

5.4. PERMISSIBLE CHANGE REQUEST 109 DAVIDSON STREET PORT DOUGLAS

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DEPARTMENT Sustainable Communities

PROPOSAL Request for Permissible Change (Camp Ground)

APPLICANT Airedan Pty Ltd
 PO Box 686
 PORT DOUGLAS QLD 4877

LOCATION OF SITE 109-111 Davidson Street, Port Douglas

PROPERTY Lot 3 on RP909815

LOCALITY PLAN

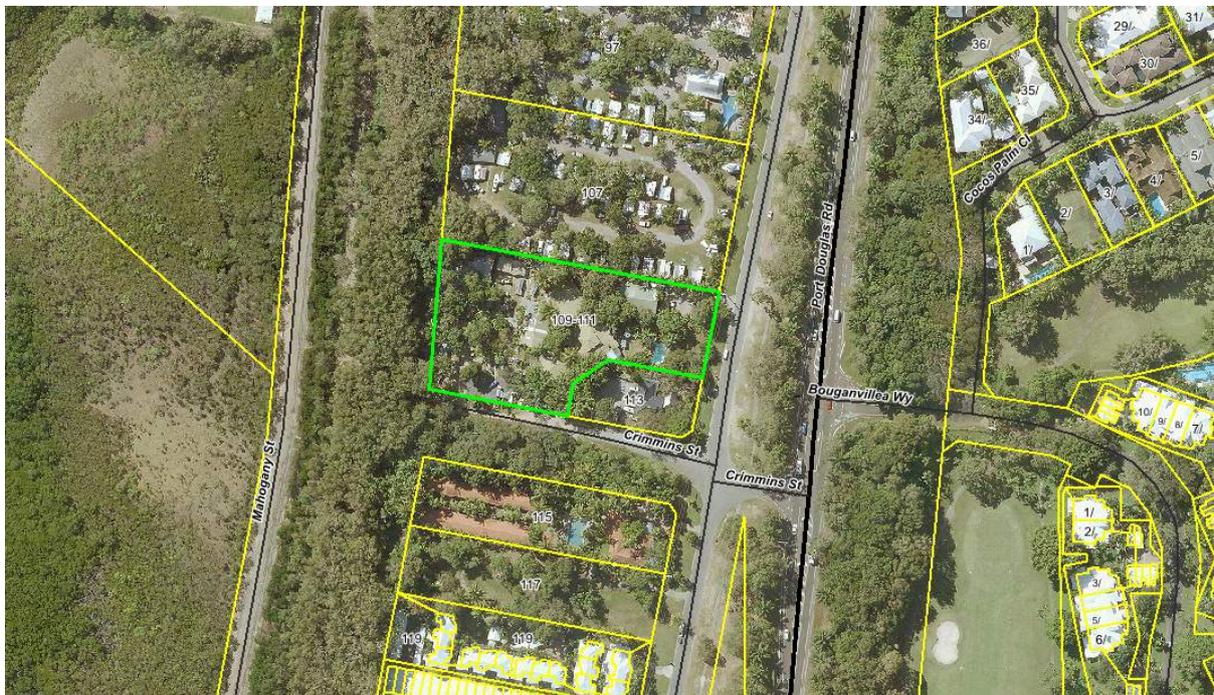


Figure 2 - Locality Plan

LOCALITY Port Douglas and Environs

PLANNING AREA Tourist and Residential

PLANNING SCHEME Douglas Shire Planning Scheme 2006

REFERRAL AGENCIES None Applicable

NUMBER OF SUBMITTERS Not Applicable

STATUTORY ASSESSMENT DEADLINE 10/03/2017

APPLICATION DATE 22/12/2016

RECOMMENDATION

That Council resolves to approve the request for a Permissible Change to the existing Camp Ground over land described as Lot 3 on RP909815, located at 109 - 111 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:

Drawing or Document	Reference	Date
Site Plan – Plan of Development	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 within 6 months of the date of this Decision Notice.

Amendment to Design

3. The proposed development must be amended to accommodate the following requirements:
 - a. Provide covered car parking for the seven (7) spaces adjacent Crimmins Street that are accessed from the internal driveway.

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

Damage to Council Infrastructure

4. 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

- 5. All onsite parking as detailed on the Plan of Development must remain available for use at all times. 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 and vehicle manoeuvring areas must be imperviously sealed or alternative surface treatment applied to the satisfaction of the Chief Executive Officer.**

Storage of Machinery and Plant

- 6. 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

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

Sediment and Erosion Control

- 8. 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).**

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. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.**

EXECUTIVE SUMMARY

Council is in receipt of a request for a Permissible Change to an approval for a Camp Ground located at 109 – 111 Davidson Street Port Douglas. The establishment is locally known as Dougies Backpackers Resort.

The site is contained within the Tourist & Residential Planning Area within the Port Douglas and Environs Locality and has a total site area of 6703m².

