

YOUR REF: ET15-027ET15-027
OUR REF: CA 1685/2016 (792911)

1 November 2016

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

Attention: Liz Taylor

Dear Liz,

**INFORMATION REQUEST FOR COMBINED APPLICATION FOR MATERIAL
CHANGE OF USE AND LOT RECONFIGURATION – STAGED
DEVELOPMENT, DEVELOPMENT PERMITS ON LAND LOCATED AT
WHARF STREET, PORT DOUGLAS**

After a preliminary examination of the above application (*'the combined application'*), the following information is required in order to complete an assessment of the proposal:

Compliance with Preliminary Approval dated 18 May 2016

- 1) On 18 May 2016, Council issued a preliminary approval under Section 241 of the Sustainable Planning Act 2009 for Staging Self-Assessable Development and Code Assessable Development in accordance with a Precinct Plan, a Staging Plan and other Supporting Plans, subject to conditions, over this land and other land at this location.

Please address the combined application's compliance with the approved plans and conditions that attach to the preliminary approval.

In this regard, specifically address the following aspects that appear to be inconsistent with the preliminary approval:

- a) The combined application excludes land that formed part of the earlier preliminary approval (i.e. Lot 103 on SR500);
- b) The combined application proposes a different staging sequence by bringing forward stage 3 components in advance of completion of part of Stage 2A and all of the Stage 2B components;
- c) Address compliance with condition 2b of the preliminary approval in the event that stages 1 and 2A are not completed as a single stage (noting that it is currently not proposed to complete Stage 2A as a single stage);

- d) Advice Statement 2 refers to the timing of Stage 2 and to the timing of issuing a development permit for Stage 2. While Council recognises that this is an advice statement, the direction in the advice statement is as follows:

“Although this preliminary approval only permits broad land uses by precinct, and noting that it still allows for the continuation of the slipway and the 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 such that 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.”

Please provide your comments with respect to above advice statement.

Application Areas:

- 2) Please confirm that the proposed combined application includes all land referred to as ‘*application areas*’ in accordance with State Department of Natural Resources and Mines conditions/requirements of conversion of leasehold land to freehold tenure, and that the combined application will be sufficient to complete that process.

(Please note, that Council understands that the assessment of this combined application is independent of the State’s process to provide freehold land tenure, and will continue to process the application accordingly).

Sustainable Planning Act 2009

- 3) Section 243 of the *Sustainable Planning Act 2009* states that:

“A **development permit** authorises assessable development to take place-

- (a) to the extent stated in the permit; and
- (b) subject to-
 - (i) the conditions of the development permit; and
 - (ii) any preliminary approval relating to the development the permit authorises, including any conditions of the preliminary approval.”

Furthermore, section 347 of the Sustainable Planning Act 2009 states that:

“A condition must not-

- (a) be inconsistent with a condition of an earlier development approval or compliance permit still in place;”

By varying the combined application to be out of sequence with the staging of the preliminary approval and associated conditions that are still in place for an earlier development approval may have the effect of establishing an inconsistency and/or

non-compliance with the above mentioned sections of the *Sustainable Planning Act 2009*.

Your comments on your understanding of this issue would assist Council.

IDAS Form details:

- 4) IDAS Form 7. Q6. Table A indicates that the Boardwalk, The Rainforest and the Green are to be contributed for community purposes. Please clarify the intent of this statement and indicate the physical extent of this contribution in plan form.

Lot 103:

- 5) It is clear from the documentation that Lot 103 on SR500 is not part of the combined application. However, many of the plans submitted with the application show details that extend into Lot 103. Some of the reports that are provided with the application also make references to Lot 103 (see below for more detail).

If Lot 103 is not part of the application, all affected plans will need to be amended to remove parts of the development that extend into Lot 103.

Alternatively, you may wish to consider amending the application to include Lot 103, possibly as a preliminary approval only, as a potential way to address the key issue of creating a 'public plaza' as part of any redevelopment proposal for the Port Douglas Waterfront North planning area as specified in the Port Douglas North Planning Area Code.

Modifications to the existing Commercial Building:

- 6) The application involves the demolition of a significant portion of existing commercial floor space at the Marina. Please provide elevations and floor plan details of the proposed modifications to the existing commercial building associated with this demolition.

Lot Reconfiguration Plan:

- 7) Please provide a Lot Reconfiguration Plan that clearly identifies individual lots and proposed easements. The colours on Drawing No: 160303 DA-S-108 Rev 2 are confusing, particularly having regard to the proposed service/access easements. In addition, condition 3 of the Preliminary Approval has not been addressed with respect to the provision of general public access easements (or similar) across the site to provide public waterfront access.

