

ORDINARY COUNCIL MEETING**13 MAY 2014****2**

OPERATIONAL WORKS - EXTERNAL WORKS WITHIN THE ROAD RESERVE - 7 ASHFORD AVENUE PORT DOUGLAS

Neil Beck OP 20/2014 : {420222}

<u>PROPOSAL:</u>	OPERATIONAL WORKS - EXTERNAL WORKS WITHIN THE ROAD RESERVE
<u>APPLICANT:</u>	PORT DOUGLAS & DISTRICT COMBINED CLUBS INC. C/- RECS CONSULTING ENGINEERS & BUILDING PO BOX 894 PORT DOUGLAS QLD 4877
<u>LOCATION OF SITE:</u>	7 ASHFORD AVENUE PORT DOUGLAS
<u>PROPERTY:</u>	LOT 126 ON SR868
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	COMMUNITY & RECREATION FACILITIES
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXPIRED
<u>APPLICATION DATE:</u>	22/01/2014
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. PLANS FOR OPERATIONAL WORKS

LOCALITY PLAN



RECOMMENDATION:

With respect to the Development Application for Operational Works - External Works Within the Road Reserve adjacent land described as Lot 126 on RP868, located at 7 Ashford Avenue, Port Douglas, Council advise the applicant as follows:-

1. All building works associated with the transition from the road reserve of Ashford Avenue to the floor level of the building to achieve pedestrian access must be fully contained within the property boundary. Amended plans are to be submitted within twenty (20) business days from notification of this Resolution in order to progress the Development Application unless otherwise approved by the Chief Executive Officer.
2. Should amended plans not be submitted, Council will decide the Development Application for Operational Works.
3. Following receipt of suitably amended plans, a Decision Notice for Operational Works will be issued in a timely manner.

EXECUTIVE SUMMARY:

Application for Operational Works has been made to Council seeking approval for works within the road reserve in front of an existing facility locally known as the 'Tin Shed'.

The application before Council relates to an approval for the expansion of the Tin Shed issued by Council on 28 August 2013. The approval provides an ability to expand the ground floor area and the construct an additional storey to provide for a bar, lounge and outdoor deck areas in addition to a designated outdoor smoking area (DOSA).

A copy of the approved plans are attached at Appendix 1.

In the review of the application, it has become apparent that the proposed expansion seeks to locate stairs and ramping associated with providing disabled access within the adjoining road reserve of Ashford Avenue. Other works involve very minor works of paving, replacement of a tree and some additional landscaping in addition to the relocation of existing memorial. With respect to the encroachments within the road reserve, the applicant was advised that such works are not in accordance with the development approval and that the encroachments be removed.

It is understood that the applicant has approached elected representative/s in an attempt to have the matter resolved. As there is currently a Development Application with Council relating to such works, it is appropriate that direction is provided from Council in response to the application currently in train. The purpose of this report is to provide that direction and facilitate the resolution of the particular issue.

As this work does not constitute road infrastructure and is seeking to utilise road reserve for the sole benefit of the adjoining premises, this element of the proposed work is not supported.

The recommendation put before Council seeks confirmation that these works are not appropriately located within the road reserve and that the applicant lodge amended plans within 20 business days in order to progress the application for Operational Works. In the event amended plan are not submitted, a report will be presented to Council recommending refusal of the application.

It must be noted that this is not a determination of the Operational Works application. The report seeks Council's support that the encroachments are inappropriately located within the road reserve.

TOWN PLANNING CONSIDERATIONS:

Background

At the Council Meeting of 28 August 2013, approval was issued for the expansion of the Tin Shed. The facility is operated by the Port Douglas and District Combined Clubs Inc. ('Combined Clubs'), a not for profit entity.

The approval provides for the extension of the existing club facilities by expanding the ground level and constructing an additional storey to contain the following:-

- Ground level
 - Managers Office
 - Committee Meeting Room
 - Reception area with stair and lift area to level 1
 - Dry and cold storage areas
- Level 1
 - New bar area
 - Entertainment area
 - Lounge area
 - Outside deck

The approval also includes the expansion and refurbishment of the existing ground floor kitchen and amenities block.

The existing gross ground floor area is 618sqm. Post expansion, the ground floor and first floor areas will be 760sqm and 296sqm respectively.

A copy of the approved plans are attached at Appendix 1.

Operational Works

As previously identified, the application for Operational Works nominates the stairs and ramping associated with the disabled access as being located within the road reserve of Ashford Avenue. A copy of the proposed works is attached at Appendix 2.

This is contrary to the approved plans which accompanied the planning approval which nominated access to the building via a covered entry access from Ashford Avenue. No detail regarding the encroachment now proposed was provided or considered as part of the planning assessment of the expansion.

Having raised the encroachment with the applicant as an issue, the applicant made a request that the encroachment be regarded as a 'minor change' in accordance with the provisions of the Sustainable Planning Act (SPA). However, upon review, this section of SPA is not relevant as the proposed encroachment involves land which was not subject to the original development application.

The request to locate stairs and ramping for the disabled access on the adjoining road reserve is not supported on the following grounds:-

- The proposed works do not constitute road infrastructure and seek to use road reserve for the sole benefit of the adjoining premises. It is standard practice that all private building works associated with development are fully contained within the property boundaries.

