

ORDINARY MEETING 26 MAY 2015	5.3
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REQUEST TO EXTEND THE PERIOD OF APPROVAL - SHOPS & OFFICES -
PORT DOUGLAS ROAD, PORT DOUGLAS
Jenny Elphinstone: MCUC 728/2015: 449800

<u>PROPOSAL:</u>	REQUEST TO EXTEND THE PERIOD OF APPROVAL (SHOPS & OFFICES)
<u>APPLICANT:</u>	HENSON PTY LTD C/- GW CLEGG & CO PO BOX 2144 TOOWONG BC QLD 4066
<u>LOCATION:</u>	PORT DOUGLAS ROAD, PORT DOUGLAS
<u>PROPERTY:</u>	LOT 193 ON RP747071
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	COMMERCIAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF TRANSPORT AND MAIN ROADS VIA THE DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	4 JUNE 2015
<u>APPLICATION DATE:</u>	25 FEBRUARY 2015
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. DECISION NOTICE ISSUED 28 OCTOBER 2013 2. NEGOTIATED DECISION NOTICE MCU 3B 016/06 3. LETTER FROM DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING 2 MARCH 2015 4. NORLING CONSULTING REPORT 2015

LOCALITY PLAN**RECOMMENDATION:**

1. That Council approves the request to extend the period of approval until 25 March 2018 for Shops & Offices over land described as Lot 193 on RP747071, located at Port Douglas Road, Port Douglas.
2. That the applicant be advised that conditions of Negotiated Decision MCU 3B 016/06 issued on 26 September 2006 remain applicable, except where varied by changes to conditions and the additional advice statements contained in Council's Decision Notice issued on 28 October 2013.

EXECUTIVE SUMMARY:

Council is in receipt of a request to extend the period of approval, for a further three years, for additional floor area to the shopping centre at the corner of Port Douglas Road and the Captain Cook Highway, Port Douglas.

At its Ordinary Meeting held on 30 January 2007, the former Douglas Shire Council granted a Negotiated Decision Notice for a Material Change of Use for Shops and Offices. The approval had an initial expiry date of 4 years.

A first extension to the period of approval was issued in 2011, and this was followed by another extension in 2013 for a further two year period. The Applicant's planning consultant has advised that the current challenging economic circumstances have prevented the extension of the shopping centre from proceeding. However there remains a commitment to proceed with the development in the future.

Having assessed the request to extend the period of approval against the criteria set by the Sustainable Planning Act 2009, the development is found to be consistent with the planning direction set for the site in previous planning approvals issued for the site. Furthermore, there is no appreciable benefit that would accrue in refusing the request at this point in time. Approval to extend the period of approval for a further three (3) years is recommended, subject to the conditions contained in latest decision notice to extend the period of approval issued on 28 October 2013 (attached at Appendix 1).

PLANNING CONSIDERATIONS:

Background

The existing shopping centre and specialty shops on the subject land were originally established following an approval under the 1996 Douglas Shire Planning Scheme (Ref: 028/98). The approval provides for:

- (a) 1845m² GFA supermarket;
- (b) 147m² GFA shop (currently used as a bottle shop);
- (c) Toilets; and
- (d) 135 car parking spaces, service delivery loading and associated circulation.

In 2003, Douglas Shire Council issued a Preliminary Approval to expand the shopping centre by adding new commercial tenancies. This Preliminary Approval established Council's desire, at the time, to see consolidation and expansion of then existing shopping centre in this location.

In 2006, a Development Permit was issued for Shops and Offices (Ref: MCU 3B 016/06) that provided for the following additions to the existing shopping centre:

- (a) an increase to the supermarket floor area of 659m²;
- (b) an additional shop of 130m², adjacent to the existing bottle shop;
- (c) Building A (361m²) for shops and office uses;
- (d) Building B (442m²) for shops and office uses.

Car parking and traffic circulation are proposed to be modified with additional car parking provided. The proposed expansion is shown as part of Appendix 2.

Over the past 9 years there have been two requests to extend the period of approval for the Development Permit associated with MCU 3B 016/06.

