

To whom it may concern,

We write as the owner and operator of a [REDACTED] to formally object to the proposed Indoor Sport & Recreation (Pool Hall) and Bar at Units 7&8/48 Macrossan Street, Port Douglas formally described as Lots 7&8 BUP-104033.

This objection in general terms is made on the basis that the proposed use is not compatible with the existing surrounding land uses and is likely to result in unacceptable adverse impacts on the amenity, safety, parking and the operational functionality of neighbouring businesses, particularly during standard business hours.

Specifically, we object on the following

1. Acoustic Impact and Inadequate Noise Mitigation

Noise transmission between premises is already evident through shared walls and the roof cavity. The proposed change of use, which includes pool tables, background music, and increased patron movement, is likely to generate sustained noise throughout the day. In the absence of any detailed acoustic assessment or soundproofing measures, there is insufficient evidence to demonstrate that noise impacts can be adequately mitigated. This raises serious concerns regarding compliance with acceptable noise levels and the protection of neighbouring business amenity. It is considered that the application does not provide sufficient information to assess the acoustic impacts of the proposal.

The *Property Law Act 2023* (Schedule 1(8)) supports a tenant's right to quiet enjoyment. Tenants are entitled to occupy the commercial premises without interruption. Given the existing building does not incorporate appropriate fire / acoustic separation between tenancies as would now be required to be code compliant we are concerned given the absence of any definitive Acoustic Reports that once in operation the Pool Hall noise will prevent the existing tenants from enjoying their rights of enjoyment.

While there are ‘remedies’ in these circumstances where quiet enjoyment is denied these remedies are extremely complex and expensive given the complexity of the involved parties which could / would include the Council, the Body Corporate, the Applicants as the owners and operators of the new business, our current Landlords.

As operators of a small business we contend that it would be better if this risk was fully evaluated by the Applicant and the Council prior to any approval to remove doubt that currently exist. This could well require that as part of **the support from the Body Corporate** they work to bring the ‘Building’ up to code for both safety enjoyment reasons.

2. Parking

Parking availability in the area is already constrained during business hours particularly during peak periods. The underground parking associated with the site is registered on the Plan for private use by the Strata Unit holders their staff and customers not for use by surrounding businesses nor it available for public patronage.

The Applicants response to the Parking issues (see PO1- Table 9.4.1.3a and following) appear to have taken ‘liberties’ with their responses to parking where they start the following premise

“The proposal will rely on the existing parking arrangements within the established complex and its street frontage. The complex includes fifteen (15) marked car parking spaces, and a bicycle storage location in the under croft area, along with fourteen (14) on street spaces along the site’s frontage, and one disabled parking space.”

The reality is in our experience and opinion however as follows –

- a. The fifteen car spaces and the disabled car space belong to the 9 Strata Units and their owners who are entitled to their exclusive use. Therefore, the Applicants are entitled to use 4 of these spaces as per the Strata Plan documents – as attached.

- b. The fourteen street parking spaces while for the public include a number of spaces - historically nominated as short term spaces to allow and facilitate easy access to the [REDACTED]
[REDACTED]
- c. While at the entrance to the building's car park there is Council signage indicting On Site Parking this refers to the onsite parking which is only available to the unit holders and is NOT for the public.
- d. There are not visitor car spaces available in the building.
- e. The proposal also references bicycle parking facilities; however, no such infrastructure currently exists on or near the site, further calling into question the adequacy of the proposal.
- f. The Current Tenants get numerous complaints re unauthorised parking in part caused by the incorrect Council Signage indicating public parking availability and secondly current expectations regarding 'privilege'.

As the licences and operators of the [REDACTED] therefore we believe the Applicants response to the Parking issue to be both manifestly misleading and inadequate. The Applicants propose two (2) employees (the minimum giving regard to prudent OH&S) with ten Pool Tables which at peak times would imply twenty (20) players minimum which they are entitled to net two (2) onsite parking spots after employees. These four spaces are on Level A as per the attached Strata Parking Plan.

3. Service Access

Further of particular concern is the rear service access area, which is critical to the daily operation of the [REDACTED] Twenty Four hour access by [REDACTED] as well as contractor [REDACTED] vehicles and trucks is required, and any obstruction or increased competition for this space would adversely affect our ability to provide essential services to the people of Port Douglas.

4. Smoking and Amenity Impacts

The proposed use is also likely to result in increased smoking activity near building entrances during daytime hours. Smoke drift into neighbouring premises would negatively impact workplace health, staff comfort, and customer experience, representing an unacceptable amenity impact.

Inadequate Amenities Provision The provision of only two toilet facilities appears insufficient for a venue of this nature and potential capacity. There is concern that this may result in patrons seeking to use neighbouring facilities. The [REDACTED] toilets are designated for staff use only and are already subject to operational constraints, including maintenance and blockage issues. Any increase in usage would be unacceptable.

5. Toilets

There are two toilets one male and one female servicing the current employee and customer base associated with the current mix of customers and employee of the existing businesses, in the past these have proven to be inadequate given the public expectations and the absence of Council provided toilets in the southern part of Port Douglas.

Historically these are a high complaint area which has not been helped in any way by the cleaning rosters for cleaning these by the Body Corporate Board and their appointed managers. The [REDACTED] has a long list of complaints from staff about the conditions of these toilets.

While it is all very good for the Body Corporate to offer the use of the toilets to the Applicants any increased usage could well compound the existing issues being experienced by the current users.

Conclusion

I respectfully request that the application should not be supported unless these matters are comprehensively addressed to the satisfaction of Council and the current users.

Thank you for considering this submission.

Yours sincerely,

[REDACTED]

[REDACTED]

27/1/2026