- The proposed works will quarantine that area of road reserve in perpetuity as it will contain structures necessary to gain access to the building and to satisfy disabled access requirements under the Building Code of Australia and the Queensland Development Code. Unlike other improvements in road reserves i.e street furniture, shade structures or the like, the proposed encroachment inhibits any future use of this area of road and cannot be reasonably removed by Council without dire consequences to the facility.
- On review of the planning assessment for the expansion, there were a number of non-compliant aspects of the development in terms of side and front setbacks in addition to generous relaxations with respect to car parking. Not only did the Combined Clubs not have to provide any on-site car parking, Council also waived the requirement to provide a monetary contribution in lieu of the shortfall despite having the ability to do so under the Planning Scheme Policy. For the development to now encroach into the adjoining road reserve signifies an overdevelopment of the site.
- The Port Douglas Waterfront Master Plan in part promotes increased pedestrian activity and movement throughout the precinct. Private works on road reserves is in conflict with this intent and should not be permitted or encouraged. Road reserves in their entirety need to be preserved for the benefit of the wider community.
- This area of land is owned by the Department of Natural Resources and Mines with Council as trustee. This land did not form part of the original application, and as such, neither DNRM or Council has provided consent for the use of road as now proposed. Given that this area of road would be permanently appropriated for private use as a consequence of the proposed works raises the issue of tenure and the expectation that tenure be secured via a permanent road closure by the Combined Clubs over this section of road reserve should Council find in favour of the proposal.

It is anticipated that Council would strongly object to any applications for road closure, particularly when the land in question is contained within the Port Douglas Waterfront Master Plan.

No concern is raised with respect to the balance of on-street works.

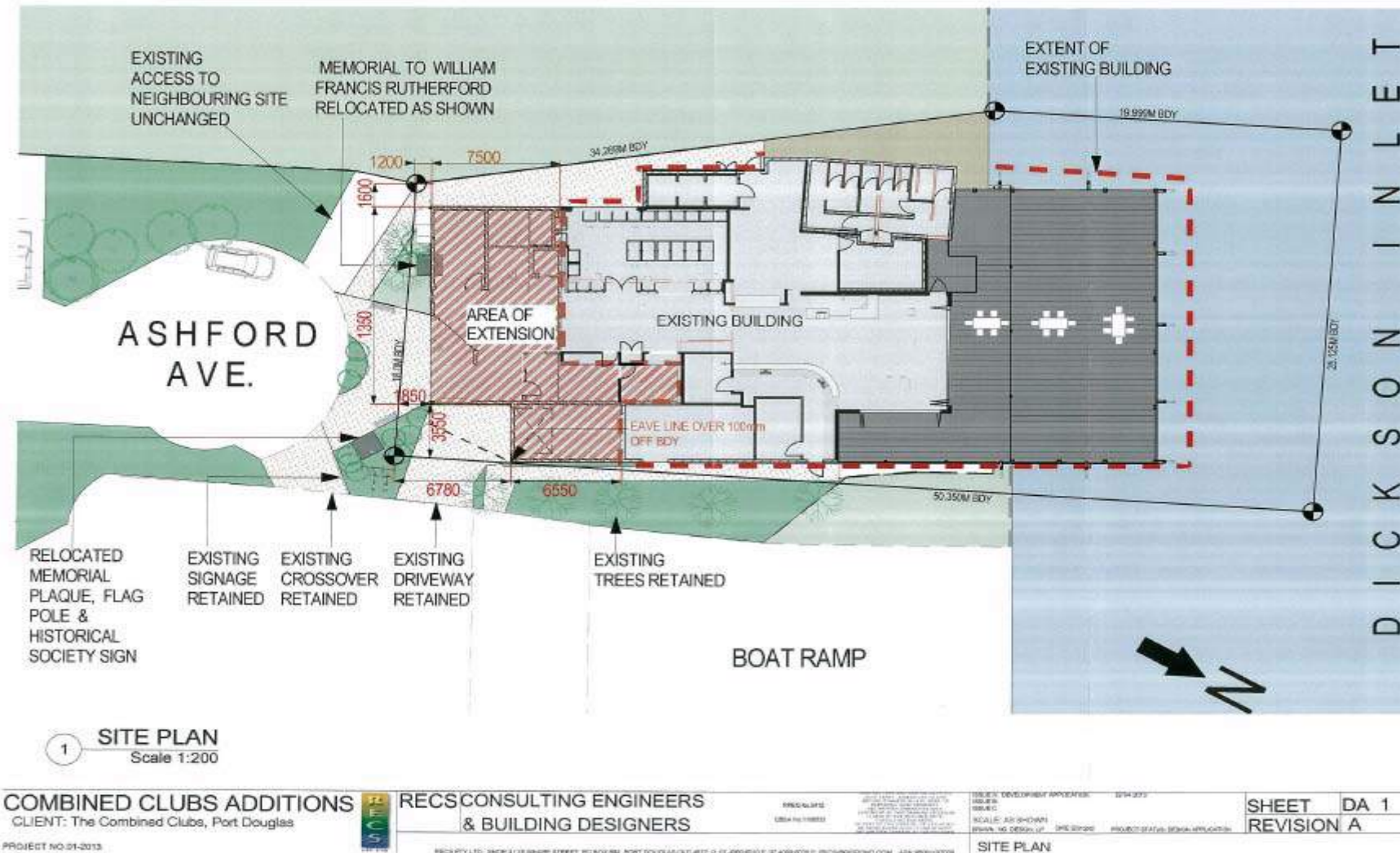
Worthy of noting is the proposed relocation of the William Francis Rutherford Memorial which is currently located within the lease boundaries. The proposal is to have this memorial located within the road reserve as evidenced on the plans attached at Appendix 2. This was identified in the original application to Council.

