



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

Our reference: SDA-0614-010912  
Your reference: MCUI 198/2014

16/06/2014

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

*Att: Jenny Elphinstone*

Dear Ms Cardew

### **Concurrence agency response—with conditions**

Material change of use – indoor sports and entertainment (gymnasium) at 1-5 Dickson Street, Craiglie, Douglas Shire - QLD described as Lot 10 on RP746523  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 3 June 2014.

### **Applicant details**

---

Applicant name: John Guerillot  
Applicant contact details: C/- Post Office Port Douglas  
Port Douglas QLD 4877

### **Site details**

---

Street address: 1-5 Dickson Street, Craiglie, Douglas Shire - QLD  
Real property description: Lot 10 on RP746523  
Local government area: Douglas Shire Council

## Application details

Proposed development: Development permit for material change of use – indoor sports and entertainment (gymnasium)

## Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 1 — State-controlled road

## Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

## Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

## Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

## Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 attach to any development approval.

Drawing or document	Reference no.	Version	Date
Proposed Gym – ‘Site Plan, Car Parking Area & Landscaping Plan’	No reference	No version	Not dated
Proposed Martial Centre, Craiglie - Proposed Gym	No reference	No version	13/05/2014

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

If you require any further information, please contact Joanne Manson, A/Principal Planning Officer, Regional Services – Far North QLD on (07) 4037 3228, or via email [joanne.manson@dndip.qld.gov.au](mailto:joanne.manson@dndip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Angela Foster  
Manager (Planning)

cc: John Guerillot, email: JPGHot@yahoo.com  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0614-010912

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Material change of use – indoor sports and entertainment (gymnasium )</b>		
<p><b>State-controlled road</b> —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i>, the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the <b>Department of Transport and Main Roads</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
1.	<p>Development must be carried out generally in accordance with the following plans provided in the email to Douglas Shire Council and dated 16 May 2014, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> <li>• Proposed Gym – ‘Site Plan, Car Parking Area &amp; Landscaping Plan’</li> <li>• Proposed Martial Centre, Craiglie - Proposed Gym, dated 13/05/2014.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	The permitted road access location for the development is between Lot 10 on RP746523 and the Captain Cook Highway is via Owen Street and generally in accordance with the Proposed Gym – ‘Site Plan, Car Parking Area & Landscaping Plan’	Prior to the commencement of use and to be maintained at all times.
3.	The existing vehicular property access point from Lot 10 on RP746523 onto Dickson Street must be permanently closed and removed.	Prior to the commencement of use and to be maintained at all times.

Our reference: SDA-0614-010912

## **Attachment 2—Reasons for decision to impose conditions**

---

The reasons for this decision are:

- to ensure the proposed development generally proceeds in accordance with the cited plans provided in the email to Douglas Shire Council that depicts how the development is to be carried out.
- to ensure the development achieves the relevant performance outcomes within Module 1 (Community amenity); Module 18 (State transport infrastructure protection) and Module 19 (State transport network functionality) prescribed in the State Development Assessment Provisions version 1.3 published 9 May 2014 and commenced 16 May 2014.
- to ensure that any impacts from the development are controlled and minimised; and
- to ensure that the development does not compromise the safety and efficiency or operation of the state-controlled road.

### ***Findings on material questions of fact***

- The development application was properly referred to the Department of State Development, Infrastructure and Planning on 3 June 2014.
- The development is seeking approval for an indoor sports and entertainment (gymnasium) facility and will utilise an existing building that will be refurbished to accommodate a fitness gym / martial arts school.
- The intensity of the development is considered small scale.
- The subject site does not have direct access to a state-controlled road.
- Current vehicular access to the subject site is via Dickson Street.
- The site plan for the development indicates that vehicle access for the proposed gymnasium will be gained via Owen Street, a lower order Council road.
- To reduce traffic conflicts the development will be required to rationalise the number of access points to Lot 10 on RP746523. Therefore, the access location from Dickson Street must be closed and all access to the subject site must be via Owen Street.
- The closure of the access location from Dickson Street will improve safety and efficiency of the state-controlled road.
- The proposed development is considered to meet or proposes acceptable outcomes that meet with the performance outcomes specified in the State Development.

