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27 March 2015

Our Reference: VGF - C1002

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Att: Neil Beck

R/N 74604

Dear Sir,

RE: REQUEST TO EXTEND PERIOD OF APPROVAL TO THE DOUGLAS SHIRE COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EXTENSION TO A TAVERN LOCATED AT CENTRAL HOTEL, 7-9 MACROSSAN STREET AND 6 WARNER STREET, PORT DOUGLAS AND DESCRIBED AS LOTS 10 AND 11 ON SP262348 (PREVIOUSLY DESCRIBED AS LOTS 203, 204, 221 AND 222 ON PTD 2091) PARISH OF SALISBURY, TOWN OF PORT DOUGLAS
COUNCIL FILE REFERENCE: 8/7/1554

We act as agent and Town Planning Consultant on behalf of Hilrok Hotel Group Pty Ltd, the Applicant, in relation to the above proposal.

In this regard find attached the following:-

- One (1) hard copy and one (1) CD copy of the IDAS Application Forms and Supporting Town Planning Report; and
- A cheque for \$860.95 for Council's application fee. Please provide a copy of the receipt for the application fee to our Cairns Office.

We also confirm that a copy of this application will be referred to the Department of State Development, Infrastructure and Planning as the Concurrence Agency in relation to the previous role of the Department of Transport and Main Roads as a Concurrence Agency for the original Application.

We await Council's further advice.

Yours faithfully
VICTOR G FEROS TOWN PLANNING CONSULTANTS

Nick Hardy
Office Manager and Associate

cc: Hilrok Hotel Group Pty Ltd
Attention: Tim Petersen

cc: Hunt Design
Attention: Gary Hunt

848 390
L10 SP 262348

140.2015.773.1

IN CONTINUOUS PRACTICE SINCE 1976

Principal
Victor G Feros
GCSJ BA MUS FPIA CMILT LGTP(Q) CPP

Adjunct Professor
School of Geography, Planning
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US Bicentennial Fellowship Award 1976

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TOWN PLANNING REPORT

**REQUEST TO EXTEND PERIOD OF APPROVAL FOR
AN EXISTING DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE - CODE ASSESSMENT
FOR EXTENSION TO A TAVERN
(COUNCIL REFERENCE: 8/7/1554)**

located at

**CENTRAL HOTEL, 7-9 MACROSSAN STREET AND 6
WARNER STREET, PORT DOUGLAS**

described as

**LOT 10 AND 11 ON SP262348 PARISH OF SALISBURY,
TOWN OF PORT DOUGLAS (PREVIOUSLY DESCRIBED
AS LOTS 203, 204, 221 AND 222 ON PTD2091)**

for

HILROK HOTEL GROUP PTY LTD

**VGF-C1002
MARCH 2015**



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IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.1 effective 4 July 2014)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

Hilrok Hotel Group Pty Ltd

For companies, contact name

Nick Hardy

Postal address

c/- Victor G Feros Town Planning Consultants

PO Box 1256

Suburb **CAIRNS**

State **QLD**

Postcode

4870

Country **AUSTRALIA**

Contact phone number

(07) 4031 3663

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

(07) 4031 2238

Email address (non-mandatory requirement)

cairns@ferosplanning.com.au

Applicant's reference number (non-mandatory requirement)

C1002

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- ☒ **Material change of use** ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☒ **Development permit**
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- Refer to attached Report dated March 2015**
- d) What is the level of assessment? (Please only tick one box.)
- ☐ Impact assessment ☒ **Code assessment**

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- ☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
-
- d) What is the level of assessment?
- ☐ Impact assessment ☐ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- ☐ Refer attached schedule ☐ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

☒ Street address **and** lot on plan (All lots must be listed.)

☐ Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/locality name	Post-code	Lot no.	Plan type and plan no.	
i)	and	7-9 6	Macrossan Street, Port Douglas Warner Street, Port Douglas	4877	10 and 11	SP262348	Douglas Shire Council

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s

Table E—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

4,062m²

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Existing operational Tavern and associated and ancillary uses

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

☐ No ☒ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
8/7/1554	9 December 2013	9 December 2015

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No
☒ Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	Refer to attached Letter of Authority
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☐ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- ☐ Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

☐ No ☒ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

☒ No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No
☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?

☒ No
☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)

Description of attachment or title of attachment	Method of lodgement to assessment manager
REQUEST TO CHANGE AN EXISTING APPROVAL TEMPLATE DATED MARCH 2015	OVER THE COUNTER

14. Applicant's declaration

☒ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

HILROK HOTEL GROUP PTY LTD

ABN: 57 001 173 673

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Sir,

RE: REQUEST TO EXTEND PERIOD OF APPROVAL TO THE DOUGLAS SHIRE COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EXTENSION TO A TAVERN LOCATED AT CENTRAL HOTEL, 7-9 MACROSSAN STREET AND 6 WARNER STREET, PORT DOUGLAS AND DESCRIBED AS LOTS 10 AND 11 ON SP262348 (PREVIOUSLY DESCRIBED AS LOTS 203, 204, 221 AND 222 ON PTD 2091) PARISH OF SALISBURY, TOWN OF PORT DOUGLAS
COUNCIL FILE REFERENCE: 8/7/1554

I the undersigned of the Hilrok Hotel Group Pty Ltd, as the applicant and registered owner of the above described land, consent to the lodgement of a request to extend the period of an existing approval under Section 383 of the Sustainable Planning Act 2009 as detailed by the attached application and supporting submission prepared by Victor G Feros Town Planning Consultants.

Yours faithfully,



TIM PETERSON
DIRECTOR

signed on the 25TH day of MARCH 2015



Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?

Name/s (individual or company name in full)

Hilrok Hotel Group Pty Ltd

For companies, contact name

Nick Hardy

Postal address

c/- Victor G Feros Town Planning Consultants

PO Box 1256 CAIRNS QLD 4870

Contact phone number

(07) 4031 3663

Mobile number (non-mandatory)

0412 756 622

Fax number (non-mandatory)

(07) 4031 2238

e-mail address (non-mandatory)

cairns@ferosplanning.com.au

@



2. What are the details of the existing approval sought to be changed?

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	8/7/1554	9 December 2013	Douglas Shire Council
<input type="checkbox"/> Preliminary approval			

3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?

- ☒ No
- ☐ Yes—complete table A and then go to question 5

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating

--

4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

- ☒ street address/lot on the plan
- ☐ street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
	7-9 6	Macrossan Street and Warner Street, Port Douglas	4877	10 and 11	SP262348	DOUGLAS SHIRE COUNCIL



Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

5. Details of the proposed change

Refer to Attached Report dated March 2015

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

- ☐ No
- ☒ Yes—complete either table D or table E as applicable

Table D

Name of owner of the land	
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	
Date	

Table E

Name of owner of the land	Refer to attached Letter of Authority
<input checked="" type="checkbox"/> The owner's written consent is attached	



7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- ☒ No ☐ Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- ☒ No ☐ Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- ☐ No ☒ Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

<input checked="" type="checkbox"/> Assessment manager for the original application	Douglas Shire Council
<input checked="" type="checkbox"/> Concurrence agencies for the original application	Department of State Development Infrastructure and Planning (Department of Transport and Main Roads)
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

Refer to Attached Report dated March 2015

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
 - a change to an approval given by the assessment manager
 - a change to a condition imposed by a concurrence agency
 - a change to an approval given by the Minister under a Ministerial call in
 - a change to a condition imposed by the Minister under a Ministerial direction
 - a change to an approval given by the Planning and Environment Court

**Question 6:**

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
 - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
 - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
 - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
 - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
 - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

Question 7:

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
 - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
 - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
 - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

OFFICE USE ONLY

Date received		Reference numbers	
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TOWN PLANNING REPORT

**REQUEST TO EXTEND PERIOD OF APPROVAL FOR
AN EXISTING DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE - CODE ASSESSMENT
FOR EXTENSION TO A TAVERN
(COUNCIL REFERENCE: 8/7/1554)**

located at

**CENTRAL HOTEL, 7-9 MACROSSAN STREET AND 6
WARNER STREET, PORT DOUGLAS**

described as

**LOT 10 AND 11 ON SP262348 PARISH OF SALISBURY,
TOWN OF PORT DOUGLAS (PREVIOUSLY DESCRIBED
AS LOTS 203, 204, 221 AND 222 ON PTD2091)**

for

HILROK HOTEL GROUP PTY LTD

**VGF-C1002
MARCH 2015**



Victor G Feros Town Planning Consultants

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**TOWN PLANNING REPORT
REQUEST TO EXTEND PERIOD OF APPROVAL FOR AN EXISTING DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EXTENSION TO A TAVERN
FOR THE CENTRAL HOTEL LOCATED AT 7-9 MACROSSAN STREET AND 6 WARNER
STREET,PORT DOUGLAS**

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FIGURE 1	SITE LOCATION
FIGURE 2	COMPLETED AND REMAINING WORKS

APPENDICES

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APPENDIX B	COUNCIL LETTER DATED 18 DECEMBER 2014
APPENDIX C	COUNCIL LETTER DATED 29 JANUARY 2015
APPENDIX D	SITE PHOTOGRAPHS

Amended 27 March 2015

Victor G Feros Town Planning Consultants

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TOWN PLANNING REPORT REQUEST TO EXTEND PERIOD OF APPROVAL FOR AN EXISTING DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EXTENSION TO A TAVERN FOR THE CENTRAL HOTEL LOCATED AT 7-9 MACROSSAN STREET AND 6 WARNER STREET, PORT DOUGLAS

1.00 INTRODUCTION

This Request was commissioned by Hilrok Hotel Group Pty Ltd, the owner and applicant for the subject site.