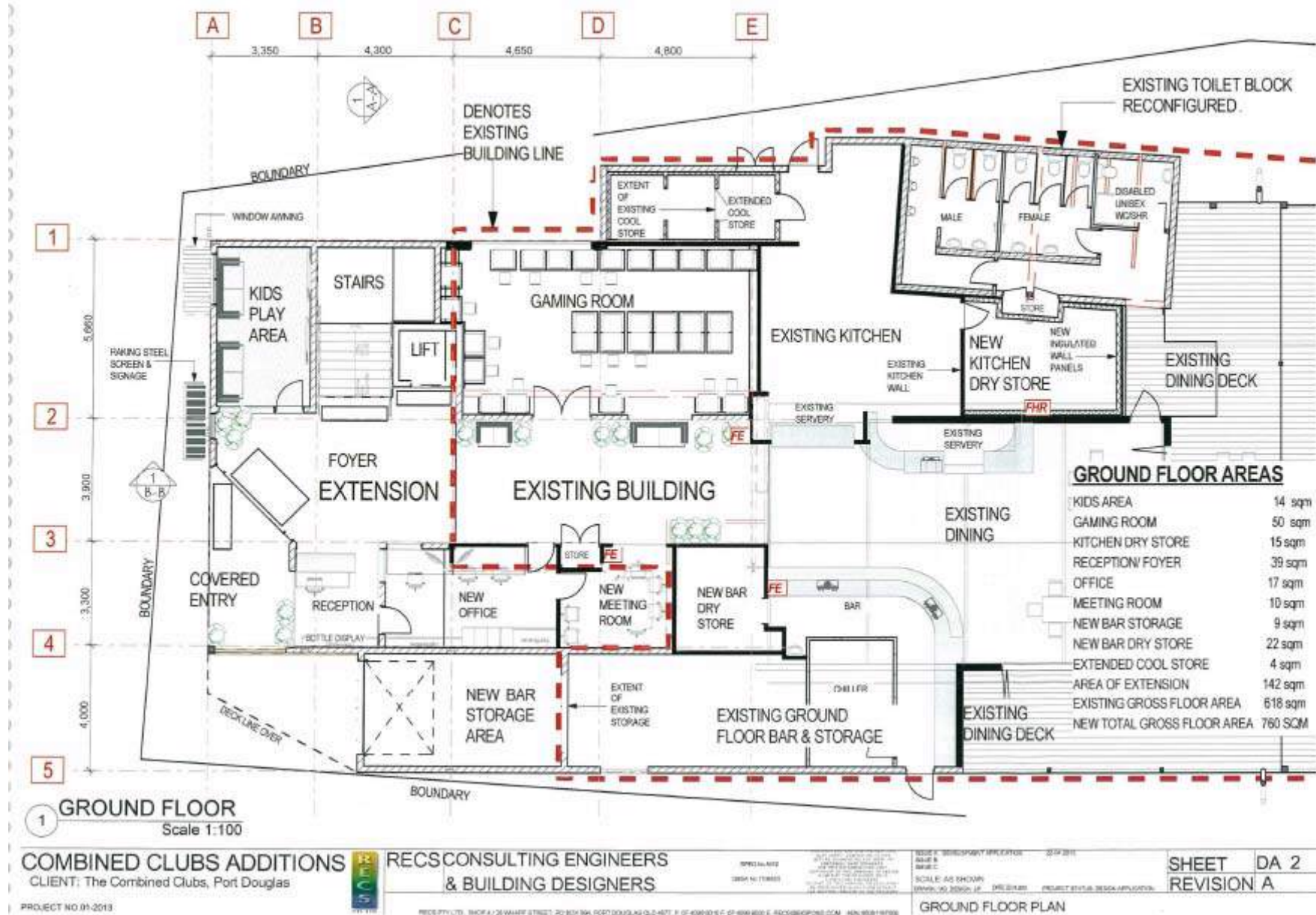
It is recommended that Council advise the applicant to provide amended plans removing the encroachment and reliance on the external road reserve in order to provide pedestrian access into the premises.

