEVEL
SCALE: 1:200



TYPICAL UPPER LEVELS
SCALE: 1:200

TOTAL	18,100
PGS	42,000
TOTAL	23,900

LANDSCAPE	4,000
COMMON RECREATIONAL AREA (MCA: 100, 1.0%)	1,000
EXCLUDED RECREATIONAL AREAS	1,000

CAR PARKING	10
21 JACKSON ST LAND TRANSFER	07
ON TITLE	10
TOTAL	17
** EXCLUDES ON-STREET PARKING (MCA)	

BICYCLE STORAGE	40,000
NO. OF BIKES	40,000

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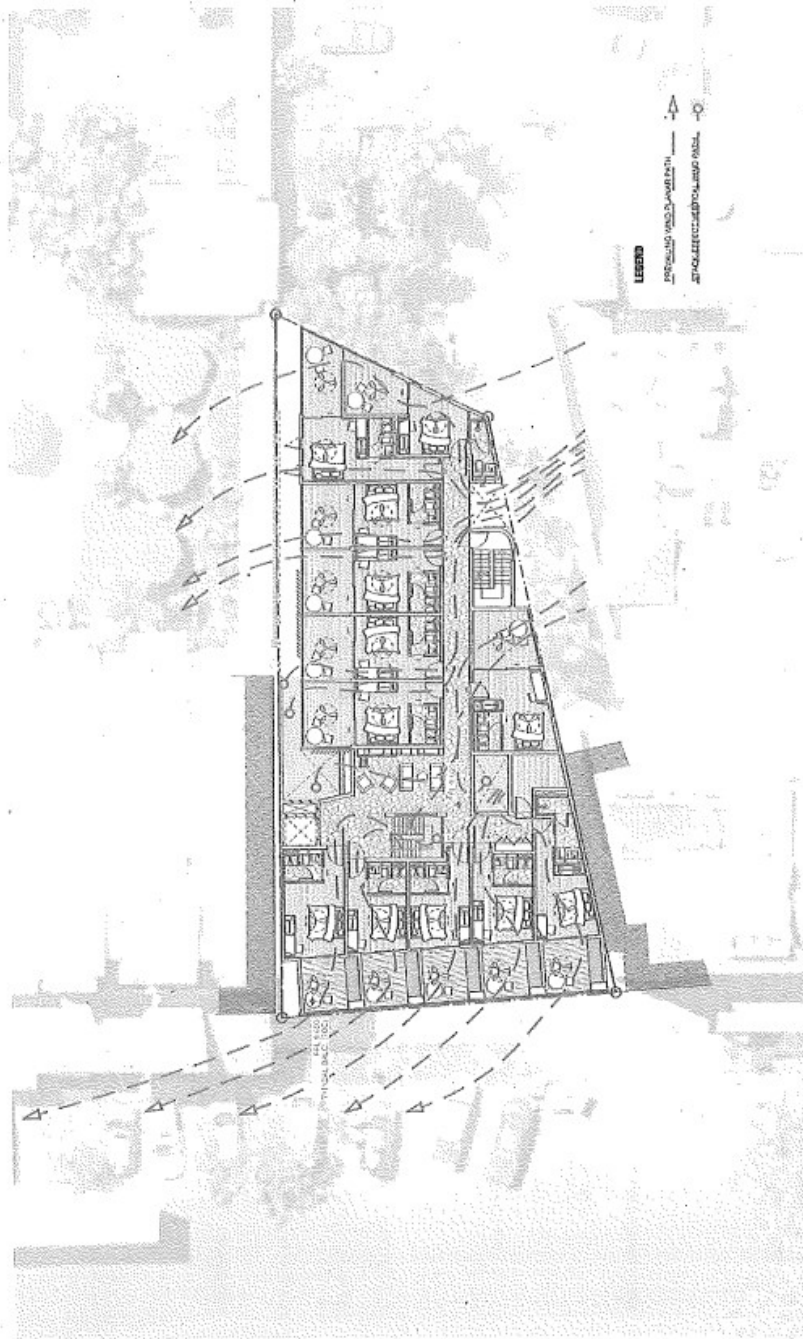
PROJECT: WARNER STREET HOTEL
121 RIVERSIDE STREET
PORT PHILL
CLIENT: SCALLOP INVESTMENTS PTY LTD
PROJ. NO.: 13.017

DRAWING TITLE: MASSING AREAS
PLOT DATE: 8/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P20.10
REV. 1:

