

ENQUIRIES: Ms Claire Garner
PHONE: (07) 4044 3081
FAX: (07) 4044 3836
YOUR REF: C10-044
OUR REF: 8/8/1161 (3047304)

27 January 2011

Amalgamated Holdings Pty Ltd
C/- Planning Far North Pty Ltd
PO Box 7081
CAIRNS QLD 4870

Attention: Jonathan M^cKenzie

Dear Sir

DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
111-119 PORT DOUGLAS ROAD, PORT DOUGLAS

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 27 January 2011, please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Claire Garner of Council's Development Assessment team on telephone number (07) 4044 3081.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att

APPLICANT DETAILS

Amalgamated Holdings Pty Ltd
C/- Planning Far North Pty Ltd
PO Box 7081
CAIRNS QLD 4870

ADDRESS

111-119 Port Douglas Road, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 3 on RP729991

PROPOSAL

Outdoor Cinema & Ancillary Facilities

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

27 January 2011

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

(Conservation Estate, Wetlands)

Development Application Lodgement

Department of Environment & Resource Management

PO Box 15155

CITY EAST QLD 4002

(State Controlled Roads)

Department of Transport and Main Roads

Far North Region (Cairns)

PO Box 6185

CAIRNS QLD 4870

Attention: Senior Planner

SUBMISSIONS

There were two (2) properly made submissions for this application.

Lesley Scott & Brian Donohoe	PO Box 192	CHURCH POINT NSW 2015
Sean Hawkes	4 Sorrento Crescent	PORT DOUGLAS QLD 4877

FURTHER DEVELOPMENT PERMITS REQUIRED

There are no further Development Permits required.

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Aerial Site Plan	Planning Far North C10-044 Dwg. PFN/AER/01 REV.A	September 2010
Site Plan	Planning Far North C10-044 Dwg. PFN/01 Rev. A	September 2010
Outdoor Cinema Concept Plan & Section	AHL Dwg. PC-001 Rev P2	3 September 2010

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;
 - 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 effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Landscaping Plan

3. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Location and species of trees to be planted along the southern boundary of the site to provide an effective screen to mitigate light spillage onto the residential properties within the 'Reef Terraces' development on adjoining Lots 0 & 92-126 on BUP70741;
 - b. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan 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 whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Noise Limitations

4. In the event that a Liquor Licence is not granted over Lot 3 on RP729991 or that such a licence does not incorporate conditions relating to noise emissions, it is required that noise emanating from the premises must meet the requirements of the *Environmental Protection Act 1994*.

Specifically, the development should incorporate the noise amelioration measures recommended in the Noise Impact Assessment (NIA) prepared by MWA Environmental, dated 25 November 2010. This Assessment recommends that noise is to be no greater than 55db measured at the receptor (this being any residential property in the vicinity and the development).

Hours of Operation

5. The hours of operation are limited to the following:

Monday to Sunday: 6:30 pm to 10:00 pm

Unless otherwise approved by the Chief Executive Officer.

All activities are to have ceased and all patrons and staff are required to have vacated the outdoor cinema by 10:30 pm.

Vehicle Parking

6. The amount of vehicle parking available on site for cinema patrons must be as specified in Council's Planning Scheme which is a minimum of ninety-three (93) spaces across the site.

On the nights that the outdoor cinema is in operation the parking area containing seventy-eight (78) spaces must be reserved for the exclusive use patrons of the outdoor cinema who are not guests at the resort.

Parking Signage

7. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Port Douglas Road frontage.

Bicycle Parking

8. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles*. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is fifteen (15) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

On Site Lighting

9. 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.

Advertising Signage

10. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first. Specifically, any future signage associated with the use shall not exceed four (4) m² in area.

Scrub Fowl

11. The proposed development and any associated works required by Conditions of this approval must not impact on the established scrub fowl mound located within the site.

Refuse Storage

12. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Water & Waste.

Food Service

13. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
14. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council’s Public Health Unit.
15. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council’s Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council’s Public Health Unit for further information.

