

## 5.2. REQUEST FOR PERMISSIBLE CHANGE - 123 DAVIDSON STREET PORT DOUGLAS

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<b>GENERAL MANAGER</b>	Nick Wellwood, General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Request for Permissible Change (Motel & Restaurant)
<b>APPLICANT</b>	Uyoung Pty Ltd 287 South Rd BRIGHTON EAST VIC 3187
<b>LOCATION OF SITE</b>	123 Davidson Street, Port Douglas
<b>PROPERTY</b>	Lot 9 on RP890707

### LOCALITY PLAN

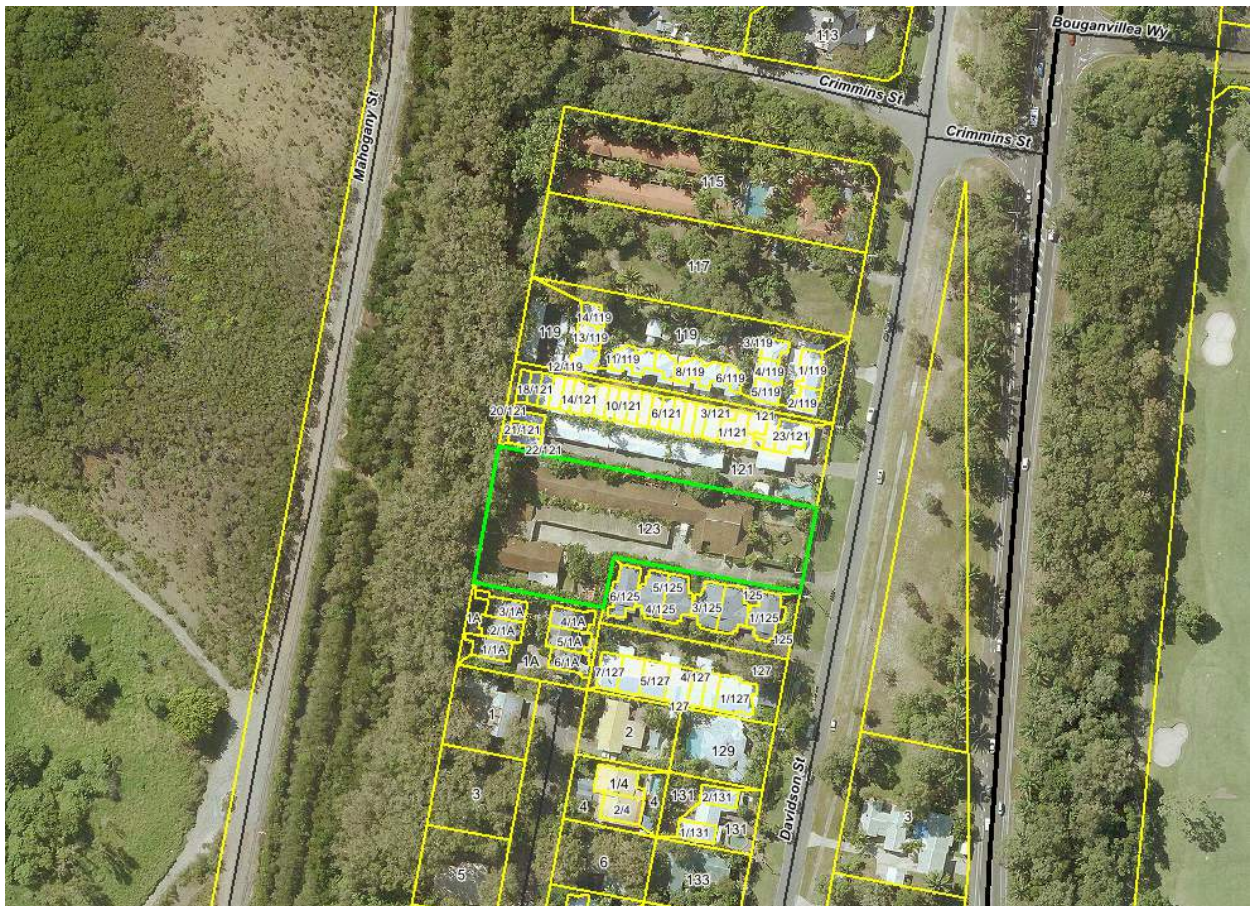


Figure 1 - Locality Plan

<b>LOCALITY</b>	Port Douglas and Environs
<b>PLANNING AREA</b>	Tourist and Residential
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCIES</b>	None Applicable
<b>NUMBER OF SUBMITTERS</b>	Not Applicable
<b>STATUTORY ASSESSMENT DEADLINE</b>	14/02/2017
<b>APPLICATION DATE</b>	08/12/2016

### RECOMMENDATION

**That Council resolves to approve the request for a Permissible Change to the existing Motel & Restaurant over land described as Lot 9 on RP890707, located at 123 Davidson Street, Port Douglas subject to the following:**

#### **APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plan	As submitted with the request and attached as Attachment 1	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 Request for the Permissible Change submitted to Council; and
  - 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 Decision Notice must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

#### **Amendment to Design**

3. The proposed development must be amended to accommodate the following requirements:

- a. Provide covered car parking for the nine (9) spaces the Restaurant.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

#### **Air-conditioning Screens**

4. In the event new air conditioning units are installed as part of the renovations, all units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building.

#### **Damage to Council Infrastructure**

5. In the event that any part of Council's existing sewer/water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.

#### **Vehicle Parking**

6. A minimum of 18 car parking spaces must be provided onsite. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

#### **Landscaping Plan**

7. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:
  - a. Internal areas to be landscaped as detailed on the Site Plan;
  - b. Deep planting of the front and side setback areas. The landscaping of the front setback is to compliment and provide for an attractive street frontage and to screen the covered car parking areas over time;
  - c. Fencing details; and
  - d. Include any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

A copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### **Lighting**

- 8. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.**

