

30 March 2022

Enquiries: Neil Beck
Our Ref: CA 2021_4239/1 (1077496)
Your Ref:

Administration Office
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Graben Pty Ltd
19 Macrossan Street
PORT DOUGLAS QLD 4877

Dear David

Development Application for Combined Application Material Change of Use for Resort Complex (Outdoor Sport & Recreation, Short-term Accommodation, Food & Drink Outlet, Shop, Tourist Park, Air Services & Caretakers Accommodation), Reconfiguration of a Lot (1 Lot into 4 lots & Common Property) & Preliminary Approval for Operational Works (Advertising Devices) At 5640 Captain Cook Highway MOWBRAY On Land Described as LOT: 123 TYP: SR PLN: 687

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2021_4239/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision - non-compliance with assessment benchmark, response to properly made submissions.
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Graben Pty Ltd
Postal Address: 19 Macrossan Street
PORT DOUGLAS QLD 4877
Email: david@northbreak.com.au

Property Details

Street Address: 5640 Captain Cook Highway MOWBRAY
Real Property Description: LOT: 123 TYP: SR PLN: 687
Local Government Area: Douglas Shire Council

Details of Proposed Development

Material Change of Use for Resort Complex (Outdoor Sport & Recreation, Short-term Accommodation, Food & Drink Outlet, Shop, Tourist Park, Air Services & Caretakers Accommodation)

Reconfiguration of a Lot (1 Lot into 4 lots & Common Property)

Preliminary Approval for Operational Works (Advertising Devices)

Decision

Date of Decision: 29 March 2022

Decision Details: Approved as follows:

- Development Permit for a Resort Complex (Outdoor Sport & Recreation, Short-term Accommodation (Resort Hotel), Food & Drink Outlet, Shop, Tourist Park, Air Services & Caretakers Accommodation); and
- Development Permit for Reconfiguring a Lot (1 Lot into 4 Lots and Common Property); and
- Preliminary Approval for Short-term Accommodation (Maximum of 90 Villas) over proposed Lot 4 – Short-term Accommodation Precinct; and
- Preliminary Approval for Operational Work (Advertising

Device);
Subject to Conditions.

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
DA-01.6	MASTER PLAN	29/10/2021
DA-01.7	SITE CUT - FILL DIAGRAM	29/10/2021
DA-01.8	SITE - LANDSCAPE AREAS	29/10/2021
DA-01.9	SITE - ROADWAYS	29/10/2021
DA-01.10	SITE - WATER VOLUMES	29/10/2021
DA-01.11	RECONFIGURATION OF A LOT PROPOSAL PLAN	29/10/2021
DA-01.12	DROP OFF & LOADING BAYS	29/10/2021
DA-01.13	CARPARK_PART 01	29/10/2021
DA-01.14	CARPARK_PART 02	29/10/2021
DA-01.15	CAR PARK ROOF	29/10/2021
DA-01.16	HOTEL_SURROUNDINGS_PART 01	29/10/2021
DA-01.17	HOTEL_SURROUNDINGS_PART 02	29/10/2021
DA-01.18	WAVE PARK_SURROUNDINGS_PART 01	29/10/2021
DA-01.19	WAVE PARK_SURROUNDINGS_PART 02	29/10/2021
DA-01.20	CABIN PARK	29/10/2021
DA-01.21	ROAD BUFFER - LANDSCAPING	29/10/2021
DA-01.22	ROAD BUFFER - LANDSCAPING	29/10/2021
DA-01.23	ROAD BUFFER SECTIONS	29/10/2021
DA-01.24	MARINE PLANT REVEGETATION AREA	29/10/2021
DA-02.05	ENTRY SIGNAGE	29/10/2021
DA-03.1	GROUND FLOOR WAVE	29/10/2021
DA-03.2	FIRST FLOOR WAVE	29/10/2021
DA-03.3	SECOND FLOOR WAVE	29/10/2021
DA-03.4	INTERNAL AREAS - LEVEL 00	29/10/2021
DA-03.5	INTERNAL AREAS - LEVEL 01	29/10/2021
DA-03.6	INTERNAL AREAS - LEVEL 02	29/10/2021
DA-03.7	GROUND FLOOR WAVE Part A - 1:100	29/10/2021
DA-03.8	GROUND FLOOR WAVE Part B - 1:100	29/10/2021
DA-03.9	FIRST FLOOR WAVE Part A - 1:100	29/10/2021
DA-03.10	FIRST FLOOR WAVE Part B - 1:100	29/10/2021
DA-03.11	SECOND FLOOR WAVE Part A - 1:100	29/10/2021
DA-03.12	SECOND FLOOR WAVE Part B - 1:100	29/10/2021
DA-03.13	GROUND FLOOR LAGOON Part A- 1:100	29/10/2021
DA-03.14	GROUND FLOOR LAGOON Part B- 1:100	29/10/2021
DA-03.15	FIRST FLOOR LAGOON Part A- 1:100	29/10/2021

Drawing or Document	Reference	Date
DA-03.16	FIRST FLOOR LAGOON Part B- 1:100	29/10/2021
DA-03.17	SECOND FLOOR LAGOON Part A- 1:100	29/10/2021
DA-03.18	SECOND FLOOR LAGOON Part B- 1:100	29/10/2021
DA-03.19	ELEVATIONS E1 +E2	29/10/2021
DA-03.20	ELEVATIONS E1 +E2	29/10/2021
DA-03.26	MATERIALS	29/10/2021
DA-03.27	HOTEL RENDERS	29/10/2021
DA-03.28	HOTEL RENDERS	29/10/2021
DA-04.1	KIOSK PLAN & ELEVATIONS	29/10/2021
DA-04.2	VIP PLAN & ELEVATIONS	29/10/2021
DA-04.3	BAR PLAN & ELEVATIONS	29/10/2021
DA-04.4	CABIN TYPE 1 - PLAN & ELEVATIONS	29/10/2021
DA-04.5	CABIN TYPE 2 - PLAN & ELEVATIONS	29/10/2021
DA-04.6	CABIN TYPE 3 (CARETAKER) - PLAN & ELEVATIONS	29/10/2021
DA-04.7	CAMP KITCHEN PLANS	29/10/2021
DA-04.8	CAMP KITCHEN ELEVATIONS	29/10/2021
DA-04.9	CAR PARK ROOF	29/10/2021
DA-04.10	SURF WALL ELEVATION	29/10/2021
DA-04.11	OPERATIONS ELEVATION	29/10/2021

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

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

Amended Master Plans

3. The Master Plan/s must be revised and provided to the satisfaction of the Chief Executive Officer prior to the lodgement of the application for Operational Work, generally in accordance with the Hunt Design Master Plans dated 29 October 2021 to illustrate the following:
 - a. Access requirements through all lots must be clarified and tenure provided along accessways;
 - b. Detail the road form (temporary or permanent) for the access road to the rear of the Wave Park main building where access is required in Stage 1 for Wave Park

mechanical equipment, workshop and access to Lot 3 – Surf Camp precinct;

- c. How on-site car parking can be augmented if the cross-utilisation assumptions are not reflective of the in-service parking demands. Additional “future” parking areas and spaces achieved in these areas must be identified on the Master Plans;
- d. Provide detail on drainage paths and suitable tenure arrangements for the conveyance of stormwater through the site to the storage lagoon;
- e. Accommodate required separation and buffer area from the short-term accommodation precinct to agricultural uses in accordance with conditions of this approval; and
- f. Remove one helipad from the Master Plan;

Amended Master Plans are to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Staging of Development

4. The applicant must submit a Staging Plan which clearly identifies staging of the development with the Wave Park, Surf Camp Precinct and Resort Hotel being the first stage. Development applications can be made and approvals can issue for the Short-term accommodation precinct containing the 90 villas. However, separate titles will not issue until the Commence of Use for Stage 1. The reconfiguration of the site into the 4 lots containing each element of the Resort Complex cannot take place until practical completion of each component of Stage 1.

The Staging Plan/s must also detail the staged provision of onsite carparking to correlate with each stage if this is intended. The Staging Plans are to illustrate how the development will be undertaken in an orderly sequential manner. The Staging Plans are to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Road & Access (External)

5. At a minimum, upgrade the access road intersection with the Captain Cook Highway as required by Queensland Department of Transport and Main Roads. All works are to be at no cost to Council.

The upgrade must include associated line-marking, pavement widening and street lighting.

The applicant must obtain approval from the Department of Main Roads and Council regarding the works scope. The agreed scope must be to the satisfaction of the Chief Executive Officer and confirmed prior to the lodgment of the application for operational work for the subdivision.

Further Traffic Studies

6. Prior to lodging the development application for Operational Works for Stage 1, the applicant is to provide an updated traffic study for the development that considers the impact on the entry road and roundabout for a scenario that has a greater reliance on self-drive visitors and a lower patronage on buses. The updated study is to test the sensitivity of the assumptions to significant changes in on-site footprint and road outcomes. In particular, the implications on the lane lengths and separation distance between the roundabout and the highway intersection.

The updated study is to confirm the footprint, extent of auxillary lanes and location of roundabout for the entry road with updated SIDRA analysis to confirm the sensitivity of the entry road geometry to the traffic assumptions. The study must be to the satisfaction of Department of Transport & Main Roads and Council.

Updated Master Plans for the site are to be provided based on the outcomes of the traffic study.

Within 2 years of the completion of Stage 1, the traffic study is to be updated with actual

traffic demand generated by the development. The study must detail the car parking operation and identify if any upgrades and additional onsite parking is required in accordance with the amended Master Plan/s.

Road and Access (Internal)

7. Road connectivity within the site must be provided via an internal road layout generally in accordance with the Hunt Design Master Plans dated 29 October 2021 and GHD traffic study dated March 2021 as updated to meet the requirements of the conditions of this development approval.

RPEQ certified design drawings are to be submitted with the application for 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 prior to the Commencement of Use.

8. The Hunt Design Master Plans confirm that Lots 2 and 3 rely on vehicle access through Lot 4. Provide updated advice on security of tenure and staging to confirm that all internal lots to the site have lawful road access.
9. The street layout and design must include all internal roads and kerbing to the site and must be revised (where required) to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. The Road reserve width through Lot 4 must have a minimum road reserve width of 20 metres, as nominated in the application material and Master Plans. A reduced road reserve width of 16.5m will be permitted for that length of road where the short-term accommodation is located on one side of the road to accommodate the landscaped buffer from the adjoining rural allotment;
 - b. The sealed road carriageway width through Lot 4 (future short term residential area) must be 6.5m in width to allow for passing of commercial vehicles parking on each side of the carriageway and passing of commercial vehicles accessing the rear of house facilities at the hotel. The road width must be supported by further engineering drawings and design information confirming that the sealed carriageway will provide the appropriate functionality noting its role to service the back of house for the Wave Park and the Surf Camp Precinct on proposed Lot 2 and Lot 3 respectively;
 - c. The geometric design for all intersections, turning areas and bus parking bays must be confirmed through analysis of vehicle turning paths. Any road elements requiring amendments to accommodate the turning movements from this analysis are to be updated on revised plans submitted as part of the supporting material for the Operational Works application;
 - d. The Surf Camp gravel access is to be revised to provide an imperviously sealed surface for all weather access within this precinct;
 - e. Provision of footpath connectivity is to be in accordance with the Hunt Design Master Plans with updated plans to confirm staging of the pathways. Any paths that are deferred to future stage must be identified and connectivity must be demonstrated for the stage being constructed; and
 - f. Adjustments to incorporate land use separation and buffer requirements adjacent the southern boundary.

An amended plan incorporating the above requirements must be submitted 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 prior to the Commencement of Use.

Carparking

10. The minimum amount of vehicle parking must be as nominated in the Hunt Design Master Plan Diagrams dated 29 October 2021 which is 369 car parking spaces and 6 bus parking bays. This is in addition to the vehicle set down areas at the Resort Hotel entry area. This

represents a reduced rate from that specified in Council's Planning Scheme and is contingent upon cross utilisation assumptions being achieved. The Master Plans must be updated to identify additional parking areas that could be constructed in the event that the assumptions are not consistent with operating conditions.

The car parking utilisation and efficiency investigation / study must be reviewed at the completion of the Wave Park, Resort Hotel & Surf Camp precinct and after the uses have been in operation for over 12 months but not less than 24 months to confirm the demands observed on-site. The investigation must be undertaken during peak tourist season between the months of May to October.

Where an onsite parking shortfall is observed, additional parking must be provided in accordance with the approved Master Plan/s. Any additional parking must be provided within 12 months of the study being completed.

11. 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 maneuvering areas must be imperviously sealed, drained and line marked.

Extent of Earthworks

12. The concept for excavation and earthworks as detailed on Hunt Design Master Plan Site Cut Fill Diagram DA-01.7 is approved subject to compliance with the geotechnical and drainage conditions and subject to the following amendments:
 - a. the preliminary design for the earthworks inclusive of updated cut and fill volumes and confirmation of earthworks balance on site, is to be presented to Council with the supporting geotechnical and drainage reports prior to making formal application for Operational Works, including but not limited to;
 - i. The extent of the 100-year ARI flood event in relation to the site both pre- and post-development in accordance with the updated flood model; and
 - ii. All new buildings and allotments shall have immunity from flooding associated with an ARI 100 year rainfall event and 1%AEP storm tide inundation (having regard to sea level rise for the year 2100. Minimum finished floor levels must be 3.55m AHD; and
 - b. The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the Commencement of Use.

Batter Treatment

13. The height of batters / retaining structures around the edges of the development shall be generally limited to a maximum height of 1.8 metres. All batters must be constructed in a manner to minimize the construction footprint and has the ability to be screened.
14. Batters for the construction of the water bodies are to be nominated on the engineering drawings provided for operational works approval. The batter height and profile must be substantiated with geotechnical advice and regard given the design life of the product to be used. The lining of the batter must be nominated on the engineering drawings and endorsed by the geotechnical engineer and be to the satisfaction of the Chief Executive Officer.

A geotechnical assessment by a qualified and experienced geotechnical consultant must also be submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer at the completion of the earthworks.

Helipad – Limitation of Use

15. The facility is permitted to accommodate one (1) helipad. The helipad is not permitted to be used for activities such as hosting commercial scenic flights or activities of a similar nature. The helipad is to provide for alternatives forms of travel to the site by visitors to the Wave Park or the Resort Hotel or in the event of an emergency.

Hours of operation of the Helipad is permitted between the hours of 7.00am – 6.00pm

daily excluding emergency situations.

Hours of Operation

16. Operation of the Wave Park is permitted to take place between 9.00am to 6.30pm 7 days per week. Operation of the facility to 10.00pm to cater for peak season is permitted subject to achieving satisfactory performance of conditions of the approval relating to noise and light.

Length of Stay

17. The Short-term Accommodation precinct to establish on Lot 4 is limited to stays not exceeding 6 months.

Acoustic Report

18. A noise impact assessment report must be prepared to demonstrate that the development appropriately responds to and addresses potential acoustic impacts on the surrounding environment and sensitive land uses. The assessment must have regard to the following:
 - a. The acoustic environment at the nearest sensitive land uses;
 - b. Detail the noise emissions associated with the mechanical plant of the Wave Park and any acoustic treatments required to maintain existing noise conditions;
 - c. Investigate the noise impacts from helicopter flights on sensitive land uses external to the site and proposed sensitive land uses internal i.e Short-term accommodation precinct. Identify if any building treatments are necessary to the future short-term accommodation precinct, particularly the north western area of the precinct; and
 - d. Any other matters considered relevant by the acoustic engineer to ensure the proposed development does not unduly impact on surrounding properties or cause a noise nuisance under the EPP – Noise & requirements of the Environmental Protection Act 1994.

The report must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Water Supply Works External

19. Undertake the following water supply pipeline works external to the site to connect the site to existing water supply infrastructure:

- a. The proposed development is to be connected to the existing 300mm water main on Beor Street near its intersection with the Captain Cook Highway. The applicant is to construct a 300mm diameter water main from the Beor Street connection point to the development site, approximate distance 2.5km. Unless otherwise approved following detailed design, the new main is to be constructed along the eastern side of the Captain Cook Highway road reserve.

The applicant must liaise with Officers from Council and Transport and Main Roads (TMR) to determine alignment and design. All road surfaces, kerbing, drainage elements, services disturbed during the construction works must be reinstated to the satisfaction of Transport & Main Roads and the Chief Executive Officer.

The water main alignment at Andreasson Road must have regard to the future road intersection requirements in the location. The applicant is to liaise with Council and Transport & Main Roads with regard to future road layout in developing the water main alignment concepts.

The water alignment must be approved in-principle by Transport & Main Roads and Council prior to finalising the engineering design;

- b. A 150mm diameter cross connection is to be provided to the existing 150mm diameter main in Beor Street; and
- c. A 150mm diameter cross connection is to be provided across the Captain Cook highway to the existing water main in Mowbray River Road;

The external water supply mains required under this condition must be designed and

constructed in accordance with the FNQROC Development Manual and must be accepted by Council prior to the Commencement of Use.

The external water supply works will require:

- . a Works on Road Permit from Transport and Main Roads for construction within the State Controlled Road Corridor; and
- . an Operational Works Permit from Council prior to construction of the works;

The above water supply infrastructure is to be provided in accordance with an Infrastructure Agreement between the Applicant & Council whereby the applicant will be reimbursed for part of the costs for the section between Beor Street and Andreassen Road.

20. Undertake the following water Storage Augmentation works to offset the impact on Council's storage infrastructure capacity following connection of the site to existing water supply infrastructure:

The applicant must either:

- a. Construct a 3ML reservoir on the Crees Road site to mitigate the impact of storage on Council's water reservoir. The infrastructure is to be provided at no cost to Council and must take into account Council's master planning on the site.

Advice Note: The timing for the construction must be agreed with Council and may be linked with Stage 2 – Short-term Accommodation as detailed in item (b) below;

Or

- b. Enter into an agreement with Council to meter and monitor the actual demands of the Wave Park, Resort Hotel & Surf Camp (Stage 1) to determine the reliance on the reticulation network for top-up flows to water bodies and daily consumption rates to inform and revise the impacts on Council's Storage.

Subject to the Stage 1 demands and the sites effectiveness in harvesting top up water on site, the applicant will be permitted to undertake further modelling by a Council approved independent water supply modeller to verify the actual impact on Council's water storage reservoirs and revise the impact of the development on Council's pre-development storage capacity.

Based on the revised modelling outputs, Council will determine the impact of the development on the predevelopment storage capacity.

The applicant must either construct a new reservoir to mitigate the storage reduction due to the development in its ultimate form; or contribute to the cost of storage to the satisfaction of the Chief Executive Officer.

The construction of the reservoir or contribution to storage must be completed prior to the endorsement of the Survey Plan or Commencement of Use of the Short-term accommodation precinct, whichever occurs first.

Sewerage Works External

21. Enter into an agreement with Council to contribute towards the provision of upgraded sewage treatment facilities to cater for the increased demand placed on the Treatment Plant which is estimated to be 648 Equivalent persons (EPs), noting that the calculation of EPs excludes backwash demands associated with the pool facilities and may increase from this current estimate. The contribution amount will be calculated as a percentage amount of the sewage loading generated from the development and in proportion to the additional capacity being provided.

The agreement must be entered into prior to the Commencement of Use.

22. Undertake the following sewerage works external to the site to connect the site to Council's existing sewerage infrastructure:

Pressure main from the site.

The proposed development is to provide a pressure main within the Captain Cook Highway road reserve through to Council's existing 300mm sewer main near the intersection of Beor Street and the Captain Cook Highway, a distance of 2.5km approximately. The following elements must be addressed in the design of the external sewer main:

- a. The diameter of this main and the material type is to be confirmed with Council and is to be based on updated modelling. Preliminary results indicate a 140mm OD PE pipe will be required through to a point approximately 700m south from Beor Street. The updated modelling must account for backwash of the pool facilities and detail if any detention of this water is required onsite before being discharged to sewer.
- b. The applicant is to provide for connection point(s) for future interconnectivity with a confirmed connection point nominated approximately 700m south from Beor Street. Council is currently modelling these scenarios and impacts and will formalise the connection details with the Applicant once that information is known.
- c. The applicants design engineers are to work with Council's Water & Wastewater team to address the issue of sewage age in the system. The applicant will need to meet with Council to determine the extent of the issue and how this will be resolved.
- d. The applicant must liaise with Officers from Council and Transport and Main Roads in development the alignment and design. All road surfaces, kerbing, drainage elements, services disturbed during the construction works must be reinstates to the satisfaction of Transport & Main Roads and Council.
- e. The alignment of the sewerage pressure main at Andreasson Road must have regard to the future road intersection requirements in the location. The applicant is to liaise with Council and Department of Transport & Main Roads (DTMR) in regard to future road layout in developing the sewer main alignment concepts.
- f. The alignment must be approved in-principle by DTMR and Council prior to finalising the engineering design.

The sewer pressure main required under this condition must be designed and constructed in accordance with the FNQROC Development Manual and must be accepted by Council prior to the Commencement of Use.

The external works will require:

- . a Works on Road Permit from DTMR for construction within the State Controlled Road Corridor; and
- . an Operational Works Permit from Council prior to construction of the works.

Water Supply and Sewerage Master Plan – Internal

23. Individual Master Plans for the provision of Water Supply and Sewerage within the development must be prepared and accompanied by supporting calculations to demonstrates how each lot can be serviced and establish the operational structure and responsibility for the private infrastructure.

The Development Application for Operational Work must include these Master Plans with supporting information (including Hydraulic Network Analysis for the internal network). In particular:

- a. For sewerage, the sizing, location and services corridor is to be identified for the gravity sewerage alignment within the site servicing each lot and through to the private pump station; and
- b. The Master Plans must set out the proposed infrastructure delivery matched to the timing and staging of the development.

Water Supply and Sewerage Works Internal

24. The extent of Internal Private Water Supply and Sewerage Works within the development to provide the site with water supply and sewerage infrastructure will be determined by the

Master Plans to be prepared by the Applicant for consideration and approval by Council. The following minimum infrastructure elements are required:

- a. The development must be serviced from Council's water supply main by a single internal metered water connection made clear of any buildings or structures. The water supply meter must be provided at an accessible location near the front boundary to enable meter readings to be taken by Council Officers. Council is to be contacted to confirm the meter type and specification based on the peak flows to the site;
- b. The development must be provided with a private sewage pump station and pressure main for sewage. The pump station and rising main will be private assets to be maintained and operated by the body corporate;
- c. All internal water supply and sewerage infrastructure will be private assets and must provide water and sewerage connectivity to each lot being created under the reconfiguration. As-constructed records of the infrastructure must be provided for Council's records; and
- d. Water supply sub-metering must be designed and installed in accordance with the Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008.

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

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, prior to the lodgement of the Survey Plan with Council for endorsement.

Sediment and Erosion Control

25. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed/implemented 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).

The sediment and erosion control plan must detail the various stages of earthworks for the development and the measures to be installed for each stage as the earthworks are progressed.

Acid Sulfate Soil Investigation

26. 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 and form part of the application for a Development Permit for Operational Work.

Internal Drainage Study

27. Undertake a local drainage study and/or drainage master plan for the site to determine the drainage internal drainage design for the site to provide the required level of service for roadways, pathways and essential service elements and the immunity to buildings as nominated in the FNQROC Development Manual and Queensland Urban Drainage Manual. In particular, the study and/or master plan must address the following:
- The contributing catchment boundaries for each drainage element;
 - The extent of the 100-year ARI flood event in relation to the site both pre- and post-development in accordance with the updated flood model;
 - Primary and secondary flow paths within the site and between each Lot for the 5, 10 and 100 year ARI flood events;
 - Drainage paths for water harvesting through to the storage lagoon identifying where these differ from the above primary and secondary rainfall runoff flow paths;
 - Identify any requirement for drainage easements between the lots to secure tenure arrangements for inter-allotment drainage, water harvesting infrastructure paths and on-site water storage;
 - Information on the proposed drainage works and any impacts proposed at the drainage outlet(s) from the proposed development.
 - Identify the need and tenure for flood detention area(s) to ensure the concentrated runoff from the site during peak discharge(s) is not erosive and does not destabilise the downstream land or the bank of the Mowbray River;

Advice Note: it is considered that the water storage lagoon for water harvesting may achieve this outcome, subject to details on lagoon outlet and operation in overflow conditions during peak rainfall events.

- Lawful point of discharge for each lot and tenure arrangements associated with these flow paths.

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

Existing Creek and Drainage Systems

28. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

Confirmation is to be provided that any impact of the filling in terms of changes to velocity does not have a destabilising effect of the vegetation. Confirmation to be provided at the time of seeking Development Permit for Operational Works.

The applicant / owner must obtain any necessary approvals for carrying out works in a watercourse or within a Coastal Management District from the relevant State Government Departments and must make an application through State Assessment and Referral Agency (SARA).

Lawful Point of Discharge

29. 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

30. The subject land must be drained in accordance with the local drainage study to the satisfaction of the Chief Executive Officer. In particular:
- Privately owned drainage infrastructure designed and constructed in accordance with the FNQROC Development Manual; and
 - The drainage system from the development must incorporate a gross pollutant

trap(s) or equivalent measure(s), meeting the following 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;
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system; and
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment. Maintenance of the facility is to be undertaken by the Body Corporate.
- c. All new buildings and allotments shall have immunity from flooding associated with an ARI 100 year rainfall event and 1%AEP storm tide inundation (having regard to sea level rise for the year 2100. Minimum finished floor levels must be 3.55m AHD;
 - d. 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); and
 - e. For the absence of doubt, all drainage infrastructure and quality improvements devices internal to the property will remain private infrastructure and Council will have no maintenance obligations associated with this internal infrastructure.

Street Lighting & Wave Park Lighting

31. 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:

- a. Prior to the issue of a development permit for Operational Works a Privately Owned and operated lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval.

The Privately owned lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158, the FNQROC Development Manual and must comply with the AS/NZS 3000 Wiring Rules. Beyond the Point of Supply, the reticulation will be owned and maintained by the applicant/consumer.

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

- i. Intersections and Roundabouts;
- ii. Pedestrian Refuges;
- iii. Cul-de-sacs or Tee heads at end of roads; and
- iv. LATM Devices or access restriction points

LATM Devices and any road access restriction points 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. Further details are required in relation to the lighting of the Wave Park and the assessment of the proposed lighting by appropriately qualified person to demonstrate compliance with AS4282-1997 – Outdoor Lighting Obtrusive Effects and to ensure the lighting design does not adversely impact on the locality. In particular, but not limited to, the height and number of lighting structures required and the potential light spill and visibility of those structure external to the site. Findings of the assessment must be to the satisfaction of the Chief Executive Officer with the findings endorsed prior to the Commencement of Use.
- c. Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that any relevant capital contribution required by Ergon Energy has been paid.

Landscape Buffer

- 32. A landscape buffer ranging in width from 15m to 20m and comprising of deep plantings of suitable tree and shrub species to form an effective screen overtime must be provided adjacent the south eastern boundary between the Short-term residential precinct and the adjoining rural land. The area of land utilised for road access and the provision of services is in addition to the landscape buffer requirements.

Landscape Plan

- 33. The site must be landscaped generally in accordance with the Landscape Design Report prepared by RPS dated 26 February 2021 and in accordance with a Landscaping Plan. All landscaping works must be contained on the site. The Landscaping Plan must show:

- a. A landscape buffer along the full frontage of the site adjacent the Captain Cook Highway to screen the development overtime. Landscape plan to nominate;
- b. Confirmation from a landscape designer that the species as detailed on Drawing No. DA 01.21 – DA 01.23 inclusive are suitable tree and shrub species and are fit for purpose which will form an effective screen overtime.

Note: The *Eugenia Reinwardtiana* nominated in the above drawings is susceptible to myrtle rust disease which could spread to other plants in the myrtaceae family;

- c. Deep planting of the setback areas between the car parking areas (Hotel Carpark & Public Carpark) and the Captain Cook Highway. Lower ground levels plantings are also to be included;
- d. Plan to nominate planting densities and pot sizes. Plants of varying pot sizes from 5 litre contains to 120 litre containers must be used to create an effective landscaped area from the onset;
- e. Detail the landscape buffer adjacent the short-term accommodation precinct and the adjoining rural land in accordance with conditions of the approval;
- f. Landscaping of internal car parking spaces with appropriate species to provide shade to car parking areas;
- g. Landscaping of Surf Camp precinct and communal areas;
- h. Street tree plantings of internal roads and paths;
- i. Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
- j. Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping;
- k. Details of any proposed fencing; and
- l. 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.

The Landscape Plan must be endorsed by the Chief Executive Officer prior to the issue of

a Development Permit for Building Work. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Electricity Supply

34. 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 Operational Works.

Electricity and Telecommunications

35. Written evidence of negotiations with Ergon Energy, NBN Co and the telecommunication authority must be submitted to Council stating that both an underground electricity supply, NBN services and telecommunications services will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

Freshwater Lagoon Construction

36. Prior to the Building Permit for the construction of the lagoon structure, Council is to be provided with a Form 15 and certified drawings prepared by a suitably qualified and experienced RPEQ. Council's acceptance of the supporting information must be provided in writing prior to the issue of a Development Permit for Building Work.

Demolish Structures

37. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

Environmental Protection Policy – Noise

38. In addition to the requirement to provide a noise impact assessment report, all reasonable and practicable measures must be implemented during the design, construction, and operational stages for the purpose of managing noise emissions. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.

ADVICES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
5. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the EPBC Act can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .
6. The taking of water, or interfering with water from streams or groundwater sources, will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of Natural Resources. Further information can be obtained from the Department at www.dnr.qld.gov.au.

7. An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the *Nature Conservation Act 1992*. Information on Ecoaccess approvals may be obtained at www.des.qld.gov.au.

Cultural Heritage

8. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Operation of Aquatic Facilities

9. Prior to the operation of any swimming pool or aquatic facility an approval under Douglas Shire Council Subordinate Local Law No.1(Administration 2020) - Schedule 16 Operation of public swimming pools must be obtained.

Swimming pools and aquatic facilities must be maintained and operated in accordance with the Queensland Health Water Quality Guidelines for Public Aquatic Facilities December 2019 at all times.

10. Swimming Pool Safety must be complaint with the Building Act 1975 - Chapter 8 Swimming Pool Safety - Part 2 Compliance with pool safety standard and other matters about pool safety.

Shared Facilities

11. Prior to the construction of Shared Facility Accommodation (i.e.- Surf Camp) an Approval for the design and fit-out of accommodation and communal facilities must be obtained from Council. This is to ensure that the design and fit-out of accommodation and associated facilities are compliant with provisions of the relevant Local Law Schedule.
12. Shared Facility Accommodation must be approved under Douglas Shire Council Subordinate Local Law No.1 (Administration 2020) – Schedule 17 Operation of Shared Facility Accommodation. Such approval must be obtained prior to the Commencement of Use.

Food Premises

13. Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the Food Act 2006 must be obtained from the Chief Executive Officer.
14. Prior to the operation of a licensable food business as defined in the Food Act 2006, a Food Licence must be obtained from the Chief Executive Officer.

Infrastructure Charges Notice

15. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, refer to Attachment 3. The original Infrastructure Charges Notice will be provided under cover

of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment & Referral Agency Response (SARA)	2108-24005 SRA	11 January 2022	#1060545

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Properly made submissions

30 submissions were received of which 21 submissions were properly made.

Properly made submissions were received from the following principal submitters:

Bade Stapleton (Managing Director) Connect Sport Australia Pty Ltd	PO Box 15	REDLYNCH QLD 4870	bade@connectsport.com.au
Wendy Morris	PO Box 486	PORT DOUGLAS QLD 4877	wendy@reefsociety.com.au
Irene Cats (President) Port Douglas Surf Lifesaving Club	PO Box 112	PORT DOUGLAS QLD 4877	pdsisc@gmail.com
Richard Barker Chief Executive Officer Cairns & Mackay	PO Box 57, Airport Administration Centre, Cairns Airport, Qld, 4870		richard.barker@cairnsairport.com.au

Airports			
Rosie Cummings	33 Oak St	OAK BEACH QLD 4877	kernotsh@bigpond.net.au
Colin Musson	1/135 Davidson St	PORT DOUGLAS QLD 4877	colmusson@outlook.com
Gregg & Jan Buchanan	4/11 Morning Cl	PORT DOUGLAS QLD 4877	gregg_jan_b@hotmail.com
Roisin Allen	10 Daintree Horizon Dr	MOSSMAN QLD 4873	roisin.a@internode.on.net
Renata Musson	1/135 Davidson St	PORT DOUGLAS QLD 4877	renmusson@outlook.com
Sue Ralston	82 Spring Creek Rd	MOWBRAY QLD 4877	sue.ralston21@gmail.com
David Mainwaring	328 Mowbray River Rd	MOWBRAY QLD 4877	hello@daintreeicecream.com.au
Didge McDonald (President) Douglas Shire Sustainability Group	PO Box 762	MOSSMAN QLD 4873	sustainabilitydouglas@gmail.com
Hilary Kuhn	21 Oak St	OAK BEACH QLD 4877	enviropa@bigpond.net.au
Jillian Bickford	384 Mowbray River Rd	PORT DOUGLAS QLD 4877	
Josh Gibson	110 Spring Creek Rd	MOWBRAY QLD 4877	joshagibson4@gmail.com
Jenna Rumney	328 Mowbray River Rd	MOWBRAY QLD 4877	jennarumney@gmail.com
Linda Rumney	10 Sherrington Rd	MOWBRAY QLD 4877	jlrumney@gmail.com
Lachlan Templeton	338 Port Douglas Rd	PORT DOUGLAS QLD 4877	lachietemp@hotmail.com
Dr Nicole Rumney	19-21 Finlay Crescent	OAK BEACH QLD 4877	nikkirumney@gmail.com
Peter Wood	94 Front St	MOSSMAN QLD 4873	peter.wood@ozemail.com.au
Peta Campbell	338 Port Douglas Rd	PORT DOUGLAS QLD 4877	peta.l.cambell@gmail.com

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

Approved Drawing(s) and/or Document(s)



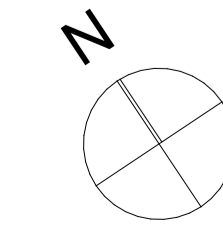
PORT DOUGLAS SURF PARK

DA-01.6

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS MASTER PLAN

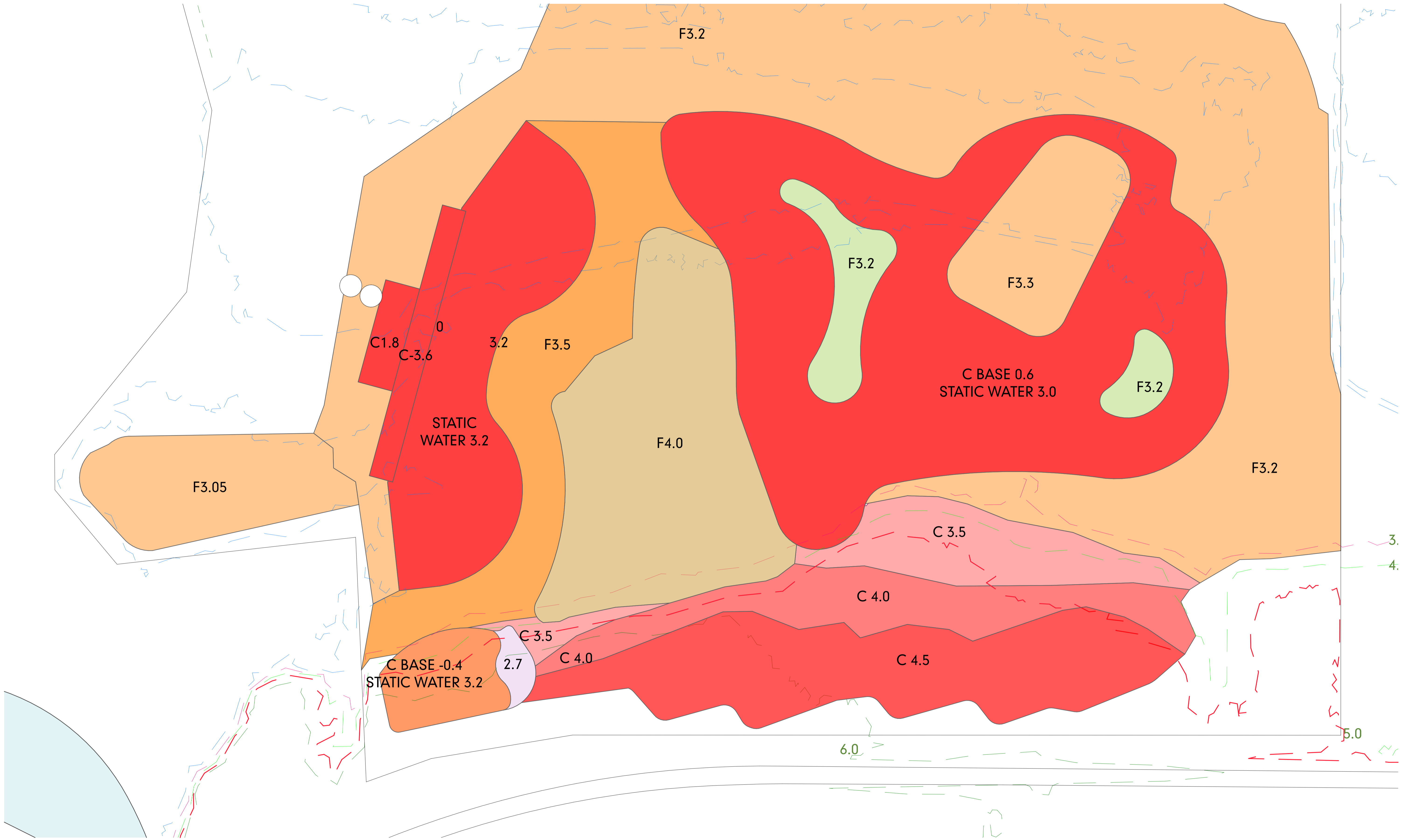
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PROJECT NO. WAVE001
STATUS DA ISSUE
REVISION NO. 02
DATE 29/10/21

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SITE CUT FILL
SCALE 1:1000

2.

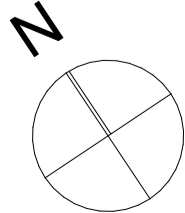
PORT DOUGLAS SURF PARK

DA-01.7

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS SITE CUT - FILL DIAGRAM

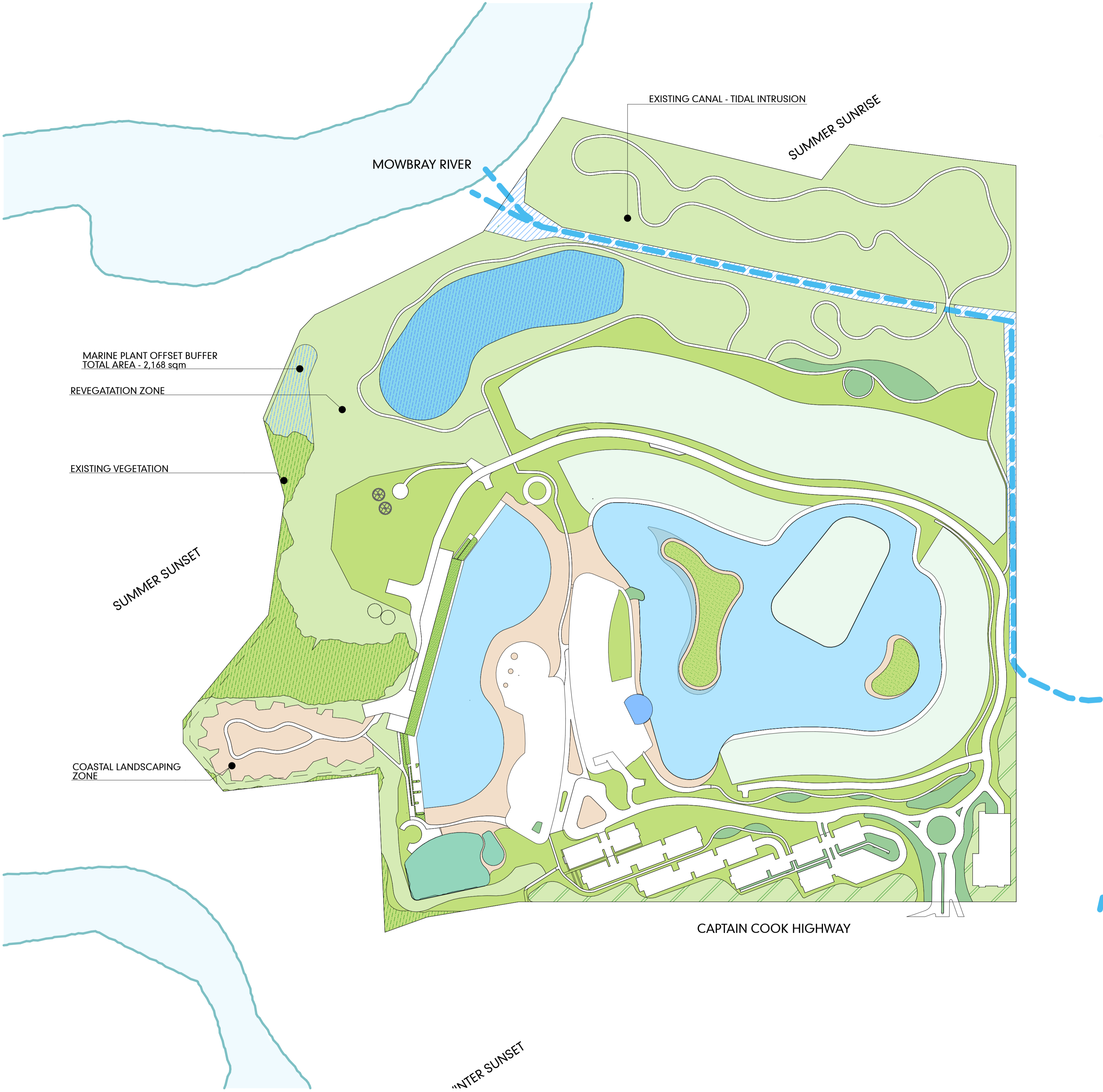
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SITE VEGETATION
SCALE1:2000

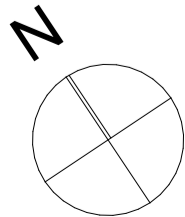
PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

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MASTER PLAN DIAGRAMS
SITE - LANDSCAPE AREAS

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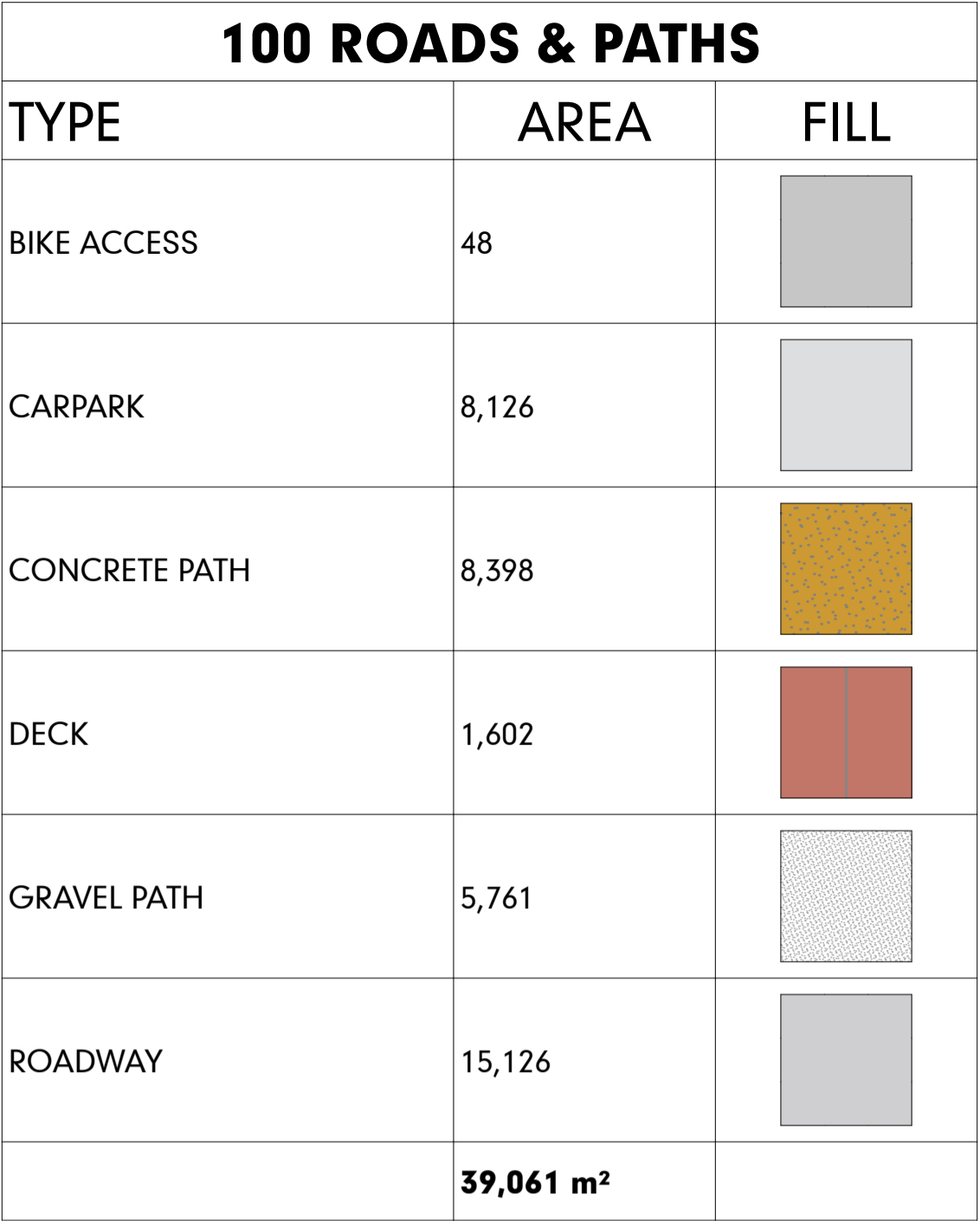




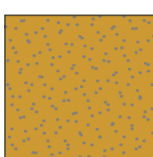
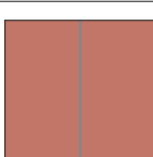
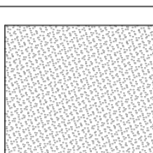

PROJECT NO. WAVE001
STATUS DA ISSUE
REVISION NO. 02
DATE 29/10/21

LANDSCAPE %			
	CALC AREA	NET AREA	%
CANAL	2,815 4,746	2,815 4,746	0.70 1.18
	7,561 m ²	7,561 m ²	1.88
COASTAL LANDSCAPING / BEACH	12 15 27 297 459 464 464 629 705 1,518 1,539 1,840 5,521 6,774	12 15 27 297 459 464 464 629 705 1,518 1,539 1,840 5,521 6,774	0.00 0.01 0.01 0.07 0.11 0.12 0.12 0.16 0.18 0.35 0.38 0.46 1.37 1.68
	20,064 m ²	20,065 m ²	4.99
EXISTING	4 6 6 33 47 99 109 1,354 1,435 9,607	4 6 6 33 47 99 109 1,354 1,435 9,607	0.00 0.00 0.00 0.01 0.01 0.02 0.03 0.34 0.36 2.39
	12,701 m ²	12,701 m ²	3.16
GARDEN	16 17 19 51 56 65 71 80 120 130 131 136 150 180 228 447 459 491 523 572 747 755 810 945 955 1,744	16 17 19 51 56 65 71 80 120 130 131 136 150 180 228 447 459 491 523 572 747 755 810 945 955 1,744	0.00 0.00 0.00 0.01 0.01 0.02 0.02 0.03 0.03 0.03 0.03 0.04 0.04 0.04 0.06 0.11 0.11 0.12 0.13 0.14 0.19 0.19 0.20 0.24 0.24 0.45
	9,875 m ²	9,875 m ²	2.46
GRASS	55 60 192 207 670 1,212 1,255 1,714 2,705 2,945 3,217 4,381 9,187 10,405 12,033	55 60 192 207 670 1,212 1,255 1,714 2,705 2,945 3,218 4,381 9,187 10,405 12,034	0.01 0.01 0.05 0.05 0.17 0.30 0.31 0.45 0.67 0.73 0.80 1.09 2.28 2.59 2.99
	50,239 m ²	50,240 m ²	12.49
ISLAND	1,276 3,206 3,725	1,276 3,206 3,724	0.32 0.80 0.94
	8,275 m ²	8,276 m ²	2.06
MARINE PLANT ENVIRON	2,216	2,216	0.55
	2,216 m ²	2,216 m ²	0.55
RE-VEGETATION	625 2,650 4,914 7,110 11,073 15,094 26,703 34,843	625 2,650 4,914 7,110 11,074 15,094 26,703 34,843	0.16 0.66 1.22 1.77 2.75 3.75 6.64 8.66
	103,011 m ²	103,012 m ²	25.62
RESIDENTIAL GARDENS @ 50%	7,060 8,098 14,280 29,454	3,530 4,049 7,140 14,727	0.88 1.01 1.78 3.66
	58,893 m ²	29,447 m ²	7.32
TREE BUFFER	2,594 4,476	2,594 4,476	0.65 1.11
	7,070 m ²	7,071 m ²	1.76
TROPICAL PLANTER	2 10 16 7 8 12 19 34 65 102 114 116 1,388	2 10 16 7 8 12 19 34 65 102 114 116 1,388	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.01 0.02 0.03 0.03 0.03 0.35
	1,893 m ²	1,893 m ²	0.47
WETLAND RESERVOIR	15,000	15,000	3.73
	15,000 m ²	15,000 m ²	3.73
	296,798 m ²	267,356 m ²	66.48

LANDSCAPE AREAS		
Name	Area	Plan
CANAL	7,561	
COASTAL LANDSCAPING / BEACH	20,065	
EXISTING	12,701	
GARDEN	9,875	
GRASS	50,240	
ISLAND	8,276	
MARINE PLANT ENVIRON	2,216	
RE-VEGETATION	103,012	
RESIDENTIAL GARDENS @ 50%	29,447	
TREE BUFFER	7,071	
TROPICAL PLANTER	1,893	
WETLAND RESERVOIR	15,000	
	267,356 m ²	

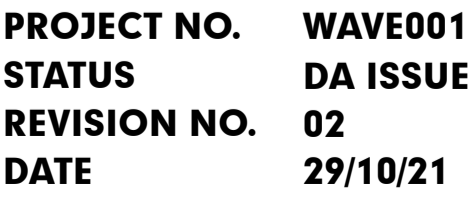
LANDSCAPE TOTALS 100
SCALE1:1

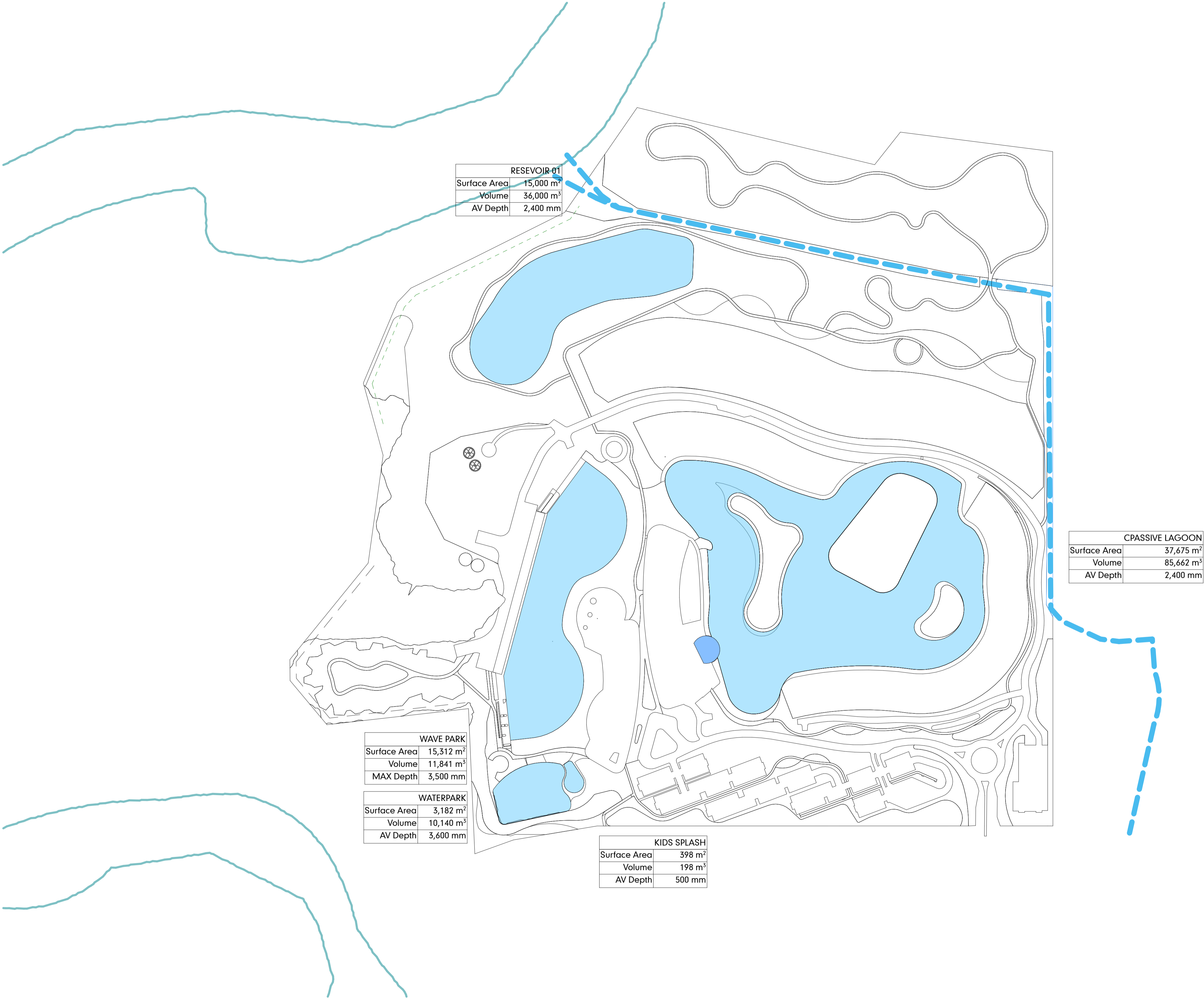


100 ROADS & PATHS		
TYPE	AREA	FILL
BIKE ACCESS	48	
CARPARK	8,126	
CONCRETE PATH	8,398	
DECK	1,602	
GRAVEL PATH	5,761	
ROADWAY	15,126	
	39,061 m²	

1

DA-01.9





WATER VOLUMES				
WATER BODY	VOLUME	AREA	FILL	NOTE
CPASSIVE LAGOON	85,662	37,675	<div></div>	
CRYSTAL LAGOON	1,111	432	<div></div>	
KIDS SPLASH	198	398	<div></div>	
RESEVOIR 01	36,000	15,000	<div></div>	
WATERPARK	10,140	3,182	<div></div>	
WAVE PARK	11,841	15,312	<div></div>	Total Water Surface area (Static): 12,429m²
	144,953 m³	72,000 m²		

SITE WATER VOLUME

SCALE1:2000

2.

