

PORT DOUGLAS WAVE PARK - NORTHBREAK

Planning Report for
Proposed Material Change of Use (Resort Complex, comprising Outdoor
Sport and Recreation, Short-Term Accommodation, Food and Drink
Outlet, Shop, Tourist Park, Air Services and Caretaker's Accommodation)
And
Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)



PR148361/OLD/SD/R80179
Amended
6 July 2021

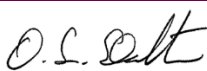
REPORT

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
Draft	Planning Report	S. Devaney	O. Dalton		19/03/2021
Revised	Planning Report	S. Devaney	O. Dalton		30/04/2021
Revised	Planning Report	S. Devaney	O. Dalton		28/05/2021
Final	Planning Report	S. Devaney	O. Dalton	O. Dalton	4/06/2021
Amended	Planning Report	S. Devaney	O. Dalton	O. Dalton	7/07/2021

Approval for issue

Owen Dalton



7 July 2021

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SUMMARY

Site Details

Site Address:	5640 Captain Cook Highway, Mowbray
Real Property Description:	Lot 123 on SR687
Site Area:	40.22 ha
Owner(s):	Michael Anthony Giudice

Application Details

Permit Type Sought:	Development Permit
Application Type/Description:	Material Change of Use for Resort Complex, (comprising Outdoor Sport and Recreation, Short-term Accommodation, Food and Drink Outlet, Shop, Tourist Park, Caretaker's Accommodation and Air Services) and Reconfiguration of a Lot (1 Lot into 4 Lots and common property)
Assessment Manager:	Douglas Shire Council
Level of Assessment:	Impact
Referrals:	SARA (DTMR, DES, DAF, DoR)

Consultation

Douglas Shire Council Relevant State Government Agencies	Pre-lodgement Meetings and discussions with Officers of Douglas Shire Council and State Agencies, via SARA
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Applicant Contact Details

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1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) has been engaged by David Imgraben (Graben Pty Ltd) to seek development approval for the establishment of a staged integrated development of a Wave Park and associated development of land located at 5640 Captain Cook Highway, Mowbray. The subject site is more properly described as Lot 123 on SR687.

This development application seeks:

- Development Permit for Material Change of Use for a Resort Complex, (comprising Outdoor Sport and Recreation, Short-term Accommodation, Food and Drink Outlet: Shop, Tourist Park, Air Services and Caretaker's Accommodation);
- Development Permit for Reconfiguration of a Lot (1 Lot into 4 Lots and common property);
- Preliminary Approval for Operational Works (Excavation and Filling); and
- Preliminary Approval for Operational Works (Advertising Devices).

The proposal involves establishment of a Resort Complex (NorthBreak), comprising a number of elements, including:

- A wave park;
- Ancillary facilities including a freshwater swimming lagoon and aquapark;
- A hotel complex, comprising a maximum of 164 room short-term / hotel accommodation units;
- A village precinct, comprising shops, food and drink outlets;
- A self-contained short term accommodation precinct, comprising a maximum of 90 self-contained dwelling units (that may be attached and/or detached);
- A tourist park, comprising self-contained cabins (a maximum of 30 cabins);
- A Helipad; and
- Caretaker's residence.

The proposal also includes a Reconfiguration of a Lot (ROL) components, which seeks a Development Permit to provide for the creation of a tiered Body Corporate scheme comprising a principal scheme with four (4) lots, including:

- Lot 1 – Hotel Precinct;
- Lot 2 – Wave Park Precinct;
- Lot 3 – Surf Camp Precinct;
- Lot 4 – Self-contained Residential Accommodation Precinct; and
- Common property.

In preparing the development concept, the Study Team led by Hunt Design has undertaken detailed analysis of a broad range of site issues considered relevant to the proposed development, including economic analysis of project costs and benefits, environmental and engineering constraints and opportunities, agricultural land suitability assessment, site flooding, access, and service provision. The results of these studies and assessments, which are contained within a number of reports that are appended to this Planning Report, have been used to inform and guide the concept design and layout of the proposed development, to ensure that there are minimal site impacts and that, where there are impacts, any such impacts are mitigated.

Perhaps of most significance results of these assessments are the findings of the Economic Analysis, undertaken by RPS Economists, which has concluded: -

- The construction phase of the project, at an estimated cost of \$317.3M, will generate:
 - 1,247 full time equivalent jobs, of which 453 will be direct (i.e. on site), and 794 indirect (i.e. supply chain), and
 - generate \$117.5M in wages over the two year construction period, the majority of which will go

to regional residents.

- Upon commencement of operations, the project will:
 - attract 128,680 visitor nights to the facility;
 - generate \$79.2M direct expenditure into the region;
 - generate an estimated 740 full time jobs per annum, 644 as direct and 96 indirect jobs; and
 - generate \$36m annually in wages and salaries, mainly for local residents.

A full copy of this Economic Analysis Report is provided for reference as **Appendix E** to this report.

In respect to broad scale planning considerations, it is noted that the guidance in respect to land use and development within the Douglas Shire is provided via the Douglas Shire Council Planning Scheme 2018. Under this Scheme, the subject site has both a Natural Areas / Scenic Values and Rural Area Strategic Framework designation and is located within the 'Rural' Zone. In accordance with the Assessment Tables applicable to the Rural Zone, the proposal is subject to impact assessment.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Technical issues associated with the proposal are addressed in appended technical reports.

Based on these assessments, the proposal is recommended for approval subject to reasonable and relevant conditions.

2 SITE DETAILS

2.1 Site Particulars

Table 1: Site particulars

Address	5460 Captain Cook Highway, Mowbray
Real Property Description	Lot 123 on SR687
Site Area	40.22 ha
Encumbrances	Nil
Existing use of site	Cane farm with one (1) dwelling and ancillary farm shed.
Topography	Relatively flat with minor undulations
Vegetation	The majority of site has been historically cleared for agricultural production and is predominately Category X. However, parts of the site are mapped as containing stands of Category B Remnant Vegetation and Category R Reef Regrowth.
Waterways	The site contains a mapped waterway (amber) that drains into the Mowbray River
Road frontages	Captain Cook Highway – Approximately 570 metres
Services	The only reticulated services currently connected to the site are electricity and telecommunications services. It is proposed that services required to meet the demands of the proposed development will be provided via a number of means, including connection to Council’s existing water reticulation and sewer network, as well as on-site water harvesting – refer to appended reports for greater detail.
Surrounding land uses	North: Mowbray River and vacant land within coastal zone South-East and South-West: Agricultural production – cane farms North-East and North-West: Unallocated State Land - vacant land within coastal management district

Site location and extent is shown in **Figure 1**.



Figure 1: Site Location

Source: Queensland Globe 2021.

Certificates of title confirming site ownership details and landowners' consent are included for reference in **Appendix B**.

2.2 Planning context

The planning context of the site can be summarised as follows:

Table 2: Planning context

Instrument	Designation
Far North Queensland Regional Plan 2009 - 2031	
Regional Plan designation:	Regional Landscape and Rural Production Area
Douglas Shire Council Planning Scheme 2018	
Strategic framework designation:	Part Rural Area, part Natural Areas / Scenic Values
Zoning:	Rural
Overlays:	<ul style="list-style-type: none"> • Acid Sulfate Soils Overlay <ul style="list-style-type: none"> – Land below 5m AHD – Land above 5m AHD and Below 20m AHD • Coastal Environment Overlay <ul style="list-style-type: none"> – Coastal Management District – Erosion Prone Area • Flood and Storm Tide Inundation Overlay <ul style="list-style-type: none"> – Storm Tide – High Hazard – Storm Tide – Medium Hazard – Floodplain Assessment Overlay • Landscape Values Overlay <ul style="list-style-type: none"> – High Landscape Values – Medium Landscape Values • Natural Areas Overlay <ul style="list-style-type: none"> – MSES – Regulated Vegetation (intersecting a Watercourse) – MSES – Regulated Vegetation (Of Concern – Regional Ecosystem) • Transport Network (Road Hierarchy) Overlay <ul style="list-style-type: none"> – Major Transport Corridor Buffer Area • Transport Network (Transport Noise Corridors) Overlay <ul style="list-style-type: none"> – Category 2 - 63dB(a) < Noise Level < 68 dB(A)
State Referral Mapping	
Applicable State Referrals:	<ul style="list-style-type: none"> • Portion of the site mapped as being within the Erosion Prone Area of the Coastal Management District • Waterway Barrier Works • Regulated Vegetation – Category B Remnant Vegetation and Category R Reef Regrowth • State-controlled Road • Removal, destruction or damage to marine plants

Zoning of the subject site and surrounding lands is shown on **Figure 2**.

Other relevant mapping, including overlays are provided below.

2.2.1 Zoning

The site is located within the Rural Zone, refer to **Figure 2**.

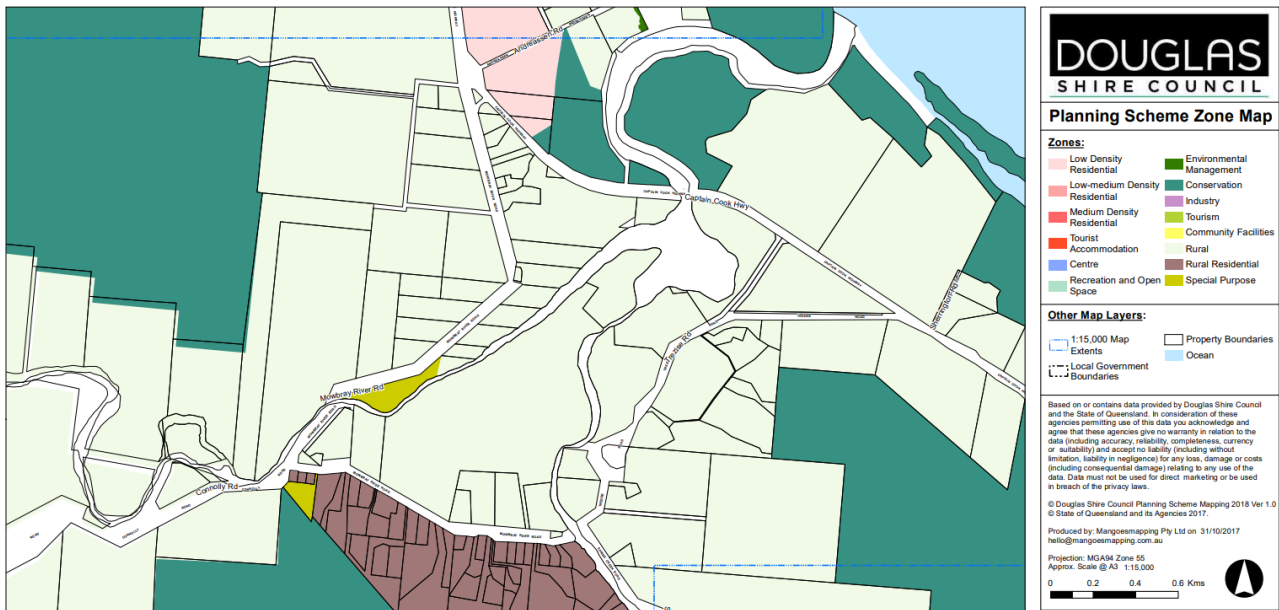


Figure 2: Zoning

Source: Douglas Shire Planning Scheme 2018

2.2.2 Overlays

2.2.2.1 Acid Sulfate Soils

In regard to the Acid Sulfate Soils (ASS) Overlay Code, assessment has revealed that a large portion of the subject site is mapped as containing land that is below 5m AHD. This assessment has also revealed that the south western portion of the site, immediately adjacent to the Captain Cook Highway contains land between 5m AHD and 20 m AHD. These mapping designations are intended to provide a broad-scale indication that ASS may be present on the site, and foreshadow the need for more detailed, site specific investigations where such a possibility exists.

Such investigations have been undertaken into the subject site by Golder Associates, with a full copy of their report provided for reference as **Appendix J** to this report. In summary, Golder have concluded that there is a low probability of ASS occurrence across most of the site, and that areas of high probability are restricted to those areas of the site adjacent the north-western and north-eastern site boundaries.

The Planning Scheme's stated intent in respect to areas where ASS may be present is to either avoid or mitigate adverse impacts from disturbance of these soils. The majority of the proposed development has been sited upon areas within the site where it has been determined that a low probability of ASS exists. Where it is not feasible to avoid areas where ASS may be present, it is the applicant's intent to implement measures to ensure that impacts are mitigated, via implementation of an Acid Sulfate Soils Management Plan. This plan will be prepared and submitted at the time of seeking Operational Works/Building Works approvals, once the extent of earthworks are more clearly defined and appropriate management strategies are able to be identified. Greater detail in respect to this issue is provided in Section 4.2. 5 .1 of this report.

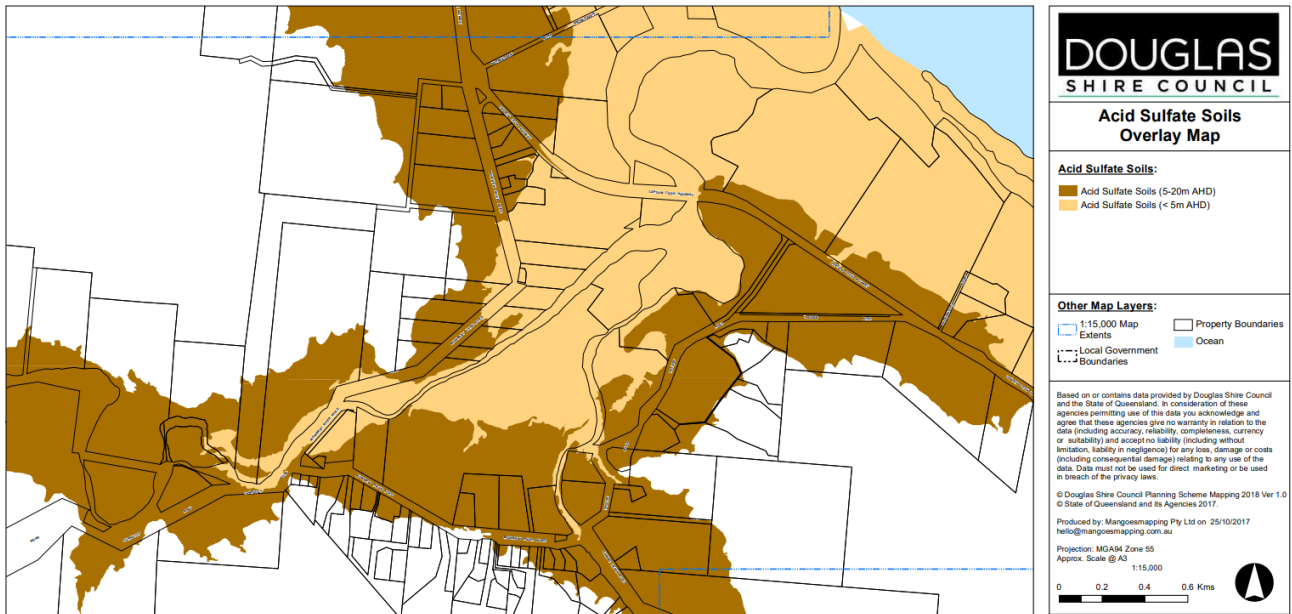


Figure 3: Acid Sulfate Soils Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.2 Coastal Environment Overlay

With regard to the Coastal Environment Overlay Code and its relevance to the subject site, detailed assessment has revealed that:

- The subject site is located within the Erosion Prone Area under the Coastal Management District mapping; and
- The erosion prone area is the width of the coast that is considered to be vulnerable to coastal erosion and tidal inundation, factoring in a sea level rise of 0.8 metres resulting from the impacts of climate change.

We note that the State Planning Policy Mapping for Coastal Hazards – Erosion Prone Area prevails over the relevant overlay mapping under the Douglas Shire Council Planning Scheme. The current Erosion Prone Area sourced from the Queensland Government’s Development Assessment Mapping System (DAMS) mapping (refer to **Figure 5**) indicates the Erosion Prone Area impacts the site.

Whilst the Master Plan DA-01.6 (**Appendix D**) proposes development to be carried out partly within the erosion prone area, as detailed on the erosion prone mapping in **Figure 4** and **Figure 5**, engineering investigations and detailed design has been undertaken so as to ensure that these constraints are accounted for within the final design. Further detail and discussion upon this matter is provided within **Section 5** of this Planning Report.

Development within the Erosion Prone Area of the Coastal Management District will trigger referral to the State for assessment under the *Planning Regulation 2017*.

