



DOUGLAS SHIRE COUNCIL SPECIAL COUNCIL MEETING

AGENDA

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
ENGAGING, PLANNING, PARTNERING
CELEBRATING OUR COMMUNITIES

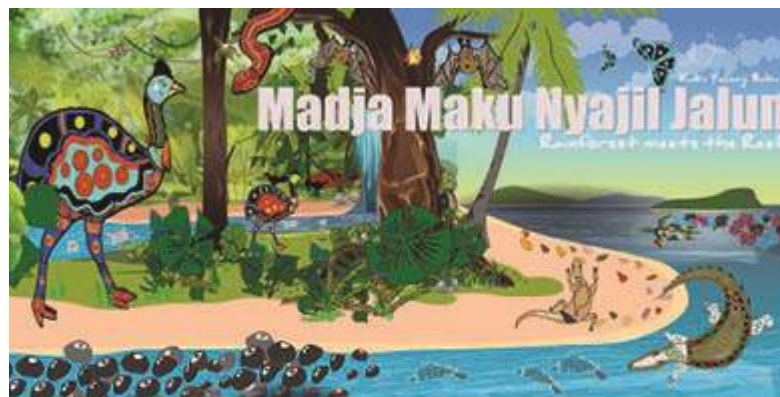
DOUGLAS
SHIRE COUNCIL

PLEASE NOTE:

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

A copy of the confirmed minutes with the meeting resolutions will be available on Councils website www.douglas.qld.gov.au.



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schanenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "Daintree Ferry"

A **Special Meeting** of the Douglas Shire Council will be held on **FRIDAY, 17 FEBRUARY 2017 at 2.00p.m.** at the Council Chambers, 64-66 Front Street, Mossman, and the attendance of each Councillor is requested.

AGENDA

‘ACKNOWLEDGEMENT OF COUNTRY’

‘I would like to acknowledge the Kuku Yalanji people who are the Traditional Custodians of the Land. I would also like to pay respect to their Elders both past and present and extend that respect to other Indigenous Australians who are present’.

1. Attendance and Apologies
2. Conflict of Interest
3. Agenda Items as Listed



CHIEF EXECUTIVE OFFICER

**DOUGLAS SHIRE COUNCIL
SPECIAL MEETING
FRIDAY, 17 FEBRUARY 2017
2:00PM
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3.1. COMBINED DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT AT WHARF STREET, PORT DOUGLAS

REPORT AUTHOR(S)	Simon Clarke, Coordinator Development Assessment and Coordination
GENERAL MANAGER	Nicholas Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Combined application for material change of use and reconfiguration of a lot – staged development
APPLICANT	The Reef Marina Pty Ltd c/o Elizabeth Taylor, Town Planner 23 Vallely Street FRESHWATER QLD 4870
LOCATION OF SITE	Wharf Street, Port Douglas
PROPERTY	Lot 146 SR861, Part Lot 126 SR868, Lot 103 SR500 and Inlet Street Road Reserve

LOCALITY PLAN



Figure 1 - Locality Plan

LOCALITY	Port Douglas and Environs
PLANNING AREA	Port Douglas Waterfront North Planning Area
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	State Assessment and Referral Agency
NUMBER OF SUBMITTERS	Not applicable
STATUTORY ASSESSMENT DEADLINE	20 February 2017
APPLICATION DATE	29 November 2017 (amended application)

RECOMMENDATION

That Council approves the combined application over land described as Lot 146 SR861, Part Lot 126 SR868, Lot 103 SR500 and Inlet Street Road Reserve, consisting of a material change of use comprising:

- Stage 1a – 5 x Multi-unit housing / Holiday accommodation;**
- Stage 1b – 14 x Multi-unit housing / Holiday accommodation;**
- Stage 2a – Mixed use development – 35 x Multi-unit housing / Holiday accommodation and Commercial / Retail space [Shopping facility / Restaurants / Business facilities/ Tavern];**
- Stage 2b – Public plaza, Temporary commercial/retail container shops, Temporary industrial premises, Temporary retention of slipway;**
- Stage 2c – Mixed use development – 26 x Multi-unit housing / Holiday accommodation and/or Holiday accommodation – Dual key and Commercial / Retail space [Shopping facility / Restaurants / Business facilities / Tavern];**
- Stage 3a – 5 x Multi-unit housing / Holiday accommodation and/or Holiday accommodation - Dual key**

and lot reconfiguration comprising three (3) lots into five (5) lots and easements, 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
Master Site Plan	160303 DA-S-104 Rev.03	29 November 2016
Stage 1A Ground Level Plan	160303 DA-1A-102 Rev.03	30 November 2016
Stage 1A Level 1 Plan	160303 DA-1A-103 Rev.02	16 September 2016
Stage 1A Level 2 Plan	160303 DA-1A-104 Rev.02	16 September 2016
Stage 1A Roof Deck Plan	160303 DA-1A-105 Rev.02	16 September 2016
Stage 1A Roof Plan	160303 DA-1A-106 Rev.02	16 September 2016
Stage 1A Elevations	160303 DA-1A-107 Rev.02	16 September 2016
Stage 1A Elevations	160303 DA-1A-108 Rev.02	16 September 2016
Stage 1A Perspectives	160303 DA-1A-109 Rev.02	16 September 2016
Stage 1B Site Plan	160303 DA-1B-101 Rev.03	30 November 2016
Stage 1B Level 1 Plan	160303 DA-1B-103 Rev.02	16 September 2016
Stage 1B Level 2 Plan	160303 DA-1B-104 Rev.02	16 September 2016
Stage 1B Roof Plan	160303-DA-1B-105 Rev.02	16 September 2016
Stage 1B Elevations	160303 DA-1B-106 Rev.02	16 September 2016
Stage 1B Elevations	160303 DA-1B-107 Rev.02	16 September 2016
Stage 1B Perspectives	160303 DA-1B-108 Rev.02	16 September 2016
Stage 2A Ground Level Plan (1 of 2)	160303-2A-102 Rev.03	30 November 2016
Stage 2A Ground Level Plan (2 of 2)	160303 2A-103 Rev.03	30 November 2016
Stage 2A Level 1 Plan (1 of 2)	160303 2A-104 Rev.03	30 November 2016
Stage 2A Level 1 Plan (2 of 2)	160303 2A-105 Rev.03	30 November 2016
Stage 2A Level 2 Plan (1 of 2)	160303 DA-2A-106 Rev.02	16 September 2016
Stage 2A Level 2 Plan (2 of 2)	160303-DA-2A-107 Rev.02	16 September 2016
Stage 2A Roof Plan (1 of 2)	160303 DA-2A-108 Rev.02	16 September 2016
Stage 2A Roof Plan (2 of 2)	160303 DA-2A-109 Rev.02	16 September 2016
Stage 2A Elevations (1 of 3)	160303 DA-2A-110 Rev.02	16 September 2016
Stage 2A Elevations (2 of 3)	160303 DA-2A-111 Rev.02	16 September 2016
Stage 2A Elevations (3 of 3)	160303-DA-2A-112 Rev.02	16 September 2016
Stage 2A Perspectives	160303 DA-2A-113 Rev.02	16 September 2016
Stage 2B Stage 2 Site Plan	160303 DA-2B-101 Rev.03	29 November 2016
Stage 2C Site Plan	160303 DA-2C-101 Rev.02	16 September 2016
Stage 2C Ground Level Plan	160303 DA-2C-102 Rev.02	16 September 2016
Stage 2C Level 1 Plan	160303 DA-2C-103 Rev.02	16 September 2016
Stage 2C Level 2 Plan	160303 DA-2C-104 Rev.02	16 September 2016
Stage 2C Roof Plan	160303 DA-2C-105 Rev.02	16 September 2016
Stage 2C Elevations	160303 DA-2C-106 Rev.02	16 September 2016
Stage 2C Elevations	160303 DA-2C-107 Rev.02	16 September 2016
Stage 2C Elevation + Perspectives	160303 DA-2C-108 Rev.02	16 September 2016
Stage 3A Site Plan	160303 DA-3A-101 Rev.03	30 November 2016
Stage 3A Plans	160303 DA-3A-102 Rev.03	7 December 2016
Stage 3A Plan and Perspective	160303 DA-3A-103 Rev.02	16 September 2016
Stage 3A Elevations	160303 DA-3A-104 Rev.02	16 September 2016
Stage 3A Elevations	160303 DA-3A-105 Rev.02	16 September 2016
Site Sections: Stage 1A	160303 DA-S-113 Rev.02	16 September 2016
Site Sections: Stage 1B + 3A	160303 DA-S-114 Rev.02	16 September 2016
Site Sections: Stage 2A + 2B	160303 DA-S-115 Rev.02	16 September 2016

Proposed Lot Plan	160303 DA-S-108 Rev.03	7 December 2016
Shopping Centre Modifications	160303 DA-IR-103 Rev.03	30 November 2016
Shopping Centre Modifications	160303 DA-IR-104 Rev.03	30 November 2016
Shopping Centre Modifications	160303 DA-IR-105 Rev.03	6 December 2016
Marina Entry Structure / Central Rubbish Area	160303 DA-IR-106 Rev.03	30 November 2016
Maintenance Shed	160303 DA-IR-107 Rev.03	6 December 2016
Over Water Pavilion	160303 DA-IR-108 Rev.03	30 November 2016

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 application 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 Development Permit must be implemented prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Consistency with Preliminary Approval

3. This development permit is to be consistent with conditions of Decision Notice for the Preliminary Approval under Section 242 of the Sustainable Planning Act 2009 for Self-Assessable and Code Assessable Development in Accordance with a Precinct Plan, Staging Plan and Other Supporting Plans dated 18 May 2016 (Council Ref: 774433). For certainty, the staging of the dwelling units proposed for Proposed Lot 3 (Stage 3A) are considered to be generally in accordance with the preliminary approval staging and may proceed in advance of completion of Stage 2 components).

Deed of Agreement – Port Douglas Fishermen's Association

4. Enter into a legally binding Deed of Agreement with the Port Douglas Fishermen's Association and Council to confirm obligations with respect to an endorsed Heads of Agreement between all parties prior to commencement of use for Stage 1 or prior to Council being required to issue a Compliance Certificate for the Plan of Survey, whichever occurs first.

Deed of Agreement – Operation of Slipway

5. Enter into a legally binding Deed of Agreement with Council to undertake to continue to operate the slipway for a period of three (3) years, subject to any 'force majeure' and to provide Council with assistance in investigating options

for the relocation of the slipway or alternative ship-lifting facility prior to commencement of use for Stage 1 or prior to Council being required issue a Compliance Certificate for the Plan of Survey, whichever occurs first.

Covenant

6. Prior to Council being required to issue of a Compliance Certificate for the Plan of Survey, a legally binding covenant is to be entered into to tie all proposed freehold lots restricting separate sale until such time that each individual stage of the proposed development is completed relative to that particular stage (e.g. via Community Title Scheme or similar). For the purposes of this condition, Council does not object to the applicant/owner executing lease arrangements via deed agreements (or similar mechanisms) to achieve development of the land in smaller management stages.

Operational Works / Works' Staging Plan

7. A staged Operational Works Approval is required for the internal road network, nominated earthworks and water and sewer works associated with the development. Such staged works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use of each particular stage. Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.

The staged Operational Works application must include a Work's Staging Plan for Council's approval that identifies how and when works will be completed in a logical sequence.

Urban Design Manual

8. An Urban Design Manual is to be developed for the Reef Marina site. The Urban Design Manual is to be developed generally in accordance with the principles described within the following documents submitted with the application modified and compiled into a single comprehensive Urban Design Manual:
 - Urban Design Guide prepared by Studio Tekton Pty Ltd Version 2 – 16 September 2016.
 - Reef Marina Port Douglas Landscape Concept Report – Rev 1 September 2016 prepared by Scott Carver Pty Ltd.
 - Public Art Plan prepared by Milne and Stonehouse artists dated September 2016.

(Note: The above documents are to reflect the amended application. i.e incorporate Lot 103).

The Urban Design Manual is to be developed taking into account the characteristics that make Port Douglas an iconic coastal tourism destination in the wet tropics of international renown. Amongst other items, matters to be addressed must include:

- **Open Space** including the publicly accessible boardwalk, The Green, the plaza and Rainforest walk;
- **Paving;**
- **Edge treatments**, including active edges;
- **Public art;**
- **Interpretation & way-finding** (taking into account the requirements of condition 42, herein)
- **Street furniture;**
- **Lighting;**
- **Temporary pop-up containers** (standards relating to siting and appearance);
- **Landscape planting;**
- **Colour palettes;**
- **Fencing if proposed** (including any temporary fencing hoarding designs); and
- **Crime Prevention through Environmental Design.**

The Urban Design Manual is to be developed and submitted to Council for its approval prior to the issue of a Development Permit for Building Works for Stage 1. The approved Urban Design Manual is to be implemented across the entire site for each stage of the proposed development and all works maintained.

Any future review/amendment to the Urban Design Manual is to be submitted to Council for its approval prior to any future amendment taking effect.

Boardwalk easement/maintenance

9. In accordance with section 362 of the *Land Act 1994*, an easement for public access is to be registered over all marine lease area/s that contain the proposed boardwalk.

The lessee is required to provide public access and maintain the boardwalk for the duration of the marine lease to the satisfaction of the Chief Executive Officer.

A copy of the signed marine lease and registered easement documentation is to be provided for Council records following registration prior to commencement of use for each respective stage of boardwalk construction.

Publicly accessible easements

10. Create easements for public access generally in accordance with Drawing Ref: Proposed Lot Plan 160303 DA-S-108 Revision 3 dated 7 December 2016. A copy of the easement documents must be submitted to Council for the approval of

Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the plan of survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey or prior to commencement of use for each respective stage, which ever occurs first.

Access Easement and Servicing Easements

- 11. Create access and servicing easements to allow vehicle access and on-site manoeuvring and for servicing for all lots, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey or prior to commencement of use for each respective stage, which ever occurs first.**

Water Supply and Sewerage Master Plan

- 12. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how each stage of the development can be serviced.**

The Master Plan must include suitable infrastructure plans showing pipe sizes, locations and details of the access and tenure arrangements. In particular, the plan must:

- a. Identify all catchments that will be connected to the internal sewer or water networks;**
- b. Show the relationship of the services to proposed lot boundaries and easements (inclusive of dimensions). An overlay of the services on the tenure arrangement plan is requested as one of the plans required to address this condition;**
- c. Identify the services being removed in Inlet Street including size and location and demonstrate how this capacity is being replicated within the proposed development;**
- d. Identify any reticulation trunk infrastructure external to the site that may require upgrading to accommodate the development. Any necessary upgrade works shall be paid for through infrastructure charge offsets and/or an infrastructure agreement as negotiated if and as necessary; and**
- e. The Sewerage concept proposed in the PDR engineering report identifies changes to the catchment and the connection point to Council's system. The supporting information must include assessment of the capacity of the receiving Council sewerage system and the implications of the proposed change in sewer catchments and sewage loading from the land.**

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, in accordance with the approved Work's Staging Plan for each stage of the development.

Water Supply and Sewerage Works Internal

13. Undertake the following water supply and sewerage works internal to the subject land:

- a. Provide a single internal sewer and water connection to each lot in accordance with the FNQROC Development Manual unless otherwise approved by Council;**
- b. If any existing internal sewer connection is proposed to be retained but is inadequately sized to service the development, it must be upgraded. Existing sewer line and connection point not being retained as part of the new development must be decommissioned. A decommissioning methodology and specification must be provided as part of the staged Operational Works application.**
- c. Condition assessments will be required for all infrastructure internal elements proposed to be retained. This must include a report prepared by suitably qualified and experienced RPEQ confirming the condition of the infrastructure and its suitability for inclusion within the new development. Advise on the asset life must be provided.**

All the above works must be designed and constructed in accordance with the *FNQROC Development Manual*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer and in accordance with the approved Work's Staging Plan.

Damage to Infrastructure

14. In the event that any part of Council's existing sewer / water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant / owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the commencement of use.

Inlet Street

15. Undertake the following works:-

- a. Provide a full survey of the infrastructure to be removed or decommissioned from within the Inlet Street Road reserve.**
- b. Demonstrate how alternative servicing is provided for each infrastructure element within the revised development layout including addressing land tenure for the assets.**

- c. Provide details of the proposed decommissioning for the existing assets or the specification for the decommission work.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for stage 2a Operational Works or the stage when the works occur, if earlier. All works must be carried out in accordance with the approved plan in accordance with the approved Work's Staging Plan.

General External Works

16. Undertake the following external works:-

- a. Undertake detailed design of the new intersection for the internal cul-de-sac and Council's Road. The detailed design must demonstrate how safe access will be provided having regard to existing on-road infrastructure and services.
- b. Provide a line-marking and signage plan for the above intersection.
- c. Provide a street lighting plan for the above intersection.
- d. Subject to the outcomes of the Traffic Master Plan, provide detailed design for the intersection upgrades required for the operation of the revised intersection for the southern access to the car park to provide a safe intersection having regard to the Grant Street intersection. The detailed design must demonstrate how safe access will be provided having regard to existing on-road infrastructure, services and opposing traffic movements.
- e. Supporting information is to include assessments of sight distance, delineation of right of way and/or exclusion zones, design vehicle turning templates etc.
- f. Street lighting must be assessed and upgraded where required to current standards for the new intersection and road upgrade.
- g. The external works will require stage 2a Operational Works approval and the approved works must be constructed. The works shall be paid for through infrastructure charge offsets and/or an infrastructure agreement as negotiated if and as necessary.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for stage 2a Operational Works. All works must be carried out in accordance with the approved Work's Staging Plan.

Road Layout

- 17. A Traffic Master Plan for the site is to be prepared generally based on the PDR concept provided with the development application. In particular the Master Plan

must provide further supporting information on the pedestrian and vehicular paths including land tenure.

Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets, AS/NZS2890 and the FNQROC Development Manual. The investigation is to include but not be limited to the following:

- a. Proposed common access areas and the ability to accommodate the design vehicles within the proposed access roads/aisles. The extent of the easements is to be clearly shown relative to the carriageway and kerb lines and overlaid with the vehicle swept path assessments.
- b. Nominate access points for each lot having regard to the shared access way and conflict points.
- c. Confirmation of the easement rights and associated signage to inform the uses of the facility.
- d. The provision of car parking for each lot and the development as a whole.
- e. Undertake a traffic safety review/study of the operation of the revised intersection operation for the southern access into the internal car park and Council's road. The current access is entry only. The traffic review/study is to assess the ability to provide a safe intersection having regard to the Grant Street intersection. Any necessary upgrade works shall be paid for through infrastructure charge offsets and/or an infrastructure agreement as negotiated if and as necessary.

Three (3) copies of the road safety review/study and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for staged Operational Works. All works must be completed in accordance with the approved Work's Staging Plan.

Coral Close

18. Coral Close is to be fully constructed in association with Stage 2A.

Geotechnical Report

19. A geotechnical assessment must be carried out by a qualified and experienced geotechnical consultant. The report must consider the implications of construction activities on the existing uses within and adjacent to the site. If required, the report is to provide input to the construction requirements of the civil infrastructure elements.

The preliminary geotechnical reports are to be lodged with the application for a Development Permit for Operational Works, with a final geotechnical report endorsed by the Chief Executive Officer prior to any geotechnical works commencing on site.

Acid Sulfate Soil Management Plan

- 20. If development involves excavation or removal of more than 100m³ of material from the site or filling involving more than 500m³ of material at a greater average depth of 0.5 metres, as specified in the Acid Sulfate Soils Code:**
- Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Environment and Resource Management, (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.
 - Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: 'Queensland Acid Sulfate Soil Technical Manual' (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

- 21. A Stormwater Master Plan accompanied by supporting calculations (as nominated in the Drainage study condition) must be provided which demonstrates how each stage of the development can be serviced. In particular, the Master Plan must include suitable infrastructure plans that;**
- a. Identify pipe sizes, pit locations, and internal sub-catchments serviced by each line;
 - b. Show the relationship of the services to proposed lot boundaries and easements (inclusive of dimensions). An overlay of the services on the tenure arrangement plan is requested as one of the plans provided to address this condition;
 - c. Confirm details of the access and tenure arrangements for operation and maintenance of the development;
 - d. Identify all catchments that will be connected to the existing stormwater infrastructure; and
 - e. Identify any existing stormwater infrastructure internal and external to the subdivision that may require upgrading to accommodate the development, noting that existing infrastructure may remain status quo if its existing catchments are unchanged by the development. Any necessary upgrade

works shall be paid for through infrastructure charge offsets and/or an infrastructure agreement as negotiated if and as necessary.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, and in accordance with the approved Work's Staging Plan.

- 22. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:**
- a. The contributing catchment boundaries;**
 - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;**
 - c. Primary and secondary flow paths for the 5, 10, and 100 year ARI flood events;**
 - d. Identify any requirement for drainage easements;**
 - e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;**
 - f. Information on the proposed works and any impacts at the proposed drainage outlet/s from the proposed development.**
 - g. Lawful point of discharge.**

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for staged Operational Works.

Lawful Point of Discharge

- 23. All stormwater from each lot must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.**

Plan of Drainage Works

- 24. The subject land must be drained in accordance with the approved drainage study to the satisfaction of the Chief Executive Officer. In particular,**
- a. Drainage infrastructure in accordance with the FNQROC Development Manual**
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:**

- i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated, noting that existing infrastructure may remain status quo if its existing catchments are unchanged by development.
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
- c. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Existing Services

25. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
- a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot as required, in accordance with the approved Work's Staging Plan.

Electricity Supply

26. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for staged Operational Works.

Electricity and Telecommunications

27. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground

electricity supply and telecommunications service will be provided to the development in accordance with the approved Work's Staging Plan.

Street Lighting

28. The following arrangements for the installation of street lighting within the proposed development must be provided prior to the issue of a Compliance Certificate for the Plan of Survey for each stage of the development:

- a. Prior to the issue of a development permit for staged Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.**

The lighting scheme must show light pole locations that align with property boundaries that represent the permitted design spacing and demonstrates no conflicts with stormwater, kerb inlet pits and other services.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections**
- Pedestrian Refuges**
- Cul-de-sacs**
- LATM Devices (Including Roundabouts)**

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to the issue of a Compliance Certificate for the Plan of Survey for each stage of the development, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.**
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.**
- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must**

be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

Car parking numbers (new development)

29. The amount of vehicle parking for the new development is calculated as follows:

a. Proposed Development

Stage	Land use mix	Dwelling units/bed rooms	Commercial (m ²)	Cars/bikes required	Cars/bikes provided
1a	Multi-Unit Housing/Holiday Accommodation	5 x 15	n/a	Cars = 5 Covered 60% Bikes = 3	Cars = 10 Covered = 100% Bikes = 5
1b	Multi-Unit Housing/Holiday Accommodation	14 X 34	n/a	Cars = 14 Covered 60% Bikes = 7	Cars 16 Covered 100% Bikes = 6 (5 visitor)
2a	Multi-Unit Housing/Holiday Accommodation and Commercial Retail	35 x 83	1204	<u>Residential</u> Cars = 35 Covered 60% Bikes = 16 <u>Commercial</u> (1204/30) = 40	<u>Residential</u> Cars = 41 Covered 100% Bikes = 19 residents <u>Commercial</u> Cars = 39 allocated to the existing common car parking area
2b	Temporary Slipway/marine uses	n/a	n/a	Not specified	Cars = 3
2c	Multi-Unit Housing/Holiday Accommodation and Commercial Retail	26 x 50	236	<u>Residential</u> Cars = 34 Covered = 60% Bikes = 12 <u>Commercial</u> (236/30) = 7.9	<u>Residential</u> Cars = 26 covered and 8 uncovered = 70% Bikes = 17 <u>Commercial</u> Cars = 8 allocated to the existing common car parking area
3a	Multi-Unit Housing/Holiday Accommodation and / or Holiday and / or Holiday Accommodation Dual Key Commercial Retail	5 x 10	n/a	Cars = 7 Covered = 60% Bikes = 3	Cars = 5 covered and 2 uncovered 72% Bikes = 5
TOTAL		85 x 197	1440m ²	<u>Residential</u> Cars = 95 Bikes = 41 <u>Commercial</u> Cars = 48 <u>Other Uses</u> Not specified	<u>Residential</u> Cars = 110 Bikes = 52 (all on-site) <u>Commercial</u> Cars = 41 Allocated in existing car parking area <u>Other Uses</u> Cars = 3

b. Existing (retained) commercial and development

- i. 121 off-site car parking spaces attributed to Wharf Street;**
- ii. 76 on-site car parking spaces in the reconfigured existing common car parking area.**

(Note: The additional proposed on-site car parking in the reconfigured existing common car parking area is acknowledged as being surplus to the requirements under the planning scheme and under earlier planning approvals that relate to the development).

c. Easements must be provided over any communal car parking provided within one lot that is available in another lot (e.g. Stage 2a and 2b Commercial Car Parking allocation within the reconfigured existing common car parking area).

