

5.4. CHANGE AND EXTEND TOURIST DEVELOPMENT 71-85 PT DOUGLAS ROAD

REPORT AUTHOR(S)	Jenny Elphinstone, Senior Planning Officer
GENERAL MANAGER	Nick Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use (Impact Assessment) Request a Change Application and an Extension Approval
APPLICANT	Oakstand Fund No 7 Pty Ltd (Tte) C/- Flanagan Consulting Group PO Box 5820 CAIRNS QLD 4870
LOCATION OF SITE	71-85 Port Douglas Road, Port Douglas
PROPERTY	Lot 1 on SP150468
LOCALITY PLAN	

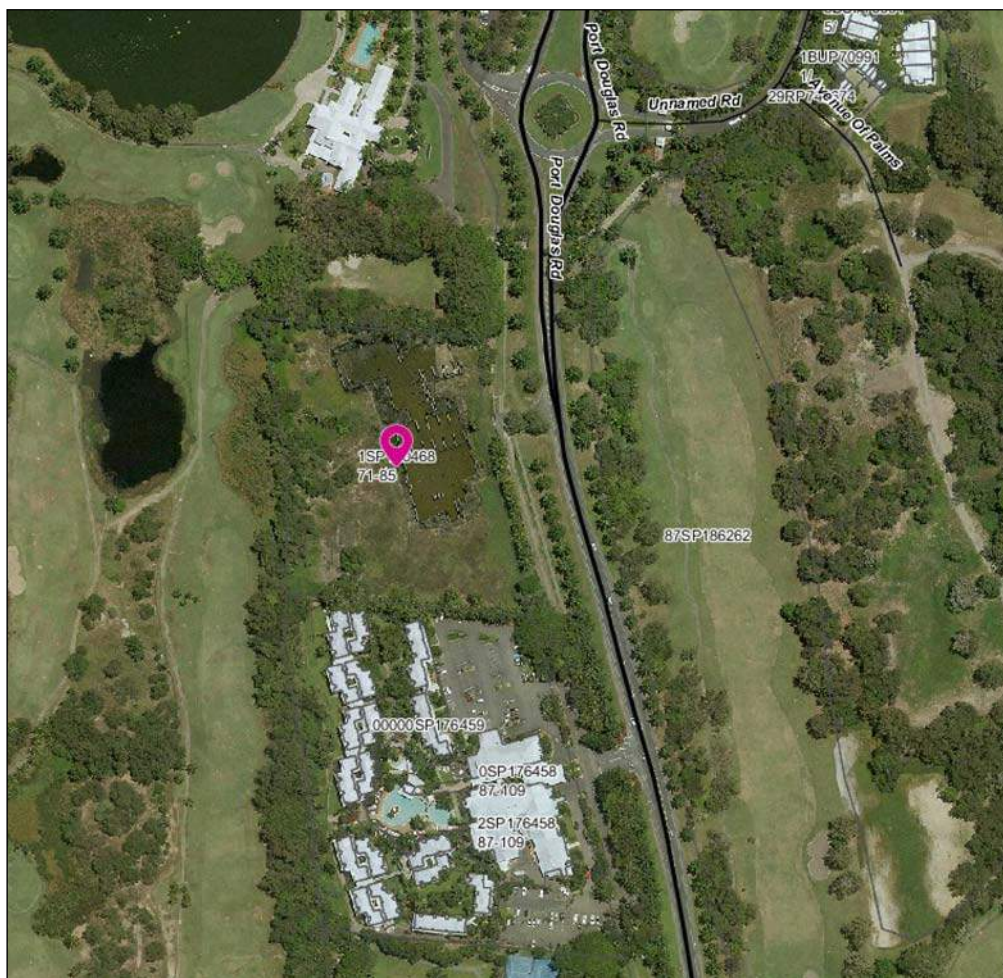


Figure 4 - Locality Plan

LOCALITY	Port Douglas and Environs
PLANNING AREA	Tourist and Residential
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	<p>Department of Main Roads (concurrence agency for original application)</p> <p>Department of Natural Resources and Water (advice agency for original application)</p> <p>No referral required for applications for Minor Change or Extension of Approval</p>
NUMBER OF SUBMITTERS	None to the original application
STATUTORY ASSESSMENT DEADLINE	<p>22 August 2017 (Application for Extension Approval)</p> <p>5 September 2017 (Application for a Minor Change)</p>
APPLICATION DATE	<p>25 July 2017 (Application for an Extension Approval)</p> <p>8 August 2017 (Application for a minor change)</p>

RECOMMENDATION

A. That Council approves the application for a minor change to conditions of the approval for the Development Permit for a Material Change of Use for 79 Multiple Dwellings (Tourist). Of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling), 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas whereby:

- 1. the following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:**

39. Minimum Fill and Floor Levels For Climate Change

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action;

AND

2. **all other requirements of the Decision Notice dated 30 January 2008 remain unchanged;**

AND

3. **the Notice of Decision include the matters as described under Minor Change Considerations in the agenda report.**

- B. **That Council approves the request for an extension approval to the Development Permit for a Material Change of use for 79 Multiple Dwellings (Tourist) of which 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as Display Home (Multiple Dwelling), 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas for a further four years up to and including 30 January 2022.**

EXECUTIVE SUMMARY

Approvals have been issued by the former Douglas Shire Council to develop holiday accommodation on the land. Construction commenced, but stalled due to change of ownership and unfavourable economic conditions. The current approval is due to lapse on 20 January 2018 and a request has been made for a four year extension to the approval period. The development was originally approved under the 1996 Planning Scheme when the land was included in the Resort Business Zone. The current Planning Scheme includes the land in the Tourist and Residential Planning Area and the proposed planning scheme will include the land in the Tourist Accommodation Zone. Both the current Planning Area and the proposed Zone categorise the land use as code assessable development. Since the issue of the extension the State has introduced a mandatory consideration of 0.8m sea level rise and for Port Douglas this calculates to a requirement for a minimum ground floor height of 3.87m AHD. The applicant has requested an additional condition be included in the approval to reflect the minimum height for sea level rise. The development satisfactorily complies with the development codes for the current and proposed planning schemes. It is recommended that the request for an extension of time be supported.

TOWN PLANNING CONSIDERATIONS

Background

The property is located on the west side of Port Douglas Road between the Mirage Country Club and QT Resort. The land is of a significant size of 2.067 hectares.

On 31 October 2002 the former Douglas Shire Council approved the development of 99 Multiple Dwellings (Tourist), 100 Accommodation Premises (Motel), Caretaker's Residence, Shops and ancillary uses (Town Planning Consent 1089). Following representations by the applicant the approval was amended, on 10 December 2002, for

99 Multiple Dwellings (Tourist), 70 Accommodation Premises (Motel), Caretaker's Residence, Shops and ancillary uses. This approval was extended for a further two years by the former Council. On 6 November 2006 a Development Permit for Building Work was issued by the former Council and works constructed to date include footings and basement areas. Developer contributions were paid by the then owner in view of the development requiring infrastructure to be available upon the completion of building work.

In October 2006, a new application (MCUI 041/07) was lodged for a resort-style complex for a mix of holiday accommodation and associated ancillary uses. The development utilised the footings and basement structure of the previous design. The application was accompanied by a request that the proposal be assessed against the superseded 1996 Planning Scheme. The request was supported and a Development Permit was approved by the former Douglas Shire Council on 22 January 2008.

In January 2010 a Development Permit for Operational Work for an Advertising Device (8/37/57) was approved by Cairns Regional Council. The proposed advertising device was necessary to progress the material change of use.

Since the issue of the approval MCUI 041/07 the relevant period has been extended by lodgement of related applications and by request to the Cairns Regional Council. The last extension was granted in 2013 and the approval is due to expire on 20 January 2018. A copy of the current approval and concurrence agency requirements are included in Attachment 1.

Proposal

Application for an Extension Approval

The applicant has requested a four year extension for the approval up to and including 20 January 2022. The applicant has requested the extension on the following basis.

Since the July 2013 Decision Notice for the extension to the relevant period was issued by Cairns Regional Council, the lingering impacts of the GFC has continued to impact Far North Queensland with the effects still being felt in the region. Whilst some improvements were seen in the early parts of 2016, recent economic analysis of the region indicates that growth will remain slow. However optimistic, for a period yet.

The proposed development is considered a high-end, hotel development and the delay in developing the proposal has been impacted by a lack of economic stimulus for this type of development. The applicant still fully intends to develop the proposal. However, timing for the construction the resort style development will be dictated by market demands.

Accordingly, the Applicant seeks to preserve the existing Approval over 71-85 Port Douglas Road to allow construction of the development when market influences allow.

In support of the request the applicant has provided an assessment of the application against the relevant codes of the current planning scheme and comment regarding compliance with the proposed Planning Scheme.

Application for a Minor Change

In light of considerations of State Planning Policy and to address climate change consideration of 0.8m sea level rise, the applicant seeks the inclusion of the following an additional condition.

“39. Minimum Fill and Floor Levels For Climate Change

All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.”

Planning Act 2016 (PA)

The requests have been lodged under sections 78 and 86 of the PA.