This Request contains supporting information in relation to existing approval (Council Reference 8/7/1554 dated 29 January 2015). It is noted that the current existing approval is an Amended Negotiated Decision Notice for an Extension to a Tavern dated 29 January 2015. It is noted that the original Negotiated Decision Notice was approved on 9 December 2009 for a period of four (4) years to 9 December 2013. A Request was lodged with Council on 25 October 2013 and approved on 12 December 2013 to extend the period of approval for a further two (2) years to 9 December 2015.

This Request seeks an extension to the period of approval for a further four (4) years to 9 December 2019.

It is confirmed that this application is lodged with Council, in accordance with Section 383 of the Sustainable Planning Act 2009 - Request to Extend Period of Approval.

This request relates to the subject site described as Lots 10 and 11 on SP262348 (previously described as Lots 203, 204, 221 and 222 on PTD2091) as shown by **Figure 1 - Site Location**.

IN CONTINUOUS PRACTICE SINCE 1976

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2.00 RELEVANT BACKGROUND DOCUMENTS

It is submitted that the relevant documents in relation to extending the period of approval include:-

- a) Original Decision Notice dated 24 June 2009;
- b) Negotiated Decision Notice dated 10 December 2009;
- c) Council letter dated 15 January 2010 confirming that the amended plan “meets Council requirement for on-site carparking”;
- d) Council letter dated 23 September 2011 confirming that alterations to internal uses are within the scope of the current approval;
- e) Council letter dated 27 September 2012 confirming that on-site car parking is reduced from 14 spaces to 11 spaces;
- f) Council letter dated 11 January 2013 confirming that a modification to the internal kitchen area is within the scope of the current approval;
- g) Negotiated Decision Notice for Operational Works – Car Parking, Stormwater, Fire Hydrant & Associated Works dated 17 July 2013. It is noted that Negotiated Decision Notice is consistent with the proposals contained in this submission;
- h) Council letter dated 12 December 2013 confirming that the Period of Approval is extended to 9 December 2015 (Copy attached as **Appendix A**)
- i) Decision Notice for Request to Change Conditions of Approval dated 23 October 2013. It is noted that this includes the extension to the existing storage facility on Lot 10 on SP262348 (formerly described as Lot 222 on PTD2091);
- j) Council letter dated 18 December 2014 in response to our letter dated 18 November 2014 requesting Council comment in relation to the reallocation of existing uses (Copy attached as **Appendix B**);
- k) Council letter dated 29 January 2015 and Amended Negotiated Decision Notice in response to the Request to Change an Existing Approval dated 18 November 2014 to relocate the existing gaming area from the ground floor to the first floor (Copy attached as **Appendix C**).

Having regard to the above described approvals and further advices provided by Council, the following approved and agreed plans forming part of the Decision Notice for Request to Change Conditions of Approval dated 18 November 2014 are relevant to the current application:-

Drawing or Document	Reference	Date
Preliminary Site Plan	PET 006 PR1.1	18 November 2014
Preliminary Ground Floor Plan	PET 006 PR1.4	18 November 2014
Preliminary Ground Floor Plan	PET 006 PR1.5	18 November 2014
Shed Extension Plan and Elevations	PET 004 DD 11-03 Rev DA2	24 July 2013

3.00 COMPLETED AND REMAINING BUILDING ELEMENTS

Since the issue of the Original Decision Notice dated 24 June 2009, the following building elements have been completed:-

- a) The construction of a beer garden and first level open bar area;
- b) The construction of on-site car parking areas with frontage to Warner Street;
- c) The refurbishment and extension to the on-site storage area associated with the Central Hotel;
- d) The construction of the extension to the main Kitchen and food preparation area for the tavern;
- e) The construction of a bulk alcohol storage facility on Lot 11 on SP262348 (formerly part of the Central Hotel site);
- f) Provision of hard and soft landscaping features on the site;
- g) On-going maintenance and refurbishment to the “original” hotel building with frontages to Macrossan Street;

The extent of the works completed to date is shown by **Figure 2 – Completed and Remaining Building Works** and the photographs attached as **Appendix D**.

In addition to on-going works since 2009, it has been necessary to review the layout and design of the hotel in response to on-site building constraints and the operational arrangements for the hotel.

The recent changes to the layout and design for the hotel are detailed by the following:-

- a) The submission dated 18 November 2014 in relation to the reallocation of existing uses and activities within the “original” hotel building; and
- b) The request to change an Existing Approval dated 18 November 2014 to relocate the existing gaming area from the ground floor to the first floor.

The remaining works to be undertaken on the subject site include the following:-

a) Within the “original” hotel building, the following works will be undertaken:-

i) Ground Floor within the “original” hotel building

- a) The toilets, storage area and cold room are to be removed and incorporated into the existing and approved facilities located elsewhere on the site;
- b) The front bar, while retained in the current position, is to be regularised;
- c) The gaming room will be removed and relocated to the first floor and not within the “*original*” building. The relocation of the gaming machines to a specific area, separated from the other tavern uses, is consistent with the contemporary requirements for this use.
- d) It is noted that the relocation of the existing gaming room to the first level is subject to a further submission and application to be considered by Council;
- e) The server area will be reconfigured to improve access;
- f) The re-allocation of dining and circulation areas;

(ii) First Floor within the “original” hotel building:

- The existing office, storage area, accommodation rooms, kitchen and amenities are to be removed;
- These activities will be replaced by a reconfigured office, storage area and passageway;

It is noted that all the works proposed for the “original hotel” will be undertaken within the context of the staged reconstruction of the building due to general concerns in relation to the structural integrity of the building and public safety.

- b) The conversion of two (2) existing motel rooms on the first floor into a gaming room; and
- c) The conversion of two (2) (existing motel rooms on the first floor into ancillary storage areas.

The general extent of the remaining works to be undertaken is shown by **Figure 2 – Completed and Remaining Building Works**.

4.00 IMPACT ON THE COMPLETION OF THE WORKS

While a significant proportion of the on-site works have been completed, it is submitted that the timeframe for the completion of the remaining works will extend past current period of approval of 9 December 2015.

In this regard, the extended completion period can be attributed to:-

- a) The requirement to undertake the remaining works during the “low season” in order to minimise disruption to the operation of the hotel. Accordingly major works can only be undertaken from a period extending from December to March.

This will require the works to be staged over an extended period.

- b) The remaining part of the existing building, and in particular the section including the current motel rooms contains asbestos sheeting and roofing material. The removal of this material in accordance with the relevant safety standards; while allowing for the continued operation of the hotel will further extend the completion period for the project.

Given the above described matters in relation to the remaining works to be completed and the operational requirements and constraints in relation to the completion of such works, it is reasonable and appropriate for Council to extend the period of approval for the current Amended Changed Decision Notice.

An extension to the period of approval will enable the proponent to complete the project in an efficient and rational manner and allow for the impacts on the operation of the hotel to be minimised.

5.00 REQUESTED EXTENSION

Based on the facts and circumstances described above, it is requested that the period of approval for the Amended Changed Decision Notice be extended for a further four (4) years from 9 December 2015 to 9 December 2019.

6.00 STATUTORY CONSIDERATIONS

6.01 General

On the basis that this proposal is for an extension to the “life” of the current approval and that no other changes are requested it is submitted that this proposal does not require any other specific or separate planning approval.

6.02 Concurrence Agency Response

As detailed in the Amended Changed Decision Notice, the Department of Transport and Main Roads was a Concurrence Agency for the application.

As required by Section 383(1)(a) of SPA it is necessary for the current proposal to change an existing approval to be referred to the Department of State Development Infrastructure and Planning.

A copy of the response from the Department will be provided to Council when available.

7.00 CONCLUSION

The following conclusions are drawn in relation to the request to extend period of approval for a further four (4) years to 9 December 2019 in relation to the Amended Changed Decision for the Development Permit for a Material change of Use Code Assessment for Extension to a Tavern located at 7-9 Macrossan Street, Port Douglas and described as Lots 10 and 11 on SP262348:-

- a) The extension to the period of approval for the Amended Changed Negotiated Decision Notice is sought as a consequence of the series of actions undertaken associated with establishing the use which have delayed the process to achieve full compliance with the Conditions of Approval. The requirement to extend the construction period to minimise the impact on the operation of the hotel and allow the project to be completed in an efficient and rational manner;
- b) No changes are proposed any Council Conditions of Approval or to the Department of Transport and Main Roads Conditions attached with the Decision Notice for Request to Change Conditions of Approval dated 23 October 2013; and
- d) The requested change to the period of approval for the current approval is made in accordance with Section 383 of the Sustainable Planning Act 2009.

Council's favourable consideration of this submission is commended.