- 30. 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, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. Furthermore, the reconfigured communal car parking is to be redesigned to accommodate avenue planting similar to that depicted in Site Perspective – Aerial from East Ref:160303 DA-IR-114 Rev-01 dated 7 October 2016.**

(Note: It is acknowledged that this requirement may affect the number of car parking spaces within Condition 29.b.ii. above)

Protection of Landscaped Areas from Parking

- 31. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.**

Bicycle Parking

- 32. Provide on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles*. The bicycle parking area must be constructed prior to Commencement of Use for each stage.**

Lighting

- 33. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.**

Above Ground Transformer Cubicles / Electrical Sub-Stations

- 34. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape**

and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Air-Conditioning Screens

35. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use for each stage.

Limitations on Balcony Screening

36. Balconies are not to be screened/enclosed by shutters, louvres or similar permanent structures to a greater extent than twenty-five per cent of their horizontal dimension.

Front windows and doors

37. Solid shutters, visually impermeable screens, obscuring paint or roller doors are not permitted to obscure active frontage windows to commercial/retail premises (Note: Temporary container commercial/retail premises are not required to comply with this condition).

Landscaping Plan

38. Each stage of the proposed development must be landscaped in accordance with details included on a Landscaping Plan. Each Landscaping Plan must be consistent with the Urban Design Manual developed in accordance with Condition 8 and must show:

Planting Design

- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.
- b. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping.
- c. A planting design which is in accordance with the FNQROC Development Manual;
- d. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
- e. A hierarchy of planting, which includes shade trees, shrubs and groundcovers;
- f. Details concerning the soil preparation taking into account the compacted nature of the development site and soil conditions to promote strong

healthy growth and ensure that planting successfully establishes in accordance with documentation contained within the development application.

Hard Landscaping Works

- a. Natural and finished ground levels including details of all retaining works;
- b. Details of any perimeter, private yard or street fencing (if any);
- c. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150 mm high vertical concrete kerb or similar obstruction;
- d. Clothes drying areas screened from public view and have access to natural sunlight (Note: Internal dryers for accommodation units will provide alternative compliance with this requirement).

Two (2) A1 copies and one (1) A3 copy of the landscape plan for each stage must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use for each stage whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Landscaping - Interim development sites

39. Interim development sites that are established as a consequence of demolition are to be designed and landscaped to be visually attractive interim spaces (i.e. not used for interim stock-piling of demolition or construction materials).

Landscaping – Existing Car park and Wharf Street frontage

40. The appearance of the landscaping in the existing communal car parking area and its frontage to Wharf Street is to be enhanced prior to commencement of Stage 1 use as an interim measure prior to the redevelopment of the existing car parking area.

Way-finding / interpretive signage

41. Consistent ‘themed’ way-finding and interpretive signage are to be established at strategic locations throughout the development site generally in accordance with the principles described within the Urban Design Guide prepared by Studio Tekton Pty Ltd Version 2 – 16 September 2016. Way-finding signage is to include directions to facilities within the site and to important locations outside the site including Macrossan Street. Details of way-finding / interpretive signage are to be developed and provided to Council as part of an overall Urban Design Manual to be developed specifically for The Reef Marina site, prior to the issue of a Development Permit for Building Works for Stage 1.

Consistent themed way-finding and interpretive signage is to be maintained at all times.

Advertising Signage

- 42. All signage intended for advertising accommodation/commercial/retail businesses associated with the use must be approved by the Chief Executive Officer. The signage must comply with any relevant Advertising Devices Code contained within the applicable planning scheme at the time of lodgement and be in accordance with of an application.**

Prior to establishment of any such advertising devices, details of a consistent ‘themed’ advertising devices policy (including location/types/appearance) are to be developed and provided to Council as part of an overall Urban Design Manual to be developed specifically for The Reef Marina site.

In developing a consistent ‘themed’ advertising devices policy, third party advertising devices, digital displays, balloons and blimps will be considered inconsistent with the overall character of Port Douglas.

Construction Signage

- 43. Prior to the commencement of any construction works for each stage of the proposed development, a sign detailing the project team must be placed in a prominent position on the site subject to the relevant stage of the development. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:**

- a. Developer;**
- b. Project Coordinator;**
- c. Architect / Building Designer;**
- d. Builder;**
- e. Civil Engineer;**
- f. Civil Contractor.**

Sediment and Erosion Control

- 44. A sediment and erosion control strategy must be submitted prior the issue of a Development Permit for staged Operational Works. Such strategy must be utilised by the builder/sub-contractor to prepare construction erosion control plans, to be submitted to Council for review prior to the pre-start meeting and prior to commencing works on-site for each stage of the development. The builder/contractor shall implement the approved plan requirements 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*).**

Pontoon User Management Plan

45. A Pontoon User Management Plan is to be prepared outlining, amongst other things, procedures to minimise conflict between marine users and crocodiles.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-1116-035437	6 February 2017	804004 (CA1685/2016)

Refer to Attachment 12: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse in accordance with the provisions 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.

Infrastructure Charges Notice

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

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

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

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact

Development Assessment and Coordination at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

EXECUTIVE SUMMARY

A Combined Application has been lodged for the redevelopment of land at the Port Douglas Waterfront. The application consists of:

Material change of use

- 85 Multi-unit housing / Holiday accommodation units
- 1440m² new Shops/Restaurants/Offices/Tavern
- Rearrangement of 'temporary' slipway-allied industries
- Demolition of northern wing of commercial building, and other elements within the Port Douglas Waterfront that are inconsistent with the proposed development.

Lot reconfiguration

- Five (5) new lots, including public access easements.

All aspects of the proposed development are Code Assessable.

The application has been assessed against:

- The applicable State Codes;
- 2006 Planning Scheme;
- Preliminary approval and Pre-Lodgement Advice;
- Common material supplied with the application;
- The Port Douglas Waterfront Master Plan (for guidance only),

and is found to be in compliance with the relevant codes. Approval is recommended subject to conditions that address the broad issues associated with developing a large strategic land parcel in a comprehensive and cohesive manner.

TOWN PLANNING CONSIDERATIONS

Background

The Combined Application for Material Change of Use (MCU) and Reconfiguring of a Lot (ROL) relates to land at Wharf Street, Port Douglas.

The Site

The development site, commonly referred to as The Reef Marina site is located within the southern end of the Port Douglas Tourist Centre. The development site is bounded by

Dickson Inlet to the west, Wharf Street to the east, Reserve Land to the north and Closehaven Marina and vacant Reserve land to the south.

Lot 146 SR861 has an area of 8.173 hectares and is improved by a marina, which has undergone significant refurbishment and expansion, and a large commercial/retail complex, which has also been refurbished, in part, with the western wing currently unused and targeted for demolition, in association with redevelopment of the site.

The Reef Marina Pty Ltd (TRM) has a Lease over part of Lot 126 SR686 which is a Reserve for Local Government (Port and Harbour) Purposes, with Council as Trustee.

Lot 103 SR 500 has an area of 3593m² and contains the slipway and other marine activities.

Inlet Street road reserve, which is also part of the redevelopment site, is proposed to be closed and incorporated into the site.

Lot 146, part of Lot 126, Lot 103 SR500 and Inlet Street are currently in the process of being converted to freehold through an Application to Convert SL9/50240 made by TRM to the State Government.

Locality

The locality is dominated by waterfront/tourist/community activities along Dickson Inlet, community and sporting facilities to the east and the Tourist Centre of Port Douglas to the immediate north.

Prelodgement Enquiry

This Combined Application was preceded by a Prelodgement Enquiry made by TRM and considered by Council at its meeting held on 16 December 2015. The Prelodgement Enquiry was intended to provide a degree of certainty with respect to a variety of strategically important concepts that relate to the redevelopment of the Reef Marina site, including the configuration of the public access, the location of the Duck-Pond quay line and staging, amongst other things. In principle support was provided, subject to conditions.

Preliminary Approval

The prelodgement enquiry was subsequently followed by an application for Preliminary Approval under section 241 of the *Sustainable Planning Act 2009* for Staging Self-Assessable and Code Assessable Development in accordance with a Precinct Plan, a Staging Plan and other Supporting Plans. Council approved the Preliminary Approval at its meeting held on 17 May 2016 subject to eight (8) conditions. Subsequent applications for development permits are bound under the *Sustainable Planning Act 2009* to be consistent with any earlier valid preliminary approval.

Proposal

The proposed development consists of six (6) development stages on five (5) new freehold lots.

The proposed five (5) lots, being the Reconfiguring of a Lot component of the Combined Application, are:

- Proposed Lot 1 (9970m²) to contain Stages 1a, 1b and 2a, the Rainforest Walk and Boardwalk of the proposed redevelopment;
- Proposed Lot 2 (3615m²) to contain Stage 2c of the development;
- Proposed Lot 3 (1000m²) to contain Stage 3a of the development;
- Proposed Lot 4 (~15,314m²) to contain the existing marina car park; and
- Proposed Lot 5 (3593m²) to contain Stage 2b, the existing slipway and ancillary marine industries/activities in temporary converted and upgraded containers and temporary landscaping, fencing and screening.

The Material Change of Use component of the Combined Application consists of 85 dwelling units consisting of a mix of Multi Unit Housing and Holiday Accommodation and 1440m² of commercial/retail space to be built in stages.

The stages are described as follows:

Stage 1a – The Marina Villas

The Marina Villas consists of 5 x 3 storey Multi-Unit Housing / Holiday Accommodation dwelling units with frontage to Dickson Inlet. A public boardwalk is proposed to be located adjacent to stage 1a along the waterfront. The five dwelling units contain:

- Ground level – 2 car garage with store, stepping up to a lift foyer, an informal living/multipurpose room, bathroom, opening onto a roofed terrace with an integrated swimming pool/plunge pool;
- Level 1 – 1 bedroom with ensuite bathroom, powder room, combined living/dining/kitchen opening on to a large roofed terrace;
- Level 2 – 2 bedrooms with ensuite bathrooms, main bedroom with walk-in-robe, opening up to a roofed terrace and an open study area and stair access to the roof top decks and service area.

Stage 1b – The Marina Residences

Stage 1b of the Marina Residences consist of 14 x 3 storey Multi-Unit Housing / Holiday Accommodation dwelling units with frontage to Dickson Inlet. A public boardwalk is proposed to be located adjacent to stage 1b along the waterfront. The mix of accommodation in the fourteen dwelling units consists of:

- 2 dwelling units with 3 bedrooms, all with ensuite bathrooms;
- 4 dwelling units with 3 bedrooms and 2 bathrooms;
- 2 dwelling units with 4 bedrooms and 3 bathrooms;
- 2 dwelling units with 2 bedrooms and 2 bathrooms;
- 4 dwelling units with 1 bedroom and ensuite bathrooms.

Dwelling unit 11 on level 2 includes access to a roof terrace and a plunge pool.

The Stage is configured as follows:

- Ground Level – undercover car parking area for 16 vehicles with 14 storage areas, a bicycle store area for 6 bikes and a refuse collection area; a lobby with lift and entry

to a large deck area incorporating a large communal swimming pool to be shared by the occupants of Stage 1a, Stage 1b and Stage 2a.

Units 1 and 2 are located on ground level and comprise a laundry, store; 3 bedrooms and 2 ensuite bathrooms, with the main bedroom opening up to a roofed terrace overlooking Dickson Inlet and a combined living/dining/kitchen area also opening up to the roofed terrace overlooking Dickson Inlet. Unit 2 also includes a private terrace and a garden courtyard, accessed from bedroom 3;

- Level 1 – Units 3 and 4 each comprising a private entry courtyard located centrally in the building, 3 bedrooms, 2 bathrooms with combined lounge/kitchen/dining, powder room and laundry, with bedroom 1 and the living area opening up to a roofed terrace overlooking Dickson Inlet;

Unit 5 comprising an entry courtyard located centrally in the building, 4 bedrooms, 3 bathrooms with combined lounge/kitchen/dining, open media/TV space, laundry and a terrace overlooking the Rainforest Walk accessed from both bedrooms and the combined kitchen/living/dining area.

Unit 6 comprising 2 bedrooms, 2 bathrooms, combined lounge /kitchen/dining, open media/TV space, laundry and a terrace overlooking the Rainforest Walk accessed from bedroom 1 and the combined kitchen/living/dining area.

Units 7 and 8 each comprising 1 bedroom, 1 bathroom, combined lounge/kitchen/dining, open media/TV space, laundry and a terrace overlooking the Rainforest Walk accessed from bedroom 1 and the combined kitchen/living/dining area.

Common areas on this level include the lobby, lift, refuse collection area and landscape planters.

- Level 2 – comprises Units 9 – 14 and has the same configuration as Level 1, except that Unit 11 includes stairs that gain access to a roof terrace and plunge pool.

Stage 2a – The Marina Residences

Stage 2a of the Marina Residences consists of 3 storey mixed use development comprising of 35 x Multi Unit Housing / Holiday Accommodation and 1204m² of commercial retail space with frontage to both Dickson Inlet and the Duck Pond and with rear access to the Rainforest Walk. Pedestrian circulation areas will connect to the waterfront boardwalk and the plaza. The mix of accommodation in the 35 dwelling units consists of:

- 2 dwelling units with 4 bedrooms;
- 19 dwelling units with 3 bedrooms;
- 4 dwelling units with 2 bedrooms;
- 10 dwelling units with 1 bedroom.

Stage 2a includes 2 buildings (Building South and Building North) which share a circular porte-cochere that provides vehicular drop off and access to the residential development and the two separate at-grade car parking areas.

The Stage is configured as follows:

- Ground Level – Building South, commercial/retail space of 444m², 22 covered car parking spaces with storage areas provided in 20 spaces, bicycle store and lobby, lift, reception offices, luggage store, refuse area, gym and ablutions, service corridor, porte-cochere, 2 car hire spaces and a bicycle hire area.

Building North, commercial retail space of 76m², 19 covered car parking spaces with storage areas provided for 16 spaces, bicycle store, lobby, lift, refuse area, commercial waste area and 2 accessible public toilets and frontage and public circulation to the duck pond.

- Levels 1 and 2 – Building South, above the ground level commercial/car parking area facing east are a total 8 dwelling units, comprising:
 - 2 x 2 bedroom and 2 bathroom and media area with combined living/dining/kitchen area and terraces; and
 - 6 x 1 bedroom and 1 bathroom and media area with combined living/dining/kitchen and terraces.

In addition Level 1 includes a common resident's lounge/kitchen and children's play room/theatre with toilet facilities and Level 2 includes a Function Centre with servery, store, terrace and ablution facilities, with a net lettable area of approximately 95m².

Above the ground level commercial/ car parking area of Building South facing west is a total of 11 dwelling units comprising:

- 10 x 3 bedroom and 2 bathroom with combined living/dining/kitchen area and terraces; and
- 1 x 3 bedroom and 3 bathroom with combined living/dining/kitchen and terraces front and rear. This dwelling unit is 2 storeys.

Three of the 3 bedroom dwelling units located on level 2 include access to roof terraces and plunge pools.

- Levels 1 and 2 – Building North, above the ground level commercial/car parking area, facing north, there are a total of 10 dwelling units comprising:
 - 2 x 4 bedroom and 3 bathrooms, laundry and media area with combined living/dining/kitchen area and front and rear terraces; and
 - 2 x 3 bedroom and 3 bathrooms, laundry with combined living/dining/kitchen and front and rear terraces. These units are two storeys; and
 - 2 x 3 bedrooms and 2 bathrooms, laundry, media and combined living/dining/kitchen and front and side terraces; and

- 4 X 3 bedrooms and 2 bathrooms, laundry and combined living/dining/kitchen and front and rear terraces.

Two of the dwelling units on Level 2 have access to a roof terrace and plunge pool.

Above the ground level commercial/car parking area facing south, there is a total of 6 dwelling units comprising:

- 4 x 1 bedroom and 1 bathroom, laundry with media area and combined living/dining/kitchen and terrace; and
- 2 x 2 bedroom and 2 bathroom, laundry with combined living/dining/kitchen and terrace.

Stage 2c – The Marina Suites

Stage 2c – The Marina Suites consists of 3 storey mixed use development comprising of 26 x Multi Unit Housing / Holiday Accommodation and/or Holiday Accommodation – Dual key and commercial floor space of 236m² at ground level.

The residential component of the development can be occupied for a mix of accommodation types and has frontage to the Rainforest Walk and to Wharf Street. Vehicular access to the site is to and from Wharf Street.

The mix of accommodation in the 26 dwelling units is:

- 24 x 2 bedroom dwelling units, which can be separately let as either 24 x 2 bedroom dwelling units or 24 x 1 bedroom self-contained dwelling units and 24 x 1 studio units comprised of a bathroom with ensuite; and
- 2 x 1 bedroom dwelling units.

The Stage is configured as follows:

- Ground Level – Undercover car parking area for 26 vehicles, a bicycle storage area for 17 bicycles and an electrical room and refuse and general storage areas; a lobby, garden and two lifts, commercial retail space with a net lettable area of 236m² and 2 dual key dwelling units, each comprising either 2 bedrooms, or if separately let 1 bedroom self-contained dwelling unit and 1 studio with bedroom and ensuite bathroom.
- Levels 1 and 2 – 11 dual key dwelling units each comprising either 2 bedrooms or, if separately let, 1 bedroom self-contained dwelling unit and 1 studio with a bedroom with bedroom and ensuite bathroom, 1 x 1 bedroom dwelling unit; and central pool and recreation area, with large pool deck, storage under and garden and paving.

Stage 3a – The Rainforest Villas

Stage 3a – The Rainforest Villas consists of two storey 5 x 2 bedroom development that can be occupied for a mix of accommodation types: Multi-Unit Housing/ Holiday Accommodation and/or Holiday Accommodation – Dual Key. The development is located with frontage to the Rainforest Walk.

The five (5) dwelling units contain:

- Ground Level – One (1) car garage and laundry with pedestrian entry to and from the Rainforest Walk and a separate bedroom and bathroom that has its own direct pedestrian entry to and from the Rainforest Walk, through a shared front patio;
- Level 1 – One (1) bedroom with ensuite bathroom, combined living/dining/kitchen opening up to a roofed terrace.

Each dwelling unit has the flexibility to be occupied as either:

- 1 x 2 bedroom unit; or
- 1 x 1 bedroom unit and 1 x 1 private room. It is also possible that some of the private rooms at ground level may be used as a home office or other low key commercial/business activities operated by the occupant.

Stage 2b – Public Plaza / Temporary Slipway

Due to the retention of the Slipway operations in the short to medium term, all development activity to be undertaken in Stage 2b will be temporary. Stage 2b will include temporary commercial/retail pop-up shops/cafes in the form of converted shipping containers, a landscaped peninsula, the existing slipway and existing marine activities temporarily located in converted shipping containers. It is proposed that the containers be high quality container conversions for temporary uses associated with Stage 2b.

The peninsula of land, between the Duck Pond and the slipway entry ramp will be temporarily landscaped until Stage 2b is developed for tourism and accommodation purposes in the future once the slipway has been relocated.

The Duck Pond will be refurbished including new a mooring pontoon. Existing commercial fishing leases will be provided with berthing options in either the Duck Pond or Marina.

To facilitate the construction of the Public Plaza, it is necessary to demolish a large shed associated with the operation of the slipway. However, the slipway will continue to operate and the proposed layout will allow the existing two cradles to function and retain most of the existing operation as is, with minimal change. Security fencing is to be provided around the slipway which will be shielded from public view by screening and landscape buffering. Three car parking spaces for use by slipway-allied marine industry operators will be provided within the slipway area of the site. Vehicles will access the site from Wharf Street, just to the north of the main area of the Public Plaza. TRM have offered to operate the slipway, subject to any 'force majeure', for a period of three years.

The Boardwalk, the Rainforest Walk, the Green and the Public Plaza

The Boardwalk, the Rainforest Walk, The Green and the Plaza are public spaces that will be maintained at no cost to Council and integrated throughout the site through a Body Corporate arrangement. These spaces will not be dedicated to Council as public land. However, they will be protected as public open space through access easements. The public benefit is that the maintenance of these spaces is not the responsibility of ratepayers.

The boardwalk will be constructed over water. Publicly access via an easement over TRM's proposed 50 year lease over the water can be provided under section 362 of the *Land Act 1994*, and this is reflected in a proposed condition of approval.

Floating pontoon

Beyond the boardwalk is a proposed floating pontoon walkway which will include controlled gate access. When the Cruise Ship Transfer component is in use, unrestricted public access will be available to the designated areas. The gates will be locked at night. A Pontoon User Management Plan will be developed and provided to all vessels using the Dickson Inlet pontoon, outlining procedures to minimise conflict between marine users and wildlife. This will include protocols to follow when crocodiles are sighted; pontoon use at night; visual inspections prior to general openings in the morning. The Department of Environment and Heritage provides useful general advice for marine activities at boat ramps where crocodiles have been sighted and TRM proposes to review this advice in the development of its Pontoon User Management Plan.

Other Common Material

The application is accompanied by the following 'common material' which forms part of the assessable documentation associated with the application:

- 'Urban Design Guide and Perspectives' prepared by Studio Tekton Pty Ltd;
- 'Economic Impact Report' prepared by Cummings Economics;
- 'Engineering Infrastructure and Traffic Report' prepared by PDR Engineers;
- 'Landscape Concept Report' prepared by Scott Carver Pty Ltd; and
- 'Public Art Plan' prepared by Milne & Stonehouse Artists.

PLANNING ASSESSMENT

State Planning Requirements

Far North Queensland Regional Plan 2009-2031

The site is included within the Urban Footprint designation under the Far North Queensland Regional Plan. The proposed development, being an urban use, is an appropriate development outcome in the Urban Footprint.

State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) sets out the matters of interest to the State for development assessment, where the chief executive administering the *Sustainable Planning Act 2009* (SPA), is responsible for assessing or deciding development applications. When submitting a development application to the State Assessment Referral Agency ('SARA'), the applicant is required to demonstrate how the application complies with the applicable state code(s) in SDAP.

Module 10 – Coastal Protection applies to the development under SDAP. The applicant has supplied an assessment against Module 10 – Coastal Protection Code, to the extent relevant. No objections are raised with respect to the applicant's assessment with respect to

Coastal hazards given that the development is within an existing built-up urban area and that the proposed development is an anticipated form of development under Council's Port Douglas Waterfront Master Plan and the Planning Scheme.

Douglas Shire Planning Requirements

Port Douglas Waterfront Master Plan

The Port Douglas Waterfront Master Plan (PDWMP) is a non-statutory strategic document that acts as a guiding mechanism for physical improvements and projects for future capital works and funding programs within the Port Douglas waterfront area. Amendments were made by the (then) Cairns Regional Council in 2009 to the Douglas Shire Planning Scheme to incorporate relevant planning provisions and design outcomes to reflect the outcomes of the PDWMP.

There are six (6) objectives of the PDWMP that in total seek to *'integrate the existing values and features of the waterfront with a range of new initiatives in order to cement the western shoreline of the Peninsula as one of the world's great waterfronts'*.

Relevant to The Reef Marina site are the following projects:

'Marina Mirage redevelopment:

1. *Opportunities – establishment of high quality resort with complementary uses in place of the existing Marina Mirage building, within Planning Scheme bounds – indicative timeframe: Medium Term;*
2. *Marina expansion and improvements – establishment of new, extended berthing facilities in line with demand and establishment of best practice waste disposal system – indicative timeframe: Medium Term;*
3. *Waterfront Plaza and Mowbray Street Inlet Improvements – create a Waterfront Plaza and improve facilities in the Mowbray Street Inlet to ensure the fishing fleet and other vessels allow for interactive opportunities for residents and tourists; to be established in line with Project 1 above – indicative timeframe: Medium Term;*
4. *Fishing fleet use of Mowbray Street Inlet Improvements – fishing fleet and other vessels use the Mowbray Street Inlet as their berthing facilities and opportunities provided for interaction between the vessels and residents/tourists – to be established in line with Project 1 above – indicative timeframe: Medium Term.*

Marine industry reorganisation:

1. *Relocation of existing abrasive marine industries – relocating the more abrasive/hazardous industries in the waterfront to ensure that conflicting land uses with public access and use of the waterfront do not arise – leases containing abrasive marine industries are not renewed for their current purpose – indicative timeframe: Short-Medium Term;*
2. *Slipway removal/relocation – the slipway is removed from adjacent public use areas after establishment of a more suitable location where the slipway will best serve the marine industry without causing conflict with public use access and use of the*

waterfront – depends upon the existence of an alternative functional slipway – indicative timeframe: Medium – Long Term.'

It is acknowledged that the timeframes outlined above establish conflicts in terms of achieving the Waterfront Plaza and Slipway removal/relocation and the relevant provisions contained within the planning scheme, more specifically the Port Douglas Waterfront North Planning Area Code.

Douglas Shire Planning Scheme 2008

Under the Douglas Shire Planning Scheme ('the planning scheme'), the site is included within the Port Douglas Waterfront North Planning Area and is within the Port Douglas and Environs Locality.

A range of uses is proposed in various stages which are defined in the planning scheme as follows:

Business facilities – means the use of premises for:

- *the conduct of a business or office where the principal activity is the provision of business or professional advice, services or goods or the office based administrative functions of any organisation;*
- *the medical or paramedical care or treatment of persons, which does not involve the accommodation of those persons overnight;*
- *the medical care of animals, which does not involve the accommodation of those animals overnight.*

The use includes:

- *facilities commonly described as professional office, real estate office, bank, building society, credit union or funeral parlour;*
- *care or treatment by practitioners such as an acupuncturist, podiatrist, naturopath, chiropractor, dentist, general or specialist medical practitioner, optometrist, pathologist, physiotherapist, radiologist or veterinarian, together with ancillary services such as a pharmacy.*

Holiday accommodation – means the use of premises for the accommodation of tourists or travellers in private accommodation.