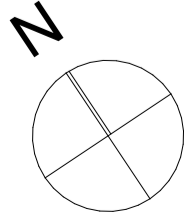
PORT DOUGLAS SURF PARK

DA-01.10

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS
SITE - WATER VOLUMES

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DATE

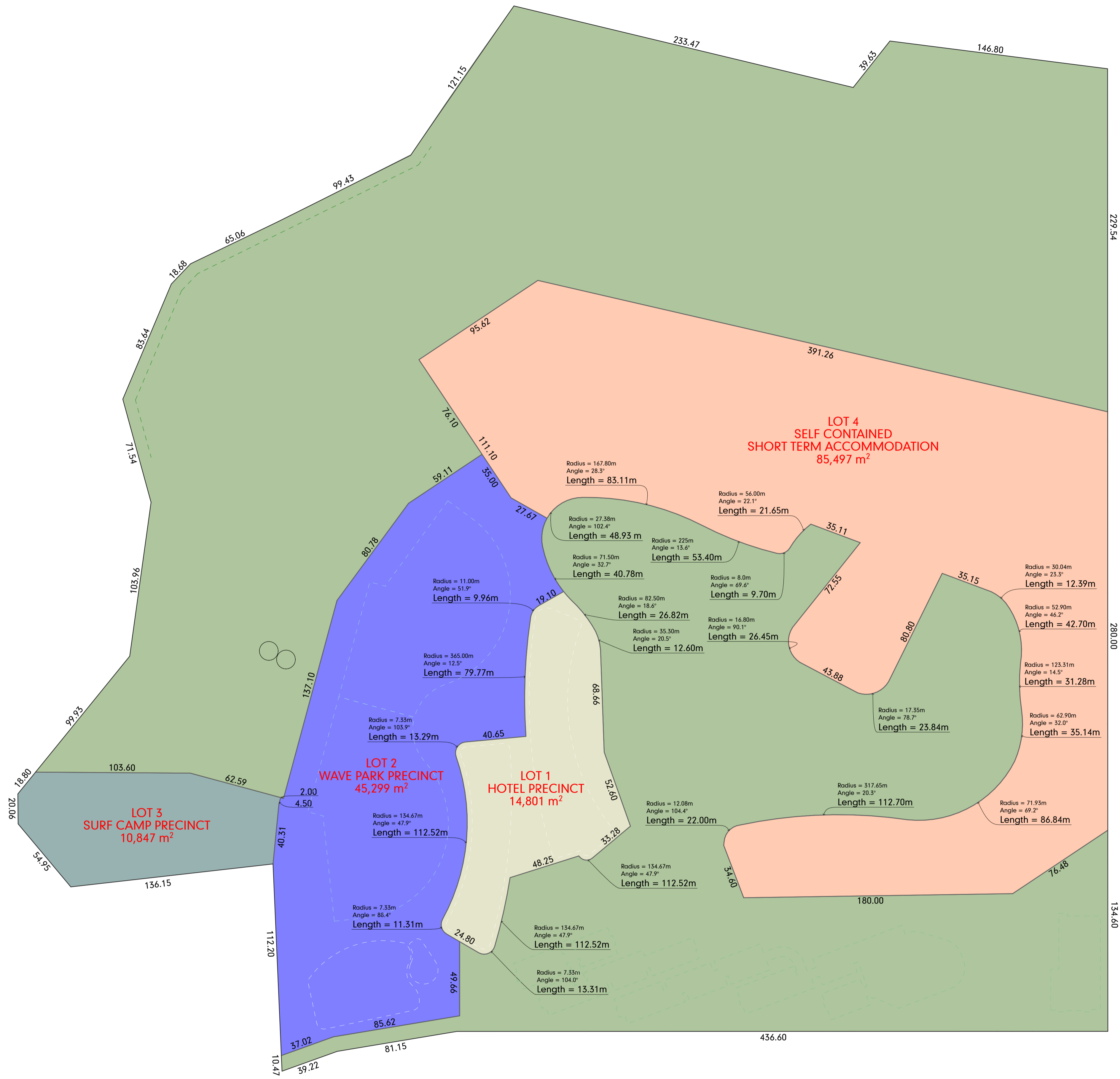
WAVE001

DA ISSUE

02

29/10/21

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LEGEND

- LOT 1 - HOTEL PRECINCT
- LOT 2 - WAVE PARK PRECINCT
- LOT 3 - SURF CAMP PRECINCT
- LOT 4 - SELF CONTAINED SHORT TERM ACCOMMODATION PRECINCT
- COMMON PROPERTY

LOT AREAS

LOT AREAS	AREA
COMMON PROPERTY	245,725
HOTEL PRECINCT	14,801
SHORT TERM ACCOMMODATION PRECINCT	85,497
SURF CAMP PRECINCT	10,847
WAVE PARK PRECINCT	45,299
	402,169 m²

SITE LOT PLAN
SCALE 1:1500

2.

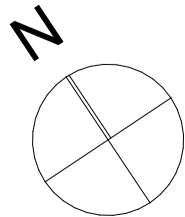
PORT DOUGLAS SURF PARK

DA-01.11

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
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MASTER PLAN DIAGRAMS
RECONFIGURATION OF A LOT PROPOSAL PLAN

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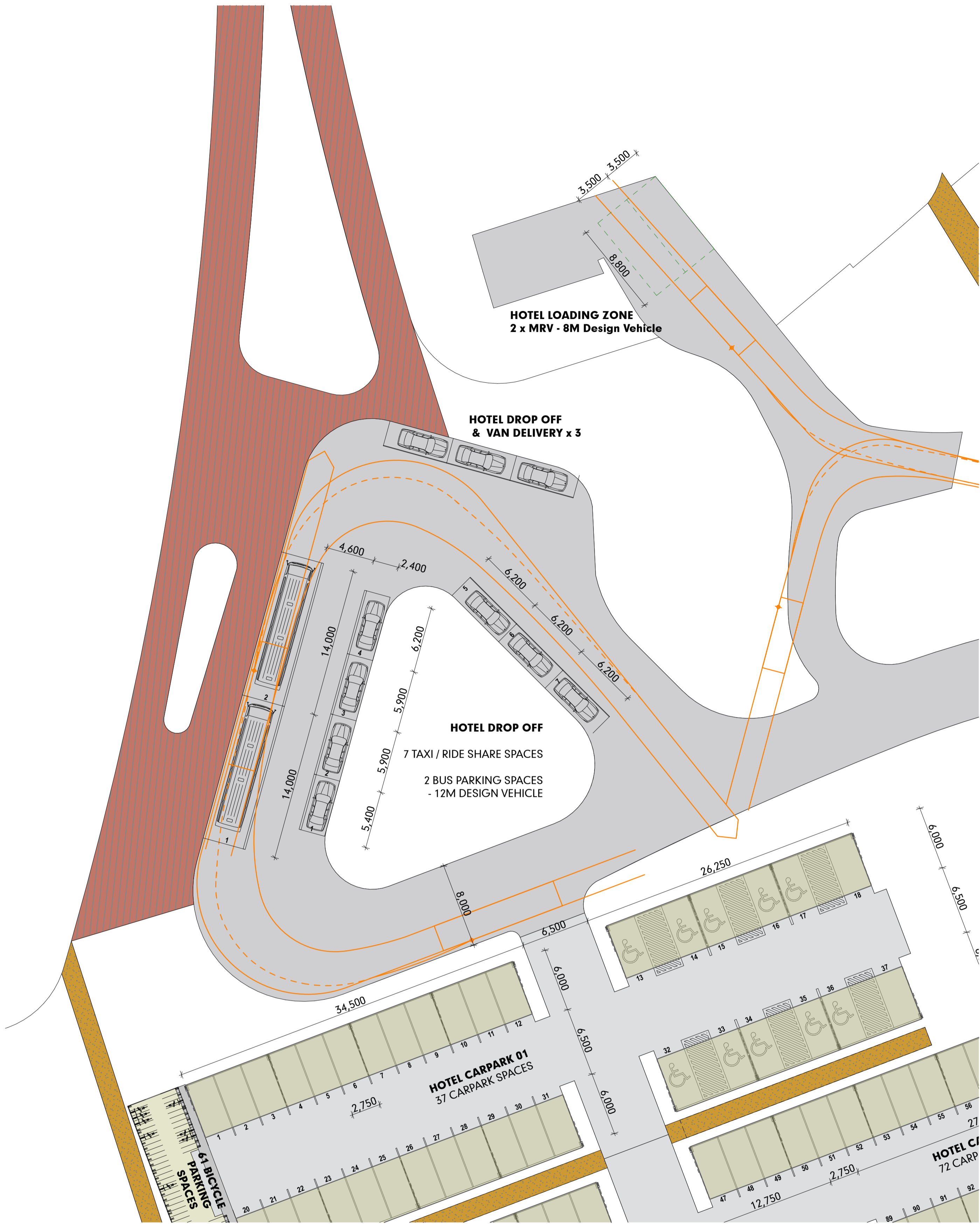


PROJECT NO. WAVE001
STATUS DA ISSUE
REVISION NO. 02
DATE 29/10/21

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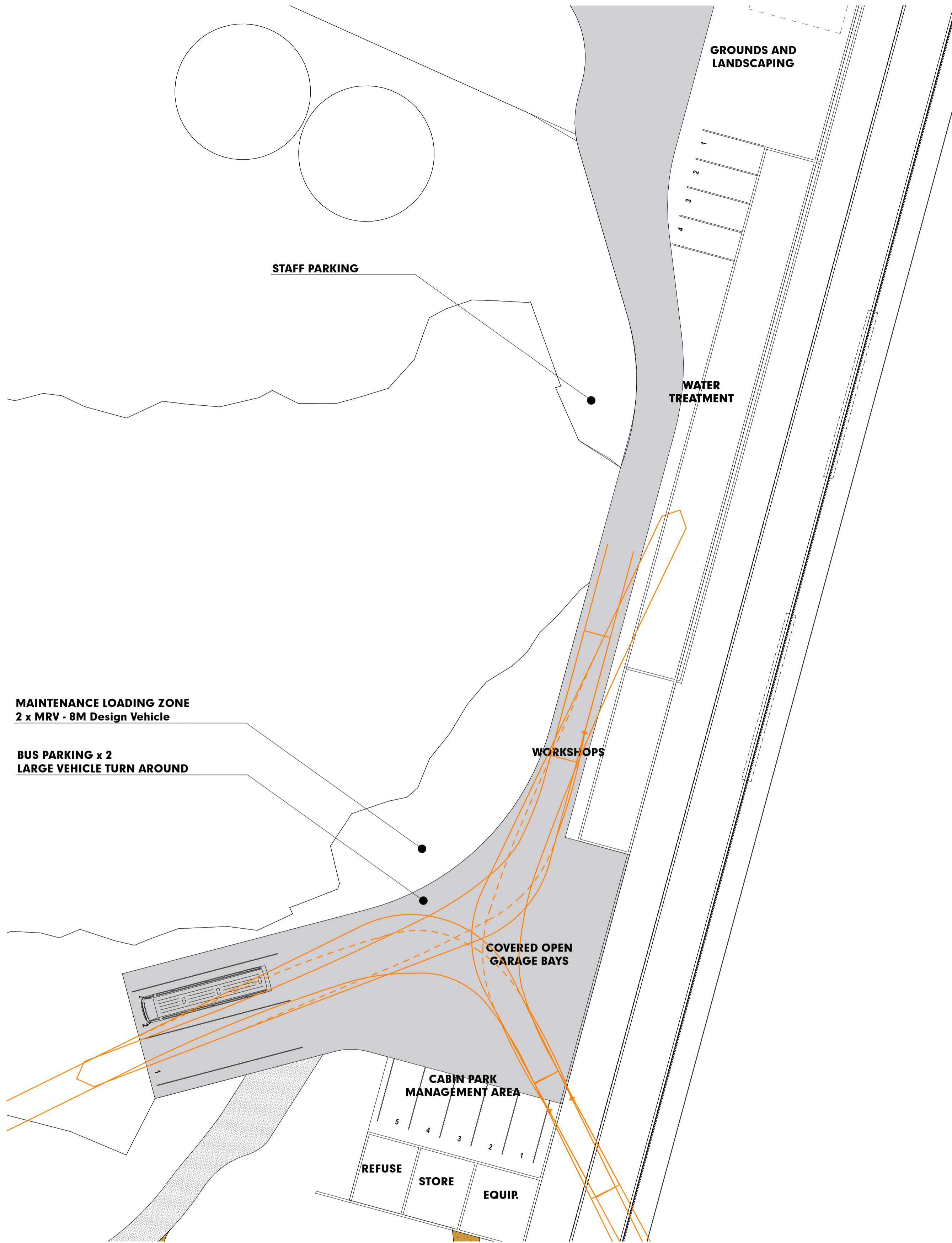
29/10/21



ALL ROAD DESIGN, LOADING ZONES, CAR, BUS & BICYCLE SPACES, ISLES AND DROP OFF AREAS TO AS 2890 AND FNQROC STANDARDS.

DROP OFF ZONE
SCALE @ A1 -1:250

1



DROP OFF ZONE
SCALE @ A1 -1:250

2

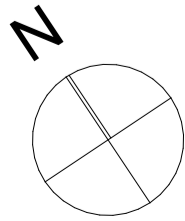
PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
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5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

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MASTER PLAN DIAGRAMS
DROP OFF & LOADING BAYS

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DA-01.12

29/10/21



DROP OFF ZONE
SCALE @ A1 -1:250

1

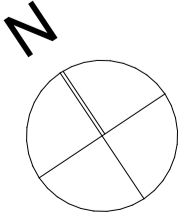
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DA-01.13

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MASTER PLAN DIAGRAMS
CARPARK_PART 01

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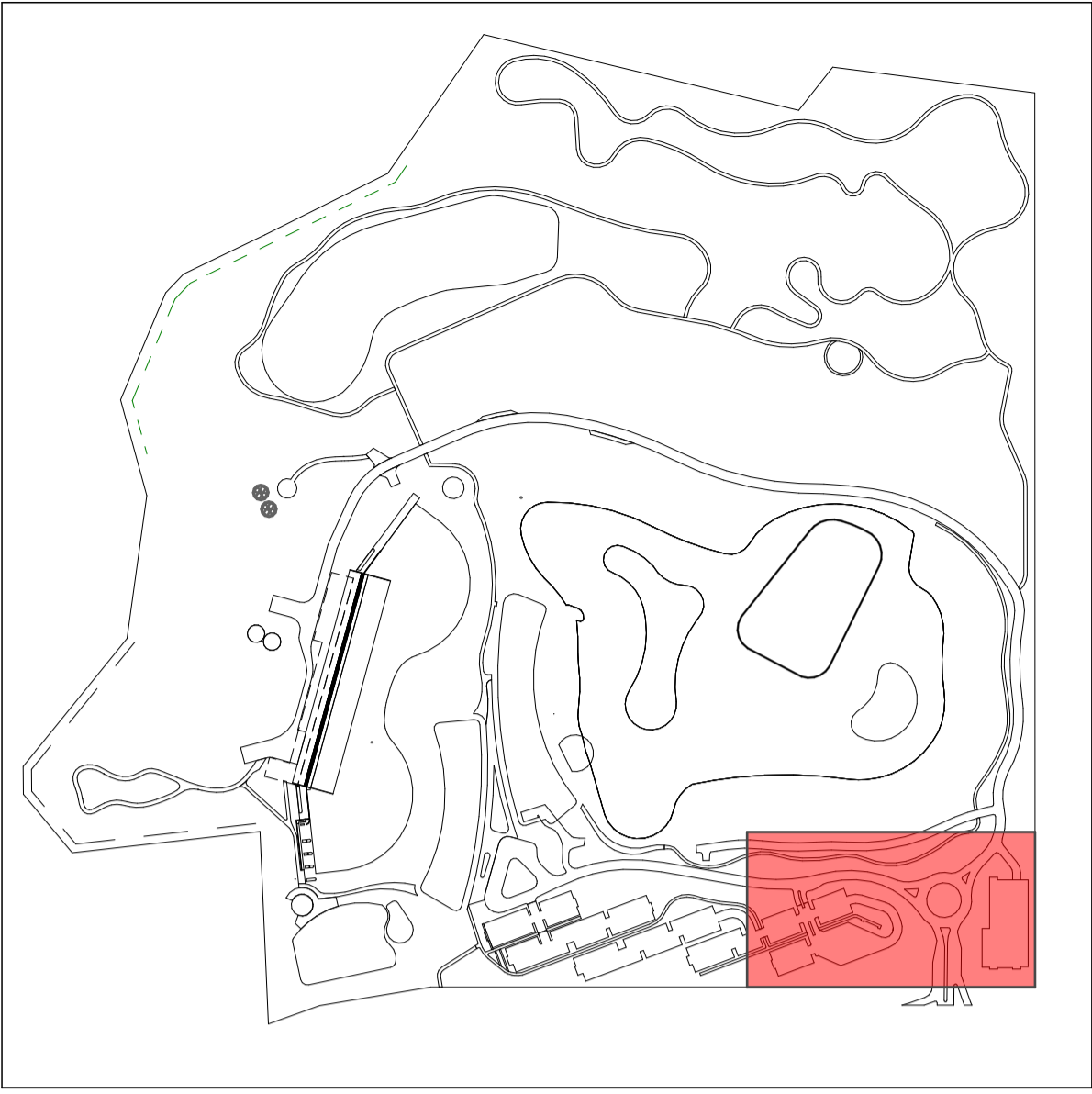


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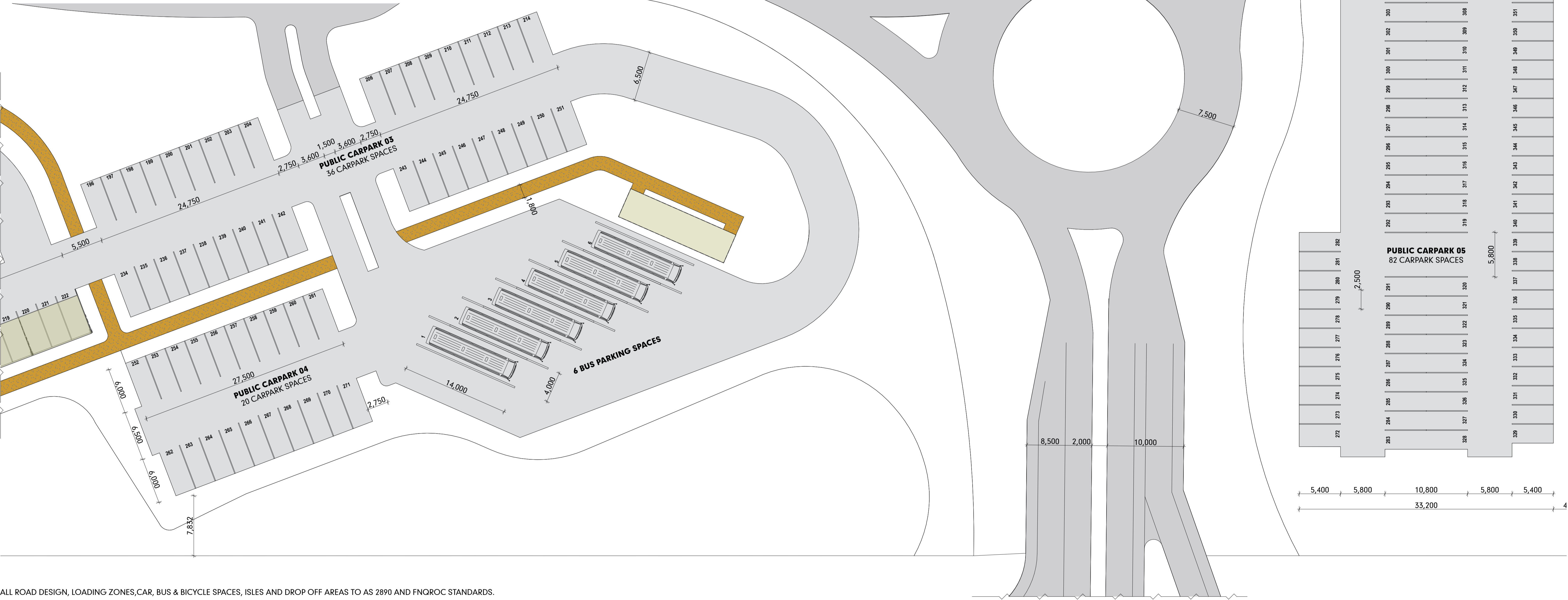
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KEY PLAN
SCALE @ A1 -1:5000

100 ROADS & PATHS		
TYPE	AREA	FILL
BIKE ACCESS	48	
CARPARK	8,126	
CONCRETE PATH	8,398	
DECK	1,602	
GRAVEL PATH	5,761	
ROADWAY	15,126	
	39,061 m²	



DROP OFF ZONE
SCALE @ A1 -1:250

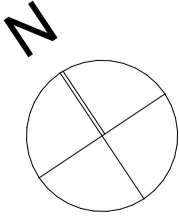
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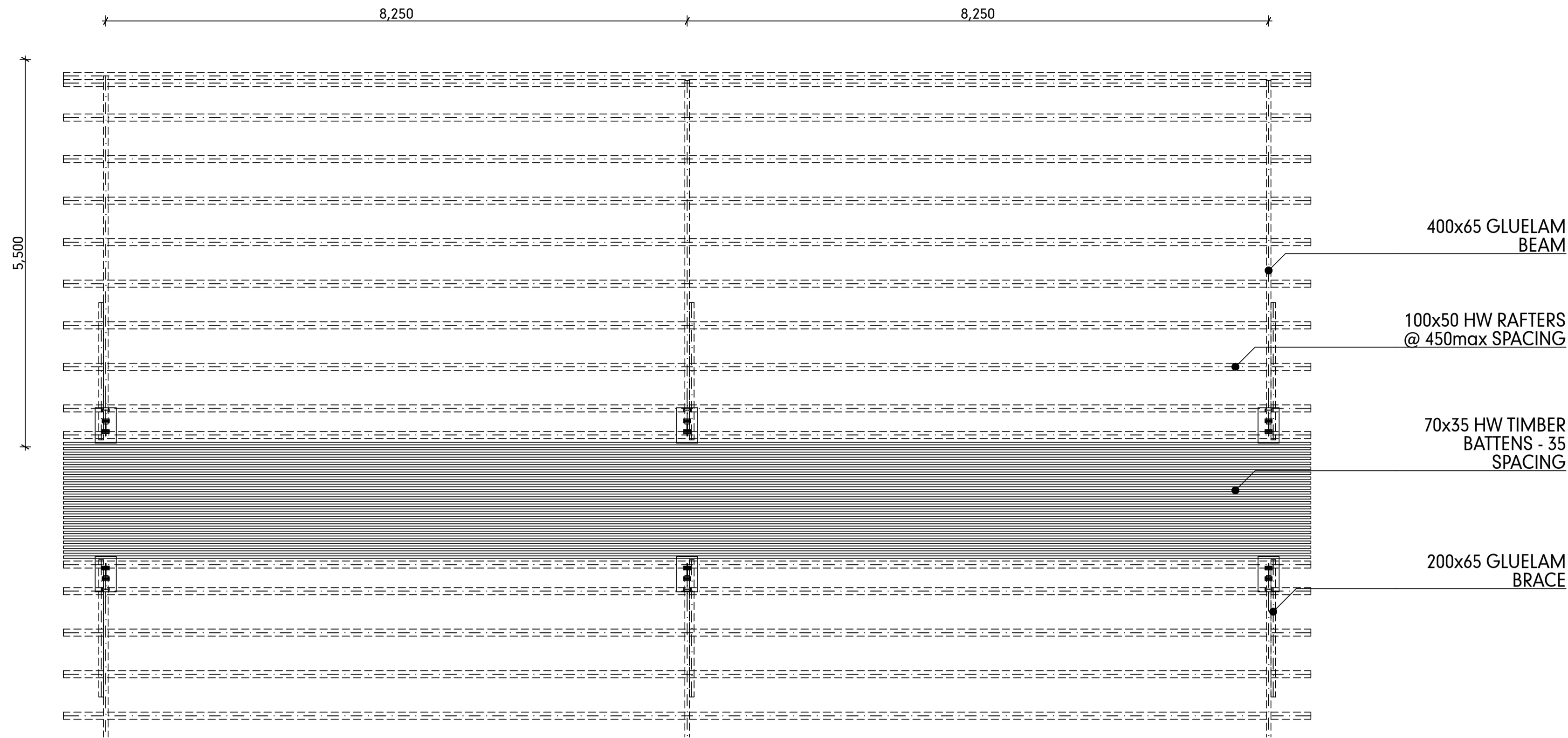
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CARPARK_PART 02

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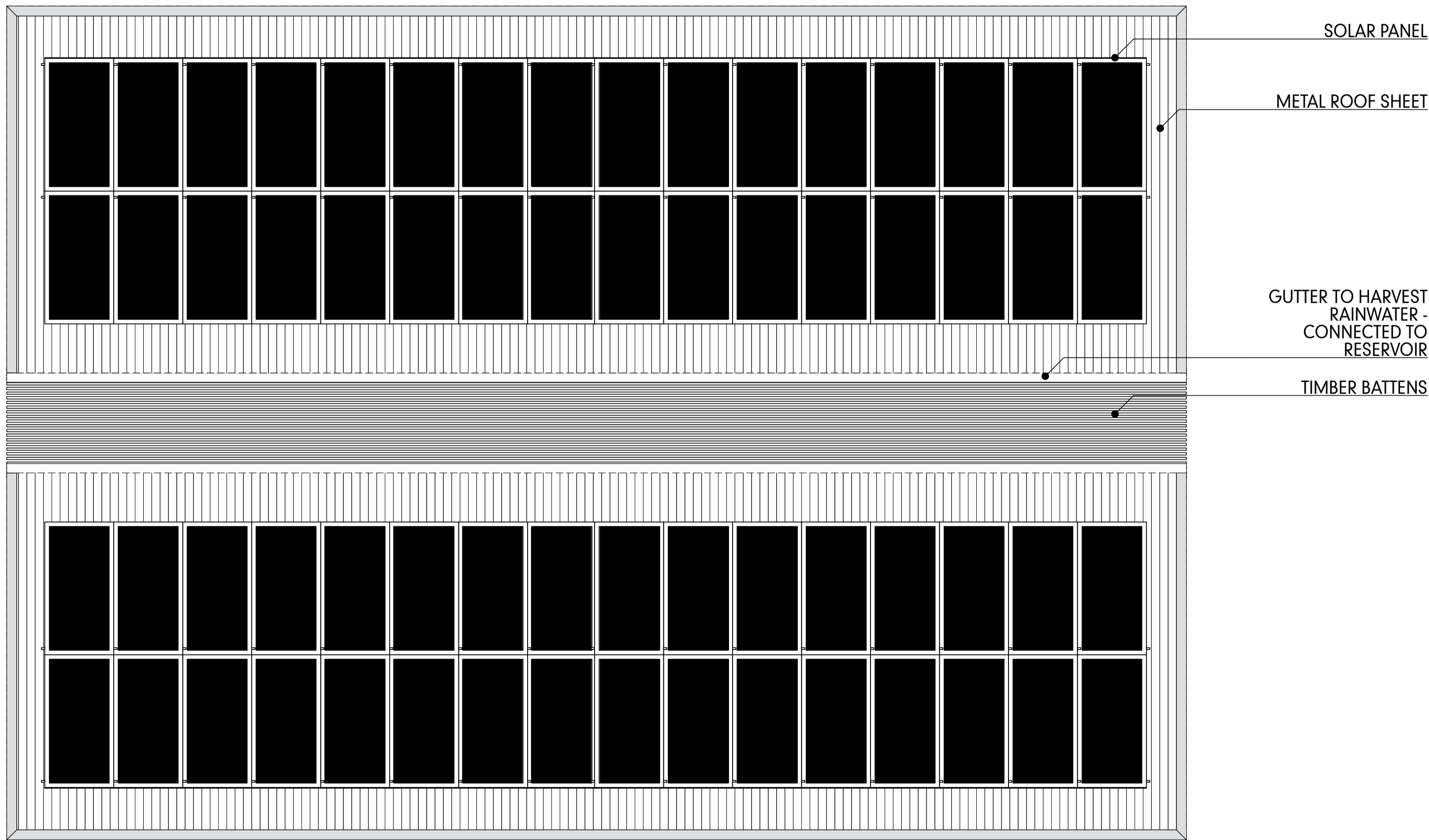


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CARPARK STRUCTURE

SCALE1:50



CARPARK ROOF PLAN

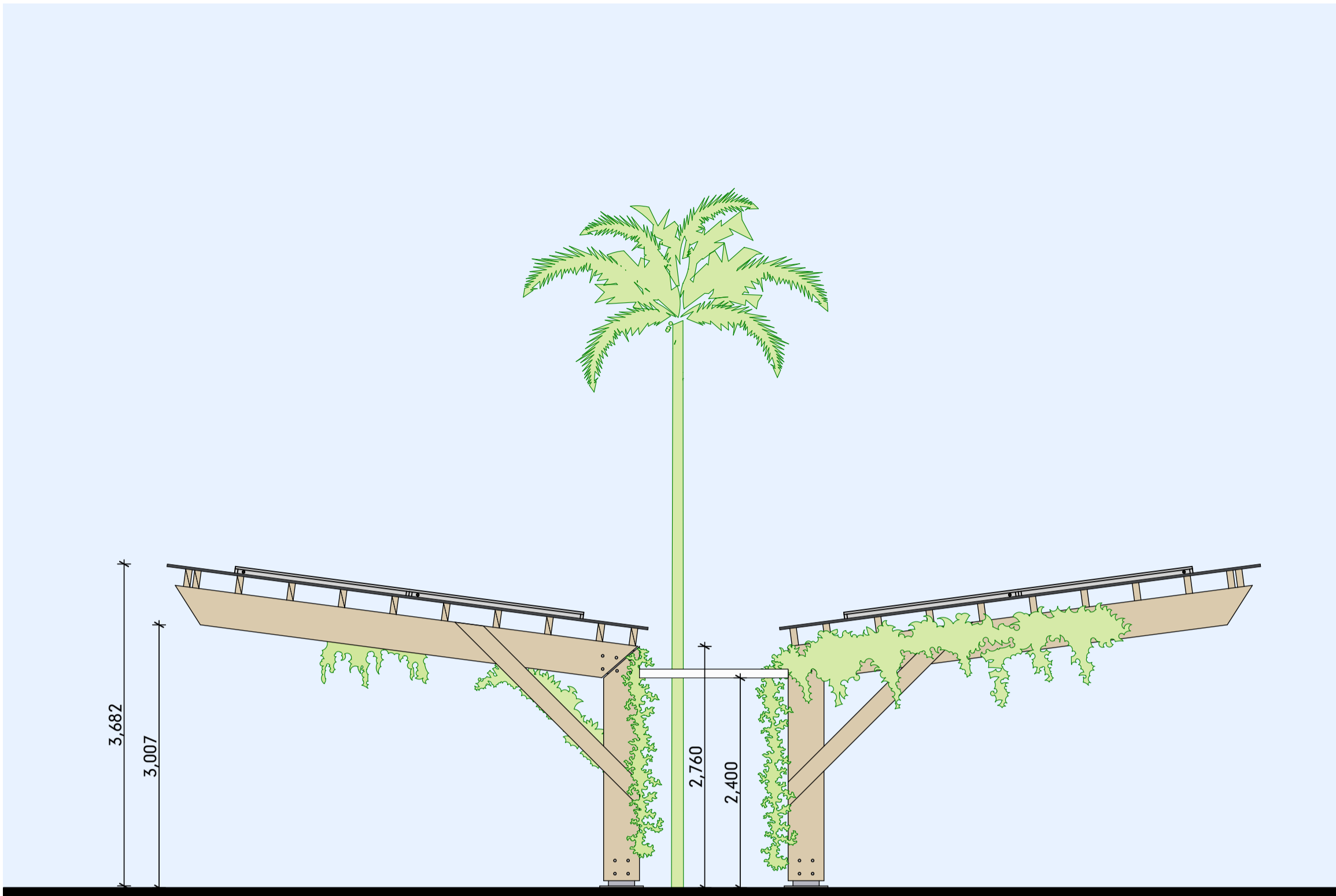
SCALE1:50

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
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MASTER PLAN DIAGRAMS
CAR PARK ROOF

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ELEVATION / SECTION

SCALE1:50

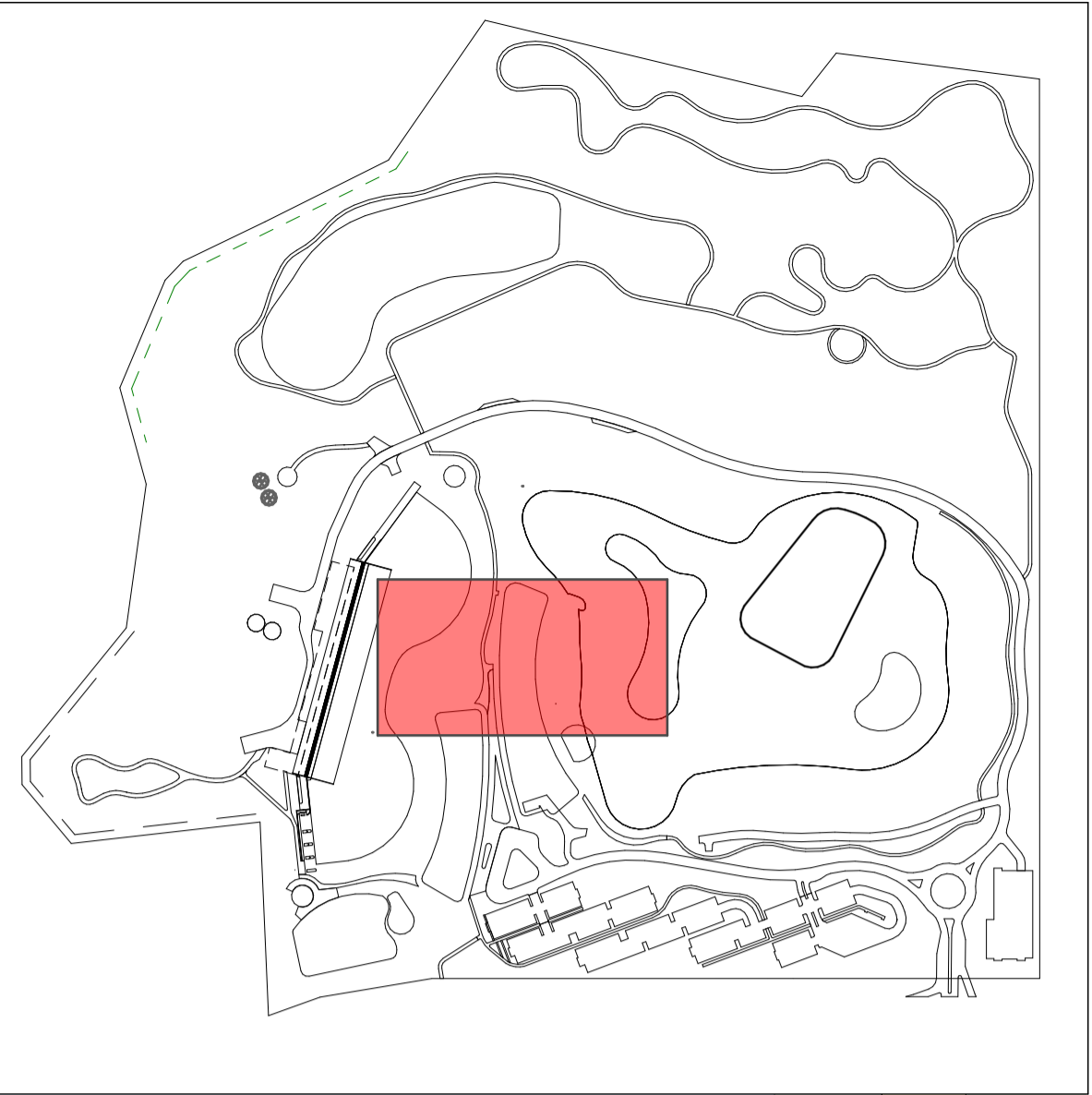
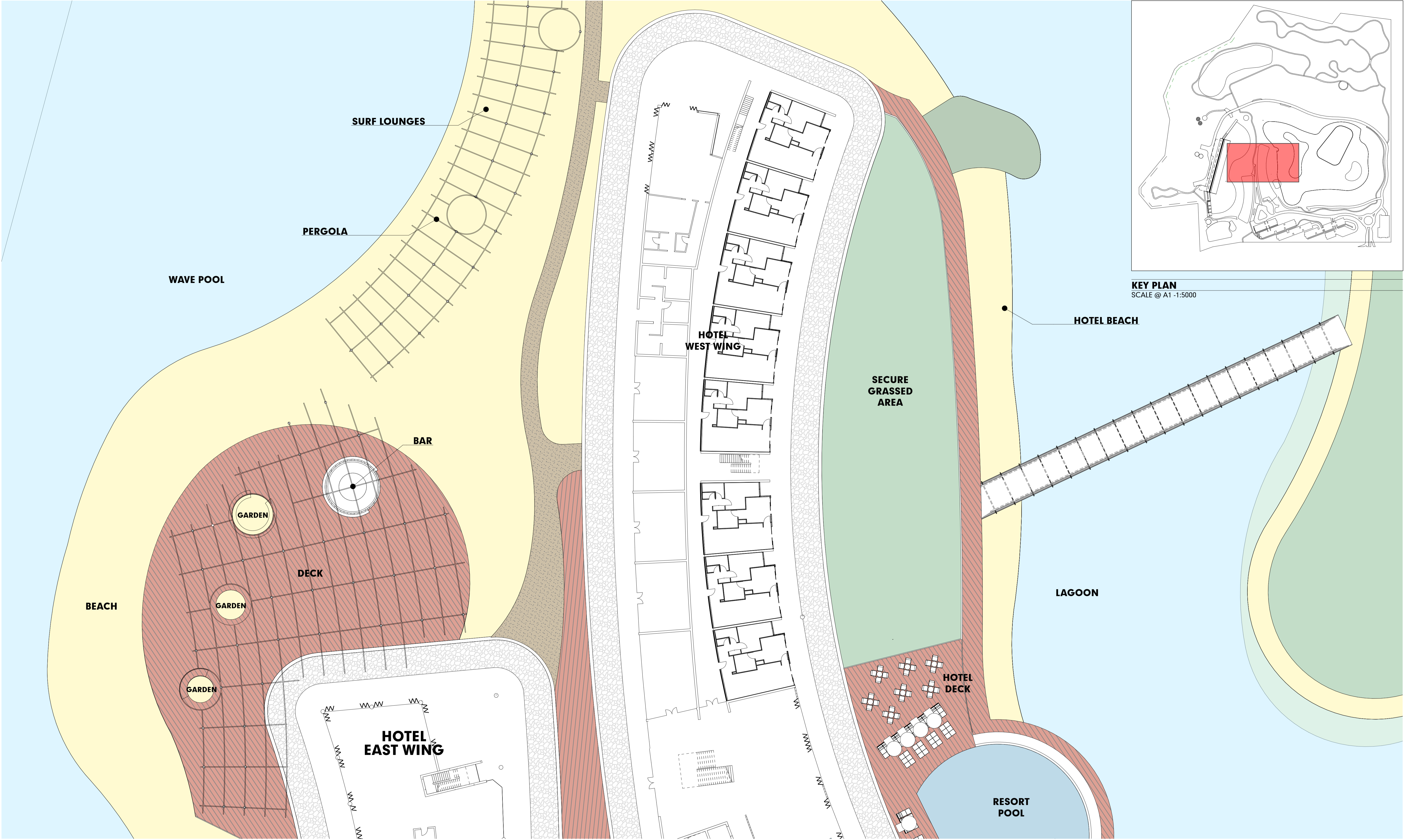


FRONT ELEVATION

SCALE1:50

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DRAWING NO. DA-01.15
REVISION NO. 01
DATE 12/11/21





KEY PLAN
SCALE @ A1 -1:5000

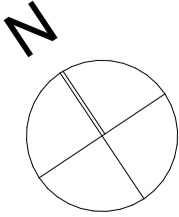
PORT DOUGLAS SURF PARK

DA-01.16

DEVELOPMENT APPLICATION
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MASTER PLAN DIAGRAMS
HOTEL_SURROUNDINGS_PART 01

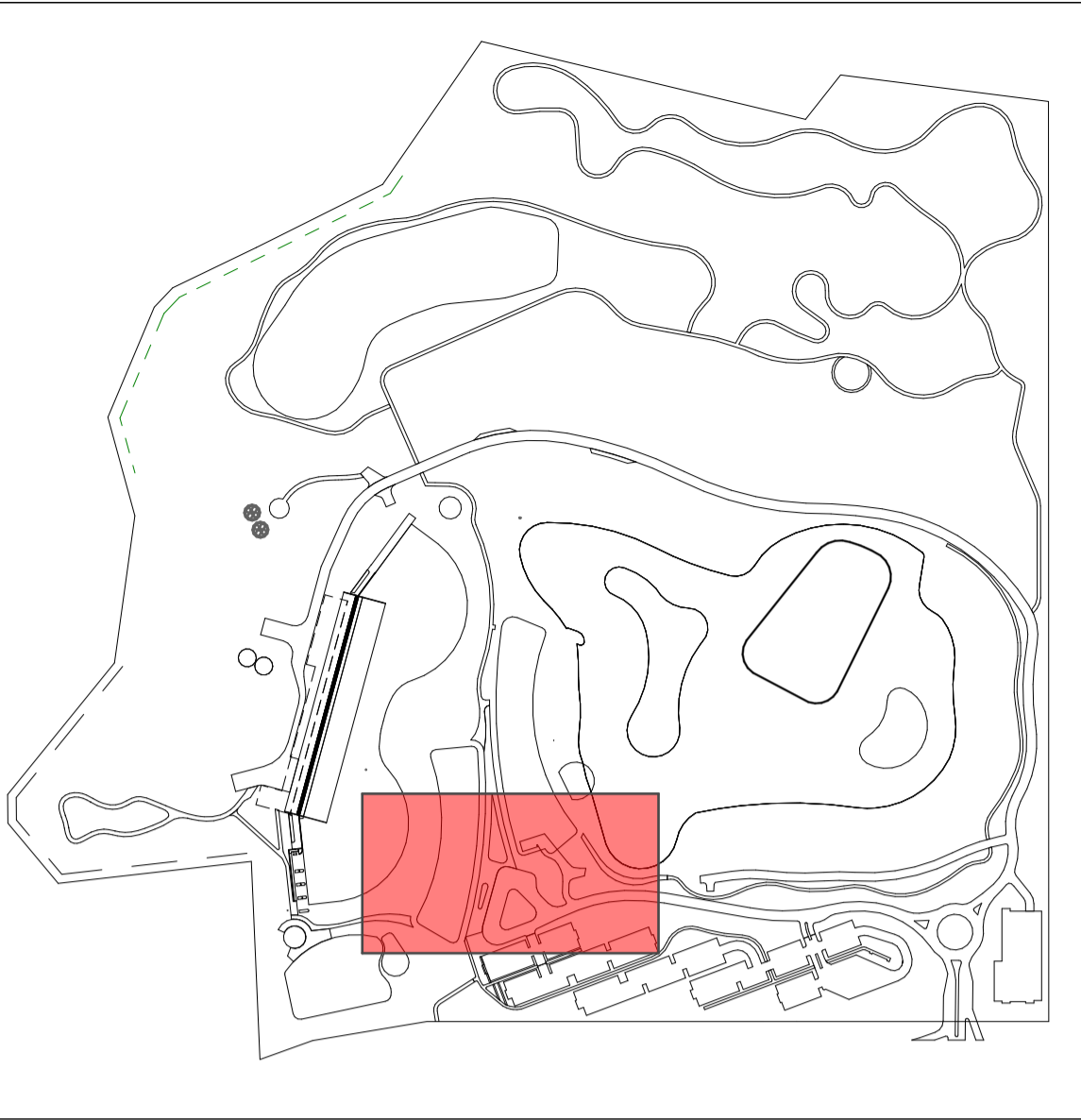
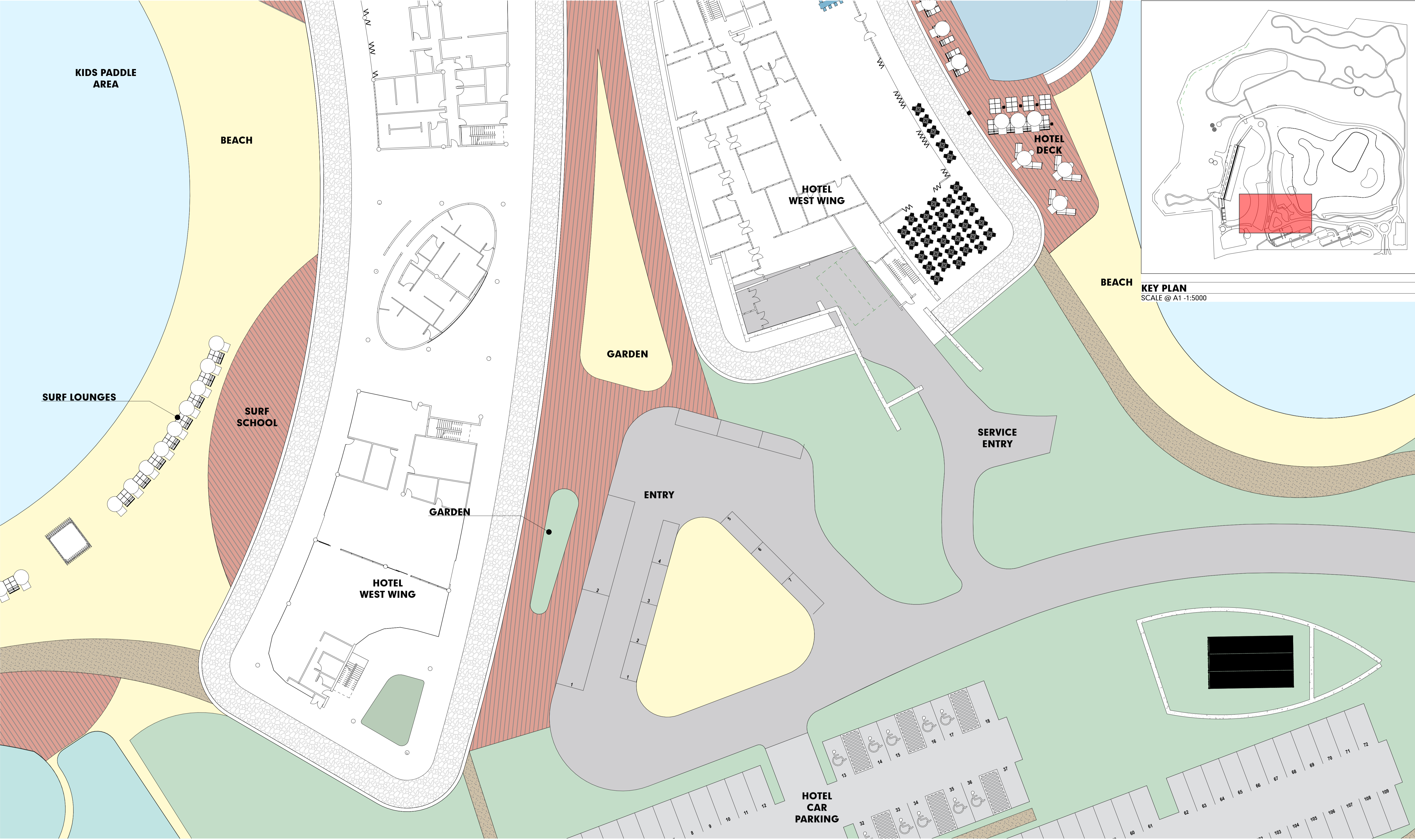
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KEY PLAN
SCALE @ A1 -1:5000

HOTEL SURROUNDINGS
SCALE @ A1 -1:250

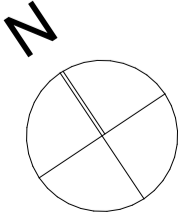
PORT DOUGLAS SURF PARK

DA-01.17

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MASTER PLAN DIAGRAMS
HOTEL_SURROUNDINGS_PART 02

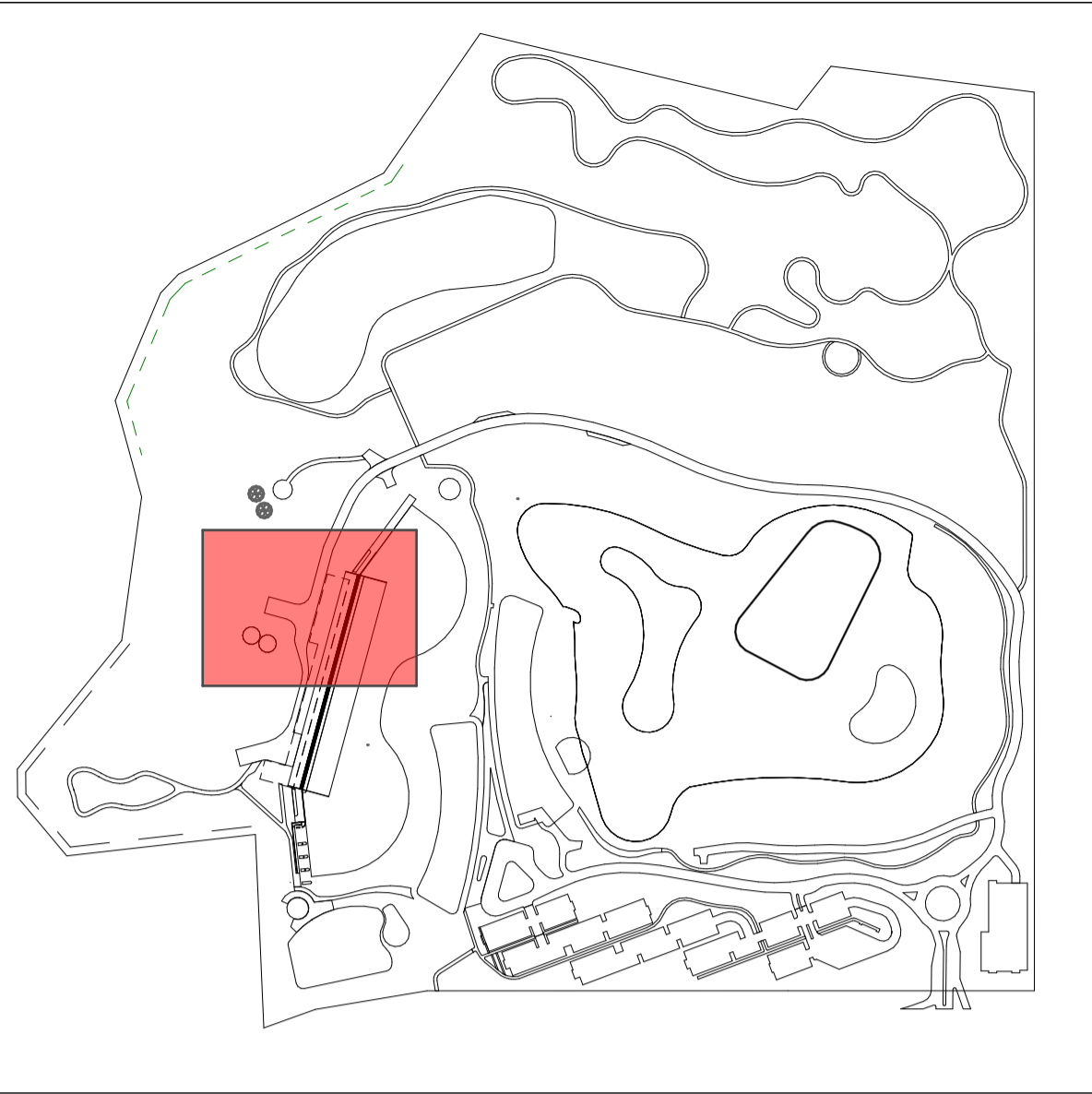
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KEY PLAN
SCALE @ A1 -1:5000

