

5.1. PROPOSED DOUGLAS SHIRE PLANNING SCHEME - CONSIDERATION OF SUBMISSIONS

REPORT AUTHOR(S): Simon Clarke, Planning Coordinator
GENERAL MANAGER: Nick Wellwood, General Manager Operations
DEPARTMENT: Development Assessment and Coordination

RECOMMENDATION

That Council:

- 1. Considers the matters raised in Submission Review Report and makes the Submission Review Report available for public viewing prior to submission to the Minister for Infrastructure and Planning;**
- 2. Proceeds with the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) which incorporates the recommended changes nominated in the Submission Review Report;**
- 3. Provides a copy of the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) and Submission Review Report to the Minister for Infrastructure and Planning;**
- 4. Requests the Minister for Infrastructure and Planning approve the Douglas Shire Planning Scheme 2017 for adoption;**
- 5. Notes that a report will be provided to Council following Ministerial Review.**

EXECUTIVE SUMMARY

The proposed Douglas Shire Planning Scheme (*'the proposed planning scheme'*) has completed its statutory requirement to undertake community consultation. 615 submissions were received in response to community consultation, of which 573 were properly-made submissions. A Submission Review Report has been prepared to address each submission in accordance with the requirements of the *Sustainable Planning Act 2009* (refer to Attachment 1).

This report recommends that Council proceed with the proposed planning scheme incorporating the recommended amendments contained within the Submission Review Report and requests that the Minister approve the proposed Douglas Shire Planning Scheme (Post Submission Review Version 2017).

BACKGROUND

Council has been receiving regular updates on the status of the proposed Douglas Shire Planning Scheme as part of its regular Committee and workshop processes.

Council endorsed the proposed planning scheme to proceed to statutory consultation at its Ordinary Committee meeting held on 28 June 2016, along with an adopted Community Engagement Plan.

In addition to the minimum legislative requirements for public consultation under the *Sustainable Planning Act 2009*, the following community engagement tasks were undertaken as part of the Community Engagement Plan:

CONSULTATION

1. Letter

- A letter posted to all ratepayers advising that the proposed planning scheme is to be released for comments.

2. Advertisement

- Advertisement in the gazette (statutory requirement) announcing the public comment period, how the community can access the proposed planning scheme, who to contact for enquiries, how to provide comments and the deadline for comments.
- A reminder of the deadline (two weeks out and one week out).

3. Distribution of proposed planning scheme via USB stick (Free)

- Over 200 USB sticks were distributed to the community.

4. Media release

- A media release announcing public comment period, how ratepayers can access the proposed planning scheme, who to contact for enquiries, how to provide comments and the deadline for comments.

5. Facebook Post

- The Facebook post announcing the public comment period, how the community can access the proposed planning scheme, who to contact for enquiries, how to provide comments and the deadline for comments.
- A reminder of the deadline (two weeks out and one week out).

6. Drop-in for Chat

- Planning consultant based at the Hub in Port Douglas every Friday through the consultation phase.
- On most other days the planning consultant based in the Mossman office and assisted by other planning staff.
- Planning consultant / Community Engagement consultant travelled to the Daintree (Cape Tribulation, Cow Bay) for drop-in engagement/appointments.

7. Face to Face Meetings

- Planning consultant will meet with developers, planning consultants, community etc. seeking technical advice on an appointment basis.

8. Email distribution to Community Groups, Business Organisations

- Small group meetings on an 'as-needs' basis.

Statutory consultation was undertaken between 8 August and 30 September 2016 (i.e. 40 business days: which was 10 extra business days in addition to the statutory requirement).

SUBMISSIONS

Council received a total of 615 submissions, of which, 573 were 'properly made submissions'.

In accordance with the requirements of Statutory Guideline 04/14 – Making and amending local planning instruments (*MALPI*), Council must consider every properly made submission about the proposed planning scheme. After considering the submissions, Council:

- (a) may make changes to the proposed planning scheme to:
 - (i) address issues raised in a properly made submission;
 - (ii) amend a drafting error;
 - (iii) address new or changed planning circumstances or information.
- (b) must ensure any changes continue to appropriately integrate any relevant Regional Plan or SPP, including the State interests expressed in those instruments as confirmed by the Minister under step 2A.1.
- (c) must advise each person in writing who made a properly-made submission about how Council has dealt with their submission.

If Council changes the proposed planning scheme and the changes result in the proposed planning scheme being significantly different to the version released for public consultation, Council must go back and repeat the consultation process.

Attachment 1 is a Submission Review Report that addresses each submission and makes recommendations with respect to addressing each submission.

NEXT STEPS

After considering submissions, Council must decide to:

- (a) proceed with the proposed planning scheme with no change;
- (b) proceed with the proposed planning scheme with changes it reasonably believes do not result in a substantially different version to the scheme released for public consultation, or
- (c) not proceed with the proposed planning scheme.

If proceeding with a proposed planning scheme, Council must then write to the Minister seeking approval to adopt the proposed planning scheme.

If Council chooses not to proceed with the planning scheme, it will be effectively abandoning the planning scheme and commencing the process again from scratch.

COMMENT

The proposed Douglas Shire Planning Scheme will be a planning scheme developed under the provisions of the *Sustainable Planning Act 2009*.

Council would be aware that new planning legislation will be introduced on 3 July 2017 in the form of the *Planning Act 2016*. Following adoption of the new *Planning Act 2016* in July, Council will then be required to undertake a 'Major Planning Scheme Amendment' to align the planning scheme with the new *Planning Act 2016* (processes, procedures, definitions etc.).

It is strongly recommended to Council that it proceed with the proposed planning scheme with the recommended changes outlined in the Submission Review Report in order to conclude the current scheme development processes under the *Sustainable Planning Act 2009*. The main reason to complete the scheme in this way is to ensure that the community continues to have familiarity with the proposed planning scheme, its structure and contents, which may be lost if Council proceeds to align the scheme with the new *Planning Act 2016*, at this point in time.

It is recommended to Council that if it is the mind to proceed with any change that results in the scheme being significantly different to the version released for public consultation, that it decides to incorporate those changes with the Major Amendment process required under the new *Planning Act 2016*, following commencement of the proposed planning scheme and the introduction of the new Act in July 2016.

FINANCIAL/RESOURCE IMPLICATIONS

Budget has been allocated for the further development of the planning scheme in the 2016/2017 financial period.

RISK MANAGEMENT IMPLICATIONS

There is significant risk associated with not continuing with proceeding with the proposed planning scheme. Council has been advised that in the event that the planning scheme requires re-notification after the commencement of the new *Planning Act 2016*, for whatever reason, that it will be required to reformat the planning scheme to be compliant with the new Planning Act. Commencement of the new planning Act is in a little over two months' time.

SUSTAINABILITY IMPLICATIONS

- Economic:** The proposed planning scheme has significant implications for the future economic prosperity of the Shire
- Environmental:** The proposed planning scheme has significant implications for the future environmental sustainability of the Shire
- Social:** The proposed planning scheme has implications for the future social and community development in the Shire

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 3 – Improve Environmental Performance

3.1.1 Undertake a review of the Douglas Shire Planning Scheme acknowledging the impacts of climate change so that Council and our communities can respond.

Operational Plan 2015-2016 Actions:

On-going activities

Ensuring compliance with relevant State legislation, Council Local Laws and the Douglas Shire Planning Scheme.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

CONSULTATION

Internal: Nil

External: Nil

COMMUNITY ENGAGEMENT

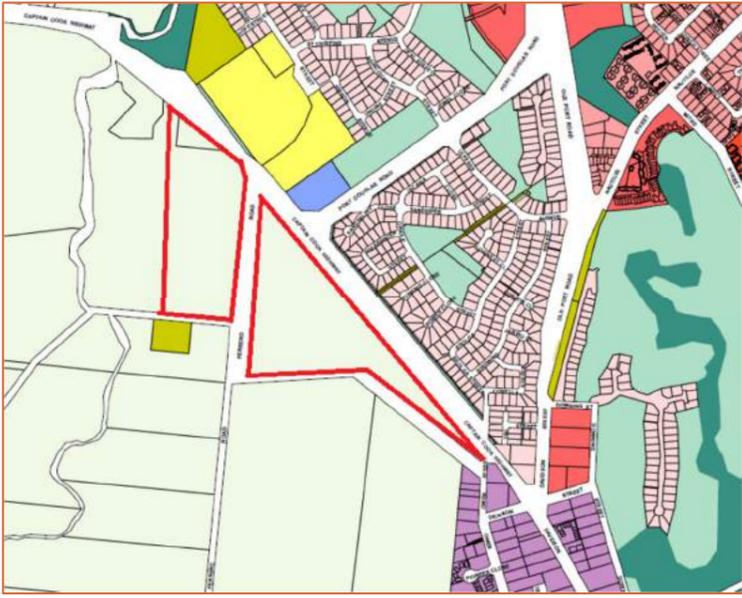
Community engagement was completed in the second half of 2016 in accordance with the requirements of the *Sustainable Planning Act 2009*.

ATTACHMENTS

Attachment 1 - Submission Review Report

Submission Review Report

Response to submissions on the proposed Douglas Shire Planning Scheme (Statutory Consultation 8 August 2016 – 30 September 2016)

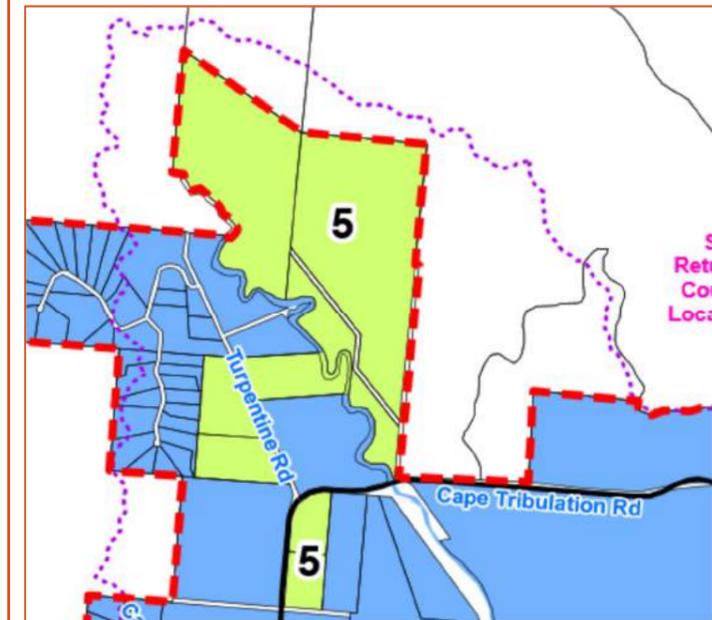
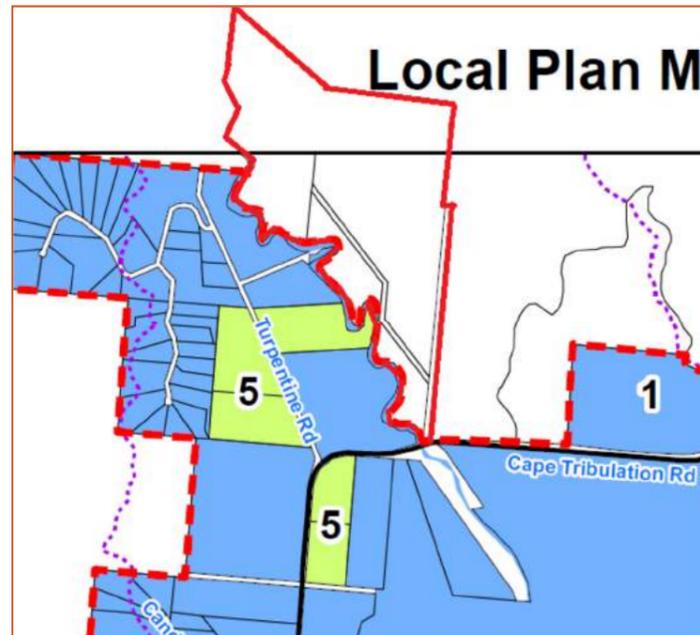
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
<p>1, 3, 5-7, 9, 14-18, 20, 26, 28-34, 67-69, 71, 73-76, 78-79, 81, 83-84, 89-97, 110, 118, 120, 122-123, 125, 130, 241-338, 371-372, 378, 380, 390, 392b, 411, 416-417, 419, 453-459, 461-465, 468-476, 478-480, 482-491, 493-494, 496-527, 529-531, 533-534, 536-538, 540-561, 563,565, 567-575, 577-585, 587-590, 592-600, 604, 613</p>	<p>L1 RP726242, L84 SR396 Ferrero Road, Craiglie</p>	<p>The submitters are requesting that Council zone the land to allow a Retirement Facility to be developed. Their support is on the basis of:</p> <ul style="list-style-type: none"> ○ providing additional living options to remain close to relatives and family in Douglas Shire; ○ the retirement community will provide enhanced employment opportunities and reduce reliance on the tourism industry; ○ the project will inject \$40 million in the Shire’s economy; ○ the site has not been used for rural purposes for many years and is close to the developed area in Craiglie; ○ the site is not prone to storm surge or flooding as is the case with most of the rest of Port Douglas; ○ the site is cleared and has a nice aspect; ○ access is just off the highway and close to water, sewer and power connections; ○ future residents can walk to shops, churches and buses, and is close to Port Douglas and the Mossman hospital; ○ development can be completed on the site with a focus on sustainability; ○ the community will provide good quality affordable retirement housing; ○ the villas will be designed by locals for locals using local products and services 	<p>Part 6, Schedule 2</p>	<p>There is no particular zone that purely caters for a retirement village so it is not possible to zone land for a retirement village.</p> <p>It is not good contemporary planning practice to open up land for development without the appropriate investigations that take into account, amongst other things, constraints, infrastructure servicing and capacity requirements, flooding and drainage studies and sequencing in the form of a comprehensive structure plan. The land is proposed to be included in a Residential Investigation Area in the Strategic Framework to facilitate this process. Land should not be zoned in advance of completion of this process.</p> <p>There is land that is already zoned within Port Douglas that can cater for retirement village purposes without the need to include the land on the western side of the Captain Cook Highway in an urban zone at this point in time.</p>  <p>(Note: more details are provided in the planning commentary at submission 107)</p>	<p>No change to proposed planning scheme designations (Residential Investigation Area in the Strategic Framework).</p> <p>(Note: Submission 107 is the submission lodged by the retirement village proponent and the submission is addressed separately at the response to 107).</p>

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		<p>wherever possible;</p> <ul style="list-style-type: none"> ○ there are no options for retirement with potential RV camping storage; ○ there will be a choice of property ownership and rental options; ○ the Mossman retirement village will not be large enough and the project will complement the Mossman facility and not compete with it; ○ chances for this type of development need to be provided for this type of development to occur. <p>(Note: Submission 107 is the substantial submission lodged by the retirement village proponent).</p>			
2, 4,	Port Douglas	The submitters support the entertainment precinct as proposed in the planning scheme	Part 7	Support is noted.	No change.
8, 10, 36-66, 85-86, 98, 101, 103-106, 112, 132, 197-200, 202, 204-219, 230-237, 351, 376, 389, 412-413, 434-436, 439, 442-446, 450	Port Douglas	The submitters support a Special Entertainment Precinct for Port Douglas and the development of a Local Law to support the Special Entertainment Precinct in order for Council to have control and management of live music in the Shire's live entertainment venues. This will raise the profile of Port Douglas as a live music entertainment destination.	Part 7	<p>A report into Special Entertainment Precincts is appended as Attachment 1. While the planning scheme recognises, in particular, Port Douglas as an area of lively activity and that this liveliness contributes significantly to its vibrant tourist-town amenity, it does not contemplate introducing a Special Entertainment Precinct that would transfer a significant amount of resourcing and management responsibilities to Council.</p> <p>It is important to note that introducing a Special Entertainment Precinct to the proposed planning scheme at this stage will be considered a significant policy change and it will result in the need to recommence public notification of the proposed planning scheme.</p> <p>If Council is of the mind to resource and manage a Special Entertainment Precinct, it is recommended that such Special Entertainment Precinct form part of a downstream planning scheme amendment which will be appropriately notified in due course. This will assist in avoiding any further delay in finalising the current proposed planning scheme.</p>	No change.
21, 70, 80, 82, 87, 100, 111, 113-115, 117, 126-128, 203,	L1 RP726242, L84 SR396 Ferrero Road and the western side of the Captain Cook Highway (generally), Craiglie	These submissions collectively raise opposition to zoning land on the western side of the Captain Cook Highway in Craiglie and, in most cases, removing the Residential Investigation Areas in the planning scheme or no supporting altering the urban	Part 3, Part 6, Schedule 2	<p>These submissions, in varying degrees, oppose zoning of the land on the western side of the Captain Cook Highway for a retirement village, through to removing the Residential Investigation Area and supporting maintenance of the current defined urban edge.</p> <p>As discussed previously, there is no 'retirement village' zone that can be applied to the site to facilitate a retirement village on the land. The land will, therefore, remain in the Rural Zone.</p>	No change.

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<p>204-219, 351, 374, 381, 386-388, 397, 400-402, 406-407, 410, 414, 421, 430, 440, 446, 450, 460, 466- 467,477, 528, 532, 539, 562, 566, 576, 586, 591, 602</p>		<p>footprint.</p>		<p>However, it is recommended that the Strategic Framework designation of Residential Investigation Area be kept as:</p> <ul style="list-style-type: none"> ○ it is not a final commitment to urban development on this side of the highway; ○ it is not a full commitment to development on this side of the highway; ○ it provides a logical opportunity to off-set some loss of designated urban land in areas which are less desirable for urban development; ○ it provides a planning mechanism to pre-empt presumptive applications for spot-urban zonings and thereby counters piece-meal urban development. 	

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11	Various Daintree locations	<p>The submitter indicates that:</p> <p>a. Listing the Daintree Ferry as a Place of Significance in Planning Scheme Policy SC6.11 establishes a policy of re-directing tourism to areas south of the Daintree River, with an injurious effect on the conservation economy that is of critical importance to areas between the Daintree and Bloomfield Rivers.</p> <p>b. Diwan Place of Significance – property description 7: Blue Hole is described as a reserve off Turpentine Creek Road. The site of significance registered under the provisions of the Aboriginal Cultural Heritage Act 2003 – CN53 is not constrained to the reserve, and includes the watercourse and banks beyond to the north of Cooper Creek. The significance of the site must not be limited to the arbitrary reserve.</p> <p>c. Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage areas and other areas of environmental significance, in particular the Southern Cassowary and its habitat, are neither protected, preserved, nor are dog by-laws adequate or enforced. An estimated 60,000 strong feral pig population within the Wet Tropics World Heritage area has grown an enthusiastic feral pig hunting fraternity that illegally release purpose-bred dogs in the World Heritage rainforest killing more than just pigs. The only way, and by implication, Douglas Shire through its</p>	Schedule 2, Schedule 6, Part 3	<p>a. The Daintree Ferry is listed in the current Planning Scheme Policy No 4 as a Cultural Heritage and Valuable Site, and this has been carried forward into the proposed planning scheme. A Land Use Strategy (3.7.7.2) contained in the Strategic Framework nominates a review of the Douglas Heritage Study that was commissioned by Cairns Regional Council prior to adding or removing listings. The Daintree Ferry may or may not be amended following this review.</p> <p>b. It is agreed that the reserve off Turpentine Creek Road is an inadequate description of the Blue Hole’s cultural and heritage significance. The description is recommended to be amended by adding appropriate words and reflecting the comment (exact location to be determined) as marked in the submission at 408 from the Douglas Shire Heritage society.</p> <p>c. It is agreed that that the feral pig / dog population is a significant menace and a huge threat to the region’s biodiversity. Strategic Framework Theme 2 – Environment and landscape values recognises this in 3.5.3 Element – Biodiversity 3.5.3.1 (6). This statement could be strengthened. However, it should be noted that many natural resource programs operate outside the scope of what a planning scheme can actually achieve.</p>	<p>a. No change. However, the listing is due to be reviewed as part of a land use strategy contained in the Strategic Framework (3.7.7.2).</p> <p>b. SC6.11 Planning Scheme Policy – Places of Significance Table 1: Places of Significance to be amended as follows:</p> <p><u>Property Description</u> <u>Reserve off Turpentine Road, including Blue Hole, the watercourse and banks beyond, to the north of Cooper Creek (extent to be determined).</u></p> <p>c. Strategic Framework Theme 2 – Environment and landscape values 3.5.3 Element – Biodiversity 3.5.3.1 (6) to be strengthened as follows:</p> <p>Weeds and pests, <u>in particular feral pigs and purpose-bred wild hunting dogs</u>, are a significant threat to the region’s biodiversity conservation values.</p>

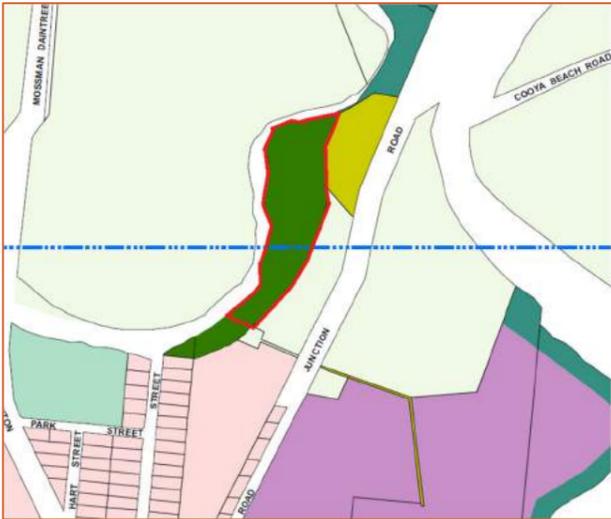
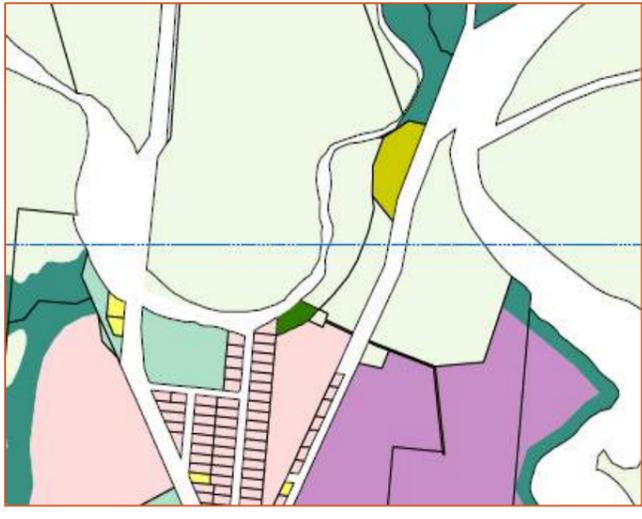
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		<p>planning scheme can assist the cassowary population, is to remove pigs and dogs from cassowary habitat.</p> <p>d. The proposed planning scheme perpetuates discrimination against the Daintree River – Bloomfield River area of the shire with the provision supporting ‘a limited number of low-intensity tourist accommodation facilities in the Conservation areas south of the Daintree River where the development of bed and breakfast, cabin, homestead / farm stay accommodation and other low-impact tourism development is encouraged in appropriate locations’.</p> <p>e. As the costs of protection of the World Heritage values rightfully belongs to Australia, and as the existing excision of the area between the Daintree River and the Bloomfield River from Ergon’s distribution area was formalised by the Queensland State Government on behalf of the people of Queensland, the costs of the alternative supply arrangements (stand alone) should be covered by both Australia and also Queensland, beyond the costs of consumption at nationalised equalised tariffs.</p> <p>f. Lot 52 on SR537 and Lot 51 on SR767 are freehold land that should be part of the Settlement Areas North of the Daintree Local Plan, as is a freehold property at Noah Creek.</p>		<p>d. The use of the words south of the Daintree River is discriminatory and should be deleted. It is not the intention to rule of low intensity tourist accommodation facilities north of the Daintree River, and this is not the intent provided for elsewhere in the planning scheme.</p> <p>e. Alternative means of power provision is advocated in the strategic framework. However, Council is not able to commit to energy provision as it is ultimately within the mandate of the State and Federal Government. The provision of rebates / subsidies is beyond the scope of the planning scheme to address.</p> <p>f. It is agreed that Lots 51 and 52 would be better included within the Settlement Areas North of the Daintree River Local Plan (to be renamed the ‘Cape Tribulation and Daintree Coast Local Plan’) to which they directly adjoin. This land is used for small scale agriculture and tourist treks/trails. Precinct 5 – Low Impact Rural Production and Tourism Enterprise is the appropriate designation.</p>	<p>d. Delete the following words from 3.8.3.1 of the Strategic Framework: ‘a limited number of low-intensity tourist accommodation facilities in the Conservation areas south of the Daintree River where it is designed to integrate with its setting (e.g. Similar to Silky Oaks Resort in Mossman)’.</p> <p>e. No change.</p> <p>f. Expand Local Plan (LMP-007) and include an expanded area within Precinct 5 – Low Impact Rural Production and Tourism Enterprise (see below). No change to the land a Noah Creek.</p>



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12, 396	Daintree River – Bloomfield River generally	<p>a. The submitter states that <i>“there is only one logical rational viable way to stop all the polluting generators that convert three million litres of fuel per year in to 7000 tonnes of CO2 blowing in to the rainforest and that is a grid, so power can be produced outside this environmentally sensitive area. Any attempt to use standalone renewables inside the rainforest has huge environmental impacts. If Council is serious about doing something meaningful to combat climate change with reduced carbon emissions then a grid in the Daintree should be a priority.”</i></p> <p><i>“Currently, the massive problem of pollution and energy poverty does not even feature in the proposed new DSC planning scheme. The only mention is that any proposals for power supply have to consider the environment.”</i></p> <p>b. The submitter’s second submission reiterates most of the information from the first, but adds that the following statement needs to be included in the proposed planning scheme:</p> <p><i>“provide adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents.”</i></p>	Part 3	<p>a. The statement at 3.9.2.1(4) in the Strategic Framework is Council’s stated policy position with respect to the power issue north of the Daintree River. The submitter wants the issue of power generation via generators and the conflict with the sensitive environment in the area to be recognised in the scheme. There is no problem in identifying the problem. However, ultimately power generation to areas north of the Daintree River is very broadly beyond the scope of the planning scheme to address.</p> <p>b. The addition of the extra words is supported.</p>	<p>a. The statement at 3.9.2.1(4) in the Strategic Framework be supplemented as follows: <u>‘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.</u> 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 influence decisions about the nature and scale of the electricity supply infrastructure that may be provided.’</p> <p>b. Add to the following words to purpose statement for the Cape Tribulation and Daintree Coast Local Plan at 7.2.5.3(2) {note: now located at 7.2.1.3.(2)}:</p> <p><u>‘e. adequate service and facilities for settlement areas and an appropriate level of economic opportunity for local residents are provided.’</u></p>
13	n/a	The submitter requests that within the proposed Low Density Residential Zone that the minimum lot size be reduced to 400m ² – 500m ² rather than current	Part 6	The current planning scheme includes two residential planning areas. The proposed planning scheme includes three zones. The additional zone is the Low-medium density residential zone. The proposed Low-medium density residential zone caters for infill housing referred to by the submitter by providing minimum lots size of 450m ² and minimum frontage of 15m. It	No change.