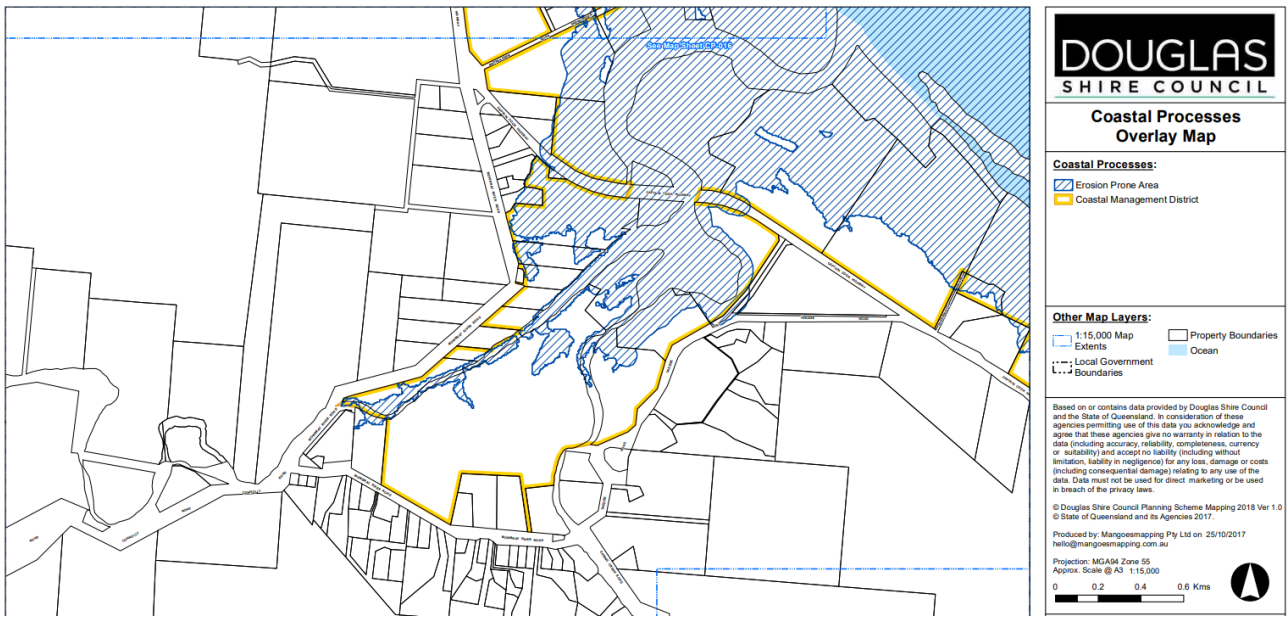


Figure 4: Coastal Processes Overlay Map

Source: Douglas Shire Planning Scheme 2018

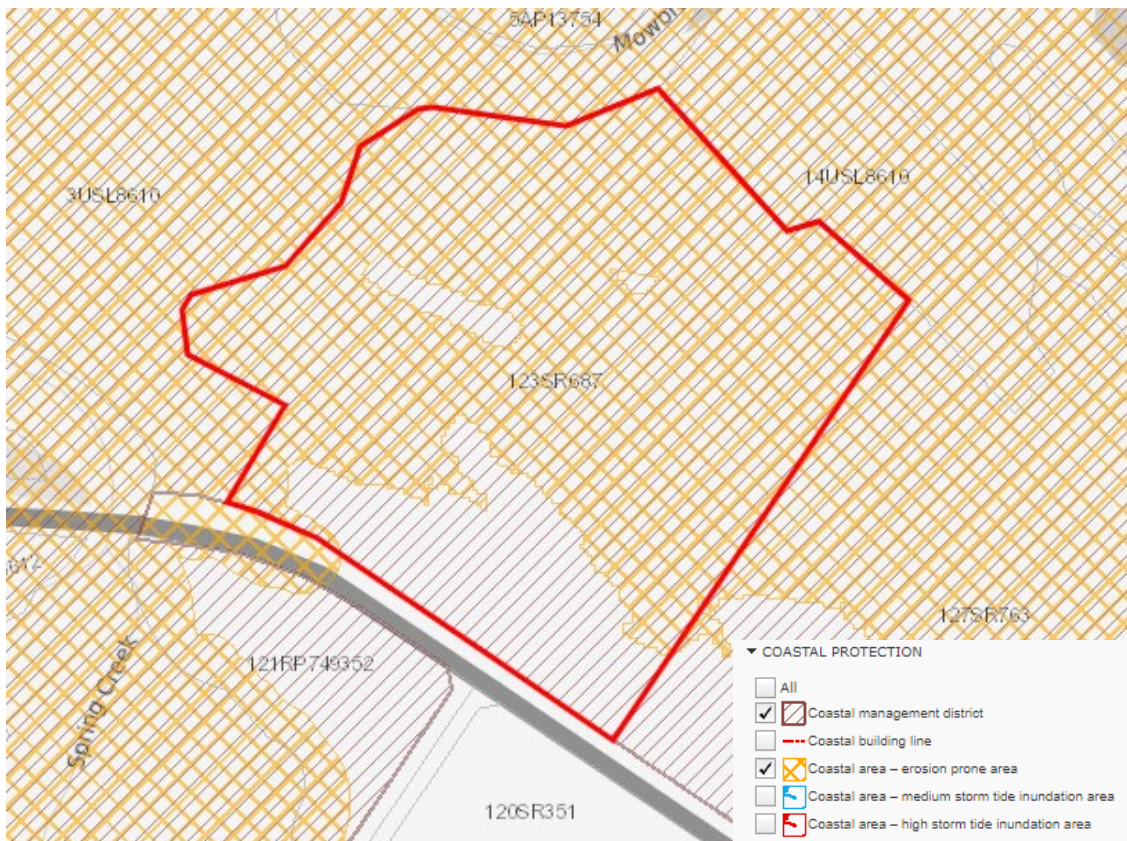


Figure 5: DAMS Coastal Management District and Erosion Prone Area Mapping

Source: Queensland DAMS

2.2.2.3 Flood and Storm Tide Hazard Overlay

In relation to the Flood and Storm Tide Hazard Overlay Code and its relevance to the subject, site investigations and assessments have revealed that a significant proportion of the site is:

- mapped as being within the “High Hazard Storm Tide” area; and
- mapped as being within the 100-year ARI flood study area.

The applicant has engaged JBP Scientists and Engineers to conduct a flood study for the proposed development. Detailed results of this flood study and modelling are provided in JBP’s Flood Study, provided for reference as **Appendix K**.

JBP have concluded that, whilst proposed earthworks will result in a minor increase in peak flood levels in a 1% AEP flood event, the majority of this impact will be restricted to land which contains mangroves and is comprised of Unallocated State Land, with the result that there is not expected to be any adverse impact on dwellings or active land uses. The applicant proposes a number of engineering solutions to accommodate these constraints, details of which are provided in **Section 5** of this Planning Report, but which extend to include minimum flood and access road levels above the 1% AEP flood level.

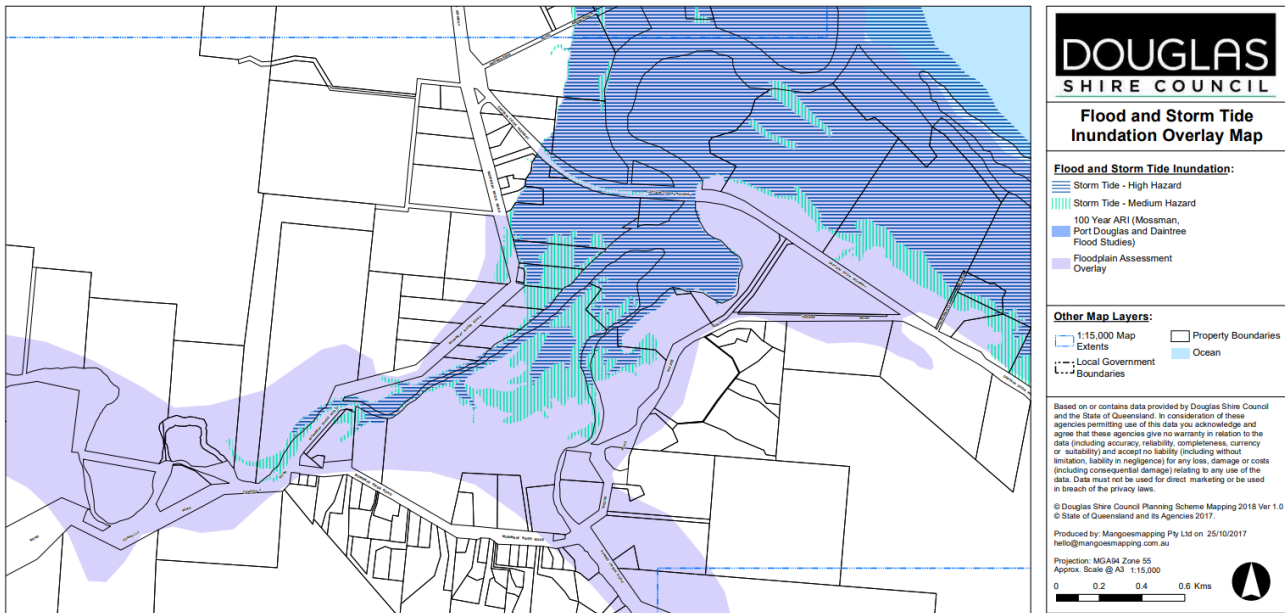


Figure 6: Flood and Storm Tide Inundation Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.4 Landscape Values Overlay

It is noted that the subject site is located within the Rural Zone and that current land use is cane farming, with the result that the majority of the site has been cleared and is generally devoid of any natural vegetation. There are however pockets of remnant vegetation remaining, as depicted on the Regulated Vegetation Management mapping, provided for reference as **Appendix C**. The land immediately adjacent to the Captain Cook Highway is located within what has been mapped as “Scenic Route Buffer / View Corridor” within the Landscape Values Overlay. This effectively requires that landscape values are maintained or enhanced immediately adjacent to the Captain Cook Highway. Landscape aspects of the proposed development and maintenance of landscape values are addressed in detail in the Landscape Design Report, provided for reference **Appendix L**, a major element of which is the provision of extensive planting along the site frontage, so as to visually screen and buffer the proposed development from the highway.

The Environmental Assessment Report, provided for reference as **Appendix H**, details those site investigations and desktop assessments undertaken in support of the proposed development. As part of this assessment, identification of potential environmental impacts from the proposed development was undertaken.

This assessment has guided the siting of the proposed development so as to avoid mapped environmental values as far as feasible. Remnant vegetation proposed to be impacted is to be offset by approximately 15 hectares of revegetation to be undertaken upon existing degraded areas within the site, most of which has been heavily impacted by historic cane farming activities. Given these circumstances, it is considered that the proposed development will actually result in a net increase in environmental values and habitat when compared to existing site values.

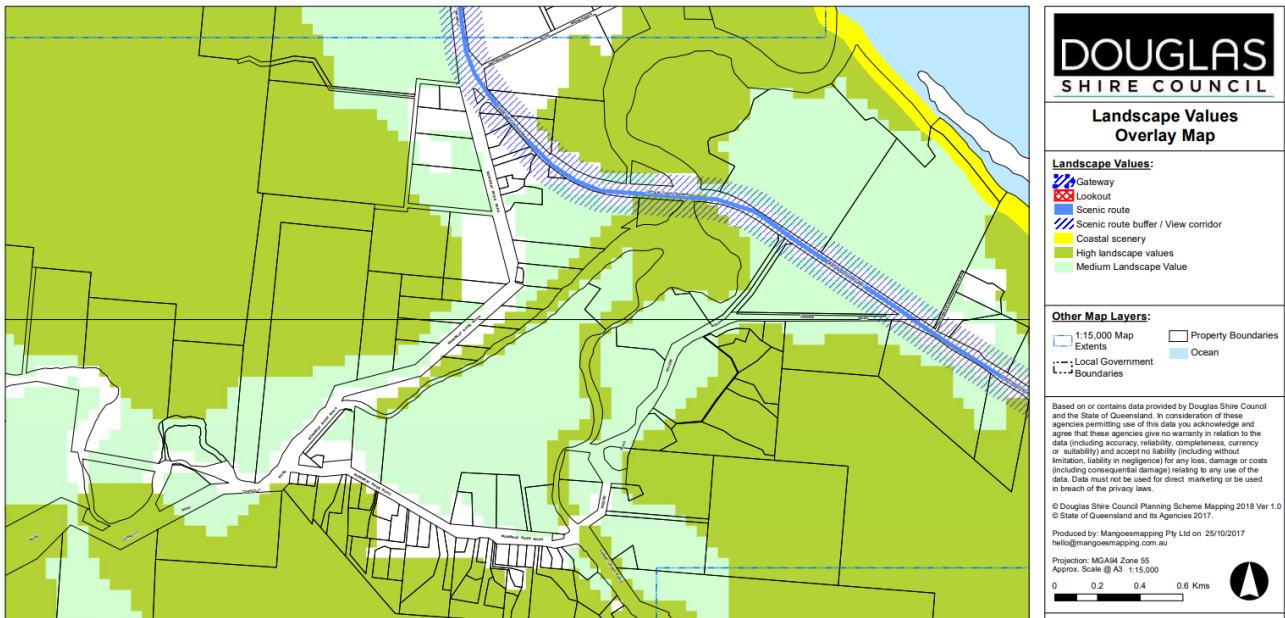


Figure 7: Landscape Values Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.5 Natural Areas Overlay

In regard to the Natural Areas Overlay Code and its relevance to the subject site, assessment has revealed that watercourses traversing the site are mapped as Matters of State Environmental Significance (MSES) on the overlay. To address these matters, the Code requires that detailed design must ensure that development does not result in adverse impacts on the integrity of these watercourses.

It is noted that historical works have occurred within the mapped waterway that traverses the site. Pre-lodgement advice sought from the State Assessment and Referral Agency (SARA) and the Department of Agriculture and Fisheries (DAF), in relation to the mapped waterway, indicated that DAF considered the mapping to be incorrect and the mapped feature is not considered a waterway providing for fish passage. Further detail and discussion on this issue is provided in **Section 5** of this Planning Report.



Figure 8: Natural Areas Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.6 Transport Network Overlay

With regard to the Transport Network Overlay Code and its relevance to the subject site, assessment has confirmed that a portion of the site, immediately adjacent to the Captain Cook Highway - a State-controlled road - is located within a “Major Corridor Buffer Area”. The intent of this designation is to ensure that development of sensitive land uses, such as dwellings, should be avoided within this buffer area. The detailed design of the proposed development has ensured that no noise-sensitive elements of development are located within the designated buffer area, with use restricted to non-sensitive uses including landscape buffering (which will further mitigate both visual and noise impacts) and vehicle access and parking areas.

Other aspects relating to site proximity to the State-controlled, relating to vehicle access, safety and intersection design, have been assessed in the Traffic Impact Assessment Report, prepared by GHD and provided for reference as **Appendix M**. This report concludes that the proposed development can be provided with appropriate access arrangements that will have negligible negative impact on the current and future safety and efficiency of the Captain Cook Highway in proximity to the site.

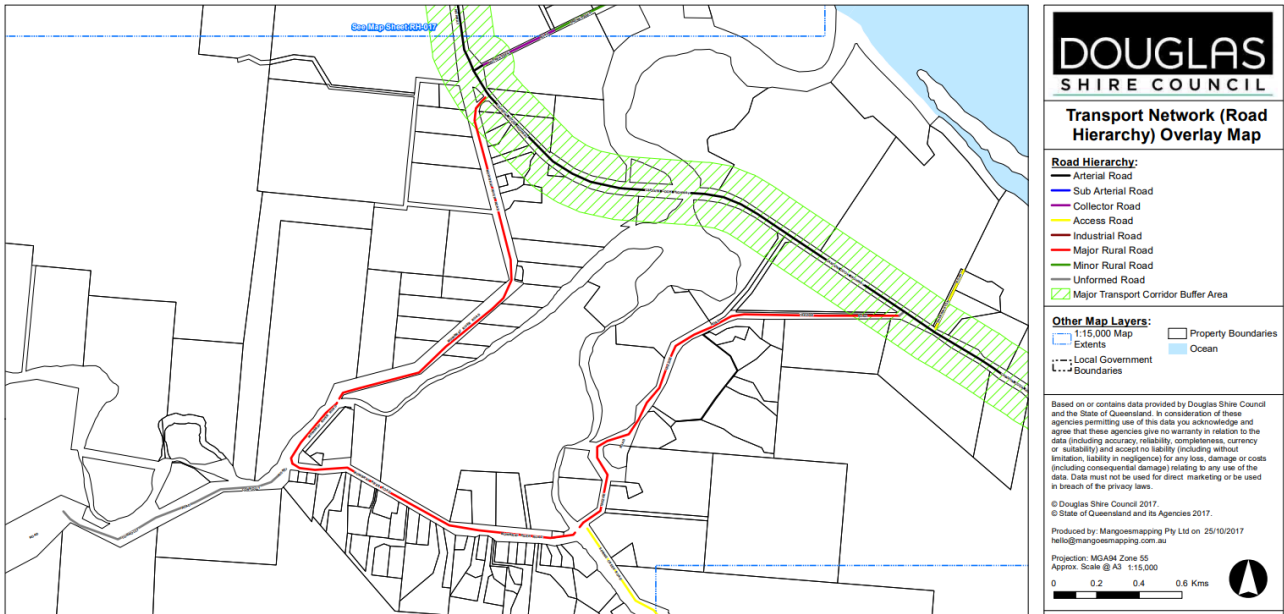


Figure 9: Transport Network (Road Hierarchy) Overlay Map

Source: Douglas Shire Planning Scheme 2018



Figure 10: Transport network (Transport Noise Corridors) Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.3 Site characteristics

The subject site has an aggregate area of 40.22 hectares and is generally of regular configuration, comprising a frontage of approximately 570 metres to the Captain Cook Highway (south-western boundary). The northern boundary has frontage of approximated 300 metres to an unnamed road reserve adjacent to the high bank of the Mowbray River.

A single detached dwelling and ancillary farm shed are currently located within the southern portion of the site. Access to the site is currently via a private driveway access off the Captain Cook Highway adjacent the southern property boundary.

2.2.3 Vegetation

The majority of the site has been historically cleared for agricultural purposes, namely sugar cane production. However, it is noted that the site contains areas of mapped Category B Remnant Vegetation and Category C Reef Regrowth under the *Vegetation Management Act 1999*. A copy of the Vegetation Management report for the subject site is provided for reference as **Appendix C**.

Review of the remnant vegetation present on the site indicates that the Category B Remnant Vegetation is of least concern regional ecosystem, identified as being mangrove closed scrub to open forest and subject to regular tidal inundation. The Category R Reef Regrowth is predominantly of concern woodland to closed forest, however, there is also a small portion of the site designated as mangrove closed scrub to open forest and subject to regular tidal inundation, given its proximity to the Mowbray River.

The subject site is also listed as containing essential habitat on the essential habitat map, for the estuarine crocodiles.

Review of the current mapping for Protected Plants Flora Survey indicates that there are no high risk areas identified within the subject site as containing protected plants.

2.2.4 Topography

The site is subject to minimal topographic variance, given its proximity within the coastal zone. Survey plan, Drawing No. DA-01.2, provided for reference in **Appendix D**, indicates the existing topographic conditions.

2.2.5 Surrounding Land Uses

The subject site is located within the Rural Zone, with the result that it is surrounded by predominantly rural land uses, namely sugar cane production to the south and west. Unallocated State Land is located immediately to the east of the subject site and immediately to the north, where there is a narrow esplanade adjacent to the high bank of the Mowbray River.

