

27 JAN 2015

Your Ref: MCUC 554/2014 (436499)

Our Ref: J000186:RB:SR

Date: 20 January 2015

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

Via email: susanna.andrews@douglas.qld.gov.au

Dear Susanna Andrews,

RE: RESPONSE TO REQUEST FOR FURTHER INFORMATION REGARDING DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – EXTENSION TO EXISTING RESTAURANT [SALSA BAR N GRILL] 26 WHARF ST, PORT DOUGLAS [LOT223 ON PTD 2091]

I refer to the above-described matter and confirm that Gilvear Planning Pty Ltd have been engaged by Salsa Bar N Grill (the 'owner') in relation to a Development Application lodged with Douglas Shire Council seeking a Development Permit for a Material Change of Use for the proposed extension to the existing Restaurant.

In response to Council's correspondence dated 18 December, 2014, the following information is provided to assist Council in the further assessment of the application.

1. Car Parking

The planning report submitted with the application refers to car parking that is provided on site for the existing Restaurant use.

Your attention is drawn to Condition 9 of the Development Permit 037/00, issued to the land by the former Douglas Shire Council on 12 October 2000, which permitted the development of an expansion to the restaurant/bar:

"Provision shall be made on the site for carparking spaces and access thereto at the current rate as well as for the loading/unloading of vehicles. Such carparking, access and loading/unloading areas shall be constructed in accordance with the requirements of the Douglas Shire Planning Scheme and Bylaws and the approved plans and to the reasonable satisfaction of the Manager Planning Services. On present method of calculation 19 spaces would be required. A dispensation of nine (9) has been given due to the retention of the long-standing heritage syle building and because up until very recent times the premises had for many years been

operated as a restaurant/bar. The plans currently indicate a shortfall of four (4) spaces, and the current rate of \$10, 000 per space, contribution in lieu of the provision of parking will amount to \$40,000 in accordance with Local Planning Policy No 2 "Off-Street Carparking".

The approval plans show a provision for six (6) car spaces.

A recent site inspection showed that the car parking area on the land is taken up with a fenced-off area at the rear of the ancillary outbuilding that appears to be used for staff amenities; a car port structure that appears to be utilised as storage; and a shipping container. There is no reasonable access on the land for the loading or unloading of vehicles.

Please provide information regarding how the applicant intends to address the non-compliance with Condition 9 of the approval 037/00.

Response

It is confirmed that the site has 6 spaces available which will continue to be utilised in accordance with the previous approval. It is noted that the restaurant has recently undergone some internal renovations, during which time it was necessary to remove all furniture and kitchen equipment from the restaurant and temporarily store this within the parking area, to allow the floors to be repaired. As a result, there was a temporary container placed within the car parking area, as well as physical storage of other furniture; while the renovations took place. The existing car port structure is used to park a trailer, which houses a portable cold room storage that is used for external catering functions for the restaurant and is considered consistent with the use of a car parking area for cars/vehicles associated with the restaurant.

It is understood that the 'fenced off' area identified for staff amenities is not within a car parking space, rather is at the rear of the ancillary outbuilding.

Should Council have any residual concerns, please contact the applicant to discuss and arrange a suitable time for a site visit.

2. Vehicle Parking and Access Code

Council notes this code was not addressed in the application material. Please provide a statement addressing compliance with the codes, particularly in relation to Performance Criteria P1.

Response

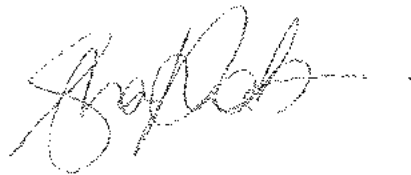
While the proposal technically increases the Gross Floor Area of the existing 'restaurant' use, the proposal includes 'uses' which are ancillary to the existing restaurant and therefore does not increase the capacity of the existing restaurant for seating for additional patrons. As

such, there remains sufficient car parking space to accommodate the amount and type of vehicle traffic generated by the use, having regard to

- The desired character of the area;
- The nature of the particular use;
- The number of employees and the likely number of visitors to the site;
- The level of local accessibility;
- The nature and frequency of the public transport in the area;
- The existing building and previous requirements for car parking as per the existing approval; and
- The retention and continued use of the existing heritage style building.

I trust that this is sufficient to progress the assessment of the application; however, should any additional information be required, please do not hesitate to contact the undersigned.

Kind regards,



Sera Rohan
Director / Town Planner
Gilvear Planning Pty Ltd

South East Queensland Office:

e: sera@gilvearplanning.com.au
m: 0418 843 949
p: PO Box 228 LABRADOR QLD 4215