Proposal

The current application is a request to further extend the relevant period under Section 383 of the *Sustainable Planning Act 2009* for Development Permit 8/38/2 MCU 3B 016/06, for an additional 3 years (i.e. up to 25 March 2018). Council is required to assess requests to extend the relevant period under criteria set out in Section 388 of the *Sustainable Planning Act 2009*.

Concern was raised by council officers as to the ability of the approval to meet the current Scheme requirements, in particular the Acceptable Solution A14.1 that states,

“The Net Lettable Area of each of the existing Local centres does not exceed 300m² and is appropriated equally between the total number of lots which comprise the Local Centre.”

The Applicant's request is accompanied by an economic planning report prepared by Norling Consulting. The 2015 Norling report is an adjunct to a previous report prepared in 2003. A copy of the 2015 report advises is included in Appendix 4.

S388 Sustainable Planning Act

In deciding a request to extend an approval the *Sustainable Planning Act 2009* requires Council to determine the application having regard to the following criteria:

- (a) *the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, parts 2 and 3; and*
- (b) *the community's current awareness of the development approval; and*
- (c) *whether, if the request were refused—*
 - (i) *further rights to make a submission may be available for a further development application; and*
 - (ii) *the likely extent to which those rights may be exercised; and*
- (d) *the views of any concurrence agency for the approval given under section 385.*

(a) Consistency with the approval with current requirements

Under the current Planning Scheme, the land is included within the Commercial Planning Area. Under the Port Douglas and Environs Locality mapping, the land is also identified as a Local Centre (outside the Tourist Centre). While Shops and Offices are code assessable development, A14.1 of the Locality Code states, *“The Nett Lettable Floor Area of each of the existing Local Centres does not exceed 300m² and is apportioned equally between the number of lots which comprise the centre”* as an acceptable outcome.

The floor area of the existing shopping centre on the land (approx. 2500m²) is already considerably in excess of the 300m² nett lettable area specified as the acceptable outcome in the Planning Scheme.

Accordingly, the supermarket and specialty shops established on the site function as a higher order retail centre when compared to other bona fide local centres in the Port Douglas and Environs Locality (i.e. - Port Street/Davidson Street and Old Port Road/Barrier Road). Therefore, the current Planning Scheme provisions that relate to the site are inconsistent with the existing development on the land, and are also clearly inconsistent with approvals that have been granted for the site in recent years. This issue was identified in the submitted Norling economic planning report.

The findings of the 2015 Norling economic planning report are concurred with. The proposed additions to the supermarket floor space and the additional specialty shops and commercial floor space are such that the proposed centre would not exceed its current status in the overall retail hierarchy. It also represents the only appropriately zoned land available in the Port Douglas and Environs Locality that is capable of accommodating such coordinated and consolidated commercial/ retail expansion (outside the main Port Douglas Tourist Centre).

The Development Permit has been subject to a series of extensions to its approval period over the past eight (8) years. It has been extended on two occasions under the current Planning Scheme provisions, despite the outcomes sought by the current Planning Scheme.

As such there is no objection to granting a further extension to this particular development as it will not compromise the overall hierarchy of centres in the Port Douglas and Environs Locality, and is consistent with previous planning direction set for the site.

(b) The community's current awareness of the proposal

It is not likely that the community is aware of the current proposal. The proposal is a code assessable development under the current Planning Scheme which does not require public notification.

(c) If the request were refused, rights to make a submission for a further development application and the likely extent to which those rights may be exercised

Business and Shopping Facilities are code assessable development in the Commercial Planning Area. As such, there would be no further rights to make a submission, if the application were refused and a new application lodged.

(d) The views of any concurrence agency for the approval

The original application triggered referral to the Department of Transport and Main Roads. The Department of State Development, Infrastructure and Planning currently coordinates responses to applications of this nature, and they have advised that they have no objection to an extension to the period of approval for this Development Permit (see Appendix 3).