Approval for the Camp Ground was issued in August 1998. At the time of the approval, the site provided short term accommodation in the form of a hostel with shared rooms which operates to the present day.

The request for a Permissible Change seeks to formalise the type of accommodation offered in the Camp Ground area in addition to revisiting the layout of the camp ground, the number of campervan sites and onsite car parking.

The request for a Permissible Change does not change the number of persons to be accommodated on site under the existing approval. The proposed layout represents a superior layout to that approved under the 1998 approval in terms of functionality and location of onsite spaces. No concerns are raised with the request and approval is recommended subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

Approval was initially granted in August 1998 for a Camp Ground that comprised dedicated campervan sites (17) and tent sites (13). The approval permitted a total number of 60 persons to be accommodated on site with the allocation of two (2) persons per campervan and tent site.

At the time of the approval, the site was also being operated as the Travellers Hostel providing short term accommodation in the form dormitory style accommodation which continues to operate at present. The Travellers Hostel comprised of two dormitory buildings also having a maximum capacity of 60 persons.

Since the current owner of the site took possession of the property in October 1998, the site has undergone significant improvements and modifications with respect to the front of house administration area and general improvements to communal and recreational areas.

For travellers using the camp ground, the owners have observed and experienced a number of issues over the years. Such issues involve erecting larger and larger tents as these products have become cheaper to purchase, joining tents and tarps together (usually based on country of origin), transferring possessions onto other travellers upon leaving and extension leads lying around. As a consequence, the owner has been modifying the camping ground area overtime and providing pre-erected, high quality canvas tents for guests in order to improve the appearance and operation of the facility. Numerous pre-erected tents are established on site and have been for sometime.

The premises has at all times been registered with Council under the applicable Local Law and is regularly inspected by Council Officers.

Access to the site is via Crimmins Street. Onsite parking was initially located in a central location within the facility although this is no longer the situation. A copy of the approved plan for the Camp Ground forms Attachment 1.

Proposal

As mentioned above, the owner has observed a number of issues associated with traveller behaviour and occupation of the camp ground which has given rise to a number of operational concerns. To overcome these matters and to create an environment which is

more controlled, aesthetically pleasing and organised, the owner seeks to establish a range of single and twin pre-erected tents as an alternative to travellers erecting their own.

Each tent is provided with a raised timber platform with lights and a power board built into the beside unit adjacent each bed. Each tent is made of heavy duty vinyl, canvass and sand-fly proof mesh being superior than the tents supplied by traveller and are able to better withstand the weather. The tents are positioned in a manner which has regard to existing vegetation and pathways which prevents sites being joined together via tarps. The proposal seeks to establish 17 double tents and 20 single tents in the area approved as Camp Ground.

The proposal seeks to retain 3 campervan sites which will locate adjacent to the western boundary with onsite parking being made available via Crimmins Street. A copy of the Proposal Plan forms Attachment 2.

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
Locality	Port Douglas and Environs	✓	Complies
Planning Area	Tourist and Residential	✓	Complies
Defined Use	Camping Ground	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	x	N/A
	Cultural Heritage and Valuable Sites Code	x	N/A
	Natural Hazards Code	x	N/A
General Codes	Design and Siting of Advertising Devices Code	✓	Complies

Filling and Excavation Code	x	N/A
Landscaping Code	✓	Complies
Natural Areas and Scenic Amenity Code	x	N/A
Reconfiguring a Lot Code	x	N/A
Vehicle Parking and Access Code	✓	Complies - See comment below
Sustainable Development Code	x	N/A
Vegetation Management Code	x	N/A

Vehicle Parking & Access

The existing approval required the provision of 33 onsite spaces being 1 space / site + 1 visitor space / 10 sites. The assumption of the method of calculating car parking for a Camp Ground was that each visitor would arrive by vehicle. A total of 6 spaces were required for the short term accommodation (dormitory) being 1 space / 10 beds. The car parking rates for a Camp Ground & Short Term Accommodation (dormitory accommodation) under the current Planning Scheme are largely the same with the exception of a provision for Short Term Accommodation requiring 1 space / per private room for the first 10 rooms + 1 space for every 3 rooms for the remainder. The current Planning Scheme also requires 60% of the spaces to be covered.

The development as detailed in Attachment 2 provides for 25 onsite spaces including the 3 campervan sites. No spaces are covered.

With respect to the demand for onsite car parking, the type of accommodation offered by the pre-erected tents is more aligned with the demand associated with Short Term Accommodation than self drive travellers to a traditional Camp Ground.

For the purposes of calculating car parking demand for the Camp Ground, it is considered appropriate to use the rates for Short Term Accommodation being the greater of:-

- 1 space / 10 beds or in this instance 1 space / 10 tents (4 spaces)
- 1 space / per private room for the first 10 rooms + 1 space for every 3 rooms for the remainder (10 spaces)
- Demand calculated on actual beds consisting of 20 singles + 17 doubles (6 spaces).

