

INFRASTRUCTURE SERVICES COMMITTEE 17 AUGUST 2011	5
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PORT DOUGLAS MASTER PLAN IMPLEMENTATION

Sandra Burke: 8/22/25-05: #3266041

RECOMMENDATION:

That Council:

- 1. Endorses the revised Port Douglas Master Plan Projects (November 2010) as per Attachment A;**
- 2. Endorses the Port Douglas Master Plan Implementation Consultation Report, August 2011 as per Attachment B;**
- 3. Endorses;**
 - 1. The Lagoon Pool for Port Douglas at Location 4 (located in the future parkland area between Sugar Wharf and the Combined Club) and as per Concept Design, revision dated August 2011 as per Attachment C;**
 - 2. The Waterfront Park Concept Design, revision dated August 2011 (Attachment C);**
 - 3. The Road Network Upgrades Concept Design, dated March 2011;**
 - 4. The Car Parking Concept Design, dated March 2011;**
 - 5. The Relocation of current public boat ramp from Ashford Ave to Spinnaker Ave as per the Concept Design, revision dated August 2011 as per Attachment C; and**
 - 6. The Landscape Design Guide, dated March 2011.**
- 4. Notes that detailed design and construction of Lagoon Pool, Waterfront Park and Boat Ramp Relocation are subject to Council securing necessary capital funding subsidies from State and Commonwealth Governments;**
- 5. Delegates the Mayor and Chief Executive Officer the authority pursuant to Section 257 of the Local Government Act 2009 to deal with any and all of matters related to;**
 - 1. Future tenure adjustments for items in 3 above, including negotiate, determine, approve, execute and finalise future tenure arrangements; and**
 - 2. Applications to State and Commonwealth Governments for subsidy funding, resource entitlements and development applications.**

INTRODUCTION:

The Port Douglas Waterfront Master Plan, adopted by Council in November 2009, provides a clear strategic direction for the incremental transformation of the Port Douglas waterfront. Activities (proposals) for implementation of the Port Douglas Waterfront Master Plan (Master Plan) commenced in July 2010 and will continue for the next ten years.

In March 2011, Council were advised of the proposals and activities to implement the Master Plan and the general community engagement process to occur March through April 2011 seeking input from the community on these proposals, with the aim of presenting results and recommendations to a subsequent Council Meeting.

The purpose of this report is to provide Council with details of the objectives, process and results of the formal community engagement process as well as specific stakeholder consultation, discussions with various Government agencies and their jurisdictional interests and a review of feedback provided on social media sites, with a view to Council's endorsement of these findings and the proposals.

The objectives of the formal community engagement process were to;

- Inform and educate the community and key stakeholders about Council's proposals for:
 - Lagoon Pool for Port Douglas and Concept Design for the most feasible location (arising from the initial stages of the feasibility study)
 - Waterfront Park Concept Design
 - Road Network Upgrades Concept Design
 - Car Parking Concept Design
 - Boat Ramp Relocation Concept Design
 - Landscape Design Guide.
- Consult with and seek specific feedback on proposals which will inform Council's decision to proceed or not with;
 - Lagoon Pool and its location
 - Boat Ramp relocation
- Consult with and seek feedback on various concept designs which will inform subsequent funding, design and construction stages by Council for;
 - Lagoon Pool
 - Waterfront Park
 - Road Network Upgrades
 - Car Parking
 - Boat Ramp relocation
 - Landscape Design Guide
- Identify potential issues which may need to be addressed prior to formal presentation to Council.

BACKGROUND:

Reports to Council during 2010/2011 in relation to the implementation of the Port Douglas Master Plan were as follows;

- *November 2010* - Council to note status and progress of implementation of the Port Douglas Master Plan including the following changes to the Port Douglas Master Plan activities developed in consultation with the Port Douglas Master Plan Advisory Committee :
 - Master Plan activities (proposals) should be completed within 10 year timeframe and the timeframe classifications maintained as Short, Medium or Long term as per the revised Port Douglas Master Plan Projects (November 2010) as per *Attachment A*;
 - The Swimming Lagoon should be completed in the short-term or as soon as possible (not in medium-long term as originally indicated in the *Port Douglas Master Plan November 2009*);
 - All activities (projects) associated with the Waterfront Park (i.e. market area improvements, additional tree planting, improved public toilet facilities, attention to car parking in Rex Smeal Park and Market areas, Faugh-A-Balagh relocation etc) should all be packaged as a “Precinct” and undertaken at the same time in the short term;
 - The Swimming Lagoon and Waterfront Park “Precinct” requires significant funding to proceed. This issue therefore needs to be brought to the attention of State and Commonwealth elected representatives so that funding can be procured at the earliest possible opportunity.
- *March 2011* - Council to Note status of progress of implementation of the Port Douglas Master Plan, details of various projects (proposals) and the ensuing community engagement process to occur in March – April 2011.

From August to October 2010, the Port Douglas Master Plan Advisory Committee (PDMPAC) worked with Council to review the Port Douglas Master Plan and activities, which culminated in the revised Port Douglas Master Plan Projects (November 2010) being reported to Council (as detailed in the previous paragraph).

At the PDMPAC meeting in October 2010, the rationale and intentions to examine 4 lagoon locations as part of Council’s consultancy (IM 02-2010 - Feasibility Study for the Lagoon Pool for Port Douglas) were discussed with the PDMPAC Community representatives. The Feasibility Study commenced in late October 2010, with the appointment of Strategic Leisure Group (SLG) as Council’s consultants.

The role of SLG was to undertake demand assessment, benchmarking of similar facilities and assess four lagoon locations based on various factors including lagoon size, facilities, economic, social, and environmental factors; access, site and visual impacts, geotechnical issues, approvals and construction/design issues. From December 2010 to February 2011, SLG conducted community/industry focus group workshops, telephone surveys (200 residents sampled), on-line, business and visitor surveys to seek preferences for a lagoon location and specifications.

The results of these workshops and community surveys, including lagoon location preferences were used as input in to the lagoon location assessment process. The location assessment process found that a lagoon at location four (situated between the Sugar Wharf and the Combined Club in future parkland area) achieved the highest rank and was therefore recommended by SLG as the most feasible location of all four locations, followed by location two (Four Mile Jalunbu Park), location three (in Rex Smeal Park behind the Police Reserve) and location one (in the tidal zone in front of Rex Smeal Park).

The process and results of the location assessment for a lagoon were detailed and presented in a report to Council in March 2011.