VICTOR G FEROS TOWN PLANNING CONSULTANTS

MARCH 2015

FIGURES



REQUEST TO EXTEND PERIOD OF APPROVAL TO THE CAIRNS REGIONAL COUNCIL IN RELATION TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EXTENSION TO A TAVERN

7-9 MACROSSAN STREET AND 6 WARNER STREET, PORT DOUGLAS

HILROK HOTEL GROUP PTY LTD

SITE LOCATION



FIGURE 1

MARCH 2015

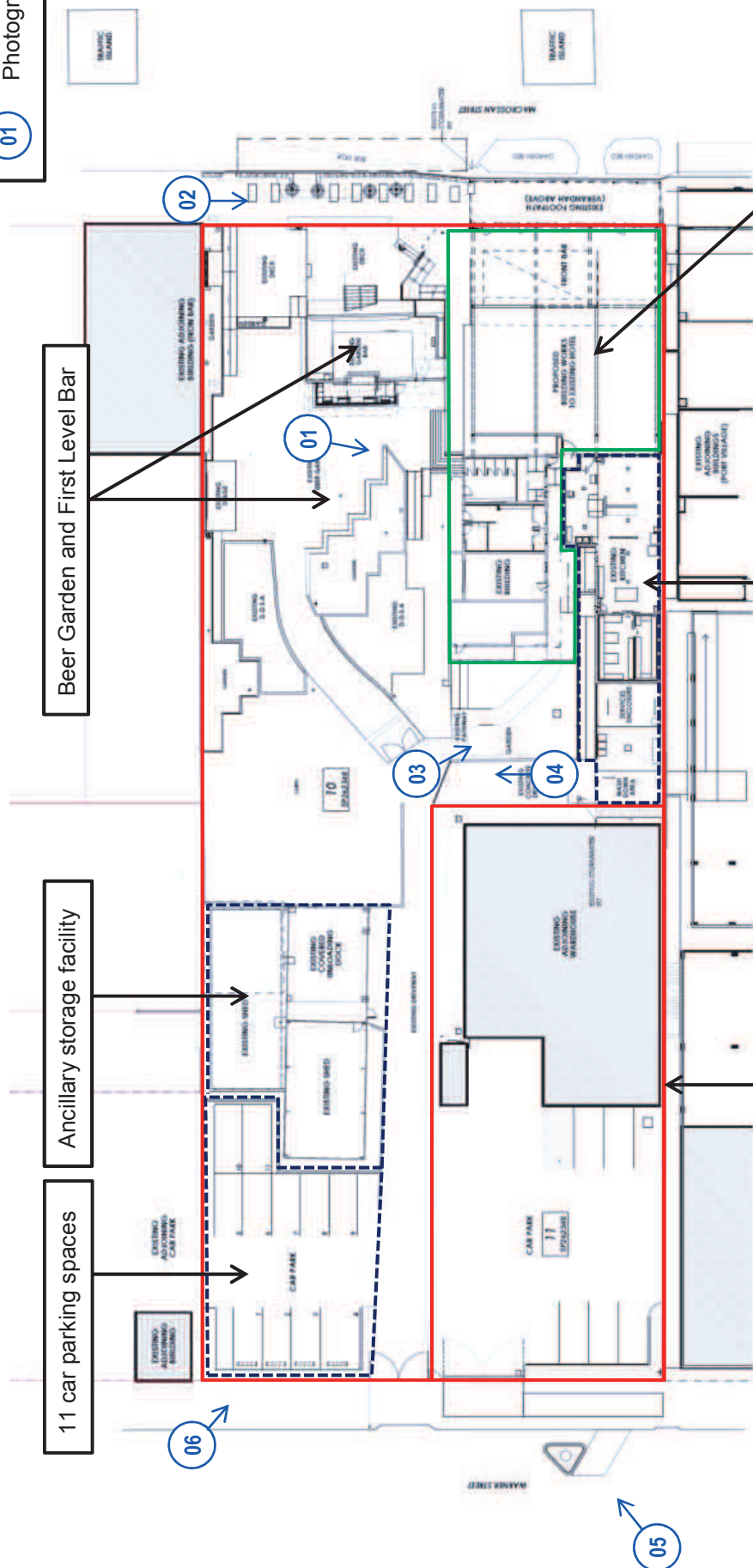


LEGEND

Completed Works

Works to be Completed

Photograph Reference



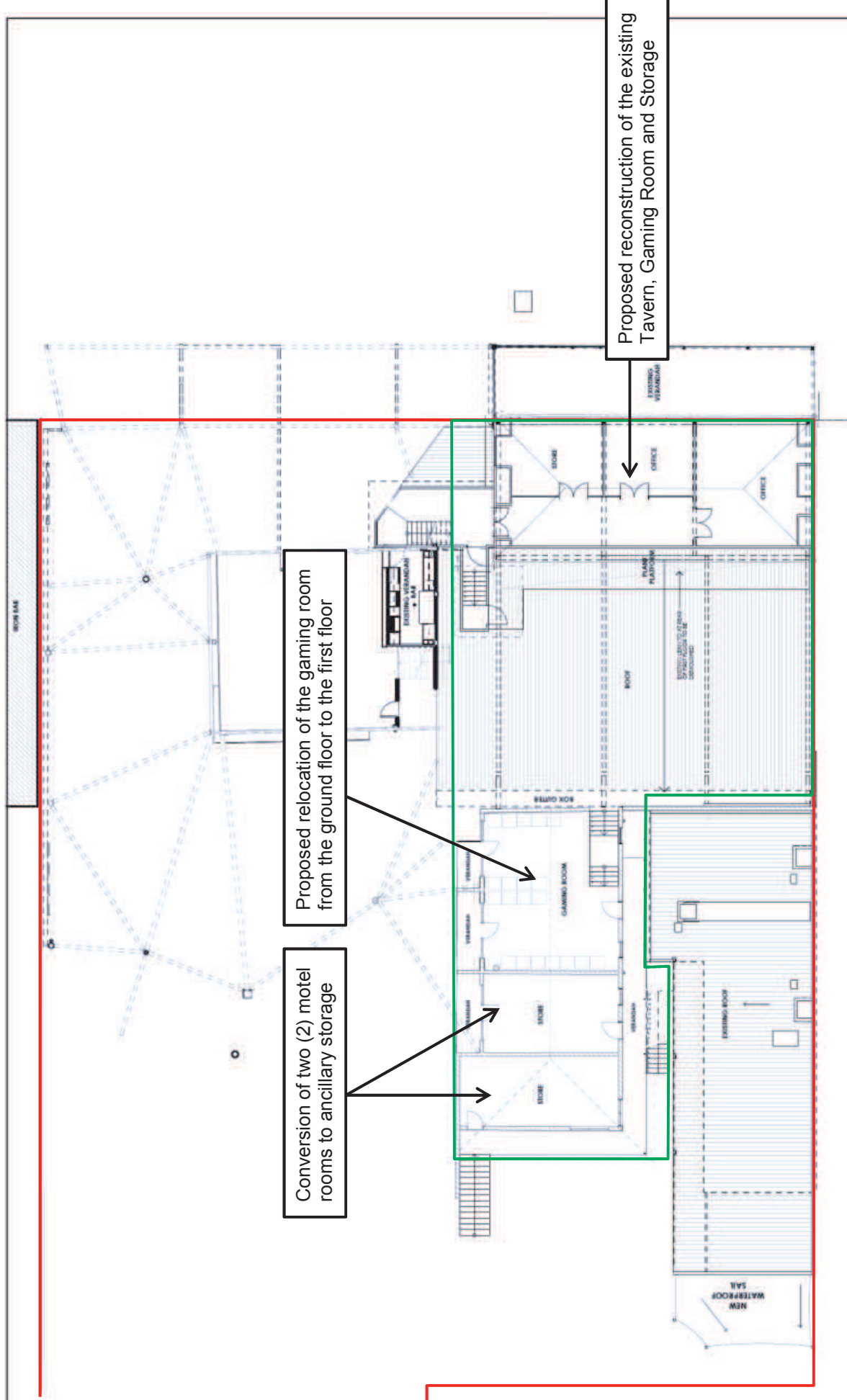
Proposed reconstruction of the existing Tavern, Gaming Room and Storage

Construction of the kitchen and food preparation and storage area

Construction the Bulk
Alcohol Storage Facility
on Lot 11 on SP262348

FIGURE 2A – COMPLETED AND REMAINING BUILDING WORKS
27 MARCH 2015

[illegible]



FIRST FLOOR PLAN
1:100

FIGURE 2C – COMPLETED AND REMAINING BUILDING WORKS
27 MARCH 2015

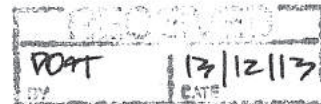
IMPORTANT NOTES 1. THE DRAWING IS TO BE USED FOR THE PURPOSES OF THE PROJECT ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. 2. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 3. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 4. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 5. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 6. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 7. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 8. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 9. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE. 10. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS AND CONDITIONS OF SALE.		LEGEND 1. EXISTING 2. PROPOSED 3. REMOVED 4. TO BE DEMOLISHED 5. TO BE RECONSTRUCTED 6. TO BE RELOCATED 7. TO BE REDESIGNED 8. TO BE REFINISHED 9. TO BE REPAIRED 10. TO BE REPLACED		PROJECT INFORMATION PROJECT NAME: BUILDING WORKS & MAINTENANCE INCLUDING STRUCTURAL STABILISATION AT THE CENTRAL HOTEL PROJECT NO: PR1.5 PROJECT DATE: 10/11/14 PROJECT LOCATION: HILKOK PROPERTIES PTY LTD PROJECT DESCRIPTION: BUILDING WORKS & MAINTENANCE INCLUDING STRUCTURAL STABILISATION AT THE CENTRAL HOTEL PROJECT OWNER: HILKOK PROPERTIES PTY LTD PROJECT MANAGER: HILKOK PROPERTIES PTY LTD PROJECT DESIGNER: HILKOK PROPERTIES PTY LTD PROJECT CONSULTANT: HILKOK PROPERTIES PTY LTD PROJECT CONTRACTOR: HILKOK PROPERTIES PTY LTD PROJECT SCHEDULE: 10/11/14 PROJECT BUDGET: \$1,000,000 PROJECT RISK: LOW PROJECT STATUS: COMPLETED	
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APPENDIX A

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: VGF-C951
OUR REF: 8/7/1554 (4218067)

12 December 2013

Hilrok Hotel Group Pty Ltd
C/- Victor Feros TP Cons
PO Box 1256
CAIRNS QLD 4870



Dear Sir/Madam

**RE: REQUEST TO EXTEND PERIOD OF APPROVAL
FOR DEVELOPMENT APPLICATION -
7-9 MACROSSAN STREET PORT DOUGLAS**

In accordance with Sections 383, 388 and 389 of the *Sustainable Planning Act 2009*, please be advised that Council, under Instrument of Delegation has extended the Period of Approval for two (2) years, up to and including 9 December 2015, subject to the conditions contained within the Amended Decision Notice dated 25 October 2013.