HOTEL SURROUNDINGS
SCALE @ A1 -1:250

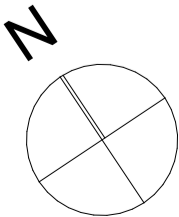
PORT DOUGLAS SURF PARK

DA-01.18

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**MASTER PLAN DIAGRAMS
WAVE PARK_SURROUNDINGS_PART 01**

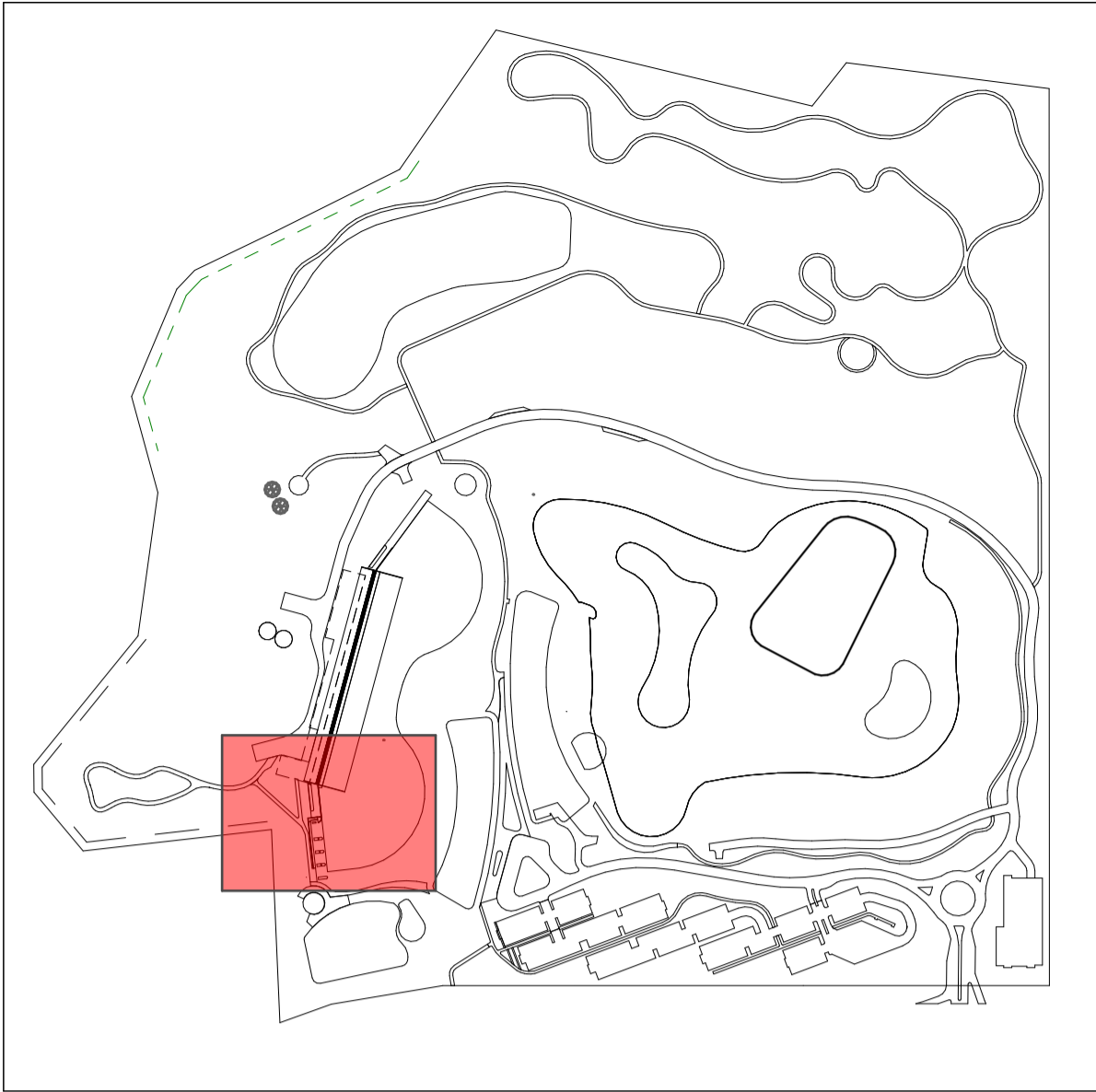
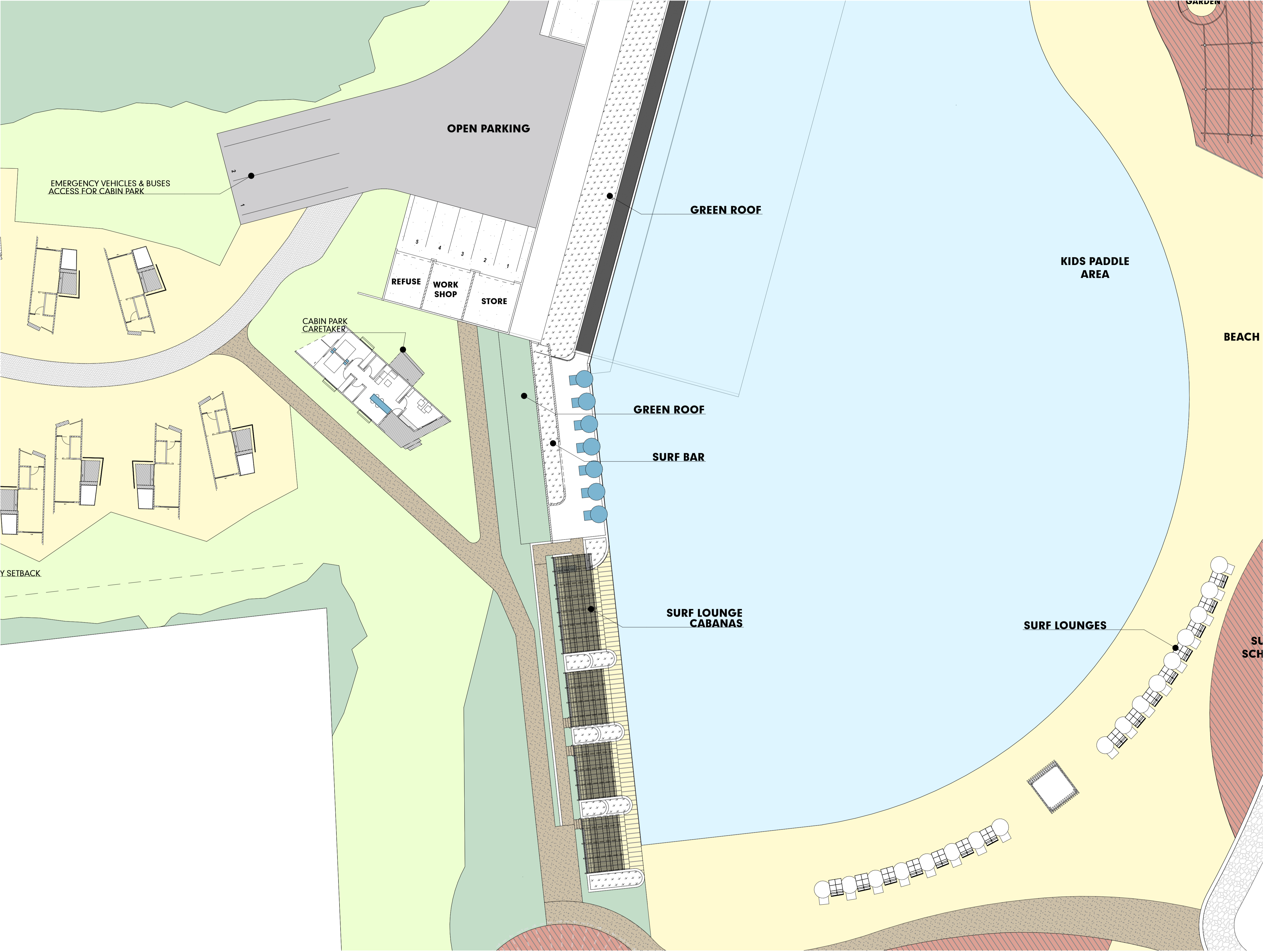
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KEY PLAN
SCALE @ A1 -1:5000

HOTEL SURROUNDINGS
SCALE @ A1 -1:250

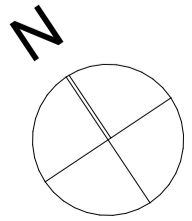
PORT DOUGLAS SURF PARK

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WAVE PARK_SURROUNDINGS_PART 02**

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CABIN PARK
SCALE @ A1 -1:250

PORT DOUGLAS SURF PARK

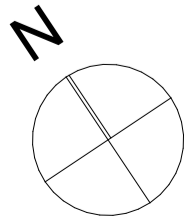
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CABIN PARK**

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LANDSCAPE BUFFER KEY **2.**
SCALE @ A1 -1:1000

ROAD BUFFER LANDSCAPING

Element ID	Code	Plant Type	Botanical Name	Common Name	Mature Plant Height	Description	Quantity
Acacia flavescens	Af	Tree	Acacia flavescens	Yellow Wattle	6,000	an unarmed straggling shrub 4 - 6 metres tall, or becoming a small tree with a reasonably straight stem growing up to 10 metres tall	43
Capparis lucida	Cpl	Shrub/Small Tree	Capparis lucida	Coast Caper	3,000	Frequently grows into a small tree, sometimes somewhat scandent but usually flowers and fruits as a shrub 3-4 m tall.	47
Castanospermum australe	Ca	Tree	Castanospermum australe	Black Bean Tree, Moreton Bay Chestnut	30,000	“Known as Yiw-oo-rra. The bean fruit inside the pods were specially prepared to extract the toxins through a long process which involved baking, slicing into thin strips before being eaten. Must be very careful in preparing the fruit.	26
Clerodendrum longiflorum	Cl	Shrub / Small Tree	Clerodendrum longiflorum var. glabrum	witches' tongues	3,000	Fruit eaten by many species of birds. This is an evergreen rounded shrub or small tree (to about 3 m tall) from the rainforests of Queensland, It grows as an understorey tree in both upland and lowland rainforest.	37
Deplanchea tetraphylla	Dt	Tree	Deplanchea tetraphylla	Golden Bouquet Tree; Wallaby Wireless Tree	12,000	A spreading, rounded rainforest tree with large, slightly whorled green leaves. Large trumpet-shaped clusters of golden-yellow flowers, filled with nectar, providing plenty of food for native birds.	45
Eugenia reinwardtiana	Er	Shrub / Small Tree	Eugenia reinwardtiana	Beach Cherry	4,000	The tree is cultivated to a limited extent for its edible sweetish fruit that is often eaten out-of-hand, used to flavour drinks and candies, or as a preserve. The fruit is a source of antioxidants.	37
Harpullia rhyticarpa	Hr	Tree/Shrub	Harpullia rhyticarpa	Slender Harpullia	3,000	Occasionally grows into a small tree but usually flowers and fruits as a spindly shrub about 2-4 m tall. A very attractive shrub that should be tried in tropical gardens. It probably needs a shady protected position but fruiting specimens are outstanding.	36
Lomandra hystrix	Lh	Flowering shrub	Lomandra hystrix	Mat-Rush	1,000	A flowerting shrub notable for its magnificent yellow flowers and strap leaf	171
Melaleuca leucadendra	MI	Tree	Melaleuca leucadendra	Paper Bark	20,000	It has papery thick and pale spongy bark, Dull green and pendulous leaves, with white to creamy spikes of flowers.	29
Pittosporum revolutum	Pr	Tree/Shrub	Pittosporum revolutum	Yellow Pittosporum	3,000	Endemic to Australia, growing to around 3 metres tall and 2 metres wide, it has small yellow flowers in spring which are strongly perfumed. The foliage is attractive, with wavy leaf edges. luseful plant for screening and informal hedging.	62
Scolopia braunii	Sb	Tree	Scolopia braunii	Flintwood	20,000	This is a good screening plant, as foliage is retained to ground level. A medium-sized tree growing to 25 metres tall and 50 cm in stem diameter. The trunk is flanged or somewhat buttressed on larger trees.	35

PORT DOUGLAS SURF PARK

DA-01.21

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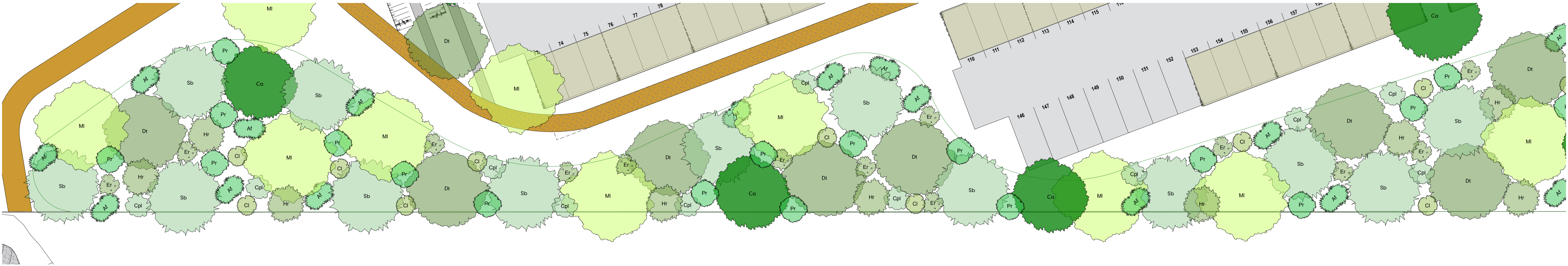
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ROAD BUFFER - LANDSCAPING**

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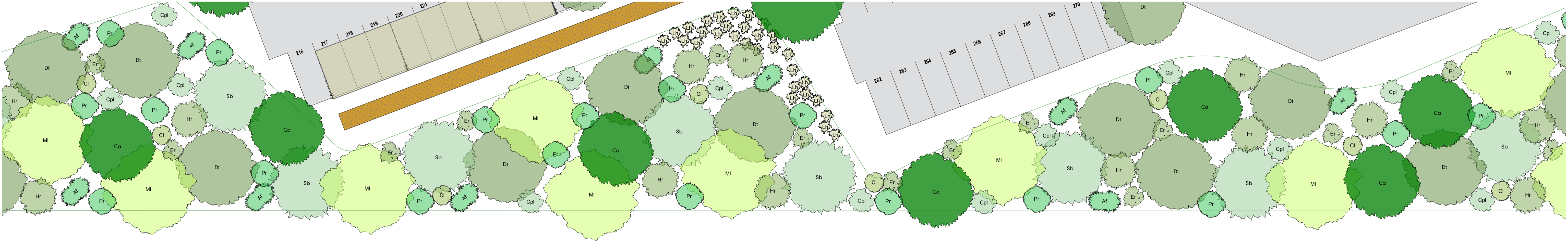
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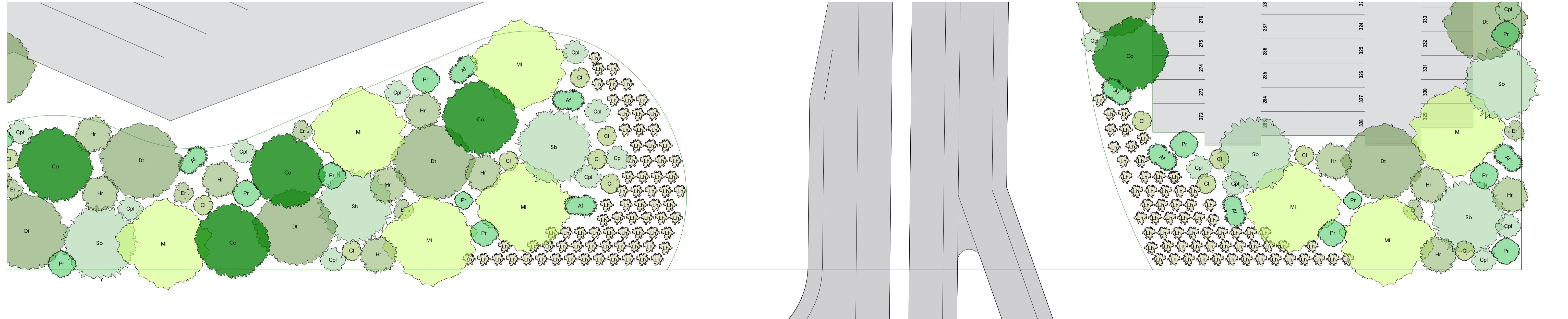
LANDSCAPE BUFFER 1:200
SCALE @ A1 -1:200

3



LANDSCAPE BUFFER 1:200
SCALE @ A1 -1:200

1



LANDSCAPE BUFFER 1:200
SCALE @ A1 -1:200

2

PORT DOUGLAS SURF PARK

DA-01.22

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
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MASTER PLAN DIAGRAMS
ROAD BUFFER - LANDSCAPING

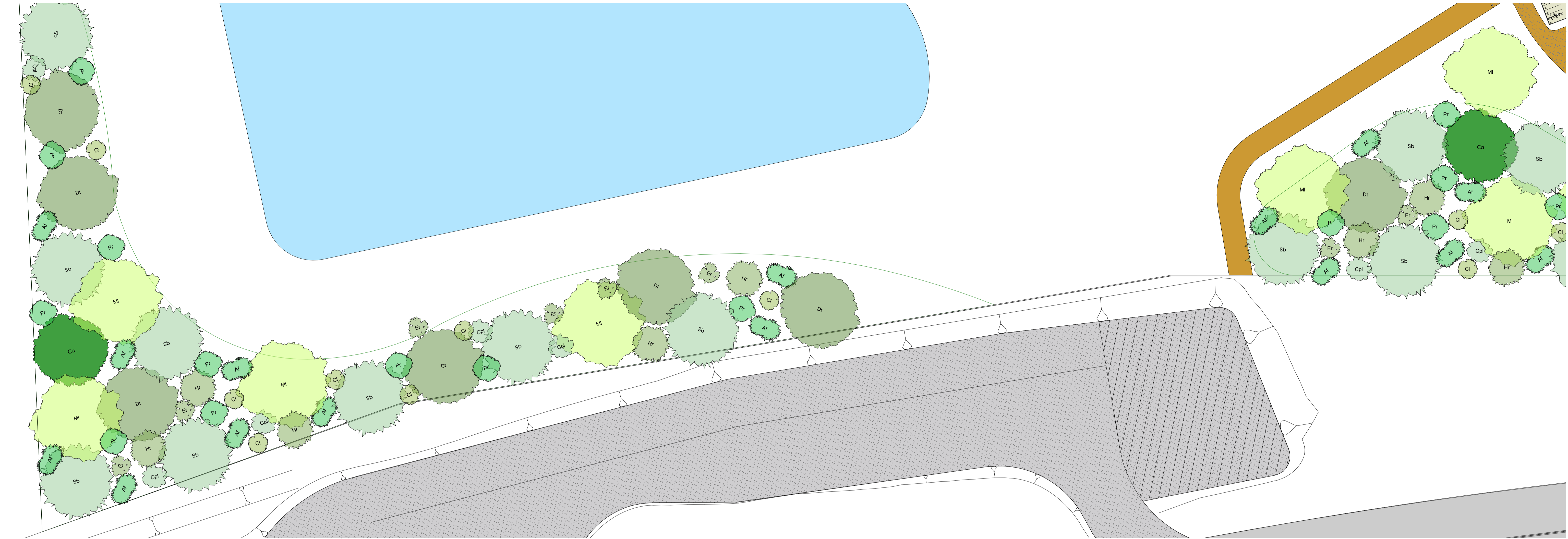
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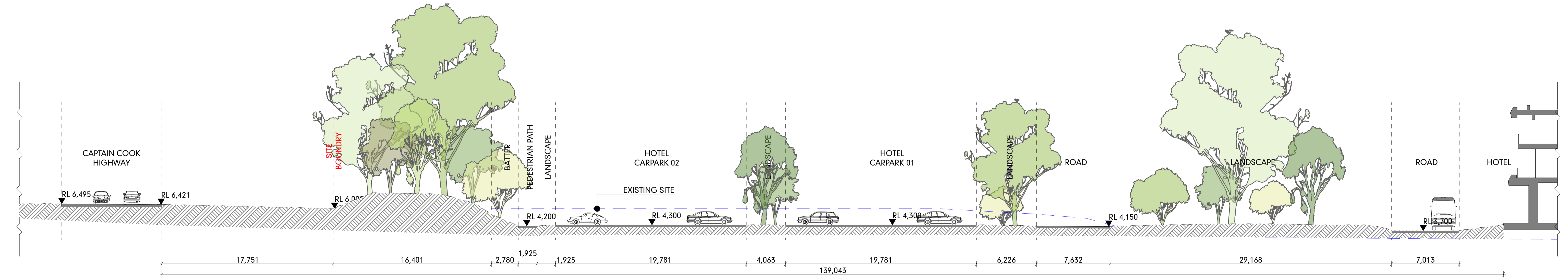
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LANDSCAPE BUFFER 1:200
SCALE @ A1 -1:200



SITE DD
SCALE @ A1 -1:200

PORT DOUGLAS SURF PARK

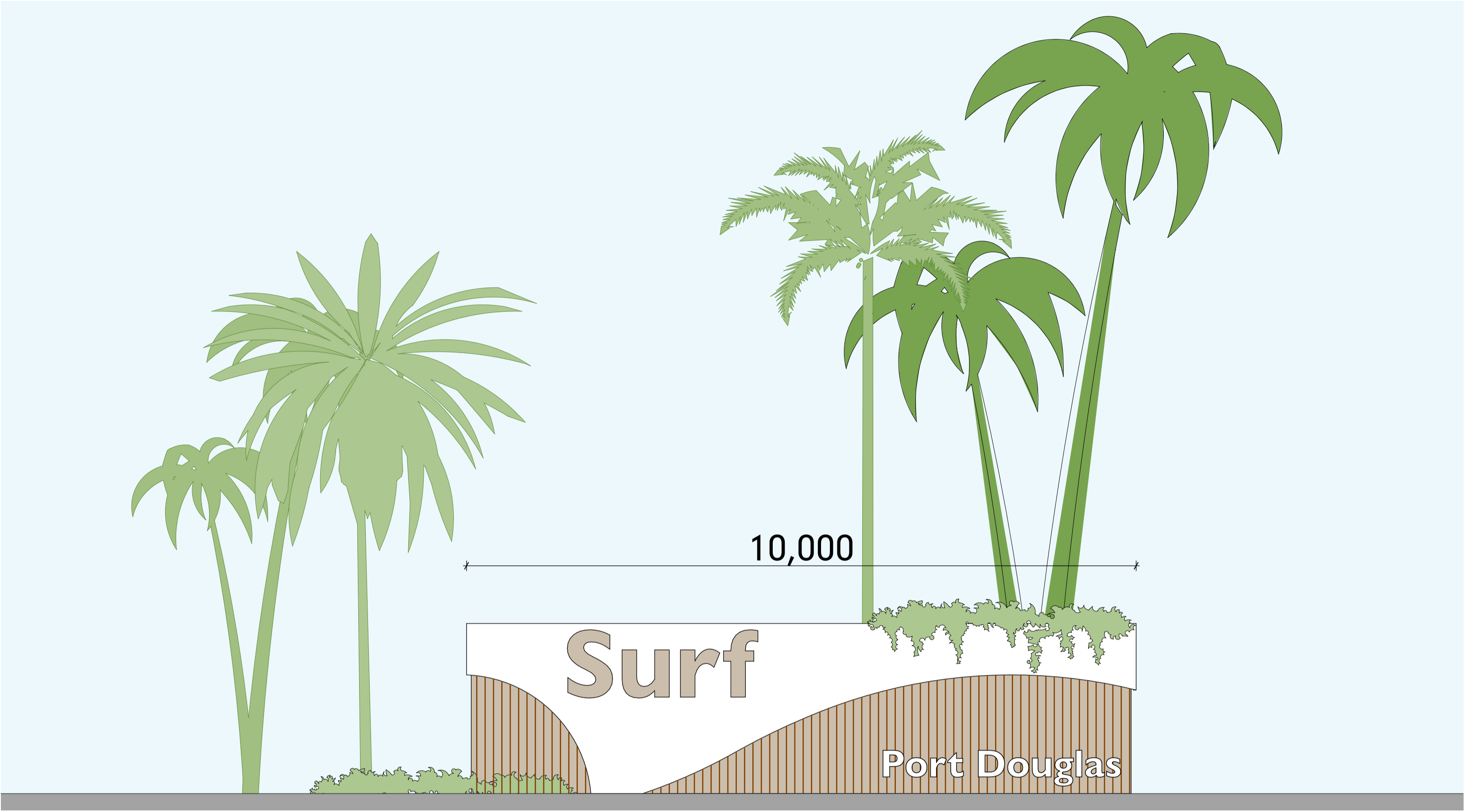
DA-01.23

DEVELOPMENT APPLICATION
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MASTER PLAN DIAGRAMS ROAD BUFFER SECTIONS

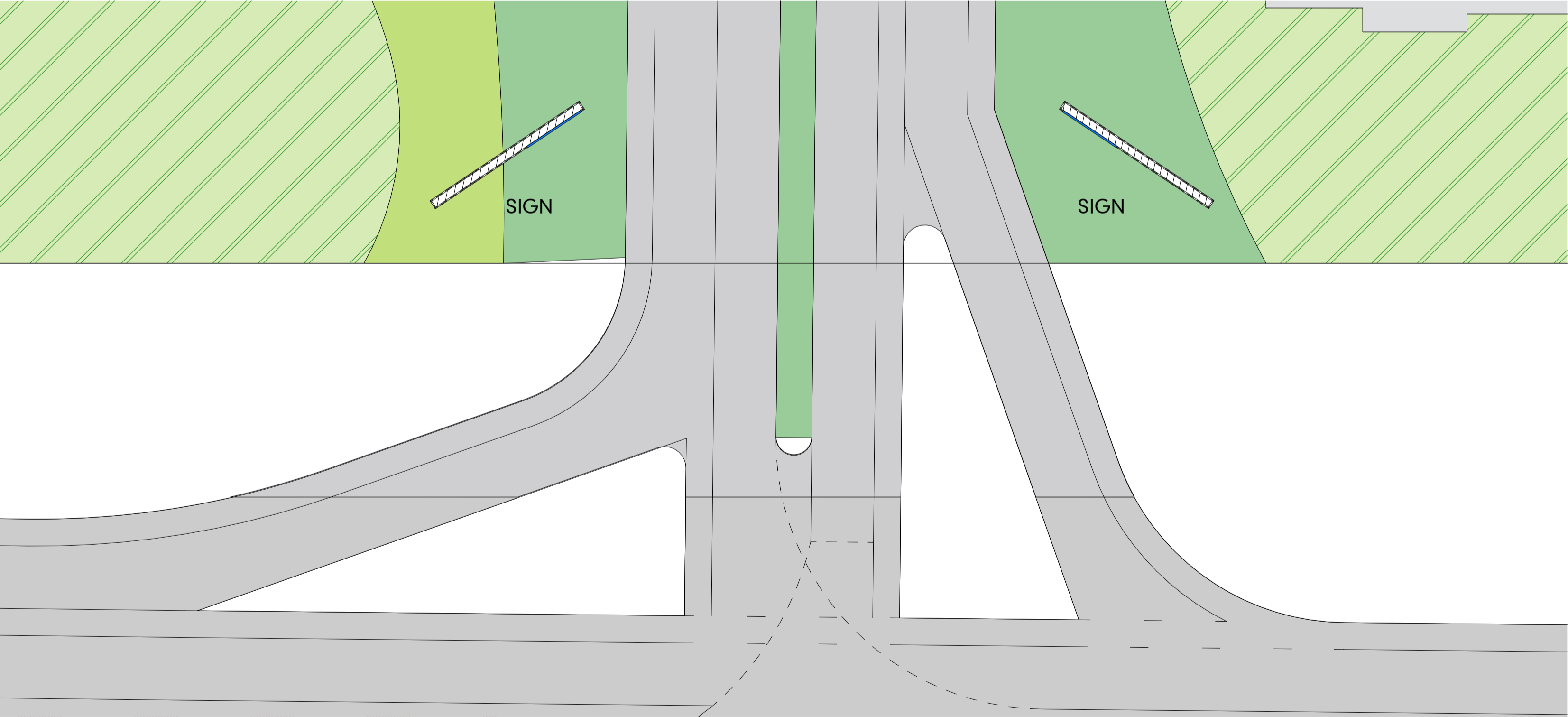
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ENTRY SIGN
SCALE1:50

1
#LayID



SIGNAGE
SCALE @ A1 -1:200

2.

PORT DOUGLAS SURF PARK

DA-02.05

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**VISUAL IMPACT
ENTRY SIGNAGE**

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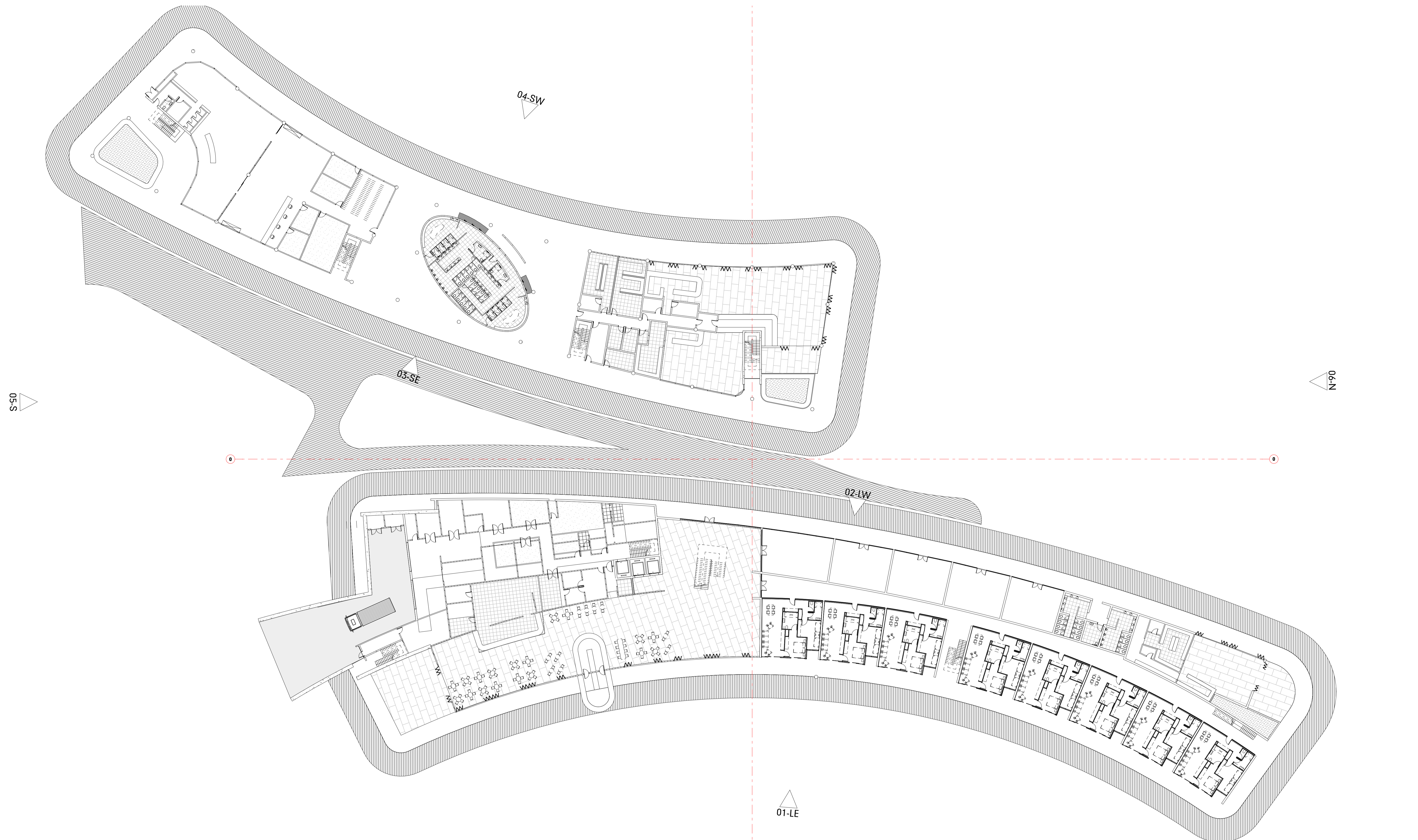
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LEVEL 00 WAVE
SCALE 1:300

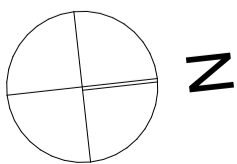
PORT DOUGLAS SURF PARK

DA-03.1

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GROUND FLOOR WAVE
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S-S

03-SE

04-SW

N-90

02-LW

01-LE

LEVEL 00 WAVE

SCALE1:300

PORT DOUGLAS SURF PARK

DA-03.2

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

HOTEL
FIRST FLOOR WAVE

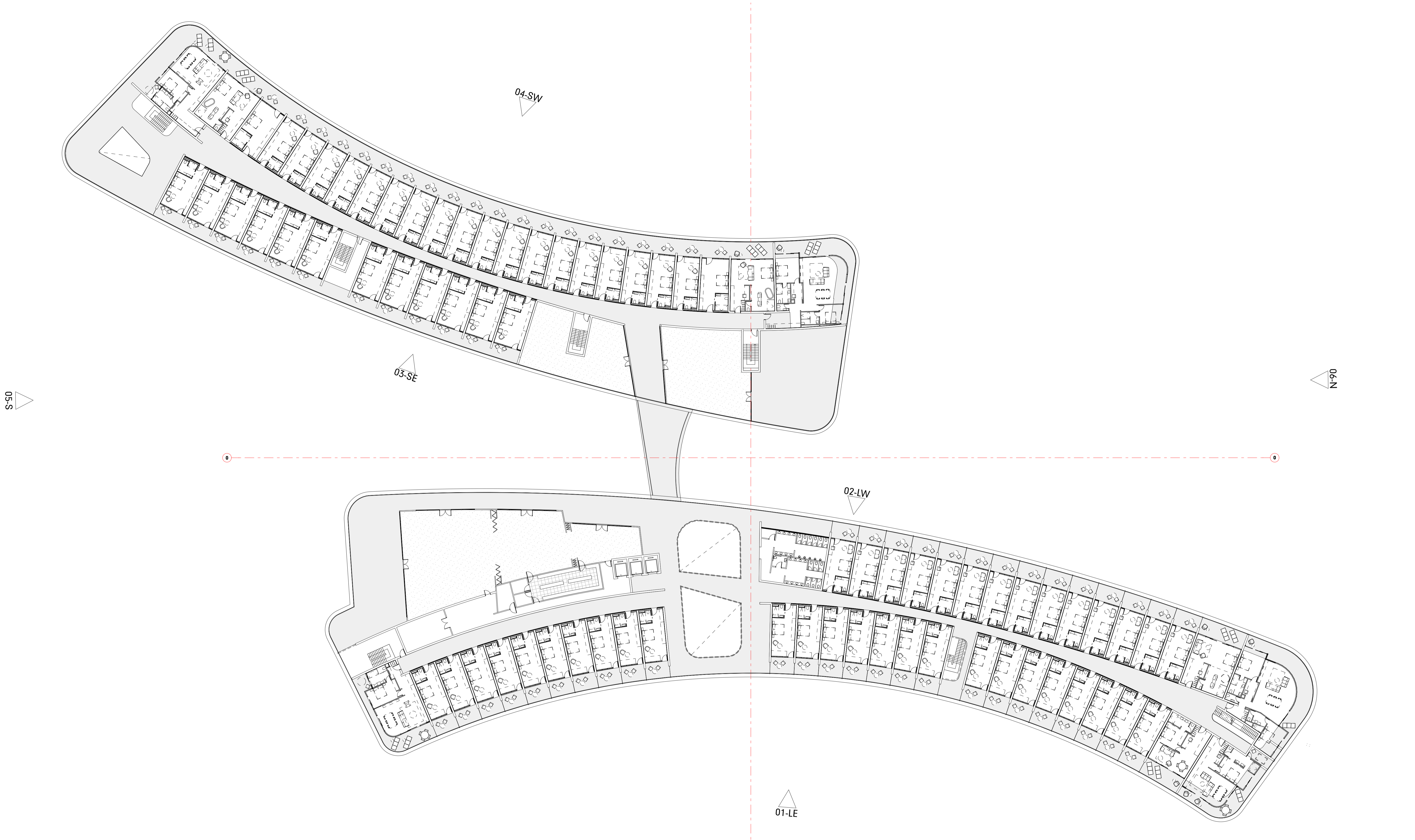
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LEVEL 00 WAVE
SCALE1:300

PORT DOUGLAS SURF PARK

DA-03.3

DEVELOPMENT APPLICATION
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5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

HOTEL
SECOND FLOOR WAVE
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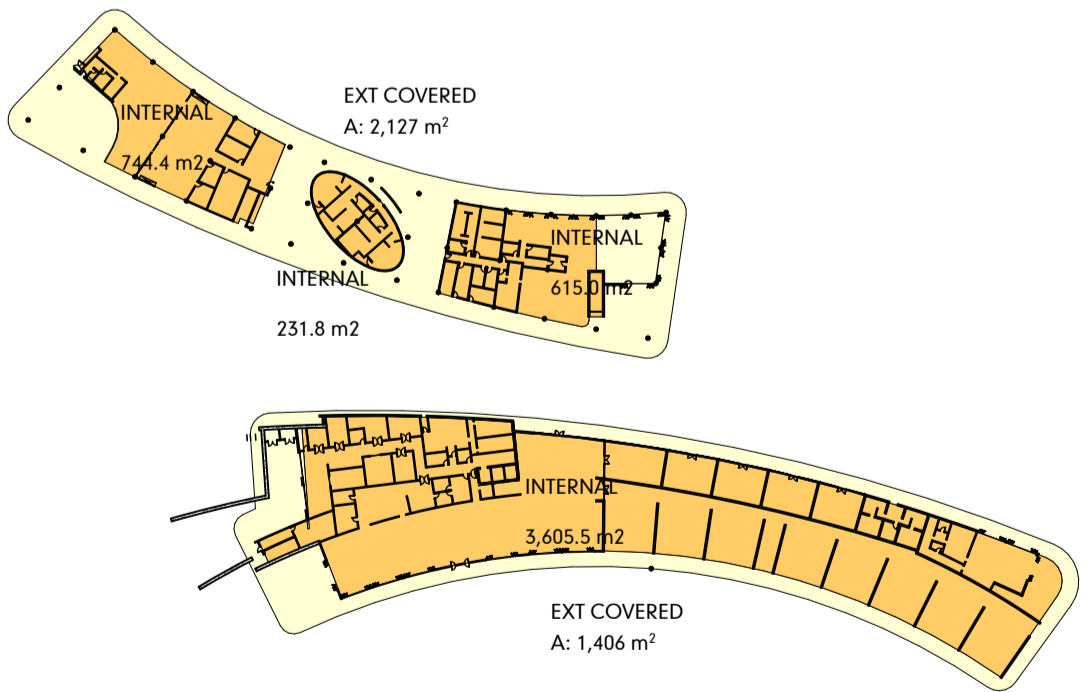
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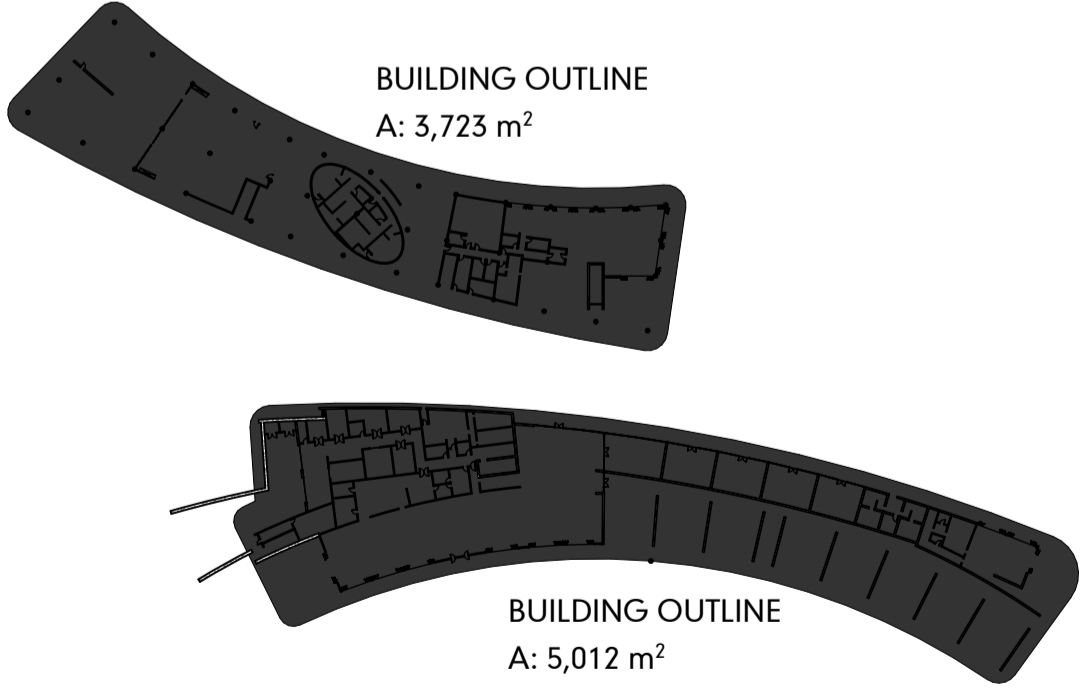


LEVEL 00 WAVE

SCALE1:400



LEVEL 00 GFA - COND



LEVEL 00 FOOTPRINT

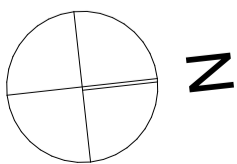
PORT DOUGLAS SURF PARK

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HOTEL
INTERNAL AREAS - LEVEL 00

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200_AREAS LEVEL 00 AREA CALCULATIONS - DA					
CATEGORY	ZONE	AREA	QTY	Occupants	SQM per Person
F&B PATRON AREAS					
	HOTEL F&B	91	1	36.57	2.50
	HOTEL F&B	515	1	206.10	2.50
	RESTAURANT 1	90	1	35.91	2.50
	RESTAURANT 2	226	1	90.46	2.50
	RESTAURANT 3	135	1	54.04	2.50
		1,058 m²		423.06	

LEVEL 00 AREA CALCULATIONS - PATRON FB

SCALE1:1

200_AREAS AREA CALCULATIONS - ROOMS				
ZONE CATEGORY	Home Story	TYPE	TOTAL AREA	QTY
ACCOMMODATION				
	0	FAMILY	765	8
	1	JS	448	6
	1	KS	276	2
	1	PWD	85	2
	1	SR	2,272	61
	2	JS	417	6
	2	KS	377	3
	2	PWD	85	2
	2	SR	2,571	69
	2		7,296 m²	159

AREA CALCULATIONS - ROOMS

SCALE1:1

GROSS FLOOR AREA			
	STORY	ZONE NAME	AREA
FECA			
	LEVEL 00	EXT COVERED	3,533
	LEVEL 00	INTERNAL	5,199
			8,732 m²
	LEVEL 01	EXT COVERED	3,977
	LEVEL 01	INTERNAL	4,892
			8,869 m²
	LEVEL 02	EXT COVERED	3,943
	LEVEL 02	INTERNAL	4,886
			8,830 m²
			26,431 m²

GROSS FLOOR AREA

SCALE1:1

200_LEVEL 00 - FEC	
ZONE CATEGORY	CALCULATED AREA
EXTERNAL COVERED AREA	3,528
INTERNAL AREA	5,197
8,724 m²	

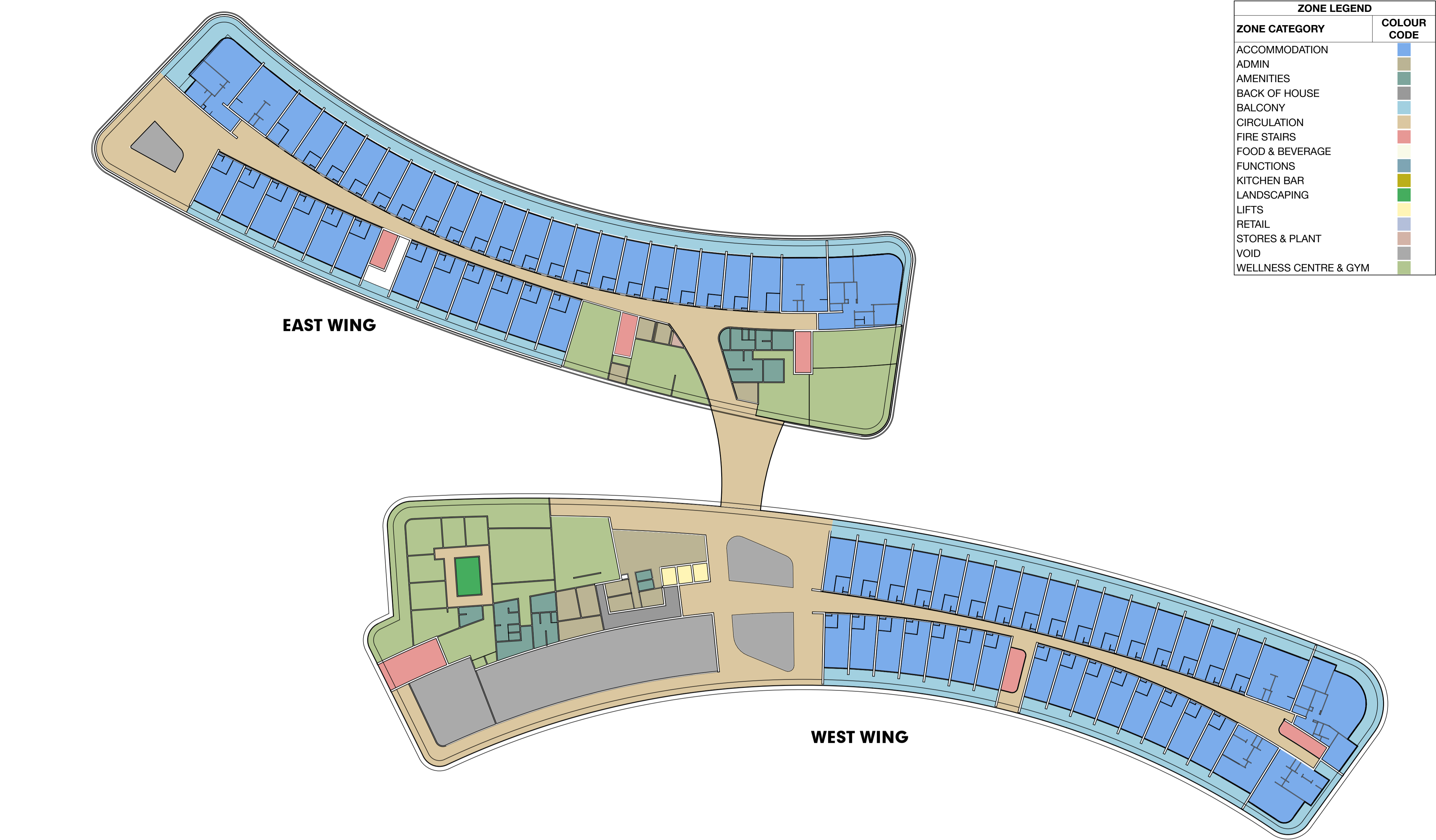
LEVEL 00 - FEC

SCALE1:1

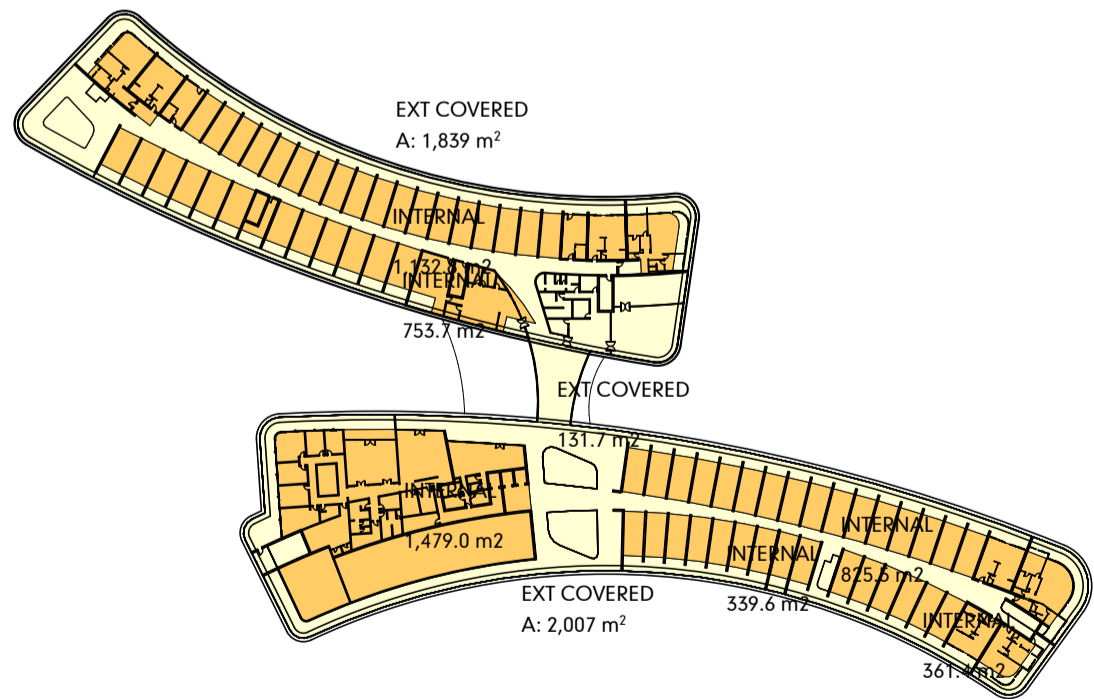
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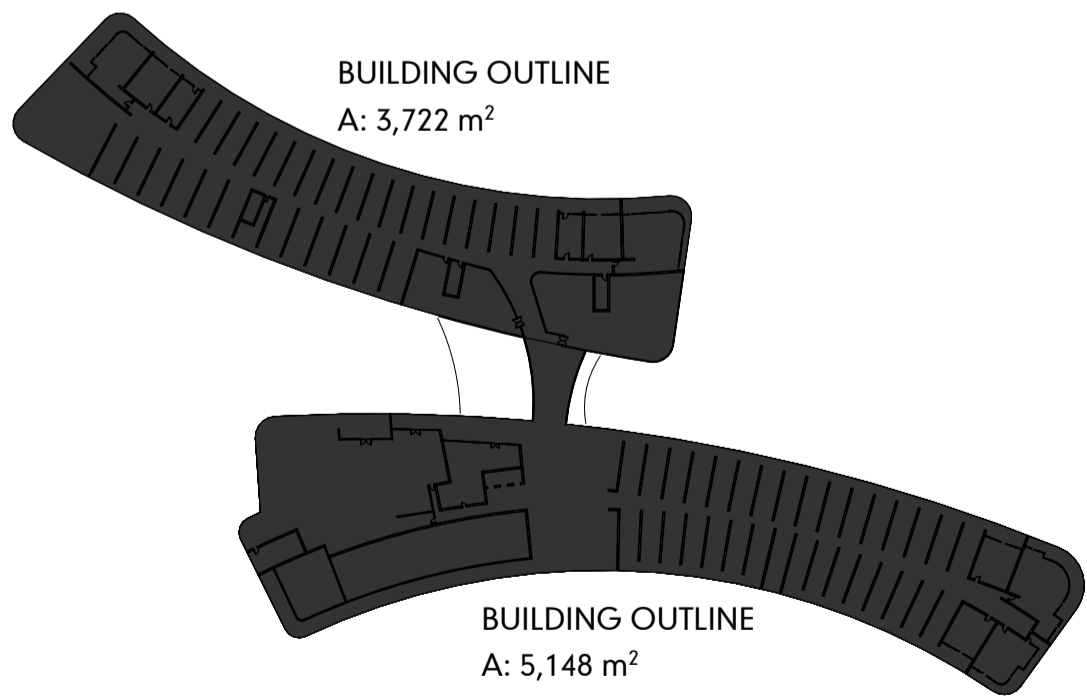
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LEVEL 01 INTERNAL AREAS
SCALE1:400



