

Mr. Jasper Wong
Email: uyoungresort@gmail.com

8 December 2016

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

REQUEST FOR A 'PERMISSIBLE CHANGE' TO AN EXISTING MOTEL & RESTAURANT - 123 DAVIDSON STREET, PORT DOUGLAS

Dear Madam,

This application is being made under Section 369 of the *Sustainable Planning Act 2009* ('SPA') to facilitate a 'permissible change' to the above described development. The site is located at 123 Davidson Street Port Douglas and is commonly known as the Pelican Motel Port Douglas.

In support of the above combined application please find enclosed:

- Copy of Title of Certificate – Attachment 1
- Copy of the original Approved Plan – Attachment 2;
- Site Appreciation – Attachment 3; and
- Plan of Proposed Development – Attachment 4.

Payment of the relevant application fee of **\$917.85** will be arranged upon lodgement of the application.

The following submission identifies the proposed changes sought to the development, and representations in support of these changes.

Site Details

Key details of the subject site are as follows:

Street Address	123 Davidson Street, Port Douglas QLD 4877
Real Property Description	Lot 9 on RP890707
Land Owner	Uyoung Pty Ltd – refer to Attachment 1
Area	4,419m ²
Easements and Encumbrances	Review of the Certificate of Title confirms there are no easements or encumbrances registered against the property title – refer to Attachment 1
Services	The site is located on the fringe of the Port Douglas CBD and as such is connected to necessary reticulated water and waste water supply, electricity and telecommunication mains and sealed access and transport network
Approved Use	Motel and Restaurant – refer to Attachment 2

	This is a historical approval from around 1982
Site Appreciation	Photographs of the site are included for reference at Attachment 3

Planning Context

Key Town Planning details are as follows:

Planning Scheme	Douglas Shire Planning Scheme
Locality	Port Douglas and Environs Locality
Planning Area	Tourist and Residential
Approved Use	'Motel' and 'Restaurant'
Surrounding Uses	<p>Located immediately adjacent the site to the:</p> <ul style="list-style-type: none"> - North: Best Western Lazy Lizard Motor Inn - East: Davidson Street Road Reserve - South: two separate residential unit complexes including the 'Aquarius Port Douglas' and 'Melaleuca of Port Douglas' - West: unformed and largely vegetated road reserve, which contains in part the Bailey Hooly Tramway. <p>The site is located on the fringe of the Port Douglas CBD within a locality that supports a mix of residential unit and detached dwelling living and tourist accommodation land uses.</p>

Application Details

Key application details are as follows:

Aspects of Development Sought	Application for Permissible Change to existing Motel and Restaurant
Applicant	Mr Jasper Wong Uyoung Pty Ltd
Contact	E. uyoungresort@gmail.com Ph. 0423 524 080

Background

A review of the property file reveals that the original approval for the Motel and Restaurant was granted in 1982. The land parcel containing the original Motel and Restaurant was subsequently subdivided in 1995 and six units were built on the area of land excised from the parent parcel being accessed from Ti-Tree Street.

The complex currently provides for:

- 17 motel units plus a Managers Unit. Units 1-15 are located within the building block adjacent the northern boundary. Units 16 and 17 and the Managers Unit are located within the building block towards the rear, south western corner.

- Reception located at the rear of the premises.
- Laundry.
- Restaurant (approximately 150m² of net lettable area).
- There are approximately 20 covered spaces on site plus 9 uncovered spaces. The parking is provided as formal and informal spaces and may not comply with current standards.
- Pool and recreational spaces between the Davidson Street frontage and the Restaurant.
- Existing internal and boundary landscaping.

Proposal Details

Given the age of the development, circa 1982, and current state of repair, the current owners are looking to refurbish the existing units internally and the site generally as a whole. In this regard it is important to note that it is not proposed to change or alter the development capacity but rather modernise the development to create a more pleasant and memorable guest experience.

The current owners have identified an opportunity to more efficiently use the land area available, improve the guest experience and amenity, improve onsite recreational offerings and improve the car parking layout and design generally.

It is proposed to remove the current onsite covered car parking and hardstand manoeuvring areas approximately identified by the yellow outline indicated in Image 1 below. This space will be converted to a modern outdoor recreation area consisting of a new swimming pool, new landscaping and communal gardens and a multi-sports court. The current owners seek to create an inviting outdoor recreation area where visitors can choose to either relax or engage in active sporting activities.



