

## 5.2. MATERIAL CHANGE OF USE FOR SHOPS AT 24 MACROSSAN STREET PORT DOUGLAS

<b>REPORT AUTHOR</b>	Jenny Elphinstone, Senior Planning Officer
<b>MANAGER</b>	Paul Hoyer, Manager Environment and Planning
<b>DEPARTMENT</b>	Environment and Planning
<b>APPLICATION NO</b>	MCUC 2021_4256/1
<b>PROPOSAL</b>	Material Change of Use (Shops)
<b>APPLICANT</b>	Macrossan Street Pty Ltd C-/ GMA Certification Group Pty Ltd PO Box 831 Port Douglas Qld 4877
<b>LOCATION</b>	24 Macrossan Street Port Douglas
<b>PROPERTY</b>	Lot 118 on PTD2091 <b>PARCEL</b> 2300
<b>PLANNING SCHEME</b>	2018 Douglas Shire Council Planning Scheme Version 1.0
<b>ZONING</b>	Centre Zone
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>PROPERLY MADE DATE</b>	23 July 2021
<b>STATUTORY ASSESSMENT DEADLINE</b>	27 October 2021
<b>REFERRAL AGENCIES</b>	State Assessment & Referral Agency

### LOCALITY

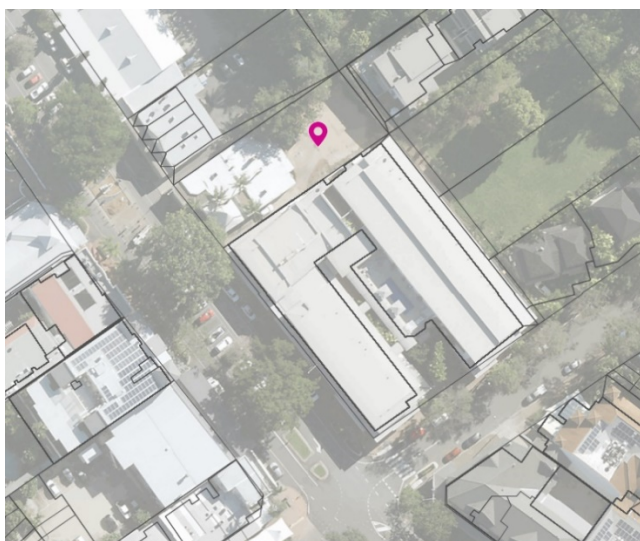


Figure 1 – Locality Plan

## RECOMMENDATION

That Council approves the development application for a Material Change of Use for Shops over land described as Lot 118 on PTD2091, subject to the following: **APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

**Note – The plans referenced below will require amending in order to comply with conditions of this Decision Notice.**

**The term ‘approved drawing(s) and/or document(s) or other similar expressions means the following plans subject to compliance with Condition 3:**

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Cover Page</b>	Hunt Designs, Project GADALETA001, Drawing No. AC, Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
<b>DA Issue, Site Plan - Existing &amp; Demolition</b>	Hunt Designs, Project GADALETA001, Drawing No. AD, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
<b>DA Issue, Site Plan - Proposed</b>	Hunt Designs, Project GADALETA001, Drawing No. AE, Revision 01 (on plan), Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
<b>DA Issue, Floor Plan</b>	Hunt Designs, Project GADALETA001, Drawing No. AF, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
<b>DA Issue, Elevations</b>	Hunt Designs, Project GADALETA001, Drawing No. AG, Revision 01 (on plan), Revision B (as per cover sheet), Dated 16 August 2001 (Council Doc 1035123) and as amended by Condition 3.	To be determined

Drawing or Document	Reference	Date
DA Issues, Visualisation 01	Hunt Designs, Project GADALETA001, Drawing No. AH, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Visualisation 02	Hunt Designs, Project GADALETA001, Drawing No. AI, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA issues, landscaping - Proposed	Hunt Designs, Project GADALETA001, Drawing No. AJ, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

## ASSESSMENT MANAGER CONDITIONS & ADVICES

### Conditions

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.

### Amendment to Design

3. The proposed development must be amended to accommodate the following changes:

- a. Include the provision of five (5) bicycle parking spaces;
  - b. Include a loading bay in the car parking area to accommodate a single larger vehicle space of a SRV (small rigid vehicle as in AS2890.2 – off-street commercial vehicle facilities but incorporating a body width of 2.33m);
  - c. Amend the driveway width to ensure suitable access can be achieved for the required service vehicle in Condition 3b above;
  - d. Include a pedestrian access along the side driveway that connects the disability car parking space at the rear of the new building with the front entrance of the new shops. This pedestrian access must meet all relevant Australian Standards including separation between pedestrians and vehicles, hand-rails and ramping;
  - e. Include a splay of the front corner of the building to the driveway to provide suitable visibility;
  - f. Maintain car parking for ten (10) car parking spaces, including one disability car parking space, all meeting the relevant Australian Standards;
  - g. Include lighting to the car parking and access driveway;
  - h. Include a sign at the front of the premises advising of the location of car parking at the rear of the premises;
  - i. Clearly state the intention to retain and replace specific existing palms, as per the Landscaping Plan, on both the Site Plan - Existing & Demolition and the Site Plan – Proposed;
  - j. Specify the pavers *Wirecut Acorn* to be used in the footpath with a pattern to match that in the street; and
  - k. The refuse bin area must be roofed and bunded and fitted with a bucket trap.
- Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

#### **Water Supply and Sewerage Works Internal**

4. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
  - b. Provide a single internal water connection;
  - c. Water supply sub-metering must be designed and installed in accordance with the *Queensland Development Code* and the *Water Supply (Safety and Reliability) Act 2008*
  - d. Relocate the existing sewer or site the proposed building such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or  
  
Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

All the above works must be 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 or approval and dating of the Building Format Plan, whichever occurs first.

#### External Works

5. Undertake the following works external to the land at no cost to Council:
  - a. Construct a footpath to Macrossan Street in accordance with the proposed Landscape Plan (as amended by Condition 3) and the FNQROC Regional Development Manual having regard to the use of Wirecut Acorn pavers in a design that matches that occurring in the street.
  - b. Provision of a new concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015; and
  - c. Construct landscaped garden beds as per the approved landscape plans;

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above must be constructed with a suitable approval from the Department of transport and Main Roads.

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the *Planning Act 2016*.

#### Lawful point of discharge.

6. The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

#### Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) car parking spaces, including one disability car parking space, and five (5) bicycle parking spaces. The car parking layout must comply with the Australian Standard AS2890 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.

#### Access to rear Car Park

8. No boom gate, pay machine or any other regulatory device is to be installed to access to the rear car park. The car parking is to be maintained as accessible to all users of the premises including any public users.