For the period May 2010 to March 2011 the process for statutory planning and amendment of the Douglas Planning scheme to incorporate the intent of the Master Plan for all development was conducted by Council. The Douglas Planning Scheme amendments to incorporate the Master Plan were adopted by Council in March 2011.

In May 2011, the Four Mile Esplanade Upgrade project was completed. This represented the first capital work project implemented under the Port Douglas Master Plan. The positive response by the community at the completion of this project is linked to the successful community engagement process undertaken regarding input in to concept and detail design, landscaping, pathways and car parking improvements.

COMMUNITY ENGAGEMENT PROCESS, TOOLS and TECHNIQUES

In keeping with the high level community participation and input in to the development of the Port Douglas Master Plan (PDMP), a commitment to ensuring the continuation of this community participation in the further development, feasibility and implementation of projects within the PDMP was the key guiding principle in the design of the community engagement process.

Council's guiding principles for community engagement requires any process to be inclusive and connect with those in the community who are hardest to reach as well as recognise the diverse values of the Port Douglas community. In light of this, a range of communication tools, survey instruments and engagement methods were designed and implemented (qualitative and quantitative) as part of the community engagement process.

In addition to the comprehensive community engagement process conducted from 24 March 2011 through 21 April 2011 on the various proposals (projects), specific stakeholder consultation, discussions with various Government agencies and a review of feedback provided in local social media outlets was also undertaken.

Community members and stakeholders engaged in the consultation program represented a number of categories including residents, business owners and visitors in the Port Douglas area, Douglas Advisory Board, Port Douglas Master Plan Advisory Committee (PDMPAC) and the Cairns Urban Design Advisory Board (UDAB).

The diversity of communication tools and engagement methods included a program involving elements of consultation on weekends and after hours. This strategy ensured that engagement was inclusive and gave opportunity to connect with those residents that were the hardest to reach.

Details relating to consultation activities with the general community and stakeholders undertaken in March/April 2011 are provided in Attachment B – Port Douglas Master Plan Implementation Consultation Report.

Key dates and activities for the general community consultation process during March/April 2011 were as follows:

- General community consultation period commenced on Thursday 24 March and concluded on Thursday 21 April 2011.
- Plans and reports available on Council's web site, hardcopies available from Port Douglas/Mossman libraries, Mossman/Spence offices and at Shopfront (at Saltwater on Macrossan Street), from 24 March 2011 until 21 April 2011.
- On-line surveys, newsletters and fact sheets available from 31 March 2011 until 21 April 2011.
- Council Corner publication and paid advertisements on;
 - 24, 31 March 2011 and 14 April 2011 in *The Port Douglas and Mossman Gazette*
 - 9 and 16 April 2011 in the *Cairns Post*
 - 6 April 2011 in the *Cairns Sun*.
- Council market stall at Port Douglas markets on Sunday 9 April ;
- Council intercept survey of boat ramp users Saturday 9 April and Sunday 17 April 2011 (6am to 10am);
- Council intercept survey of general Port Douglas Community on two separate days and locations as follows :
 - Macrossan Street Port Douglas – between Owen and Wharf Streets
 - IGA Supermarket at Port Douglas (off Port Douglas Road).
- Telephone Survey representing a statistically valid cross section of the residential community. The sample size of 200 was stratified to ensure representation of the existing demographics;
- Guest / Visitors Book;
- Community/stakeholder sessions at Shopfront on Thursday 14 April 2011 as follows :
 - General Community.
 - Waterfront Park stakeholders (events, St Mary's etc).
 - Chamber of Commerce/Tourism Operators.
- Community drop-in sessions at Shopfront on Tuesday 19 April.
- Targeted Consultation :
 - Chamber of Commerce and Tourism Operators
 - Waterfront Park / Lagoon event and wedding co-ordinators
 - Port Douglas Market stall holders
 - Boat Ramp Users
 - Combined Club
 - Port Douglas Yacht Club (PDYC)
 - Port Douglas Outrigger Club (PDOG)
 - Council Staff located in the Port Douglas Area
 - Indigenous representatives.

Whilst the discussions that occurred on the social media outlets and blogs were not part of the Council's community engagement process, the polls and comments posted after the completion of the community engagement period on these social media outlets and blogs regarding Council's proposals have been captured.

These polls and comments were generally in response to specific articles relating to the lagoon location.

ANALYSIS METHODOLOGY

The analysis methodology applied to all feedback (survey data) aligns with the intent of the mechanisms and survey instruments to capture community views and aspirations on the community engagement objectives.

In the application of analysis methodology a clear understanding of the community views and aspirations is articulated as quantitative data and supported by qualitative data.

The community engagement objectives and their alignment with survey data are shown in Table 1 below.

Table 1 – Alignment of the Community Engagement Objectives with Survey data.

Community Engagement Objectives	Relevant Section of Port Douglas Master Plan Implementation Consultation Report (Attachment B)	Survey Data
Inform and educate the community and key stakeholders about Council's proposals	6.2 General Community Feedback	Quantitative
Consult with and seek specific feedback on proposals which will inform Council's decision to proceed or not with ; <ul style="list-style-type: none"> o Lagoon Pool and most feasible Location o Boat Ramp relocation . 	6.3.1 Lagoon for Port Douglas 6.3.2 Lagoon Location 6.7.1 Boat Ramp Relocation	Quantitative Quantitative Quantitative
Consult with and seek feedback on various concept designs ; <ul style="list-style-type: none"> o Lagoon Pool o Waterfront Park o Road Network Upgrades o Car Parking o Boat Ramp o Landscape Design Guide. 	6.3.3 Lagoon Concept Design 6.4 Waterfront Park Concept Design 6.5 Road Network Upgrade Concept Design 6.6 Car Parking Concept Design 6.7.2 Boat Ramp Concept Design 6.8 Landscape Design Guide	Qualitative Quantitative / Qualitative Quantitative / Qualitative Quantitative / Qualitative Qualitative
Identify potential issues which may need to be addressed prior to formal presentation to Council.	6.1 General Community Feedback	Qualitative

The following decision rules were applied as part of the analysis methodology:

- Weightings were not assigned to individual survey instrument results.
- Duplication of feedback across survey instruments was cross checked and validated where possible. Quantitative feedback provided on multiple survey instruments by an entity or person (where the entity or person could be identified) was counted as a singular feedback.
- Discriminatory and inflammatory comments have been purposefully omitted and not considered as part of the analysis and this report, while negative responses have been included and are noted.
- The names and personal details of submitters or any detail that may lead to the identification as such, have been omitted from publicly available reports as required by *Information Privacy Act 2009 (IPA)*.