CONCURRENCE AGENCY CONDITIONS AND REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department Transport & Main Roads	214165041102(2744.03)	30 November 2011	2996907

Refer to Appendix 2: Concurrence 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 four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

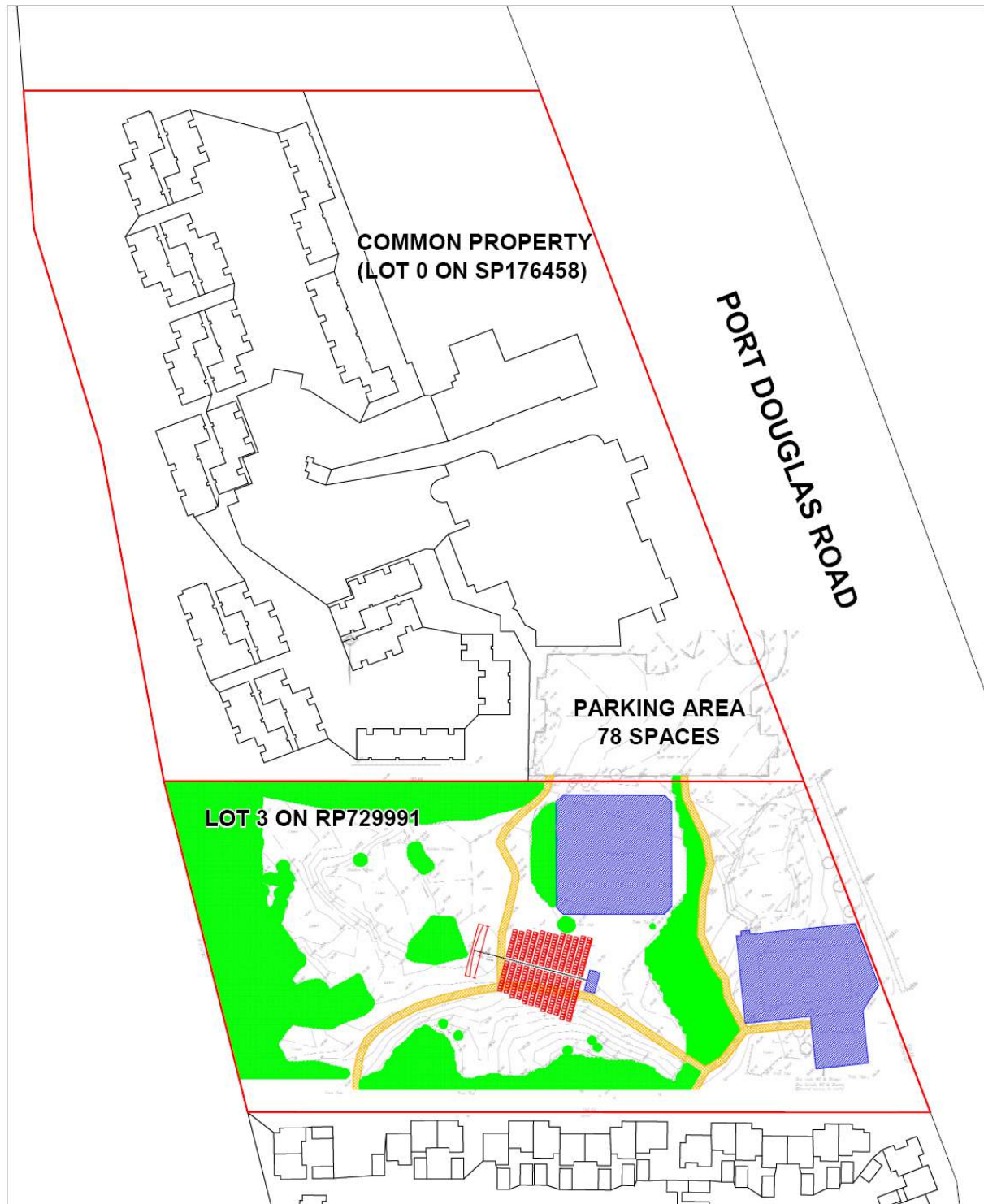
Attached

End of Decision Notice

APPENDIX 1 APPROVED PLAN(S) AND DOCUMENT(S)



DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



MAP COMPILED FROM:
DCDB
CONCEPT PLAN

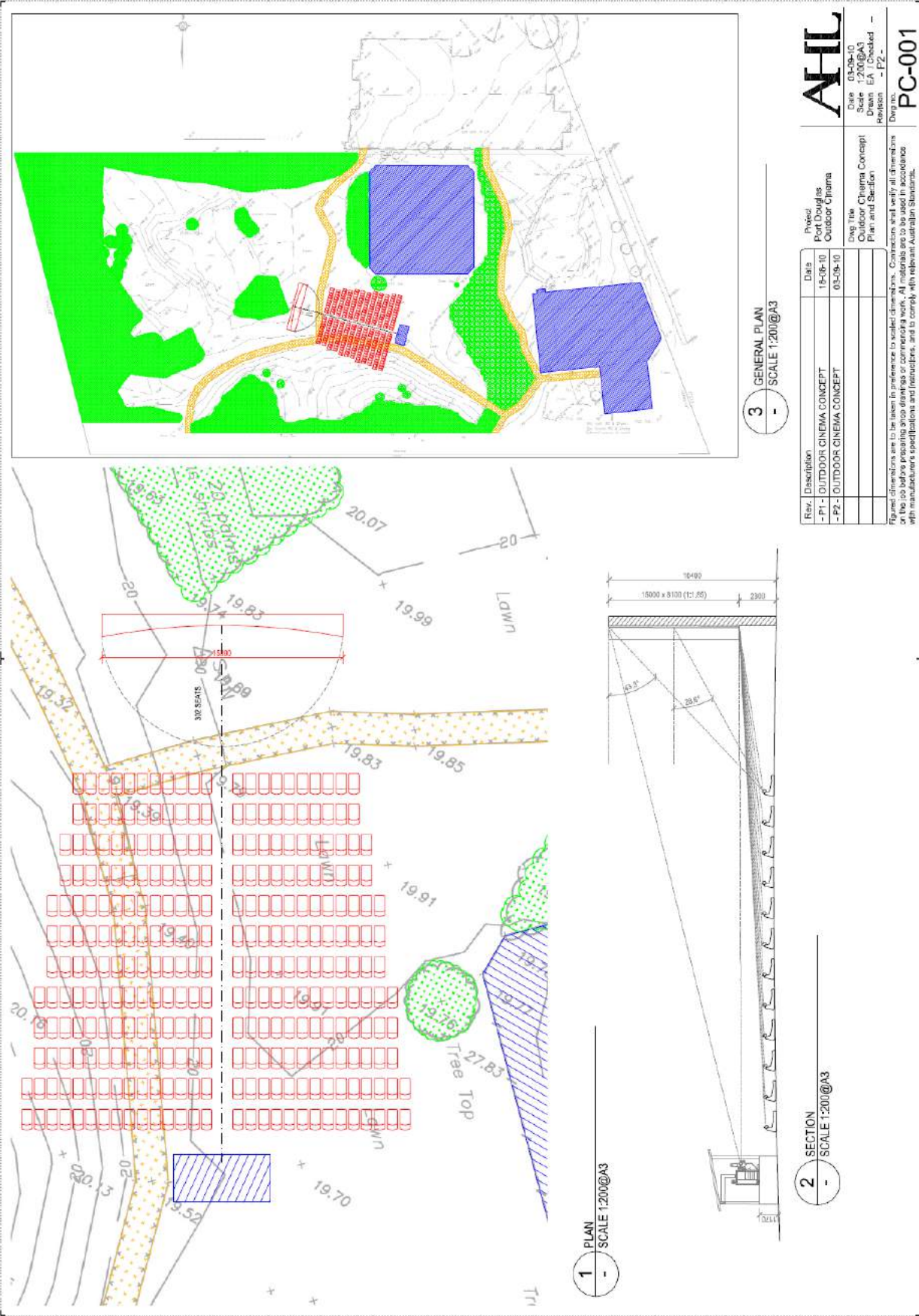
THE PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE APPROXIMATE ONLY.
THEY ARE NOT AN ACCURATE REPRESENTATION OF THE LEGAL BOUNDARIES.
THIS MAP IS BASED ON OR CONTAINS DATA PROVIDED
BY THE STATE OF QLD (DNRM) 2008.

SITE PLAN
FOR DEVELOPMENT APPLICATION AT 87-119 PORT DOUGLAS ROAD,
PORT DOUGLAS
DESCRIBED AS
LOT 3 ON RP729991 AND COMMON PROPERTY (LOT 0 ON SP176458)

LOCAL AUTHORITY: 8/8/1161

JOB NUMBER: C10-044
DRAWING NUMBER: PFN/01
REVISION: A
REVISION DATE: SEPT 2010
SCALE: 1:1000 @ A3

PLANNING FAR NORTH
TOWN PLANNING CONSULTANTS
P.O. BOX 7801
CAIRNS QLD 4870



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS AND REQUIREMENTS

Council Ref: 8/8/1161

30 November 2010

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Attention: Ms Claire Garner

Dear Ms Garner



Referral Agency Response — s. 287 of the *Sustainable Planning Act 2009 (Qld)*

Applicant: Amalgamated Holdings Limited

Application: Material Change of Use (Outdoor Cinema & Ancillary Facilities)

Location: Lot 3 on RP729991 & Lot 0 on SP176548, Parish of Salisbury
Ryldges Sabaya Resort, 111-119 Port Douglas Road, Port Douglas

I refer to the above application received at the Department of Transport & Main Roads (TMR) on 27 September 2010 and 26 November 2010 requesting consideration of the above development.