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		<p>proposal which retains the 800m² x 20m frontage minimum performance outcome. This will cater for sustainable in-fill housing utilising existing infrastructure and services.</p>		<p>should be noted that the new minimum lot size in the Low density residential zone is 600m².</p>	
<p>19</p>	<p>L40 CP891904</p>	<p>The submitter requests that L40 CP891904 located at 2529 Bloomfield River Esplanade, Degarra remain within the Rural Zone, as per the current planning scheme, as the land has been used for Rural purposes for 34 years and it is expected that bona fide rural activities will continue into the future.</p>	<p>Schedule 2</p>	<p>A number of larger properties being used for Rural Production purposes were recommended to be converted to the Environmental Management Zone during the period of amalgamation with Cairns. Following de-amalgamation, most of these properties were reconsidered for conversion back to Rural Zone to reflect existing land use activities. However a couple of areas were missed in this reconversion process (most notably in the Kimberly area and Degarra area, north of the Daintree River. No planning concerns are raised in retaining this particular lot in the Rural Zone.</p> 	<p>Amend the Zone mapping in Schedule 2 to include L40 CP891904 in the Rural Zone.</p> 
<p>22</p>	<p>n/a</p>	<p>The submitter advocates:</p> <ul style="list-style-type: none"> a. against conversion of rural land to hobby farms as they do not add any value to the area; b. a cat curfew to protect native wildlife. 	<p>n/a</p>	<ul style="list-style-type: none"> a. The planning scheme does not permit the further fragmentation of agricultural (Rural zoned land) below 40 hectares in lot size. Thereby preventing the proliferation of small hobby sized farms. b. The implementation of a cat curfew is beyond the scope of the planning scheme to address. 	<ul style="list-style-type: none"> a. No change. b. No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
23	L29 RP706250	<p>The submitter requests that L29 RP706250 be returned to the equivalent proposed Residential Low Density Zone under the Planning Scheme, rather than the Environmental Management Zone. The owner has expended considerable financial and physical effort to restore the riparian banks of the North Mossman River.</p>	Schedule 2	<p>L29 RP706250 adjoins the North Mossman River and is heavily constrained by Overlay Mapping (inc. Flooding and Storm Tide Inundation, Landscape Values Overlay and the Natural Areas Overlay). This mapping will impose restrictions on the use of the land that would be likely to preclude the use of the land for residential purposes, despite the zoning. Overlays over-ride zones in the hierarchy of planning assessment.</p>	<p>Amend the Zone mapping in Schedule 2 to include L29 RP706250 in the Low density residential zone.</p>
					
24, 25	Daintree River – Bloomfield River generally	<p>The submitter requests a remote area power system rebate to be made available to business and private applicants as power is not proposed under section 3.9.2.1(4) of the Strategic Framework.</p>	Part 3	<p>Alternative means of power provision is advocated in the strategic framework. However, Council is not able to commit to energy provision as it is ultimately within the mandate of the State and Federal Government. The provision of rebates / subsidies is beyond the scope of the planning scheme to address.</p>	No change.
27, 433, 448, 535	L7 SP188709	<p>The submitters request that L7 SP188709 be included in the Low Density Residential Zone rather than the Rural Planning Zone on the basis that:</p> <ul style="list-style-type: none"> ○ the site represents a logical extension of the housing supply at Rocky Point and is appropriately located in terms of infrastructure, services and utilities. ○ The current rural zoning of the land is not sustainable. ○ Supports State Government Policy Objectives (i.e. Doubling the population of regions outside South East 		<p>L7 SP188709 is not a logical extension of any Low density residential zone. The area is not characterised by suburban residential development (i.e. 600m² lots). The land is not serviced in terms of water and sewer infrastructure.</p> <p>The sustainability of the Rural zone, in many parts of the Shire, is often raised as a reason to rezone land for development. However, it is not a valid reason to change a rural setting into a suburban setting.</p> <p>The nominated State Planning Objectives are more than adequately catered for elsewhere in the Shire under the proposed planning scheme. The proposed zoning change is contrary to the State Government’s Far North Queensland Regional Plan 2009-2031 which includes this land as part of the Regional Landscape and Rural Production Area.</p> <p>There is more than an adequate supply of Rural Residential lots approved for development in the Shire (most notably at the northern end of Wonga Beach)</p> <p>(See site location on next page)</p>	No change

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>Queensland – Locating land for housing development and redevelopment in areas that are accessible and well connected to services, employment and infrastructure – facilitating a diverse range of housing options etc.)</p>			
<p>35</p>	<p>L25 RP800895</p>	<p>The submitter requests that L25 RP800895 be returned to the Rural Zone from the proposed Environmental Management Zone. The owner has applied to combine Lot 21 with adjoining Lot 25 which is proposed to be in the Rural Zone.</p>	<p>Schedule 2</p>	<p>Lot 25 adjoins the North Mossman River and is heavily constrained by Overlay Mapping (inc. Flooding and Storm Tide Inundation, Landscape Values Overlay and the Natural Areas Overlay). This mapping will impose restrictions on the use of the land that are equivalent to those that would apply under the Environmental Management Zone.</p> 	<p>Amend the Zone mapping in Schedule 2 to include L25 on RP800895 in the Rural Zone.</p> 
<p>72, 99, 124, 199-200, 202, 204-219, 351, 389, 412, 446, 450</p>	<p>Various</p>	<p>The submitter requests the following:</p> <ul style="list-style-type: none"> a. Review the planning scheme at least every two years b. Review the scheme in 2017 in conjunction with any amendments required to comply with the <i>Planning Act 2016</i>. 	<p>Various</p>	<ul style="list-style-type: none"> a. A review of the planning scheme every two years is a matter for Council to determine. However, it is anticipated through the life of the planning scheme there will be a series of planned amendments necessary to keep the planning scheme contemporary. b. The <i>Planning Act 2016</i> is expected to commence 3 July 2017. At this time, Council will have the choice to align its planning scheme with the new Act. It is recommended that Council complete this Sustainable Planning Act compliant scheme (notionally in the first half of 2017) and then, make any necessary amendments to make the scheme <i>Planning Act 2016</i> compliant later in 2017. 	<ul style="list-style-type: none"> a. Noted. No change. b. Noted. No change.

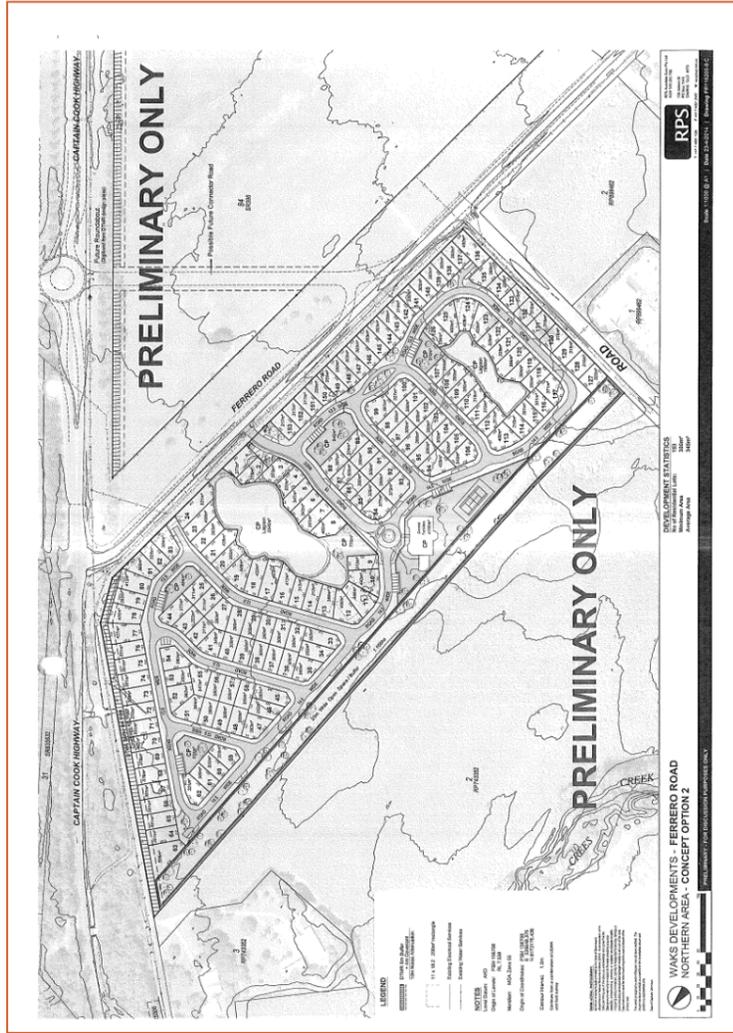
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>c. Ensure adequate resourcing of the planning scheme, particularly having regard to signage, landscaping and vegetation clearing.</p> <p>d. Include a precautionary principle in the scheme.</p> <p>e. Include a predicted sea level / shoreline retreat map in the Overlay Maps.</p> <p>f. Develop and include a policy or a framework for retreat from rising sea level.</p> <p>g. Complete work on identified Land Use Strategies within 12 months.</p> <p>h. Add new land use strategies applicable to the Daintree Coast and Cape Tribulation Local Plan, and complete work on these within 12 months:</p> <p>i. a scheme for 'buy back' of properties on roads which are servicing only a small number of houses;</p> <p>ii. opposing mains power and supporting alternative sources including local area green grids.</p> <p>i. Maintain the existing urban footprint.</p> <p>j. Remove investigation areas from the Strategic Framework Map near Craiglie until relevant land use strategies have been considered, specifically climate adaption strategies.</p>		<p>c. The need to adequately resource compliance of the planning scheme is noted and is a matter for Council's budgeting processes.</p> <p>d. The <i>Integrated Planning Act 1997</i> included a precautionary principle. The precautionary principle is one of the most important foundations of ecologically sustainable development. It is a common sense principle requiring that a lack of scientific certainty should not be used to postpone measures to prevent serious or irreversible harm to the environment. There is no objection to the concept of introducing this principle into the planning scheme.</p> <p>e. Council is currently undertaking work associated with the Climate Hazard Adaption Strategy Program (CHAS) which is specifically aimed at examining the best ways and means to tackle the risk of sea-level rise/retreat strategies. Council is therefore moving forward with the recommended land use strategies highlighted in the scheme and these may form part of a future planning scheme amendment.</p> <p>f. As per e. above.</p> <p>g. All land use strategies will be subject to resourcing/budget management/prioritisation. The strategies range consist of a wide range of activities, often requiring the need to use outside resources. It is not likely that a 12-month timeframe is realistic. However, the need for extra work to complement the planning scheme has been highlighted for future attention.</p> <p>h. Council has limited capacity to 'buy back' properties in the Daintree Coast and Cape Tribulation Local Plan area despite the merits of the proposal. The strategic framework includes Council's policy regarding power supply North of the Daintree River.</p> <p>i. The 2006 Planning Scheme does not contain an Urban Footprint. The Far North Queensland Regional Plan 2009-2031 contains the Urban Footprint and the proposed planning scheme does not change this footprint. However, the proposed planning scheme includes a Residential Investigation Area that is outside the existing FNQ Regional Plan Urban footprint. The purpose of the Residential Investigation is to evaluate whether the land is suitable for conversion to urban purposes. Part of the reason for allocating the land in this way is to cater for some of the urban footprint that is a retreat from coastal hazard areas (areas close to the Mowbray River mouth).</p> <p>j. A climate adaption strategy will rely, to some degree, on the availability of land that is not subject to coastal hazards in order to provide an area to cater for climate adaption strategies. However, it is noted in the scheme that such land is not likely to be required until late in the life of the planning scheme: if not, after it.</p>	<p>c. Noted. No change.</p> <p>d. Include a 'precautionary principle' provision into the planning scheme at Part 1.7.3 as follows:</p> <p><u>1.7.3 Precautionary principle</u></p> <p><u>(1) Decision making processes associated with this planning scheme apply the precautionary principle to land use and development.</u></p> <p><u>(2) For the purposes of 1.7.3(1), the precautionary principle is the principle that lack of scientific certainty should not be a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage.</u></p> <p>e. No change. Noting Council's current work in the Climate Hazard Adaption Strategy Program (CHAS) and 'back-zoning' retreat of land currently included in a Residential planning area in Craiglie (near the Mowbray River).</p> <p>f. As per e. above.</p> <p>g. Noted. No change.</p> <p>h. No change.</p> <p>i. No change.</p> <p>j. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>k. Do not approve rezoning or development at Ferrero Road.</p> <p>l. Remove Transport Investigation Corridor shown on Strategic Framework Map 2 near Craiglie, west of the highway.</p> <p>m. Develop and include a policy for sustainable development including sustainable building design.</p> <p>n. Lobby for amendment to the new Planning Act to allow Councils to make requirements above and beyond the standards in the Building Act.</p> <p>o. Resolve the tension between the Crime Prevention Policy and the Landscaping Policy.</p> <p>p. Including a stronger emphasis on endemic and native planting in Port Douglas and a restriction to only endemic in the Cape Tribulation/Daintree Coast area:</p> <p>i. amend the Port Douglas / Craiglie local plan code to require that landscaping achieves 60% screening of buildings within 5 years. Its purpose should be to hide development behind a screen of endemic species.</p> <p>ii. amend the Settlement Areas North of the Daintree River Local Plan, Performance Outcome PO 7, to replace 'native landscape character' with 'endemic landscape character'.</p>		<p>k. The proposed planning scheme does not approve rezoning or development at Ferrero Road.</p> <p>l. It would be unwise to remove reference to a Transport Investigation Corridor in light of the Residential Investigation Area designation. It is a very important consideration in determining whether land in this area is suitable for further development.</p> <p>m. The concept of including sustainability guidelines is supported. However, Council cannot mandate sustainability in design via a planning scheme. These are addressed in the Building Codes. However, there is no opposition to Council acting as an advocate for sustainable design and developing policies and promotional material to support such policies. However, at this stage this work is outside the scope of the proposed planning scheme review.</p> <p>n. As per m. above, the State sets the rules with regard to what the planning scheme can regulate and what can only be regulated by the Building Codes. There is no opposition to the concept of advocating greater control with the State Government. However, at this stage this work is outside the scope of the proposed planning scheme review.</p> <p>o. The tension arises due to the policy requirements that suggest maintenance of sight-lines for surveillance and the landscaping code that encourages dense, lush landscaping. It is possible for both elements to co-exist. However, the purpose of the Crime Prevention through Environmental Design (CPTED) Planning Scheme Policy can be adjusted to favour landscaping.</p> <p>p. The landscaping requirements would be strengthened to provide more support to local character by incorporating the suggested changes to the landscaping requirements contained within both codes.</p>	<p>k. No change.</p> <p>l. No change.</p> <p>m. No change.</p> <p>n. No change.</p> <p>o. Add the following at SC6.3.1 of Schedule 6 SC6.3 Planning Scheme Policy – Crime prevention through Environmental Design (CPTED):</p> <p><u>“(f) ensure that the requirements of the Landscaping code, which promotes dense, lush landscape planting, are not compromised by the guidelines contained within this policy.”</u></p> <p>p. Add the following to AO4 in Table 4.2.4.4.a (now 7.4.2.4.4.a) in the Port Douglas / Craiglie Local Plan Code:</p> <p>Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, <u>in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.</u></p> <p>Amend Table 7.2.1.10.a in the Cape Tribulation and Daintree Coast Local Plan at PO7 as follows:</p> <p>Landscaping of the development ensures that the <u>native endemic</u> character of the local area is dominant.</p>

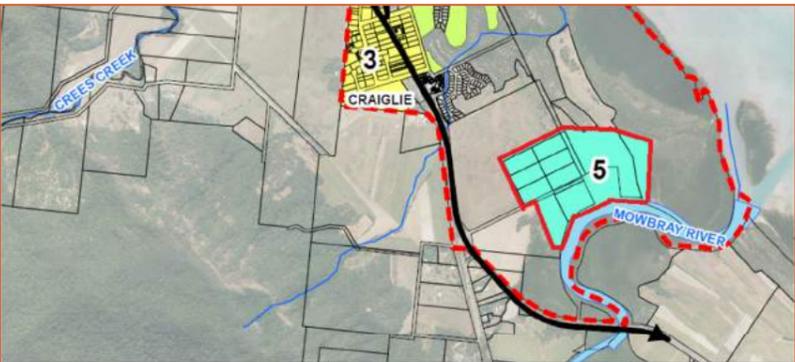
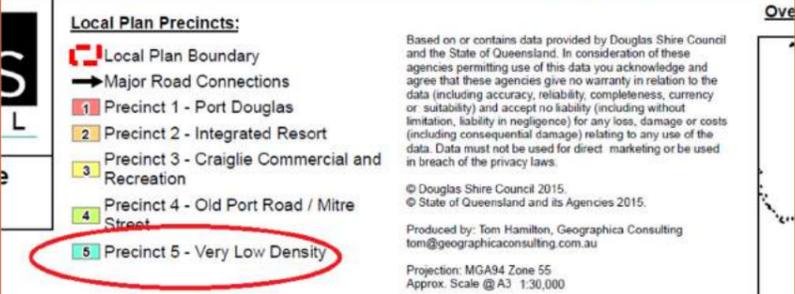
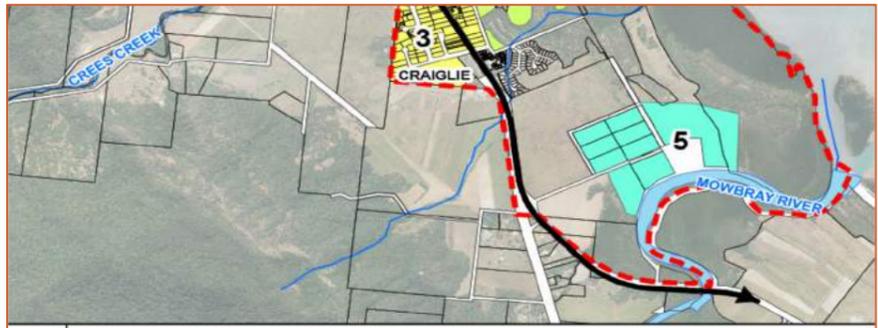
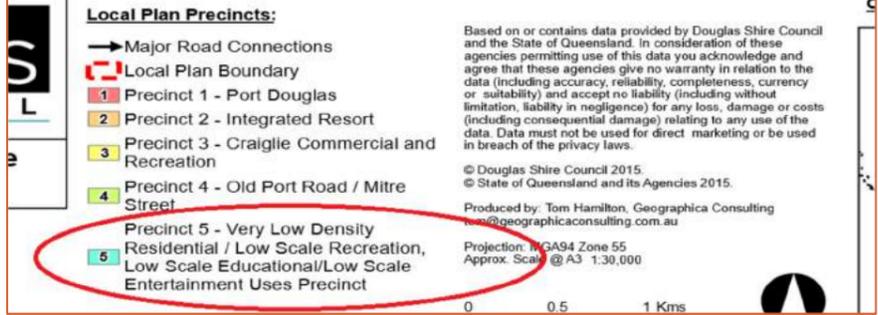
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>q. Restrict landscaping of public land across the Shire to endemic only.</p> <p>r. Develop and include a Master Plan for Craiglie.</p> <p>s. Include a greater focus on water sensitive urban design, including detention basins that trap sediment and nutrient, gross litter traps the rehabilitation of waterways and ensuring connectivity for fish passage in the design of waterway crossings and other in-stream construction.</p> <p>t. Change the Live Entertainment Precinct to Special Entertainment Precinct on the Port Douglas Sub Precincts Local Plan Precincts Map and support with Local Laws.</p> <p>u. Amend the Port Douglas/Craiglie local plan to focus on the vernacular rather than a generic manufactured tropical image.</p> <p>Each point above is supported with further explanation in the submission.</p>		<p>q. The intent here is understood and is generally supported. However, it may not be practical to restrict landscaping to endemic species only on Council land. The planning scheme is not the place for this sort of policy.</p> <p>r. The need to develop a master plan for Criaglie, as the entry point to Port Douglas, has merits. However, it is out of scope for the current planning scheme project.</p> <p>s. It is agreed that the planning scheme could be strengthened by including water sensitive urban design measures. However, it should be noted that such measures are included within the FNQROC Development Manual which is a Policy that is attached to the planning scheme. This is a matter which could be reviewed as a future amendment subject to resourcing the appropriate expertise to provide the necessary input.</p> <p>t. This matter has been addressed at 8 herein.</p> <p>u. 'Vernacular' refers to a particular style of architecture rather than landscaping and urban design. A tropical vernacular (architecture) is an easily understood and documented term. It is agreed that homogenous architectural design that can be found anywhere should not be promoted in developments that are triggered by the planning scheme. However, many dwelling houses in most residential developments do not trigger any requirement for a planning approval and are prevented from triggering planning approvals by the <i>Sustainable Planning Regulation Schedule 4 – Development that can not be declared development of a particular type</i>. Effectively, Council has no power to enforce a tropical vernacular for all development in the Shire.</p>	<p>q. No change.</p> <p>r. No change. However, the idea of developing a Master Plan for Craiglie has merit for future work.</p> <p>s. No change. Future work to be considered.</p> <p>t. No change.</p> <p>u. No change.</p>
77	L1 RP739800	The submitter requests that L1 RP739800 located at Cape Tribulation Road, Diwan be included in the Low Impact Rural Production and Tourism Enterprise Precinct to reflect the current designation as Rainforest Tourism Precinct in the current planning scheme.	Schedule 2	<p>The land is currently included in the Rainforest Tourism Precinct and was recently purchased for this purpose. There are no significant issues raised in maintaining the current / equivalent precinct under the Local Plan.</p> <p>(Mapping is on the next page)</p>	Amend Local Plan Map to include L1 RP739800 within the 'Low Impact Rural Production and Tourism Enterprise Precinct'.

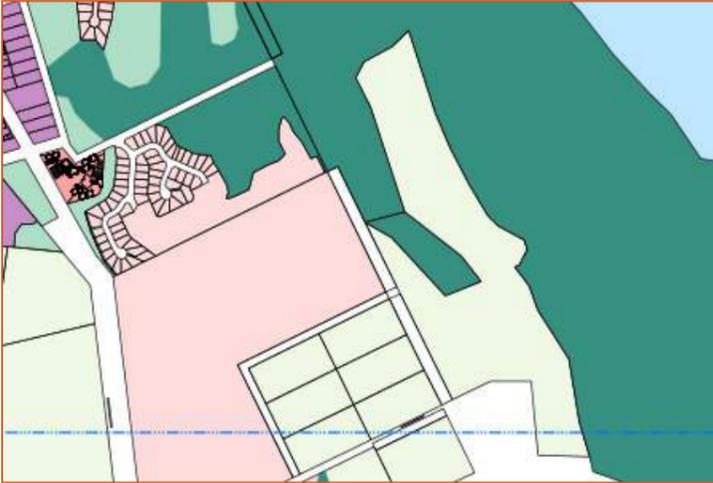
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
					
88	L267 BK15769	<p>The submitter requests review of the zoning of land at L267 BK15769 which is shown as Conservation Zone. However, the land is cleared and used for the grazing of cattle and should be included in the Rural Zone.</p>	Schedule 2	<p>Examination of aerial photography reveals that the land is being used for cattle grazing / rural purposes. It is current included in the Rural Planning Area. There are no issues raised in return the land to a Rural Zone as requested.</p> 	<p>Amend the zone from a Conservation Zone to a Rural Zone.</p> 
102	n/a	<p>This submission is lodged on behalf of Ergon Energy and is supportive of Douglas Shire Council taking on board matters raised at State Interest Review. Ergon advocates for an Electricity Infrastructure Overlay and associated Code.</p>	Schedule 2	<p>Review of other planning schemes in Queensland does not reveal widespread use of Electricity Infrastructure Overlay Codes: the main purpose of which is to protect electricity easements from inappropriate development. It is considered that the easements are sufficient to achieve this purpose without the need for a special overlay code.</p>	<p>No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
107	L1 RP726242, L84 SR396 Ferrero Road, Craiglie	<p>This submission is the substantial submission lodged by the proponent of the proposed retirement village advocated for the west of the Captain Cook Highway in Craiglie. The submitter is seeking:</p> <ol style="list-style-type: none"> Inclusion of the land in the 'Urban' designation in the Strategic Framework. Extend the Port Douglas – Craiglie Local Plan to include the land within a new precinct that specifically permits or recognises use for a Retirement facility. Amend the Rural Zone to an Urban Zoning (L1) and Emerging Community Zone (Lot 84). Change the level of assessment for Community facilities zone to code assessable in the Table of Assessment. 	Part 3, Part 5, Part 6, Part 7, Part 9, Schedule 2	<p>a. It is not appropriate to include land within an urban designation without undertaking investigations into developing a comprehensive structure plan that takes into account, amongst other things, constraints, infrastructure servicing and capacity requirements, flooding and drainage studies and sequencing. For example, L1 is adjacent to a substantial electrical sub-station that may impose a significant constraint on the distribution of residential living on the land. This aspect is not mentioned in the submission.</p> <p>A comprehensive structure plan needs to be developed that delivers an integrated, well-connected residential community with a mix of housing types, distribution of open space, other appropriate land uses and road patterns. This will involve more than just consideration of L1 and L84, but the broader Residential Investigation Area more generally.</p> <p>Despite the submitter's representations, that there is a lack of land suitable for retirement village purposes, there is land within the existing urban designation in Port Douglas that is available for use as a retirement facility without the need to include land on the western side of the Captain Cook Highway (albeit none greater than 3ha in area).</p> <p>Examples can be found at:</p> <ul style="list-style-type: none"> ○ L3 & L4 SP729037 ○ L1, L2 and L6 C2253 ○ L49, L50 SP161464, L41, L42 RP747344 ○ L1 SP150468 <p>b. As per a. above.</p> <p>c. There is no urban zone that caters purely for Retirement facility purposes. The Emerging Community Zone is not used in the proposed Douglas Shire Planning Scheme.</p> <p>d. The Community facilities zone is broadly intended to cater for a wide range of community uses. The development envisaged by the proponent is essentially a subdivision for older 'over-50' people.</p> <p>For convenience the QPP definition of Retirement Facility is reproduced below:</p> <p><i>"A residential use of premises for an integrated community and specifically built and designed for older people.</i></p> <p><i>The use includes independent living units and may include serviced units where residents require support with health care and daily living needs.</i></p> <p><i>The use may also include a manager's residence and office, food and drink outlet, amenity buildings, communal facilities and accommodation for staff."</i></p>	<ol style="list-style-type: none"> No change. Retain the land as Residential Investigation Area on the Strategic Framework Map. No change. No change. Retain the Rural Zone. No change. No change. <p><u>Retirement Preliminary Concept</u></p>