These decision rules were also applied to the analysis of Social Media feedback.

COMMUNITY ENGAGEMENT RESULTS

Community Engagement Process Feedback

The feedback received by Council as part of the community engagement process totals 530 responses by the various sources as shown in *Figure 1* below

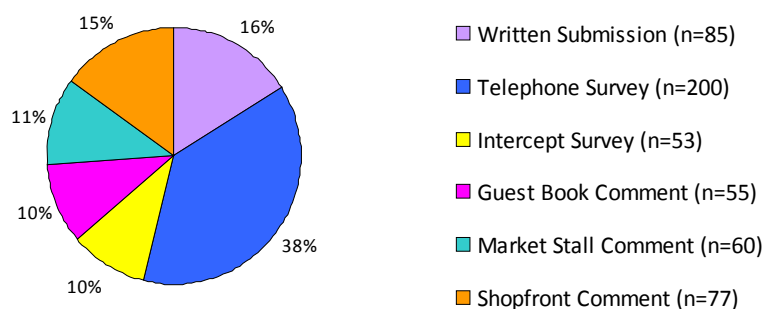


Fig. 1 – Sources of Responses

The number of responses from residents represents 84% (16% were visitors) of the total responses and translates to a resident representation of 4.9% of the Douglas area's population (based on 2006 census population and excludes Daintree/Cape Tribulation). Whilst there are no existing benchmarks on community participation, this result is to be considered an active participation rate.

The responses also returned high level of community awareness of Council's proposals and is evidenced by the specific questions raised and the results of the Telephone Survey (80% awareness) and Intercept Survey (75% awareness). The general feedback from the community in relation to Council's proposals is that 68% of respondents were supportive overall, whilst 32% were not supportive.

Quantitative Data

A summary of the number of quantitative responses received by Council during the consultation period 24 March to 21 April 2011 and results for each proposal are outlined in the *Table 2* below.

Table 2 – Summary of Quantitative Responses and Results for Council's proposals.

Proposal	Number of Submissions (n)	Support	Don't Support	Don't Know (%)
Lagoon for Port Douglas	466	71%	24%	5%
Lagoon at Location 4	331	73%	23%	4%
Waterfront Park Concept Design	374	76%	15%	9%
Road Network Upgrades Concept Design	262	72%	19%	9%
Car Parking Concept Design	281	73%	17%	10%
Boat Ramp Relocation	286	81%	13%	6%

These results represent majority support by the community for all of Council's proposals.

Qualitative Data

A summary of the qualitative responses expressed as majority support received by Council during the consultation period 24 March to 21 April 2011 and changes to the Concept Designs arising from these responses are outlined in the *Table 3* below.

Table 3 – Summary of Qualitative Responses and proposed changes to Concept Designs

Proposal	Majority Support	Changes to the Concept Designs as a result of Qualitative responses
Lagoon Concept Design	Yes	A revised Concept Design as follows; <ul style="list-style-type: none"> • Lagoon size of 2000m² • Provision of separate entry road leading to St Mary's By the Sea with limited additional parking • Relocating the proposed splash play area away from St Marys By the Sea • Retaining the mounds in minor forms (but not for change facilities) for vegetation screening and at height less than 2m. • Remove the boulders and proposed grotto but retain design intent for a youth space and investigate options • Placing the lap swimming section of the lagoon at the end closest to St Mary's • Reduction of hardened paths - but retain a combination of treatments around the lagoon.
Waterfront Park Concept Design	Yes	A revised Concept Design as follows; <ul style="list-style-type: none"> • Separate entry to St Mary's by the Sea (as per above). • Design interpretations to reinforce historical significance of Sugar Wharf and allow future 'Sea Change' considerations • Reduction in car parking at southern end, while maintaining levels for Combined Club patrons. Additional parking will be restricted to those people with disabilities, families with small children and additional Parking at Rex Smeal Park. Result is that there is no real net loss of car parking in general.
Road Network Upgrades Concept Design	Yes	No changes to Concept Design required
Car Parking Concept Design	Yes	No changes to the general Concept Design required. Changes to car parking near Combined Club and Rex Smeal are detailed in the revised Waterfront Park Concept Design.

Boat Ramp Relocation Concept Design	Yes	<p>A revised Concept Design as follows;</p> <ul style="list-style-type: none"> • Boat ramp to be a minimum 30m from the southern boundary of Port Douglas Yacht Club lease and situated perpendicular to the water's edge. • Tender storage to be located at least as close to the water as at present • Redesign of the internal road, boat rigging lanes and review of turning movement • Upgrading of Street lighting and pedestrian access on Spinnaker Rd • Increase the ultimate number of car-trailer parking to 90 and increase car parking bays (<i>DTMR requirements</i>) <i>DTMR also require Council to enter into cost share arrangement for any additional dredging costs to the new public boat ramp location.</i> • Investigate provision for relocation of Port Douglas Outrigger Club closer to the foreshore area at the end of their lease in 2022 (or earlier by mutual agreement).
Landscape Design Guide	Yes	No changes to Landscape Design Guide required.

Post Community Engagement Process Feedback

Urban Design Advisory Board

The Urban Design Advisory Board (UDAB) of Council were invited to provide advice and comment on Council's concept designs for the Waterfront Park and Lagoon. The comments and suggestions were as follows:

- General agreement that the proposed Waterfront Park Concept Design should be adopted.
- Proposed lagoon location at Location 2 – Jalunbu Park and Location 3 – at Rex Smeal Park were agreed as not suitable.
- No consensus on the preferred lagoon Location and that a more detailed evaluation should be carried out prior to finalisation of the lagoon location.

More specific design details were offered by the UDAB. These are noted and will be incorporated in to the revised Concept Design and/or Detailed Design for the Waterfront Park. UDAB's comment relating to the need for a "detailed evaluation" regarding lagoon Location has been considered and a response provided to UDAB. This response detailed a peer review of the Location Assessment methodology by Flanagan Consulting Group and found that:

- Based on consideration of compliance with the Draft SPP for Coastal Protection it is considered that construction of a lagoon at Location 1 (Site 1) by reclamation in the tidal zone would have no prospects of approval.
- Location assessment methodology is satisfactory and that Location 4 - is the most feasible site for the swimming lagoon.

Deputations to Council

Deputations were made to Council during May 2011 and June 2011 by the following;

- President Waterfront Protection Association to "*question the departure from the approved and adopted Port Douglas Waterfront Master Plan 2009*"
- Sea Change to "*outline a concept proposal for a Maritime Heritage Precinct located at the "Sugar" Wharf on the Port Douglas waterfront*".

