

Date: 16th September 2021

Daniel Lamond
Town Planner
Douglas Shire Council
64-66 Front Street
Mossman QLD 4873

Dear Daniel,

Re: Hotel Development

1. On 15 July 2021 you provided us with an email which, omitting formal and irrelevant parts read as follows:

“...Ultimately the scale of the project does not comply with a significant number of performance outcomes and overall outcomes from the relevant codes. The proposal does not comply, or nearly comply with the height, scale and bulk requirements reflected in the Strategic Framework, Tourist Accommodation Zone Code and Landscape Values Overlay Code. In addition the significant on-site car parking shortfall is not supportable by officers.”

2. We contacted you to request discussions regarding your views and suggested to you to have a mediation period in order to discuss these views in order to come together in a transparent manner in which you agreed to. We both elected to allow a pause in the timing schedule to allow time for discussions and see if we can try and mediate an outcome. We have had discussions on a range of matters but disappointingly you have refused, despite repeated requests to discuss in any depth your concerns over onsite parking.
3. You initially focused your attention on the height of the proposed development identifying the natural ground level, and, when we established that your methodology in calculating the height was not correct, you then sought to use flood level overlays as the basis for calculation which is still incorrect.
4. Given that our site has a considerable slope from the front to the back, that methodology is also of limited use. We have already provided a flood study from an independent expert in this regard.
5. You then sought to focus on the size of the development impeding views of the mountains in the background. We established that those views from the road are at present almost completely blocked by existing trees at the front and at the back of the site.
6. You then focussed on the size of the building as seen from the roadway. We have provided photo montages showing that the position of the hotel on the site and the landscaping which has been proposed will render the building all but invisible from the street.

7. We have provided 4 alternatives, Additional montages of our building fixed on site, additional clarification on site cover as well as a legal opinion to assist and to engage with council in a workable environment. To date we have had no formal response to any of our submitted responses and information supplied to the council. Council have still not even clarified exactly their concerns to us. They only say it's "Too Bulky" and "There is nothing like we are proposing around to compare it too". All of these are unsatisfactory responses for this process. In respect of the comment regarding "Too Bulky" council planners stated that the building should be physically split into sections instead of one built form structure, multiple split building scattered across the site will actually make it more bulky. We suggest to Council Planner to engage the necessary consultants to assess this DA and we even provided you council the benefit of our Architect (The Buchan Group) and Errol Morzone QC to assist in the legal opinion on position of the purpose, PO vs AO and how Building height is calculated.
8. We note that the Mayor has been twice quoted in the media as saying that our development proposal does not comply with the planning scheme, notwithstanding that you have said that your reports has to date not been issued up the line or to the councillors. We strongly refute this allegation relating to our Development Application. Based on these comments by the Mayor, it now seems that he has prejudged our Development Application.
9. I have continually stated to you that council need to engage the relevant experts to assist in the assessment of this Development Application. This suggestion was not taken up by council.
10. Your continuing opposition to the development forces us to the conclusion that you have determined to maintain your opposition to the development regardless of the information we have provided. You have also apparently rejected our proposed amendments to the plan.
11. We have pointed out to you that our Development Application has achieved zero objections which indicates that our application is in line with community expectations. You went on to say that the only reason we achieved zero objections was "there was a lot going on in Port Douglas at that time of advertising". We refute this claim as our Development Application for public advertising was advertising on Cairns Post, article written in Newport, Large site board of the public advertising notice. Please note that this Development have been adverted on the Newport Website for over 10 months now as well as a constant double page spread within the Port Douglas magazine.
12. We note in passing that this development, once completed, will provide additional jobs for the local community members as well as additional economic activity for the area which has been externally estimated as exceeding \$200 million annually and provide 196 direct jobs once its complete and many more indirect jobs from the occupants flowing from this hotel.
13. Needless to say, in the event that the DA is not approved we shall instruct our legal advisors to issue the necessary application in the Planning and Environment Court and will, it that application is successful, seek costs against the Council.
14. Again, we are always open to any discussions and meeting with yourself and any of the Councillor's to see if we can achieve a mutually beneficially outcome to see this Development come to life.

Kind regards

A handwritten signature in blue ink that reads "Paul Chiodo". The signature is written in a cursive style with a horizontal line underlining the name.

Paul Chiodo

Director

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