### **Landscaped Areas**

9. **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.**

**All landscaped areas must be fully established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer**

### **Parking Signage**

10. **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.**

### **Lighting**

11. **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. The rear car parking area and the driveway must be sufficiently illuminated for all times that the car park area is in use.**

**All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).**

### **Stockpiling and Transportation of Fill Material**

12. **Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.**

**Transportation of fill or spoil to and from the site must not occur within:**

- a. **peak traffic times;**
  - b. **before 7:00 am or after 6:00 pm Monday to Friday;**
  - c. **before 7:00 am or after 1:00 pm Saturdays; or**
  - d. **on Sundays or Public Holidays.**
13. **Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

### **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.**

### **Damage to Council Infrastructure**

15. **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, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builder's cost, prior to the Commencement of Use.**

### **Construction Signage**

- 16 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 telephone contacts:**
  - a. Architect**
  - b. Builder;**
  - c. Landscape Architect**

### **Advices**

- 1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.**
- 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 potential cyclone warning 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 relevant Local Laws and statutory requirements.**
- 4. For future use of the premises as a Centre Activities (Food and drink outlet) note that a Trade Waste Permit is usually required for a pre-treatment device (grease trap).**
- 5. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).**

### **Infrastructure Charges Notice**

- 5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.**

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

**Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.**

**The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team 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.**

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

Concurrence Agency	Concurrence Reference	Agency Date	Doc ID
State Assessment and Referral Agency (SARA)	2108-24049 SRA	7 September 2021	1035115

**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 23 July 2021 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**

The site was previously occupied by the former Mango Jam Restaurant. Since the restaurant closed a number of years ago the premises had been irregularly occupied. Application has been made to redevelop the land with new shops, retaining the car parking in the rear yard, side driveway and vehicle crossover onto Macrossan Street.

No concern is raised with the use of the land for shops.

The current buildings were developed under the 1981 Planning Scheme. The new development needs to meet current requirements including the provision on site of sufficient loading and unloading areas as well as standard disability needs.

Concern is held with the ability for the development to provide adequate disability access between the nominated car parking space in the rear yard and the street entrance to the shops. In particular, the sharing of the side driveway for vehicle and pedestrian access needs to be



designed to a safe standard. A mandatory requirement of the Commonwealth Premises Standards, in Council's decision making, is to ensure the adequacy of access for disabled persons. Council has acknowledged the Premises Standards by the inclusion of disability access considerations in the Planning Scheme, requiring both the car parking space and disability access are to be designed and provided on the land having regard to the respective Australian Standards. The accessibility requirements, in the Planning Scheme's Access, Parking and Servicing Code applies for all self-assessable development where parking is required. The Australian Standards nominate maximum slope grades and requirements for guard rails. To achieve this requirement, a condition of the approval has required suitable disability access.

A separate condition requires the provision of at least five (5) bicycle parking spaces, to meet the Acceptable Outcome. The applicant contends that three spaces are sufficient given the location of the shops in the town centre. Douglas Shire has traditionally had a high rate of workers cycling to work and the demand indicated by the Planning Scheme codes reflects the need to provide onsite bicycle parking for both visitors and workers attending the premises.

## **TOWN PLANNING CONSIDERATIONS**

### **Background**

The site was initially developed as three separate shops under a Building Approval BA 4476 issued by the former Douglas Shire Council on 25 January 1992. The shops were built by the then owner GW Speakman. At the time of the original development the establishment of Shops was accepted development in the General Business Zone, under the 1981 Planning Scheme.

The shops were amended under Building Approval 5176 issued on the 29 April 1993 for the conversion to the Mango Jam Restaurant utilising a design by Architect Gary Hunt. The use of restaurant was categorised by the Planning Scheme at the time as Refreshment Services, also an accepted use under the 1981 Scheme.

### **Proposal**

The proposal seeks to redevelop the land as three new shops generally as per the current site layout with all new premises extending forward to the front property boundary. All shops are single storey, each with single toilet. The total gross floor area for the new shops is 449m<sup>2</sup>.

The existing car parking area, at the rear of the shops, will be utilised and accommodate a disability car parking space. Thirteen (13) car parking spaces will be accommodated in the rear car parking area, meeting the number of car spaces required by the Planning Scheme's Acceptable Outcome of nine (9) standard car spaces at the rate of 1 space per 50m<sup>2</sup> GFA and one wheel chair access car space.

Disability access to the new premises will be via the front door to the street. Both vehicle and pedestrian access to the car parking will be via the side driveway. The applicant contends that disability access is not a matter that requires attention at this stage.

A communal bin storage and plant areas are to be located behind the shops. Steps provide access between this service area and the rear car park.

A new awning will project over the footpath and setback from the kerb to maintain the existing street trees. The new awning incorporates a vegetated cover through the upper horizontal awning frame and includes a watering system. The awning has a toughened glass layer ensuring full weather protection for pedestrians beneath.

### **State Planning Requirements**

The State Planning Policy ('SPP') was introduced on 3 July 2017 as part of the State's planning system. The SPP defines the Queensland Government's policies about matters of state interest in land use planning and development, providing direction for the preparation of local planning instruments and assessment of development applications. The 2018 Douglas Shire

Planning Scheme version 1.0 reflects the applicable State interests to the extent relevant to the proposed development and further assessment against the SPP is unnecessary.

### DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

The following benchmarks are applicable to the proposed development:

Douglas Shire Planning Locality	Comment
<b>Planning Zone</b>	
Centre Zone	<p>The use of shops falls in the overarching category of Centre Activities. The development is code assessable in a new building. It is noted that moving forward from this approval, some other Centre Activity uses, such as a food and drink outlet without a drive-through facility, can then be established as self-assessable development.</p> <p>A02.3 requires the building be setback at least 3m from the rear boundary, and inclusion of an acoustic barrier in accordance with a qualified acoustic expert. Separate AOs require this setback to be landscaped.</p> <p>The buildings are setback substantially more than 3m. The existing rear yard was developed at a lower level than the neighbouring property and the boundary has a retaining wall and a timber fence above. The applicant maintains the existing timber fence is sufficient and this is concurred with.</p> <p>Otherwise the development complies with the Code</p>
Port Douglas and Craiglie Local Plan Sub-precinct 1a – Town centre sub-precinct. Within the Live Entertainment Precinct.	<p>AO2.1 seeks the retention of existing trees. A condition of the approval clarifies the retention of the existing street trees.</p> <p>AO7.2 requires that ground level parking clearly identifies pedestrian routes. A condition of the approval addresses this requirement.</p>