- Local Architect for “*the opportunity to have a deputation to the Council to articulate my views on the lagoon and also those of a number of community organisations.*”

Issues raised in deputations made by the President of the Waterfront Protection Association and the Local Architect including the size, location and proximity of the proposed lagoon location to St. Mary’s have been considered in detail in the consultation report.

The deputation by Sea Change is received and noted. Council will be seeking to attend to as many of the desired outcomes expressed by the Sea Change deputation in further design stages within current constraints - namely the forthcoming community consultation by Cultural Services & Facilities for the adoptive re-use of the Sugar Wharf and the existing rock wall / possible re-use of concrete jetty.

A revision of the Waterfront Park Concept Design will seek to provide a flexible space for further development (and allow some of the desired outcomes by Sea Change) as part of forthcoming community engagement to be carried out by Cultural Services and Facilities (CSF) as noted above.

Other Stakeholders of (Old) St Mary’s By the Sea

As former owners of the (Old) St Mary’s By the Sea, the Catholic Parish advises that lagoon at location four and the former church seem far enough apart to not constitute a problem. (Old) St Mary’s, now “by the Sea”, was one of the Parish’s churches and it is not a ‘sacred’ church in the Catholic or Anglican religious sense.

(Old) St Mary’s By the Sea functions as a civil venue for ceremonies and operates under the businesses of Port Douglas Restoration Society and Port Douglas Weddings.

Catholic and Anglican funeral services etc (with exception of Uniting Church) are not normally officiated at this venue. The advice from the sole funeral operator in the Mossman-Douglas area is that the number and frequency of funerals at (Old) St Mary’s By the Sea venue is as follows:

- The number of funerals in the last 12 months averaged about 2-3 per month and is very seasonal (*translates to about 1 per fortnight*)
- Funeral services are normally held on Tuesday to Thursday
- Funerals are not normally conducted on Saturday or Sunday, as the venue is pre-booked well in advance on weekends for weddings and other functions.

Further to the above, it is noted that peak use of lagoon pool and surrounds are likely to be on weekends, public holidays and weekdays in school holidays during the stinger season. To further address noise and nuisance concerns:

- The design includes the installation of landscaped buffers.
- The closest point of water body is 50m and child's play area is proposed to be located to the opposite side of lagoon near the Combined Club.

Hence there does not appear to be a significant potential for conflict between the conduct of funerals at (Old) St Mary's and the peak use of lagoon and surrounds.

Social media

The Newport and *The Port Douglas and Mossman Gazette* results from their on-line polls and comments, letters to the Editor, *Facebook* comments were in the majority related to the lagoon and its location.

The analysis methodology and decision rules applied to feedback received by Council during the formal consultation period were applied in the analysis of Social Media on-line polls and comments. In addition to this and in keeping with the application of consistent decision rules regarding duplication of comments, Social media comments that had already been lodged with Council (either as a formal written submission, guest book, etc as part of the formal consultation process and where the author could be identified), were not included as part of the Social media count.

Results of the analysis are summarised in Table 3 and 4 below.

Table 3 – Results from Social Media outlets

<i>The Newport and The Port Douglas & Mossman Gazette</i>	Yes ^(Note)	No ^(Note)	Don't Know ^(Note)
Support for lagoon in Port Douglas	87	21	-
	81%	19%	-
<i>The Newport and The Port Douglas & Mossman Gazette</i>	Yes ^(Note)	No ^(Note)	Don't Know ^(Note)
Support for lagoon at Location 4 (on-line polls)	236	163	-
	59%	41%	-
Support for lagoon at Location 4 (on-line comments)	18	41	46
	17%	39%	44%
Total support for Lagoon at Location 4	254	204	46
	50%	41%	9%

Note - Duplication of feedback across survey instruments was cross checked and validated where possible. Quantitative feedback provided on multiple survey instruments by an entity or person (where the entity or person could be identified) was counted as a singular feedback. Comments already lodged with Council (either as a formal written submission, guest book etc as part of the formal consultation process) and where the author could be identified, were not counted.

Table 4 – Results from Social Media outlets for alternate Locations

<i>The Newport and The Port Douglas & Mossman Gazette</i>	Yes ^(Note)
Support for lagoon at Location 1 (as a % of total comments)	32 counts 6.3%
Support for lagoon at Location 2 (as a % of total comments)	16 counts 3.1%
Support for lagoon at Location 3 (as a % of total comments)	0 counts 0%

Note - Duplication of feedback across survey instruments was cross checked and validated where possible. Quantitative feedback provided on multiple survey instruments by an entity or person (where the entity or person could be identified) was counted as a singular feedback. Comments already lodged with Council (either as a formal written submission, guest book etc as part of the formal consultation process) and where the author could be identified, were not counted.

As can be seen by the analysis of the results of the Social Media outlets, there is majority support for a lagoon for Port Douglas and at the most feasible location from the SLG assessment - location four.

Government Agencies

The Port Douglas Master Plan projects involving “development” as defined under *Sustainable Planning Act, 2009* (SPA) requires applications for development (DA) to be submitted and approved by Council and in the majority of cases by the State and Commonwealth Governments.

Council, State and Commonwealth legislative/policy issues and their jurisdictional interests for each of the Port Douglas Master Plan projects have been examined. Along with the most feasible lagoon location (location four), the legislative/policy issues of a lagoon located within tidal zone (location one) has been examined as this has some significant ramifications in terms of likelihood of approval.

Department of Environment and Resource Management (DERM) has jurisdiction over land management matters in Queensland under the *Land Act 1994*. Under the *Sustainable Planning Act 2009* (SPA), Council will be required to obtain evidence of resource entitlement (RE) from DERM before submitting DA's. In applying for RE, Council will need to show evidence of appropriate tenure or interest. For the Waterfront Park, Lagoon at location four and Boat Ramp relocation, the conversion of tenure will be required, and thereafter DERM will be able to provide RE.

A Lagoon at location one (in the tidal zone) is part Unallocated State Land (USL) and part designated Great Barrier Reef Marine Park (GPRMP). A legislative process will be required to excise the area for a lagoon at location one from the Great Barrier Reef Marine Park boundary. This in itself will involve a protracted and lengthy time period to occur (more than 12 months) and there is no likelihood that the excision will be granted when assessed against the policy objectives for the management of the Great Barrier Reef Marine Park.

In the conversion of tenure, DERM would also need to be satisfied by evidence provided by Council that native title has been extinguished. Where native title is not extinguished, then Council will need to suitably address native title. Initial tenure history for Waterfront Park and Lagoon at location four indicate that native title may have been extinguished.

