

5.1. MATERIAL CHANGE OF USE FOR HOTEL (WINE BAR) 5-7 FRONT STREET, MOSSMAN

REPORT AUTHOR	Daniel Lamond, Planning Officer
MANAGER	Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2020_3772/1
PROPOSAL	Material Change of Use (Hotel - Wine Bar)
APPLICANT	P G McMahon C/- Planz Town Planning Pty Ltd PO Box 181 EDGE HILL QLD 4870
LOCATION	5-7 & 9-11 Front Street Mossman
PROPERTY	Lot 3 on RP836113 & Lot 2 on RP804918
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Centre Zone
LEVEL OF ASSESSMENT	Impact
PROPERLY MADE DATE	19 October 2020
STATUTORY ASSESSMENT DEADLINE	1 February 2021
REFERRAL AGENCIES	State Assessment & Referral Agency

LOCALITY PLAN



Figure 1. Locality Plan

RECOMMENDATION

That Council approves the development application for Material Change of Use (Hotel - Wine Bar) over land described as Lot 3 on RP836113 and Lot 2 on RP804918, subject to the following:

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

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

Drawing or Document	Reference	Date
Site Plan	Plan prepared by Hortulus Australia Pty Ltd, Drawing No. LP_01	8 October 2020
Ground Plan	Plan prepared by Hortulus Australia Pty Ltd, Drawing No. LP_02	8 October 2020

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Air-Conditioning Screens

3. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the commencement of use.

Damage to Council Infrastructure

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

Vehicle Parking and Access

5. 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. As a minimum, six (6) car parking spaces must be provided on site and must be made available to the public at all times of operation.

Storage of Machinery and Plant

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

Lawful Point of Discharge

7. 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.

Landscaping Plan

8. The site must be landscaped in accordance with the details included on the landscaping plan titled 'Ground Plan' prepared by Hortulus Australia Pty Ltd. Landscaping work must be implemented and completed prior to commencement of use.

Tree Removal

9. Remove the large Rain tree at the rear of the site as well as the self sown stand of trees immediately within its proximity to protect the sewer main.

Easement C

10. Extinguish Easement C on RP804918 prior to commencement of use.

Waste Storage

11. Provide a central bin storage facility within the site with the following attributes:
 - a. provided with storage area for the storage of a minimum of 4 bins (240L capacity);
 - b. contain an impervious surface for the storage of waste containers with a suitable hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device; and
 - c. be bunded and connected to sewer with an approved collection device at the drainage point to sewer.

Prior to the issue of a Development Permit for Building Work provide an updated site plan detailing the central bin storage facility for endorsement by the Chief Executive Officer.

Infrastructure Charges

12. Prior to commencement of use the applicant must demonstrate and confirm the Gross Floor Area of the previous bicycle shop tenancy to clarify the rate of infrastructure charge to the satisfaction of the Chief Executive Officer. The infrastructure charges notice is included with an approximate charge based on the most current information available and is subject to change at the time payable.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency	2011-19567 SRA	23 November 2020	984339

Advices

1. 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.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au
4. Prior to Kitchen construction obtain the necessary food licensing in accordance with the *Food Act 2006*.
5. Trade waste discharge to sewer must be in accordance with Council's Trade Waste Environmental Management Plan (TWEMP). A report demonstrating that the facility complies with the TWEMP must be submitted to and be endorsed by Council.

REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 19 October 2020 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and

- c. **the applicant's reasons have been considered and the following findings are made:**
 - i. **Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.**
-

EXECUTIVE SUMMARY

Council is receipt of a development application for a material change of use of premises for a Hotel (Wine bar) over land at 9-11 and 5-7 Front Street, Mossman, formally described at Lot 3 on RP836113 and Lot 2 on RP804918.

9-11 Front Street is known as the Mossman Hotel and adjoins 5-7 Front Street which holds a coin laundry, shop and food and drink outlet let via separate tenancies. The wine bar proposal is in place of the previous Mossman Cycle Sports tenancy. Caretakers accommodation exists above the former bicycle shop.