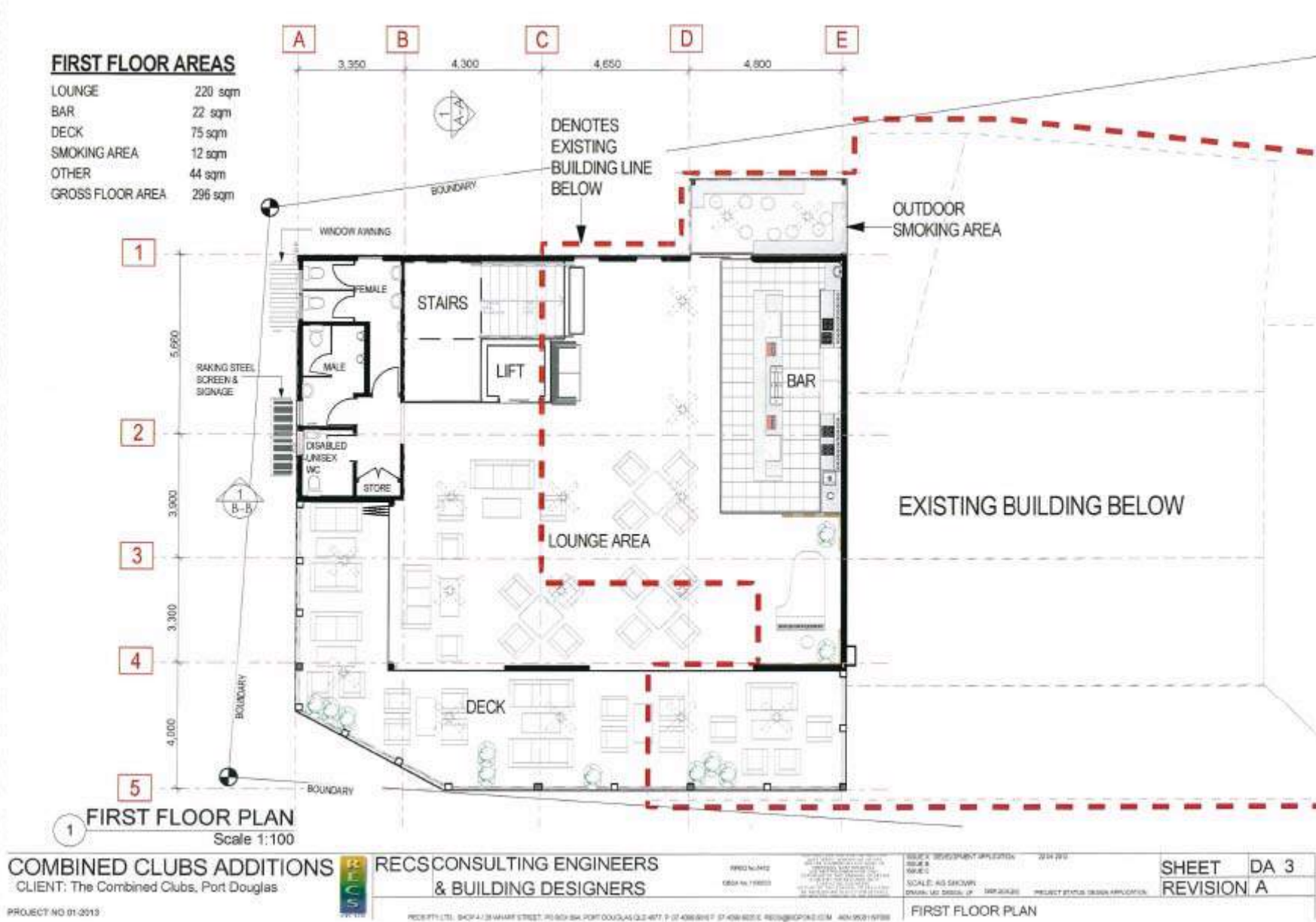
COUNCIL'S ROLE

Council's role in this instance is as the Assessment Manager (Decision Maker) under the Sustainable Planning Act and also as the trustee and asset owner of the road. It is necessary for Council to set a clear direction as to what is and what isn't appropriate infrastructure to locate within road reserves. Council's decision must have regard to the purpose of road and the need to ensure road reserves are utilised for road purposes and for the wider community benefit.

APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)









1 TYPICAL SECTION
Scale 1:100

COMBINED CLUBS ADDITIONS

CLIENT: The Combined Clubs, Port Douglas

PROJECT NO.01-2013



RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS

PROJECT NO.01-2013
DRAWN BY: 11/05/2013

PROJECT NO.01-2013
DRAWN BY: 11/05/2013

PROJECT NO.01-2013
DRAWN BY: 11/05/2013

SECTION

SHEET DA 4
REVISION A



COMBINED CLUBS ADDITIONS
CLIENT: The Combined Clubs, Port Douglas



RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS

REC'S NO. 0412
(2014-10-10)

RECS CONSULTING ENGINEERS & BUILDING DESIGNERS
10/10/14

SCALE: AS SHOWN
DATE: 2014-10-10

SHEET DA 5
REVISION A

PROJECT NO. 01-2013

REC'S PTY. LTD. SHOP 4/28 WHARF STREET, PO BOX 884, PORT DOUGLAS QLD 4071 P: 07 4086 6010 F: 07 4086 6011 E: REC@RECSD.COM.AU WWW.RECSD.COM.AU

ELEVATIONS: NORTH & EAST



1 **SOUTH**
Scale 1:100



2 **WEST**
Scale 1:100

COMBINED CLUBS ADDITIONS

CLIENT: The Combined Clubs, Port Douglas

PROJECT NO.01-2013



**RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS**

BPED No 5452
QBSA No 1108033

RECS PTY LTD, SHOP 4/35 WHARF STREET, PO BOX 384, PORT DOUGLAS QLD 4877, P: 07 4089 8010 F: 07 4089 8020 E: RECS@RECSPTD.COM ADR 8505-167006