Sensitive receptors, being existing dwellings, are located a significant distance from the proposed development. It is noted that closest dwelling is over 400m to the east of the subject site.

With regards to immediate adjacent land uses, the site shares a boundary with the following:

Location	Adjoining Land Uses
North	Unallocated State Land within the coastal zone and the Mowbray River
South-East and South-West	Cane farms
North-East and North-West	Unallocated State Land within the coastal management district

3 BACKGROUND

3.1 Site History

The subject site is currently developed as a cane farm with a single detached dwelling and ancillary farm shed located within the southern portion of the site. Current access to the site is via a private driveway off the Captain Cook Highway. The Preliminary Agricultural Land Class Assessment, provided for reference as **Appendix F**, provides further detail as to the existing soil and land resources of the subject site.

3.2 Pre-lodgement History

3.2.1 Local Authority Engagement

During the preliminary design phase of the proposal, members of the Study Team meet with and sought informal advice and feedback from Council officers on a number of occasions. This feedback assisted in identifying some issues of concern that were then taken into consideration as the detailed design of the proposed development evolved.

Council officers however did recommend that formal pre-lodgement advice be sought from Council in respect to several broad-scale planning issues considered to be of primary relevance to Council, including justification for site selection, consideration of alternate site options, provision of services (especially in respect to water supply) and format of the development application being proposed.

In response, the Study Team made a number of amendments. RPS presented a formal Request for Pre-lodgement advice to Council via correspondence dated 19th April, 2021. A copy of the request is provided for reference as **Appendix Q** to this report.

A formal pre-lodgement meeting was held with Council Officers Neil Beck and Paul Hoyer in relation to the proposed development. Feedback received from Council officers indicates that Council generally remains supportive of the proposed development and that minor concerns raised in relation to specific issues may be appropriately addressed via the application of appropriate conditions of approval, particularly in relation to the staging of the proposal. It was indicated that the nature of the application should take the form of a Material Change of Use – Resort Complex and all reference to “Dwelling House” and Multiple Dwelling” should be removed. The Council would be unlikely to support provision of a residential precinct outside of designated future residential areas, such as the Craiglie Residential Investigation Area, and that any application should be restricted to “Short Term Accommodation”.

Schedule 1 of the Planning Scheme – Definitions, states “Short Term Accommodation” as ‘Premises used to provide short- term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three (3) consecutive months) and may be self-contained. The proposal is requesting that Three (3) months be amended to six (6) months as part of this application. This is requested to support longer stays in the region and allow travellers from the southern states to effectively ‘head north for the winter’.

Further, Council advice indicated that Council preference would be for the proposed development to be connected to Council’s reticulated sewerage system, as opposed to an on-site effluent treatment system. This advice has been incorporated into the planning report and the nature of the current application has been amended to reflect such advice.

3.2.2 State Authority Engagement

Following an informal meeting with State Agencies, formal Pre-lodgement Advice was sought from the State Assessment and Referral Agency (SARA), via a request lodged on 8th March 2021. Via correspondence dated 24th March 2021, SARA provided a response which summarised those matters considered by the State to be key to their consideration of the proposed development, and action items required to address these key matters. A copy of SARA’s Pre-lodgement Advice is provided for reference as **Appendix R** to this report.

Following receipt and review of this advice, the Study Team completed a range of actions intended to address the key issues identified in the advice. These actions included:

REPORT

- Revision of the development Masterplan, involving removal of esplanade bank rectification works and proposed additional waterway crossings, and revision of technical reports to incorporate the revised Masterplan,
- Revision of the Waterway Assessment Report, to address concerns about the waterway barriers proposed – i.e. retention of existing bed level crossing across the canal and removal of the existing waterway barrier and removal of any additional crossing as per the revised layout plan.
- Assessment of State Code 8 as part of the planning report to address the risk from coastal erosion, with an emphasis upon the conclusion that the proposed development cannot be feasibility located elsewhere to meet the SDAP Code – PO1.
- Tidal works – provide further detail to confirm that the revised layout has removed any reference to Esplanade bank rectification works.
- Completion of a Registered Suitable Operator application form to attach to the Environmentally Relevant Activity (ERA) application.
- MSES impacts – assess the area of impact from the revised site layout on the mapped MSES and provide quantification.
- ERA 16 – revision of the Environmental Assessment Report to include ERA 16, including volumes likely to be extracted as part of the cut and fill component of the project.
- Marine Plants – revision of the EAR, to include the assessment of marine plants and undertake assessment against State Code 11.
- State transport infrastructure – it is noted that the revised layout addresses the concerns raised which will be detailed in State Code 6 and State Code 1.

These changes and actions have been incorporated into the various technical reports which have been prepared in support of this development application.

4 PROPOSAL

4.1 Overview

Graben Pty Ltd seeks to redevelop an existing cane farm to establish a Resort Complex (NorthBreak), comprising a Wave Park and a range of ancillary/subordinate activities upon the subject site, located at 5640 Captain Cook Highway, Mowbray. The development aims to provide a tourist resort comprising a range of activities / uses, including:

- A Wave Park, within which artificial waves will be generated that are able to cater to wave riders with a range of skill levels and ages;
- Freshwater swimming lagoon and land-based facilities, to cater for children and people not utilising the wave pool;
- 4.5 star hotel complex, comprising a maximum of 164 short-term accommodation units and ancillary facilities including dining, spa, conference and function rooms;
- Village precinct, comprising shops, food and drink outlets.
- Self-contained short term accommodation precinct, comprising a maximum of 90 self-contained units that will be attached and/or detached, primarily targeted at “long stay” (not exceeding six (6) consecutive months) travellers and guests/users of the tourist resort seeking self-contained accommodation; and
- Tourist park, comprising a maximum of 30 holiday cabins and camping sites.

The proposal also seeks to reconfigure existing Lot 123 on SR687 into a Community Title Scheme comprising the resort, wave park, freshwater swimming lagoon and self-contained residential accommodation lots, as depicted in the **Figure 11**. It is anticipated that all buildings, facilities, infrastructure and common property will be managed under a tiered Community Titles Scheme, comprising a Principal Scheme containing lots administered under a Principal Body Corporate. One or more Subordinate Schemes, to encompass common use areas, most likely to be restricted to the short term accommodation elements of the proposed development, managed via subordinate Body Corporate(s) that may be established at some time in the future.

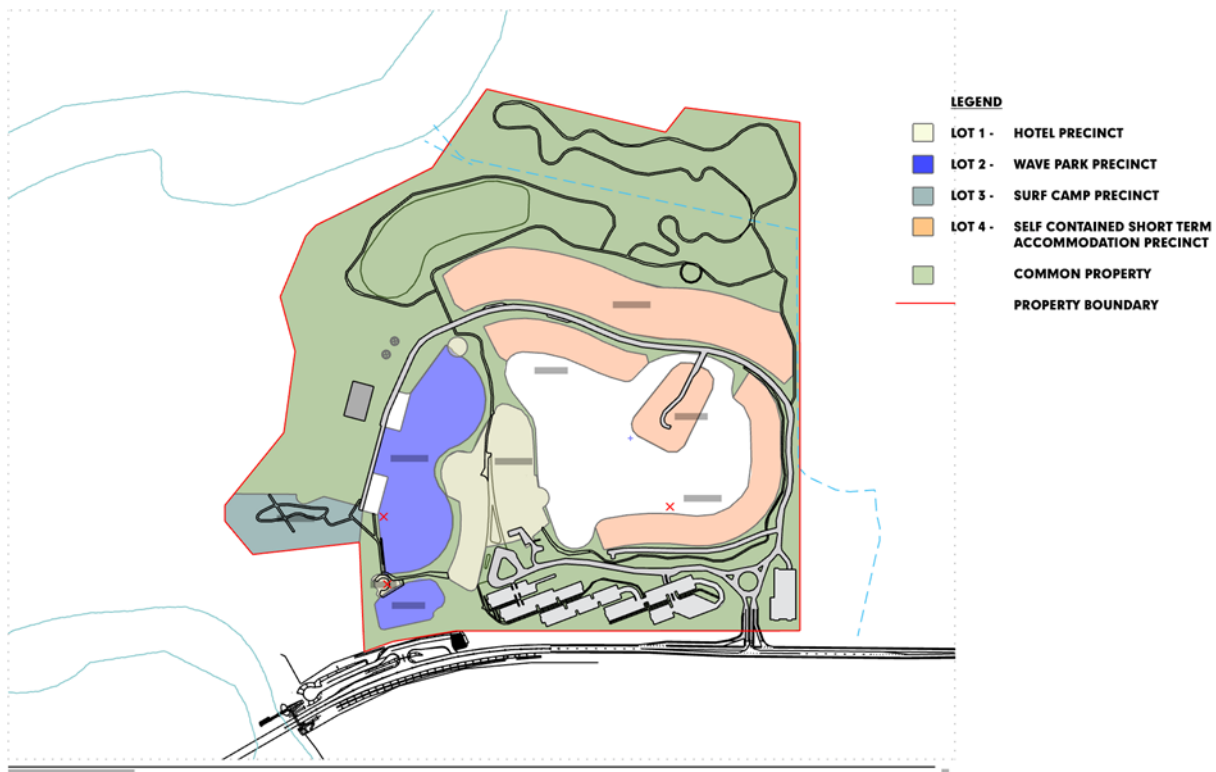


Figure 11: Wave Park reconfiguration of a Lot Proposal

Source: Hunt Design – DA-01.11

REPORT

This application further seeks Preliminary Approval for Operational Works associated with the construction phase of the proposed development and for the placement of signage on entry to the proposed development.

The Study Team have conducted extensive investigations into the proposed development and have prepared a master plan to guide development of the site so as to achieve the proponent's intended outcome. A copy of the Master Plan Drawing No. DA-01.4, is provided for reference as **Figure 12** and within the Architect Design Report, provide for reference as **Appendix D**.

A wide range of detailed investigations have been completed by various members of the Study Team. These investigations have informed the detail design phase of the development, which has resulted in a concept design which is considered to be responsive to the range of constraints and opportunities that have been identified through this investigative process. Assessments undertaken to date include the following:

- Economic Assessment, prepared by RPS and provided for reference as **Appendix E**, which examines the social and economic benefits of the proposed development for the region;
- Agricultural Land Suitability Assessment, prepared by RPS and provided for reference as **Appendix F**, which assesses the existing soil and land resources and provides a determination of the Agricultural Land Class (ALC) of the site and likely impact of the proposal on the availability of cropping land within the region and cropping industry itself;
- Waterway Determination Report, provided for reference as **Appendix G**, prepared by RPS in response to advice from the Department of Agriculture and Fisheries (DAF) in relation to the presence of an amber waterway traversing the subject site. The report provides supporting evidence to assist DAF with accurate assessment of the determination of this waterway, particularly in relation to potential waterway barrier works;
- Environmental Assessment Report, provided for reference as **Appendix H**, prepared by RPS to provide an overview of the proposed development and the potential for environmental impacts as a result of the development;
- Engineering Report, provided for reference as **Appendix I**, prepared by GHD Pty Ltd to support the Development Application for a Material Change of Use for the proposed development. The report identifies the required general civil engineering development works and provides supporting information for the proposed earthworks and stormwater management;
- Geotechnical Report, provided for reference as **Appendix J**, prepared by Golder Associates Pty Ltd in relation to geotechnical studies related to the proposed development;
- Flood Study, provided for reference as **Appendix K**, prepared by JBP Scientists and Engineers, which details hydrological and hydraulic modelling within the Mowbray catchment to support the proposed integrated development of the resort complex on the subject site;
- Landscape Design Report, prepared by RPS and provided for reference as **Appendix L**, which details the landscape vision for the proposed development, taking account of site constraints and which identifies a number of key opportunities for landscape design, both within the development footprint and those areas proposed for rehabilitation;
- Traffic Impact Assessment, provided for reference as **Appendix M**, prepared by GHD Pty Ltd. The report identifies both current and proposed traffic volumes and includes traffic modelling, which assesses future growth for local traffic in addition to the proposed development, and which concludes that the proposed development will have negligible adverse impact upon safety and efficiency of the Capt Cook Highway;
- Preliminary Electrical Review, provided for reference as **Appendix N**, which identifies the likely electrical infrastructure requirements, demand on the existing Ergon Energy network and the potential for renewable energy initiatives;
- Water Treatment Strategy, provided for reference as **Appendix O**, which identifies water sources available for the proposed development and details stormwater treatment to ensure stormwater discharged from the site is in accordance with Local and State requirements; and
- Hydraulic Services Master Plan, provide for reference as **Appendix P**, details the provision of a sewer pump station and the proposed location of the sewer rising main to enable connection of the proposed development to Council's reticulated sewerage system.



Figure 12: Site Master Plan

Source: Hunt Design – DA-01.4

Table 3: Proposal Summary

Proposed Use/s	Resort Complex, comprising a Wave Park and ancillary facilities, including hotel complex, village precinct, self-contained short term accommodation precinct and tourist park
Gross Floor Area	Hotel complex – as depicted in Drawing Nos. DA-03.8, DA-03.9 & DA-03.10. provided as Appendix D . Level 00 – 5,197m ² Level 01 – 4,892m ² Level 02 – 4,886m ²
Site Cover	50% for self-contained short term accommodation precinct
Number of Storeys	Hotel complex – 2 x three (3) storeys - Maximum 164 non-self-contained units.
Number of Self Contained Accommodation Dwelling Units	Maximum of 90 self-contained short term accommodation dwelling units, detached or attached, maximum 2 storeys.
Landscaped Area	Approximately 40% of the site will be rehabilitated with native species and the balance of the landscaped areas are also to be dominated with native species - Refer to Drawing No. DA-01.8 – Landscape Areas (Appendix D), as per the Landscape Design Report (Appendix L).

REPORT

Number of Car parks	Hotel – 98 Visitor + bus/coach – 260 Staff - 81
Vehicle Entry Points	Captain Cook Highway, as depicted in Drawing No. DA-01.7 (Appendix D)
Refuse Storage and Collection	Refuse storage and collection area for the hotel and wave park precinct is provided on the ground floor, as depicted on Drawing No. DA-03.8 (Appendix D)
Hours of Operation	7 days per week. Wave Park operation 9am – 10pm during peak season

4.2 Proposal Detail

4.2.1 Subdivision Layout

The proposal seeks to reconfigure existing Lot 123 on SR687 into four (4) principle lots, comprising:

- Lot 1 – Hotel Precinct;
- Lot 2 – Wave Park Precinct;
- Lot 3 – Surf Camp Precinct;
- Lot 4 – Self-contained Short term Accommodation Precinct; and
- Common property.

The proposed subdivision layout is depicted in Drawing No. DA-01.11, which is provided for reference as **Figure 11**.

It is anticipated that all buildings, facilities, infrastructure and common property will be managed under a tiered Community Titles Scheme, comprising a Principal Scheme containing four (4) lots administered under a Principal Body Corporate. It is possible that one or more of the Lots within the Principal Scheme may be re-subdivided, via either Standard Format and/or Building Format subdivision (depending upon final built form), and subordinate schemes established at some time in the future to encompass common use areas. It is envisaged that these common use areas will most likely to be restricted to the self-contained short term accommodation element of the proposed development, managed via a subordinate Body Corporate(s). Community Management Statement (CMS) will be formulated to govern the subsidiary or subordinate scheme.

4.2.2 Built Form

The proposal seeks to establish a range of buildings and structures across the site, positioned so as to be responsive to the constraints of the site, with a proposed new entry and internal road network meandering through the site, as depicted in Drawing No. DA-01.9, provided for reference as **Appendix D**. A proposed round-about at the entrance to the site will enable access to the visitor/guest/coach carpark and hotel complex, as well as the self-contained accommodation precinct and the wave park located within the north-west portion of the site.

A proposed carpark is located immediately to the left of the round-about, to mitigate traffic flows associated with the hotel guests and day trippers and alleviate potential traffic congestion for guests within the self-contained accommodation precinct.

The proposed short term accommodation buildings, self-contained short term accommodation precinct, wave pool, passive activity areas, service areas and carparking areas are located predominately within the western portion of the site, with the intent of providing adequate buffer area between the proposed development and more sensitive areas, including the Mowbray River and Unallocated State Land, to the east.

The hotel precinct, comprising two (2) x three (3) storey towers, provides for contemporary and well-articulated short-term accommodation, strategically sited so as to ensure that they blend sufficiently with the adjoining wave pool and lagoons to form a tropical oasis. The character of the hotel precinct is sufficiently detailed in the Proposal Plans, provided as **Appendix D**, and the Landscape Design Report, provided as **Appendix L**.

The self-contained accommodation precinct is intended to accommodate a maximum of 90 self-contained units, a maximum of two (2) storeys in height and which are likely to comprises a mix of attached and detached built form. It is intended that all of these units be restricted to short term accommodation only (not exceeding six (6) consecutive months) and are intended to cater for families or related groups that may seek to stay for

longer periods in accommodation where they can be self-sufficient, in terms of dining / catering etc, and where they can ensure greater social separation than available within the more traditional hotel unit accommodation areas.

Both the Project Architect and the Landscape Architect have given extensive consideration to the site's opportunities and constraints in designing the proposal. The inclusion of vertical and horizontal lines, use of glass, variations in materials, recesses, balconies and screening combine to articulate the hotel building's façade and provide for a high degree of visual appeal, in keeping with the contemporary tropical architectural style, reminiscent of Far North Queensland. Architectural plans (**Appendix D**), depict the sections and floor plans of the hotel. The architectural design promotes a strong relationship with the surrounding environment.

4.2.3 Carparking & Access

4.2.3.1 Access

Vehicular access to the proposed development will be relocated from the existing property access location to further south, so as to enable appropriate access to the site and the internal road network, as depicted in the Roadways Masterplan Drawing No. DA-01.7, provided for **Appendix D**. The site will be accessible via a new proposed unsignalised T- intersection, as depicted with Traffic Impact Assessment - provided for reference as **Appendix M**. It is noted that the proposed intersection has been designed in accordance with AustRoads Guide to Road Design and that the proposal will trigger referral to the State Assessment and Referral Agency (SARA) and Department of Transport and Main Roads (DTMR), as the proposal involves a new and/or changed access to a State-controlled road.

