

YOUR REF: 16-148
OUR REF: MCUC 1638/2016 (D#788467)

16 September 2016

Quicksilver Connections Limited
c/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Attention: Mr Matt Ingram

matt@urbansync.com.au

Dear Sir

**CLARIFICATION OF LAND USE AND INFORMATION REQUEST FOR
MATERIAL CHANGE OF USE - CODE ASSESSMENT FOR EDUCATIONAL
ESTABLISHMENT (DIVE CENTRE), SHOPPING FACILITY AND BUSINESS
FACILITIES AT 19 WARNER STREET PORT DOUGLAS**

Land Use Issue

Section 5.1 of the accompanying report nominates the proposed land use of Business Facilities. This is reflected in the submitted IDAS Form 5, yet Form 1 indicates a fuller description being, *“Establishment of Quicksilver Dive which will include a dive centre, retail outlet and offices for the Port Douglas based Quicksilver staff.”*

Having regard to the extent of uses proposed on the site and a more detailed review of the Planning Scheme defined land uses and your attention is drawn to the following use definitions.

Educational Establishment

Means the use of premises for the provision of pre-school, primary, secondary or tertiary education or courses of study or training for the purposes of general education or for preparation for an occupation.

The use includes:

- *ancillary facilities which are located on the Site and are administered by the educational body responsible for the Site, such as:*
 - *offices;*
 - *libraries;*
 - *bookshop;*
 - *tuckshop;*
 - *sport and recreational facilities; and*
 - *residential accommodation for persons involved in the use.*

Shopping Facilities

Means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of TAB agency or similar facility), hair and beauty care, laundromat, dry cleaning agent and other customer services.

The use includes:

- the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment;*
- the exchange of domestic items and clothing; and*
- a small scale bakery, dressmaking establishment, jewellery manufacturing establishment, etc, where the use includes a shopfront retail component.*

The use also includes facilities commonly described as shop, supermarket, department store, retail chain outlets and the like.

The use does not include facilities herein defined as Display Facilities.

It is noted that should the application be amended by a new IDAS Form 5 to more appropriately reflect the description as given on Form 1 and align with the Planning Scheme defined uses, the application would restart. It is also recognised that the uses of *Business Facilities* and *Shopping Facilities* in a new building are code assessable development and the use of an *Educational Establishment* is an impact assessable development. In light of this issue and the without prejudice advice given through Council's prelodgement process Council will waive any further application fees and issue a request for further information generally along the following considerations.

Should you pursue the application in its current form, the following considerations form Council's request for further information. Your attention is drawn to the requirements of the *Sustainable Planning Act 2009* that an application is Applicant driven the responsibility for completeness of the application lies with the Applicant.

Flood Immunity And High Storm Tide Hazard Immunity

1. It is understood after discussion with the Applicant's Architect, Mr Carlo Amerio, that on-street works to Warner Street include new stormwater infrastructure. Please provide a local drainage study including the pre and post development forms of the infrastructure together with details as to how the proposed new infrastructure will integrate with the remainder of the street, surrounding area and other Council infrastructure.
2. Please provide clarification from a RPEQ Engineer that proposed floor levels for the development adequately address flood and storm tide immunity considerations for the 1% occurrence have regard to the need to protect property and the safety of persons. Please note that other applications and approvals over the land cannot be definitively relied upon as their associated engineering considerations are not part of the common material to this application.

3. Please demonstrate that where onsite car parking facilities are to accommodate overnight storage of vehicles associated with the land uses, such as a mini bus, then consideration has been given to the safe storage of property. It is noted that the land is subject to high storm tide inundation, as mapped by the State Government, and calculations need to clarify inclusion of the climate change consideration of a 0.8m sea level rise.
4. The submitted drawings, sections 1 and 2 nominate the base of the swimming pool to be equal to the floor level of the surrounding internal building components (breezeway, retail area, pool filtration). Given the extent of construction required to achieve a suitably immune floor area for the ground level please advise whether a reduced base level of the pool is possible at this point.

Car Parking Calculations and Onsite Provision

5. Please provide a plan by colour demonstrating the area over which the car parking provision has been based. Please note that Schedule 1, Car Parking Requirements, under the Vehicle Parking and Access Code, are applicable to net lettable floor areas, with considerable exclusion of various floor areas under the Planning Scheme's Administration Definitions.
6. It is noted that a significant large proportion of net lettable floor area, being the majority of the first floor area, is devoted to the dive school activity. Please provide details of expected number of students and instructors per class and the anticipated number of classes per day. These calculations may assist in supporting a reduced on site car parking demand.
7. Please provide advice as to whether any students will be provided with a customer courtesy bus and the estimate of staff and students attending as a pedestrian or by local shuttle bus. Where the Applicant intends to provide small courtesy coaches these should be provided for on the land and it is recommended that these considerations be included in the opinion for a reduced amount of on site parking.
8. Where a courtesy bus or busses are proposed please provide details of the expected vehicle size and turning templates to demonstrate these vehicles can enter and leave the site in a forward movement.
9. Council is aware of that a number of employees ride to work in the Port Douglas area. Please provide advice as to whether it is anticipated, on the knowledge of existing operations and projections for the new dive centre whether staff or students are likely to ride to work/dive centre. Where this is anticipated please provide an estimate of the expected demand for bicycle parking. Please note these considerations would support a reduced onsite car parking demand.

Street Ramping for Pedestrian Access

10. Council notes the constraints to the land that require a raised floor level, the location of Council infrastructure in the surrounding streets and that the design seeks to utilise the road for disabled person access.

Concern is raised with the accessibility of the development for pedestrians along the continuity of Grant and Warner Streets. The current design necessitates a disabled person seeking to access the land can only access either the most western point of the property boundary along Warner Street or at a point more than half way south along Grant Street. The disabled person access point on Warner Street is limited as this is currently an unconstructed grass area. These access points appear excessive and would appear to discriminate against disabled persons who seek a travel route that does not include the land.

Council is committed to seeking best practise and the greatest accessibility for all persons and notes the retrospective requirements under the Premises Standards that may be applicable to all parties should the Commonwealth Premises Standards not be achieved.

Please provide a statement from a suitably qualified practitioner that the development, including the considerations of changes to the public road meet the Premises Standards in regards to disability access.

Tree at Corner of Warner and Grant Street

11. Concern is raised with the contradiction in the design plans, nominating the retention of the tree and section 5.2.1 indicating the tree may need to be removed having regard to drainage works. Please clarify the development proposal. Council's preference is that the tree be retained and all on-street works, such as car parking and drainage have regard to its inclusion and ongoing maintenance needs where possible.

If required, Council is willing to convene a meeting to discuss the above information request.

As an applicant, your responsibilities in regard to the information request are outlined in section 278 of the *Sustainable Planning Act 2009*, which is attached for your information.

Please note that the information response to Council should include two (2) complete copies of the response and if plans form part of the response then two (2) sets of such plans at scale should also be provided.

Should you require any further information or assistance, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoye
Manager Sustainable Communities

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