This could not be said for lagoon location one in the tidal zone which will require native title assessment. This process could take a period of up to 12-24 months.

Many of the State Government agencies are Concurrence Agencies under Section 324 of SPA for the Port Douglas Master Plan projects. If a DA for a project that is not capable of meeting the tests provided for within the State legislation or policy, the State Government Concurrence Agency will direct Council to refuse the DA for the project. In these circumstances, Council must comply with the direction given by the State, notwithstanding Council's own assessment and decision in regard to same.

Furthermore, decisions and outcomes of a State Government DA process do not guarantee the same decision or outcome under *Environmental Protection & Biodiversity Conservation Act (EPBC Act)* administered by the Commonwealth Government. In fact there are many cases where a development approved under a SPA process is overturned under EPBC Act.

The concerns expressed by State Government agencies about reclamation of tidal land for lagoon at location one and the impact on environmental, cultural heritage, visual and public amenity values have been supported by advice received by Council from ARUP consulting in relation to changes to coastal processes arising from the reclamation of tidal land.

ARUP advises that the likely impact of a lagoon in location one (through reclamation of tidal land) will be a build up of material from the predominant current flows, to the north of the lagoon and then in and around the lagoon towards the small beach (near St Mary's By the Sea) and the Sugar Wharf. This material is likely to then continue accumulating in this zone to the north of the rock wall and require dredging works to maintain water flow in the enclosed beach area at St Mary's By the Sea.

The Sugar Wharf and support structure will also be vulnerable to the impacts of accumulation of material arising from reclamation tidal land for a lagoon at location one and may alter the fabric of the heritage values of the buildings.

A summary of individual agencies and prospect of development approval, are shown as "Yes" (*for development approval being likely*), "No" (*development approval being unlikely*) or "-" (*Concurrence agency or RE interest not triggered*) in Table 5 below. Please note that information shown in Table 5 is subject to detailed analysis as part of the development assessment process for each individual project.

Table 5 – Development Approvals from Government Agencies

Government Agency	Waterfront Park	Lagoon		Road Network Upgrades	Car Parking Staging	Boat Ramp Relocation
		Location 4	Location 1			
Cairns Regional Council <i>(officers recommendation)</i>	Yes	Yes	No	-	-	Yes
DERM <i>(Dept of Environment & Resource Management)</i>	Yes	Yes	No	-	-	Yes
DTMR <i>(Dept of Transport & Main Roads incl Maritime Safety)</i>	Yes	-	-	Yes <i>(State Roads)</i>	-	Yes
DLGP <i>(Dept of Local Government & Planning)</i>	-	-	-	-	-	-
DEEDI <i>(Dept of Employment, Economic Development & Industry incl Fisheries)</i>	Yes	-	No	-	-	Yes
DSEWP&C <i>(Dept of Sustainability Environment, Water, Population & Communities incl GRMPA)(EPBC Act)</i>	-	-	No	-	-	-
QPS <i>(Queensland Police Service)</i>	Yes	-	-	-	-	-

Note – 'Yes' for development approval being likely, 'No' for development approval being unlikely, '-' for Concurrence Agency / RE Agency referral not triggered.

Further details related to individual Government Agency responses are provided in Section 7.5 of Attachment B.

As evidenced by the Government Agencies jurisdictional interests, it appears the granting of land tenure, resource entitlement (RE) and subsequent development approval (DA) for the Waterfront Park, Lagoon at location four, Road Network Upgrades and Boat Ramp Relocation is anticipated to be provided by the Government Agencies, subject to satisfactory attention to the respective policy elements for each agency.

OUTCOMES

The outcomes of the community engagement process and post community engagement process feedback (including stakeholders) as outlined in Attachment B - Port Douglas Master Plan Consultation Report, August 2011 are as follows;

1. There is a high level of awareness amongst the Port Douglas community of Council's proposals as evidenced by the number of responses and the level of awareness measured;
2. There is majority support by the community and stakeholders for all of the report's proposals as follows;
 - Lagoon Pool for Port Douglas at Location 4 and the Concept Design
 - Waterfront Park Concept Design
 - Road Network Upgrades Concept Design
 - Car Parking Concept Design
 - Boat Ramp relocation to Spinnaker Ave and Concept Design
 - Landscape Design Guide
3. Changes to the concept designs arising from the consultation process (as summarised in this report and detailed in Attachment B), are recommended for the following;
 - Lagoon Pool
 - Waterfront park
 - Boat Ramp Relocation

The revised Concept Designs are included as Attachment C.

CONSIDERATIONS:

Corporate and Operational Plans:

Corporate Plan:

- Goal 2 – Building Vibrant Communities:
2.2 - Improve the quality and opportunities for use of public space across the region.
- Goal 3 – Delivering Integrated Planning:
3.7 – Promote good urban design outcomes which are responsive to the region's tropical environment and unique character.
- Goal 4 – Delivering Services & Infrastructure:
4.3- Deliver a transport network, including footpaths and cycle ways, that better matches service level expectations and future growth.

Statutory:

For the Waterfront Park, Lagoon at Location 4, conversion of tenure of the Road Reserve (part of Ashford Avenue, Dixie Street) and Reserve for Local Government (Harbour Reserve) to Reserve for Open Space and Recreation will be required. For the Boat Ramp relocation to Spinnaker Ave, the Reserve for Local Government (Harbour Reserve) will need to be converted to Road Reserve (including reconfiguration of the current Road Reserve).

It is also important to note that in order for Council to proceed with the delivery of Waterfront Park, Lagoon and Boat Ramp relocation, development applications (DA's) need to be lodged for material change of use, operational works (excavation and fill, any prescribed tidal works, marine plant damage and disturbance, waterway barrier works) in accordance with the *Sustainable Planning Act 2009 (SPA)*. Prior to DA's being lodged, Council will be required to review land tenure and obtain evidence of resource entitlement (RE) of land from the State Government (DERM) when submitting the DA's. If evidence of entitlement does not support the DA, the application will not be properly made for the purposes of the SPA.

In light of the complexities and lengths of time required to attend to land tenure, resource entitlement and development application matters, it would be prudent for the Mayor and CEO to be provided with delegated authority under the *Local Government Act 2009* to attend to such matters.

A delegated authority will also enable the Mayor and CEO to seek, apply and negotiate subsidy funding for the Lagoon, Waterfront Park and Boat Ramp Relocation with State and Commonwealth Governments. It is intended that updates are provided to Council on a regular basis in relation to progress on those matters delegated.