Minor Change

Council must decide the application for a minor change under Section 81(2) and 81(3) considering:

- “(2) (a) *the information the applicant included with the application; and*
- (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
- (c) *any pre-request response notice or response notice given in relation to the change application; and*
- (d) *if the responsible entity is, under section 78(3)(ba) or (bb), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
- (da) *if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
- (e) *another matter that the responsible entity considers relevant.*
- (3) *For subsection (2)(d) and (da), the responsible entity—*
 - (a) *must assess against, or have regard to, the matters that applied when the development application was made; and*
 - (b) *may assess against, or have regard to, the matters that applied when the change application was made.”*

In deciding the request for a minor change section 81 (4) states the responsible entity must decide to—

- “(a) make the change, with or without imposing development conditions, or amending development conditions, relating to the change; or*
- (b) refuse to make the change.”*

Section 83 PA requires Council to issue a “Notice of Decision” in addition to a Decision notice for an application for a minor change. A “Notice of Decision” explains the decision considerations and is a public document that is displayed on Council’s website. The assessment for Minor change application is tabled to enable the generation of a Notice of Decision. The PA does not require referral of the application for a minor change where the referral agency is the Chief Executive (Department of Infrastructure, Local Government and Planning).

Extension Approval

Council must decide the request for an extension approval to the Decision Notice under section 87(a) of the PA,

“When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.”

The former Department of Main Roads and the Department of Natural Resource and Water were concurrence and advice agencies for the application. Unlike the *Sustainable Planning Act 2009* the PA does not require the applicant to refer the request to extend to a concurrence agency. In this instance the applicant has provided the State Department of Infrastructure, Local Government and Planning (Cairns SARA), which is responsible for state agency responses, with a copy of the request. Council is required to issue a copy of the decision to the referral agency.

In deciding the request section 87(2) of the PA states that the assessment manager must decide whether to:

- “(a) give or refuse the extension sought; or*
- (b) extend the currency period for a period that is different from the extension sought.”*

MINOR CHANGE CONSIDERATIONS

Assessment Benchmarks

Benchmarks Applying for the Minor Change	Benchmark Reference	Compliance
State Planning Policy	Consideration of 0.8m sea level rise	Addressed through proposed condition
Current Douglas Shire Planning Scheme	None Applicable	
Proposed Douglas Shire Planning Scheme	Storm Tide and Flooding Overlay <ul style="list-style-type: none"> Consideration of Storm tide inundation 	Addressed through proposed condition

Relevant Matters

Referral Agency	No referral requirement.
Public Notification / Submissions	There were no submissions received against the original application. The development is code assessable against the current and proposed planning schemes.

Reasons for Decision

- The minor change required an approval under the *Planning Act 2016*.
- The application for a minor change was properly made.
- The application contained a report which Council reviewed together with Council's own investigation in making the assessment.
- The proposed additional Condition 39 ensures the development satisfies the State Planning requirement for development to meet a minimum standard of 0.8m sea level rise.

EXTENSION APPROVAL CONSIDERATIONS

State Planning Requirements

The State Planning Policy (SPP) requires consideration be given to state interests, including a principle position of 0.8m sea level rise. Previously the site has been filled to mitigate storm tide inundation levels. For Port Douglas the 0.8m sea level rise equates to a minimum level of 3.87 AHD as identified by the *BMT WBM (2013) Cairns Regional Storm Tide Inundation Study*. The approved plans nominate ground levels ranging 3.30 AHD to 5.7AHD. The majority of levels are 4.5 to 5.7AHD. To address this issue the applicant has sought an additional condition to be included on the approval.

Douglas Shire Planning Scheme Assessment

The consideration by Cairns Regional Council in 2013 for an extension to the relevant period included an assessment of the application against the current Planning Scheme. This assessment is agreed with.

Assessment against the proposed 2016 Planning Scheme is tabled below.

Proposed 2017 Douglas Shire Planning Scheme		Code Applicability	Compliance
Zone	Tourist Accommodation Zone Code	✓	Satisfactory, refer to comment
Local Plan	Port Douglas / Craiglie	✓	Complies.
Precinct / Sub Precinct	None Specified	✓	
State Codes	Community Residence Code	x	
	Forestry For Wood Production Code	x	

	Reconfiguring A Lot (Subdividing One Lot Into Two Lots) And Associated Operational Work Code	x	
Overlay Codes	Acid Sulfate Soils Code	✓	<ul style="list-style-type: none"> ASS <5m AHD Satisfactory through condition.
	Bushfire Hazard Code	✓	<ul style="list-style-type: none"> Part High Potential Bushfire Intensity Part Potential Impact Buffer Satisfactory as in an urban area and new development will be fire compliant for construction and accommodation purposes.
	Coastal Environment Overlay Code	✓	Not mapped
	Flood And Storm Tide Hazard Overlay Code	✓	<ul style="list-style-type: none"> Part High and Part Medium Storm Tide Hazard Satisfactory through conditions of approval and current fill on land.
	Hillslopes Overlay Code	x	Not mapped
	Landscape Values Overlay Code	✓	<ul style="list-style-type: none"> Adjacent to scenic route Part scenic route buffer Part view corridor Satisfactory through conditions that limit height. Road is elevated at this point and scenic view maintained. Conditions require suitable landscaping.
	Natural Areas Overlay Code	✓	Not mapped.
	Places Of Significance Overlay Code	x	Not mapped
	Potential Landslide Hazard Overlay Code	x	Not mapped
	Transport Network Overlay Code: (Pedestrian and Cycle) Overlay	✓	<ul style="list-style-type: none"> Port Douglas Road – principle route Complies through conditions.
	Transport Network Overlay Code: (Road Hierarchy) Overlay	✓	<ul style="list-style-type: none"> Port Douglas Road – arterial Road. Complies through conditions
	Transport Network Overlay Code: (Transport Noise Corridor) Overlay	✓	<ul style="list-style-type: none"> Part not mapped Part Category 0: Noise level < 58dB(A) Part Category 1: 58dB(a) < noise level < 63 dB(A) Complies through conditions
	Land Use Code: Multiple Dwelling, Short Term Accommodation and Retirement Facility Code.	✓	Complies
Other Development Codes	Access, Parking And Servicing Code	✓	Satisfactory. Refer to comment..
	Advertising Devices Code	x	
	Environment Performance Code	✓	Complies through conditions of approval
	Filling And Excavation Code	✓	Complies through conditions of approval.

	Infrastructure Works Code	✓	Complies through conditions of approval.
	Landscaping Code	✓	Complies through conditions of approval.
	Reconfiguring A Lot Code	x	
	Ship-Sourced Pollutants Reception Facilities In Marina Code	x	
	Vegetation Management Code	✓	Protected through conditions of approval.

Compliance Issues

Tourist Accommodation Zone Code

The Code seeks an acceptable outcome of a building height of three storeys and a maximum of 12.5 metres. The development is a maximum of three storeys with some roof features having a height of 13.5 metres. This minor increase above the acceptable outcome has negligible impact due to the setback of the site from the road that is elevated at this location and the surrounding development.

Access, Parking and Servicing Code

The development is accompanied by 136 car parking spaces, the majority of which are located at basement level. The superseded (1996), 2006 and proposed planning scheme have differing car parking demands and these are detailed as follows.

1996 (superseded) Planning Scheme	273 Spaces
2006 Planning Scheme	146 Spaces.
2016 Proposed Planning Scheme	174 Spaces.

Car parking was not assessed for the ancillary uses of café, gymnasium and retail area as these facilities are only available to guests.

While the onsite provision is less than the parking demand the provision is considered reasonable given the overall size of the resort; the tourist, rather than permanent residential nature of the use and the location of the facility along Port Douglas Road with good accessibility to public transport and the adjacent pedestrian/bicycle pathway.

Flood And Storm Tide Hazard Overlay Code

Consideration for coastal processes is sufficiently addressed through the proposed additional condition.

Referral Agency Requirements

Under the PA the applicant is not required to refer the application for an extension approval to referral agencies. In this instance the applicant has forwarded a copy of the request through to the Department as a matter of courtesy. No advice has been received from the Department regarding the application for an extension approval.

Public Notification / Submissions

There were no submissions received against the original application. The development is code assessable against the current and proposed planning schemes.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers infrastructure charges which are conditions on the original approval and were paid to the former Douglas Shire Council. No further Infrastructure Charges Notice is required.

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. Port Douglas Rd MCUI Attachment 1 Decision Notice **[5.4.1]**

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

MCUI 041/07

Oakstand Fund No.7 Pty Ltd
 c/- Flanagans Consulting Group
 PO Box 5820
 CAIRNS QLD 4870

30 January 2008

INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION

Applicant's Name : Oakstand Fund No.7 Pty Ltd

Owner's Name : Oakstand Fund No.7 Pty Ltd

Proposal : Material Change of Use for 79 multiple dwellings (tourist) {of which 47 are able to be used as multiple dwellings (tourist) and accommodation premises (motel) in a dual-key arrangement and three (3) are able to be temporarily used as display homes (multiple dwelling)}; 127 accommodation premises (motel); and ancillary uses including gym, spa, relaxation lounge, retail, restaurant, café, bar, function centre, meeting rooms and administration facilities.