The may include:

- *restaurants;*
- *bars;*
- *meeting and function facilities;*
- *dining room;*
- *facilities for the provision of meals to guests;*
- *a manager's unit and office; and*
- *a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished (if a freestanding replica), or converts to its intended*

purpose within the complex when these facilities are an integral part of the accommodation.

The use includes:

- *holiday apartments or suites;*
- *international or resort hotel or motel.*

Multi-Unit Housing – *means the use of premises comprising two or more Dwelling Units on one lot for residential purposes*

The use includes accommodation commonly described as:

- *duplexes;*
- *flats;*
- *home units/apartments;*
- *townhouses;*
- *villa houses; or*
- *a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished (if a freestanding replica), or converts to its intended purpose within the complex when these facilities are an integral part of the accommodation.*

Restaurant – *means the use of licensed or unlicensed premises for the provision of meals or light refreshments to members of the public for consumption on or off the premises.*

The use includes facilities commonly described as:

- *bistro;*
- *bar and grill;*
- *café;*
- *milk bar;*
- *snack bar;*
- *coffee shop;*
- *tearoom;*
- *takeaway;*
- *drive through food outlet;*
- *fast food facility.*

Shopping facility – *means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of a TAB agency or similar facility), hair and beauty care, laundromat, dry cleaning agent and other customer services.*

The use includes:

- *the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment;*
- *the exchange of domestic items and clothing; and*

- *a small scale bakery, dressmaking establishment and jewellery manufacturing establishment, etc. where the use includes a shopfront retail component.*

The use also includes facilities commonly described as shop, supermarket, department store, retail chain outlets and the like.

The use does not include facilities herein defined as Display Facilities.

Tavern- means premises for:

- *the sale of liquor for consumption on or off the premises;*
- *dining activities;*
- *entertainment activities, including gaming machines;*

The use may include accommodation of tourists or travellers. The use includes facilities commonly described as:

- *hotel; or*
- *tavern'.*

Under the planning scheme, the following codes apply:

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs	✓	Generally complies (see comments below under Car Parking)
Planning Area	Port Douglas Waterfront North Planning Area	✓	Generally complies (see comments below)
Defined Use	Multi-Unit Housing / Holiday Accommodation / Retirement Facility Code	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✓	Conditioned to comply
General Codes	Design and Siting of Advertising Devices Code	✓	Conditioned to comply
	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Complies
	Natural Areas and Scenic Amenity Code	✓	Complies (to the extent relevant)
	Reconfiguring a Lot Code	✓	Complies
	Vehicle Parking and Access Code	✓	Complies (see comments below)

Comments and Compliance Issues

Building Height

The height of buildings complies with the provisions of the Port Douglas Environs Locality Code and the Port Douglas Waterfront North Planning Area Code which specifies a maximum building height of 10 metres and 3 storeys and including up to 3.5 metres of pitching roof height, based on 'Ground Level' being specified as 3.87m AHD, being the storm tide height. In this regard, it is noted that SARA's conditions of approval adopt a minimum habitable floor level height of 3.87m AHD, which is based on a storm tide inundation report

prepared several years ago commissioned by the Cairns Regional Council to assist with informing the new planning scheme. There has not been any subsequent studies completed in the meantime, and therefore this constitutes the most up to date information Council has on this topic.

Setbacks

The setbacks for the development are specified in Figure 1: Development Control Guideline (see Attachment 15) in the Port Douglas Waterfront North Planning Area Code. The requirement to provide a 4 metre wide public board walk along the water edge has been complied with in the development plans. The following setbacks are noted:

1) Dickson Inlet

Stages 1a, 1b and both the Southern and Northern Buildings in Stage 2a abut Dickson Inlet. Figure 1: Development Control Guideline specifies a 0 – 3.0m setback to the boardwalk for an active edge/built shade zone and a 6 metre setback for the active edge/built edge. Stages 1a and 1b do not have ‘active edges’, being residential development. Stage 1a balconies extend into the built shade zone up to 2.175m to the boardwalk in a staggered arrangement. Stage 1a built edge is setback greater than 6 metres to the boardwalk. Stage 1b balconies do not extend into the built shade zone and the built edge is setback greater than 6 metres from the boardwalk.

2) Duck-Pond

The Northern Building in Stage 2b is the only stage that fronts the Duck-Pond. No setbacks are specified between the boardwalk along the Duck-Pond in Figure 1: Development Control Guideline. The proposed plans show a staggered setback to the Duck Pond boardwalk, varying from zero setback at points up to 1.5m setback. The active-fronts have been designed to stagger so that they look across the Duck-Pond towards the Inlet. The north eastern tip of the Northern Building is cantilevered partly over the boardwalk. No concerns are raised with this arrangement as the building acts as a corner landmark at the entry to the southern part of the publicly accessible boardwalk.

3) Wharf Street

Stage 2c is the only stage that fronts Wharf Street where a built-to-the-front alignment (or 0 setback) is specified under both Port Douglas Environs Locality Code and the Port Douglas Waterfront North Planning Area Code. The proposed building in Stage 2c does not have a commercial component that relates to the street, being predominantly residential/holiday accommodation in nature and is setback 3.9 metres (generally) behind a deeply planted landscaping strip in order to establish a residential amenity appropriate for residential/holiday accommodation. No issues are raised with this setback non-compliance on this basis: noting that the setback exceeds the planning scheme requirement, rather than compromising it.

Furthermore, the extent of commercial development at ground level complies with that indicated in the preliminary approval.

Site Cover

The acceptable measures for site coverage under the Port Douglas and Environs locality code are as follows:

- 45% at ground level;
- 40% at first floor level and
- 35% at second floor level if applicable.

Across the total development, the development achieves the following:

- 46% at ground level;
- 41% at first floor level;
- 38% at second floor level.

(Note: Once the land has been reconfigured and this will vary site coverage for each lot).

The proposed development marginally exceeds the acceptable measures for site coverage. However, the proposed development is an integrated development on a large waterfront site that has been architecturally designed to complement the pedestrian scale of the Port Douglas township. Overall it considered that the proposed development does not result in a built form that is bulky or visually obtrusive and therefore achieves the Performance Outcome of the relevant code.

Port Douglas Waterfront Plaza / Slipway relocation

The Port Douglas Waterfront North Planning Area Code requires the establishment of a Public Waterfront Plaza, generally as depicted in Figure 1: Development Control Guideline. Other aspects of the same code require retention of the slipway operations until such time that it can be relocated elsewhere. The development of a Public Waterfront Plaza and retention of the slipway, more or less contemporaneously, establishes a planning scheme 'tension' that can only be partially resolved through a development application of this nature as the relocation of the slipway to an alternative location is likely beyond the means of the developer and not enforceable through a condition of development approval (and therefore not likely to be a lawful imposition in any development permit).

However, in order to achieve freehold tenure, Douglas Shire Council is required to supply the State Government with correspondence that confirms that:

"... development does not diminish the viability of marine uses that directly serve tourist and fishing operators and boat owners in line with one of the overarching principles of the Port Douglas Waterfront Master Plan".

Technically, this letter is not bound by the development application. However, it relates to the development in as much that any development permit issued by Council has the potential to diminish the viability of marine uses.

In correspondence to Council dated 1 February 2017, TRM has offered to enter into a legally binding Deed of Agreement with Council undertaking to continue to operate the slipway for a period of three (3) years, subject to any unforeseen circumstances and to provide Council with assistance in investigating options for the relocation of the slipway or the provision of

alternative ship-lifting infrastructure. A condition of development approval has been applied reflecting the requirement for a Deed of Agreement subject to 'force majeure'. Despite the offer, TRM was initially not in agreement with the draft condition. However, by email dated 14 February 2017, TRM has accepted inclusion of the condition.

Fishing Fleet

In correspondence to Council dated 1 February 2017, TRM has also offered to enter into a legally binding Deed of Agreement with the Port Douglas Commercial Fishermen's Association and Council to confirm its obligations and its successor's obligations with regard to a draft Heads of Agreement. The draft Heads of Agreement needs to be formalised. However, at this stage the broad offer is to provide berthing and other facilities at the southern end of the marina adjacent to Lot 96 for the commercial fishermen's use. A condition of approval has been included. Despite the offer, TRM was initially not in agreement with the draft condition. However, by email dated 14 February 2017, TRM has accepted inclusion of the condition.

Car Parking

The Vehicle, Parking and Access Code in the Planning Scheme specifies car parking requirements for the proposed development and this operates in conjunction with earlier approvals that have been issued for the existing development, which operates on both an on-site and off-site parking provision basis.

The Code specifies the following car parking requirements by land use:

Multi-Unit Housing: - Within the Port Douglas Tourist Centre = 1 car space per dwelling unit with 60% covered, plus 1 bicycle space per unit and 1 visitor bicycle space per 12 dwelling units.

Holiday Accommodation (self-contained): - Within the Port Douglas Tourist Centre = 1 car space per dwelling unit with 60% covered, plus 1 bicycle space per unit and 1 visitor bicycle space per 12 dwelling units.

Holiday Accommodation (dual key): - Dual Key: - 1 space for the self-contained element of the dual key apartment and 30% of a car space for the non-self-contained element of the dual key apartment, plus a parking bay for the unloading of buses where 30 rooms/dwelling units or more are provided on site, plus 1 bicycle space per 10 rooms.

Shopping Facilities: - Within the Port Douglas Tourist Centre, 1 space per 30m² of Net Lettable Area ('NLA').

Business Facilities: - Within the Port Douglas Tourist Centre, 1 space per 30m² of Net Lettable Area ('NLA').

Restaurant: - Within the Port Douglas Tourist Centre, 1 space per 30m² of Net Lettable Area ('NLA').

Tavern: - Licensed facilities: 1 space per 15m² of bar, lounge, beer garden and other public areas: plus 1 space per 50m² of floor area of liquor barn or bulk liquor sales area.

Based on the car parking rates outlined above the car parking generated by each stage of the proposed development is outlined below:

Proposed Development

Stage	Land use mix	Dwelling units/bedrooms	Commercial (m ²)	Cars/bikes required	Cars/bikes provided
1a	Multi-Unit Housing/Holiday Accommodation	5 x 15	n/a	Cars = 5 Covered 60% Bikes = 3	Cars = 10 Covered = 100% Bikes = 5
1b	Multi-Unit Housing/Holiday Accommodation	14 X 34	n/a	Cars = 14 Covered 60% Bikes = 7	Cars 16 Covered 100% Bikes = 6 (5 visitor)
2a	Multi-Unit Housing/Holiday Accommodation and Commercial Retail	35 x 83	1204	<u>Residential</u> Cars = 35 Covered 60% Bikes = 16 <u>Commercial</u> (1204/30) = 40	<u>Residential</u> Cars = 41 Covered 100% Bikes = 19 residents <u>Commercial</u> Cars = 39 allocated to the existing common car parking area
2b	Temporary Slipway/marine uses	n/a	n/a	Not specified	Cars = 3
2c	Multi-Unit Housing/Holiday Accommodation and Commercial Retail	26 x 50	236	<u>Residential</u> Cars = 34 Covered = 60% Bikes = 12 <u>Commercial</u> (236/30) = 7.9	<u>Residential</u> Cars = 26 covered and 8 uncovered = 70% Bikes = 17 <u>Commercial</u> Cars = 8 allocated to the existing common car parking area
3a	Multi-Unit Housing/Holiday Accommodation and / or Holiday and / or Holiday Accommodation Dual Key Commercial Retail	5 x 10	n/a	Cars = 7 Covered = 60% Bikes = 3	Cars = 5 covered and 2 uncovered 72% Bikes = 5
TOTAL		85 x 197	1440m²	<u>Residential</u> Cars = 95 Bikes = 41 <u>Commercial</u> Cars = 48 <u>Other Uses</u> Not specified	<u>Residential</u> Cars = 110 Bikes = 52 (all on-site) <u>Commercial</u> Cars = 41 Allocated in existing car parking area <u>Other Uses</u> Cars = 3

Existing (retained) commercial and marina component of the development require the provision of:

Commercial (following demolition of the western wing):

- $(3258/30) = 109$ cars

Marina – 134 berths – 134 berths now and 164 total new stage (Marina and Duck Pond and along Dickson Inlet)

- $(164/3) = 55$ cars

TOTAL = 164 cars for the Existing (retained) commercial and marina component.

However, under earlier planning approvals for the site, a total of 121 car parking spaces are attributed to the Wharf Street road reserve. Accordingly, the on-site requirement for the existing retained commercial and marina component of the development is calculated to be:

$(164-121) = 43$ cars.

With the proposed new development combined with existing retained commercial and marina component of the development, the on-site requirement of the total development is calculated to be:

$(43 + 143) = 186$ cars (of which 110 are new spaces allocated on each site for the new Residential components)

Therefore the shared on-site requirement for the existing car parking area is calculated to be:

$(186 - 110) = 76$ cars.

The existing, large common car parking area is to be reconfigured to provide the following:

- 184 car parking spaces;
- 10 bus parking bays.

Therefore, there is a 108 car parking space surplus available within the proposed reconfigured car parking area (not taking into account credit for the bus allocation).

It should be noted that the Port Douglas and Environs Locality Code encourages the provision of commercial car parking to communal off-site car parking areas, via Acceptable solution A9.1 of the code (up to 70% off-site). However, the Code also contemplates a monetary contribution for the balance not provided on-site.

However, Council is no longer able to take monetary contributions in lieu of car parking and the applicant is not therefore able to apply the acceptable solution contained within the Port Douglas and Environs Locality Code. The corresponding Performance Criteria P9 of the Code states:

P9 Car parking generated by:

- a) *the commercial component of development is fully or partially accommodated on a site of the development, depending on the availability of alternative public car parking nearby with any balance to be paid in lieu of providing on-site car parking for commercial development in accordance with Planning Scheme Policy No 3 – Car Parking Contributions: and*
- b) *the residential component of any mixed use development is provided on the site for the full allocation for units and visitor parking and is held in a common pool for communal use.*

The proposed development complies with the Performance Criteria P9 of the Code by allocating all residential requirements on-site and providing a surplus in the reconfigured communal car parking area and within Wharf Street.

Built Form / Urban Design

The planning application is accompanied by a number of technical reports that relate to the built form / urban design / landscaping elements of the development proposal. Success of the proposed development relies heavily on implementation of a unified development theme across the site. Many of the concepts contained within the technical reports are supported. However, there are also overlapping elements within the reports. A condition of approval recommends that the material contained within the technical reports be collated into one single 'Urban Design Manual' for the Reef Marina Site in order to make sure that a unified design approach is taken with respect to the design of the open space, paving, edge treatments, public art signage, street furniture, lighting, temporary 'pop-up' containers, landscaping and fencing and the like.

Lot Reconfiguration

The application involves lot reconfiguration (3 lots into 5 lots). The lot reconfiguration also establishes the public access easements required to create the publicly accessible boardwalk, rainforest walk and plaza. No minimum lot sizes are specified for the Port Douglas Waterfront North Planning Area, so lot reconfiguration is anticipated provided it does not compromise the intent of Figure 1 – Development Control Guideline.

Reconfiguration of the land would appear to be counter-intuitive to achieving a comprehensive and coordinated redevelopment of the Port Douglas Waterfront. However, previous discussions with respect to lot reconfiguration have been assessed taking into account the legally binding covenant to tie all of the proposed lots together so that they may not be separately on-sold, imposed as a condition of the Department of Natural Resources and Mines Letter of Offer for Freehold. Due to some uncertainty regarding the Department's current position with respect to this covenant, a condition has been placed on the development approval replicating the covenant requirement. It is acknowledged that the covenant will need to be lifted in stages as the development progresses to facilitate the sale of individual dwelling units.

Proposed Douglas Shire Planning Scheme

No weight has been placed on the proposed Douglas Shire Planning Scheme as Condition 4 of TRM's preliminary approval, issued on 18 May 2016 states:

'The proposed form of development is to generally comply with the design controls that apply within the planning scheme at the time of making applications for each development (i.e. building heights, setbacks, landscaping specifications, car parking provisions and other built form design provisions).'

Notwithstanding, the proposed development is not in conflict with the proposed planning scheme.

Referral Agency Requirements

SARA has responded to the application granting an approval subject to seven conditions. A copy is attached at Appendix 12.

Public Notification / Submissions

Public notification does not apply to code assessable development.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 13. The calculation is preliminary and will need to be adjusted according to the finalised development within each stage. A credit will apply for the demolition of the northern wing of the existing commercial complex.

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.

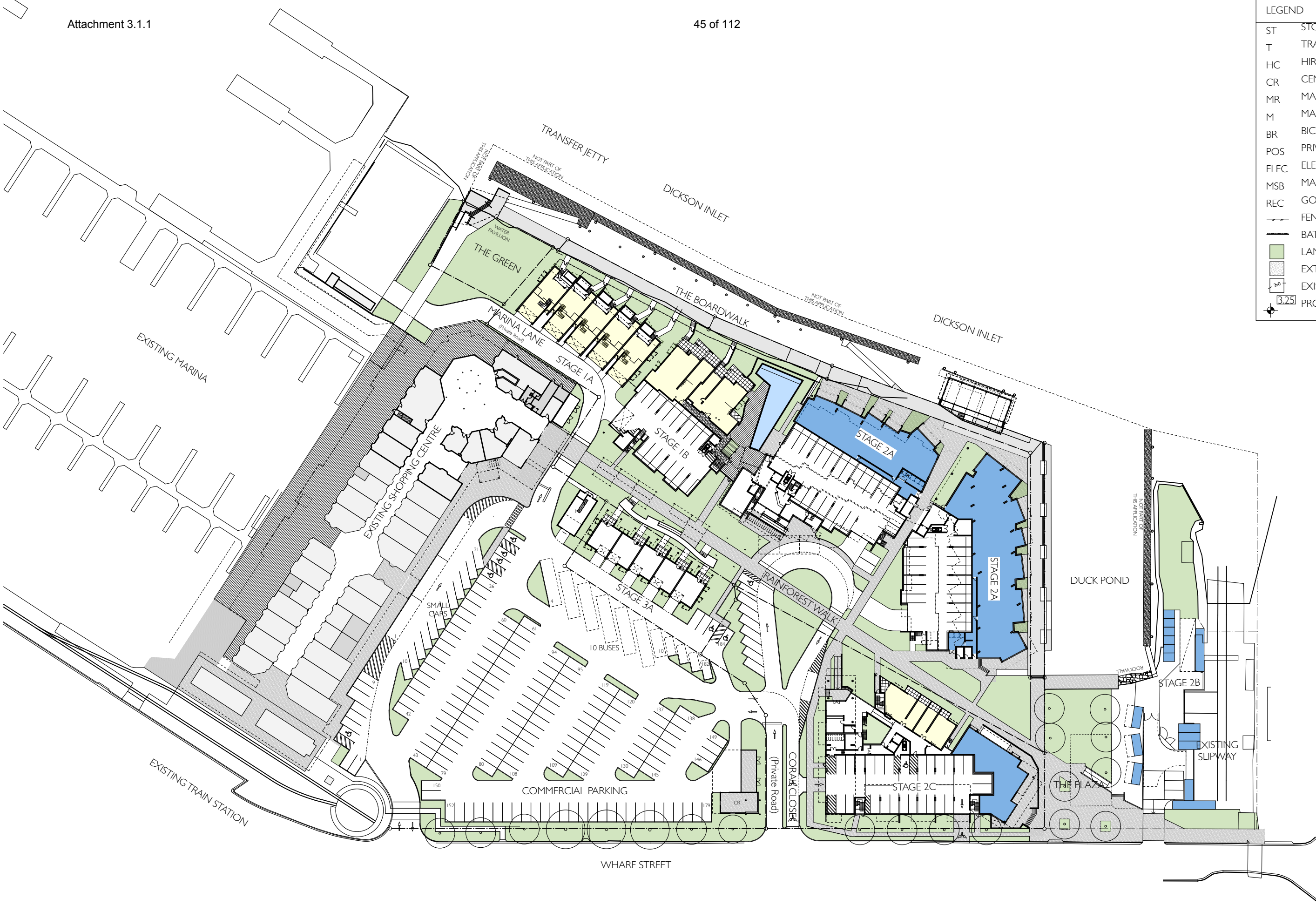
Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1 - Approved Plan(s) - Site Master Plan **[3.1.1]**
2. Attachment 2 - Approved Plan(s) - Stage 1 A **[3.1.2]**
3. Attachment 5 - Approved Plan(s) - Stage 2 B **[3.1.3]**
4. Attachment 3 - Approved Plan(s) - Stage 1 B **[3.1.4]**
5. Attachment 4 - Approved Plan(s) - Stage 2 A **[3.1.5]**

6. Attachment 6 - Approved Plan(s) - Stage 2 C **[3.1.6]**
7. Attachment 9 - Approved Plan(s) - Proposed Lot Plan **[3.1.7]**
8. Attachment 7 - Approved Plan(s) - Stage 3 A **[3.1.8]**
9. Attachment 10 - Approved Plan(s) - Shopping Centre Modifications **[3.1.9]**
10. Attachment 8 - Approved Plan(s) - Site Sections **[3.1.10]**
11. Attachment 11 - Approved Plan(s) - Miscellaneous Plans **[3.1.11]**
12. Attachment 12 - Referral Agency Conditions and Requirements **[3.1.12]**
13. Attachment 13 - Infrastructure Charges **[3.1.13]**
14. Attachment 14 - Visual Imagery accompanying the application **[3.1.14]**
15. Attachment 15 - Figure 1 Development Control Guideline **[3.1.15]**

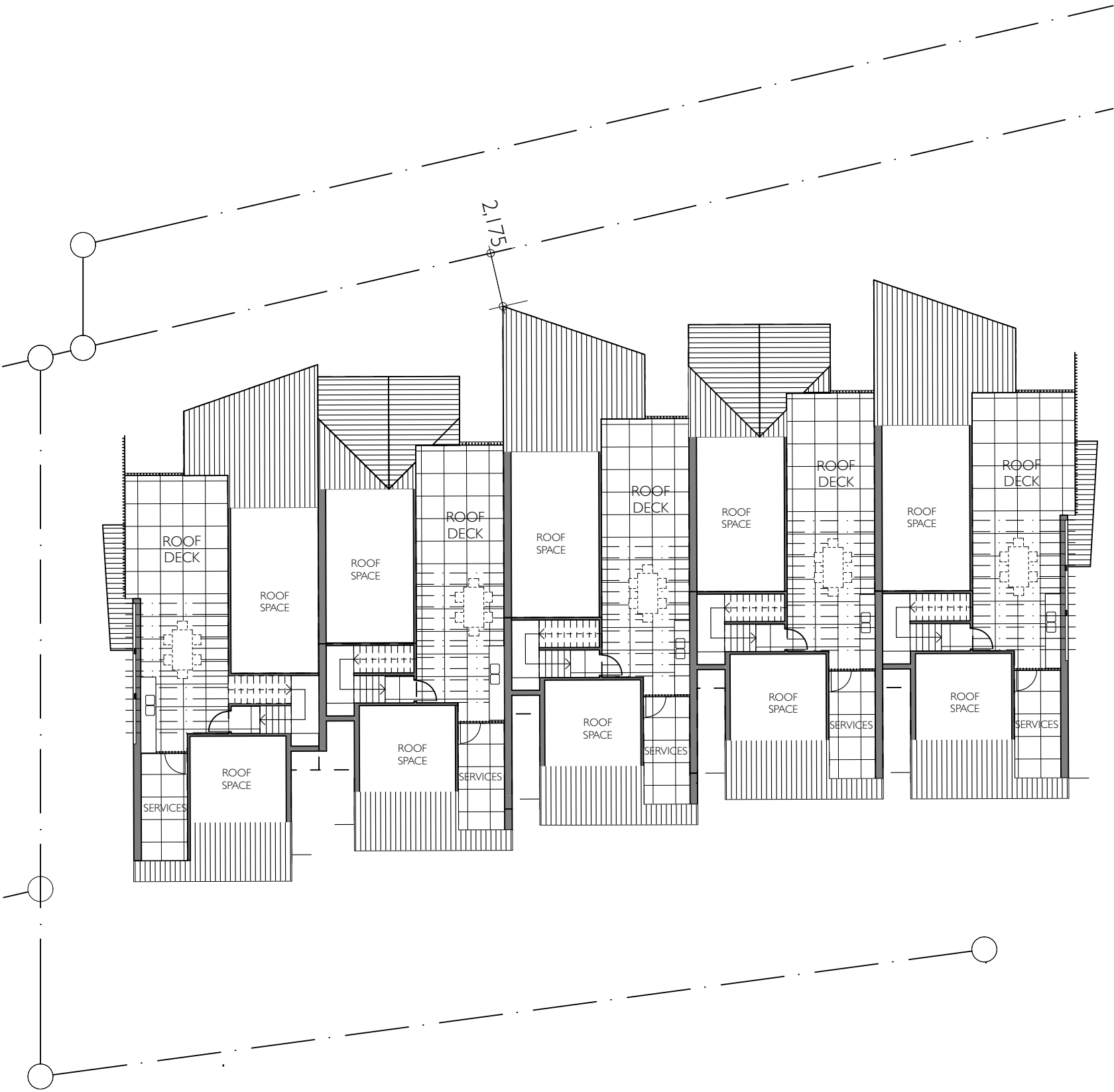
LEGEND	
ST	STORE
T	TRANSFORMER
HC	HIRE CAR PARKING SPACE
CR	CENTRAL REFUSE
MR	MARINA REFUSE
M	MAINTENANCE SHED
BR	BICYCLE RACKS
POS	PRIVATE OPEN SPACE
ELEC	ELECTRICAL ROOM
MSB	MAIN SWITCH BOARD
REC	GOODS RECEIVING AREA
---	FENCING
---	BATTENED SCREEN
■	LANDSCAPE
■	EXTERNAL PAVING
○	EXISTING CONTOURS
3.25	PROPOSED LEVELS