Douglas Shire Planning Locality	Comment
Local Plan Code	
Port Douglas and Craiglie Local Plan	<p>AO7.4 requires on-site parking for public use is clearly signed at the site frontage and the applicant has indicated that this can be provided. A condition of the approval requires this signage.</p> <p>AO7.6 states that boom gates, pay machines and other regulatory devices to control access to publicly available car parking are not constructed or installed. The applicant has noted that no regulatory devices are proposed and a condition of the approval maintains this requirement in respect to future use.</p> <p>PO8 requires that there is not a proliferation of advertising signage. Given the single storey height and nature of the front elevation with the envisaged lush landscaped awning the development satisfactorily meets the Performance Outcome.</p> <p>PO10&amp; PO14 require the development has good integration with and fully address the street frontage with a light framed awning. The development meets these Performance Outcomes.</p> <p>AO15.1 is achieved with the use of shops creating an active street front.</p> <p>PO16-PO21 Building design requirements are satisfactorily achieved.</p> <p>AO22-AO23 building façade elevation requirements are satisfactorily achieved.</p> <p>PO24 Awning requirements are satisfactorily achieved.</p> <p>AO25 on-street landscaping requirements are satisfactorily accommodated in the design plans and are further achieved through the conditions of the approval.</p>
Land use Codes	
Centre Activities Code	<p>PO3 The development satisfactorily complies with the location requirement.</p> <p>AO5 The development meets the requirement for the street frontage zero setback. As per comments above, it is agreed a landscaped setback from the rear boundary is not considered necessary in this instance.</p> <p>AO6-AO8 regarding building design are satisfactorily achieved.</p>

Douglas Shire Planning Locality	Comment
Centre Activities Code	AO9 & PO9 While the AO seeks that a minimum of 10% of the site be landscaped, the PO is considered satisfactorily achieved given the nature of the development, the condition requiring a landscaped setback at the rear, the retention of the street trees and the replanting of the street garden beds and the landscaped awning.
<b>Overlay Codes</b>	
Acid sulphate soils overlay	Complies. Minimum footing and disturbance of land involved with redevelopment.
Bushfire hazard overlay	Satisfactorily complies. While the land is mapped as affected by the bushfire hazard zone, the development is not considered to be physically constrained by this overlay, which appears an anomaly.
Flood and storm tide hazard overlay	Satisfactorily complies. While the land is mapped as affected by the erosion prone zone, the development is not considered to be physically constrained by this overlay, which appears an anomaly.
Natural areas overlay	A MSES - Regulated Vegetation (Intersecting a Watercourse) is mapped traversing over the land from the rear boundary to the street. This matter is satisfactorily address through a standard condition requiring stormwater management.
Places of significance overlay	While the land does not “adjoin” the State Heritage registered Carson’s monument, the new development has been designed with an awning setback together with a low scale form that respects the presence of the monument in the streetscape.
Potential landslide hazard overlay	Landslide hazard is mapped as being present at the rear of the site. This is the rear setback area that is to be deep planted though a condition of the approval. the condition requires the landscape plan species nomination to consider this constraint.
Transport network overlay	The development satisfactorily meets this requirement. No noise sensitive land use is proposed. Macrossan Street is a State-controlled road and the State has conditioned the approval
Access, parking and servicing code	While the number of car parking spaces is achieved, including a disabled driver car parking spaces, concern is raised with: a. the insufficient bicycle parking;

Douglas Shire Planning Locality	Comment
<b>Other Development Codes</b>	
Access, parking and servicing code	<p>b. the lack of any service vehicle parking; and</p> <p>c. the lack of suitable pedestrian access between the rear disability car parking space and the front entrance to the shops</p> <p>The AO seeks the provision of 1 bicycle space per 100m<sup>2</sup>, requiring a provision of five (5) spaces. The applicant has made provision for three (3) spaces on the land or comment regarding the lack of bicycle parking. The confusion over the requirement and the provision may stem from the different floor area calculations in the planning report and the final Architectural plans. A condition of the approval requires five bicycle spaces be provided.</p> <p>The AO seeks one VAN (a 99.8th percentile vehicle equivalent to a large car) and one MRV (medium rigid vehicle equivalent to an 8-tonne truck) service vehicle parking spaces be provided. The applicant has made no provision on the land or comment regarding the lack of onsite service vehicle parking. Given the site constraints, a single larger vehicle space for a SRV (small rigid vehicle as in AS2890.2 – off-street commercial vehicle facilities but incorporating a body width of 2.33m) is considered sufficient.</p> <p>Both these matters are addressed through conditions of the approval. The pedestrian access needs to be designed in accordance with Australian Standards including handrails and separation from the vehicle access path. This may require an adjustment to the building design and will require ramping in sections of the driveway.</p> <p>It is important that suitable disability access is achieved for the development to meet the Commonwealth Premises Standards and Australian Standards as well as the Planning Scheme.</p>
Environmental performance code	Can comply through conditions that require suitable lighting to the rear car park and side access, together with an acoustic fence to the rear boundary.
Infrastructure works code	Complies through the inclusion of standard conditions on the approval.

Douglas Shire Planning Locality	Comment
<b>Other Development Codes</b>	
Landscaping code	A landscape plan has been provided for the on-street and side garden areas.
Vegetation management code	Through the condition requiring the retention of the existing street trees, the code is satisfactorily met.

### Compliance Issues

The compliance with the Australian Standards for pedestrian access between the disability car space and the front of the shops (the front footpath) needs to be demonstrated by an amended plan. Due to the grade slope of the access, the pedestrian access will need to be handrailed and ramped. To meet the standards the building and driveway may need to be redesigned.

The current buildings were developed under the 1981 Planning Scheme. The new development needs to meet current requirements including the provision on site of sufficient loading and unloading areas as well as standard disability needs.

### 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. The State has only conditioned the access point.

### Internal Referrals

Comments were received from Open Spaces regarding the specifications for the on-street works. Engineering advice was gained in respect to the disability access and separation between pedestrian and vehicle requirements. Other referrals were not necessary, due to the minor nature of the proposal.

### 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:

<b>Regulator</b>	Meeting the responsibilities associated with regulating activities through legislation or local law.
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Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

### ATTACHMENTS

1. Attachment 1 - Proposal plans [5.2.1 - 8 pages]
2. Attachment 2 - Concurrence Response [5.2.2 - 7 pages]
3. Attachment 3 - Adopted Infrastructure Charges [5.2.3 - 1 page]



# RETAIL DEVELOPMENT

SAM GADALETA

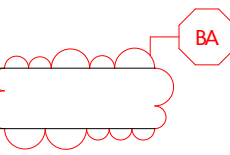
24 MACROSSAN STREET, PORT DOUGLAS

14/9/21

TRANSMITTAL

DRG No.	DRAWING NAME	REV ID	CHANGE ID'S	ISSUE DATE	STATUS
AC	COVER PAGE	C	Ch-05	14/9/21, 4:07 pm	
AD	SITE PLAN - EXISTING & DEMOLITION	B	Ch-05	14/9/21, 4:07 pm	
AE	SITE PLAN - PROPOSED	C	Ch-05	14/9/21, 4:07 pm	
AF	FLOOR PLAN	A		30/6/21, 10:25 am	
AG	ELEVATIONS	B	Ch-03	16/8/21, 11:02 am	
AH	VISUALISATION 01	A		30/6/21, 10:25 am	
AI	VISUALISATION 02	A		30/6/21, 10:25 am	
AJ	LANDSCAPE PLANS - PROPOSED	B	Ch-05	14/9/21, 4:07 pm	