No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>e. Ensure development codes do not contain overly restrictive requirements.</p>		<p>The plans provided by the proponent (shown opposite) do not provide any high care or more intensive support facilities, or much in the way of communal facilities. It provides little in way of appearance and facilities that a small-lot community title subdivision would not provide.</p> <p>Large-scale development such as the one envisaged by the proponent should not be Code assessable. Council and the community should have the ability to carefully assess projects of this nature to ensure that the type of development is appropriate for Douglas Shire, and where necessary, provide an ability to refuse inappropriate development proposals.</p> <p>e. No overly restrictive requirements are nominated in the submission. Applications for development, including Retirement facilities, are assessed on their merits.</p>	
<p>108</p>	<p>L904 on SP16909, Lots 1-41 SP165910, Lots 42-46 and 62-73 on SP165911 (and all associated common property lots for the Niramaya Resort) & L906 SP277141, 1 Bale Drive, Port Douglas</p>	<p>The submitter request that L906 SP277141 be:</p> <p>a. included within the Tourist Accommodation zone to recognize accommodation in self contained villas in addition to permanent occupation.</p> <p>b. Creation of a precinct under the Local Plan to recognise more intensive accommodation to complement the existing lower scale accommodation undertaken within the northern portion of the development.</p> <p>c. Enable short term accommodation to occur as a 'code assessable' land use in the Tourist Accommodation zone.</p> <p>d. Ensure development codes do not contain overly restrictive requirements.</p>	<p>Part 6, Part 9, Schedule 2</p>	<p>a. The land has been developed as a luxury spa resort catering for tourists. No issues are raised in including the land known as Niramaya within the Tourist Accommodation Zone (i.e. not just Lot 906).</p> <p>b. There is no need to create a precinct under the local plan given that the land is to be included within a compatible zone.</p> <p>c. Larger development should not be code assessable. Council and the community should have the ability to carefully assess projects of this nature to ensure that the type of development is appropriate for Douglas Shire, and where necessary, provide an ability to refuse inappropriate development proposals.</p> <p>d. No overly restrictive requirements are nominated in the submission. Applications for development, including tourist resorts, are assessed on their merits.</p> 	<p>a. Include L904 on SP16909, Lots 1-41 SP165910, Lots 42-46 and 62-73 on SP165911 (and all associated common property lots for the Niramaya Resort) & L906 SP277141 within the Tourist Accommodation Zone.</p> <p>b. No change.</p> <p>c. No change.</p> <p>d. No change.</p> 

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
109	L1-6 C2254, L87 SR370, L90 SR678	<p>The submitter requests that L1-6 C2254, L87 SR370 and Lot 90 SR678:</p> <p>a. be included in the Urban designation on the Strategic Framework map.</p> <p>b. alter the Very Low Density Precinct Designation in the Local plan to permit more intensive residential use and/or provide an appropriate precinct designation for suitable recreation, education and /or outdoor sporting and entertainment (low scale).</p>		<p>a. The land is low lying, affected by Erosion Prone and Coastal Management Areas and is broadly affected by storm tide flooding. It is not appropriate to maintain an Urban designation on those parts of the land that are affected by these constraints.</p> <p>b. It is not appropriate to include the land within the Local Plan for a more intensive residential use given the fact that the land is broadly affected by storm tide flooding. The applicant requests an alternative precinct designation for suitable recreation, education and/or low-scale entertainment use as an alternative to residential uses.</p>  	<p>a. No change.</p> <p>b. No change for more intensive residential use. However, low key recreational, educational or low scale entertainment uses could be considered on this land. The precinct is recommended for adjustment to recognise this opportunity.</p> <p>Rename Precinct 5 in the Port Douglas / Craiglie Local Plan to be Precinct 5 – Very Low Density Residential / Low Scale Recreation, Low Scale Educational/Low Scale Entertainment Uses Precinct</p>   <p>Amend corresponding references in the text to the Local plan to reflect the name change.</p> <p>Amend 7.2.3.3 (15) Purpose of Precinct 5 of the Port Douglas / Craiglie Local Plan as follows:</p> <p>(a) residential accommodation development does not exceed a maximum of 8.5 metres in building height;</p> <p>(b) minimum lot sizes exceed 2 hectares;</p> <p>(c) <u>very low scale and intensity recreation/very low scale and intensity educational/and very low scale and intensity entertainment uses may be appropriate for the land. However, permanent structures are not appropriate in areas of the precinct subject to erosion and other flooding constraints.</u></p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>c. revert the zoning of the land to an Urban zone. The submitter believes the proposed Rural Zone (L1-6 and L87) and the proposed Conservation Zone (L90) will lead to detrimental impact on land use opportunities and value of the site.</p> <p>d. allow 'dwelling house' to be self-assessable development particularly where on land not impacted by erosion prone area mapping. The Coastal processes and Flood and Storm Tide Inundation Overlays convert 'dwelling houses' to code assessable development, even in Residential zones.</p> <p>e. Ensure development codes do not contain overly restrictive requirements.</p>		<p>c. Those parts of the land affected by Erosion Prone and Coastal Management Areas and broadly affected by storm tide flooding are not appropriate for an urban zoning. It is, however, agreed that the current farming undertaken on Lot 90 may be hindered by the proposed Conservation Zone on those parts of the land. A Rural Zone is therefore more appropriate.</p>  <p>d. The Coastal Zone sub-category is extremely broad and covers land well distant from the foreshore including many residential zones. Raising the level assessment across such a broad area adds no value to the planning process and will trigger many simple applications for dwelling houses as a planning application.</p> <p>e. No overly restrictive requirements are nominated in the submission. Applications for development are assessed on their merits.</p>	<p>c. Amend those parts of Lot 90 that are actively used for sugar cultivation to be included within the Rural Zone.</p>  <p>d. Amend the Coastal Processes Overlay to remove the Coastal Zone sub-category from the application of the code and the mapping.</p> <p>e. No change.</p>
<p>116</p>	<p>L10 SP121808 Captain Cook Highway, Oak Beach</p>	<p>The submitter requests that the Rural Zone be amended to the Rural Residential Zone for the following reasons:</p> <ul style="list-style-type: none"> ○ The productive area on the land, at approximately 40 hectares, is not viable for sugar cane production; ○ The land is isolated and distant to the Mossman Mill ○ The land is surrounded by non-rural uses; ○ The visual amenity of the area would be improved with Rural Residential use; ○ The environment would be improved, particularly run-off into the Great Barrier Reef 	<p>Schedule 2</p>	<p>There is very little evidence-based material contained within the submission that would justify conversion of this land from a rural land use (sugar cane cultivation) to rural residential purposes.</p> <p>Clearly the land is cultivating healthy sugar. The allotment, while being isolated from other sugar production areas, is not the most distant to the Mossman Mill. Further, the scenic amenity study commissioned for the planning scheme places high scenic amenity values on the combination of sugar fields and sweeping views to the mountainous ranges as a backdrop. This land serves this function at Oak Beach and the visual amenity would arguably be reduced if converted to Rural Residential lots. There is no evidence that a Rural Residential development would be better for the Great Barrier Reef. There is more than adequate supply of Rural Residential lifestyle lots in Douglas Shire and there is not a very obvious decline in the sugar industry that would justify rezoning to a Rural Residential Zone. As an alternative to sugar cultivation, the land could be used for other agricultural purposes. For example, a substantial portion of the nearby Thala Beach Resort is devoted to a Coconut Plantation.</p>	<p>No change.</p>

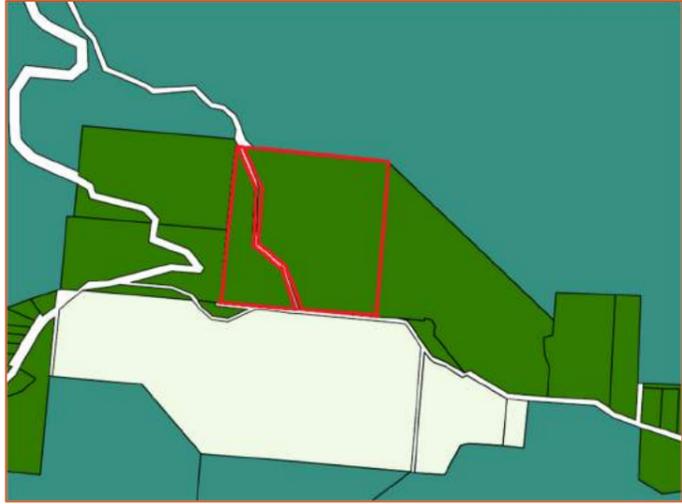
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<ul style="list-style-type: none"> with a Rural Residential use; Lack of Rural Residential lots in the Shire leading to lack of housing diversity, Very obvious decline in the sugar industry. 		<p>Further, the land is not part of the Rural Living Area under the Far North Queensland Regional Plan 2009-2031.</p> 	
119	L401-405 C2251 Davidson, Downing and Dickson Roads, Port Douglas	The submitter objects to the allotments being included in the Medium Density Residential Zone as they are the only Medium Density Residential Zone in what is otherwise a Low Density Zoned Area.	Schedule 2	The land is currently part of the Residential 2 planning area. The provisions that currently apply to the land under the current planning scheme have been carried directly across to the proposed planning scheme in the form of the Medium density residential zone. The land is separate from adjoining areas, being surrounded by road reserve on all sides and the allotments are of sufficient size to adequately contain a medium density development.	No change
121	n/a	This submission cross-references Douglas Shire Council's Climate Change submission to the Department of Environment and Heritage Protection.	Part 3	The content of the submission is consistent with the thrust of the planning scheme to the extent that the planning scheme is capable of being influential with respect to climate change policy.	No change is necessary.
129, 133, 137-195, 129, 220-222, 339-350, 352-370, 383-384, 392a, 399, 403, 405, 424	Lots fronting Murphy Street that back onto the commercial area in Macrossan Street, Port Douglas.	<p>The submitters request the land be included within the Low-medium density residential zone on the basis that:</p> <ul style="list-style-type: none"> The strip of land is the only strip north of the intersection of Port Douglas Road and Old Port Road included within the Low density residential zone; Land has been included elsewhere in Port Douglas to reflect the typical form of, and the amenity expectations, of low scale residential development; 	Schedule 2	The introduction of a Low-medium density residential zone to the proposed planning scheme allows the opportunity to consider multi-unit house development at a lower scale than that which is permitted in either the Medium density residential or Tourist accommodation zones. Accordingly there is no objection to amending the zoning along the southern side of Murphy Street to better reflect the form of development that exists along the southern side of the street.	Amend the zoning of land on the southern side of Murphy Street for inclusion in the Low-medium density residential zone.

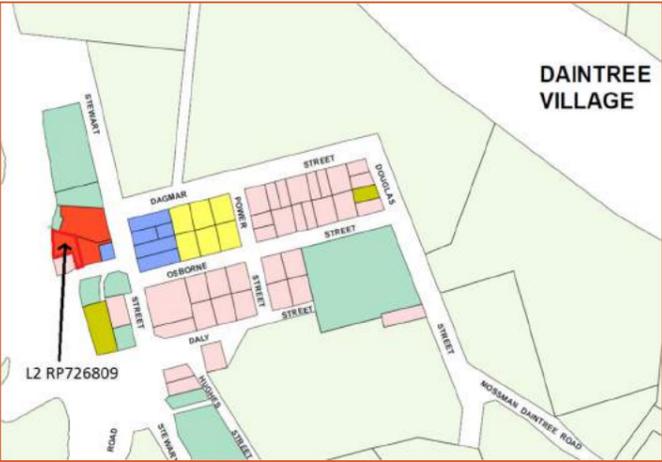
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<ul style="list-style-type: none"> ○ The land is not characterised by development consistent with the Low density residential zone: the majority being developed for tourist accommodation and multiple dwellings. ○ The Low-medium density residential zone provides a greater choice and mix of residential development forms that is a better fit for the location backing onto the commercial areas of Port Douglas. ○ Inclusion in the Low-medium density residential zone provides a good transition from the commercial areas in Macrossan Street across to the low density housing on Flagstaff Hill. ○ Land included on the southern side of Murphy Street is generally not subject to constraints that would preclude inclusion of land in the Low-medium density residential zone. <p>The scale of development, in terms of building bulk, is not likely to be substantially different as compared to that which may be achieved in the Low density residential zone. It is of particular note that the maximum building height in the Low-medium density residential Zone will remain at 8.5 metres and 2 storeys in height. Therefore, building bulk permitted in the Low-medium density residential zone is not expected to have any greater visual impacts that may arise from development in the Low density residential zone.</p>			

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
131	Daintree River – Bloomfield River generally	The submitter requests that properties north of the Daintree River which are provided with electricity supplies from stand-alone remote power systems (RAPS) should be subsidised by the relevant government bodies until such time as a grid is installed.	Part 3	Alternative means of power provision is advocated in the strategic framework. However, Council is not able to commit to energy provision as it is ultimately within the mandate of the State and Federal Government. The provision of rebates / subsidies is beyond the scope of the planning scheme to address.	No change.
134	n/a	The submitter requests that 3 storeys be an Acceptable Outcome in the Residential 1 and Residential 2 zones.	Part 6	The Low density residential zone and the Medium-low density residential zone are intended to have a low-rise character. The building height in these two zones, being kept at 2 storeys, as an acceptable outcome is therefore appropriate. Housing exceeding 2 storeys will need to address the performance outcomes in the code to demonstrate compliance, if it is considered to be an appropriate development proposition within these zones.	No change
135	L16 SP192603	<p>The submitter requests that for L16 SP192603:</p> <p>a. The cleared areas on the site be included within the Tourist Accommodation Zone.</p> <p>b. Provide flexibility in the Tables of Assessment applicable to the land for more Self-assessable and Code assessable development. Include inconsistent uses in the Tables of Assessment.</p> <p>c. Remove Tourist Park (Small Scale) from Rural Activities in the Rural Zone Table of Assessment given the proliferation of Rural zoned lots in the Shire and the impact of existing approved accommodation providers for camping and vans.</p> <p>d. Ensure relevant codes applicable to the site do not contain overly restrictive requirements:</p> <p>i. Amend AO2.1 and AO2.2 within the Relocatable home park and tourist park code to remove density specifications of 120m² for</p>	Part 5, Part 9, Schedule 2,	<p>a. The land is in the Regional Landscape and Rural Production Area in the State Government's Far North Queensland Regional Plan 2009-2031. It is not appropriate to include land in this designation with an urban zoning. This will make the land available for full urban development.</p>  <p>b. No examples are provided of the types of change required to the Table of Assessment to create more flexible land use options for the land (i.e. in the Rural Zone).</p> <p>c. It is not anticipated that there will be an unacceptable proliferation of rural based small scale Tourist Parks following introduction of the scheme (There has been little interest to date).</p> <p>d.</p> <p>i. The density provisions are Acceptable Outcomes that can be varied by Performance Outcomes. The Acceptable Outcomes are carried across from the current planning scheme. These standards may be appropriate for relocatable home parks. No change is recommended to the</p>	<p>a. No change.</p> <p>b. No change.</p> <p>c. No change</p> <p>d.i. No change to AO2.1 or AO2.2. However, amend PO2 within Table 9.3.15.3a of the Relocatable home park and short term accommodation code as follows:</p> <p>PO2 Individual sites provide a range of sizes to accommodate variations in relocatable homes, caravans, annexes and tents with a high level of convenience and privacy for occupants, <u>while also taking into account physical site constraints that may in certain circumstances warrant either more intense or less intense development standards.</u></p>

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		<p>van sites and 50m² for camping sites is a significant inhibitor to the efficient and effective use of available site area.</p> <p>ii. AO9.1, AO9.2 and AO9.5 provide confirmation of the number of amenities (toilets and showers). Requirements are excessive and are not dealt with when compared to other FNQ local government requirements (examples provided).</p>		<p>Acceptable Outcomes. However, the Performance Outcome should be amended to address the submitter's concern (i.e. physical site constraints).</p> <p>d. ii. As per d.i. above, these standards are Acceptable Outcomes that can be varied by Performance Outcomes. They have been carried across from the current planning scheme.</p>	<p>d.ii. No change.</p>
136	L2 RP724386 and L516 PTD2094, 69-71 Murphy Street, Port Douglas	The submitter supports the inclusion of the land within the Tourist accommodation zone as proposed in the planning scheme.	Schedule 2	Support for the proposed Tourist accommodation zone is noted.	Support noted. No change necessary.
196	Lot 51 SP155078, Snapper Island Drive / Vixies Road, Wonga Beach	<p>The submitter objects to the inclusion of the land in the Rural Zone in the proposed planning scheme given that the land has achieved development approvals for Rural Residential development consisting of 2,000m² – 4,000m² lot sizes. The submitter requests that the land be included within the appropriate designations on the Strategic Framework mapping, be included in the Coastal Communities Local Plan and be provided with a zoning that reflects the approval.</p>	Schedule 2	<p>The land has achieved development approvals for subdivision. Stage 1 has achieved operational works approval. It is not likely that the approval will be allowed to lapse and it makes sense to include the land in an appropriate zone now to reflect these approvals, rather than establish small lots with an inappropriate underlying Rural Zone that will facilitate potentially incompatible rural land uses.</p> <p>There is no need to adjust the strategic framework mapping as it does not reflect Rural Residential areas in any case.</p> 	<p>a. Include the land in a Rural Residential Zone.</p> 

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
					<p>b. Include the land in Precinct 4 in the Coastal Communities Local Plan.</p>  <p>c. There is no need to change Strategic Framework mapping.</p>
201	n/a	The submitter writes in support of provision PO7 in Table 6.2.10.3.a in the Rural Zone Code which provides for the reconfiguration of rural zoned land which has been divided by a gazetted road in existence prior to 9 May 2008.	Part 6	No comment is necessary. However, it is proposed to remove this provision (see submission 606 i. for planning commentary)	It is proposed to remove this provision from the code despite the submitter's support for it (see submission 606 i.)
223	n/a	The submitter is interested in acquiring the former basket ball courts at the Mossman Showgrounds for use as part of the local Gymnastic Club.	n/a	The request to acquire land in the Showgrounds is not a planning scheme consideration.	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
224	L89 BS7 111R Cape Kimberley Road, Kimberley	The submitter requests that land located at L89 BS7 be returned to the Rural Zone from the proposed Environmental Management Zone as the land has been actively farmed since the early 1900s and continues to be used for agricultural purposes.	Schedule 2	<p>A number of larger properties being used for Rural Production purposes were recommended to be converted to the Environmental Management Zone during the period of amalgamation with Cairns. Following de-amalgamation, most of these properties were reconsidered for conversion back to Rural Zone to reflect existing land use activities. However, a couple of areas were missed in this reconversion process (most notably in the Kimberly area and Degarra area, north of the Daintree River). No planning concerns are raised in retaining this land in the Rural Zone.</p> 	Change to the Rural Zone.
225	n/a	The submitter requests that mains power supply be kept out of areas north of the Daintree River.	Part 3	The submission is consistent with Council’s policy statement with respect to energy supply which is contained within Section 3.9.2.1(4) of the Strategic Framework. Alternative means of power provision is advocated in the strategic framework.	No change.
226, 447, 451	n/a	<p>The submitter raises the following concerns:</p> <p>a. The Inconsistent Use Table for the Conservation Zone needs to be amended to remove Health Care Facilities (and make Code Assessable in Precinct 4: Low Impact Community Purpose Precinct) and remove Renewable Energy Facility and Major Electricity Infrastructure (and make Impact Assessable) to be assessed on merits based on advances in technology. (submitters 226, 447 and 451)</p> <p>b. Dwelling house code (and planning scheme generally) should not place a ban on shipping containers because shipping container design is</p>	a. Part 6 b. Part 9	<p>a. It is considered reasonable to accept the requested changes on a ‘merits’ basis as suggested in the submission. It makes sense to make Health Care Facilities, a code assessable use in the Low Impact Community Purpose Precinct.</p> <p>b. It is agreed that shipping containers can be designed to have a high aesthetic standard and it is also accepted that shipping containers offer an alternative form of shelter in extreme cyclonic conditions. The out-right ban that is contained in the Dwelling house Code can be removed, along with associated adjustments elsewhere in the scheme.</p>	<p>a. Remove Health Care Facilities, Renewable Energy Facility and Major Electricity Infrastructure from the Inconsistent Use Table in the Conservation Zone and make Code assessable, Impact Assessable and Impact Assessable in Precinct 4 respectively.</p> <p>b. Remove the out-right ban on shipping containers to enable use as alternative dwelling design and cyclone shelter purposes.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>becoming an increasingly viable alternative form of living with an ability to be transformed into pleasing designs, and shipping containers are used as cyclone shelters particularly in more remote areas of the shire, including north of the Daintree River (submitter 226 only)</p>			
227	n/a	<p>The submitter requests a review of the minimum Acceptable Outcome for RV Camping in the Rural Zone being set at 10 hectares. The submission uses acres instead of hectares and suggests that a minimum of 2 acres of cleared land is suitable for per RV vehicle (i.e. 1 per 8093m²).</p>	Part 9	<p>The proposed measure of 10 hectares is an acceptable outcome for a self-assessable use. This does not preclude an ability to apply via Code Assessment for land that is less than 10 hectares. The planning scheme is not written to provide a sliding scale of land area per van.</p> <p>Douglas Shire has many Rural Zoned lots that are significantly less than 10 hectares in size. 10 hectares was chosen as it was considered that this would provide sufficient room to permit on-going rural land use activity in conjunction with RV accommodation, while permitting adequate setbacks to adjoining properties.</p>	No change.
228	<p>L2 RP726809 8 Stewart Creek Road, Daintree</p>	<p>The submitter request that the land be included in the Residential Zone as it has an approved private residence on the property since 1991. The submitter wants the Commercial planning area removed (Note: Proposed Planning Scheme indicated a Tourist Accommodation Zone).</p>	Schedule 2	<p>There is no particular planning reason why the submitter's request could not be agreed to. The change will effectively be a 'back-zoning'.</p>	<p>Change the zone from 'Tourist Accommodation' to 'Low Density Residential' Zone.</p>
					
229	<p>L7 RP738897 37R Nicole Drive, Cape Tribulation</p>	<p>The submitter is concerned that the increase in setbacks from 10 metres to 20 metres to waterway corridors will severely impact on plans to establish an eco-friendly house on the land due to a number of non-permanent watercourses that affect the property.</p>	Part 8	<p>Part 8.2.8 of the proposed planning scheme is the Natural areas overlay code. The setback to waterway corridors in non-urban areas is increased from 10 to 20 metres in the proposed planning scheme.</p> <p>The 10 metre standard has applied for over a decade in areas such as those north of the Daintree River for dwelling houses. This long standing provision can be adjusted for dwelling houses only, as suggested.</p>	<p>Amend Table 8.2.7.3.b in the Natural areas overlay code as follows:</p> <p>In Other areas,</p> <p><u>For a dwelling house, 10 metres measured perpendicular from the top of the high bank. For all other development, 20 metres measured perpendicular from the top of the high bank.</u></p>

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238	Various	<p>The submitter raises concerns with:</p> <ul style="list-style-type: none"> a. proposed Section 1.7.3 Declaration for Amenity and Aesthetics Referral Assessment as it captures all development in seven (7) out of the fourteen (14) proposed zones in the planning scheme raising referral of a large volume of self-assessable developments to Council for assessment. b. Overlay mapping provided for inclusion in the proposed planning scheme by the State is inaccurate and will capture relatively minor building work, thereby unnecessarily elevating levels of assessment. The Bushfire hazard overlay code mapping is cited as an example. c. The assessment tables should be amended so as not to increase the level of assessment of single residential buildings and outbuildings. d. The Overlay Codes are too onerous (requiring max 60m driveway, water tanks to be non-flammable or below ground, requiring hardstand for 15 tonne truck) in the Bushfire hazard overlay code. e. Mapping in the Natural Areas Overlay Code is inaccurate and will raise levels of assessment for simple applications. 	Part 1	<ul style="list-style-type: none"> a. It is agreed that Section 1.7.3 raises a significant volume of self-assessable development for assessment by Council adding unnecessarily to the development process without adding any particular value. Section 1.7.3 is to be removed and the Tables of Assessment will act as the determiner of assessment levels for each development type. b. The proposed Planning Act introduces the concept of an 'Exemption Certificate' (section 46). The purpose of an Exemption Certificate is to deal with the circumstances that the submitter describes (i.e. error in overlay mapping). The Exemption Certificate can be issued by local government where the matter is purely a local government matter, or where all referral agencies have agreed to issue an exemption certificate. There is therefore no need to amend the planning scheme or its mapping to cater for this circumstance as the proposed planning scheme will be introduced after the introduction of the new Planning Act. c. The circumstances applicable in response to b. herein apply to the submitter's concerns. d. The acceptable measure is quite modest. It is agreed that the 60 metres could be increased to 100 metres to avoid a significant volume of low-risk development applications being triggered. In addition, a hard stand should only be triggered by non-residential development to ensure unnecessary and very costly requirements are not imposed on home owners. e. The circumstances applicable in response to b. herein apply to the submitter's concerns. 	<ul style="list-style-type: none"> a. Section 1.7.3 is to be deleted. b. No change is necessary. c. No change is necessary. d. Increase the length of driveway, as an acceptable outcome in the Bushfire Hazard Code from 60m to 100m, and make the requirement for hard stand area for medium rigid vehicle (15 tonne fire appliance applicable to non-residential development only). e. No change is necessary.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>f. Coastal Environment Overlay is too broad across the Shire and will trigger too many unnecessary development applications.</p> <p>g. AO2 of the Low Density Residential Zone duplicates the requirements of the Queensland Development Code with respect to 50% site coverage and should be removed to avoid duplication.</p> <p>h. The Infrastructure Works Codes stipulated water tanks for properties not connected to the reticulated supply of 30,000 litre capacity. The Bushfire Hazard Code stipulates 10,000 litres which is still considered excessive. Either 5,000 or 7,000 litres is a more standard requirement and any excess capacity should be up to the individual home owner.</p> <p>i. Remove setback standards in the Dwelling House Code as they are an unnecessary duplication of the Queensland Development Code.</p>		<p>f. Agreed. The Coastal Zone in the Coastal Environment Overlay covers land well away from the Coast.</p> <p>g. Agreed. There is duplication and the provision in the Code should be removed.</p> <p>h. A review of the Tablelands Regional Council Bushfire Hazard Code reveals that 10,000 litre water storage capacity is required for fire fighting purposes and this can be split between tanks, accessible swimming pools, dams etc.</p> <p>i. Agreed. There is duplication and the provision in the Code should be removed.</p>	<p>f. The Coastal Zone in the Coastal Environment Overlay is to be removed from the Mapping in Schedule 2.</p> <p>g. Remove PO2 and AO2 from the Low Density Residential Zone Code.</p> <p>h. Amend both the Infrastructure Works Code and the Bushfire hazard Code to be consistent and adopt consistent provisions that replicate those used within the Tablelands Regional Council Planning Scheme.</p> <p>i. Remove AO3.2 from the Dwelling House Code.</p>
239	Various	<p>The submitter raises a variety of issues in relation to the scheme including:</p> <p>a. Council is requested to provide mapping for the Scheme in an online platform, enabling simple property reports to be generated for improved clarity and usability on finalisation of the Scheme.</p> <p>b. Council is requested to provide greater clarity with strategic framework designations affecting different sites either through online mapping or provision</p>	The Whole of the Scheme	<p>a. The final mapping will be available on-line in a format that meets the resources available to a small Council. At this point in time, an on-line platform is envisaged.</p> <p>b. The Strategic Framework maps overall general planning intent for the Shire. They are not intended to be interpreted on a lot by lot basis and to do so is an incorrect interpretation of how to read strategic framework mapping.</p>	<p>a. At this stage an on-line platform is envisaged upon commencement of the planning scheme.</p> <p>b. No change.</p>

