

YOUR REF: ET15-027
OUR REF: MCUC (774433)

18 May 2016

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

Attention: Liz Taylor

Dear Madam

**DECISION NOTICE FOR A PRELIMINARY APPROVAL UNDER SECTION 241
OF THE SUSTAINABLE PLANNING ACT 2009 FOR STAGING SELF-
ASSESSABLE AND CODE ASSESSABLE DEVELOPMENT IN
ACCORDANCE WITH A PRECINCT PLAN, A STAGING PLAN AND OTHER
SUPPORTING PLANS AT WHARF STREET AND INLET STREET
PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 17 May 2016, please find attached the relevant Decision Notice.

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

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9480.

Yours faithfully

Paul Hoye | General Manager Operations
Sustainable Communities | Douglas Shire Council
Att

APPLICANT DETAILS

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

ADDRESS

Wharf Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 146 on SR861, Lot 103 on SR500, Part of Lot 126 on SR868 and Inlet Street

PROPOSAL

Preliminary approval under section 241 of the Sustainable Planning Act 2009 for staging self-assessable and code assessable development in accordance with a precinct plan, a staging plan and other supporting plans

DECISION

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

DECISION DATE

17 May 2016

TYPE

Preliminary approval under section 241 of the Sustainable Planning Act 2009

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Material Change of Use
Development Permit for Building Works
Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

Please refer to Condition 4 of this Preliminary Approval

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

Not in conflict

ASSESSMENT MANAGER CONDITIONS:

- The distribution of approved uses is to be in accordance with Precinct Plan V1.11 prepared by Studio Tekton and dated 11 February 2016 and the following Table of Precincts and associated Notes:

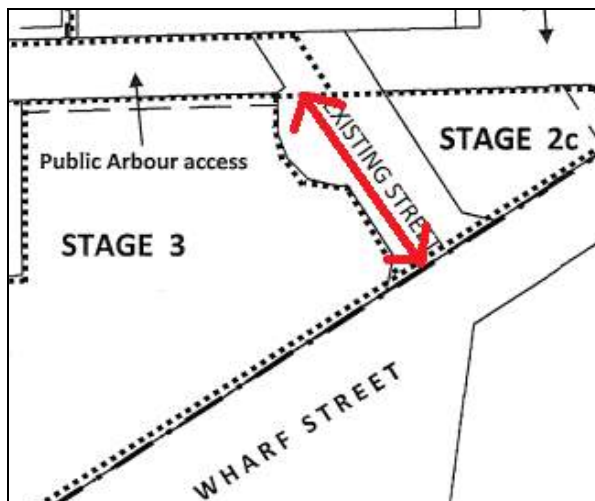
Precinct	Corresponding approved land uses
Precinct 1	Holiday accommodation
	Marina (specifically, facilities used to moor and store marine vessels)
	Multi-unit housing
	Short term accommodation
	Staff quarters (associated with Holiday accommodation or Multi-unit housing)
Precinct 2	Caretaker's residence (if associated with a commercial activity)
	Business facilities
	Holiday accommodation
	Marina (Duck Pond)
	Multi-unit housing
	Restaurant
	Shopping facilities
	Short term accommodation
	Staff quarters (associated with Holiday accommodation or Multi-unit housing and Short term accommodation)
	Tavern
Precinct 3	Business facilities
	Caretaker's residence (if associated with commercial premises)
	Car park ⁱ
	Holiday accommodation
	Health facility
	Indoor sport and entertainment
	Multi-unit housing
	Short term accommodation
	Staff quarters (associated with Holiday accommodation or Multi-unit housing and Short term accommodation)
Precinct 4	Tourist attraction ⁱⁱ
	Business facilities
	Car park ⁱ
	Holiday accommodation
	Indoor sport and entertainment
	Interpretive facility
	Outdoor sport and recreation
	Multi-unit housing
	Restaurant
	Shopping facilities
	Short term accommodation
	Tavern
Precinct 5	Tourist attraction
	Car park ⁱ
	Marina
	Service industry ⁱⁱⁱ

Notes:

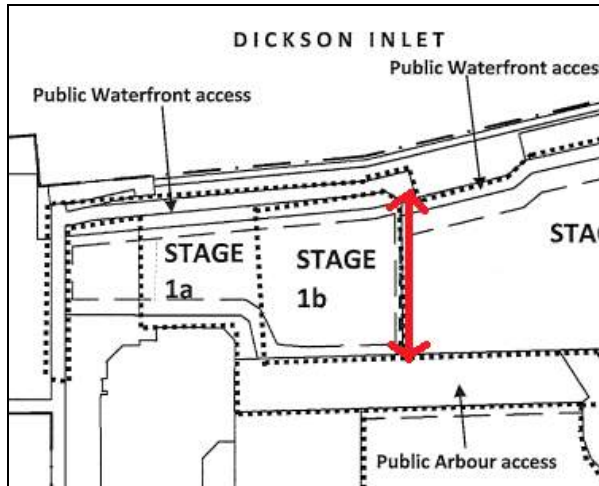
- i. Car park uses that are part of this preliminary approval are limited to on-ground surface parking (i.e. not involving multi-level structures)
- ii. Tourist attraction includes small-scale Tourist attractions only, such as:
 - Interpretive/educational facilities;
 - Local maritime museum;
 - Aquarium (small scale);
 - Butterfly/bird aviary;
 - Children's activities.
- iii. Service industry includes low-impact Service industry limited to the following:
 - Cleaning or detailing of motor vehicles, not being an automated car washing facility;
 - Catering business;
 - Servicing of small items and appliances such as bicycles, cameras, small electrical goods;
 - Printing;
 - Fishing gear manufacturing.

Staging

2. The Staging of the proposed development is to be generally in accordance with Staging Plan V1.11 prepared by Studio Tekton dated February 2016 and the following:
 - a. The first stage of the Arbour Park is to be completed in association with Stage 1a. In addition, the first stage of the Arbour Park must be provided with connectivity to Wharf Street in the general vicinity of the closed section of Inlet Street at least until such time that access is available via the Public Plaza in Stage 2a (see below).



- b. The public waterfront access in Stage 1a is to be provided with interim connectivity to the Arbour Park adjacent to the common boundary between Stage 1b and 2a until at least such time that full waterfront connectivity is available in Stage 2a (see below).



Pedestrian and Vehicular Access

3. Public pedestrian and vehicular access is to be generally in accordance with Access Plan – Vehicular V1.11 prepared by Studio Tekton dated 11 February 2016 and Access Plan – Pedestrian prepared by Studio Tekton dated 11 February 2016. Details of access are to be refined in association with applications of development permits for each stage of the development. The Public Waterfront Access will consist of a 4 metre minimum-width boardwalk located immediately adjacent to land that provides public access to the waterfront (i.e. not positioned behind buildings).

Formalised public spaces and pedestrian pathways are to be made accessible to the public via easements or by other equivalent means deemed to be acceptable to Council.

Design controls

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

Urban Design

5. In addition, the Public Waterfront Access, the Public Arbour Access and the Public Plaza are key urban design components that must be incorporated into the overall future development of the Reef Marina Site. These key urban design elements are to be generally designed to provide a coordinated theme across the Reef Marina Site that reflects the identity of Port Douglas as a distinctive tropical north Queensland seaside resort town in both its urban spaces and built form character.

The urban design theme for the Reef Marina Site is to be submitted to Council prior to any future development permits of a significant nature being issued for the site. Amongst other things, the urban design theme for the Reef Marina Site is to address urban design elements such as street furniture, surface treatments, railings, signage, lighting, built form design elements, materials and colours.

Future development permits of a significant nature are to reflect the approved urban design theme for the Reef Marina Site.

Interim Use of Later Stages of Development

6. Longer term stages of the development are designed to be landscaped and attractive interim spaces that provide logical connections across precinct boundaries until such time that future stages are developed.

Sight-lines to Dickson Inlet

7. A continuous sight-line is to be maintained to the Duck Pond Basin and through to Dickson Inlet, in association with development of the Public Plaza and Precinct 2.

Bally Hooley Rail Line

8. The Bally Hooley rail line and turn table infrastructure is retained and incorporated into future development to maintain its functionality.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act 2009*.
2. Although this preliminary approval only permits broad land uses by precinct, and noting that it still allows for the continuation of the slipway and fishermen's facilities as they currently exist, no development permit will be issued for Stage 2 until agreement has been reached among all relevant stakeholders sufficient to enable Council to provide written confirmation to the Department of Natural Resources and Mines that such development does not diminish the marine uses that directly serve the tourist and fishing operators (including the slipway and the fishermen's facilities) and private boat owners in line with one of the overarching principles of the Port Douglas Waterfront Master Plan.
3. Charges to be levied for the supply of trunk infrastructure will be calculated in association with future applications for development permits over the land.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

RIGHTS OF APPEAL

Attached

End of Decision Notice

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