Financial and Risk:

Estimated capital, additional annual service costs and flow on economic benefits (where applicable) for the Port Douglas Master Plan projects are as follows:

Proposals	Estimate Capital Cost (total)	Estimate additional Annual Service Cost ^(Note) (per annum)	Estimate Flow on Economic Benefits
Lagoon	\$20M	\$3.8M	\$7M per annum & 100 annual jobs
Waterfront Park	\$25M		
Road Network Upgrades (<i>Council roads - does not include works on State Controlled roads</i>)	\$7M	Not applicable – upgrade only	Not applicable
Car Parking Upgrades	Included under Road Upgrades / Waterfront Park / Lagoon.	Not applicable	Not applicable
Boat Ramp Relocation	\$4.5M	Not applicable – upgrade only	Not applicable

Note – Annual Services Cost equates to Operating / Maintenance Cost plus Depreciation Cost

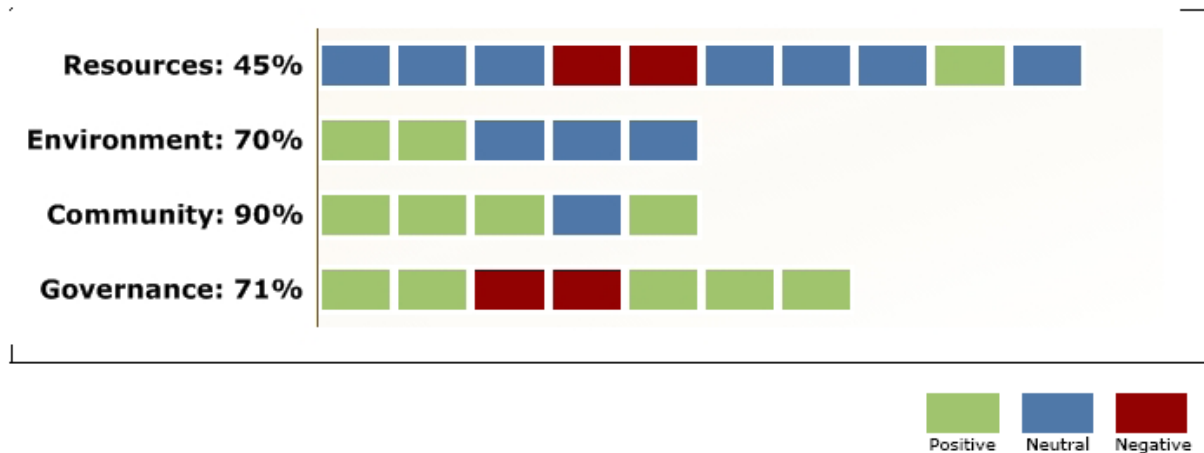
The capital costs for the road upgrades are typically funded by Council, with most of these costs recoverable under trunk infrastructure charges. Whilst the implementation timeframe for the Port Douglas Master Plan is 10 years and the total capital costs over this timeframe are achievable, the timing of delivery of the road upgrades should be undertaken according to the priorities set through Council's annual budget deliberations.

As there are no specific Council funding allocations or sources of funding secured for the Lagoon, Waterfront Park, Boat Ramp relocation (totalling \$50M), the timing and delivery of these projects in the short term would need to be seen as indicative as there are no funds secured.

Given the significance of these projects in relation to the flow on economic benefits to the regional and local economy it is reasonable to suggest that both State and Commonwealth Governments should be approached for subsidy funding (through formal funding submissions and deputations) at the earliest opportunity given the economic imperative of these projects.

Sustainability:

The Port Douglas Master Plan requires that sustainability underpins all aspects of Port Douglas as one of its guiding principles. A *Sustainability Scorecard – Sustainability Assessment* has been completed on the Port Douglas Master Plan projects for implementation over the next 10 years. The results of the assessment are as follows:



CONSULTATION:

As detailed in this report and as per Attachment B – Port Douglas Master Plan Consultation Report, August 2011.

OPTIONS:

1. Not accept the outcomes of this report.
2. Accept the outcomes of this report, Attachment B - Port Douglas Master Plan Consultation Report, August 2011 and endorse:

1. Lagoon Pool for Port Douglas at Location 4 (located in the future parkland area between Sugar Wharf and the Combined Club) and as per Concept Design, revision dated August 2011;
 2. Waterfront Park Concept Design, revision dated August 2011;
 3. Road Network Upgrades Concept Design, dated March 2011;
 4. Car Parking Concept Design, dated March 2011; and
 5. Relocation of current public boat ramp from Ashford Ave to Spinnaker Ave as per the Concept Design, revision dated August 2011;
 6. Landscape Design Guide, dated March 2011.
3. Not accept the outcomes of this report, Attachment B - Port Douglas Master Plan Consultation Report, August 2011 and only endorse:
1. Waterfront Park Concept Design, revision dated August 2011;
 2. Road Network Upgrades Concept Design, dated March 2011;
 3. Car Parking Concept Design, dated March 2011; and
 4. Relocation of current public boat ramp from Ashford Ave to Spinnaker Ave as per the Concept Design, revision dated August 2011;
 5. Landscape Design Guide, dated March 2011.

These elements could be progressed in the absence of a lagoon.

CONCLUSION:

The Port Douglas Master Plan (PDMP), adopted by Council in 2009, provides for the incremental transformation of the waterfront.

The implementation of the PDMP, through the projects outlined in this report, has been underpinned by a comprehensive community engagement process, consideration of all stakeholder views, aspirations and legislative requirements.

As evidenced by the results of the community engagement process, there is majority support for this report's recommendations.

ATTACHMENTS:

Attachment A - Port Douglas Master Plan projects (revised November 2010).

Attachment B - Port Douglas Master Plan Implementation – Consultation Report, August 2011 available on Council's web site and hardcopy available in the Councillor's Area.