GHD, as part of the Traffic Impact Assessment, has also conducted traffic modelling, which demonstrates the likely impacts of the proposed development upon traffic flows along the Captain Cook Highway. Traffic modelling conducted on both existing usage (Base) and future usage indicated that the proposed T-intersection will function adequately at a high level for the forecasted traffic volumes and will therefore have a negligible impact on the current and future safety and efficiency of the captain Cook Highway in the vicinity of the proposed development.

4.2.3.2 Carparking

An assessment of expected car parking demand associated with the proposed development has been determined based on review of the applicable land use definitions within the Douglas Shire Council Planning Scheme 2018 v1.0. The unique function of the integrated development of a Resort Complex comprising a wave park and associated facilities, does not directly align with the typical car parking demand of Short-term Accommodation, Food and Drink Outlet, Shop and Tourist Park, pursuant to the Planning Scheme, pursuant on the following assumptions:

- Guests utilising the facility will comprise a combination of local, interstate, and international tourists, the majority of which are not expected to have their own vehicles. The majority will likely arrive in Cairns by plane and will utilise both "in house" and external coach transfer services to be transported to the proposed hotel and self-contained short-term accommodation facilities; and
- Guests are unlikely to extensively travel outside the facility during their stay thus as all services (restaurants, shops, day spa, gym, wave park etc) are provided on site, minimising demand for private vehicle usage.
- 80 bicycle spaces have been provided for the use of employees and visitors.
- Queuing and set down areas are provided for use by hotel guests, external transfer services and local taxi services.
- Bus and large vehicle parking are accommodated in the main car park.

Table 4: Carparking Assessment

Carparking Assessment against Planning Requirements			
Planning Scheme Required Rate	Required for Development	Proposed for Development	Shortfall
Outdoor Sport and Recreation (Wave Pool & Swimming Lagoon)	200 – • 15 spaces + 1 space per 100m ² of useable site area.	260	Nil
Short term Accommodation (hotel)	136 – • 0.75 car spaces per unit + 3 spaces for visitors and 2 service/staff parking for the first 10 units and 0.5 additional service/staff space per 10 units, there-above. @ 164 units = 140 spaces	179	+43
Short term Dwelling Units (self-contained accommodation)	90 units 180 spaces @ 2 / unit	180	To be confirmed at the time of detailed design.
Food and Drink Outlet	1 space per 25m ² GFA and outdoor dining area	Included within 260 spaces for wave pool & swimming lagoon	Nil
Shop	1 space per 25m ² of GFA 1 space per 100m ² of GFA for drink outlet for restaurant component.	Included within 260 spaces for wave pool & swimming lagoon	Nil
Tourist Park	1 car space per cabin, tent site or caravan site + 1 visitor car space per 10 sites + 1 space for on-site manager. @ 30 sites = 33 spaces (no separate on-site manager)	33 spaces, to be confirmed at detail design stage	nil

Table Note: 1. Determination of the parking requirement for Outdoor Sport and Recreation was based on the designation of swimming pool.

2. Determination for Short term Accommodation based upon site located outside Precinct 1 or over 10 units.

3. Determination for Multiple Dwelling based upon site located outside Precinct 1.

4. End of trip facilities required for all shops with a GFA greater than 2,000m².

60% of car parking to be covered for self-contained, short term accommodation

4.2.4 Servicing

4.2.4.1 Water Supply

Detailed assessment of the water balance for the proposed development is provided as part of the GHD Engineering Report, provided for reference as **Appendix I**. The water balance study has been undertaken to assess both the water supply requirements for the proposed development and to identify potential water sources for the provision of suitable supply for the proposed development.

The applicant proposes provision of a Water Storage Lagoon (Storage Lagoon) with a 50 megalitre capacity, designed to capture both rainfall, excess run-off from the surrounding catchment and spillage from the Recreational Swimming Lagoon (Recreational Lagoon).

The water balance undertook modelling of both rainfall and evaporation rates and utilised the 85th percentile driest year on record, so as to provide a realistic determination of water balance results. The results indicate that even within the dry season, water from the proposed Storage Lagoon may be used to offset evaporative loss within the Recreational Lagoon to maintain operational efficiency. The volume of the Storage Lagoon has been calculated based on the minimum water level requirement in the Recreational Lagoon. Modelling within the Engineering Report (**Appendix I**) demonstrates that volumes within the Storage Lagoon are not anticipated to diminish completely, despite being utilised for supplementary supplies for the Recreational lagoon.

4.2.4.2 Sewerage

Following pre-lodgement discussions with Council officers, it has been determined that connection to Council's reticulated sewerage system would be the preferred option for the management of wastewater associated with the proposed development. Investigation of the capacity of the proposed development undertaken by H2O Consultants has determined that the provision of a sewer pump station, capable of servicing 180KI per day, would be sufficient to service the proposed development. A Hydraulic Services Master Plan depicting the proposed location of the sewer pump station, pump wells and proposed path of the sewer rising main to connect to Council's sewer, is provided for reference as **Appendix P**.

4.2.4.3 Stormwater Management

4.2.4.3.1 Site Water Storage

A Water Balance Study has been undertaken to assess both the water requirements for the proposed development and the availability of water sources on the subject site. This assessment has identified that evaporation within the recreational swimming lagoon will require supplementary water supply during drier periods.

The applicant proposes to install a water storage lagoon to capture rainfall and potential surface flows during the wet season, in order to provide a supplementary water supply. The proposed water storage lagoon is detailed within the Engineering Report, provided for reference as **Appendix I**. It is proposed that the proposed storage will have a 50 ML capacity and will be constructed of a suitable clay lining to prevent both loss due to failure and intrusion of saltwater into the shallow aquifer that exists within the subject site.

The proposed water storage will also act as a sediment basin to capture suspended sediment during periods of overland flow during the operational / construction phase of the proposed development.

Additional detail regarding stormwater treatment is outlined in Turbid's Water Treatment Strategy, provided for reference as **Appendix O**. Stormwater treatment is proposed to be integrated across both the construction and operational stages of the proposed development to ensure that appropriate control measures are implemented to mitigate potential impacts upon the adjoining properties and the Mowbray River.

4.2.4.4 Power and Communications

A preliminary electrical review of likely electrical infrastructure requirements for the proposed development has been conducted and is provided for reference as **Appendix N**. Preliminary discussions have been held with Ergon Energy with regards to the proposed development and it is anticipated that sufficient capacity exists within the existing Ergon network to meet expected demands associated with the proposed development. Whilst Ergon do not anticipate that the proposal will require significant infrastructure upgrades, they have requested further detail to assess the potential for mains disturbance (i.e. potential flicker issues). Further investigation will be conducted at the detailed design phase.

Preliminary investigation of NBN Co service availability indicates that the subject site is located within an area of NBN service via "fibre to node". Further confirmation will be sought at the detailed design phase of the proposed development, once detailed demand assessment is completed

4.2.5 Managing Flood Risk

Engineering assessments undertaken by GHD and Turbid Water Solutions, provided for reference as **Appendix I & Appendix O** respectively, has proposed that all floor levels for habitable rooms is 3.55 AHD for Storm Tide Immunity. This level is based upon the Douglas Shire Council Storm Tide Inundation Methodology Study and flood hydraulic assessments conducted by JBP Engineers.

Design flood estimation for the 1% Annual Exceedance Probability (AEP) flood event was completed to provide information to guide hydraulic modelling. The results of the flood study are provided in **Appendix K**.

The findings of the hydraulic assessment indicate that proposed earthworks associated with the proposed development may result in localised increases to the 1% AEP peak flood levels external to the site. The maximum afflux of 183mm is located to the south-west of the site immediately adjacent to the subject site and is anticipated to have a minor adverse impact on the Unallocated State land (USL). These levels are not expected to impact the State-controlled Road.

The maximum impact to the 1% AEP flood event peak water levels on existing residential lots is 18mm and modelling indicates that impacts will be negligible and are unlikely to give rise a material change in flood risk.

It is noted that the proposed earthworks will result in a maximum change in water level of 100mm on areas upstream of the proposed development, namely the Unallocated State Land.

The proposed development will result in a 13% increase in net fill (as a proportion of total proposed fill), which is likely to result in a decrease of floodplain storage.

Furthermore, investigation and analysis of existing catchment conditions and the proposed development, indicates that an equal number of properties are potential at risk during a 1% AEP flood event. Therefore, it has been determined that the proposed development does not significantly increase the potential for inundation and flood damage on adjoining properties.

4.2.6 Earthworks

The proposed development will require extensive earthworks. A preliminary bulk earthworks model, prepared by GHD, proposes that all building pads will be filled to a level equal to or higher than the 1%AEP storm surge level of 3.05 metres. GHD's preliminary assessment, provided for reference as **Appendix I**, reveals earthworks volumes in the order of 190,700 m³ of fill and 165,200 m³ of cut will be involved, with the difference (i.e. 25,500 m³) to be imported to site.

GHD has completed assessment against the Filling and Excavation Code, which is provided as part of the Engineering Report in **Appendix I**.

4.2.6.1 Acid Sulfate Soils

The geotechnical report prepared by Golders concludes that there is a low probability of Acid Sulfate Soils (ASS) occurrence across most of the site. Whilst there are some areas where there is a high probability of ASS occurrence, these are restricted to areas adjacent the north-western and north-eastern site boundaries, generally comprising areas covered by existing mangroves. The design and layout of the proposed development has taken these findings into account, by ensuring that the greater majority of the proposed development will be restricted to those parts of the site identified as having a low risk of ASS occurrence. As recommended in the Golders Report, it is intended that further investigation of ASS be undertaken prior to the commencement of any operational works on the subject site. It is suggested that this may be appropriately conditioned as part of any development approval.

4.2.7 Advertising Devices

The proposed development of the subject site bounds the Captain Cook Highway, a State-controlled road. The provision of an advertising device / billboard located on Lot 123 on SR687, immediately adjacent to the Captain Cook Highway will require an Ancillary Works and Encroachment (AWE) Permit in accordance with the *Transport Infrastructure Act 1994*. The applicant intends to seek preliminary approval for the advertising device with a view to formalising the required signage as part of the detailed design phase of the proposed development.

REPORT

Preliminary design of the proposed entry sign is provided for reference as **Figure 12**. Assessment against the 'Performance Outcomes' and 'Acceptable Solutions' in the Advertising Devices Code of the Planning Scheme is provided for reference as **Appendix R**. This application seeks preliminary Approval for Operational Works (Advertising Devices).

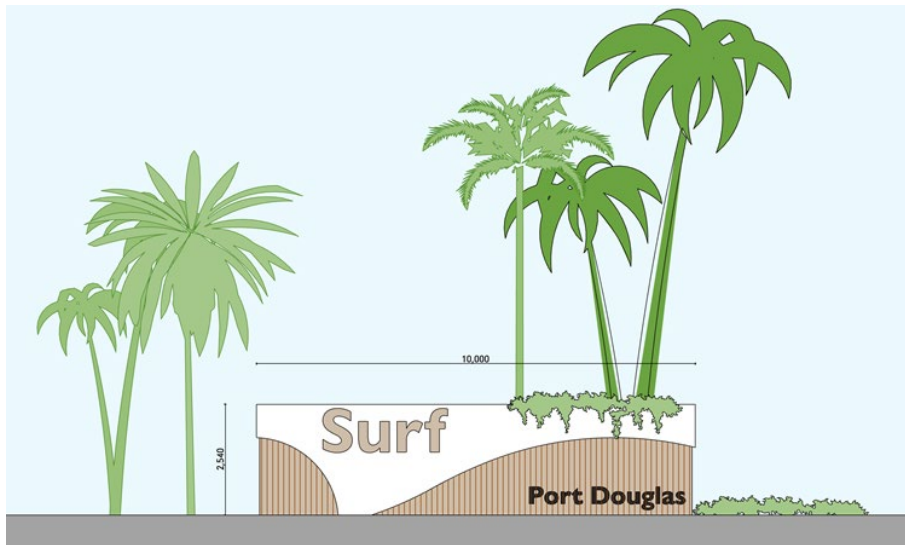


Figure 12: Proposed Entry Sign

5 KEY PLANNING ISSUES

5.1 Short Term Accommodation

The proposed development seeks to provide a range of accommodation options for guests frequenting the Resort Complex. Whilst the applicant acknowledges that the nature of the accommodation proposed is of a short term tenancy, the application proposes to provide for a tenancy period of up to six (6) consecutive months within the self-contained detached/attached short term accommodation, an increase on short term accommodation definition of typically three (3) months. The intent being to provide for occupancy of self-contained short term accommodation by a wider spectrum of guests. Travellers from the southern states who choose to reside within the Region over the autumn and winter months, sporting teams preparing for major events and surfing aficionados. This is discussed further in the Architectural Report (**Appendix D**).

5.2 Water Supply

Preliminary review of the site confirms that the subject site is located adjacent to the Mowbray River approximately 1.7km downstream of the reach of the river where *Water Act 2000* jurisdiction commences. Hence, whilst the taking proposed taking of water is not within the jurisdiction of the Water Act 2000, therefore not no water licence or allocation will be required to take from this locality, it highlights that this section of the Mowbray River is in fact saline.

The subject site contains an unnamed tributary of the Mowbray River. Preliminary review indicates that the subject site is located within the Mossman Groundwater Management Area Zone 1D. Whilst it is noted that there are a number of bores located in close proximity to the subject site and in fact one bore (Bore No, RN 12612) located in the south west corner of the site, it is unlikely that any other groundwater allocations will be granted, other than for domestic purposes or small scale irrigation for landscaping purposes on the basis that the Mossman Groundwater Area is close to full allocation.

Discussion with the Department of Resources (DoR) indicated that the groundwater aquifer in this region is very shallow. Any intake that looks to take water would need to ensure there is no saltwater intrusion into the aquifer. Preliminary site investigations have also identified the shallow groundwater table and its brackish nature given the presence of marine couch in areas of the cane, as depicted in the Preliminary Agricultural Land Class Assessment (**Appendix F**) and the Environmental Assessment Report (**Appendix H**).

Detailed assessment of the required water balance for the proposed development is provided for reference as **Appendix I**.

5.3 Waterway Barrier Works

RPS was engaged by Graben Pty Ltd (Graben) to undertake a waterway determination following advice received from the Department of Agriculture and Fisheries (DAF) in respect to an amber waterway that is mapped as traversing the subject site. The waterway in question is a man-made channel that drains to the Mowbray River.

DAF provided advice that while they strive to ensure the accuracy of the spatial data layer *Queensland Waterways for Waterway Barrier Works*, anomalies may still occur and subsequently the burden for ensuring the appropriate determination of a waterway rests solely with the proponent. On this basis RPS prepared the Waterway Determination Report in order to assist the State Assessment and Referral Agency (SARA) with accurate assessment of the determination of the waterway traversing the subject site. This report, provided for reference as **Appendix G**, concludes that the amber mapped waterway is partially a drainage swale between and within the cropped area and does not constitute a waterway, given the lack of flow even during the wet season and lack of defined bed or banks.

6 STATE, REGIONAL & LOCAL ASSESSMENT BENCHMARKS

6.1 Applicable Act/s

The *Planning Act 2016* and its subordinate legislation is the applicable act for the assessment of this development application.

6.2 State Planning Policy

Section 26(2)(a)(ii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as having been appropriately integrated.

A review of the changes within the SPP are not considered to impact the proposals compliance with the SPP.

6.3 Temporary State Planning Policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against any temporary State Planning Policy applying to the premises.

In this instance no temporary State planning policies apply.

6.4 Regional Plan

Section 30 of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the assessment benchmarks stated in the regional plan, to the extent the regional plan is not identified in the planning scheme as having been appropriately integrated.

The subject is located with the Far North Qld Regional Plan and it has been acknowledged by the Minister that the Douglas Shire Planning Scheme (2018 v1.0) advances this Regional Plan appropriately

6.5 State interests (referrals)

In accordance with Schedule 10 of the *Planning Regulation 2017*, the follow referrals apply.

Table 5: Schedule 10 Referral Matters

Schedule 10	Referral topic and reason	Referral Agency
10.3.4.1	Operational work that is assessable development for clearing native vegetation	SARA, DSDMIP
10.3.4.3	Material change of use where clearing native vegetation	SARA, DSDMIP
10.5.4.2	Material change of use for an environmentally relevant activity (non-devolved)	SARA, DSDMIP
10.6.3.3.1	Operational work involving removal, destruction or damage of marine plants	SARA, DSDMIP
10.6.3.3.2	Reconfiguring a lot or material change of use involving removal, destruction or damage of marine plants	SARA, DSDMIP
10.6.4.3.1	Operational work for waterway barrier works	SARA, DSDMIP
10.9.4.1.1	State transport infrastructure – development in excess of the thresholds stated in schedule 20	SARA, DSDMIP
10.9.4.2.4	Material change of use near a State transport corridor or a future State transport corridor	SARA, DSDMIP
10.17.3.1	Operational work for tidal works or work in a coastal management district	SARA, DSDMIP
10.17.3.2	Operational work for tidal works or work in a coastal management district where in tidal waters (maritime safety)	SARA, DSDMIP

Schedule 10	Referral topic and reason	Referral Agency
10.17.3.6	Material change of use involving work in a coastal management district	SARA, DSDMIP

6.6 Development Assessment under Schedule 10 (SDAP)

Schedule 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to.

The State Development Assessment Provisions (SDAP) nominate applicable State Codes based on the referral triggers. The current State Codes (Version 2.6) applicable to the proposal are identified in **Table 6**.