LEVEL 01 GFA - COND



LEVEL 01 FOOTPRINT

200_AREAS LEVEL 01 AREA CALCULATIONS - DA			
CATEGORY	ZONE	AREA	Qty
ACCOMMODATION			
	JS	472	6
	KS	285	2
	PWD	93	2
	SR	2,464	61
ADMIN			
	ADMIN OPEN SPACE OFFICE	94	1
	OFFICE	11	1
	OFFICE 1	26	2
	OFFICE 2	26	2
	OFFICE 3	18	2
	OFFICE 4	10	1
	OFFICE 5	10	1
	STAFF RM	23	1
AMENITIES			
	F. WC	4	1
	FEMALE	40	1
	FEMALE CHANGE RM	26	1
	M. WC	4	1
	MALE	29	1
	MALE CHANGE	22	1
	PWD	23	2
	SPA AMEN	11	1
	STORE	18	1
BACK OF HOUSE			
	BOH	48	1
BALCONY			
	BALCONY	1,078	5
CIRCULATION			
	BRIDGE	132	1
	CIRCULATION	1,602	3
FIRE STAIRS			
	FIRE	171	7
LANDSCAPING			
	GARDEN	24	1
LIFTS			
	LIFT CORE	22	1
STORES & PLANT			
	STORAGE	12	1
	STORE	3	1
VOID			
	VOID	852	5
WELLNESS CENTRE & GYM			
	GYM	215	1
	LOUNGE	125	2
	RECEPTION & SHOP	113	1
	SPA EXTERNAL	181	1
	SPORTS SCIENCE	173	1
	TREATMENT RM 1	17	1
	TREATMENT RM 2	17	1
	TREATMENT RM 3	32	1
	TREATMENT RM 4	24	1
	TREATMENT RM 5	25	1
	TREATMENT RM 6	35	1
	WET TREATMENT (VICHY)	57	1
	YOGA / PILATES	87	1

LEVEL 01 AREA CALCULATIONS - DA
SCALE1:1

200_ LEVEL 01 - FEC	
ZONE CATEGORY	AREA
EXTERNAL COVERED AREA	3,978
INTERNAL AREA	4,892
	8,869 m²

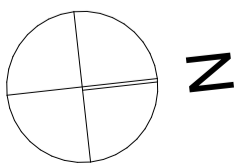
PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
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CRAIGLIE, QLD, AUST

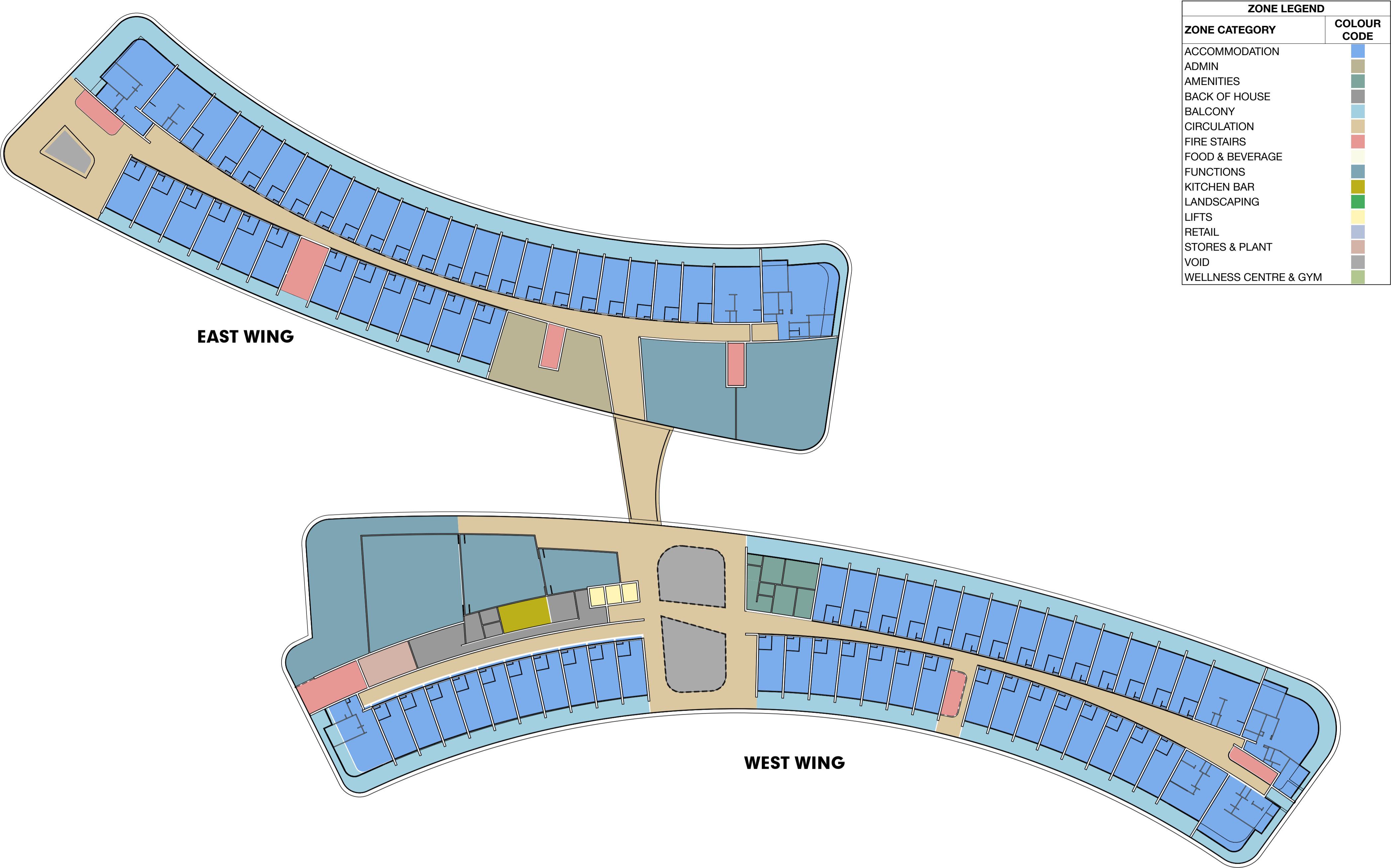
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INTERNAL AREAS - LEVEL 01

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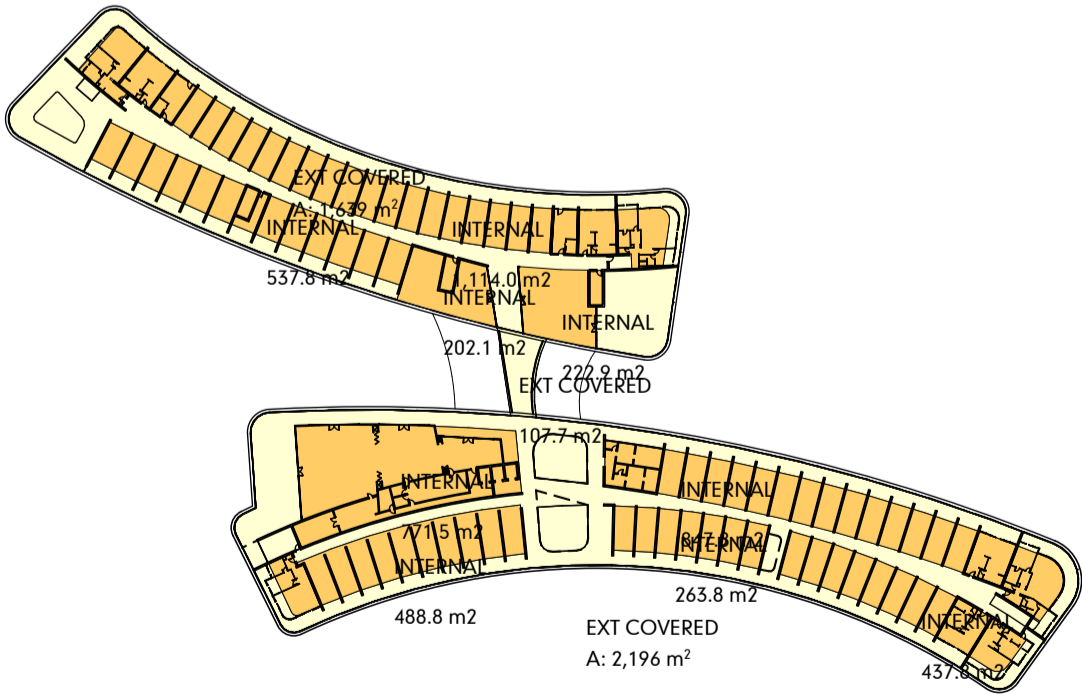
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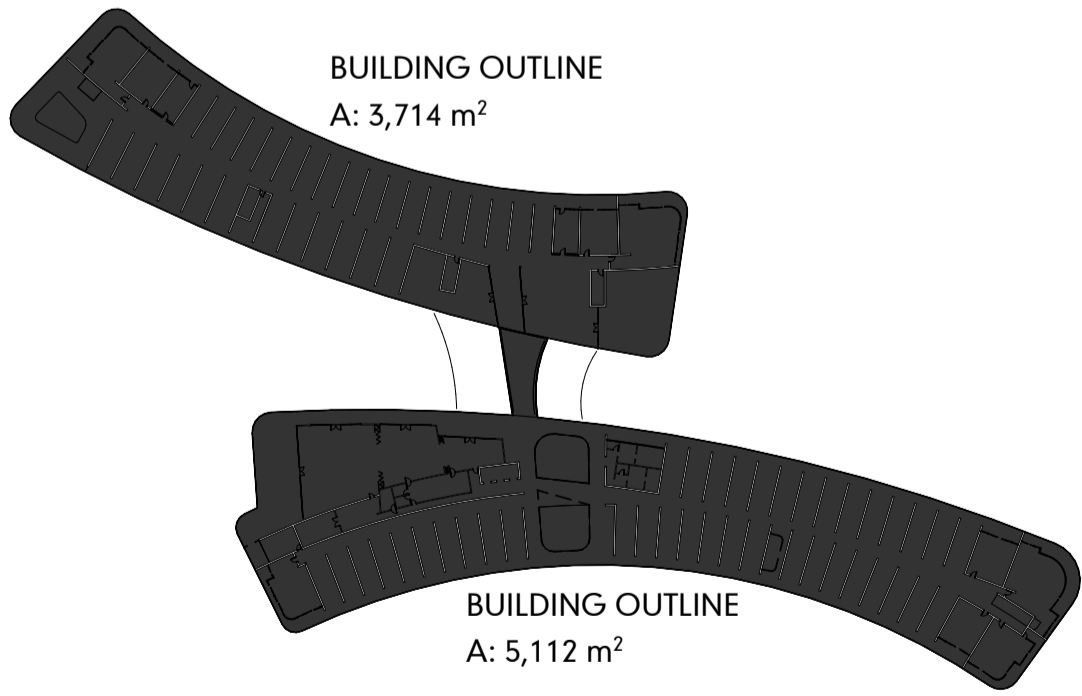
200_AREAS LEVEL 02 AREA CALCULATIONS - DA			
CATEGORY	ZONE	AREA	Qty
ACCOMMODATION			
	JS	417	6
	KS	377	3
	PWD	85	2
	SR	2,571	69
ADMIN			
	CO WORKER	178	1
AMENITIES			
	CL. RM	4	1
	FEMALE AMENITIES	45	1
	MALE AMENITIES	42	1
	PWD	5	1
BACK OF HOUSE			
	BOH	102	1
	COOL RM	6	1
	DRY STORE	6	1
	STORE	12	1
BALCONY			
	BALCONY	1,289	6
CIRCULATION			
	BRIDGE	108	1
	CIRCULATION	1,395	2
FIRE STAIRS			
	FIRE	240	7
FUNCTIONS			
	EXT FUNC 3	273	1
	FUNCTION 1	76	1
	FUNCTION 2	144	1
	FUNCTION 3	251	1
	FUNCTION 4	197	1
	LVL 2 DECK FUNC	236	1
KITCHEN BAR			
	KITCHEN	61	1
LIFTS			
	LIFT	28	1
STORES & PLANT			
	FUNC STORE	41	1
VOID			
	VOID	230	3

LEVEL 02 AREA CALCULATIONS - DA
SCALE1:1

LEVEL 02 INTERNAL AREAS
SCALE1:400



LEVEL 02 GFA - COND



LEVEL 02 FOOTPRINT

200_ LEVEL 02 - FEC	
ZONE CATEGORY	CALCULATED AREA
EXTERNAL COVERED AREA	3,944
INTERNAL AREA	4,886
	8,830 m²

LEVEL 02 - FEC
SCALE1:1

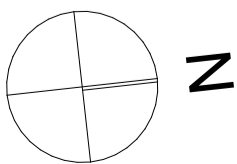
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INTERNAL AREAS - LEVEL 02

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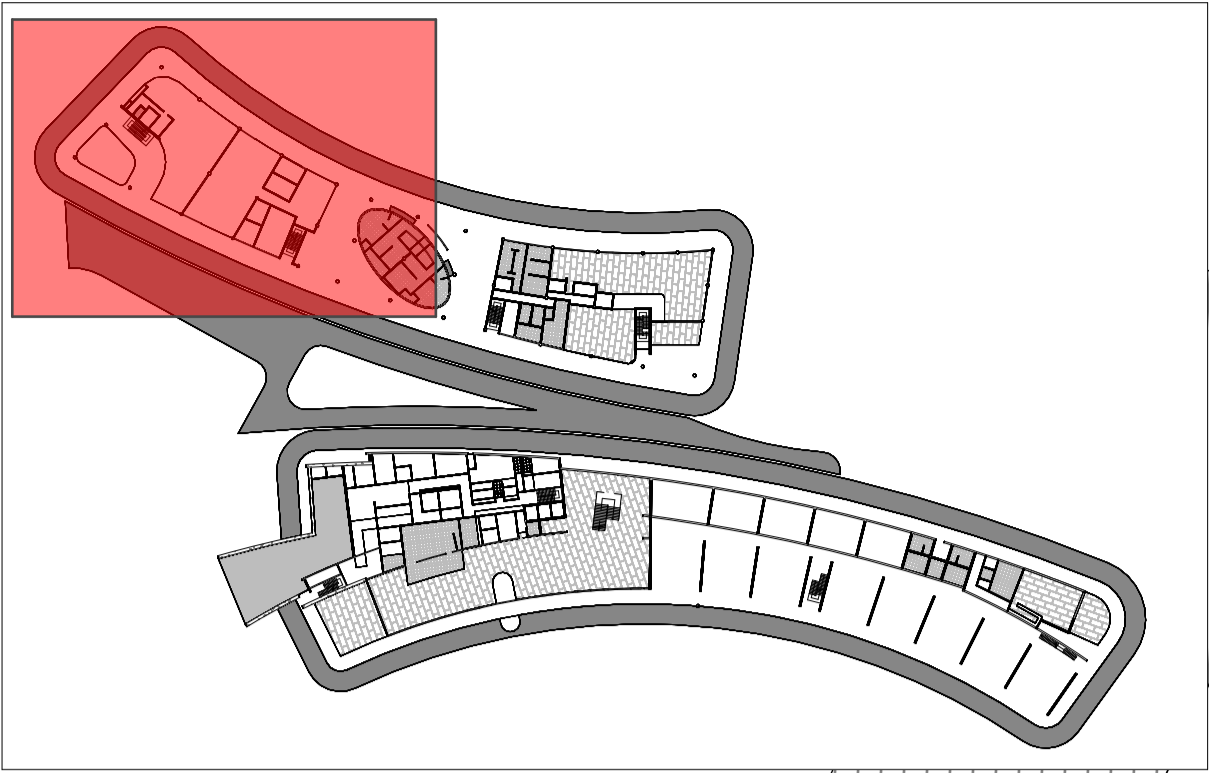


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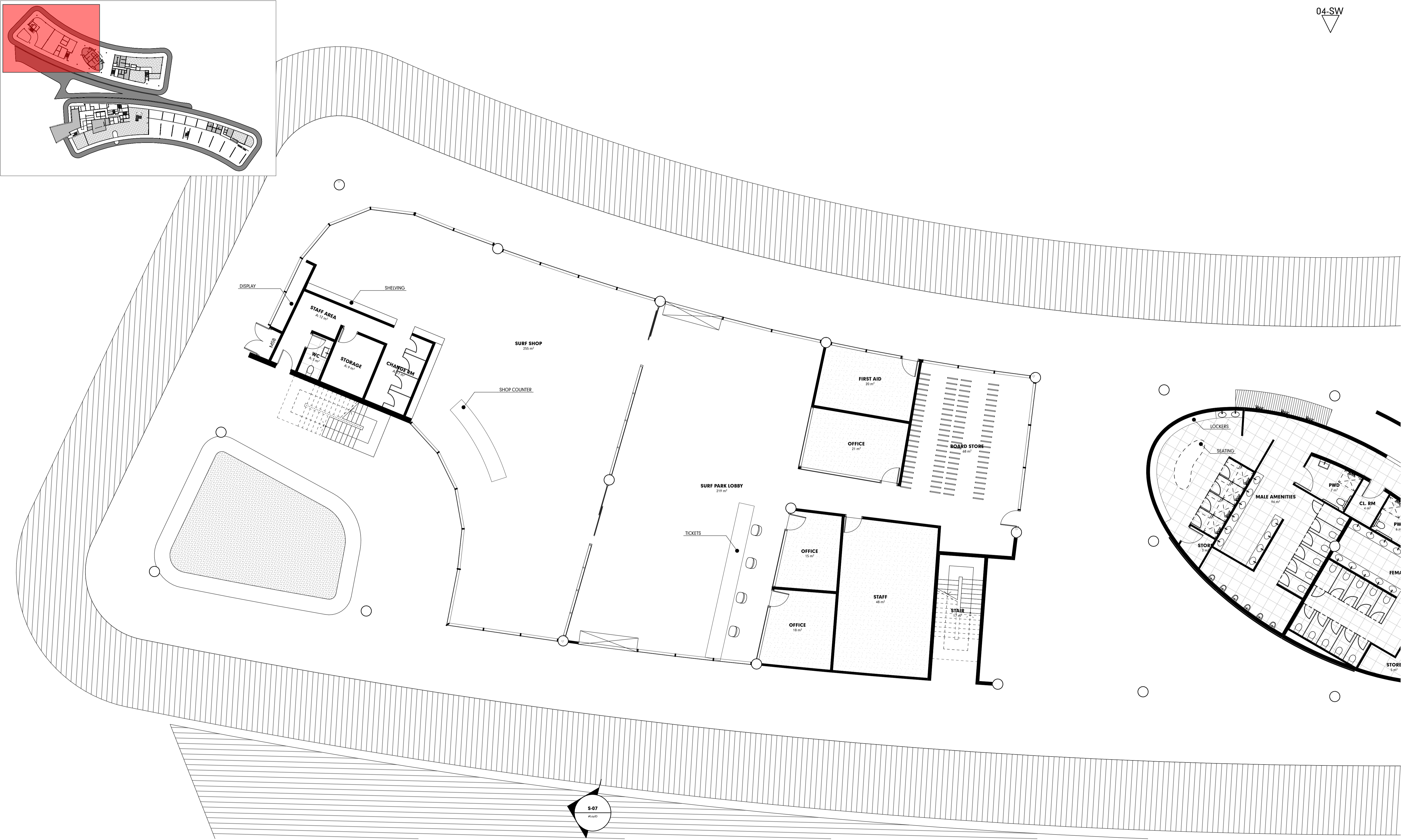
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04-SW



LEVEL 00
SCALE 1:100

PORT DOUGLAS SURF PARK

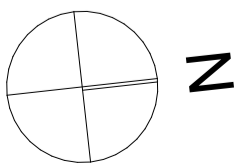
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GROUND FLOOR WAVE Part A - 1:100

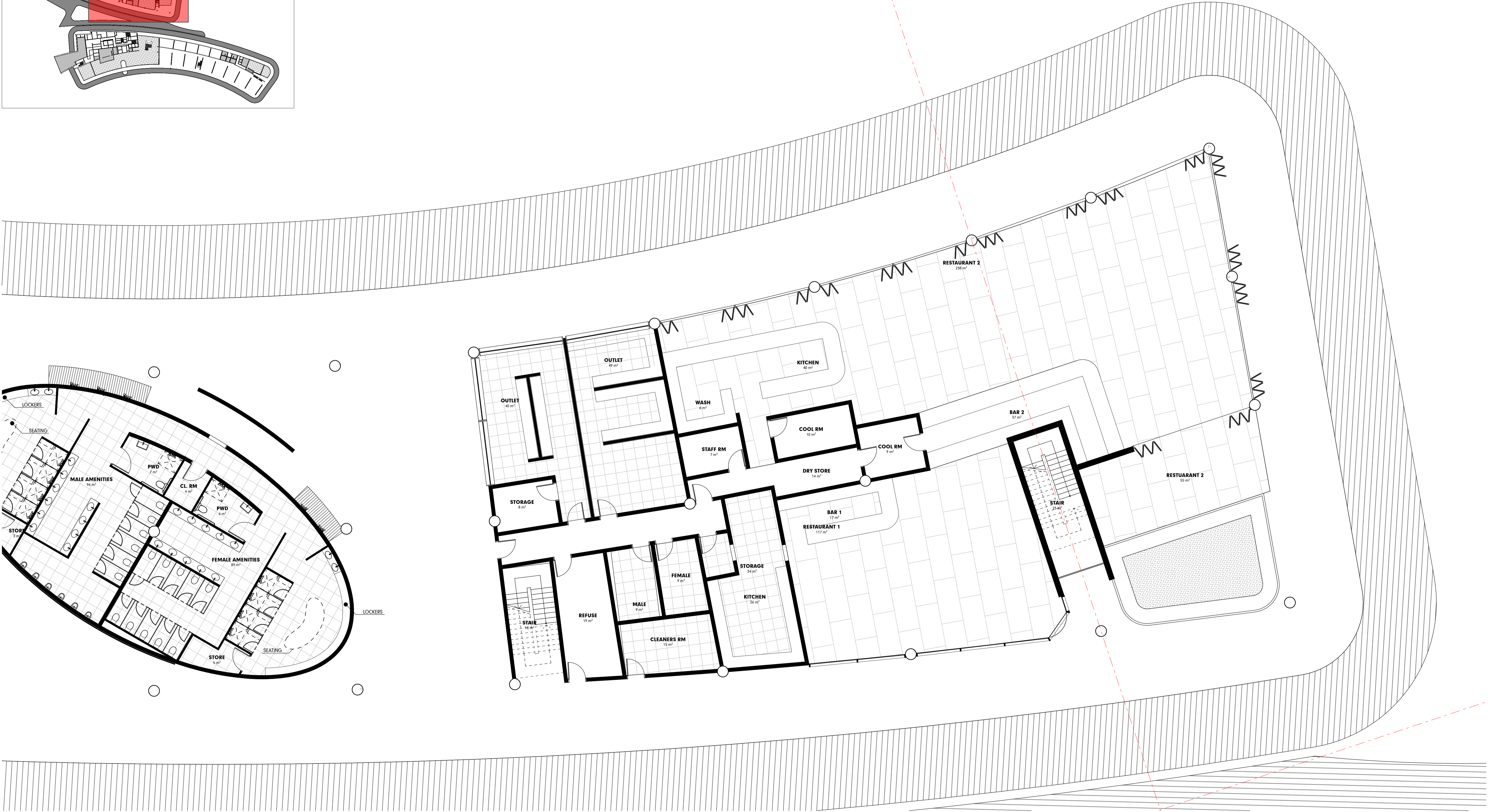
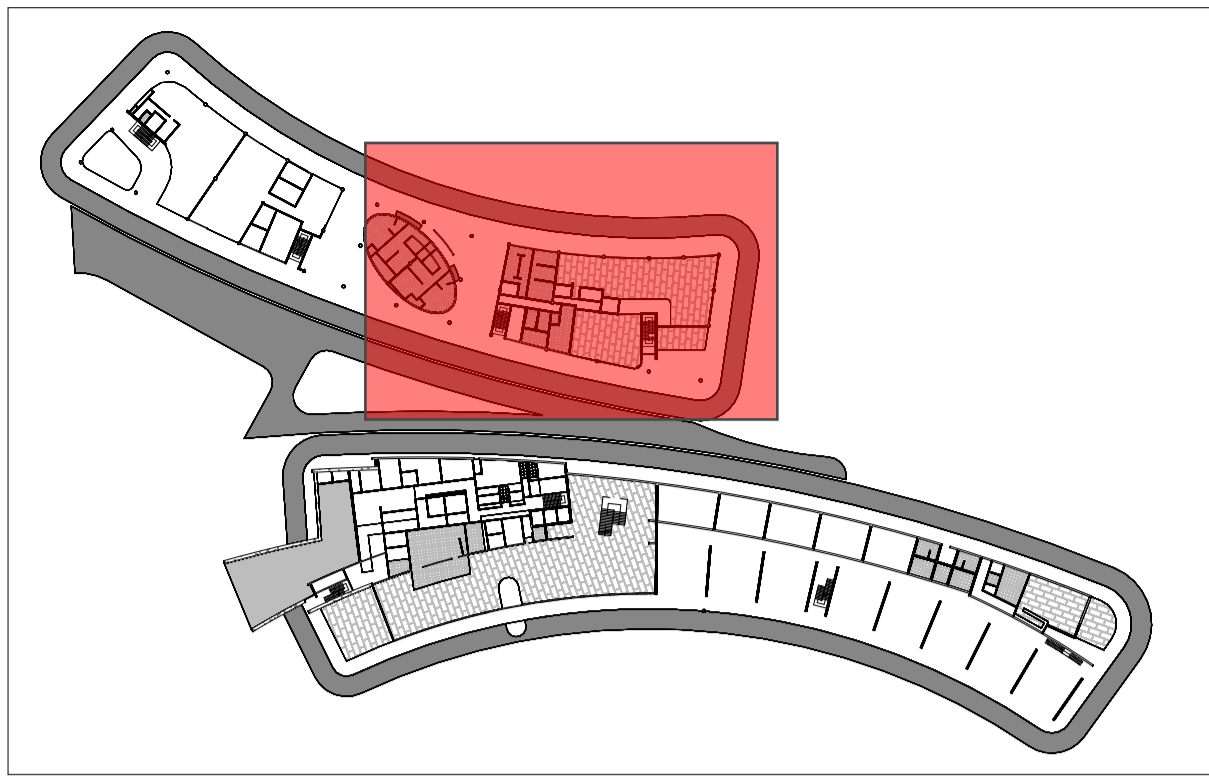
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LEVEL 00
SCALE 1:100

PORT DOUGLAS SURF PARK

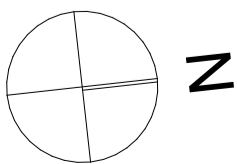
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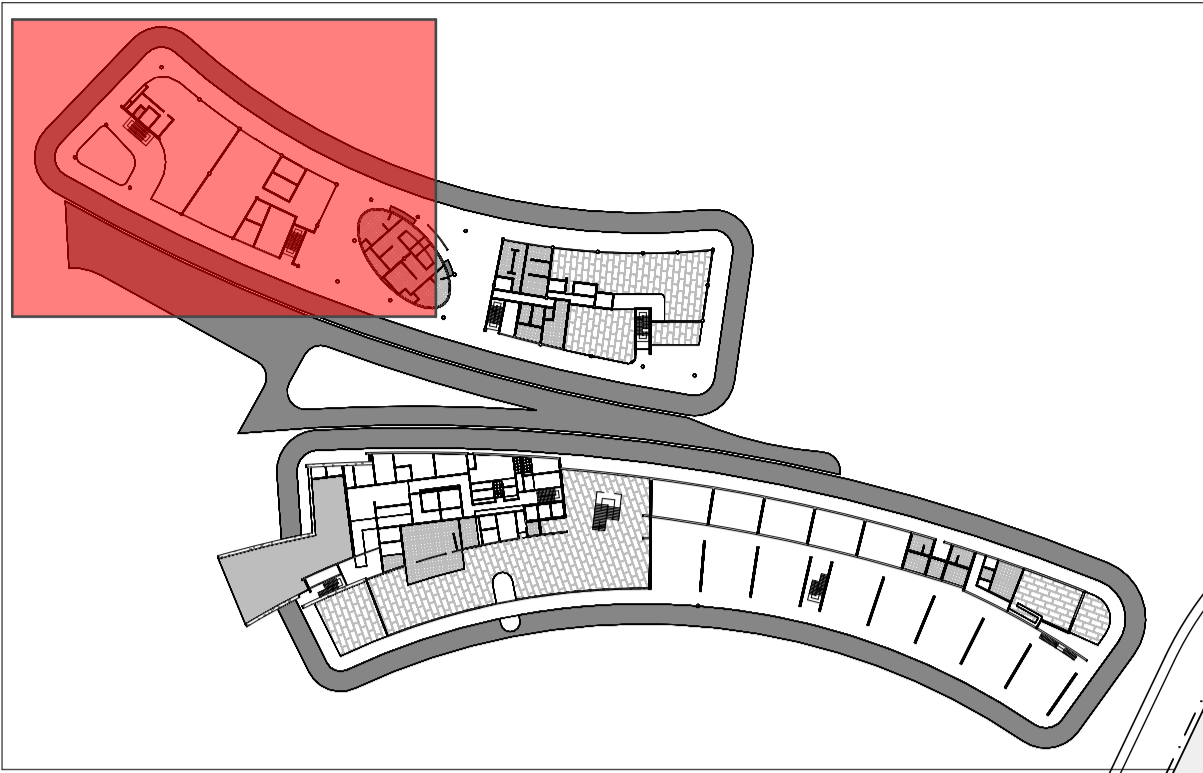
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GROUND FLOOR WAVE Part B - 1:100

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04-SW
▽



LEVEL 01
SCALE 1:100

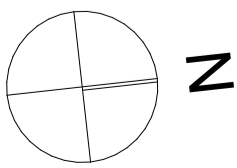
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FIRST FLOOR WAVE Part A - 1:100**

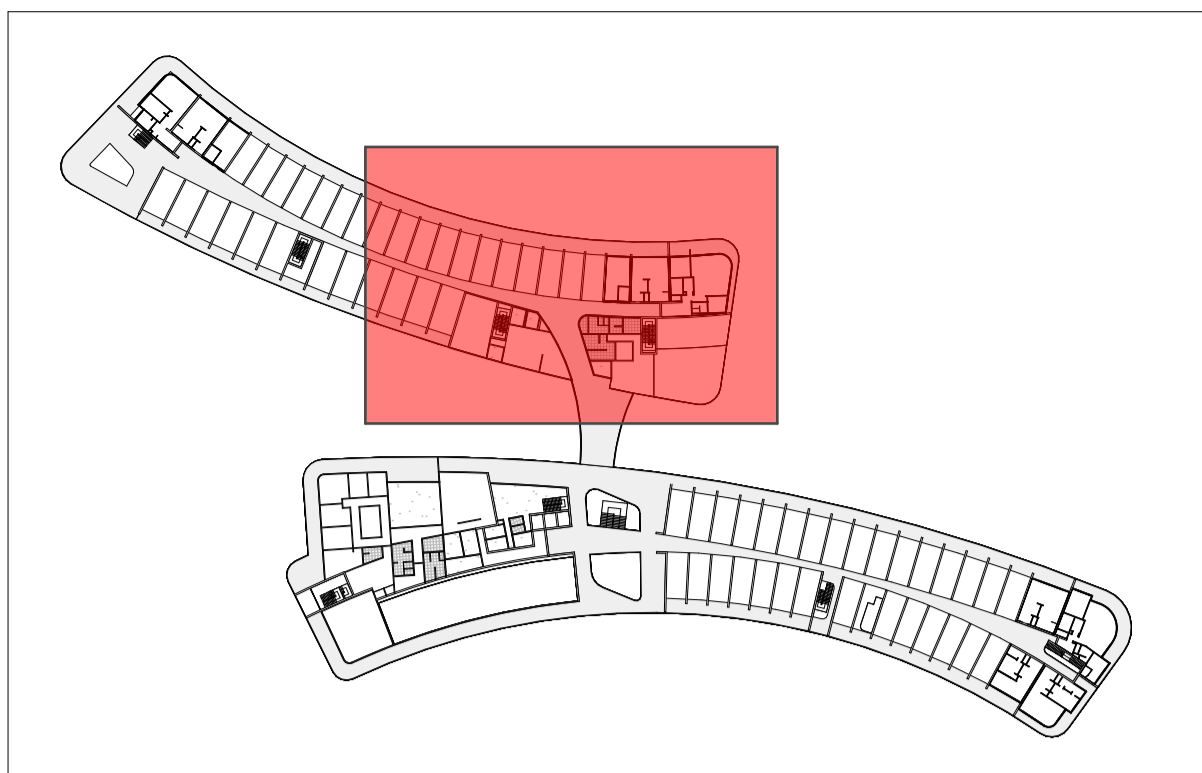
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LEVEL 01
SCALE 1:100

PORT DOUGLAS SURF PARK

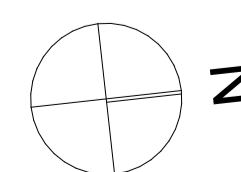
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FIRST FLOOR WAVE Part B - 1:100

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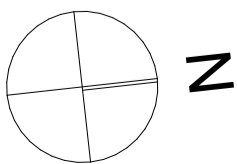
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SECOND FLOOR WAVE Part A - 1:100

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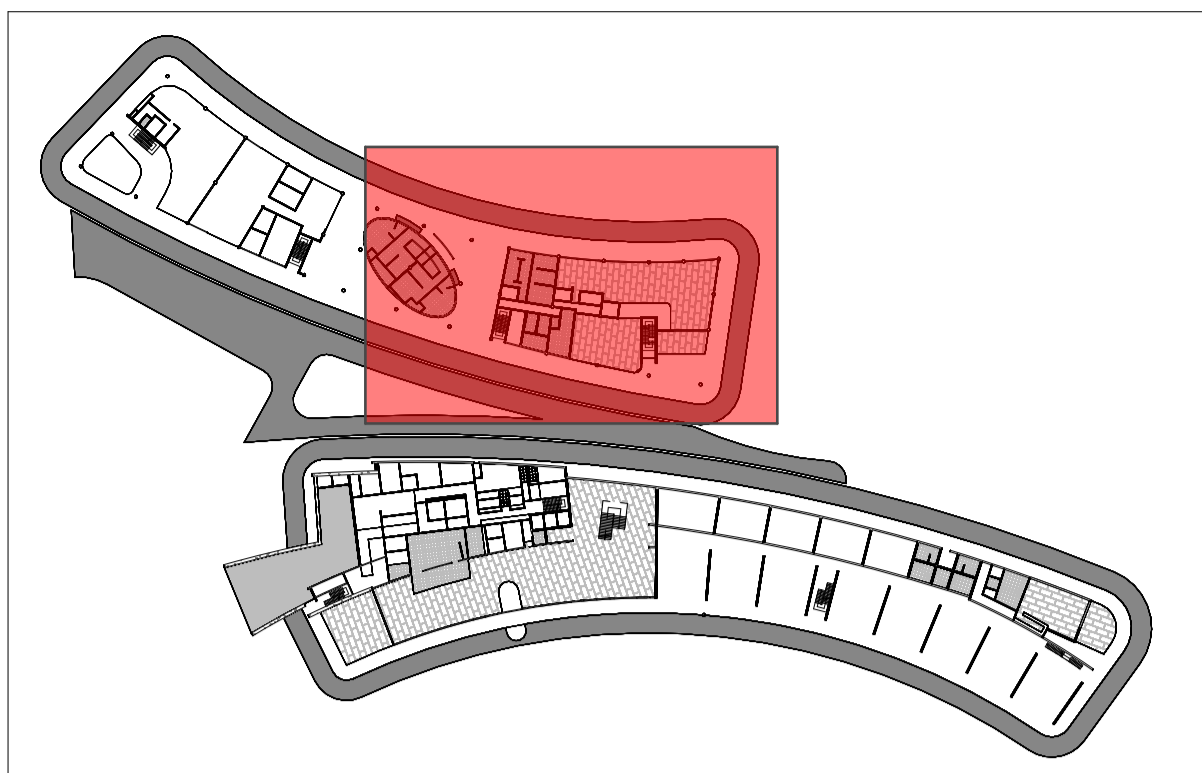


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LEVEL 02
SCALE 1:100

PORT DOUGLAS SURF PARK

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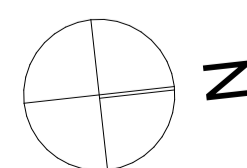
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SECOND FLOOR WAVE Part B - 1:100

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LEVEL 00
SCALE 1:100

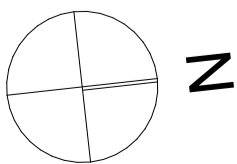
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GROUND FLOOR LAGOON Part A- 1:100

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LEVEL 00
SCALE 1:100

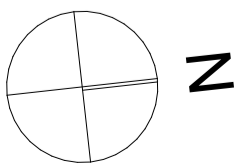
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GROUND FLOOR LAGOON Part B- 1:100

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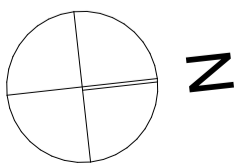
LEVEL 01
SCALE 1:100

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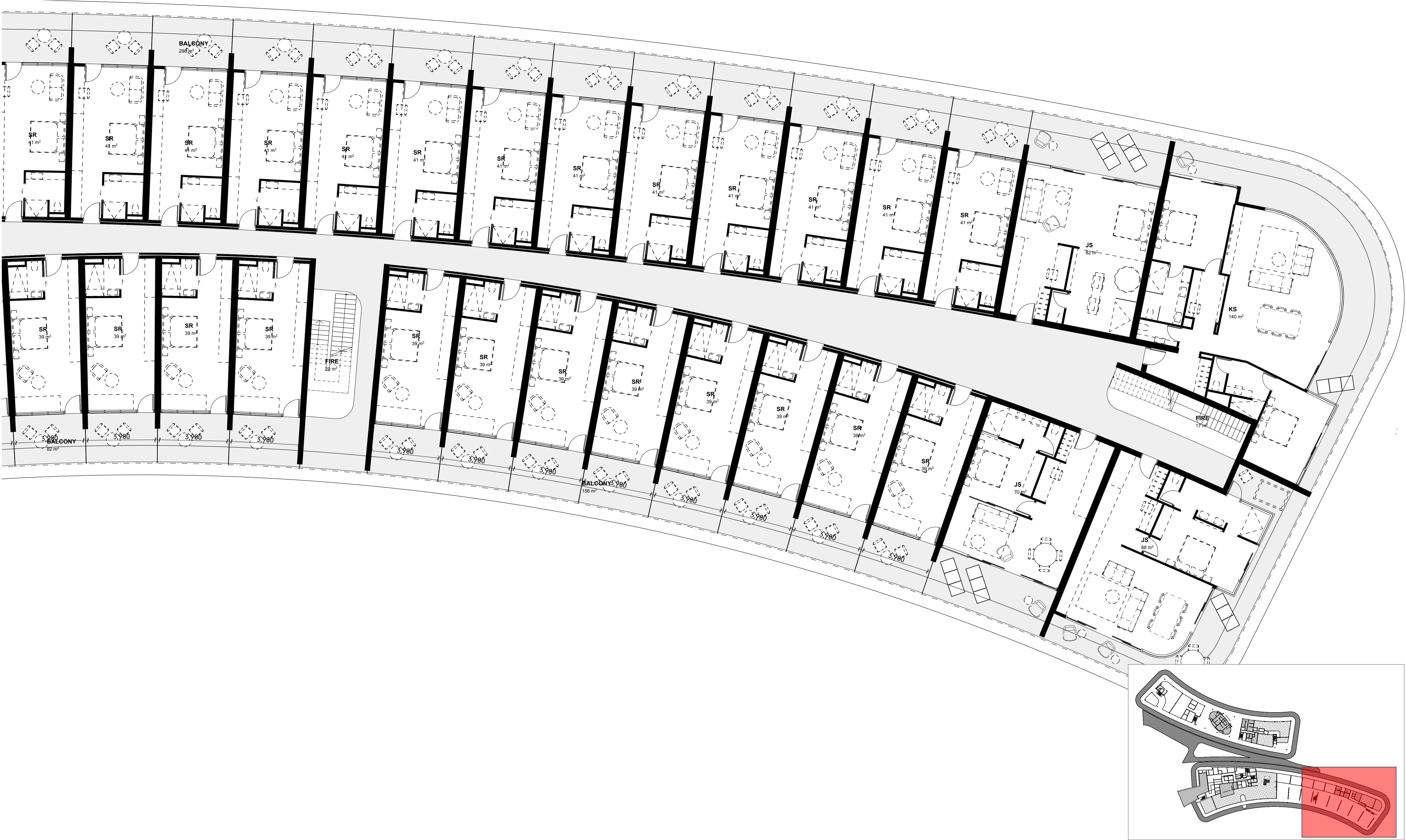
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FIRST FLOOR LAGOON Part A- 1:100
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LEVEL 01
SCALE 1:100

PORT DOUGLAS SURF PARK

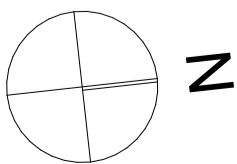
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FIRST FLOOR LAGOON Part B- 1:100**

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LEVEL 02
SCALE 1:100

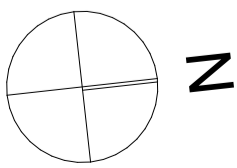
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SECOND FLOOR LAGOON Part A- 1:100

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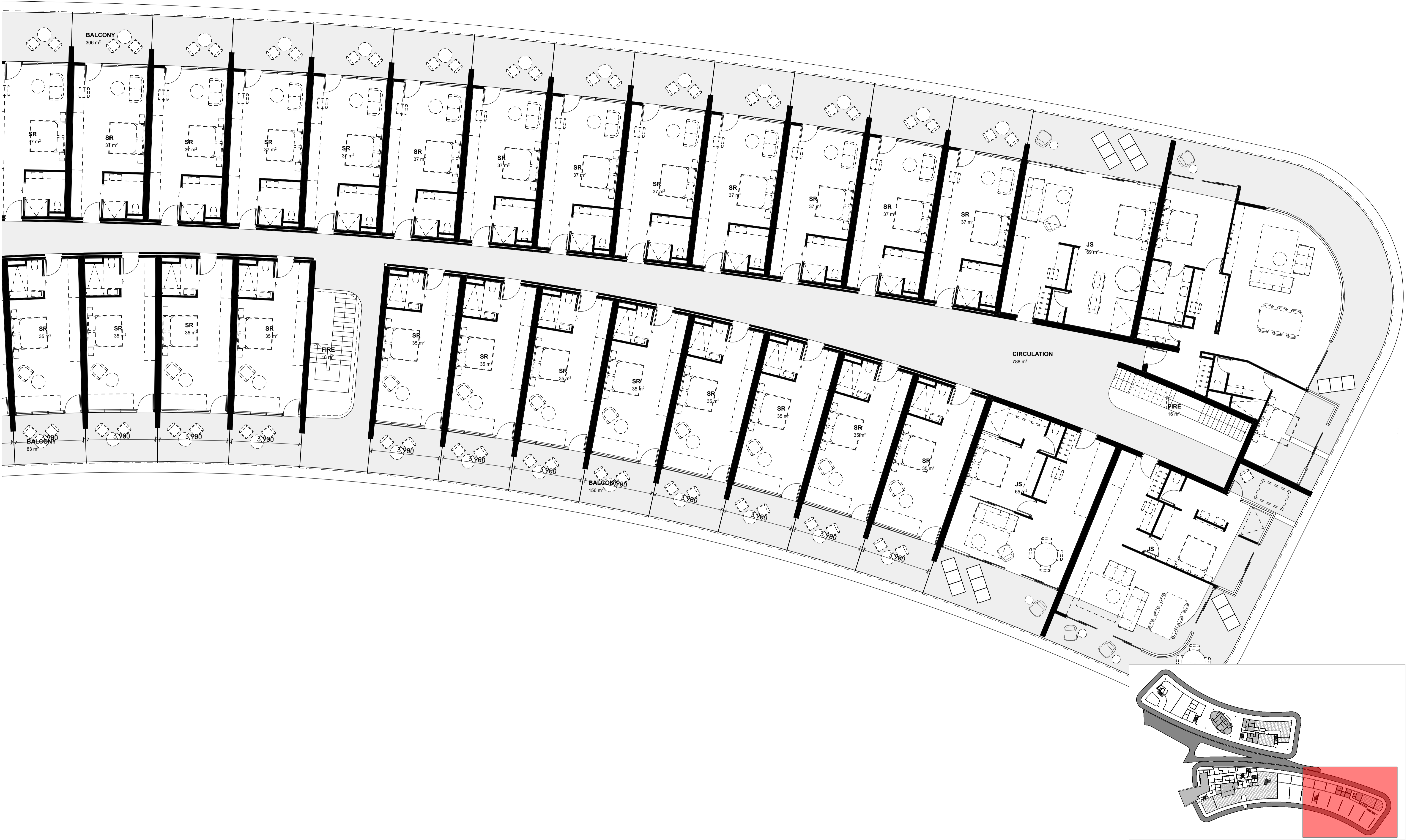


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DA-03.17



LEVEL 02
SCALE 1:100

PORT DOUGLAS SURF PARK

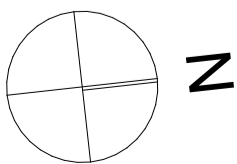
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SECOND FLOOR LAGOON Part B- 1:100**

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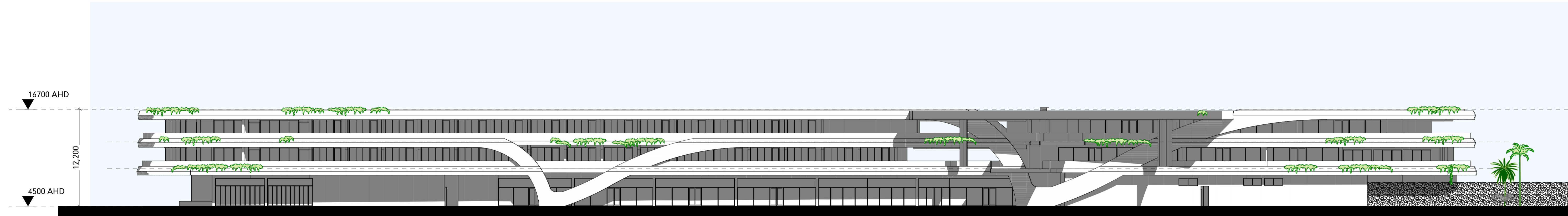


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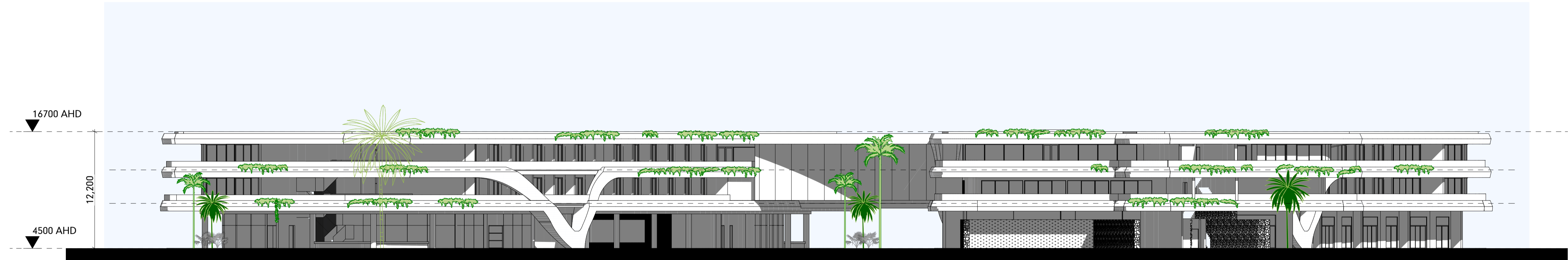
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EASTERN ELEVATION - EAST WING LAKE SIDE
SCALE1:250



WESTERN ELEVATION - EAST WING
SCALE1:250



SOUTHERN ELEVATION - ROAD SIDE
SCALE1:250

PORT DOUGLAS SURF PARK

DA-03.19

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ELEVATIONS E1 + E2
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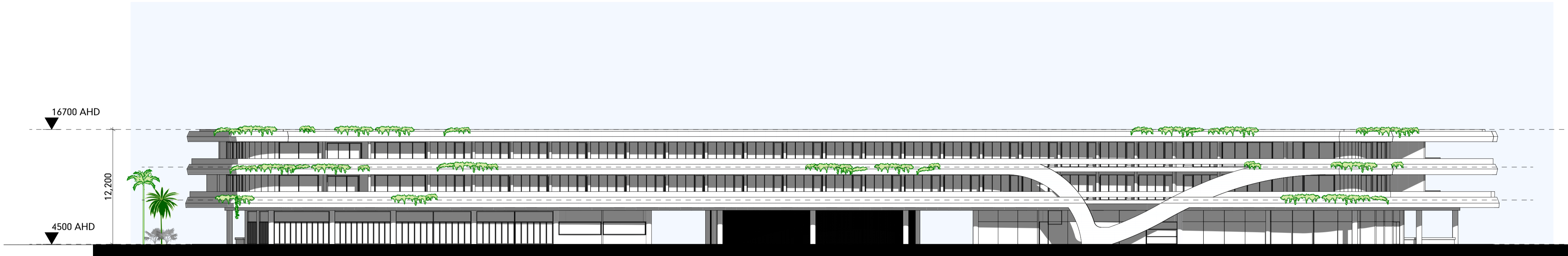
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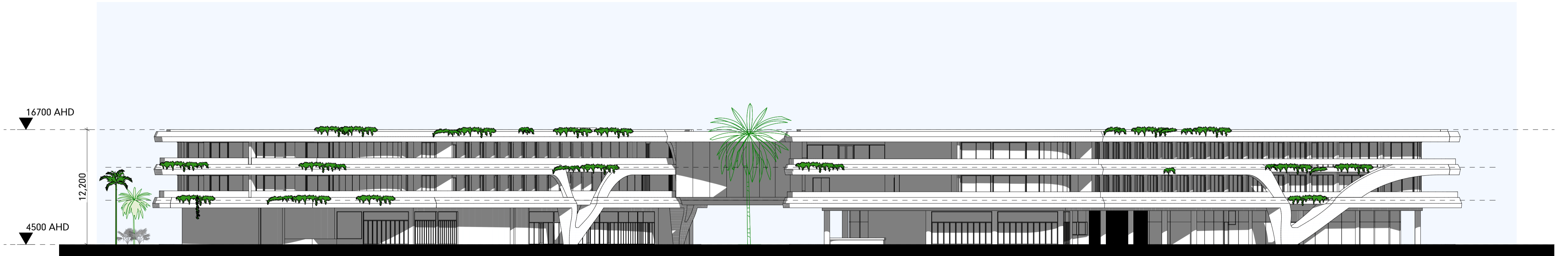
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EASTERN ELEVATION - WEST WING
SCALE1:250



WESTERN ELEVATION - WEST WING WAVE SIDE
SCALE1:250



NORTHERN ELEVATION - BEACH SIDE
SCALE1:250

PORT DOUGLAS SURF PARK

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ELEVATIONS E1 + E2**

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**PROJECT NO. WAVE001
STATUS DA ISSUE
REVISION NO. 01
DATE 29/10/21**

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PUBLIC AREAS



Glass fiber reinforced
concrete



Australian Ash timber
linings



Bronze Glass Balustrade
and feature glazing



Opti Green low E
performance glazing



Exposed aggregate
concrete paths



Timber deck walkways
and furniture



Free form natural stone
wall panelling



Monument powder-
coated framing

RESIDENTIAL



Yakisugi charred timber
T&G cladding



Painted render



Cembrit Patina colour
through CFC Panel



Sandstone tiled flooring

PORT DOUGLAS SURF PARK

DA-03.26

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

HOTEL
MATERIALS

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STATUS DA ISSUE
REVISION NO. 02
DATE 29/10/21