ISSUE A: DEVELOPMENT APPLICATION 22/04/2013

ISSUE B:

ISSUE C:

SCALE: AS SHOWN

DRAWN: SAG DESIGN: LP

PROJECT STATUS: DESIGN APPLICATION

ELEVATIONS: SOUTH & WEST

SHEET DA 6

REVISION A



ARTISTS IMPRESSION

1 ASHMORE AVE. VIEW (NIGHT TIME)

COMBINED CLUBS ADDITIONS
CLIENT: The Combined Clubs, Port Douglas



**RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS**

RPEQ No 5412
QBSA No 110853

RECS PTY LTD, SHOP 4/128 WHARF STREET, PO BOX 584, PORT DOUGLAS QLD 4877, P: 07 4099 8010 F: 07 4099 8020 E: REC@RECSPTD.COM ABR 15021157008

ISSUE C
SCALE: AS SHOWN
DRAWN: MJ DESIGN LP

22/04/2013

PROJECT STATUS: DESIGN APPLICATION

SHEET	DA 8
REVISION	A

PERSPECTIVE

PROJECT NO: 01-2013

RECS PTY LTD, SHOP 4/128 WHARF STREET, PO BOX 584, PORT DOUGLAS QLD 4877, P: 07 4099 8010 F: 07 4099 8020 E: REC@RECSPTD.COM ABR 15021157008



ARTISTS IMPRESSION

1 CARPARK VIEW

COMBINED CLUBS ADDITIONS

CLIENT: The Combined Clubs, Port Douglas

PROJECT NO. 01-2013



**RECSCONSULTING ENGINEERS
& BUILDING DESIGNERS**

RPSO No. 5412
QBSA No. 110659

1. THE COMBINED CLUBS ADDITIONS
2. THE COMBINED CLUBS ADDITIONS
3. THE COMBINED CLUBS ADDITIONS
4. THE COMBINED CLUBS ADDITIONS
5. THE COMBINED CLUBS ADDITIONS
6. THE COMBINED CLUBS ADDITIONS
7. THE COMBINED CLUBS ADDITIONS
8. THE COMBINED CLUBS ADDITIONS
9. THE COMBINED CLUBS ADDITIONS
10. THE COMBINED CLUBS ADDITIONS

ISSUE A: DEVELOPMENT APPLICATION 22/04/2013
ISSUE B:
ISSUE C:
SCALE: AS SHOWN
DRAWN: MD DESIGN LP DRE 2014/212 PROJECT STATUS: DESIGN APPLICATION

SHEET DA 9
REVISION A

PERSPECTIVE

RECSC PTY LTD., SHOP 4 / 28 WHARF STREET, PO BOX 884, PORT DOUGLAS QLD 4877, P: 07 4089 8010 F: 07 4089 9020 E: RECSC@COMPOND.COM ABN 93061187006



1 INTERNAL PERSPECTIVE
ARTISTS IMPRESSION



2 SITE SECTION
ARTISTS IMPRESSION

COMBINED CLUBS ADDITIONS

CLIENT: The Combined Clubs, Port Douglas

PROJECT NO. 01-2013



**RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS**

RPEO No. 5412
QBSA No. 1100033

"RECS CONSULTING ENGINEERS & BUILDING DESIGNERS" is a company name used for the purpose of this document. It is not a registered trademark or service mark of RECS CONSULTING ENGINEERS & BUILDING DESIGNERS. It is used here for the purpose of this document only.