Table 6: Relevant SDAP State Codes

Section of Regulation	Referral topic	State Code	Response
10.3.4.1	Clearing native vegetation Assessable development under s 5	State code 16 – Native vegetation clearing	Appendix T
10.3.4.3	Clearing native vegetation Material change of use that is assessable development under a local categorising instrument	State code 16 – Native vegetation clearing	Appendix T
10.6.3.3.1	Fisheries Assessable development under s 11	State code 11 – Removal, destruction or damage of marine plants	Appendix T
10.6.3.3.2	Fisheries material change of use involving removal, destruction or damage of marine plants	State code 11 – Removal, destruction or damage of marine plants	Appendix T
10.6.4.3.1	Fisheries Assessable development under s 12	State code 18 – Constructing or raising waterway barrier works in fish habitats	Appendix T
10.9.4.1.1	Infrastructure-related referrals Aspect of development stated in schedule 20	State code 6 – Protection of state transport networks	Appendix T
10.9.4.2.4	Infrastructure-related referrals Material change of use of premises near a State transport corridor or that is a future State transport corridor	State code 1 – Development in a state-controlled road environment	Appendix T
10.17.3.1	Tidal works or work in a coastal management district Assessable development under s 28	State code 8 – Coastal development and tidal works	Appendix T
10.17.3.6	Tidal works or work in a coastal management district Material change of use involving work in a coastal management district	State code 8 – Coastal development and tidal works	Appendix T

6.7 Local Planning Assessment Provisions

6.7.1 Applicable Assessment Instrument

The Douglas Shire Council Planning Scheme (2018 v1.0) is the applicable Local Categorising Instrument for this development application.

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

6.7.2 Defined Use

This application seeks a material change of use for uses defined pursuant to the *Douglas Shire Planning Scheme (2018) v1.0*.

- Resort Complex – Premises used for tourist and visitor short-term accommodation that include integrated leisure facilities including:
 - (a) Restaurants and bars;
 - (b) Meeting and functions facilities;
 - (c) Sporting and fitness facilities;
 - (d) Staff accommodation;
 - (e) Transport facilities directly associated with the tourist facility such as ferry terminal and air services.
- Outdoor Sport and Recreation - Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.
- Short-term Accommodation – Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager’s residence and office and the provision of recreation facilities for the exclusive use of visitors.

Note: the subject application seeks to extend the duration of stay from three (3) months to six (6) consecutive months.

- Food and Drink Outlet – premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site;
- Shop – Premises used for the display, sale or hire of goods or the provision or permanent services or betting to the public;
- Tourist Park – Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes. The use may include, where ancillary, a manager’s residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.
- Air Services – Premises used for any of the following:
 - (a) the arrival and departure of aircraft;
 - (b) the housing, servicing, refuelling, maintenance and repair of aircraft;
 - (c) the assembly and disposal of passengers or goods on or from an aircraft;
 - (d) any ancillary activities directly serving the needs of passengers and visitors to the use;
 - (e) associated training and education facilities; and
 - (f) aviation facilities.
- Caretaker’s Accommodation – a dwelling provided for a caretaker of a non-residential use on the same premises.

6.7.3 Strategic Framework

The application is subject to ‘Impact Assessment’, therefore is required to be assessed against the Strategic Framework of the Planning Scheme. The relevant components of the Strategic Framework have been addressed in **Table 7**.

Table 7: Responses to relevant components of the Strategic Framework

Relevant matter of the Strategic Framework	Response to Matter
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3.2.2 Shaping the future

3.2.2.1 Planning stewardship

(1) *The Planning scheme has a very important role to play in ensuring that growth in Douglas Shire is aimed at minimising human impact on the environment while continuing to support economic progress and social well-being. Essentially this entails strong stewardship and the pursuit of planning strategies that:*

- (a) *Conserve the Shire's natural environment and outstanding biodiversity values;*
- (b) *Utilise the region's natural resources efficiently, in particular water and energy, while reducing waste;*
- (c) *Ensure the region's atmosphere remains clear and clean;*
- (d) *Contain urban growth to a defined footprint and promote the best use of land that is allocated for that purpose;*
- (e) *Support development of a diverse thriving economy that complements the region's green and environmentally responsible image;*
- (f) *Provide opportunities that ensure everyone is able to participate, live, work and benefit in the healthy cohesive environment that the Shire promotes.*

The proposed development is sited within the Rural Zone within the footprint of agricultural development. The proposal seeks to rehabilitate a significant area of the site, improving the natural and biodiversity values of the site and establishing a corridor with the Wangetti Trail.

The proposal seeks to connect to Council's reticulated water system whilst preliminary investigation of the required water balance (**Appendix I**) has identified options for resolving water intake issues. Waste management will be adequately managed and the proposal will investigate options for best practice waste management where feasible, to minimise the amount of general waste being transported to landfill. The proposal seeks to connection to Council's reticulated sewerage system.

The proposal will ensure no adverse impact to air quality results from any aspect of the proposed development.

The development is proposed outside the existing urban foot print. The size of the wave park does not allow it to be developed in the current urban footprint. Review of the Craiglie Residential Investigation Area determined that the proposed development would utilise a large portion of the Investigation Area and the development is primarily for a resort complex, thus not in keeping with the intent of that area. It could also subsequently diminish that area from maximising its intended use as a residential development. In turn this would create pressure to find extra residential land outside the existing footprint.

The proposal will be confined to the subject site, which provides a suitable location for the development of a wave park in order to minimise potential amenity impacts (i.e noise and lighting), which would present that may arise should the development be located in close proximity to permanent residential development. Furthermore, the site provides the opportunity to supplement water supply necessary for the operation of the water park. The proposed development is likely to generate amenity impacts (i.e. noise and lighting), which would present adverse impacts to adjoining residential development, if located within the existing residential or urban area.

As demonstrated by the economic assessment (**Appendix E**), the proposal provides the opportunity to generate employment opportunities whilst ensuring that the development is undertaken in environmentally responsible manner. The proposal seeks to rehabilitate a significant area of the site and provide connectivity with areas protected and managed as part of the Wangetti Trail.

The development of a wave park will provide diversity in the tourism offering for Part Douglas and Far North Queensland. The nature of surfing as an activity based tourist feature will support job opportunities for younger residents.

The proposal provides for an integrated, environmentally responsible development that seeks to enhance the natural values of the area surrounding the site and provide an

3.2.2.2 Reinforcing Douglas Shire’s sense of place and identity

(3) During the life of this Planning scheme, the Shire will continue to grow while retaining the unique characteristics of individual communities and building upon these qualities through local variation in development requirements. This will be done through the Local Plans which are tailor-made to suit local needs. Amongst other things, each local plan will:

(a) identify the qualities that make the individual place special, including environmental and built form characteristics;

(b) promote gateway treatments, nodes of activity, viewing corridors and landmark sites;

(c) define an urban / rural interface boundary to reinforce the sense of town and country.

(4) Tourism activity will need to be Shire-appropriate with a discerning preference for nature-based tourism that has a direct association with the environmental and rural characteristics of the Shire, as opposed to large-scale attractions that have little connection to local context, particularly those that can be found anywhere.

3.2.2.3 Catering for economic opportunity

Tourism and primary production will remain significant drivers and employers in the Shire, but other supporting industries and services will continue to emerge. While increasing economic opportunity for Douglas will involve strategies that go beyond the scope of what a planning scheme can achieve, it will involve the general diversification of the Shire’s economic base to counter the negative effects of global trends. In turn, this will provide greater resilience in the local Douglas economy. Amongst other things, this will involve:

(a) focus on building up small business in the community;

additional economic opportunity for the region. The proposal offers extra recreational activities for both residents and visitors, promoting healthy lifestyle opportunities.

Whilst the subject site is not located within a Local Plan area, it is located within close proximity to the Port Douglas / Craiglie Local Plan Precincts, namely Precinct 5.

The proposed development site is unique in the sense that it adjoins the Mowbray River and the Unallocated State Land immediately adjoining has been earmarked for inclusion within the Wangetti Trail, with the inclusion of mangrove boardwalks. The proposal seeks to rehabilitate degraded areas of the site to improve environmental values and enhance the experience of users of the Wangetti Trail.

The proposal seeks to provide a visual gateway into the urban fringe of Port Douglas and further seeks to maintain and enhance the environmental values of the Shire through extensive rehabilitation works to transform degraded areas into viable coastal ecosystem and habitat areas. Northbreak will provide a new activity node for the area, providing a beacon site that integrates uses while maintaining a village atmosphere reminiscent of the township.

While the proposal is located in a rural zone, the selected site is positioned on a narrow section of land wedged between the highway and the ocean. The site is the first parcel of land outside of the area already zoned for residential use. The proposal doesn’t fracture the urban/rural interface, nor does it provide a pocket of urban development in a rural environment.

Surf tourism is a growing market and whilst the wave pool itself is quite large, the proposal seeks to maintain a built form that is in keeping with the scale of the other facilities within the shire. The hotel is limited to 3 stores with ample space surrounding uses to provide an openness and connection to the surroundings. The rehabilitated area will provide opportunities for nature walks, whilst bike paths will link in with the Wangetti Trail providing a unique integrated Resort Complex that incorporates the environmental values of the site. Extensive studies have been conducted (**Appendix H**) into flora and fauna to guide rehabilitation of the site and in turn the ability to provide nature based tourism activities.

(b) *the allocation of land for future enterprise needs within the community;*

The proposal will provide a limited opportunity for expansion of restaurants, food and drink outlets and the retail sector within Douglas Shire. As well the proposal will support existing small businesses in the shire with the introduction of a new category of tourist and services required to operate the facility.

(c) *building tourism opportunities taking advantage of the Cairns airport as an international gateway, and in particular marketing Port Douglas as a premier tourism destination;*

The subject site provides a unique opportunity to provide economic benefit to Douglas Shire, whilst enabling the environmental values of the site to be maintained and enhanced through extensive rehabilitation works and connection to the Wangetti Trail.

(d) *recognition and protection of the Shire's environmental and scenic assets and realising the recreational and economic opportunity they deliver, in a well-planned and managed network of environmental parks, trails and tracks;*

The proposal development will provide a unique tourism opportunity for the Region and is likely to entice a wide variety of guests to Douglas Shire that may not currently be attracted to the Region. The addition of surfing to Port Douglas will enhance Port Douglas as a premier tourism destination with a type of facility not currently operating commercially in Queensland.

(e) *improving transport links into and out of the Shire, as well as within the Shire;*

The proposed development recognises the environmental and scenic assets of the site and seeks to maintain and enhance these values through extensive rehabilitation works, which will enhance the proposed Wangetti Trail attracting both recreational and economic opportunities. The proposal includes walking and cycling trails as part of the integrated design.

(f) *allowing 'start-up' business to establish as small-scale home based businesses without excessive red tape;*

(g) *a continued focus on education and training opportunities within the community;*

(h) *taking advantage of digital technologies and the associated digital economy.*

3.2.2.4 A sustainable Shire

(1) *The planning scheme has a key role in ensuring growth in the region is sustainable aiming to minimise human impact on the environment while, at the same time, continuing to support economic opportunity and social well-being. Essentially this entails the pursuit of planning strategies that:*

(a) *conserve the Shire's natural environment and outstanding biodiversity values;*

The proposal seeks to provide transport links to and from the Cairns Airport as well as within the Shire itself.

(b) *utilise the Shire's resources, including energy and water, efficiently including waste reduction;*

The proposal includes a year round passive lagoon and will provide opportunities for community groups like the Surf Life Saving club to have safe training options year round.

(c) *ensure the Shire's atmosphere clear and clean;*

(d) *contain urban growth to a defined urban footprint and promote the best use of and that is allocated for urban purposes;*

The proposal seeks to maintain and where suitable enhance the environmental and biodiversity values through the wetland rehabilitation works. Over 40% of the site has been identified for rehabilitation. The development will help protect the river from possible adverse run-off currently associated with farming of the land providing a net positive result for the site.

(e) support development of a diverse and thriving economy that complements the Shire's green and environmentally responsible image;

(f) provides opportunities that ensure everyone is able to participate, live, work and benefit in the healthy environment that the Shire promotes.

3.2.2.6 Acknowledging limits to development capacity within the Shire

Douglas Shire has previously had sufficient space to cater for its population growth and this is likely to continue to be case into the foreseeable future. However, the amount of land in the Shire that is constrained by one or more factors is significant. Amongst other things, such as constraints include:

- (a) Land containing vegetation of high ecological significance, including endangered, and of concern, flora and fauna;
- (b) Wetland areas;

(c) Quality agricultural land;

(d) Land subject to significant natural hazards such as flood and storm tide inundation.

The proposal intends to utilise the excess water in the wet season from Council sources rather than building a separate plant, providing fees to Council while currently down on energy consumption of another plant. An onsite water reservoir will treat stormwater gathered from the site for re-use. PV Solar panels will provide daytime energy needs reducing the requirement on the grid. The proposal seeks to implement best practice measures for waste reduction, reducing the amount of waste to be transported to landfill.

The proposal will ensure no adverse impact to air quality results from any aspect of the proposed development.

The proposal will be confined to the subject site, which provides a suitable location for the development of a wave park. No parcel of land large enough was identified in the current urban footprint. The subject site is located at the fringe of the urban development area and will rehabilitate poor quality farm land creating a sustainable buffer for the river and coastline.

As demonstrated by the economic assessment (**Appendix E**), the proposal provides the opportunity to generate employment opportunities whilst ensuring that the development is undertaken in an environmentally responsible manner. The proposal seeks to rehabilitate a significant area of the site and managing nature areas close to the river and coast. Building within the development will be a beacon for sustainable construction. CLT construction will be at the core of the Hotel, manufactured from managed forest stock while PV Solar panels will cover the hotel roof and carpark providing day time energy to power the wave park and hotel.

The proposal provides employment opportunities in recreation, especially amongst the younger members of the community. Walking and cycling paths will be open to all members of the community, whilst the passive lagoon will provide year round water based activities free from the concerns of stingers and crocodiles. As a recreational based development, the proposal will provide many health benefits for guests and the shire's population.

The proposed development has identified areas of high ecological significance and whilst it is noted that a small area is depicted on the plans for clearing, the proposal seeks to rehabilitate a significantly larger area of wetland as depicted in the Environmental Assessment Report (**Appendix H**), resulting in a nett increase in environmental value.

The applicant has commissioned an Agricultural Land Suitability Assessment (**Appendix F**), which determined that the proposal which not adversely affect the availability of quality land for agricultural production in the Shire.

The applicant has undertaken an assessment of the natural hazards associated with the site and the Flood Study

(Appendix K) details hydrological and hydraulic modelling to support the integrated development on this site.

Settlement Pattern

3.4.2 Element – Urban Settlement

(1) *The urban area is intended to include residential areas, business areas, community and recreational facilities and other services and facilities necessary to provide for the Shire’s urban population.*

NorthBreak, an integrated tourist focussed development, does not fit into a clearly defined niche as contemplated by the Strategic Framework. It is not a defined commercial and retail activity, nor industrial and it is not a rural residential development.

Whilst the proposed development includes provision for short-term accommodation, the proposal is located within the Rural Zone on the basis that the operation of the integrated development may present amenity issues if located within a residential zone or urban area.

The proposed development is to be located within a Rural area just south of the Port Douglas / Craiglie Local Plan Precinct 5 area and will not impinge on existing or investigation areas for urban development.

(2) *The two major urban communities in Douglas Shire are Port Douglas and Mossman. Port Douglas has a distinctive tourism focus, being located close to the sea and Dickson’s Inlet, while Mossman is the Shire’s major administrative and rural service centre. Douglas Shire also has a range of compact townships and villages in scenic rural settings.*

The development will enhance Port Douglas’s tourism focus providing a new destination and activity for domestic and international travellers.

(3) *Residential development is primarily detached low-set housing, with medium density development focussed in and around the Port Douglas town centre, and in the nearby tourist areas to the south of the town centre.*

The development proposes low-set buildings across the site. The detached short term accommodation units are proposed at a maximum of 2 storeys with open space around all buildings.

(4) *Commercial development is low-profile and is predominantly focussed along the main streets in Port Douglas (Macrossan Street) and Mossman (Front Street).*

Commercial development will be low profile and targeted at servicing the needs of guests to the resort, rather than the broader community.

Specific Outcomes

(1) *The settlement pattern for Douglas Shire is shown on the Strategic Framework map contained Schedule 2.*

(2) *Urban development occurs within the urban area as shown on the Strategic Framework Map. Expansion beyond this boundary is not facilitated as it does not support the efficient and orderly delivery of urban infrastructure.*

The proposal seeks to establish outside the urban area depicted on the Strategic Framework Map. However, it is noted that following discussion with Council officers, there is provision to connect to Council’s reticulated water and sewerage systems.