Application Number : MCUI 041/07

Site Address : 71 to 85 Port Douglas Road, Port Douglas

Property Description : Lot 1 on SP150468, Parish of Salisbury, County of Solander

A. Decision: **Decision Date:** 22 January 2008

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

-2-

C. Referral Agency:Concurrence

Department of Main Roads
 Peninsular District
 PO Box 6185
 CAIRNS QLD 4870

Advice

Senior Resource Planning Officer
 Catchment and Regional Planning
 Department of Natural Resources, Mines &
 Water
 PO Box 210
 ATHERTON QLD 4883

D. Conditions

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 be in accordance with the details of the application and the following approved plan/s of development:

Title	Plan No	Date
Building Bulk Analysis	DA 1.01 (Issue A)	August 2006
Roof and Site Plan	DA 1.02 (Issue A)	August 2006
Level B1 Plan	DA 2.00 (Issue B)	May 2007
Ground Floor Plan	DA 2.01 (Issue A)	August 2006
Level 01 Plan	DA 2.02 (Issue A)	August 2006
Level 02 Plan	DA 2.03 (Issue A)	October 2006
Typical Apartment Floor Plans	DA 2.04 (Issue A)	October 2006
East Elevation and Section AA	DA 3.01 (Issue A)	August 2006
Elevations	DA 3.02 (Issue A)	August 2006

Except where such plans are modified by the terms of this approval.

Currency Period

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

Display Homes

3. Units CG.01, CG.02 and CG.03 are permitted to be used as display houses (multiple dwelling) for a period of twelve (12) months and are to revert back to multiple dwellings (tourist) and accommodation premises (motel) at the end of this period.

Landscaping

4. A detailed Landscaping Plan in accordance with Douglas Shire Superseded Planning Scheme and Superseded Planning Policy No 4 – Landscaping is to be submitted to Council for approval prior to obtaining a building permit/operational works permit. The plan is to incorporate the following:
 - a) the location of underground services; and
 - b) vegetation bonuses identified in Section 3.5 of the Douglas Shire Superseded Planning Scheme including:
 - Dense Tropical Vegetation – 0.10 bonus necessary;
 - Shade Trees – 0.045 bonus necessary;
 - Vegetation Retention - 0.06 bonus necessary; and
 - Street Landscaping – 0.04 bonus necessary.
5. (A) The owner/developer shall be responsible for all maintenance work on-street landscaping for a period of twenty-four (24) months. Council will not accept the on-street landscaping off maintenance or the associated transfer of irrigation to Council's reticulated water system until it meets the requirements of Council's Engineering Services;

OR
(B) The owner/developer shall enter into an agreement with Council for the owner/developer to maintain the on-street landscaping to a standard specified by Council.
6. All vegetation adjacent to any pool fencing is to be maintained to comply with AS1926-1993 that requires a 1.2 m setback to climbable vegetation.
7. No trees are to be planted within two (2) m of the sewer manholes near the south western and north eastern corners of the property.

Sewerage

8. Developer to construct and maintain internal sewerage pump station and pressure main to Council's existing pressure main located on the eastern side of Port Douglas Road. Plans and design drawings to be submitted for approval at time of application for operational works.

9. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

Electricity and Telephone Services

10. All electrical lines along the full frontages of the subject site (Port Douglas Road) are to be placed underground. These works are to be undertaken by Ergon Energy at the developer's/owner's expense and are to be completed prior to commencement of the approved use.

Stormwater

11. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to a legal and practical point of discharge which has been nominated as either:

(A) Port Douglas Road;

AND/OR

- (B) The adjoining property at the rear boundary (Lot 132 on SP160477) in accordance with a legal agreement between the developer and the adjoining landowner to the effect that the adjoining landowner will accept the discharge of stormwater onto their property. A copy of this legal agreement is to be submitted to Council prior to Operational Works or Building Approval, whichever comes first.

The approved use must not:

- a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties, except where in compliance with Council's Condition 11(B).
12. A stormwater drainage plan for the development is to be prepared in accordance with the Far North Queensland Regional Organisation of Council's Development Manual and submitted to Council prior to obtaining Operational Works approval.

Water Supply

13. Developer to pay to Council the cost of connection to Council's existing water main on Port Douglas Road.

Details of the water supply connection are to be provided to Council prior to Operational Works approval.

Acid Sulfate Soils

14. The developer is to submit with the application for approval of Operational Works, an Acid Sulfate Soil (ASS) management plan in accordance with QASSIT Guidelines. This ASS management plan must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

Contributions

15. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (the policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC's for the approved use are:

Water Supply	97.2
Sewerage	133.4

Car parking

16. A car parking area on site with a minimum of 159 vehicle spaces (no tandem space), two (2) motorcycle spaces and twenty-six (26) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and maintained thereafter. An amended plan of development in accordance with these requirements is to be submitted to Council and approved prior to work commencing on site prior to operational works approval.

Ancillary Uses

17. The ancillary uses are to be for the exclusive use of internal guests only and not to open to the general public.

Refuse

18. There is to be provided within the development an area for the storage and washing of all refuse containers. Such area is to be:
 - (a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins;
 - (b) situated so as not to cause an odour nuisance to any adjacent properties;
 - (c) imperviously paved and drained to a suitable silt trap;
 - (d) discharged to sewer to the satisfaction of the General Manager Engineering Services;
 - (e) provided with a suitable hose cock with backflow prevention device and hose; and
 - (f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

19. The applicant shall ensure that all areas where fuels, oils and automotive products are used or may accumulate shall be drained to a gross pollutant trap to prevent material/pollutants entering the stormwater drainage system.

Construction Stage/Site Management

20. The applicant is to prepare with the submission for either Building or Operational Works approval (which ever comes first), an environmental management plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances). This EMP is required to meet the approval of the manager of Environmental Services.
21. At all times, the applicant is to ensure dust suppression measures are undertaken for the site and adjoining road reserves to ensure that all materials are appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas to the satisfaction of the Council.
22. All vehicles associated with the development of the site shall be legally parked and in a manner so as to not adversely impact on the immediate locality.
23. No building materials associated with the development of the site shall be stored or stacked on Council-owned land (including road pavement, road reserve and/or parklands) at any time.
24. All refuse and packing materials or similar associated with the development of the site shall be stored on the subject site in a neat and tidy manner and screened from public view.
25. Erosion and sediment control measures must be installed prior to works commencing on the site and these measures will be maintained in good working order during the construction.
26. The building site shall be maintained in good condition at all times to the satisfaction of the Council.

Fencing

27. Any fencing to be provided at the Port Douglas Road frontage of the site shall have a setback of 2 m and maximum height of 1.2 m, and at the side and rear boundaries with a maximum height of 1.8 m.

Traffic Management

28. The ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device/s shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.

The developer shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for a Building Permit.

Amenity

29. The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.
30. All service equipment, machinery, vehicles, 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 Act 1994.
31. All external lighting installed upon the premises shall conform to the relevant Australian Standards and be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring properties.
32. Roofs of buildings are light coloured and non-reflective, and white and shining metallic finish are avoided on external surfaces in prominent view, in accordance the Planning Scheme Policy 2 – Building Design and Architectural Elements.
33. Access for pedestrians and cyclists to the building entry, from the parking area and from the street are to be in accordance with the provisions of the Australian Standards.

Swimming Pool Waste

34. Swimming pool and spa filters shall not backwash the filter discharge or pool waste into the Council's sewerage system or stormwater drainage system or a waterway. Council approval shall be obtained for residential and commercial pool and spa filter backwash systems to a legal point of discharge prior to installation. This approval is to be via a plumbing and drainage application process.

Advertising

35. Any proposed advertising devices are to be approved by Council and in accordance with the Codes of Localities, Codes for Planning Areas and Design and Siting of Advertising Devices Code within the Douglas Shire Planning Scheme.

Compliance

36. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Miscellaneous

37. No covered verandas, balconies or carports shall be enclosed without the consent of Council.

Security

38. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a cash bond or bank guarantee to the value of \$1 200 000. Such guarantee shall be lodged prior to the issue of a Building Work 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 developer fail to do so prior to issuing a permit for Building Work.

Advice

Vegetation Removal

A current Permit to Damage Protected Vegetation issued by Council is required for the removal of any vegetation on the site with a trunk circumference of 80 cm at chest height.

Public Safety and Visibility

Trees located near pathways, driveways, access points, parking areas and street corners are to be maintained to ensure that at maturity the vegetation has minimum of three (3) m of clear trunk.

Reserves and Easements

Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be burdened to Council, at no cost to Council.

Environmental Health Permits

As application has been made for multiple dwellings (tourist) and accommodation premises (motel) with ancillary restaurant/bar and cafes, further licenses will be required from Council's Environmental Health Section.

Water Meters

In accordance with the Queensland Plumbing and Wastewater Code, commencing state-wide on 1 January 2008, any building development applications lodged for new premises drawing a water supply from a water service provider will be required to include sub-meters for separate lots in any type of building under a community title scheme and sole occupancy units in new buildings under a single title.

Developments shall comply with the Queensland Plumbing and Wastewater Code at Part Four (4) – Water Meters for New Premises.