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		<p>of property based number of PDF maps.</p> <p>c. The Mossman Industry Investigation Area as mapped is included within an Industry Zone on the relevant Zoning maps, where as the Residential Investigation Areas are not. Council is requested to include the Residential Investigation Areas in a Residential Zone or similar.</p> <p>d. An issue is raised with the development of a Planning Scheme Policy on Local Environmental offsets as a Land Use Strategy in the Strategic Framework. There is concern that this may be a duplication of National and State Offset Policies.</p> <p>e. Clarification on the strategic intent for erosion prone areas that are already developed as urban zoned land is sought.</p> <p>f. The Strategic Framework confirms an intent for “older off-premises advertising devices” that are dilapidated are removed rather than replaced. Council is requested to clarify this statement, particularly insofar as it may be taken to impact on existing lawful use rights permitting continued use and maintenance of such devices.</p> <p>g. Section 3.6.4.1(2) requires extractive industry to be undertaken in a manner that does not detrimentally impact on community well-being or the Shire’s ecological, landscape, scenic amenity and rural production values.</p>		<p>c. The Mossman Industry Investigation Area is already included within the Industry Zone under the current scheme. The purpose of using the Industrial Investigation Area is to ensure that comprehensive studies are undertaken to ensure appropriate outcomes for this area, rather than piecemeal ad-hoc subdivisions. There is no relationship with the other Residential Investigation Areas in this instance and it was never the intention to back-zone the Mossman Industrial Investigation Area as part of preparing the new scheme.</p> <p>d. Mapping of Matters of Local Environmental Significance is required prior to any policy being put in place by Council. Being a Local Policy, the offsets would need to apply to matters of Local Environmental Significance to avoid the duplication between the Commonwealth and the State. This is detail that can be managed through future work.</p> <p>e. Council is currently developing a Coastal Hazard Adaption Strategy. The findings of this Strategy will inform future planning scheme amendments with regard to strategies in various parts of the Shire.</p> <p>f. Nothing in the statement in the Strategic Framework suggests that signs cannot be maintained. However, off-premises signs that have not been maintained and are in a state of dilapidation are removed as a policy of Council, rather than being replaced.</p> <p>g. Section 3.6.4.1.(2) is a strategic statement of intent and it is considered appropriate for a shire like Douglas that seeks to preserve its highly valued amenity to ensure that extractive industries do not impact on community well-being or the Shire’s ecological, landscape, scenic amenity and rural production values.</p>	<p>c. No change.</p> <p>d. No change.</p> <p>e. No change.</p> <p>f. No change.</p> <p>g. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>Council is requested to delete this section or amend the section to reference more specifically shire-wide elements to be considered.</p> <p>h. Council is requested to provide for cropping as exempt development in the Rural Zone to reduce or remove potential regulatory burdens on agricultural producers in the Shire. Overlays may elevate levels of assessment to Code.</p> <p>i. Council is requested to include "Impact Inconsistent" development on the relevant Table of Assessment rather than including these in the relevant Zone Code.</p> <p>j. Council is requested to permit "Retirement Facility to occur as Code Assessment in the Community Facilities Zone.</p> <p>k. Alter Tables of Assessment for the Residential Zones, the Rural Zone to remove the requirement for Code Assessment for Dwelling Houses where a site is affected by Coastal Processes, Natural Areas or Flooding and Storm Tide Inundation Overlays. Self assessment with appropriate codes is considered more appropriate.</p> <p>l. Remove reference to all land use codes in the Tables of Assessment for improved useability (less complexity). Council is requested to instead reference "land use code" or similar, directing Scheme users to the land use code section in the scheme.</p>		<p>h. It is not appropriate to reduce the level of assessment for cropping to exempt in the Rural Zone. The use is self-assessable when in conformity with the self assessable provisions of the code. A blanket exemption could lead to widespread and inappropriate land clearing. There is no change of use within the Rural Activities category when grazing changes to cropping and vice versa.</p> <p>The proposed Planning Act introduces the concept of an 'Exemption Certificate' (section 46). The purpose of an Exemption Certificate is to deal with the circumstances that the submitter describes (i.e. error in overlay mapping). The Exemption Certificate can be issued by local government where the matter is purely a local government matter, or where all referral agencies have agreed to issue an exemption certificate.</p> <p>i. Impact Inconsistent Uses are included in the Table of Zones. The Tables of Zones are already sizeable and therefore greater clarity is provided by including in lists of Inconsistent uses in each Zone Code.</p> <p>j. There is no planning objection to including Retirement Facility as Code assessable development in the Community Facilities Zone.</p> <p>K. It is agreed that the inclusion of Code Assessment for all Dwelling Houses in all of these Zones would add an unnecessary regulatory requirement across a wide area of the Shire which would be unnecessary where dwelling houses are complaint with the Code.</p> <p>l. It is a requirement under QPP to identify all the applicable Codes in Part 5 of the Planning Scheme. Nonetheless only the codes that are applicable to each zone are identified in the Table which makes the Tables very easy to interpret.</p>	<p>h. No change.</p> <p>i. No change.</p> <p>j. Include Retirement facility as a Code Assessable development in the Table of Assessment for the Community Facilities Zone.</p> <p>k. Remove the mandatory requirement for Dwelling Houses to be Code Assessable where affected by the Coastal Processes, Natural Areas or Flooding and Storm Tide Inundation Overlays in the Residential and Rural Zones.</p> <p>l. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>m. Amend all Tables of Assessment to permit 'Building Work in residential/urban zones to occur as 'exempt' development where not associated with a material change of use. This will remove any unintended consequences or requirement for application for minor building work on appropriately zoned sites, already regulated by the Building Act or the Queensland Development Code.</p> <p>n. Council is requested to remove 'Winery' from the list of inconsistent uses in the Industry Zone.</p> <p>o. Council is requested to remove/amend the statement at AO3 in the Rural Zone Code and AO4 in the Rural Residential Zone Code which states 'White and shining metallic finishes are avoided on external surfaces of buildings to permit the use of roofing material (including corrugated iron and the like).</p> <p>p. Within the Rural Residential Zone Code, AO3.1 and AO3.2 provide limits for the maximum building footprint (including out buildings) on lots in that zone. Council is requested to reconsider these requirements, or rather, maintain a maximum site coverage as % limit, given the range of lot sizes in the zone.</p>		<p>m. Minor Building Work is defined in the Queensland Planning Provisions and is a mandatory definition in the planning scheme. Providing Building Work as Exempt Development is too extreme an approach.</p> <p>n. There is no planning objection to the idea of removing 'Winery' from the list of Inconsistent Uses in the Industry Zone.</p> <p>o. The provision is 'an avoidance': not a prohibition. Farm sheds can still be built in corrugated iron provided it is not white and capable of casting eye-catching specular rays. There is nothing unusual about this planning scheme provision either in Douglas Shire or other planning schemes elsewhere in the State.</p> <p>p. The limitation to a maximum footprint is a provision that exists in the current 2006 planning scheme. It has operated within the scheme for the past 10 years without presenting any undue difficulties. The use of a % limit according to lot size, is even more problematic, given that many small lots exist in the Rural Residential Zone.</p>	<p>m. No change.</p> <p>n. Remove Winery from the Table of Inconsistent Uses in the Industry Zone (Table 6.2.5.3.b).</p> <p>o. No change.</p> <p>p. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>q. Council is requested to consider more extensive use of Local Plans to lower levels of assessment and/or regulatory requirements for appropriate development within various Local Plan areas.</p> <p>r. Various amendments to Overlays have been requested including mapping and self-assessable provisions.</p> <p>s. Remove the Dwelling House Character Overlay and Associated Code from the scheme. It is not clear what the purpose of the Code is and other elements are covered elsewhere in the scheme (heights and setbacks etc...)</p> <p>t. The Flood and storm tide hazard overlay does not contain any self-assessable provisions. This will trigger unnecessary code assessable development applications for all land affected by the overlay.</p> <p>u. The Hillslopes Overlay Code AO2.7 and AO2.8 appear to contain two similar requirements. Deletion of AO2.8(a) may be appropriate.</p> <p>v. The Landscape values overlay code does not have any self assessable provisions and therefore should not apply to self-assessable development in the Tables of Assessment.</p>		<p>q. Any variation in the levels of assessment facilitated via a Local Plan has been selected at an appropriate level according to each local plan. The philosophy of lowering levels of assessment to the lowest they can be (Cairns Regional Council's approach) is not appropriate for a small Shire like Douglas Shire where it is very important to maintain those aspects that make the Shire a special place.</p> <p>r. Issues associated with the Overlays are discussed at 238b. and f. herein.</p> <p>s. The original intention of the Dwelling House Overlay Code was to ensure that provisions relating to heights and setbacks are recognised in the Residential Zones. Presently, Schedule 4 of the <i>Sustainable Planning Regulation 2009</i> identifies 'Development that can not be declared development of a particular type, Act section 232(2)' and there was concern that this provision would enable development for dwelling houses to avoid the self-assessable provisions of the planning scheme in the absence of an overlay within the scheme. Careful review of Schedule 4 reveals that original interpretation of this provision is incorrect. The provision is intended to prevent planning schemes from making houses in residential zones either code or impact assessable development when there was no reason to do so (i.e. because of an Overlay issue). The Dwelling House Overlay Code should be removed as it will trigger many unnecessary development applications to Council which are currently regulated via Council role as a Concurrence Agency, when necessary.</p> <p>t. It is agreed that the Flood and storm tide hazard overlay requires self-assessable provisions to ensure that necessary development applications are triggered.</p> <p>u. It is agreed that AO2.8(a) is a duplication (refers to use of colours).</p> <p>v. It is agreed that the Landscape values overlay code does not have any self assessable provisions and therefore should not apply to self-assessable development in the Tables of Assessment.</p>	<p>q. No change.</p> <p>r. The recommendations contained in the response at 238 herein, apply.</p> <p>s. Remove the Residential Character Overlay Mapping and its associated code from Part 5 Tables of Assessment, Part 8 Overlay Codes and Schedule 2 Mapping.</p> <p>t. Add self assessable code provisions to the Flood and storm tide hazard overlay code as follows:</p> <p>PO1 <u>Development is located and designed to:</u> <u>(a) ensure the safety of all persons;</u> <u>(b) minimise damage to the development and contents of buildings;</u> <u>(c) provide suitable amenity;</u> <u>(d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</u></p> <p>AO1.1 <u>Development is sited on parts of the land that is not within the Defined inundation event area as shown on the Flood and Storm tide hazards overlay maps contained in Schedule 2;</u></p> <p><u>or</u></p> <p>AO1.2 <u>Development is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</u></p> <p>u. Delete the following from AO2.8 in the Hillslopes Overlay Code: <u>(a) do not result in the use of a single colour on large surface areas or broad expanses;</u></p> <p>v. Amend the Tables of Assessment to ensure that the Landscape values overlay code does not apply to self-assessable development.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>w. The Natural areas overlay code does not have any self assessable provisions and therefore should not apply to self-assessable development in the Tables of Assessment.</p> <p>x. Amend the Natural Areas Overlay Code to provide a simple process for ground-truthing mapping accuracy as a consultative process between Council and landowners.</p> <p>y. Amend the buffer distances in the Natural Areas Overlay Code (AO3.1) as in certain instances application of these buffer distances would render existing or alternative reuse of sites (including rural sites) impossible.</p> <p>z. Caretaker's Accommodation Code:</p> <p>i. Increase AO1 GFA limit to 180m² or 200m²;</p> <p>ii. In AO4 remove the requirement that the Caretaker's Accommodation and the primary dwelling are within 100m of each other.</p> <p>aa. The Child Care Centre Code refers to 'no access to a local road'. There are no 'local roads' on the Transport Network Overlay Maps.</p>		<p>w. It is agreed that the Natural areas overlay code does not have any self assessable provisions and therefore should not apply to self-assessable development in the Tables of Assessment.</p> <p>x. The proposed Planning Act introduces the concept of an 'Exemption Certificate' (section 46). The purpose of an Exemption Certificate is to deal with the circumstances that the submitter describes (i.e. error in overlay mapping). The Exemption Certificate can be issued by local government where the matter is purely a local government matter, or where all referral agencies have agreed to issue an exemption certificate. There is therefore no need to amend the planning scheme or its mapping to cater for this circumstance as the proposed planning scheme will be introduced after the introduction of the new Planning Act.</p> <p>y. The buffer distance at AO3.1 for wetlands is 200m. It is agreed that this distance is potentially a significant impediment. Review of other Far North Queensland Planning Schemes reveals that 100m is a common standard.</p> <p>z. i. The provision (GFA 120m²) is only an Acceptable Outcome for self-assessable development. If larger caretaker's accommodation is proposed a Code Assessable application will be triggered and assessed on its merits. It is not intended that Caretaker's Accommodation take on the characteristics of a dwelling house. This has caused planning problems in the past.</p> <p>z. ii. It is agreed that 100m limitation on the distance between the Caretaker's accommodation and the primary dwelling is arbitrary and may not result in appropriate site outcomes, and/or capacity to improve security on larger sites by placement of the main dwelling and Caretaker's accommodation in different locations. However, there have been circumstances where Caretaker's accommodation has been placed so far away from the primary dwelling that it no longer serves the purpose of a caretaking function. An increase from 100m to 500m is therefore recommended.</p> <p>aa. It is agreed that 'Local Road' should be 'Access Road' in AO2 of the Child Care Centre Code.</p>	<p>w. Amend the Tables of Assessment to ensure that the Natural areas overlay code does not apply to self-assessable development.</p> <p>x. No change.</p> <p>y. Amend AO3.1 buffers distances to wetlands located outside Urban Areas in the Natural Areas Overlay Code from 200m to 100m.</p> <p>z. i. No change.</p> <p>ii. Amend the distance in the Acceptable Outcome (AO4) in the Caretaker's Accommodation Code from 100m to 500m.</p> <p>aa. Amend AO2 in the Child Care Centre Code to refer to 'Access Road' rather than 'Local Road'.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>bb. AO1 of the Dual Occupancy Code requires sites to be a minimum of 1000m². Council is requested to remove this requirement and instead provide for Dual Occupancy on sites of appropriate size and / or design to ensure that residents are provided with high levels of amenity and functionality.</p> <p>cc. AO12.1 in the Dual Occupancy Code incorporates a note requiring work on dilapidated houses if a dual occupancy is proposed. Council is requested to reconsider or clarify this requirement which may result in subjective analysis and inconsistent outcomes.</p> <p>dd. AO1 in the Dwelling House Code limits a secondary dwelling to 80m² in size. While this requirement may be appropriate in urban areas, in the Rural Zone larger secondary dwellings are reasonable, and could assist in providing broader family or generational use of larger Rural lots. Council is requested to permit 200m² for secondary dwelling in the Rural Zone and to remove the requirement that both the primary and the secondary dwelling conform to the definition of household.</p>		<p>bb. The 1000m² Acceptable Outcome is a Douglas Shire standard that relates to providing adequate landscaping space for dual occupancy developments and to ensure that dual occupancy development fits into the streetscape character, rather than an amenity / functionality standard for future dual occupancy residents.</p> <p>cc. The note in the Dual Occupancy Code is very clear. Where an additional dwelling is proposed on a site that already contains an older dwelling, then the development must have regard to the exiting dwelling, its appearance and functionality. The intention here is to prevent new dwellings being squeezed into sites inappropriately and to upgrade the existing dwelling where the existing dwelling is not in a fit condition to take on the role as a new dual occupancy dwelling unit.</p> <p>dd. The purpose of the secondary dwelling code is to facilitate relative's accommodation. It is not intended to facilitate general densification everywhere (including the Rural Zone). As Acceptable Outcomes, the provisions are considered reasonable.</p>	<p>bb. No change.</p> <p>cc. No change.</p> <p>dd. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>ee. The Relocatable Home Park and Tourist Park Code contains a number of requirements related to sizes of sites, setbacks, and facilities for patrons and the like. Council is requested to consider removal of these requirements, permitting site based assessment to be undertaken.</p> <p>ff. The Rural Activities Code provides at AO3 for maximum roofed areas for all rural related buildings and structures to not exceed 2000m². Council is requested to remove this requirement, which may be perceived as discouraging or limiting opportunities for appropriate rural land uses involving greenhouses or shade structures, including intensive horticulture.</p> <p>gg. AO10.4 of the Rural Activities Code applicable to Roadside Stalls requires car parking and access to be sealed. Council is requested to reconsider or remove this requirement or alternatively permit management of potential nuisances by installation of a more efficient gravel finish.</p> <p>hh. The Environmental Performance Code is nominated as applicable to a range of self assessable development, but does not have any self-assessable provisions. Council is requested to remove the Code from its application to self assessable development.</p>		<p>ee. There is nothing wrong with setting out some basic minimum standards for the development of caravan parks, rather than leaving everything to site based assessments. Not all caravan parks are operated with the best of intentions in terms of accommodation. The basic standards are Acceptable Outcomes. Site based alternative solutions are Performance Outcomes.</p> <p>ff. The 2000m² limit is an acceptable solution and is intended to provide some control over the scale of buildings and structures in the Rural Zone in terms of scenic amenity. Larger structures are possible via Code Assessable development applications, which will then be assessed on their merits.</p> <p>gg. The request to remove the requirement to seal car parking and access to roadside stalls is reasonable in a Rural context. AO10.4 of the Rural Activities Code can be amended as suggested.</p> <p>hh. The Environmental Performance Code contains self-assessable provisions for every single requirement in the Acceptable Outcomes column. It is agreed that the Acceptable Outcomes within this Code are more than 'tick and flick' provisions. However it is important that they apply as they manage the source of many environmental nuisances.</p>	<p>ee. No change.</p> <p>ff. No change.</p> <p>gg. Amend A10.4 of the Rural activities code as follows: "Car parking, access and manoeuvring areas are sealed <u>and/or otherwise surfaced with suitably draining gravel</u>, to minimise nuisances associated with dust or mud."</p> <p>hh. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>ii. Self assessable limits in the Filling and Excavation Code may be considered to affect the undertaking of appropriate Rural activities within the Rural zone. Council is request to remove the application of the code from Rural Activities (given earthworks undertaken in association with seasonal activities and potential crop rotation or similar activities on larger parcels).</p> <p>jj. The Infrastructure Works Code applies to self assessable development. A number of these requirements, including footpaths (AO1.1), separation between residential crossovers and street trees (AO2.3) and connection to urban stormwater system may result in appropriate development being lifted to "code assessment" on sites outside the urban footprint, or within older areas of Mosman and Port Douglas. Council is request to remove such requirements from application to self assessable development and/or revise the requirements to provide for alternative arrangements in older or rural areas.</p>		<p>ii. Bona-fide rural activities accommodate usual, seasonal activities such as soil conditioning, tilling, topsoiling etc. as a self assessable use. However, removing applicability in the Rural Zone would permit broad-scale filling of Rural land which may consist of inappropriate materials. Council has recently received enquiries for the filling of rural zoned sites of this nature which are beyond usual and customary rural activities.</p> <p>jj. It is agreed that the Infrastructure Works Code requirements should not apply to all self assessable development. The Tables of Assessment will be reviewed to remove this requirement. In addition AO2.3 relating to Residential Crossover requirements and distances to street trees is impractical (3 metres) and will trigger Code Assessable applications.</p>	<p>ii. No change.</p> <p>jj. The Tables of Assessment are to be reviewed to remove appropriate self assessable development from assessment against the Infrastructure Works Code. Residential Cross-Over provisions (PO2 and associated AOs are to be deleted).</p>

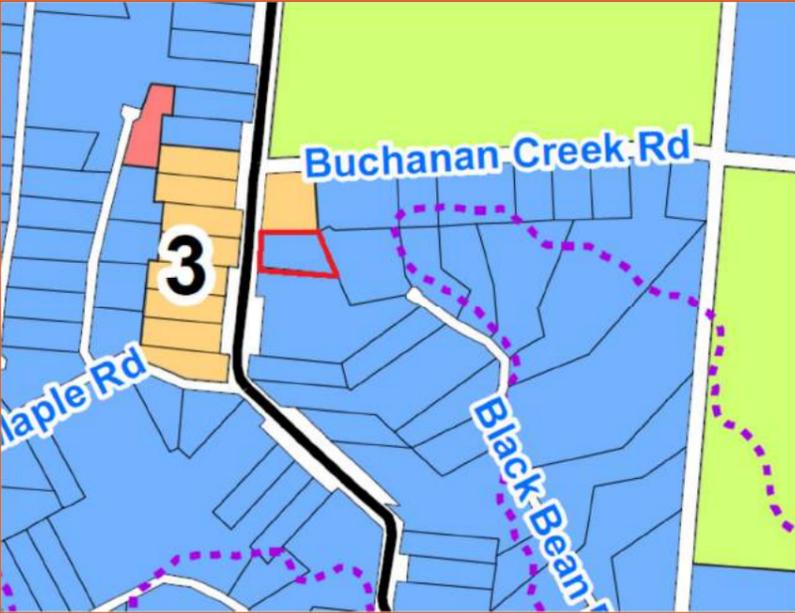
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>kk. The Reconfiguration of a Lot Code (PO8) requires preparation of a Structure Plan including development in an Urban zoned area. Council is requested to reconsider these requirements, noting that 'structure planning' is generally undertaken in association with preparation of proposal plans, rather than a separate step in the development process.</p> <p>ll. Within the Vegetation Management Code AO1.6 references 'permit for removal of vegetation granted under a local law'. It is understood that damage to vegetation is unable to be regulated by a local law.</p> <p>mm. The Vegetation management Code seems to remove a number of clearing options not requiring approval pursuant to that Code. Council is requested to reconsider and ensure that appropriate management and maintenance activities involving vegetation, even in urban zones, are not unintentionally captured for assessment.</p>		<p>kk. There is a need to provide integration between adjoining developments in preparing subdivision proposals. The purpose of a structure plan is to ensure that neighbourhood design, block and lot layout, street network and location and provision of open space recognises previous planning for the area and its surroundings and integrates appropriately.</p> <p>ll. It is agreed that the reference to permits obtained under local law should not be included within a planning scheme code, as it establishes an alternative approval process to the <i>Sustainable Planning Act 2009</i>, which is not lawful.</p> <p>mm. It is agreed that the Vegetation Management Code removes a number of clearing options not requiring approval pursuant to that Code. The current code as drafted is far too liberal in its approach to self-assessable vegetation 'management' and has resulted in unintended outcomes in practice.</p>	<p>kk. No change.</p> <p>ll. Remove reference to the Local Law from AO1.5 of the Vegetation Management Code.</p> <p>mm.No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
240	L194 RP747071	<p>The submitter requests that the land be included in the Tourism Zone, instead of the Recreation and Open Space Zone to better reflect the Wildlife Habitat tourism activities on the land. The land is recognised in the Strategic Framework mapping as a Tourism node and the development on the land better fits the Tourism Zone. Consequentially, it has been suggested that a minor amendment to the Tourism Zone Code to protect nearby residential amenity would be appropriate [Overall Outcome 6.2.13(3) (g)] and the 'Animal Keeping' be removed from the Inconsistent Use Table in the Tourism Zone Code to permit the keeping of animals (i.e. a zoo).</p>	Schedule 2, Part 6	<p>It is agreed that the current Wildlife Habitat operates as a Tourism attraction and that the land is not characterised by open space or recreational land. The change to the zone to Tourism Zone is supported, along with the consequential changes to protect nearby residential amenity and to recognise animal keeping as part of a tourism land use activity.</p> 	<p>Change the Recreation and Open Space Zone to the Tourism Zone</p>  <p>Amend Overall Outcome 6.2.13.2 (3) (g) as follows:</p> <p>(g) Development minimises impacts such as traffic, noise, dust, odour and lighting particularly on residential areas.</p> <p>Delete 'Animal Keeping' from the Table 6.2.13.3.b Inconsistent uses within the Tourism zone.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
373	L4 & L5 RP738897	<p>The submitter requests that land at L5 RP738897 be included with Precinct 5 – Low Impact Rural Production and Tourism Enterprise Precinct within the Settlement Areas North of the Daintree River Local Plan to better align with the current land use of rural production and nature based tourism activities collectively conducted on Lot 5 (and adjoining Lot 4).</p> <p>A consequential amendment is requested to make Nature based tourism a Code assessable land use activity in within Precinct 5, where on land greater than 8 hectares. However, no particular reason is provided in support of this particular change.</p>	Schedule 2, Part 5	<p>The proposed amendment is supported to recognise the existing operations conducted on the land and to permit the on-going operation of these uses.</p> <p>Nature based tourism is already a Code Assessable use in Precinct 5 of the Local Plan. It is not clear why an additional restriction is suggested to be applied (i.e. the 8 hectare minimum lot size). No change is recommended with respect to this suggestion.</p>	Change Precinct 2 – Low Impact Residential Precinct to Precinct 5 – Low Impact Rural Production and Tourism Enterprise Precinct.
					