Furthermore, it would be useful if you could also supply the revised Lot Reconfiguration Plan distinctly overlain on top of the overall Master Plan for clarity.

Land Tenure for Water-Based Elements:

- 8) Clarify the proposed future tenure of the 'over-water structures' that appear to be outside proposed Lot 1, including the floating pontoon structure, boardwalk and the over water dining covered area.

In your response, it is important that you address responsibilities assigned for the on-going future maintenance of these facilities.

Access to the Floating Pontoon Walkway / Safety:

- 9) Will access to the floating pontoon be restricted? What safety measures will be installed to ensure safety of users given the presence of crocodiles in the Inlet?

Reports: Planning Report prepared for The Reef Marina

- 10) P13/A13.1 of the Port Douglas Waterfront North Planning Area code states, in general terms, that a '*Public Plaza is to be established to create an entry node to the Port Douglas Waterfront.*'

The corresponding statements in the Planning Report intended to address this part of the Code identify a dilemma in achieving what appears to be a clear intent with respect to redevelopment within the area included within the Port Douglas Waterfront Planning Area.

However, the statements of dilemma, in themselves, do not address the code. At the same time, the application also avoids achieving the purpose of the Port Douglas and Environs Locality Code in terms of the following:

'consolidate the area between Macrossan Street and Marina Mirage as the major tourist, retail, dining and entertainment centre of the Shire.'

Please advise Council what mechanisms will be put in place to ensure that a 'Public Plaza' will be established in accordance with the preliminary approval and the applicable planning scheme codes, and that the land will not be on-sold as an independent lot, once freehold tenure has been achieved.

(Note: The Public Plaza was part of Stage 2A in the preliminary approval: not Stage 2B or 2C)

Reports: Appendix 3: Urban Design Guide & Perspectives – Studio Tekton Pty Ltd

- 11) The Executive Summary to the report states the following:

"The Reef Marina Residences seeks to create a new mixed use waterfront development putting the town on the water and the water in the town with a seamless transition between the two."

and further:

“Key design strategies include an axial pedestrian rainforest connection to the town centre: a walkable waterfront and a high quality public realm including a Town Plaza.”

Please demonstrate how these statements, and others made in the balance ‘Urban Design Guide & Perspectives’ report achieve these outcomes in the absence of Lot 103 forming part of the application, or alternatively amend the report, to confine statements within the report to details that actually form part of the development application, or alternatively amend the application include Lot 103 as part of this application (possibly seeking preliminary approval over Lot 103 only).

- 12) Page 7 of the Urban Design Guide & Perspectives report states:

The “informal relaxed character and charm are still evident in parts of Macrossan Street and is uniquely Port Douglas. Recent commercial developments lacks consideration of the Port Douglas character and could be located/found anywhere.”

and further:

“Recent Master Plans refer to a “Character defined by its tropical latitude, waterfront location, and mix of tourism and marine activity.”

and:

“Green elements should be a defining element.”

and:

“Green infrastructure as a foil to the urban fabric to the town centre.”

These statements are acknowledged and reinforced in the report. However, the examples of other guiding waterfront developments, both being from South Western Australia, are neither tropical locations, nor are they defined by a character where “green” infrastructure dominates over built form.

Therefore, it is not clear how the architecture and urban design elements of the proposed development responds to this critical issue. Please, specifically clarify in what way the proposed built form responds to this issue, and is not a development that ‘*could be located/found anywhere*’.

- 13) The Architectural Response statement makes the following reference:

“Additional mooring facilities will be provided and the Duck Pond will be upgraded to facilitate fresh seafood sales.”

Given that Lot 103 is not part of the application, please clarify how this statement will be achieved as part of this development application.

- 14) The Images appended to the report are not consistent with statements that reflect the 'green' tropical character of Port Douglas. They also appear to conflict with the landscaping proposals contained within the Landscape Concept Report. Please reconsider the use of these images or alternatively provide images that integrate the ideas promoted in the Landscape Concept report with the architectural images.

Reports: Appendix 12 :Landscape Concept Report Rev 1 – Scott Carver Pty Ltd

- 15) The Staging shown on Drawing Ref 20160045 is confusing and needs clarification.