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 8/10/2019

REVISIONS:
1. REVISION: 1.0
2. REVISION: 2.0
3. REVISION: 3.0
4. REVISION: 4.0
5. REVISION: 5.0
6. REVISION: 6.0
7. REVISION: 7.0
8. REVISION: 8.0
9. REVISION: 9.0
10. REVISION: 10.0



CROSS VENTILATION DIAGRAM PLAN
SCALE 1:500

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DESIGNED BY:
P. TONK, S. WOLVERIDGE, P. WOLVERIDGE

DATE:
20/01/2019

PRELIMINARY
NOT FOR CONSTRUCTION

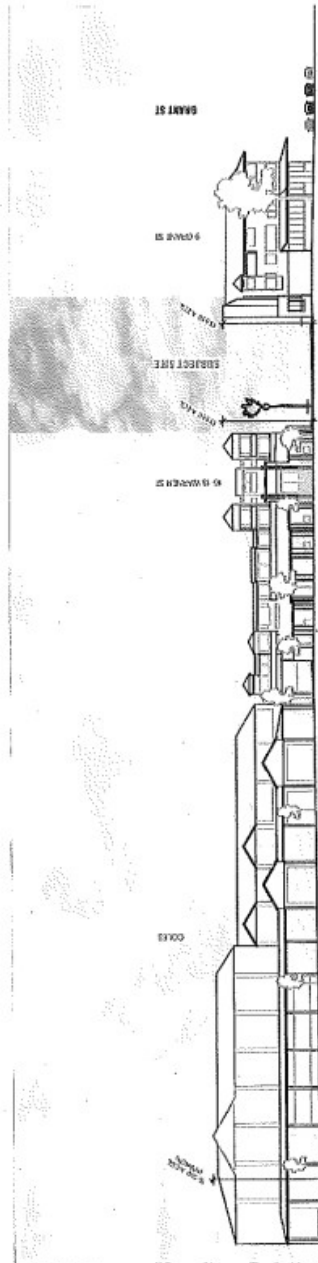


DRAWN TITLE: VENTILATION DIAGRAM
PLOT DATE: 19/02/19
SCALE: AS SHOWN AT A3
DATE NO.: P-02-13 REV: P1

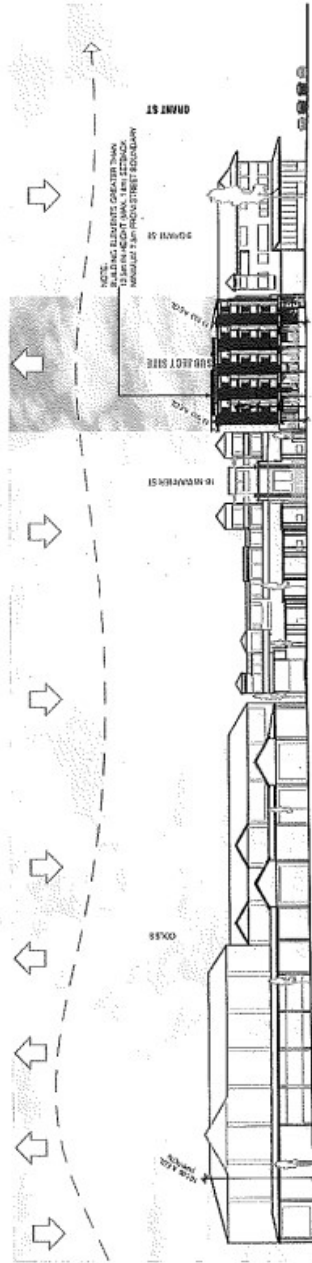
PROJECT: WARNER STREET HOTEL
20 WARNER STREET
PORT PHILLIP
CLIENT: SOUTH COAST CITY LTD
PROJECT NO.: 10-207