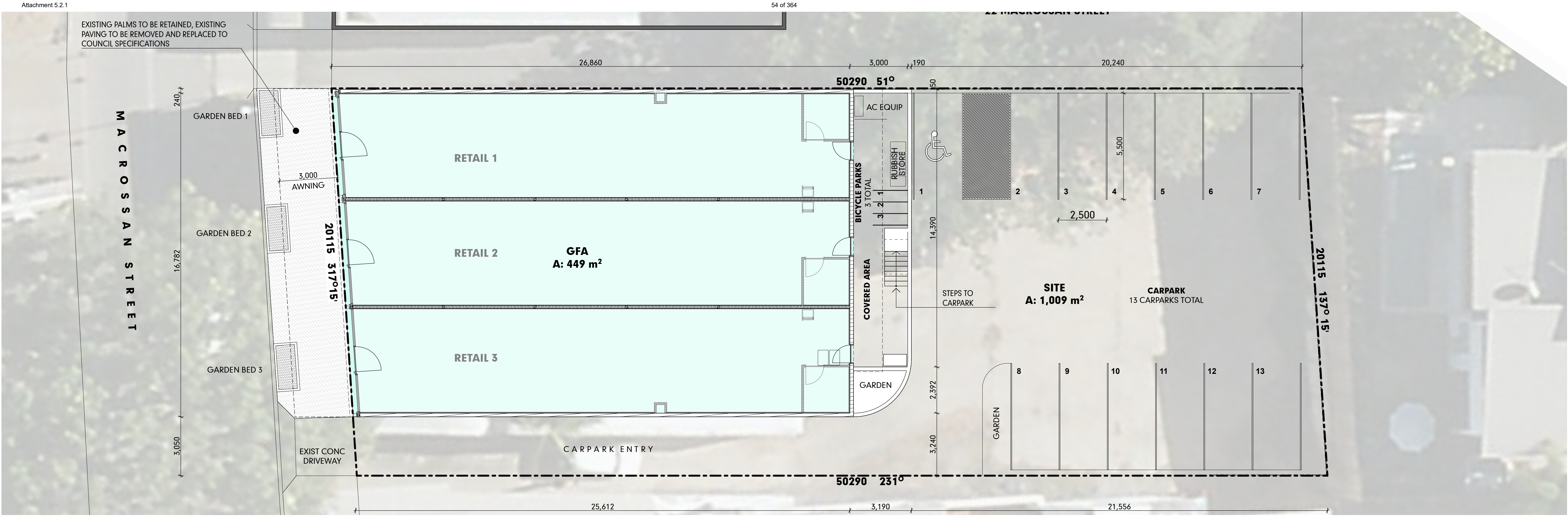


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## Ordinary Council Meeting - 19 October 2021

HUNT  
DESIGN

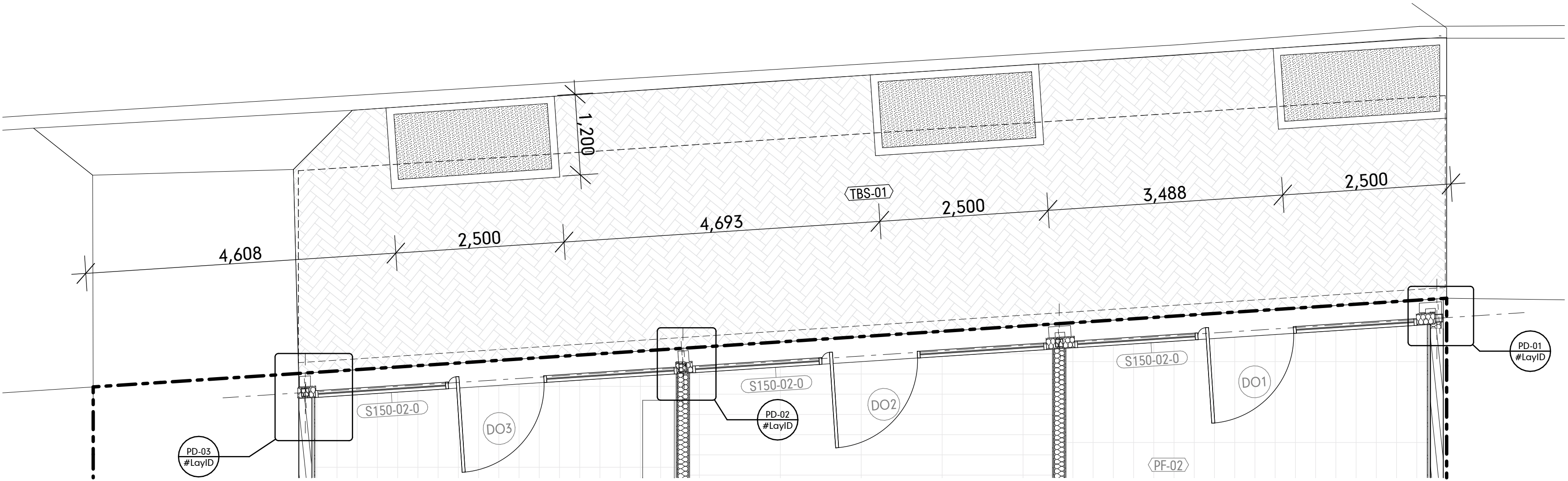




**SITE PLAN 1:100**  
SCALE1:100

INTERNAL AREAS		
	Name	Area
RETAIL		
	SHOP 1 RETAIL	142.1
	SHOP 2 RETAIL	139.5
	SHOP 3 RETAIL	138.1
		<b>419.7 m²</b>

GROSS FLOOR AREA		
		Area
GROUND LEVEL		
	GFA	449.3



**FOOTPATH**  
SCALE1:50

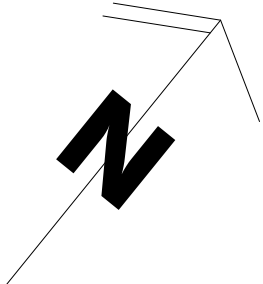
**RETAIL DEVELOPMENT**  
**FOR : MACROSSAN STREET TRUST**  
**SAM GDALETA**

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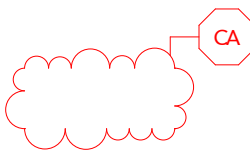
**24 MACROSSAN STREET, PORT DOUGLAS**  
**DA ISSUE**  
**SITE PLAN - PROPOSED**