ISSUE A: DESIGN/PROJECT APPLICATION 22/04/2013

ISSUE B
ISSUE C

SCALE: AS SHOWN

DRAWN: MJ DESIGN: LP

DATE: 20/4/10

PROJECT STATUS: DESIGN APPLICATION

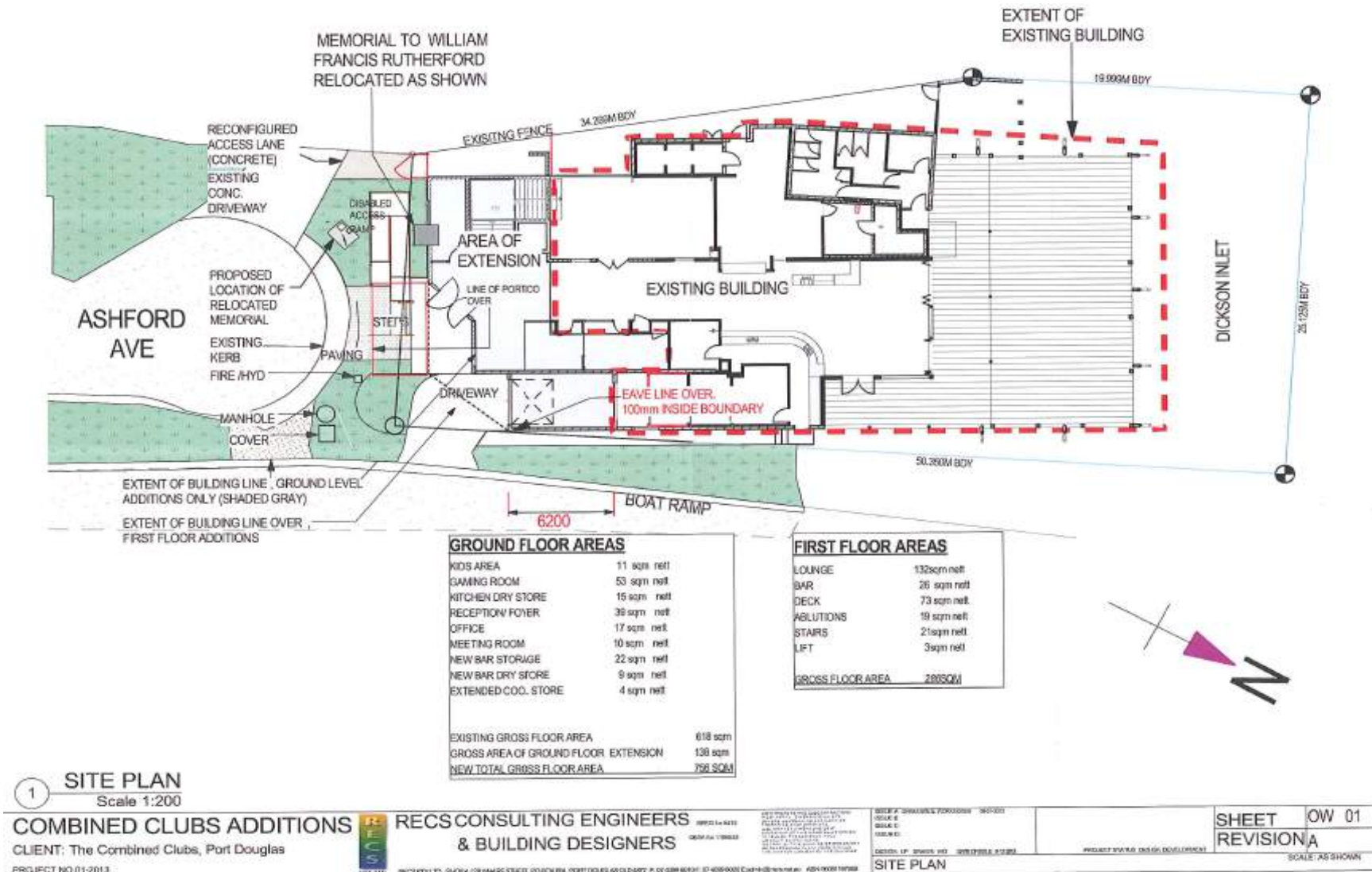
SHEET DA 10