The hotel land use definition is being pursued instead of the bar land use as the bar land use limits patronage to 60 persons. Patronage is proposed for 80-100 people. Both allotments are under the same ownership and the wine bar will be licensed as an extension of the Mossman Hotel liquor license with the intent for the new tenancy to become a boutique wine bar.

Off street car parking will be provided at the rear of 5-7 Front Street with access via an existing easement over 9-11 Front Street. The proposed rate of off street car parking spaces does not comply with the rate required by the 2018 Douglas Shire Planning Scheme, however, this has been addressed within the body of the report below.

The hotel land use required impact assessment within the Centre Zone. Public notification was carried out and no submissions were received. The application required referral to the State Assessment and Referral Agency as the allotments front a State Transport Corridor. The application is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Proposal

A development application for a material change of use for a Hotel (Wine bar) has been lodged over 5-7 Front Street and 9-11 Front Street, Mossman.

The wine bar has an internal gross floor area 173 square metres and a courtyard of 85 square metres with six (6) on site car parking spaces proposed for development at the rear of the site which is currently grassed and partly vegetated.

The applicant is currently the owner of the Mossman Hotel located on the adjoining Lot 3 on RP836113 to the south. The Applicant will propose to extend the current liquor license of the neighbouring Mossman Hotel to the proposed wine bar. Operating hours will be consistent with standard licensing operating hours of between 10:00am and 12:00am 7 days per week. The proposed wine bar is proposed to cater for up to 100 people.

Part of the proposal is to provide at least one specific evening event per week such as wine and liquor tasting.

State Planning Requirements

The development application required referral to the State Assessment and Referral Agency (SARA) as the site is within 25 metres of a State Transport Corridor. The referral agency has referred the application to the Department of Transport and Main Roads. The concurrence agency response is included at Attachment 2.

DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

The following benchmarks are applicable to the proposed development:

Table 1: Planning Scheme code compliance

Douglas Shire Planning Locality	Comment
Planning Zone	
Centre Zone	See comment below
Local Plan Code	
Mossman Local Plan Code	Complies
Overlay Codes	
Transport network overlay	Complies
Other Development Codes	
Access, parking and servicing code	See comment below
Infrastructure works code	Complies
Landscaping code	Complies
Vegetation management code	Complies

Compliance Issues

Centre Zone Code

AO2.3 of the zone code requires that development is provided with an acoustic barrier in accordance with the recommendations of a suitably qualified person where the site adjoins another zone. The site adjoins two allotments of Low- Medium Density Residential Zone land at the rear boundary. The proposal does not include the development of an acoustic barrier. The proposal is essentially for the extension of an existing licensed premises. No noise complaints have been received by Council in relation to the existing Hotel and no noise nuisances are anticipated for the proposed wine bar.

The development of the wine bar is to be within an existing building which is sited at the frontage of the allotment. The site is bordered by four (4) dwelling units representing sensitive land uses. However, the three (3) sites at the rear are over 66 metres away and the unit north of the site is 30 metres away on the second storey. It is considered that an acoustic barrier would not benefit the second storey unit in any way due to sound dynamics and that the units to the rear are considerably set back from the area of potential noise.

In addition, the proposal is for a wine bar, not, for example, a night club. Further, the Office of Liquor and Gaming Regulation are the regulatory authority for licensed premises noise impacts and it is standard practice for all liquor licenses to have noise conditions imposed in order to protect amenity. With this considered, it is not necessary to condition a requirement for the development of an acoustic barrier or to include noise conditions.

Access, Parking and Servicing Code

AO1.1 of the code requires that the minimum number of on-site car parking spaces provided is 26. The car parking rate is determined by the scheme requiring 1 space per 10 square metres of gross floor area (GFA) and licensed outdoor area. When originally established, the site did not have a minimum on site car parking space rate as it was developed prior to planning controls so it is considered for the other shops and caretakers residence area, that no on-site car parking spaces can be required. The site includes three other shop tenancies and a caretakers residence above the proposed wine bar. The proposal includes 6 formalised car parking spaces to be developed at the rear via the access easement adjacent to the existing bottle shop. This represents a 20 space short fall. Importantly, it must be considered that the performance criteria and purpose of the code require that sufficient vehicle parking is provided on site to cater for the demand.