Ordinary Council Meeting - 19 October 2021

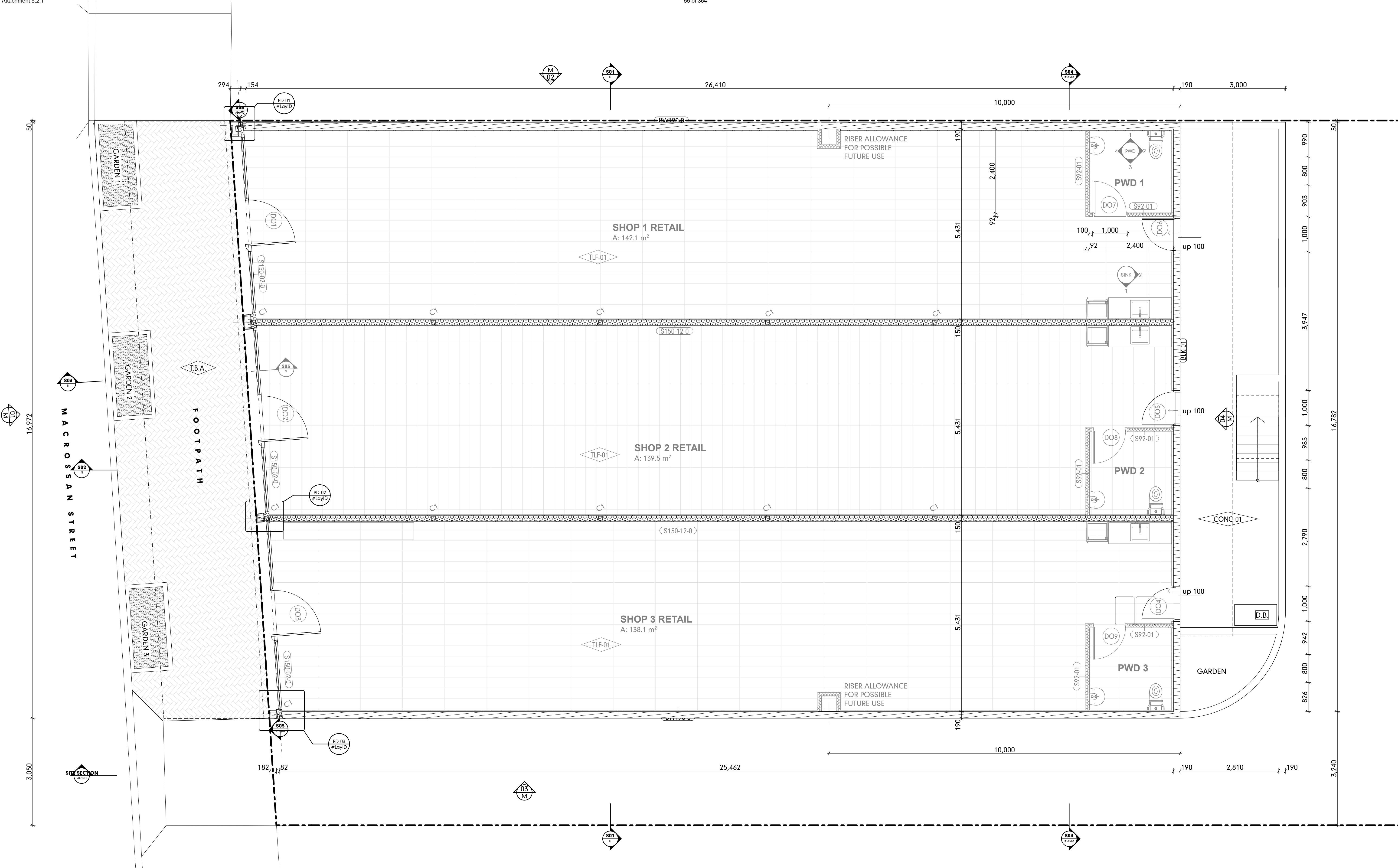
**PROJECT NO.** GDALETA001  
**DRAWING NO.** AE  
**REVISION NO.** 01  
**DATE** 14/9/21



**HUNT**  
DESIGN







GROUND LEVEL  
SCALE 1:50

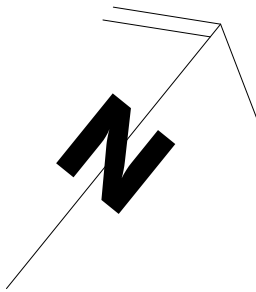
RETAIL DEVELOPMENT  
FOR : MACROSSAN STREET TRUST  
SAM GDALETA

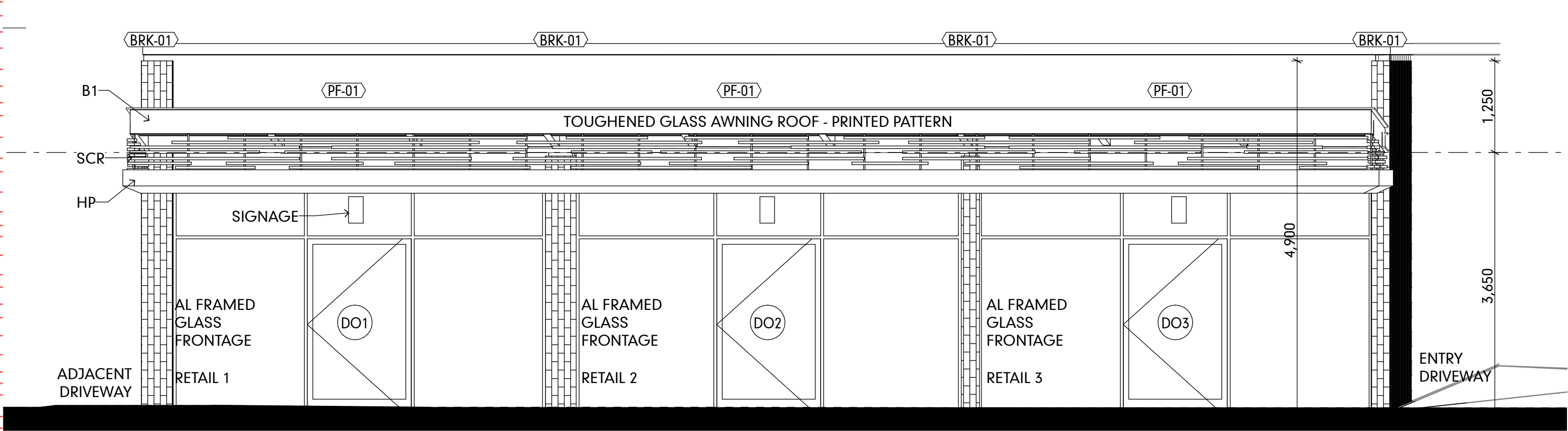
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24 MACROSSAN STREET, PORT DOUGLAS  
DA ISSUE  
FLOOR PLAN

