

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING
ACT 2009

YOUR REF: 564-002-002R-DSC
OUR REF: MCUI 1005/2015 (768235)

25 February 2016

Yenor Pty Ltd
C/- Peter Robinson
PO Box 2133
CAIRNS QLD 4870

Attention: Peter Robinson

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 5961R DAVIDSON STREET, CRAIGLIE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 23 February 2016, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

An Infrastructure Charges Notice will be issued in accordance with section 648F of the *Sustainable Planning Act 2009*, once the exact mix of land uses proposed for the site has been determined.

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9480.

Yours faithfully



Paul Hoyer
General Manager Operations

Att

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2009

APPLICANT DETAILS

Yenor Pty Ltd
C/- Peter Robinson
PO Box 2133
CAIRNS QLD 4870

ADDRESS

5961R Davidson Street, CRAIGLIE

REAL PROPERTY DESCRIPTION

Lot 58 on C22511

PROPOSAL

Shopping Facilities (including a bottle shop) & Restaurant (other than a Bar and Grill, Drive through Fast Food Outlet and Fast Food outlet) with a combined NLA of 482m².

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

23 February 2016

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Development adjacent to a State Controlled Road	State Assessment Referral Agency	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Building Works (Development Permit)

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None Applicable

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DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

The land is part of the Port Douglas and Environs District Locality and is included within the Industry Planning Area. Shopping Facility and Restaurant uses are both Impact (Inconsistent) uses in the Industry Planning Area. As such the application is required to be assessed the entire planning scheme.

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability. Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or Particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome, Performance Criteria and associated or Acceptable Solutions for Overall Outcomes.

Upon assessment and subject to the application of conditions, it is considered that the development, as proposed, will not conflict with the planning scheme.

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

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

Drawing or Document	Reference	Date
Site Plan	PR1 prepared by Hunt Design	30 June 2015
Floor Plan	PR 2 prepared by Hunt Design	30 June 2015
Elevations	PR 3 prepared by Hunt Design	30 June 2015

ASSESSMENT MANAGER 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; and
 - 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.

External Improvements

3. The external improvements to the building design and landscaping generally as shown on the approved plans are an integral component to this approval and must be undertaken prior to commencement of any rear tenancy shopping facility /restaurant use.

Air-Conditioning Screens

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4. 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.

Vehicle Parking

5. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of twenty (20) spaces of which (one) 1 must be provided for disabled parking. 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 maneuvering areas must be imperviously sealed, drained and line marked.

Landscaping Plan

6. The site must be landscaped in accordance with details included on a Landscaping Plan. Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Advertising Signage

7. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Refuse Storage

8. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Food Premises

9. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.

RIGHTS OF APPEAL

Attached

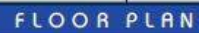
End of Decision Notice

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APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



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SCALE 1:100 @ N3

PROPOSED NEW BAKERY CAFE - (LOT 58) 5961 CAPTAIN COOK HWY, CRAIGLIE

PR 2

30/06/15 p2

Conceptual
Studies By
hunt
DESIGN

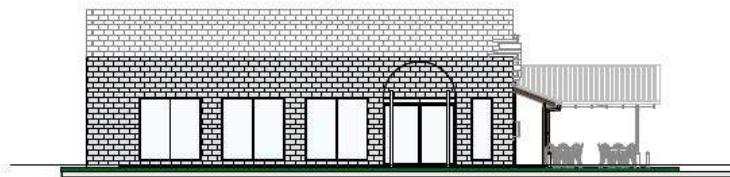
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NORTH ELEVATION
Scale 1:150

€1
PR 1



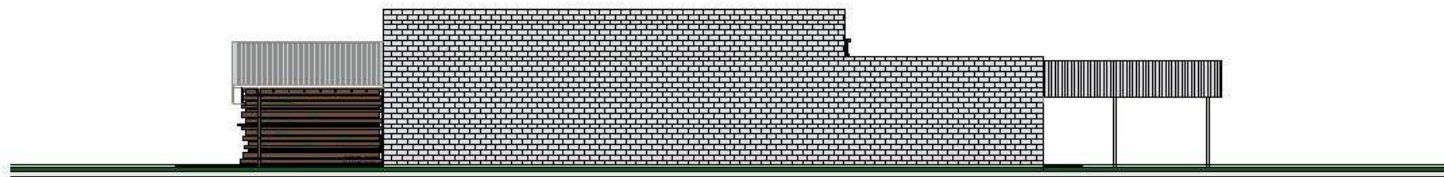
EAST ELEVATION
Scale 1:150

€2
PR 1



WEST ELEVATION
Scale 1:150

€4
PR 1



SOUTH ELEVATION
Scale 1:150

€3
PR 1

ELEVATIONS

SCALE 1:150 @ A3

PROPOSED NEW BAKERY CAFE - (LOT 58) 5961 CAPTAIN COOK HWY, CRAIGLIE

FOR REVIEW @ 20/06/15

PR 3

30/06/15 PR

Conceptual
Studies By
hunt
DESIGN



Attachment 2: Referral Agency Conditions and Requirements

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

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SDA-0915-024147

Application details

Proposed development:	Development Permit for Material Change of Use (Restaurant and Shopping Facilities)
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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
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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.