For example:

- Is it proposed to combine Stage 1A, 1B and 2A into a single development stage?
 - The Walkable Waterfront is to be delivered in which nominated stage?
 - In which stage will Coral Close be constructed as a complete piece of infrastructure? Currently, it is shown to be partially completed in Stage 2A, with the balance completed in Stage 2B.
 - How will future interim stages be left in an interim state pending future development?
 - 'The Green' is proposed as part of which stage (Note – The preliminary approval issued for the land provides no clarity with respect to the staging of 'The Green')?
 - 'The Green' has preliminary approval for a range of varying uses associated with Precinct 4: noting that 'Park & Open Space' is exempt development. As per item 3 herein, please clarify the intent of 'The Green' in terms of the preliminary approved set of land uses and the statements made on the IDAS forms in terms of 'The Green' being 'contributed for community purposes'.
- 16) From a landscape planting perspective, please comment on the likely success of the proposed planting species (e.g. for the Rainforest Walk) in terms of the soil conditions likely to be found on site (i.e. planting in compacted, marine fill, possibly subject to acid sulphate materials).
- 17) What exactly is the 'Rainforest Walk' as the key linking feature through the site? Does it include an harbour or other structural elements that promote the sense of linkage? Please, clarify further and/or provide details.

Plans: Stage 1A:

- 18) Provide details of fencing.
- 19) Air conditioning units often detract significantly from the external appearance of buildings in Far North Queensland. Provide details of the location and appearance of any external air conditioning units (if proposed).

- 20) Provide a specific colour pallet for the proposed buildings (a range of colours are noted in the Studio Tekton Report).

Plans: Stage 1B:

- 21) Provide details of fencing.
- 22) Air conditioning units often detract significantly from the external appearance of buildings in Far North Queensland. Provide details of the location and appearance of any external air conditioning units (if proposed).
- 23) Provide a specific colour pallet for the proposed buildings (a range of colours are noted in the Studio Tekton Report).

Plans: Stage 2A:

- 24) Identify the servicing delivery arrangements for the commercial component.
- 25) Confirm that the proposed gym is for the exclusive use of residents/short-term residents of the Reef Marina, and not for the use of the general public.
- 26) Air conditioning units often detract significantly from the external appearance of buildings in Far North Queensland. Provide details of the location and appearance of any external air conditioning units (if proposed).
- 27) Provide a specific colour pallet for the proposed buildings (a range of colours are noted in the Studio Tekton Report).

Detailed Plans: Stage 2A (Part 1):

- 28) Ascending steps appear to commence within car parking space 14 providing access to the internal breeze-way corridor in Level 1. Please amend or clarify this detail.
- 29) Ascending steps appear to provide access directly from the lobby to inside Unit 19. Please clarify or amend this detail.
- 30) Clarify the solid lines on Level 1 in the breezeway corridor. Are these walls to screen living areas adjacent to the common corridor, or screens or void spaces to the car parking below?

Detailed Plans: Stage 2A (Part 2):

- 31) Ascending steps appear to commence within car parking space 11 providing access to the internal breeze-way corridor in Level 1. Please amend or clarify this detail.

- 32) Clarify the solid lines on Level 1 in the breezeway corridor. Are these walls to screen living areas adjacent to the common corridor, or screens or void spaces to the car parking below?

Plans: Stage 2C:

- 33) Identify the Goods Receiving Area (REC) and the service delivery arrangements for the Commercial component.
- 34) Provide details of any fencing (if proposed).
- 35) Air conditioning units often detract significantly from the external appearance of buildings in Far North Queensland. Provide details of the location and appearance of any external air conditioning units (if proposed).
- 36) Provide a specific colour pallet for the proposed buildings (a range of colours are noted in the Studio Tekton Report).

Plans: Stage 3A:

- 37) Amend the Stage 3A Site Plan and Stage 3 Plans to reflect driveway access to Unit 1's garage.
- 38) Provide details of any fencing (if proposed).
- 39) Air conditioning units often detract significantly from the external appearance of buildings in Far North Queensland. Provide details of the location and appearance of any external air conditioning units (if proposed).
- 40) Provide a specific colour pallet for the proposed buildings (a range of colours are noted in the Studio Tekton Report).

General Items:

- 41) The location of the Central Refuse Area and Transformer at the entrance to proposed Coral Close needs review. It is noted that it is shown partially on plans that accompany Stage 2C as part of an entry statement. Either provide more detail on how the Central Refuse Area and Transformer are integrated into the entry statement so as to be unobtrusive or select a more discrete location within the site for these facilities that can be appropriately disguised/hidden from view.
- 42) Provide details of the maintenance shed close to the units in Stage 3A.
- 43) Provide details of the proposed over water dining covered area adjacent to Stage 2A.

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 Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9480.

Yours faithfully

Nick Wellwood | General Manager Operations
Douglas Shire Council

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