Ordinary Council Meeting - 19 October 2021

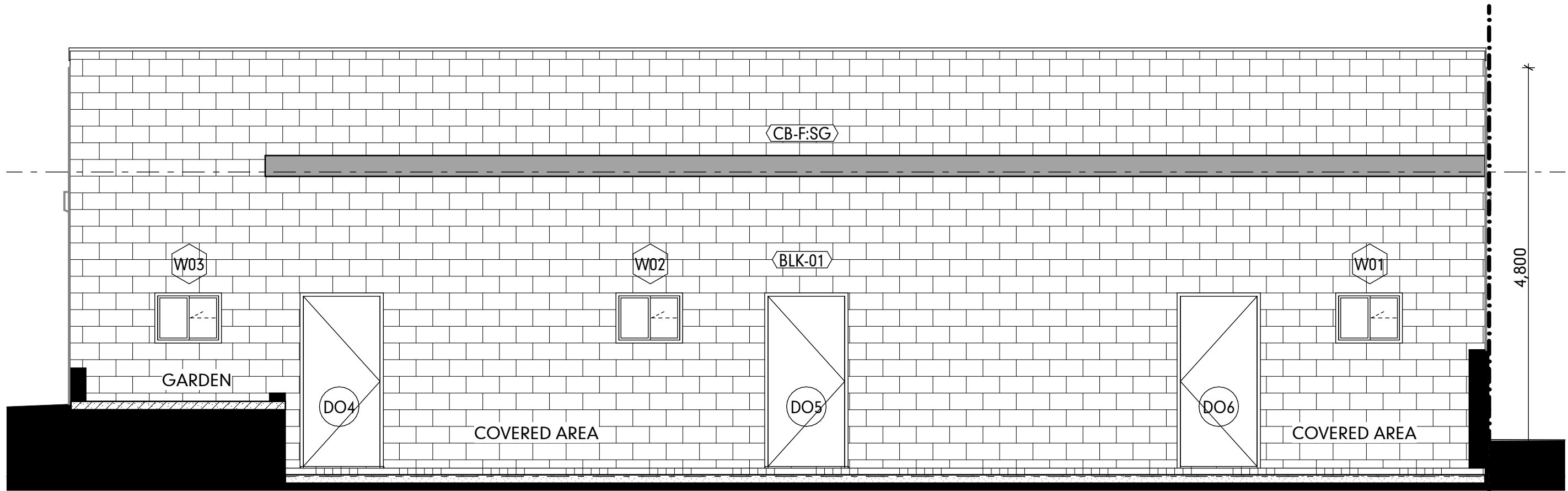
PROJECT NO. GDALETA001  
DRAWING NO. AF  
REVISION NO. 01  
DATE 14/9/21





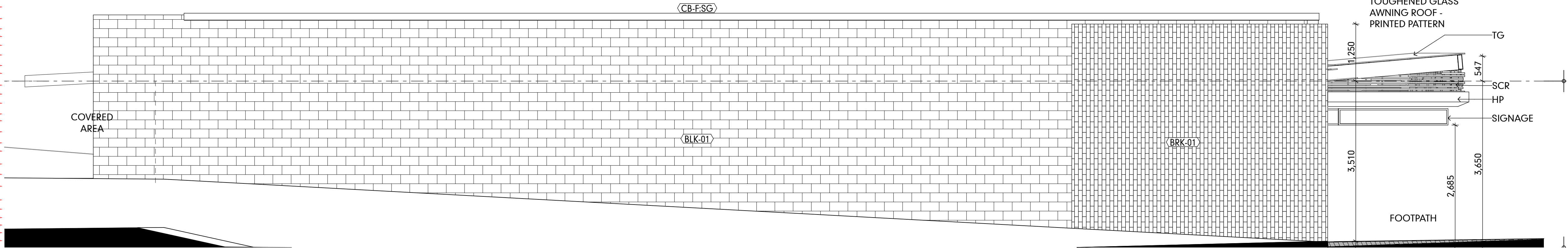
**SOUTH ELEVATION**  
SCALE1:50

**01**  
G, K, L, AF, AK, CA



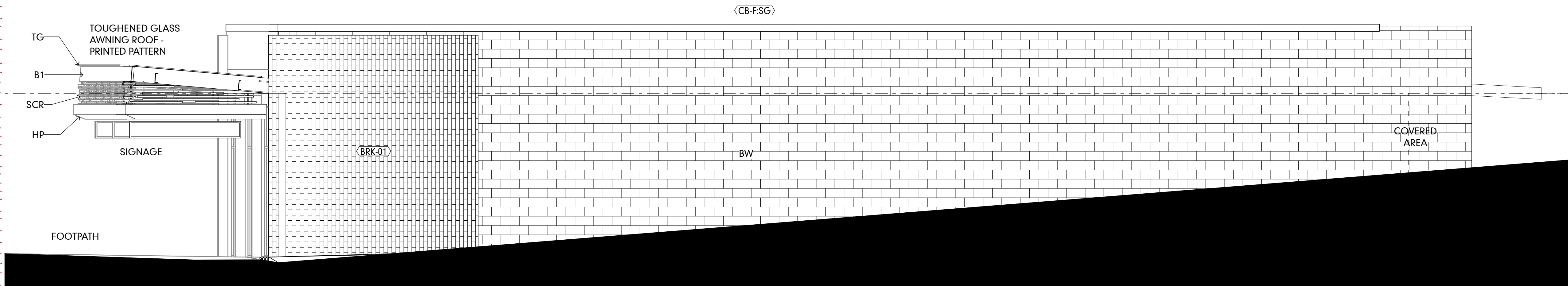
**NORTH ELEVATION**  
SCALE1:50

**2**  
G, K, L, AF, AK, CA



**WEST ELEVATION**  
SCALE1:50

**02**  
G, K, L, AF, AK, CA



**EAST ELEVATION**  
SCALE1:50

**03**  
G, K, L, AF, AK, CA

LEGEND FINISHES	
(PF-01)	WALL FINISH LABEL
BRK-01	BRICK TILE - ROBERTSON'S PARCHMENT
PF-01	PAINT FINISH 01 - DULUX ANTIQUE WHITE
AF	AWNING FRAME PAINT FINISH - MONUMENT
BLK-01	BLOCKWORK - PAINT FINISH DULUX ANTIQUE WHITE
CB-SH	COLORBOND ROOF SHEET & FLASHINGS - SHALE GREY
HP	HANGING PLANTER DULUX COPPER PEARL FINISH
SCR	SCREEN - TIMBER LOOK FINISH
TG	TOUGHENED GLASS - PRINTED PATTERN
SCR	SCREEN - TIMBER LOOK FINISH





**RETAIL DEVELOPMENT**  
**FOR : MACROSSAN STREET TRUST**  
**SAM GDALETA**

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**24 MACROSSAN STREET, PORT DOUGLAS**  
**DA ISSUE**  
**VISUALISATION 01**