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STREETSCAPE - WARNER STREET EXISTING CONDITION
SCALE: 1:500



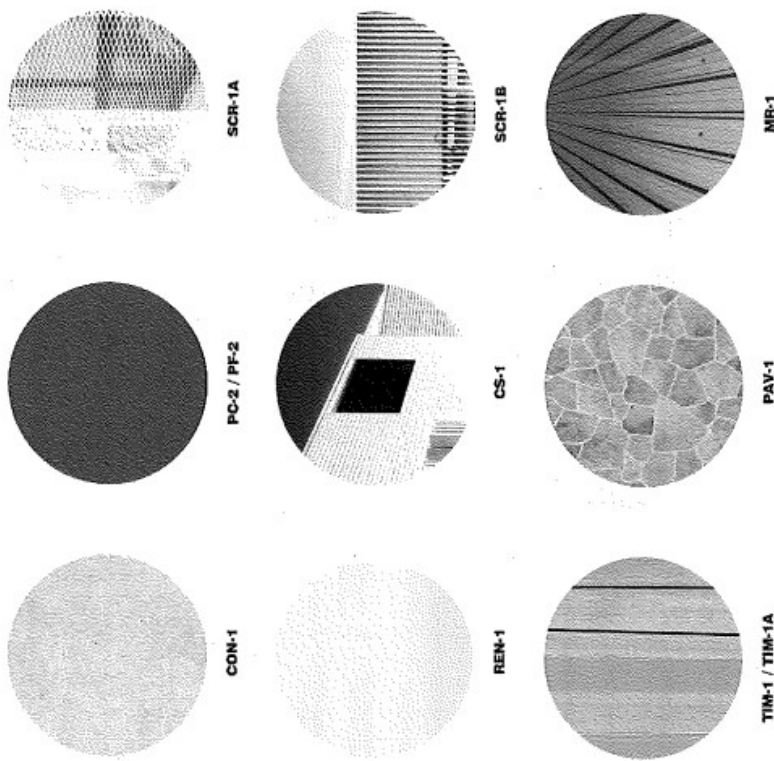
STREETSCAPE - WARNER STREET
SCALE: 1:500

LEGEND
--- DASHED STREET AROUND BUILDING HEIGHT, ON THE BUILDING ELEVATION SIDE

<p>THIS DRAWING IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF WOLVERIDGE ARCHITECTS</p>	<p>REVISION: R1: TOTAL KILN AND ALUMINUM TO EXIST</p>	<p>DATE: 18/03/2019</p>	<p>PRELIMINARY DESIGN DEVELOPMENT</p>	<p>DESIGN TITLE: STREETSCAPE ELEVATION</p>	<p>PROJECT: WARNER STREET HOTEL POWELL ROAD POWELL ROAD POWELL ROAD</p>	<p>WOLVERIDGE architects 121 FORBES STREET COLLINGWOOD VICTORIA 3066 AUSTRALIA TEL: 03 9397 1234 FAX: 03 9397 1235 WWW.WOLVERIDGEARCHITECTS.COM.AU</p>
	<p>SCALE: AS SHOWN AT A3</p>	<p>SCALE: AS SHOWN AT A3</p>	<p>CLIENT: SCAL HOSPITALITY PTY LTD</p>	<p>PROJECT NO: 18/007</p>		







SCR-1A

PC-2 / PF-2

CON-1

SCR-1B

CS-1

REN-1

TIM-1 / TIM-1A

PAV-1

MR-1

FINISHES SCHEDULE

CODE	DESCRIPTION
CON-1	CONCRETE FINISHES
PC-2 / PF-2	PAINTED CONCRETE FINISHES
SCR-1A	SCRUBBED CONCRETE FINISHES
SCR-1B	SCRUBBED CONCRETE FINISHES
REN-1	RENDER FINISHES
CS-1	COPPER SHEET FINISHES
TIM-1 / TIM-1A	TIMBER FINISHES
PAV-1	PAVEMENT FINISHES
MR-1	METAL ROOF FINISHES

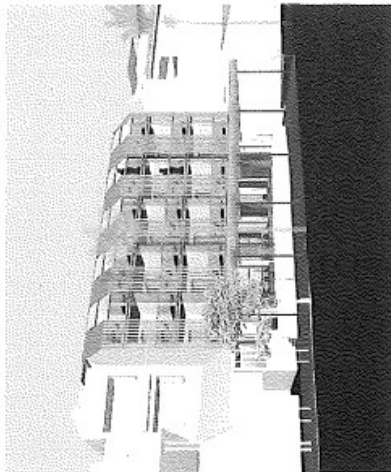
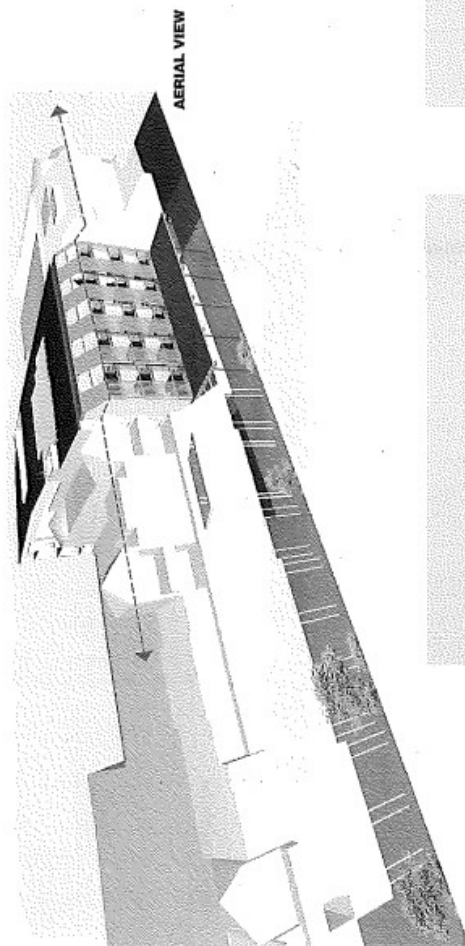
WOLVERIDGE architects
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 PORT PHILLIP VIC 3207
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PROJECT: WARREN STREET HOTEL
 20 WARREN STREET
 PORT PHILLIP VIC 3207
 CLIENT: SCAL NOVOTEL PTY LTD
 PROJ NO: 18-007

