

Administration Office  
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**OUR REF:** MCUC 230/2014 (423516)

30 June 2014

Ms Moira Smedley  
2 Ti-Tree Street  
**PORT DOUGLAS QLD 4877**

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 2 TI-TREE STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 27 June 2014, 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.

Should you have any enquiries in relation to this Decision Notice, please contact Susanna Andrews of Council's Development and Environment Branch on telephone number 07 4099 9456.

Yours faithfully



Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Moiria Smedley  
2 Ti-Tree Street  
PORT DOUGLAS QLD 4877

**ADDRESS**

2 Ti-Tree Street, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lot 19 on RP728667

**PROPOSAL**

Home Based Business (Massage oils and treatments)

**DECISION**

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

**DECISION DATE**

27 June 2014

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

There are no further Development Permits required.

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**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)**

Not in conflict

**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 and Floor Plan	Council document reference 422313	04/06/2014

**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;
  - 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.

**Vehicle Parking**

3. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) car spaces plus one (1) car space per 25 m<sup>2</sup> of Net Lettable Area used for the Home Based Business, being a total of three (3) car spaces. 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 manoeuvring areas must be maintained free of mould and weeds, and drained.

**Signage**

4. Only one (1) sign, not exceeding 0.3 m<sup>2</sup> in area, and having only the name and the occupation of the operator is displayed.

**Hours**

5. The Home Based Business must be conducted between the hours of 8:00 am to 6:00 pm Monday to Friday and 8:00 to 6:00 pm Saturday. The Home Based Business must not be conducted at all on Sundays or on public holidays.

**Employees**

6. The Home Based Business is conducted by residents of the House and no more than two (2) persons, who are not residents of the House, employed in association with the business.

## **Amenity**

7. The Home Based Business must not produce any odour, dust, vibration or electrical interference which is detectable at the boundary of the site

## **Noise**

8. The Home Based Business must not produce any noise which exceeds the background noise level plus 5dB(A) (8:00 am to 6:00 pm).

## **FURTHER ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.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).

## **LAND USE DEFINITIONS**

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Home Based Business is defined as:

*Means the use of a House and its surrounds, or an ancillary Building on the lot containing the House, by the permanent resident/s of the House for the conduct of a business, commercial or professional enterprise which is not industry based.*

*The use includes the provision of accommodation to tourists or travellers, commonly described as:*

- *Bed and Breakfast Accommodation – Any premises used or intended for use as tourist accommodation which provides breakfast and overnight accommodation, which is not self-contained.*

OR

- *Forest Stay Accommodation – any premises used or intended for use as tourist accommodation which is not self-contained and which operates in association with organised tours of the natural and / or rehabilitated forest environment on the same site and includes some staff accommodation on site for employees.*

OR

- *Host Farm Accommodation – any premises used or intended for use as tourist accommodation, which is not self-contained, and which operates in conjunction with a Primary Industry.*

**\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.**

## **RIGHTS OF APPEAL**

Attached

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## **End of Decision Notice**