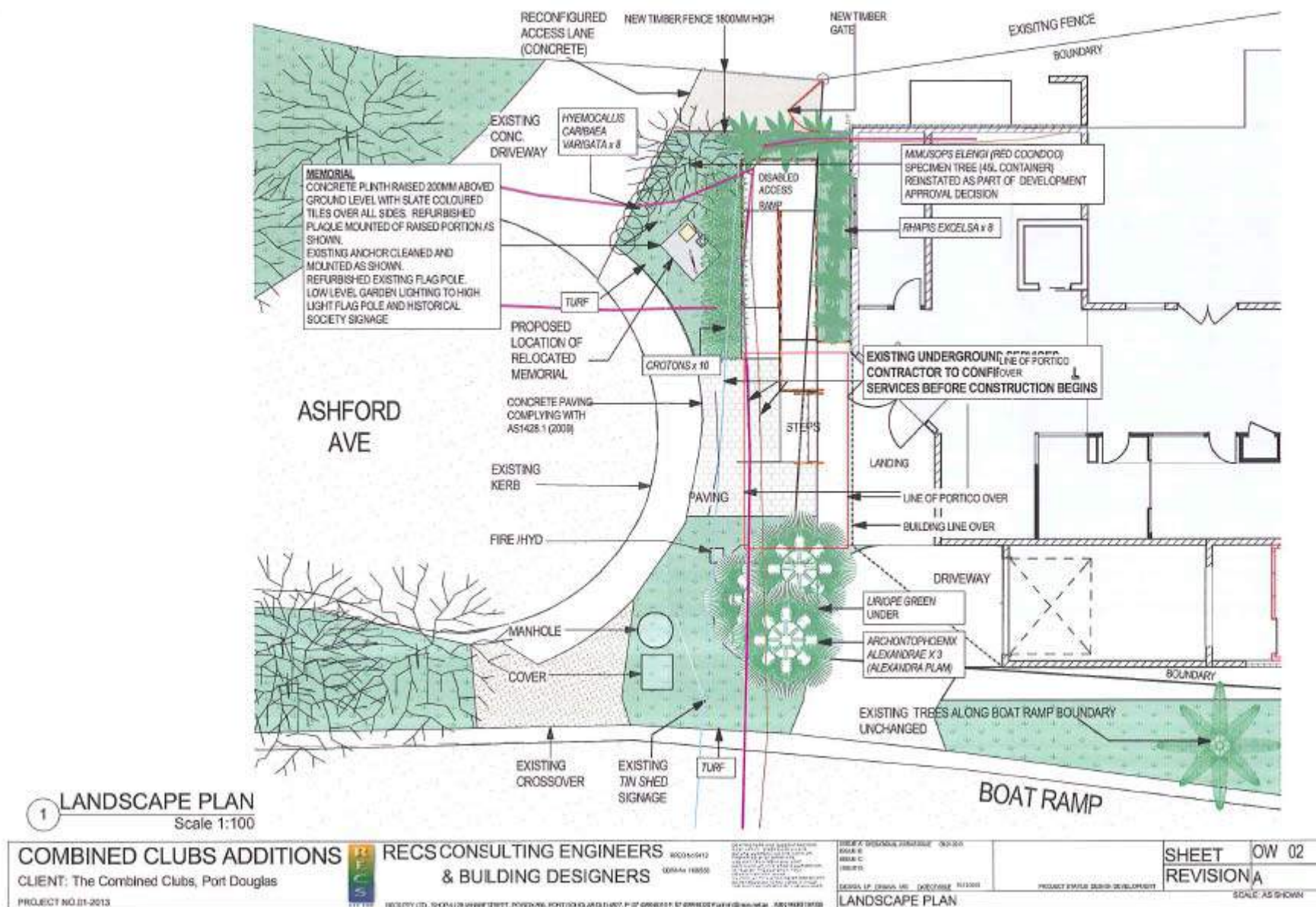
REVISION A

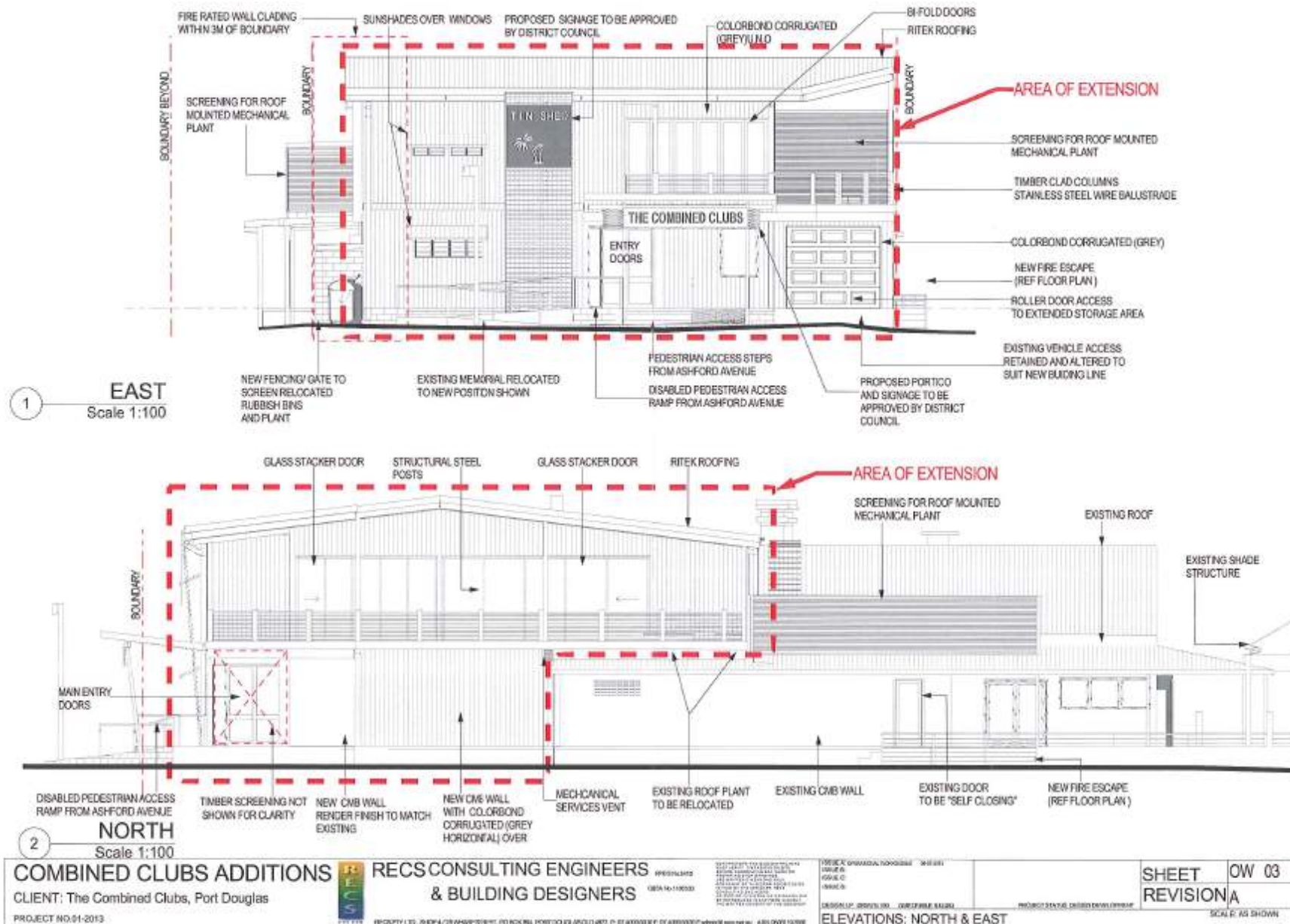
RECS PTY LTD, SHOP 4/25 WARRUP STREET, PO BOX 884, PORT DOUGLAS QLD 4877, P: 07 4099 9010 F: 07 4099 9020 E: RECS@RECSPTD.COM ABN 95581157006