DWG TITLE: MATERIALS SCHEDULE
 PLOT DATE: 06/12/2019
 SCALE: AS SHOWN AT A3
 DWG NO: PAV-04 REV: 01

DATE: 06/12/2019
 PRELIMINARY
 NOT FOR CONSTRUCTION

REVISIONS:
 1. 12/12/2019: Added to schedule
 2. 12/12/2019: Added to schedule
 3. 12/12/2019: Added to schedule



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info@wolveridge.com.au www.wolveridge.com.au

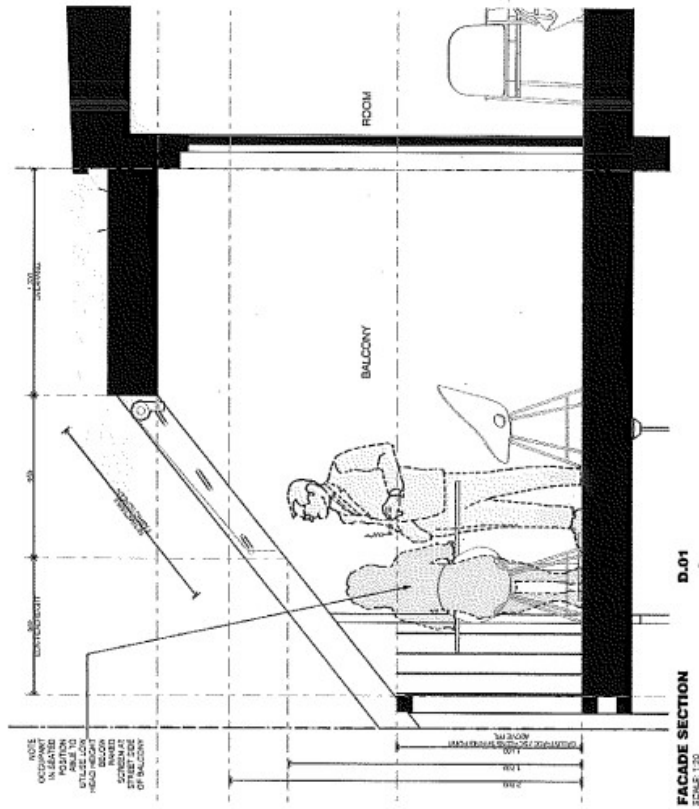
PROJECT: WARNER STREET HOTEL
30 WARNER STREET
PORT DOUGLAS

CLIENT: SCALP NOODINES PTY LTD
PROJ NO: 18 057

DWG. TITLE:	REAR FACADE - EXTERIOR
PLOT DATE:	WEVS 8/10/2019
SCALE:	AS SHOWN AT AS
DWG. NO.:	NO.11 REV

PRELIMINARY
NOT FOR CONSTRUCTIONDATE: _____
OF: _____

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PROJECT: WARNER STREET HOTEL
121 RICHES STREET
POINT SPRING
CLIENT: SCALI HOMES PTY LTD
PROJ. NO: 13.037

DESIGN TITLE: REVISD PHASE - SECTION
PLOT DATE: 8/10/2019
SCALE: AS SHOWN AT A3
DWG. NO.: P.03.12 REV

PRELIMINARY
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DATE:
21/10/2019

REVISIONS:
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PROJECT WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCULLIN WINES PTY LTD
PROJECT NO: 16 007