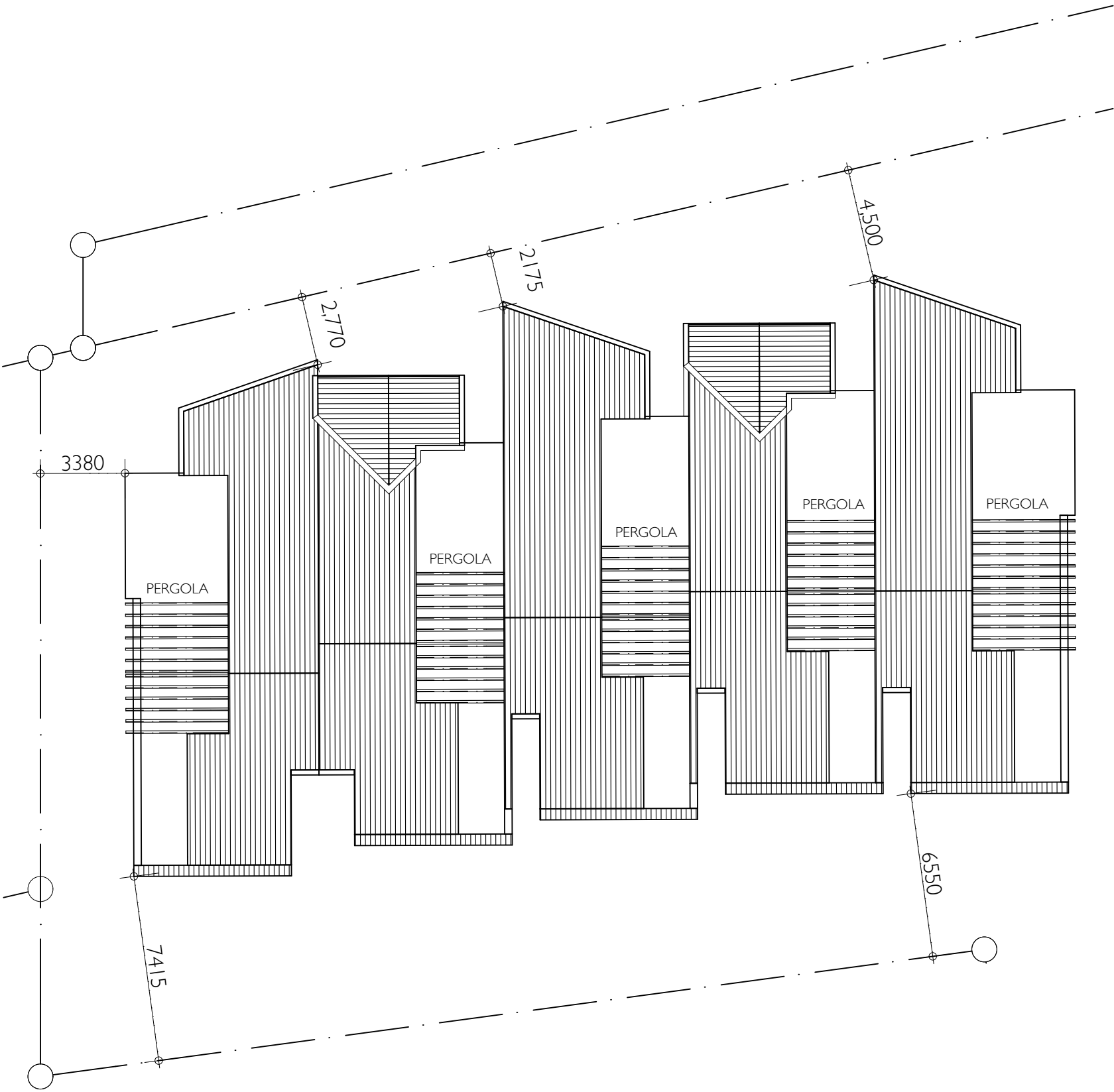












LEGEND

Attachment 3.1.2

B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
LI	POWDER COATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
PE	POWDER COATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING

51 of 112



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THE REEF MARINA
PORT DOUGLAS QLD

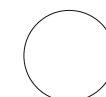


Special Council Meeting - 17 February 2017

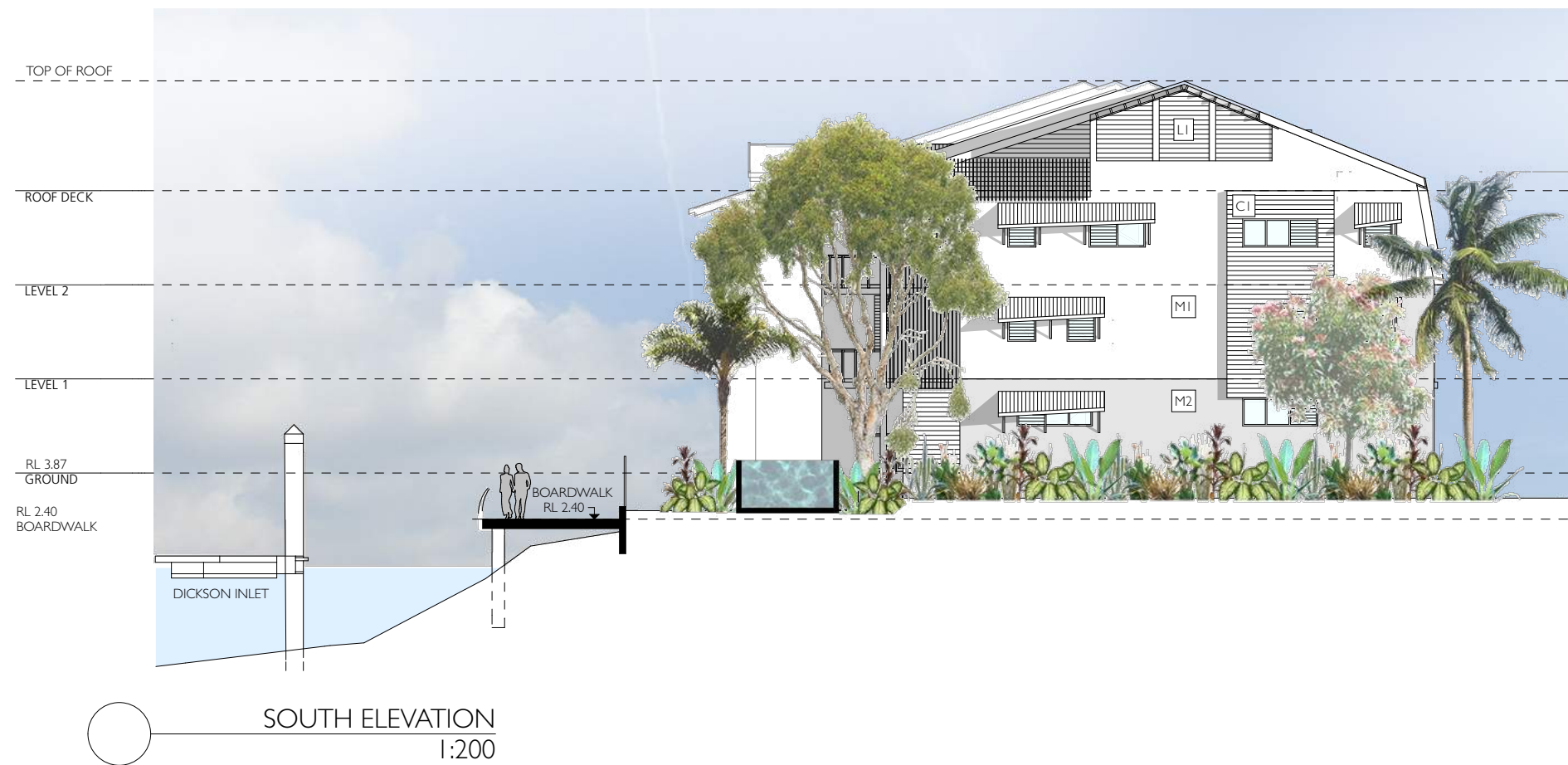
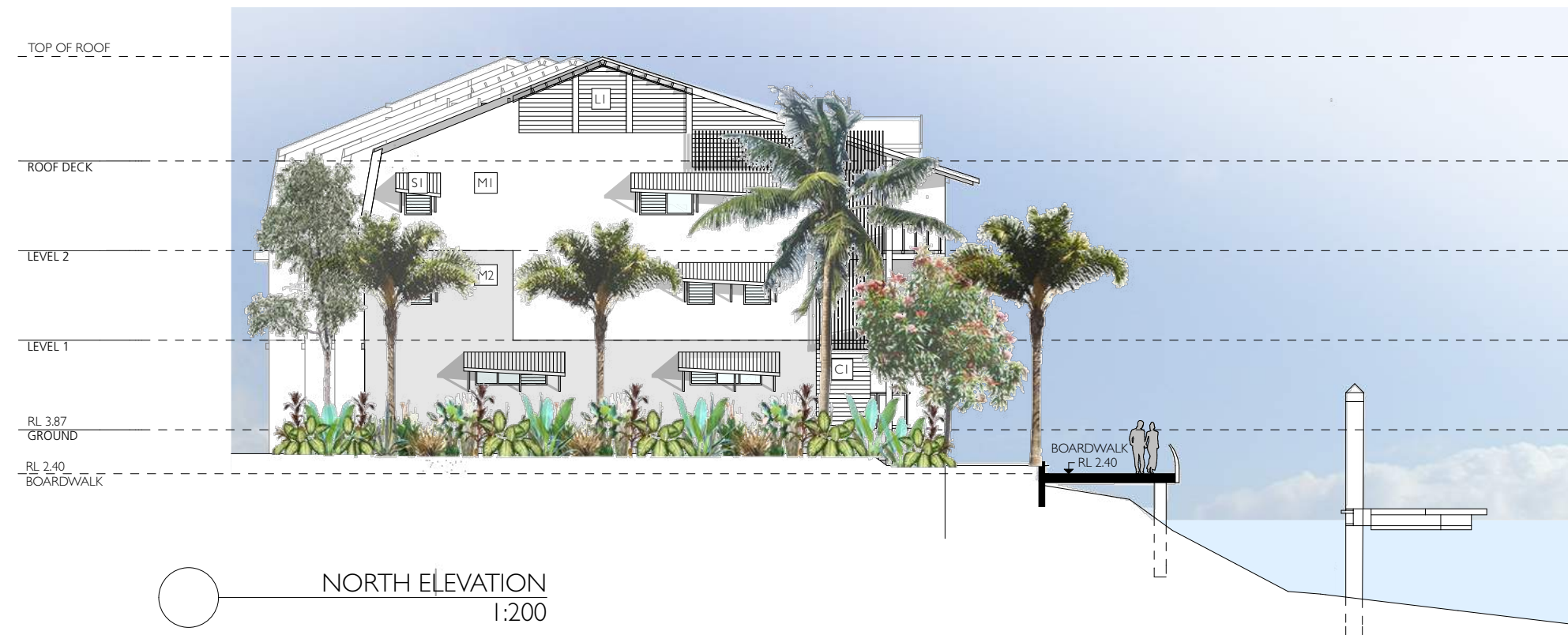
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APPROVED: PR JL

DATE: 16/09/2016

STAGE 1A ELEVATIONS



PROJ NO. 160303	DWG NO. DA-1A-107	REVISION: 02
		STATUS: DEVELOPMENT APPLICATION





○ SOUTH WEST PERSPECTIVE



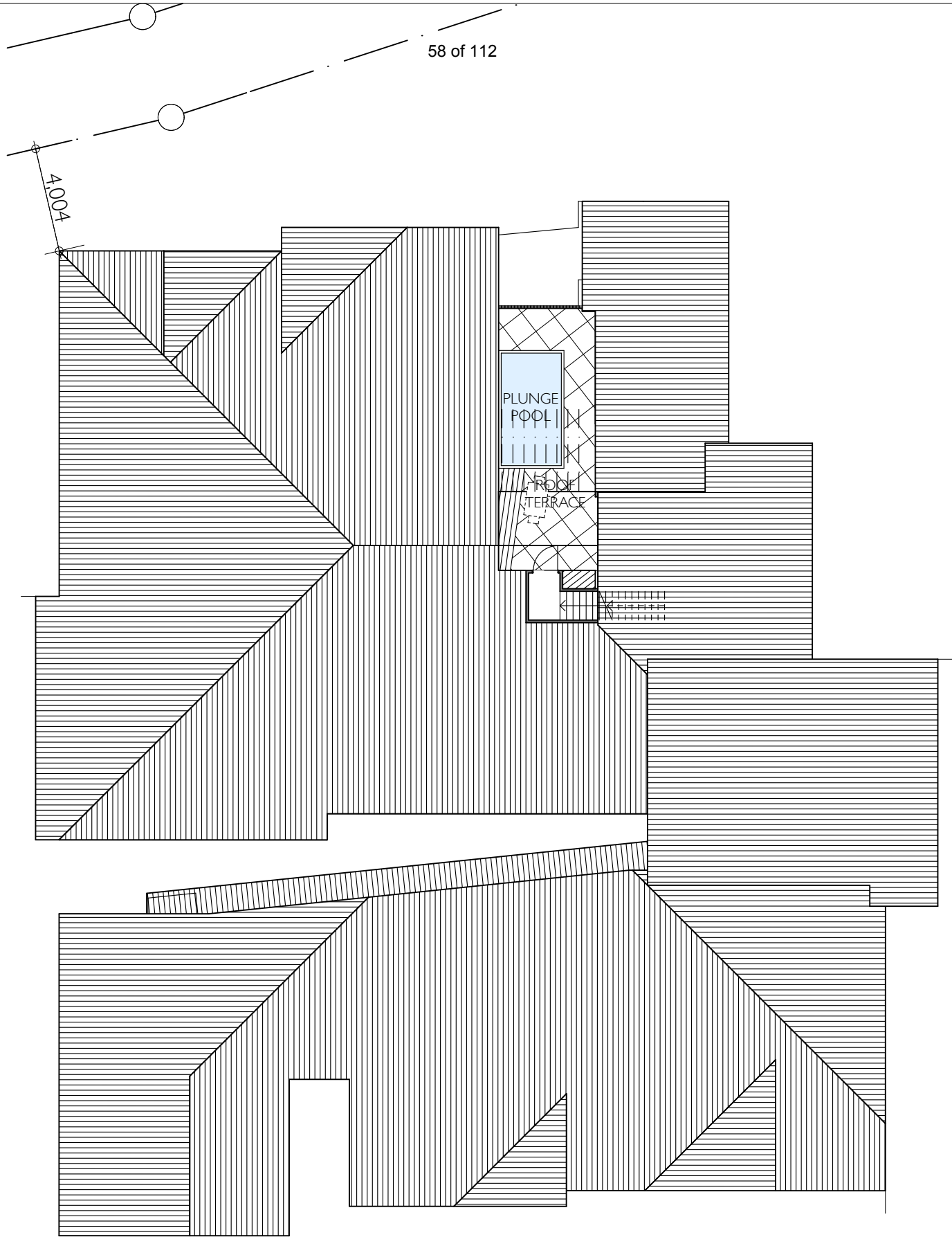
○ SOUTH PERSPECTIVE



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LEGEND	
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S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING



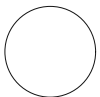


EAST ELEVATION
1:200

LEGEND	
B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
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S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING



SOUTH ELEVATION
1:200

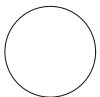


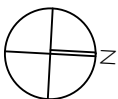
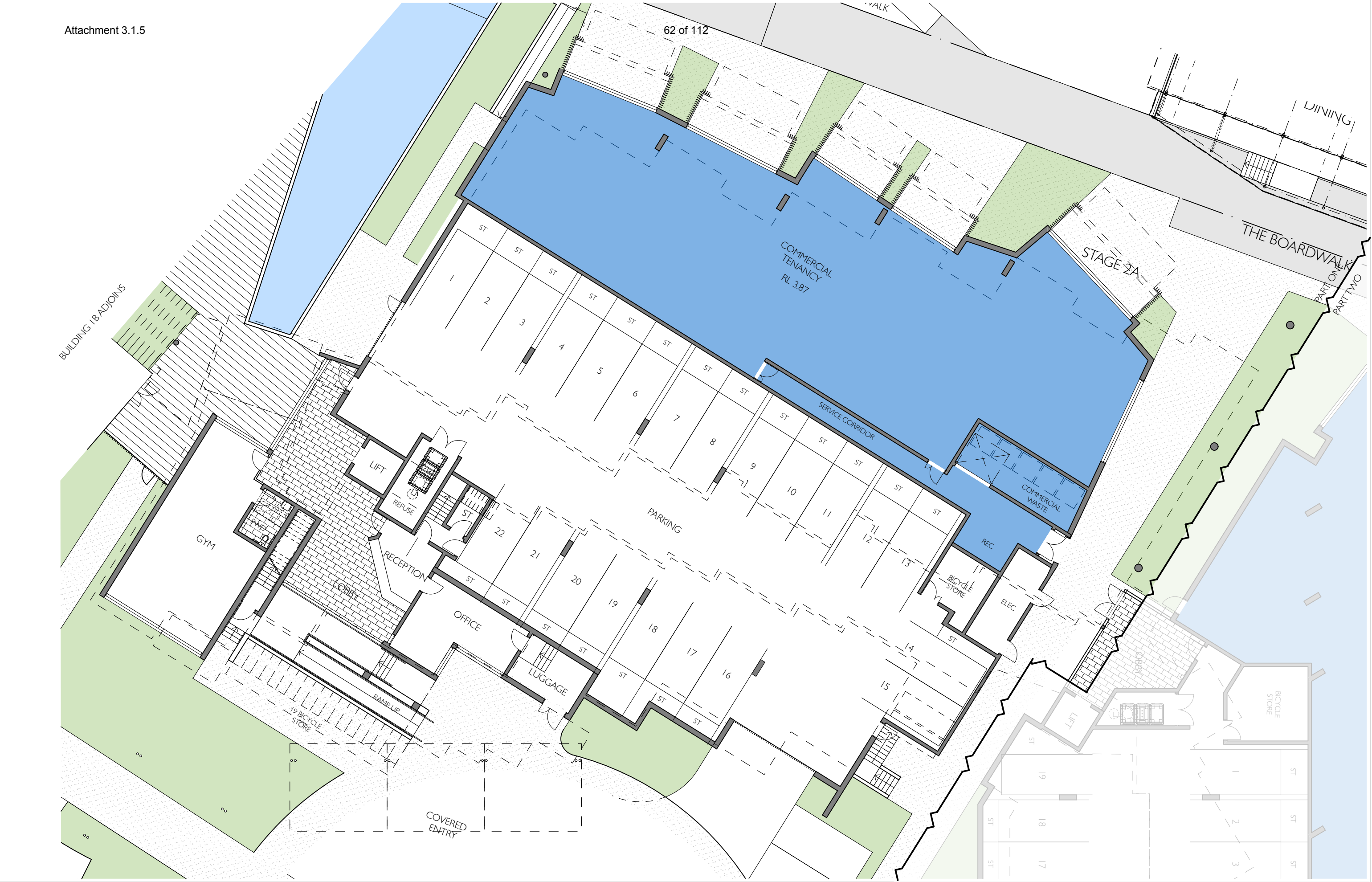


SOUTHERN PERSPECTIVE



NORTHERN PERSPECTIVE













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THE REEF MARINA

PORT DOUGLAS QLD

THE REEF MARINA
PORT DOUGLAS

Special Council Meeting - 17 February 2017

DRAWN: SG AT
CHECKED: JL
APPROVED: PR JL

DATE: 16/09/2016

STAGE 2A LEVEL 2 PLAN (1 of 2)
1:200

PROJ NO.
160303

DWG NO.
DA-2A-106

REVISION: 02
STATUS: DEVELOPMENT APPLICATION



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THE REEF MARINA

PORT DOUGLAS QLD



Special Council Meeting - 16 February 2017

DRAWN: SG AT
CHECKED: JL JL
APPROVED: PR JL

DATE: 16/02/2016

STAGE 2A LEVEL 2 PLAN (2 of 2)
1:200

PROJ NO.
160303

DWG NO.
DA-2A-107

REVISION: 02
STATUS: DEVELOPMENT APPLICATION



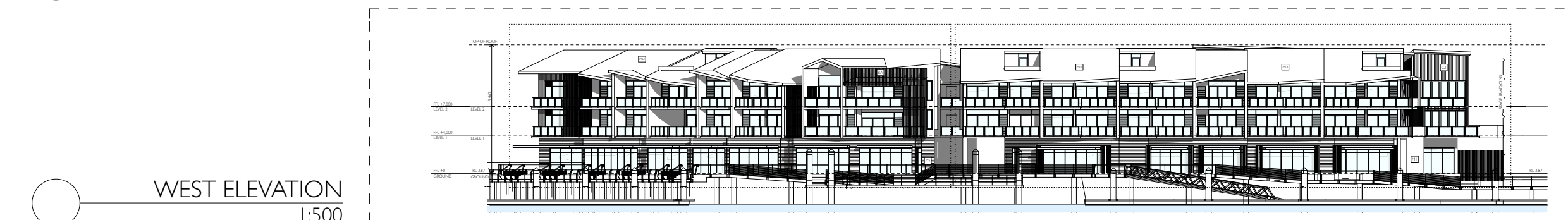




WEST ELEVATION
1:200



WEST ELEVATION
1:200



WEST ELEVATION
1:500



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Special Council Meeting - 17 February 2017

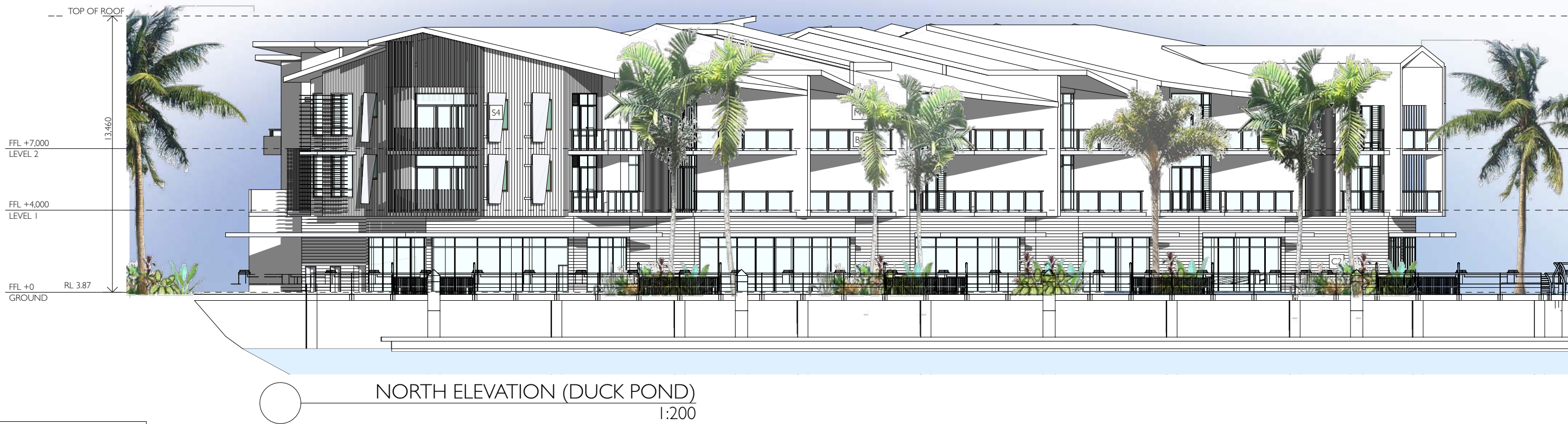
DRAWN: SG AT
CHECKED: JL
APPROVED: PR JL

DATE: 16/09/2016

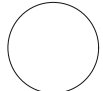
STAGE 2A ELEVATIONS (1 of 3)



PROJ NO.	DWG NO.	REVISION:	02
160303	DA-2A-110	STATUS:	DEVELOPMENT APPLICATION



LEGEND	
B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
L1	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVER SHUTTERS
PE	POWDERCOATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING





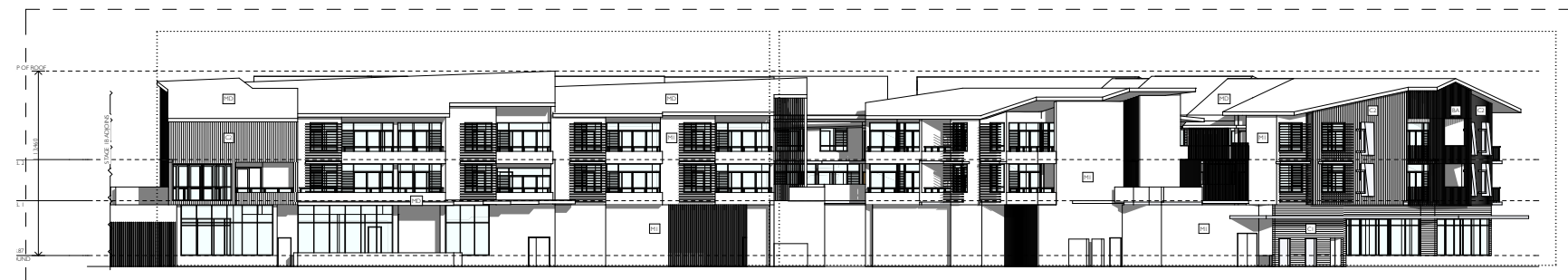
EAST ELEVATION (RAINFOREST WALK)

1:200



EAST ELEVATION (RAINFOREST WALK)

1:200



EAST ELEVATION

1:500



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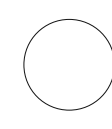
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Special Council Meeting - 17 February 2017

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DATE: 16/09/2016

STAGE 2A ELEVATIONS (3 of 3)



PROJ NO. 160303	DWG NO. DA-2A-112	REVISION: 02
		STATUS: DEVELOPMENT APPLICATION



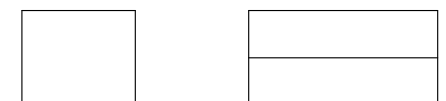
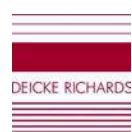
 NORTH WEST PERSPECTIVE

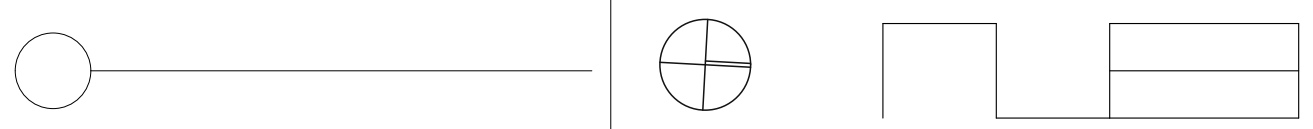
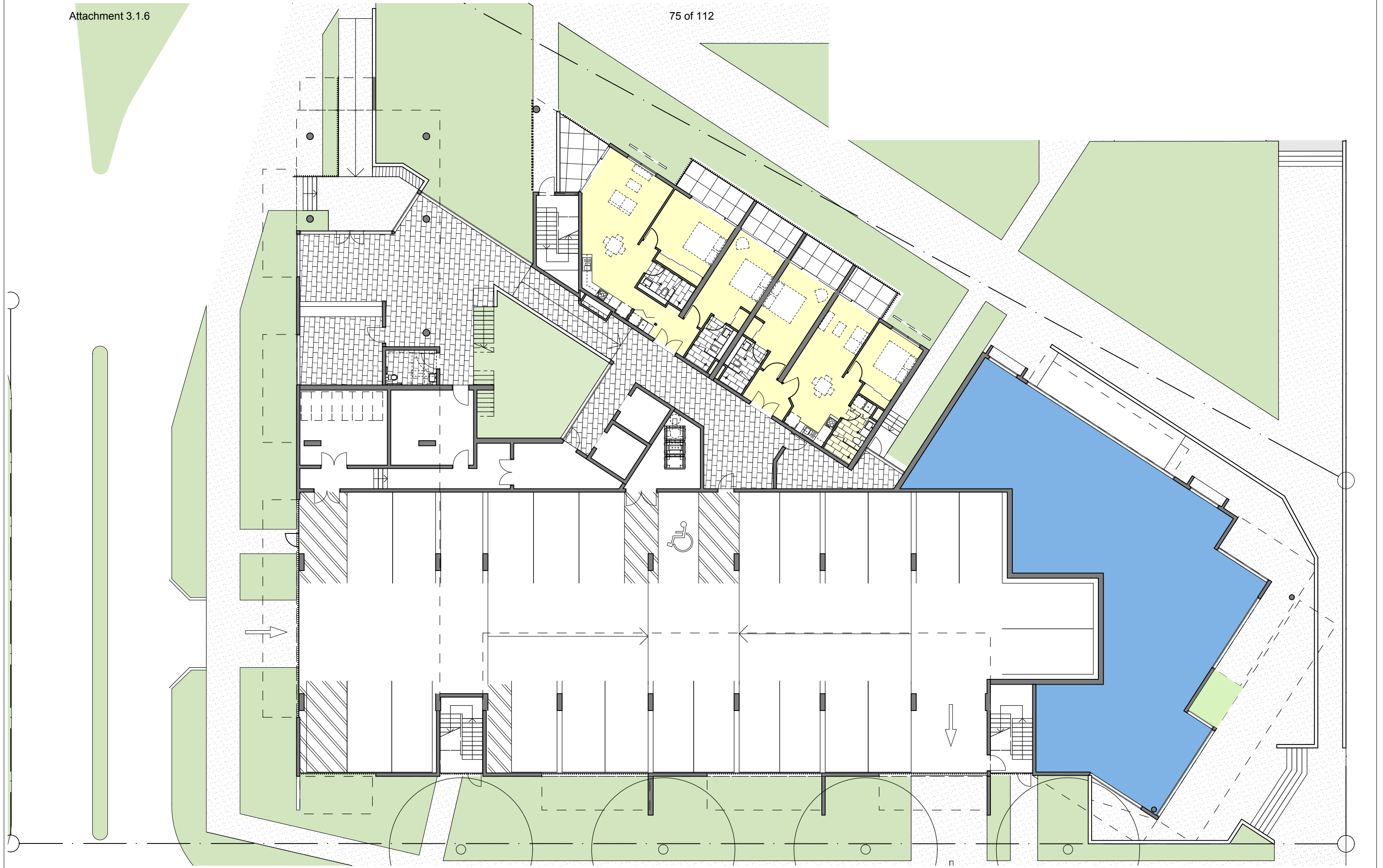


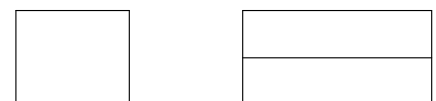
 SOUTH WEST PERSPECTIVE

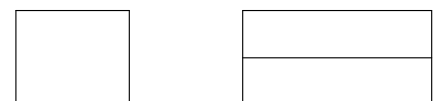


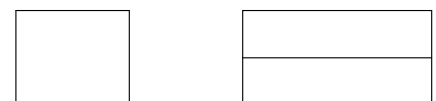
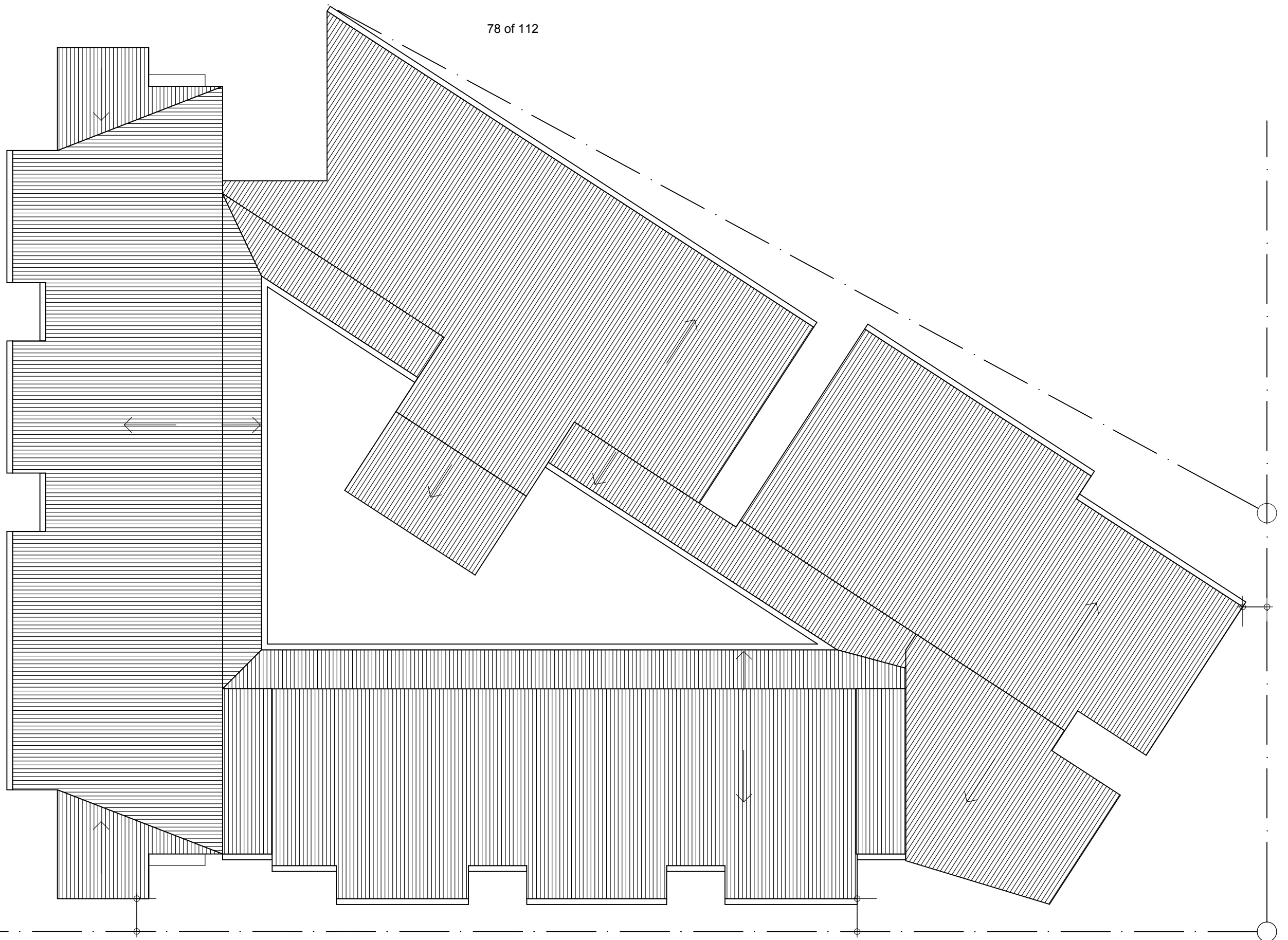
DEVELOPMENT SUMMARY				
STAGE 2c				
Multi-Residential		Number		Land Rec
24 x 1 Bedrm, Studio Dual Key				
2 x 1 Bedrm				
1 Bedrm		26		1,140
Studio		24		
Total		50		1,140
Commercial				
Ground				
Net Lettable Commercial		236	sqm	
Site Area & Site Cov		Ground	L1	L2
Site Area		3,615		
Site Cover		1,610	1,490	1,335
		0.45	0.41	0.37
Gross Floor Area		Ground	L1	L2
GFA		487	1430	1250
Total		3,167		
		0.88		
Landscaped Rec Ar Land Rec Soft Lanc Bal/Tce				
Common		1017.1	655.6	
Pool		143		
Total		1,160	656	0
		32%	57%	of Land Rec
Parking		Req.	Prov.	
Cars				
Res.	1 Bedroom	26	26	
	Studio	8	8	
Total			34	
Commercial		7.9	Provided in Existing Car Park	
Bikes - Commercial		2.4	3	
Bikes - Units		16.7	17	
Bikes - Visitors		4.2	5	













NORTH ELEVATION
1:200



EAST ELEVATION
1:200

LEGEND	
B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
L1	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
PE	POWDERCOATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING

LEGEND

- Attachment 3.1.6
- [B1] GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
 - [B2] CFC WEATHERBOARD + GLAZED BALUSTRADE
 - [B3] GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
 - [B4] GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
 - [B5] STAINLESS STEEL + WIRE BALUSTRADE
 - [BA] BATTENED SCREEN
 - [C1] CFC WEATHERBOARD CLADDING
 - [C2] CFC WEATHERBOARD CLADDING
 - [F1] IRREGULAR STONE FEATURE WALL
 - [LI] POWDERCOATED ALUMINIUM LOUVRES
 - [LS] STACKING LOUVRE SHUTTERS
 - [PE] POWDERCOATED ALUMINIUM PERGOLA
 - [PL] PANEL LIFT DOOR
 - [MI] RENDERED MASONRY COLOUR 1
 - [M2] RENDERED MASONRY COLOUR 2
 - [MD] METAL DECK ROOFING
 - [S1] POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
 - [S2] POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
 - [S3] POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING

80 of 112



SOUTH ELEVATION
1:200



WEST ELEVATION
1:200



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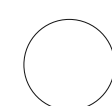


Special Council Meeting - 16/02/2017

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DATE: 16/02/2017

STAGE 2C ELEVATIONS



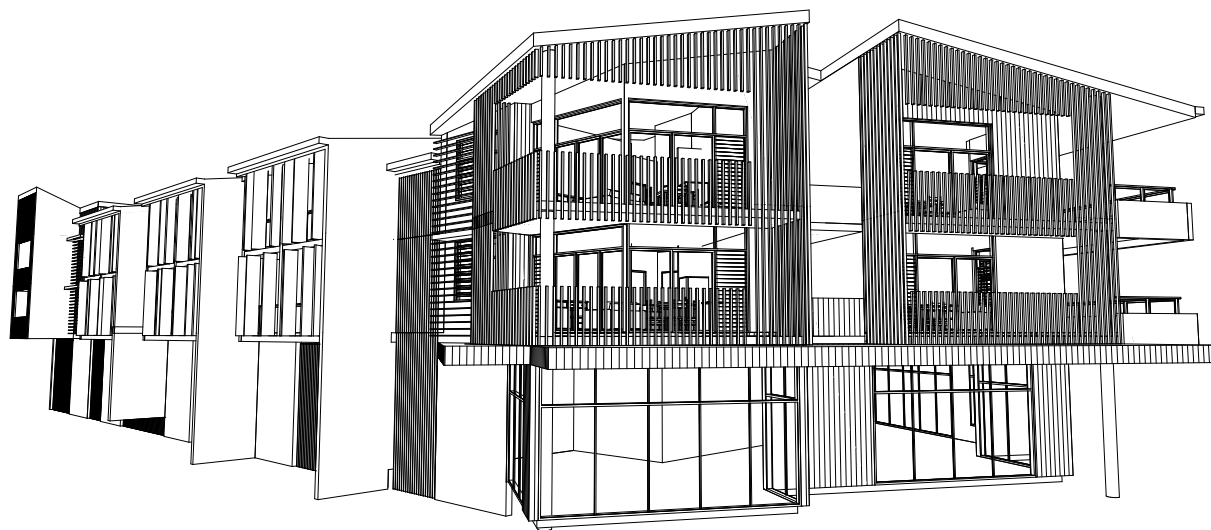
PROJ NO. 160303	DWG NO. DA-2C-107	REVISION: 02 STATUS: DEVELOPMENT APPLICATION
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SOUTH WEST ELEVATION
1:200



SW STREET ELEVATION
1:250



NORTH PERSPECTIVE



SW PERSPECTIVE



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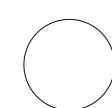


Special Council Meeting - 17 February 2017

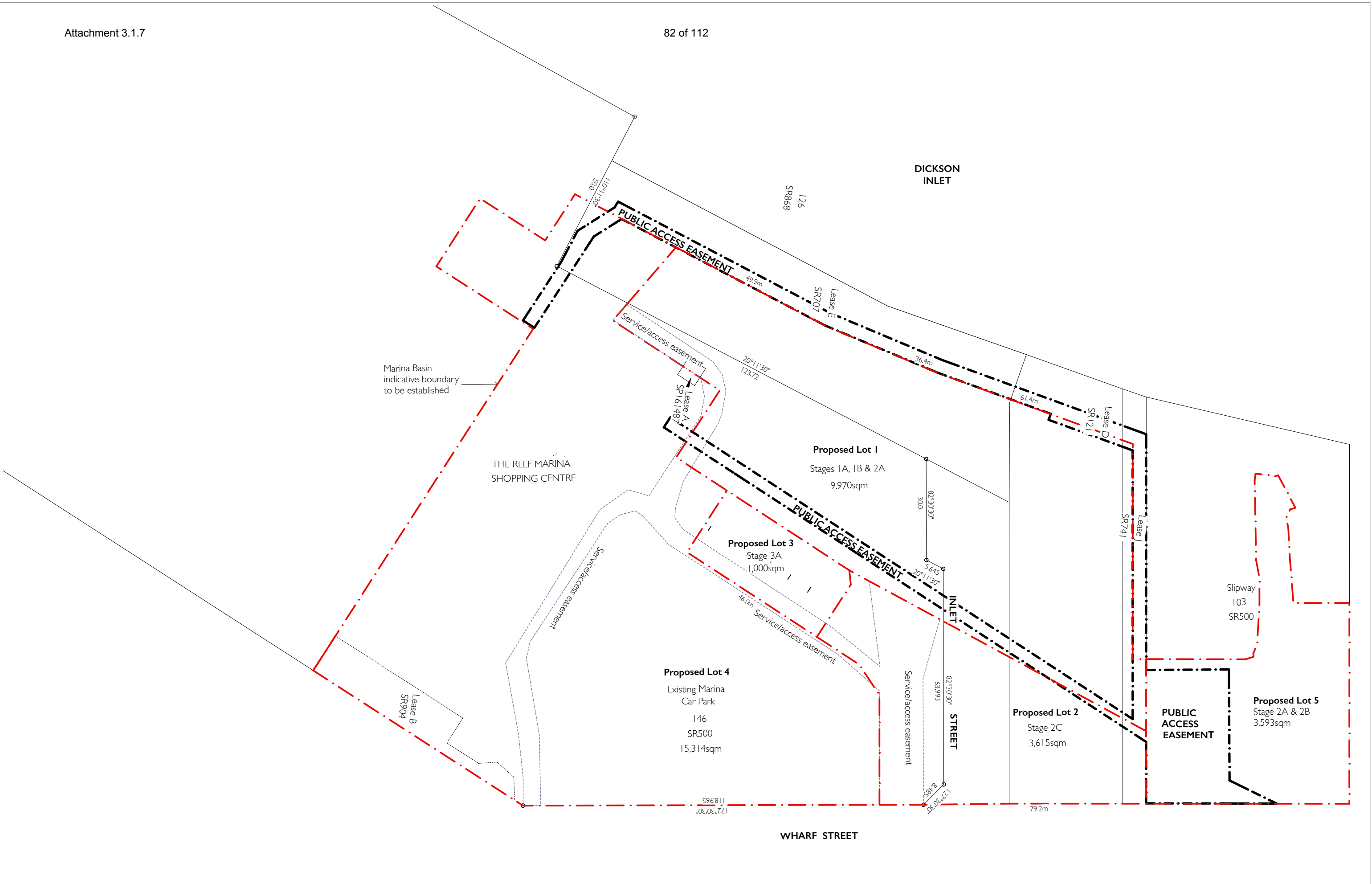
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APPROVED: PR/JL

DATE: 16/09/2016

STAGE 2C ELEVATION + PERSPECTIVES



PROJ NO. 160303	DWG NO. DA-2C-108	REVISION: 02 STATUS: DEVELOPMENT APPLICATION
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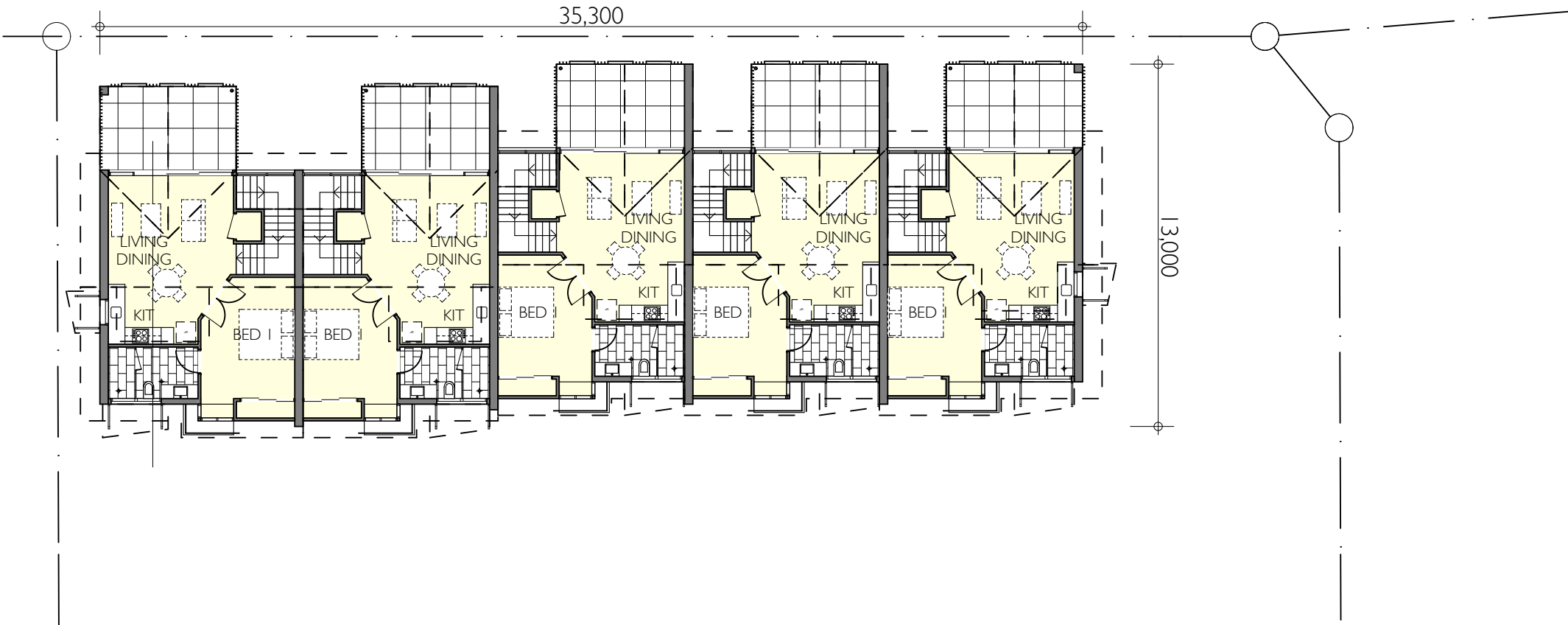
DEVELOPMENT SUMMARY					
STAGE 3a Attachment 3.1.8					
Multi-Residential					
5 x 2 Bedroom					
Site Area & Site Co					
Ground		L1			
Site Area		1,000			
Site Cover		305	307		
		31%	31%		
Gross Floor Area					
Ground		L1		L2	
GFA		147	275		
Total		422			
		0.42			
Landscaped Rec Ar					
Land Rec		Soft Land		Bal/Tce	Req.
Unit 1		59	48.6	14.7	45
Unit 2		34	23.0	14.7	45
Unit 3		37	24.8	14.7	45
Unit 4		37	23.1	14.7	45
Unit 5		41	22.9	14.7	45
Communal		192	85.5		
Total		400	228	74	225
		40%			
Parking					
Cars					
Res.	1 Bedroom	5	5		
	Studio	1.7	2		
Total			7		
Bikes - Units		1.7	5		
Bikes - Visitors		0.4	1		

LEGEND	
ST	STORE
T	TRANSFORMER
HC	HIRE CAR PARKING SPACE
CR	CENTRAL REFUSE
MR	MARINA REFUSE
M	MAINTENANCE SHED
BR	BICYCLE RACKS
POS	PRIVATE OPEN SPACE
ELEC	ELECTRICAL ROOM
MSB	MAIN SWITCH BOARD
REC	GOODS RECEIVING AREA
—	FENCING
—	BATTENED SCREEN
■	LANDSCAPE
■	EXTERNAL PAVING
○	EXISTING CONTOURS
●	PROPOSED LEVELS