### ***Evidence or other material on which the findings were based***

- The development is made assessable under Schedule 3 of the Sustainable Planning Regulation 2009, with the chief executive of the act identified as the concurrence agency in Schedule 7.
- The department undertook an assessment in accordance with the provisions of Section 282 of the *Sustainable Planning Act 2009*.
- State Development Assessment Provisions, version 1.3 published 9 May 2014 and commenced 16 May 2014.
- State Assessment and Referral Agency mapping dated 3 June 2014.
- State Planning Policy December 2013
- State Planning Policy December 2013 development assessment mapping
- *Transport Infrastructure Act 1994*

Our reference: SDA-0614-010912

Your reference: MCUI 198/2014

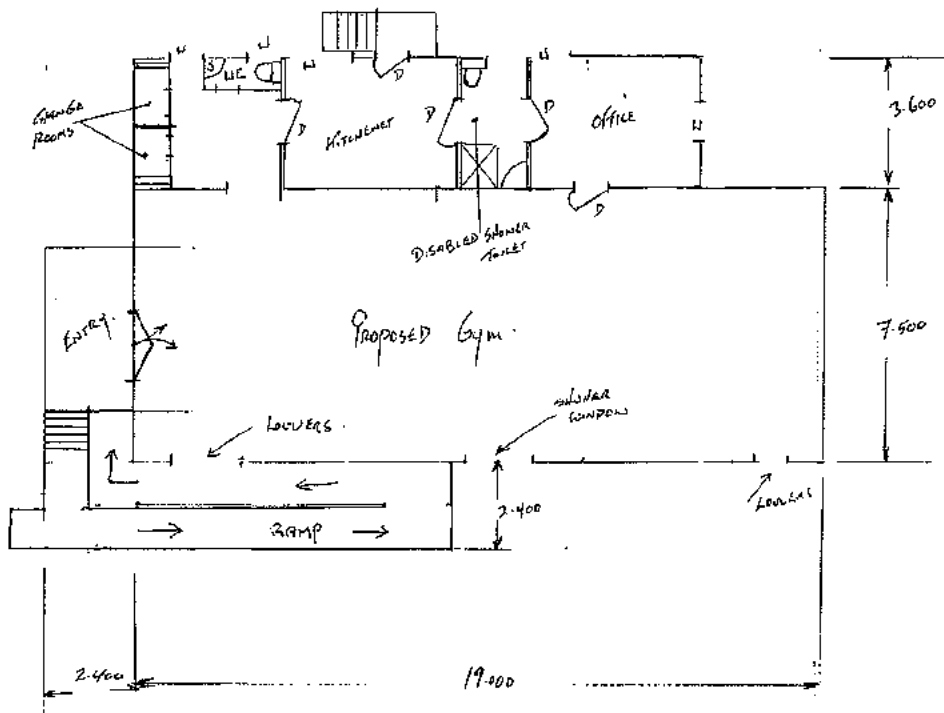
### **Attachment 3—Further advice**

<b>General advice</b>	
<b>State-controlled road access points</b>	
1.	Direct access is not permitted between Endeavour Valley Road, a state-controlled road and the subject site at any location other than the permitted road access location as detailed in condition 2 of this concurrence agency response.
<b>State Planning Policy 2013 – interim development assessment provisions</b>	
2.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy December 2013 and in particular the interim development assessment provisions, such as natural hazards, to the extent it is relevant to the proposed development.
<b>Advertising device</b>	
3.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain the Department of Transport and Main Roads approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.