APPENDIX 1: DECISION NOTICE ISSUED 28 OCTOBER 2013

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/38/2 MCU3B 018/06 (4167640)

28 October 2013

Henson Pty Ltd
C/- GW Clegg & Co
PO Box 2144
TOOWONG BC QLD 4066

Dear Sir/Madam

**DECISION NOTICE TO EXTEND RELEVANT PERIOD AND CHANGES TO
CONDITIONS OF APPROVAL FOR DEVELOPMENT APPLICATION FOR PORT
DOUGLAS ROAD PORT DOUGLAS**

With reference to the Request to Extend Relevant Approval and Changes to Conditions of Approval, please find attached the relevant Decision Notice which was determined under Instrument of Delegation on 28 October 2013.

Please note that this Relevant Period is extended for this Development Permit and is now valid up to and including 25 March 2015.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with s648F of the *Sustainable Planning Act*.

The following changes have been made to the Negotiated Decision Notice which was issued on 26 September 2006.

1. That condition 13 is deleted:
 - ~~13. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply and sewerage infrastructure.~~

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

~~Contributions must be paid at the rates applicable at time of payment and be based on the types of uses established.~~

~~Payment is required prior to commencement of use.~~

2. That the following advice statements be included in the notice of decision:
 1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.
 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.dsdip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
3. All other conditions of the Negotiated Decision Notice for MCU 3B 016/06 remain unchanged (copy attached).

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Services Team on telephone number (07) 4099 9457.

Yours faithfully

Graham Boyd
Manager Development & Regulatory Services

Att.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPENDIX 1: CONCURRENCE AGENCY RESPONSE



Department of
**State Development,
Infrastructure and Planning**

Our

reference: SFD-0913-001820
Your reference: 13-00205.Extension-L3

Date: 1 October 2013

Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attention: Michelle Henderson

Dear Ms Henderson

Notice about request to extend relevant period

Cnr Port Douglas Road and Captain Cook Highway, Port Douglas - Lot 193 on
RP747071
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* on 23/09/2013 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is two years until 25 March 2015.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

##systemReference##

If you require any further information, please contact Tony Croke, Principal Planner on 07 4039 8092, or via email tony.croke@dsdip.qld.gov.au who will be able to assist.

Yours sincerely



Robin Clark
Manager (Planning)

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPENDIX 2: INFRASTRUCTURE CHARGES CALCULATIONS

 2006 Douglas Shire Planning Scheme Applications							
INFRASTRUCTURE CHARGES NOTICE							
Hensan Pty Ltd	Habitat Shopping Centre	N/A					
DEVELOPERS NAME		ESTATE NAME					
Port Douglas Road	Port Douglas	L193 on RP747071					
STREET No. & NAME		SUBURB					
MCU Business Facilities & Shopping		8/38/2 (MCU JB 016/06)					
DEVELOPMENT TYPE		COUNCIL FILE NO.					
4147130		1					
SRDS No.		VERSION No.					
		This logsheet is indexed appropriately only for payments made within the quarter noted above.					
WATER	DIST.	\$/ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
Ex	11	6,470.71	X	3.70	0.00	\$23,941.62	T 615/ 05674
Pro	11	639.97	X	3.70	0.00	\$2,367.88	T 616/ 05660
Water sub - total						\$26,309.50	
SEWERAGE	DIST.	\$/ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
Ex	5	3,751.23	X	3.70	0.00	\$13,916.56	T 617/ 05688
Pro	5	311.13	X	3.70	0.00	\$1,151.17	T 618/ 05682
Sewerage sub - total						\$15,067.73	
Road Reference	Not Applicable to Former DSC Area				0		
	District No.	0			\$0.00		000/ 0
DRAINAGE	Not Applicable to Former DSC Area		None		\$0.00		0
	Stream Management				\$0.00		0
	Stormwater Quality				\$0.00		0
OPEN SPACE	Former DSC Area				\$0.00		T 614 / 546
BONDS	None				\$0.00		
	None				\$0.00		
OTHER	Port Douglas General road upgrade				\$0.00		348 / 05427
	None				\$0.00		
TOTAL						\$41,377.23	
Prepared by	M Henderson		on	10-Oct-13		Amount Paid	
Checked by			on			Date Paid	
Date Payable	MCU - before the charge occurs						
Amendments							
							Cashier
50-50 split comprised of Business Facilities & Shopping Facilities							

Note:

The infrastructure charges in this notice are payable in accordance with Section 625 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue. Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au