Attachment C - Revised Concept Designs, August 2011 for:

1. Lagoon at Location 4
2. Waterfront Park
3. Boat Ramp Relocation to Spinnaker Avenue.

Sandra Burke
Project Manager

Stephen Tyter
Manager Infrastructure Management

Liz Collyer
Regional Manager – Douglas

Ross McKim
General Manager Infrastructure Services

Attachment A –

Port Douglas Master Plan - Revised Projects (Nov 2010)

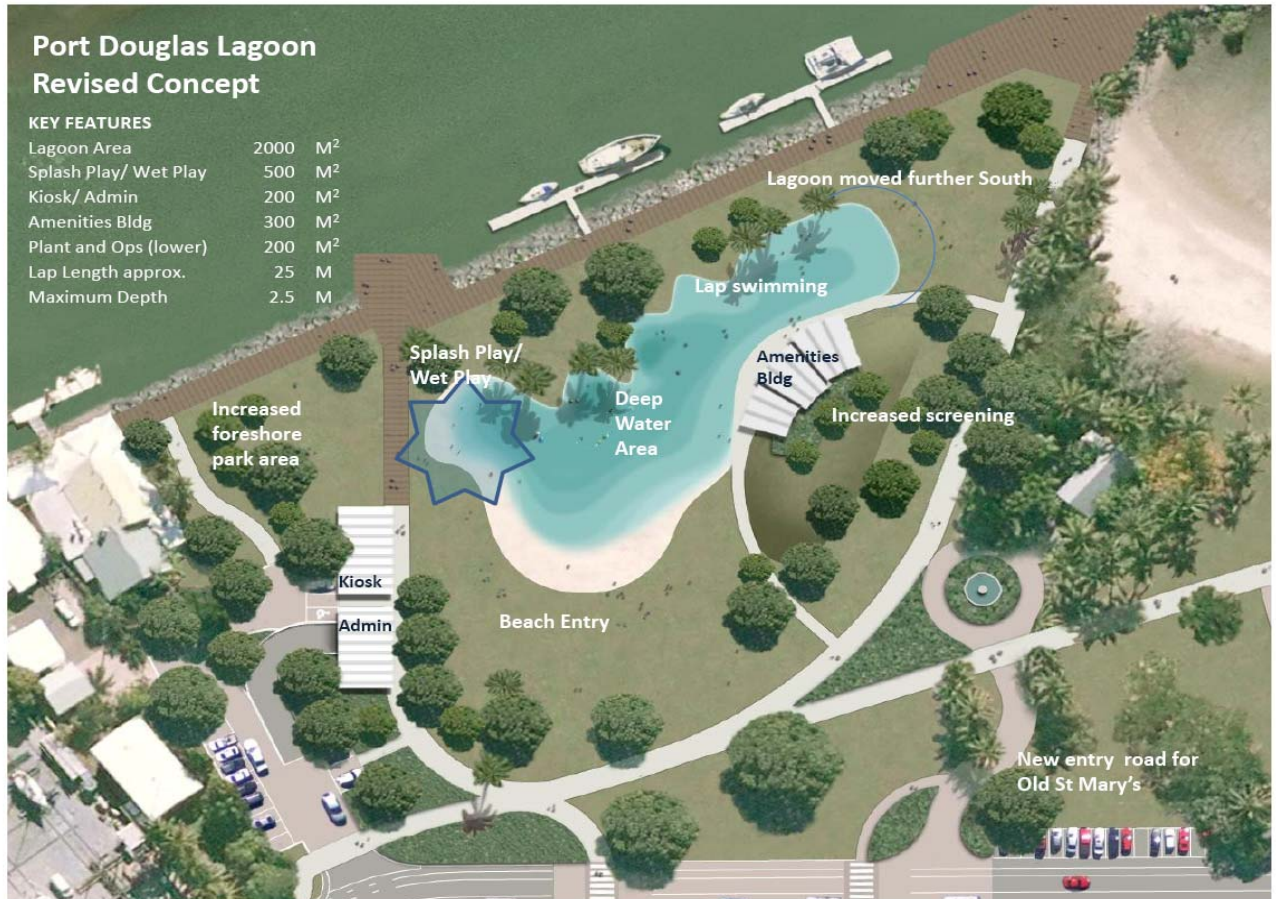
Project	Pre-decessor Project	Co-dependent Project	Master Plan (2009) Indicative Timeframe	Advisory Committee (2010) Revised Timframes	Comments/ Impact	
1 Further Framework Planning						
1.A	Planning Scheme Amendments		Short Term	Short Term		
1.B	Douglas Local Law No.44 - Port Douglas Boat Harbour Review	1A, 2B	Short Term	Short Term		
1.C	Landscape Design Plan (Guide)		Short Term	Short Term		
1.D	Waterfront Park Design - Preliminary & Concept Design	1C	Short Term	Short Term		
1.E	Stormwater Management Plan		Short Term	Short Term		
1.F	NEW - Parking & Traffic Studies		NA	Short Term	To enable correlation of Master Plan with draft Trunk Infrastructure Charges Policy	
2 Waterfront Access						
2.A	Removal of Buildings - from 2012		Short Term	Short Term	Removal of buildings may occur earlier subject to negotiations with lessee	
2.B	Design of Marine Infrastructure - Concept	1C	1D	Short Term	Short Term	
3 Marina Mirage Redevelopment						
3.A	Marina Mirage Redevelopment Opportunities	Delivery by development proponent and thru statutory development assessment against planning scheme				
3.B	Marina expansion and improvements					
3.C	Waterfront Plaza & Mowbray Street Inlet Improvements					
3.D	Fishing Fleet use of Mowbray Street Inlet Improvements					
4 Mobility Hub						
4.A	Mobility Hub Design	1F		Short Term	Short Term	
4.B	Mobility Hub - First stage(s)	4A		Short - Med Term	Short - Med Term	
4.C	Securing any additional land			Medium Term	Medium Term	
4.D	Mobility Hub Completion	4B		Long Term	Long Term	
5 Parkland Improvements						
5.A	Feasibility for Swimming Lagoon		1C	Short Term	Short Term	
5.B	Detailed Design & Construction for Swimming Lagoon	5A		Med - Long Term	Short Term	Subject to funding and approvals
5.C	Removal of car parking areas in Rex Smeal Park	1F	5E	Short Term	Short Term	
5.D	Removal of car parking areas adjacent to Markets	1F, 4B	5E	Short - Med Term	Short Term	In conjunction with Waterfront Park 5E
5.E	Waterfront Park - Detailed Design & Construction	1C, 1D, 2A		Short Term	Short Term	Addition of detailed design component with construction
5.F	Improved Public Toilet Facilities	1C	5E	Short Term	Short Term	In conjunction with Waterfront Park 5E
5.G	Sewerage pump station	1C	5E	Short Term	Short Term	In conjunction with Waterfront Park 5E
5.H	Market Area improvements	1C, 1D	5E	Medium Term	Short Term	In conjunction with Waterfront Park 5E
5.I	Rex Smeal Park additional tree planting	1C	5E	Short Term	Short Term	In conjunction with Waterfront Park 5E
5.J	Faugh-A-Balagh Relocation		5E	Short - Med Term	Short Term	In conjunction with Waterfront Park 5E
5.K	Four Mile Beach improvements			Short - Med Term	Short Term	Council resolution - for completion in 2010
6 Boat Ramp Relocation						
6.A	Reorganisation of existing boat ramp parking & facilities	1C, 1D, 1F	5E	Short- Medium Term	Short Term	In conjunction with Waterfront Park 5E
6.B	Feasibility Study for relocation of boat ramp		1F	Short Term	Short Term	
6.C	Design & Construct new boat ramp/ trailer parking @ Yacht Club	6B		Med - Long Term	Short Term	To enable completion of 5E - alternative boat ramp and trailer parking required
7 Marine Industry Reorganisation						
7.A	Relocation of existing abrasive marine industries	Delivery by development proponent and thru statutory development assessment against planning scheme				
7.B	Slipway Removal/Relocation					
8 Community and Cultural Facilities						
8.A	Adaptive re-use of Sugar Wharf			Short Term	Short Term	Ongoing
8.B	Sport precinct improvements	Delivery under CRC's Parks & Recreation Strategy				
8.C	Mudlo Street environmental interpretation	1E		Long Term	Long Term	
9 Streetscape Improvements						
9.A	Streetscape plantings & furniture	1C, 1F	1D	Short Term	Short Term	
9.B	Arrival landscaping	1C	1D, 10A-10C	Short - Med Term	Short - Med Term	
9.C	Design & Construction of the Macrossan St Green Spine	Delivery with agreement and in conjunction with DTMR		Medium Term	Medium Term	
10 Vehicular, Cycling and Pedestrian Connectivity						
10.A	Realignment of Mowbray St	1F, 5J		Short - Med Term	Short - Med Term	
10.B	Davidson St & Mowbray St Intersection Re-design/ Construction	Delivery with agreement and in conjunction with DTMR		Short - Med Term	Short - Med Term	
10.C	Rationalised Wharf St	1C, 1F	10A	Short - Med Term	Short - Med Term	
10.D	Improved lookout facilities on Island Point Road	1C		Medium Term	Medium Term	

