

6 January 2026

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

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2019_3365/4 (Doc ID 1341599)
Your Ref: P71866

Second York Pty Ltd & Scali Nominees Pty Ltd
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Email: planner@planztp.com

Attention Mr Peter Boyd

Dear Sir

ACTION NOTICE
(in accordance with Section 3.1 of the Development Assessment Rules)

Reference is made to the development application lodged with Council on 22 December 2025.

The application is not a properly made application in accordance with Section 51(5) of the *Planning Act 2016*.

Applicant Details

Name: Second York Pty Limited & Scali Nominees Pty Limited
A.C.N.005 724 854
Postal Address: C/- Planz Town Planning
PO Box 181
Edge Hill Qld 4870
Email: planner@planztp.com

Property Details

Street Address: 20 Warner Street Port Douglas
Real Property Description: Lot 1 on SP339706
Local Government Area: Douglas Shire Council

Application Details

Application Number: MCUC 2019_3365/4

Nature of Development Proposed:

Other Change Application seeking a Development Permit for Material Change of Use for:

- a. Bar
- b. Food and drink outlet;
- c. Short-term accommodation;
- d. Health care services.

The Other Change application is to:

- i. The existing Development Permit that was determined on 28 June 2022 for an Application for a Minor Change for the Material Change of Use for Short-term Accommodation with Ancillary Uses of Food and Drink Outlet / Bar on land at 20 Warner Street and 23-25 Macrossan Street, Port Douglas, being Land previously described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579 and currently described as Lots 1 and 2 on SP316373, Easement A on SP150452 and Easements B and C on SP204455, that was a change to:
- ii. The Decision Notice for the Development approval that was determined on 15 December 2020 for an Application for minor change to the existing Development Permit for a Material Change of Use for Short-Tenn Accommodation (Motel) with ancillary uses of Food and Drink Outlet/ Bar on land at 20 Warner Street Port Douglas, being Lot 1 on SP316373 and Easements B and C on SP154579 (previously described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579); that replaced:
- iii. The Decision Notice for the Development approval that was determined on 3 December 2019 for Material Change of Use for Short-Term Accommodation with Ancillary Uses (Food and Drink Outlet / Bar) on land at 20 Warner Street and Part of 23-25 Macrossan Street, Port Douglas, being Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579.

Description of the Development Proposed:

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Reasons why the application is not properly made

The following is a statement of reasons why the application is not a properly made application.

1. Mandatory required sections of the forms have not been correctly completed:
 - a. The land includes use of an easement for access. This needs to be included on the Forms. Note the original approval was over a larger lot; and
 - b. The statement regarding information request is uncompleted; and
 - c. The applicant's full details (A.C.N.) need to be included.
2. The use of the upper terrace area is unclear and without this consideration the fee cannot be determined. The applicable fee for administering the application has not been provided.
3. Insufficient landowner consents have been provided. The land title identifies the land is owned by:
 - a. Scali Nominees Pty. Ltd A.C.N. 005 724 854; and
 - b. Second York Pty Ltd A.C.N. 006 443 152.

Landowner consent has been provided by David for *Scali Nominees Pty Ltd* with the A.C.N. 005 724 854. However, *Scali Nominees Pty Ltd* does not have the A.C.N. 005 724 854. The land title appears to refer to incorrect details (company name and A.C.N. do not match).

No consent has been provided from Scali Nominees Pty Limited (A.C.N. 005 724 854) nor from *Second York Pty Ltd* (A.C.N. 006 443 152).

A copy of company information from the Australian Securities and Investments Commission (ASCI) website for each of the abovementioned companies together with a copy of the land title is enclosed for your reference.

Actions to be undertaken

The following actions must be undertaken in order to make the application a properly made application:

1. Complete the mandatory sections and resubmit the forms including the full applicant details; and
2. Provide advice regarding the land uses and pay the required fee once an invoice is issued; and
3. Provide all landowner consents for the respective companies.

Due Date

Please note that in accordance with section 3.7 of the *Development Assessment Rules*, the application will be taken to have been not made if the above actions are not complied within 20 business days of this action notice unless otherwise agreed.

If the requirements within this notice are not undertaken within this period, Council will return the application and refund any paid application fee as soon as practicable.

The assessment period for the application will not commence until the application is taken to be properly made.

Other

Please quote Council's application number: MCUC 2019_3365/4 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning



ASIC

Australian Securities & Investments Commission

Australian Company

SCALI NOMINEES PTY. LIMITED
ACN 005 724 854

Extracted from ASIC's database at AEST 12:39:23 on 06/01/2026

Company Summary

Name: SCALI NOMINEES PTY. LIMITED

ACN: 005 724 854

Previous State Number: C0172407M

Previous State of Registration: Victoria

Registration Date: 30/09/1980

Next Review Date: 31/05/2026

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: MELBOURNE VIC 3000

Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.



ASIC

Australian Securities & Investments Commission

Australian Company

SECOND YORK PTY. LTD.
ACN 006 443 152

Extracted from ASIC's database at AEST 12:45:45 on 06/01/2026

Company Summary

Name: SECOND YORK PTY. LTD.

ACN: 006 443 152

ABN: 67 006 443 152

Previous State Number: C0244247H

Previous State of Registration: Victoria

Registration Date: 27/06/1985

Next Review Date: 27/06/2026

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: HAWTHORN VIC 3122

Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.



ASIC

Australian Securities & Investments Commission

Australian Company

SCALI NOMINEES PTY LTD
ACN 009 003 669

Extracted from ASIC's database at AEST 12:50:27 on 06/01/2026

Company Summary

Name: SCALI NOMINEES PTY LTD

ACN: 009 003 669

Previous State Number: C0797787B

Previous State of Registration: Western Australia

Registration Date: 18/11/1981

Next Review Date: 18/11/2026

Status: Registered

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: JOLIMONT WA 6014

Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

INTERNAL CURRENT TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 06/01/2026 12:01

Title Reference: 51332202
Date Created: 28/10/2023

Previous Title: 51220942
51220943

REGISTERED OWNER Interest

Dealing No: 722835465 25/10/2023

SCALI NOMINEES PTY LTD A.C.N. 005 724 854	TENANTS IN COMMON	1/2
SECOND YORK PTY LTD A.C.N. 006 443 152	TENANTS IN COMMON	1/2

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 339706
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332110 (ALLOT 11 SEC 2)
Deed of Grant No. 10332112 (ALLOT 14 SEC 2)
2. EASEMENT No 711390791 01/02/2008 at 13:39
benefiting the land over
EASEMENT C ON SP204455
Lodged at 13:39 on 01/02/2008 Recorded at 10:36 on 04/02/2008
3. EASEMENT No 711390793 01/02/2008 at 13:40
benefiting the land over
EASEMENT B ON SP204455
Lodged at 13:40 on 01/02/2008 Recorded at 10:36 on 04/02/2008
4. EASEMENT No 722835466 25/10/2023 at 15:03
burdening the land to
LOT 2 ON SP339706 OVER
EASEMENT E ON SP339706
Lodged at 15:03 on 25/10/2023 Recorded at 11:11 on 28/10/2023
5. MORTGAGE No 724439818 24/10/2025 at 14:08
PERPETUAL CORPORATE TRUST LIMITED A.C.N. 000 341 533
Lodged at 14:08 on 24/10/2025 Recorded at 14:35 on 24/10/2025

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

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QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 06/01/2026 12:01

Title Reference: 51332202
Date Created: 28/10/2023

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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