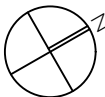


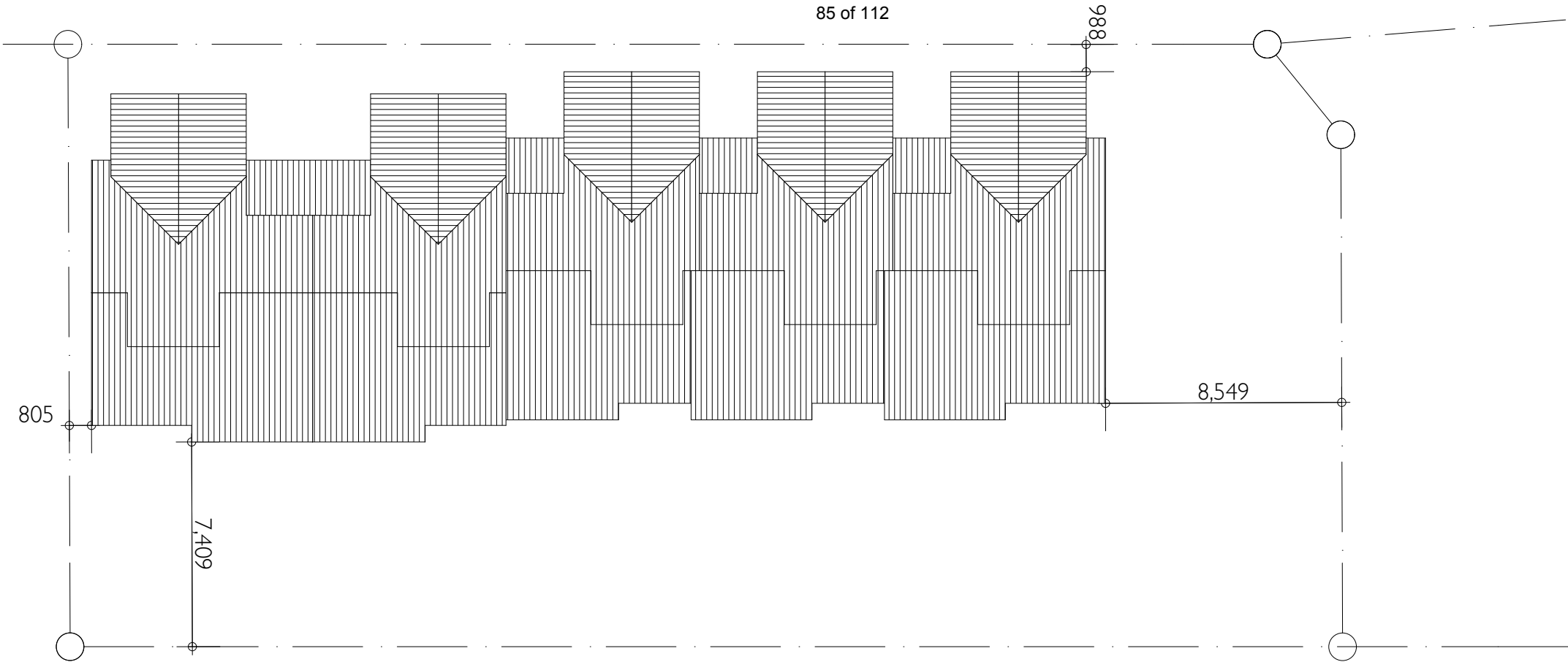


GROUND FLOOR
1:200



LEVEL I
1:200

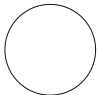




ROOF PLAN
1:200



NORTH WEST PERSPECTIVE



LEGEND

B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
LI	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
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PL	PANEL LIFT DOOR
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MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
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WEST ELEVATION (RAINFOREST WALK)
1:200

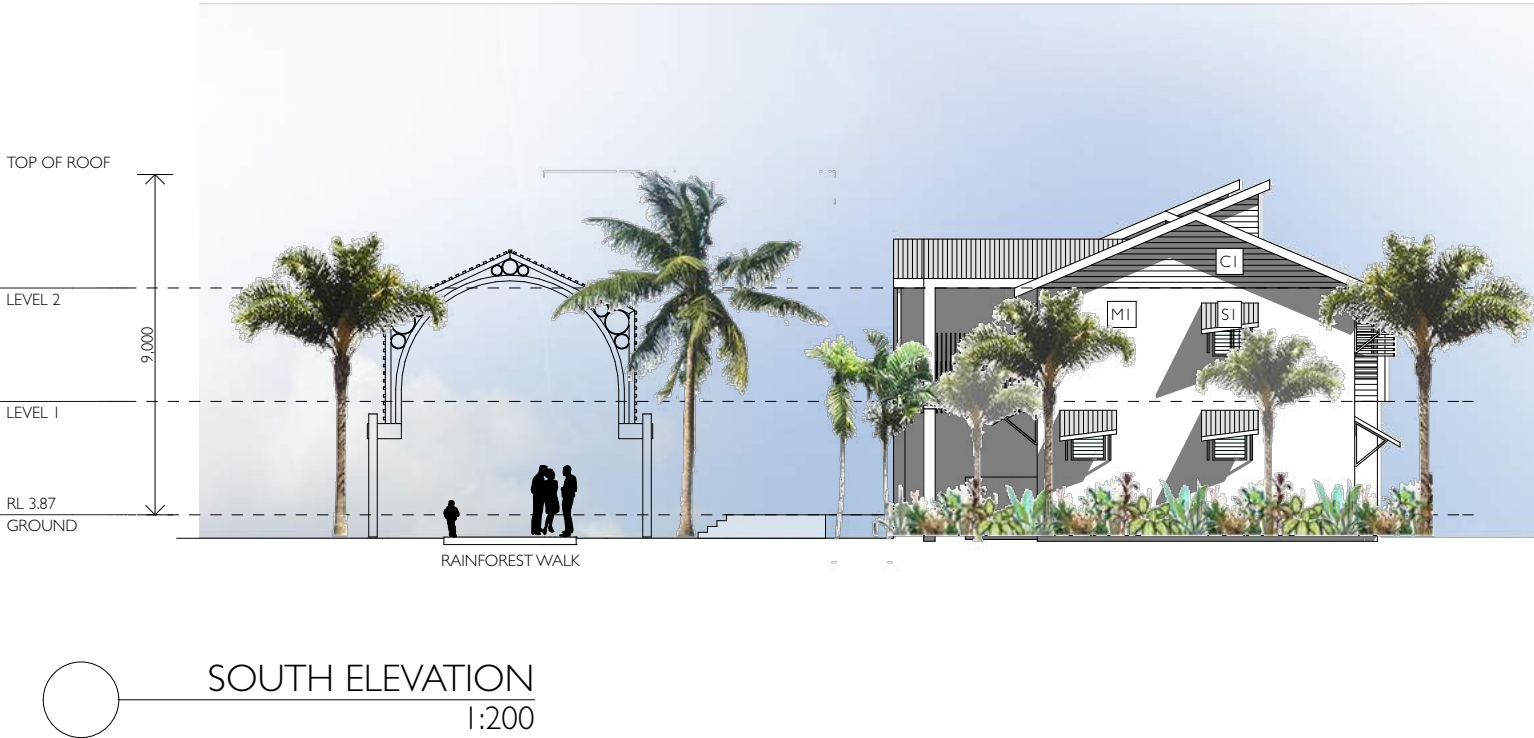


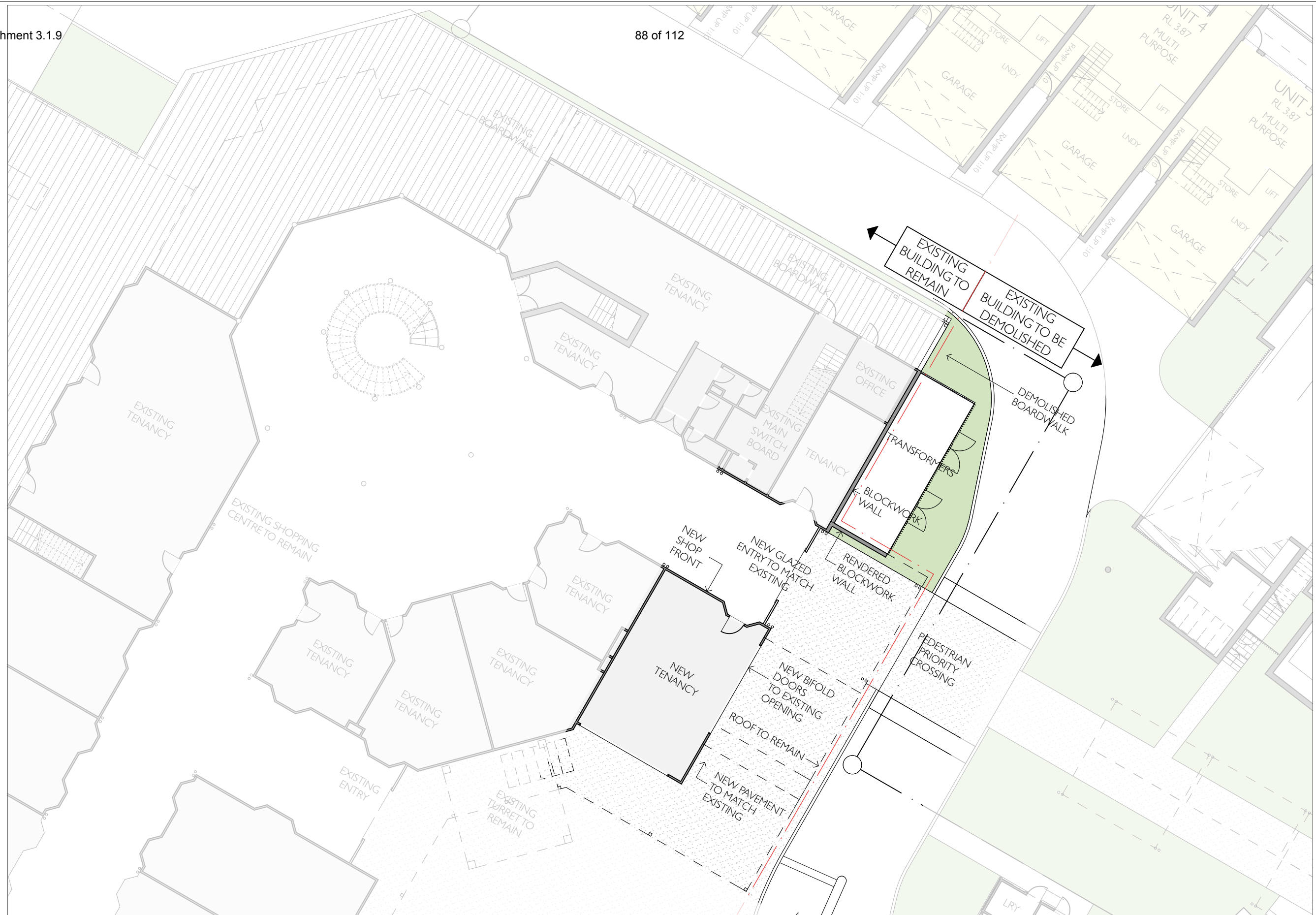
EAST ELEVATION
1:200

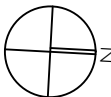
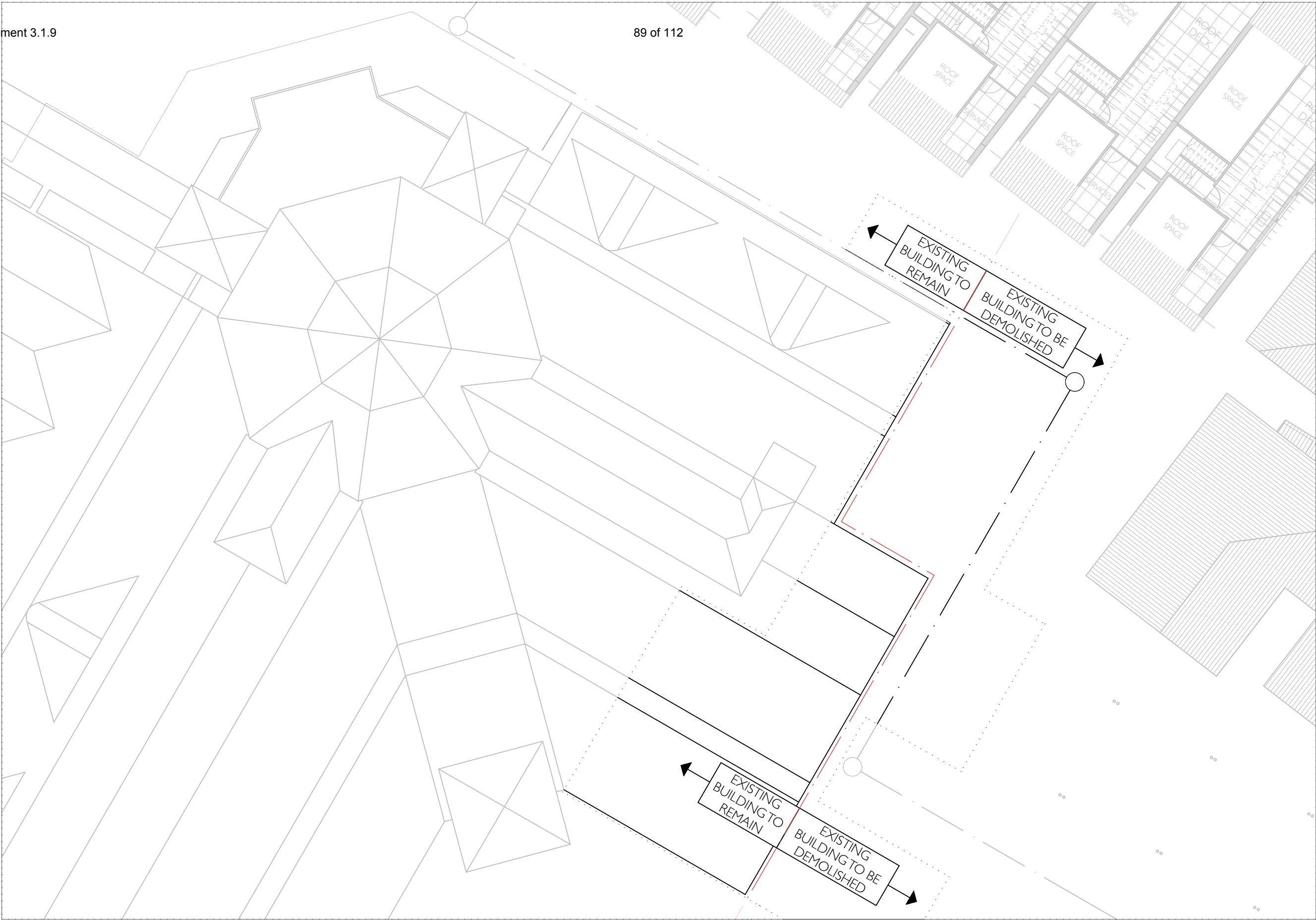


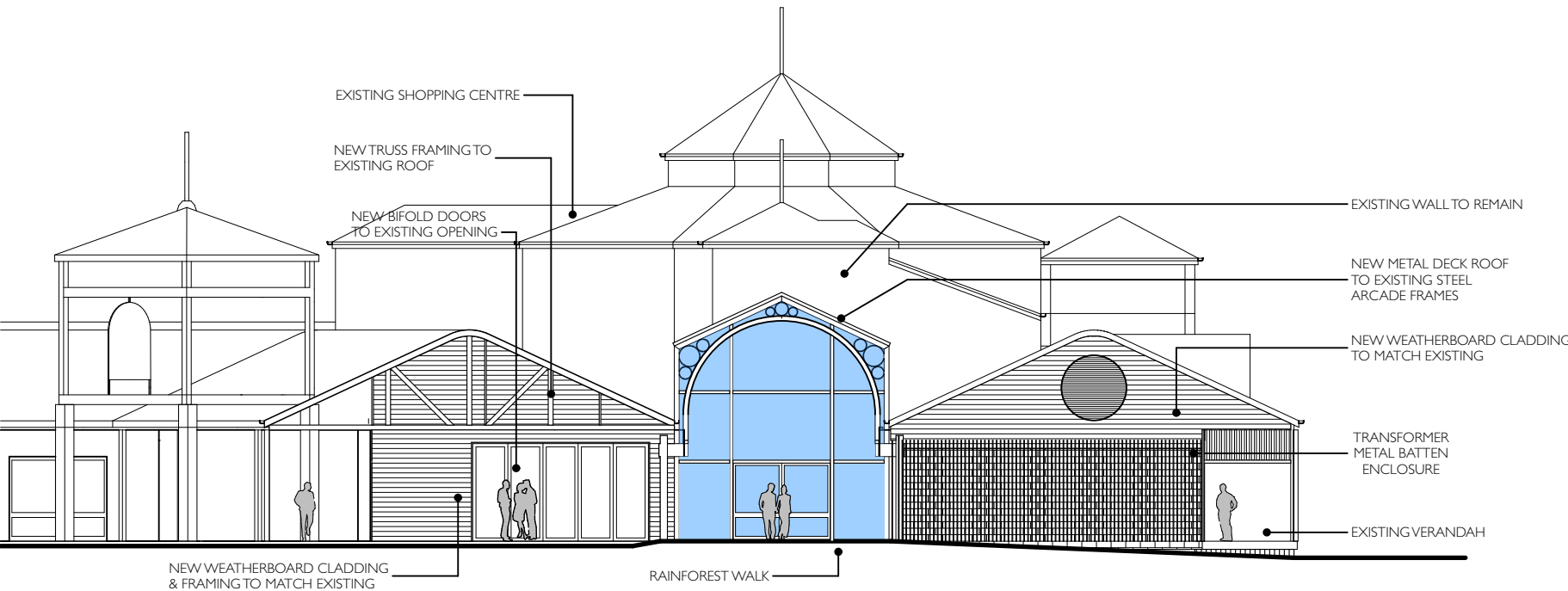
Attachment 3.1.8

LEGEND	
B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
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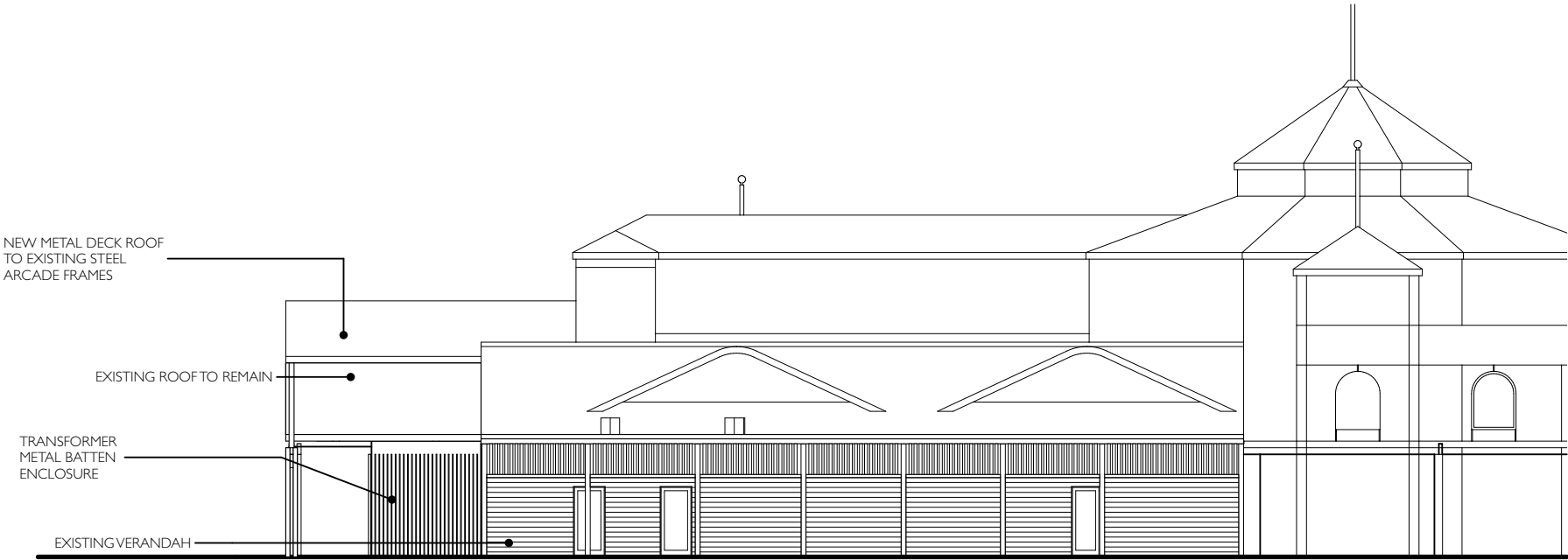








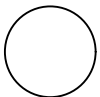
NORTH ELEVATION
1:200

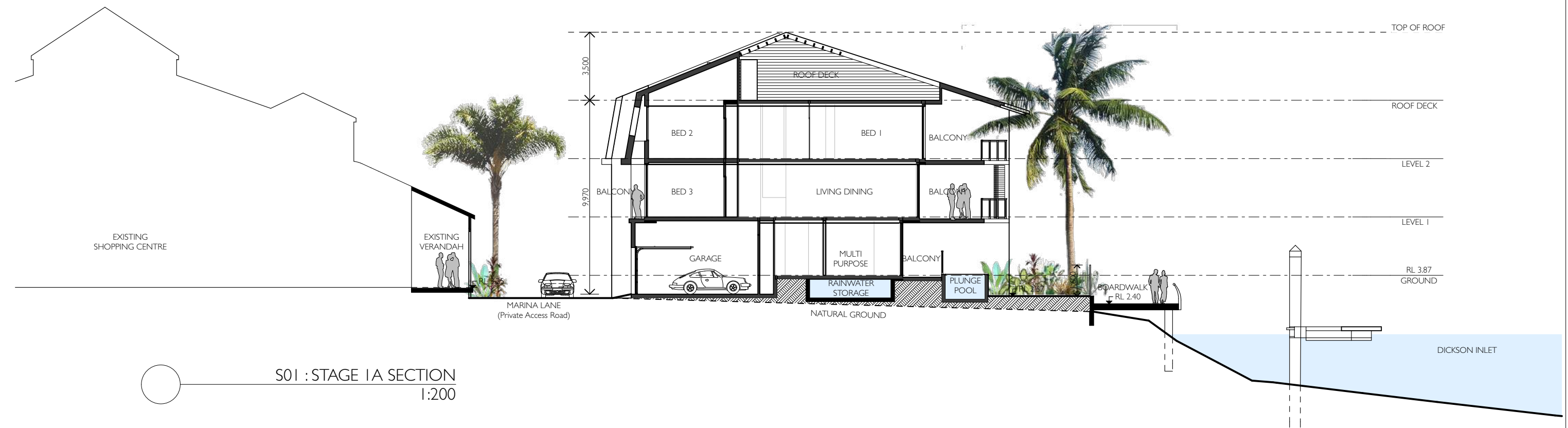


WEST ELEVATION
1:200

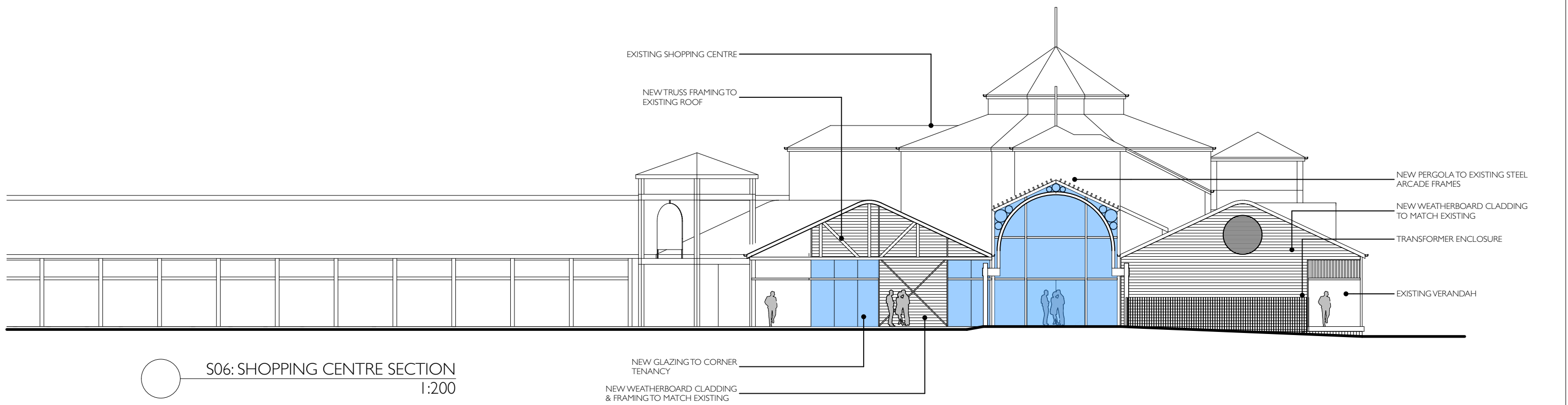


EAST ELEVATION
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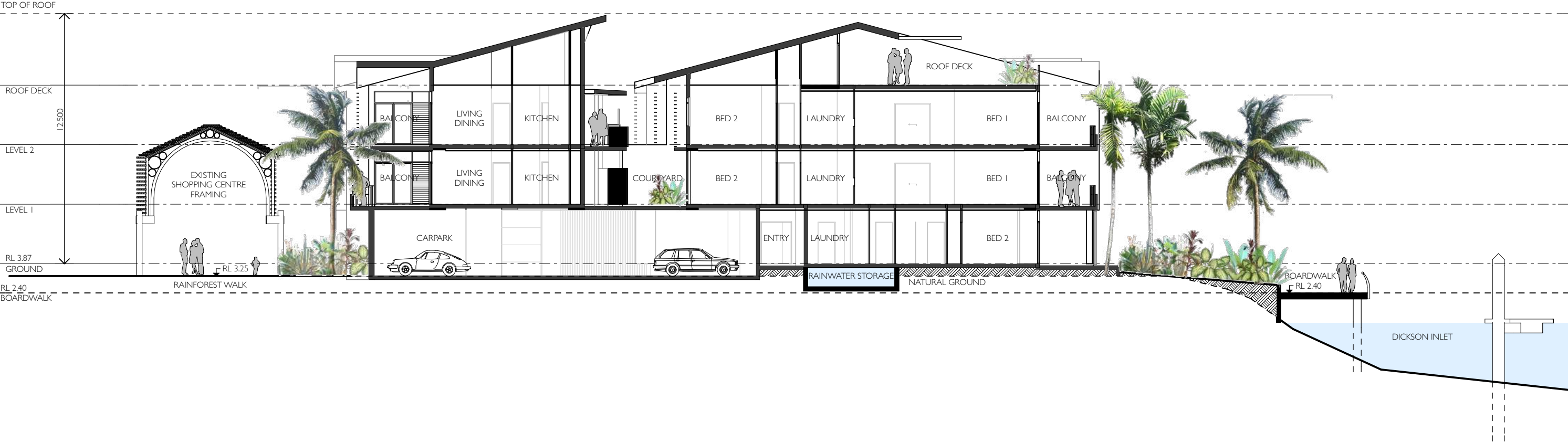