APPENDIX 2 – NEGOTIATED DECISION NOTICE MCU 3B 016/06



ENQUIRIES:
DEPARTMENT:
EMAIL: Louise Stayte – Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dsc.qld.gov.au

OUR REF:
YOUR REF:
MCU 3B 016/06

D.G.Robertson Holdings
C/-C & B Group
PO Box 1949
Cairns QLD 4870

6th February 2007

**INTEGRATED PLANNING ACT
NEGOTIATED DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name : D.G.Robertson Holdings
Owner's Name : D.G.Robertson Holdings
Proposal : Shops & Offices
Application Number : MCU 3B 016/06
Site Address : Cnr Port Douglas Road and Captain Cook Highway, Port Douglas
Property Description : Lot 193 on RP747071

1. Decision: **Decision Date:** 26 September 2006

Approved subject to Conditions

2. Type of Development Approval:

Material Change of Use Development Permit

3. Referral Agencies:

Queensland Department of Main Roads (conditions attached)

ADMINISTRATION CENTRE
(ALL DEPARTMENTS)
64-66 FRONT STREET, MOSSMAN

PHONE (07) 4099 9444 FACSIMILE (07) 4098 2902
INTERNET www.dsc.qld.gov.au

ALL COMMUNICATIONS TO BE
ADDRESSED TO:
THE CHIEF EXECUTIVE OFFICER
P.O. BOX 357
MOSSMAN, QLD 4873

LIBRARY 14 MILL ST., MOSSMAN

PHONE (07) 4099 9496 FACSIMILE (07) 4098 3298

4. Conditions

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:
 - a. The approved plans of development No.DA-01 A and DA-02 A attached to this approval;
 - b. Except where such plans and/or specifications are modified by the terms of this approval.
2. A pathway shall be constructed to a minimum width of 2m from the entry to the existing supermarket to the pedestrian footpath located on Port Douglas Road. A formalised pedestrian crossing point is to be provided on the entry/exit point a minimum distance of 10m from the boundary of the easement.

Amenity

3. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

Currency Period

4. This development approval lapses 4years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

Compliance

5. All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and prior to occupancy of any buildings for the approved use or commencement of the approved use on the land.

Footpath Damage Liability

6. All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

Stormwater Drainage

7. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as the underground drainage system in Port Douglas Road.

- 8. The approved use must not:
 - a. interfere with the natural flow of stormwater;
 - b. cause ponding of stormwater on adjoining properties

Landscaping & Fencing

- 9. The landscape areas adjoining the car parking area shall be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.
- 10. The landscaping plan submitted with the proposed development, referenced as plan No.771760-SD-L1.01 Rev 01, 771760-SD-L1.02 Rev 01 and 771760-SD-L1.02 Rev 02 prepared by Vivo Design has been approved, as part of this development, except where otherwise stated as a condition of this approval.
- 11. The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

Works within the Access Easement

- 12. The applicant shall construct the following works external to the site in accordance with Council's adopted standards:
 - a. Street lighting to FNQROC Development Manual standards for a minor collector road (Section D8.07) and in accordance with AS/NZS 1158 for intersections.

Details and specifications for the above works shall be shown on the plans for building work.

Security

- 13. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, and to ensure payment of headworks contribution, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$35,000, such Guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the applicant fail to do so prior to issuing of a Development Permit for Building Work.

5. Further Development Approvals Required:

Building Work
Plumbing and Drainage Permit

Development Permit
Development Permit



Paul Trotman
General Manager – Development & Environment



17 August 2006

Mr T Melchert
 Chief Executive Officer
 Douglas Shire Council
 PO Box 357
 Mossman Qld 4873

Department of Main Roads

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	MCU 2006
DOCUMENT NO.	Plan 193 2006
21 AUG 2006	
ATTENTION	PTG
INFORMATION	

Dear Mr Melchert

Douglas Shire : Captain Cook Highway & Port Douglas Road
 The Habitat Shopping Centre, Port Douglas
 Lot 193 on RP 747071, Parish of Salisbury
 DG Robertson Holdings Pty Ltd
 Proposed Material Change of Use (Shops & Office) Application
 Notification of Change Conditions of Development (DMR as Referral Agency)

I refer to:

- the above application received at the Department 26 July 2006 requesting consideration of the above development,
- the Department's letter of conditions of development dated 10 August 2006, and
- written representations from the applicant's consultants received at the Department 17 August 2006 requesting the deletion of conditions 2 and 4.