PORT DOUGLAS SURF PARK

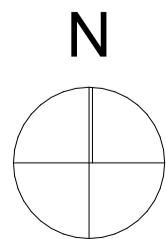
DA-03.27

**DEVELOPMENT APPLICATION
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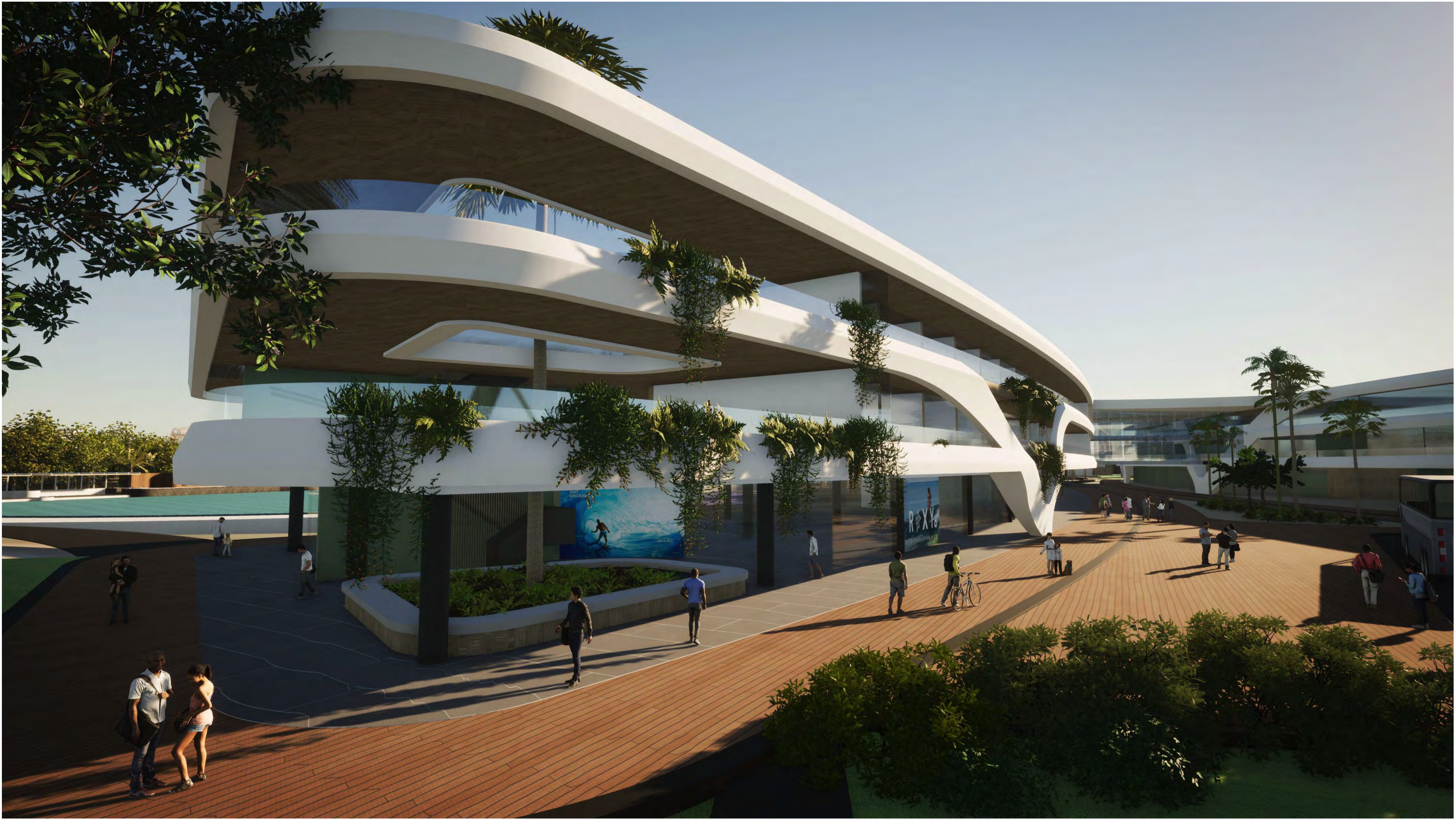


PROJECT NO.	WAVE001
STATUS	DA ISSUE
REVISION NO.	02
DATE	29/10/21

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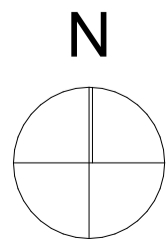
PORT DOUGLAS SURF PARK

DA-03.28

**DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
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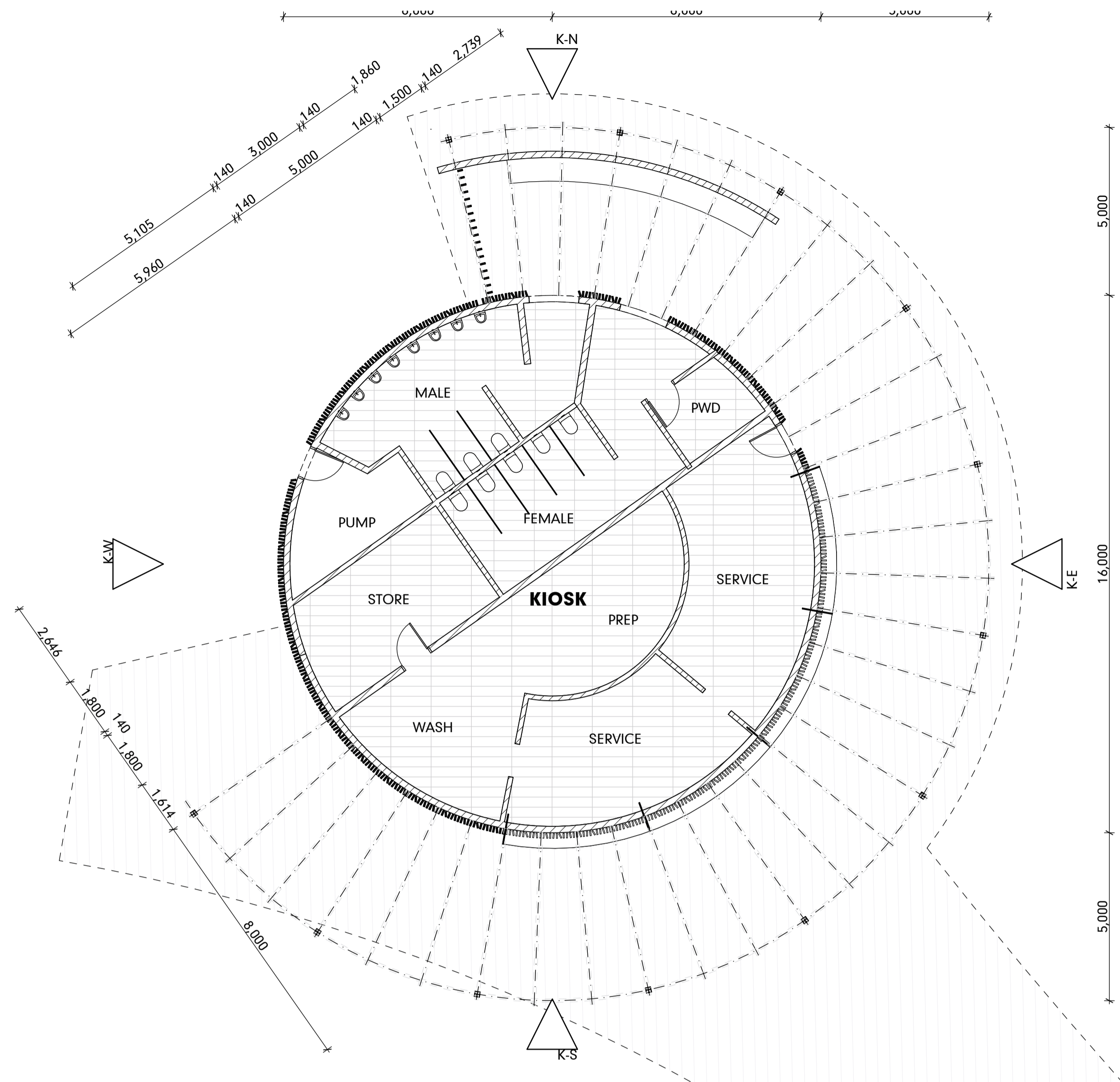


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STATUS	DA ISSUE
REVISION NO.	02
DATE	29/10/21

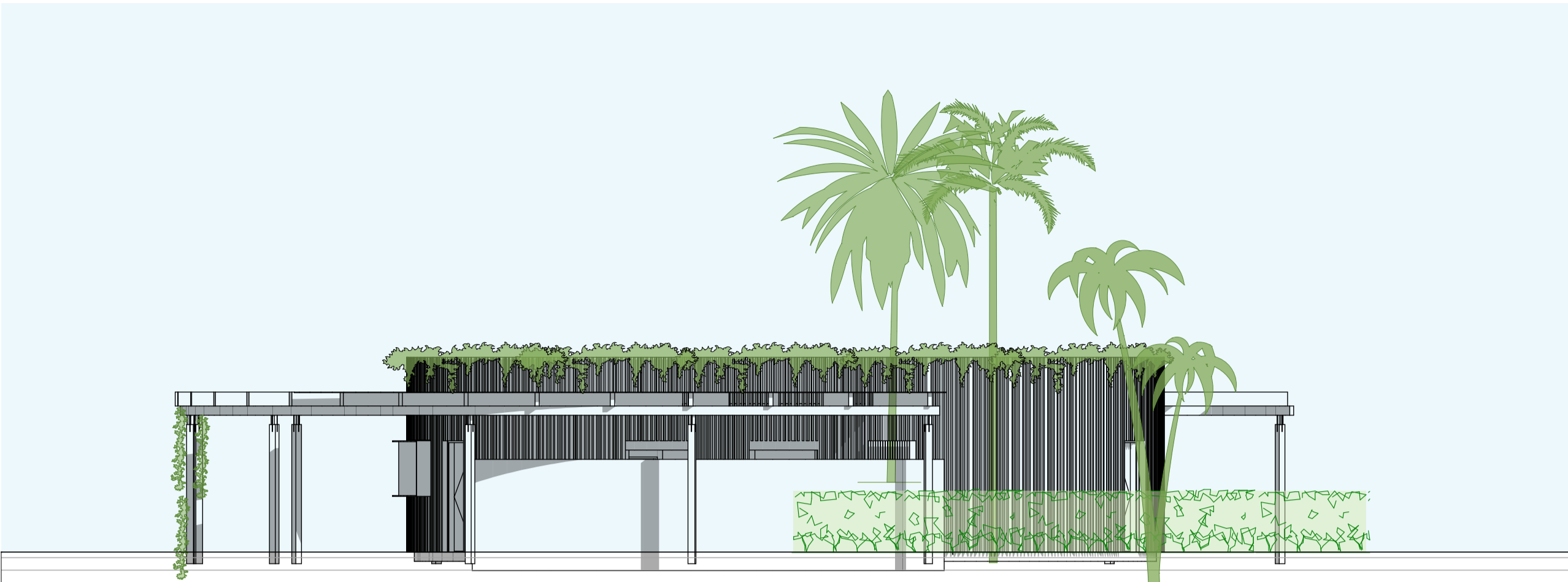
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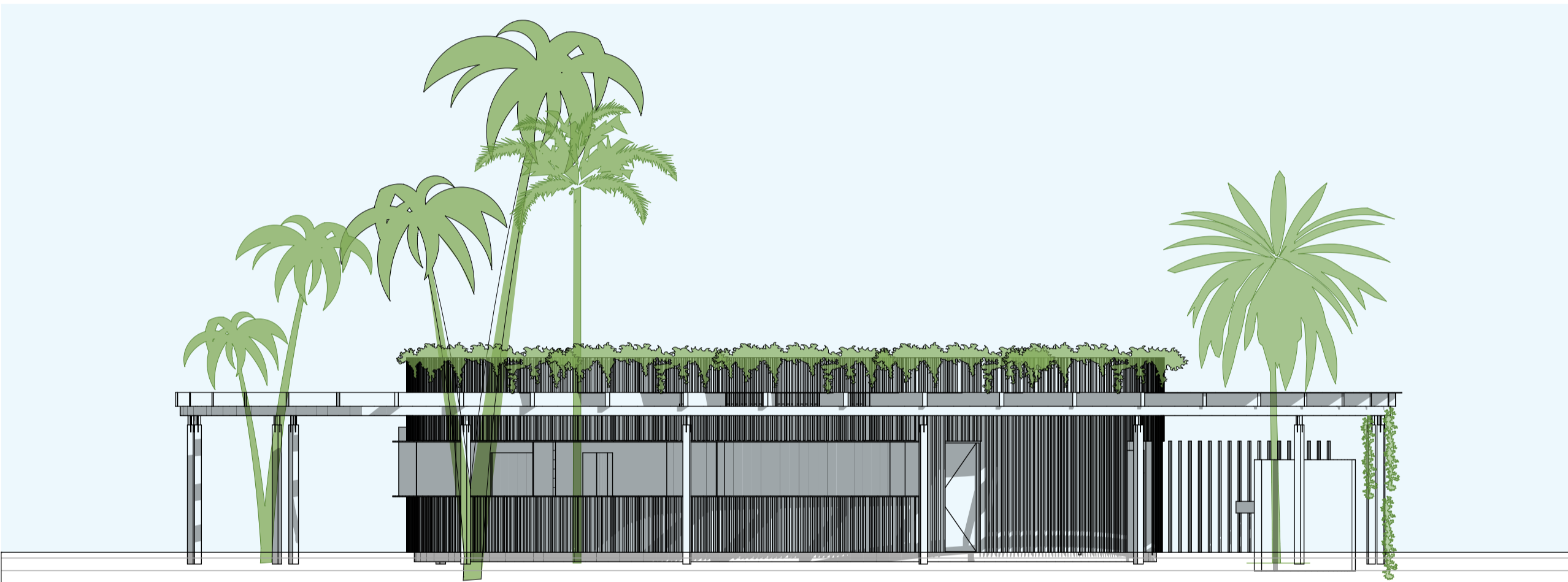
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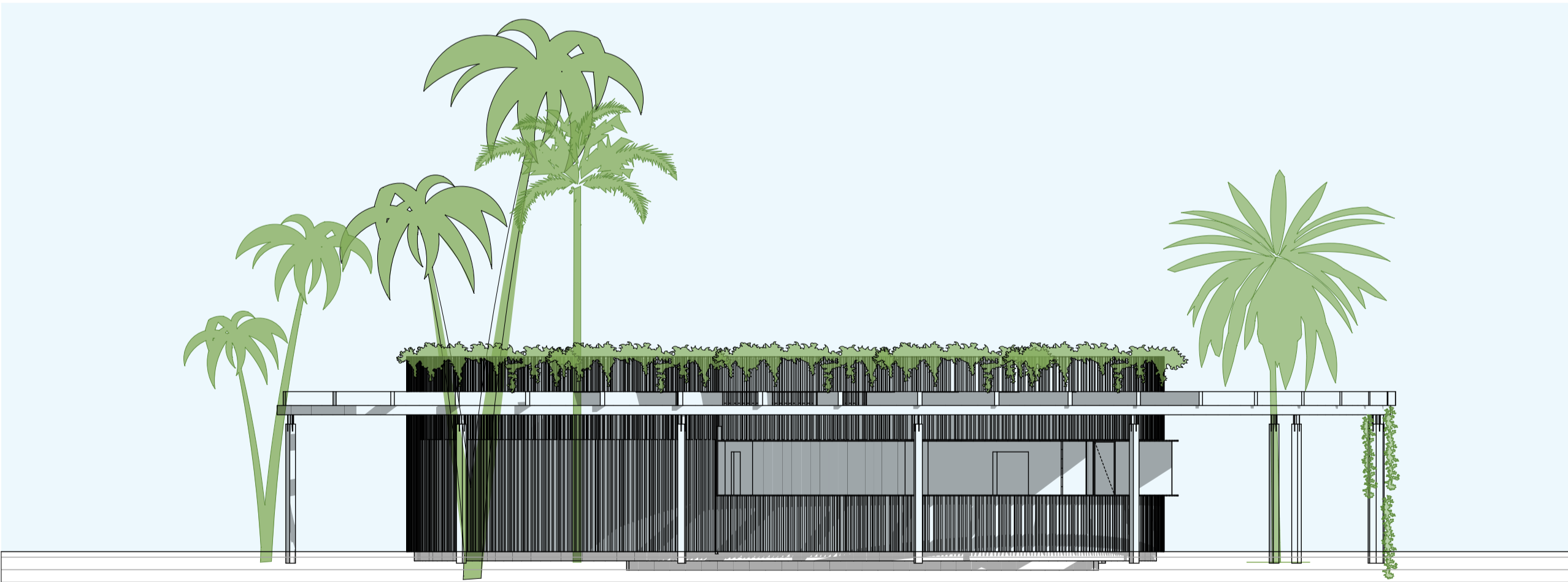
KIOSK FLOOR PLAN
SCALE1:100



NORTH ELEVATION
SCALE1:100 K-N



EAST ELEVATION
SCALE1:100 K-E



SOUTH ELEVATION
SCALE1:100 K-S



WEST ELEVATION
SCALE1:100 K-W

PORT DOUGLAS SURF PARK

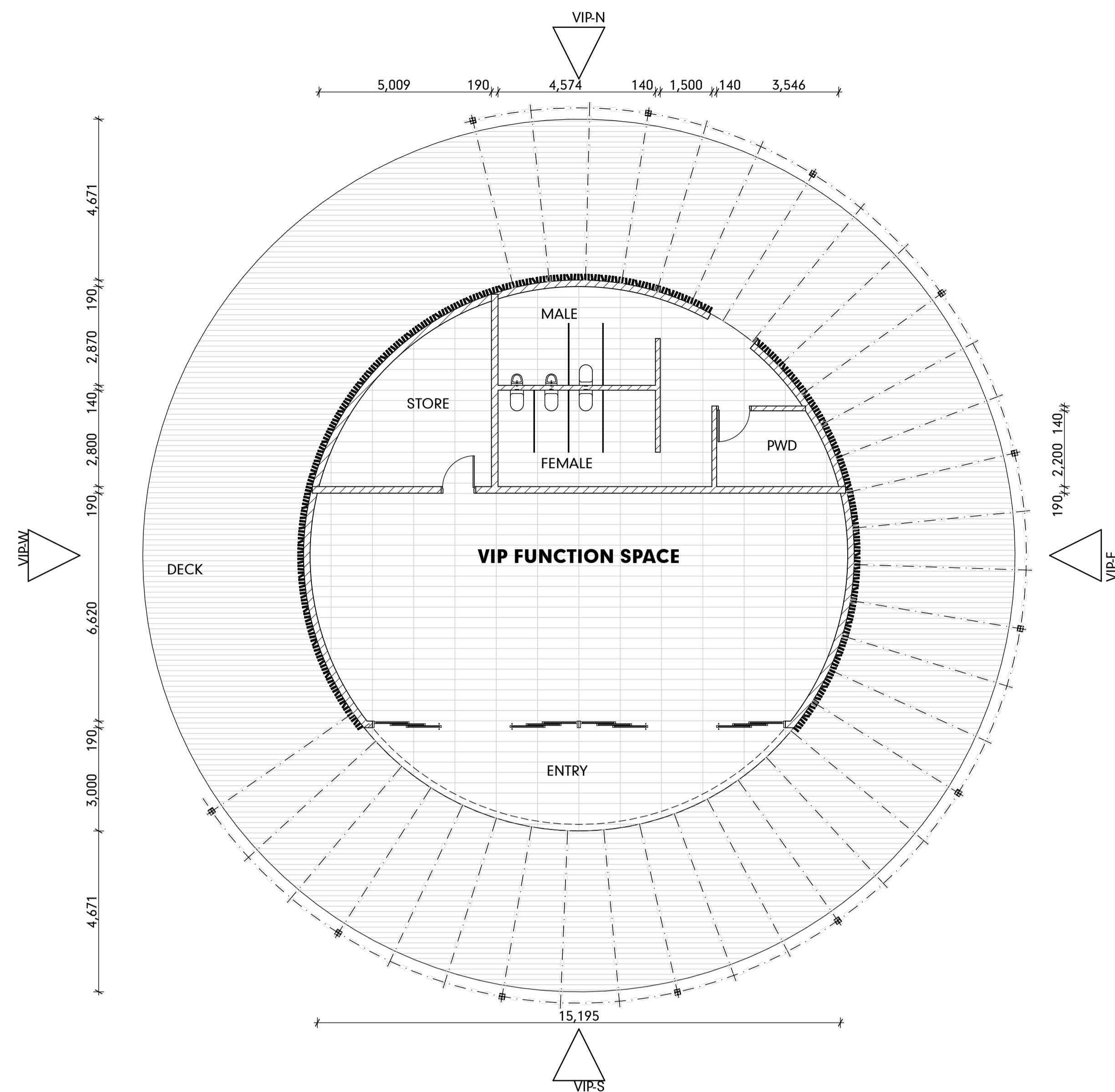
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

RESORT BUILDINGS KIOSK PLAN & ELEVATIONS

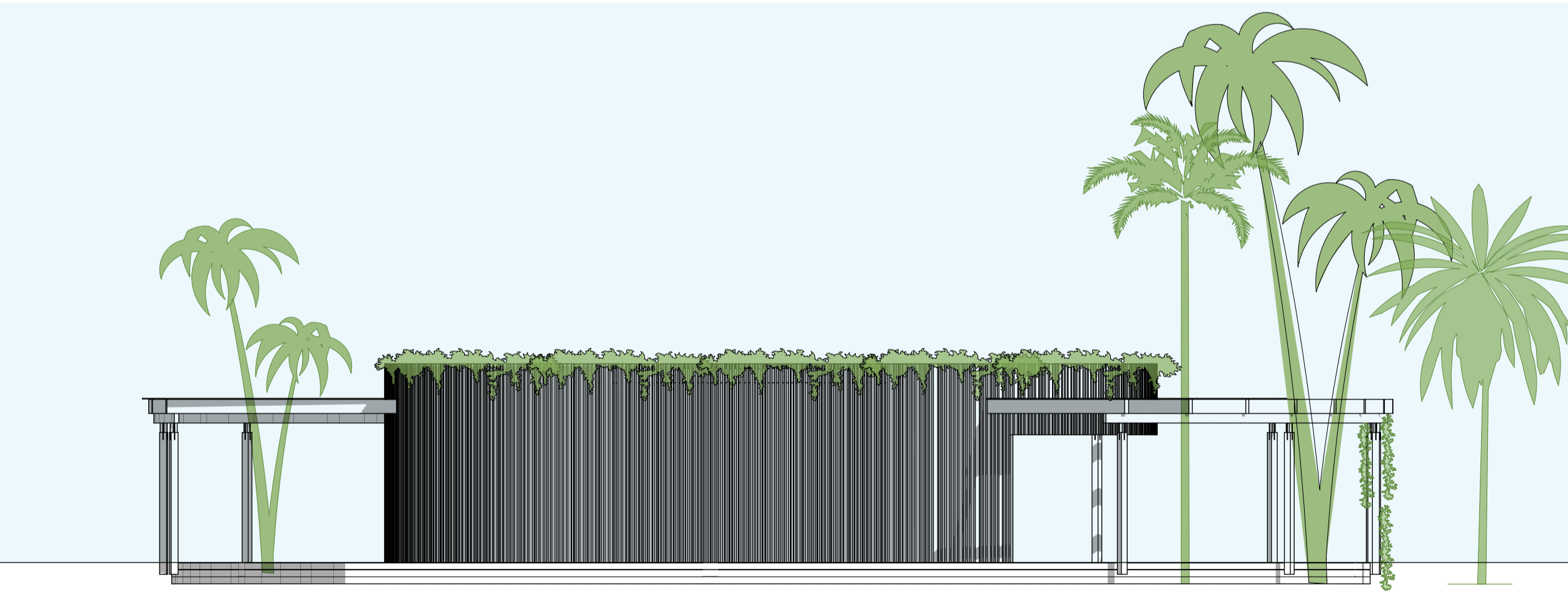
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PRELIMINARY
PROJECT NO. WAVE001
DRAWING NO. DA-04.1
REVISION NO. 01
DATE 12/11/21



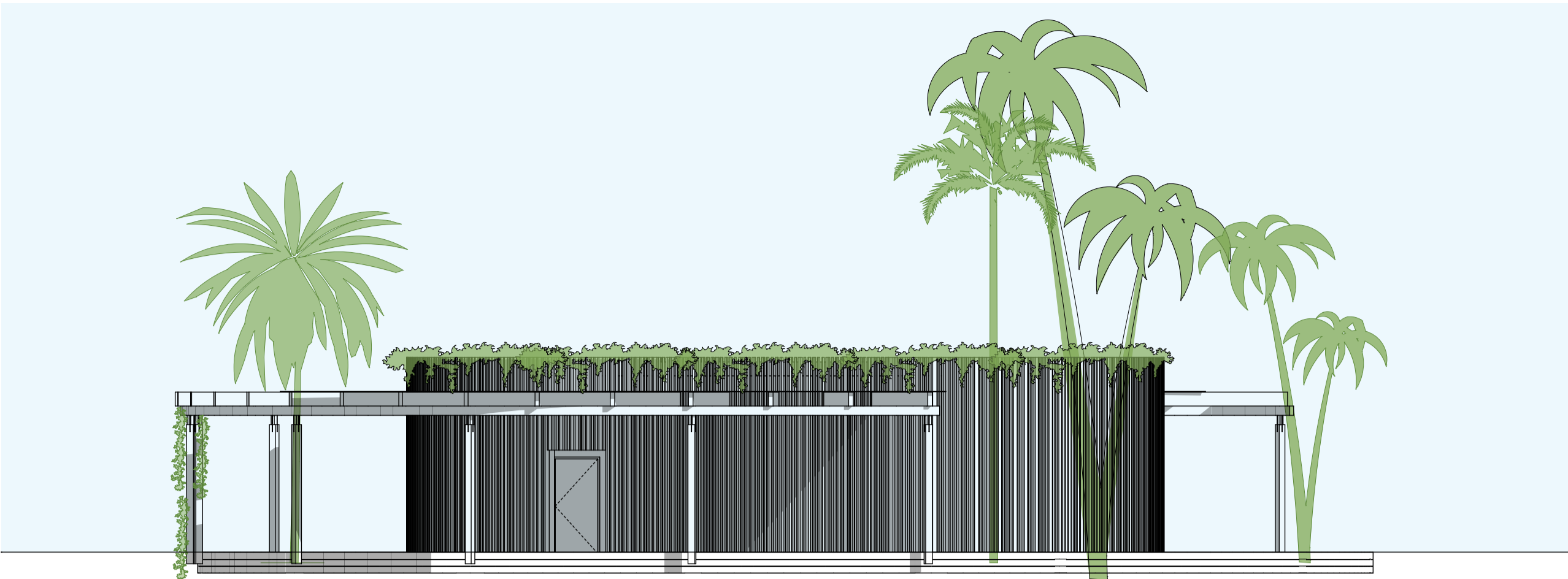


VIP FLOOR PLAN
SCALE1:100



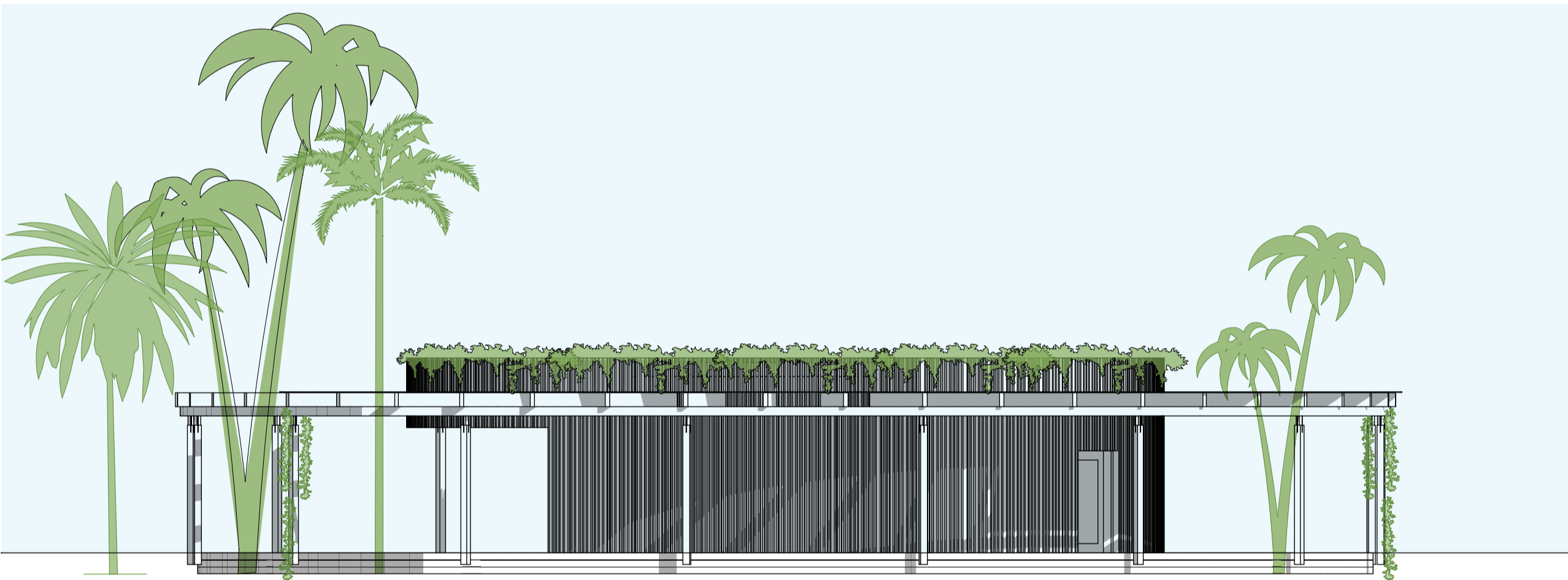
WEST ELEVATION
SCALE1:100

VIP-W



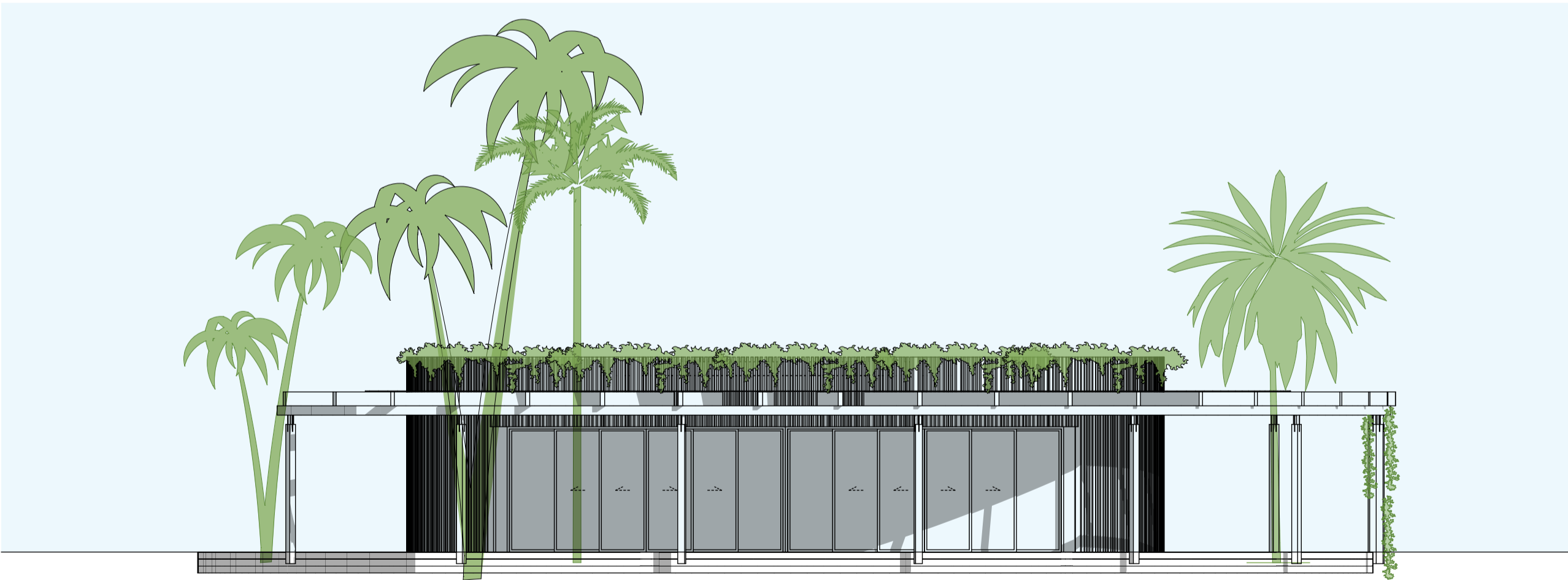
NORTH ELEVATION
SCALE1:100

VIP-N



EAST ELEVATION
SCALE1:100

VIP-E



SOUTH ELEVATION
SCALE1:100

VIP-S

PORT DOUGLAS SURF PARK

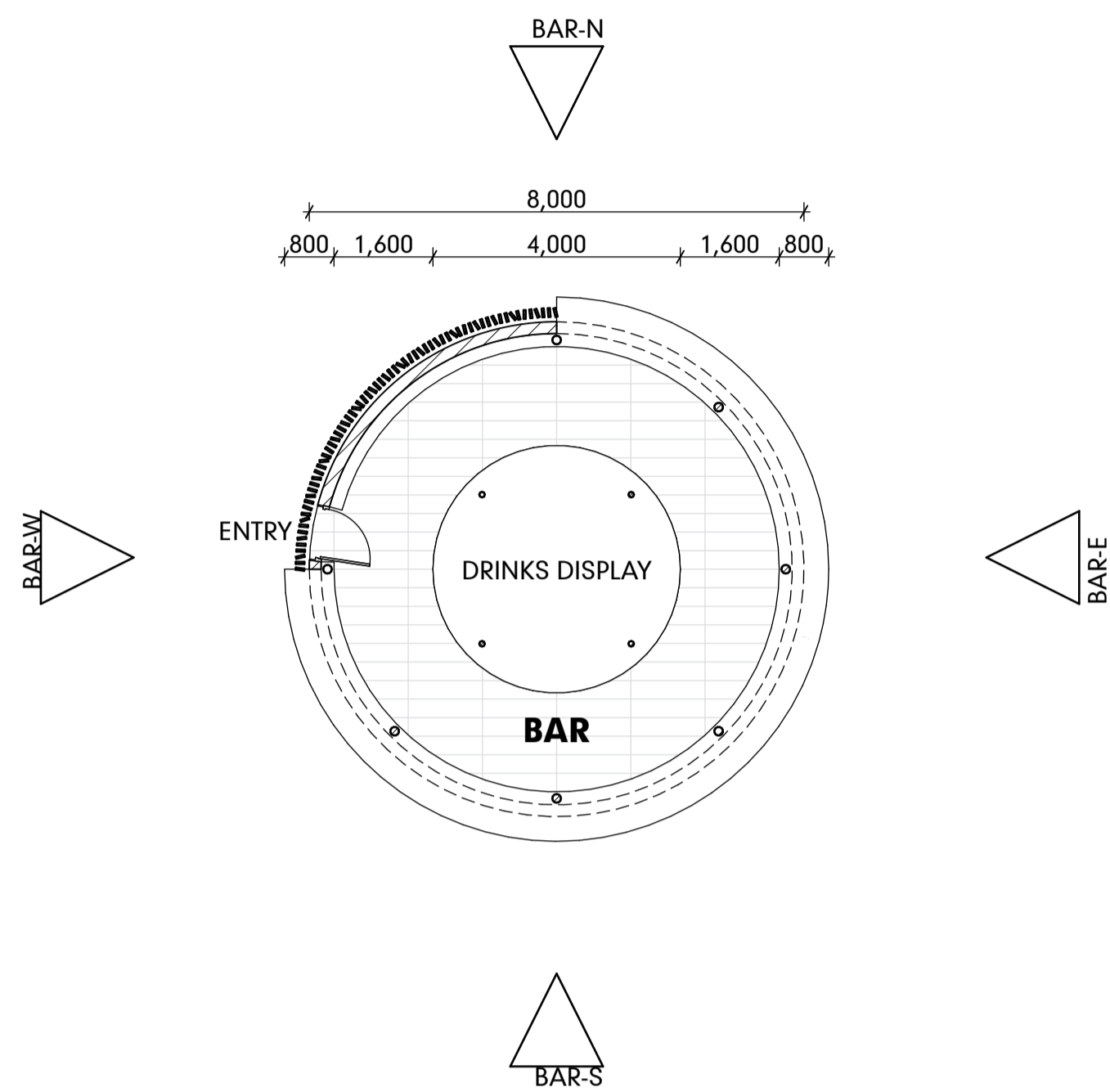
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

RESORT BUILDINGS VIP PLAN & ELEVATIONS

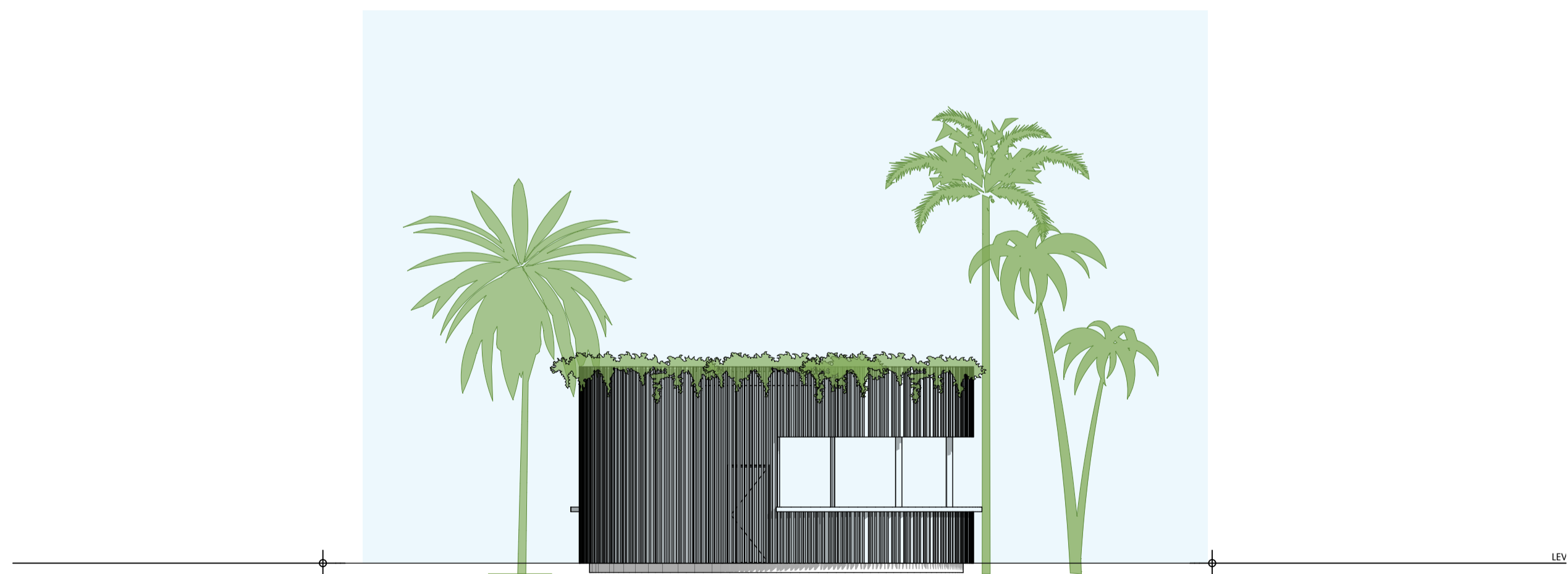
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PRELIMINARY
PROJECT NO. WAVE001
DRAWING NO. DA-04.2
REVISION NO. 01
DATE 12/11/21





BAR FLOOR PLAN
SCALE1:100



WEST ELEVATION
SCALE1:100



NORTH ELEVATION
SCALE1:100



EAST ELEVATION
SCALE1:100



SOUTH ELEVATION
SCALE1:100

PORT DOUGLAS SURF PARK

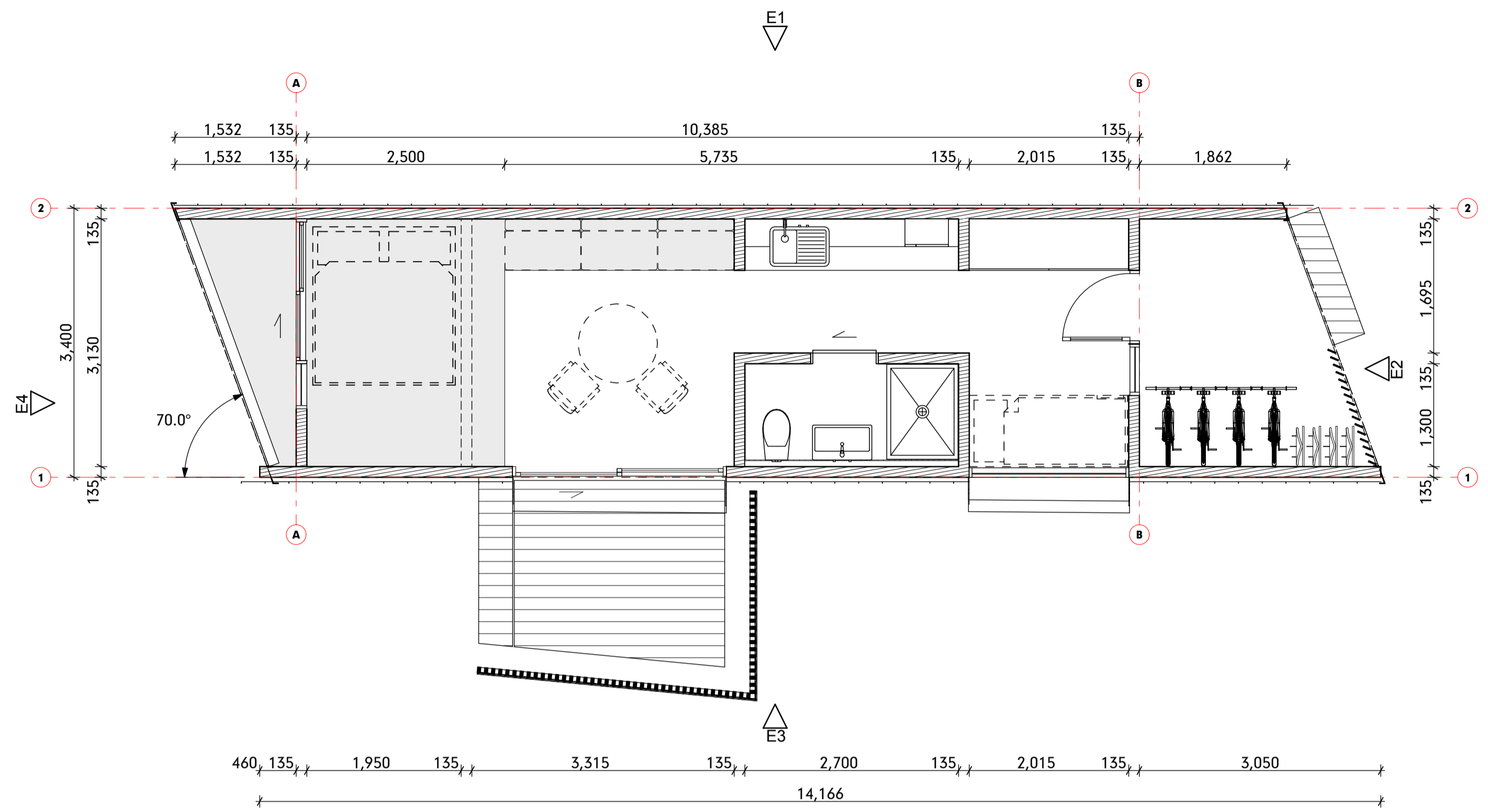
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

RESORT BUILDINGS BAR PLAN & ELEVATIONS

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PRELIMINARY
PROJECT NO. WAVE001
DRAWING NO. DA-04.3
REVISION NO. 01
DATE 12/11/21

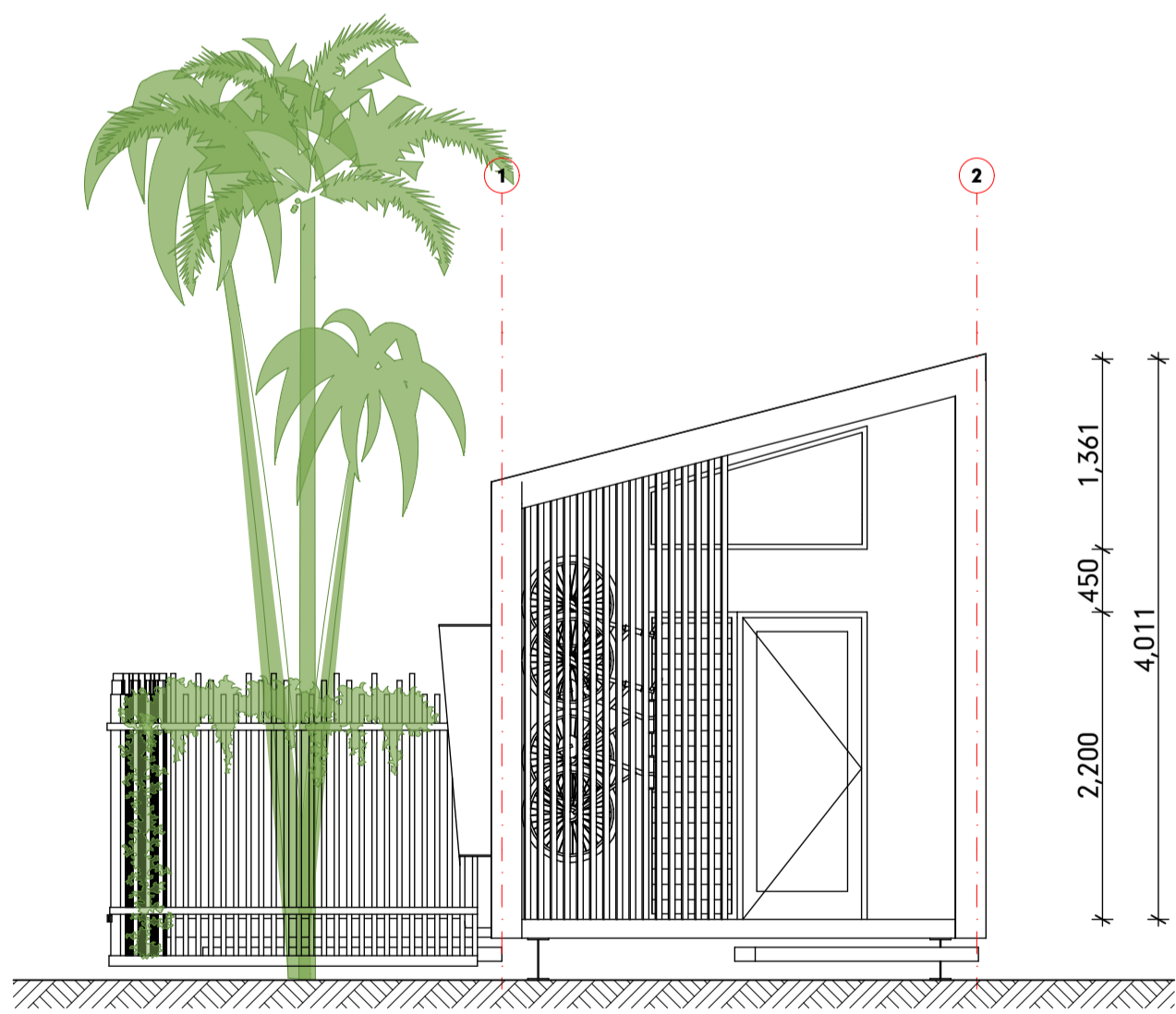
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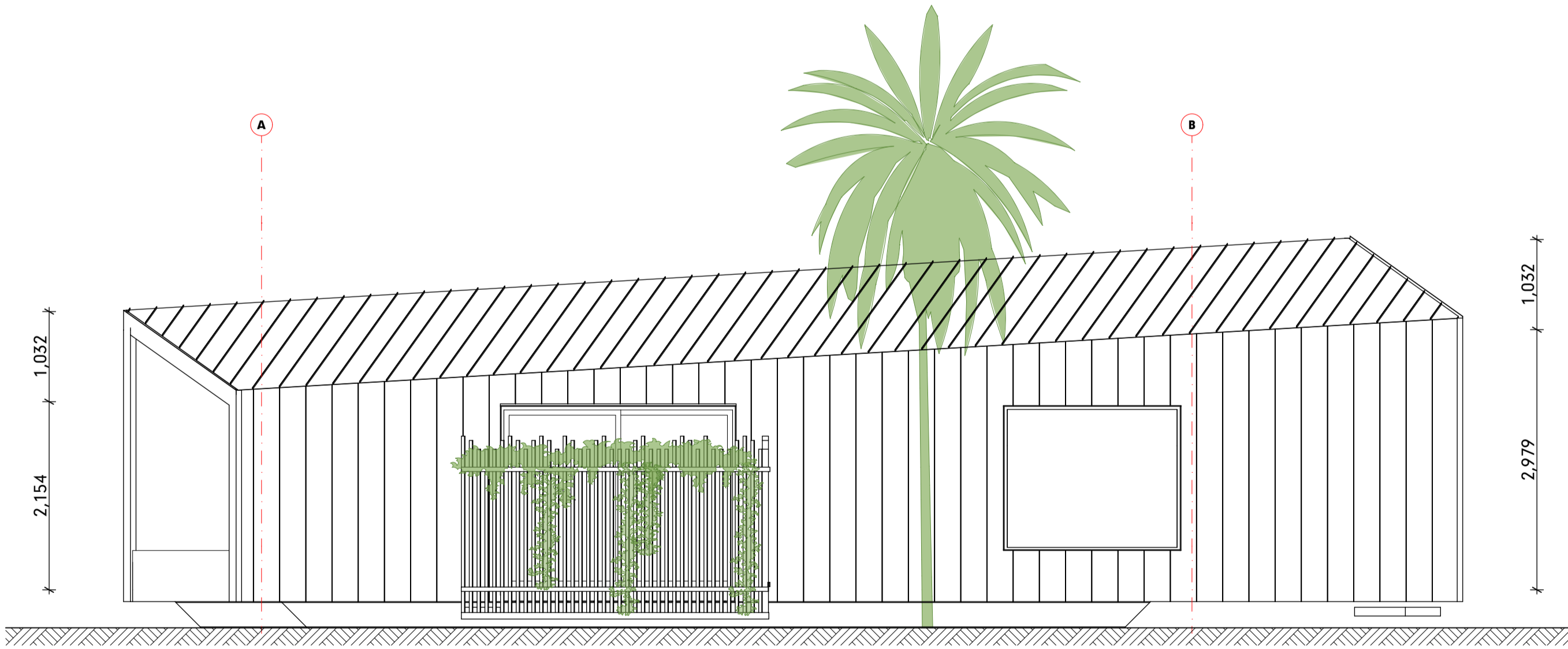
CABIN 2 FLOOR PLAN
SCALE1:50 **L00**



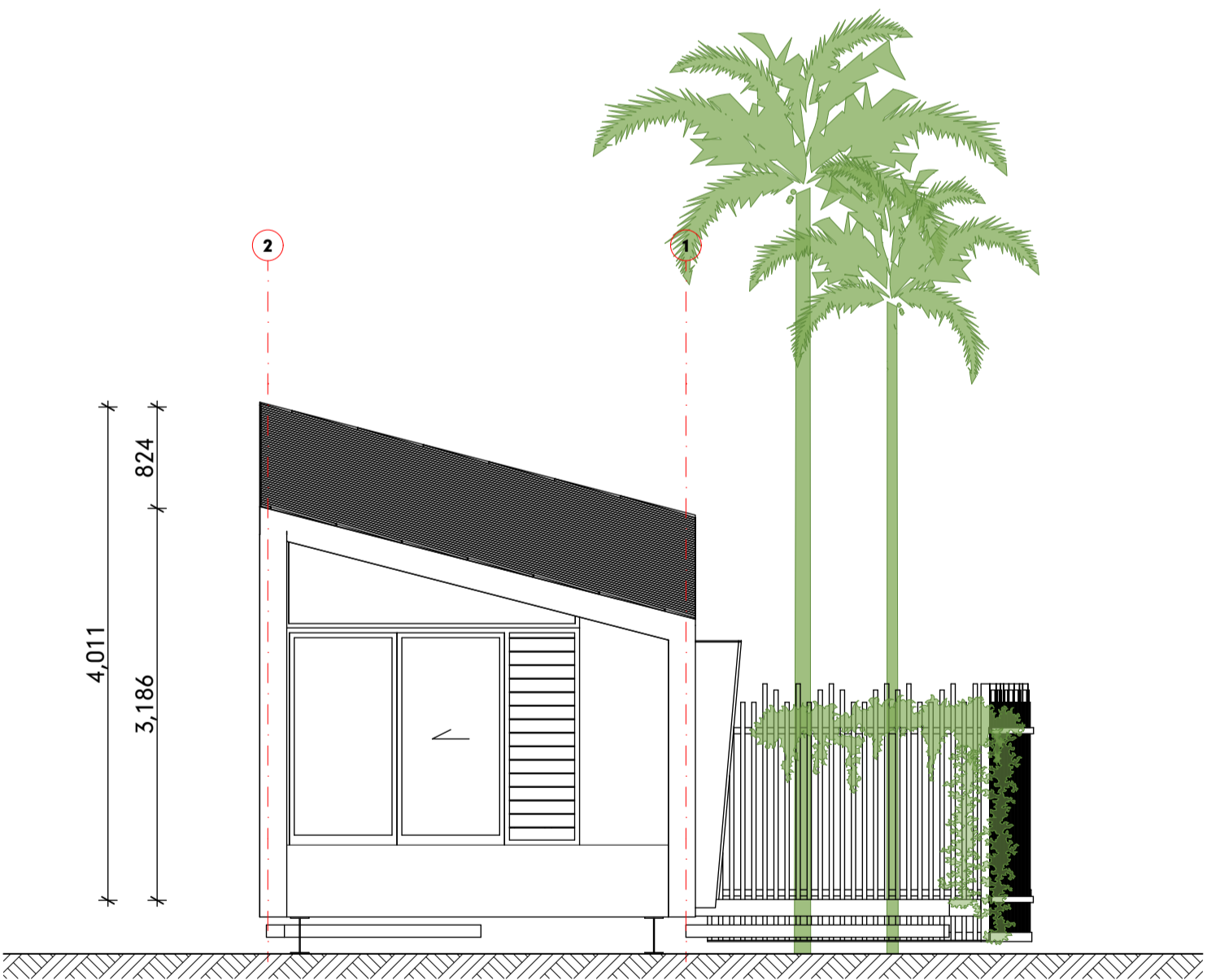
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SCALE1:50 **E1**
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CABIN 2
SCALE1:50 **E2**
#LayID