Image 1: Site Aerial (source: Google Earth Queensland Globe December 2016)

The onsite car parking is strategically relocated away from the motel units towards the front of the site adjacent the road frontage. The vision is to enhance the visitor experience and amenity by physically separating the internal and external living and recreation areas from vehicle movements to avoid traffic impacts such as noise, fumes, head light spillage, etc. affecting guest experience and amenity. The new onsite car parking area will be constructed between the front property boundary and the existing Restaurant over the existing communal gardens and pool area. The new car parking area will be setback approximately 2m off the front boundary allowing for the retention as much as possible, of existing mature landscaping vegetation. The new car parking area is further designed to provide approximately a

1m minimum buffer to either side boundary to again allow the retention as much as possible of existing mature landscaping vegetation.

Vehicles will access the site from Davidson Street still via the existing crossover. It is not proposed to alter the crossover or entry statement, other than that incidental to the rebranding of the Motel and Restaurant. The new car parking area will include a total of 18 parking spaces including a designated accessible parking space designed to meet AS2890.1. It is noted that the current development does not formally provide for an accessible parking space. It is proposed to maintain limited vehicle access beyond the guest parking area, down alongside the Restaurant and Reception area for maintenance purposes. This access will be restricted for staff only.

The development seeks to be a specialised dive resort targeting the Asian dive market. It is expected that guests will primarily arrive at the site from the Cairns International Airport via a shuttle bus. Given the target market the development does not expect to receive a high percentage of self-drive visitors.

In summary the intent of the project is not to increase the guest capacity on the site, but rather provide a modern, more comfortable accommodation option for guests with particular focus on guest experience and amenity. The current owners seek to create a high quality, inviting outdoor recreation area where visitors can choose to uninterruptedly either relax or engage in active sporting activities.

A copy of the Plan of Proposed Development is included as Attachment 4.

Request for Permissible Change

Legislative Requirements

This section provides an overview of the legislative context of the application under the provisions of SPA.

Permissible Change

It is submitted that the proposed changes are 'permissible' for the purpose of the SPA in that they do not contravene the requirements of Section 367. In particular, the following is noted with respect to Section 367 of SPA:

- a. The proposal refurbishment of the site does not result in a "substantially different development". This statement is based on the fact that no new uses are proposed and that the size and scale of the development is similar to that of the existing approval. The site currently provides for the accommodation of visiting guest and restaurant and will continue to provide for these uses within the existing approved capacity. Further refer to discussion below.
- b. (i) Schedule 7 of the *Sustainable Planning Regulation 2009* along with the SARA Online Mapping Tool and it is confirmed that revised proposal would not trigger any referral agencies.

(ii) A new Development Application for the equivalent land use, being Short Term Accommodation, would be Code Assessable within the Tourist and Residential Planning Area.
- c. It is understood that the original development did not require Impact Assessment. Regardless, in any case it is considered that the modification to the development as proposed is merely a refurbishment of the development, and the changes in isolation are not likely to increase the likelihood of a submission.

d. The revised proposal does not introduce any prohibited development.

Substantially Different Development

Statutory Guideline 06/09 *Substantially Different Development when Changing Applications* and Approvals has been prepared to assist applicants and assessment managers to determine if a proposed change to a development application or development approval would result in a substantially different development. The following assessment is provided to demonstrate that the proposal does represent substantially different development:

Statutory Guideline 06/09 - A change may result in a substantially different development if the proposed change:	Comment
<i>Involves a new use with different or additional impacts.</i>	<p>The proposal maintains the existing approved site accommodation capacity and restaurant net lettable area.</p> <p>The intent of the project is to provide a modern, more comfortable accommodation option for guests with particular focus on guest amenity. The desire is to provide an inviting outdoor recreation area where visitors can choose to uninterruptedly either relax or engage in active activities.</p>
<i>Results in the application applying to a new parcel of land.</i>	<p>The requested changes do not result in the introduction of new parcels of land.</p>
<i>Dramatically changes the built form in terms of scale, bulk and appearance.</i>	<p>The proposal does not dramatically change the built form in terms of scale, bulk and appearance. The proposed refurbishment project merely seeks to make the most efficient use of the available site area with focus on visitor experience and amenity.</p> <p>It could be argued that by reducing the total amount of onsite parking and hardstand areas and converting to landscaping and recreational spaces, that this enhances the built form and appearance of the development.</p> <p>The new onsite parking area will be screened from public view by the existing front boundary fence and existing/new landscaping.</p>
<i>Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.</i>	<p>The proposed changes to the onsite car parking layout seeks to improve the way in which the proposal operates. It is proposed to incorporate a designated accessible parking bay, whereas the development currently does not.</p>
<i>Removes a component that is integral to the operation of the development.</i>	<p>The proposed changes do not remove an integral element in the operation of the development.</p>