The applicant proposes that the operation of the wine bar is outside the normal business hours of the locality which experience peak car parking demand between 9am and 5pm. This means that patrons could reasonably access up to 127 on street car parking spaces within walking distance of the development. The code does not allow consideration of on-street parking space supply to support demand generated by developments, however, the application is impact assessable, so it can be considered that an evidence based parking survey can be relied upon for the use of existing on-street parking spaces in this case.

It is well known that after usual business hours, Mossman experiences little traffic and negligible parking space demand.

A parking survey was undertaken from Wednesday 11 November to Sunday 15 November 2020. These dates included the State of Origin and NAIDOC Night Markets on the Wednesday. On-street parking spaces (within 60m of the proposed Hotel wine bar) were allocated a number from 1 to 25. A parking survey form was used in conjunction with a parking survey map that tallied the vehicles parked in the numbered parking spaces at certain times of the day. Off-street parking being vehicles parked on-site at 5-7 Front Street and 9-11 Front Street was also surveyed. Tallies were collected twice per day. The survey was conducted at times that relate to the likely demand for parking having regard to the hours of operation for the proposed use and business hours for parking in Front Street. The allocated times that the survey tallied parking spaces were Wednesday to Friday at 4:30pm and 6:30pm and Saturday to Sunday at Noon and 4:00pm. A summary of the results can be seen below.

Table 2: Parking survey results

Wednesday		Thursday		Friday		Saturday		Sunday	
4:30pm	6:30pm	4:30pm	6:30pm	4:30pm	6:30pm	Noon	4:00pm	Noon	4:00pm
On-street Parking									
8	13	8	1	1	4	15	7	5	3
Off-street parking									
2	1	2	1	3	3	1	2	2	3

The off street parking represents the parking spaces available at the rear of the Mossman Hotel. As evidenced above, peak demand is Friday and Sunday afternoons. The car parking space demand for the existing Mossman Hotel can be used as a comparison for the proposal as the Mossman hotel has a similar floor area being used.

The Gross Floor Area of the Mossman Hotel is 400 square metres, but this has not been used in full for a number of years. The actual floor area in use is in the order of 218 square metres. This can be compared to the proposed floor area to be used for the wine bar of 258 square metres in order to obtain a parking demand projection for on-site spaces.

The peak on site parking demand for the Mossman Hotel was no more than 3 spaces on Friday and Sunday afternoons. Noting that the survey was undertaken during the NAIDOC night markets and a State of Origin game which the proprietor experienced higher than usual patronage at the Hotel on Wednesday afternoon, it can be considered similar to the expected patronage of wine tasting events for example.

During the Wednesday evening, only 1 on-site space was utilised.

With both the existing hotel and the proposed wine bar including similar public use areas with a difference of only 40 square metres, it can be determined that the projected demand for on site car parking for the proposed wine bar is 4 on-site car parking spaces on average. This means that the proposed 6 on-site car parking spaces can cater for the demand for parking generated by the proposed wine bar based on the assumption that the level of patronage would be similar to that of the existing hotel.

This is because 258 square metres of floor area divided by 3 parking spaces equals 1 space per 72 square metres of floor area. Therefore 258 square metres of floor are divided by 72 square metres of floor area gives an on-site parking space demand of 4 spaces required by the wine bar use. If patronage is greater than the existing hotel, an additional 2 on-site spaces will be available from the balance of the 6 on site spaces proposed.

Strategic Outcomes

The proposed wine bar is consistent with the strategic outcomes from the Planning Scheme. In particular the proposal is consistent with the intended settlement patterns for the shire with consolidated commercial development establishing in Mossman with the proposal representing business diversification consistent with *Theme 5 Economy* and *Theme 1 Settlement Pattern*.

The built form maintains the unique character of historic Mossman and provides a sense of place for Mossman as evidenced by the recently renovated façade of the building consistent with *Theme 4 Strong Communities and Identity*.

The proposal represents strong business development for the shire and a good planning outcome for Mossman as one of the shires primary activity centres consistent with Themes 1, 4 and 5. No strategic outcomes from any of the themes within the Planning Scheme are in conflict with the proposal.