Ordinary Council Meeting - 19 October 2021

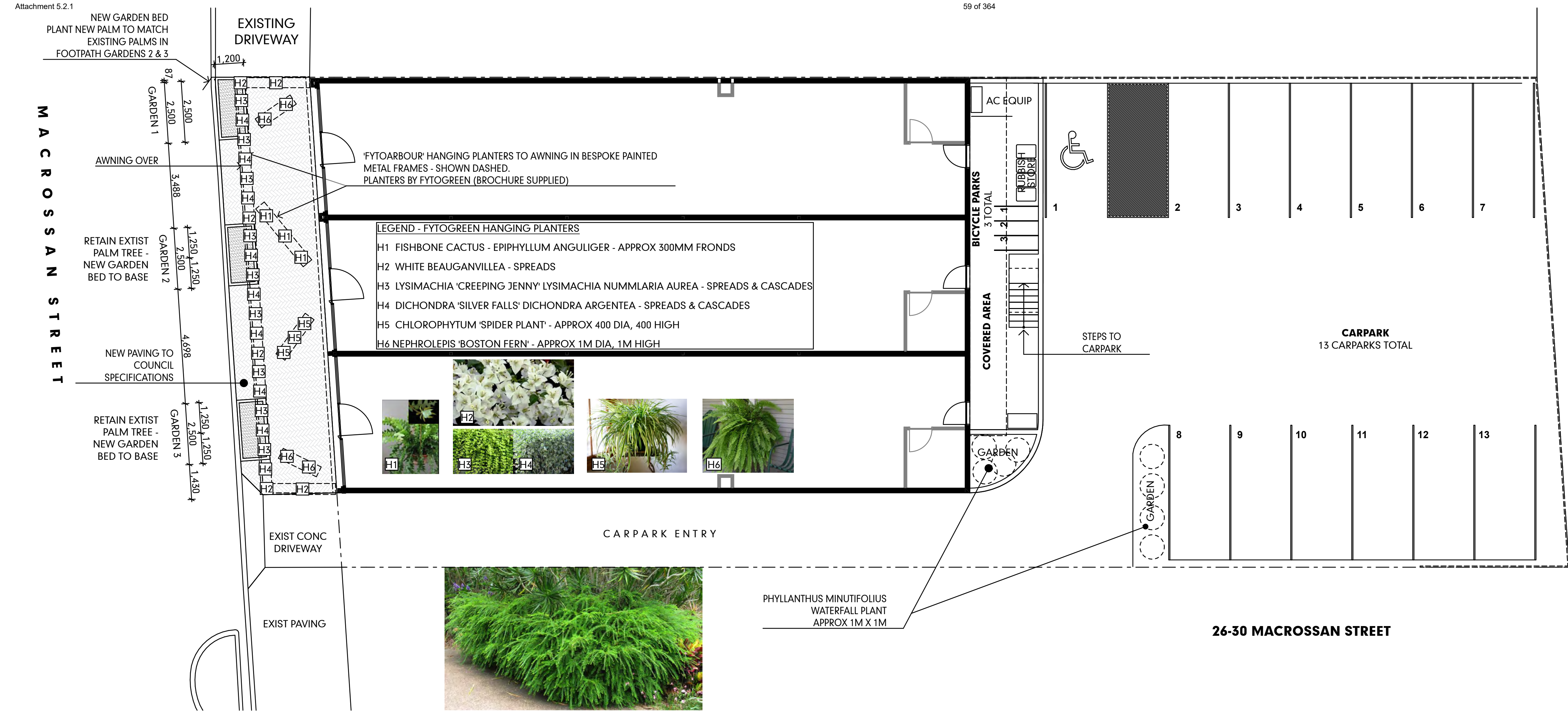
**PROJECT NO.** GDALETA001  
**DRAWING NO.** AH  
**REVISION NO.** 01  
**DATE** 14/9/21

**HUNT**  
 DESIGN







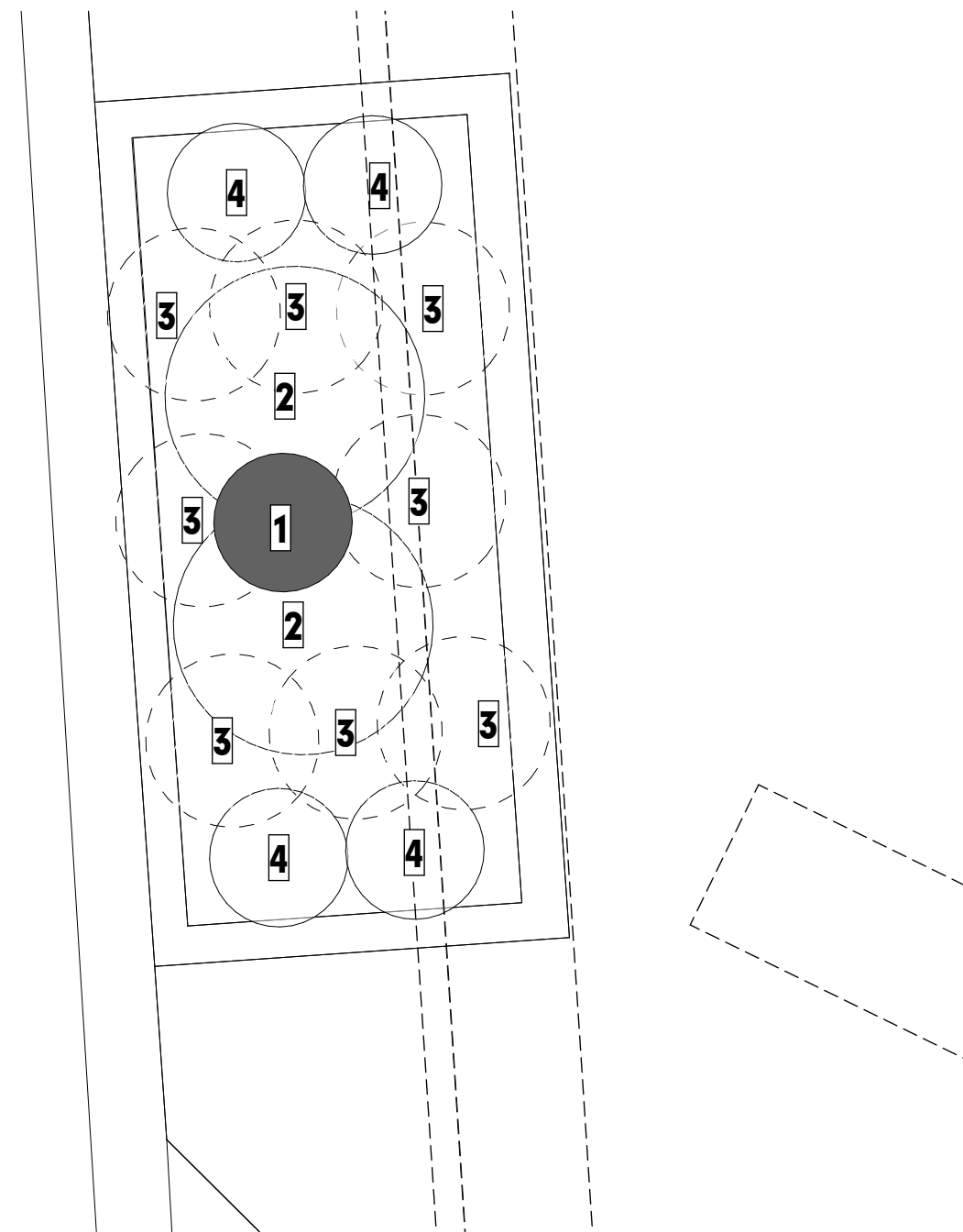


**LANDSCAPE PLAN**

SCALE 1:100

**TYPICAL GARDEN BEDS 1, 2 & 3**

- 1 FAN PALM
- 2 ALOCASIA BLACK MAGIC
- 3 CALATHEA 'FREDDY' LOUISAE
- 4 RED NEGORA BROMELIAD



**1:20 TYPICAL FOOTPATH GARDEN**

SCALE 1:20

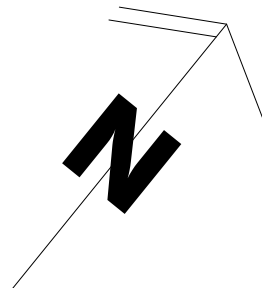
**RETAIL DEVELOPMENT**  
**FOR : MACROSSAN STREET TRUST**  
**SAM GDALETA**