SECTION

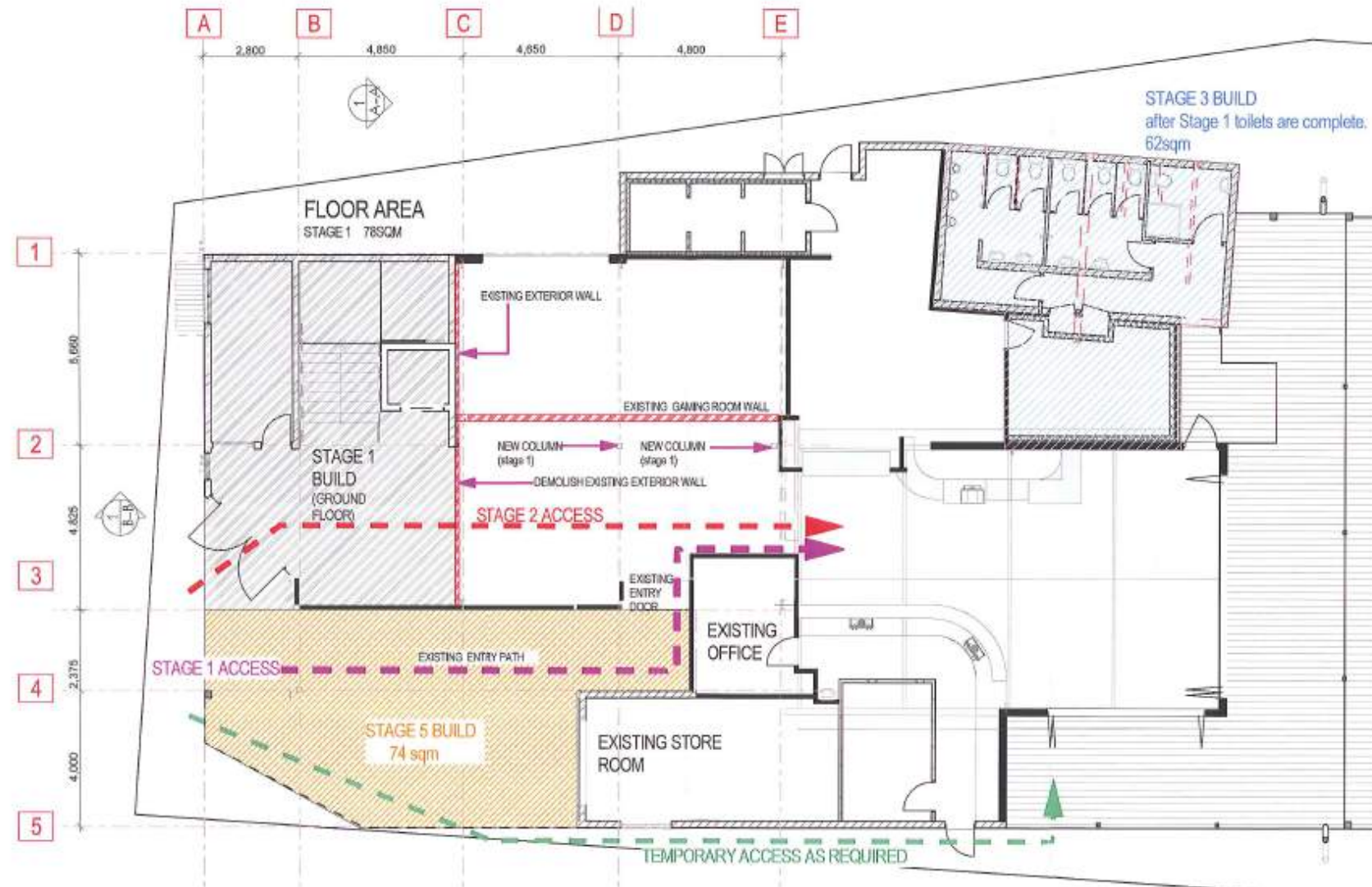
APPENDIX 2 – PLANS FOR OPERATIONAL WORKS











COMBINED CLUBS ADDITIONS

CLIENT: The Combined Clubs, Port Douglas

PROJECT NO. 01-2013



RECS CONSULTING ENGINEERS
& BUILDING DESIGNERS

RECS PTY LTD, SHOP 1/28 DUNN STREET, PORT DOUGLAS QLD 4217, P: 07 4398 8033 F: 07 4398 8032 E: RECS@RECS.COM.AU 4398 058118706

8/10/13 No 5410
CDS No 118000

THESE PROPOSALS HAVE BEEN PREPARED BY THE DESIGNER AND THE DESIGNER ACCEPTS RESPONSIBILITY FOR THE DESIGN AND THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN

DESIGN PROPOSED STAGE 1 8/10/2013

SCALE: AS SHOWN

DRAWN BY: DESIGNER DATE: 8/10/2013 PROJECT STATUS: DESIGN APPROVAL

GROUND FLOOR STAGE

SHEET ST 01
REVISION A