

3 Captain Cook Highway
Port Douglas
Queensland 4877

16th April 2014

Ms Donna Graham
Manager Development and Environment
Douglas Shire Council
PO Box 723, Mossman Q 4873

Attention
Ms Jenny Elphinstone

DOUGLAS SHIRE COUNCIL	
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5957R DAVIDSON STREET CRAIGLIE – APPEAL REPRESENTATION

On the 24th February Douglas Shire Council issued a Decision Notice in respect of a Development Application for 5957R Davidson Street Craiglie.

I request that consideration be given to amending three of the conditions imposed by council

- The requirement for a two-metre wide footpath across the front of the property.
- The requirement for No Standing Signs at the front of the property.
- The quantum of the Adopted Infrastructure Charge.

A summary of my concerns follows:

FOOTPATH

Condition 3a: "Provide a two (2) metre wide concrete footpath to the full width of the property frontage external to the land"

It is a \$6,000 undertaking that provides no utility, will not be as attractive as soft landscaping, and has every prospect of being a safety hazard.

Aesthetics

The presence of a 64 square metre slab of concrete is not in keeping with DSC's stated objective: "Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provides an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the Frontage to enable landscaping to screen or soften the appearance of the development." (Ref: Douglas Shire Planning Scheme. Page 79. Item A29.1)

Instead, the proposed soft landscaping would better achieve the objective.

Utility

Currently there is no passing foot-traffic and this is expected to be the continued case. Essentially, there is nowhere to go.

The primary and secondary accesses to our building are from the yard at the rear. We will have very little pedestrian traffic along the front of the premises.

Our neighbour immediately to the north is the Court House Bottle Shop. They have ample off street parking and all clients access the building from the front and side parking bays. They do have a footpath, but no one has a need to use it, nor continue past our frontage.

We do not have, nor are we likely to get, a neighbour to the south. Therefore continuity of flow past our property will not be required.

- To the immediate south we have a small parcel of land (part of much larger lot, owned by Town and Country). Highway-access to this area is prohibited by council covenant. Access may only be achieved via Teamster Close.
- There is also a sewerage pumping station not far from our southern boundary in line with where a footpath would go.
- Beyond that is 10 meter-wide stormwater drain that runs parallel to the highway. Without covering the drain, there is no way that a footpath could be installed here
- Beyond that again, and all the way to Beor Street are a couple of established businesses at Lots 1, 5-7 and 9-11. They too are prohibited from establishing access to the highway, and have no footpath along their highway boundary.

Alternative Flow

There is adequate footpath provision on the eastern side of the highway from Plantation Resort all the way into Port Douglas. Pedestrian and cycle movement is already well catered for.

Safety

If a path were to be installed, it would come to a 'dead-end'. That raises a safety concern. Across the road at our existing premises we witness much traffic along the footpath. This includes (often fast-moving) bicycles, postie-bikes, ride-on mowers, and motorised wheel chairs. Someone not knowing that the path in front of Lot 57 comes to an end could end up in the drain beyond. The danger would be significant at night. On the other hand, if they run off the end of the footpath in front of the Bottle Shop, they would end up on grass.

Environmental

As the proposed path is a non-permeable surface all water will run-off the site and not into the ground which is environmentally beneficial and eases the burden on the surrounding drainage systems.

Photographs

Photos commence out the front of the Bottle Shop and look and transition south ..







ADOPTED INFRASTRUCTURE CHARGE.