For all classes of building built after 1 January 2008, sub-meters will be owned by Council. The water supply system from the Council Service or the Master Meter to the sub-meter shall be owned by the Community Title Scheme Body Corporate and the water supply from the sub-meter to the point of use will be owned either by the individual metered premises or by the Community Title Scheme Body Corporate as appropriate.

The installation of sub-meters shall be based on the following performance requirements:

- Accessibility within a common area due to regulatory restrictions on installation and access to ‘residential places’,
- Accessibility for reading and maintenance repair or replacement,
- The provision of supporting plumbing components that are part of Council’s meter installation eg ball valve, meter tails/unions and disassembly coupling,
- Suitable drainage for maintenance and management of leakage water,
- Consistency of installed formats to assist asset management and communication goals.

The design of plumbing installations shall be set out so that common facilities are sub-metered as individual sub-systems as follows:

- each hot water system that serves a floor will be sub-metered,
- all recreation facilities on land that is common property will be on a common sub-meter eg: the pool and the recreation room and the BBQ facility will be off the same sub-meter,
- external taps shall be connected through a common facilities sub-meter.

These common facilities sub-meters are to be owned by Council.

Where Community Title Scheme developments propose to have security systems where the public is restricted from access to the development or to buildings within the development then an Automatic Meter Reading (AMR) system shall be installed to the requirements of Council.

It is to be noted for developments that provide no security system at the time of development and later change to a development where security is to be provided, then these developments shall provide an AMR system as a part of the security upgrade.

The AMR system shall be installed by the developer and following commissioning, the AMR system shall be handed over to the Council for ownership.

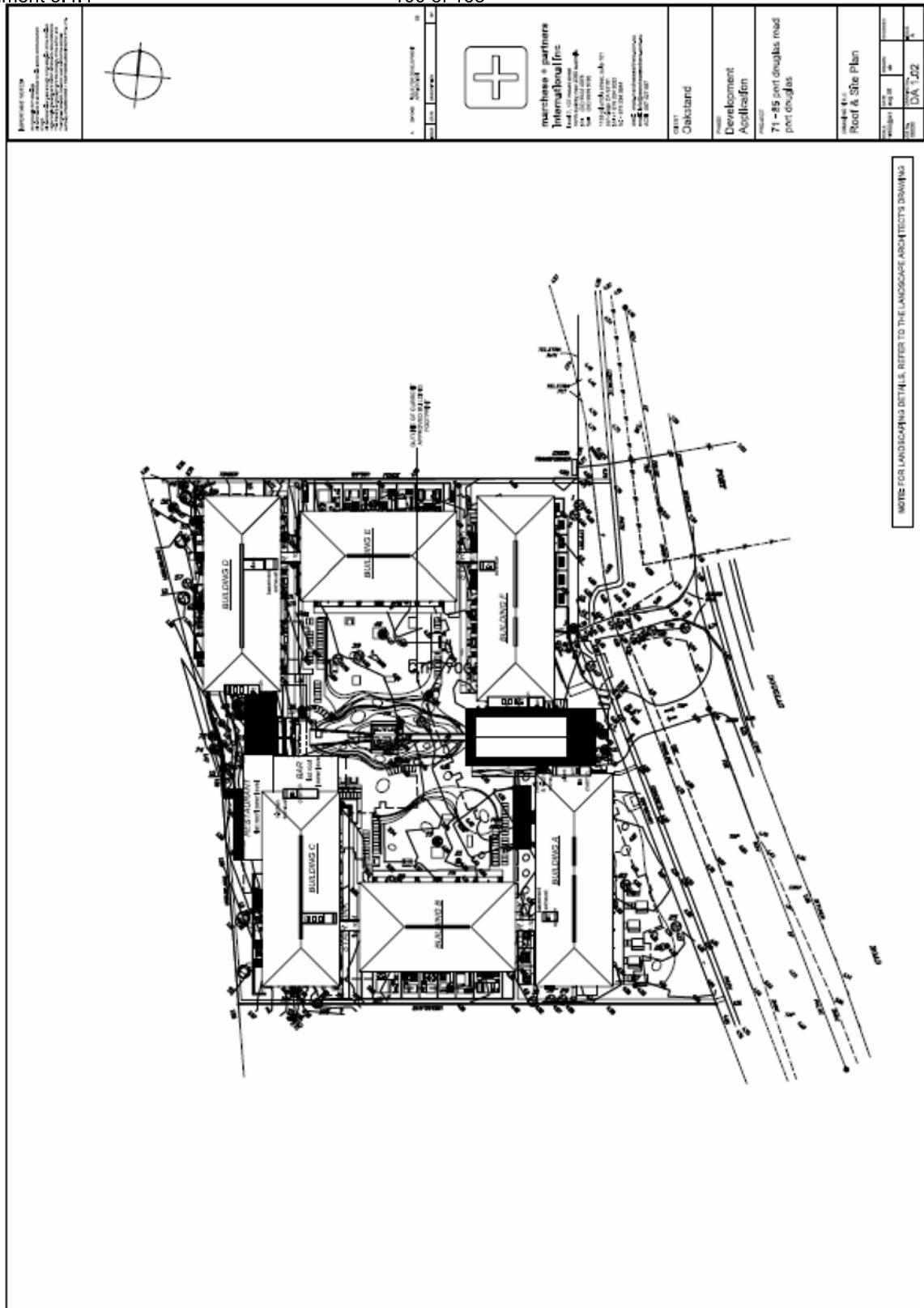
The type and format of meters and AMR technologies shall comply with Council’s standards and specifications.

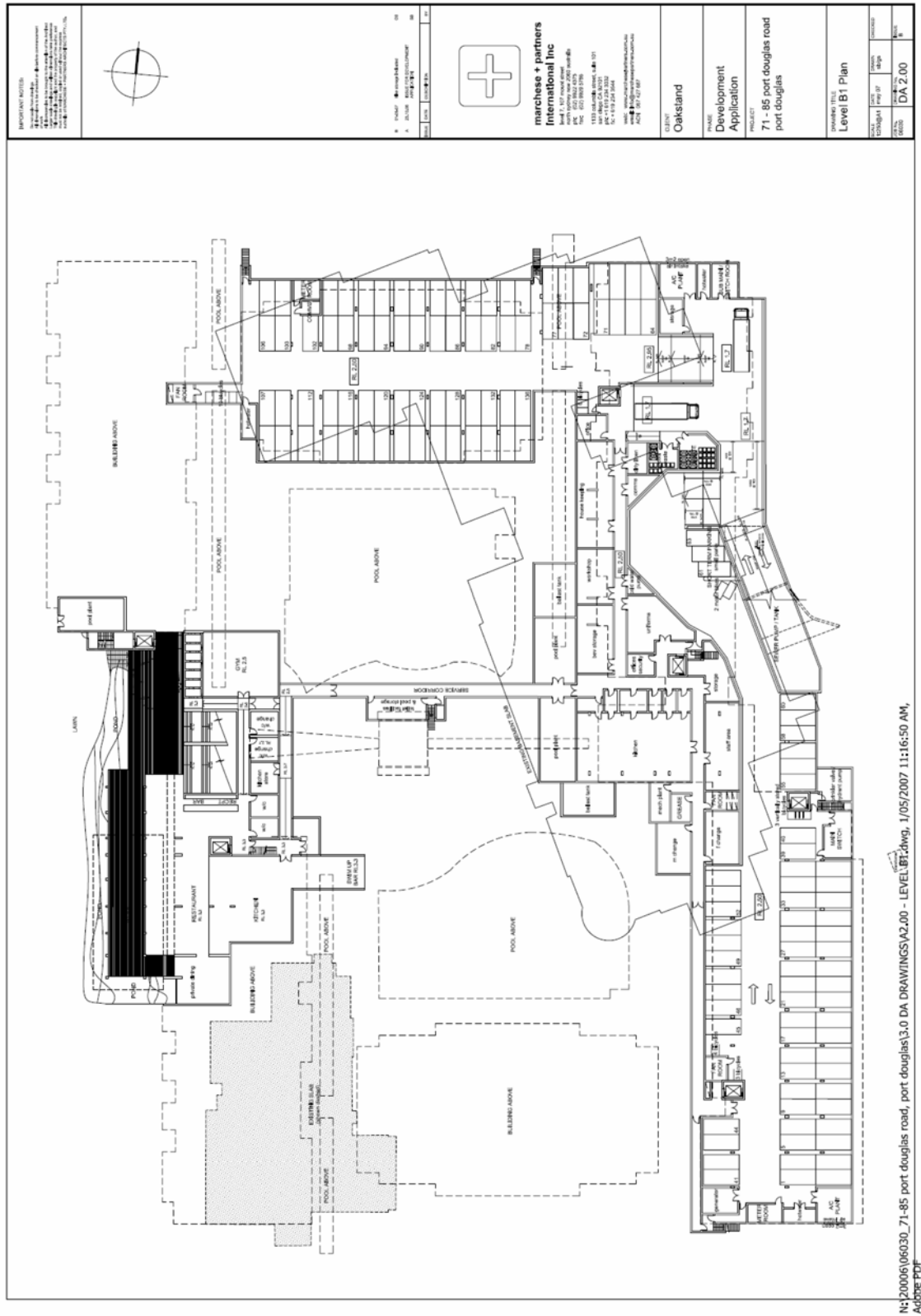
E. Further Development Approvals Required:

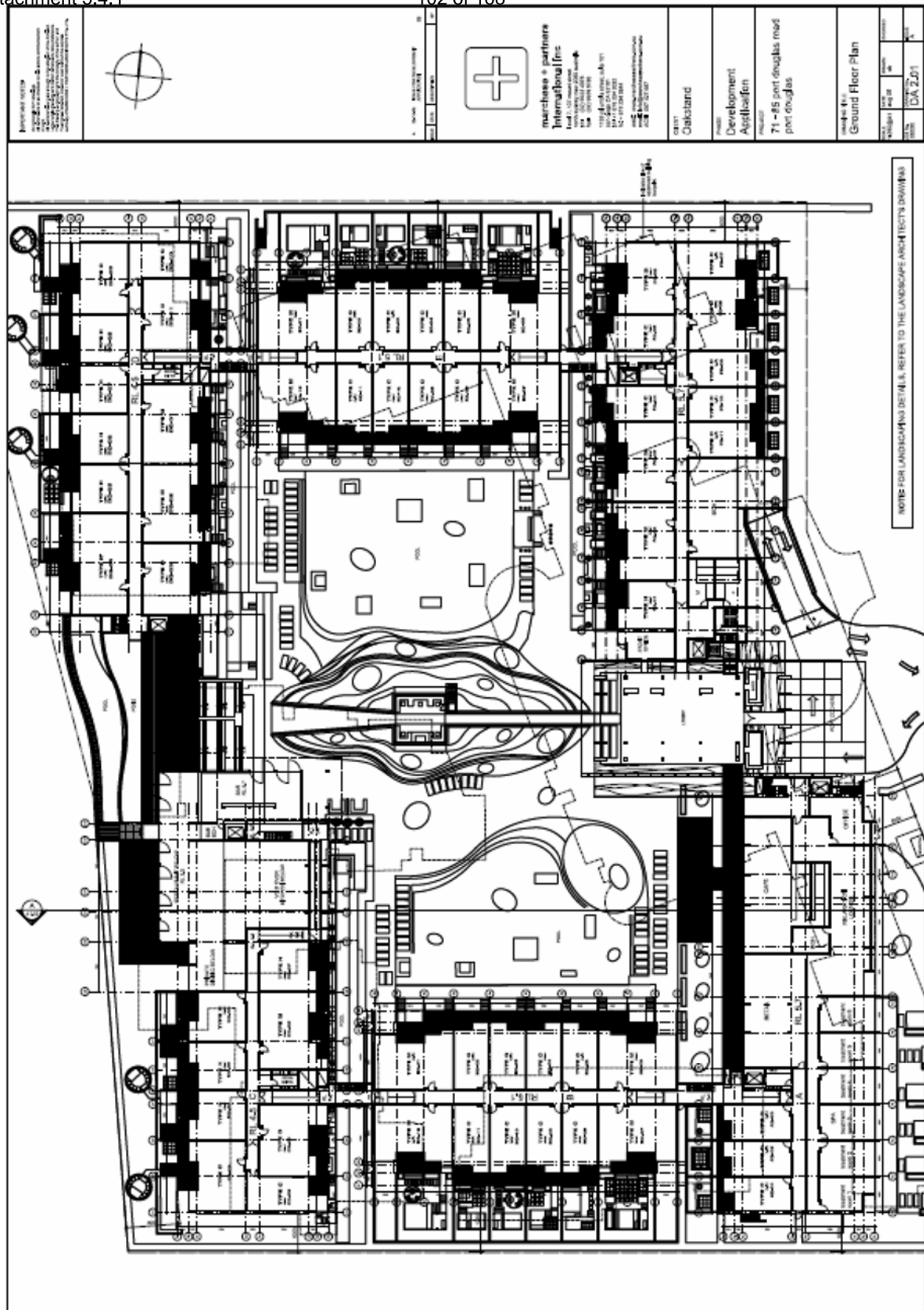
Operational Work	Development Permit
Building Permit	Development Permit
Plumbing & Drainage Permit	Development Permit

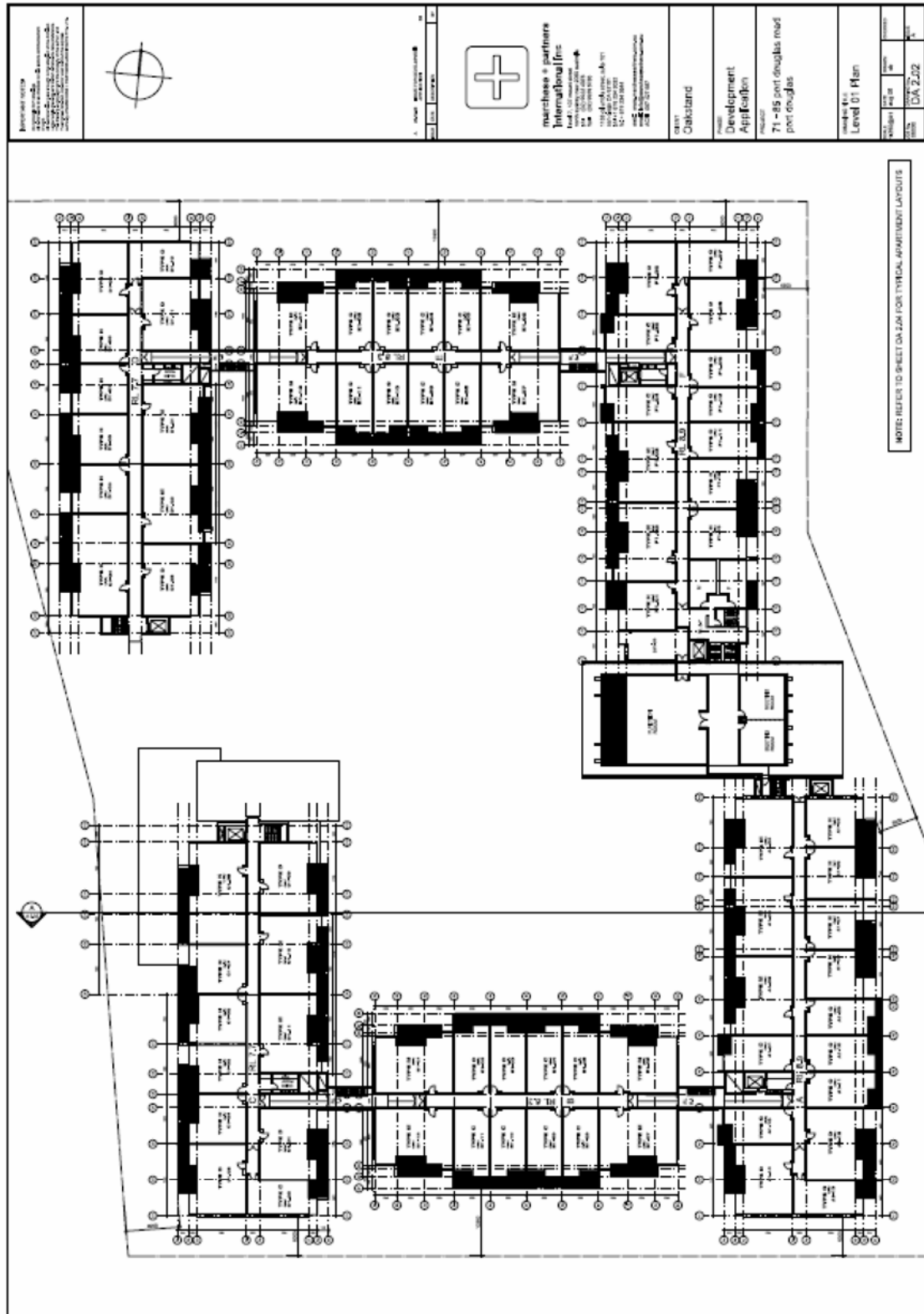
Paul Hoye
A/General Manager – Development & Environment