The Department has reviewed the intents of the conditions in the light of the representations made and is able to delete conditions 2 and 4, and amend the Landscaping Works condition to include the intent of the deleted Physical Barrier condition.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following amended conditions of development for the subject application:

A. AMENDED CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

- Access between the State-controlled road (i.e. Port Douglas Road) and Lot 193 on RP 747071 shall be via the access easement along the north-eastern boundary of Lot 193 on RP 747071 and the associated reciprocal access easement along the south-western boundary of Lot 194 on RP 747071.
- No additional access between the State-controlled road reserve (i.e. Port Douglas Road) and Lot 193 on RP 747071 is permitted.

North Queensland Region
 Peninsula District
 PO Box 6185
 CAIRNS Queensland 4870
 ABN 57 836 727 711

Our ref 4520A/102(206.01B)
 Your ref MCU01606
 Enquiries MALCOLM HARDY
 Telephone +61 7 4050 5511
 Facsimile +61 7 4050 5438

- (iii) No direct access between the State-controlled road reserve (i.e. Captain Cook Highway) and Lot 193 on RP 747071 is permitted.

2. Landscaping Works

- (i) The applicant/landowner shall provide landscaping along the full frontages of the subject land to Port Douglas Road and Captain Cook Highway. The landscaping shall be designed generally in accordance with Main Roads Drawing Plan No. PD 85 (B) with a 3m wide strip, such that when the landscaping matures it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7 metre spacings.

The landscaping shall be designed to prevent headlight glare generated by vehicles on the subject land from affecting the safety of traffic travelling along Port Douglas Road and Captain Cook Highway and to prevent vehicles and pedestrians moving directly between Port Douglas Road and Captain Cook Highway and the subject land.

- (ii) The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species that are effective at providing a filtered view between the road and the building and do not create a safety risk (i.e. no thorns, heavy nuts or poisonous fruits or berries).
- (iii) The landscaping works shall be completed prior to, or in conjunction with the commencement of the approved use, to the satisfaction of the Director-General of the Department of Main Roads and the Chief Executive Officer of the Douglas Shire Council.

3. Advertising

No additional advertising device for the proposed development is permitted within the State-controlled road reserves (i.e. Port Douglas Road and Captain Cook Highway) to the existing signage.

4. Parking

When calculating carparking requirements associated with the proposed development no allowance shall be made for parking within the State-controlled road reserves (i.e. Port Douglas Road and Captain Cook Highway).

The landowner/ applicant shall also provide adequate and safe on-site parking provision for:

- buses, with covered area for waiting patrons,
- taxis, with covered area for waiting patrons, and
- bicycles,

to the satisfaction of the Douglas Shire Council.

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,

- 3 -

- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Douglas Shire Planning Scheme.

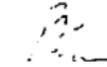
B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intention of the conditions are secured.

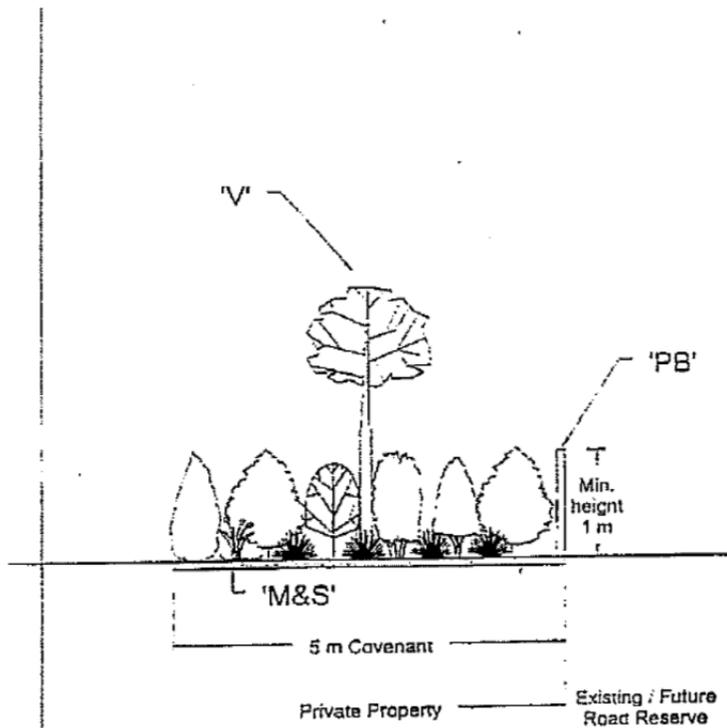
This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner
MANAGER (TRANSPORT PLANNING) PENINSULA