Considering each tent site as a private room generates the greatest demand being 10 spaces for the Camp Ground and 16 spaces for the entire development. With 25 onsite spaces, no concern is raised with respect to the number of onsite spaces to meet the needs of the development. The current Planning Scheme requires 60% of spaces be covered. In order to comply with this requirement, a condition of approval requires the 7 spaces accessed internally from Crimmins Street be covered.

Vehicle access to the site is via Crimmins Street which is a partially constructed road. Access for the site will continue to be obtained via Crimmins Street. With the land being contained within the Tourist & Residential Planning Area and the size of the property, the present use does not represent the highest and best use of the site. At a future date when the land is redeveloped, the upgrade of Crimmins Street will take place at that time. In light of the above comments, no external works to Crimmins Street are required.

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.

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:

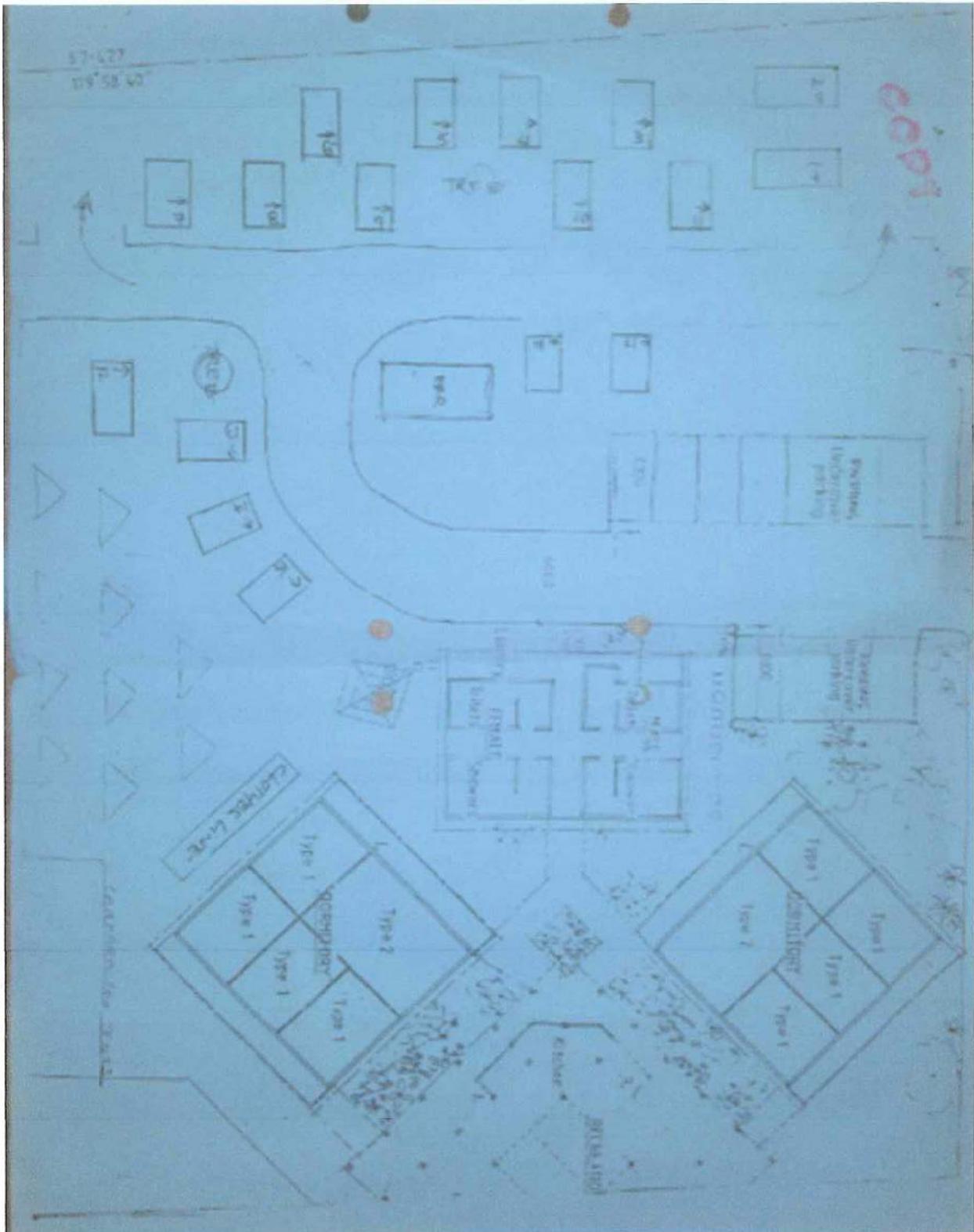
Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

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

ATTACHMENTS

1. Previously Approved Plan **[5.4.1]**
2. Proposal Plan **[5.4.2]**

1998 Approved Plan Layout



Current Layout – Plan of Development