CABIN 2
SCALE1:50 **E3**
#LayID



CABIN 2
SCALE1:50 **E4**
#LayID

PORT DOUGLAS SURF PARK

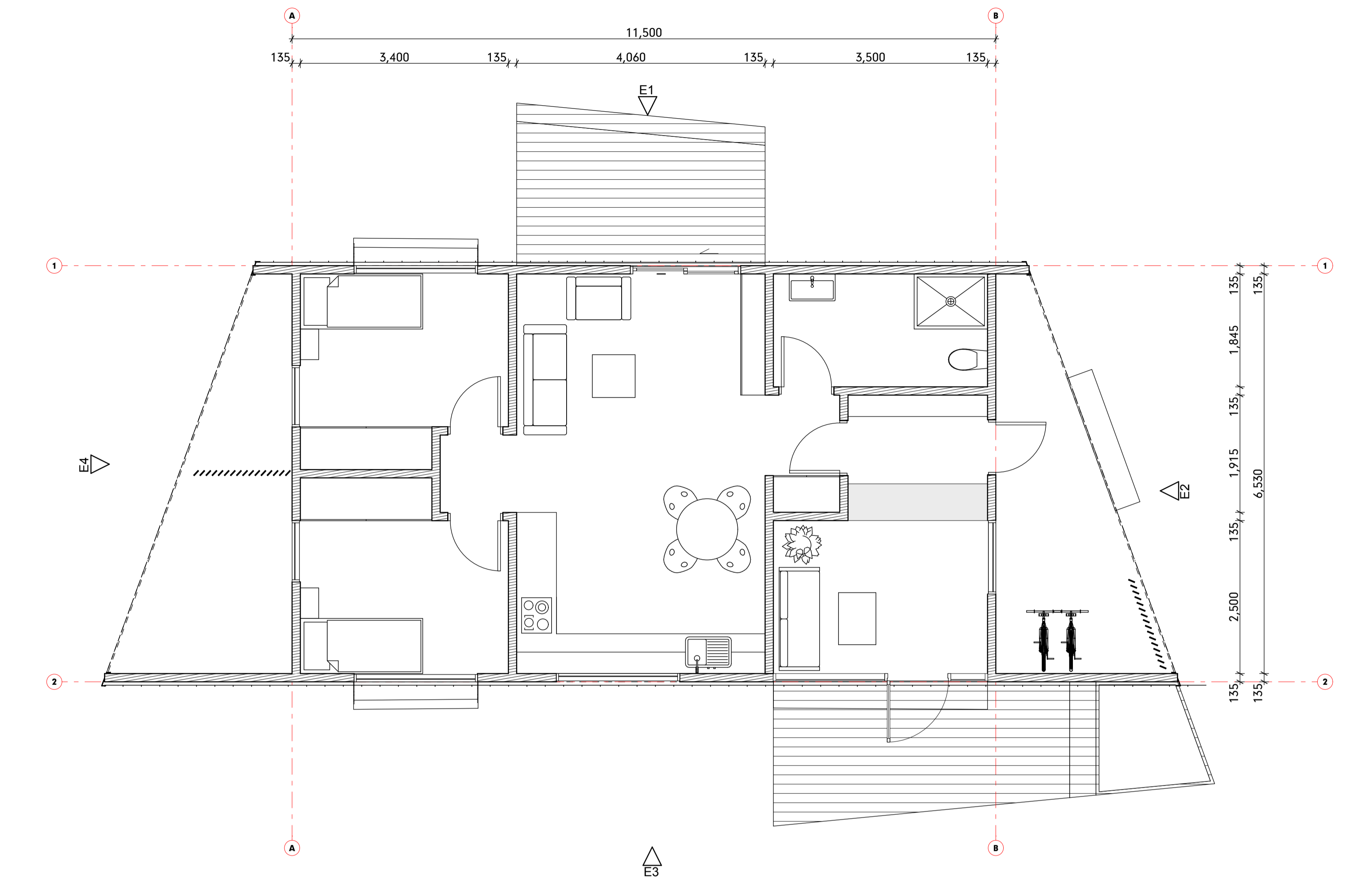
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
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RESORT BUILDINGS CABIN TYPE 2 - PLAN & ELEVATIONS

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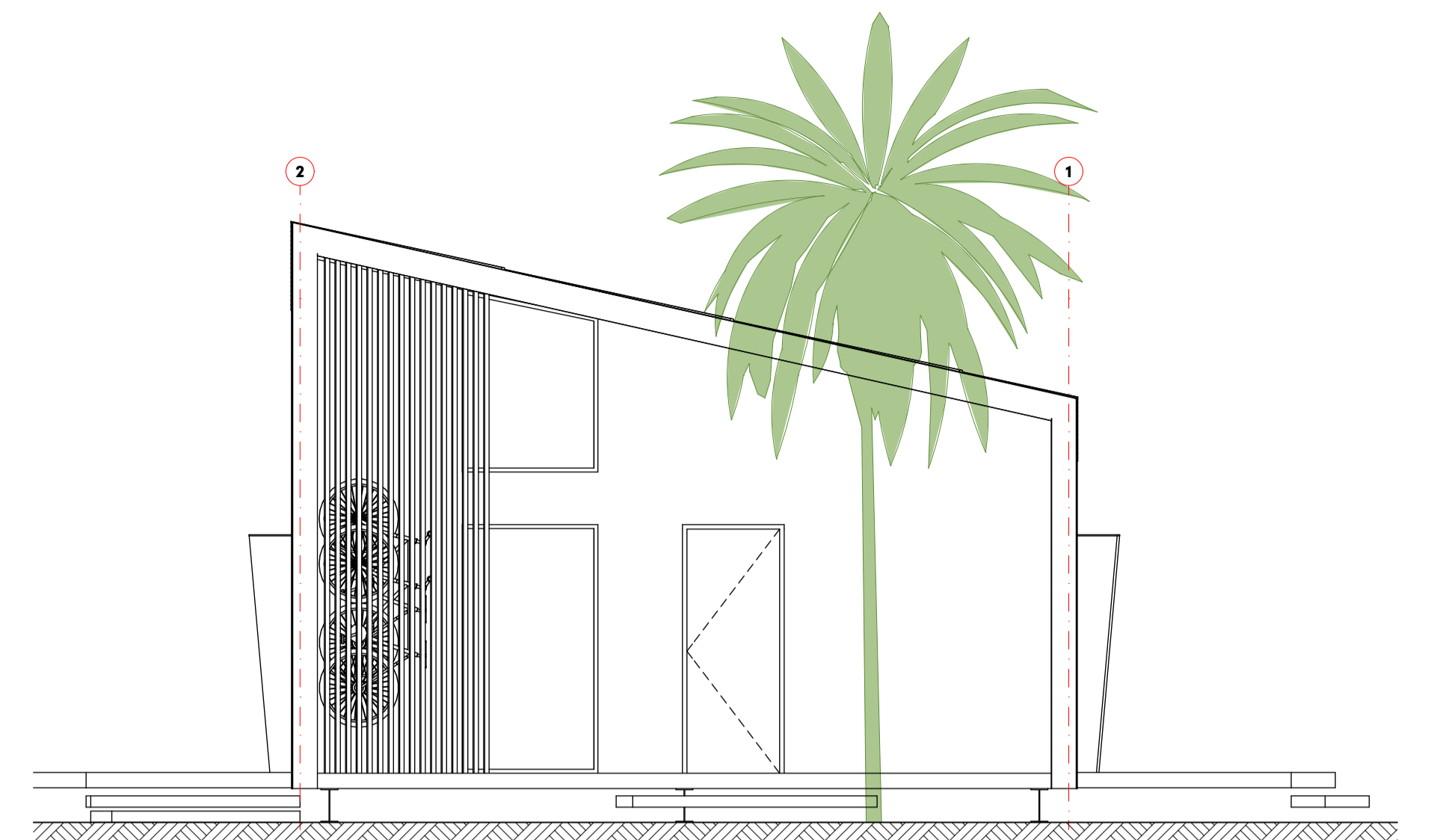
PRELIMINARY
PROJECT NO. WAVE001
DRAWING NO. DA-04.5
REVISION NO. 01
DATE 12/11/21





CARETAKER CABIN PLAN
SCALE1:50

L00



CARETAKER C.
SCALE1:50

E2



CARETAKER C.
SCALE1:50

E4



CARETAKER C.
SCALE1:50

E1



CARETAKER C.
SCALE1:50

E3

PORT DOUGLAS SURF PARK

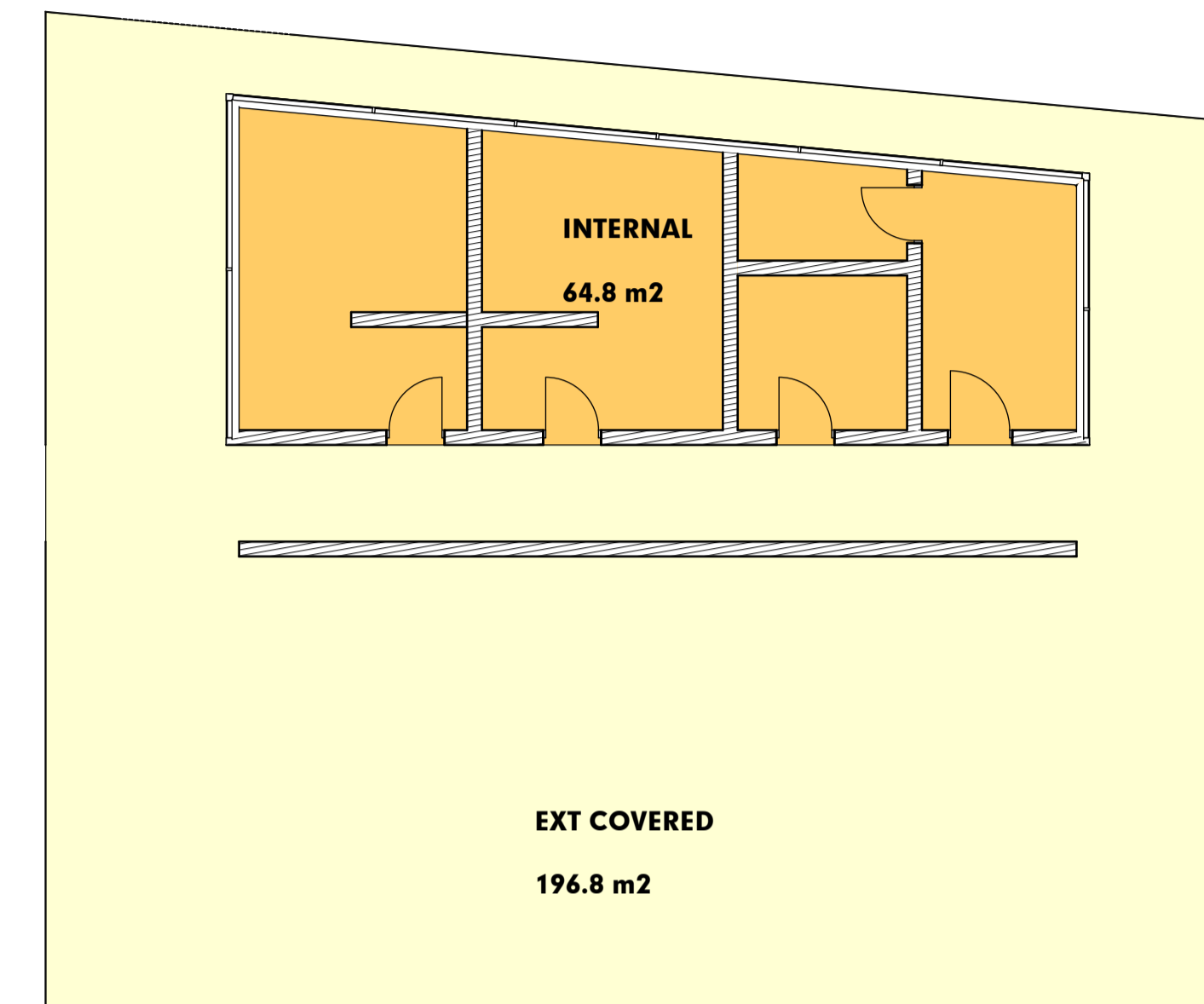
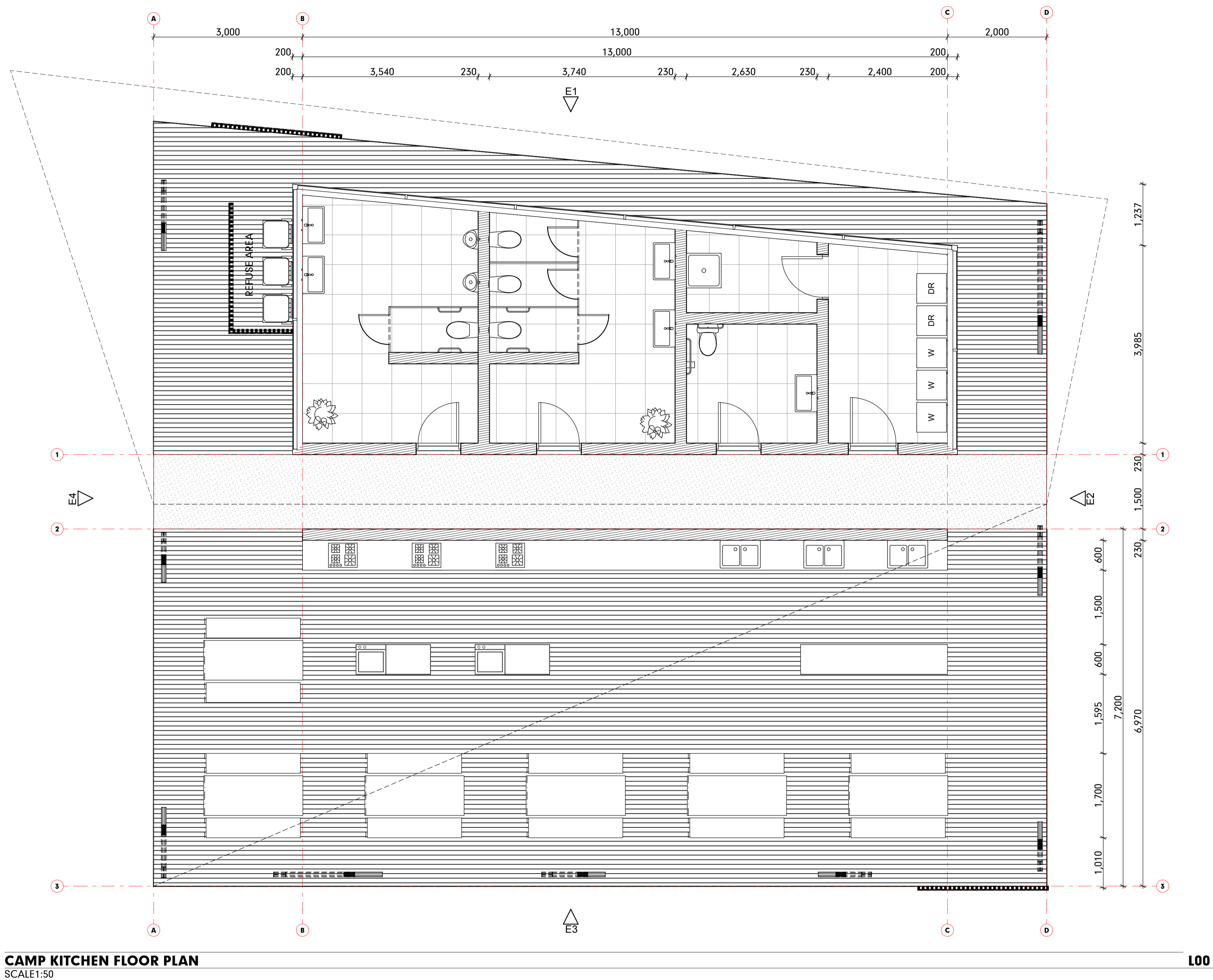
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

RESORT BUILDINGS
CABIN TYPE 3 (CARETAKER) - PLAN & ELEVATIONS

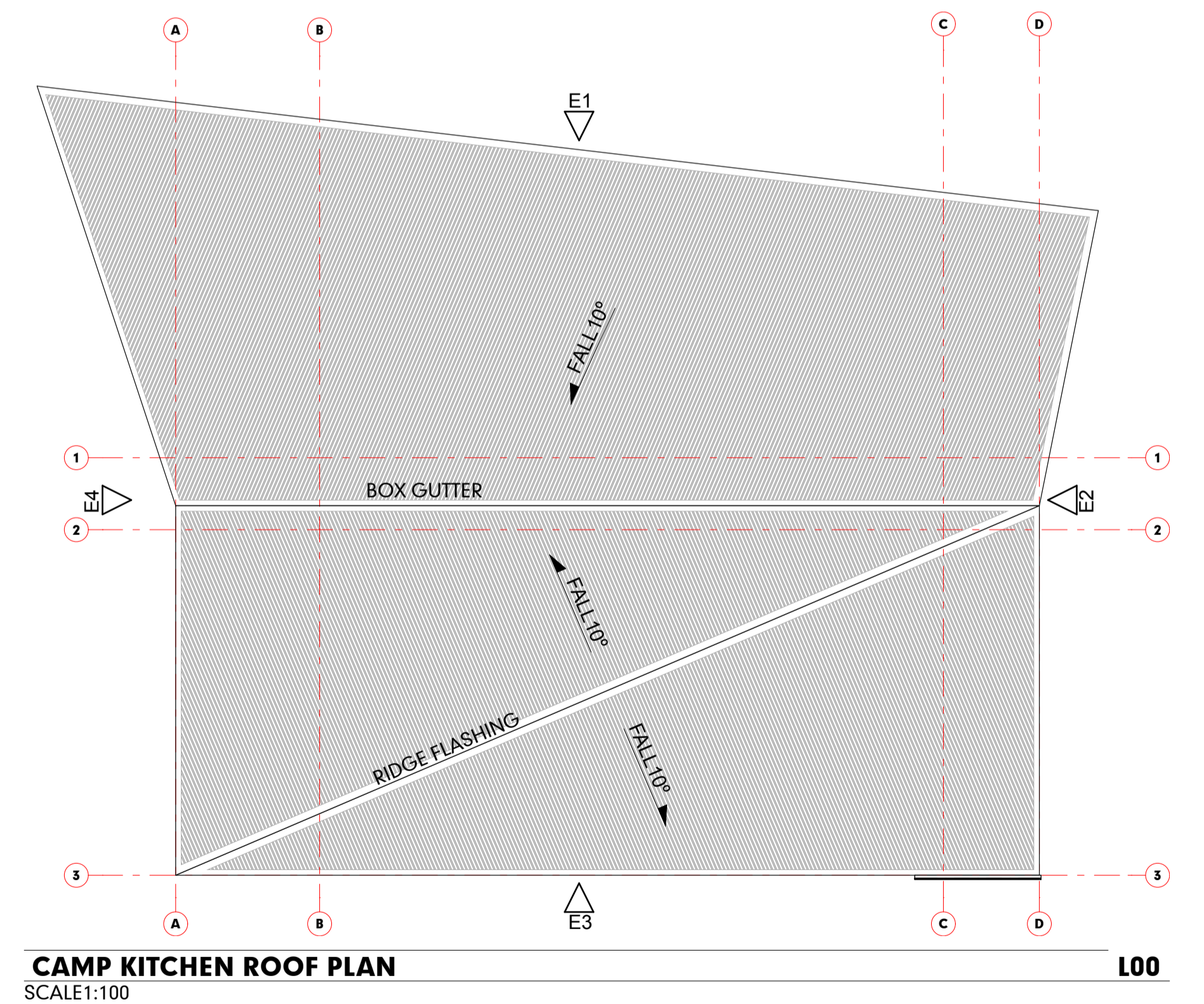
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PROJECT NO. WAVE001
DRAWING NO. DA-04.6
REVISION NO. 01
DATE 12/11/21

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CAMP KITCHEN AREA PLAN
SCALE 1:100



PORT DOUGLAS SURF PARK

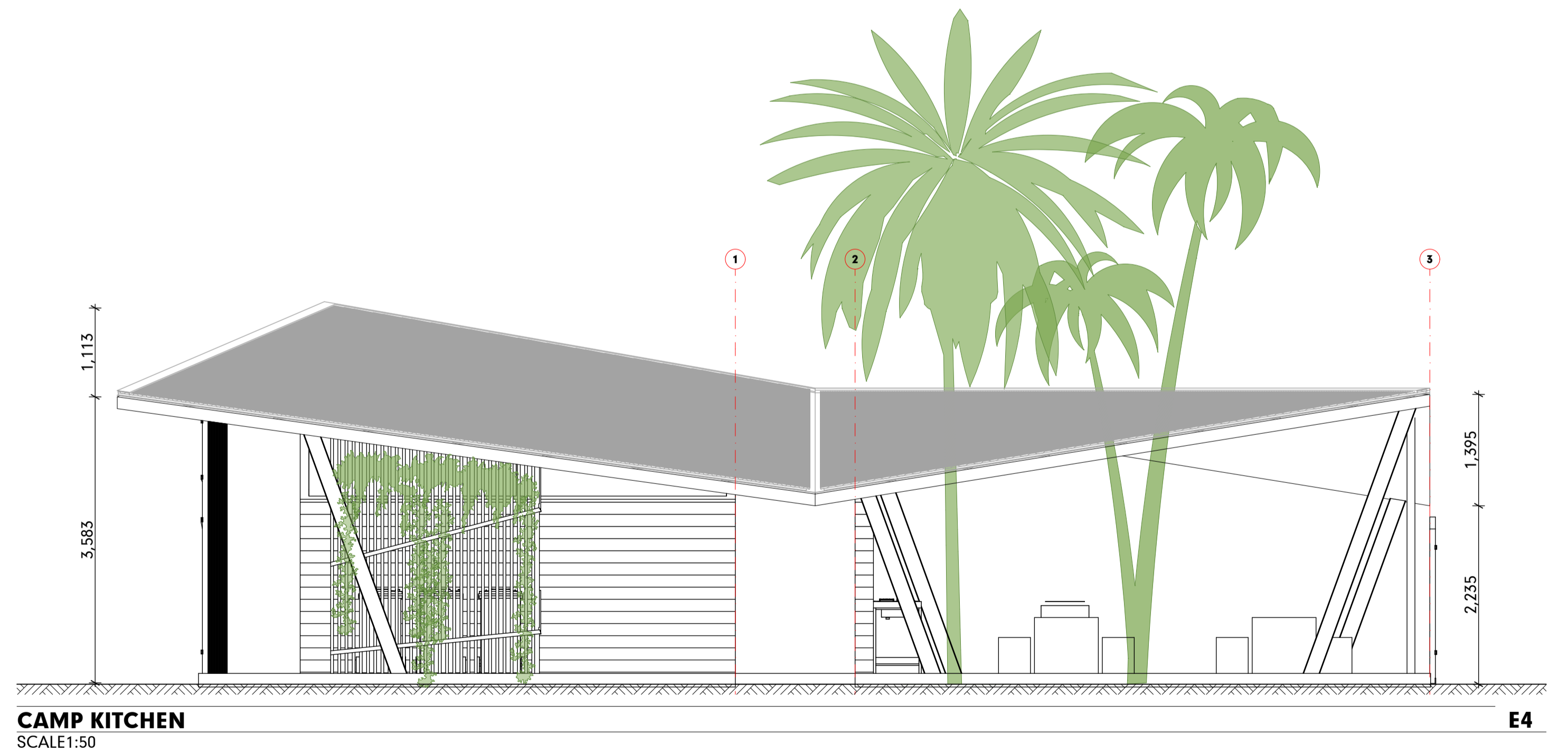
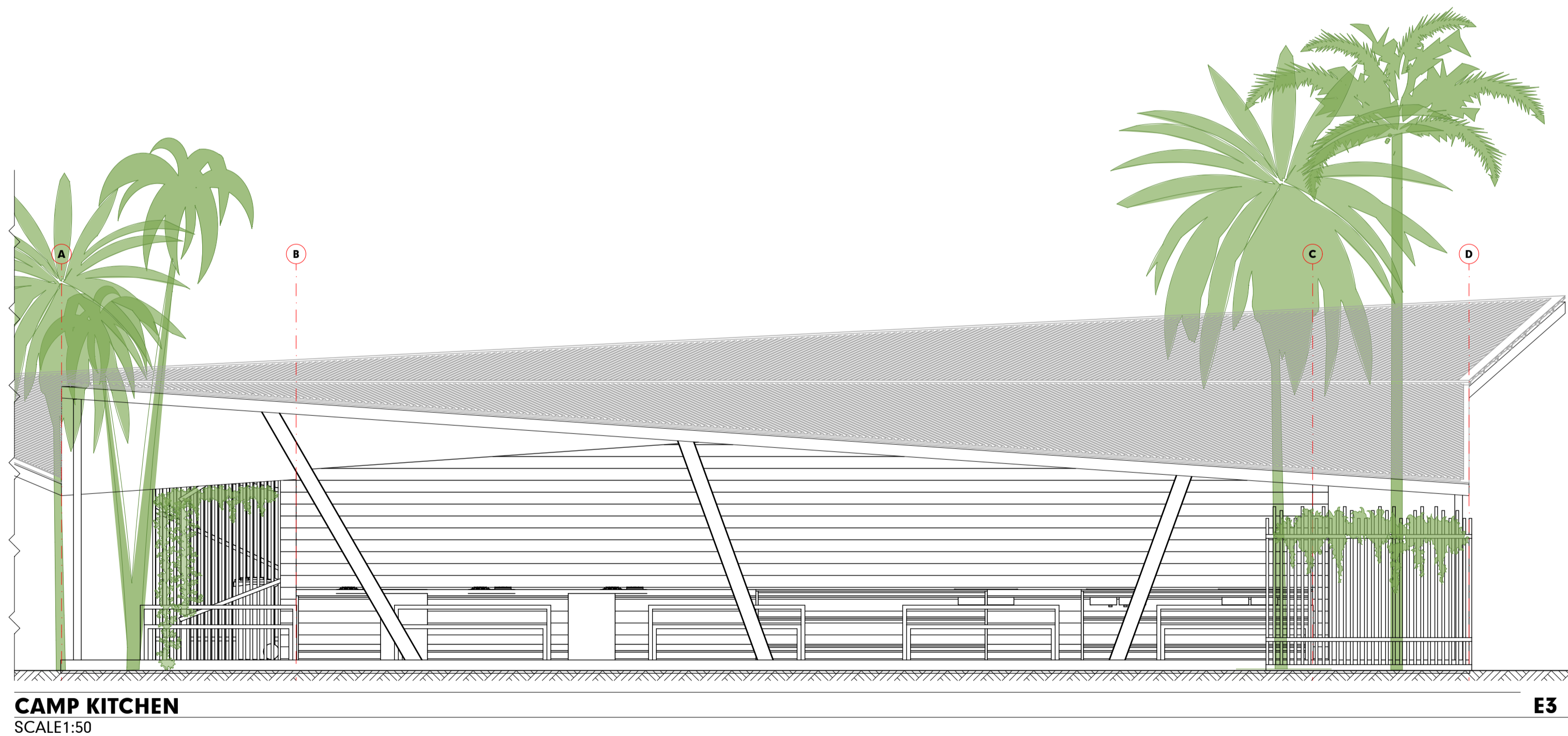
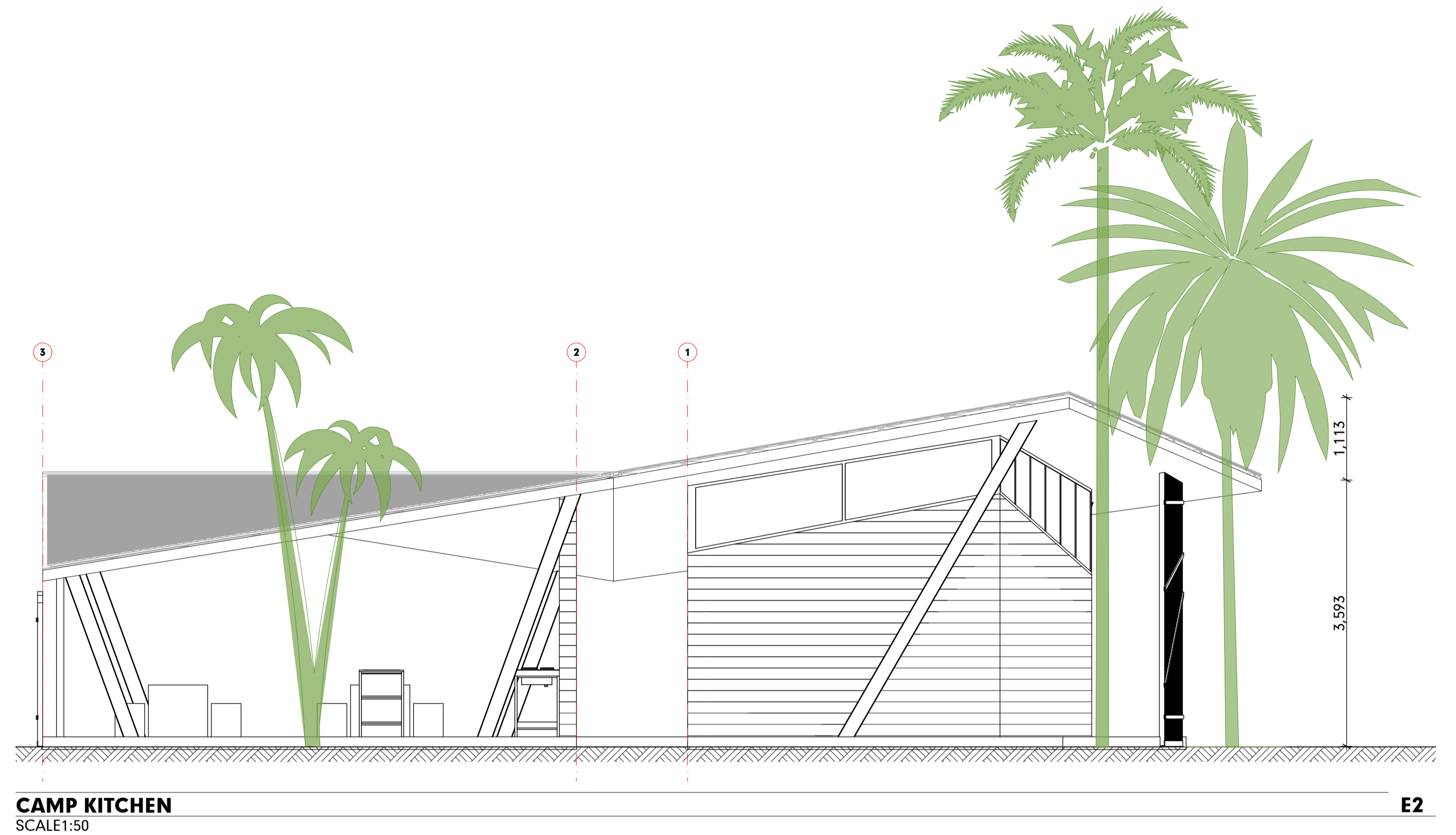
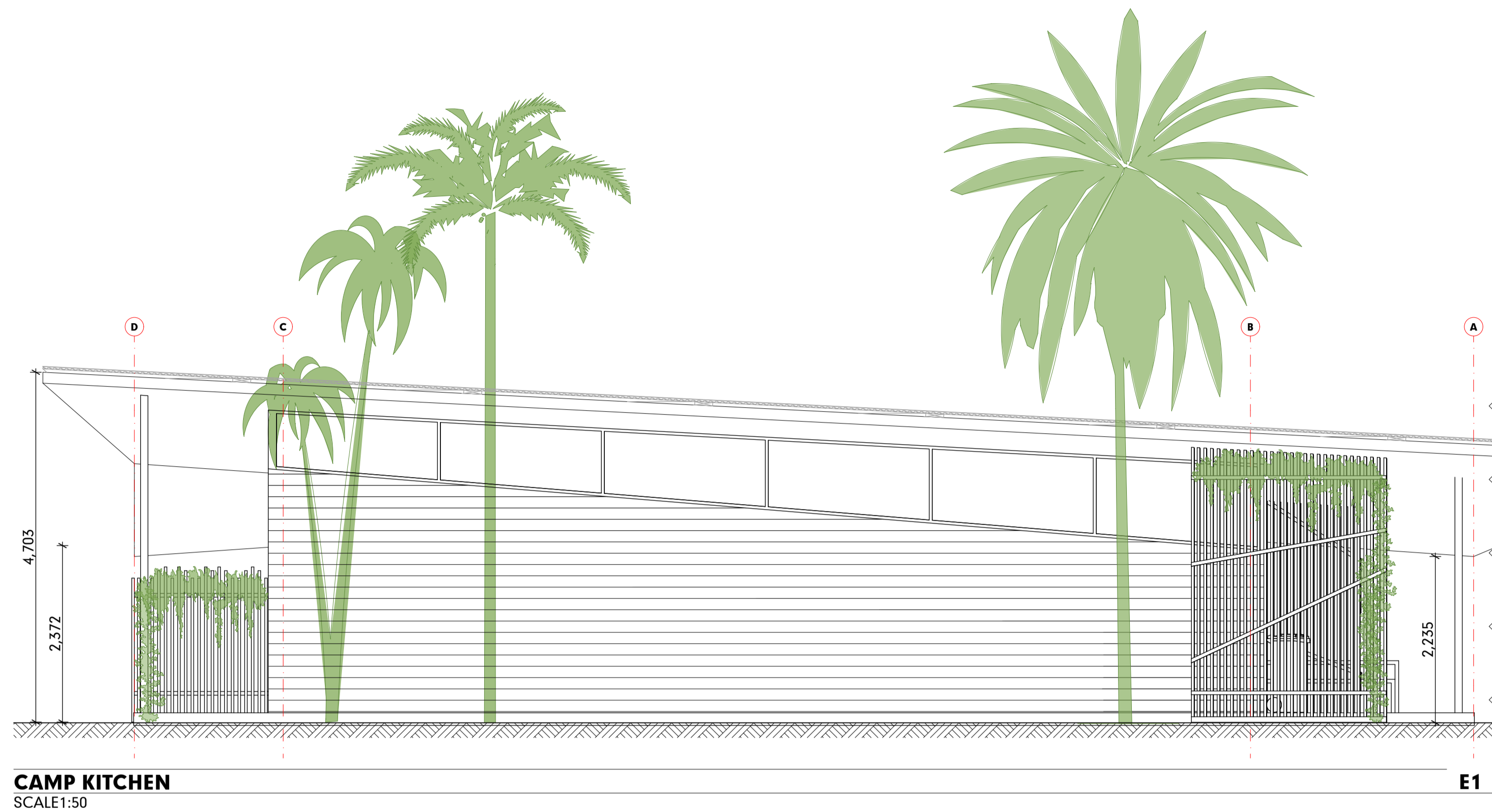
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
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RESORT BUILDINGS CAMP KITCHEN PLANS

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REVISION NO. 01
DATE 12/11/21

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PORT DOUGLAS SURF PARK

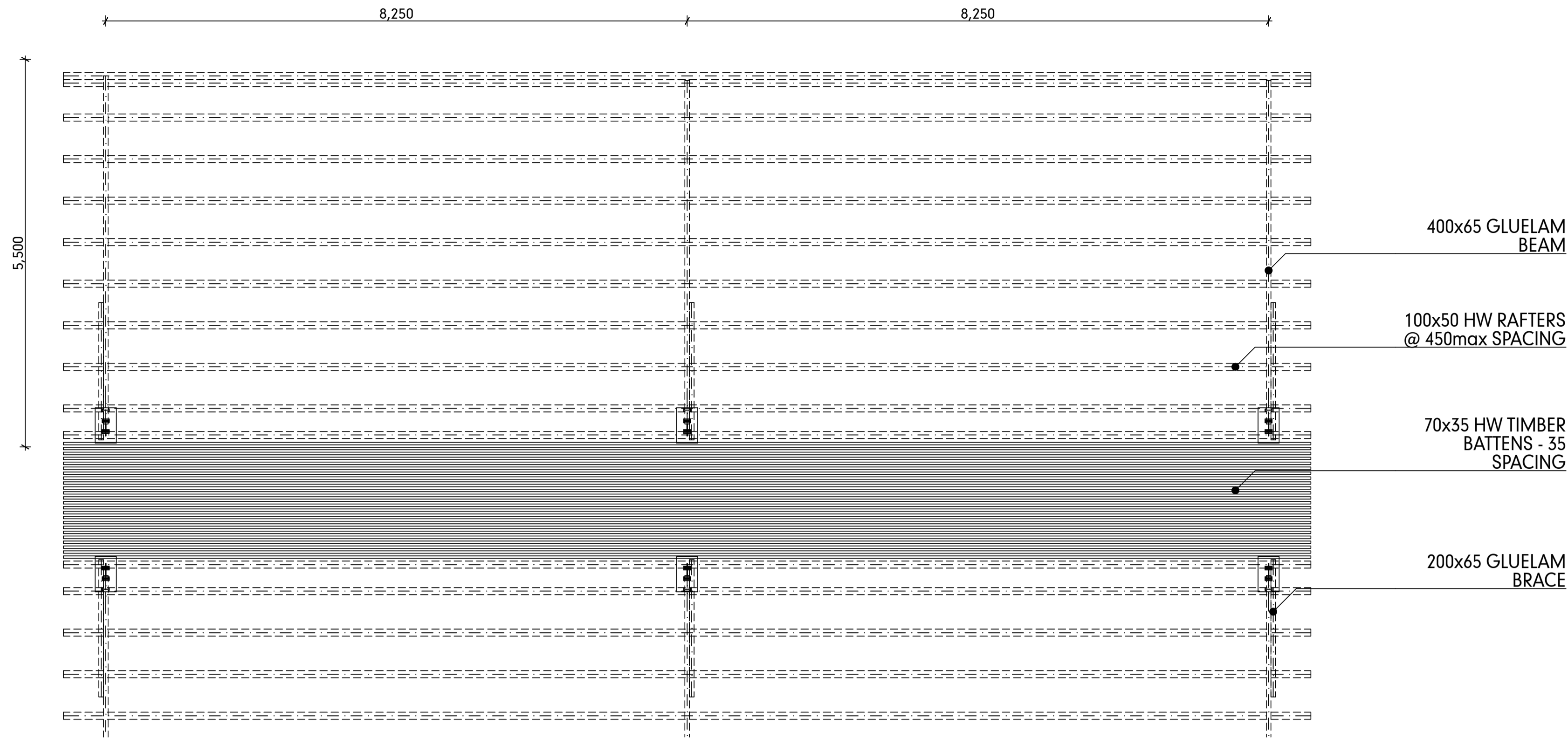
DEVELOPMENT APPLICATION
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RESORT BUILDINGS CAMP KITCHEN ELEVATIONS

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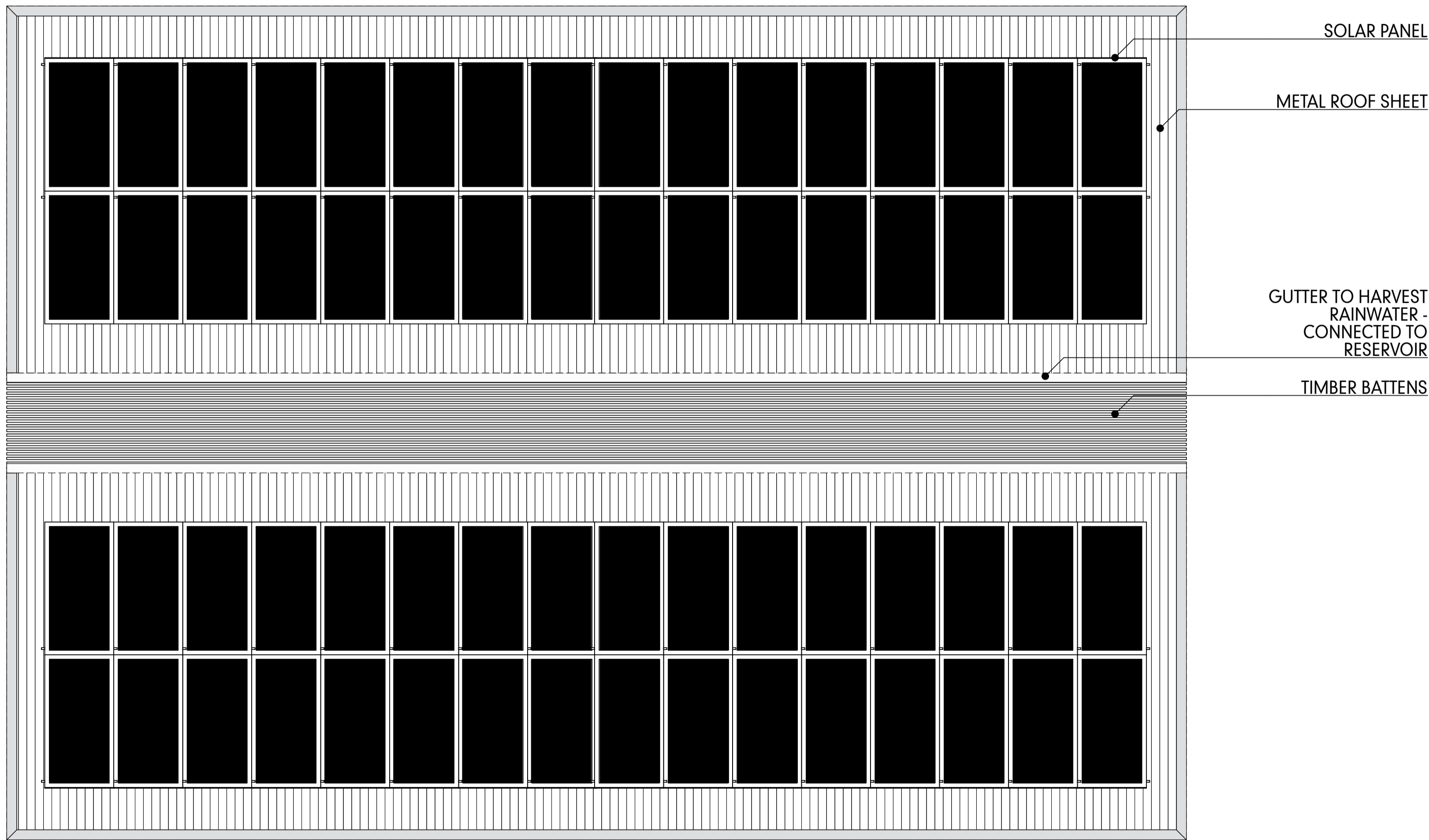
PRELIMINARY
PROJECT NO. WAVE001
DRAWING NO. DA-04.8
REVISION NO. 01
DATE 12/11/21





CARPARK STRUCTURE

SCALE1:50



CARPARK ROOF PLAN

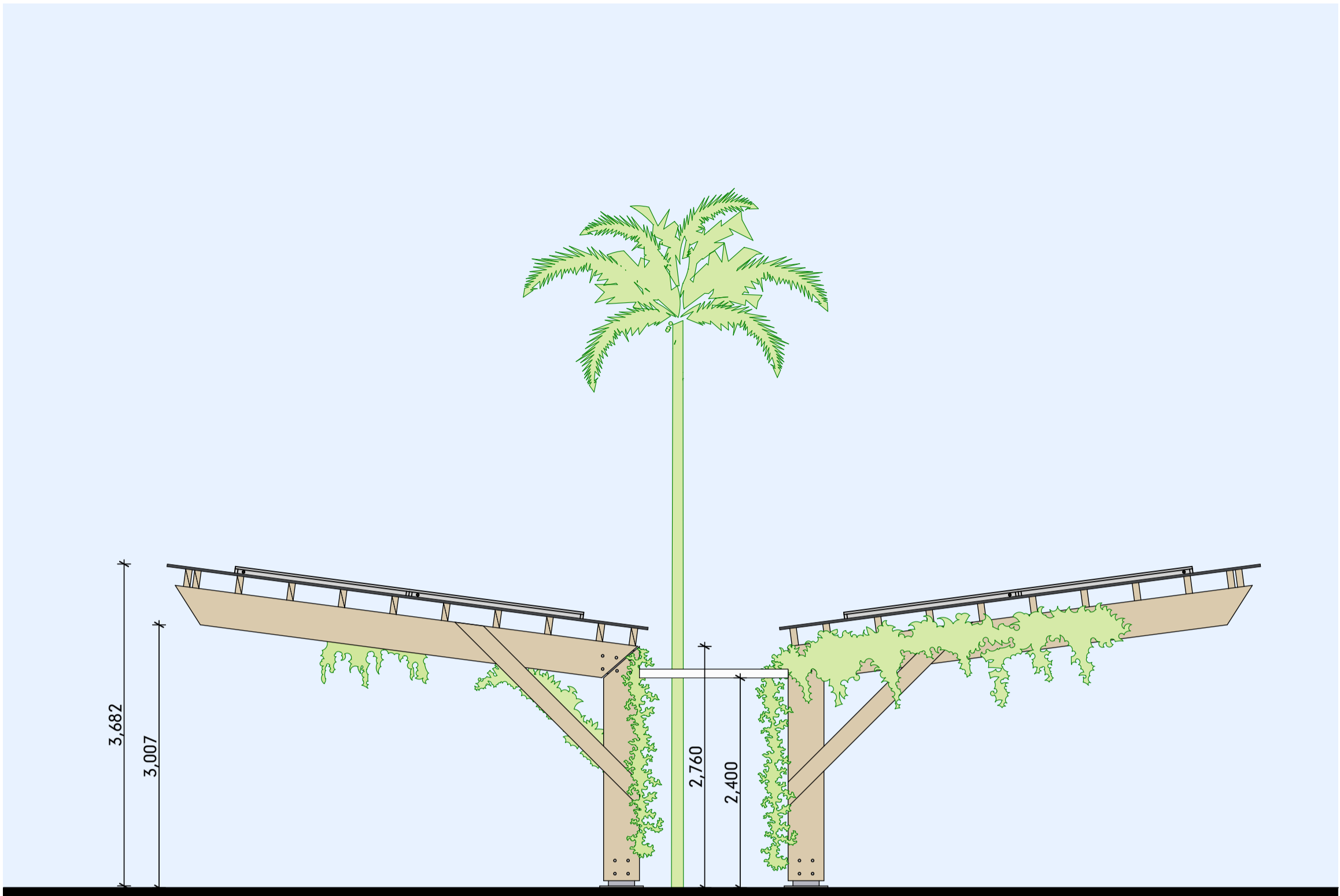
SCALE1:50

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
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RESORT BUILDINGS
CAR PARK ROOF

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ELEVATION / SECTION

SCALE1:50



SCALE1:50

PROJECT NO. WAVE001
DRAWING NO. DA-04.9
REVISION NO. 01
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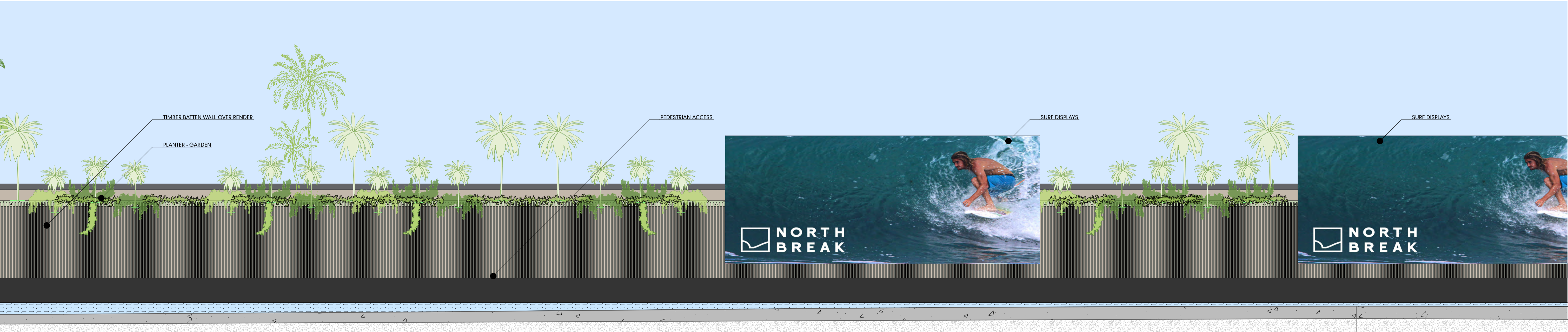
WAVE WALL
SCALE @ A1 -1:400

WAVE 01



WAVE WALL 1:100 A
SCALE1:100

WAVE 01
#LayID



WAVE WALL 1:100 B
SCALE1:100

WAVE 01
#LayID

PORT DOUGLAS SURF PARK

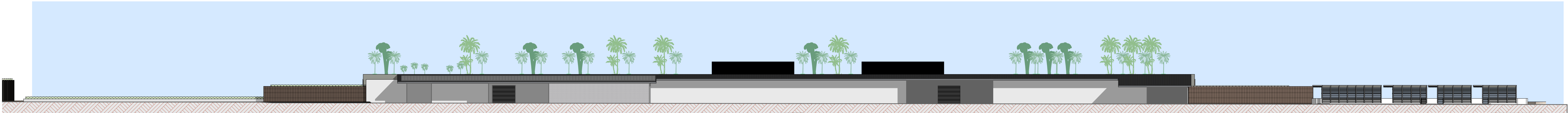
DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
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RESORT BUILDINGS
SURF WALL NELEVATION

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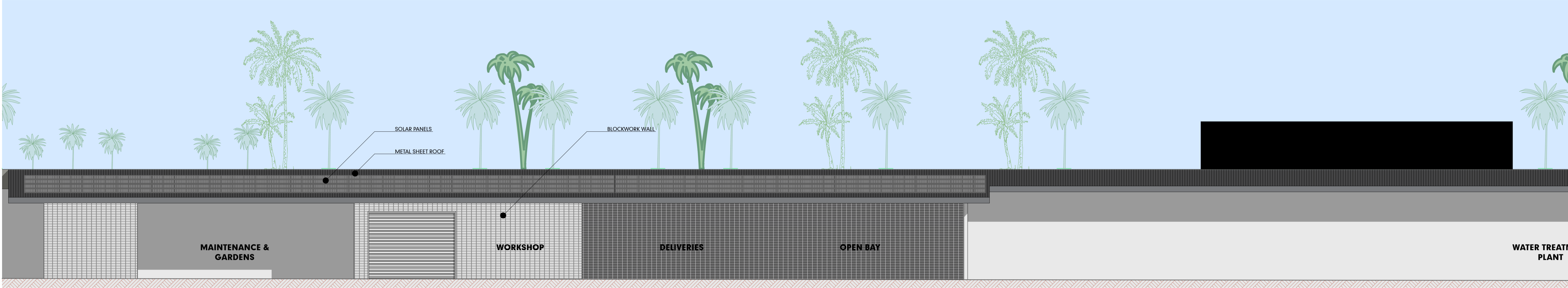
PROJECT NO. WAVE001
DRAWING NO. DA-04.10
REVISION NO. 01
DATE 12/11/21





OPERATIONS ELEVATION
SCALE @ A1 -1:400

1



WAVE PARK REAR
SCALE @ A1 -1:100

WAVE 02



WAVE PARK REAR
SCALE @ A1 -1:100

WAVE 02

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
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RESORT BUILDINGS
OPERATIONS ELEVATION

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REVISION NO. 01
DATE 12/11/21



Concurrence Agency Conditions



SARA reference: 2108-24005 SRA
Council reference: CA2021_4239/1
Applicant reference:

11 January 2022

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Mr Neil Beck

Dear Mr Beck

SARA response—5640 Captain Cook Highway, Mowbray

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 6 August 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	11 January 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Resort complex (outdoor sport & recreation, short-term accommodation, food & drink outlet, shop, tourist Park, helipads & caretaker's residence) combined with Reconfiguring a lot (1 Lot into 4 Lots)
--------------	--------------------	---

	Preliminary approval	Operational work for Advertising device
SARA role:	Referral Agency	
SARA trigger:	<p>Schedule 10, Part 17, Division 3, Table 5, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot in a coastal management district</p> <p>Schedule 10, Part 17, Division 3, Table 6, Item 1 (Planning Regulation 2017) – Development application involving material change of use in a coastal management district</p> <p>Schedule 10, Part 6, Division 3, Subdivision 3, Table 2, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot or material change of use involving removal, destruction or damage of marine plants</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) – Development application impacting state transport infrastructure generally</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Development application involving reconfiguring a lot near a State transport corridor</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) – Development application involving a material change of use near a State transport corridor</p>	
SARA reference:	2108-24005 SRA	
Assessment Manager:	Douglas Shire Council	
Street address:	5640 Captain Cook Highway, Mowbray QLD 4877	
Real property description:	Lot 123 on SR687	
Applicant name:	David Imgraben (Graben Pty Ltd)	
Applicant contact details:	291 Mowbray River Road Mowbray QLD 4877 jarrod@huntdesign.com.au	
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR21-033812 (500-1563) • Date: 24 November 2021 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at ron.p.kaden@tmr.qld.gov.au</p>	

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact John Irving, Principal Planning Officer, on 47583421 or via email DAAT@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Joyce', is enclosed in a thin black rectangular border.

