



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0617-039757
Your reference: VGF-C1039
Council Reference: MCU 2095/2017

14 July 2017

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

Attention: Mr Neil Beck

Dear Sir/Madam

Concurrence agency response—with conditions

Application for Material change of use (Refurbishment of tavern and ancillary and associated facilities) on land situated as 7-9 Macrossan Street, Port Douglas, Douglas Shire and described as Lot 10 on SP262348 and Easements A and B in Lot 11 on SP262348
(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 Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 7 June, 2017.

Applicant details

Applicant name: Hilrok Properties Pty Ltd
Applicant contact details: c/- Victor Feros Town Planning
PO Box 1256
CAIRNS QLD 4870
cairns@ferosplanning.com.au

Site details

Street address: 7-9 Macrossan Street - Port Douglas
6 Warner Street - Port Douglas (Easements A and B)
Lot on plan: Lot 20 and Lot 11 on SP262348
Local government area: Douglas Shire

Application details

Proposed development: Material change of use – tavern (refurbishment of tavern and ancillary and associated facilities)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material change of use	Development permit	Tavern – refurbishment of tavern and ancillary and associated facilities	Code assessment

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 conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must 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 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use (Refurbishment of Tavern and Ancillary and Associated Facilities)				
Site Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.2.2	-
Proposed Ground Floor Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.4.1	-
First Floor Plan	Hunt Design + Heeker Guthrie	9/12/2016	A.00.4.2	-
Plan of Lot A (Proposed road closure in strata) Covering part of Macrossan Street abutting Lot 10 on SP262348	Don Tennant	21/11/2016	CNS16\072	-

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

For further information, please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD on 4037 3239, or email belinda.jones@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planner)

cc: Hilrok Properties Pty Ltd, cairns@ferosplanning.com.au
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

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use -		
Schedule 7, Table 3, Item 1 – State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads 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):		
In accordance with approved plans		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • The footpath, veranda and access arrangements depicted on site plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.2.2. • The footpath, veranda and access arrangements depicted on Proposed Ground Floor Plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.4.1. • The footpath, veranda and access arrangements depicted on First Floor Plan prepared by Hunt Design + Heeker Guthrie, dated 9/12/2016, Drawing No. A.00.4.2. • Plan of Lot A (Proposed road closure in strata) Covering part of Macrossan Street abutting Lot 10 on SP262348 prepared by Don Tennant, dated 21/11/2016, Reference CNS16\072. 	Prior to the commencement of use and to be maintained at all times.

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application as they relate to the State-controlled road – Port Douglas Road (Macrossan Street).

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Attachment 3—Further advice

General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another 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.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>

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Attachment 4—Approved plans and specifications