Should you require any further information or assistance, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully



Gary Warner
Acting Manager Development & Regulatory Services

APPENDIX B

YOUR REF: VGF C990

OUR REF: MCUC 5400/2013 (436504)

18 December 2014

Hilrok Hotel Group P/L
C/- Victor G Feros
PO Box 1256
CAIRNS QLD 4870

Attention : Nick Hardy

Dear Sir

**PROPOSED REALLOCATION OF INTERNAL USES AND FLOOR
AREAS AT THE CENTRAL HOTEL – 7 – 9 MACROSSAN STREET,
PORT DOUGLAS**

Reference is made to your letter dated 18 November 2014 and the attached plans located at Appendix E detailing the proposed modifications to the internal uses and the respective floor areas.

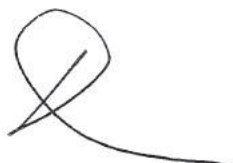
As requested, please be advised that the proposed renovations and reallocation of uses and the respective floor areas as detailed on plans attached at Appendix E and as attached to this letter does not trigger a requirement to lodge a development application. Such proposed amendments and modifications are therefore considered to be generally in accordance with the approved plans as detailed in the Amended Decision Notice dated 25 October 2013.

Please be advised that the office areas must be ancillary to the dominate use of the site at all times and not separately let.

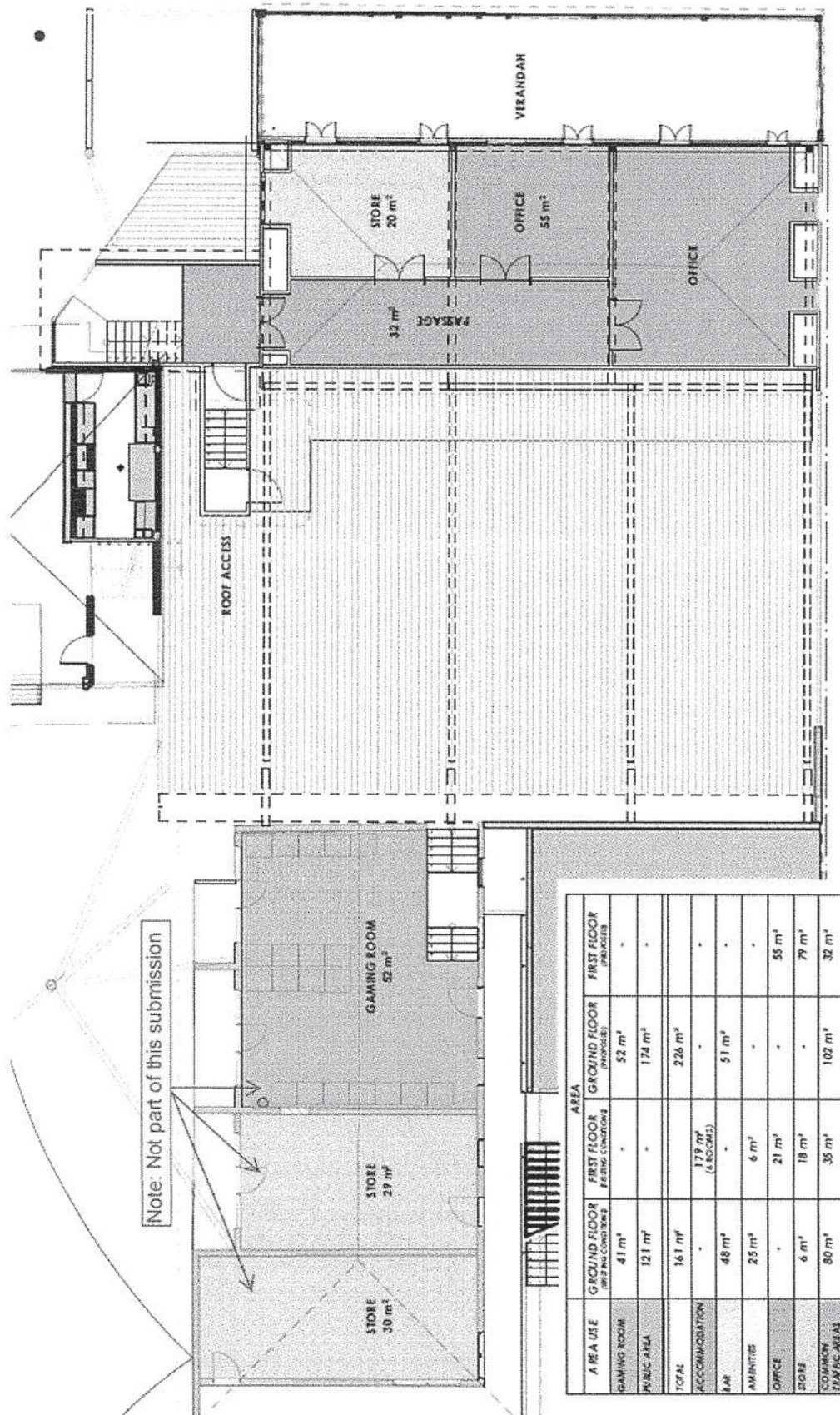
In addition, while the relocation of the Gaming Area from the ground floor to the first floor is associated with the reallocation of uses and subject to a request for a Permissible Change which is yet to be determined, such a proposal is mutually exclusive to the operation of the ground floor as detailed on plans contained at Appendix E and as attached.

Please contact Neil Beck of Council's Development & Environment Team on 40999451 should you wish to discuss this matter further.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Donna Graham
Manager, Development & Environment



AREA USE	AREA			
	GROUND FLOOR (EXISTING CONDITIONS)	FIRST FLOOR (PROPOSED)	GROUND FLOOR (PROPOSED)	FIRST FLOOR (PROPOSED)
GAMING ROOM	41 m²	-	52 m²	-
PUBLIC AREA	121 m²	-	174 m²	-
TOTAL	161 m²	-	226 m²	-
ACCOMMODATION	-	179 m² (8 ROOMS)	-	-
BAR	48 m²	-	51 m²	-
AMENITIES	25 m²	6 m²	-	-
OFFICE	-	21 m²	-	55 m²
STORE	6 m²	18 m²	-	79 m²
COMMON TRAFFIC AREAS	80 m²	35 m²	102 m²	32 m²

FIRST FLOOR PLAN
SCALE 1:100

PRELIMINARY

CALCULATIONS FOR CAR PARKING REQUIREMENTS AT THE CENTRAL HOTEL

hunt

Architecture
Urban Planning
Interior Design

4/10/14 P2

APPENDIX C

YOUR REF: VGF-C923
OUR REF: MCUC 5400/2013 (prev 8/7/1554) 438661

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



29 January 2015

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

Dear Sir/Madam

**AMENDED CHANGED DECISION NOTICE FOR REQUEST TO CHANGE
CONDITIONS OF APPROVAL FOR 7-9 MACROSSAN STREET &
6 WARNER STREET, PORT DOUGLAS**

With reference to the abovementioned Request to Change Conditions of Approval please find attached the relevant Amended Changed Decision Notice which was determined under by Council at the Ordinary Meeting held on 20 January 2015.

The Decision Notice has been amended to attach the changed plans referenced in the table of approved drawings and/or documents and the description of the proposal.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

Your attention is drawn to the Advice statements in respect of compliance with other legislation and in particular compliance with the requirement for any disability access under the Premises Standards.