Phil Joyce
Director Development Assessment

cc David Imgraben (Graben Pty Ltd), jarrod@huntdesign.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a lot		
The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	The reconfiguring a lot must be undertaken generally in accordance with the following plans: <ul style="list-style-type: none"> i. Master Plan Diagrams Reconfiguration of a Lot Proposal Plan prepared by Hunt Design, dated 29/10/2021, reference DA-01.11, revision 02. 	Prior to submitting the Plan of Survey to the local government for approval
The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	Development authorised under this approval is limited as follows: <p>The permanent removal, destruction or damage of marine plants being limited to 1,720 square metres and shown on the plan titled SARA Vegetation Removal, prepared by Hunt Design, undated, reference DA-01.25.</p>	At all times
3.	The development must be constructed generally in accordance with the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.	At all times
4.	Provide written notice to notifications@daf.qld.gov.au , when the development authorised under this approval: <ul style="list-style-type: none"> (a) will start (b) when it has been completed. <p>The notices must state permit number 2108-24005 SRA.</p>	(a) At least five business days but no greater than 20 business days prior to the commencement of the works (b) Within 20 business days of the completion of the fisheries development works
5.	Spoil is not disposed on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
6.	This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times

7.	<p>Marine plants that are removed, damaged, or destroyed by the development must be mitigated through establishment and rehabilitation in the marine plant revegetation area, as shown on the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.</p> <p><i>Note: Marine plants are matters of State environmental significance under the Environmental Offsets Act 2014. Due to the claims that mitigation will occur made in this development application these have not been included in a significant residual impact for the purpose of calculating an environmental offset for this development. Failure to mitigate these marine plants within 5 years will represent unlawful removal damage or destruction of marine plants under the Fisheries Act 1994 from that date.</i></p>	Within five years of removal, damage, or destruction
8.	The marine plant mitigation, through establishment and rehabilitation works, must be undertaken generally in accordance with the Port Douglas Surf Park Revegetation Activities, prepared by Papillon Landscapes, undated.	At all times
9.	<p>(a) Implement an inspection and monitoring program for the purposes of confirming the outcomes of the marine plant mitigation area works. The inspection and monitoring program must:</p> <ul style="list-style-type: none"> i. have been prepared by a person or entity that is suitably qualified and experienced in fish ecology ii. include an alert and action component, which will enable changes to be made to any deficiencies in the marine plant mitigation area no later than one month after identifying the deficiency iii. involve the provision of inspection and monitoring reports to notifications@daf.qld.gov.au. <p>(b) The emails attaching the inspection and monitoring reports must state this permit number, the location and name of work and this condition number under which the report is being given.</p>	<p>(a)(i)(ii) Prior to completion of works</p> <p>(a)(iii) & (b) Six months after completion of construction works then annually for a period of five years or until the marine plant mitigation area is established and functioning as tidal lands, whichever is sooner.</p>
Material change of use		
<p>The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:</p>		
10.	<p>The development must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> i. Master Plan Diagrams Site Cut-Fill Diagram prepared by Hunt Design dated 29/10/2021, reference DA-01.7, revision 02 ii. Master Plan Diagrams Master Plan prepared by Hunt Design dated 29/10/2021, reference DA-01.6, revision 02 iii. Master Plan Diagrams Marine Plant Revegetation Area prepared by Hunt Design dated 17/12/2021, reference DA-01.24, revision 01. 	At all times

11.	For the proposed works, only use clean material and ensure that the works do not cause contamination.	For the duration of the works
12.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works
13.	Submit "As Constructed drawings" to palm@des.qld.gov.au or mail to: Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Within two weeks of the completion of the works
14.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to: Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p><i>Note: Appropriately qualified person means a person or persons who has professional qualifications, training, skills, and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice, and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods, or literature.</i></p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained</p> <p>(b) At the time the soils have been neutralised or contained</p>
The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
15.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the Captain Cook Highway.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the State-controlled road 	At all times

	<ul style="list-style-type: none"> ii. interfere with and/or cause damage to the existing stormwater drainage on the State controlled road iii. surcharge any existing culvert or drain on the State-controlled road iv. reduce the quality of stormwater discharge onto the State-controlled road. 	
16.	<p>(a) The road access location is to be located generally in accordance with the TMR Layout Plan (20A – 56.54km), prepared by Queensland Government Transport and Main Roads, dated 22/11/2021, Reference TMR21-33812 (500-1563), Issue A, as amended in red by SARA.</p> <p>(b) Road access works comprising of a sealed property access with an auxiliary high angle entry and high angle exit (CHL) via the Captain Cook Highway, including a channelized right-turn lane (CHR) and road lighting, must be provided generally in accordance with Figure 2: <i>Proposed Intersection Upgrade Concept Layout</i>, as contained within the report titled Garben Pty. Ltd. Surf Park Douglas Traffic Impact Assessment, prepared by GHD, dated March 2021.</p> <p>(c) The road access works must be designed and constructed generally in accordance with:</p> <ul style="list-style-type: none"> i. Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, Volume 3 – Guide to Road Design, November 2020 and Volume 6 – Lighting, March 2021 ii. Austroads Guide to Road Design Part 4: Intersections and Crossings – General and Part 4A: Unsignalised and Signalised intersections, 2017, specifically: <ul style="list-style-type: none"> o Figure 8.5: Rural Channelised Left-turn Treatment (CHL) with High Entry Angle o Figure A 30: Channelised right turn (CHR) on a two-lane rural road. 	<p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use</p>
<p>The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Agriculture and Fisheries to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:</p>		
17.	<p>Development authorised under this approval is limited as follows:</p> <p>The permanent removal, destruction or damage of marine plants being limited to 1,720 square metres and shown on the plan titled SARA Vegetation Removal, prepared by Hunt Design, undated, reference DA-01.25.</p>	At all times
18.	<p>The development must be constructed generally in accordance with the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.</p>	At all times
19.	<p>Provide written notice to notifications@daf.qld.gov.au, when the development authorised under this approval:</p>	<p>(a) At least five business</p>

	<p>(a) will start</p> <p>(b) when it has been completed.</p> <p>The notices must state permit number 2108-24005 SRA.</p>	<p>days but no greater than 20 business days prior to the commencement of the works</p> <p>(b) Within 20 business days of the completion of the fisheries development works</p>
20.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times
21.	This fisheries development (as defined by the <i>Fisheries Act 1994</i>) constitutes a place that is required to be open for inspection by an inspector at all times, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times
22.	<p>Marine plants that are removed, damaged, or destroyed by the development must be mitigated through establishment and rehabilitation in the marine plant revegetation area as shown in the Marine Plant Revegetation Area plan, prepared by Hunt Design, dated 17/12/21, reference DA-01.24, revision 01.</p> <p><i>Note: Marine plants are matters of State environmental significance under the Environmental Offsets Act 2014. Due to the claims that mitigation will occur made in this development application these have not been included in a significant residual impact for the purpose of calculating an environmental offset for this development. Failure to mitigate these marine plants within 5 years will represent unlawful removal damage or destruction of marine plants under the Fisheries Act 1994 from that date.</i></p>	Within 5 years of removal, damage, or destruction
23.	The marine plant mitigation, through establishment and rehabilitation works, must be undertaken generally in accordance with the Port Douglas Surf Park Revegetation Activities, prepared by Papillon Landscapes, undated.	At all times
24.	<p>(a) Implement an inspection and monitoring program for the purposes of confirming the outcomes of the marine plant mitigation area works. The inspection and monitoring program must:</p> <ul style="list-style-type: none"> i. have been prepared by a person or entity that is suitably qualified and experienced in fish ecology ii. include an alert and action component, which will enable changes to be made to any deficiencies in the marine plant mitigation area no later than one month after identifying the deficiency iii. involve the provision of inspection and monitoring reports to notifications@daf.qld.gov.au. <p>(b) The emails attaching the inspection and monitoring reports must</p>	<p>(a)(i)(ii) Prior to completion of works</p> <p>(a)(iii) & (b) six months after completion of construction works then annually for a period of five years or until the marine plant mitigation area is established and functioning as tidal</p>

	state this permit number, the location and name of work and this condition number under which the report is being given.	lands, whichever is sooner.
--	--	-----------------------------

Attachment 2—Advice to the applicant

General advice	
1.	<p>State Development Assessment Provisions (SDAP)</p> <p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or SDAP v2.6. If a word remains undefined, it has its ordinary meaning.</p>
3.	<p>Road works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works. Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p>Road access works approval</p> <p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from DTMR to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. An approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
4.	<p>Operational works that is constructing or raising waterway barrier works in fish habitats</p> <p>The proposal includes filling of a tidal waterway. These works constitute waterway barrier works. The application has not been referred for operational works that is constructing or raising waterway barrier works. Operational works that is constructing or raising waterway barrier works must be authorised prior to commencement of works.</p>
5.	<p>Environmental offsets</p> <p>The area identified within the development application as “Marine Plant Offset Area” is not considered to be an Offset under the <i>Environmental Offsets Act 2016</i>. For the purposes of this development approval, the works described as “Marine Plant Offset Area” are referred to as the marine plant mitigation area, as it is considered an onsite mitigation of impacts, which has reduced the total Significant Residual Impact of the works. As such, an Environmental Offset has not been recommended.</p> <p>If after five years of monitoring, as specified in the conditions above, the mitigation area is identified to have failed, it is likely that a significant residual impact will have resulted from the works.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with State code 1: *Development in a state-controlled road environment*, & State code 6: *Protection of state transport networks* of the State Development Assessment Provision (SDAP): Specially, the development:

- does not create a safety hazard for users of a state transport corridor
- does not compromise the structural integrity of state transport corridors, transport infrastructure or works
- does not result in a worsening of the physical condition or operating performance of state transport corridors and the surrounding road networks
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

The development complies with State code 8: *Coastal development and tidal works* of SDAP: Specially, the development:

- the tidal works maintain coastal processes, enhances public use of, and access to and along state coastal land

The development complies with State code 11: *Removal, destruction, or damage of marine plants* of SDAP. Specially, the development works:

- maintain marine plant communities and protects ecological functions to which they contribute
- minimise impacts of fisheries resources and fish habitats.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system.

Attachment 4—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

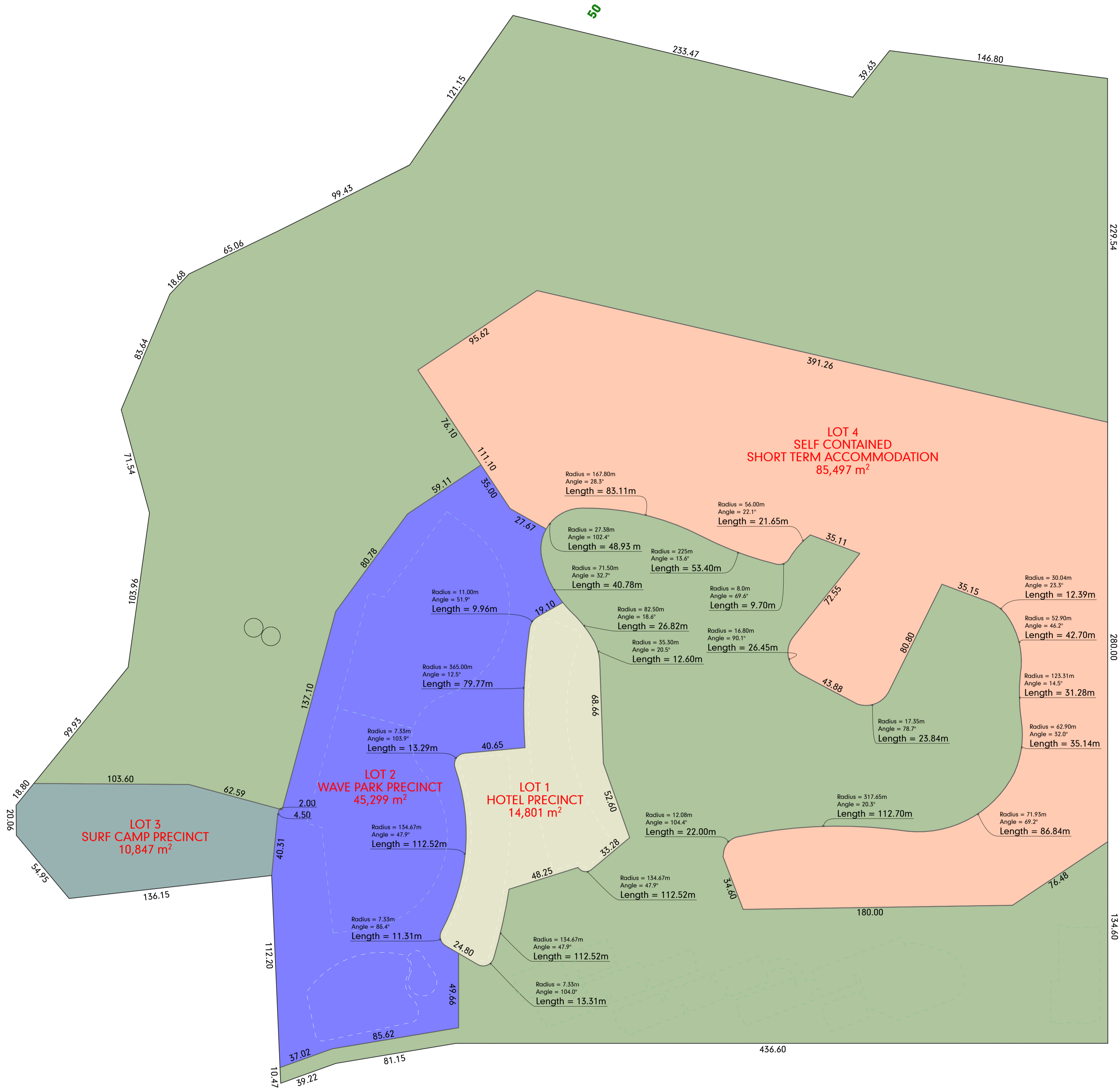
30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Approved plans and specifications

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LEGEND

- LOT 1 - HOTEL PRECINCT
- LOT 2 - WAVE PARK PRECINCT
- LOT 3 - SURF CAMP PRECINCT
- LOT 4 - SELF CONTAINED SHORT TERM ACCOMMODATION PRECINCT
- COMMON PROPERTY

LOT AREAS

LOT AREAS	AREA
COMMON PROPERTY	245,725
HOTEL PRECINCT	14,801
SHORT TERM ACCOMMODATION PRECINCT	85,497
SURF CAMP PRECINCT	10,847
WAVE PARK PRECINCT	45,299
	402,169 m²

SITE LOT PLAN
SCALE 1:1500

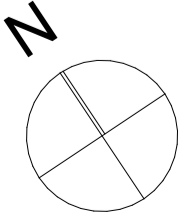
2.

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS
RECONFIGURATION OF A LOT PROPOSAL PLAN

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PROJECT NO. WAVE001
STATUS DA ISSUE
REVISION NO. 02
DATE 29/10/21

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2108-24005 SRA
Date: 11 Jan 2022

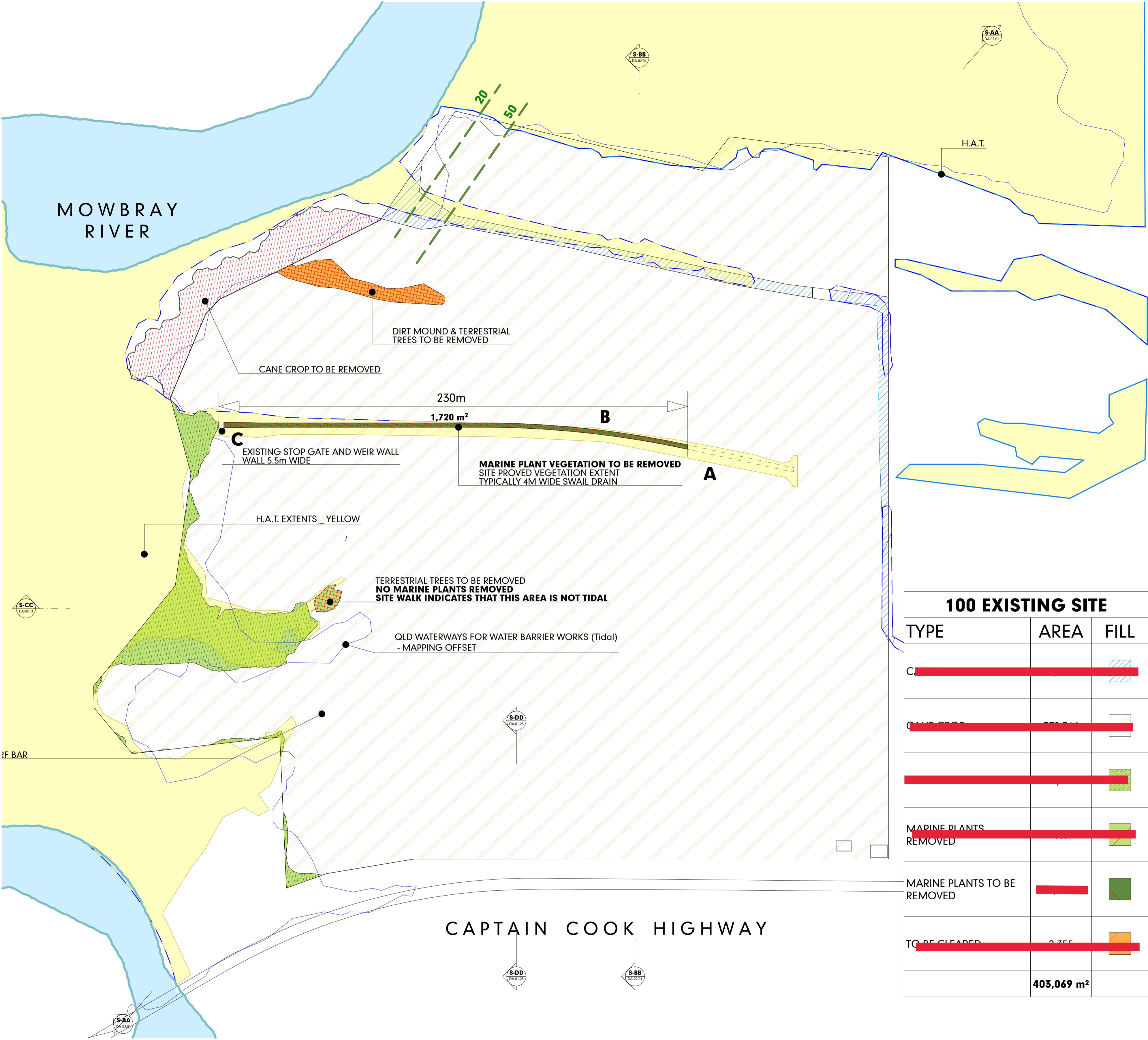


HUNT
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DA-01.11

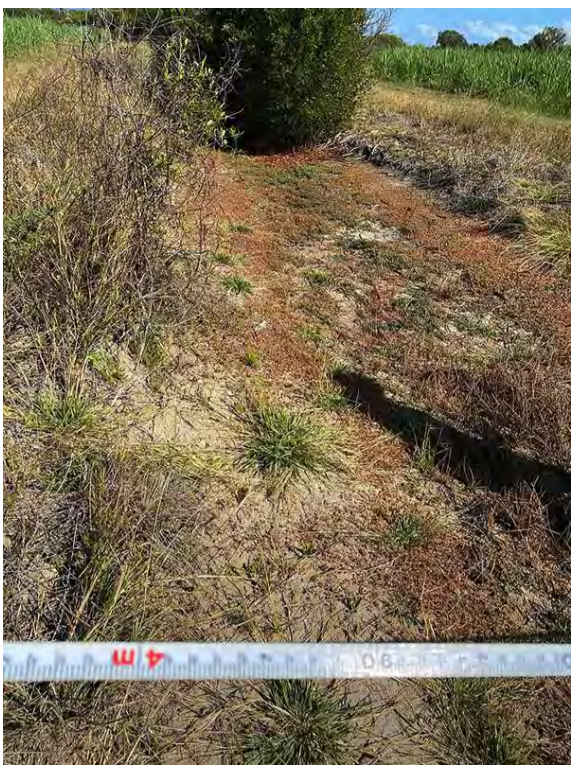
29/10/21



VEGETATION REMOVAL
SCALE 1:2000



SWAIL DRAIN - 4M WIDTH - LOCATION A



SWAIL DRAIN - MID POINT OPEN SECTION - LOCATION B



VINE AND WEED THROUGHOUT SWAIL DRAIN AND MARINE PLANTS



NORTHER END STOP GATE _ 5.5 m WIDE - LOCATION C



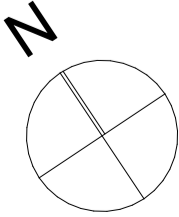
PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

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MASTER PLAN DIAGRAMS
SARA VEGETATION REMOVAL

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PROJECT NO. WAVE001
STATUS REVISION NO. DA ISSUE
DATE

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref:

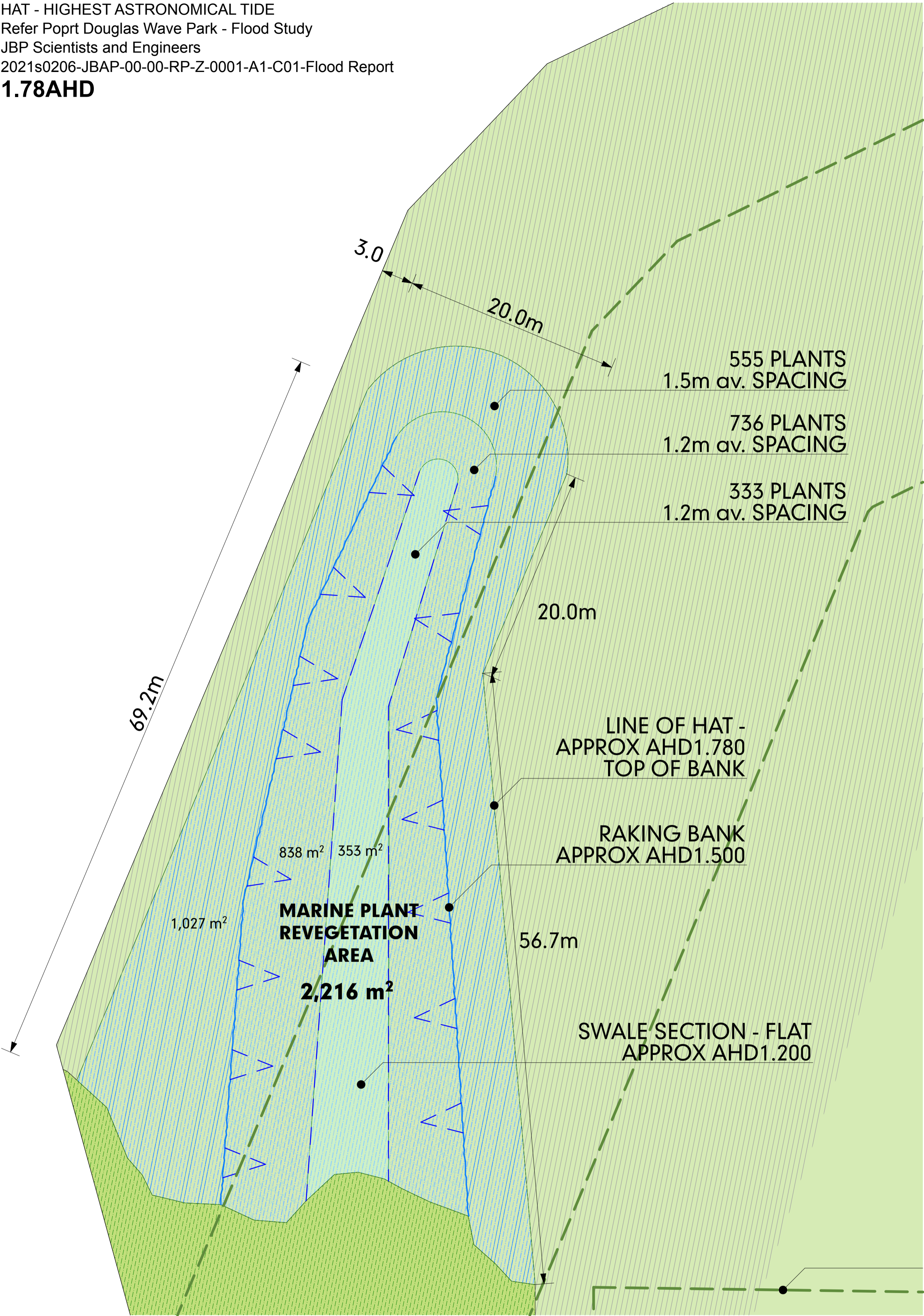
2108-24005 SRA

Date:

11 Jan 2022

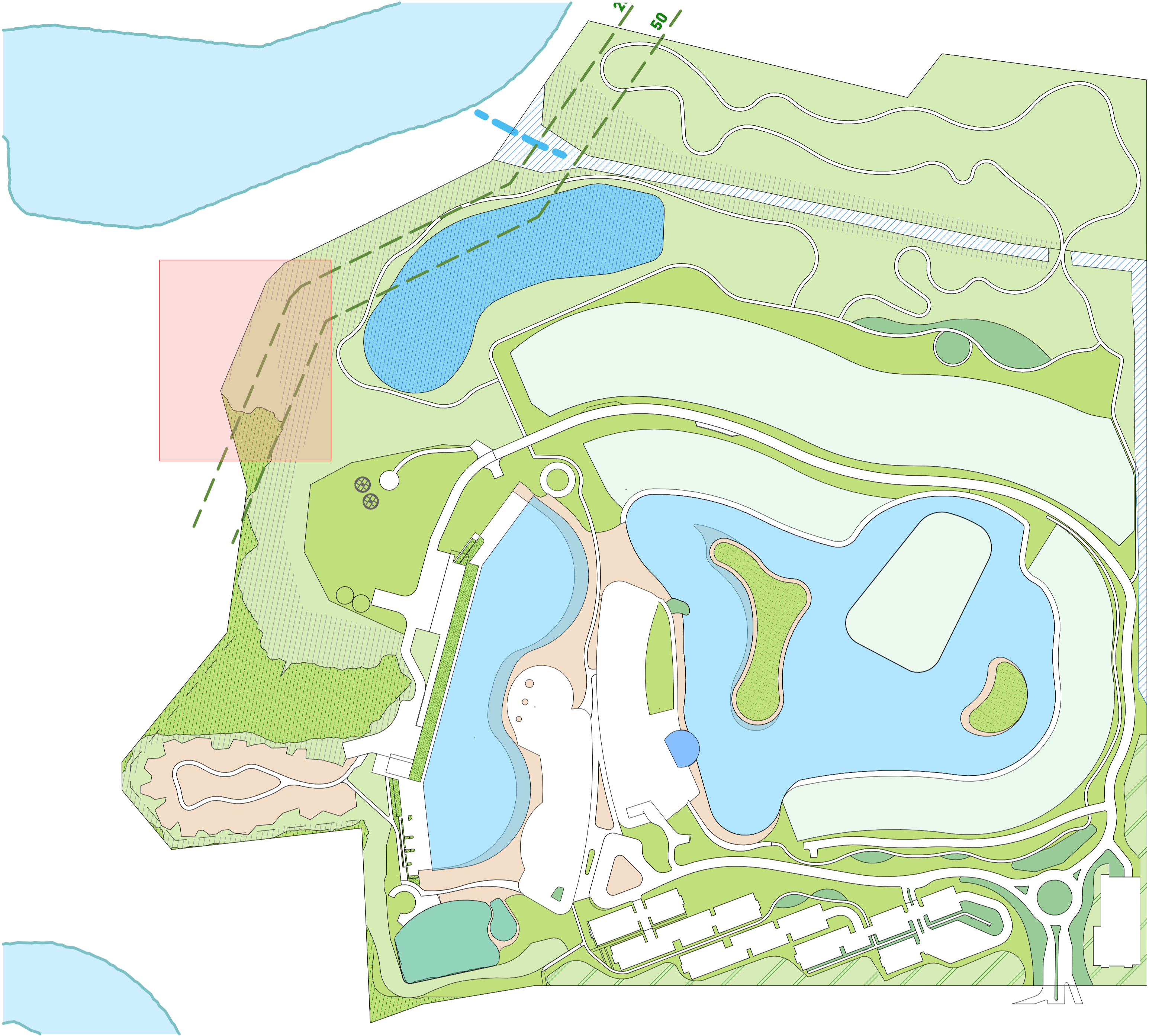


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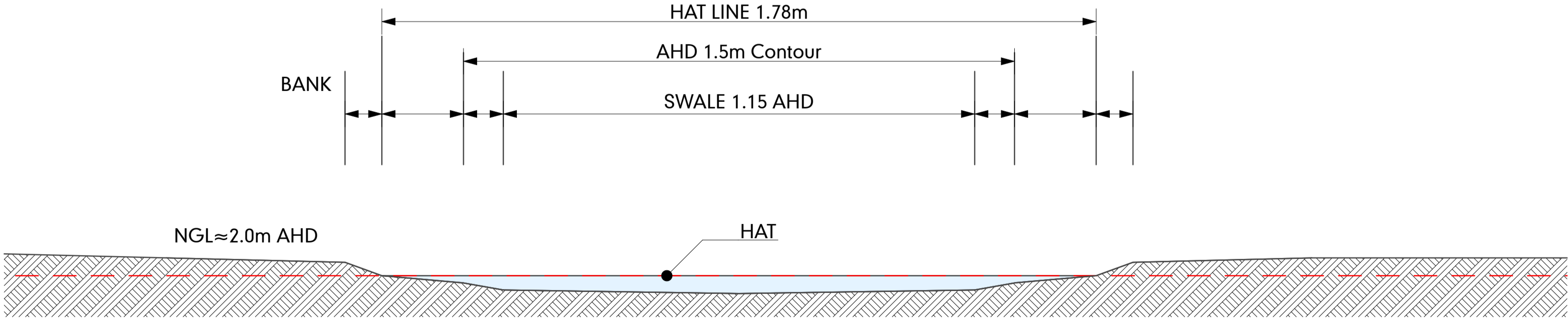
MARINE PLANT REVEGETATION
SCALE @ A1 -1:250

1



MARINE PLANT LOCATION PLAN
SCALE @ A1 -1:2000

2



MARINE PLANT LAND FORMATION
SCALE @ A1 -1:100

HAT

PORT DOUGLAS SURF PARK

DEVELOPMENT APPLICATION
FOR : GRABEN PTY LTD
5640 CAPTAIN COOK HIGHWAY
CRAIGLIE, QLD, AUST

MASTER PLAN DIAGRAMS
MARINE PLANT REVEGETATION AREA

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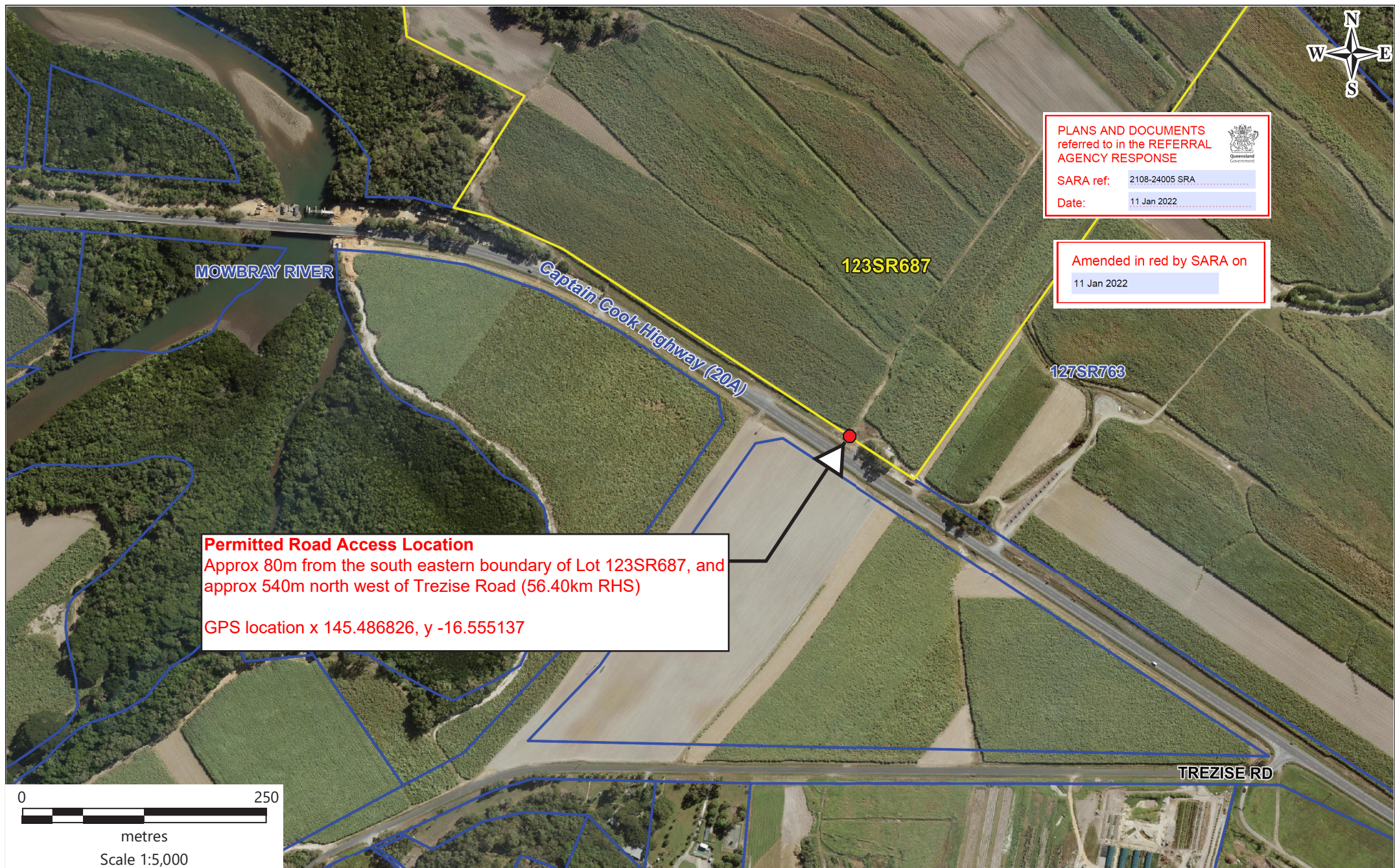
PROJECT NO. WAVE001
DRAWING NO. DA-01.24
REVISION NO. 01
DATE 17/12/21

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2108-24005 SRA
Date: 11 Jan 2022





**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

SARA ref: 2108-24005 SRA

Date: 11 Jan 2022

Amended in red by SARA on
 11 Jan 2022

Branch/Unit : Corridor Management / Far North District	<div> <div></div> Subject Land </div> <div> <div></div> Land Parcels </div>	<div> <div>TMR Layout Plan</div> <div>(20A - 56.54km)</div> </div>		Plan: 1 / 1	<div> <div> <div></div> <div>Queensland Government</div> </div> <div> <div>Queensland Government</div> <div>Transport and Main Roads</div> </div> </div>
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	File ref: TMR21-33812 (500-1563)			Issue: A Drawn by: RPK	

Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Pitney Bowes Software Pty Ltd (Current as at 04/10/21). [Dataset - Rail_Centre_Line, May 2010] provided with the permission of QR Limited and other state government datasets

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE	
SARA ref:	2108-24005 SRA
Date:	11 Jan 2022



PAPILLON LANDSCAPES

PORT DOUGLAS SURF PARK

Revegetation Activities

PAPILLON LANDSCAPES PTY LTD

- QBCC Licensed
- Landscape Queensland Accredited
- We hold all appropriate licenses and qualifications to undertake weed management and revegetation works
- Locally owned and operated with 25 years' experience in the Douglas Shire Council and surrounds
- Established local supplier contacts and relationships
- Revegetation experience
- Previous contract work with Douglas Shire Council and Terrain NRM amongst other large organisations in the Douglas region
- Please see attached Company profile and Capacity statement

WEED MANAGEMENT

Complete Site Management Methodology

Primary weeding

Initial weed clearance will occur through manual removal of weeds, and stem injection or other herbicide application techniques as suitable in each location.

Once weeds have died off, all residual organic matter will be removed from site.

All weeds that are in close proximity to any vegetation that can be retained will be manually removed to ensure remnant vegetation is not harmed by spray.

Secondary or Follow up weeding

Maintenance of areas which have already received primary weeding, including follow up herbicide treatment of re-shooting stumps.

Herbicide treatment to areas of weed that have returned.

Hand weed where required.


Brush cut to remove large areas of weed.

Maintenance weeding

Ongoing monitoring/hand removal of weed regrowth, minor application of herbicide as necessary.

Brush cut or hand weed to remove large areas.

Ring spray or hand weed around revegetation plantings if required.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE		
SARA ref:	2108-24005 SRA	
Date:	11 Jan 2022	



Weed management will also include prevention maintenance techniques and monitoring including...

- Vehicles and equipment inspected and cleaned to minimise the transport of weed seed.
- All areas will be inspected regularly as part of the ongoing maintenance process to identify the presence of weed specie.
- Monitoring will include pictures and descriptions of known weed species and reporting of incidental sightings.
- Treatment of entire weed infestations where possible.
- Re-treatment of recurring weed infestations at regular intervals.
- Mapping of key weed infestations following monitoring to track progress and focus control activities where necessary.
- Plant pest control actions will be undertaken where necessary.

TIDAL LANDS& WATERWAYS

Herbicides will not be applied within:

- 50 metres of the defining bank of a natural wetland, watercourse or drainage feature; or
- any relevant distance specified for the herbicide being used, to surface water (however so described), whichever is the greater distance.

REVEGETATION WORKS

Marine/Estuarine Plant Revegetation

Site Preparation

Revegetation activities will commence at the completion of site preparation and ground works.

All works are designed to limit erosion and promote successful regeneration for both plant and marine species.

Site profiling, bank battering and ground works will be inspected for suitability prior to any revegetation planting. Further ground preparation by loosening compacted soils will occur immediately prior to planting. For example, the battered section should have loosened soils with undulating surfaces to allow for water catchment, native seed deposits and natural grass and plant species regrowth.

Where surfaces have been prepared, planting of the revegetation species will be consistent with existing tidal areas on the site. This methodology should achieve the rehabilitation objectives and provide a successful outcome for estuarine plants survival and promote fish passage.

Planting of tube stock and seedlings will also be used to supplement natural regeneration. Local endemic species will be used.

Timing of these works will ideally be scheduled for seasonal advantages in terms of weather and rainfall.

Planting Design

See Plant Revegetation Area map attached. Approximate planting details below...

- Plant along top of bank 1027m2 at 1.5m spacings 555 plants
- Plant raking bank 838m2 at 1.2m spacings 738 plants
- Plant swale flat area 353m2 at 1.2m spacings 333 plants



Species Selection

Species selection is as per marine species observed on site.

Genus	Species	Family	Growth form
<i>Acrostichum</i>	<i>aureum</i>	Pteridaceae	Fern
<i>Aegiceras</i>	<i>corniculatum</i>	Primulaceae	Shrub
<i>Allophylus</i>	<i>cobbe</i>	Sapindaceae	Shrub
<i>Avicennia</i>	<i>marina</i>	Acanthaceae	Tree
<i>Bruguiera</i>	<i>gymnorhiza</i>	Rhizophoraceae	Tree
<i>Ceriops</i>	<i>tagal</i>	Rhizophoraceae	Tree
<i>Colubrina</i>	<i>asiatica</i>	Rhamnaceae	Shrub
<i>Crinum</i>	<i>asiaticum</i> ssp. <i>pedunculatum</i>	Amaryllidaceae	Lily
<i>Excoecaria</i>	<i>agallocha</i>	Euphorbiaceae	Tree
<i>Gahnia</i>	<i>aspera</i>	Cyperaceae	Sedge
<i>Hibiscus</i>	<i>tiliaceus</i>	Malvaceae	Tree
<i>Lumnitzera</i>	<i>littorea</i>	Combretaceae	Tree
<i>Osbornia</i>	<i>octodonta</i>	Myrtaceae	Tree
<i>Trianthema</i>	<i>portulacastrum</i>	Aizoaceae	Herb
<i>Volkameria</i>	<i>inermis</i>	Lamiaceae	Shrub
<i>Xylocarpus</i>	<i>granatum</i>	Meliaceae	Tree
<i>Xylocarpus</i>	<i>moluccensis</i>	Meliaceae	Tree

Revegetation stock will be selected from the above list. Stock will be tube stock and seedlings sourced from local nurseries including the Douglas Shire Council nursery and Mossman Gorge nursery. These locations are close in proximity to the subject site and have had success in producing the required marine species before. The DSC nursery is involved with all revegetation plant supply in the Douglas Shire and has provided over 40k plants in the past few years for revegetation projects.

~~Seeds can also be collected from site and propagated in the nearby nurseries, with the help of the local experts from both DSC and Mossman Gorge teams. They have extensive knowledge and experience with these estuarine/marine species. Marine plants and Mangroves may be grown in a variety of nursery conditions. Plants that have been grown under conditions similar to those found at the restoration site have better survival rates when planted at the site.~~

Planting

It is recommended that planting is to occur as soon as reprofiling has taken place to avoid any site disturbances from impacts such as rainfall events and to better manage weeds. Prior to planting, the site will be cleared of weeds and debris as outlined above.

Holes will be mechanically augered at a spacing of 1.2 – 1.5m. Into each hole approx. 50g of fertiliser to enhance root growth and water crystals to aid with water retention. A native tube stock plant will be placed in each hole and backfilled with soil. Finally, all new plants to be watered in well at time of planting. Through many years of trial and error, plus through attendance at workshops and formal training, Papillon has found the above method for planting native tube stock to be the most efficient, cost effective and yields the highest survival rate for the young plants.



Irrigation

Irrigation is dependent on the time of year planted and watering requirements. The wet season may not require additional manual watering whereas dry season may require weekly watering of new plantings. Papillon uses a mixed mode of water pods, manual labour or temporary irrigation systems when planning irrigation of a revegetation site. Collection and storage of rainwater and stormwater will be part of the initial site works for the development. It is proposed that this collected water will be the source for irrigation during the establishment of the revegetation works. It is envisaged that after 3 months of establishment, the tidal inundation will provide the required watering.

Jute matting will be utilised to provide weed and erosion control, acting as a mulch which will biodegrade over time.

Maintenance

Maintenance of the new plantings is absolutely vital. Studies have shown that adequate and attentive maintenance regimes can hugely enhance the success rates of revegetation activities. Papillon have found the following maintenance schedule is the most effective for supporting the young planting and ensures the best survival rates:

1. Planting to three months: Weekly monitoring and maintenance runs.
2. Three months to six months: Fortnightly maintenance runs.
3. Six to 12 months from planting: Monthly maintenance runs.
4. After 12 months the plantings are assessed on a case-by-case basis. Some plantings are self-sufficient after 12 months and others require additional work.

Maintenance involves the following activities but can vary depending on time of year, seasonal rainfall and impact of feral animals and weeds.

- Visual observation of the planting site looking for feral animal impacts (pigs), mortality rates, soil moisture and weed growth rates.
- Treatment of weeds if required.
- Application of additional fertiliser to encourage growth if required.
- Water plants as required.


Monitoring

Ongoing monitoring of revegetation sites will ensure the site is performing as expected. At each maintenance visit the site will be visually inspected for impacts and weed incursions. Along with this, photo points will be established to gather quantifiable evidence of the site's growth rates and overall health. The monitoring photos will be taken at regular six-monthly intervals.

Along with this the following metrics will also be gathered...

- Measurement of growth rates via estimated vegetation heights and canopy closure.
- Survival rate.
- Identifying presence of invasive and/or non-native species.
- Ad hoc recording presence of wildlife.
- Photographic evidence via photo point monitoring.

*** Photo locations should be marked with GPS recorded stakes, and orientation of photos should**

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be included in report, to allow replication photos to be taken periodically for clear comparison of progression achieved at each site.

Adaptive Management

If the monitoring of the revegetation site identifies improvements can be made, further investigation to establish a cause and appropriate strategy will be undertaken. This additional work will be negotiated and may require an additional cost to the base contracted revegetation price quoted.

Observations and actions may include...

- Soil and nutrient limitations or poor landscape preparation - Soil tests to ensure stability, application of fertilisers and nutrients. Excessive erosion or sedimentation may result in land stability and vegetation growth issues. Identify the extent and negotiate remediation program to repair area
- Observation of pests and disease – Identify pest and treat with appropriate pesticide etc
- Animal damage – Identify cause and fence to protect area or use of tree guards to protect individual young tube stock plantings
- Evidence of drought effects or storm damage – Establish extent of damage, present and negotiate solutions to introduce irrigation/replant
- Weed competition and/or competition with other species – Identify species, remove weeds or treat according to type. Establish alternate planting plan. Compare composition and structure of revegetated areas with the target outcome. Additional wash down and inspection procedures will be developed and implemented if required to combat noxious weed.
- Observation of mortality – Where mortality is high, a second planting may be necessary. A threshold level may be determined prior to initial planting to evaluate whether further planting should be undertaken, e.g. 50% mortality. Infill plant to replace unsuccessful plantings. Identify reason for failure and negotiate solutions. Heat, water, nutrition, fauna.
- Weather observations and inclement weather expectations – identify threat and introduce protection to site if able.

Our ref TMR21-033812 (500-1563)
Your ref PR148361
Enquiries Ronald Kaden



Department of
Transport and Main Roads

24 November 2021

Decision Notice – Permitted Road Access Location **(s62(1) Transport Infrastructure Act 1994)**

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number CA2021_4239/1, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 123SR687, the land the subject of the application, and Captain Cook Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Graben Pty Ltd
C/- RPS Australia East Pty Ltd PO Box 1949
Cairns QLD 4870

Application Details

Address of Property 5640 Captain Cook Highway, Mowbray QLD 4877
Real Property Description 123SR687
Aspect/s of Development Development Permit for Reconfiguration of a Lot for 1 Lot into 4 Lots, and
– Development Permit for Material Change of Use for Resort Complex (Outdoor Sport & Recreation, Short-term Accommodation, Food & Drink Outlet, Shop, Tourist Park, Helipads & Caretaker's Residence.

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 80 metres from the south eastern boundary of Lot 123SR687, in accordance with: 1. TMR Layout Plan (20A - 56.40km) Issue A 22/11/2021	At all times.
2	Direct access is prohibited between Captain Cook Highway and Lot 123SR687 at any other location other than the permitted road	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	access location described in Condition 1.	
3	The existing additional road access works situated between Captain Cook Highway and Lot 123SR687 must be removed and all table drain reinstated between the pavement edge and the property boundary.	MCU - Prior to commencement of use ROL - Prior to submitting the Plan of Survey to the local government for approval
4	Road access works comprising Channelised right turn (CHR) treatment, Channelised left turn (CHL) treatment & high angle entry onto Captain Cook Highway must be provided at the permitted access location, generally in accordance with: a) Figure 2 Proposed Intersection upgrade Concept Layout prepared by GHD in the Report for Graben Pty Ltd - Surf Port Douglas b) Austroads Guide to Road Design Part 4: Intersections and Crossings - Figure A30 Channelised right turn (CHR) on a two-lane rural road. c) Austroads Guide to Road Design Part 4A: Unsignalised and Signalised intersections - 8.2.4 Rural Channelised Left-Turn Treatment (CHL) with High entry angle	MCU - Prior to commencement of use ROL - Prior to submitting the Plan of Survey to the local government for approval

Reasons for the decision

The reasons for this decision are as follows:

- Currently the subject site (Lot 123 on SR687) has road frontage and vehicle access via Captain Cook Highway, a state-controlled road.
- The proposed development will require a changed access as the proposed development is increasing vehicle movements via the existing access.
- As such, a new section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

- There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

- In accordance with section 67(7) of TIA, this decision notice:
 - starts to have effect when the development approval has effect; and

- b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Technical Officer (Development Control) should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (20A - 56.54km)	Queensland Government Transport and Main Roads	22 November 2021	TMR21-33812 (500-1563)	A
Master Plan	Hunt Design	04 June 2021	WAVE001	01
Figure 2 Proposed Intersection upgrade concept layout	GHD		12544036 Extract from Report for Graben Pty Ltd - Surf Port Douglas	4

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 2108-24005 SRA

Date: 11 Jan 2022

Graben Pty. Ltd.
Surf Port Douglas
Traffic Impact Assessment

March 2021



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Appendices

- Appendix A – Traffic volumes
- Appendix B – Base case results (2023)
- Appendix C – Future case results (2033)

**PLANS AND DOCUMENTS
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AGENCY RESPONSE**



SARA ref: 2108-24005 SRA

Date: 11 Jan 2022

1. Introduction

1.1 Project background

Hunt Design has engaged GHD to prepare a Traffic Impact Assessment (TIA) to accompany a future development application for a proposed Surf Park at Mowbray, just South of Port Douglas. The Surf Park is proposed to provide recreational water sports facilities, hotel accommodation, ancillary retail outlets, food and drink facilities, as well as villa-style and detached dwellings for short-term accommodation.

The proposed location as depicted in Figure 1 has frontage to and will be accessed via the Captain Cook Highway (20A), just south of the Mowbray River Bridge.



Figure 1 Extract from Hunt Design Preliminary Set - Site Location

1.2 Purpose of this report

This Traffic Impact Assessment (TIA) identifies the anticipated traffic volumes, assumptions, traffic modelling, results and analysis to determine the anticipated impacts on the safety and efficiency of the Captain Cook Highway (20A). It will also highlight any mitigation actions that may be required to offset the impact of the proposed development.

1.3 Assumptions

The assumptions made to determine the Traffic Impact Assessment were:

- The development traffic volumes are derived from client-provided data for the development traffic,
- Current traffic volumes were obtained from TMR-provided AADT data for the Captain Cook Highway at Craiglie (closest point) - Site No. 6257,
- No traffic counts were undertaken for this TIA,
- The traffic modelling considers traffic movement during the peak hours for AM and PM for the development peaks and local traffic on-peaks,

- The traffic modelling assesses future growth for local traffic for a 10-year (2033) planning horizon,
- The traffic volumes representing the peak hours are assumed to occur in the peak season for both the local and development traffic to demonstrate the peak traffic conditions and
- Peak day is assumed to be a weekday at the end of July.

1.4 Disclaimers

This report: has been prepared by GHD for Graben Pty. Ltd. and may only be used and relied on by Graben Pty. Ltd. for the purpose agreed between GHD and the Graben Pty. Ltd. as set out in this report.


GHD otherwise disclaims responsibility to any person other than Graben Pty. Ltd. arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Graben Pty. Ltd. and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

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2. Intersection concept design

2.1 Proposed concept layout

A concept design for the proposed intersection with the new road from the development, to the Captain Cook Highway (20A), has been developed. The intersection design is in accordance with AustRoads Guide to Road Design Part 4: Intersections and Crossings - General.

The design parameters used to determine the intersection geometry were as follows:

- 3.5 m lanes on Captain Cook Highway,
- 100 kph posted speed, 110 kph design speed
- Intersection's purpose is to safely manage traffic in and out of the development

Based on the design parameters the following intersection layout was proposed:

- An unsignalised T-intersection,
- AUL
 - An Auxiliary Left Turn Lane (AUL), with high-angle entry, 135 m
 - Deceleration lane for southbound traffic entering into the development
 - Available traffic storage (excluding tapers) 135 m
 - High-angle entry allows traffic flow for northbound traffic entering the development
 - Dedicated lane allows development traffic to be stored away from through lane and allow safe and efficient traffic flow of the State-Controlled Road
- CHR(S)
 - Channelised right turn lane, short length (CHR(S)), with high-angle entry, 190 m
 - Deceleration lane for northbound traffic entering the development
 - Available traffic storage (excluding tapers) 190 m
 - Dedicated lane allows development traffic to be stored away from through lane and allow safe and efficient traffic flow of the State-Controlled Road
- High-angle left turnout of development allows traffic flow and no restriction by the right-turn movement
- Dedicated left and right-turn lanes out of development provide storage for vehicles exiting the development

This proposed intersection maintains safety functionality for traffic utilising the development. The concept intersection layout is shown in Figure 2 as extracted from the concept sketch.

