

REQUEST FOR COUNCIL CONSENT FOR THE REEF MARINA - SHORT TERM USE OF LOT 96 ON SP134234

Rebecca Assman, Manager Governance #450967

Darryl Crees, General Manager Corporate Services

RECOMMENDATION:

That Council resolve to:

- 1. support the application to use this site for the storage of the new pontoons to be installed and all associated equipment**
 - 2. send a "Statement of Council Consent" to Department of Natural Resources & Mining and the applicant subject to:**
 - Council having clear and unobstructed access to the water and wastewater infrastructure and more specifically access to the waste water pump station (SP SYC) for maintenance purposes at all times. A bond/bank guarantee lodged with Council to the amount of \$5,000 to replace any damaged infrastructure.**
 - that the activities will not adversely interfere with the operation of the Closehaven Marina**
 - the Permit issued by DNRM be from 1 May 2015 and expire 30 June 2015**
 - the site to be returned to the trustee in a clean and tidy state by the expiration of the temporary permit being 30 June 2015**
 - the operations do not degrade the seawall**
 - a dilapidation report is prepared by Reef Marina in conjunction with Council staff and a copy provided to Council and DNRM prior to occupation.**
 - to be cost natural to Council.**
 - 3. delegate authority to the Mayor and Chief Executive Officer in accordance with *Section 257 of the Local Government Act 2009* to negotiate, determine and finalise any and all matters associated with the request from Planz Town Planning Pty Ltd regarding the irregular use of the reserve being Lot 96 on SP134234.**
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EXECUTIVE SUMMARY:

Council has received a request from Planz Town Planning Pty. Ltd on behalf Reef Marina to use Lot 96 on SP34234 for a period from May to July 2015 during the Reef Marina re-development project. This land is a state reserve for Park and Recreation, which Douglas Shire Council is trustee.

Douglas Shire Council (DSC) is unable to issue any short term Permits for this allotment as the proposed storage of pontoons, piles and equipment is inconsistent with the land use. As the proposed use of the land is inconsistent of the land use the Department of Natural Resources & Mines (DNRM) can only issue the short perm permit subject to terms and conditions and payment of a Short Term Permit Fee.

DNRM has asked the applicant to seek a "Statement of Council's Consent".

Reef Marina has outlined they intend to use this site for the storage of the new pontoons to be installed and all associated equipment.

BACKGROUND:

On receipt of the original request from Planz Town Planning Pty Ltd, Council officers sought the views of all departments within Council and then spoke with DNRM to determine the most appropriate way to move forward with the request given that the land is a recreation reserve for which Council is trustee.

Council officers were advised by DNRM that the applicant – Planz Town Planning Pty Ltd would need to apply directly to their department for a *Short Term Permit to Occupy pursuant to the provisions of Sections 177(1), 177(2), 177(4) and 177(6) of the Land Act 1994*, which would require the Chief Executive approval. Additionally Council officers were advised that DNRM would seek Council views after lodgement of application.

However following representations by the applicant, Planz Town Planning Pty Ltd, a "Statement of Consent" from Council is being requested to expedite the issue of the temporary permit given the tight timeframes of the project.

PROPOSAL:

That Council provide a Statement of Consent to DNRM in support of the application from Planz Town Planning Pty Ltd on behalf of Reef Marina, subject to conditions outlined in recommendation. While the proposed use is inconsistent with the purpose of the reserve and has been noted as such by DNRM, Council officers are of the view that as the use proposed is for a limited period only, and there are clear economic benefits resulting from the development of the Marina, that the application should be supported.

The potential risk to Council's infrastructure is proposed to be mitigated by the way of a bond for \$5,000 to be lodged by the Marina.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

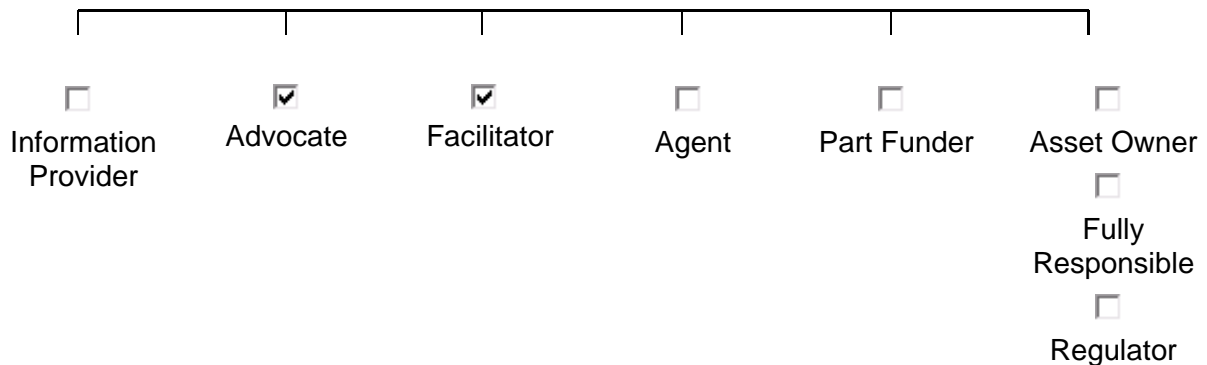
- 2.2.1 *Develop business initiatives to support commercial development and investment within the Shire.*