Should you have any enquiries in relation to this Amended Changed Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

RECEIVED
D

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

APPLICANT DETAILS

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

ADDRESS

7-9 Macrossan Street & 6 Warner Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lots 10 & 11 on SP262348

PROPOSAL

Request to Change an Existing Approval in relation to a Development Permit for a Material Change of Use (Code Assessment) for an Extension to a Tavern (Conversion of Motel Units to Gaming Area and Ancillary Storage)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Changed Decision Notice dated 22 January 2015 replaces the Amended Decision Notice dated 25 October 2013.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

Department of State Development, Infrastructure & Planning
Far North Queensland Regional Office
PO Box 2358
CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

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

Drawing or Document	Reference	Date
<u>Proposed Site Plan</u>	<u>PET 004 DD 11-02 Rev DA2</u>	<u>24 July 2013</u>
<u>Shed Extension Plan and Elevations</u>	<u>PET 004 DD11-03 Rev DA2</u>	<u>24 July 2013</u>
<u>Proposed Ground Floor Plan — Hotel & Kitchen</u>	<u>PET 004 DD11-04 Rev DA1</u>	<u>8 August 2013</u>
<u>Proposed First Floor Plan — Hotel & Kitchen</u>	<u>PET 004 DD11-05 Rev DA1</u>	<u>8 August 2013</u>
Preliminary Site Plan	PET 006 PR1.1	10 November 2014
Preliminary Ground Floor Plan	PET 006 PR1.4	10 November 2014
Preliminary First Floor Plan	PET006 PR1.5	10 November 2014

ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*; and

Except where modified by these conditions of approval.

Amalgamation Required

2. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 203, 204, and 222 on PTD2091 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to Commencement of Use.

Timing of Effect

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

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

- b. Any redundant sewer infrastructure shall be decommissioned and removed; and
- c. Provide an easement over any Council sewer or manhole located within the property if such is required in the future.

The above works must be shown on a plan of works and designed and constructed in accordance with the *FNQROC Development Manual*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Damage to Infrastructure

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

Water Saving

- 6. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

Refuse Storage

- 7. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Douglas Water and Waste.

Vehicle Parking

- 9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ~~ten (10)~~ eleven (11) for the use approved herein. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

During the operating hours of the Tavern, the car park must remain freely available and accessible for use by patrons and employees of the Tavern. A sign advising of the location of the off-street visitor parking area must be erected on the Warner Street frontage of 7-9 Macrossan Street to the satisfaction of the Chief Executive Officer.

Protection of Landscaped Areas from Parking

- 10. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

11. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One sign must be located on the Warner Street frontage.

Lighting

12. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Speed Control

13. Provide a means of speed control at the entry exit point to the carpark at the property boundary.

Storage of Machinery and Plant

14. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Planting of setback areas. In particular a screen of landscaping is to be provided along the Warner Street boundary for Lot 222.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

16. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

17. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

Street Fencing

18. Any proposed fences and/or walls to any road frontage are to be limited to the following:
- 1.2 metres in height if solid; or
 - 1.5 metres in height if at least 25 per cent visually transparent; or
 - 1.8 metres in height if at least 50 per cent visually transparent.

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Details of Development Signage

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

Advertising Signage

20. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Construction Signage

21. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including respective phone contact numbers:
- Developer;
 - Project Coordinator;
 - Architect / Building Designer;
 - Builder;
 - Civil Engineer;
 - Civil Contractor;
 - Landscape Architect

Health

22. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
23. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.

24. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, *Food Safety Standards* and *AS 4674 – 2004 – Design, construction and fit-out of food premises*.
25. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
26. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1998*.
27. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.
28. Changes to any existing Approval to Carry Out Outdoor Dining under Local Law No 59 (Commercial Use of Roads) will need to be approved by Council. An application to amend the approved area must be made with Council's Local Laws Compliance Unit – Mossman.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Main Roads	214/6504/102(3394.04)	7 April 2009	2020345
<u>Department of State Development, Infrastructure and Planning</u>	<u>SPD-0813-001017</u>	<u>2 September 2013</u>	
<u>Department of State Development, Infrastructure and Planning</u>	<u>SPD-1114-013129</u>	<u>9 December 2014</u>	<u>435646</u>

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

FURTHER ADVICE

1. This approval lapses on 9 December 2015 as detailed in correspondence dated 12 December 2013.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

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

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

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

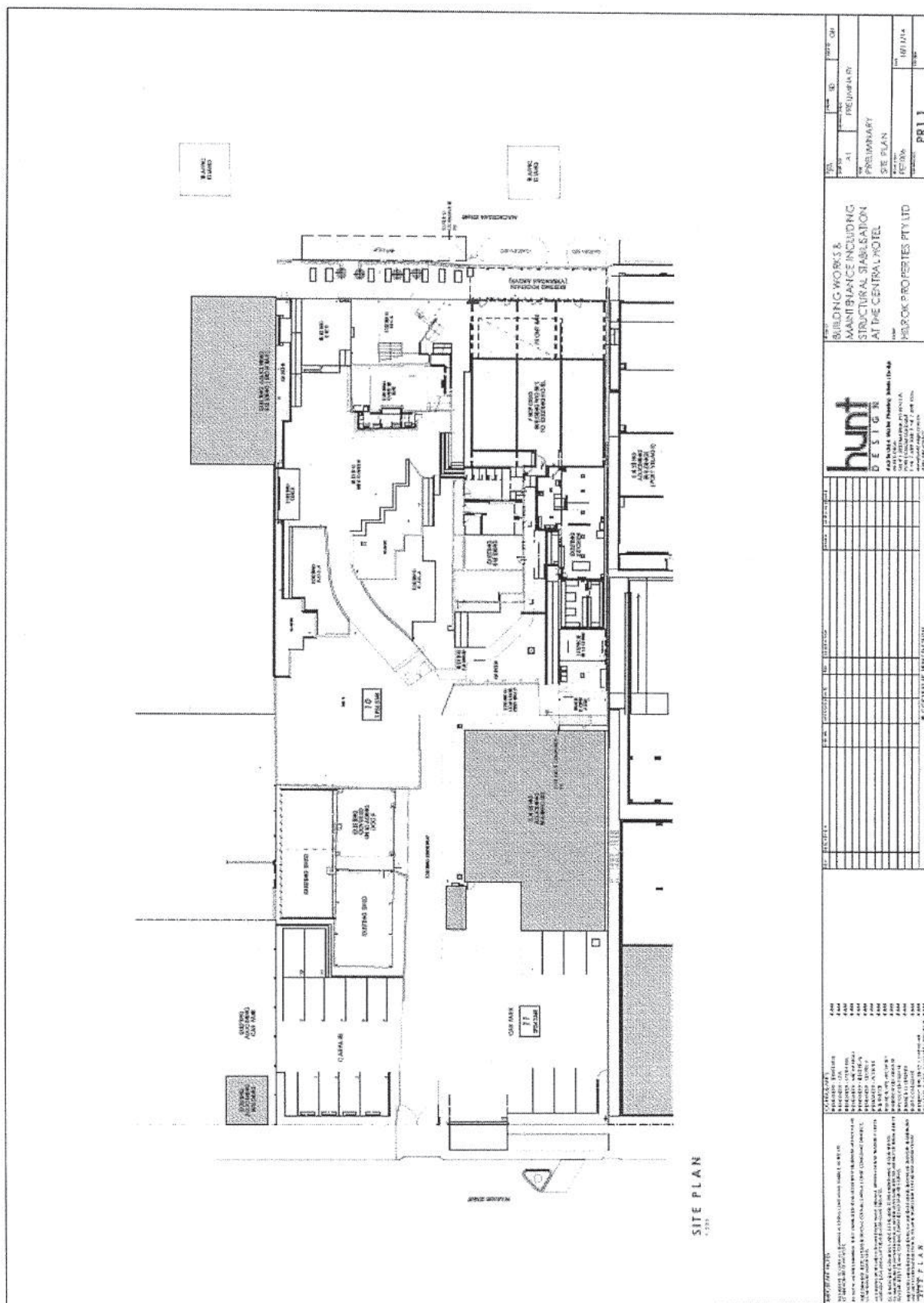
The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