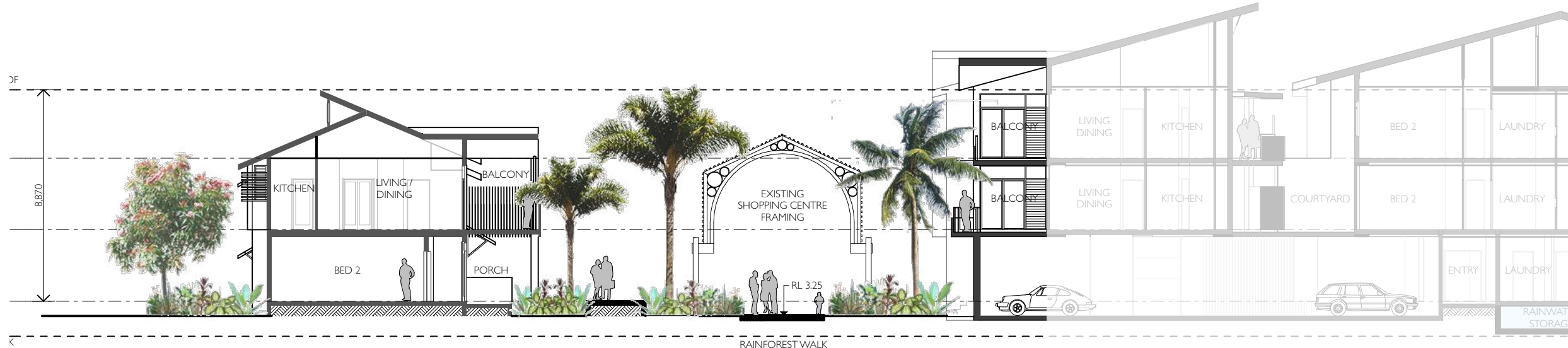
S01 : STAGE 1A SECTION
1:200



S06: SHOPPING CENTRE SECTION
1:200



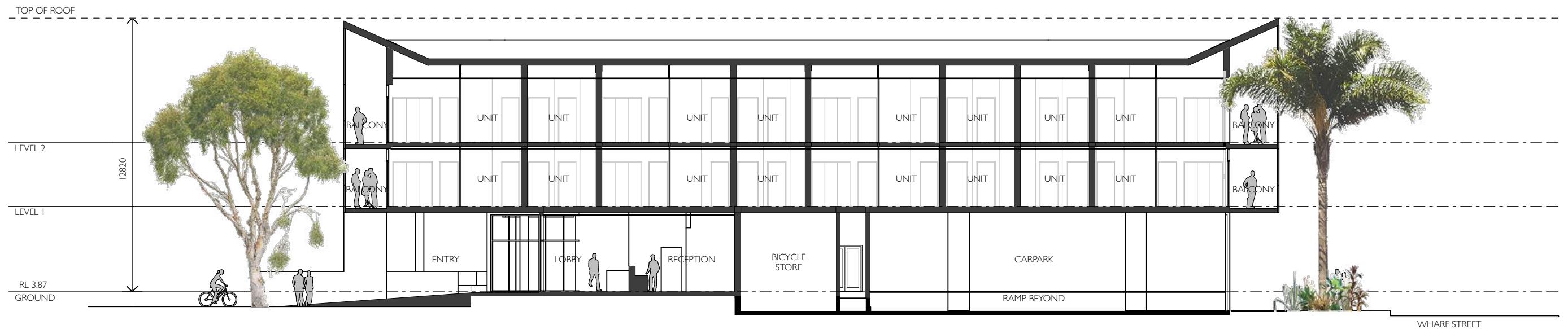
S02 : STAGE 1B SECTION
1:200



S03 : STAGE 3A SECTION
1:200



○ S04 : STAGE 2A SECTION
1:200



○ S05 : STAGE 2C SECTION
1:200



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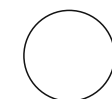


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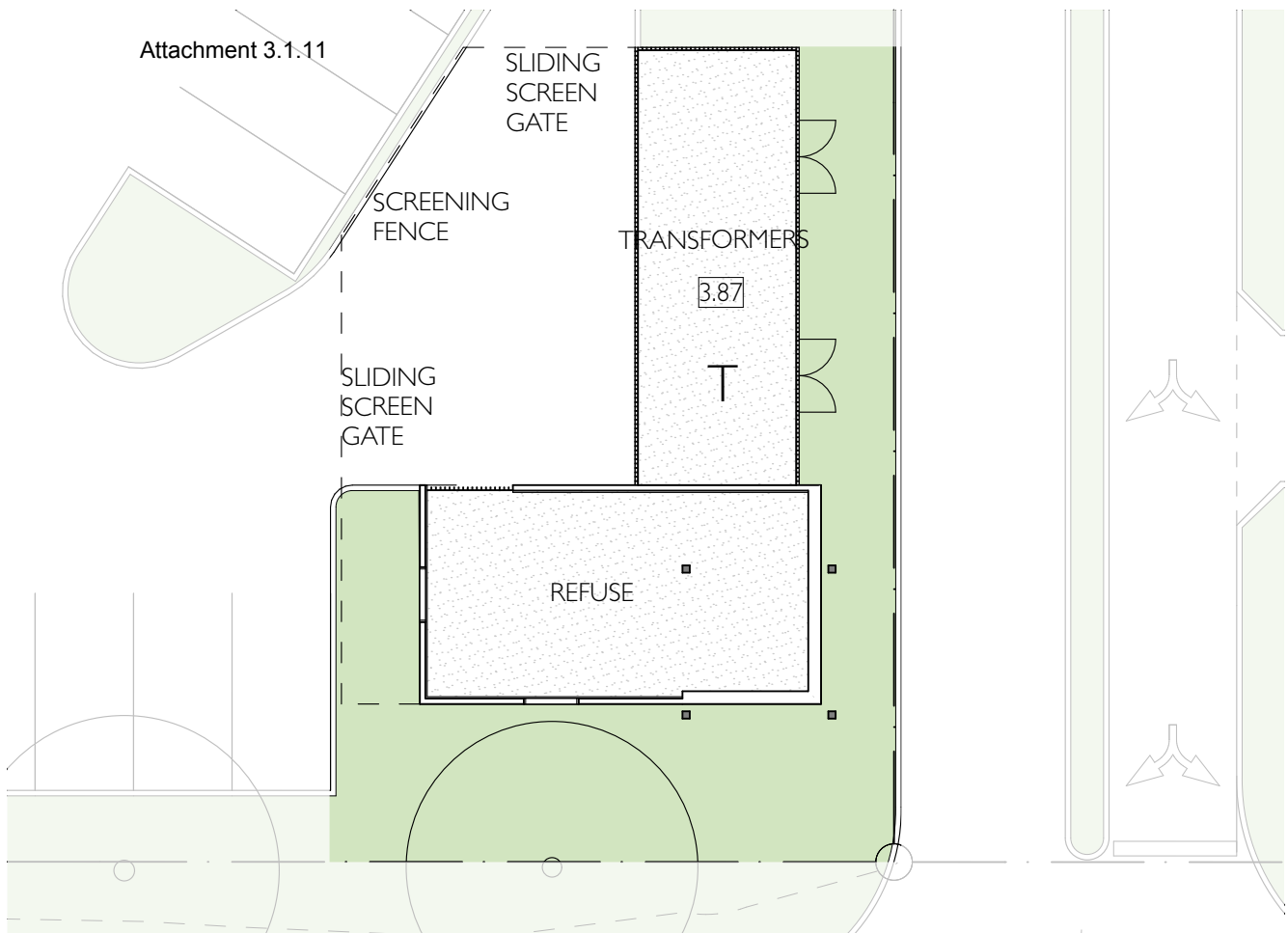
SITE SECTIONS: STAGE 2A + 2C



PROJ NO.
160303

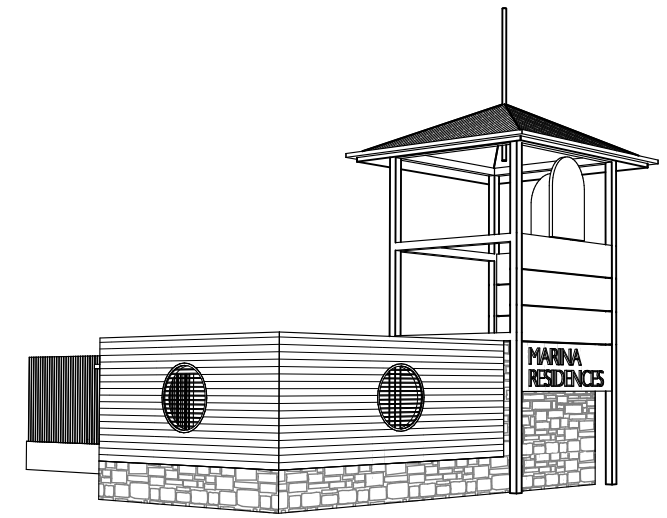
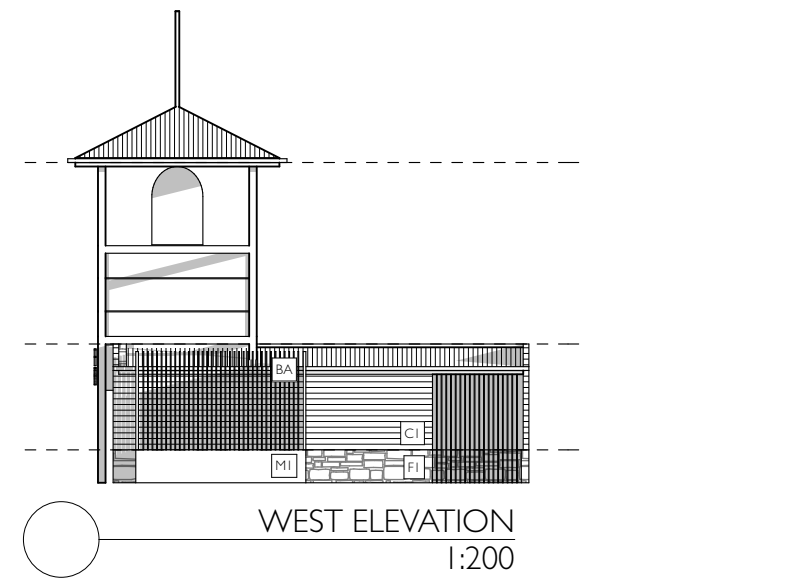
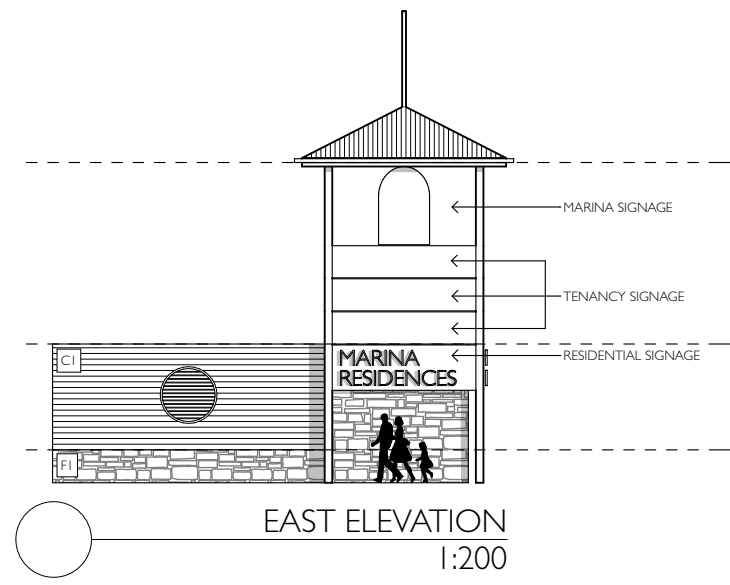
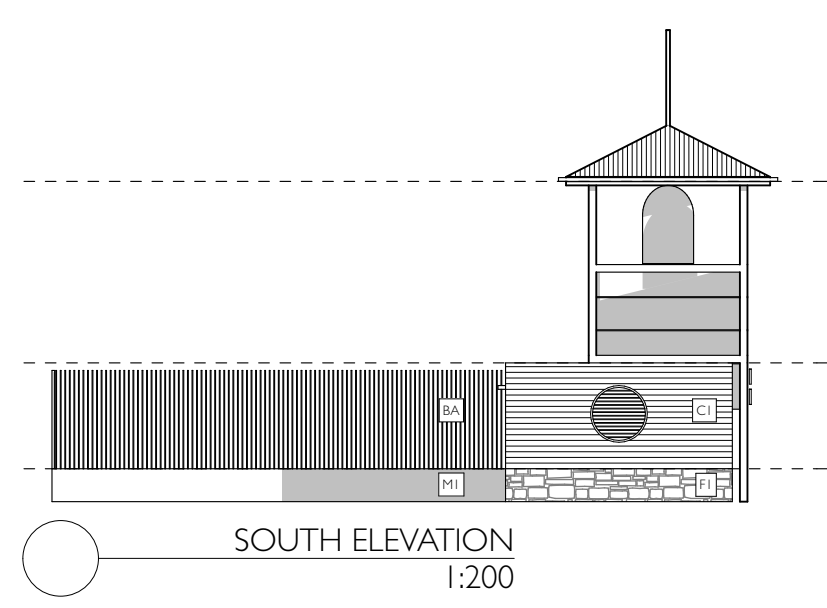
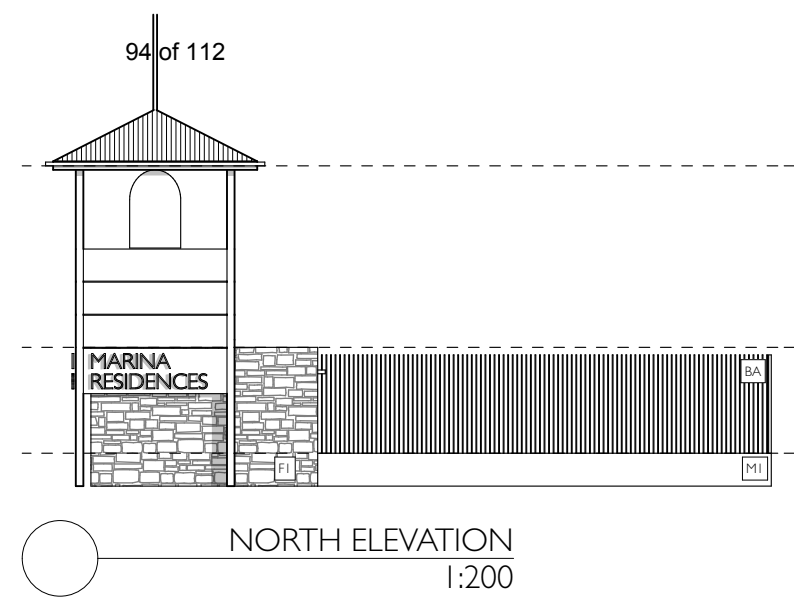
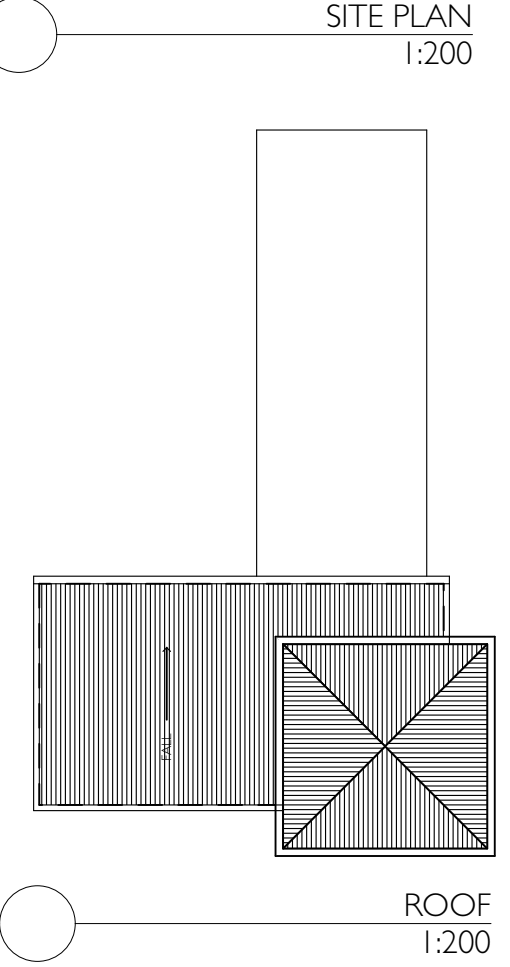
DWG NO.
DA-S-115

REVISION: **02**
STATUS: DEVELOPMENT APPLICATION



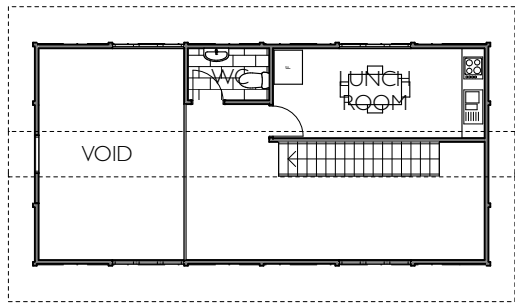
LEGEND

B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
CI	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
FI	IRREGULAR STONE FEATURE WALL
LI	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
PE	POWDERCOATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING

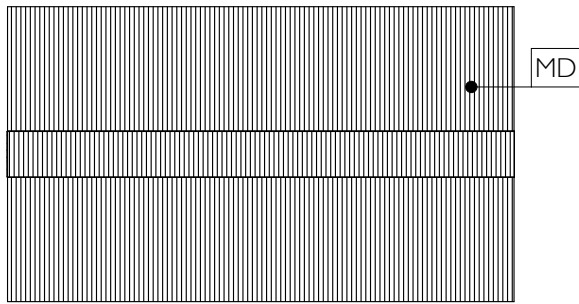




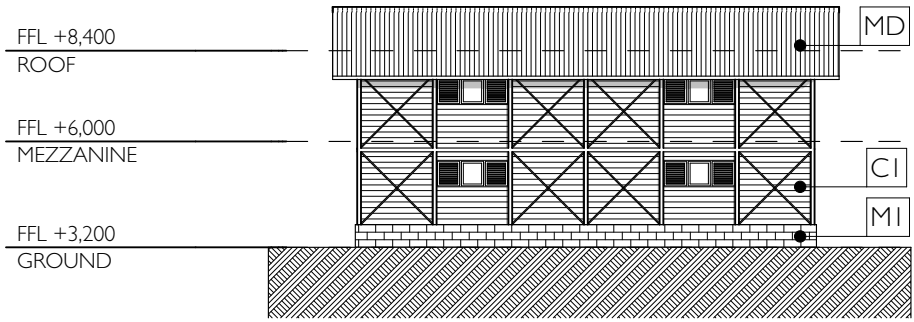
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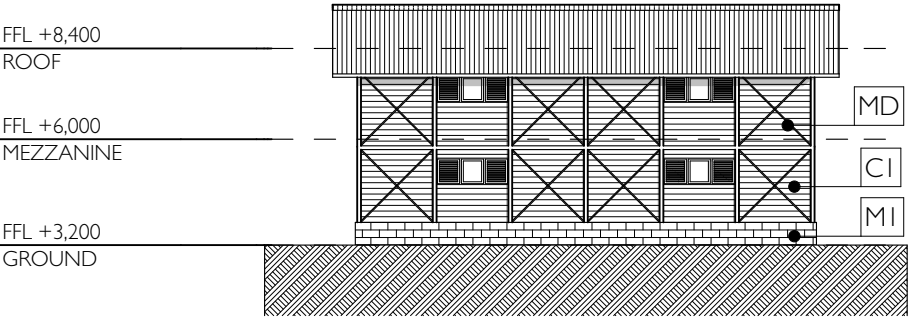
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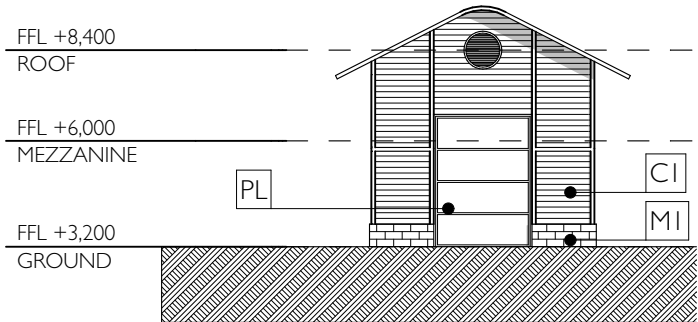
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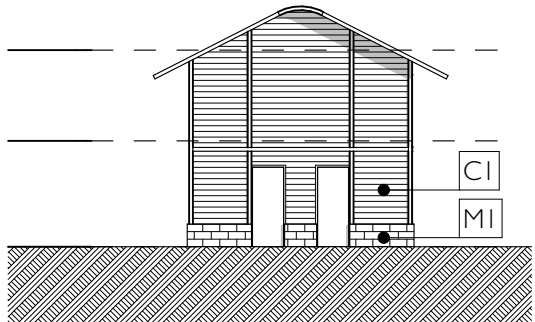
NORTH ELEVATION
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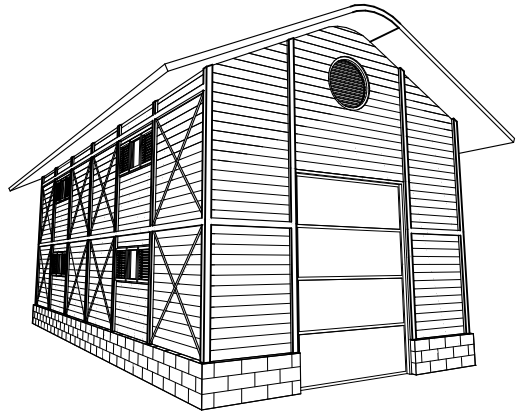
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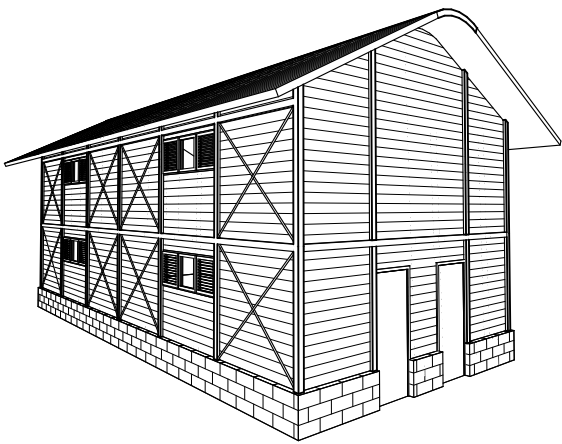
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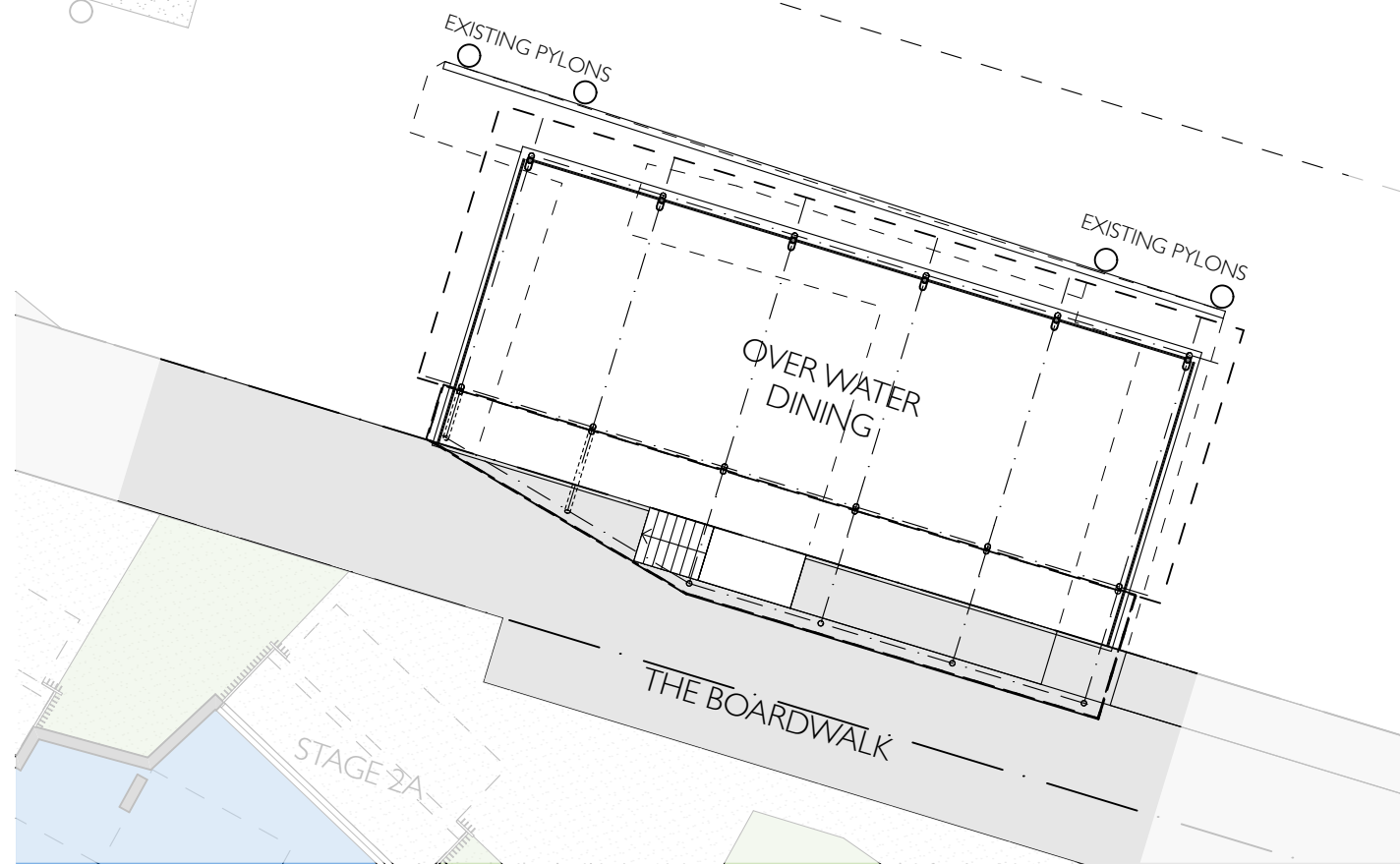
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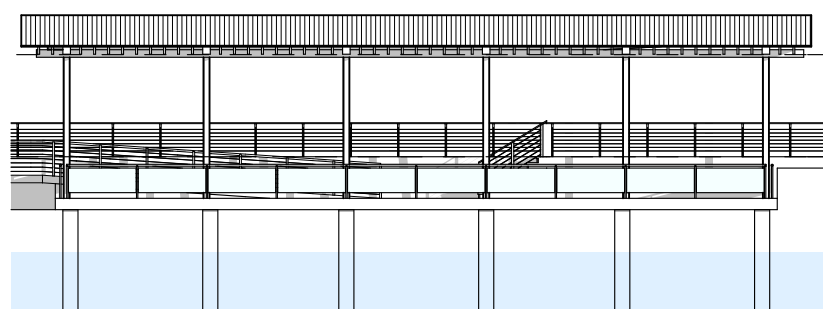
PERSPECTIVES