				No change to the Table of Assessment.	
375	Various	<p>The submitter has a series of issues relating to Industry land use activity promoted within the proposed scheme, including the following concerns:</p> <ol style="list-style-type: none"> Review the planning scheme to ensure it appropriately reflects State Planning Policy: Development and Construction and Emissions and Hazardous Activities. Adopt a High Impact Industry Zone. Maintain code assessable provisions for High Impact Industry in an Industry zone. Introduce an Industrial Amenity Overlay to protect key industrial land. 		<ol style="list-style-type: none"> The planning scheme has undergone State Review, including examination of the SPP. A High Impact Industry Zone cannot be adopted without introducing a Medium Impact Industry Zone and a Low Impact Industry Zone. Douglas Shire does not have the complexity within its Industry areas to warrant three separate zones. In line with Douglas Shire’s character, Douglas is not seen as a High Impact Industry area. Part of the problem in the older parts of the Shire (i.e. Mossman) is that housing exists close to Industry areas. The establishment of High Industry land use activity should be subject to careful consideration in Douglas Shire due to proximity of residential development to many industry areas in the Shire. Little utility is seen in introducing an additional reverse amenity overlay to the Douglas Shire Planning Scheme given the smaller scale nature of the Shire’s Industrial areas. 	<ol style="list-style-type: none"> No change. No change. No change. No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>e. Apply impact assessment provisions to sensitive and incompatible land use activities within buffer or separation distances.</p> <p>f. Amend the Level of Assessment Table for the Industry Zone to include High Impact Industry (where a temporary use) as exempt development. The example provided is 'Mobile and Temporary crushing, screening, concrete batching and asphalt manufacturing'.</p> <p>g. Building height / structure heights should permit greater than 8.5 metres in height in the Mossman Local Plan Code.</p> <p>h. The draft planning scheme has inappropriately located the Boral site within the Mossman South Industry Precinct under the Mossman Local Plan which is intended to support service and low impact industry uses only.</p>		<p>e. See d. above.</p> <p>f. It is not good planning practice to allow High Impact Industry as exempt development, even if it is only temporary. Temporary is too difficult to clearly define in an industrial context.</p> <p>g. It is agreed that the Mossman Local Plan Code produces an anomaly between the heights of buildings permitted in the industry zone and the heights of buildings stipulated in the code (10m and 8.5m respectively). Heights are better prescribed in each zone rather than in the Local Plan code. Ten metres is an acceptable outcome in the code. It does not preclude higher buildings on structures on a merits consideration basis.</p> <p>h. Due to the Mossman Industry South Precinct proximity to sensitive land uses, it is appropriate that, in the exact words from the scheme that "low impact industry uses are the predominant form of industry within the Mossman South industry precinct". It does not say 'only'. These provisions exist in the current planning scheme and the Boral site, within this particular estate, is an existing use.</p>	<p>e. No change.</p> <p>f. No change.</p> <p>g. The height anomaly in the Mossman Local Plan Code should be removed by amending AO1 in the Table 7.2.3.4.a of the Mossman Local Plan Code as follows: 'Buildings and structures are not more than 8.5 metres in height, <u>except where included in the Industry zone where buildings and structures are not more than 10 metres in height.</u>'</p> <p>h. No change.</p>
377	L9 SR693	<p>The submitters request that the land at the end of Camelot Drive occupied by Jungle Surfing Canopy Tours be included within either Precinct 5 or 6 under the Daintree Coast – Cape Tribulation Local Plan to recognise the tourism venture on the land.</p> <p>The submitters also advocate for Council to 'actively support and pursue' further investigation into remote area power supply for properties north of the Daintree River.</p>	Schedule 2, Strategic Framework	<p>The presence of Jungle Surfing Canopy Tours is acknowledged. It continues to operate with a valid development permit. However, the submission is a third party request to change planning provisions on someone else's land. In these circumstances, a change to the precinct is not supported.</p> <p>Council's position on the provision of power to areas north of the Daintree River is stated in the Strategic Framework. Some additional wording has been suggested to acknowledge the anomaly of environmental protection in the Daintree and the generators that create pollution (see 12 herein).</p> <p>The planning scheme in-itself will not make remote area electricity generation happen and it would be unwise to write this into a planning scheme (say, as a Land Use Strategy) as it will commit this Council and future Councils to pursuing the matter for which it has little influence, other than an advocacy role. Nonetheless, investigation into remote area electricity generation is a sensible concept, particularly in areas such as Cape Tribulation, where there is a hub of tourist activity.</p>	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
379	Various – North of the Daintree River Issues	<p>The submitter raises various matters associated with living north of the Daintree River including:</p> <ul style="list-style-type: none"> a. a clean power, being underground grid, is provided; b. Council should work at providing improved ferry crossing during peak traffic / holiday times – 2 ferries; c. Council should concentrate on eliminating wild pigs that are so destructive to the environment, with pig hunting using dogs not being the right method. 	Strategic Framework	<ul style="list-style-type: none"> a. Council’s position on the provision of power north of the Daintree River is stated in the Strategic Framework. The provision of underground power is beyond the capacity of Council to achieve and has no ability to deliver. b. The number of ferries and ferry operations are not a matter that can be addressed in a planning scheme; c. The issue of feral pigs and wild dogs is acknowledged and suggested amendments to the scheme have been made in association with submission 11c herein. 	<ul style="list-style-type: none"> a. No change. b. No change. c. The changes at submission 11c are recommended.
382	Lot 10 CP851634 Captain Cook Highway, Wangetti	<p>The submitter supports the inclusion of the Hartley’s Crocodile Adventures land at Wangetti in the proposed Tourism Zone as it will support their ventures which include both the crocodile farming and tourist activities on the land.</p>	Schedule 2	<p>Support for the Tourism Zone at this location is noted.</p> 	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
385	L458 RP738178	<p>The submitter requests that land at L458 RP738178 be included within Precinct 3 – Low Impact Commercial Precinct within the Settlement Areas North of the Daintree River Local Plan to better align with the current land use of the Cow Bay Hotel.</p> <p>The submitter consequently also requests that High Landscape Values classification on the Scenic Amenity Overlay be removed given that the site is developed as a hotel.</p>	Schedule 2	<p>The change from the current Rainforest Commercial Precinct to General Conservation is recognised as being a mapping mistake. The land is developed as the Cow Bay Hotel and the General Conservation Precinct designation would not reflect current land use activity on the land.</p>  <p>No change is recommended to the Scenic Amenity Overlay. A sensible interpretation of the Scenic Amenity Overlay would clearly need to take into account current land use activity on the land and this would be weighted accordingly in any future development proposals on the land.</p>	<p>Change Precinct 1 – General Conservation Precinct to Precinct 3 – Low Impact Commercial Precinct</p>  <p>No change to the Scenic Amenity Overlay is proposed.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
391, 451	Various properties south of the Alexandra Range/north of the Daintree River	Zone Map ZM 008 proposes to change several larger lots to the Environmental Management Zone. This is inappropriate because many of these larger properties have been used for active rural pursuits for many years. The economic sustainability north of the river is critical for the survival of the community and tourism experience, and all opportunities to preserve or encourage employment activity north of the river should be maintained. The submitter requests that all lots 10 hectares and greater between the Alexandra Range and the Daintree River be returned to the Rural Zone.	Schedule 2	<p>A number of larger properties being used for Rural Production purposes were recommended to be converted to the Environmental Management Zone during the period of amalgamation with Cairns. Following de-amalgamation, most of these properties were reconsidered for conversion back to Rural Zone to reflect existing land use activities. However a couple of areas were missed in this reconversion process (most notably in the Kimberly area and Degarra area, north of the Daintree River). No planning concerns are raised in returning this land in the Rural Zone – provided that it is 10 hectares or greater in area.</p> 	<p>Return lots 10 hectares or greater to the Rural Zone, where they were originally within a Rural Zone under the current planning scheme in the area as shown below.</p> <p>Note: Other submitters in this area have requested a similar change.</p> 
393	Blue Hole, Diwan	The submitter questions the wisdom of listing Blue Hole within SC6.11 Planning Scheme Policy Places of Significance as the Traditional Owners prefer not to draw attention to the location and there are many other places of significance to our indigenous community and having just one listed in the planning scheme appears to be odd.	Schedule 2	<p>Blue Hole is one of the better known Places of Significance to Traditional Owners north of the Daintree River. It is included in the 2006 Planning Scheme and it may appear to be an odd action to remove it in the proposed scheme (i.e. may give the impression that places are no longer of significance if they are removed).</p>	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
394	L5 NR76 Francis Road, Cassowary	<p>The submitter owns a block of land which has access to unconstructed section of Francis Road which has no practical means of road access. The submitter is of the view that Douglas Shire Council has severely constrained the land with a quasi-conservation category, The submitter wishes to subdivide the land into two in order to afford to build and enjoy their land. Part of the complaint involves the payment of rates for many years without any delivery of Council services.</p>	Schedule 2	<p>The land is not part of the Conservation Zone, it is part of the Rural Zone. The minimum performance outcome for subdivision in the Rural Zone is 40 hectares. L5 is 27 hectares and therefore substantially smaller than the minimum performance outcome for the Zone.</p> <p>Creating additional lots on land that currently has no practical means of road access is counter intuitive. The proposed planning scheme does not create the problem as the land is included within the Rural planning area under the current planning scheme.</p> <p>Payment of rates does not justify a right to subdivide land under a planning scheme and should be dealt with as a separate issue.</p> 	No change.

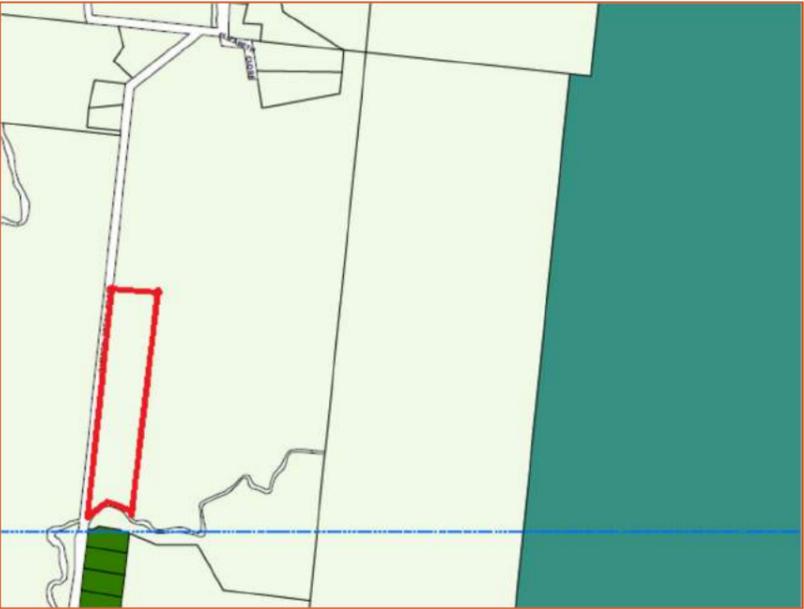
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
395	L82 RP905261	The submitter requests that land located at L82 RP905261 be returned to the Rural Zone from the proposed Environmental Management Zone as the land has been actively farmed since the early 1900s and continues to be used for agricultural purposes.	Schedule 2	<p>A number of larger properties being used for Rural Production purposes were recommended to be converted to the Environmental Management Zone during the period of amalgamation with Cairns. Following de-amalgamation, most of these properties were reconsidered for conversion back to Rural Zone to reflect existing land use activities. However a couple of areas were missed in this reconversion process (most notably in the Kimberly area and Degarra area, north of the Daintree River). No planning concerns are raised in retaining this land in the Rural Zone.</p> 	Change to the Rural Zone.
398	North of the Daintree River	<p>No mains power north of the Daintree River is contrary to the intent of:</p> <ol style="list-style-type: none"> ensuring the region's atmosphere remains clean and green; supporting a diverse and thriving economy; providing opportunities that ensure that everyone is able to participate, live, work and benefit in the healthy cohesive environment that the Shire promotes. 	Part 3	<p>Alternative means of power provision is advocated in the strategic framework. However, Council is not able to commit to energy provision as it is ultimately within the mandate of the State and Federal Government. The provision of rebates / subsidies is beyond the scope of the planning scheme to address.</p>	No change.
404	L32 Ironbark Road, Diwan	The submitter supports the thrust of the proposed planning scheme provided that they are able to continue to periodically harvest selected rainforest timber from their property for cabinet making activity (approved in 1985). Any harvested vegetation is replaced with the same or similar seedlings	n/a	The proposed planning scheme does not remove existing land use rights.	No change necessary.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		on a rotational basis.			
408	Various	The submitter provides a comprehensive report into the Places of Significance Planning Scheme Policy including corrections and suggestions for inclusions.	Schedule 6	The suggested amendments strengthen the Places of Significance Planning Scheme Policy by removing incorrect place names and clarifying accurate locations. The body of work is comprehensive and there is no objection to making corrections. Additions are only recommended where they involve land under local government control. Other private land recommended for inclusion is a matter for future work and consultation.	Corrections to the mapping and place names contained within the Places of Significance Overlay and associated Planning Scheme Policy. Addition of the government controlled suggestions only.
415	North of the Daintree River	Remove references to on-site or individual property basis of power and power generation in areas north of the Daintree. Individual power generators are not good for the environment and another solution needs to be found.	Strategic Framework	There are no references in the planning scheme regarding individual power provision on a property basis. Alternative means of power provision is advocated in the strategic framework. However, Council is not able to commit to energy provision as it is ultimately within the mandate of the State and Federal Government. The provision of rebates / subsidies is beyond the scope of the planning scheme to address.	No change.
418	n/a	The submitter advocates for an integrated public transport system from Mossman to Cairns (via Port Douglas) as the private bus shuttle system is too orientated towards tourists, is too expensive, too slow and too irregular.	Part 3	The intention to create a public transport system for Douglas Shire as suggested has merit. However, the planning scheme is not the mechanism to fund and implement such a transport network.	No change.
420	n/a	The submitter advocates for a public swimming pool near the football oval in Port Douglas.	n/a	The intention to create a public swimming pool in Port Douglas may have merit. However, the planning scheme is not the mechanism to fund and implement such a community facility. Nonetheless the land at this location is appropriately zoned to accommodate the suggested land use activity should the need arise.	No change.
422	Daintree River – Bloomfield River generally	<p>a. The submitter points out that the following statement needs to be reinstated in the proposed planning scheme:</p> <p><i>“provide adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents.”</i></p> <p>b. The submitter is also critical of the planning scheme for being too orientated towards the Port Douglas community and provides little in the way of opportunity for the Daintree community.</p> <p>c. The submitter also advocates for the Daintree community to be connected to the electricity grid.</p>		<p>a. The addition of the extra words is supported.</p> <p>b. The addition of the words suggested in response to a. above will assist in addressing the submitter’s concerns about a lack of economic opportunity for the Daintree community.</p> <p>c. The statement at 3.9.2.1(4) in the Strategic Framework is Council’s stated policy position with respect to the power issue north of the Daintree River. However, ultimately power generation to areas north of the Daintree River is beyond the scope of the planning scheme to address.</p>	<p>a. Add to the following words to purpose statement for the Cape Tribulation and Daintree Coast Local Plan at 7.2.5.3(2) {now 7.2.1.3(2)}:</p> <p><u>‘e. adequate service and facilities for settlement areas and an appropriate level of economic opportunity for local residents are provided.’</u></p> <p>b. As per a. above.</p> <p>c. No change (However, the proposed change at submission 12a. should be noted as it is also relevant to this particular submission).</p>

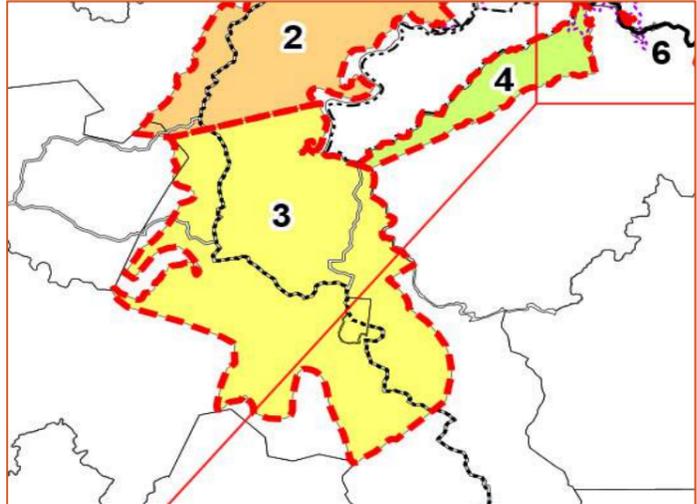
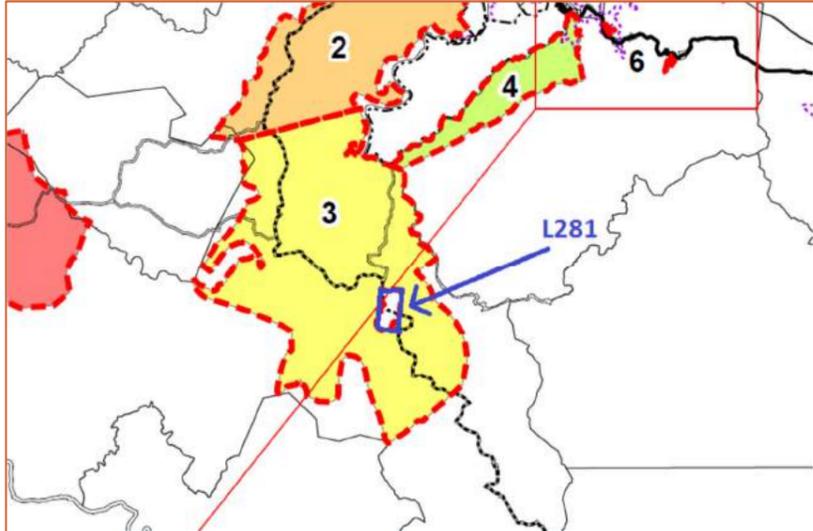
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
425	L31 SP121816	This submission relates to the proposed Botanic Garden Mossman. The submitter notes some inconsistencies with the proposed Botanic Garden Master Plan and the proposed planning scheme, but does not identify specifically what these inconsistencies are.	Part 7	<p>The Botanic Garden proposed for Mossman is recognised in the Mossman Local Plan – Precinct 2 Foxtan Road.</p> <p><i>(5)(a) development occurs that is compatible with the establishment of a botanical garden, including a range of ancillary tourist facilities (not tourist accommodation) educational facilities and research facilities.</i></p> <p>It is noted that the underlying zoning in the Low Density Residential Zone. Table 6.2.6.3.b – Inconsistent uses within the Low density residential zone nominates “Tourist Attraction” as an inconsistent use. To ensure an anomaly is not established between the Local Plan and the underlying zone, it is recommended that ‘Tourist Attraction’ be removed from the inconsistent use table for the Low density residential zone.</p>	Remove ‘Tourist attraction’ from the list of inconsistent uses in the Low density residential zone.
426	n/a	The submitter wants to leave the planning scheme unchanged as it this will stop developers from ‘doing as they please’.	n/a	It is a requirement to change the planning scheme in accordance with the State planning legislation. Careful consideration has been given to changes to be implemented to ensure that developers don’t do ‘just as they please’.	No change.
427	Lot 112 N157666 and Lot 51 SR72 Syndicate Road, Miallo (and various other matters)	<p>a. The submitter wants to establish health, luxury, retirement village, luxury hotels in an upmarket atmosphere.</p> <p>b. Provide more walking tracks.</p> <p>c. Introduce light-weight architecture.</p> <p>d. Restrict building heights around waterfronts.</p> <p>e. Strictly no highway development.</p> <p>f. Sugar mill needs to control its unacceptable pollution.</p>	Various	<p>a. The land is included in the Rural Zone which is consistent with the State Government’s Far North Queensland Regional Plan 2009-2031 which includes this land as part of the Regional Landscape and Rural Production Area. The Rural Zone is not intended for retirement village living. However opportunities for small scale economic opportunities are facilitated through the Rural Activities code within the scheme.</p> <p>b.– e. The general comments are noted and the planning scheme addresses these matters in a variety of ways.</p> <p>f. The planning scheme does not regulate stack emissions from the Mossman sugar mill.</p>	a - f. No change
428	L115 SR632, L96 SP134234, L123 SP134234 & L2 SP262338 Wharf Street and Spinnaker Close, Port Douglas	<p>The submitter raises a number of issues relating to the land, more generally described as being part of Sub-precinct 1c – Waterfront South in the Port Douglas / Craiglie Local Plan, aimed at recognising existing uses and facilitating future use by:</p> <p>a. Proposing an alternative zoning to the Industry Zone (i.e. Waterfront and Marine Industry) for the lots off</p>	Schedule 2, Part 5, Part 6	a. The proposed planning scheme does not propose the Level 2 suite of zones for the Industry Zones. One level of Industry Zoning is more than adequate for a Douglas Shire’s needs. Other suggestions regarding levels of assessment and inconsistent use tables statements will address the concern raised by the submitter.	a. No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>Spinnaker Close;</p> <p>b. Proposing an alternative zoning to Recreation and Open Space for the area of cleared land in Lot 2 occupied by the Outrigger Canoe Club (i.e. an Industry Zone akin to the other lots off Spinnaker Close);</p> <p>c. Proposing an alternative zoning to Recreation and Open Space in Lot 2 between Spinnaker Close and the lots off Port Street (i.e. an Industry Investigation Zone);</p> <p>d. Proposing an amendment to the Tables of Assessment for the Industry Zone to include marine orientated uses as code assessable in Sub-precinct 1c – Waterfront South, rather than Impact assessable. Specific uses mentioned are Port Services, Landing, Marine Industry, Parking Station and Shop (<250m² GFA).</p> <p>e. As a consequence of d. above, remove ‘Landing’ from the Table of Inconsistent Uses within the Industry Zone and remove ‘Parking Station’ and ‘Shop’ from the Inconsistent Uses for Sub-precinct 1c – Waterfront South.</p> <p>f. Amend the Overall Outcomes for the Industry Zone Code to include the following:</p> <p>“f. Landing, Parking Station, Port Services and Shop (<250m² GFA) uses are facilitated in Sub-precinct 1c – Waterfront South sub-precinct of Precinct 1 – Port Douglas Precinct in the Port</p>		<p>b. It is agreed that the land occupied by the Outrigger Canoe Club would be better placed within the Industry Zone to be akin with the zoning of the other lots off Spinnaker Close.</p>  <p>c. As per the comments in a. herein, the proposed planning scheme does not propose the Level 2 suite of zones for the Industry Zones. It is not proposed to include the land in an Industry Zone as the land is heavily constrained in terms of environmental constraints. The Local Plan does, however, acknowledge that there may be the possibility of some of this land being utilised for marine orientated uses in the future should the need arise through the inclusion of the land within Sub-precinct 1c – Waterfront South.</p> <p>d. It is agreed that the nominated uses should be Code Assessable with the exception of Shop (<250m² GFA). It is presumed that the Shop relates to the potential for a small scale ‘direct to the market’ sale of fish on L96. However, an unintended effect of this provision is to facilitate 250m² GFA of a Shop use on each lot within the Sub-precinct.</p> <p>e. It is agreed that the Inconsistent Use Tables should be amended to reflect the anomalies identified with the exception of ‘Shop’ for the reasons identified in d. above.</p> <p>f. The addition of extra words to the Industry Zone specific to Sub-precinct 1c – Waterfront South is probably an unnecessary and perhaps unnecessary detail that does not add anything more to the understanding of the purpose of the Industry Zone that cannot otherwise be gleaned from the purpose statements in Sub-precinct 1c – Waterfront South. The Local Plan Code over-rides the provisions in the Zone Code in any case.</p>	<p>b. Amend part of the zoning in L2 SP262338 for inclusion in the Industry Zone.</p>  <p>c. No change.</p> <p>d. Amended the Table of Assessment for the Industry Zone to permit Port Services, Landing, Marine Industry and Parking Station as Code Assessable uses in Sub-precinct 1c – Waterfront South of the Port Douglas / Craiglie Local Plan only.</p> <p>e. Remove ‘Landing’ from Table 6.2.5.3.b Inconsistent Uses in the Industry Zone and remove ‘Parking Station’ from Table 7.2.4.4.c Inconsistent Uses in Sub-precinct 1c – Waterfront South (Port Douglas / Craiglie Local Plan).</p> <p>f. No change.</p> <p>g. No change.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>Douglas / Craiglie Local Plan.”</p> <p>g. Amend the Overall Outcomes for Sub-precinct 1c – Waterfront South to include the following:</p> <p>“d. Landing, Parking Station, Port Services and Shop uses are restricted to the northern portion of the sub-precinct (i.e. Spinnaker Close) and are to only be established when operated in conjunction with marine-based use or are to provide a benefit to the public.”</p>		<p>g. It is not clear why the restriction is proposed to confine these particular uses to the lots off Spinnaker Close. Landing, Parking Station and Port Services are similarly appropriate uses off Port Street.</p>	
429	n/a	<p>The submitter objects to the RV provisions in the Rural Activities Code because:</p> <ul style="list-style-type: none"> ○ support for this policy will come at the expense of businesses already engaged in providing camping facilities. ○ vans are rarely self-contained and usually rely on some infrastructure services that will need to be monitored by Council officers. ○ the term ‘a few vans’ is too vague; ○ existing businesses have capacity to accommodate additional campers and the policy will not alleviate free-campers from illegally camping at the beach; ○ the policy to permit RV camping on Rural properties has not been well-thought through and has been without consultation with legitimate/regulated/ approved camping services. 	Part 9	<p>The submission appears to be a criticism of a media release rather than an appraisal of the Rural Activities Code, which contains the code and the more specific code details that outline the self-assessable provisions in the Rural Zone (i.e. does not use the words ‘a few vans’). It is agreed that the proposal will not remove the problem of illegal camping. However, it will provide an alternative.</p> <p>Concerns are expressed here (and other submissions) that the proposal has the potential to hurt legitimate businesses that operate camping facilities. It is possible to impose a further limitation providing for separation between existing lawfully establish caravan parks (i.e. 3 kilometres by road, for example). However, it believed that the restrictions already applied within the Code will prevent a proliferation of small scale tourist parks throughout the Shire.</p>	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
431	L3 RP720296 Junction Road, Mossman	<p>The submitter observes that the level of assessment for a dwelling house is raised from self-assessable to code assessable where affected by the Coastal Processes Overlay.</p> <p>It is suggested that the Coastal Processes Overlay be amended to remove the Coastal Zone sub-category from the application of the code and the mapping to alleviate this problem.</p>	Part 8	<p>The Coastal Zone sub-category is extremely broad and covers land well distant from the foreshore including many residential zones. Raising the level assessment across such a broad area adds no value to the planning process and will trigger many simple applications for dwelling houses as a planning application.</p>	Amend the Coastal Processes Overlay to remove the Coastal Zone sub-category from the application of the code and the mapping.
432	Part of L3 SP204463 Bamboo Creek Road, Miallo	<p>The submitter wishes to include further land, proposed to be part of the Rural Zone, to be included within the Rural Residential Zone to act a logical extension of land to the south that was subdivided into Rural Residential lots under a previous planning scheme.</p>	Schedule 2	<p>The land is part of the Regional Landscape and Rural Production Area under the Far North Queensland Regional Plan 2009-2031 and is therefore not available Rural Residential expansion.</p> 	No change.
437	L2 RP7390976 Endeavour Street, Port Douglas	<p>The submitter wishes to exclude part of Lot 2 RP7390976 from the Community Facilities Zone and include it in the Low Density Residential Zone in order to create three new residential lots fronting Endeavour Street, which is currently a vacant portion of church land.</p>	Schedule 2	<p>The site is currently included in the Community and Recreational Facilities Planning area and this has been carried across into the proposed planning scheme. The planning scheme encourages re-use of Community Facilities zoned land for other Community Facilities in the event that it is seen to be surplus to a specific community use.</p> <p>It may be that the land is suitable for residential purposes as described in the submission. However, there are means within the legislation to achieve residential purposes, if deemed appropriate.</p>	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
438	L281 BK15777	<p>The submitter requests that the planning scheme be amended in various sections to facilitate a proposal to establish tourist accommodation, camping grounds, information tours and a helipad on land located at L281 BK15777 (China Camp).</p> <p>The specific requests involve:</p> <ol style="list-style-type: none"> Recognise the site as a Tourism Node on the Strategic Framework map. Amend Strategic Framework statements under Section Element – Tourism 3.8.3 to facilitate tourist accommodation on the CREB Track. Amend the Settlement Areas North of Daintree River Local Plan to include L281 in Precinct 5 – Low impact rural production and tourist enterprise precinct. Amend the Tables of Assessment to make Nature Based Tourism Code Assessable in Precinct 5, where located on the CREB Track. 	Part 3, Part 5, Schedule 2	<p>The submitter is mistakenly of the belief that the land is part of the Settlement Areas North of the Daintree River Local Plan. So amendments that include this land in a Precinct that does not apply to the land is not possible.</p> <p>It is not appropriate to designate land as a Tourism node in the Strategic Framework without any understanding of the nature of the proposed tourism activity envisaged.</p> <p>The land is surrounded by Precinct 3 – Buru Precinct which is part of the Return to Country Local Plan (although this lot is not part of the Return to Country Local Plan).</p> <p>It is considered more appropriate to adopt a change that includes the land in Precinct 3 – Buru Precinct and within the proposed Return to Country Local Plan. On-going work in developing the Return to Country Local Plan can examine, and where appropriate, facilitate Nature Based Tourism activities on this land.</p>	<p>Change the Return to Country Local Plan to include Lot 281 within the Local Plan as part of Precinct 3 – Buru Precinct.</p>



