

OUR REF: MCUI 585/2014 (454286)

6 May 2015

Harue Pty Ltd & KStar Tours & Electric Bike Hire
C/- Planz Town Planning Pty Ltd
17 Atherton Street
WHITFIELD QLD 4870

Attention: Ms Nikki Huddy

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
52 & 54 MACROSSAN STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 5 May 2015, 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 Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Paul Hoye
General Manager Operations

Att

APPLICANT DETAILS

Harue Pty Ltd & KStar Tours & Electric Bike Hire
C/- Planz Town Planning Pty Ltd
17 Atherton Street
WHITFIELD QLD 4870

ADDRESS

52 & 54 Macrossan Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lots 503 & 502 on PTD2092

PROPOSAL

Display Facilities (Car and Bicycle Hire)

DECISION

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

DECISION DATE

5 May 2015

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Advice or Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

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	Port Douglas Car Hire – Lot 502	Undated
Site Plan	Port Douglas Car Hire Office – Lot 503	Undated

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 upon the Development Permit taking effect, unless otherwise specified in these conditions of approval.

Display Facilities (Car Hire)

Operational Requirements

3. The Display Facility (Car Hire) must be undertaken in accordance with the following operational requirements:
 - (i) The use of on-street car parking spaces or the area adjacent the building at 54 Macrossan Street to display vehicles for hire is not permitted. Customers must take possession of their vehicle on Lot 502 and leave the site in a forward gear.
 - (ii) Vehicles that are parked in on-street car parking spaces by customers returning vehicles must be moved and returned to the hire fleet on Lot 502 within a reasonable timeframe being 15–20 minutes.
 - (iii) The washing and/or hosing down of vehicles onsite without a designated wash down facility connected to the sewer is not permitted.
 - (iv) No other portable advertising devices other than those approved and registered by Council are permitted for use either onsite or on road reserve.

The above operational requirements must be observed and complied with at all times to the satisfaction of the Chief Executive Officer.

Limitation of Use

4. The Display Facility (Car Hire) component of this Development Permit remains valid only while both Lot 502 & Lot 503 are made available to accommodate the approved use. In the event circumstances change that result in either lot not being available to accommodate or be used for the approved use, the Development Permit to the extent relevant to the Display Facility (Car Hire) has no force or effect.

Display Facilities (Bike Hire)

Operational Requirements

5. The Display Facility (Bike Hire) must be undertaken in accordance with the following operational requirements:
 - (i) The grassed area adjacent to the building may be used to display bikes for hire provided such area is kept clean, tidy and presentable.
 - (ii) The display of bikes for hire is not permitted on the road verge of Macrossan Street unless authorised by an approval under Local Law 59 (Commercial Use of Roads).
 - (iii) Any and all portable advertising devices associated with the use must be approved and registered with Council at all times.

The above operational requirements must be observed and complied with at all times to the satisfaction of the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
State Development Infrastructure & Planning	SDA-0215-018021	26 March 2015	#451468

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

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 sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

4. For information relating to the *Sustainable Planning Act 2009* log on to www.dilqp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Display Facilities is defined as:

Means the use of premises for the display, hire or sale, by retail or by auction, of goods such as:

- *building and construction materials with or without hardware;*
- *garden supplies including plants, tools, garden furniture and equipment and other products for use in gardening and Landscaping;*
- *vehicles including cars, trucks, motor cycles, boats, caravans and trailers;*
- *produce, animal fodder and farming goods and equipment.*

The use includes facilities commonly described as:

- *garden centre;*
- *produce market;*
- *produce store;*
- *car or truck sales yard;*
- *auction yard; or*
- *car hire centre.*

and others more particularly described as bulky goods retail such as:

- *Camping World*
- *Freedom Furniture*
- *Harvey Norman*
- *Capt'n Snooze*
- *Office Works*
- *Pet Cafe, among others.*

The use does not include retail chain outlets such as:

- *Crazy Clarke's*
- *The Warehouse*

- *Overflow*

which are defined as Shopping Facilities.