Pursuant to section 287 of the *Sustainable Planning Act 2009 (Qld)*, the Department, as a Concurrence Agency, has assessed the impact of the proposed development on the state-controlled road network and requires that Council include the attached conditions of development for the subject application.

Should you have any queries regarding the response please contact Malcolm Hardy on 4050 5511.

Council is requested to reflect the conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

The Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely

A handwritten signature in black ink that reads "Malcolm Hardy".

Malcolm Hardy
Senior Planner (Assets & Operations) Far North

Department of Transport and Main Roads
Assets and Operations
Far North Region / Cairns Office
Floor 5 Cairns Corporate Tower
15 Lake Street Cairns Queensland 4870
PO Box 6185 CAIRNS Queensland 4870
ABN 39 407 690 291

Enquiries MALCOLM HARDY
Our Ref : 214/6504/102 (2744.03)
Telephone - 4050 5511
Facsimile - 4050 5429
Website - www.tmr.qld.gov.au
Email - malcolm.hardy@tmr.qld.gov.au

Conditions of Development and Statement of Reasons
Concurrence Agency Response – Development impacting on a state-controlled road

Council Ref: 8/8/1161 **Date:** 30 November 2010
State-controlled road: Port Douglas Road
Proposal: Material Change of Use (Outdoor Cinema & Ancillary Facilities)
Real property description: Lot 3 on RP729991 & Lot 0 on SP176458, Parish of Salisbury
Site locality: Rydges Sabaya Resort, 111-119 Port Douglas Road, Port Douglas
Applicant: Amalgamated Holdings Pty Ltd

Conditions of Development	Reasons	Condition Basis
<p>Layout</p> <p>1. Unless otherwise approved in writing by TMR the development site layout must generally comply with Planning Far North plan numbered C10-044 "Site Plan", revision A, dated Sept 2010.</p> <p>Permitted Road Access Location</p> <p>2. Vehicular access between the state-controlled road (Port Douglas Road) and the Subject Land shall be via the existing access for the Rydges Sabaya Resort only, located about midway along the Port Douglas Road frontage of Lot 0 on SP176458.</p> <p>3. No additional direct vehicular access between the state-controlled road (Port Douglas Road) and the Subject Land is permitted.</p>	<p>To ensure the development proceeds in accordance with the proposal</p> <p>TMR must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p>	<p>s. 62 <i>Transport Infrastructure Act 1994</i> (Qld)</p>

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Conditions of Development	Reasons	Condition Basis
Road Access Works 4. Road access works at the permitted road access location, pursuant to Condition 2, are required and shall be constructed in accordance with: <ul style="list-style-type: none"> • TMR's <i>Road Planning and Design Manual</i> in conjunction with TMR's <i>Interim Guide to Road Planning & Design Practice</i>, and • Current TMR standards <p>A recent site inspection indicates the access works require the provision of the following within the state-controlled road reserve (Port Douglas Road):</p> <p>(i) 3 No Standing signs along the Port Douglas Road verge, located about 70m apart, and about 25m, 105m and 175m south of the existing Rydges Sabaya Resort vehicular access</p> <p>5. The applicant/landowner shall obtain the written approval of TMR for road access works prior to works commencing within the state-controlled road reserve (Port Douglas Road).</p> <p>6. All required road access works must be completed to the written approval of TMR prior to the commencement of the approved use.</p> <p>Advertising</p> <p>7. No advertising device for the proposed development is permitted within the state-controlled road reserve (Port Douglas Road).</p> <p>Parking</p> <p>8. No parking associated with the development is permitted within the state-controlled road reserve (Port Douglas Road).</p>	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p> <p>Advertising devices may obscure signage and distract motorists.</p> <p>Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.</p>	<p>s. 33 <i>Transport Infrastructure Act 1994 (Qld)</i> <i>Main Roads' Road Planning and Design Manual</i>, in conjunction with TMR's <i>Interim Guide to Road Planning & Design Practice</i></p> <p>s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i></p> <p>s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i></p>

Appeals

Section 482 of the *Sustainable Planning Act 2009* requires that an appellant give notice of an appeal to a referral agency in certain circumstances. Where notice of an appeal is required to be given to the Department of Transport and Main Roads that notice may be given by any of the methods mentioned below:

By prepaid mail: Planning Legislation Unit
 Integrated Transport Planning
 The Department of Transport and Main Roads
 GPO Box 213
 Brisbane Qld 4001

By email: TMRAppeals@tmr.qld.gov.au

In person: Level 3
 Terrica Place
 140 Creek Street
 Brisbane Qld 4000