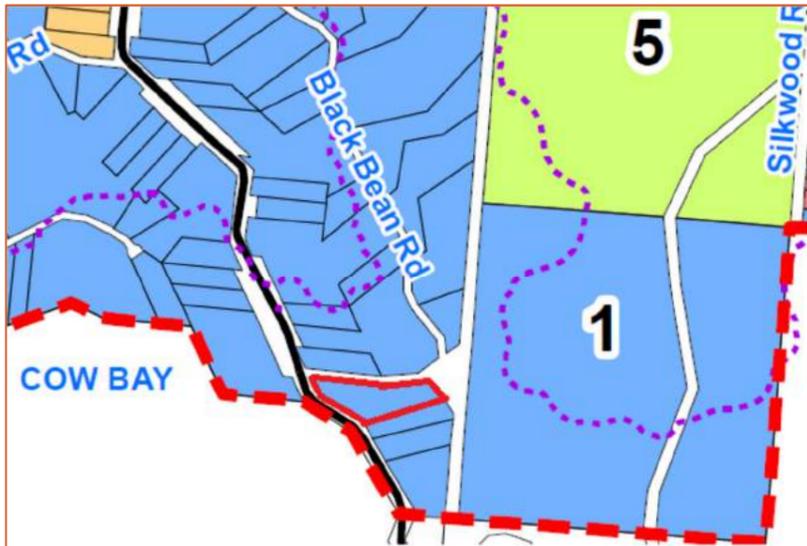
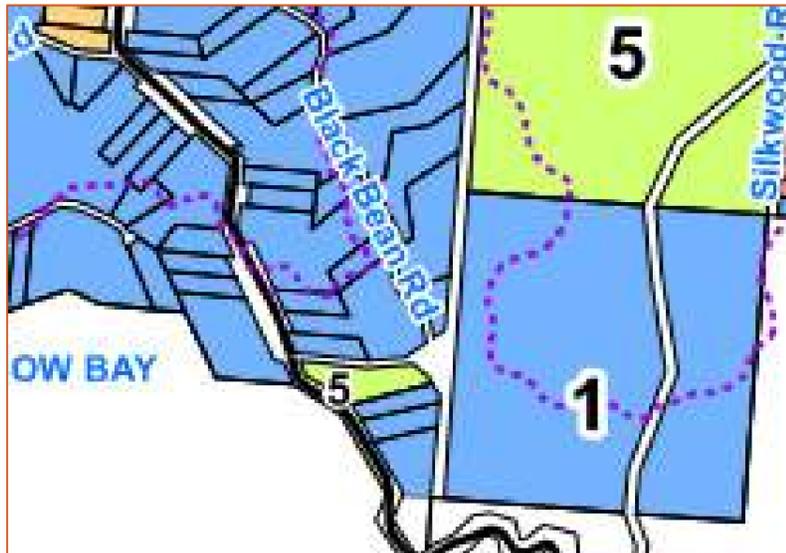
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
441, 611	L49-51 SP161464 and L41-42 RP747344 Escape Close, Port Douglas	<p>The submitter contends that the land is better suited to the Tourist Accommodation Zone rather than the Medium Density Residential Zone to provide the owner freedom to tailor a development proposal that is a bridge between multiple types of residential development and the existing tourist infrastructure of the Bally Hooley train station. The Tourist Accommodation Zone will also eliminate anomalies of the existing Tourist Attraction (the Saint Crispins Bally Hooley Station) from being an inconsistent use in the Zone. It is also noted that the planning provisions for development in the Tourist Accommodation Zone are also very similar to those in the Medium Density Residential Zone in terms of building bulk, scale and other planning code provisions.</p>	Schedule 2	<p>The site is located in position that would make it suitable for tourist accommodation (station, lake, overlooking the golf course). The planning provisions in terms of building bulk, scale and height between the Medium Density Residential Zone and the Tourist Accommodation Zone are fundamentally similar. No planning problems are foreseen with the requested change.</p>	<p>Change L49-51 SP161464 and L41-42 RP747344 to the Tourist Accommodation Zone.</p>
					

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
449	L5 RP717702	<p>The submitter requests that part of L5 RP717702 located at Marine Parade, Newell change from the Rural Zone to the Low Density Residential Zone to marry up with the proposed change to the Residential Low Density Zone to the north (part of L51 SP168537) and that such an extension is a more logical extension of the urban area at Newell Beach than the land to the north in terms of equity.</p>	Schedule 2	<p>To offset the loss of land allocated for Low Density Residential development close to the Waterfront in Newell (north of Phillips Street) due to proximity to storm tide and flooding hazards, L51 SP168537 was selected as a logical continuation of the existing road pattern that runs off Coulthard Close and back around to Marine Parade, at Pacific Street. It directly adjoins land developed as residential lots.</p> <p>Conversely, L5 access is via a small section of road reserve to the south and not via Pacific Street. Therefore, L5 is not as logical as L51 in terms of an urban expansion consisting of newer housing stock, that will match the character of Coulthard Close.</p> <p>Sufficient land is available in Lot 51 to cater for the offset of loss of residential land north of Phillips Street.</p> 	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
452	L2 RP718188	<p>The submitter requests that L2 RP718188 located at Cooya Beach Road, Bonnie Doon be included in the Strategic Framework as a Residential Investigation Area on the basis that the land is a logical extension of the residential estate being developed at Cooya Beach, is not subject to constraints that would preclude its development for residential purposes and would appear to be a popular location for residential living option for residents that are likely to be employed in the tourist accommodation and service industries provided at Port Douglas.</p>	Schedule 2	<p>The submitter asserts that the land was designated for Urban Purposes in the 1996 Planning Scheme. However, due to the loss of a Strategic Plan Map in the 2006 Planning Scheme the Urban Purposes designation was lost.</p> <p>This assertion is not correct as the 1996 Strategic Plan Map shows the land as Productive Rural Area, the land was included within the Rural (Agriculture) Zone and Agriculture in Development Control Plan No 4 (DCP 4). In addition, DCP4 stated that 'Land in this designation is intended to be retained in a form suitable for cultivation. Rezoning from the Rural (Agriculture) Zone or any further subdivision will therefore not be supported by Council.</p> <p>It is true that a Primary School was nominated in DCP4 on the land at the north eastern corner of the site and DCP4 states that 4 hectares would be suitable for such purpose. Any proposal to establish a primary school appears to have been abandoned and therefore this site is not considered to be suitable for conversion to urban purposes. This is also reflected in the Far North Queensland Regional Plan 2009-2031.</p> 	No change.
481	Wonga Beach	<p>a. The submission objects to extending Marlin Drive northwards and suggests that road extensions should extend down from Oasis Drive for a variety of reasons.</p>	Part 7	<p>a. This site has development approvals in place that do not provide a road link from Oasis Drive to Marlin Drive. The Marlin Drive community has long opposed providing a link between north and south Wonga and clearly within this submission opposes the idea of extending the road into Precinct 2 from Marlin Drive. Accordingly, the relevant Performance and Acceptable Outcomes in the Code have been amended to make it clear that any future road into Precinct 2 extend from the north (i.e. not from Marlin Drive). A turning circle immediately north of Marlin Drive may be acceptable.</p>	<p>a. Amend PO6 and AO6 in the Coastal Communities Local Plan as follows:</p> <p>PO6 Development avoids a road connection between Oasis Drive and Marlin Drive that would exacerbate traffic volumes or unduly increase traffic hazards, particularly along Marlin Drive and Oleander Drive. <u>Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable.</u></p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>b. A retail precinct should be provided in the northern half of Wonga Beach possibly between Vixies Road and Wonga Beach Road.</p> <p>c. An integrated area for sport activities needs to be acquired for sport activities in the northern section of Wonga Beach.</p> <p>d. Sewage treatment needs to happen to protect the reef and the environment. An area needs to allocated or acquired to cater for a stand-alone treatment plant in an area that caters for all of Wonga Beach.</p>		<p>b. There is no need for further retail development in Wonga Beach for the foreseeable future and probably beyond the life of this proposed planning scheme (i.e. 10 years).</p> <p>c. At this stage integrated areas for sport activities are focused in Mossman and Port Douglas. In the short term, there is no need to provide additional facilities in Wonga Beach. However, the idea has merit for future planning in Wonga Beach.</p> <p>d. A Sewage Treatment Plant for Wonga Beach is not in the Capital Works Program and would require a significant financial commitment on behalf of Council to achieve. While it may be desirable in the future to establish such a Plant in the longer term, it would be inappropriate to identify and commit a site in the proposed planning scheme at this point in time.</p>	<p>AO6 A road connection between Oasis Drive and Marlin Drive is not provided. Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable.</p> <p>b. No change.</p> <p>c. No change.</p> <p>d. No change.</p>
495	L146 SR861, Part Lot 126 SR868, Lot 103 SR500, Wharf Street, Port Douglas	<p>The submitter raises concerns with respect to The Reef Marina Site in Port Douglas and seeks to remove planning provisions that protect the fishing industry and the operation of a slipway on the site prior to redevelopment proceeding. Specifically, the following provisions in the Port Douglas / Craiglie Local Plan are targeted for removal:</p> <ul style="list-style-type: none"> ○ 7.2.3.3(5)(b)(ii)(C); ○ 7.2.3.3(7)(i); ○ 7.2.3.4, Table 7.2.4.4a – PO and AO49 <p>The submitter relies on the following:</p> <ul style="list-style-type: none"> ○ The relevant provisions are inconsistent with good planning principles; ○ The relevant provisions are inconsistent with the Preliminary Approval; ○ The relevant provisions are inconsistent with the Port Douglas Waterfront Master Plan; ○ The relevant provisions are 	Part 7	<p>The submission was written at a time when the planning strategies contained in the current planning scheme had not been advanced any further than achievement of a Preliminary Approval. The Preliminary Approval was achieved following submission of the draft planning scheme to the State for the State Interest Review. The development proposal for The Reef Marina Site has advanced to a development permit issued by Council for the staged redevelopment of the Reef Marina Site. Many of the concerns raised by the submitter having regard to certain provisions being inconsistent with good planning principles, inconsistencies with preliminary approvals, inconsistencies with the Port Douglas Waterfront Master Plan, inconsistencies with the purpose of the Sustainable Planning Act 2009 and QQP have proven to be without foundation. In fact, Council has maintained control over its planning decisions by issuing the development permit over The Reef Marina Site while continuing to pursue its own important obligations having regard to reorganisation of land use activities and stakeholder management. The Reef Marina has been an effective party in this process.</p> <p>The submitter claims that the insufficient land has been provided within the Industry Zone within Sub-precinct 1c – Waterfront South to enable the provisions of 7.2.3.3(5)(b)(ii)(C) to be effective (i.e. to cater for a reduction of conflicts between land uses without diminishing the marine industry). It is agreed that the available space for marine industries is very limited. However, the land between Spinnaker Close and Port Street is currently mostly included in the Conservation Planning Area. The proposed Planning Scheme amends a zoning to Recreation and Open Space Zone and provides a Local Plan Sub-precinct that facilitates additional marine uses in the future, if required. However, it is not possible to 'zone' the land as Industry at this point in time as the land is subject to significant environmental constraints. 7.2.3.3(5)(b)(ii)(C), as an Overall Outcome, is consistent with the planning principles espoused in the Port Douglas Waterfront Master</p>	No change.

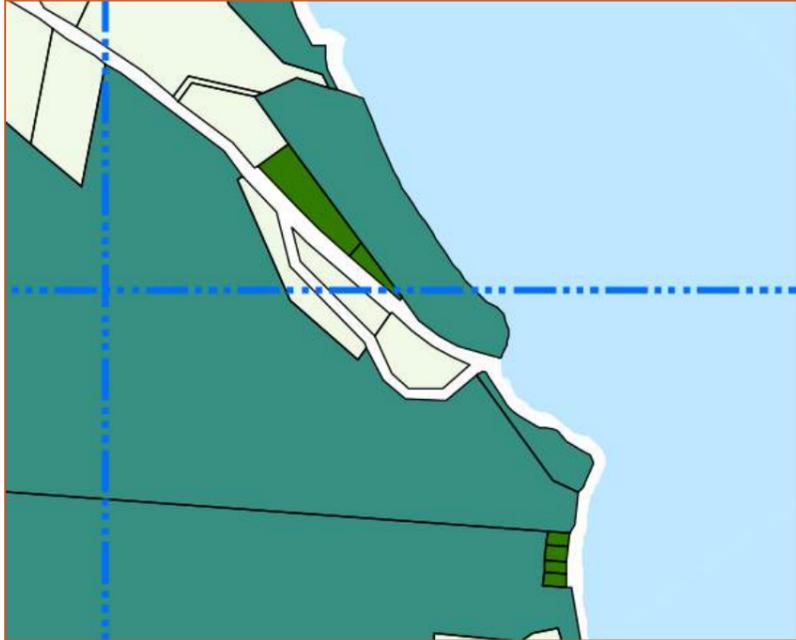
No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>inconsistent with the purpose of the <i>Sustainable Planning Act 2009</i> to achieve ecological sustainability;</p> <ul style="list-style-type: none"> ○ The relevant provisions are inconsistent with the Standard Planning Scheme Provisions of the <i>Sustainable Planning Act 2009</i>. ○ The relevant provisions are inconsistent with Council's obligations to maintain control over planning decisions. <p>The submission is accompanied by a legal opinion appended to the submission.</p>		<p>Plan and is acceptable as a planning strategy.</p> <p>Having regard to 7.2.3.3(7)(i) seeks to not relocate the existing marine based industries until stakeholder agreement has been reached between all parties. The stakeholder agreements have been actioned as part of Council's planning strategy for the reorganisation of land uses at the Waterfront. The Reef Marina is actively involved in reaching these agreements as part of the development approval process.</p> <p>In a similar manner, PO49 in Table 7.2.4.4.a has been actioned via the issue of a development permit for The Reef Marina Site. Council has acted reasonably and appropriately in discharging its responsibilities to:</p> <ul style="list-style-type: none"> (i) pursue it the Port Douglas Waterfront Master Plan and its associated planning strategies; (ii) issue development approvals under the <i>Sustainable Planning Act 2009</i>. <p>No comment is provided with respect to the legal opinion attached to the submission.</p>	
564	Ocean Breeze Estate, Cooya Beach	<p>The submitter observes that the level of assessment for a dwelling house is raised from self-assessable to code assessable where affected by the Flood Hazard Overlay, Coastal Processes Overlay and the Natural Areas Overlay in an estate that has been approved for development at appropriate levels above flooding/storm tide heights and is cleared of vegetation. Various practical measures are suggested to avoid this problem in the Ocean Breeze Estate, and more broadly elsewhere in the Shire.</p>	Part 8 Schedule 2	<ul style="list-style-type: none"> a. The Coastal Zone sub-category is extremely broad and covers land well distant from the foreshore including many residential zones. Raising the level assessment across such a broad area adds no value to the planning process and will trigger many simple applications for dwelling houses as a planning application. b. The Coastal Environment Overlay only allows Community Infrastructure in mapped areas. Some mapped areas are already approved residential estates currently being constructed. Recognising the underlying zoning and intent associated with the zoning will ensure that development can continue to progress unhindered due to the introduction of new overlay mapping. c. Where there is a clear conflict between approved urban development and overlay mapping that does not reflect existing conditions, amendments should be made to ensure that unnecessary planning applications are triggered. 	<ul style="list-style-type: none"> a. Amend the Coastal Processes Overlay to remove the Coastal Zone sub-category from the application of the code and the mapping. b. Performance Outcome 4 and Acceptable Outcome 4.1 of the Coastal Environment Overlay Code is to be amended to allow for development other than community infrastructure, which reflects the preferred development outcomes in accordance with the zoning of the site. c. Amend the Natural Areas Overlay to remove anomalous constraints (e.g. MSES Regulating Vegetation: intersecting a watercourse) particularly through approved urban developments, such as the Ocean Breeze Estate at Cooya Beach.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
601	L439 RP748371, 24 Tulip Oak Road, Cow Bay	The submitter requests that the Daintree Discovery Centre be placed within its own precinct under the Settlement Areas North of the Daintree Local Plan to recognise the uses and potential future uses and expansion of the visitor centre or amend the purpose of Precinct 5 to reflect nature based tourism enterprise and include the land within Precinct 5.	Part 7, Schedule 2	The land should be part of Precinct 5 – Low impact rural production and tourism enterprise precinct in the Cape Tribulation and Daintree Coast Local Plan. The overall outcomes of Precinct 5 should be amended to recognise existing nature based tourism enterprise in addition to the rural based tourism enterprises. 	Include L436 RP748371 in Precinct 5 – Low impact rural production and tourism enterprise precinct in the Cape Tribulation and Daintree Coast Local Plan.  Amend the overall outcomes of Precinct for Precinct 5 by adding the following: <u>“(c) facilitate other existing tourism enterprises based on the appreciation of the natural environment.”</u>
605	n/a	The submitter has feedback in relation to the Landscaping Code and the Vegetation Management Code as follows: Landscaping Code: a. Inclusion of reference to AS4970-2009 Protection of Trees on Development Sites. This ensures that tree protection during (and following) development, and may allow for significant trees within otherwise exempt areas to be retained. b. Some allowance for assessment of significant trees to be retained in terms of their Safe Useful Life Expectancy” (SULE). For example it may be	Part 9 Schedule 1	a. It is agreed that the Landscaping Code (and the Landscaping Policy) would be enhanced with inclusion of reference to the Australian Standard. b. It is agreed that the Landscaping Code would be enhanced with inclusion of reference to the Safe Useful Life Expectancy of Trees.	a. Amend Table 9.4.6.1.a A03.1 in the Landscaping Code as follows: “Existing vegetation on site is retained and incorporated into site design, wherever possible, <u>in accordance with the methodologies and principles outlined in AS4970-2009 Protection of Trees on Development Sites.</u> ” Add the following to SC6.7.6.1.(1) in the Planning Scheme Policy - Landscaping Policy as follows: “ <u>Tree retention and protection should have regard to the provisions of AS4970-2009 Protection of Trees on Development Sites.</u> ” b. Amend Table 9.4.6.1.a in the Landscaping Code by adding: “ <u>A06.2 Tree maintenance is to have regard to the ‘Safe Useful Life Expectancy’ of trees.</u> ” <u>Note: It may be more appropriate to replace trees with a SULE of less than 20 years (as an example) and replace with younger, healthy species.”</u>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>more appropriate to remove significant trees with a SULE of less than 20 years (as an example), and then replant with healthy species, if this would lead to a more sustainable outcome.</p> <p>Vegetation Management Code:</p> <p>c. Include reference to AS4373-2009 Pruning of Amenity Trees. With reference to the Vegetation Damage definition, add <i>“To prune or impact on vegetation in a way that reduces the structural integrity or health of the vegetation.”</i></p> <p>Both of the above Codes:</p> <p>d. Allowance for some exemption with regard to tree size. Removal of trees under 300mm DBH, for example, could be exempt from development application (in areas other than the Conservation Zone).</p> <p>e. Include some reference to acknowledge circumstances where it may be necessary to remove one tree in order to protect an adjacent, more significant tree (where they are grown close to one another).</p> <p>f. Self-assessable removal which does not meet exemptions should be permitted provided the property owner has sought written advice from a Cert V arborist. This would remove the need for development approval in regards to dead / dying / structural unsound trees.</p>		<p>c. It is agreed that the Vegetation Management Code would be enhanced with inclusion of reference to AS4373-2009. The Vegetation Damage definition requires the amendment as suggested by the submitter to ensure that pruning of vegetation is captured by the Code.</p> <p>d. It is not agreed that a blanket exemption from the code can be granted for all vegetation with a 300mm DBH. In the extreme, mangroves could be exempted (although they are likely to be protected by other means, in any case).</p> <p>e. The suggestion to add a provision to allow the removal of one tree to protect another adjacent more significant tree is reasonable addition to the provisions of the Code.</p> <p>f. Providing a self-assessable provision for certification of dead, dying, diseased trees that have been certified by a minimum Certificate V arborist is a sensible suggestion. However, in a practical sense, two business days is too little notice to supply to Council. 7 days notice is recommended as an alternative.</p>	<p>c. Add the following immediately prior to Table 9.4.9.2.a in the Vegetation Management Code:</p> <p><i>“<u>Note: All vegetation damage is to have regard to the provisions of AS4373-2009 Pruning of Amenity Trees.</u>”</i></p> <p>Add the following to the Administrative Definition of Vegetation Damage in Schedule 1:</p> <p><i>“Remove, cut down, ring bark, push over, poison or destroy vegetation in any way <u>including such as</u> by burning, flooding or draining, <u>including pruning or impacting on vegetation in any way that may impact on the structural integrity or health or vegetation.</u>”</i></p> <p>d. No change.</p> <p>e. Add AO1.11 to Table 9.4.9.2.a in the Vegetation Management Code as follows:</p> <p><i>“<u>Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</u>”</i></p> <p>f. Add AO1.12 to Table 9.4.9.2.a in the Vegetation Management Code as follows:</p> <p><i>“<u>Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</u>”</i></p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
606	n/a	Council officers' submission (including supplementary matters) is attached at Attachment 2.	Whole of Scheme	<p>(Note: Only aspects raised within Council officers' submission that are not addressed by other submitters are reported in this response).</p> <p>a. Section 1.7.5 refers to the Operation of Local Laws. There is no need to refer to Local Laws in this part of the scheme and this is important as the Local Laws are currently under review and will change.</p> <p>b. Recognising that there is a mix of industry and commerce in the industry area at Craiglie will help strengthen the support service nature this area provides to Port Douglas.</p> <p>c. Land exists in certain places that have development approvals that may be acted upon. It makes little sense to restrict those approvals in the strategic framework as there is little likelihood that the approvals will ever be abandoned.</p> <p>d. Review the Tables of Assessment for the Rural Zone to specifically nominate self-assessable development (cropping) and what Council is comfortable nominating as Code Assessment.</p> <p>e. Intensive animal husbandry cannot form part of the Rural Activities land use category as it is not capable of self-assessment.</p> <p>f. Conservation Zone and Rural activities, other than in specific precincts, are impact assessable only. These should be Impact Inconsistent having regard to the fact that this is the highest quality of protected zone.</p> <p>g. Some very small lots exist in the Rural Zone. Rural Activities should have a minimum lots size for self assessable development.</p> <p>h. "All other land uses" in the Tables of Assessment should be "All other land uses, other than those listed as inconsistent uses".</p>	<p>a. Remove 1.7.5 Operation of Local Laws within Local Government Administrative Matters.</p> <p>b. Add the following words to 3.4.4.1 in 3.4 Theme 1 – Settlement Pattern in the Strategic Framework: "The industry area at Craiglie <u>is a mix of commercial service/service industry. However, it</u> will not be promoted as an area suitable for land uses that rely heavily on the highway for exposure to trade/<u>function.</u>"</p> <p>c. Add the following words to Section 3.4.5(2) in 3.4 Theme 1 – Settlement Pattern in the Strategic Framework: "The coastal settlements of Wonga Beach, Newall and Cooya Beach and various other small towns, villages and rural residential land, including land north of the Daintree River, are not intended to grow or increase in density <u>over and above existing zoned land and what current approvals provide.</u>"</p> <p>d. Rural Activities (IF complying with all acceptable outcomes) row has been removed from the Table of Assessment for the Rural Zone. It is not required.</p> <p>e. Remove Intensive animal husbandry from the Rural Activities land use category (definitions and Tables of Assessment Notes) and provide a Code Assessable row in the Table of Assessment.</p> <p>f. Amend the Table of Assessment for the Conservation Zone to make Rural Activities (Impact Inconsistent) where not within a suitable precinct. Also amend the Table of Inconsistent Uses in the Conservation Zone code to reflect this circumstance.</p> <p>g. Amend the Rural Activities Code to include a minimum lots size of 1 hectare as follows: "<u>AO1.1</u> <u>Rural Activities are conducted on premises 1 hectare or greater.</u>"</p> <p>h. Add the following in all Tables of Assessment where it appears: "All other land uses, <u>other than those listed as inconsistent uses</u>"</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
				<p>i. The Rural Zone Code provides for lots divided by roads to be subdivided. This provision needs to be deleted, as Douglas Shire is characterised by many Rural lots that are divided by gazetted roads. The provision is a carry over from the Planning Regulations associated with the FNQ Regional Plan which were deleted long ago.</p> <p>j. Local Plan Map for Port Douglas - Gateway on legend should be a circle, rather than a square.</p> <p>k. Port Douglas / Craiglie Local Plan - Precinct 3 on the map is labelled commercial and recreation whereas the code states it is Craiglie Commercial and light industry precinct</p> <p>l. Rural Activities Code - Allow short term camping of RVs for 1 week rather than 3 days.</p> <p>m. Advertising devices code needs a review to ensure that stand-alone signage (not a pylon, not a billboard) is still adequately regulated by the planning scheme in line with current practice. Where not associated with the use on the land, these are impact inconsistent.</p> <p>n. Tourist Park code has a 5m setback to boundary but the Rural zone requires a 6m setback from side and rear boundaries.</p> <p>o. Botanic Garden needs an administrative definition. Note the use of a park would require free access / entry.</p> <p>p. Review applicability of Local Plans to self assessable development (e.g. Industry development in the Craiglie Local Plan).</p> <p>q. Remove density provisions in all Residential Zone Codes. These are no longer used and are nominated at far to greater density.</p>	<p>i. Delete the following from PO7 in the the Rural Zone Code:</p> <p>“The minimum lot size is 40 hectares, unless</p> <p>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or</p> <p>(b) the reconfiguration is limited to one additional lot to accommodate:</p> <p>(i) Telecommunications facility;</p> <p>(ii) Utility installation; or</p> <p>(c) the lot reconfiguration divides one lot into two lots where:</p> <p>(i) the existing lot is severed by a road and the road was gazetted before 9 May 2008;</p> <p>(ii) the resulting lot boundaries use the gazetted road as the boundary of the division.</p> <p>j.-k. The mapping errors have been amended according to the submission.</p> <p>l. Amend the Rural activities code to provide for 1 week stay, not just 3 days as an Acceptable Self-Assessable Outcome.</p> <p>m. The Advertising Devices Code has been required to be redrafted as the QPP definition for Advertising Devices changed to draw in many other types of Advertising devices, not anticipated by the definition at State Interest Review Stage. This aspect was inadvertently missed during State Interest Review.</p> <p>n. The anomaly has been corrected in the Relocatable Home Park and Tourist Park Code.</p> <p>o. Add the following new definition in the Administrative definitions in Schedule 2 for Botanic Garden:</p> <p><u>“A garden dedicated to the collection, cultivation and display of a wide range of plants usually labelled with their botanical names. It may contain specialist plant collections such as plants from particular parts of the world, and so on. There may be greenhouses, shade-houses. Visitor services might include tours, educational displays, art exhibitions, book rooms, open-air theatrical and musical performances. The land use defined a Tourist Attraction, not Park.”</u></p> <p>p. The Local Plans have been amended to reference both self assessable and assessable development to address this matter.</p> <p>q. Remove all references to ‘persons per hectare’ in each Residential Zone Code.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
				<p>r. Return L84 SP204459 to the Rural Zone from the Conservation (i.e. do not back zone this land as it may have utility for other purposes and doesn't warrant the high level of protection afforded through the Conservation Zone).</p> 	<p>r. Amend L84 SP204459 from Conservation Zone to Rural Zone.</p> 
<p>607 (Part 1)</p>	<p>L1 SP188690</p>	<p>The submitter requests that the southern portion of L1 SP188690 that fronts on to South Arm Drive be included in the Rural Residential Zone, rather than the Environmental Management Zone to better reflect the land use activity conducted on this part of the land and to match other land in South Arm Drive that is included in the Rural Residential zone.</p>	<p>Schedule 2</p>	<p>It is agreed that this portion of the land would be better suited to the Rural Residential zone. The land was included within the Environmental Management zone in response to a letter of direction from the State Government. However this land is not characterised by the qualities that would make it suitable for inclusion in the Environmental Management Zone.</p> 	<p>Change the southern portion of L1 SP188690 from Environmental Management Zone to Rural Residential Zone.</p> 