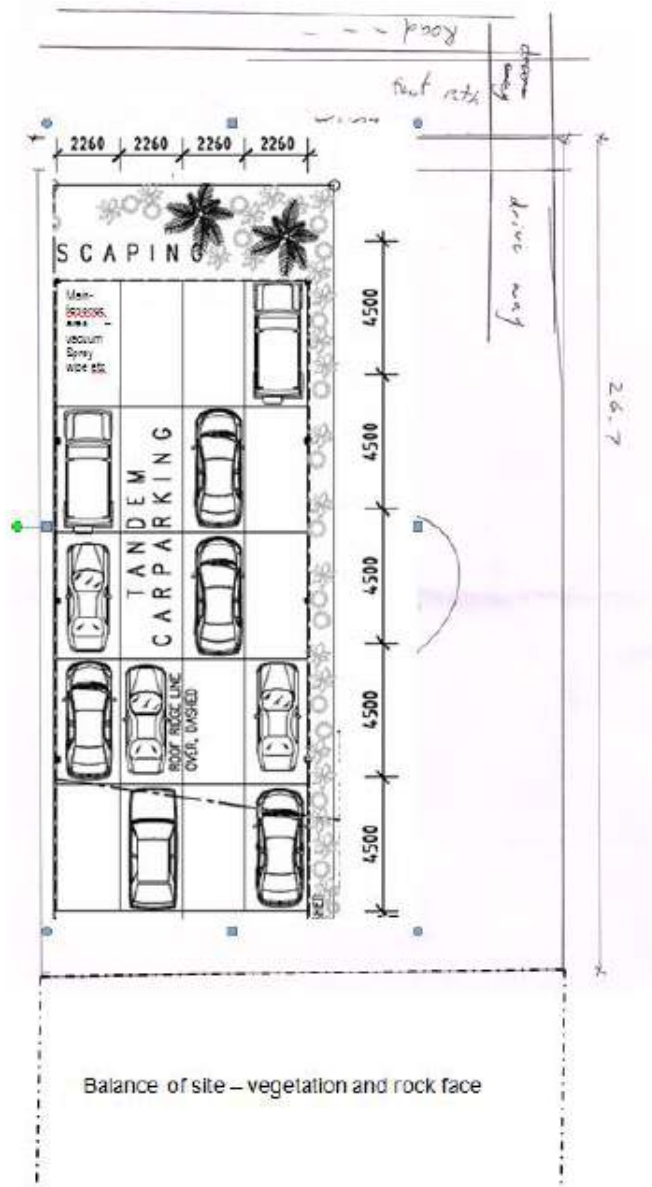
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the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

RIGHTS OF APPEAL

Attached

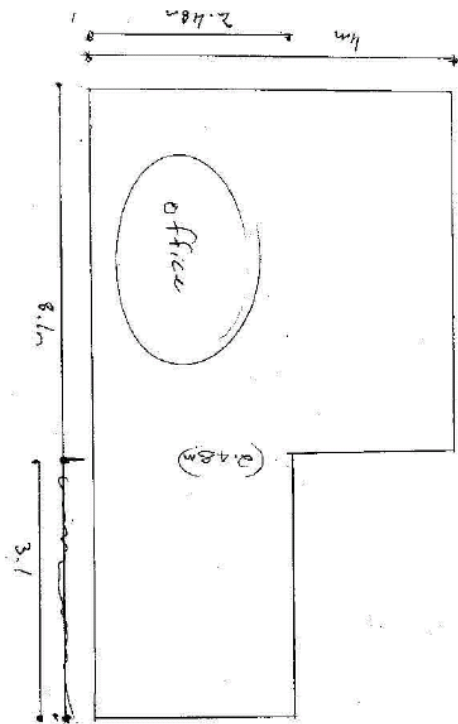
End of Decision Notice

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



Site Plan – Port Douglas Car Hire Lot 502

52 Macrossan Street, the western lot, contains a dense landscaped area at the front of the site, with a driveway on the western side. There is sufficient parking in the existing hardstand area for at least 20 cars in tandem. Car Hire parking is configured in a different manner to conventional parking lots.



Site Plan – Port Douglas Car Hire Office Lot 503

54 Macrossan Street, the eastern lot contains the Port Douglas Car Hire office (with an area of 35m approx.) as shown above. The Bike Hire office is 2m x 2m approx and 20m x 4m shipping container (see photos below).

APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



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

Our reference: SDA-0215-018021
Your reference: MCUI 585/2014

26 March 2015

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

Attention: Neil Beck

Dear Ms Cardew

Concurrence agency response—with conditions

Material Change of Use – Display Facilities (Car and Bicycle Hire) on land described as Lots 502 and 503 on PTD2092, situated at 52-54 Macrossan Street, Port Douglas
(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 2 February 2015.

Applicant details

Applicant name: Harue Pty Ltd & KStar Tours and Electric Bike Hire
Applicant contact details: C/- Planz Town Planning
17 Atherton Street
Whitfield QLD 4870
nikki.huddy@planztp.com

Site details

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Far North Queensland Regional Office
Ground Floor, Calms Port Authority
PO Box 2358
Calms QLD 4870

Street address: 52-54 Macrossan Street, Port Douglas
 Lot on plan: Lots 502 and 503 on PTD2092
 Local government area: Douglas Shire Council

Application details

Proposed development: Development Permit for Material Change of Use – Display Facilities (Car and Bicycle Hire)

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	Display Facilities (Car Hire & Bicycle Hire)	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— State Controlled Roads

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 (Display Facilities (Car & Bicycle Hire))				
Site Plan – Port Douglas Car Hire Lot 502	Unknown – included with the application material	Undated	-	-
Site Plan – Port Douglas Car Hire Office Lot 503	Unknown – included with the application material	Undated	-	-

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

For further information, please contact Jenny Sapuppo, Senior Planning Officer, Regional Services – Far North Queensland on (07) 4037 3202, or email jenny.sapuppo@dndip.qld.gov.au who will be pleased to assist.

Yours sincerely



Angela Foster
Manager (Planning)

cc: Harue Pty Ltd & KStar Tours and Electric Bike Hire, nikki.huddy@planztp.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-0215-018021
 Your reference: MCUI 585/2014

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material Change of Use – Display Facilities (Car & Bicycle Hire)		
Schedule 7, Table 3, Item 1 – State controlled roads —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the 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.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Site Plan – Port Douglas Car Hire Lot 502 • Site Plan – Port Douglas Car Hire Office Lot 503. 	At all times.
Location of the direct vehicular access to the state-controlled road		
2.	The permitted road access locations, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, are to be located via the existing access locations between Port Douglas Road and <ul style="list-style-type: none"> • Lot 502, generally in accordance with Site Plan – Port Douglas Car Hire Lot 502; and • Lot 503 via the existing access, located near the eastern side boundary. 	At all times.
Internal and external manoeuvring associated with direct vehicular access to the state-controlled road		
3.	All vehicles must enter and exit Lot 502 and Lot 503 at the permitted road access locations (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained) in a forward motion.	At all times.

Our reference: SDA-0215-018021
Your reference: MCUI 585/2014

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 development application.
- 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.
- To ensure the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road.

