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YOUR REF: ET15-027
OUR REF: CA 1685/2016 (805239)

20 February 2017

The Reef Marina Pty Ltd
C/- Elizabeth Taylor Town Planner
23 Vallely Street
FRESHWATER QLD 4870

Attention: Elizabeth Taylor

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
COMBINED DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF
USE AND LOT RECONFIGURATION AT WHARF STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Special Meeting held on 17 February 2017, 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.

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9444.

Yours faithfully



Paul Hoyer | Manager
Sustainable Communities | Douglas Shire Council

Att

APPLICANT DETAILS

The Reef Marina Pty Ltd
C/- Elizabeth Taylor Town Planner
23 Vallely Street
FRESHWATER QLD 4870

ADDRESS

Wharf Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 146 SR861, Part Lot 126 SR868, Lot 103 SR500 and Inlet Street (Road Reserve)

PROPOSAL

Combined Application for Material Change of Use (Redevelopment of The Reef Marina Site to provide for a 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 [Shopping facility / Restaurants / Business facilities/ Tavern];
- Stage 2b – Public plaza, Temporary commercial/retail container shops, Temporary industrial premises and 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 (3 lots into 5 lots) and easements.

DECISION

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

DECISION DATE

17 February 2017

TYPE

Material Change of Use (Development Permit)
Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Coastal Management District	The Chief Executive	Concurrence	c/o Department of Infrastructure, Local Government and Planning, Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State Transport Infrastructure	The Chief Executive	Concurrence	c/o Department of Infrastructure, Local Government and Planning, Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Operational Work

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)

No

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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
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 Perspective	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 Perspective	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 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

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Site Sections: Stage 1B + 3A	160303 DA-S-114 Rev.02	16 September 2016
Site Sections: Stage 2A + 2C	160303 DA-S-115 Rev.02	16 September 2016

Drawing or Document	Reference	Date
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:
 - o Urban Design Guide prepared by Studio Tekton Pty Ltd Version 2 – 16 September 2016.
 - o Reef Marina Port Douglas Landscape Concept Report – Rev 1 September 2016 prepared by Scott Carver Pty Ltd.
 - o 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/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	5 x 10	n/a	Cars = 7 Covered = 60%	Cars = 5 covered and 2 uncovered

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Stage	Land use mix	Dwelling units/bedrooms	Commercial (m ²)	Cars/bikes required	Cars/bikes provided
	Accommodation and / or Holiday and / or Holiday Accommodation Dual Key Commercial Retail			Bikes = 3	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	Residential 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-Station

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.

RIGHTS OF APPEAL

Attached

End of Decision Notice

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