

**YOUR REF:** 792948SC  
**OUR REF:** MCUC 1781/2016 (797514)

1 December 2016

N Halse & A J Stone  
57 Reef St  
PORT DOUGLAS QLD 4877

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR 57 REEF STREET PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 1 December 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.

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 9444.

Yours faithfully

**Paul Hoyer | Manager**  
**Sustainable Communities | Douglas Shire Council**

Att

**APPLICANT DETAILS**

N Halse & A J Stone  
57 Reef St  
PORT DOUGLAS QLD 4877

**ADDRESS**

57 Reef Street, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lot 9 on RP726590

**PROPOSAL**

Home Based Business (Bed & Breakfast)

**DECISION**

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

**DECISION DATE**

1 December 2016

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

None

**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 expressions means:

Drawing or Document	Reference	Date
House Plan	MCUC 1781/2016 Sheet 1	Received 11 November 2016
Site Plan	MCUC 1781/2016 Sheet 2	Received 11 November 2016

**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; and

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.

**Employees**

4. 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**

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

## **Health Conditions**

6. 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.
7. 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**

8. Signage is limited to the following:
  - a. maximum of one (1) sign;
  - b. maximum area of 0.3m<sup>2</sup>;
  - 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](http://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](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 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**

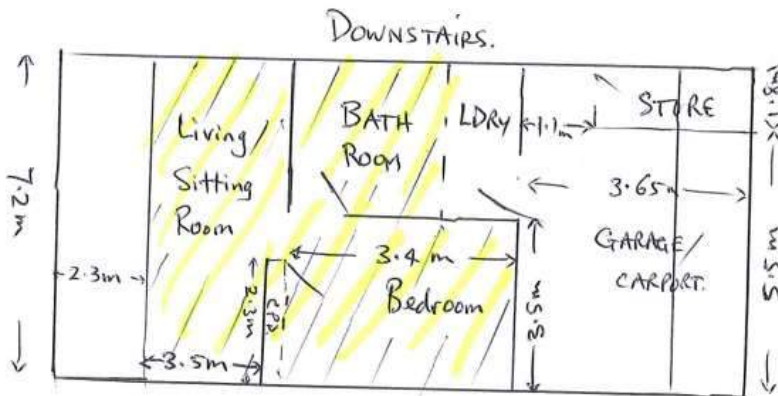
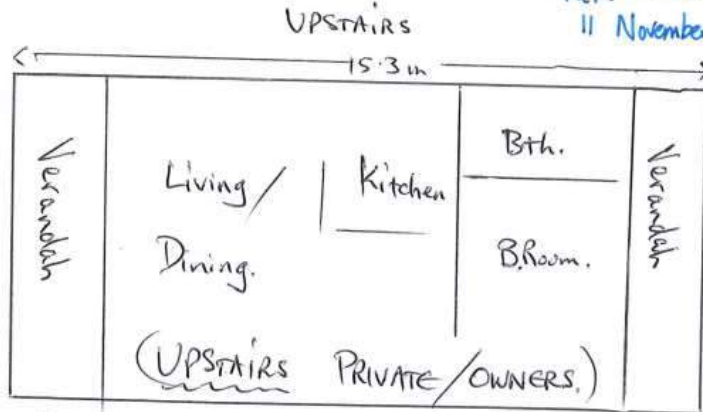
Attached


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## **End of Decision Notice**

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

House Plan  
 Ref: MCUC1781/2016 Sheet1  
 11 November 2016



 AREA DOWNSTAIRS USED BY GUESTS.

- ① UPSTAIRS + DOWNSTAIRS, TOTAL AREA INCLUDING VERANDAHS AND GARAGE/CARPORT =  $2 \times 110.16 \text{ m}^2$   
 $= 220.32 \text{ m}^2$ .
- ② AREA USED BY GUESTS =  $38.15 \text{ m}^2$
- ③ % OF TOTAL AREA USED BY GUESTS =  $17.3\%$ .