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
<p>607 (Part 2)</p>	<p>L32 SP126925</p>	<p>The submitter requests that L32 SP126925 be included in the Rural Residential Zone rather than the Rural Zone to reflect a development permit over the land to develop the land for 72 rural residential lots.</p>	<p>Schedule 2</p>	<p>The land has achieved an approval to be subdivided into Rural Residential lots (issued by Douglas Shire Council in November 2015). It is inappropriate to establish small lots with an inappropriate underlying Rural Zone that may facilitate potentially incompatible rural land uses. Conversion to the Rural Residential Zone is recommended to reflect the approval.</p> 	<p>Change L32 SP126925 (west half) from the Rural Zone to the Rural Residential Zone.</p> 
<p>608</p>	<p>n/a</p>	<p>The Canegrowers Mossman and Mackay Sugar Mossman Mill have made various suggestions to enhance and protect the viability of sugar production and the sugar mill.</p> <p>Other issues that have previously been addressed with respect to the application of Overlays are also raised.</p> <p>An issue is raised with the Rural Activities Code in as much as Rural Farm Sheds and Rural Industry Packing Sheds do not have their own stand-alone self-assessable Code.</p>	<p>Part 3</p>	<p>No issues raised with the enhancements to the planning scheme as suggested from a planning perspective as shown in the adjoining actions.</p> <p>Issues associated with the Overlays are addressed at 238b. and f., herein.</p> <p>With respect to Rural Farm Sheds and Rural Industry Packing Sheds, the self assessable provisions at A1.2, AO2 and AO3 in the Rural Zone Code apply, in the same way as they also apply to the other self-assessable uses contained within the Rural Activities Code.</p>	<p>a. Add the following at 3.4.4.1(2):</p> <p><u>“The Mossman Mill is of critical importance to the prosperity of Mossman. It is intended that land, at and near, to the Mossman Mill will become the consolidated industrial area in Mossman catering for low/medium industrial development. As such, aAn industry investigation area is allocated on the Strategic Framework maps...”</u></p> <p>b. Add the following at 3.5.5.(1):</p> <p><u>“This green frame adds significantly to the Shire’s much admired high 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”</u></p> <p>c. Add the following at 3.6.1.(1):</p> <p><u>“The natural resources of the Shire, such as agricultural land and in particular land suitable for sugar cultivation, forestry, water, fisheries and extractive resources are protected or managed in a sustainable manner to ensure their ecological and economic values are assured.”</u></p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
					<p>d. Add the following at 3.6.3.(1):</p> <p>“Primary production is a significant part of the natural resources 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. <u>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.</u> Continued support is necessary...”</p> <p>e. Add the following at 3.6.4.1.(2):</p> <p>“Other extractive industries do not detrimentally impact on community well-being or the Shire’s ecological, landscape, scenic amenity and rural production values, <u>and in particular the sugar industry.</u>”</p> <p>f. Add the following to 3.8.2.(1):</p> <p>“<u>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,</u> Douglas Shire is not characterised by a significant industrial base to support its primary economic drivers of tourism and primary production.”</p> <p>g. Add the following to 3.8.4.(1):</p> <p>“Primary production, <u>in particular the dominant sugar industry,</u> and associated manufacturing have <u>has</u> always been a significant....”</p> <p>h. Add 3.9.4.(5) as follows:</p> <p>“<u>The cane rail network is an important infrastructure network for the efficient operation of the sugar industry and the mill.</u>”</p> <p>i. Add 3.9.4.1.(8) as follows:</p> <p>“<u>The cane rail network is retained and maintained as a significant infrastructure network for the sugar industry in the Shire.</u>”</p> <p>j. Add the following to 6.2.10.2.(2).(b):</p> <p>“recognise the primacy of rural production, <u>and in particular sugar cultivation,</u> and <u>other</u> farming practices in rural areas;”</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
					<p>k. Add the following to 6.2.5.2.(2):</p> <p><u>“(d) ensure the long term dominance of the Mossman Mill as an industrial activity on Industry zoned land in Mossman will continue to contribute to the development and prosperity of the town;”</u></p> <p><u>“(e) recognise the opportunity to consolidate further industrial development around the Mosman Mill site to create a low /medium impact industry precinct in Mossman.”</u></p> <p>l. Amend both the Coastal Communities Local Plan and the Mossman Local Plan to recognise the sugar industry and the Mossman Mill as follows:</p> <p>Add the following to 7.2.1.3.(2):</p> <p><u>“(g) protect parts of the Local Plan Area used for the cultivation of sugar cane from incompatible development, where such land is zoned for continued Rural use.”</u></p> <p>Add the following to 7.2.2.3.(7):</p> <p><u>“(a) the Mossman Mill is located within Precinct 4 and is the catalyst for encouraging and accommodating further industrial development.”</u></p>
609	n/a	The submitter objects to the idea of moderately dark colours for use of exterior paints/cladding on the basis that lighter colours are more appropriate for the tropical climate and choice of colours should be left to individuals to make.	Part 9	<p>The use of dark tones of colours in sensitive settings helps masks the view of development from surrounding areas. Part of the iconic appeal of Douglas Shire is its character of ‘vegetation dominating built-form’. The darker tones help achieve and maintain this outcome.</p> <p>Paints and roofing materials are available in darker tones that achieve the equivalent of lighter tones in terms of thermal reflection.</p>	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
610	L2 RP89385	<p>The submitter requests that L2 RP893585 be rezoned from the proposed Rural Zone to the Industry Zone for the purposes of establishing a Service Station on the land. The submitter believes that the land has safe highway access to the Captain Cook Highway and Bonnie Doon Road and is well positioned to provide the community, travellers and service providers as the Shire grows.</p>	Part 6	<p>Douglas Shire has service stations on the highway in Craiglie and Mossman, Miallo and Wonga Beach that cater for needs for fuel. Furthermore an additional service station is approved in Craiglie. There is no need to establish a new service station at this location. It has no special attributes that would make it an ideal location for such use. In the contrary, a service station at this location would interfere with the southward scenic vista that extends southward across to Port Douglas from the north. In addition, including the land in an Industrial Zone would facilitate a broad range of other industrial land use activities.</p>  <p>The map shows a coastal area with a road network. A red rectangle highlights a specific property. Labels with arrows point to 'Cooya Beach' to the north, 'Mossman' to the west, and 'Port Douglas' to the south. A blue dashed line indicates a road or boundary.</p>	No change.
612	Tavern/Hotel sites at 7-9 Macrossan Street, Port Douglas and 18-20 Wharf Street Port Douglas (L10 on SP262348 and L1 SP139068)	<p>The submitter requests a change in the proposed level of assessment for a Tavern/Hotel Use from Impact Assessment to Code Assessment in the Centre Zone (Sub-Precinct 1a Town Centre in the Port Douglas / Craiglie Local Plan) on the following grounds:</p> <ul style="list-style-type: none"> ○ The intent of the draft planning scheme is to elevate the level of assessment for a Tavern/Hotel use from Code Assessable development to Impact Assessable development for the proposed Centre Zone. ○ It is submitted that the elevation of the level of assessment of this use to Impact Assessable development will impose a level of assessment that is not necessary and unreasonable for the subject sites. ○ Further to the above, it is submitted that the Code 	Part 6	<p>The reasons nominated in the submission are logical and make planning sense for the heart of Port Douglas as described for Sub-precinct 1a and the Live Entertainment Precinct.</p>	<p>The Level of Assessment for a Hotel in the Tables of Assessment are recommended to be adjusted from Impact Assessment to Code Assessment when included with Sub-precinct 1a of Precinct 1 – Town Centre of the Port Douglas/Craiglie Local Plan <u>AND</u> the Live Entertainment Precinct.</p>

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
		<p>Assessable level of assessment is suitable for a Tavern/Hotel use within the central part of Port Douglas and the area encompassed by Sub-precinct 1a – Town Centre and within the Live Entertainment Precinct.</p> <ul style="list-style-type: none"> ○ The allocation of an Impact Assessable level of assessment to a Hotel at this location is not consistent with the purpose statements for the Centre Zone or Precinct 1 – Port Douglas, Sub-precinct 1a and Live Entertainment Precinct as part of the draft Port Douglas/Craigie Local Plan. ○ The relevant codes encourage the establishment of uses such as a hotel within the central part of Port Douglas. The inclusion of a hotel within an impact assessable level of assessment is therefore not consistent with the intent of the relevant codes. ○ The establishment or expansion of an existing hotel on the subject sites or other locations generally encompassed by the Centre Zone, Sub-precinct 1a – Town Centre and Live Entertainment Precinct is an appropriate use and should be made Code Assessable Development. 			
614	Mossman-	The submitters request that the		The Overlay Mapping referred to in the submission is provided by the	No change.

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
	Daintree Road at Rocky Point adjacent to the Port Views Estate	speed limit be lowered from 100km adjacent to the estate and than noise barriers be installed to help reduce noise and improve safety.		<p>Department of Transport and Main Roads. In this instance the Department's advice has been sought with respect to this submission and it is as follows:</p> <p><i>"The requirement to include this mapping in planning schemes stems from s246ZA of the Building Act 1975. This requirement is essentially for information purposes only in the planning scheme and as described by DTMR below the requirements associated with the mapping apply only to building applications.</i></p> <p><i>The Purposes of the Queensland Development Manual (QDC) are:</i></p> <ol style="list-style-type: none"> <i>1) The QDC noise categories are produced for new Classes 1-4 buildings to be used in the building applications, where the new buildings must comply with the acoustic treatment requirements of QDC MP4.4.</i> <i>2) The current QDC noise categories have been modelled for the entire state-controlled roads, by considering traffic volumes, traffic compositions, road pavement types, topographical data and barriers if exist.</i> <i>3) The QDC noise categories form an overlay of local government planning scheme. The noise categories cannot be altered by the local government or by the request of the public, unless it is backed up with an acoustic report prepared by a suitably qualified person for a development application.</i> <p><i>If a residence adjacent to State-controlled roads worries about the noise impact from the road, to be eligible for any potential treatments from TMR, the noise level at the most exposed building facades needs to be at least above 68 dB(A) LA10(18h) in accordance with the TMR noise Code of Practice. In this case, the noise level at the most exposed façade of the existing front row dwellings in the subject area is at the lower end of noise category 1 (58 to 63 dB(A)LA10(18h).</i></p> <p><i>TMR has previously reviewed the speed limit along sections of this road and decided to retain the existing speed limits. The Department is happy to review speed limits if circumstances change."</i></p> <p>The provision of acoustic mounding/fencing and speed limits along the road beside the Port Views Estate are a matter for Main Roads, for which Council could be an advocate. However, they are not matter that can be addressed in the planning scheme.</p>	
615	L3 RP741072 3831	The submitter is requesting that	Schedule 2	The anomaly was corrected inside 48 hours of the scheme being placed in	Include Lot 3 RP741072 in Precinct 6 – Low Impact Tourist Accommodation

No.	Property/Location	Grounds	Part Number	Planning commentary	Action
	Cape Tribulation Road, Cape Tribulation	upon review of the planning scheme that the land was included with Precinct 6 - Low Impact Tourism Accommodation under the Daintree Coast - Cape Tribulation Local Plan and had no concerns with the precinct. However, there was an anomaly detected with the hard copy scheme where-in the land was shown as Precinct 1 – General Conservation.		<p>Community Consultation. However, that timing was sufficient to cause the land owner the confusion referenced in the submission. In interests of judicial fairness, it is recommended that the lot be included in Precinct 6 - Low Impact Tourism Accommodation designation.</p> 	under the Daintree Coast – Cape Tribulation Local Plan.

Attachment 1: Live Entertainment Precinct and Special Entertainment Precinct.

Special Entertainment

1. The term “*Special Entertainment precinct*” is defined by the *Local Government Act 2009* as an area where a local government, not QLD Liquor Licensing, controls noise emissions from entertainment venues through a local law. The term is also found under S112B and S187 of the *Liquor Act 2009* (refer to Appendix 2).
2. Essentially, all noise emissions and impacts are dealt with by the local government under a Local Law and, not by Liquor Licensing. The local government declares a *Special Entertainment Precinct* under a suitable Local Law and this area is reflected in the planning scheme.
3. The local government then issues a permit/license to a premises to emit noise. The level of noise emissions allowed are the responsibility of the local government which would need to have regard to existing residents. In addition, new residential development would be required to attenuate to mitigate the noise resulting from the Council licensed premises and would require a specific code change to the Planning Scheme. Refer to the press release in Appendix 5, when the controls were introduced in 2005. To date only one *Special Entertainment Precinct* exists in Queensland – in Fortitude Valley under Brisbane City Council.
4. The Liquor Act not only refers noise emissions to the local government jurisdiction but also related noise from patrons in the area.
5. The term *Special Entertainment Precinct* is not defined or mentioned in the *Sustainable Planning Act 2009*.

Planning Scheme

6. Where a liquor licence is held and the area is not a “Special Entertainment Precinct”, noise and patron impacts are considered under the *Liquor Act 1992*.
7. Under the *Sustainable Planning Act 2009* entertainment can be provided in the following instances in local planning instruments.
 - Under the current Planning Scheme as part of a *Tavern* use or under a *Restaurant* use – where it is ancillary to the provision of meals, as per the Subsidiary on-premises licence under the *Liquor Act 1992*.
 - Under the proposed planning scheme the State has specified use definitions that must be applied under the Queensland Planning Provisions. The uses that could provide live entertainment are generally those as listed below under proposed planning scheme and correlate to uses under the *Liquor Act 1992*. The proposed Scheme definitions are included in Appendix 1, the uses as described on the Liquor licensing website are included in Appendix 2 and the uses as detailed in the *Liquor Act 1992* are included in Appendix 3.

Current Scheme	Proposed Scheme	Liquor Act
Restaurant	Food & Drink Outlet	Subsidiary on-premises licence
Tavern	Bar (max 60 patrons)	Bar (max 60 patrons)
	Hotel	Commercial Hotel Licence
	Nightclub entertainment facility	Nightclub Licence

8. The categorisation of the use appears to reflect the primary use of the premises. Under the definition in the *Liquor Act 1992*, the use of a subsidiary on-premises licence can include on a limited basis the sale of liquor without a meal and the provision of limited entertainment. The definitions under the *Liquor Act 1992* are more comprehensive than under the Planning Scheme.
9. Under the proposed planning scheme for the Precinct 1 - Port Douglas Town Centre Precinct, there is an area that is identified on the Local Plan Map Sheet – LPM-003 as a *Live Entertainment Precinct*. All of the land in the *Live Entertainment Precinct* is included in the *Centre Zone*. (Note - not all of the land in the *Centre Zone* in Port Douglas is included in the *Live Entertainment Precinct*.) The *Live Entertainment Precinct* includes part of the land that is within Sub-precinct 1a and part of the land that is within Sub-precinct 1b. The Port Douglas / Craiglie Local Plan Code refers the *Live Entertainment Precinct* only in two instances. Under the heading *Sub-precinct 1a – Town Centre sub-precinct* and under the heading *Sub-precinct 1b – Waterfront North sub-precinct*, and both of these are the same, as below:
- “In addition to other overall development outcomes, development in the Sub-precinct facilitates the following development outcomes:*
- ... Live Entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.”*
10. The Scheme does not provide a definition for either “*Live Entertainment Precinct*” or for “*Live Entertainment activities*.” Detail of the exhibited planning scheme maps and assessment table for Port Douglas is included in Appendix 4.
11. None of the four uses where live entertainment can occur as a main or ancillary activity (*Food & Drink Outlet*, *Bar (max 60 patrons)*, *Hotel* or *Nightclub entertainment facility*) are identified as inconsistent uses in the Centre Zone Code.
12. The uses of *Bar (max 60 patrons)*, *Hotel* and *Nightclub entertainment facility* are all *impact assessable development* in the *Assessment Table* for the *Centre Zone*. None of these uses has a respective land use code. While these uses require public notification, the wording under the Local Plan for the sub-precincts would support the uses, subject to suitable attenuation and car parking. That is, the impact of the uses being contained to the land, as per the normal planning considerations. Submitters would need to be cognisant that the level of amenity in these sub-precincts would be lower than those areas where *Live Entertainment activities* are not concentrated
13. The use of Food & Drink Outlet is within the defined activity group of Centre Activities. Where the use is to be established in an existing premises, where there is a lawfully established Centre Activity, the use is self-assessable where in compliance with the planning

scheme codes. Otherwise the use is code assessable. It is only where the land adjoins land in another zone, for assessable development that noise attenuation is considered (Part 9-17, AO.53). Any other consideration of noise emissions would fall under the *Liquor Act 1992*.

14. There are no provisions in the proposed planning scheme for residential accommodation for multiple dwelling or short term accommodation to attenuate noise emissions for a *Special Entertainment Precinct*.

Conclusions

15. Should Council seek a *Special Entertainment Precinct* Council would then take on the responsibilities currently undertaken by Liquor Licensing in respect to all noise emission and patron behaviour in the whole of the precinct. This includes the licensing and compliance for existing and proposed premises and will require significant resourcing. Council would need to enact a local law. Council would also need to amend its Planning Scheme, declaring such an area and ensuring new residential development is suitably attenuated to address noise impacts. This may result in a significant increase in the cost of residential development within, and nearby, the precinct.
16. Such a change to the exhibited scheme, at this stage, would be a significant change to the proposed planning scheme that was passed through State interest checks. Such a change would be likely to require formal re-exhibition of the proposed Planning scheme as a significant policy change.
17. The proposed planning scheme gives flexibility to support entertainment where the activity under an associated Liquor Licence. The Scheme expects the concentration of entertainment activities in the Live Entertainment Precinct and require that impact assessable development be accompanied by a suitable acoustic report.
18. To further support live entertainment facilities in the *Live Entertainment Precinct* Council could consider the use of bar to be code assessable, rather than impact, as such a use provides for only 60 patrons.

Appendix 1 – Definitions as per Proposed Planning Scheme

Table SC1.1.2 — Use definitions

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Bar	<p>Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time.</p> <p>The use may include ancillary sale of food for consumption on the premises and entertainment activities.</p>		Club, hotel, nightclub entertainment facility, tavern.
Food and drink outlet	<p>Premises used for preparation and sale of food and drink to the public for consumption on or off the site.</p> <p>The use may include the ancillary sale of liquor for consumption on site.</p>	Bistro, café, coffee shop, drive through facility, kiosk, milk bar, restaurant, snack bar, take-away, tea room.	Bar, club, hotel, shop, theatre, nightclub entertainment facility.
Hotel	Premises used primarily to sell liquor for consumption.	The use may include short term accommodation, dining and entertainment activities and facilities.	Pub, tavern. Nightclub entertainment facility.
Nightclub entertainment facility	<p>Premises used to provide entertainment, which may include cabaret, dancing and music.</p> <p>The use generally includes the sale of liquor and food for consumption on site.</p>		Club, hotel, tavern, pub, indoor sport and recreation, theatre, concert hall.

Appendix 2 – Uses as Described on the Liquor Licensing Website

Commercial hotel licence

The commercial hotel licence allows you to sell alcohol for consumption either on the premises or on and off the premises. You will need this type of licence to run a hotel or tavern.

Commercial other licence

There are 5 types of commercial other licences:

Subsidiary on-premises licence

You will need a subsidiary on-premises licence when selling liquor for on-premises consumption is a secondary function of your business.

Types of businesses that may require this licence include:

- restaurants
- cafes
- motels
- vessels
- indoor sporting centres
- theatres
- amusement parks
- function centres
- training institutions.

Restaurant and café licensees must provide meals or prepared food (at their licensed premises) as the principal activity of their business.

The provision of meals or prepared food must be demonstrated on a daily basis. This means that:

- the majority of patrons who attend the venue during a day will consume a meal
- the majority of the premises will be set up for dining
- the kitchen will be open up to 1 hour prior to closing the premises and
- there will be enough staff at the premises to prepare and serve meals as required.

Subsidiary off-premises licence

You will need a subsidiary off-premises licence when selling liquor for off-premises consumption is a secondary function of your business.

Types of businesses that may require this licence include florists or businesses that sell gift baskets (although, under some conditions, they may be exempt).

Bar licence

You will need a bar licence when selling liquor for on-premises consumption is the main function of your business.

To qualify for a bar licence your premises must not seat more than 60 patrons.

Industrial canteen licence

You will need an industrial canteen licence when the main function of your business is selling liquor in remote industrial locations to employees and their guests.

Producer/wholesaler licence

You will need a producer/wholesaler licence when the main function of your business is either, or both, of the following:

- production and wholesale sale on the licensed premises of liquor made on the premises
- wholesale sale of liquor (to other licensees) on the licensed premises.

Commercial special facility licence

The commercial special facility licence applies to casinos, airports, convention centres and other tourism businesses, excluding sporting facilities.

Community club licence

The community club licence applies to non-proprietary clubs (e.g. sporting clubs, RSL clubs and ethnic clubs).

Community other licence

The community other licence allows for limited trading periods and applies to non-proprietary clubs that are also incorporated associations (such as charities) or unincorporated associations with an individual to hold the licence on the association's behalf.

Nightclub licence

You will need a nightclub licence when the main function of your business is to provide entertainment. The person presenting the entertainment must be physically present while entertainment is being provided.

Wine licence

There are 2 types of wine licences available under the Wine Industry Act 1994.

Note: Under the Wine Industry Act 1994, an approved wine nominee is required if an individual holds more than 1 licence or if the licensee is an organisation or partnership.

Wine producer licence

A wine producer licence allows the licensee to operate a vineyard or winery.

Wine merchant licence

A wine merchant licence allows the licensee to conduct business that contributes to the Queensland wine industry in a substantial way, such as using Queensland fruit to make wine on another premise, or blending different wines to create a unique wine in the state.

Licence to sell alcohol online

Selling alcohol online from within Queensland

In Queensland, there is no specific licence for directly selling packaged liquor over the internet to the general public. However, the sale of alcohol online is permitted under certain circumstances.

The Liquor Act 1992 and Wine Industry Act 1994 allow for specific licensees to sell alcohol online:

- Commercial hotel licensees or limited commercial special facility licensees can sell retail packaged liquor for consumption off the licensed premises (takeaway liquor) to the general public. This includes online sale.
- Wine producer licensees and wine merchant licensees are permitted to sell wine to the general public for off-premises consumption (takeaway liquor). These sales may be conducted online.

Selling alcohol online from outside of Queensland

Under the Liquor Act 1992 and Wine Industry Act 1994, interstate suppliers can legally sell liquor online to Queenslanders provided that the storage (distribution) and payment for the alcohol sale happens outside of Queensland.

Sellers operating, or proposing to operate, from jurisdictions outside of Queensland should consult with their relevant state regulatory agency.

Appendix 3 - Liquor Act 1992 – Licence types

Liquor Act 1992

Division 2 Commercial hotel licence

59 Principal activity of a business conducted under a commercial hotel licence

- (1) The principal activity of a business conducted under a commercial hotel licence is the sale of liquor for consumption on the licensed premises, or on and off the premises, together with—
 - (a) the provision of meals and accommodation, as required under the licence; and
 - (b) the provision of premises and catering facilities for use by persons genuinely attending a function held on the premises.
- (2) The authority under a commercial hotel licence to sell liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).
- (3) To remove doubt, it is declared that it is inconsistent with the principal activity of a business conducted under a commercial hotel licence to only sell liquor for consumption off the premises.

60 Authority of commercial hotel licence

- (1) A commercial hotel licence authorises the licensee—
 - (a) to sell liquor on the licensed premises, for consumption on or off the premises, during ordinary trading hours or approved extended trading hours; and
 - (b) to sell liquor on the licensed premises, for consumption on or off the premises, at any time to a resident on the premises; and
 - (c) to sell liquor on the licensed premises, for consumption on the premises, at any time to a guest of a resident on the premises while the guest is in the resident's company; and
 - (d) to sell liquor on premises approved by the commissioner for sale of liquor under authority of the licence, for consumption—
 - (i) off the premises; or
 - (ii) on the premises in the amount and in the circumstances prescribed by regulation.

Note—Premises approved by the commissioner under subsection (1)(d) are detached bottle shops under this Act.

- (2) If the commissioner states in the licence, the authority of a commercial hotel licence extends to the sale of liquor off the licensed premises, for consumption off the premises, while the licensee is catering for a function if—

- (a) the sale is ancillary to the function at the place where the liquor is consumed; and
 - (b) the liquor is sold for consumption by persons genuinely attending the function.
- (3) The authority under subsection (1) or (2) is subject to this Act and the conditions stated in a particular licence.
- (4) Premises approved by the commissioner for sale of liquor under the authority of a commercial hotel licence are part of the licensed premises to which the licence relates.

61 Restrictions on grant of commercial hotel licence

- (1) The commissioner may grant a commercial hotel licence only if the commissioner is satisfied of the following—
- (a) the business to be conducted under the licence on the licensed premises will have the principal activity as mentioned in section 59(1);
 - (b) the business to be conducted under the licence on the licensed premises will have a commercial kitchen and at least 2 of the following facilities—
 - (i) a dining, restaurant, or bistro-style, facility;
 - (ii) self-contained accommodation of at least 3 rooms for letting to travellers;
 - (iii) a function room facility available for hire by members of the public;
 - (c) the licensed premises—
 - (i) have the capacity to seat more than 60 patrons at any one time; and
 - (ii) have toilet facilities for male and female patrons of the business to be conducted under the licence on the premises.
- (2) The commissioner must not grant a commercial hotel licence to a person—
- (a) for premises the commissioner reasonably considers are, or are to be, used primarily as a supermarket; or
 - (b) if the commissioner considers that the sale of liquor proposed to be carried on under authority of the licence would more appropriately be carried on under the authority of a licence of another kind.
- (3) Also, the commissioner must not grant a commercial hotel licence to an incorporated association under the Associations Incorporation Act 1981.