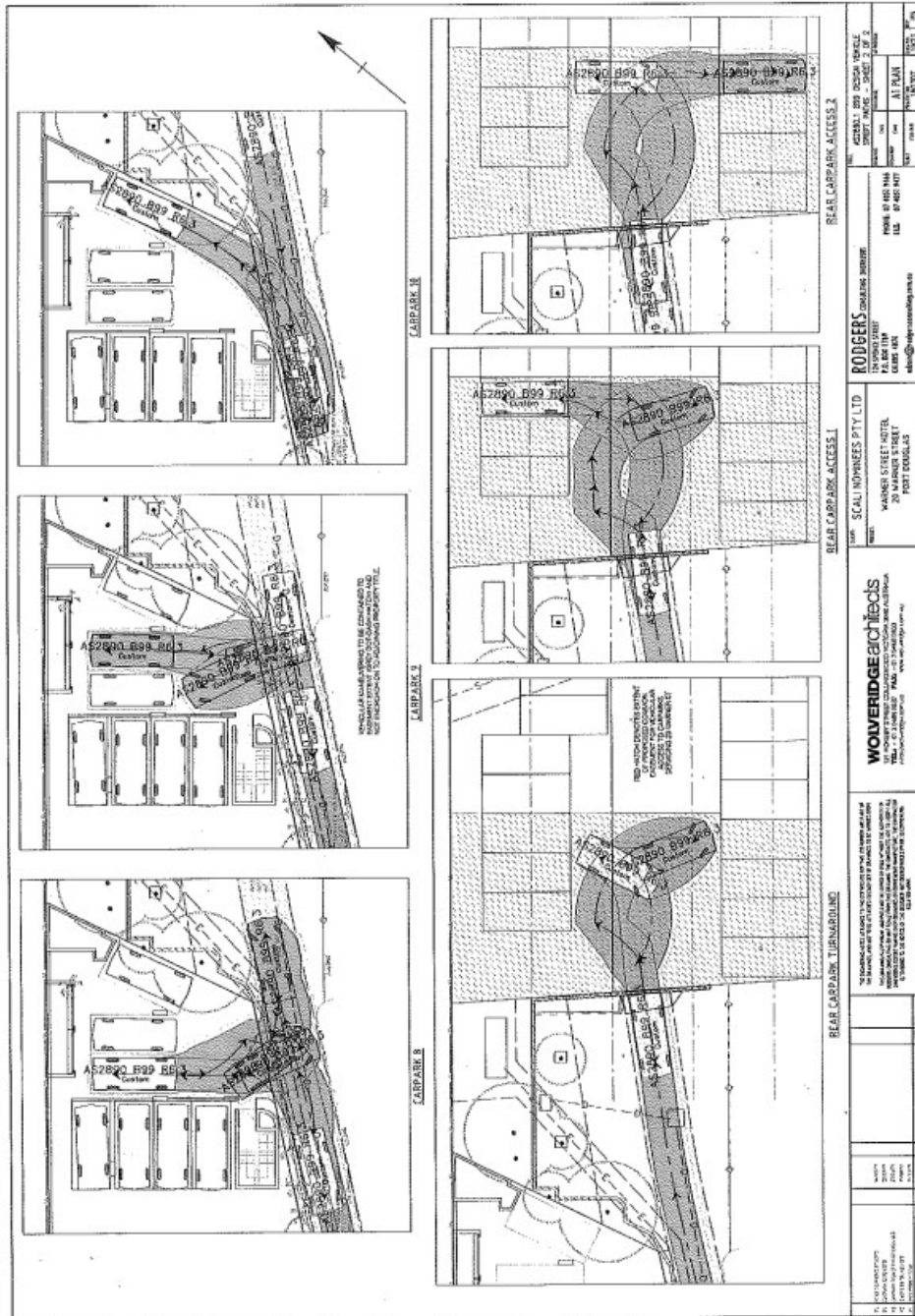
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PROPOSITION AS SHOWN AT AS
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DATE 14/05/09
REV 1