(3) *Residential investigation area is allocated at Craiglie. No urban development is to occur within the Residential investigation area until a comprehensive structure plan has been prepared that provides for integrated, well-connected residential settlements, taking into account constraints, infrastructure servicing and capacity requirements, flooding and drainage, and sequencing.*

The proposed development is to be established outside the Craiglie Residential Investigation Area. On the basis that the integrated development is not solely for residential development and amenity issues are anticipated, if located in closer proximity to residential/urban areas

(6) *Artificial lakeside and coastal canal development are not established.*

<p>(7) Residential development are designed to incorporate pedestrian, cycle and road connections that offer a high degree of permeability and legibility.</p>	<p>Whilst the proposal seeks to establish a wave park, there will be no connection to the Mowbray River or other waterways.</p>
<p>(8) development does not rely on complex, visually intrusive engineering solutions to overcome site constraints.</p>	<p>Whilst NorthBreak is not a residential development, it will include pedestrian and cycle ways and road connections inside the development and connection to the Wangetti Trail, and ultimately the Port Douglas township.</p>
<p>(9) local plans provide localised planning responses and desired development outcomes for communities.</p>	<p>The proposal is depicted in site plans (Appendix D). It does not rely on complex, visually intrusive engineering solutions.</p>
<p>(10) residential developments are designed and located to ensure the operational integrity of key infrastructure within the shire is not compromised.</p>	<p>The proposed development is located outside the Port Douglas / Craigie Local Plan area.</p> <p>The proposed development may connect to Council's reticulated water and sewerage system, as per pre-lodgement advice. The Hydraulic Services Master Plan is provided as Appendix P. Further detail will be provided at the detailed design phase.</p>

3.4.3 Element – Activity centres

<p>(1) Activity centres are concentrations of activity, including amongst other things, retail, business, employment, research, education, health and community services.</p>	<p>N/A. The proposed development does not meet the definition of an activity centre.</p>
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3.4.3 Element – Industry areas and activities

<p>(1) growth in manufacturing. Property and business services and transport and storage will continue to contribute to Douglas Shire's economy.</p>	<p>N/A. The proposed development does not meet the definition of an industry area.</p>
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3.4.5 Element – Residential areas and activities

<p>(1) Mossman currently contains a large supply of broad hectare land available for residential growth. Whereas other areas including Port Douglas/Craigie are constrained by ecological values and infrastructure constraints.</p>	<p>Given that NorthBreak is an integrated Resort Complex, comprising a number of components, it is not defined as a residential area.</p>
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3.4.5.1 Specific outcomes

<p>(1) Coordinated residential development will be facilitated. Development will not compromise the effective development or continued use of adjacent land or the comprehensive development of land that is part of a local plan or structure plan.</p>	<p>NorthBreak will not compromise the effective use of rural are to the south and will in fact enhance adjoining degraded wetland areas as of part of the proposed rehabilitation works.</p>
<p>(2) Residential development is located and designed to provide a wide range of living options that maintain and enhance the character and identity of individual communities.</p>	<p>The Masterplan for the proposed development (Appendix D), depicts the wide range of serviced and self-contained short term accommodation options.</p>
<p>(3) Residential areas are used for residential purposes. Non-residential uses are provided, only where they support the local community, and where such uses do not detract from the residential amenity of the area.</p>	<p>N/A</p>
<p>(4) Medium density housing is facilitated within identified areas in the relevant zones.</p>	<p>N/A</p>
<p>(5) Areas identified for low density residential development provide predominantly low-rise detached dwelling houses to maintain the low density character of the area.</p>	<p>N/A</p>
<p>(6) Residential greenfield development incorporates:</p>	<p>The Masterplan for the proposed development (Appendix D), depicts the wide range of serviced and self-contained</p>

<p>(a) mixed lot sizes to promote a range of housing choices and densities;</p> <p>(b) high levels of pedestrian, cycle and road permeability and connectivity;</p> <p>(c) the efficient and timely provision of infrastructure and services;</p> <p>(d) open space that provides opportunities for sport and recreation activities;</p> <p>(e) elements that promote a positive identity and character.</p> <p>(7) Residential development incorporates tropical design principles that are responsive to the natural environment and climate.</p> <p>(8) Home based businesses are established where they are low impact in nature, subordinate to the primary residential use, and do not detract from the amenity of the area.</p>	<p>short term accommodation options. High levels of pedestrian, cycle and road permeability and connectivity is provided. Refer to the Masterplan (Appendix D) for further detail of open spaces and the overall scope of the proposal.</p> <p>NorthBreak has been designed to exceed the tropical design principles, refer to the Masterplans for further details (Appendix D).</p> <p>N/A</p>
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3.4.6 Element – Rural residential areas

N/A

3.4.7 Element – Mitigation of hazards

<p>(1) Douglas Shire is susceptible to a variety of naturally occurring hazards including floods, cyclonic winds, bushfire, landslides, coastal hazards, storm tide and erosion prone areas. Reasonable efforts to communicate predicted hazard risks to the community are nominated in this planning scheme. However, none of the planning scheme mapping infers that parts of the Shire are entirely free from any particular form of hazard.</p> <p>(2) Some established urban areas are already located in parts of the Shire which are periodically vulnerable to a variety of hazards. A reasonable risk-tolerant approach to development will be taken in existing areas taking into account individual hazard impacts. However, as a first principle, further expansion of development into areas subject to hazards should be avoided.</p>	<p>Preliminary design, to be confirmed during the detailed design phase, has taken account of identified risk factors, so as to ensure that risk levels are reduced to acceptable level.</p>
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3.4.7.1 Specific outcomes

<p>(1) Development avoids natural hazard areas or mitigates risks to an acceptable or tolerable level.</p> <p>(2) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential damage on the site or to other properties.</p> <p>(3) Locate and design community infrastructure to maintain the required level of functionality during and immediately after a natural hazard event.</p> <p>(4) Development does not unduly burden disaster management response or recovery capacity and capabilities.</p> <p>(5) New development takes into account the latest science with respect to climate change in addition to the avoidance of natural hazards.</p>	<p>NorthBreak aims to mitigate risks through detailed engineered work that encompasses appropriate filling in order to create flood immunity without substantial adverse impact on adjoining properties. Refer to the Engineering Report – Appendix I and Flood Study – Appendix K. The proposed development will avoid any increase in the severity of natural hazards on the subject site and adjoining properties. Refer to the Engineering Report – Appendix I and Flood Study – Appendix K. Infrastructure such as the sewerage pump station will be located and designed to ensure that the required level of functionality during and immediately after a natural hazard is maintained. The proposed development will not unduly burden disaster management response.</p>
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3.3.7.2 Land use strategies

The Masterplan, Flood Study, Stormwater Treatment Strategy, Engineering report, and other project reports and drivers have adequately considered climate change in relation to proposed site levels and structures in order to provide immunity from the cumulative impacts of natural hazards.

(1) *Additional modelling of the impacts of sea-level rise may be required, along with strategies to mitigate sea-level rise, including retreat strategies.*

The Masterplan has considered additional modelling by JBP (**Appendix K**) in regard to strategies to mitigate risk from sea level rise. Furthermore, clear emergency strategies have been adopted to provide clear and easily navigated paths to the Captain Cook Highway for pedestrians and vehicles.

3.4.8 Element – recognition of the right and interests of native title land holders

N/A. The subject site is freehold land, with the result that native title rights have been extinguished.

Environmental and Landscape Values

3.5.1 Strategic Outcomes

(1) *The Aboriginal cultural heritage values of the Wet Tropics bioregion are acknowledged, protected and enhanced. The Aboriginal Rainforest People of the Wet Tropics have lived continuously in the rainforest environment for at least 50000 years, and this is the only place in Australia where Aboriginal people have permanently inhabited a tropical rainforest environment.*

The proposed development, NorthBreak, respects the unique values of the Shire.

(2) *The unique environmental values of the Shire, which result from its location within the Wet Tropics bioregion, are maintained and protected for current and future generations.*

The proposal seeks to enhance these unique environmental values through the provision of the 40% of the site to be rehabilitated from the degraded cane land in accordance with the Environmental Assessment Report (**Appendix H**).

(3) *Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values. In particular, the Southern Cassowary and its habitat are protected.*

The proposed development has been influenced by existing areas of environmental significance and seeks to enhance areas as detailed in **Appendix H**.

(4) *Development takes into account matters of:*

- (a) *national environmental significance (MNES) and the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBCA);*
- (b) *state environmental significance (MSES);*
- (c) *local environmental significance (MLES).*

Review of Matters of National, State and Local Significance has been incorporated into the detailed master plans for the subject site and project outcomes for NorthBreak.

(5) *The integrity and system functions of the Great Barrier Reef World Heritage Area and the State Great Barrier Reef Coast Marine Park are to be protected by maintaining and restoring the connectivity, resilience and condition of marine and coastal ecosystems.*

The proposal seeks to restore the connectivity, resilience and condition of the adjacent marine and coastal ecosystem through rehabilitation works as detailed in the Environmental Assessment Report (**Appendix H**) and the proposed landscaping (**Appendix L**).

(6) *Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dickson Inlet; all wetlands but particularly those on the Directory of Wetlands Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape and scenic quality, while acknowledging nature based recreation opportunities.*

Whilst water traversing the site will likely be impacted as a result of the proposed layout, this area has been substantially offset as a result of proposed rehabilitation works in adjoining wetlands. Overall, the proposal seeks to improve the overall condition of the waterways adjoining the site.

The proposal acknowledges the ecological, landscape and scenic values of the site and seeks to enhance these values for nature based recreational opportunities as part of the broader Wangetti Trail, which is destined to become a national and international drawcard for the Wet Tropics and specifically Douglas Shire.

(7) *Development north of the Daintree River is restricted to achieve low key, sustainable and self-sufficient*

<p><i>outcomes and is carefully planned to conserve the scenic and ecological World Heritage values of the area.</i></p>	<p>N/A</p>
<p>(8) <i>Where appropriate, development maintains and enhances public access and use of natural areas, rivers, dams creeks and foreshores.</i></p>	
<p>(9) <i>The unique environmental character of the Shire comprising internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.</i></p>	<p>The proposed development seeks to become a nodal point on the Wangetti Trail, with the provision of walking and bike paths for connectivity. We note that the current application is restricted to the subject site only. Any extension of the paths in unallocated state land would require further approval, however, we note that the applicant is agreeable to connectivity if the opportunity arises at a future point.</p>
<p>3.5.2 Element – Aboriginal cultural heritage values</p>	<p>N/A. the subject site is freehold land.</p>
<p>3.5.3 Element – Biodiversity</p>	
<p>(1) <i>Douglas Shire is internationally recognised as a high biodiversity hot spot. The Shire forms part of two World Heritage listed areas: the forests of the Wet Tropics and the reefs and waters of the Great Barrier Reef. The rainforests contain some of the oldest continually surviving tracts of tropical rainforest in the world and contain many plant and animal species found nowhere else. The Great Barrier Reef is an international icon, known for its abundance and diversity of corals, fish and many other forms of marine life. In addition, the Shire contains significant freshwater biodiversity and wetlands, mangroves and coastal vegetation.</i></p>	<p>NorthBreak recognises the high biodiversity values of the Douglas Shire. As such the siting of the proposed development on an existing cane land will result in significant improvements to environmental and biodiversity values through substantial rehabilitation works to be undertaken on site.</p>
<p>(2) <i>Maintaining and restoring the Shire’s biodiversity is important. Not only does biodiversity provide crucial ecosystem services such as clean air and water, it also provides a basis for the Shire’s economic prosperity and social well-being. Accordingly, the impacts of human habitation and tourist activity require careful management.</i></p>	
<p>3.5.3.1 Specific outcomes</p>	
<p>(1) The Shire’s biodiversity values and associated ecosystems, including matters of national environmental significance (MNES) and matters of state significance (MSES), are maintained and protected from incompatible development, managed, and where appropriate enhanced, to restore ecological integrity and habitat connectivity.</p>	<p>NorthBreak seeks to undertake significant rehabilitation works that will enhance the ecological integrity of these areas, currently degraded due to operation as a cane farm. The proposed works are detailed within Appendix G and Appendix H.</p>
<p>(2) Development:</p> <p>(a) is located in areas that avoids significant adverse impacts on matters of state environmental significance (MSES) and matters of local environmental significance (MLES);</p> <p>(b) protects and enhances MSES and MLES; and</p> <p>(c) maintains and enhances ecological connectivity.</p>	<p>The proposal seeks to avoid areas of MSES and MLES, however, it is noted that a waterway that traverse the site is likely to be impacted as a result of the proposed development. This area will be substantially offset as a result of the proposed rehabilitation of approximately 40% of the site as detailed in Appendix H.</p>
<p>(3) Endangered, vulnerable, and threatened flora and fauna species and habitats are protected.</p>	<p>Assessment of flora and fauna species has been undertaken and the proposal has been sited to avoid areas of mapped environmental values as far as feasible. Refer the Environmental Assessment Report Appendix H for further detail.</p>
<p>(4) Aquatic biodiversity is protected through the minimisation of development impacts on waterway and wetland environments.</p>	<p>It is noted that a waterway that traverse the site is likely to be impacted as a result of the proposed development. This area will be substantially offset as a result of the proposed rehabilitation of approximately 40% of the site as detailed in Appendix H.</p>
	<p>NorthBreak seeks to undertake significant rehabilitation works that will enhance the ecological integrity of these</p>

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| <p>(5) The integrity of the region’s areas of ecological significance and their contribution to biodiversity is maintained for present and future generations.</p> | <p>areas, currently degraded due to operation as a cane farm. The proposed works are detailed within Appendix G and Appendix H.</p> |
| <p>(6) Weeds and pests, in particular feral pigs and purpose-bred wild hunting dogs, are a significant threat to the region’s biodiversity conservation values. Development avoids exacerbating threats and eradicates invasive species.</p> | <p>N/A. Weed management will be addressed as part of the rehabilitation program.</p> |
| <p>(7) Development is designed, sited, operated and managed to avoid or minimise potential impacts on natural corridors and habitat links.</p> | <p>Assessment of the environmental values, including fauna corridors and habitat links has been undertaken and the proposal has been sited to avoid areas of mapped environmental values as far as feasible. Refer the Environmental Assessment Report Appendix H for further detail.</p> |

3.5.3.2 Land use strategies

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| <p>(1) <i>A Planning Scheme Policy on Environmental offsets is to be developed, in conjunction with the development of mapping for Matters of Local Environmental Significance, including an analysis to determine the best locations to develop the Strategic habitat investment areas</i></p> | <p>The proposed development provides for a substantial offset area for rehabilitation works, which seeks to significantly enhance the environmental values of the site.</p> |
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3.5.5 Element – Coastal zones

- (1) *With over 95 kilometres of coastline and a vast network of shoreline estuaries, the Shire plays an important role in affording protection to the Coral Sea and the Great Barrier Reef. This extensive area of natural coastline contributes significantly to the desirability and attraction of the Douglas Shire to visitors and residents alike. As is the case with many Australian communities, the coastline provides a strong sense of place. Great care needs to be taken to ensure that competing pressures for recreational use do not diminish these values.*
- (2) *Beyond its natural fluctuations, the coastal environment is particularly sensitive to the effects of climate change and sea level rise. Policies are required to protect life and property from the hazards of storm surge and coastal erosion incorporating climate change variables.*

3.5.5.1 Specific outcomes

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| <p>(1) <i>Coastal resources, including foreshores, coastal wetlands, mangroves, marine ecosystems and sand dunes are protected, managed, and where appropriate, rehabilitated, with no further loss of the coastal ecosystem extent and function.</i></p> | <p>NorthBreak proposes to rehabilitate a significant portion of the subject site, which will enhance the coastal ecosystem extent and function, resulting in significant improvements from the current impacts associated with agricultural development. The development will also provide a buffer zone to maintain the coastal ecosystem extent.</p> |
| <p>(2) <i>Natural coastal processes such as sand dune erosion and accretion are allowed to occur in all areas without intervention, other than where a significant strategic asset requires protection.</i></p> | <p>N/A. No impacts are proposed outside the freehold site.</p> |
| <p>(3) <i>Waterways and wetlands are managed and maintained to ensure the natural quality and quantity of water delivered to the Coral Sea is not diminished.</i></p> | <p>It is noted that a waterway that traverses the site has been formed to create a channel on the farm edge. The proposal will rehabilitate the waterway to be closer to natural. The net result of these works is that the quality of the water discharged to the Coral Sea is improved.</p> |
| <p>(4) <i>Coastal dependent development is carefully planned, constructed and managed to minimise impacts on the coastline. Coastal dependent development is expected to predominately occur with waterfront sub-precincts in Port Douglas.</i></p> | <p>N/A</p> |

- (5) *Development maintains and enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard;*
- (6) *Maintain the erosion prone area within the coastal management district as a development free buffer zone (except for coastal dependent development, temporary or readily relocatable or able to be abandoned development).*
- (7) *Redevelopment of existing permanent structures in the erosion prone area is required to avoid coastal erosion risks through a strategy of planned retreat, or mitigate coastal erosion risks.*
- (8) *Land use activity avoids the disturbance of areas of land that are prone to the release of acid sulfate or any other metal contaminant producing soils or adequately manages, treats contaminant producing soils.*
- (9) *The community's access to the foreshore is maintained, and where appropriate, extended.*

The proposed development will maintain and likely improve/enhance the natural processes and functions of landforms as a result of rehabilitation works proposed and mitigate natural hazards.

Whilst it is noted that a significant portion of the site is located within the erosion prone area of the CMD, the proposal has implement appropriate design measures to mitigate potential hazards as detailed in the Flood Study - **Appendix K**.

N/A

Detailed geological surveys have determined that the site has a very low incidence of acid sulphide soils (**Appendix J**). In the event that acid sulphate soils are exposed during the construction phase, treatment and management will be conducted in accordance with best practice monitored by a suitably qualified engineer.

3.5.5 Element – Scenic Amenity

(1) Douglas Shire is located on a narrow coastal plain between the Great Dividing Range and the Coral Sea. The lush green backdrop provides a dramatic green frame to the Shire's diverse tourist areas, townships, rural lands and rural communities. This green frame adds significantly to the Shire's much admired high quality scenic amenity. In addition, the sugar cane fields contribute significantly to the Shire's scenic amenity and sense of place on the plains below the green frame. Great care is required to protect the Shire's natural and rural settings given the vital contribution they make to the Shire's identity and to the everyday experiences of residents and visitors alike.

A green buffer zone is proposed along the Captain Cook Highway as shown in the Landscape Design Report (**Appendix L**).

The buffer zone will create the lush green backdrop akin to the Shire's scenic amenity while disguising the development in a rural setting.

3.5.5.1 Specific outcome

- (1) *Development protects, maintains and enhances the region's Landscape values as shown on the Landscape values overlay maps contained in Schedule 2.*
- (2) *Major scenic routes and scenic outlooks, as shown on the Landscape values overlay maps contained in Schedule 2, are protected from both the detrimental visual impacts of development and inappropriate vegetation clearing that may detract from the scenic qualities of the scenic route, outlook or ocean-side views.*
- (3) *Rural and inter-urban breaks are protected from negative visual intrusion.*
- (4) *The hillslopes, including Flagstaff Hill, are retained as a valued scenic backdrop to the Shire and the landscape character of the hillslopes are protected from inappropriate development.*
- (5) *The location, size and scale of advertising devices located along the Shire's road networks is reduced. Older off-premises advertising devices that have become dilapidated are removed and not replaced.*

The proposed development seeks to maintain and enhance the region's landscape values. The Landscape Design Report (**Appendix L**) depicts the provision of a substantial visual buffer between the Captain Cook Highway and the development. The Landscape design incorporates native and endemic species throughout the development.