Public Notification / Submissions

Public notification was carried out in accordance with section 53 of the *Planning Act 2016* for the proposed development. A 15 business day public notification period was carried out with no submissions received by Council in relation to the proposed development.

Referral Agency Requirements

The State Assessment and Referral Agency has issued a concurrence agency response.

This response includes conditions regulating the development. Copy of the response is included in Attachment 2.

Internal Referrals

Advice was received from the following internal departments:

Table 3.

Department	Comments
Environmental Health	Environmental Health advised that the kitchen will require food licensing in accordance with the Food Act 2006 and that noise emanating from the premises will be regulated by the Office of Liquor and Gaming Regulation if the premises is to be licensed. The premises will also require a trade waste discharge permit.

ADOPTED INFRASTRUCTURE CHARGES

The development did trigger Infrastructure Charges. Refer to Attachment 3 to review the calculated Infrastructure Charge.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

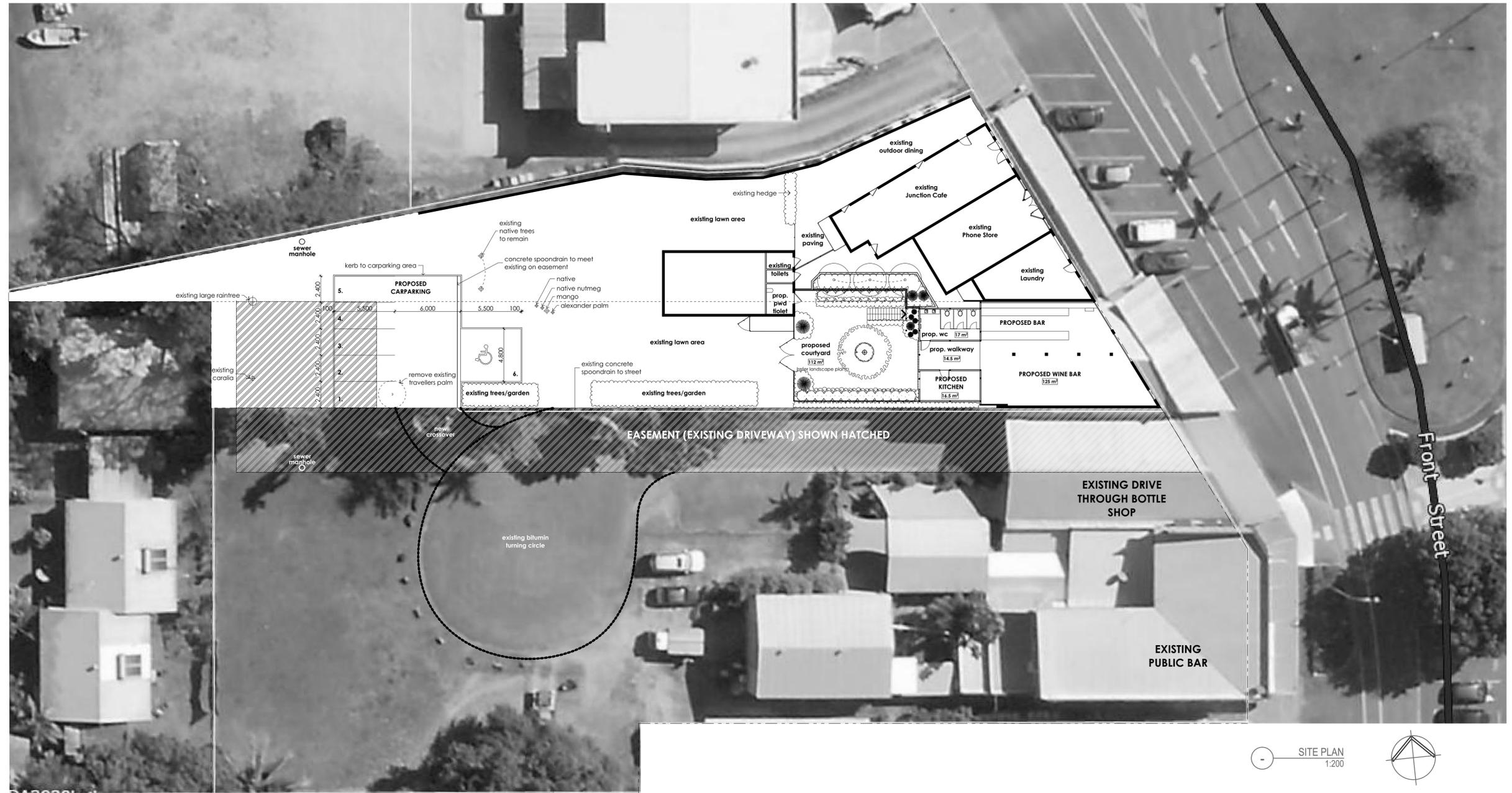
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1- Approved Plans [5.1.1 - 2 pages]
2. Attachment 2- Concurrence Agency Response [5.1.2 - 10 pages]
3. Attachment 3- Infrastructure Charges Notice [5.1.3 - 1 page]