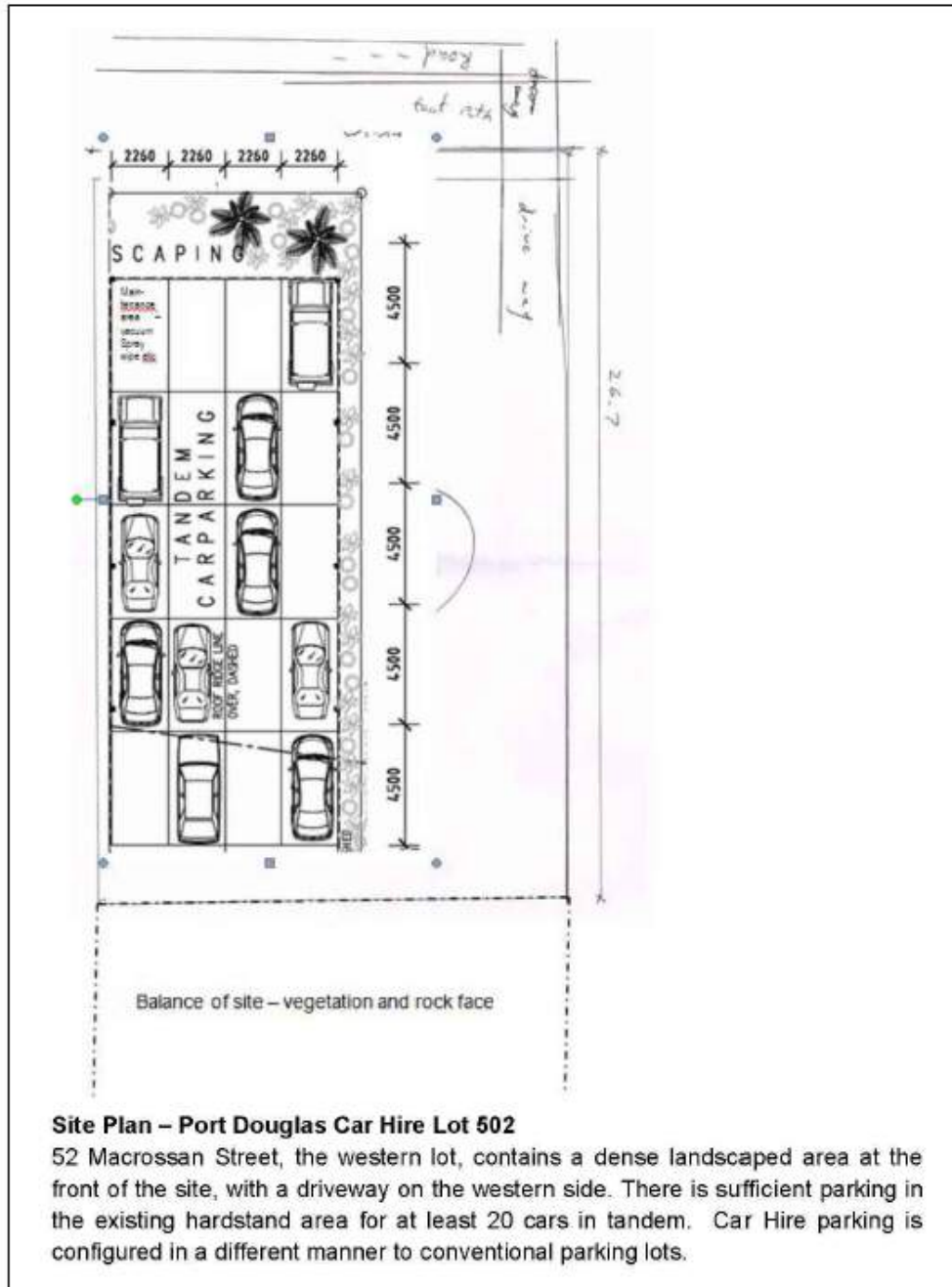
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Attachment 3—Further advice

Advertising devices	
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain approval from the Department of Transport and Main Roads (TMR) 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.
State controlled roads	
2.	Under section 62 of the <i>Transport Infrastructure Act 1994</i> (TIA), written approval is required from TMR to lawfully operate, construct, maintain and carry out road access works (including driveways) on a state-controlled road. Please contact TMR on 4045 7144 at the Cairns district office to make an application for approval under section 62. The road access approval process takes time – please contact TMR as soon as possible to ensure that gaining an access approval is not delayed.
3.	In accordance with section 50(2) and Schedule 6 of the TIA and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006, an applicant must obtain TMR approval to carry out ancillary works and encroachments on a state-controlled road. Please contact TMR on 4045 7144 to make an application for a Road Corridor Permit under section 50(2) of the TIA to carry out ancillary works and encroachments. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.
4.	All loading and unloading associated with the development should not be carried out within the state-controlled road reserve.

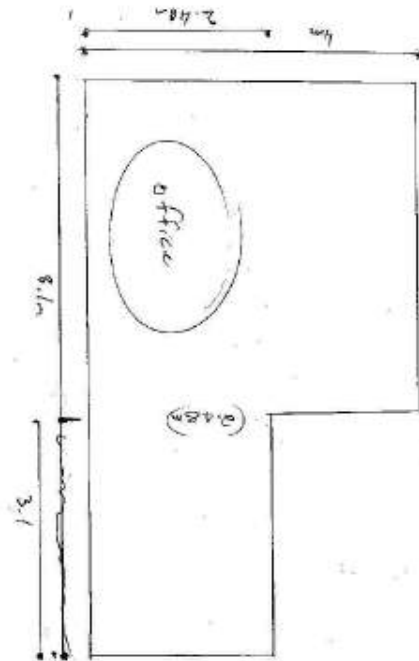
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Attachment 4—Approved plans and specifications



Site Plan – Port Douglas Car Hire Lot 502

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