The Landscape Design Report highlights that the scenic outlook of proposed development will be significantly enhanced.

There is no negative visual intrusion. The proposed development will enhance the scenic amenity.

N/A. The proposed development will not impact hillslopes.

The proposed advertising device is to be limited to a single gateway sign. Refer to Section 4.2.7.

3.5.6 Element – Air and acoustic protection and hazardous materials

(1) *Other than the Mossman Sugar Mill and some of the marine industries in Dickson Inlet at Port Douglas, there are no areas of land devoted to the heavier forms of industry that would generate significant air or acoustic problems. As a result, it is possible that new industrial development may present future challenges. The key management approach in planning is to separate sensitive land uses from generators of nuisance. Given the historical development of the Shire (i.e. the Mossman sugar mill and port industries), this is not always practical and mitigation measures need to be implemented as an alternative.*

The proposed development will not generate any air pollutants. The proposed development is site in the current location in order to avoid potential noise amenity impacts associated with the development, namely the wave park component. No hazardous materials are to be stored in significantly quantities.

Natural Resource Management

3.6.2 Element – Land and catchment management

(1) *Interaction with the natural environment directly and indirectly impacts on the community’s lifestyle and standard of living. Land and water degradation issues facing the Shire include soil erosion, pest plants and animals and water quality. It is important to ensure that the Shire’s natural resources are protected and actively promoted for the benefit of current and future generations.*

(2) *The Shire consists of a range of land tenures from national parks through to freehold land and leasehold properties. Improved management practices are required to prevent overuse or degradation of natural resources. A significant part of this management relies on the three levels of government as well as regional resource management bodies, traditional owners, landowners and the community using statutory and non-statutory means. This planning scheme focusses primarily on the significant role of land use planning. However, the presence of other non-planning scheme programs such as pest management and riparian rehabilitation programs is acknowledged.*

3.6.2.1 Specific outcomes

(1) *Creeks, wetlands and the sea are an important resource for the community. The Shire’s water is sustainably managed in accordance with total water cycle management principles to maintain the ecological health of the Shire’s ecosystems. Development and land uses will not be permitted to cause pollution or other negative impacts on water quality or the other qualities of these essential environments. Development is to facilitate the protection of environmental values and achieve water quality objectives for Queensland waters.*

The waterway that traverses the site will be enhanced and protected as part of the proposed development. This together with the deletion of farming on the site will allow for better management and quality of water entering the waterways adjacent to the property

Furthermore, on-site stormwater treatment, as detailed in **Appendix O**, demonstrates that stormwater discharged from the site will be sufficiently treated.

The overall environmental values and water quality of the site will be increased as a result of the proposed development.

(2) *Water catchments and ground water aquifers are recognised and protected from inappropriate land use activity that may compromise the quality and characteristics of the water resource. In particular water needs to be managed to give priority to agricultural production and water supply to the Shire’s communities, rather than for other purposes such as bottled-water extraction.*

N/A

(3) *Water quality, in-stream and riparian waterway values, and the nature-based recreation values of modified*

The proposed development will result in enhanced water quality, in-stream and riparian waterway values of

waterways, and wetlands and their catchments are protected from harmful activities.

- (4) *Development is planned, designed, constructed and operated to manage stormwater in ways that help protect the environmental values of waters including the biodiversity and functioning of the aquatic ecosystem.*
- (5) *The construction of dams on waterways does not detrimentally affect environmental flows, safety, or the amount of water available to downstream users.*
- (6) *Water quality and its physical and chemical properties are maintained and managed to avoid and reduce the conveyance of sediment and nutrients into natural hydrological systems.*
- (7) *Traditional ecological land management practices and knowledge is recognised and acknowledged*
- (8) *Weeds and pests are managed to ensure that natural resources are not degraded.*

wetlands due the proposed rehabilitation works to be undertaken, which will effectively result in an improvement of environmental values afforded by the site currently.

The proposed development will manage stormwater through retention basins, vegetated swales, water treatment plant and controlled runoff to protect the environmental values of waters including the biodiversity and function of the aquatic ecosystem.

The construction of a storage facility to collect surface flows stormwater for re-use in the project's water bodies, after appropriate treatment to applicable standards, will ensure no detrimental impact upon environmental flows, public safety or downstream users.

The NorthBreak proposal is anticipated to enhance the water quality from the existing agricultural production processes and physical and chemical properties are likely to be improved due to the reduced turbidity and nutrient run-off.

N/A

The applicant has commissioned a detailed flora and fauna study, which is provided as part of the Environmental Assessment Report (**Appendix H**).

3.6.3 Element – Primary Production, forestry and fisheries

- (1) *Primary production is a significant part of the natural resource and landscape value of the Shire. The Shire's townships and villages rely heavily on their surrounding sugar cultivation, tropical agriculture, horticulture and grazing industries. In particular, the primacy of the sugar cultivation will continue as a dominant rural pursuit in the Shire due to the critical importance of the sugar industry to the Shire. Continued support is necessary to ensure the continued prosperity of these townships through the exclusion of non-agricultural land use activities in primary production areas.*
- (2) *Forestry is not a prevalent activity in the Shire and where it occurs; it tends to be small scale production that is compatible with the Shire's rural production area. Large scale timber production is not a compatible land use within the Shire.*
- (3) *The importance of the Shire's key fisheries activities are recognised and are protected.*

Agricultural production, including sugar cane, will continue to operate as an integral part of Douglas Shire, regardless of whether the proposed development is approved.

3.6.3.1 Specific outcomes

- (1) *The viability of agricultural land is protected and maintained. Land uses that have the potential to conflict with on-going primary production are not established in rural areas.*
- (2) *Rural areas include a range of rural activities of varying scale depending on land suitability and access to appropriate infrastructure, with development being consistent with prevailing land uses in the area.*
- (3) *Lot reconfiguration does not result in the further fragmentation of rural land. Boundary realignments only occur where improved agricultural production or environmental protection outcomes are demonstrated, or where they resolve encroachments.*

Whilst the proposed development has the potential to reduce the available cropping land, the subject site is not considered to constitute high quality agricultural land (**Appendix F**). The proposed development will not have a significant impact on cropping land availability across the region and only contributes approx. 0.22% of the annual cane crush. The proposed development will not significantly impact the cropping industry and will support business in Far North Queensland, estimated to contribute a total economic output of \$116.8 million per annum.

The proposed ROL component will be undertaken in accordance with the MU component.

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| <p>(4) <i>Timber plantations and forestry production are small in scale and do not compromise the predominant pattern of primary production in the Shire.</i></p> <p>(5) <i>Estuarine, marine and freshwater environments and their associated fish habitats are protected from the adverse impacts generated by new or intensified developments to ensure healthy and plentiful fish stocks.</i></p> | <p>N/A</p> <p>As a result of the rehabilitation of the waterway that transverses the site, the fish habitat will be enhanced. Further detail on potential waterway barriers is provided in section 5.3 and detailed as part of the Environmental Assessment Report (Appendix H).</p> |
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3.6.4 Element – Resource extraction

Strong communities and identity

3.7.2 Strategic Outcomes

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| <p>(1) <i>Places of cultural and heritage significance, both Indigenous and non-Indigenous, are identified, protected and retained for their significance and importance to the history and identity of the Shire.</i></p> <p>(2) <i>The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas are maintained, promoting community pride and well-being and community safety and prosperity.</i></p> <p>(3) <i>Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community and promote harmony between residents and visitors.</i></p> <p>(4) <i>Development is managed to enhance the character and identity of existing and future communities, providing services, facilities, parks, recreation areas, places to work, live and play and to celebrate culture, history and identity.</i></p> <p>(5) <i>Progress will be made working with Aboriginal and Torres Strait Islander peoples and the wider community, to help remove social and economic disadvantage.</i></p> <p>(6) <i>Equitable access is provided to a complete range of services, open space, active and passive recreation, employment, accommodation and entertainment.</i></p> <p>(7) <i>The conservation and adaptive re-use of places of heritage significance is facilitated.</i></p> <p>(8) <i>Residents have access to appropriate social infrastructure, community services and adequate housing, including a greater variety of housing choice.</i></p> | <p>N/A</p> <p>N/A</p> <p>NorthBreak, by virtue of its ethos, is likely to enhance the local economy through the provision of employment opportunities. Furthermore, there supply chain principles will benefit the wider community, through the provision of goods and services. The development has been designed to recreate the village atmosphere of Port Douglas, encouraging visitors and locals to intermingle in the communal spaces around the surf park. The design philosophy will encourage guests to nurture genuine connections with themselves and actively engage with the local environment.</p> <p>The proposed development will enhance the character and identity of the existing and future communities, through the provision of parks, recreational areas, work opportunities, which present a unique opportunity for Douglas Shire.</p> <p>The proposed development will provide a range of employment opportunities for Aboriginal and Torres Strait Islander peoples. From upskilling in the hospitality industry, contribution to maintenance and operation of facilities, involvement in culturally appropriate activities which may include bush tucker walks, cultural displays, rangers monitoring environmental areas and other similar potential activities.</p> <p>Equitable access is designed from the first conceptual thought to ensure total involvement in all activities and spaces is available to all members of the community.</p> <p>N/A</p> <p>The proposal will provide a variety of choice for short term accommodation, ranging from low cost surf cabins through to luxurious stand-alone dwellings for extended stay usage.</p> |
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3.7.2 Element – Social planning and infrastructure

3.7.3 Element – Active communities

- (1) *Planning in the Shire will play an increasingly important role in maintaining healthy communities. Given an*
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increasing awareness of the need to encourage healthy active lifestyles, walkable and cycle-friendly neighbourhoods will be promoted. The Shire is developing a network of interconnected and accessible open space and green corridors and this network will be progressively expanded to encourage opportunities for recreation, while recognising an increasing trend toward self-directed, non-organised sporting activity.

- (2) Better use of the Shire’s outdoor spaces requires careful urban design to ensure that there is a high perception of personal safety. Highly visible and well-shaded parks and town spaces will be established to encourage dynamic well-used public spaces.*

3.7.3.1 Specific outcomes

- (1) The Shire is an active community, providing opportunities for residents to make healthier life choices. Planning and development will make provision for open space, recreation areas and safe walking and cycling paths.*
- (2) Sufficient land is available and distributed across the Shire’s communities to cater for the development of parks and sport and recreation facilities. Open space areas and sporting and recreational facilities are provided to:

 - (a) ensure a diverse range of recreational opportunities.*
 - (b) encourage multi-purpose spaces and hubs for recreation.*
 - (c) facilitate a recreational trail network, particularly along rivers and creeks.*
 - (d) form networks of interlinked connections.**
- (e) promote and contribute to the green space character of the Shire.*
- (f) promote a degree of flexibility in the use of open space for other community purposes such as community gardens.*
- (2) New publicly accessible and usable open space is provided in new development where appropriate. Open space will be the centre piece of new communities contributing to the Shire’s overall network of parkland, sporting and recreational facilities and open space corridors.*
- (4) Neighbourhoods are to be accessible and safe, providing opportunities for social interaction, participation and improved well-being. In particular, open space is highly visible, being located along road frontages and not placed to the rear of new allotments.*
- (5) The number of tropical shade producing canopy trees of appropriate species is increased.*

The proposed development, as depicted in the Masterplan (**Appendix D**) is an assemblage of open space, active and passive recreation areas and safe walking cycling paths, with linkages to the Wangetti Trail and Port Douglas.

The proposal provides for a diverse range of recreational opportunities as depicted on the Masterplan (**Appendix D**).

The proposal diversified recreational opportunities as founded on the surf park. This will allow surfing and boarding of all types as well as opportunities for Surf Living saving pursuits. The passive lagoon will provide year round swimming and SUP use.

On land, a walking and bike network is proposed in the rehabilitated landscape areas.

Open spaces are capable of multi-use, such as outdoor gyms, social gathering and outdoor exhibitions.

The proposed development may include linkages to the Wangetti Trail and potentially the Mowbray River through Unallocated State Land, although this does not form part of this application.

Refer to the Masterplan (**Appendix D**).

The proposed walking and cycling track will be available to all. The development proposes open spaces throughout the design in keeping with the character of the shire.

The option exists for flexibility for certain areas of open space to be utilised for community purposes.

NorthBreak proposes a network of connected publicly accessible open spaces areas. Connection with the Wangetti trail will allow for Residents and Visitors to Port Douglas

All portions of the master planned development will be safe and provide opportunities for social interaction, participation and improved well-being.

There will be a dramatic increase in the number of tropical, shade producing canopy trees of appropriate species in lieu of the totally clear cane lands. Refer to the Landscape Design Report (**Appendix L**).

3.7.4 Element – Sense of place community and identity

(1) *Sense of place is the dual characteristic that derives from certain distinctive features of a place and the feelings and perceptions that people hold with respect to that place. Fostering a good sense of place promotes community attachment. New development in the Shire should avoid the delivery of homogeneous development consisting of identical communities. In growth areas, gated enclave communities will not be encouraged. The larger new developments will be supplied with a range of facilities to support new residents and to ensure that these new developments are a good place to live.*

NorthBreak has been purpose designed to utilise innovative tropical design principles. The architecture of Surf PD seeks to create an exemplary built environment through thoughtful architecture and biophilic design. The simple, modern facade of the hotel takes reference from the shape of a wave. The curvilinear footprint of the Hotel is emphasised with sweeping floating horizontal forms on the wide balcony edges. The distinctive form will foster a sense of place while the communal open spaces will encourage community interaction.

(3) *Many areas in the Shire have high quality character that derives from their buildings, pattern of subdivision and street layout. The Shire’s older and traditional character is derived from the wide street, grid layout, tin and timber housing and vegetation. Intact commercial precincts consisting of shops, churches, halls, hotels, post offices, banks, hospitals and the like are recognised and will be retained.*

The development has purposely set out not to mimic the Shire’s older and traditional character. It will be obvious to visitors that the development is new and not part of the Shires traditional offerings,

(3) *New development will not be characterised by off-the-shelf corporate designs that have little regard for the Shire’s unique communities and sense of place, in order to ensure the experience of living and visiting the Shire is not diminished.*

All elements of the proposal has been considered and designed to be inclusive to the community. The master plan incorporates public spaces that are open, transparent and inviting, a key characteristic of the Shire.

3.7.4.1 Specific outcomes

1) *The distinctive character and unique sense of place of towns and villages and other communities, including Aboriginal communities, throughout the Shire is maintained, promoting community pride and well-being and community safety and prosperity.*

(2) *New communities in the Shire are established with a recognisable and distinctive sense of place.*

(3) *Through site specific tropical design, franchise corporate designs are adapted to integrate with established urban qualities that make the Shire’s local communities unique and distinct from other places.*

(4) *Gated communities that offer little or no integration with surrounding and adjacent communities are not the preferred pattern of development in the Shire.*

(5) *Important buildings in the community are designed to be readily recognisable for their purpose and use.*

NorthBreak will promote community pride by virtue of its excellence in establishing an exciting new facility in the Shire, significantly contributing to the overall well-being of locals and visitors. Community safety is a side-benefit of this project. Currently young lifesaver (Nippers) numbers are in serious decline with parents concerned with their kids swimming in a location perceived to be dangerous due to stingers, crocs and other potentially dangerous sea creatures.

The surf park is a perfect, year-round safe environment for lifesavers of all ages to learn new skills, train in varying surf conditions and hone their competitive edge.

3.7.5 Element – Housing choice and affordability

Whilst the proposed development is not a residential development, it is noted that the short term accommodation, specifically the self-contained

detached/attached villas, provide creative and innovative design solutions.

3.7.6 Element – Arts and culture

NorthBreak will contribute to the vibrant tourist town amenity of Port Douglas and is a prime candidate for public art, cultural activities, events, markets and festivals.

Festivals themed around the surf park have a potentially broad visitor appeal.

Economy

3.8.1 Strategic outcomes

(1) A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the Shire’s natural resources.

NorthBreak will offer a diverse range of employment opportunities both directly and indirectly supporting the Shires dynamic tourist industry. Employment directly relating to the surf park will include retail, coaching, Life saving and management that will be focussed towards younger staff. Hotel staff, Landscaping, Tour operations & facility management are all possible employment opportunities as part of the development.

(3) The Shire’s economic base will be broadened to improve employment opportunities and to provide resilience to any future adverse economic, social and environmental conditions.

The project will broaden the Shire economic base through establishing a new industry sector focussed on surfing in the tropics. The sector will have broad appeal to domestic travellers providing some resilience when overseas travel is not available as is currently the case.

(4) Economic benefits are maximised through the promotion of appropriate land uses, minimisation of land use conflicts and the protection of strategic economic infrastructure.

The proposed development offers a substantial increase in economic benefit, increasing the employment of 0.1 FTE with 740 FTE. The proposal will not generate any land use conflicts.

(4) Clustering and co-location of land uses achieve synergies that utilise existing and planned infrastructure and provide opportunities for growth.

N/A

(5) The natural values and key lifestyle attributes of the Douglas Shire are protected to maintain its regional competitive advantage.

The proposed development will enhance the natural values of the subject site.

(6) Higher education facilities are encouraged in the Shire to broaden the economic base, increase employment, inject research and innovation into rural/environment/marine industries.

N/A

(7) Indigenous economic and social disadvantage is reduced over time through carefully planned development of traditional lands.

N/A

3.8.2 Element – Economic growth and diversification

(1) The Mossman Mill, supporting the sugar industry, has been in operation for over 120 years and is the primary economic driver in the Shire. Elsewhere, Douglas Shire is not characterised by a significant industrial base to support its primary economic drivers of tourism and primary production. However, value adding manufacturing and processing, research and education can play an important role in the future of economic growth opportunities in the Shire. The lower operational costs for businesses and the unique lifestyle that the Shire offers should be promoted to attract new employment opportunities and economic growth.