PB = Physical Barrier to prevent vehicle & pedestrian movements between private property and road reserve except at permitted road access locations.

V = Vegetation (when mature) to provide for a continuous minimum height screen of 1 m, and complimentary trees at least 3 m high at spacings of less than 7 m.

M&S A minimum 100 mm layer of fertile topsoil with a minimum 200 mm layer of mulch on top.

Note : All work shall be designed and approved in accordance with the above requirements unless approved otherwise in writing by the Director General, Department of Main Roads.

All work shall be installed and maintained in accordance with the approved plan to the satisfaction of the Director General, Department of Main Roads. The works shall be completed prior to the commencement of the use, unless approved otherwise.

**VISUAL AMENITY WORKS
COMMERCIAL / INDUSTRIAL
SITES
5 m Covenant**

DMR Plan No. PD85(B)

e_24/04/01
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APPENDIX 3: LETTER FROM DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING 2 MARCH 2015



Department of
State Development,
Infrastructure and Planning

Our reference : SPD-0215-015614
Your reference : 8/38/2 MCU3B 016/06

2 March 2015

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman, Qld, 4873

enquiries@douglas.qld.gov.au

Dear Sir/Madam,

**Notice about request to extend relevant period
Material Change of Use (Shops and Offices)**

Lot on plan	Street address
193RP747071	Port Douglas Road, Port Douglas QLD

(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 25 February 2015 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is for a further 3 years until 25 March 2018.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

SPD-0215-015614

If you require any further information, please contact Brett Nancarrow, Principal Planning Officer on 4037 3229, or via email brett.nancarrow@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in cursive script that reads "Robin Clark".

Robin Clark
Manager (Planning)

APPENDIX 4 2015 NORLING CONSULTING REPORT

Norling Consulting^{Pty Ltd}
Business & Property Economics

Our Ref: 15023/240415.JN

24 April 2015

Mr Richard Chen
Group Managing Director
Yung Chon Pty Ltd
PO Box 114
Cannon Hill Qld 4107

Email: bmmc@tpg.com.au

Dear Richard,

RE: THE HABITAT SHOPPING CENTRE – INFORMATION REQUEST

Following receipt of your emailed brief, I am pleased to present this letter of economic advice that responds to an Information Request issued by the Douglas Shire Council on 24 March 2015. It is understood that this letter will form part of a submission you are proposing to lodge with the Council.

Background

The Habitat Shopping Centre is located at the junction of the Captain Cook Highway and Port Douglas Road at Port Douglas, opening in 2000. This 2,000m² shopping centre comprises an IGA supermarket and two small shops. It primarily serves the surrounding residential community.

Council approved a Preliminary Approval application to allow for an expansion of The Habitat Shopping Centre in 2003. This company prepared the Need and Impact Assessment that was submitted with this application, being the 50% owner of Urban Economics at the time. That approval was extended to 2009 and is now understood to have lapsed.

Council approved a Material Change of Use application to allow for an expansion of The Habitat Shopping Centre in 2007. That approval was extended in 2011 and again in 2013, with an expiry date of 25 March 2015.

You have now sought a further extension of this approval. Council has issued an Information Request, asking the applicant to provide submissions in respect of section 383 of SPA (relating to town planning issues) and to Acceptable Solution A14.1 of the Port Douglas & Environs Locality Code.

You have asked me to address the Acceptable Solution issue.