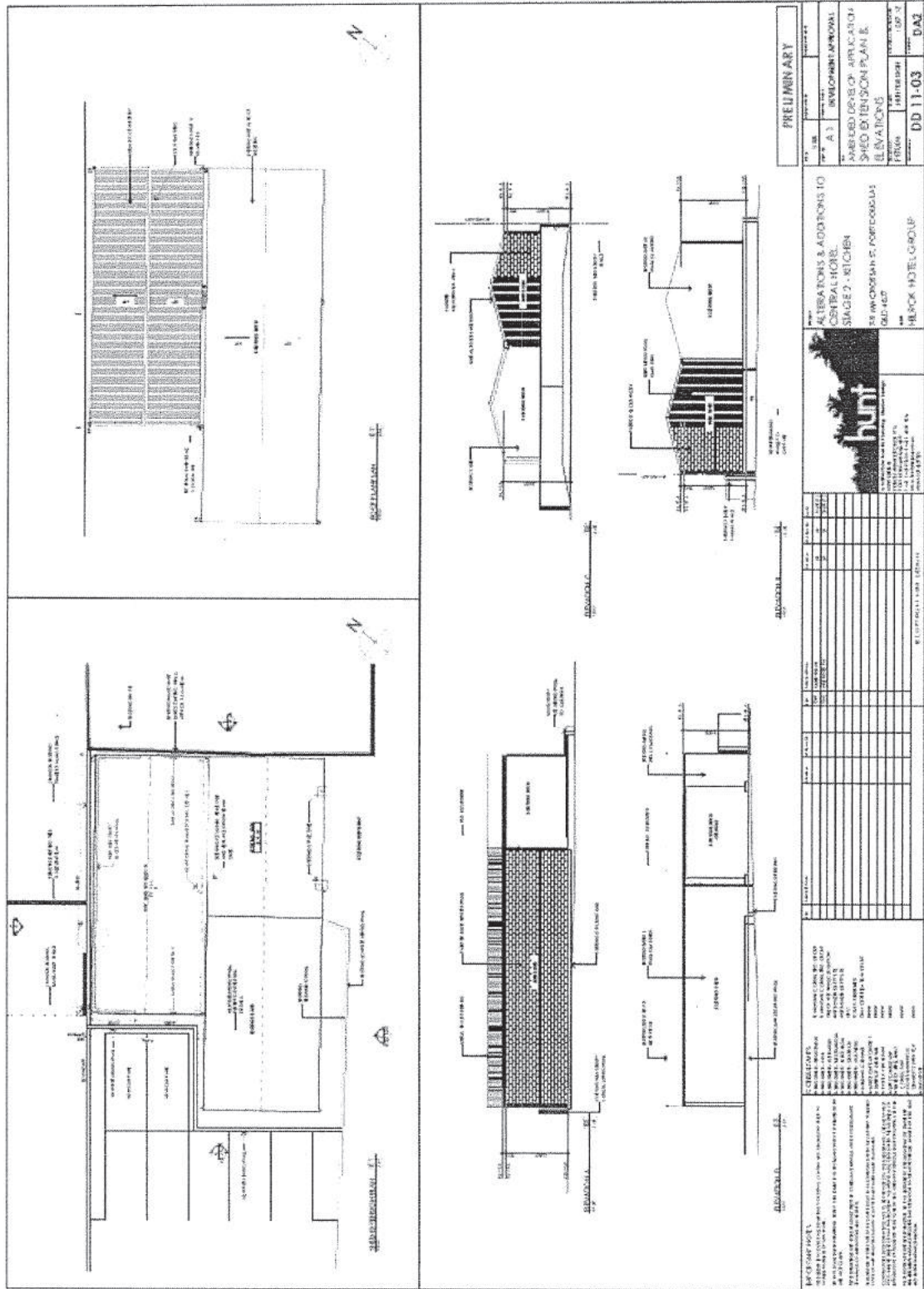
5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice





APPENDIX 2 CONCURRENCE AGENCY RESPONSE



Department of
**State Development,
Infrastructure and Planning**

Our reference: SPD-1114-013129
Your reference: VGF-C923

9 December 2014

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Dear Ms Cardew

Notice about request for permissible change—relevant entity
7-9 Macrossan Street and 6 Warner Street Port Douglas and more precisely described as
Lots 10 and 11 on SP262348
(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 19 November 2014 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*.

The department understands that the proposed changes are as follows:

- Convert two existing motel rooms on the first floor into a gaming room which was previously to be located on the ground floor.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made subject to the following:

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

- The development must be carried out generally in accordance with the following Plan: Preliminary Site Plan, prepared by Hunt Design, dated 18 November 2014, Drawing No. RP1.1.

If you require any further information, please contact Angela Foster, Principal Planning Officer, on 4037 3233, or via email angela.foster@dsdip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)



Department of
**State Development,
Infrastructure and Planning**

Our reference: SPD-0813-001017
Your reference: VGF-C923

Date: 2 September 2013

Hilrok Hotel Group Pty Ltd
c/- Victor G Feros Town Planning
PO Box 1256
Cairns QLD 4870

Dear Hilrok Hotel Group,

AMENDED Notice of decision—changed approval (responsible entity)

Request for permissible change – 7-9 Macrossan Street, Port Douglas (Lots 203, 204, 221 and 222 on PTD2091)

(Given under section 376 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received representations under section 369 of the *Sustainable Planning Act 2009* (SPA) on 20 August 2013 for the Concurrence Agency Response described below.

Applicant details

Applicant name: Hilrok Hotel Group Pty Ltd

Site details

Real property description: Lots 203, 204, 221 and 222 on PTD2091

Local government area: Cairns Regional Council

Application details

Proposed development: Development Permit for Material Change of Use (Tavern Extension)

Original decision

Date of original decision: 7 April 2009

Original decision details: Approved subject to conditions

A changed Concurrence Agency Response for this request is attached.

Copies of the following documents are also attached:

- relevant appeal provisions in the *Sustainable Planning Act 2009*
- any plans and specifications approved in relation to the decision notice.

If you require any further information, please contact Elizabeth Crombie, Senior Planning Officer, Regional Services – Far North on (07) 4039 8099 or via email at caimsSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely,



Robin Clark
Manager, Planning

enc: Changed concurrence agency response
Attachment 1 – Changed Concurrence agency conditions
SPA appeal provisions
Approved plans and specifications

Our reference: SPS-0813-001017
Your reference: VGF-C923

Changed Concurrence agency response

(Given under section 376 of the *Sustainable Planning Act 2009*)

Applicant details

Applicant name:	Hilrok Hotel Group Pty Ltd
Applicant contact details:	c/- Victor G Feros Town Planning
	Contact: Nick Hardy
	Address: PO Box 1256 Cairns QLD 4870
	Phone: 07 4031 3663
	Email: nick@ferosplanning.com.au

Application details

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

Site details

Street address:	7-9 Macrossan Street, Port Douglas
Real property description:	Lots 203, 204, 221 and 222 on PTD2091
Site area:	4048m ²
Name of owner:	Hilrok Hotel Group Pty Ltd

Nature of the changes

The nature of the changes agreed to are:

Development impacting on a State-controlled road

1. Change to Condition 1 – Amended plans detailing the change to storage facilities

Original decision

Date of original response:	7 April 2009
Original decision details:	Approved subject to conditions

Changed decision

Date of changed response:	2 September 2013
Changed decision details:	Approved subject to conditions

Conditions

This approval is subject to:

- the changed concurrence agency conditions in Attachment 1.

The department has, for particular conditions of this approval, nominated an entity to be the assessing authority for that condition under section 255D(3) of the *Sustainable Planning Act 2009*.

Aspects of development and development approval granted

Aspect 1:	Section 369, <i>Sustainable Planning Act 2009</i> , request to change a development approval
Aspect 2:	Negotiated decision notice 8/7/1554 dated 10 December 2009 for Development Permit - Material Change of Use (Tavern Extension)

Further development permits or compliance permits

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

1. Not applicable

Self-assessable codes

Please be advised that the following codes may need to be complied with for self-assessable development related to the approved development:

1. Not Applicable

Compliance assessment

Compliance assessment is required under chapter 6, part 10 of the *Sustainable Planning Act 2009* for the following documents or works in relation to the development:

1. Not applicable

Properly made submissions

Not applicable—No part of the application required impact assessment.

Conflicts with relevant instruments

This decision does not conflict with a relevant instrument.

Rights of appeal

The rights of applicants to appeal to the Planning and Environment Court against decisions about a development application are set out in chapter 7, part 1, division 8 of the *Sustainable Planning Act 2009*. For particular applications, there may also be a right to appeal to the Building and Development Dispute Resolution Committee (see chapter 7,

part 2 of the *Sustainable Planning Act 2009*).

Copies of the relevant appeal provisions are attached.

Approved plans and specifications

Copies of the following approved plans and specifications are attached:

Drawing or document	Reference no.	Version	Date
Proposed Site Plan	DD 11-02	DA2	24 July 2013
Shed Extension Plan and Elevations	DD11-03	DA2	24 July 2013
Proposed Ground Floor Plan – Hotel & Kitchen	DD11-04	DA1	8 August 2013
Proposed First Floor Plan – Hotel & Kitchen	DD11-05	DA1	8 August 2013

Our reference: SPD-0813-001017

Your reference: VGF-C923

Attachment 1—Change concurrence agency conditions

No.	Conditions of development approval	Condition timing
Development Permit – Material Change of Use		
State-controlled road – Department of Transport and Main Roads		
1.	Unless otherwise approved in writing by the department, the development site layout must generally comply with Hunt Design Drawing No. DD 11-02 Revision DA2, dated 24 July 2013.	Prior to the commencement of use and to be maintained at all times.
2.	Maintain condition 2 attached to Council's negotiated decision notice dated 10 December 2009.	Prior to the commencement of use and to be maintained at all times.
3.	Maintain condition 3 attached to Council's negotiated decision notice dated 10 December 2009.	Prior to the commencement of use and to be maintained at all times.

Attachment

Sustainable Planning Act 2009—Representation and appeal provisions

The following relevant appeal provisions are provided in accordance with s336(a) of the *Sustainable Planning Act 2009*.

Chapter 6 Integrated development assessment system (IDAS)

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new notice about charges for infrastructure

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge, regulated infrastructure charge or adopted infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice under section 648F to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal.

Chapter 7 Appeals, offences and enforcement

Part 1 Planning and Environment Court

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;

- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (3) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 11 Making and appeal to Court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 363 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
 - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.

- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

485 Respondent and co-respondents for appeals under div 8

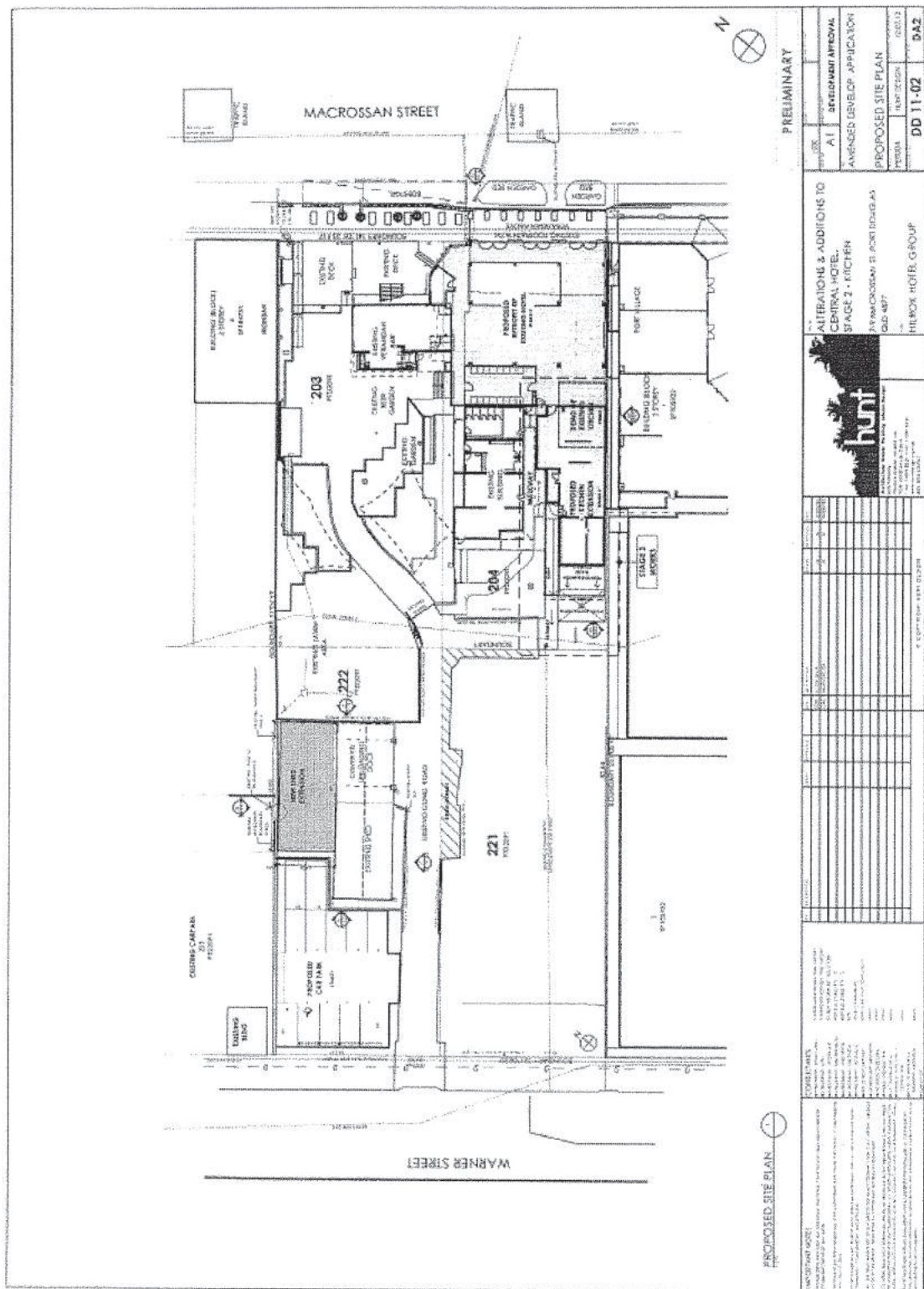
- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

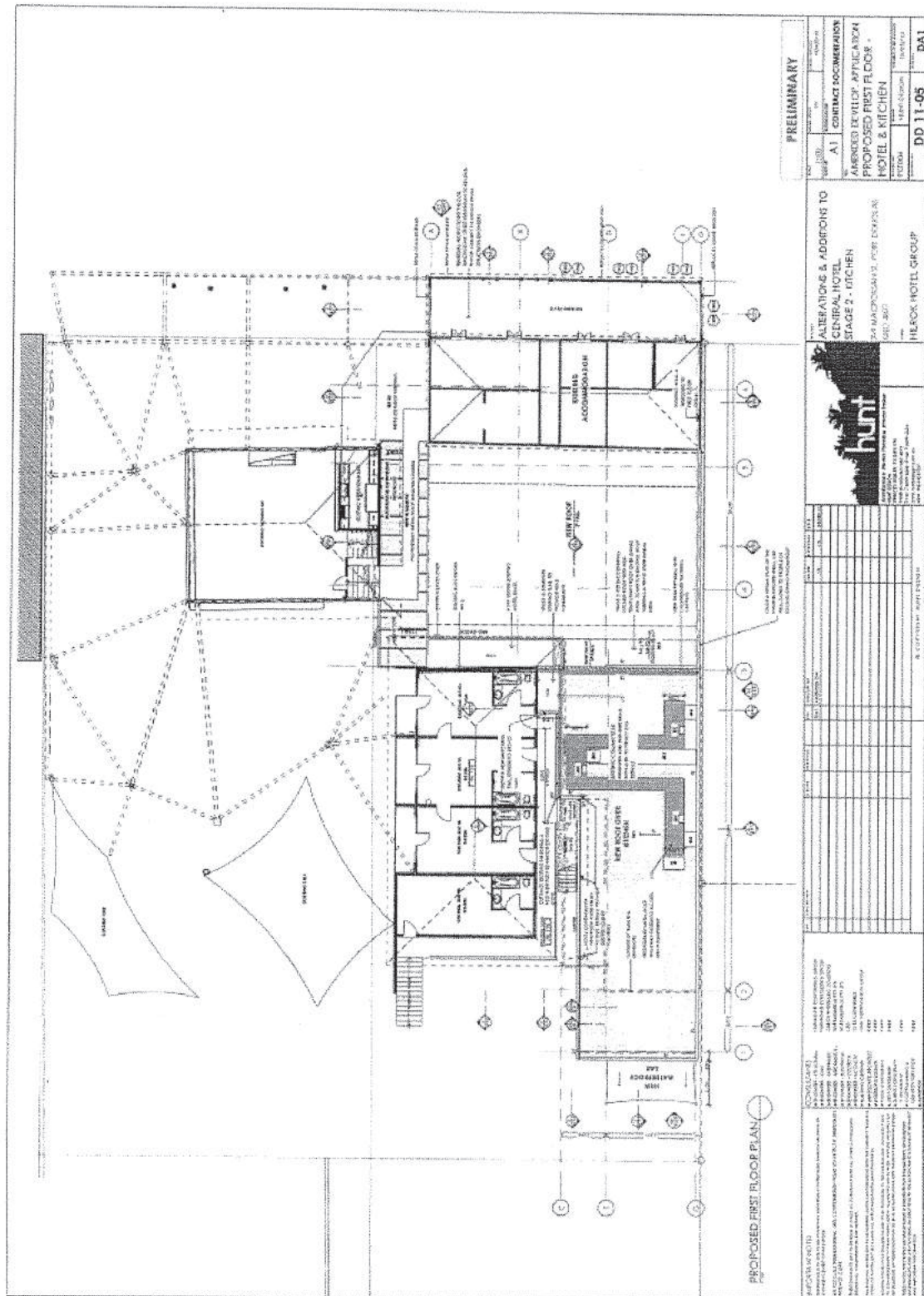
488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.







APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications					
INFRASTRUCTURE CHARGES NOTICE							
Hillrok Hotel Group Pty Ltd		N/A	0				
DEVELOPERS NAME		ESTATE NAME	STAGE				
7 - 9 Macrossan Street	Port Douglas	Lot 10 SP262348	157682				
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.				
Extension to Tavern	MCUC 5400	30-Sep-14	4				
DEVELOPMENT TYPE	COUNCIL FILE NO.	R&B INDEX QUARTER ENDING	VALIDITY PERIOD				
437017	1	This togo sheet is indexed appropriately only for payments made within the quarter noted above.					
DSC Reference Doc. No.	VERSION No.						
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
WATER							
Existing	15	0.00	X	0.00	0.00	\$0.00	0
Proposed	15	0.00	X	0.00	0.00	\$0.00	0
None	Water sub - total				\$0.00		
SEWERAGE							
Existing	8	0.00	X	0.00	0.00	\$0.00	0
Proposed	8	0.00	X	0.00	0.00	\$0.00	0
None	Sewerage sub - total				\$0.00		
OPEN SPACE							
	DSC Area				\$0.00		894 GL 07230.0135.0825
Off-site Car Parking	Port Douglas Central Tourist Area Car Parking				\$31,636.43		896 GL 07500.0135.0825
	TOTAL				\$31,636.43		
Prepared by	Neil Beck		on	5-Jan-15		Amount Paid	
Checked by			on			Date Paid	
Date Payable							
Amendments	Date						
							Cashier

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 0444 or by email on enquiries@douglas.qld.gov.au

Part 4 Changing notices

675 Definition for pt 4

In this part—

relevant appeal period, for a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice, means the period within which the person may appeal against the notice to the court or a building and development committee under section 478 or 535,

676 Application of pt 4

This part applies to a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated

State infrastructure charges notice only during the person's relevant appeal period.

677 Representations about notice

The person may make representations about the notice to the entity that gave the notice.

678 Consideration of representations

The entity that gave the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice must consider any representations made to the entity under section 677.