3.8.2.1 Specific outcomes

(1) *Economic growth that supports clean, green businesses and resilient communities is encouraged throughout the Shire. In particular a range of economic initiatives is facilitated in appropriate locations, including;*

- (a) *the growth of new and traditional industries;*
- (b) *further development of Port Douglas as a premium tourist destination;*

(c) *establishing Douglas Shire as a player in the global tropical tourist market;*

(d) *targeting infrastructure that strengthens Douglas Shire as a tourist destination and a gateway to the region;*

(e) *promoting the Shire’s marine industries;*

(f) *providing for higher value jobs, particularly for young people;*

(g) *focussing on education and knowledge-based industries;*

(g) *taking advantage of the digital age and associated digital economy;*

(i) *protecting the assets on which existing and future business relies, such as agricultural land resources and the beautiful natural environment;*

(j) *enhanced economic opportunities through appropriate development of Aboriginal Freehold Land.*

(2) *Business development and innovation are supported in appropriate settings, particularly within the Shire’s activity centres and employment clusters.*

NorthBreak is a new part of the tourism industry attracting a new visitor demographic to the region. The Surf industry is seen to be an inclusive use with current offerings in the shire and will support current service offerings to the hotel and tourism sectors.

Currently there is only one commercially operated wave pool in Australia. The development will a first for Queensland and will be the first integrated Wave Pool Development in Australia, further establishing Port Douglas standing as a premier tourist destination.

Globally Surf Parks are a big thing. The selected wave technology is what is proposed for the Paris Olympic site. The Endless Surf pool will allow the park to be used for world class competitions and will have a global reach in the surfing world.

N/A

The Surf industry will provide numerous job possibilities, particularly for younger people. It will also provide a gateway to jobs in as industry not currently established in the shire. From coaching, both surf and fitness, well being, to surfing itself, the job possibilities are numerous.

Marketing and promotion jobs targeting young travellers will be required as well as a vast array of hospitality and hotel management positions.

The fitness industry will be a large off shoot of the surf park. It is envisaged that the park will be a training location for world class athletes. When combined with a Surf school, the ancillary fitness and wellbeing requirements will be many.

Great internet will open up possibilities for surf related brands and businesses to be able to work remotely from the facility. Digital imaging and photography will be vital in the training of elite athletes. The proposal is to include a Surf School that will use all the latest digital tools to help train and teach surfers of all ages, levels and disciplines.

As previously stated, the natural environment is to be enhanced as part of this application. The farming land lost is of poor quality with minimal economic value to the region.

N/A

The proposed location is ideal to take advantage of the Port Douglas activity centre in regard to staffing and connection to the town. Remote enough to not cause adverse effects on residential land, however close enough to be able to walk or commute by bicycle.

3.8.3 Element – Tourism

(1) *Tourism is a significant employer and generator of economic activity within the Shire. The Shire boasts two of the State’s major icons, the World Heritage Wet Tropics and the Great Barrier Reef. The quality of the Shire’s natural and rural landscapes, spectacular mountains, dramatic bluffs, outstanding scenic coastal areas and environmental features, and numerous*

historic and culturally significant sites are a major tourism drawcard.

- (2) The extent, range and configuration of tourist accommodation, facilities and services is based on the intrinsic and distinctive qualities of the Shire which promotes an efficient and sustainable tourism industry, and the well-being of the resident population.

3.8.3.1 Specific outcomes

- (1) Development that contributes to the tourism industry and complements and promotes the Shire’s natural assets is facilitated. In particular, tourism development is consistent with, and sensitive to, the nature of tourism appropriate in different parts of the Shire.

NorthBreak will become a major player and new offering for the tourism industry reaching into virtually all sectors of the industry with direct and indirect benefits. For a detailed of the economic benefits refer to **Appendix E**, which quantifies the outcomes of establishing such a unique niche product into the Shire’s tourism industry. The Surf industry is seen to be complementary to existing offerings and will help support other operators by appealing to a new breed of tourist, and in particular a younger domestic market.

- (2) A distinctive and attractive destination image for the Shire is fostered.

NorthBreak, by its very nature, will become a new, indelible, distinctive and attractive destination image for the Shire. The Surf Park will be world standard, this coupled with a destination with varied accommodation options, a relaxed surf ethos and abundant open space, Northbreak capture excitement from around the globe.

- (5) An efficient and coordinated pattern of tourism development is established which ensures tourist convenience and accessibility and focusses on the Tourism nodes as shown on the Strategic framework maps contained in Schedule 2.

NorthBreak has excellent connectivity with the Tourism nodes in Port Douglas village. Cairns international airport is under 1 hour from the site and is located on the connection route to Port Douglas.

- (6) Major tourist accommodation and entertainment areas will continue to focus on the Port Douglas Town Centre.

NorthBreak consolidates the tourism focus on Port Douglas and its operators. As well as providing new accommodation options for Port Douglas and the Shire, Northbreak will also strengthen the appeal of other operators located in the town centre.

- (6) Tourist development in the Daintree Village, Cape Tribulation and other parts of the Shire:
 - (a) is of a scale appropriate to its location;
 - (b) respects the environmental quality of its surrounds;
 - (c) is limited in size and extent;
 - (d) consists of low-intensity activities, generally based on the appreciation of the natural environment.

Not applicable.

- (6) Low intensity tourist activities may be acceptable in the rural areas, provided there are no adverse impacts on the natural environment, good quality agricultural land, farming practices and bona-fide extractive resource activities.

As NorthBreak has no adverse impacts on the natural environment and in fact improves it. Refer to the Agricultural land Classification provided as **Appendix F**.

- (7) A limited number of low-intensity tourist accommodation facilities may be acceptable in Conservation areas where it is designed to integrate with its setting (e.g. similar to the Silky Oaks Resort in Mossman).

N/A

- (8) The development of bed and breakfast, cabin, homestead / farm-stay accommodation and other low impact tourism development is encouraged in appropriate locations.

N/A

3.8.4 Element – Primary Production

As noted previously and explored in detail in **Appendix F**, the existing sugar cane farm is on poor agricultural land and has a very minimal contribution of 0.22% of the crush at the Mossman Mill.

The loss of this farm is far outweighed by the economic uplift, environmental improvement, community well-being and employment opportunities derived from NorthBreak.

3.8.5 Element – Innovation and technology

Not directly applicable, but as a side bar comment, the technology involved in the Wave Park is ground-breaking and the surfing lifestyle is often a common denominator for high achievers and tech competent individuals tempted to regularly visit Port Douglas for a wave.

Infrastructure and Transport

3.9.1 Strategic outcomes

The timely provision of appropriate infrastructure and transport links underpins the controlled and appropriate growth of Port Douglas.

3.9.2 Element – Energy

- (1) *Reticulated energy supplies are provided to all urban communities within the Shire.*
- (2) *Elsewhere, alternative energy as a source of electricity for dwellings can present significant environmental benefits. The use of alternative, renewable energy sources such as solar and wind power is a small, yet significant method by which the community can address the global issue of climate change through local actions. However, a balance between the potential benefits and negative impacts of using alternative energy technologies is needed.*

3.9.2.1 Specific Outcomes

- (1) *The energy needs of the Shire are met in a manner that minimises impacts on the health of the surrounding communities, natural environments and scenic amenity, and wherever possible, supports low emission and/or renewable energy sources.*
- (2) *Renewable energy facilities, such as small-scale wind turbine generators and solar panels can connect to an existing, nearby high voltage electricity network (with adequate capacity) without significant environment, social or amenity impact.*
- (3) *Energy infrastructure in urban development areas is located, designed and constructed to ensure continuing functioning after severe natural hazard events.*
- (4) *The paradox of polluting fuel-based power generation and the pristine World Heritage setting of the Daintree rainforests, north of the Daintree River is acknowledged. Proposals to extend electricity supply to properties north of the Daintree River take into account the sensitive environmental characteristics of the area, the fact that it is an area that is largely of world heritage significance and the climatic risks impacting the area such as cyclones and other weather events, all of which will*

The proposed development has been conceived using best practice principles for sustainable energy, including high thermal performance building fabrics, maximisation of shade, optimised cross ventilation and other passive cooling techniques, capture of residual energy outputs and review of energy consumption practices.

A preliminary electrical review by Sequal Engineers (**Appendix N**) has noted that solar panel arrays are planned over the carparks (also providing shade) and on the hotel roofs with a combined total output approaching 2MW. NorthBreak has been designed to have an integration of solar panels and Ergon high voltage power.

The project is directly adjacent to the 22Kv High Voltage (HV) network on the boundary adjacent Cook Highway, providing an opportunity to reticulate HV internally around the site to 4 internal distribution transformers. Ergon do not anticipate any supply issues.

Internal reticulation of power within the project site is all underground with transformers located and protected to ensure continued functioning after severe natural hazard events.

N/A

influence decisions about the nature and scale of the electricity supply infrastructure which may be provided.

3.8.3 Element – water and waste management

(1) *Wastewater management is a major issue for the unsewered small towns and communities of the Shire. Reticulated water and sewerage services and stormwater drainage improvements are required to minimise impacts on the environment and accommodate projected population growth.*

NorthBreak adequately addresses the issues of reticulated water, sewerage and stormwater drainage to minimise the impacts on the environment. Engineering reports are supplied as an appendix to this report outlining how stormwater is going to be treated within the site for re-use.

3.9.3.1 Specific outcomes

(1) *Water supply resources are protected and used efficiently and sustainably. Waste is minimised.*

Discussions with Council officers have established that in most year an abundance of water is available in the wet season. Northbreak plans to utilise excess supply and water runoff during the wet to gather enough water in reserve to provide backup during the dry season. This will minimise waste while not putting undue pressure on the Council system.

(2) *Water and sewerage infrastructure is provided in locations that maintain the health and wellbeing of the community and the environment.*

The proposed development will connect to Council's reticulated sewer network, as per the Hydraulic Services Master Plan (**Appendix P**).

(3) *Development in urban areas is connected to the reticulated water supply and sewerage infrastructure according to demand and service standards.*

(4) *Development in rural and rural residential areas is provided with a reliable, potable water supply and on-site effluent treatment that will ensure no detrimental impacts on amenity, health or wellbeing of communities or the natural environment.*

Potable water will be provided from Council's mains via an extension provided by the developer. The proposed development is proposed for connection to Council's reticulated sewer network, in accordance with the Hydraulic Services Master Plan (**Appendix P**). No on-site effluent treatment is proposed.

(5) *Waste management facilities and recycling infrastructure does not result in impacts on the environment or on scenic amenity. Waste management and recycling facilities are spatially separated from sensitive land uses and receiving waters, and these facilities are equally protected from the intrusion of new sensitive land uses.*

The proposed development will incorporate best practice waste management and facilities are to be adequately separated from sensitive land uses and receiving waters. Further detail to be provided at the detail design phase.

(6) *Improved technologies and capture/treatment methods, such as water sensitive urban design and recycling, are used to carefully manage stormwater discharge to reduce excessive flows, improve water quality discharge and protect the natural environment from adverse impacts.*

Northbreak will take advantage of existing waste management and recycling systems in the shire. Waste will be minimised and will not have an adverse impact on sensitive land uses.

Stormwater is captured from roofs, roads and other hard surfaces and directed to a holding dam rather than existing drains into the Mowbray River. This captured stormwater harnesses the latest technology to be treated to a public swimming pool standard and be used for topping up the surf park and lagoons (see Turbid technical memo). Accordingly, this water sensitive design and recycling of stormwater meets the Shire's policy to reduce excessive flows, improve water quality discharge and protect - and actually enhance - the natural environment.

3.9.4 Element – Transport

(1) *It is important to maintain a safe and efficient transport network across the Shire. Many of the roads within the Shire are multi-purpose in function and face increased usage by large transport vehicles associated with agriculture, as well as domestic and tourism traffic volumes. The Captain Cook Highway connects Douglas Shire to Cairns and is a winding two lane carriageway*

NorthBreak will connect into the road network directly into the main arterial Cook Highway. Public transport could easily be accommodated via a dedicated node within the project environs.

that caters for the majority of the Shire’s freight needs. The Mossman Mount Molloy Road is also an important link connecting the Shire to the Tablelands.

(2) The Daintree River will continue to operate as a Ferry Service and the road north of Cape Tribulation to Wujal Wujal and the CREB track will remain as 4 wheel-drive only.

(3) The current lack of public transport facilities within the Shire restricts the movement of residents and impedes visitors to the Shire who do not have access to a vehicle. Additional public transport facilities, such as buses (or mini-buses), may be required to improve accessibility for both the resident population and the wider community.

(4) There are no commercially operating airfields within Douglas Shire. However, there are a number of smaller scale airstrips. Careful planning is needed to ensure that the distribution of such air strips does not compromise the safety of their function.

(5) The cane rail network is an important infrastructure network for the efficient operation of the sugar industry and the mill.

3.9.4.1 Specific outcomes

(1) The current and future function of higher order roads and transport networks (including buffer areas), is taken into account in land use planning, and protected from incompatible development.

(2) Local and State road networks are integrated with existing communities and new developments.

(3) Dickson’s Inlet close to the Port Douglas Town Centre continues to function as the main passenger terminal for the reef.

(4) Connectivity between neighbourhoods and communities is established in existing and new development areas ensuring road, cycle and pedestrian connections.

(5) Development is designed, located, maintained, and where necessary improved, to facilitate pedestrian, cycle and transport functions.

(6) Development does not compromise the efficient use of the cane-rail network.

(7) The Daintree Ferry continues to be the method of transport across the Daintree River.

(8) The cane railway network is retained and maintained as a significant infrastructure network for the sugar industry in the Shire.

The site for NorthBreak is immediately adjacent to the Cook Highway and the masterplan (**Appendix D**) locates the connection for the project at the optimum point of the road corridor.

The development is totally integrated into the State Network without an impact on service standards. Refer to **Appendix I** for further details.

N/A

NorthBreak is totally connected at a high service level to existing and planned road, cycle and pedestrian networks.

The proposal links with the Wangetti trail to facilitate excellent pedestrian and cycle functions. As part of the roadway design, drop off areas for transfers, parking facilities for bicycles, cars and busses have all been catered for.

There is no cane rail network at or adjacent to the site.

N/A

The proposed development will not impact on the cane rail network.

3.9.5 Element – Information technology

The proposed development of NorthBreak does not present any issues associated to the provision of information technology. There is substantial space available to future proof the possibility of required

6.7.4 Zone

The subject site is located within the Rural zone of the Douglas Shire Council Planning Scheme 2018 v1.0.

6.7.5 Level of Assessment

Pursuant to the Tables of Assessment for the Rural Zone with the Planning Scheme, the proposal triggers Impact Assessment.

6.7.6 Overlays

Overlays affecting the site are listed in section 2.2. Detailed responses to relevant Overlay Codes are provided in Section 6.7.6 and **Table 7** below.

6.7.7 Codes

The Planning Scheme Codes considered applicable to the proposal, and the location of the relevant code response, are identified in **Table 7**.

Table 7: Planning scheme code responses

Planning scheme codes	Response
Zone and Neighbourhood Plan codes	
Rural Zone Code	Appendix S – prepared by RPS
Use Codes	
Multiple Dwelling Short Term Accommodation Code	Appendix S – prepared by RPS
Relocatable Home Pak and Tourist Park Code	Appendix S – prepared by RPS
Sport and Recreation Activities Code	Appendix S – prepared by RPS
Development Codes	
Access Parking and Servicing Code	Appendix S – prepared by RPS
Advertising Devices Code	Appendix S – prepared by RPS
Environmental Performance Code	Appendix S – prepared by RPS
Filling and Excavation Code	Appendix I – prepared by GHD
Infrastructure Design Code	Appendix S – prepared by RPS
Landscaping Code	Appendix S – prepared by RPS
Vegetation Management Code	Appendix S – prepared by RPS
Overlay Codes	
Acid Sulfate Soils Overlay Code	Appendix S – prepared by RPS
Coastal Hazard Overlay Code	Appendix S – prepared by RPS
Flood and Storm Tide Inundation Overlay Code	Appendix S – prepared by RPS
Landscape Values Overlay Code	Appendix S – prepared by RPS

REPORT

Planning scheme codes

Response

Natural Areas Overlay Code

Appendix S – prepared by RPS

Transport Network Overlay Code

Appendix – prepared by RPS

7 CONCLUSION

This town planning report supports a development application made on behalf of Graben Pty Ltd to Douglas Shire Council for staged integrated development of a Resort Complex comprising a wave park and ancillary/subordinate development upon land located at 5640 Captain Cook Highway, Mowbray. The subject site is more properly described as Lot 123 on SR687.

This development application seeks:

- Development Permit for Material Change of Use for a Resort Complex, (comprising the defined uses of Outdoor Sport and Recreation, Short-term Accommodation, Food and Drink Outlet, Shop, Tourist Park, Air Services and Caretaker's Accommodation);
- Development Permit for Reconfiguration of a Lot (1 Lot into 4 Lots and common property);
- Preliminary Approval for Operational Works (Filling and Excavation); and
- Preliminary Approval for Operational Works (Advertising Devices).

The application is subject to impact assessment.

This report has demonstrated the proposal's consistency with the intents and code requirements of Douglas Shire Planning Scheme and has sought to provide appropriate justification for aspects that do not fully adhere to the acceptable outcomes.

Approval is sought subject to reasonable and relevant conditions.

Appendix A

DA Form 1

Appendix B1

Certificate of Title

Appendix B2

Landowners Consent

Appendix C

Searches

Appendix D

Architectural Report and Proposal Plans

Appendix E

Economic Assessment

Appendix F
Agricultural Land Class Assessment

Waterway Determination and Marine Plant Assessment Report

Appendix H

Environmental Assessment Report

Appendix I

Engineering Report

Appendix J

Golders Report

Appendix K

Flood Study

Appendix L

Landscape Design Report

Appendix M

Traffic Impact Assessment

Appendix O

Turbid Water Solutions Water Treatment Strategy

Appendix P

Hydraulic Services Master Plans

Appendix Q
Council Pre-lodgement Request

Appendix R

SARA Pre-lodgement Advice

Appendix S

Planning Scheme Code Responses

Appendix T

SDAP Code Responses