Subdivision 2 Subsidiary on-premises licence

67 Principal activity of a business under a subsidiary on-premises licence

- (1) The principal activity of a business conducted under a subsidiary on-premises licence is the provision of an activity, matter or service to which the sale of liquor for consumption on the licensed premises is a subsidiary aspect.

- (2) The authority under a subsidiary on-premises licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

67A Principal activity is the provision of meals

- (1) This section applies if the principal activity of a business conducted under a subsidiary on-premises licence is the provision of meals prepared, and served to be eaten, on the licensed premises.
- (2) The authority of the licence is restricted to the following—
- (a) the sale and supply of liquor for consumption on the premises—
 - (i) in association with a consumer eating a meal on the premises; and
 - (ii) to persons on the premises other than in association with the persons eating meals;
 - (b) the sale and supply of 1 opened and 1 unopened bottle of wine for consumption off the premises to each adult consumer eating a meal.
- (3) For subsection (1), a licensee is taken not to be conducting a business on the licensed premises that is consistent with the principal activity of the licence unless—
- (a) for each trading day, most of the patrons of the business on that day consume a meal on the premises; and
 - (b) throughout each trading day, most of the area of the licensed premises is set up with tables and chairs, or another combination of seating and surfaces, that are being used or ready for use by patrons for consuming meals; and
 - (c) there is a kitchen in the licensed premises which is open throughout each trading day other than a period of up to 1 hour before the end of a trading period; and
 - (d) throughout each trading day there are sufficient staff at the licensed premises engaged in, or available to engage in, the preparation and service of meals.
- (4) In this section —
- open, for a kitchen, means being used or available for use for meal preparation.
- trading day, for licensed premises, means—
- (a) if only 1 trading period for the premises starts on a day—that trading period; or
 - (b) if 2 or more trading periods for the premises start on a day—the total of the trading periods.

trading period, for licensed premises, means a continuous period during which the premises are open for business (including a period starting on a day and ending on the following day).

Subdivision 4 Bar licence**70 Principal activity of a business under a bar licence**

- (1) The principal activity of a business conducted under a bar licence is the sale of liquor on the licensed premises having the capacity to seat not more than 60 patrons at any one time.
- (2) The authority under a bar licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).

70A Authority of bar licence

- (1) A bar licence authorises the licensee to sell liquor on the licensed premises for consumption on the premises during ordinary trading hours or approved extended trading hours.
- (2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

Division 6A Nightclub licence**83A Principal activity of a business under a nightclub licence**

- (1) The principal activity of a business conducted under a nightclub licence is the provision of entertainment on the licensed premises and the sale of liquor for consumption on the licensed premises while the entertainment is provided.
- (2) The authority under a nightclub licence to sell or supply liquor does not apply unless a business is conducted on the licensed premises with the principal activity as mentioned in subsection (1).
- (3) It is consistent with the principal activity of a nightclub licence to sell or supply liquor for consumption on the premises during a relevant period, even though no entertainment is being provided, if the liquor is sold or supplied in association with a consumer eating a meal on the premises.
- (4) However, subsection (3) applies only if the licensee complies with section 67A(3)(b) to (d) as if a reference in that provision to a trading day were a reference to the part of a trading day during a relevant period that the licensee sells or supplies liquor while no entertainment is being provided.
- (5) In this section—
entertainment—
 - (a) means entertainment provided by a person—
 - (i) who is physically present when providing the entertainment; and
 - (ii) whose function is to present the entertainment; and

- (b) does not include entertainment using facilities that do not require a person present to provide the entertainment.

Examples of facilities that do not require a person to be present—

- pool tables
- jukeboxes[s 83B]

relevant period, for premises, means—

- (a) for premises to which an extended trading hours approval applies for trading between 9a.m. and 10a.m.—between 9a.m. and 5p.m.; or
- (b) if paragraph (a) does not apply—between 10a.m. and 5p.m.

83B Authority of nightclub licence

- (1) A nightclub licence authorises the licensee to sell liquor on the licensed premises during ordinary trading hours or approved extended trading hours—
 - (a) for consumption on the premises; and
 - (b) if stated in the licence—for consumption off the licensed premises, subject to section 83D.
- (2) The authority under subsection (1) is subject to this Act and the conditions stated in a particular licence.

83C Restrictions on grant of nightclub licence

- (1) The commissioner may grant a nightclub licence only if the commissioner is satisfied the licensed premises have toilet facilities for male and female patrons of the business to be conducted under the licence on the licensed premises.
- (2) The commissioner must not grant a nightclub licence to a person for a vehicle the commissioner reasonably considers is, or is to be, used primarily to transport persons by road between licensed premises.

83D Restriction on sale of liquor for consumption off premises

- (1) The commissioner may decide that liquor may be sold under the authority of a nightclub licence for consumption off the licensed premises only if the commissioner is satisfied the[s 84] sale of liquor will be made only in the course of the licensee providing catering facilities for functions.
- (2) The authority conferred by a nightclub licence to sell liquor for consumption off the licensed premises is restricted to the sale of liquor—
 - (a) as ancillary to a function that—
 - (i) happens at a place at which the liquor is consumed; and
 - (ii) includes the licensee providing food for the function of sufficient substance as to be ordinarily accepted as a meal for consumption by persons

genuinely attending the function, even though the food may be eaten while standing and without cutlery; and

- (b) for consumption by persons genuinely attending the function.

112B Variation of condition about noise—licensed premises in special entertainment precinct

- (1) This section applies if—
 - (a) a licence is subject to a condition (a noise condition) about noise coming from the licensed premises; and
 - (b) the licensed premises are in a special entertainment precinct established by a local government under the *Local Government Act 2009*; and
 - (c) a licence, permit or other authority has been issued for the premises under a local law made by the local government under the *Local Government Act 2009*, including a licence, permit or other authority that has expired or been revoked or cancelled by the local government.
- (2) The noise condition does not apply in relation to noise from amplified music played at the licensed premises.
- (3) To remove any doubt, it is declared that this section no longer applies if the local government—
 - (a) revokes the special entertainment precinct; or
 - (b) changes the boundaries of the special entertainment precinct so that the premises are no longer within the precinct's core area under the *Local Government Act 2009*.

187 Abatement of nuisance or dangerous activity

- (1) This section applies if an investigator believes on reasonable grounds that—
 - (a) noise coming from licensed premises, or a utility area for licensed premises, is unreasonable noise; or
 - (b) because of activity in or near the licensed premises, there is a danger to persons or property that is likely to be aggravated by the continued supply of liquor in the locality.
- (1A) However, this section does not apply if the noise is from amplified music played at licensed premises—
 - (a) in a special entertainment precinct established by a local government under the *Local Government Act 2009*; and
 - (b) for which the local government has issued a licence, permit or other authority under the local law made by the local government under the *Local Government Act 2009*, including licence, permit or other authority that has expired or been revoked or cancelled by the local government.

Appendix 4 – Exhibited Scheme Maps & Assessment Tables

For Port Douglas the exhibited Scheme details the following zoning, local plans and assessment table, relative to the above uses.

Zoning



Local Plans

Townscape Plan Map Sheet – TPM-002



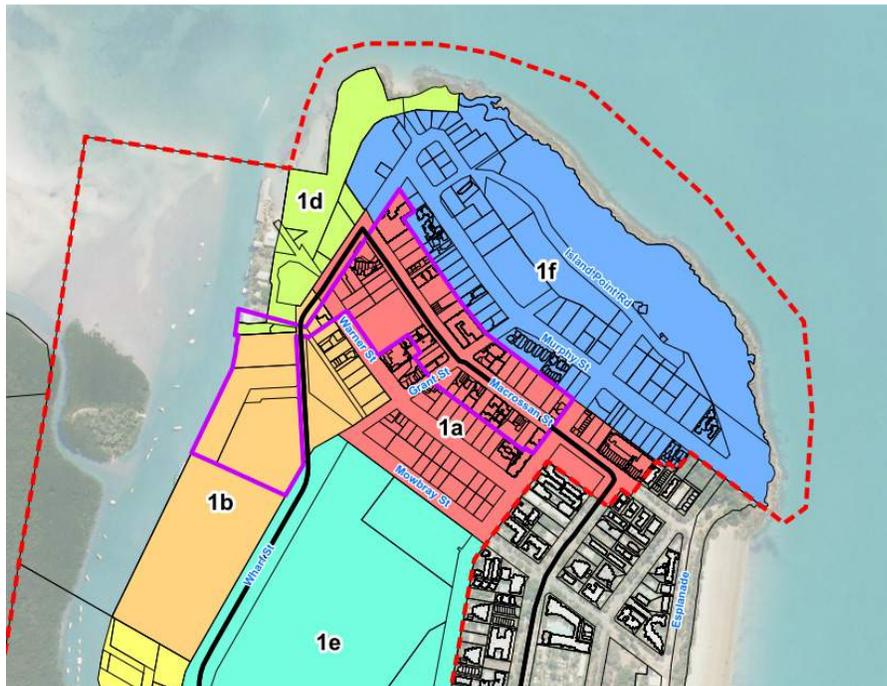
Local Plan Map Sheet - LPM-002



Local Plan Precincts:

- Local Plan Boundary
- Major Road Connections
- Precinct 1 - Port Douglas
- Precinct 2 - Integrated Resort
- Precinct 3 - Craiglie Commercial and Recreation
- Precinct 4 - Old Port Road / Mitre Street
- Precinct 5 - Very Low Density

Local Plan Map Sheet - LPM-003



Local Plan Precincts:

- Major Road Connections
- Precinct 1: Port Douglas Precinct
- Live Entertainment Precinct
- Sub-precinct 1a - Town Centre
- Sub-precinct 1b - Waterfront North
- Sub-precinct 1c - Waterfront South
- Sub-precinct 1d - Limited Development
- Sub-precinct 1e - Community and Recreation
- Sub-precinct 1f - Flagstaff Hill



Table 5.6.a – Centre zone

Column 1 Development	Column 2 Level of assessment	Column 3 Assessment criteria																				Column 4 Notes																	
		Douglas Shire Planning Scheme	Centre zone code	Coastal communities local plan code ^a	Mossman local plan code ^a	Port Douglas / Craigie local plan code ^a	Return to Country local plan code ^a	Settlement areas north of the Daintree River local plan code	Acid sulfate soils overlay code ^a	Bushfire hazard overlay code ^a	Coastal environment overlay code ^a	Flood and storm tide hazard overlay code ^a	Hillslopes overlay code ^a	Landscape values overlay code ^a	Natural areas overlay code ^a	Places of significance overlay code ^a	Potential landslide hazard overlay code ^a	Transport network overlay code ^a	Community residence code	Forestry for wood production code	Reconfiguring a lot (subdividing 1 lot into 2 lots) and associated operational works code	Caretaker's accommodation code	Centre activities code	Child care centre code	Dwelling unit code	Home based business code	Telecommunications facility code	Access, parking and servicing code ¹	Advertising devices code ^x	Environmental performance code ^o	Filling and excavation code ¹	Infrastructure works code ¹	Landscaping code ¹	Reconfiguring a lot code ¹	Ship-sourced pollutants reception facilities in marine code ¹	Vegetation management code ¹			
Material change of use																																							
Caretaker's accommodation	S		a						a	a	a											a																	
Centre activities ^x	C		a	a	a	a			a	a	a												a																
IF contained within an existing building used for a lawfully established Centre activity	S		a								a												a																
Child care centre	C		a						a	a	a													a															
Dwelling unit	S		a						a	a	a														a														
Home based business	S		a																						a														
Park	E																																						
Substation	C		a	a	a	a			a	a	a																												
Telecommunications facility	C		a	a	a	a			a	a	a																												
Utility installation	C		a	a	a	a			a	a	a																												
All other land uses	I		a																																				
All other land uses identified as inconsistent uses ^o	I/U		a																																				
Undefined uses	I		a																																				
Reconfiguring a lot	C		a	a	a	a			a	a	a																												
Operational work ^x	C		a	a	a	a			a	a	a																												
IF for advertising devices, being a billboard	I		a																																				
IF for advertising devices, being a projecting sign, pylon sign or illuminated sign, complying with all Acceptable Outcomes.	S		a		a	a																																	
IF for filling and excavation	C		a	a	a	a			a	a	a																												
IF for vegetation damage	S		a																																				
IF for works on a Local government road ^{**}	C		a																																				
Building work																																							
Building work	S		a																																				
IF for removal or demolition within the Places of significance overlay	I		a																																				

^A Applicable local plan codes are identified by reference to the local plan maps contained in schedule 2.

^B Applicable overlay codes are identified by reference to the overlay maps contained in schedule 2.

^X 'Other development codes' are only applicable to the extent they are relevant to the specific type of application proposed (i.e. if no vegetation damage is proposed, then the Vegetation management code does not apply).

^O Inconsistent uses are identified in the relevant Zone code and within the Local Plan Code for the Port Douglas / Craigie local plan.

¹ Centre activities consist of the following uses:

- Adult store
- Club (not requiring a liquor license and less than 100m² GFA)
- Community use
- Food and drink outlet (not providing a drive through facility)
- Function facility
- Health care services
- Office
- Sales office
- Service industry (if less than 100m² GFA)
- Shop, not defined within the Large format retail activities group
- Shopping centre, not defined within the Large format retail activities group

^{**}Operational works on a State-controlled road require approval under the Transport Infrastructure Act 1994 from the Department of Transport and Main Roads.

E	E = Exempt
S	S = Self Assessable
C	C = Code Assessable
I	I = Impact Assessable
I/U	I/U = Impact Inconsistent

Appendix 5 Introduction of Special entertainment precincts – press release (State website):

<http://statements.qld.gov.au/Statement/Id/43522>

Media Statements

Media release



Minister for Environment, Local Government, Planning and Women

The Honourable Desley Boyle

New legislation to allow 'special entertainment precincts'

Minister for Environment, Local Government, Planning and Women

The Honourable Desley Boyle

Friday, November 11, 2005

New legislation to allow 'special entertainment precincts'

Councils will be able to declare 'special entertainment precincts', to protect their community's entertainment hub under legislation passed by State Parliament this week.

The legislation change allows councils to declare 'special entertainment precincts' in their communities, where music venues will be given latitude to do what they do best - entertain the public.

Local Government and Planning Minister Desley Boyle encouraged Councils to consider the benefits of taking advantage of the legislation.

"The state's contribution will be substantial.

"Liquor Licensing Inspectors and Police will both enforce this legislation and consult with the community and licensed venues on the implications.

"They will sit down with key stakeholders, community representatives and those councils interested in this opportunity.

"These declared 'special entertainment precincts' will ensure live music and residential living can co-exist.

"In these precincts, new residential developments will have to adhere to stricter noise insulation requirements.

"And the trade-off for existing residents is entertainment venues will be required to adhere to specific noise levels set by council," she said.

"Inner city living is becoming a lifestyle choice for more and more people - the proximity to restaurants, bars and cafes and easy access to the office, making the areas a real drawcard.

"But this trend is impacting on established entertainment areas.

Ms Boyle said: "Brisbane City Council has led the way on 'special entertainment precincts', but other South East Queensland councils have shown interest".

The legislative amendments are: * The Local Government Act 1993 amended to provide the head of power for a council to declare a 'special entertainment precinct' via a local law and amendments to its planning scheme prepared under the Integrated Planning Act 1997. * The Liquor Act 1992 amended to exempt 'special entertainment precincts' from existing noise provisions under the Act; and * Inclusion of a model standard in the Queensland Development Code for the construction of buildings within 'special entertainment precincts'.

The legislative amendments were developed through collaboration between the Liquor Licensing Division of the Department of Tourism, Fair Trading and Wine Industry Development and the Department of Local Government, Planning, Sport and Recreation.

Ends

Media contact: 3227-8819 11 November 2005

Appendix 6 Local Government Act 2009

264 Special entertainment precincts

- (1) This section is about establishing a special entertainment precinct.
- (2) A special entertainment precinct is an area in which—
 - (a) amplified music that is played at premises in the area is regulated by a local law, and not by the Liquor Act 1992; and
 - (b) the requirements about noise attenuation under the Planning Act apply to certain types of development in the area.
- (3) If a local government wants to establish a special entertainment precinct in its local government area, the local government must—
 - (a) amend the local government's planning scheme to identify the special entertainment precinct; and
 - (b) make a local law to regulate noise from amplified music from premises in the special entertainment precinct, in accordance with a permit that is issued for the premises.
- (4) However, a local law under this section does not apply to—[s 265]
 - (a) a major sports facility under the *Major Sports Facilities Act 2001*; or
 - (b) an activity that—
 - (i) is for a major event under the *Major Events Act 2014*; and
 - (ii) is being carried on by, or with the approval of, the major event organiser for the major event.

Attachment 2

Douglas Shire Council Officers' Submission to the proposed Douglas Shire Planning Scheme

Part 1 – About a Planning Scheme

Section 1.7 Local Government Administrative Matters

Section 1.7.3 contains provisions relating to amenity and aesthetics that states that all building work that may have a detrimental impact on amenity and aesthetics will trigger a concurrence agency referral to Council for its assessment. This has the unintended consequence of referring all building works applications to Council for assessment which will consequently impact significantly on the role of private certifiers to assess and determine building applications. Section 1.7.3 needs to be reviewed and if it is deemed to be unnecessary needs to be deleted.

Section 1.7.5 refers to the Operation of Local Laws. Concern is expressed having regard to current practices of Council and how this particular section will impact on resourcing. In particular, aspects relating to advertising devices, shared facility accommodation operations, Temporary entertainment events and temporary homes needs review to ensure consistency with current practice.

Part 3 – Strategic Framework

Section 3.4.3 could be strengthened by adding some words that reflect the commercial services / service industry nature of the Craiglie Industrial area.

Section 3.4.5 could be clarified to ensure that coastal settlements (Wonga Beach, Newell and Cooya Beach) are not intended to grow or increase in density over and above existing zoned land and what current approvals provide.

Part 5 – Tables of Assessment

Review the table of assessment (and the categories of development on the side of the tables) for the various zones to make sure we are not capturing development unintentionally and facilitate either low risk or intended development to take place in certain zones.

A few examples are:-

- The rural zone. Review the tables of assessment to specifically identify particular land uses and nominate as a self assessable (i.e Cropping). Review what is placed in the category of Rural activities to make sure that Council is comfortable nominating as code assessable development. Potentially there is a need to reverse the approach from having to 'demonstrate compliance with the codes in order to be self assessable' to being 'self assessable unless not complying with the

code'. The difference is subtle in theory. However it may make a big difference in the application and functionality of the Planning Scheme.

- Centre Zone – All centre zone uses are code unless within an existing building being lawfully used for a centre activity. Uses like shop, restaurant, office etc... could be self assessable in a Centre zone where they meet the requirements of the various planning codes. The scheme needs to encourage and facilitate development which is anticipated to establish in certain locations. Review the tables of assessment for all zones with this approach.

Clarification required on extend of code required to be complied with for development to be considered self-assessable (e.g. Rural Zone, Rural Activities - states certain uses are self-assessable "where all acceptable measures are achieved." Clarification that only the associated acceptable measures / applicable are necessary to be achieved. It is not clear that you do not need to achieve the whole code or only specific components).

Conservation Zone and Rural Activities - Rural Activities, other than in specific precincts, are impact assessable – should these be impact inconsistent having regard this is the highest quality of protected zone?

Some very small lots are included in the Rural Zone – eg in Mowbray Valley., Rural Activities should require a minimum lot size.

Clarification on Assessment table – 'All other land uses' – consider changing to "all land uses, other than those specifically listed or those identified as inconsistent uses."

Part 6 – Zones

Inconsistent Use Table need scrutiny to ensure that uses that may be deemed consistent are not contained within these Tables. For example, in the Conservation Zone, health care services, renewable energy facility, major electrical infrastructure may be appropriate in certain circumstances.

Clarification that inconsistent uses are different to uses listed as Rural Activities – eg intensive animal husbandry is listed as an inconsistent use, but on the Table it is listed for limited applications for code assessable development. Clarify consistency with uses on the assessment table and the land use code. This would be simpler if the zone code followed the respective Assessment table. Need to check consistency with other zones/tables.

The Rural Zone Code provides for lots divided by roads to be subdivided. This provision needs to be review, and possibly needs to be deleted, as Douglas Shire is characterised by many Rural lots that a divided by gazetted roads. Query whether similar provision should apply to Environmental Management Zone, if this provision is to be kept.

Rural Settlement Zone - Should some of these lots be environmental management – where affected by hillslope or flooding? (e.g. Mowbray Valley, check Rural Settlement lots).

Zone purpose statements – There should be a purpose statement in all zones giving reference to development outcomes being consistent with 'conserving' the Great Barrier Reef.

Part 7 – Local Plans

Waterfront Area and Macrossan Street - Include external master planning documents that were developed by the former Douglas Shire / Cairns Regional Council.

Settlement Areas North of Daintree River - Review and check for consistency of the precinct allocation for consistency with intent of scheme and previous buy back to ensure merit in proposed precinct nominations.

Local Plan Map for Port Douglas - Gateway on legend should be a circle, rather than a square.

Port Douglas / Craiglie Local Plan - Precinct 3 on the map is labelled commercial and recreation whereas the code states it is Craiglie Commercial and light industry precinct – check maps and codes for consistency of descriptions.

Part 8 - Overlays

Review the utility of the 'Dwelling house character overlay' to ensure that unnecessary planning applications are triggered that are adequately managed through current private certification practices and Council's concurrence agency responsibilities.

Level 1 Flood Hazard Mapping and the Coastal Processes Overlay that make up a very significant proportion of the Shire trigger a higher level of assessment than is probably necessary particularly for houses. This needs to be reviewed (particularly for the Residential Zones categories) to ensure that unnecessary planning applications are triggered that are adequately managed through current private certification practices and Council's concurrence agency responsibilities.

Flood and Stormtide Hazard Overlay Code - PO1 and A01 should apply to all buildings and structures of community importance. No new buildings should be within a flood or stormtide event. Where mapped as being affected then the acceptable outcome would be located above the DFE. For uses that would require extra resources to evacuate then try a higher than 1% occurrence. Allow cropping and other rural uses in the flood/stormtide – this is their risk, but not ancillary rural activities e.g., tourist park (small). Council and emergency groups should not have to utilise resources to evacuate new development. This may require a table of uses for this code. The performance criteria could be a local drainage management plan.

Which code lies above the other in regards to status?

Part 9 – Development Codes

Shipping containers are banned within the Dwelling house code at 9.3.8 . However they are used for storage purposes in some parts of the Shire without any detriment to amenity. This ban needs to be reviewed to qualify the provision or removed if it is deemed unnecessary.

9.3.17 Rural Activities Code - Allow short term camping of RVs for 1 week rather than 3 days – mandatory ability to dump waste appropriately. Consider provision of "ensuite" next to camping spot with appropriate waste – is this a code assessable development.

9.4.5 Infrastructure Works Code needs review, in particular the provisions relating to residential driveway cross-overs. These provisions are covered in the FNQROC Manual. Introducing this provision may unnecessarily raise the level of assessment for a significant range of dwelling house applications that are

adequately managed through current private certification practices and Council's concurrence agency responsibilities.

9.4.9 Vegetation Management Code has inadvertently raised the level of assessment over and above current requirements and certain provisions need adjusting to reflect current practices. The principal intention is to strengthen the code and not weakening the code in undertaking this review.

Consider protecting particular types of trees eg melaleuca rather than height or girth. Register species where removal requires an approval. Consider whether tree protection should be more than a front yard. For example a tree of a certain girth or height of a particular species should also be protected.

9.4.2 Advertising devices code needs a review to ensure that stand-alone signage (not a pylon, not a billboard) is still adequately regulated by the planning scheme in line with current practice. Where not associated with the use on the land, these are impact inconsistent. (e.g., Industry zone, advertising device is self-assessable. Scheme should nominate a proportion of the sign face to be the business – e.g. not 90% XXXX Gold and 10% business).

General

Ensure planning scheme takes into account Douglas Shire Council's submission on Climate Change.

Setbacks - Consider constancy of setback distances. E.g., Tourist Park code has a 5m setback to boundary but the rural zone requires a 6m setback from side and rear boundaries. Check land uses and zone codes and seek consistent or standard setbacks e.g., 6m, 10, 20, or 40m.

Botanic Garden need for an administrative definition - Noted use of tourist attraction is an inconsistent use. A Park would require free access / entry. Concern with impact on residential uses on opposite side of state-declared road. Need to clarify what extent of the group's proposal would be accepted development, what would require an approval and what would not be supported.

Mill Street, Mossman - Change the library, community services and Council land to community facilities zone, change the south side of Mill Street from residential to centre – has a majority of non-residential uses.

Existing use rights and how to read the scheme - Clarify existing use rights – to refer to relevant legislation. e.g., What do you do about a building already within a setback distance and is proposed to be occupied for this purpose. Structure remains consist and has achieved rights but change of land use needs consideration.

Have the chapter heading/ table heading vertically on the outside page edge – for easier reference to the relevant chapter.

Mapping – colours diffuse and difficult copying e.g., rural fades to white and problem between tourist and residential and medium density residential.

Reading the Scheme - The current scheme requires development to consider the purpose, performance Criteria and acceptable solutions as scheme / code outcomes. The proposed Scheme seeks only

compliance with the Acceptable outcomes. This is satisfactory for a self-assessable development but review whether this rationale should still apply for the new scheme for code and impact development all outcomes. That is, check the consistency of the path relationship between the purpose statements, performance criteria and acceptable outcomes. This pathway should be checked for compliance in both directions.

In schedule 1, definitions, list the various types of definitions: use, activity groups, administrative etc.

Secondary Dwellings - Consider the ability for a separate household to occupy the secondary dwelling. This could be an unrelated person or household – the land is shared and cannot be reconfigured separately in any way – even via building format plan. This would provide an income stream to one party and provide a higher density and better use of infrastructure. (e.g. retired or young couple could rent out a smaller house on the land (or rent out the larger house) and gain an income stream to assist with mortgage. This would get people into the housing home ownership stream and make housing more affordable. It would also consolidate development and it is on the basis of sharing land. Compliance as to whether households on land are related is difficult. Provided they are in the single to ownership use should be a tenancy arrangement provided minimum open space / parking are achieved. Need to have a minimum size for a secondary dwelling – otherwise could have 20m² units. Also consider whether there needs to be a minimum size accommodation unit size. Scheme should nominate how many “secondary dwellings” a site can support.

Self-assessable development and applicable codes - Example of industry in an existing building is self assessable in the industry zone, and the assessment table nominated in the local plan to apply, (e.g. Craiglie) but there are no provisions for self assessable development within the code. This is different from say Centre Activities in the Centre zone is code and then self-assessable where in an existing building. Check for consistency for self assessable development in this code and others.

Use latest cadastral base mapping to identify recently approved subdivisions.

Supplementary

Remove density provisions in Zone Codes (I.e. persons per hectare).

Ensure car parking takes into account outdoor dining.

Return L84 SP204459 to the Rural Zone from the Conservation (i.e. don't back zone).

-END-