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**24 MACROSSAN STREET, PORT DOUGLAS**  
**DA ISSUE**  
**LANDSCAPE PLANS - PROPOSED**

City Council Meeting - 19 October 2021

PROJECT NO. GDALETA001  
DRAWING NO. AJ  
REVISION NO. 01  
DATE 14/9/21



**HUNT**  
DESIGN

BA



SARA reference: 2108-24049 SRA  
Council reference: MCUC2021\_4256/1  
Applicant reference: 20211130

7 September 2021

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

Attention: Jenny Elphinstone

Dear Sir/Madam

## SARA response—Material Change of Use for Shop at 24 Macrossan Street, Port Douglas

(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 (SARA) on 10 August 2021.

### Response

---

Outcome:	Referral agency response – with conditions.
Date of response:	7 September 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Material Change of Use for Shop
SARA role:	Referral Agency	
SARA trigger:	<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</b> (Planning Regulation 2017)	



## Material change of use near a state-controlled road

SARA reference: 2108-24049 SRA  
Assessment Manager: Douglas Shire Council  
Street address: 24 Macrossan Street, Port Douglas  
Real property description: Lot 118 on PTD2091  
Applicant name: Macrossan Street Pty Ltd  
Applicant contact details: C/- GMA Certification Group  
PO Box 831  
Port Douglas QLD 4877  
patrick.C@gmacert.com.au

## 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@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson  
A/Manager (Planning)

cc Macrossan Street Pty Ltd C/- GMA Certification Group, patrick.C@gmacert.com.au

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)

No.	Conditions	Condition timing
<b>Material change of use</b>		
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:		
1.	The road access location is to be located generally in accordance with TMR Layout Plan (6504 – 5.75km), prepared by Queensland Government Transport and Main Roads, dated 06/09/2021, Reference TMR21-33788 (500-1624), Issue B.	At all times.

## Attachment 2—Advice to the applicant

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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.
2.	<p><b>Awning design and footpath works</b></p> <p>Separate approval processes for the awning and footpath works are required under the <i>Transport Infrastructure Act 1994</i>.</p> <p>Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit via email <a href="mailto:cairns.office@tmr.qld.gov.au">cairns.office@tmr.qld.gov.au</a>. This approval must be obtained prior to commencing any works in the state-controlled road reserve. If approved the process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The Road Corridor Permit process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

## **Attachment 3—Reasons for referral agency response**

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

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### **The reasons for the SARA decision are:**

- The site has road frontage and an existing vehicle access to Macrossan Street (Port Douglas Road), a state-controlled road.
- The proposed development will utilise the existing access and no upgrades or changes to the access are required.
- The site is relatively flat with existing pavement, and the proposed development is unlikely to involve a large amount of excavation or filling works.
- The site is fully impervious, and the proposed development is unlikely to cause additional stormwater impacts to the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Macrossan Street.
- The proposed development, with conditions, 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 5—Approved plans and specifications**

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(page left intentionally blank – attached separately)





**Permitted Road Access Location**  
 At the south eastern boundary of Lot 118PTD2091 and approx 70m north west of Grant St (5.75km RHS)  
 GPS location x 145.463820, y -16.482126

**Access Restrictions**  
 a) Left-In, Left-Out vehicle movements only  
 b) Design vehicles up to a maximum size short towing trailer  
 - Class 2 Medium Length Light Vehicle\*\*

Note: \*\* as described in Austroads Vehicle Classification System

**PLANS AND DOCUMENTS**  
 referred to in the REFERRAL  
 AGENCY RESPONSE

**SARA ref:** 2108-24049 SRA

**Date:** 7 September 2021

Branch/Unit : <b>Corridor Management / Far North District</b>	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
State Controlled Road	Easement
Subject Land	

**TMR Layout Plan**  
**(6504 - 5.75km)**

**Ordinary Council Meeting - 19 October 2021**

Plan: <b>1 / 1</b>	Issue: <b>B</b>	Date: <b>06/09/2021</b>
Drawn by: <b>RPK</b>	File ref: <b>TMR21-33788 (500/1624)</b>	

© The State of Queensland, 2010 © Pitney Bowes Software Pty Ltd, 2010 © QR Limited, 2010 Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Pitney Bowes Software Pty Ltd (Current as at 04 / 10), [Dataset - Rail Centre Line, May 2010] provided with the permission of QR Limited and other state government datasets  
 Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.





2018 Douglas Shire Planning Scheme version 1.0 Applications

## ADOPTED INFRASTRUCTURE CHARGES NOTICE

<b>Macrossan Street Pty Ltd</b>		<b>N/A</b>	<b>0</b>
DEVELOPERS NAME		ESTATE NAME	STAGE
<b>24 Macrossan Street</b>	<b>Port Douglas</b>	<b>L118 PTD2091</b>	<b>2300</b>
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
<b>MCUC Shops</b>		<b>MCUI 2021_4256/1</b>	<b>6</b>
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
<b>1039298</b>	<b>1</b>	<b>Payment before the change occurs</b>	
DSC Reference Doc. No.	VERSION No.		

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0							
0							
<b>Proposed Demand</b>							
Commercial (Retail)	Shops	m <sup>2</sup> GFA at rate of \$165.54 per m <sup>2</sup>	\$ 165.54	449.00	74,327.46		
	Total Demand				<b>74,327.46</b>		
<b>Existing Credit</b>							
Commercial (Retail)	Shops	m <sup>2</sup> GFA at rate of \$165.54 per m <sup>2</sup>	\$ 165.54	326.42	54,035.57		
	Total Credit				<b>54,035.57</b>		<b>Code 895 GL 7470.0135.0825</b>

Required Payment or Credit

TOTAL

\$20,291.89

Prepared by	<b>Jenny Elphinstone</b>	<b>12-Oct-21</b>	Amount Paid	
Checked by	<b>Daniel Lamond</b>	<b>12-Oct-21</b>	Date Paid	
Date Payable	<b>MCU - Before the change occurs</b>		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 resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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](mailto:enquiries@douglas.qld.gov.au)