### **Emissions**

- 9. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

### **Storage of Machinery and Plant**

- 10. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.**

### **Lawful Point of Discharge**

- 11. All stormwater from the property must be directed to a lawful point of discharge being Davidson Street, such that it does not adversely affect surrounding properties or properties downstream from the development.**

**A drainage plan detailing how the revised car parking layout will adequately accommodate stormwater and discharge to Davidson Street must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**

### **Advertising Signage**

- 12. All signage associated with rebranding the Motel and Restaurant must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the signage being installed.**

### **Sediment and Erosion Control**

- 13. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).**

### **Refuse Storage Area**

- 14. The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.**

## 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.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).**
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## EXECUTIVE SUMMARY

Council is in receipt of a request for a Permissible Change to facilitate proposed modifications and renovations to an existing Motel and Restaurant located at 123 Davidson Street Port Douglas. The establishment is locally known as the Pelican Motel.

Approval for the original Motel and Restaurant was issued in November 1982.

The proposed development seeks to undertake significant improvements to the existing establishment through revisiting the location of onsite car parking spaces and undertaking improvements to the communal landscaped open space areas. Internal renovations of the Motel rooms are also taking place.

The revised layout results in the shortfall of one car parking space. This is discussed within the body of the report.

The proposed site layout and improvements to internal open space and recreational areas will significantly enhance the presentation of the existing establishment and visitor experience. Approval of the request for a Permissible Change is supported and approval of the request is recommended subject to conditions.

## TOWN PLANNING CONSIDERATIONS

### Background

Approval was initially granted in November 1982 for a Motel comprising 17 rooms and a Manager's Unit and Restaurant. Approval was granted to expand the development to contain 34 motel rooms. However, the approval was not acted upon.

The parcel of land was subdivided in 1995 and six (6) units were constructed on the excised parcel accessed via Ti-Tree Street. Renovations to the Restaurant were approved by Council in August 1996.