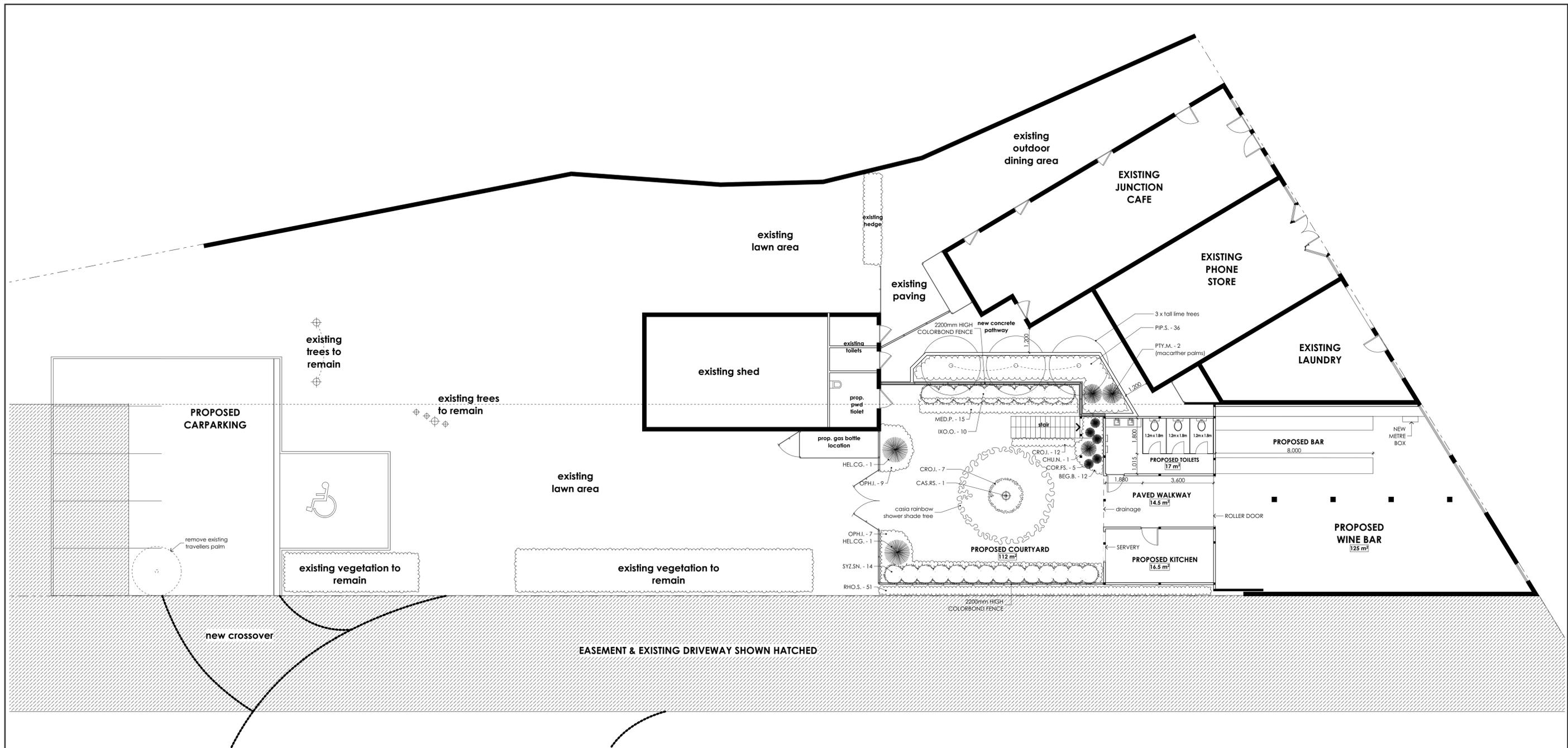


SITE PLAN
1:200



 HORTULUS LANDSCAPE DESIGN & MANAGEMENT <small>HORTULUS AUSTRALIA PTY LTD ABN 50 84 105 194 821</small>	Consultant: John Sullivan B.App.Sc.Hort, M.A.L.H.	Page: 1 of 1 Job No: MH-D20_B A1 SHEET
	Client: MOSSMAN HOTEL	Drawn by: DV Checked by: JAS
Project: PROPOSED LANDSCAPING MOSSMAN HOTEL Front St, Mossman, QLD 4873	Scale: 1:100 Date: 08-10-20 Dwg no: LP_01 Issue: C	

LANDSCAPE PLAN



GROUND PLAN
1:100

SPECIFICATIONS; MOSSMAN HOTEL COURTYARD

- DRAINAGE:** All finished soil levels will drain away from buildings and be directed to appropriate areas by builder.
All Pits and pipe to be supplied and installed to correct levels by builder.
- SOIL PREPARATION:** Garden beds to be cultivated to a depth of 150mm using the local soil and incorporating 150mm deep of imported garden bed mix to all garden areas. Test soil for pH level and treat accordingly to provide a pH level of 5.5-6.5.
- FERTILISER:** Fertilise garden bed areas, using a pelletised organic fertilizer, at a rate of 1kg/m². This practice could be repeated every four months to maintain adequate nutrients.
- MULCH:** Mulch all garden bed areas as shown on Landscape to a depth of 75mm to 100mm of aged organic matter such as woodchip or tea tree mulch. For best results re mulch bare areas biannually.
- IRRIGATION:** To be a fully automatic system, using shrub head sprays to all garden beds. Appropriate backflow is to be allowed for according to local council laws. The control station is to be located under steps behind toilets where a suitable power source will be provided **by the builder.**
- PAVING:** Paved walkway and courtyard to be paved.