Our reference: SDA-0614-010912

**Attachment 4—Approved plans and specifications**

---

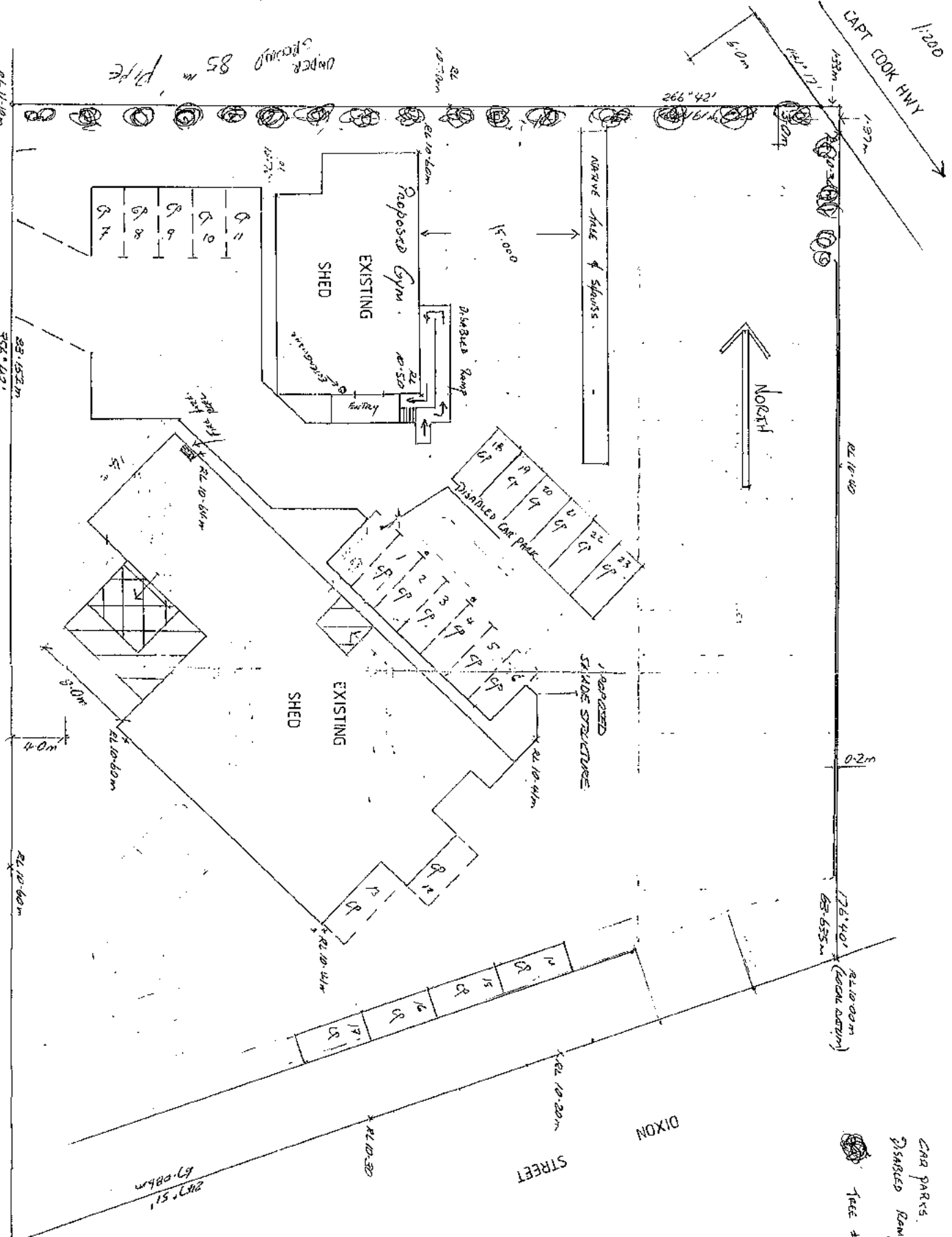
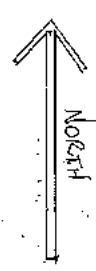


Proposed MARINE CENTRE  
 13/05/2014  
 CRANGLIE




1/200

LAPT COOK HWY



SITE PL

DE  
in

 TREE & SHAUSS NATIVE  
 CAR PARKS 5.000 x 2.400 23 NO  
 DISABLED RAMP AS PER SPEC'S

TOTAL  
 AREA  
 PARKING  
 ALLOT  
 AREA  
 AVAILA