<p><i>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.</i></p>	<p>It is proposed to maintain the current approved accommodation capacity. The changes will not generate greater traffic flows to the site nor impact on the external traffic network.</p> <p>The proposal to collocate all car parking centrally within the development, provides for improved management of the development. This allows the operators to more effectively monitor the car parking area and in addition, reducing the traffic flow through the development will reduce the number of potential pedestrian conflicts, thus arguably improving the site safety.</p>
<p><i>Introduces new impacts or increases the severity of known impacts.</i></p>	<p>The proposal will not result in new or increased impacts. The proposal seeks to relocate the existing car parking adjacent the front of the property adjacent the road frontage and existing vehicle access. It is expected that this will yield a net benefit, especially benefiting the property adjoining to the south by removing vehicle movement along this common boundary. This common boundary will largely be planted out with landscaping and communal gardens and provide for a range of recreational opportunities.</p> <p>With respect to the property to the north, the proposed new car park will be located adjacent the pool and recreation area. However, vehicle movements within the development will be insignificant compared to existing vehicle movements along Davidson Street. Regardless, in respect of the adjoining amenity a buffer varying in depth will provide for the planting along this common boundary. An existing timber board fence is provide some screening between the two sites. It is expected that the proposed change will not impact on the amenity of the adjoining land use to the north which is similarly a tourist accommodation facility.</p> <p>No vegetation clearing, other than the clearing of existing landscaping is required to facilitate the proposed changes.</p>
<p><i>Removes an incentive or offset component that would have balanced a negative impact of the development.</i></p>	<p>Not applicable.</p>
<p><i>Impacts on infrastructure provision, location or demand.</i></p>	<p>Given the nature of the proposed changes these are not expected to impact on infrastructure provision, location or demand. No changes are proposed to the site capacity.</p>

Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 6 of the *Sustainable Planning Regulation 2009*.

Referrals

Due to the age of the original development approval it is uncertain whether it triggered any referral agencies. In any case it is noted that if an application were to be submitted for the current development now, this would not trigger any referral agencies.

Assessment against the Douglas Shire Planning Scheme

The following section highlights a number of compliance matters by which a new Development Application would be assessed against the Douglas Shire Planning Scheme. It is noted that this assessment does not extend to the building built form. There are no changes proposed to the building layout or form.

- Vehicle Parking and Access Code:
 - o A Holiday Accommodation use (Motel equivalent) attracts a demand of 1 car space per room for the first ten rooms plus 1 car space for every 3 rooms for the remainder of rooms. The Motel (including Managers Unit) (18 units total) therefore requires a total of 13 spaces.
 - o A Restaurant use attracts a demand of 1 space per 25m² net lettable area and therefore based on approximately 150m² net lettable area requires a total of 6 spaces.
 - o Based on the above assessment the development requires a total minimum of 19 onsite parking spaces per the code. It is noted that the development provides for a minimum of 18 spaces. Although the minimum code required parking spaces could be provided within the space available onsite, in recognition of need and equity, the land owner has designated equivalent to two spaces as a single accessible parking bay. It is noted that there is no development adjacent the site on Davidson Street and if 'need' arose, any overflow parking could be accommodated within the road reserve. Given the availability of parking within the road reserve and the expectation that guests are more than likely to arrive at the site by means other than self-drive due to the target market, it is respectfully requested that Council grant a relaxation for 1 onsite parking space.
- Holiday Accommodation Code:
 - o AS5.1 requires that: "*Vehicle parking areas are located under or behind the Building so they are not visually prominent from the street.*" It is submitted the proposed new car parking area would achieve the PO7 by virtue that the parking would be screened from external public view by the existing front and side boundary fences and landscaping.
 - o AS5.2 requires that "*The car parking area is...60% covered.*" The current owners did not intend to cover the new car parking area, however if this is required by Council, it is respectfully requested that Council apply the 60% requirement to the Motel parking demand as outlined above only. It is noted that this equates to 8 spaces. If required, cover over the 8 parking spaces will be provided via shade sail construction similar to that within the former Mossman Woolworths carpark.

Conclusion and Recommendation

This submission supports an application for a Permissible Change to an existing Motel and Restaurant on land located at 123 Davidson Street, Port Douglas and formally described as Lot 9 on RP890707.

In summary, it is submitted that the proposed changes are unlikely to have any significant additional impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions. It is trusted this information is sufficient for Council's assessment purposes, however should you require any further details or clarification, please do not hesitate to contact the detailed in this submission.