Acceptable Solution A14.1

Acceptable Solution A14.1 states that *"the Net Lettable Area of each of the existing Local Centres does not exceed 300m² and is apportioned equally between the total number of lots which comprise the Local Centre."*

This is one of three Acceptable Solutions in relation to Performance Criteria P14, which states that *"Local Centres outside the Tourist Centre service the surrounding residential area and do not adversely impact on the viability of the Tourist Centre."*

It is my understanding of the Codes that the listed Acceptable Solutions are not the only means by which a development may satisfy an applicable Performance Criteria. Alternative solutions are possible, provided that they satisfy the relevant Performance Criteria.

The Douglas Shire Planning Scheme 2006 identifies a Tourist Centre as consolidating the major tourist accommodation and tourist service centre in the Shire. It is broadly located between Macrossan, Mowbray, Wharf and Owen Streets, including The Reef Marina.

Within the Port Douglas area, The Scheme identifies three Local Centres comprising:

- (a) Port Street – a group of about four shops;
- (b) Barrier Street – a group of about eight shops (650m²); and
- (c) The Habitat Shopping Centre – an IGA supermarket of 1,845m² and two specialty shops totalling 147m².

Analysis

I have attached the original 2003 Need and Impact Assessment. It concluded that there was a need to expand The Habitat Shopping Centre in order to better cater to the needs of the Port Douglas residential population and that the proposed extension would not detrimentally impact upon the Port Douglas Tourist Centre as the pre-eminent tourist retail, dining and entertainment centre in the Shire.

In the 12 years since completing that Assessment, the following material factors have transpired:

- (a) Significant residential population growth has occurred, with the Shire's population increasing by 14% and Port Douglas's residential population increasing by 21%;
- (b) There has been no increase in the retail facilities provided within the three Local Centres; and
- (c) There has been incremental growth to the 15,000m² (as measured in 2000) retail provision within the Port Douglas Tourist Centre, particularly with respect to dining establishments, tourist shops and other shops providing services to tourists. This growth has allowed it to consolidate and strengthen its position as the pre-eminent centre for tourists.

Further residential population growth is expected, with the Queensland Government Statistician's Office projecting Port Douglas's population to increase by 35% over the next 20 years.

The location of the Tourist Centre (remote from the main residential areas), its lack of off-street car parking, its orientation to servicing the needs of tourists and the difficulty of being able to park close to the Coles supermarket all conspire to ensure that The Habitat Shopping Centre is the preferred destination for grocery shopping purposes by the majority of Port Douglas residents.

However, The Habitat Shopping Centre does not have the range of goods within the small supermarket, or the range of shops to properly service the grocery shopping trip of Port Douglas residents.

The purported limitation of the three Local Centres by Acceptable Solution A14.1 to less than 300m² is out-of-date due to two of the three Local Centres having already exceeded this quantum well before the date of the Scheme (2006).

For all of the above reasons, it is my view that the analysis and conclusions of the 2003 Need and Economic Impact Assessment remain valid. That is, there is a community need for The Habitat Shopping Centre to be expanded to service the surrounding residential community and this expansion would not adversely impact upon the viability of the Port Douglas Tourist Centre. In this way, it is my view that Performance Criteria P14 is satisfied, obviating the need for Acceptable Solution A14.1 to be satisfied.

Conclusion

It is submitted that Acceptable Solution A14.1 is not relevant to the assessment of the application to extend the previous approval in respect of The Habitat Shopping Centre due to it being out-of-date and due to Performance Criteria P14 being satisfied.

Performance Criteria P14 is satisfied due to:

- (a) The extension servicing the grocery shopping needs of the surrounding residential population;
- (b) Strong growth is expected in the surrounding residential population;
- (c) The large scale (relative to the proposal) and successful operation of the Port Douglas Tourist Centre; and
- (d) The proposed extension would not detrimentally impact upon the Port Douglas Tourist Centre as the pre-eminent tourist retail, dining and entertainment centre in the Shire.

I trust that this information is sufficient for Council's current purposes. Should you require any further information, please do not hesitate to contact the author.

Yours faithfully
Norling Consulting Pty Ltd



Jon Norling
Director

Encl.