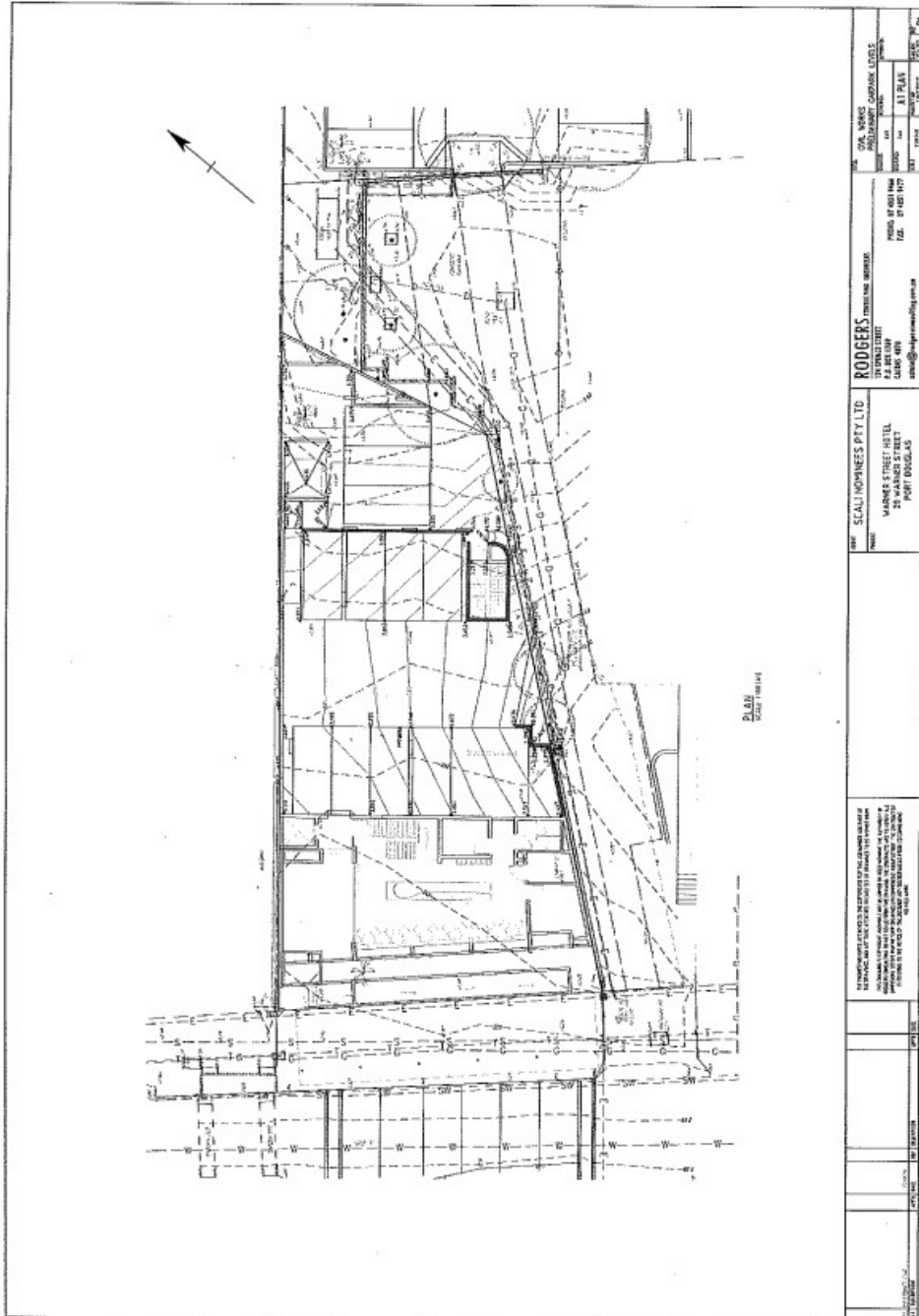
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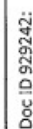
DATE 14/05/09

PROJECT WARNER STREET HOTEL
20 WARNER STREET
PORT DOUGLAS
CLIENT: SCULLIN WINES PTY LTD
PROJECT NO: 16 007











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 RP716896 & Part L1 SP267838
STREET No. & NAME	SUBURB	2553 & 157684
Shopping Facilities, Restaurant, Accommodation	LOT & RP No.s	PARCEL No.
DEVELOPMENT TYPE	MCUC 2019_3365	6
DOC ID 845075	COUNCIL FILE NO.	VALIDITY PERIOD (year)
DSC Reference Doc. No.	1	
	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

Page 94

Current as at 1 July 2019

Authorised by the Parliamentary Counsel

- (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

Current as at 1 July 2019

Page 95

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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

Page 212

Current as at 1 July 2019

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

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—
 - (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

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Current as at 1 July 2019

Authorised by the Parliamentary Counsel

- (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—
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- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
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Part 2 Development tribunal

Division 1 General

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