Attachment 1: Copy of Title Certificate

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 24905476

Search Date: 05/12/2016 22:00

Title Reference: 50091655

Date Created: 27/09/1995

Previous Title: 21179169

REGISTERED OWNER

Dealing No: 717578609 14/10/2016

UYOUNG PTY LTD A.C.N. 611 455 620

ESTATE AND LAND

Estate in Fee Simple

LOT 9 REGISTERED PLAN 890707
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10495137 (FOR 30)
2. MORTGAGE No 717578610 14/10/2016 at 12:07
PELICAN INN PTY LTD A.C.N. 139 799 312

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

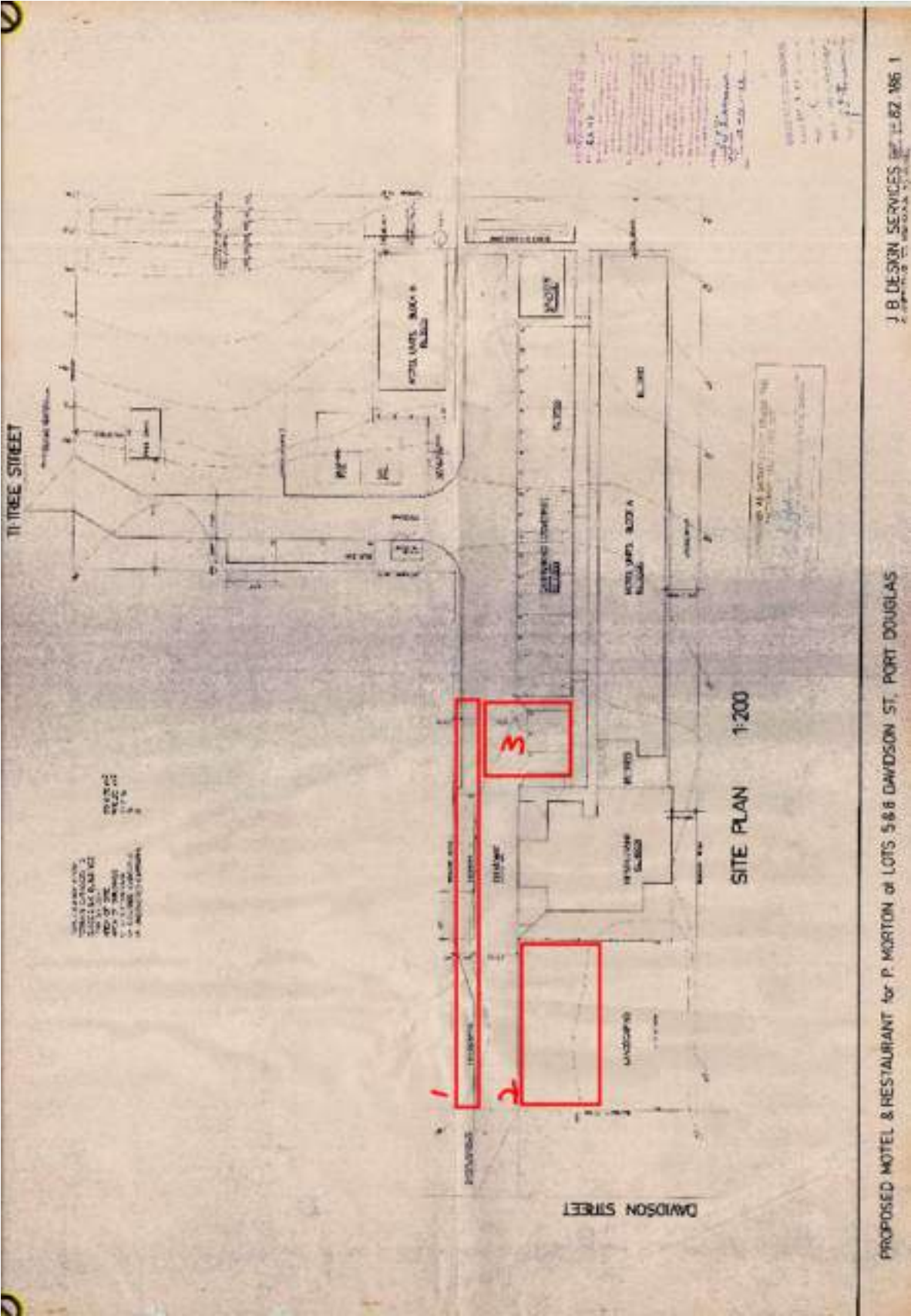
CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ CITEC CONFIRM

Attachment 2: Copy of the Original Approved Plan



Attachment 3: Site Appreciation



Photo Legend (Image source: Google Earth Queensland Globe December 2016)