**Attachment B – Port Douglas Master Plan Implementation - Consultation Report
August 2011 - available on Council's web site and hardcopy
available in the Councillor's Area**

Attachment C – Revised Concept Designs, August 2011 for;

- 1. Lagoon at Location 4**
- 2. Waterfront Park**
- 3. Boat Ramp Relocation to Spinnaker Avenue**

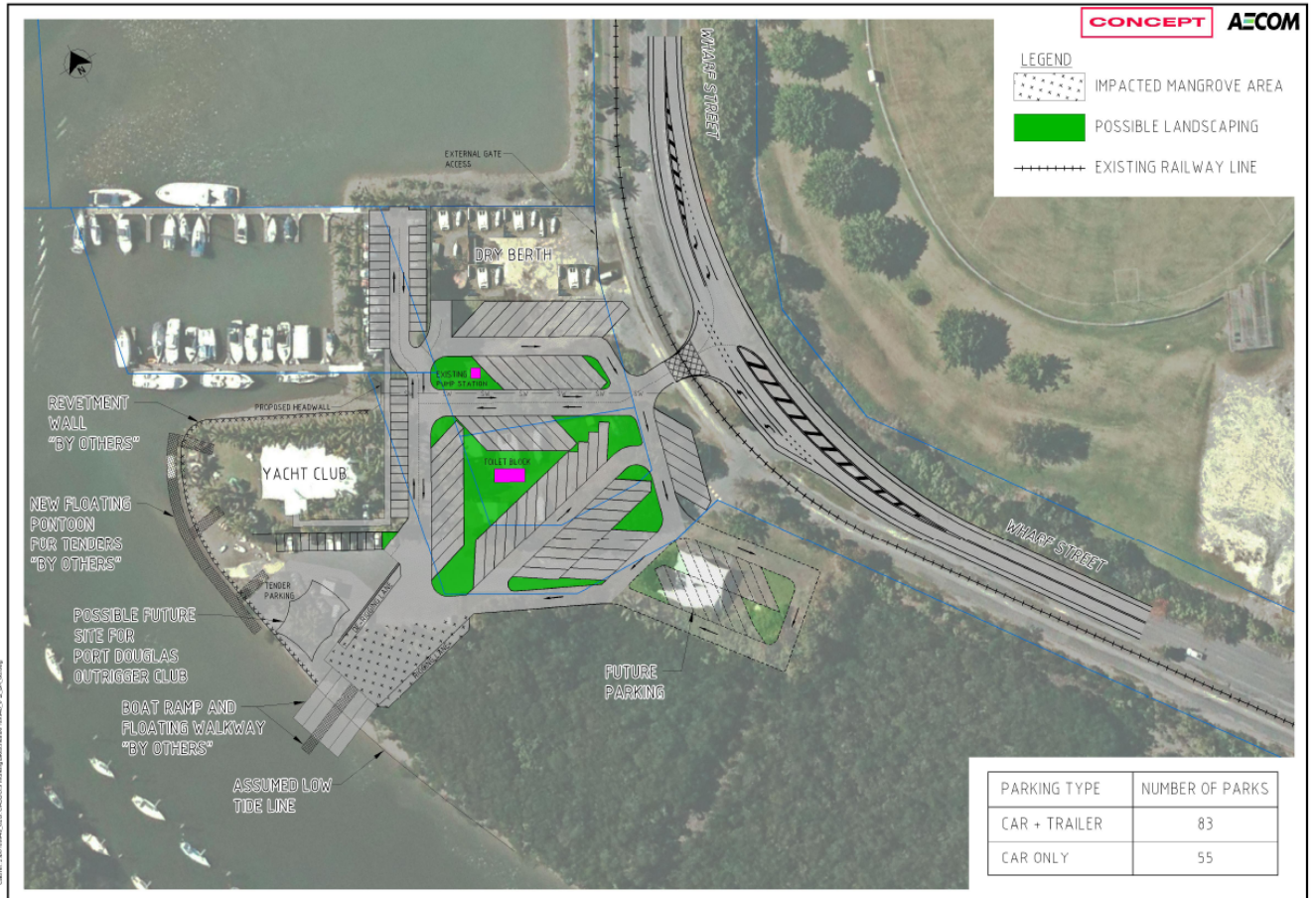
1. Lagoon at Location 4 Concept Design, revised August 2011



2. Waterfront Park Concept Design, revised August 2011



3. Boat Ramp Relocation Concept Design, revised August 2011



PROJECT No. 60189946_02
DATE 1.08.11 ISSUE 2



PORT DOUGLAS PUBLIC BOAT RAMP
OPTION 6 LAYOUT

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