- 4.2.3 *Work with regional, state, national and international stakeholders to promote beneficial partnerships to support strong, resilient and sustainable communities.*

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 areas outline where Council has a clear responsibility to act:



Advocate:	Supporting communities and groups by advocating for certain actions from other organisations (usually other levels of government).
Facilitator:	Bringing people together to develop solutions to problems.

FINANCIAL/RESOURCE IMPLICATIONS:

As this temporary permit is direct between the applicant and DNRM, there is no revenue to be received by Council and similarly all costs associated with application to be met by the applicant.

RISK MANAGEMENT IMPLICATIONS:

Due to temporary nature of this application and DNRM is the determining body there are no foreseeable implications to Council. The requirement to lodge a bond of \$5,000 is consistent with good business practice and mitigates the risk of financial loss to Council should Council’s infrastructure be damaged.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: There are economic development opportunities linked to the expansion of the Reef Marina project. Council is supportive of this project.

ENVIRONMENTAL: There are environmental implications of this project; however these will be addressed through planning assessments and through assessments at the state government level.

SOCIAL: Nil

INTERNAL/EXTERNAL CONSULTATION:

Internal consultation across Council departments was undertaken. Comments received as follows:

Manager Water & Waste

- No objection provided that Council will always have access to the water and wastewater mains specifically access to the waste water pump station (SP SYC) for maintenance purposes which is ongoing. A bond would be highly recommended to replace any damaged infrastructure.

Manager Governance

- Seek advice from DNRM

Manager Finance

- Nil

Manager Infrastructure

- The integrity of the sea wall be protected.

Manager Development & Environment

- That the activities will not adversely interfere with the operation of the Closehaven Marina and provide details if it is intended to crane or otherwise load materials into the duck pond area from Lot 96.
- The temporary use of the Lot 96 on SP134234 as a set down area for the construction of the additional marina berths does not constitute assessable development under the Planning Scheme and therefore planning approval is not required.
- The request is considered reasonable and the use of the land as a set down area is a logical one, and really the only option given the advice from the Harbour Master that the use of a barge is not possible given the widths of the existing channel

Executive Officer/Strategy & Policy Coordinator

- Nil

Department of Natural Resources

- Advice that the issue a Permit is inconsistent with land use.

ATTACHMENTS:

1. Location map of reserve
2. Request from Planz Town Planning Pty. Ltd.
3. Douglas Shire Councils Infrastructure.

Attachment 1



©2015 Douglas Shire Council (DSC). Based on or contains data provided by DSC and the State of Queensland Department of Natural Resources & Mines (NR&M) (2015). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

Scale
1cm = (?? m or km) at A4
Map Grid of Australia
Zone 55 (GDA94)



Attachment 2

✉: 17 Atherton Street Whitfield QLD 4870
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ABN 83 128 085 870



25 February 2015

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

Via email: enquiries@douglas.qld.gov.au

Attention: Rebecca Assman (Manager of Governance)

Dear Rebecca

**Request to Use Council Land – Reef Marina
Lot 96 SP134234, Wharf Street, Port Douglas**

Council is the trustee for the land described as Lot 96 SP134234 (shown below). The Port Douglas Reef Marina has recently gained approval to modify the marina and increase the number of berths.

The construction phase requires the new pontoons and associated equipment to be delivered to the site for installation. As the development of the marina is 'over water' there are limited locations for the Reef Marina to store such equipment, prior to / during installation.

The land the southern corner of the marina basin (Lot 96 SP134234) is the logical location for a set down area for pontoons, piles and equipment as it is immediately adjacent to the marina. The alternative location could be the road reserve, however the use of Lot 96, is not likely to impede pedestrian or vehicle manoeuvring in the immediate area.



The operators of the Reef Marina estimate that their timing for use of the area is likely to commence in early May and end by late June – weather permitting.

It is noted that the Queensland Department of Transport and Main Roads is currently using Lot 96 for such a purpose as they are upgrading the public wharf. The use of Lot 96 would assist in minimising the effect of construction on Commercial Reef and other marine tour operators that are vital to the local and regional economy.

The operators of the Reef Marina and myself are available to discuss any aspect of this request if required. Thank you for your consideration of this matter.

Yours faithfully


Nikki Huddy
Director

A L L A B O U T P L A N N I N G

Attachment 3



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