

YOUR REF: ET15-027

OUR REF: MCUC (766442)

4 February 2014

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

Attention:

Dear Sir/Madam

**NOTICE OF NOT PROPERLY MADE APPLICATION FOR
PRELIMINARY APPROVAL FOR STAGING SELF ASSESSABLE AND CODE
ASSESSABLE DEVELOPMENT IN ACCORDANCE WITH A PRECINCT PLAN,
WHARF STREET PORT DOUGLAS
(KNOWN AS THE REEF MARINA SITE)**

Reference is made to your submitted application for preliminary approval for staging self assessable and code assessable development in accordance with a Precinct Plan

Please note that in accordance with section 261 of the *Sustainable Planning Act* 2009, the application is **not** a properly made application. The following is a statement of reasons why the application is not a properly made application:

- The application includes land (Inlet Street) for which there is no owner's consent to make the application for the proposed staging and precincts. The IDAS Forms and the letter attached to the application from the Department of Natural Resources and Mines does not refer to Inlet Street.

The following must be undertaken in order to make the application a properly made application:

- The IDAS forms require adjustment to include Inlet Street and ownership consent needs to be reconfirmed from the State.

Please note that in accordance with section 266 of the *Sustainable Planning Act* 2009, the application will lapse if the above issues are not addressed within 20 business days from receipt of this notice, or a further period as agreed between the assessment manager and the applicant.

The assessment period for the application will not commence until such time as the above issue has been addressed.

Despite this, Council has commenced its assessment of the application and appends material that would have ordinarily formed part of an information request.

Should you require any further information in relation to this matter, please contact Simon Clarke of Development and Environment on telephone number 07 4099 9480 .

Yours faithfully

Paul Hoyer
General Manager Operations

DRAFT FEEDBACK ON APPLICATION FOR PRELIMINARY APPROVAL FOR STAGING SELF ASSESSABLE AND CODE ASSESSABLE DEVELOPMENT IN ACCORDANCE WITH A PRECINCT PLAN, WHARF STREET PORT DOUGLAS (KNOWN AS THE REEF MARINA SITE)

1. As a general comment, the Precinct Plan and the Staging Plan are confusing. It would possibly have been of benefit to align the Precinct numbers with the Staging numbers, as they appear to match one another other.

It is also unfortunate that the Staging Plan provided with the current application does not reflect the same staging shown on the plans supplied with the pre-lodgement meeting.

Examples that require clarity include:

- The Staging Plan has incomplete stage boundaries. For example, Stage 1a and Stage 1b extend into the area marked as Arbour Park. However, it is not clear whether the Arbour Park is part of Stage 1a or 1b.
- It is assumed that Stage 3 is intended to match Precinct 4 boundaries.
- It is not clear from the Staging Plan, when the publicly accessible waterfront will be delivered. Most of it appears to be part of Stage 2a. The Staging Plan does not clearly define this, although the planning report does refer to being *“hopeful of developing stages 1a, 1b, 2a and 2c as a single stage, including the Arbour Park, Public Plaza and public waterfront access”*, with qualifications relating to stage 2a.

In essence, it is not possible to clearly determine when the publicly accessible waterfront will be delivered from the Staging Plan and this plan therefore needs to be amended to provide clarity.

2. The Access Plan is very difficult to interpret and probably includes detail that does not need to be shown on the plan (e.g. the view corridors). This plan also shows staging in colours that split the delivery of the publicly accessible waterfront into several sub-stages, with the Arbour Park not forming any particular stage.

Vehicular and pedestrian access arrangements are an important consideration for staging. However, the Primary Traffic Circulation arrows are not logical and make little sense. It was understood from the prelodgement enquiry that part of the Arbour Park would be a shared pedestrian/vehicular access arrangement. However, this is not shown on the plan.

Overall, the Access Plan requires review in order to demonstrate that it supports the proposed staging.

4. Please confirm the status of Precinct Plan – South Marina attached to the application. From the documentation, it would appear that this plan is supporting material only, and not part of the application. Please confirm by annotating this detail on the plan.

5. With respect to the range of land uses proposed:

- o 'Car Park' means the following:

"the commercial use of premises for temporary car parking of motor vehicles where this parking is not provided as part of the use of the premises for some other purpose."

A 'paid-for' multi-deck car parking station' would fall into this category. If the car parking is intended for the uses distributed across the site, then it constitutes an ancillary and incidental use to those activities, rather than a self-defined land use.

Given the implications of the control guidelines shown in Figure 1, it is not likely that a preliminary approval would be supported for a Car Park land-use as defined in the Douglas Shire Planning Scheme. Please consider removing this use from your application.

- o 'Park and Open Space' is exempt development in the Port Douglas Waterfront North Planning Area and is therefore not assessable development in the Port Douglas Waterfront North planning area. Please consider removing this use from your application.
- o 'Public Utilities and Facilities' refer specifically to the provision of facilities by State or Local Government. Please confirm whether this was your intention in Precinct 5 and what these particular facilities are to be? Alternatively, please consider removing this use from your application.
- o 'Tourist Attraction' is a very broad land use definition which can include things such as a 'theme park' or 'zoo'. The definition is probably too loosely defined to be capable of being supported as part of a preliminary approval. Please consider removing this use from your application.
- o 'Service Industry' is quite a liberal definition in the Douglas Shire Planning Scheme and is also probably not capable of being supported as part of a preliminary approval, unless it can be contained to a spectrum of low-impact uses. Please consider amending, or alternatively, removing this use from your application.

6. Clarify the siting of the proposed Waterfront boardwalk in Stage 1. It is not clear from the following statement:

“fixed overwater structure adjacent to the rock walls”

whether, it is to be surrounded on both sides by water, or whether it has one side waterfront, with the other side attached to land.

7. It is agreed that existing car parking provision needs to be acknowledged. It would be an advantage to make this car parking provision clear as part of this preliminary approval application to ensure that subsequent development permits can take advantage of any excess provision that may become available when the floor space of the existing commercial building is removed.

(Note: This is an optional requirement, intended to make the future assessment of development permits easier to administer).

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