

20 September 2018

Enquiries: Daniel Lamond
Our Ref: MCUC2719/2018 (873272)

Port Douglas Steam Train Company Pty Ltd
c/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir / Madam

Further Advice for Development Application MCUC2719/2018 given under section 35 of the Development Assessment Rules under the Planning Act 2016

Further to the site meeting held Monday 10 September 2018, Council wishes to give further advice under section 35 of the Development Assessment Rules relating to issues identified in the assessment of the development application for a material change of use for a function facility at 9 St Crispins Avenue and 4-6 Escape Street, Port Douglas.

1. The applicant should consider that development approval CA2639/2008 remains valid over the land with a component of approval for 29 houses to be established on each new residential lot.
2. Council considers proximity for the function facility use concerning the floating pontoon and turfed area adjoining, to be in conflict with the expectation of residential amenity for the new lots immediately within the vicinity approved under CA2639/2008. Council advises that as part of a suite of measures to mitigate impacts to people surrounding the function facility use, that lots 9, 8, 7, 26, 25, 24 and 23 be changed to allow for the short-term Accommodation land use only. This would be accommodated through a minor change application to CA2639/2008. This would trigger Council to include a rates notation to each of the new short-term accommodation allotments via their rating files which would clearly demonstrate that the lots are only approved as short term accommodation to any perspective purchaser who undertakes a rates search as part of their due diligence process.
3. Not operating the function facility on the grassed area at night, not operating on Sundays, having a noise management plan and having an operations manual inclusive of measures to mitigate impacts are other examples of acceptable measures to mitigate the impacts associated with the function facility.
4. As discussed, the function facility development application should be amended to accurately describe the nature of functions proposed at the site. Functions such as bucks parties, 21st birthday parties, hens parties and weddings with amplified sound from bands for example, should be excluded from the proposal. How this intent is best described in the description of the proposed use is a matter for the applicant. Please note that any amendment to the application in

response to this further advice letter will not take the application back to *Part 1. Application* stage of the *Development Assessment Rules*. The application change is considered in accordance with *section 26* of the *Development Assessment Rules*.

5. Council advises that the turfed area proposed for function area as part of the development application requires works at the edge of the canal to separate patrons from the waters edge to mitigate risk of attack from Crocodiles. Works could be inclusive of earth bunds, rock walls, fencing and significant landscaping to inhibit access to the water. These risk mitigation measures should be discussed with experts on crocodile behaviour at the Department of Environment and Science. A section drawing demonstrating the profile and detail of the barrier should be provided to Council.

If a number of the above impact mitigation measures can be proposed by the applicant for the function facility development application then Council officers can favourably consider its approval. Should you require any clarification regarding this matter, please contact Daniel Lamond on telephone 07 4099 9456.

Yours faithfully

Neil Beck
A/ Manager Sustainable Communities