Photo 1: View north at site Davidson Street entrance



Photo 2: Front on view of site entrance from Davidson Street



Photo 3: View south site Davidson Street entrance



Photo 4a: View towards pool from internal driveway



Photo 4b: View towards pool from the edge of the internal driveway



Photo 5: View west along internal driveway (awning structure to be removed)



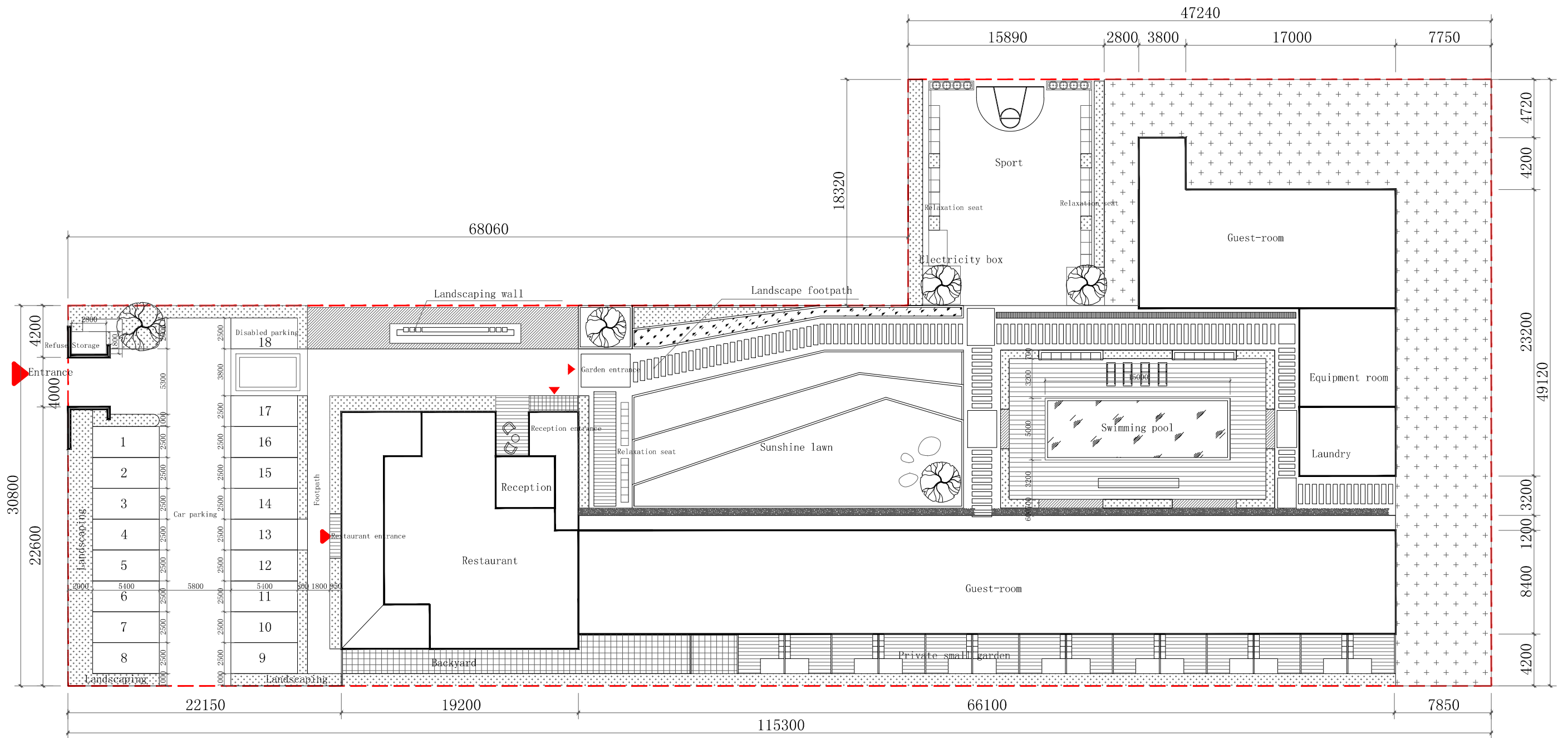
Photo 6: Internal maintenance area (location of proposed multi-purpose court)



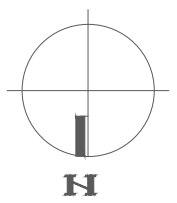
Photo 7: View west at the end of the internal driveway (managers unit and existing reception on left and laundry on right)

Attachment 4: Plan of Proposed Development

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Plan Provided Separately**



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