



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0915-024147
Your reference: MCUI 1005/2015

21 October 2015

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

Dear Sir / Madam

Concurrence agency response—with conditions

Development Permit for Material Change of Use (Restaurant and Shopping Facilities)
5961R Davidson Street, Craiglie, described as Lot 58 on C22511
(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 15 September 2015 and was properly referred on 29 September 2015.

Applicant details

Applicant name:	Yenor Pty Ltd
Applicant contact details:	c/- Projex Partners PO Box 2133 Cairns QLD 4870 peterrobinson@projexpartners.com.au

Site details

Street address:	5961R Davidson Street, Craiglie, QLD
Lot on plan:	58 on C22511
Local government area:	Douglas Shire

Application details

Proposed development: Development Permit for Material Change of Use
(Restaurant and Shopping 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	Restaurant (other than Bar and Grill, drive through food outlet and fast food outlet), Shopping Facility (providing convenience shopping for the local community, travellers and tourists)	Impact 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

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
Site Plan – Proposed New Bakery Café (Lot 58)	Hunt Design	30/06/15	PR1	-
TMR Layout Plan (20A – 59.50km)	Queensland Government Transport and Main Roads	12/10/2015	275/20A (500-189)	A

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

For further information, please contact Brett Nancarrow, Principal Planning Officer, SARA Far North QLD on 4037 3229, or email brett.nancarrow@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Yenor Pty Ltd, peterrobinson@projexpartners.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
Schedule 7 Table 3 Item 1—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General 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"> • Site Plan – Proposed New Bakery Café (Lot 58) prepared by Hunt Design, dated 30/06/15, PR1. • TMR Layout Plan (20A – 59.50km) prepared by Queensland Government Transport and Main Roads dated 12/10/2015, Ref: 275/20A (500-189), Issue A. 	At all times.
Location of the direct vehicular access to the state-controlled road		
2	Direct access is not permitted between the Captain Cook Highway and the subject site at any location other than the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained).	At all times.
3	The permitted road access location, (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained), is to be located generally in accordance with TMR Layout Plan (20A – 59.50km) prepared by Queensland Government Transport and Main Roads dated 12/10/2015, Ref:275/20A (500-189). Issue A.	At all times.
Stormwater and Drainage impacts on the state-controlled road		
4	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the state-controlled road; interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; surcharge any existing culvert or drain on the state-controlled road; reduce the quality of stormwater discharge onto the state-controlled road. 	(a) and (b): 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
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

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Attachment 3—Further advice

General advice	
Advertising Device	
1.	<p>A local government should obtain Department of Transport and Main Roads advice 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: Department of Transport and Main Roads has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</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>
Advice for State-Controlled Roads	
2.	All loading and unloading associated with the development must not be carried out within the state-controlled road reserve (Captain Cook Highway).
3.	The applicant must ensure there is sufficient onsite car parking without the reliance on parking in the state-controlled road reserve (Captain Cook Highway).
Further development permits, compliance permits or compliance certificates	
4.	<p>Under section 62 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to lawfully operate, construct, maintain and carry out road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for approval under section 62.</p> <p>The road access approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining an access approval is not delayed.</p>

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Attachment 4—Approved plans and specifications