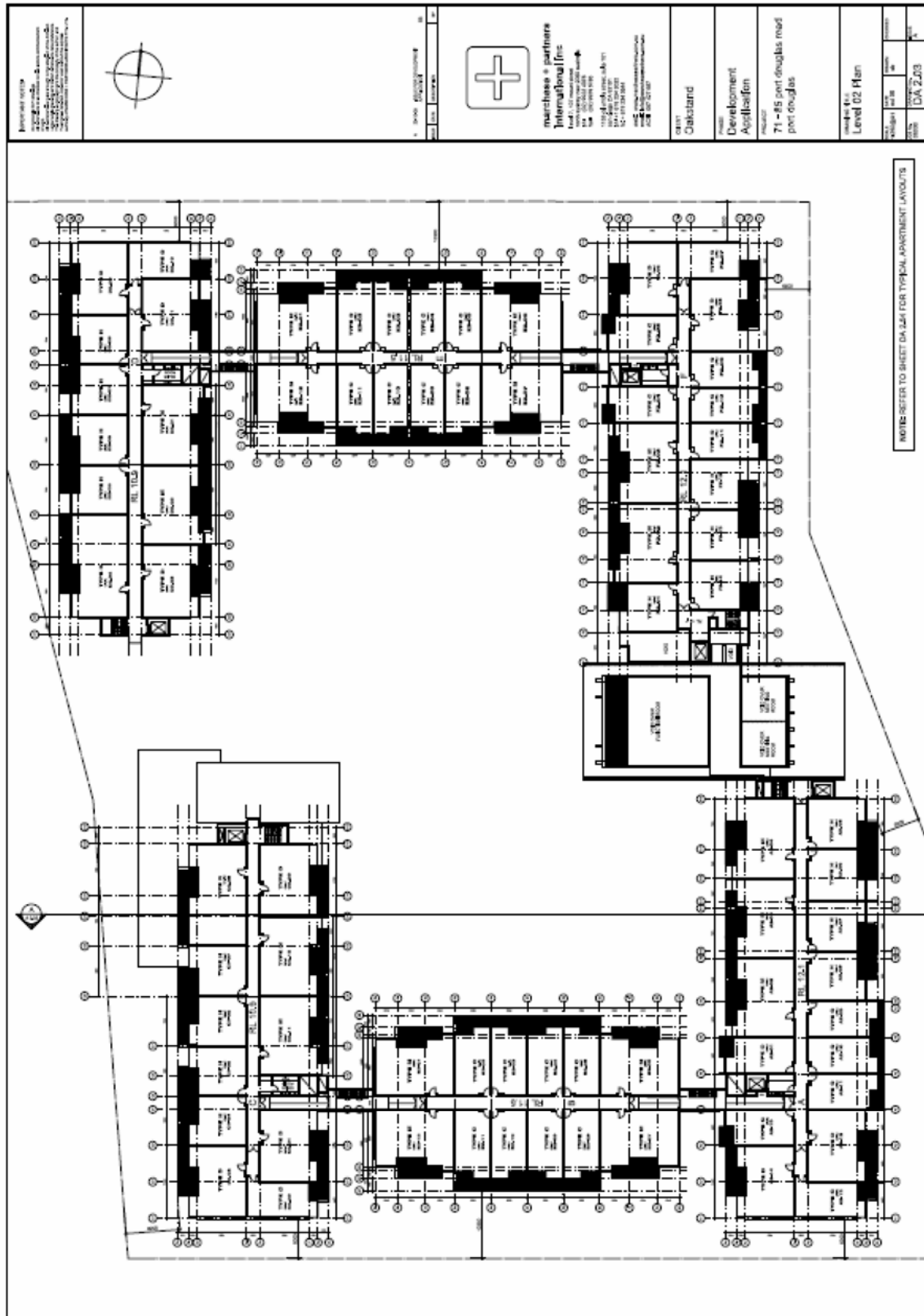




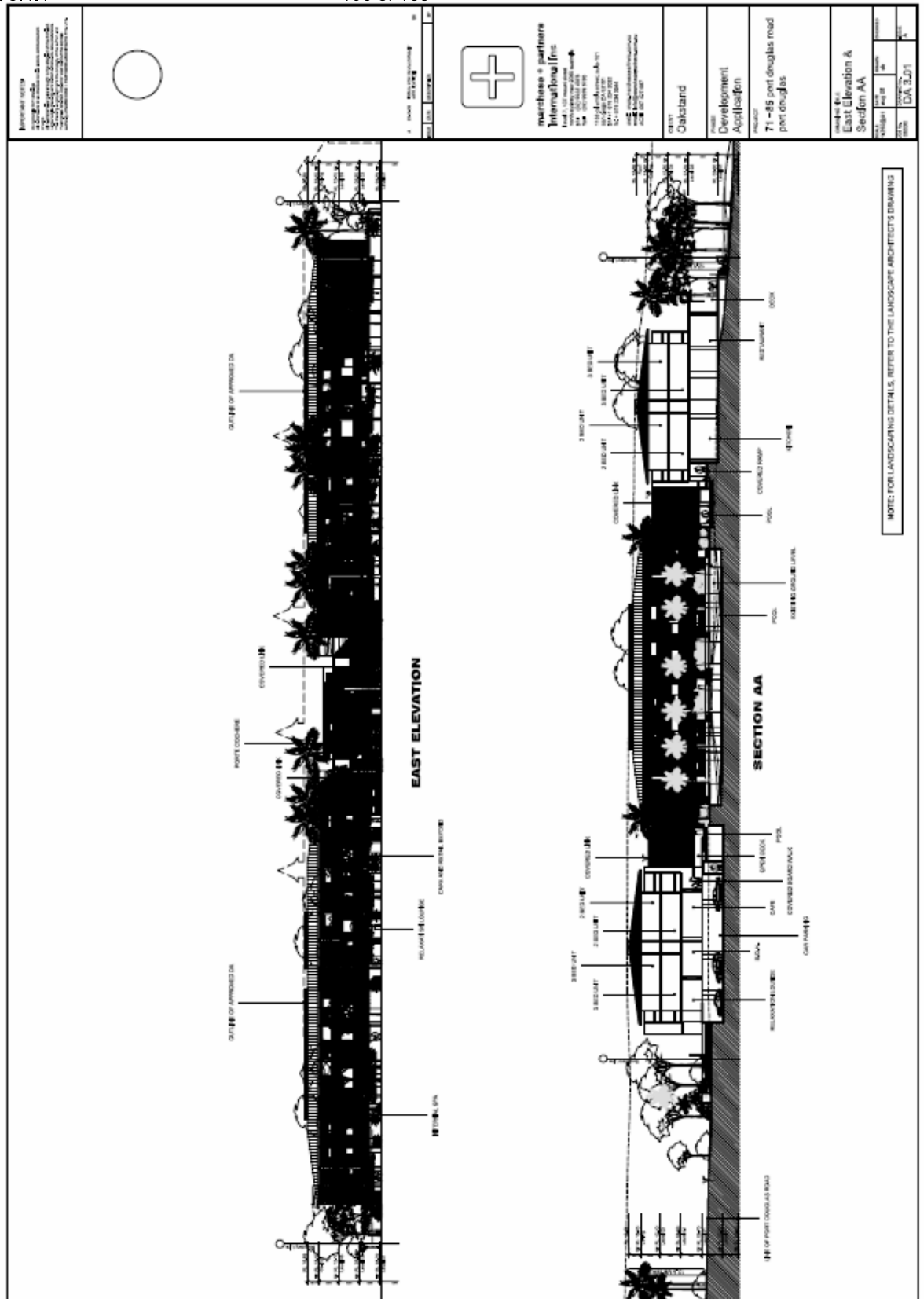


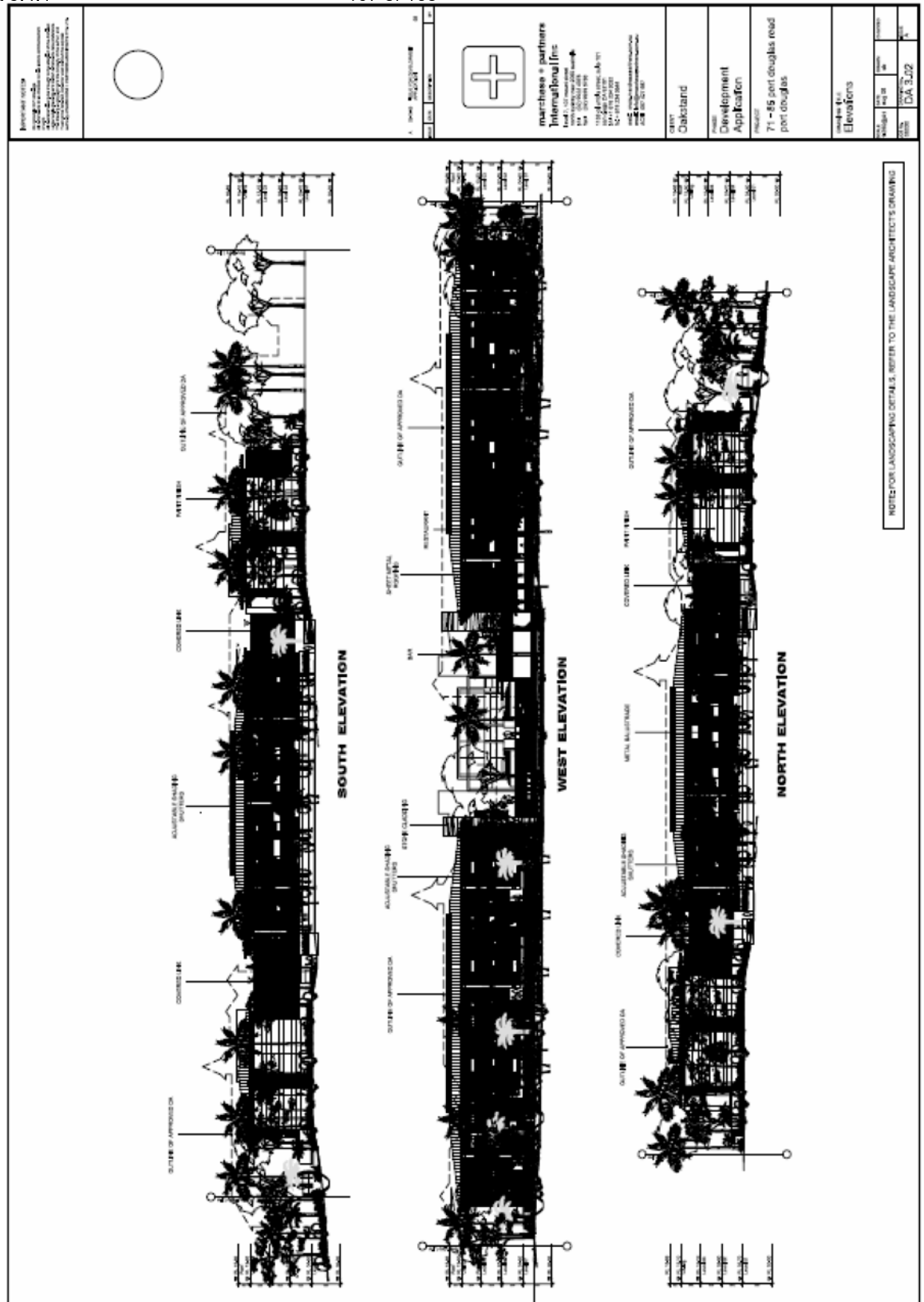




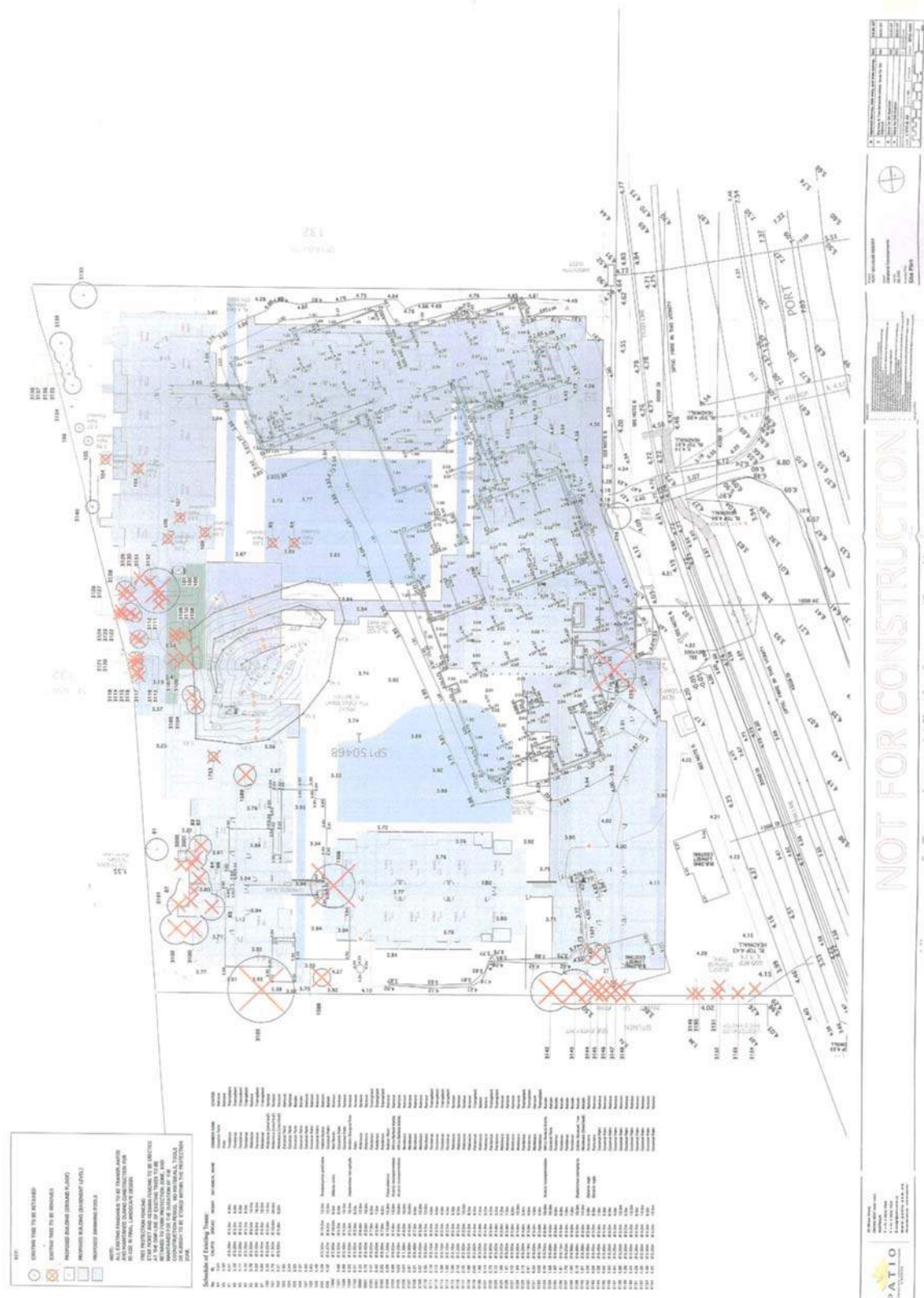


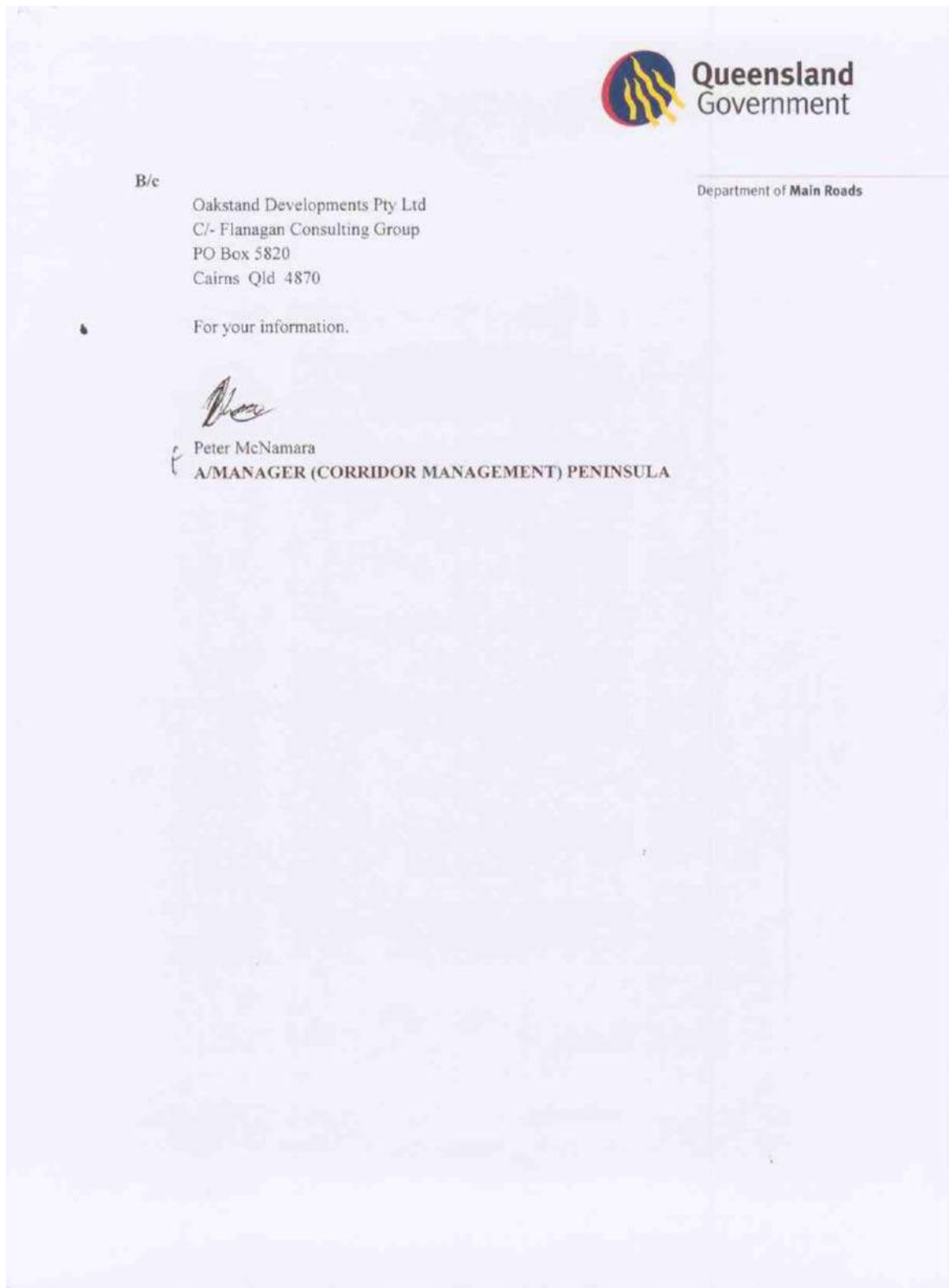
			
<p>TYPE C 1-Bedroom, 1-Bath, 1-Kitchen, 1-Living Area 1,120 sq. ft. 1,120 sq. ft.</p>		<p>TYPE M 2-Bedroom, 2-Bath, 2-Kitchen, 2-Living Area 2,240 sq. ft. 2,240 sq. ft.</p>	
<p>TYPE H 1-Bedroom, 1-Bath, 1-Kitchen, 1-Living Area 1,120 sq. ft. 1,120 sq. ft.</p>		<p>TYPE K 2-Bedroom, 2-Bath, 2-Kitchen, 2-Living Area 2,240 sq. ft. 2,240 sq. ft.</p>	
<p>TYPE D 1-Bedroom, 1-Bath, 1-Kitchen, 1-Living Area 1,120 sq. ft. 1,120 sq. ft.</p>		<p>TYPE J 2-Bedroom, 2-Bath, 2-Kitchen, 2-Living Area 2,240 sq. ft. 2,240 sq. ft.</p>	
<p>Marchesa + partners International Inc. 1000 10th Avenue, Suite 1000 Oakland, CA 94612 Tel: 415.778.1000 Fax: 415.778.1001 Email: info@marichesa.com Website: www.marichesa.com</p>			
<p>Project: Oakland Material Change of Use 71 - 85 port douglas road port douglas</p>			
<p>Typical Apartment Floor Plans</p>			
<p>DA 2.04</p>			









