

OUR REF: MCUC 820/2015 (456013)

27 May 2015

Mr & Mrs Perry & Cheryl Harrison
PO Box 451
PORT DOUGLAS QLD 4877

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 17 LIMPET AVENUE, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 27 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 Susanna Andrews of Development and Environment on telephone number 07 4099 9456.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Perry & Cheryl Harrison
PO Box 451
PORT DOUGLAS QLD 4877

ADDRESS

17 Limpet Avenue, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 35 on RP726590

PROPOSAL

Home Based Business (Bed & Breakfast)

DECISION

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

DECISION DATE

27 May 2015

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
Material Change of Use application – Site Plan, Floor plan and Elevations	Unreferenced	Received 13 May 2015

ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with 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) on-site vehicle parking spaces to be provided for the existing residential use and a minimum of one (1) on-site vehicle parking space to be provided for the Home Based Business (Bed & Breakfast Accommodation).

The parking layout must be designed in accordance with Australian Standard *AS2890.1 2004 Parking Facilities – off-street car parking*, except as varied with the consent of the Chief Executive Officer.

External works

4. Provision of a concrete crossover and apron in accordance with *FNQROC Development Manual Standard Drawing S1015*.

Employees

5. The Home Based Business must be conducted by resident(s) of the Household and the number of employees who are not residents of the premises must not exceed one (1).

Bed and Breakfast

6. The use of the accommodation must remain ancillary to the primary residential use of the premises.

Health Conditions

7. The proprietor of the proposed bed and breakfast accommodation must make application for approval under Local Law No 1 (Administration) 2011 and Schedule 17 of Subordinate Local Law No 1 (Administration) 2011 prior to the commencement of operation. Contact the Council's Public Health Unit for further information on the application process.
8. Where a licensable food business is carried out on the premises, the person carrying out the business must hold a licence to carry out the business in accordance with the *Food Act* 2006. Application for such must be made with Council's Public Health Unit.

Signage

9. Signage is limited to the following:
 - a. maximum of one (1) sign;
 - b. maximum area of 0.3m²;
 - c. not illuminated;
 - d. advertises only the name and occupation of the operator of the premises.

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.dilgp.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 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 a tourist accommodation which provides breakfast and overnight accommodation, which is not self-contained.

*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

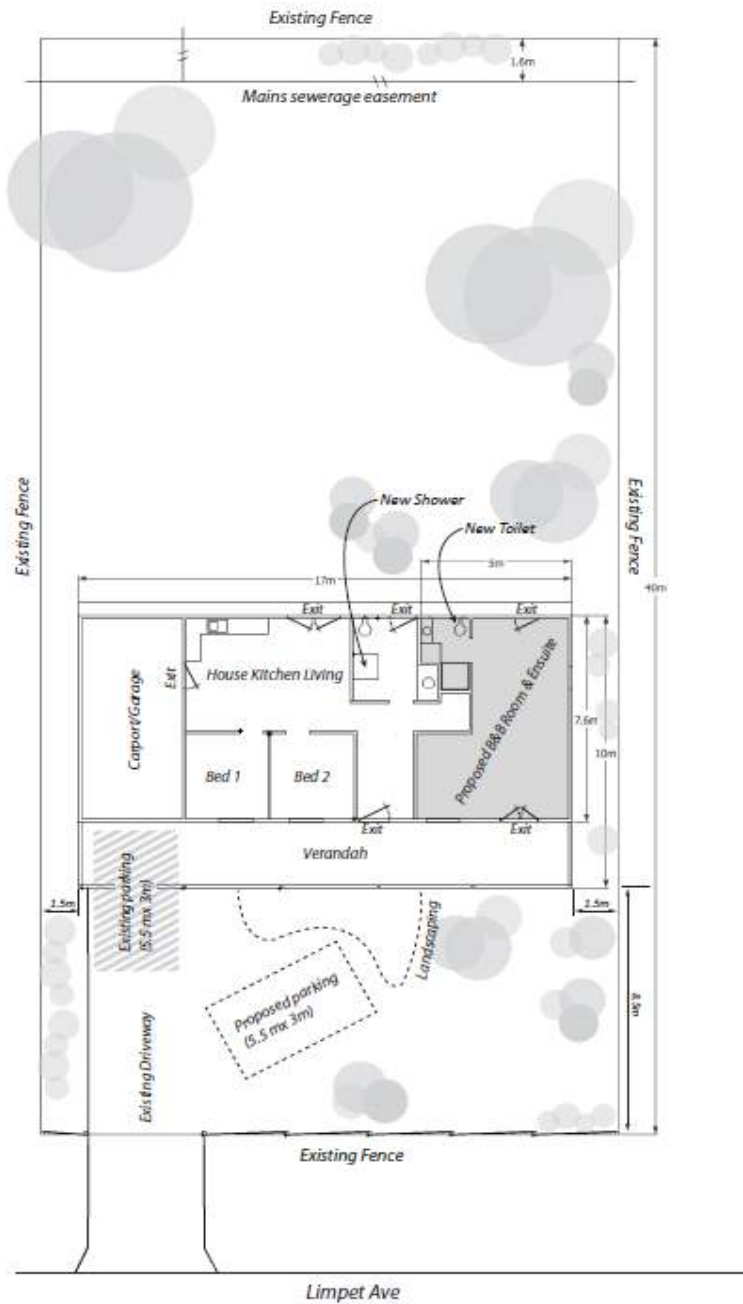
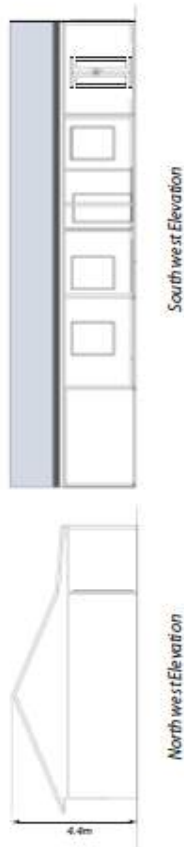
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)

Plan - Material Change of Use Application

Perry & Cheryl Harrison
17 Limpet Avenue | LOT 35 RP 726590
Port Douglas 4877

SCALE: 200:1

---- Dotted line indicates proposed parking & landscaping.



APPENDIX 2: STANDARD CROSSOVER DRAWING S1015