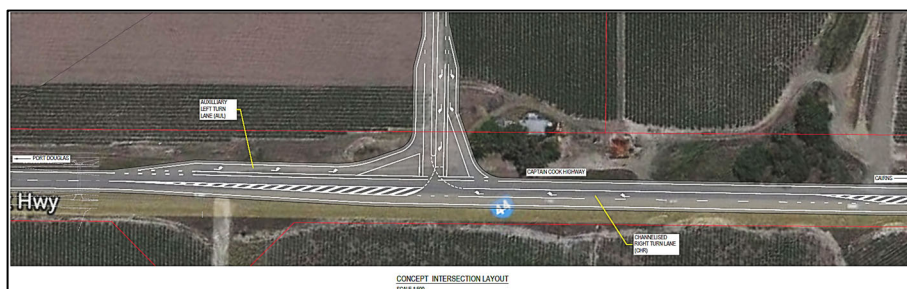


Figure 2 Proposed intersection upgrade concept layout

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 16 July 2021 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Due to the unique characteristics and size of the proposed development, the development cannot be accommodated on land designated for urban development. The Craiglie Residential Investigation Area is not suitable as the development of this land for this purpose is not in keeping with the development intent and would likely give rise to land use conflicts in the future should the land be developed for residential purposes;
 - ii. In terms of land use designations, the Planning Scheme does not anticipate this type of development taking place and therefore does not designate land accordingly. The Rural zone is the only zone that can accommodate the development;
 - iii. Despite not being anticipated development to establish in the Rural zone, the development is adequately separated from sensitive land uses external to the site. Continued use of rural land external to the site is not compromised by the development through the implementation of landscape buffers that will provide adequate separation. Such requirements form conditions of approval;
 - iv. The proposed development supports the strategic outcomes related to advancing diversification in the Shire's tourism offering and providing for a range of employment opportunities. The proposed development supports the diversification in the Shire's tourism offering by introducing new markets for adventure tourism. The proposed development furthers the Shire's Economic Development Strategy, where it is identified that the 'Douglas Shire is well-positioned to attract new markets with fresh experiences to capitalise on our appeal to the lucrative sports tourism and adventure markets'. This is especially relevant with regards to Council's commitment in the strategy to '*leverage the development of the State-delivered Wangetti Trail to explore opportunities to expand the region's offering in adventure tourism*'. The proposed development is well positioned to take advantage of significant new adventure tourist markets to

the region;

- v. The development involves the rehabilitation of approximately 25% of the site which will enhance the environmental and biodiversity values and the receiving catchment of the Mowbray River. The project's landscaping vision aspires to celebrate the surrounding natural environment while the development will incorporate a number of initiatives to re-use and recycle and reduce energy consumption;
- vi. The built structures of the Resort Complex are substantially setback from the Captain Cook Highway and will be screened from view over time by a dense landscaped buffer adjacent the Captain Cook Highway for the full frontage of the site, excluding access;
- vii. Sufficient information has been obtained to demonstrate that the development can be serviced by the reticulated water and sewer network subject to certain requirements being performed by the Applicant. Such requirements are detailed in conditions of approval;
- viii. The site adequately contains the use with the ability to provide additional onsite car parking should the provision of 369 spaces and 6 bus parking bays not be sufficient.
- ix. The subdivision of the land into 4 lots is an ordinary consequence of developing the land for the approved use. The subdivision of the land is not permitted to take place prior to the practical completion of each component of Stage 1.
- x. The development application triggered referral to the State Assessment & Referral Agency (SARA) regarding a number of State Interests pertaining to development in a Coastal Management District, damage to marine plants and State transport corridor considerations. The SARA issued correspondence approving the development subject to conditions.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework Rural zone code Multiple Dwellings, Short-term Accommodation & Retirement Village Code Relocatable Home Park and Tourist Park Code Reconfiguring a lot code Acid sulphate soils overlay code Coastal environment overlay code Flood and storm tide hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Access, parking and servicing code Advertising devices code Environmental performance code Filling and excavation code Infrastructure works code Landscaping code	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018

Compliance with Assessment Benchmarks

The development complies with the benchmarks as per the summary provided in Reasons For Decision in particular Item 3c.

Summary of Matters Raised in Submissions and Response in Making a Decision.

Submissions Against:

Inappropriate in Rural Zone

- . *The development sets an irrevocable precedence in the Rural Zone. The land is zoned Rural and the use should be for rural purposes and will result in a loss of rural agricultural land.*
- . *The planning scheme specifically exclude resort development, hotel, and food and drink outlet, high impact activity, office, parking, accommodation, shopping centre etc in the Rural Zone.*
- . *Assessment of the Agricultural Land Classification as lodged with the development application deemed the land to not constitute high quality agricultural land. In other words, the applicant selected Rural Zone for convenience.*
- . *The planning scheme sets the minimum lot size is 40 hectares. The applicant responds that the proposed Reconfiguration of a Lot component, whilst resulting in lots below the minimum lot size, is simply to enable the provision of four (4) precincts. The applicant proposes that a tiered Community Titles Scheme, comprising a Principal Scheme containing the four (4) lots administered under a Principal Body Corporate. In other words, the Rural Zone is selected for convenience.*
- . *The height of buildings is not compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.*

Response

The proposed development is a unique development in the sense that it is an integrated resort complex with a substantial outdoor recreation feature being the Wave Park. There are several different land uses that comprise the development and each one of these land uses should not be considered in isolation.

As detailed in the body of the Planning Report and in particular the assessment against the Strategic Framework, the development cannot be accommodated within existing areas identified to accommodate urban development or the future residential investigation area due to land use conflicts. The only feasible option to accommodate a development such as this in in the Rural zone.

The subsequent subdivision of the land into 4 lots with each allotment to contain an element of the Resort Complex is an anticipated and expected action to take place. This is a similar situation that has been applied to Sheraton Mirage and is not uncommon for significant integrated developments.

What is very important in terms of the subdivision which has been detailed in the report is the timing at which point the subdivision takes place. The subdivision of the land into the various lots will only take place once the various components of the Resort Complex has been established. This ensures that the development of the land takes place as intended and the creation of 4 vacant rural lots is avoided. A condition of the approval details this requirement.

Inappropriate expansion of urban area

- . *By providing significant long term accommodation options within a strata titled 'gated community' development, it is exacerbating existing and planned 'urban sprawl' south of Port Douglas.*
- . *The Douglas Shire Planning Scheme is deliberate in its intent to constrain urban*

development by restricting land use.

- There is a limited supply of unconstrained land in the Shire, making decisions about land use and future urban growth is extremely important. The capacity for the Shire to continue to grow is also constrained by the need to provide a reliable and adequate water supply, and in the road capacity of the Captain Cook Highway to cater for increase traffic volumes. Both represent thresholds, beyond which significant and expensive infrastructure upgrades would be required.*

Response

The proposed accommodation precinct is to provide alternative forms of short term-accommodation options to the traveller or visitor while also providing for a little longer stay than that typically associated with short-term accommodation being 3 months. The short-term accommodation precinct does form part of the integrated resort proposal and does not represent “urban sprawl” as suggested.

Significant upgrades are required to service the development. Such upgrades will be at the cost of the Applicant and will not fall to Council to cover these costs. Investigations have been undertaken which demonstrates that the development can be serviced without a detrimental or adverse impact on Councils existing infrastructure subject to certain requirements being met. These requirements are detailed within conditions of approval under the respective headings.

Inconsistent with Local Character and conflict with the Wangetti Trail

- The immense size and nature of the development, comprising of a large hotel, shopping complex, cabins, helipad, wave pool, lagoon pool etc., will irreversibly and detrimentally change the character of this area and Port Douglas.*
- The land is adjacent to highly significant habitat areas which are designated as: Estuarine Conservation Zones and National and State Environmental Significant Habitat.*
- The development is inconsistent with the natural amenity of the location and that of the Douglas Shire. The development is inappropriate at the gateway of the Shire.*
- The high-density development and artificial aspect of a Wave Park in FNQ is not in keeping with the natural experience provided by the Wangetti Trail. The concept of the Wave Park is antagonistic to the overarching concept of the nature-based experience of the Wangetti Walking Trail. An exclusive wave park is anathema to the ‘rainforest meets the reef’ World Heritage listed environment that draws locals and tourists alike to the area. The design should be more naturally focussed.*

Response

The proposal provides for a green buffer to the perimeter of the site utilising flora that can be found in the locality and is to be designed as such to form an effective screen overtime.

Views to the development will be limited as you enter the valley via the highway. The emphasis on the natural environment is a key driver in the proposal, such that a large portion of the site will be rehabilitated. The revegetation will provide a buffer to the Estuarine Conservation Zones and National and State Environmental Significant Habitat providing greater protection and increased areas for fauna to colonise and fauna to habituate.

The current use as a cane farm has a far greater negative impact when it comes to chemical use and runoff into the river system than that associated with the proposal. The appropriateness of the proposal as a gateway to the Shire is opinion.

The proposal is not looking to be a gateway statement as evidenced by the landscaped buffer adjacent to the highway for the frontage of the site. It is considered that the development will not be visually any worse than the industrial area of Craiglie which is currently an element of the arrival experience. It is acknowledged that that intersection upgrade with the Captain Cook Highway and associated lighting will represent change.

Surf tourism has a close connection with nature-based tourism and Adventure tourism worldwide, which is one of the key elements to the Wangetti trail. The development will enhance and co-exist

with the Wangetti trail and is anticipated to have a similar user profile.

Whilst the Wangetti trail is in an environmental setting, it as well has been modified by man and will introduce people to an area that currently has little to no human access for the majority of its extent.

The surfing community as a whole has always demonstrated a dedication to cleanliness of the environment, clean water and clean oceans is paramount to the sport and it is due to this that so many surfers are inherently so environmentally conscious and concerned about oceans, pollution and the wider environment issues.

The impact on existing residential will be minimal as the proposal is limited to the confines of the subject lot. Whilst there may be an increase in traffic it will mainly be to the Captain Cook highway, not significantly changing the effect on residents to the Mowbray valley. New users will also utilise existing transport networks and services already operating between Cairns and the Port Douglas region.

Inappropriate Location

- As the water supply will not be sourced from the adjacent Mowbray River there is no necessity for the development to be located on this property or within the Douglas Shire.*
- The development is more appropriate in a built-up area or urban location. A more credible location, in respect long-term economic viability and tourism success, would be within the neighbouring Cairns Regional Council area, for example near the Smithfield water ski park. A regional location adjacent to like facilities would utilise existing infrastructure.*

Response

The location of the site adjacent to the Mowbray River would provide a secondary water source subject to the necessary approvals being obtained.

The financial viability and attractiveness of the development from an investor's perspective is yet to be seen and the points made regarding a location in close proximity to Cairns is noted and not disagreed with. However, the consideration of the long term financial viability of this proposal or the financial viability of any development is not a planning consideration, or a matter Council should be concerned with.

Loss of Amenity and Scenic Values

- The development is inconsistent with the natural amenity of the location and that of the Douglas Shire. This natural amenity is both extremely important to the locals who call this place home, but furthermore acts as a key feature to attract tourists to the area.*
- Douglas shire is internationally known and marketed for its natural attractions – as the meeting place of the Great Barrier Reef and Wet Tropics World Heritage areas. If the venture should fail, there is potential for a publicly visible and large-scale environmental eye-sore on the otherwise scenic location.*
- The unobstructed green frame of the mountains and the sugar cane fields adds significantly to the Shire's much admired high quality scenic amenity. Great care is required to protect the Shire's natural and rural settings given the vital contribution they make to the Shire's identity and to the everyday experiences of residents and visitors alike.*

Response

On balance, the development will have limited impacts on the scenic amenity in the immediate vicinity of the site or the region more broadly. Dense landscape buffers will be implemented adjacent to the highway for the full frontage of the site which will form an effective screen overtime. It is acknowledged that the lighting associated with the intersection upgrade and potentially the Wave Park during peak times will represent a change, however not to the extent as to compromise the scenic values of the Shire. It must be noted that land on the northern side of Mowbray River will be developed over time to provide for approximately 400 residential lots. The Wave Park development is located proximate to this land to be developed for urban purposes.

The proposed development of the site involves the rehabilitation of approximately 25% of the site which will enhance the environmental and biodiversity values of the site and the receiving catchment of the Mowbray River. The project's landscaping vision aspires to celebrate the

surrounding natural environment.

Rainwater will be harvested, treated, and used to water the garden areas for the landscape works to provide a sustainable backdrop to the resort.

Tourism Impacts

- The proposal is completely inconsistent with the area as an ecotourism or high-end destination for the discerning traveller or families wishing to explore and experience the natural world. A mega resort/ amusement park is not in keeping with eco-destination marketing.*
- Douglas Shire has claimed the fame of being Australia's first ECO Destination Certified region and states that the Douglas Shire has demonstrated a strong, well-managed commitment to sustainable practices and provides high-quality nature-based tourism experiences within the region.*

Response

The proposed development seeks to offer resilient economic growth in opening new visitation markets for the Douglas Shire in the growing sector of adventure tourism. Council's Economic Development Strategy is aligned with Tourism Port Douglas Daintree's (TPDD) Destination Tourism Plan in highlighting the need to create new experiences that drive the region's competitive advantage in eco-tourism and seek to expand opportunities in adventure tourism. Both Council and TPDD also prioritise the importance of seeking diversification in the visitor mix to provide for more sustainable year-round growth in the value of tourism.

The proposal demonstrates understanding, respect and empathy regarding the unique natural environment of the Douglas Shire, and the importance of protecting and celebrating our Eco-Tourism positioning, and applying clean, green business practices. The project seeks to undertake significant rehabilitation works that will enhance the ecological integrity of the area and will include managing nature areas close to the river and coast. Building within the development is proposed to be a beacon for sustainable construction.

Lack of Need

- There is no evidence of demand or desire for the development of a wave park in FNQ.*
- Except for the wave pool these facilities already exist at Port Douglas, Craiglie and in the Mowbray Valley and there is no evidence that more facilities are required. If there is evidence that they are required surely they could be sited at a far less intrusive or environmentally appropriate location.*
- The scale of the development proposal is likened to a Gold Coast theme park developments. Many residents want a lagoon pool development but do not support a 'mega' themed resort of this scale, as it does not complement the existing lifestyle and tourism offerings.*
- There is no justification for another helipad in the area.*
- The development is described by the applicants as "catering to the tropical north Queensland surf market potential to cater for locals and tourists who will pay for an experience that cannot be obtained elsewhere in the region in a tropical environment that is more comfortable than winter surfing in the southern parts of Australia." There is no evidence that a 'tropical north Queensland surf market' exists.*

Response

In response to the Lack of Need, the following information has been provided by the Applicant:

"Currently there are no real surf breaks in tropical Australia, so the Evidence for demand of a Far North Queensland surfing destination has been guided by the surf tourism market that travels abroad to access the tropical surf experience.

An estimated 2.5m Australian's that consider themselves recreational surfers. In 2019 around 1.3m Australian's travelled overseas to Bali. A large number of those would have travelled with the intention to surf, and most travelled during the southern hemisphere winter. Currently there is no recognised surf breaks in Australia above the Tropic of Capricorn.

Roy Morgan is Australia's best known and longest established market research company.

On April 23rd, 2015, they reported that Australia's reputation as one of the world's great surfing nations is undisputed. They stated that between 2010 and 2014 the number of Australians 14+ who surf either regularly or occasionally has risen from 702,000 to 746,000. The number of Aussie women taking part in surfing rose from 218,000 to 258,000, an increase of almost 20%. The number of teenage girls aged 14-17 who surf regularly or occasionally grew from 31,000 to 50,000 over that time, while the number of 18–24-year-old women rose from 46,000 to 59,000.

The sport is also experiencing a boom among women aged 50+, 58,000 of whom hit the surf last year, up from 40,000 in 2010 – a 45% increase in participation.

Men aged 50+ are taking to the waves in ever-increasing numbers: up from 93,000 in 2010 to 169,000 in 2014

Source: Roy Morgan Single Source (Australia), January–December 2010 (n=18,817) and January– December 2014 (n=15,944)."

Currently there is only one accessible operating wave pool in Australia. Urban Surf in Melbourne. In July 2021 there were 15 pools open with surfing access, 10-15 under construction, 50 planning to break ground and a lot more at the investigation stage. In Queensland alone, approvals have been granted for 3 pools with proposals for another 8 at planning stage."

When considering the notion of a 'mega themed' resort as suggested by the submission, it is important to note that while the development footprint is significant, the site which is to contain the development is also large and can comfortably accommodate the development. It is the opinion of Council Officers that while the Wave Park could be considered a large-scale attraction, it does not constitute a 'mega themed' resort. In establishing this view, key items to consider when contemplating "large scale attractions" are building heights, building setbacks, site cover, ability for appropriate landscaping treatments to be established and the like. The proposed development does not give rise to any concerns regarding these matters.

Economic Concerns & Long Term Viability

- . *The economic value case is highly pitched but is reliant on the creation of a new market.*
- . *There is no evidence of a commercially viable demand for an artificial surfing destination among FNQ's natural attractions; and there is no evidence of the proposal's long-term commercial viability.*
- . *The underlying commercial viability of this project is dubious given the distance from town for tourists to access it, and a high cost of entry fees indicated by those charged in existing wave parks.*
- . *The development should be undertaken in Cairns which would have a sufficient population to support and pay for it.*
- . *The only commercially viable aspect of this development is the residential permits that will be acquired.*
- . *North Queensland has more than enough failed tourist attractions which leave a huge eyesore and a vast amount of environmental damage which can never be rectified.*
- . *The economic forecast for this resort does not account for probable tottering market due to travel costs, climate change, competing attractions e.g., AQUIS resort proposal for Cairns in the 2010s.*
- . *At some time after development approval is obtained, and before completion, we can envisage a significant downgrading of the economic case and the scale of this development – potentially a stranded asset.*
- . *Unconvincing social benefit for residents due to the prohibiting cost to use the wave park regularly by locals.*
- . *Proposers should make a public statement about high access costs, so residents and Council can reconsider such support before decisions are made.*

Response

The proposed development will deliver in bringing an entirely new visitor markets and experiences to the Shire – important strategic goals in both the Tourism Port Douglas Daintree Strategic Plan and Council's Economic Development Strategy. Diversification and growth across the tourism offering in the Shire is seen as critical to ensuring a resilient and prosperous economy.

Council's Economic Development Strategy is aligned with Tourism Port Douglas Daintree's (TPDD) Destination Tourism Plan in highlighting the need to create new experiences that drive the region's competitive advantage in eco-tourism and adventure tourism. Both Council and TPDD also prioritise the importance of seeking diversification in the visitor mix to provide for more sustainable year-round growth in the value of tourism.

it is reasonable to expect the project will deliver a game changing tourism offering for the Douglas Shire with high value global appeal.

Sustainability

- . *The development has no commitment to or strategies to minimise carbon emissions.*
- . *Constructing a surf park is an incredibly resource-intensive undertaking even if everything is done "right".*
- . *When it comes to addressing the environmental sustainability of a surf park, there is a wide range of criteria that needs to be met. Things like wastewater treatment, waste management, reducing harmful emissions, minimizing use of toxic substances (i.e. pesticides, swimming pool disinfectants, etc) and more are all factors that go into creating a comprehensive sustainability picture. The main shortcoming across the industry at this stage is the lack of a clear and comprehensive approach to sustainability.*
- . *The source of water for the swimming lagoon is a storage reservoir and roof harvesting, however it relies on technology that is still under development.*
- . *The construction of a wave pool is very resource intensive – the use of massive amounts of concrete will have a significant greenhouse gas emission.*
- . *Water usage is unsustainable in our Shire - we already experience water shortages.*
- . *The power required to run a wave pool will require significant fossil fuel usage, contributing to carbon emissions. What is the estimated demand for power for this project and how much will be provided by fossil fuel?*
- . *This project demands certification for sustainability standards, for example STOKE certification. Such a heavy environmental impact should not be greenwashed.*

Response

As expressed by multiple proponents, sustainability is a very complex issue.

Throughout the reports, the Applicant has promoted sustainable design principles and practices will be utilised. The Applicant has commissioned several specialist engineers to consider factors of sustainability including water as shown in the supporting information.

Sustainability is far reaching and has always been a fundamental driver for the development. From a design standard, the proposal seeks to take advantage of local climatic and environmental conditions, looked to optimise energy efficiency, minimise reliance on non-renewable energy sources and facilitate and promote alternative energy supply through the use of renewable energy sources.

In addressing the concerns raised regarding "Sustainability" the Applicant has provided the following response:

"Sustainable elements which are proposed include:

- . *Large portion of the site is to be rehabilitated;*
- . *Buffer zones to protect the coast;*
- . *New indigenous plantings;*

- . *Water Capture and reuse;*
- . *Water sensitive urban design principles;*
- . *Water chilling of water bodies to reduce evaporation - Off peak chillers - run by solar;*
- . *Mass Timber Construction;*
- . *On site solar generation, storage and community mini grid;*
- . *EV power stations;*
- . *Passive cooling.*

Once considered an ideal in the tourism sector, a focus on sustainability is becoming the expected.

'Looking to the future, a focus on sustainability and experience will continue to impact the hotel industry cutting across geographies, demographics and psychographics. Hotels will be more focused on the use of environmentally sustainable practices and the new generation of customers have a different way of looking at luxury that may translate to a more responsible consumption.' *New Horizons Trend Report 2040*

Sustainability is an everchanging and fast paced movement. Research on energy generation, batteries and mini grid application investigated at the start of the design process is already out of date. The developments commitment to sustainability will ultimately be enforced by the consumer.

Water

The water storage lagoon is primarily intended to provide compensation for evaporation in the dry season. Further development and new technologies are being introduced by the engineers and a full design will be provided during the development stage.

The water model produced by GHD provides for make-up water.

To comply with the Water Quality Guidelines, the intake to the reservoir will consist of overflow water from the water bodies during the wet season, coupled with roof harvested rainwater. The TURBID technical Memo outlines treatment and disinfection assessed against the WSAA Health Based Targets for Drinking Water Safety.

The water balance summary was produced using 85th percentile driest year event. A sensitivity analysis was undertaken, assessing two 85 % dry years back-to-back, with the results highlighting that there would be sufficient residual storage in the Water Storage Lagoon to keep the Recreational Lagoon above the minimum operating level in the second year, while the rainfall simulated in that year was sufficient to begin filling both water bodies.

This water balance is seen as being a worst-case scenario. Investigations into the cooling of water, water film additives and shade can all help in reducing evaporation and in turn the requirement for make-up water.

Overflow water

Disposal of filtration backwash is typically designed to go to sewer if the capacity is available at the municipal plant. If salinity is an issue on testing the operation can be configured to backwash with the water that has been treated for use in the pool facility but has not yet had the salt added.

Discharge to environment due to high rainfall – this would be managed through operational procedures to minimise the overflow of water bodies in the system. Management of the water body levels will be a combination of automation and operation interaction. In a severe weather event, water levels in the reservoir will be dropped to provide additional storage capacity. This will typically be required during the wet season when storage is kept low in case of such an event. Long range forecasting will help inform levels typical with all dam operations. In extreme events, overflow may need to go through the HES basin and then to environment. In this situation, the flow from the surf park should be minimal compared to the river but it may require a water balance to demonstrate this. If this occasions occurs it will

also mean that flow in the Mowbray is extreme and with water associated with the overland flow is contaminated with foreign particles.”

Detrimental Social Planning Impact

- . *The new development will result in an inappropriate population growth in the Shire and will urbanise the lives of those who live there including the Mowbray Valley.*
- . *The impacts of the resort on the quality of the lives of locals should be the highest priority.*
- . *The social benefits for shire residents remains highly questionable due to the cost of amenities, the insular nature of the park as well as the opportunity cost of acting as a potential detractor for the area for tourists.*
- . *Considerable social impost on residents due to influx of workers with no provision for accommodation and resultant drain on community resources.*
- . *In its construction phase (estimated at up to 4 years) the project is likely to place extreme pressure on local housing stock and services such as health and education.*
- . *It will also increase traffic congestion on the one access road through the Shire.*

Response

Letters of support from organisations such as Port Douglas Surf Life Saving Club directly speak to the social benefits of the proposal. Open spaces that are capable of multi-use, such as outdoor gyms, social gatherings and outdoor exhibitions are included.

Increased employment and training opportunities, especially for younger residents, provision of new recreational pursuits, provision of new parks and recreational areas are all examples of social benefits.

Community safety is a side-benefit of this project. Currently young lifesaver (Nippers).

numbers are in serious decline with parents concerned with their kids swimming in a location perceived to be dangerous due to stingers, crocodiles and other potentially dangerous sea creatures. The surf park is a perfect year-round safe environment for lifesavers of all ages to learn new skills, train in varying surf conditions.

The proposed development will provide a range of employment opportunities for Aboriginal and Torres Strait Islander peoples. From upskilling in the hospitality industry, contribution to maintenance and operation of facilities, involvement in culturally appropriate activities which may include bush tucker walks, cultural displays, rangers monitoring environmental areas and other similar potential activities.

The economic benefits created by the development will also create positive social planning outcomes.

Workers

As part of the proposal is the establishment of a Surf Cabins precinct. These cabins are designed to cater for school groups, budget travelers and Wangetti Trail users. The cabins are intended to be prefabricated off-site and transported to the property and hooked up to all services.

The cabins have been configured to allow for 3 or 4 guests per cabin. Facilities are limited to ensuite and limited amenities such as TV and fridge but are not designed to incorporate cooking facilities. A “Long House / Beach Shack” is centered within the Surf Cabin site with a large covered area for cooking and eating in a communal facility. Laundry facilities are also included.

The Applicant has advised this will be the first stage of the development and these facilities would have the potential to be used for workers accommodation in addition to other demountable buildings if needed. As is often the case in Port Douglas when larger projects are being undertaken, tradesmen from Cairns and surrounding areas regularly commute to the township daily, therefore not needing overnight accommodation.

General staff accommodation shortages across the shire and FNQ is an issue that requires addressing at all levels and the resolution of this issue is not going to be solved in the assessment of this proposal.

Environmental Impacts

- . *The development does not demonstrate adequate environmental assessment of impacts on the surrounding sensitive coastal and estuarine habitats. These include the effects of increased artificial light and noise, vehicular access and human intrusion, as well as the flow-on impacts of changed ground and surface water patterns, the surrounding coastal, estuarine and foreshore habitats.*
- . *These mangrove breeding zones are vital to the health and viability of fisheries and other marine life.*
- . *The impact on river flow and water quality has not been assessed.*
- . *The uncontrollable pond overflow and other impacts from the developments during floods, tidal surges and cyclone destruction of infrastructure cannot be under-estimated.*
- . *The hard infrastructure is likely to significantly impact ground and surface water patterns with flow-on impacts to surrounding areas, potentially further impacting estuarine and foreshore habitats and the Great Barrier Reef. During the wet season a huge amount of water will be falling onto the impermeable surfaces of the development, although it has been noted that water will be captured in a reservoir, further studies need to be undertaken as the run off from the chlorinated pools and the addition of a large amount of fresh water (not containing nutrients as it would had it fallen on the land) into the brackish water of the Mowbray River and is likely to impact habitat.*
- . *Potential ongoing intrusion of impacts from the proposed helicopter pad and associated flights. These conservation zones all come under the bilateral migratory bird agreements with Japan (JAMBA), China (CAMBA) and the Republic of Korea (ROKAMBA), establishing biodiversity conservation rules, as the whole of the Mowbray River area falls within the East Asian Australasian Flyway Path. The development will cause adverse impact on spectacled flying fox foraging habitat and disruption to bat flight paths.*
- . *The MSES report identified the potential for damage to the habitat of the spectacled flying fox. The developers must ensure that planting provides foraging opportunities for the spectacled flying fox and other native species. It is anticipated that good planting will encourage roosting by key tropical rainforest-supporting species such as Rainbow and Scaly-breasted lorikeets and Shining starlings. The developers must outline their proposed response to roosting at the site.*
- . *If the resort and wave park is connected to the Council wastewater system, will water from the pools will be flushed in to this system? Is there any risk of wastewater, containing chemicals, being discharged into the Mowbray River or onto 4 mile beach and into the GBR lagoon?*
- . *The canal waterway was observed to have numerous fish present during the wet season survey and is likely to provide fish passage during the wet season.*
- . *The development will negatively impact on the existing canal. Although the developer indicates the canal will not be removed, it is reasonable to expect damage as a result of significant earthworks and construction on site. Protection of the canal should be a condition of the development.*
- . *A plan mapping the extent of marine plants shows that based on the current layout approximately 0.1965ha of marine plants will be impacted. The notional offset area is 0.786 ha based on the Department of Environment Science Offset Calculator or a financial offset of \$29,475.00. The developer believes that "given the proposed vegetation rehabilitation across the site it may be possible to provide an on ground offset area instead of paying the notional financial offset. The footprint of the proposed development has been sited to avoid marine plants where feasible, and offset where not. The proposed offset areas is substantially above the notional offset required in the DES Offset Calculator demonstrating not just the mitigation but net ecological improvement for marine plant habitat across the site." Replacing the impacted marine plants with the same species, should be required as offset.*
- . *Concerned at the impact on the environmental values of the area caused by noise of*

helicopters.

Response

The Applicant has commissioned several specialist reports investigating the environmental constraints of the site, including a flood assessment and how the development responds to such matters. The Application was referred to Department of Environment & Science & Department of Agriculture & Fisheries through Cairns SARA in relation to coastal triggers and damage to marine plants. Both of the State agencies assessed these elements and subsequently approved the development subject to conditions. Part of the conditions require a vegetation offset be provided onsite. Details of the area to be revegetated with marine plants form part of the approved plans.

When the State agencies were undertaking their assessment, they had access to the flood study as supporting information which details an increase in flood levels external to the site to a maximum of 183mm with the area of land mostly impacted being the unallocated state land to the north of the site. Impacts on other land external to the site ranged from 18mm to 37mm which is considered minimal and not to cause an actionable nuisance.

A condition of the approval requires the velocity of the water to be clarified to ensure that any change will not impact on the vegetation or banks with respect to scouring and the like.

Helicopter flights to the facility have been conditioned not to include commercial activities and other like uses. Flights to and from the facility will be minimal and a condition of the approval has been added to reflect this.

It is anticipated that backwashing of the filters will be discharged to the sewer. A condition of the approval requires volumes and frequency to be determined and forms a condition of the approval.

Cultural Heritage

- The Cultural Heritage values of this area seem to have been dismissed due to the property being freehold. This entirely disregards the age-old indigenous history associated with the Mowbray River and surrounds. At the very least our indigenous communities should be afforded the respect of consultation.*

Response

It is understood that due to the freehold tenure of the property, any ability for a native title claim over the land is extinguished. It is also noted that the area of land subject to the development has been subject to significant ground disturbance over the decades through the cultivation of sugar cane. However, the Applicant must still have regard to the Duty of Care Guidelines under the Aboriginal Cultural Heritage Act 2003.

An Advice Statement has been added to incorporate this requirement.

Noise, Dust and Light

- The lights which they hope to obscure by the 3-story hotel will change the outlook forever.*
- Increased dust, noise of heavy machinery and increased traffic during the building phase.*
- Existing residents in the vicinity of the Wave Park will be subject to significant, excessive, prolonged noise from both the Wave Park and the helipads on site, by the applicants own admission, with the amphitheatre created by the hills of Mowbray amplifying sound.*
- The noise level emanating from this wave machine is expected to be as loud as that in previous wave parks built in Australia which reach up to 60 decibels negatively impacting on both the surrounding habitat and residential neighbours.*
- "Noise from a wave park planned for Melville will be as much as 10 times higher at residents' windows than what the company estimated in the state environmental approval process, a University of Western Australia scientist says." "He said the modelling contained fundamental errors and may have underestimated the noise by as much as 10 decibels, meaning the level of noise could be 10 times what Urbansurf had predicted at residents' homes. This meant some neighbours could experience up to 60 decibels, well over the 42 specified in WA law. He also estimated likely noise levels on the most ecologically sensitive side of Alfred Cove*

Nature Reserve to be above 50 decibels, which he said would be damaging to wildlife."

- Noise from the high-density development as well as the machine-driven generation of waves is likely to impact near-by human residents. The applicant's response to further information says the: 'the surf park itself which generates its own noise from breaking waves ... will mask the helicopter operations to some extent'.*
- According to the Helicopter Association International (HAI), the sound of a helicopter flying at 500 feet is about 87 decibels. At 1,000 feet, the sound drops to 78 decibels. For comparison, a vacuum cleaner is about 75 decibels while a power lawn mower is about 90 decibels. (Neither of those make infrasound). The noise levels are much higher on take-off and landing. Apart from houses and businesses within the vicinity, people using the area nearby for recreation will be exposed to the full impact.*
- There is no acoustic impact study, no restrictions on numbers of flights or on time of day for flights.*
- Dust nuisance during construction, and dust impact from helicopters. 'Rotor downwash' is a commonly ignored phenomenon that occurs during helicopter hover near a ground surface. It has the potential to cause significant damage to nearby vehicles and objects, as well as people. It is not clear what impact this activity has on the natural environment, over time.*

Response

The helipad will have limited use during daylight hours. The frequency is not expected to cause unacceptable noise impacts. No permanent on-site operation is proposed or will be permitted as part of the development.

The location of the helipad is downwind from the whole development such that helicopter movements are somewhat isolated from most of the site. The nearest activities are the surf park itself which generates its own noise from breaking waves which will mask the helicopter operations to some extent.

The arrival and departure paths from the helipads avoid flying directly over the resort and accommodation precincts and other adjacent existing residential properties.

The subject land is already subject to different noise levels from a variety of sources. Heavy traffic typical sound levels are 89-90dB, Farm Machinery ranges from 80dB for modern equipment up to 100dB for older equipment.

Endless Surf, the supplier of the Wave Technology, have proven noise mitigation calculations and methodologies to reduce the sound level that escapes the plant facility. By utilising simple acoustic louvres, Rockwool lining and lined ductwork, a target acoustic noise level being emitted from the equipment room is between 60 & 70dB – _the level of a typical conversation.

Noise reduction construction and baffles will reduce noise from the plant to levels below 60dB. The technology described in the submission is far different from the proposed technology for Northbreak and should not be used as a comparative noise example.

A condition of the approval has been included to ensure the acoustics are appropriately addressed and don't create a noise nuisance.

With regard to dust, further development approvals are required to undertake building work, operational work and work within the road corridor.

In each instance, the conditions of these future approvals have regard to work periods, environmental considerations and obligations under the Environmental Protection Act not to cause a nuisance.

Storm Tide Inundation and Flood Plain

- It is extremely poor practice to site a development on such low-lying coastal land adjacent to the mouth of a river. Low-lying sites, like the one proposed by the wave park, are extremely vulnerable to storm surges and rising sea-levels. Council's Climate Hazard Adaptation Strategy (CHAS) objectives explicitly include the need to minimise such impacts on tourism, and limit impacts on assets and infrastructure (including new developments).*

- . *Lot 123 on SR687 is further mapped wholly within the high and medium storm tide hazard area. Notably inland areas including Mowbray River Road have previously been inundated during large storm events. The coastal risk Australia modelling shows this site will be largely underwater in 2100.*
- . *Achieving insurance for this location will be very difficult.*
- . *The applicant relies on responses provided in the commissioned Flood Study prepared by JBP.*

Response

As detailed in the body of the report, an investigation into the flooding characteristics both pre and post development has been undertaken with those findings detailed and qualified. It has been shown that the development can take place without causing unacceptable drainage impacts on land external to the site.

The development will be constructed to ensure that immunity is achieved from storm-tide inundation. Referral to Department of Environment & Science (DES) was undertaken due to the site being contained within a Coastal Management District. The development was approved by DES through the State Assessment & Referral subject to conditions.

Water Supply and Sewerage

- . *The use of this volume of bore water would have significant impact.*
- . *It is hard to reconcile the project will be reliant on town water (even if much of the water transfer is proposed for the wet season).*
- . *The development will place further pressure on Council's limited potable water supply for the Shire especially as locals already face restrictions.*
- . *The developer proposes to source water from a number of sources including connection to Council's reticulated network, harvesting and treatment of stormwater and re-use of treated effluent for use in landscaping. To avoid restrictions on use of Council water supply, the developer wishes to secure access to water from the Mowbray River.*
- . *"We acknowledge that any future proposal to source water from the Mowbray will require a range of additional approvals relating to issues such as tenure, use of Crown land and licencing to draw water from the Mowbray, and commit that we would, should the need arise, pursue those approvals prior to any extraction occurring." However, as the current proposal is not reliant upon this source, it is not intended to seek these approvals as part of the pending Development Application – the project simply needs access to this potential water source should a future need arise".*
- . *Such a tenuous access to the significant volumes of water required for the project undermines confidence in its ultimate success. The drain on the Shire's scarce water supply is unsustainable.*
- . *Douglas Shire already has a major problem with sewage disposal in low-lying settlements. Further development in such areas with a high-water table next to the ocean will create further such situations which the ratepayers then have to pay the cost of containing or remedying.*
- . *The community will incur ongoing costs associated with extending sewerage and water supplies. These will ultimately be borne by the Council and ratepayers.*

Response

Water supply and sewer modelling has been undertaken in order to understand with a high degree of confidence the impacts that such a development will have on Council's network. The impacts are considered in the context that the development site is located outside of the Priority Infrastructure Area established by the Local Government Infrastructure Plan.

The applicant seeks to minimise its water supply impacts by capturing rainfall on site for topping up the wave park and lagoons.

Council has modelled two water supply scenarios to assess potential impacts if all water was sourced from Council's system (potable water and top up water), and also considered the scenario where the water collection on site is able to keep up with losses so that only normal domestic consumption demands occur on site.

In summary, the outcomes of the water modelling investigation have concluded that:

1. The development requires the construction of a 300mm diameter main from Craiglie to the development to supply firefighting and peak demand flows. The size also allows top up water to be supplied where needed and for the initial filling to be supplied from Council's network (if the on-site capture cannot achieve this);
2. The existing water supply network has sufficient capacity to fill the Wave Park Development (including the freshwater lagoon) over a 30-day period;
3. The existing water treatment facility has sufficient capacity to service the Wave Park development under existing and future demand conditions and meet targeted levels of service in line with the FNQROC guidelines;
4. In high demand conditions and as development continues to occur within the water supply network and within the priority infrastructure area, greater reliance is placed on the Craiglie reservoir and water pump station to support levels in the Crees Road reservoir in order to service the Wave Park development. That is, water from the Craiglie ground level Reservoir will need to be pumped to the elevated Crees Road reservoir. This has implications for Council with regard to ongoing costs associated with pumping water from Craiglie to Crees Road Reservoir in order to be gravity fed to the Wave Park. This reliance will decrease if the on-site water capture and storage is effective and hence the scenarios model present best case (site water capture) and worst case (Council supply) assessments; and
5. The proposed 300mm diameter Wave Park connection main provides adequate capacity whilst maintaining pressures above the prescribed minimum at the supply point;

Additional storage capacity of 3ML will be required to service the ultimate development of the Wave Park if the development cannot capture and store site runoff for topping up the wave park pool and lagoon. The additional 3ML storage is required in order to maintain water storage capacity for pre-wave park demands for the ultimate water supply planning horizon. The additional storage requirement may be offset by water saving measures such as rainwater harvesting and stormwater treatment. However, this will need to be re-assessed as water supply demands materialise. It should be understood that, irrespective of the effectiveness of the site capture and storage, there will be some impact on Council's storage due to the potable water supply demands for the hotel and future short term housing elements.

The development will be connected to the reticulated sewer network. In terms of sewerage generation, this has been modelled based on domestic waste only.

The modelling has not yet been fully completed but provides useful guidance on impacts to Council's existing sewerage system.

A summary of the outcomes of the sewer modelling investigation concludes that:

1. The development requires the construction of a private sewerage pressure main from the site to the connection point for New Port estate development (approximately 700m south from Beor Street);
2. The downstream common sewerage pressure main from Beor Street through to the treatment plant has capacity to accommodate the additional flows from the Wave Park development;
3. At the end of the modelling horizon (20 years) the Wave Park represents less than 5% of the total flow in the common pressure main;
4. Future upgrades will be required to the common rising main near its downstream end

driven by increased sewage generation as a function of population growth within Port Douglas. This forecast growth has a greater impact than the Wave Park sewage generation.

5. The Port Douglas Sewage Treatment Plant has a current design capacity of 16,000 equivalent persons (EP) with a treatment capacity of 4800kL. During June 2021, the treatment plant received a daily total of volume of 4239kL, leaving a capacity of 561kL capacity in the treatment plant. Based on the modelling undertaken to date, the development generates 648 EP or a demand of 175kL/day noting this excludes any allocation for backwash associated with the pool facilities which could be significant. Between the proposed development and the development of the residential land to the south of Craiglie (which has been modelled at 302kL), 477kL of the available 561kL capacity is consumed. This leaves a residual capacity of 84kL or 1.75% of the design capacity of the Treatment Plant (excluding backwash demands).

While the existing treatment plant does have capacity for the development, the treatment plant is nearing its capacity of 4800kl / day and the development will be consuming capacity that should be set aside to cater for development within the Priority Infrastructure Area within the Local Government Infrastructure Plan (LGIP). The development is out of sequence and not planned for.

In a previous report commissioned by Council several years ago, the projected population growth through to the design horizon adopted a sewage loading on the Treatment Plant of 21,300 EP signaling a substantial upgrade or new Treatment Plant is required to accommodate future growth. Depending on the ability to upgrade the existing plant by adding capacity, the capacity upgrade may be 5,300EP, which if the Wave Park is added would need to increase to approximately 6000EP representing a 13% increase onto the upgrade.

If a whole plant upgrade is required, the Wave Park represents approximately 3.3% of the ultimate load on the current treatment plant however it needs to be understood that the Wave Park does consume capacity that is set aside for future growth of land within designated urban areas. The capacity of the Treatment Plant is becoming critical.

Similar to the approach taken on water demand, a condition of approval requires the treatment plant capacity issue to be further investigated with an ability for the Applicant to contribute towards the upgrade of sewerage treatment facilities required to service the development.

6. The development will be conditioned to upgrade a section of main (approximately 680m) south from Beor Street to mitigate the impact on the system, (note, this section has been designed for New Port Estate pump station but not yet constructed); and
7. Council's own sewerage master planning has nominated future upgrades to pump stations and a length of rising main. The Wave Park loading does not significantly impact these previously identified upgrades.

On the basis of the modelling undertaken to date, Officers are satisfied that the development can be conditioned to undertake appropriate upgrades to mitigate the impacts of the Wave Park development on Council's existing water and sewerage system. There is sufficient flexibility in the water supply condition to allow flow metering and monitoring the actual water demand to allow the size of the water supply storage to be determined prior to Stage 2 of the development coming on line. The conditions also provide opportunity for the Applicant to contribute towards the upgrade of sewer treatment facilities to service the development and other development already planned for in the LGIP.

Council Officers are satisfied the development can be conditioned to address water and sewage matters.

Traffic & Parking Issues

- . *The resort and its associated activities will increase traffic and create further noise, hazard, potential road widening and more natural vegetation destruction. Parking for vehicles appears to be insufficient for projected users.*
- . *The proposal will impact patterns of use in the Mowbray area, with increased traffic and more*

tourists in this quiet rural setting.

Response

The development will increase traffic movements to the site from various areas both within and external to the Shire. The site is accessed directly from the Captain Cook Highway being an Arterial Road within the local traffic hierarchy which is designed to accommodate large volumes of traffic. Intersection upgrades are required to provide safe access to the development in line with traffic engineering principles and standards.

A total of 369 spaces are being provided on site. The parking demands of the proposal are to be monitored and reported on after the commencement of the Resort Hotel, Wave Park and Surf Precinct. Any shortfall will need to be addressed through the extension of existing parking areas as detailed on the amended Master Plans to be submitted.

Construction issues

- . *The construction phase is likely to generate noise and dust nuisances, traffic congestion and social disharmony.*

Response

Not a planning consideration for the current Development Application. Further development approvals are required to undertake building work, operational work and work within the road corridor. In each instance, the conditions of these future approvals have regard to work periods and environmental considerations.

Public Consultation

- . *The timing of the public notification period was inappropriate as it occurred at the end of the year and at the start of the Christmas break. Few residents noticed the roadside note that was setback from the Highway pavement, obscured by trees and in a 100km road speed area. The notification advice and application simplify the nature of the development as a Wave Park. The detail should have clearly reflected that other components, notably the large associated resort. Insufficient time was available to consider and research the environmental and social impacts of the developments.*

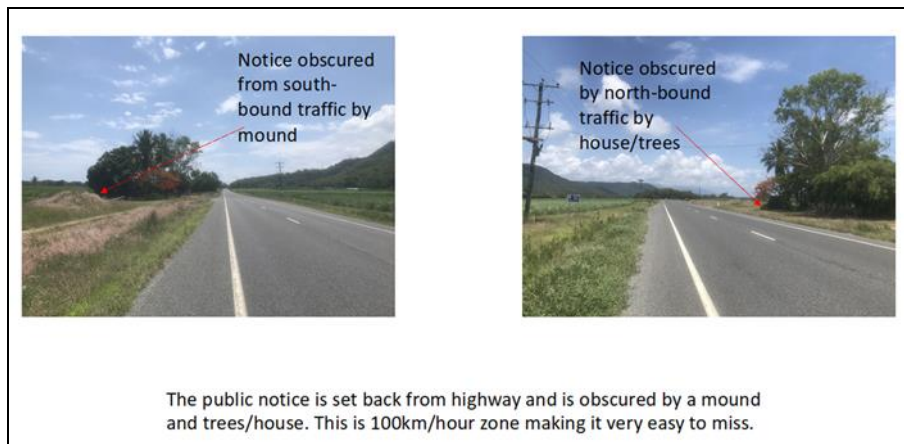


Figure 10 – Public Notice

Response

The application was advertised within the required periods as set by the Planning Act, Regulation and Development Assessment Rules. The DA Rules require minimum lettering height and make the following further requirements.

For placing a public notice on the premises, a public notice must be:

- . placed on, or within a reasonable distance of, the road frontage for the premises, ensuring that it is clearly visible from the road;
- . mounted at least 300 millimetres(mm) above ground level;
- . made of weatherproof material; and
- . at least A0 size.

Council is satisfied the public notification displayed on the land satisfied the DA Rules requirements.

Other

- . *Improve amenity and "mega road" construction with more gardens and trees in the road corridor.*
- . *Within the community there was confusion between the Wave Park application (at Mowbray) and the Council's proposal to develop a Splash Park in Port Douglas.*

Response

The development of the amenity of the road corridor area of the Captain Cook Highway and its associated amenity, at this location, is a matter for the Department of Transport and Main Roads.

The proposed Splash Park in Port Douglas is a Council initiative for community recreational facilities that has not been finalised. The proposed Splash Park development is mutually exclusive to this development application.

Submissions in Support:

The following section summarises those submissions received in support of the development.

International and Regional Development

- . *The development should be a major attraction to the many surfers from all over the world, that avoid FNQ due to the current lack of surf.*
- . *The combination of the perfect winter climate and a world class surfing resort will differentiate Port Douglas from South-East Queensland.*
- . *The development will be a major attraction to the area with a similar local impact to the Skase developments of the 1980s.*
- . *This attraction could become an anchor tourism product for the region in the same way that Skyrail has become key to the Cairns area - quickly becoming a "must do" for visitors and locals.*

Economic Growth

- . *The development will provide significant employment opportunities for both the construction phase and ongoing operation of the facilities. This in turn will provide increased economic benefits to the wider local community.*
- . *At the end of the Wangetti trail, the Surf Park will be a wonderful destination for adventurers hiking and biking to Port Douglas.*
- . *This type of development is consistent with the strategy outlined by the Queensland Governments Tourism Recovery Panel. They are looking for "opportunities for new products and experiences, including shovel ready projects capable of spurring investment, rejuvenation and visitation".*
- . *It is consistent with the strategic direction of the Federal Governments "Thrive 2030 – The reimagined Visitor Economy".*
- . *The unique part of the proposed development is the creation of a world class surfing wave park in Port Douglas. This will attract domestic and international visitors to the region who may otherwise have travelled to Bali. This will broaden the appeal of the Port Douglas region and support the rebuild of the visitor economy.*

Tourism Initiative

- . *The proposed surf park and resort will help attract new people to our region and help reposition Port Douglas as an amazing destination for adventure seekers.*
- . *Tourism remains the key driver of our economic base and the broad market mix attracted to a Wave Park in the tropics will not only support our existing tourism infrastructure but importantly, help invigorate our positioning and attract new markets.*
- . *As a region we need to continue to evolve and refresh, and that means bringing in appropriate development that complements our environmental credentials and inspires both new and return visitation. Key Benefits include:*

- . *A major attraction that will support and complement the future Wangetti Trail product as well as strengthening the pulling power of existing tourism offerings;*
- . *Brings a new demographic/psychographic to the Douglas Shire with the potential to target multiple market segments (eg FIT surfers, families, surf schools, intra and interstate visitors); and*
- . *All-year attraction - we particularly need water-based summer attractions that drive longer and shoulder-season stays.*

Safe Swimming and Surfing

- . *The development will provide for safe swimming and surfing activities without the fear of marine stingers or crocodiles.*
- . *Provides a unique opportunity for our younger generation to learn to surf in a protected setting.*
- . *Provides a greater range of recreational activities for the local community.*
- . *The location is ideal for kids biking to the site without having to cross busy roads and being on the highway it is ideally located for patrons arriving by car or coach.*

Environmental Considerations

- . *The development will be focussed heavily on the important environment considerations.*
- . *The application addresses environmental issues appropriately. A Net Zero emissions principle is sought for the development.*

Reduction in Run-off Impacts to GBR

- . *Removing the cane-farming activities must also be a plus given the proximity to the Mowbray River and the runoff that must occur from the current farm.*

Other

- . *Employment opportunities in the water safety industry.*
- . *The only thing lacking along this beautiful coast are waves.*
- . *NorthBreak has chosen an experienced wave partner, which will legitimize it in the surfing world as a quality wave destination in the Australian tropics.*
- . *Apart from the jobs created, it will attract tourists from all over the world.*

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

30 March 2022

Enquiries: Neil Beck
Our Ref: CA4239/2021 (1077496)
Your Ref:

Graben Pty Ltd
19 Macrossan Street
PORT DOUGLAS QLD 4877

Dear David

**Adopted Infrastructure Charge Notice for
Development Approval for Combined Application Material Change of Use for Resort
Complex (Outdoor Sport & Recreation, Short-term Accommodation, Food & Drink Outlet,
Shop, Tourist Park, Air Services & Caretakers Accommodation), Reconfiguration of a Lot (1
Lot into 4 lots & Common Property) & Preliminary Approval for Operational Works
(Advertising Devices) At 5640 Captain Cook Highway MOWBRAY On Land Described as
LOT: 123 TYP: SR PLN: 687**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

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

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA4239/2021 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

▪ **Adopted Infrastructure Charges Notice**

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Graben Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
5640 Captain Cook Highway		L123 SR687	4682
STREET No. & NAME		LOT & RP No.s	PARCEL No.
CA MCUC Resort Complex ROL (1 into 4 lots)		CA 2021_4239/1	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1074681		1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL
DSC Reference Doc. No.		VERSION No.	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand							
Outdoor Sport & Recreation	18,500m2 Wave Park	(TBD) Half indoorsport & recreation rate, per m2 site area	9.59	18500	\$177,415.00		
Hotel (short term accommodation)	154 units	per 1 bedroom unit	6,668.24	154	\$1,026,908.96		
Hotel (short term accommodation)	10 units	per 2 bedroom unit	10,156.14	10	\$101,561.40		
Food & drink outlet	4568m2	per m2 of floor area	172.66	4568	\$788,710.88		
Function Facility	1280m2	per m2 of floor area	67.15	1280	\$85,952.00		
Office	180m2	per m2 of floor area	143.81	180	\$25,885.80		
Shop	550m2	per m2 of floor area	172.66	550	\$94,963.00		
Tourist Park	17 cabins	per 2 bedroom cabin	10,156.14	17	\$172,654.38		
Tourist Park	18 cabins	per 1 bedroom cabin	6,668.24	18	\$120,028.32		
Caretaker's Accommodation	1 unit	per Caretaker's Accommodation unit	25,181.53	1	\$25,181.53		
Air Services	2 Helicopter landings	(TBD) Per landing area	0.00	2	\$0.00		
Short term Accommodation	90 units	per 3 bedroom unit	14,218.59	90	\$1,279,673.10		
ROL	4 lots	per lot	25,181.53	4	\$100,726.12		
	Total Demand				\$3,999,660.49		
Credit							
<u>Existing land use</u>							
3 or more bedroom dwelling	1 lot	per 3 or more bedroom dwelling	25,181.53	1	\$25,181.53		
	Total Credit				\$25,181.53		
							Code 895 GL GL7500.135.825

Required Payment or Credit

TOTAL

\$3,974,478.96

Prepared by	Jenny Elphinstone	16-Mar-22	Amount Paid	
Checked by	Neil Beck	21-Mar-22	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.