Referral Agencies Conditions



24 September 2007

Department of Main Roads

Ms Julia Leu
A/ Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

Dear Ms Leu

Douglas Shire : Port Douglas Road
Situating at 71-85 Port Douglas Road, Port Douglas
Lot 1 on SP 150468, Parish of Salisbury
Oakstand Developments Pty Ltd
Proposed Material Change of Use (Holiday Accommodation (206 units) & ancillary uses)
Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 18 September 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Port Douglas Road) and the subject land shall be via the proposed access driveway located about 80 metres from the northern side boundary of the subject land, only. The existing access driveway shall be permanently closed.
- (ii) No additional direct access between the State-controlled road reserve (i.e. Port Douglas Road) and the subject land is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access location for the subject land are required and shall be constructed in accordance with:

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

Our ref 45/6504/102(2951.01A)
Your ref MCUI 041/07
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

- Department of Main Roads *Roads Planning and Design Manual (RP&DM)*, and
- current Department of Main Roads standards,

and to the Department's satisfaction.

A recent site inspection indicates the requirement for the provision of the following works within the State-controlled road reserve (i.e. Port Douglas Road):

- an auxiliary left turn treatment (AUL) from the south and a channelised right turn lane (CHR) into the development from the north as per Figures 13.82 and 13.60 of *RP&DM*, and
- with geometry configured to accommodate a possible future additional 3.5 metre wide traffic lane in Port Douglas Road on the western side.

(ii) Design aspects that include or address the following:

- No port cochere structure extending forward of property boundary onto road reserve,
- Port cochere vehicle turnaround designed to accommodate 12.5 metre long bus vehicle path i.e. no vehicles to reverse out of the access,
- Removal of existing access driveway and regrassing,
- 3.5 metre wide traffic lanes & turn lanes and 1.5 metre wide shoulders shall be provided on Port Douglas Road,
- 1.5 metre bicycle lane to be provided between the through lane north and the auxiliary left turn lane,
- Fill batter slopes to be 1:4 (Vert:Horiz),
- Painted traffic islands shall be used between the traffic lanes, and these islands shall have raised reflective pavement markers (RRPM's) installed in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)*,
- Semi-mountable kerbs, set back 1.5 metres from edge line, to be installed both sides of access,
- Asphalt surfacing to be provided to entire area of new works,
- Lighting shall be provided to V3 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with:
 - The Electrical Act,
 - Australian Standards (AS1158, 3000), and
 - Chapter 17 of the *RP&DM*.

All works are to be certified by Registered Professional Engineer Queensland (RPEQ) (Electrical).

- All associated works are to be completed to the Department's satisfaction (eg services relocation, drainage (including extension of culverts), line marking (including RRPM's), and signage in accordance with the *MUTCD*).
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 metres of the new sealed shoulder edge shall be permitted.
- DMR will also require an environmental management plan (including MRS 11.51) to be submitted.

- (iii) The applicant shall submit design drawings prepared by a suitably qualified RPEQ for approval to the Cairns office of the Department of Main Roads prior to works commencing within the State-controlled road reserve (i.e. Port Douglas Road).
- (iv) All required works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the use on the subject land.

3. Road Traffic Noise & Visual Treatments

(a) Visual Amenity Works

The applicant/landowner shall provide landscaping along the frontage of the State-controlled road (i.e. Port Douglas Road/ Davidson Street).

The landscaping shall be designed installed and maintained such that existing State-controlled road infrastructure, noise ameliorative works, and on-site buildings and facilities, are screened as much as practicable from each other.

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 requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns or poisonous fruits or berries).

All landscaping shall be completed prior to the commencement of the approved use.

(b) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3671. A noise barrier fence shall be located on the subject land and suitably screened from the State-controlled road (i.e. Port Douglas Road/ Davidson Street) with landscaping on the subject land. An acceptable alternative would be a noise barrier fence on the boundary of the subject land, with every second panel of the fence indented a minimum of one metre with landscaping of the indented areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance to users of the State-controlled road reserve.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise free-field level must not be exceeded within 10 years of completion of the full development.

- External noise levels must not exceed 60 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distance are greater than 40 dB(A) L_{90} (8 hour) between 10pm and 6am; or
- External noise levels must not exceed 57 dB(A) L_{10} (18 hour), where existing levels measured at the local government deemed-to-comply

- 4 -

dwelling setback distance are less than or equal to 40 dB(A) L_{90} (8 hour) between 10pm and 6am;

- Internal noise levels (i.e., within buildings above the ground floor level only) must not exceed the maximum noise levels specified in AS2107-2000.

External noise shall be defined as being all open space including verandas, balconies, pool areas and gardens.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works:

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- Internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the subject land and the relevant buildings, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

(v) Incorporation of Works into the Development

All noise ameliorative works required external to the building on the subject land shall be completed prior to commencement of the approved use of the building.

All noise ameliorative works required within the relevant building(s) shall be:

- incorporated into the building design(s) prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land, and
- incorporated into the building(s) prior to commencement of the approved use of the building.

4. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Port Douglas Road).

5. Parking

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

Reasons

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

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Applications referrals and Assessment Guide; and
- Superseded Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions 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



• Peter McNamara

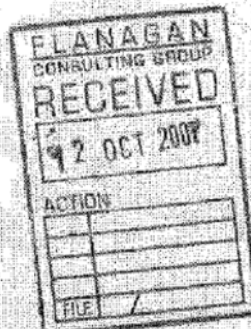
A/MANAGER (CORRIDOR MANAGEMENT) PENINSULA



Queensland
Government

Department of
Natural Resources and Water

Your Reference: 166782
Our Reference: IR050/CNS0007
Contact: Lida Whitley
Directorate / Unit: Planning & Environment
Phone: (07) 47 607453



9th October 2007

Attn: Katrina Shoobridge

Planagan Consulting Group
PO Box 5820 Cairns
Qld 4870

Dear Madam,

Pre-lodgement Referral Agency Response for a Development Application for a Material Change of Use (Impact Assessment) on Lot 1 on SP150468 – 71-85 Port Douglas Road, Port Douglas

I refer to your letter dated the 13th September 2007. Officers of the Department of Natural Resources and Water (NRW) have reviewed the proposed development application for the above Material Change of Use. It is noted that the site is below 20m AHD and located within an area which may contain Acid Sulphate Soils. As stated in the application, excavation and filling are likely to occur as a result of the Material Change of Use. It is assumed this involves a volume in excess of 1,000 cubic metres which would trigger State Planning Policy 2/20. However, no soil testing has been undertaken for the identification of acid sulphate soil as required under state planning guidelines. Sampling and testing methodologies and remedial actions for acid sulfate soil are outlined in guidelines for State Planning Policy 2/02.

Accordingly, NRW requests that soil testing be undertaken, and should action criteria be triggered by acid generating potential, that an acid sulfate soil management plan be prepared in accordance with *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and its accompanying Guideline *SPP Guideline 2/02*.

Outcome 1 of State Planning Policy 2/02 states that:

When undertaking development to which this SPP applies, the release of acid and associated metal contaminants into the environment is avoided by:

- not disturbing acid sulfate soils when excavating or otherwise removing soil or sediment, extracting groundwater or filling land; or

Natural Resources & Water
P O Box 5318
Townsville Queensland 4810
Australia
Telephone + 61 7 4760 7453
Facsimile + 61 7 4769 7541
Website www.nrw.qld.gov.au


- treating and, if required, undertaking ongoing management of any disturbed acid sulfate soils and drainage waters.

The *SPP Guideline 2/02* requires that the information in an ASS investigation report and proposed management strategy be sufficiently detailed for the assessment manager and NRW to be satisfied that the development outcomes required by SPP 2/02 will be met. The information should be provided in accordance with the relevant parts of the SPP Guideline and the associated appendices.

In order to provide advice to the Cairns Council, NRW considers that an ASS investigation should be carried out by a suitably qualified person over the area subject to this application, commencing with preliminary testing.

Should you have any questions about the above, please contact Linda Whiteley on telephone number (07) 47 607 453, quoting the above reference number.

Yours sincerely



Linda Whiteley
Natural Resource Officer