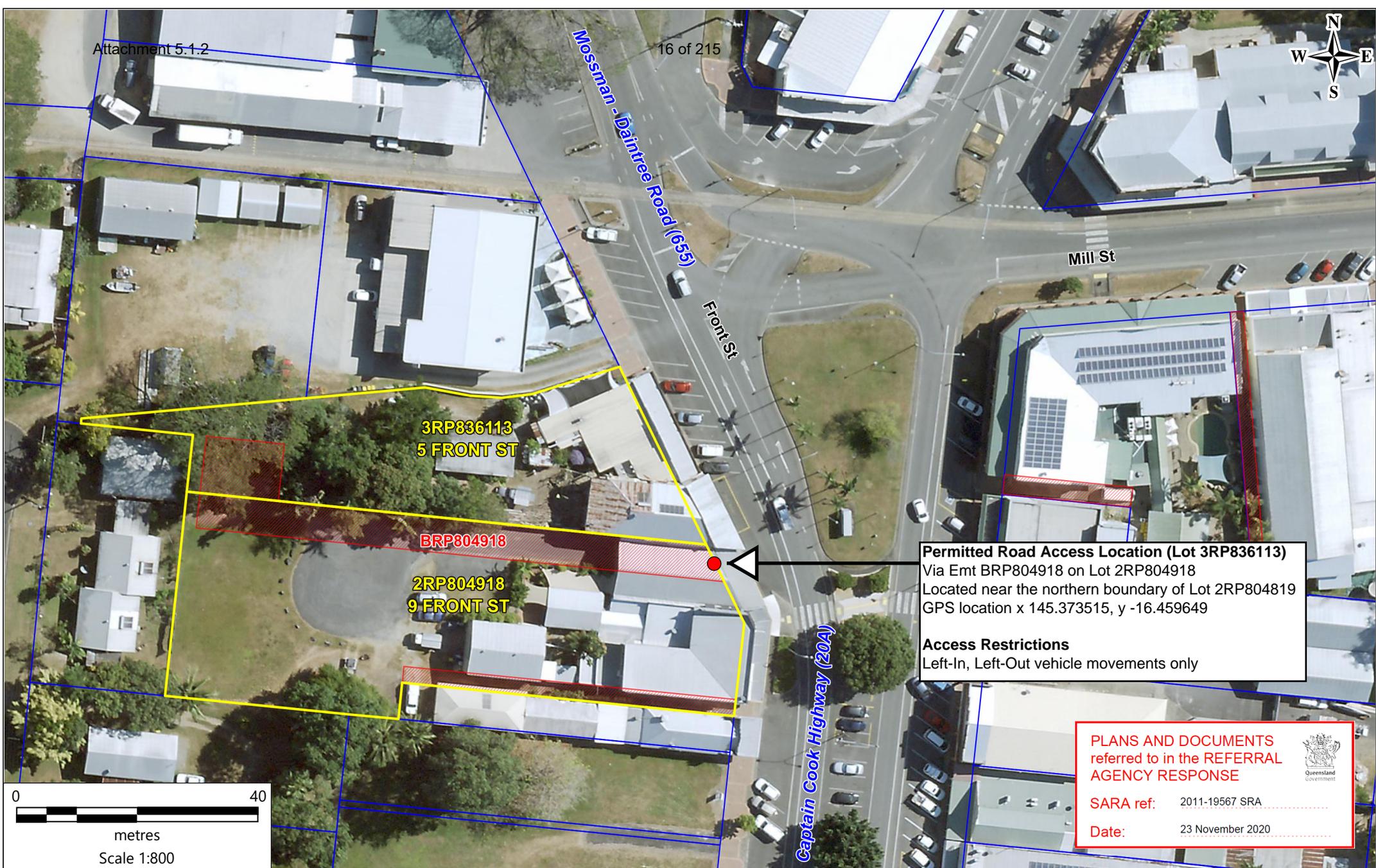
PROPOSED PLANT LIST; MOSSMAN HOTEL COURTYARD

CODE	BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	TYPE	H&W
BEG.B	<i>Begonia sp.</i>	Black Begonia	12	140mm	GC	0.5x0.5
CAS.R	<i>Cassia x nealiae</i>	Cassia "Rainbow Showers"	1	400mm	T	8x6
CHU.N	<i>Chuniophoenix nana</i>	False Lady Finger Palm	1	200mm	P	1.5x1
CIT.SP	<i>Citrus sp.</i>	Lime Tree	3	300mm	T	6x4
COR.FS	<i>Cordyline "Firestorm"</i>		5	200mm	S	3x1
CRO.I	<i>Crossandra infundibuliformis</i>	"Fire Glow"	40	140mm	S	0.5x0.5
HEL.CG	<i>Heliconia caribaea "Gold"</i>		2	300mm	G	3x2
IXO.O	<i>Ixora odorata</i>	Scented Ixora	10	200mm	S	2x1
MED.P	<i>Medinilla "Pixie Pink"</i>	Dwarf Medinilla	15	200mm	S	0.7x0.7
OPH.I	<i>Ophiopogon intermedius</i>	Giant Mondo Grass	16	140mm	S	0.5x0.5
PIP.S	<i>Piper sarmentosum</i>	Pepper Beetle leaf	36	140mm	GC	0.5x1
PTY.M	<i>Psychosperma macarthurii</i>	Macartheri Palm	2	300mm	P	6x2
RHO.S	<i>Rhoeo spathacaea</i>	Dwarf Moses in a Cradle	51	75mm	GC	0.3x0.5
SYZ.SN	<i>Syzygium australe "Straight & Narrow"</i>		14	200mm	S	3x1

KEY: C = Climber F = Fern GC = Ground Cover
G = Ginger P = Palm S = Shrub
Se = Sedge T = Tree

<p>HORTULUS LANDSCAPE DESIGN & MANAGEMENT HORTULUS AUSTRALIA PTY LTD ABN 50 84 105 194 821</p>	Consultant: John Sullivan B.App.Sc.Hort, M.A.L.H.	Page: 1 of 1 Job No: MH-D20_B AI SHEET
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LANDSCAPE PLAN