679 Decision about representations

- (1) If the entity agrees with any of the representations, the entity must give to the person—
 - (a) for representations about an infrastructure charges notice—a new infrastructure charges notice (the *negotiated infrastructure charges notice*); or
 - (b) for representations about a regulated infrastructure charges notice—a new regulated infrastructure charges notice (the *negotiated regulated infrastructure charges notice*); or
 - (c) for representations about an adopted infrastructure charges notice—a new adopted infrastructure charges notice (the *negotiated adopted infrastructure charges notice*); or
 - (d) for representations about a regulated State infrastructure charges notice—a new regulated State infrastructure charges notice (the *negotiated regulated State infrastructure charges notice*).

[s 680]

- (2) The entity may give only 1 negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (3) The negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice—
 - (a) must be given within 5 business days after the day the entity agrees with the representations; and
 - (b) must be in the same form as the notice previously given; and
 - (c) must state the nature of the changes; and
 - (d) replaces the notice previously given.
- (4) If the entity does not agree with any of the representations, the entity must, within 5 business days after the day the entity decides not to agree with any of the representations, give a written notice to the person stating the decision about the representations.

680 Suspension of relevant appeal period

- (1) If the person given the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice needs more time to make the written representations, the person may, by written notice given to the entity that gave the notice, suspend the person's relevant appeal period.
- (2) The person may act under subsection (1) only once.
- (3) If the written representations are not made within 20 business days after the day written notice was given to the entity, the balance of the person's relevant appeal period restarts.
- (4) If the written representations are made within 20 business days after the day written notice was given to the entity—

- (a) if the person gives the entity a notice withdrawing the notice under subsection (1)—the balance of the person's relevant appeal period restarts the day after the entity receives the notice of withdrawal; or
- (b) if the entity gives the person a notice under section 679(4)—the balance of the person's relevant appeal period restarts the day after the person receives the notice; or
- (c) if the entity gives the person a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice (the *negotiated notice*)—the person's relevant appeal period starts again the day after the person receives the negotiated notice.

478 Appeals about particular charges for infrastructure

- (1) This section applies to a person who has been given, and is dissatisfied with—
 - (a) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
 - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
- (4) An appeal under this section may only be about—
 - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
 - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

535 Appeals about charges for infrastructure

- (1) This section applies to a person who—
 - (a) has been given—
 - (i) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
 - (ii) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice; and
 - (b) is dissatisfied with the calculation of a charge in the notice.
- (2) The person may appeal to a building and development committee about an error in the calculation of the charge.
- (3) An appeal about a notice mentioned in subsection (1)(a) must be started within 20 business days after the day the notice is given to the person.
- (4) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

Infrastructure Charges

Infrastructure charges are payments made by developers to enable Council to provide the necessary infrastructure to support development. They are required under the *Sustainable Planning Act 2009*.

The costs of providing infrastructure are equitably apportioned across the entire catchment. The charge covers the net increase in service demand resulting from a development. The charges are subject to regular indexation.

They are applicable to development; however, they are not applicable in all instances.

Infrastructure Charges for:

Water Supply Headworks, Sewerage Headworks and Works External contribute towards the cost of providing water supply headworks and sewerage headworks, water supply works external and sewerage works external. Full details are outlined in Council's Planning Scheme Policy No 11;

Open Space contributes towards the provision of adequate parks and open space areas for the enjoyment of resident and visitors to the Shire. Full details are outlined in Council's Planning Scheme Policy No 9;

Car Parking contributions may be made in lieu of providing car parking on site in certain circumstances and in association with a development. Full details are outlined in Council's Planning Scheme Policy No 3;

Council's Planning Scheme Policies can be found on Council's website at www.douglas.qld.gov.au . If you have an enquiry please contact Council's Development Assessment team on 07 4099 9444 or by email planning@douglas.qld.gov.au .

Part 8 Dealing with decision notices and approvals

Division 1 Changing decision notices and approvals during applicant's appeal period

360 Application of div 1

This division applies only during the applicant's appeal period.

361 Applicant may make representations about decision

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency

- told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 Assessment manager to consider representations

The assessment manager must consider any representations made to the assessment manager under section 361.

363 Decision about representations

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and

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- (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or
 - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 Giving new infrastructure charges notice or regulated infrastructure charges notice

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 Giving new regulated State infrastructure charges notice

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.

- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 Applicant may suspend applicant's appeal period

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

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part of the local planning instrument, in force for the local government at a time stated in the document, the chief executive officer may so certify the document.

- (2) In a proceeding, a document certified under subsection (1) is admissible in evidence as if it were the original local planning instrument or part of the instrument.

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.

- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

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463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) development for an aquacultural ERA; or
 - (b) development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive;
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

- (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;

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- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 9 Appeals to court about compliance assessment

468 Appeals against decision on request for compliance assessment

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

470 Appeals against particular decisions about compliance assessment

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Division 10 Appeals to court about other matters

472 Appeal about extension of period under s 98

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.

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- (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or

- (d) the removal of quarry material allocated under the *Water Act 2000*; or
- (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
- (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) development the assessing authority reasonably believes is causing an environmental nuisance.

475 Appeals against local laws

- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

475A Appeals against decisions under ch 8A

- (1) A person who has been given an information notice for a decision of the Minister under chapter 8A, part 3 may appeal to the court against the decision.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the information notice is given.
- (3) If the Minister decides, under chapter 8A, part 3, to register premises or to renew the registration of premises, a relevant

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person for the premises who is dissatisfied with the decision may appeal to the court against the decision.

- (4) An appeal under subsection (3) must be started within 20 business days after the day notice about the registration or renewal is published under section 680Y.
- (5) In this section—

relevant person, for premises, means any owner or occupier of land in the affected area for the premises.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.

- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

478 Appeals about particular charges for infrastructure

- (1) This section applies to a person who has been given, and is dissatisfied with—
 - (a) an infrastructure charges notice, regulated infrastructure charges notice or adopted infrastructure charges notice; or
 - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice or negotiated adopted infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
- (4) An appeal under this section may only be about—
 - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government or State infrastructure provider could have imposed it; or
 - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule or regulated infrastructure charges schedule.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—

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- (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Division 11 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—

- (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
- (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and

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- (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—

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- (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
- (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
- (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
- (a) if the appeal is under section 472 or 475—the local government; or
 - (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or

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- (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section

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- 385—the person asking for the extension the subject of the appeal is a co-respondent; and
- (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
- (a) the responsible entity for making the change to which the appeal relates is the respondent; and
- (b) if the responsible entity is the assessment manager—
- (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
- (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
- (a) the compliance assessor is the respondent; and
- (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
- (a) the entity that gave the notice to which the appeal relates is the respondent; and
- (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government

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did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.

- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

487 Respondent and co-respondents for appeals under div 10

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

489 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

292 Advice agency's response powers

- (1) An advice agency's response may, within the limits of the advice agency's jurisdiction, make a recommendation to the assessment manager about any aspect of the application relevant to the assessment manager's decision on the application, including, for example—

- (a) the conditions that should attach to any development approval; and
 - (b) that any approval should be for part only of the application; and
 - (c) that any approval should be a preliminary approval only.
- (2) Alternatively, an advice agency's response may, within the limits of the advice agency's jurisdiction, advise the assessment manager that—
- (a) the advice agency has no recommendations relating to the application; or
 - (b) it should refuse the application.
- (3) An advice agency's response may also tell the assessment manager to treat the response as a properly made submission.

YOUR REF: VGF-C923
OUR REF: MCUC 5400/2013 (prev 8/7/1554) 438661

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

29 January 2015

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

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
7-9 MACROSSAN STREET & 6 WARNER STREET, PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (the Act).

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

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

These charges are payable prior to the change of use occurring in accordance with section 648H of the Act.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.


Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

INFRASTRUCTURE CHARGES NOTICE

		2006 & 2008 Douglas Shire Planning Schemes Applications					
INFRASTRUCTURE CHARGES NOTICE							
Hilrok Hotel Group Pty Ltd		N/A					
DEVELOPERS NAME		ESTATE NAME					
7 - 9 Macrossan Street		Lot 10 SP262348					
STREET No. & NAME		SUBURB					
Extension to Tavern		MCUC 5400					
DEVELOPMENT TYPE		LOT & RP No.s					
437017		30-Sep-14					
COUNCIL FILE NO.		R&B INDEX QUARTER ENDING					
1		This logsheet is indexed appropriately only for payments made within the quarter noted above.					
DSC Reference Doc. No.		VERSION No.					
437017		1					
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
WATER							
Existing	16	0.00	X	0.00	0.00	\$0.00	0
Proposed	16	0.00	X	0.00	0.00	\$0.00	0
None	Water sub - total				\$0.00		
SEWERAGE							
Existing	8	0.00	X	0.00	0.00	\$0.00	0
Proposed	8	0.00	X	0.00	0.00	\$0.00	0
None	Sewerage sub - total				\$0.00		
OPEN SPACE							
DSC Area					\$0.00		894 GL 07230.0135.0825
Off-site Car Parking					\$31,636.43		896 GL 07500.0135.0825
TOTAL					\$31,636.43		
Prepared by	Neil Beck		on	5-Jan-15	Amount Paid		
Checked by			on		Date Paid		
Date Payable							
Amendments			Date		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPENDIX D



PHOTOGRAPH 01



PHOTOGRAPH 02



PHOTOGRAPH 03



PHOTOGRAPH 04



PHOTOGRAPH 05



PHOTOGRAPH 06