The Motel and Restaurant as originally approved has operated from the site for many years and as a consequence is quite dated and in need of improvements. With the property recently changing ownership, the new owners are seeking to enhance the property and raise the profile of the establishment in the holiday accommodation market.

The existing land use of Motel & Restaurant falls within the land use definition of Holiday Accommodation within the current Planning Scheme. The site is contained within the Tourist & Residential Planning Area in which Holiday Accommodation is code assessable development and encouraged to locate.

### Proposal

The proposed development seeks to make significant improvements to the site and to better utilise the space available through revisiting the number and location of onsite parking and improving the quality and functionality of available recreational areas. The proposed redevelopment does not seek to increase the number of rooms, but rather modernise the development to create a more pleasant and memorable guest experience.

It is proposed to remove the current onsite covered car parking and hardstand manoeuvring areas approximately identified by the yellow outline indicated in Image 1 below. This space will be converted to a modern outdoor recreation area consisting of a new swimming pool, new landscaping and communal gardens and a multi-sports court. The current owners seek to create an inviting outdoor recreation area where visitors are provided with improved recreational areas than that which presently exists.



Image 1: Site Aerial (source: Google Earth Queensland Globe December 2016)

Onsite car parking is located away from the motel and recreational areas and located towards the front of the site adjacent the road frontage. The vision is to enhance the visitor experience and amenity by physically separating the internal and external living and recreation areas from the car parking area.

Onsite car parking is proposed to locate between the front property boundary and the existing Restaurant over the existing communal gardens and pool area. The new car parking

area will be setback approximately 2 metres off the front boundary providing for the retention of the existing vegetation. The car parking layout also provides a 1 metre setback from side boundaries to allow the retention as much as possible of existing mature landscaping vegetation.

Vehicles will access the site from Davidson Street via the existing crossover. There is no intention to alter the crossover or entry statement, other than that incidental to the rebranding of the Motel and Restaurant. The new car parking area will include a total of 18 parking spaces including a designated disabled parking space designed to meet AS2890.1. It is proposed to maintain limited vehicle access beyond the guest parking area, down alongside the Restaurant and reception area for maintenance purposes. This access will be restricted for staff use only.

The Applicant has advised that the development seeks to be a specialised dive resort targeting the Asian dive market. It is expected that guests will primarily arrive at the site from the Cairns International Airport via a shuttle bus. Given the target market the development does not expect to receive a high percentage of self-drive visitors.

The Applicant has also advised that the intent of the project is not to increase the guest capacity on the site, but rather provide a modern, more comfortable accommodation option for guests with particular focus on guest experience and amenity. The current owners seek to create a high quality, inviting outdoor recreation area to compliment the refurbished Motel accommodation.

A copy of the Proposal Plan forms Attachment 1.

### **Request for a permissible change to the approval**

Section 374 of the *Sustainable Planning Act 2009* (SPA) states as follows:

#### ***“374 Responsible entity to assess request***

- (1) *To the extent relevant, the responsible entity must assess the request having regard to—*
  - (a) *the information the person making the request included with the request; and*
  - (b) *the matters the responsible entity would have regard to if the request were a development application; and*
  - (c) *if submissions were made about the original application—the submissions; and*
  - (d) *any notice about the request given under section 373 to the entity; and*
  - (e) *any pre-request response notice about the request given to the entity.*
  
- (2) *For subsection (1)(b), the responsible entity must have regard to the planning instruments, plans, codes, laws or policies applying when the original application was made, but may give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the request was made.”*

In this instance Council is the responsible entity, there were no submissions lodged to the original application, there were no notices issued in respect to section 373 (referral agencies) and there were no pre-request response notices.

In the assessment of the request, regard has been given to the current Planning Scheme as if the request were a development application as detailed in Item 1(b) above.