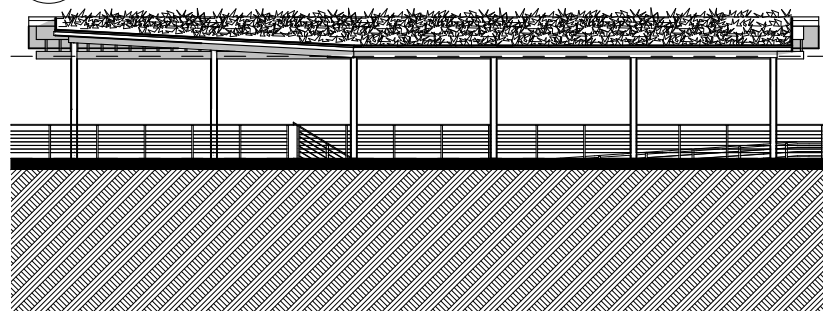
LEGEND	
B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
LI	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
PE	POWDERCOATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
PO	POLYCARBONATE WITH TIMBER BATTEN SCREEN TO UNDERSIDE
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING



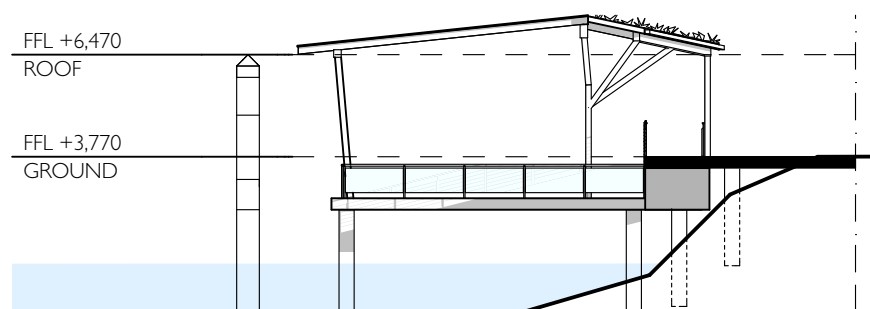
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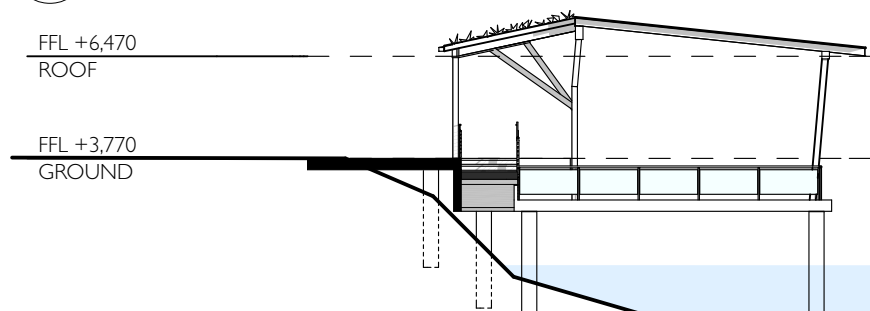
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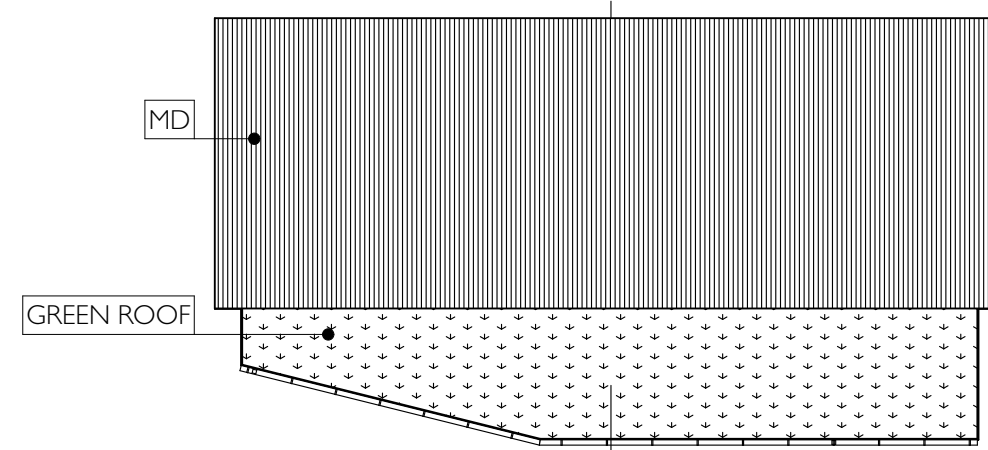
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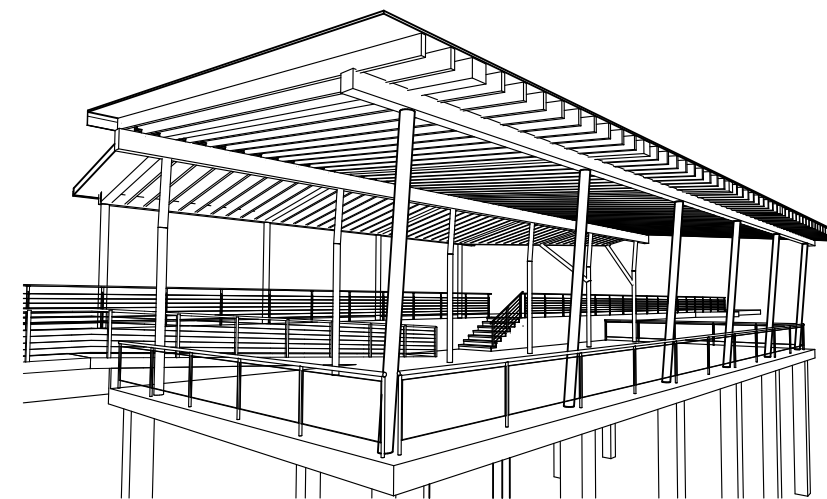
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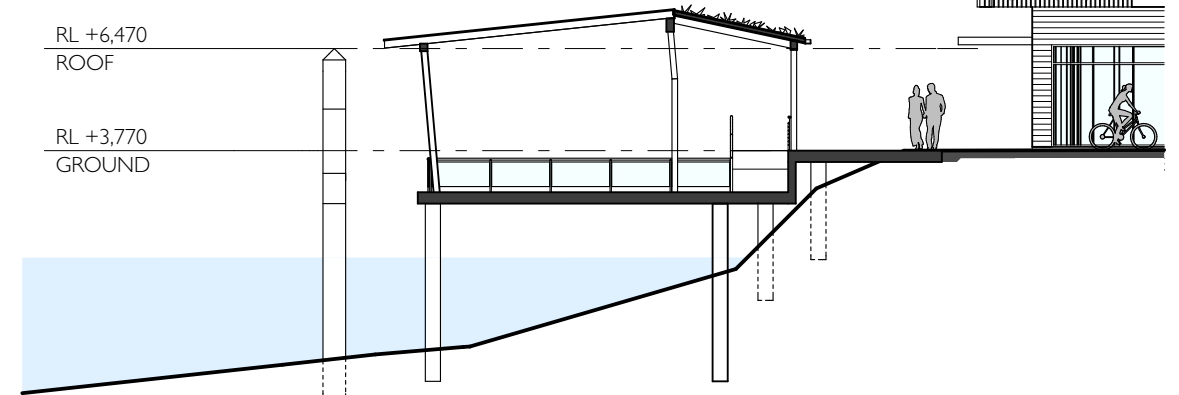
NORTH ELEVATION
1:200



ROOF PLAN
1:200



PERSPECTIVE



SECTION A
1:200

LEGEND

B1	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B2	CFC WEATHERBOARD + GLAZED BALUSTRADE
B3	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B4	GLAZED BALUSTRADE IN STAINLESS STEEL FRAME
B5	STAINLESS STEEL + WIRE BALUSTRADE
BA	BATTENED SCREEN
C1	CFC WEATHERBOARD CLADDING
C2	CFC WEATHERBOARD CLADDING
F1	IRREGULAR STONE FEATURE WALL
L1	POWDERCOATED ALUMINIUM LOUVRES
LS	STACKING LOUVRE SHUTTERS
PE	POWDERCOATED ALUMINIUM PERGOLA
PL	PANEL LIFT DOOR
M1	RENDERED MASONRY COLOUR 1
M2	RENDERED MASONRY COLOUR 2
MD	METAL DECK ROOFING
S1	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S2	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING
S3	POWDER COATED SHADING DEVICE WITH METAL DECK ROOFING



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E: MAILBOX@DEICKERICHARDS.COM.AU
W: WWW.DEICKERICHARDS.COM.AU

THE REEF MARINA
PORT DOUGLAS QLD



Special Council Meeting - 17 February 2017

DRAWN: EB
CHECKED: JL
APPROVED: PR JL

DATE: 30/1/2016

OVER WATER PAVILION

PROJ NO.
160303

DWG NO.
DA-IR-108

REVISION: 03
STATUS: DEVELOPMENT APPLICATION



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-1116-035437

Your reference: CA1685/2016

06 February 2017

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4870

Attn: Simon Clarke

Dear Sir / Madam

Concurrence agency response—with conditions

Application for material change of use and reconfiguring a lot on land situated at Inlet Street, Wharf Street and Ashford Avenue Port Douglas, described as Lot 146 on SR861, part Lot 126 on SR868, lot 103 on SR500 and Inlet Street road reserve and known as The Reef Marina

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 30 November 2016.

Applicant details

Applicant name:	The Reef Marina Pty Ltd
Applicant contact details:	Elizabeth Taylor, Town Planner 23 Valley Street Freshwater QLD 4870 liz@elizabethtaylor.net.au

Site details

Street address:	Wharf Street Port Douglas 7 Ashford Avenue Port Douglas 38-42 Wharf Street Port Douglas Inlet Street (road reserve)
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Lot on plan:	Lot 146 on SR861 ;
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Part Lot 126 on SR868;;
 Lot 103 on SR500
 Inlet Street road reserve

Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for combined application for material change of use and reconfiguring a lot as detailed below.

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Redevelopment of The Reef Marina site at Port Douglas to provide for staged development of: Stage 1a – 5 x Multi-Unit Housing/Holiday Accommodation; Stage 1b – 14 x Multi-Unit Housing/Holiday Accommodation; Stage 2a - Mixed Use Development – 35 x Multi-Unit Housing/Holiday Accommodation and Commercial/Retail Space (Shops/Restaurants/Offices/Tavern); Stage 2b – Public Plaza, temporary commercial/retail container shops, temporary industrial premises, temporary retention of Slipway; Stage 2c – Mixed Use Development – 26 x Multi-unit Housing/Holiday Accommodation and/or Holiday Accommodation - Dual Key and Commercial/Retail Space (Shops/Restaurants/Offices/Tavern); Stage 3a – 5 x Multi-Unit Housing/Holiday Accommodation and/or Holiday Accommodation - Dual Key.	Code Assessment
Reconfiguring a Lot	Development permit	3 lots into 5 lots (staged)	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger	Schedule 7, Table 2, Item 14—Coastal management district
	Schedule 7, Table 3, Item 5— Coastal management district
	Schedule 7, Table 3, Item 2—State transport infrastructure

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval:

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use and reconfiguring a lot				
Master site plan	Studio Tekton and Deike Richards Architects <i>(as amended in red)</i>	29/11/2016	DA-S-104	03

A copy of this response has been sent to the applicant for their information.

For further information, please contact Michele Creecy, Senior Planning Officer, SARA Far North QLD on 4037 3206, or email michele.creecy@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: The Reef Marina Pty Ltd, liz@elizabethtaylor.net.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plans and Specifications

Our reference: SDA-1116-035437

Your reference: CA1685/2016

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development – material change of use and reconfiguring a lot		
Schedule 7, Table 2, Item 14 and Schedule 7, Table 3, Item 5 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Building siting for Stages 1A, 1B and 2A must be generally in accordance with Master Site Plan prepared by Studio Tekton and Deicke Richards dated 29/11/2016, reference DA-S-104, revision 3, as amended in red.	At all times
2.	A revetment wall must be incorporated into the boardwalk design as shown on Master Site Plan prepared by Studio Tekton and Deicke Richards dated 29/11/2016, reference DA-S-104, revision 3, as amended in red.	Prior to commencement of use.
3.	Habitable rooms and commercial tenancies are to be located at a minimum ground floor level of 3.87AHD.	At all times
4.	No basement car parking is to be included within the development.	At all times
5.	<p>a) Develop an 'Extreme Weather Contingency Plan' which includes at a minimum:</p> <ul style="list-style-type: none"> Safe refuge areas from storm tide inundation at a minimum of 7.87AHD to accommodate for all non-residents and 5% of ground floor residents; and Mechanism for notifying residents, non-residents, tenants and operators of the extreme weather contingencies. <p>b) Submit a copy of the 'Extreme Weather Contingency Plan' to PALM@ehp.qld.gov.au.</p>	Prior to commencement of use
6.	Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works the subject of this approval
Aspect of development: Development impacting on State Transport Infrastructure		
Schedule 7, Table 3, Item 2 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
7.	Provide a parking bay suitable for accommodating a taxi parallel to the kerb and adjacent to each of the building entries of Stage 2A and Stage 2C as shown on Master Site Plan prepared by Studio Tekton and Deicke Richards dated 29/11/2016, reference DA-S-104, revision 3, as amended in red.	Prior to commencement of use

No.	Conditions	Condition timing
	<p>The parking bays accommodating a taxi must be designed suitable for use by people with disabilities, in particular in accordance with:</p> <ul style="list-style-type: none">o AS1428.1–2009 Design for access and mobility – general requirements for access – new building worko AS/NZS 2890.6–2009 Parking facilities – off-street parking for people with disabilitieso Disability standards for accessible public transport 2002 made under section 31(1) of the <i>Disability Discrimination Act 1992</i>	

Our reference: SDA-1116-035437

Your reference: CA1685/2016

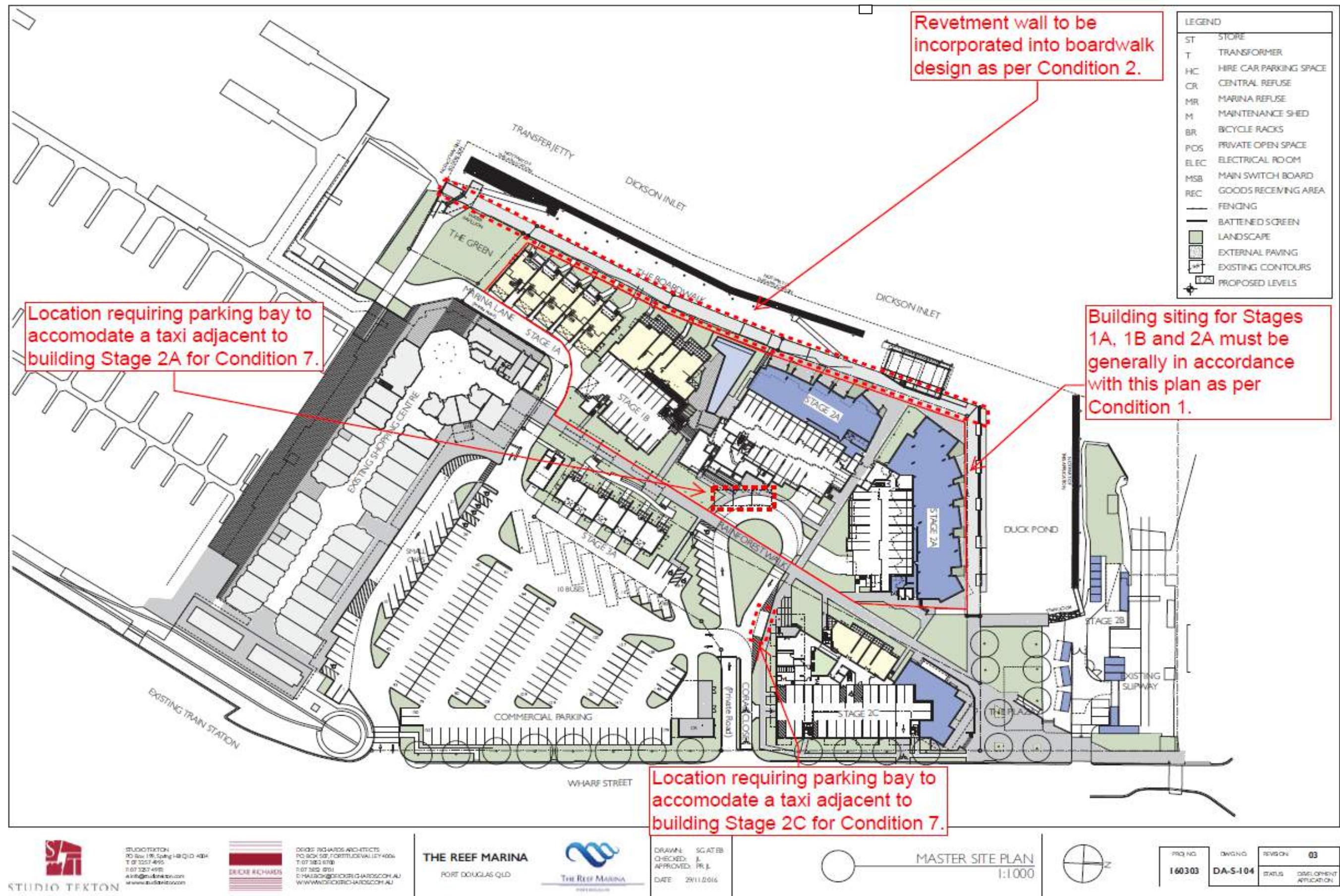
Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development avoids or minimises adverse impacts on coastal resources and their values.
- To ensure public safety is not impacted during a coastal hazard event.
- To ensure the needs of people with disabilities are incorporated into the design and construction of the development.

Our reference: SDA-1116-035437
Your reference: CA1685/2016

Attachment 3—Approved plans and specifications





INFRASTRUCTURE CHARGES NOTICE

The Reef Marina	0	0
DEVELOPERS NAME	ESTATE NAME	STAGE
Wharf Street	Port Douglas	2614
STREET No. & NAME	SUBURB	PARCEL No.
Combined; ROL & MCU	CA1685/2016	Four (4)
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (years)
803841	1	
DSC Reference Doc. No.	VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing			0.00		
Total					
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
proposed	85	8,356.93	710,339.05		
	500	153.00	76,500.00		
	940	50.10	47,094.00		
existing	2893	50.10	144,939.30		
	382	153	58446		
Total			630,547.75		

TOTAL

Prepared by	N Beck	6-Feb-17	Amount Paid	
Checked by	S Clarke	6-Feb-17	Date Paid	
Date Payable			Receipt No.	
Amendments	Date		Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the *Sustainable Planning Act 2009 (SPA)*.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au













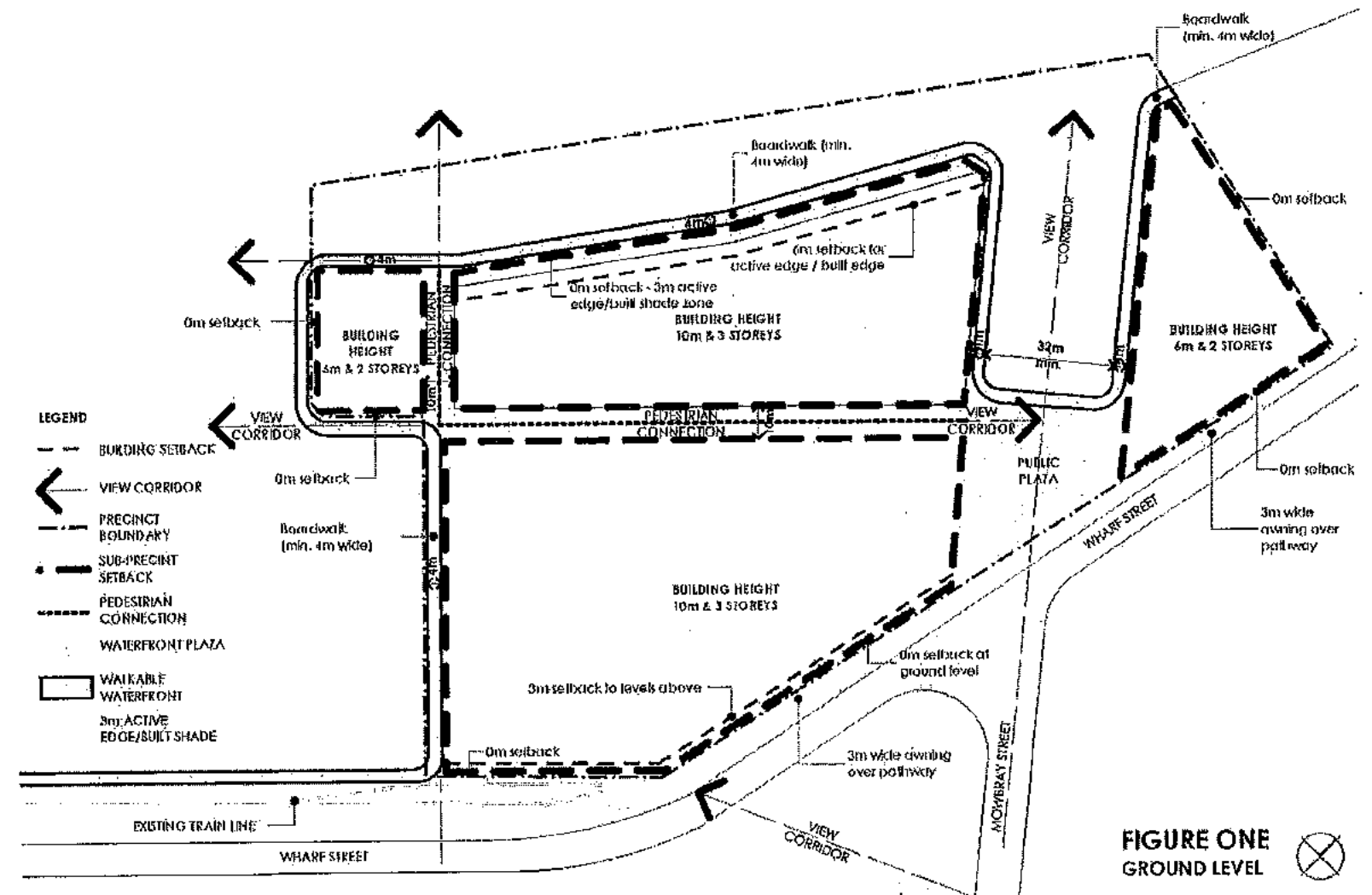


Figure 1: Development Control Guideline