As part of my approval process I was advised that I have been levied a charge of \$16,230. I would like to appeal this on the grounds that this quantum is unreasonable. (ref Sustainability Planning Act 2009 478 (4) (a))

I am a small business person, trying to expand, employ locals and generally add to the commercial viability of the region. In doing so I am attempting to make an old eyesore on the doorstep of Port Douglas as attractive as possible. But I am finding the fees crippling. I originally budgeted \$75,000 for the renovation. Compliance costs are in the order of \$35,000. This money can't be spent on providing utility or enhancing the building and site's attractiveness. Fees and imposts to date are:

Lodgement of DA with DSC	\$2,700
DCS providing previous engineering drawings	\$56
DCS providing plumbing drawing	\$41
Certifier lodging docs with DSC	\$400
Certification task	\$1,900
Building Industry Qleave	\$4,000+
Bitumen as specified by DSDIP	\$4,000
Concrete footpath	\$6,000

Infrastructure charge	\$16,000
TOTAL	\$35,000

\$35,000 is committed even before an architect or engineer is engaged, or a nail is hammered in. And, no doubt, there will be more surprises around the corner.

In respect of the charge is there any way that council can use discretionary powers to waive the charge or reduce the quantum?

NO STANDING SIGNS

Condition 3 (f): "Include 'No Standing' signage adjacent to the road frontage for the full width of the property frontage to Davidson Street."

Over the last year a considerable number of vehicles have been parked for long periods outside Lot 57 and directly across the road. Although the parking of vehicles in this manner is legal, it is not ideal. It is unattractive, and the movement of vehicles to and from their parking spaces has safety implications. These vehicles belong to Exemplar employees.

The reason my employees park on the street is because there is no longer space inside our Lot 3 depot. Some years ago when we first outgrew Lot 3 we paid to cover the drain that ran along the highway perimeter of Lot 3. That was fully approved by DSC and on-street parking was endorsed. The newly created space served as overflow parking for a number of years.

We have since outgrown even that space and that is the reason why we purchased the much larger premises across the road at Lot 57. That will easily accommodate not only Exemplar vehicles but also those of all of our staff, and the clients and staff of our intended, downstairs tenant, Port Douglas Electrical Services (PDES). Staff are keen to have their vehicles safely locked away behind the building. And they will be instructed to do so.

I contend that, although long-term parking will not be required out the front, there is a well defined requirement for short-term access to both Exemplar and Port Douglas Electrical Services:

- Exemplar has vehicles that have to briefly stop at the office for reasons such as to pick up a baby seat, to collect a revised manifest etc. Usually passengers are on board and drivers keep the stop as short as possible.
- PDES has a similar 'pop-in' requirement. The bulk of their custom is with trades people who have large orders. These will be serviced through the rear/main entrance to the shop. However, there will be the requirement for quick pickups, best utilised by parking out the front and going through the front door.

I think it is unreasonable for council to completely ban vehicles stopping out the front. If that were to be the case, alternative could be for vehicles to:

- park out the front of the Bottle Shop or Shell Service Station; the aim would not be achieved, or to
- park at the rear of our building. However, we are restricted (by TMR) to having only one driveway access to the highway. It is existing, can't be widened and is only wide enough for one vehicle (6m). If vehicles that could otherwise stop briefly out the front

have to queue for the single-lane access there could very well be encroachment onto the highway; a major safety concern, especially if larger coaches are involved. Further, it would "not be a good look" if one of my vehicles loaded with passengers had to travel right into the yard to park, when a brief stop outside would seem to them to be the more viable option.

I can find no mandated requirement for "No Standing" signs in the Douglas Shire Planning Scheme, or its referenced documents. Indeed, there are no such signs along the Captain Cook Highway through Craiglie or for a long way either side.

Further, I feel that I am also being commercially penalised. I paid a premium to purchase highway frontage that would capture passing trade. Clients not being able to stop outside has every prospect of reducing land value, especially when no such restriction has been placed on any neighbouring property.

I therefore request that the requirement for No Standing signs be rescinded.

CONCLUSION

I am trying to be a good corporate citizen and work within both the spirit and the words of the law and council requirements. I think however that my requests above are not unreasonable. I would welcome the opportunity for a sit-down chat to work out if and how we may find a mutually acceptable compromise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gordon Wellham', with a stylized, flowing script.

Gordon Wellham AM

Principal. Exemplar Coaches and Limousines