### Douglas Shire Planning Scheme Assessment

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Complies
<b>Planning Area</b>	Tourist and Residential	✓	Complies
<b>Defined Use</b>	Holiday Accommodation	✓	Complies
<b>Overlay Codes</b>	Acid Sulfate Soils Code	x	N/A
	Cultural Heritage and Valuable Sites Code	x	N/A
	Natural Hazards Code	x	N/A
<b>General Codes</b>	Design and Siting of Advertising Devices Code	✓	Conditioned to comply
	Filling and Excavation Code	✓	Complies – see comment below
	Landscaping Code	✓	Complies
	Natural Areas and Scenic Amenity Code	x	
	Reconfiguring a Lot Code	x	
	Vehicle Parking and Access Code	✓	See comment below
	Sustainable Development Code	x	N/A
	Vegetation Management Code	x	N/A

### Design and Siting of Advertising

The Applicant has advised that it is the intent to rebrand the Motel and Restaurant. However, no details were provided in relation to the location and size of signage to be installed. A condition of approval addresses this aspect with signage to be detailed and approved by Council prior to installation.

### Filling & Excavation Code

Other than the earthworks associated with building approvals i.e construction of the pool, there will be limited earthworks taking place on the site. The revised location of the car park and how stormwater generated from the new car parking area is adequately drained and discharged to Davidson Street needs to be demonstrated. A condition of approval requires a drainage plan to be approved by Council prior to the issue of a Development Permit for Building Works.

### Vehicle Parking & Access

Under the current Planning Scheme, the development generates the requirement for 19 onsite spaces being 13 spaces for the Motel and 6 spaces for the Restaurant. The revised layout is one car parking space short with 18 being provided onsite.



In support of the proposed layout, the Applicant has advised: -

*Based on the above assessment the development requires a total minimum of 19 onsite parking spaces per the code. It is noted that the development provides for a minimum of 18 spaces. Although the minimum code required parking spaces could be provided within the space available onsite, in recognition of need and equity, the land owner has designated equivalent to two spaces as a single accessible parking bay. It is noted that there is no development adjacent the site on Davidson Street and if 'need' arose, any overflow parking could be accommodated within the road reserve. Given the availability of parking within the road reserve and the expectation that guests are more than likely to arrive at the site by means other than self-drive due to the target market, it is respectively requested that Council grant a relaxation for 1 onsite parking space.*

The comments above are generally supported, in particular the target market and the configuration of the car park as proposed.

In addition to the Applicant's comments, it is also common practice to consider the ability of cross utilisation of the car parking spaces generated by the commercial component, being the Restaurant in this instance. Essentially this concept acknowledges that people staying at the Motel will also, in part, patronise the Restaurant and therefore not generate the same parking demand as a 'stand alone' Restaurant. An amount of 30% is the accepted rate. That is, the car parking demand for the Restaurant can be discounted by 30% which would reduce the demand to 4 spaces for the Restaurant and 17 spaces for the entire site.

Having regard to the above, the provision of 18 onsite spaces is considered sufficient to service the parking demand of the development.

The Planning Scheme also requires that 60% of the onsite spaces are covered. The proposed plan does not nominate the spaces to be covered. However, the Applicant has advised that this aspect can form a condition of the approval. Covered spaces will improve the functionality of the development especially considering the weather conditions in North Queensland. A condition of the approval requires the car parking spaces adjacent the Restaurant be covered which will satisfy the intent of the Planning Scheme for this element.

### **Referral Agency Requirements**

The request for a Permissible Change did not require referral to referral agencies under the *Sustainable Planning Regulation 2009*.

### **Public Notification / Submissions**

The request for a Permissible Change was not subject to public notification. The land is contained within the Tourist & Residential Planning Area in which Holiday Accommodation is code assessable development and encouraged to locate.

### **ADOPTED INFRASTRUCTURE CHARGES**

The proposed development does not increase the intensity of the development and therefore Adopted Infrastructure Charges do not apply.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

## ATTACHMENTS

1. Proposal Plan - 123 Davidson Street Port Douglas **[5.2.1]**