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Approved plans and specifications

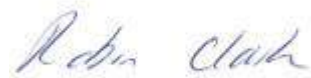
The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

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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Our reference: SDA-0915-024147

Your reference:

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	The development must be carried out generally in accordance with the following plans: <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, Red:275/20A (500-189). Issue A.	At all times.
Stormwater and Drainage impacts on the state-controlled road		
4	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road. 	(a) and (b): At all times.

Our reference: SDA-0915-024147

Your reference:

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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Your reference:

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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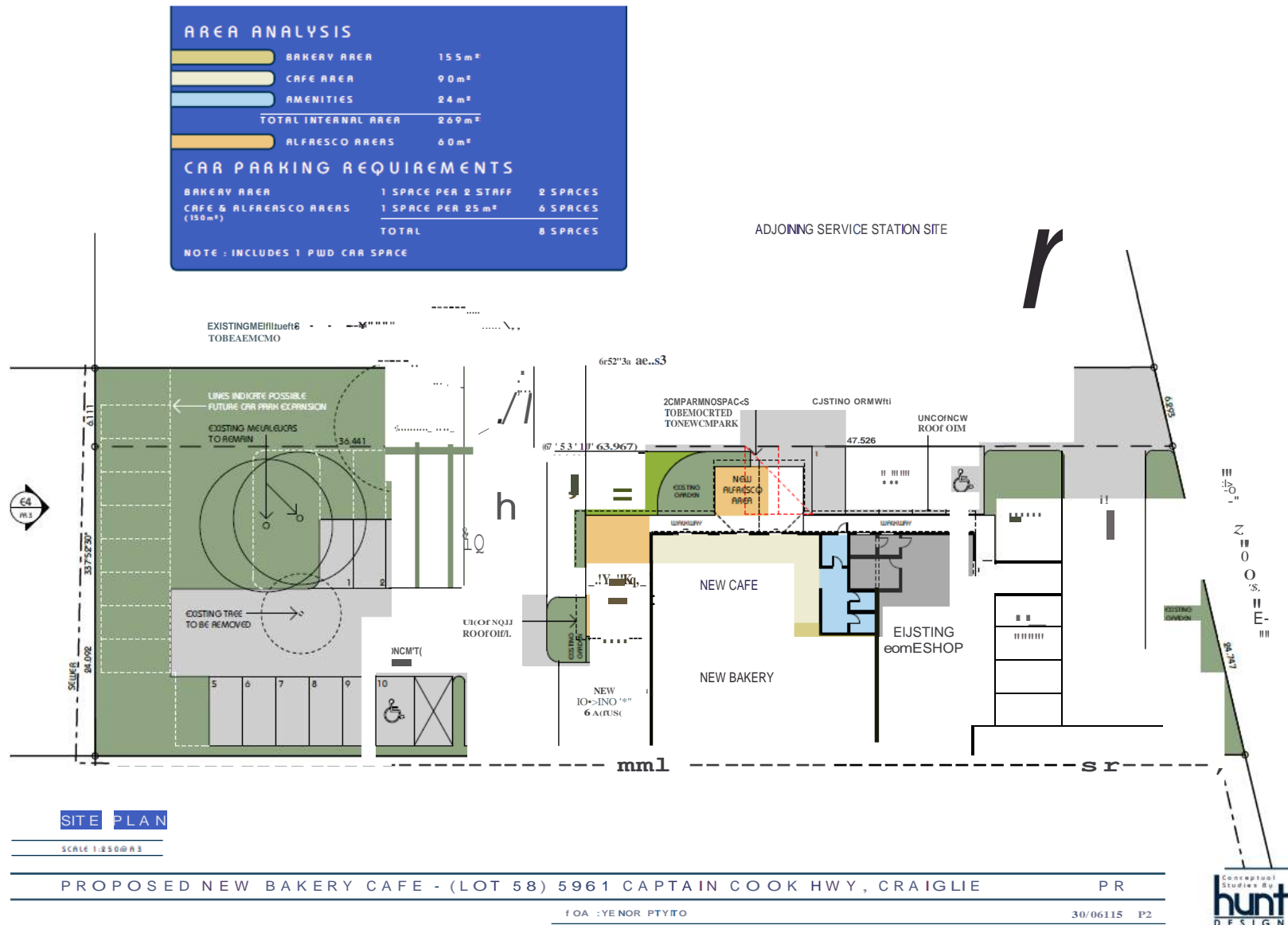
Our reference: SDA-0915-024147

Your reference:

Attachment 4—Approved plans and specifications

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