Permitted Road Access Location (Lot 3RP836113)
 Via Emt BRP804918 on Lot 2RP804918
 Located near the northern boundary of Lot 2RP804819
 GPS location x 145.373515, y -16.459649

Access Restrictions
 Left-In, Left-Out vehicle movements only

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2011-19567 SRA

Date: 23 November 2020

Branch/Unit :
Corridor Management / Far North District

Projection/Datum : Geocentric Datum of Australia (GDA) 1994

Land Parcels
 Subject Land
 Easements

File ref: **TMR20-31378 (500-1528)**

**TMR Layout Plan
 (20A - 75.12km)**

Ordinary Council Meeting - 27 January 2021

Plan: **1 / 1**

Issue: **A**

Drawn by: **RPK** Date: **17/11/2020**

Queensland Government
 Transport and Main Roads

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Queensland Treasury

SARA reference: 2011-19567 SRA
 Council reference: MCUI 2020_3772/1
 Applicant reference: P82062

23 November 2020

Chief Executive Officer
 Douglas Shire Council
 PO Box 723
 Mossman Qld 4873
 enquiries@douglas.qld.gov.au

Attention: Daniel Lamond

Dear Sir/Madam

SARA response—Material Change of Use for a Hotel (Wine Bar) at 5-7 and 9-11 Front Street, Mossman

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 2 November 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	23 November 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for a Hotel (Wine Bar)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Material change of use within 25m of a state-controlled road

SARA reference: 2011-19567 SRA

Assessment Manager: Douglas Shire Council

Street address: 5-7 and 9-11 Front Street, Mossman

Real property description: Lot 3 on RP836113 and Lot 2 on RP804918

Applicant name: PG McMahon

Applicant contact details: C/- Planz Town Planning
PO Box 181
Edge Hill QLD 4870
info@planztp.com

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc PG McMahon, info@planztp.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	(a) The road access location is to be located generally in accordance with TMR Layout Plan (20A – 75.12km), prepared by Queensland Government Transport and Main Roads, dated 17/11/2020, Reference TMR20-31378 (500-1528), Issue A.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

- The site has road frontage and existing access to Front Street, a state-controlled road.
- The proposed development will involve an internal fitout of an existing vacant shop at 5-7 Front Street, with vehicle access to the rear car parking using the existing “Botte O” drive through access at 9-11 Front Street.
- The existing left in / left out shared “Bottle O” access is constructed to the appropriate standards and meets Department of Transport and Main Roads (DTMR) access requirements.
- The existing access is able to accommodate traffic generation from the proposed development, and no additional access works are required.
- The proposed development will not increase or change stormwater and drainage run-off to the state-controlled road
- The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



2018 Douglas Shire Planning Schemes Applications

INFRASTRUCTURE CHARGES NOTICE

P G McMahon C/- Planz Town Planning Pty Ltd DEVELOPERS NAME		Mossman Hotel ESTATE NAME		0 STAGE
9-11 Front Street and 5-7 Front Street STREET No. & NAME		Port Douglas SUBURB	LOT: 3 RP: 836113 and LOT: 2 RP: 804918 LOT & RP No.s	
Hotel (Wine bar) DEVELOPMENT TYPE			MCUC2020_3772 COUNCIL FILE NO.	3210 PARCEL No.
DOC ID 992270 DSC Reference Doc . No.		1 VERSION No.	6 VALIDITY PERIOD (year)	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Mossman and Environs Area					
Commercial Charge	173	129.34	\$22,375.82		Code 895 GL 07500.0135.0825
Total Demand			\$22,375.82		
Less credit for previous shop (Retail) use	125	27.43	\$3,428.75		
TOTAL			\$18,947.07		

Prepared by Amount Paid Checked by Date Paid Date Payable Receipt No. Amendments Date Cashier **Note:**

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's Local Government Infrastructure Plan and Charges Schedule.

Charge rates under the current Policy are not subject to indexing.

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

Any enquiries regarding Infrastructure Charges can be directed to Environment & Planning on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au